The Senate met at 9:01 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER
The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, today we focus our attention on a question we need to ask every day: Who gets the glory? Our purpose is to glorify You in all we say and do. And yet so often we grasp the glory for ourselves. Help us to turn attention from ourselves to You and openly acknowledge You as the source of our strength. You have taught us that there is no limit to what we can accomplish when we do give You the glory. May our realization that we could not breathe a breath, think a thought, or give leadership without Your blessing, free us from so often seeking recognition. Make us so secure in Your up-building esteem that we are able to build up others with whom we work.

We glorify You, gracious God. We consecrate the decisions of this day, and when the Senators come to the end of the day, may they experience that sublime joy of knowing it was You who received the glory. Amen.

PLEDGE OF ALLEGIANCE
The Honorable CONRAD BURNS, a Senator from the State of Montana, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER
The PRESIDING OFFICER (Mr. BURNS). The Senator from Arizona.

SCHEDULE
Mr. KYL. Mr. President, today the Senate will resume consideration of the Comprehensive Nuclear Test-Ban Treaty, with approximately 6 hours of debate time remaining. As a reminder, the two amendments in order to the treaty must be filed at the desk by 9:45 a.m. today.

By previous consent, at 4:30 p.m. the Senate will resume debate on the conference report to accompany the Agriculture appropriations bill. Following 1 hour of debate, the Senate will proceed to a cloture vote on the conference report. Therefore, the first rollcall vote of the day will occur at approximately 5:30 p.m.

For the information of all Senators, this week will be extremely busy so that action on the CTBT and the Agriculture appropriations conference report can be completed. The Senate will also begin consideration of the campaign finance reform legislation and take up any conference reports available for action. Senators may expect votes throughout the day and into the evening.

RESERVATION OF LEADER TIME
The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION
COMPREHENSIVE NUCLEAR TEST-BAN TREATY
The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 3, which the clerk will report.

The legislative clerk read as follows: Resolution to Advise and Consent to the Ratification of treaty document No. 105-28, Comprehensive Nuclear Test-Ban Treaty.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the Chair inform the two managers what time is remaining for both sides on the debate.

The PRESIDING OFFICER. The Chair advises the Senator from Nevada that the majority has 2 hours 53 minutes; the minority, 3 hours 23 minutes. Mr. REID. I say to my friends from Arizona and Virginia that we will try to speak now and even out the time.

Mr. President, I give myself such time as I may consume.

We have heard a lot about nuclear testing recently, but no one has experienced nuclear testing as has the State of Nevada. Just a few miles from Las Vegas is the Nevada Test Site. There we have had almost 1,000 tests, some above ground and some below ground. You can travel to the Nevada Test Site now and go and look at these test sites. You can see where the above-ground tests have taken place. You can drive by one place where bleachers are still standing where people—press and others—would come and sit to watch the nuclear tests in the valley below. You can see some of the buildings that still stand following a nuclear test. You can see large tunnels that are still in existence where scores and scores of tests were set off. You can go and look at very deep shafts where underground tests were set off.

The State of Nevada understands nuclear testing. At one time, more than 11,000 people were employed in the Nevada desert dealing with nuclear testing. Now, as a result of several administrations making a decision to no longer test nuclear weapons, there are only a little over 2,000 people there. Those 2,000 people are there by virtue of an Executive order saying we have to be ready if tests are deemed necessary in the national interest. So the Nevada Test Site is still there. The people are standing by in case there is a need for the test site to again be used.

The cessation of testing caused the largest percentage reduction of defense-related jobs in any Department of Energy facility. Today, as I indicated,
there are a little over 2,000 of those jobs.

The State of Nevada is very proud of what we have done for the security of this Nation. Not only have we had the above-ground nuclear tests and the below-ground tests, but we have Nellis Air Force Base which is the premier fighter training center for the U.S. Air Force—in fact, it is the premier fighter training center for all allied forces around the world. I had a meeting with the general who runs Nellis Air Force Base. He was preparing for the German Air Force to come to Las Vegas to be involved in the training systems available for fighting the enemy in fighter planes.

Also, 400 miles from Las Vegas and Nellis Air Force Gunnery Range, you have Fallon Naval Air Station. It is the same type of training facility, not for the Air Force but the Navy. Virtually every pilot who wants to be a carrier pilot has been trained at Fallon. It is the premier fighter training center for naval aircraft—Fallon Naval Air Station.

There are many other facilities that have been used over the years. Today, we have Edwards Air Force Base where which is 50 miles out of Las Vegas—actually less than that—where they are testing drones, the unmanned aircraft. So we have given a lot to the security of this Nation; we continue to do so.

When we talk about nuclear testing, I can remember as a young boy, I was raised 60 miles from Las Vegas.

We were probably 125 miles from where the actual detonations took place. I would get up early in the morning at my home in Searchlight and watch these tests. They would announce when the tests were coming. We always saw the flash of light with the above-ground tests. Sometimes we did not hear the sound because it would sometimes bounce over us.

We were the lucky ones, though, because the winds never blew toward Searchlight or Las Vegas. The winds blew toward southern Utah and Lincoln County in Nevada. As a result of these above-ground tests, many people developed radiation sickness. They did not know it at the time. People did not understand what fallout was all about.

Yes, in Nevada, we understand nuclear testing as well as anyone in the world.

Nevada is going to continue its national service whether this treaty is ratified or not. We have already stopped testing in the traditional sense.

I want everyone to understand that even though I am a supporter of this treaty, I believe it would be much better, having everyone march in here tonight and vote up or down on this treaty, that we spend some more time talking about it. I am convinced it is a good thing for this country, a good thing for this Nation, but I have some questions. We should answer some questions.

I have the good fortune of serving on the Energy and Water Subcommittee of the Appropriations Committee. I am the ranking Democrat on that subcommittee, with the head Republican on the subcommittee, Senator Domenici of New Mexico. It is our responsibility to appropriate the money for the nuclear weapons capabilities of this country. We do that. We spend billions of dollars every year.

One of the things we have tried to do, recognizing we do not have traditional testing—that is underground testing or above-ground testing; of course, we do not do it anymore—to provide other ways to make sure our nuclear stockpile is safe and reliable. No matter what we have done in the past, we have to make sure our weapons are safe and reliable.

How can we do that? We are attempting in this country to do the right thing. We have the Stockpile Stewardship Program under which we are conducting tests now. They are not explosions. We are doing it through computers. We have some names for some of our tests.

One of them is subcritical testing. What does that mean? It means we set off an explosion involving nuclear materials, but before the material becomes critical, we stop it. There is no control over the neutron yield. Then through computerization, in effect, we try to determine what would have happened had this test gone critical. That is an expensive program, but it is a program that is absolutely necessary, again, for the safety and reliability of our nuclear stockpile.

About 2 years ago, I gave a statement before our subcommittee. This was a statement on the Comprehensive Test Ban Treaty on which we had a hearing. In that statement, I wrote about the loss of confidence in new weapons that could not be tested under the treaty and how this loss of confidence would prevent recurrence of the costly and dangerous nuclear arms race of the past 50 years.

I wrote about the confidence between former adversaries that would come from the treaty because no longer would we or they have to worry about significant new imbalances in deterrence forces, because no new weapons could be built.

I wrote about how that confidence would lead to more and more reductions in nuclear stockpiles and move the world even further away from nuclear annihilation.

I wrote about how the international example of refraining from nuclear testing, along with stockpile reductions, would reduce the incentives for non-nuclear states to develop nuclear weapons.

I did not write 2 years ago about the upcoming Comprehensive Test Ban Treaty review conference in which only states that have ratified the treaty will have effective membership. That review conference will be able to change the conditions under which the treaty goes into force, and the United States, I am sorry to report, will have no place at that table unless the treaty is ratified by this Senate before that conference.

I wrote about more than the benefits of this treaty. I also wrote about some of its uncertainties and some of the things that we need to do to review and about the debate that is needed for their resolution.

I pointed out that a prohibition against any and all nuclear explosions would reduce confidence in stockpile reliability and safety unless some other measures were developed to maintain that confidence.

I noted that the Stockpile Stewardship Program was conceived to provide that other means. We have had 2 years of experience with this program, but I wrote about the uncertainties faced by science-based stockpile stewardship. I noted the plan depends critically on dramatic increases in computational capability. That is why in our subcommittee we have worked very hard to increase funds to develop better computers. The development of computers is going on around the world, but no place is it going on at a more rapid pace than with the money we have provided through this subcommittee. We are convinced we believe through computerization, we can have a more safe and more reliable stockpile.

It is only through, as I wrote, these dramatic increases in computational capability and equally dramatic increases in resolution with which non-nuclear experiments can be measured that we can go forward with certainty of having a safe and reliable nuclear stockpile.

I noted persistent support by Congress and the administration was absolutely necessary, not on a short-term basis but on a long-term basis. I noted Congress and the administration had to support the science-based Stockpile Stewardship Program; that we must set the pattern for the world; it can be done, and we can do it.

I did say that the support of Congress and the administration was absolutely necessary but not necessarily sufficient because the stewardship program is being developed at the same time that its architects are learning more about it. It is a study in progress. I wrote then, and I believe now, the learning process will continue.

I pointed out that the test ban treaty would not prevent nuclear weapons development. It would only inhibit the military significance of such development. We are not going to develop new weapons. We have not developed new weapons.

We might talk, for example, about what can be done. You can have the development of crude nuclear explosives that are difficult to deliver, but these could be developed with confidence without testing. We know, going back to the early days of things nuclear, that “Fat Man” had not been tested. That was the bomb that was dropped on Hiroshima. There was no test. It was a huge
weapon, as large as the side of a house. They had to build a pit in the runway to load it. They had to reconﬁgure the B-29 so it could drop this huge weapon, but it was not tested.

Stopping testing is not going to stop the introduction of new weapons. Rogue nations and other nations can develop these weapons if they see ﬁt. But these crude weapons will not upset the deterrent balance.

Also, some say the treaty would pre vents the development of new weapons that could weaken strategic deterrence. For example, nations could not build sophisticated new weapons; they would be stuck with what they have. What they have may be good, may be bad.

I pointed out the treaty could not guarantee total cessation of nuclear testing because very low-yield tests and higher yield “decoupled” tests might not be detected with conﬁdence. You could have small, very small tests. It would be very hard to detect. You could also have the situation where a signatory nation could execute a high-yield “unnattended” explosion. What does that mean? What it means is that for a high-yield “unnattended” explosion, in a clandestine operation—no body could identify the signatory nation that was being noncompliant.

For example, let’s say someone developed a nuclear device and secretly dropped it in the ocean. We have had some hurredly conducted hearings. That isn’t the way you approach one of the most important treaties this country has ever decided.

I think the chairmen and the ranking members of both the Armed Services Committee and the Foreign Relations Committee, during the last few days, have done the best they could under the circumstances. I commend them for trying. But I do not think we should base this treaty on what has gone on in the last few days.

I was overly optimistic because I did not realize we would enter a time agreement to debate this most important issue for 14 hours. I do not think it is appropriate. I think it prevents amendments that may be necessary.

I indicate that I rise in support of this treaty. I do it without any reluctance. I do say, however, that we should have more debate. We should have more consultation. We should have more hearings. That would allow us to arrive at a better, more informed decision.

I have heard some people speak on this ﬂoor saying they want more information. They are entitled to that. I think we are rushing forward on a vote on this. We should step back. I think if there is an opportunity today to avoid the vote this afternoon or tomorrow, we should do that. I do not think we need to rush into this.

The President has written a letter indicating, for the good of the country, this vote should be put off. I agree with that. I am not afraid to cast my vote. I have indicated several times this morning that I will vote in favor of the treaty. I do not, for a moment, believe that there are others who feel any differently than I in our responsibility. Our job is to cast votes. I only wish Members were given the time and opportunity to become as informed as possible so that all Members are given an opportunity to improve this treaty—through debate, through dialogue, and through amendment.

Again, I rise in support of this treaty, not because I had an opportunity to consider all the issues and the expert opinion on these issues. I rise in support of the treaty because on the whole we are much, much, much better off with it than without it.

I have only a partial list of prominent individuals and national groups in support of this test-ban treaty: Current and former chairmen and vice chairmen of the Joint Chiefs of Staff; former secretaries of defense; former secretaries of state; former secretaries of energy; former members of Congress; directors of the three national laboratories; we have other prominent national security ofﬁcials; arms control negotiators; we have many prominent military ofﬁcers who have been members of the Chiefs of Staff; scientiﬁc experts from all over the United States with the greatest academic institutions; we have Nobel laureates—more than a score of Nobel laureates who support this treaty—former senior government oﬃcials and advisors; ambassadors; national groups; medical and scientiﬁc groups; public interest groups; religious groups.

I have eight or nine pages of prominent individuals and national groups in support of the Comprehensive Nuclear Test-Ban Treaty that I ask unanimous consent be printed in the Record.

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

PARTIAL LIST OF PROMINENT INDIVIDUALS AND NATIONAL GROUPS IN SUPPORT OF THE CTBT—OCTOBER 9, 1999

CURRENT AND FORMER CHAIRMEN/VICE-CHAIRMEN OF THE JOINT CHIEFS OF STAFF

General Hugh Shelton, Chairman of the Joint Chiefs of Staff.
General John Shalikashvili, former Chairman of the Joint Chiefs of Staff.
General Colin Powell, former Chairman of the Joint Chiefs of Staff.
General David Jones, former Chairman of the Joint Chiefs of Staff.
Admiral William Crowe, former Chairman of the Joint Chiefs of Staff.
General Joseph Ralston, Vice Chairman.
Admiral William Owens, former Vice Chairman.

FORMER SECRETARIES OF DEFENSE

Robert McNamara.
Harold Brown.
William Perry.

FORMER SECRETARIES OF STATE

Warren Christopher.
Cyrus Vance.

FORMER SECRETARIES OF ENERGY

Hazel O’Leary.
Federico Peña.

FORMER ACDA DIRECTORS

Ambassador Ralph Earle II.
Major General William F. Burns.
Lt. General George M. Seigleau II.
Ambassador Paul Warnke.
Kenneth Adelman.

FORMER MEMBERS OF CONGRESS

Senator Dale Bumpers.
Senator Alan Cranston.
Senator John C. Danforth.
Senator J. James Exon.
Senator John Glenn.
Senator Mark O. Hatﬁeld.
Senator Nancy Landon Kassebaum.
Senator George Mitchell.
Representative Bill Green.
Representative Thomas J. Downey.
October 12, 1999

CONGRESSIONAL RECORD — SENATE
S12333

Lawyers Alliance for World Security.
League of Women Voters of the United States.
Manhattan Project II.
Maryknoll Justice and Peace Office.
National Environmental Coalition of Native Americans (NECONA).
National Environmental Trust.
National Commission for Economic Conversion and Disarmament.
Natural Resources Defense Council.
Nuclear Age Peace Foundation.
Nuclear Control Institute.
Nuclear Information & Resource Service.
OMB Watch.
Parliamentarians for Global Action
Peace Action.
Peace Action Education Fund.
Peace Links.
PeacePAC.
Physicals for Social Responsibility.
Plintonium Challenge.
Population Action Institute.
Population Action International.
Psychologists for Social Responsibility.
Public Citizen.
Public Education Center.
Safeworld.
Sierra Club.
Union of Concerned Scientists.
United States Servas, Inc.
Veterans for Peace.
Vietnam Veterans of America Foundation.
Volunteers for Peace, Inc.
War and Peace Foundation.
War Resisters League.
Women Strike for Peace.
Women’s Action for New Directions.
Women’s Legislators’ Lobby of WAND.
Women’s International League for Peace and Freedom.
World Federalist Association.
Zero Population Growth.

RELIGIOUS ORGANIZATIONS

African Methodist Episcopal Church.
American Baptist Churches, USA.
American Baptist Churches in the USA, National Ministries.
American Friends Service Committee.
American Jewish Congress.
American Muslim Council.
Association General Secretary for Public Policy, National Council of Churches.
Catholic Conference of Major Superiors of Men’s Institutes.
Church Women United.
Coalition for Peace and Justice.
Columbian Fathers’ Justice and Peace Office.
Commission for Women, Evangelical Lutheran Church in America.
Covenant of Unitarian Universalist Pagans.
Christian Church (Disciples of Christ) in the United States and Canada.
Christian Methodist Episcopal Church.
Church of the Brethren, General Board.
Division for Church in Society, Evangelical Lutheran Church in America.
Division for Congregational Ministries, Evangelical Lutheran Church in America.
Eastern Archdiocese, Syrian Orthodox Church of Antioch.
The Episcopal Church.
Episcopal Peace Fellowship, National Executive Council.
Evangelicals for Social Action.
Evangelical Lutheran Church in America.
Fellowship of Reconciliation.
Friends Committee on National Legislation.
Friends United Meeting.
General Board Members, Church of the Brethren.
General Board of Church and Society, United Methodist Church.
General Conference, Mennonite Church.

General Conference of the Seventh Day Adventist Church.
Jewish Peace Fellowship.
Lutheran Office for Governmental Affairs.
Evangelical Lutheran Church in America.
Mennonite Central Committee.
Mennonite Central Committee, U.S.
Mennonite Church.
Methodists United for Peace with Justice.
Missionaries of Africa.
Mission Investment Fund of the ELCA.
Evangelical Lutheran Church in America.
Moravian Church, Northern Province.
National Council of Churches.
National Council of Churches of Christ in the USA.
National Council of Catholic Women.
National Missionary Baptist Convention of America.
New Call to Peacemaking.
Office for Church in Society, United Church of Christ.
Orthodox Church in America.
Pax Christi.
Presbyterian Church (U.S.A.).
Presbyterian Peace Fellowship.
Progressive National Baptist Convention, Inc.
Religious Action Center of Reform Judaism.
The Shalom Center.
Sojourners.
Union of American Hebrew Congregations.
United Church of Christ.
United Methodist Church.
United Methodist Council of Bishops.
Unitarian Universalist Association.
Washington Office, Mennonite Central Committee.
Women of the ELCA, Evangelical Lutheran Church in America.

Mr. FEINGOLD addressed the Chair.
The PRESIDING OFFICER. The Senator from Wisconsin.
Mr. WARNER addressed the Chair.
The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thought it was understood that we would alternate sides as we proceeded this morning.
Mr. REID. I would only say to my friend from Virginia, I am happy to alternate. The only thing is, you will have to speak less than we do. Your speeches will have to be shorter because you have less time. I spoke with the Senator from Arizona. What is the time now?
The PRESIDING OFFICER. The majority has 2 hours 53 minutes; the minority, 3 hours 2 minutes.
Mr. REID. So it has narrowed down to about the same time. Fine, we will alternate back and forth.
Mr. WARNER. The time—
Mr. REID. Is very close to being equal.
Mr. WARNER. As an opponent to the treaty, I would like to proceed, Mr. President.
The PRESIDING OFFICER. Is that all right with the Senator from Wisconsin?
Mr. FEINGOLD. My understanding is, I would be next in line after the Senator from Virginia.
The PRESIDING OFFICER. Without objection, it is ordered.

Mr. WARNER. I thank the Senator from Wisconsin. During the period of last week, a number of Senators sought to obtain from the President a letter addressing his views on the timing of a vote on this treaty. Over the weekend, in consultation with the White House staff, I learned that this letter would be delivered. It was delivered to the Senate leadership yesterday afternoon.
I shall now read it and place it in the RECORD:

DEAR MR. LEADER:

Today, the Senate is scheduled to vote on the Comprehensive Test Ban Treaty. I firmly believe the treaty is in the national interest. However, I recognize that there are significant numbers of Senators who have honest disagreements. I believe that proceeding to a vote under these circumstances would severely harm the national security of the United States, damage our relationship with our allies, and undermine our historic leadership over 40 years, through administrations Republican and Democratic, in reducing the nuclear threat.

Accordingly, I request that you postpone consideration of the Comprehensive Test Ban Treaty on the Senate floor.

Sincerely,

BILL CLINTON.

Throughout this debate, the hallmark has been differing views, differing views by honestly motivated colleagues on both sides of the aisle. I am not suggesting everyone on this side, in other words, is opposed to the treaty, but the practical matter is, there seems to be a division along this aisle.

In addition, as requested by my good friend, the deputy leader of the Democratic side, the Senate has received communications from a wide range of individuals, again, on both sides of this issue. The Armed Services Committee have three conservative hearings. Secretary Schlesinger came forward with a very clear statement in opposition to the treaty and expressed, on behalf of five other former Secretaries of Defense, the same viewpoint. That occurred immediately following the current Secretary of Defense, Secretary Cohen, appearing before the Armed Services Committee, together with General Shelton, and taking the view in support of the treaty. All through last week intermittently these communications came to the Senate in writing, orally or otherwise—former Secretary of State Kissinger, former National Security Adviser Brent Scowcroft, again, communicating their desire to see that the treaty not be voted upon at this time.

I mention that because of the seriousness of the treaty, one that lasts in perpetuity—theoretically, in perpetuity—asking this Nation to take certain steps with regard to our ability to monitor the effectiveness and the safety of our nuclear arsenal. To me, it is clear such a treaty should only be voted on when those types of conflicting opinions have been, as nearly as possible, resolved. The laboratory Directors, likewise, came before our committee; they are not involved in the political arena. But one after the other in testimony tried to indicate where they are in the test program. We
are not there yet. It could be anywhere from 5 and, one even said, 20 years before the milestones now scheduled are put in place for this substitute scientific, largely computerized test program will take the place of the actual tests.

Against that background—and I speak only for myself—I have joined with Senator MOYNIHAN and, hopefully, others in preparing a Dear Colleague letter, which will be circulated this morning with the new senator from Virginia opposed to the treaty, prepared tonight to vote against it or tomorrow, whenever the case may be, and my distinguished colleague, the senior Senator from New York, who spent much of his lifetime in foreign affairs, a recognized expert, steadfastly in favor of the treaty and prepared to vote in support of it. I find on both sides of the aisle there are Senators of a like mind who believe that in the interest of national security, today is not the time to vote on this question.

The letter from the President, it was hoped by some, would refer to his belief as to the scheduling of when this treaty should next be addressed in terms of a vote by the Senate. It is clear: his last letter did not add to the credibility of his administration.

Given that situation, it seems to me it is incumbent, hopefully, a majority of Senators, hopefully 25 or more from each side, to come forward and state that they firmly believe the final consideration of this treaty should be laid at a time beyond the current Congress and that final vote should not take place until the convening of the 107th Congress. The Senate at that time would review the entirety of the record. A new President will be in office, and the combination of a new President and his perspective, the Senate will be in a different place, but there is no certainty as to when, collectively, those milestones will constitute a system to replace actual testing. The estimates vary from 5, 6, 7 years, perhaps out to 20.

Yet we are being asked to ratify a treaty affirming that we shall never again, in perpetuity, actually test any of our nuclear weapons. We have learned the CTBT will do nothing—not a single thing—to stop proliferation by rogue nations and terrorists. Iraq and Iran will sit back and laugh. Right now, Saddam Hussein's program of weapons of mass destruction has a green light. Right now, in perpetuity, actually test any of our nuclear weapons. We have learned the CTBT will do nothing—not a single thing—to stop proliferation by rogue nations and terrorists. Iraq and Iran will sit back and laugh. Right now, Saddam Hussein's program of weapons of mass destruction has a green light.

In that context, I offer Amendments Nos. 1 and 2. In Amendment No. 1, I request that you postpone consideration on the Senate floor.

That, to me, is a reasonable course of action. Next year constitutional elections of the United States take place. We are all very familiar with the dynamics of that critical period in American history, particularly in the months preceding the election. Should this treaty be subjected to the rifts of the dynamics of an election year, given its importance to our national security? Clearly in this Senator's mind, I say no. My distinguished colleague from New York has joined me in the same conclusion. This country has exercised a leadership role in arms control for 40 years. Indeed, this treaty has—and continues to—in the minds of others a potential to be another milestone in our progress towards arms control and the reduction of the threat of nuclear weapons.

In fairness to all sides, would it not be wiser to delay the vote and make certain it is the consensus of a majority of this Chamber, before that decision is made. I know the majority of this Chamber saying we concur in the observation for a number of reasons, one of which clearly came before the Armed Services Committee, and that is, that the Intelligence Committee, on its own initiative, has initiated a new study of the capabilities of the United States to monitor low-level tests of actual weapons, should some nation, a signatory to this treaty or otherwise, decide to test live weapons. We are at a crossroads in history which will affect this Nation for decades to come. What possible rush to judgment compels a vote tonight or tomorrow? Would it not be more prudent that such a vote now be by a majority of the Senate in support of the two Senators who are the Chairman of the Foreign Relations Committee, Senator DASCHLE, and the Senate Majority Leader, Senator LOTT, and that point in time is the conclusion that such a vote now be by a majority of the Senate today, tomorrow, and the indefinite future? It is incumbent upon, hopefully, a majority of Senators, hopefully 25 or more, for a vote by the Senate. It is clear; his letter, which will be circulated this evening to vote against it or tomorrow, whenever the case may be. It is time to delay the vote.

In view of that, the body of facts that the Administration officials in serious question. We have learned we do not have the full confidence in the United States' technical capability to verify this treaty to the zero-yield threshold that President Clinton unilaterally imposed on the country. And other countries can conduct military-significant live bomb tests at levels below our detection capability. That is the essence of it. We do not have all of the seismic equipment, in the judgment of the Intelligence Committee, in place and ready to meet the deadlines of this treaty so we could detect another nation that desired to use live testing in violation of their commitment under this treaty.

We have learned that our nuclear weapons will, to some degree, deteriorate over time. That is pure science. The physical properties of the materials deteriorate over time. We cannot guarantee the safety and reliability of our highly sophisticated nuclear weapons in perpetuity—always remember, in perpetuity. Testing is needed.

The Stockpile Stewardship Program is the concept of a substitute for the live testing that we have had these 50 years. That 50-year record of testing gives us the confidence today, and for a number of years forward, in the reliability and safety of our stockpile, but there is some point in time, due to the deterioration of weapons, and other factors, that we will have to shift to a new means of testing. The administration's proposal under this treaty is the Stockpile Stewardship Program. It is a substitute for that substitute, for actual testing. The scientists tell us this will not be proven—this substitute—for perhaps 5, 10, maybe up to 20 years. I repeat, milestones are being put in place, but there is no certainty as to when, collectively, those milestones will constitute a system to replace actual testing. The estimates vary from 5, 6, 7 years, perhaps out to 20.

While we are being asked to ratify a treaty affirming that we shall never again, in perpetuity, actually test any of our nuclear weapons. We have learned the CTBT will do nothing—not a single thing—to stop proliferation by rogue nations and terrorists. Iraq and Iran will sit back and laugh. Right now, Saddam Hussein's program of weapons of mass destruction has a green light. Right now, in perpetuity, actually test any of our nuclear weapons. We have learned the CTBT will do nothing—not a single thing—to stop proliferation by rogue nations and terrorists. Iraq and Iran will sit back and laugh. Right now, Saddam Hussein's program of weapons of mass destruction has a green light. Right now, in perpetuity, actually test any of our nuclear weapons. We have learned the CTBT will do nothing—not a single thing—to stop proliferation by rogue nations and terrorists. Iraq and Iran will sit back and laugh. Right now, Saddam Hussein's program of weapons of mass destruction has a green light. Right now, in perpetuity, actually test any of our nuclear weapons. We have learned the CTBT will do nothing—not a single thing—to stop proliferation by rogue nations and terrorists. Iraq and Iran will sit back and laugh. Right now, Saddam Hussein's program of weapons of mass destruction has a green light. Right now, in perpetuity, actually test any of our nuclear weapons. We have learned the CTBT will do nothing—not a single thing—to stop proliferation by rogue nations and terrorists. Iraq and Iran will sit back and laugh. Right now, Saddam Hussein's program of weapons of mass destruction has a green light. Right now, in perpetuity, actually test any of our nuclear weapons.
The Armed Services Committee began its hearings with a closed hearing, where we heard from career professionals and experts with decades of experience, from the Department of Energy, the National Laboratories, and the Intelligence Committee. The testimony from the recent exercises that were not fully known at the time this treaty was signed by the President 2 years ago. Their assessment is whether they would have to go back and reexamine a lot of facts to determine the viability of any capability of this Nation to monitor low-level tests.

Much of that information we learned was developed over the last 18 months. Therefore, those facts were not available to the Congress or the President when the CTBT was signed in 1996. The information presented to the Armed Services Committee on Tuesday is highly classified and, of course, cannot be discussed in open session. But one fact stands out. Because new and disturbing information, the Intelligence Committee—on its own initiative—decided to revisit and update the 1997 NIE, national intelligence estimate, on the U.S. ability to monitor the nuclear weapons that have been informed. I have other members of the committee, that it will take until next year to complete that work. That is a clear, credible basis for not moving forward today or tomorrow on a vote.

I advise Secretary Cohen and General Shelton on the following day. Wednesday morning, when they testified before the Armed Services Committee that they had the opportunity to make their case for this treaty before the elected representatives of the American people, and that they did. I believe the burden is on the administration to prove—maybe beyond a reasonable doubt—that ratification of this treaty is in the national security interest of the United States. This is a very difficult thing to make that case. And I say that with all due respect to my good friend and former colleague, Secretary Cohen.

We are being asked to give up—permanently—our tried and true, proven ability to maintain the safety and reliability of our nuclear stockpile and to rely instead on a computer simulation and modeling capability that will not be fully developed or proven for many years—if at all. We are being asked today to destroy the trusted nuclear deterrent capability, in exchange for the promise that we may have a way to adequately certify that capability at some uncertain future date. The question before the Senate is, Can we afford to take such a gamble? This Senator believes the answer is no.

For more than 50 years, one of the top national security priorities of every American President has been to maintain a credible nuclear arsenal and deterrent to aggression against ourselves and our allies and it has worked. The credibility of the United States in the world is a direct reflection of our military capability. If that credibility is ever called into question by our inability to ensure the safety and reliability of nuclear weapons—a vital segment of our military capability—then we have done our Nation a great disservice. The stakes for this debate are very high.

For some, the nuclear umbrella—the deterrent provided by the U.S. nuclear arsenal—has kept peace in Europe. Unquestionably, the threats in Europe following World War II were deterred by this very deterrent. Yet it is that deterrent that could be jeopardized by this treaty. Dr. Schlesinger stated it clearly when he asked, “Do we want a world that lacks confidence in the U.S. deterrent or not?” I hope all Members will take the time to examine carefully the body of facts that the Armed Services Committee and, indeed, the Foreign Relations Committees have accumulated and recorded for Senators.

Simply put, at this time, jeopardizes our ability to maintain the safety and reliability of our nuclear arsenal—perhaps not right away but almost certainly over the long run. According to Dr. James Robinson, Director of Sandia National Laboratory: ‘To forego testing is to live with uncertainty.”

Much has been said about what other Presidents have done. They have all examined the possibility of entering into some type of international treaty. But the United States has never opposed a test ban of zero yield and unlimited duration. President Eisenhower insisted that nuclear tests of less than 4.75 kilotons be permitted and, in fact, continued low-yield testing through his administration’s test ban moratorium. President Kennedy terminated a 3-year moratorium on testing when the adverse consequences of the moratorium were realized, and he declared that “never again” would the United States make that mistake. President Kennedy then embarked on the most aggressive series of nuclear tests in the history of the U.S. nuclear weapons program. President Carter also opposed a zero-yield test ban while in office.

To have an effective nuclear deterrent, we must have confidence in the safety and reliability of our nuclear weapons. These weapons are the most sophisticated designs in the world. It is a certainty that, over time, these arsenals of plutonium and other high explosive components contained in these weapons will experience some level of deterioration. That is simple science. The nature of our nuclear weapons program over the past five decades provides little practical experience in predicting the effects of these changes.

What do we say to our sailors, soldiers, airmen, and marines who live and work in close proximity with these nuclear weapons? What do we say to the people of our Nation, and indeed nations around the world, who live in the vicinity of our nuclear weapons? These are weapons that are stored in various locations around the world, that rest in missile tubes literally several feet away from the bunks of our submarine crews, that are regularly moved across roads and airfields around the world. How can we take any action which in any way jeopardizes or casts into question the safety of these weapons? As Dr. Bob Barker, former Assistant to the Secretary of Defense for Atomic Energy, told the Armed Services Committee on Thursday, “to leave in place weapons that are not as safe as they could be is unconscionable.”

History tells us that weapons believed to be reliable and thoroughly tested, nevertheless, develop problems which, in the past, were only discovered, and could only be fixed, through nuclear testing. As President Bush noted in a report to Congress in January 1993: “Of all U.S. nuclear weapons designs fielded since 1958, approximately one-third did not undergo nuclear testing to resolve problems arising after deployment.” In three-quarters of these cases, the problems were identified and assessed only as a result of nuclear testing, and could be fixed only through such testing. Let me emphasize, most of these problems were related to safety.

The Clinton administration has proposed remanufacturing aging weapons rather than designing and building new ones. The problem is that we simply don’t know if this new approach is possible. Almost every weapons designer we have heard from over the past 3 years has raised concerns with any attempt to change components such as plutonium and high explosives, in the heart of the weapon. Many of the materials and methods used in producing the original weapons are no longer available. To assure that the remanufactured weapons work as intended, the President can always exercise “Safeguard F” and withdraw from the treaty and test. The military leaders and the three lab directors have all conditioned their support for CTBT on the guarantee that the President would exercise “Safeguard F” and withdraw from the treaty if a problem develops with our nuclear stockpile. But how realistic is that? It is highly unlikely that this safeguard would ever be used by the United States to withdraw from the treaty even though problems should occur in the stockpile. Has the United States ever withdrawn from a treaty? We are struggling today under the weight of the ABM Treaty which was signed in 1972 with a nation that no longer exists; withdrawing from the treaty is simply without precedent.

And what would the international ramifications be of such a withdrawal?
from the treaty? Wouldn’t it be worse to withdraw years down the road, after other nations have presumably followed our lead, than to simply not ratify in the first place?

In addition, the notion of being able to test in an emergency is unrealistic. Even if the United States should decide to withdraw from CTBT, the lab directors report that it would take at least 2 to 3 years of preparation before a test could be conducted, and our treaty infrastructure continues to deteriorate. By withdrawing, the United States would be announcing to the world that we have such a serious problem with our nuclear deterrent that we have lost confidence in the reliability of our nuclear stockpile, and that we must initiate a program to repair or replace the weapon or weapons and conduct tests to confirm the results. Such an action would be highly destabilizing.

Proponents of the CTBT have asserted that the treaty will have no adverse impacts on U.S. national security, that we will be able to confidently maintain and modernize U.S. strategic and theater nuclear forces to the extent necessary without ever conducting another test. In fact, they say the CTBT will force the United States to forgo any number of important initiatives that may be required to ensure the long-term viability and safety of our strategic and theater nuclear deterrent.

The CTBT will lock the United States into retention of a nuclear arsenal that was designed at the height of the cold war. Many of the nuclear systems that we developed to deter the Soviet Union are simply not suited to the subtle, and perhaps more difficult, task of deterring rogue states from using nuclear, chemical, or biological weapons. Such deterrence will require the United States to possess nuclear weapons credible enough to target rogue states, and targets such as rogue state biological weapon production facilities that may be located deep underground in hardened shelters. At the same time, for such weapons to be credible deterrents, they must not threaten to create significant collateral damage or radioactive fallout. Such weapons do not exist today in the U.S. arsenal.

I am also concerned that this treaty’s zero-yield test ban is not verifiable. It is difficult, if not impossible, to detect tests below a certain level. And testing at yields below detection may allow countries, such as Russia, to develop new classes of low-yield, tactical nuclear weapons. This possibility makes recent statements by senior Russian officials claiming that they are now developing tactical nuclear weapons especially troubling. For example, this August, the Russian Deputy Minister for Atomic Energy, Lev Ryabev, stated that a key Russian objective is development of tactical nuclear system. This April, President Yeltsin reportedly approved a blueprint for the development and use of non-strategic nuclear weapons. Would we be able to detect tests of such tactical weapons? The development of any nuclear weapon, regardless of its yield, is militarily significant to this Senator.

Further, countries that want to evade detection can do so by masking or muffling tests in mines, underground cavities, salt domes, or other geological formations. I am convinced that the United States and the international community cannot now, and will not in the foreseeable future, be able to detect such cheating or testing below a certain level.

Proponents of the CTBT argue that the International Monitoring System established under the treaty will put in place capabilities exceeding those that the United States and its allies can field today. These monitoring sites will be owned and operated by the host countries, which I believe calls into serious question the reliability of the information collected, and, thus, its value to our ability to detect a nuclear test.

Proponents of the CTBT also argue that although the treaty may not be verifiable through detection methods, the on-site inspections make the CTBT verification treaty an irreversible commitment, requiring an affirmative vote of 30 of 51 members of the Executive Council to initiate an inspection. The likelihood of obtaining that number, which could include such countries as Iran and North Korea, is remote, if not impossible. Further, the United States would have to present a case to the Executive Council which would most likely compromise sensitive U.S. intelligence sources and methods. The timelines imposed by the treaty for on-site inspections permit considerable coverup and deterioration of evidence. In addition, there is no guarantee that Americans will be on the inspection teams. In fact, any state is explicitly permitted to block inspectors from countries it does not like. The treaty gives the inspector state the final say in any dispute with inspectors.

Finally, ambiguities in the CTBT may allow other nations to legally circumvent the clear intent of the treaty. The treaty does not define what constitutes a nuclear test. However, President Clinton has said that the United States will interpret nuclear test to mean any nuclear explosion, thus all tests are banned unless they are zero-yield. Since many nations interpret a less restrictive definition, they could conduct very low-yield tests and argue that they are not violating the language of the treaty.

I am concerned that while the United States would adhere to the CTBT, thereby losing confidence over time in our nuclear deterrent, other countries would capitalize upon U.S. deficiencies and vulnerabilities created by the CTBT and violate the treaty, by escaping detection and building new weapons.

I believe the risk the CTBT poses to U.S. national security by far outweighs any of the benefits that have been identified.

Mr. President, I shall reengage in this debate as the day progresses. I will pursue with Senator MOYNIHAN the final presentation of our Dear Colleague letter in the hopes that a number of Senators will join me in giving the leadership of the Senate the support they deserve should a decision be made not to go forward today. That decision should embrace very clearly that it would be in the Senate’s interest that the Nation’s national security interest to revisit this treaty in terms of a final vote in the balance of this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair.

Mr. President, I rise today in strong support of Senate advice and consent to the ratification of the Comprehensive Nuclear Test Ban Treaty.

As a member of the Senate Committee on Foreign Relations, I have advocated for consideration of this treaty since President Clinton submitted it to this body for advice and consent on September 22, 1997. Now, more than 2 years later, this important treaty is being considered on the Senate floor.

While I am pleased that we are having this debate, I am concerned about the manner in which we reached this point. I regret that the Foreign Relations Committee, of which I am a member, had only one day of hearings on this important arms control agreement and that the committee did not consider and mark up a resolution of ratification.

I am concerned that this debate is too limited in duration and scope. This is obviously serious business. And I hope that the manner in which this treaty was brought to the floor does not doom it to failure. This treaty should be fully debated on its merits. And this body should have the opportunity to offer any statements, declarations, understandings, or conditions that we deem necessary. But this treaty should not be defeated simply because the Senate has backed itself into a corner in which the choice is to vote up or down now without the option to postpone this important vote in favor of further consideration. Some of our colleagues have expressed their desire for further consideration. But they have said that if they are forced to vote today, they will oppose this treaty—not necessarily because they do not support the treaty, but rather because they feel they have not fully support it without further study.

I think putting Senators in this position is an irresponsible course of action.

As my colleagues know, I support this treaty. And I will vote for or against it solely on the basis of my judgment. But I hope we will consider the consequences of defeating this treaty, not on its merits, but because of the political box in
which we find ourselves. This treaty must not fall victim to politics. The consequences of its defeat will be felt from Moscow to New Delhi to Beijing to Baghdad. And this body, the greatest deliberative body in the world, would be sending the message that we did not work hard enough or put too much emphasis on one of the most important issues facing the world today.

We do live in dangerous times, Mr. President. Weapons capable of mass destruction have replaced more conventional weapons. The greatest threats continue to emerge. But we have the power to stem the tide of nuclear proliferation. Perhaps we cannot stop it completely. But we can make sure that the nuclear arms race is stopped in its tracks and we can make it extremely difficult for those with nuclear aspirations to develop a weapon in which they can have high confidence.

And we should do everything in our power to make the world safer for future generations. And if that includes delaying the vote on this treaty, then we should swallow our political pride and do that.

As a number of my colleagues have already said, both in committee and on this floor, the idea of a nuclear test ban dates back to the Eisenhower administration. For more than 40 years, Presidents of both parties have advocated for such a treaty.

In a speech delivered on June 10, 1963, President John F. Kennedy discussed his support for the negotiation of a comprehensive test ban treaty. He said—and I quote:

"The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in living, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently compelling for us to make sure we are prepared not to jeopardize the result by unnecessary delays, yielded neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

Mr. President, those words are as relevant today as they were when President Kennedy spoke them 36 years ago. Nuclear weapons are still one of the greatest hazards on the planet. And they have been joined by chemical, biological, and other weapons of mass destruction. President Kennedy spoke from the perspective of the cold war and the still escalating arms race with the Soviet Union. Now, in 1999, the cold war is over and the Soviet Union is no more. But we are on the brink of another nuclear arms race, this time in south Asia. India and Pakistan are watching, Mr. President. And we have the opportunity to end their nuclear aspirations once and for all. Or to give them the cover they need to continue testing.

We have the opportunity today at long last to become a party to a comprehensive nuclear test ban treaty that will both stop the nuclear arms race in its tracks and maintain our option to withdraw from its provisions if our national security is threatened. I hope that will be our paramount consideration in the coming hours as we decide whether to put this treaty up for a vote today or tomorrow.

Mr. President, as many of my colleagues have noted throughout this debate, there are many reasons why the United States should become a party to this important treaty. I will address three of them here.

First, this treaty will allow the United States to maintain our strong deterrent. This treaty does not require the parties to dismantle their existing nuclear stockpiles. It does not prevent them from maintaining those stockpiles through scientific means. Rather, this treaty prohibits further nuclear testing. The United States has not conducted any nuclear tests for 7 years, and Senatorials have testified that we have no intention of performing any further tests. The Departments of Defense and Energy already have a substantial database of information on the more than 1,000 nuclear tests that we have already performed. And this information has been the basis for the development of the Stockpile Stewardship Program, which the high-ranking administration officials have testified is an effective mechanism for maintaining the safety and reliability of the nuclear arsenal.

Second, this treaty will help to create a worldwide nuclear status quo. Parties to the CTBT will be unable to conduct nuclear explosive tests to improve their existing weapons or develop stronger ones. This means that the nuclear arms race will be literally frozen where it is. This is beneficial to the United States for several reasons. It will allow us to maintain our nuclear superiority. It will protect us from the threat of stronger weapons in the future. And, in fact, it ensures that we will have the dubious distinction of having won the nuclear arms race.

The third point in favor of this treaty I will make is this: the CTBT is effectively verifiable. Some have argued that this treaty is not verifiable. It seems that argument echoes in these halls every time we debate an arms control treaty. But, again, that argument rings hollow. Verification is a logical consequence of the provisions, including arms control treaties, are largely based on good faith among the parties to them. Good faith in the sense that the parties who have ratified the treaty have promised to comply with the treaty’s provisions. Collectively, the parties to the CTBT will not be able to conduct nuclear tests. Alone, a country can decide to do more than enough—of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and committed, we labor on—not toward a strategy of nuclear annihilation but toward a strategy of peace.

Thank you, Mr. President.
Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield to the Senator from Arizona such time as he may consume.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

Mr. President, a number of us have concluded that we cannot support ratification of the CTBT, that it will be defeated. But some have urged that we put the vote off out of concern that rejection would send an undesirable message to the world.

I believe, however, that we should vote precisely because the world would get a desirable message that the Senate took a stand that treaties such as this must meet at least minimum standards for sensible arms control. The CTBT fails that test. It is a sloppy, altogether substandard piece of work, and it deserves rejection.

Our colleague, DICK LUGAR, opposes the CTBT ratification, as he has explained, because he does not believe the treaty is of the same caliber as arms control agreements that have come before the Senate in recent decades. He cites two of the CTBT's many deficiencies: "an ineffective verification regime and a practically nonexistent enforcement process."

Contrary to what treaty supporters have argued, the CTBT's rejection would strengthen the hands of U.S. diplomats on such matters in future negotiations. When they insist on more effective provisions, citing the need to satisfy a rigorous U.S. Senate, their warnings would become credible and influential. Such warnings would help free the United States from having to go along with wrong-headed treaty terms dictated by countries that lack U.S. responsibilities around the world.

I note that as a good example of our negotiating their position from that originally supported by the administration to go directly to the heart of key objections to this particular treaty. As you know, no President had ever sought a zero-yield test ban treaty in perpetuity. In this case, the Joint Chiefs of Staff argued that we should not have such a treaty.

The original position of the administration in the negotiations was to grant the United States an option with regard to invoking the supreme national interest clause to retire from the treaty after 10 years and not to insist upon a zero-yield but, rather, to permit low-yield, what are called hydronuclear tests. Over time, our negotiators' position was undercut, and in the end, according to the very people who negotiated the treaty, in order to reach an agreement with other countries, the United States conceded on those and other important points.

Those were the critical deficiencies in this treaty.

By rejecting the treaty now, the Senate would strengthen the hands of our future diplomats who negotiate these arms control agreements to enable them to make the point to their counterparts that the United States is serious about treaties at least achieving minimal standards; we consider these to be the kinds of minimal standards that are necessary to bind the American position. The negotiators would know that Senate ratification would not occur unless the terms were as proposed by the United States.

As I said, no other President ever supported a zero-yield treaty, let alone a treaty that the United States is forever, and neither should the Senate.

If we proceed today to reject the CTBT, future U.S. negotiators will be more inclined to seek the Senate's advice before the deal is finalized and the administration demands our consent. This will serve the U.S. national interests in various ways.

First, the Senate was never intended to be a rubber stamp, approving any ill-advised treaty negotiated by an administration. National security is in treaty-making is to perform the equivalent of quality control. Under the Constitution, the Senate's role is of equal stature with the President's. We in the Senate are entitled—indeed, we are obliged—to second-guess the President's national interest calculations regarding treaties.

There would inevitably be complaints from abroad, including from friends, if we upset the CTBT apple cart. But that unpleasantness would be minor and transitory, especially in light of the permanent harm the CTBT would do to our national security. The embarrassment of the President for buying into such a flawed treaty in the first place is not desirable, but the Senate cannot avert it at any price.

Consider again Senator LUGAR's words:

[T]he CTBT] is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.

Those are the stakes, and they are serious. That crucial observation should put into perspective the issue of likely complaints from foreign foes and friends.

The Senate must fulfill its constitutional duty to ensure that treaties meet at least minimum standards. We do the Presidency no favors by shirking, and we do the Senate and the Nation harm if we accede to the President's diplomatic recklessness and simple-mindedness in seeking to spare him the embarrassment of mollifying the other states that forged the flawed treaty.

A query to my colleagues who are interested in delaying this vote to avoid the embarrassment of rejecting a treaty negotiated by the administration: Will the Senate defer to the President on the Kyoto Global Warming Treaty or the ABM multilateralization or demarication treaties?

Some administration spokesmen have used the offensive argument that Senate rejection of the CTBT would be a message to the world that we are not serious about arms control. To the contrary, rejecting this treaty will help establish that we demand real arms control—not the show, not the empty symbols, not the filmflam treaties that cannot accomplish their purposes. In rejecting the CTBT, we will be asking the world to join in real nonproliferation measures, such as enforcement of the nonproliferation treaty which Russia, China, and North Korea violate every time they spread nuclear weapons technology.

I quote again from Senator LUGAR: 

The country breaks that minimal norm embodied in the CTBT, the country has already broken the norm associated with the nonproliferation treaty.

Mr. President, that is because 165 some nations have agreed not to possess these nuclear weapons, except for the nuclear powers. The testing is simply a redundant violation of the possession in the first place, which is already a violation of the NPT. So this treaty won't accomplish its minimal objective.

Second, enforcement of the United States resolutions requiring inspection of Iraq: It would be very helpful if our allies would help in this very meaningful and important activity rather than undercutting the United States at every turn.

Again, Senator LUGAR hit the point squarely:

The CTBT verification regime seems to be the embodiment of everything the United States is fighting against in the UNSCOM inspection process in Iraq . . . [which is] best not repeated under the CTBT.

Third, perhaps we could get their support in our efforts to free U.S. policy from the dead hand of the ABM Treaty and to deploy missile defenses.

These are real, meaningful actions against the proliferation of weapons of mass destruction rather than empty symbolic gestures.

In asking the Senate to postpone the vote on this treaty until he has the votes, the President is asking, first, to spare him personal embarrassment; and, second, to give him a chance to bind the United States to a treaty that most do not think should ever go into force. The CTBT will not improve with age.

Most Senators would have been content never to have voted on the treaty. But the President has now denied the Senate that option. He will not agree to the Senate's demand for consideration of the treaty next year when he hopes to have the votes to pass it. Republicans have not politicized this debate, but it is clear that unless we defeat this treaty now, it will be a political issue next year when it has allegedly changed circumstances—created, for example, by a new test by India or Pakistan—to give the President the pretext to revive the debate.

It has become clear that the assurance that may not get from the President and our Democratic colleagues will not be the ironclad commitments we recently agreed were necessary to induce the Senate to defer this vote.
Therefore, to avoid the President politically criticizing the issue next year, we should vote now.

Sometimes it is necessary to say or do the right thing and just let the chips fall where they may. Ronald Reagan could have raised issues of foreign feathers—including some of our respected allies—when he called the Soviet Union an evil empire and when he stood his ground against Gorbachev in Reykjavik in favor of strategic defense. These messages he sent were criticized as disruptive. They were sound. They served our national interests and the interests of decent people around the world, and history has judged them favorably.

The Senate now has a chance to demonstrate strength and the good sense worthy of Ronald Reagan. If we do it, we will be flouting much conventional thinking, but we will, in fact, enhance our Nation’s diplomatic strength, protecting our national security and vindicating the actions of America’s founding fathers who assigned to the Senate the duty to protect the country from ill-conceived international obligations.

Let the Senate vote to reject the CTBT.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nebraska.

Mr. KERREY. Mr. President, in the waning days of his administration, President Eisenhower proposed a test ban treaty to end all nuclear tests in the atmosphere, in the oceans, and under the ground. Nearly four decades later, the Senate stands on the verge of a vote on ratification of the Comprehensive Test Ban Treaty. I will vote in favor of ratification. I regret the move to postpone a vote because I am of the firm conviction this treaty will help end the proliferation of nuclear weapons and increase the safety of the American people.

President Eisenhower proposed the test ban having recognized the increasing danger posed by nuclear weapons. At that time, the threat was very real. The American people had a vivid understanding of the devastating consequences of nuclear weapons.

Those of us in our fifties remember the threat and the fear that we had as children—the duck and cover drills, the constant reminders of the devastation that a single nuclear weapon could produce to our cities and to our communities. In many ways, the problem we have today comes from our success because the fear we once had has been displaced by a false sense of complacency, a sense of security that, in my view, is not justifiable, given the risks.

I would like to illustrate this danger by a realistic scenario, in my view, with a single Russian nuclear weapon. It is possible for a small band of discontented or terrorist members of either the Russian society or some other nation to raid a silo of Russian missiles in the Russian wilderness. Soldiers who are poorly trained, sparsely equipped, and irate at not having been paid in a year are easily overtake or are willing to cooperate.

Let’s pick one city to illustrate the damage. I, again, call to my colleagues’ attention that this kind of game playing, this kind of example was quite common 30 years ago. But today, when you ask what kind of damage could occur as a result of a single nuclear blast, you are apt to have people scratching their heads, wondering what could happen. So let me take Chicago as an example.

First of all, unlike many of the other threats in the world, if a rocket left Russia, it would arrive in Chicago within an hour, probably taking a trajectory over the top of the world across the Arctic pole. It would detonate in Chicago within an hour, and on a bad day it would hit a target within a few hundred yards off Lake Michigan.

We spent a great deal of time assessing the danger of the nation of China. Their missiles are connected to their warheads. Their warheads are disconnected; they are not together. It would take them several days and they are not targeted with the accuracy and would not arrive with the same swiftness as an unauthorized or accidental launch counter to our intelligence agencies, from time to time, make very highly publicized mistakes. Unfortunately, the publicity given to those mistakes gives some a lack of confidence in our capability to do our mission. That lack of confidence is a barrier to an open society. As a consequence, we tend—correctly so—to examine the things we do when we make mistakes. Unfortunately, at times it produces a situation where we are afraid of doing things because we are worried we are going to make a highly publicized mistake and therefore that mistake is going to ruin our career or make it difficult for us to advance. As a consequence, we sometimes are a little too cautious.

President Eisenhower should not be surprised to talk about both our capacity to verify and the confidence I have that we can maintain our stockpile without the need to test.

First, we have to maintain our intelligence capabilities: our ability to collect intelligence, to process, to disseminate, to deliver that intelligence to warfighters is far and away the best in the world. Talk to our allies in Kosovo, in Bosnia, in Desert Storm; talk to any of those whose lives were saved by the United States of America in a military effort and they will tell you our intelligence collection and dissemination capability gave us the capacity to do the impossible.

The second tool that must be maintained to confront the emerging nuclear threat is not only a strong military but an intent to use that military to meet any individual or nation state that threatens the United States of America. Our military is the envy of the world. We are the open society. As a consequence, we tend—correctly so—to examine the things we do when we make mistakes. Unfortunately, at times it produces a situation where we are afraid of doing things because we are worried we are going to make a highly publicized mistake and therefore that mistake is going to ruin our career or make it difficult for us to advance. As a consequence, we sometimes are a little too cautious.

The third tool is national missile defense. I support the creation of a limited national missile defense designed to time, make very highly publicized mistakes. Unfortunately, the publicity given to those mistakes gives some a lack of confidence in our capability to do our mission. That lack of confidence is a barrier to an open society. As a consequence, we tend—correctly so—to examine the things we do when we make mistakes. Unfortunately, at times it produces a situation where we are afraid of doing things because we are worried we are going to make a highly publicized mistake and therefore that mistake is going to ruin our career or make it difficult for us to advance. As a consequence, we sometimes are a little too cautious.

The third tool is national missile defense. I support the creation of a limited national missile defense designed...
to protect the United States of America from rogue state ballistic missile launches and accidental launches. While the success of the recent test of a prototype missile defense system demonstrates that limited national missile defense is possible, we must also realize it is not a panacea for the dangers we will confront.

The fourth tool in our effort to secure the post-cold-war peace is further reductions in the American and Russian nuclear arsenals. The danger of their accidental use or proliferation will increase exponentially. I recognize that deep reductions—while decreasing the chance of unauthorized or accidental launch—could actually increase the danger of material proliferation. Therefore, any such parallel reductions for fully unclassified arrangements and a U.S. commitment to provide funding to secure and manage the resultant nuclear material. This is the fifth tool. We are fortunate we will not begin from scratch on this problem. We can build on one of the greatest acts of the post-cold-war statesmanship, the Nunn-Lugar Cooperative Threat Reduction Program.

The final piece of the nuclear safety puzzle is the Comprehensive Test Ban Treaty. The CTBT is a prototype missile defense system that I have argued on the Senate floor previously the President should immediately take bold action to restart the Arms Control Process. If we do not drastically reduce U.S. and Russian nuclear arsenals, the danger of their accidental use or proliferation will increase exponentially. I recognize that deep reductions—while decreasing the chance of unauthorized or accidental launch—could actually increase the danger of material proliferation. Therefore, any such parallel reductions for fully unclassified arrangements and a U.S. commitment to provide funding to secure and manage the resultant nuclear material. This is the fifth tool. We are fortunate we will not begin from scratch on this problem. We can build on one of the greatest acts of the post-cold-war statesmanship, the Nunn-Lugar Cooperative Threat Reduction Program.

The Central Intelligence Agency has the capability to detect any test that can threaten our nuclear deterrence. The type of test that could be conducted without our knowledge could only be marginally useful and would not cause a shift in the existing strategic nuclear balance. In addition, the United States has the capability to detect the level of testing that would be required for another nation to develop and weaponize an advanced thermonuclear warhead.

Our intelligence community is the best in the world. This gives us an enormous lead over every other adversary. The Central Intelligence Agency has the capability to detect any testing that would be required for another nation to develop and weaponize an advanced thermonuclear warhead.

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which simply recognizes people tend to talk, and when they do talk, we try to have an agent listening. If an agent hears something, it is fed into a fifth and important feature of the agency, and that is the CIA Directorate of Intelligence.

The men and women of the CIA DI sift through enormous amounts of data every day and separate fact from fiction, truth from lies. Through their analysis of all intelligence sources, they produce reports, memoirs with the statements of what our potential adversaries are doing and not doing. If information is out there to get, we will get it. If it is important, we will analyze it and understand it. Once we understand it, policymakers will make sound decisions if someone decides to cheat on the CTBT.

I am trying to paint a picture of just how sophisticated our intelligence community is. It is a community that on occasion has been fooled, but it has not been fooled often, and it has rarely been fooled for very long. We have a world-class intelligence capability. We can count on the intelligence community to monitor the CTBT and effectively verify it.

A second argument that has been used against the treaty by some is based upon the suspension of nuclear testing required by the CTBT and the argument that this will jeopardize the safety and reliability of the U.S. nuclear stockpile. I have an extremely high level of confidence in the nuclear stockpile even without continued testing.

The science-based Stockpile Stewardship Program, on which the United States is spending $4.5 billion a year, is maintaining our technological edge without the need for further testing for the foreseeable future. This program is based on the most advanced science in the world. It is based on over 50 years of nuclear testing. It is based on the results of over 1,000 American nuclear tests. It is a program that relies on the ability and ingenuity of U.S. scientists to maintain our nuclear edge. But it is also a program that recognizes the need to build in adequate safeguards to ensure safety and reliability.

The Stockpile Stewardship Program requires a rigorous annual review of the entire nuclear stockpile. As a part of this regime, both the Secretary of Defense and the Secretary of Energy must certify to the President on an annual basis the stockpile is safe and reliable. Should either Secretary be unable to offer this certification, the President, in consultation with Congress, is prepared to exercise the right of the United States to withdraw from the treaty and to resume testing.

The United States has not conducted a nuclear test for over 7 years, but the American people should understand our nuclear stockpile is safe. Both the safeguards and the science exists to continue to assure its safety well into the future. And since we have made the decision we do not need to test, it only makes sense that we use the CTBT to end testing throughout the world. Reflecting on his time in office, and his failure to achieve the goal of a nuclear test ban, President Eisenhower stated: ‘‘Disarmament . . . is a continuous imperative. . . . The need is so sharp and apparent, I confess I lay down my official responsibilities in this field with a definite sense of disappointment.’’

The Senate now has the opportunity to ratify this Comprehensive Test Ban Treaty. We should ratify this treaty because, just as when it was first proposed nearly 4 decades ago, it is a positive step toward reducing nuclear dangers and improving the safety of the American people.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I see my friend from the great State of Montana is up to speak. I ask the chairman of the—

Mr. SPECTER. Will the Senator from Delaware yield for a question?

Mr. BIDEN. Yes, I would be happy to yield.

Mr. SPECTER. Mr. President, the question that I have for the Senator relates to the letter from President Clinton to our distinguished majority leader, Senator LOTT, where President Clinton has asked that the Senate not consider consideration of the Comprehensive Test Ban Treaty.

I believe it is very much in the national interest that we not vote on the treaty today because it would undermine national security by sending a message to the world that we are not for this treaty. I think it would encourage nations such as India and Pakistan, and perhaps rogue nations such as Libya, Iraq, and Iran, to test.

But the first of two questions which I have for the Senator from Delaware is whether the President might go further. The Senator and I attended a dinner last Tuesday night with the President. We both had occasion to talk to the majority leader and have heard the public pronouncements. The majority leader has set a threshold, asking that the President commit in writing that he would not ask to have the treaty brought up next year. I believe we have to find a way to work this out so the treaty can be considered.

The first question I have of the Senator from Delaware is, What are the realities of getting the President to make that request? He has come pretty close in this letter. Why not make that additional request?

Mr. BIDEN. In response to my friend from Pennsylvania, I will say that I, obviously, cannot speak for the President. But he has gone awry far. He says: ‘‘I believe that proceeding to a vote under these circumstances would further the national security interests of the United States, damage our relationship with our allies, and undermine our historic leadership,’’ et cetera.

Accordingly, I request that you postpone consideration of [this] Test Ban Treaty on the Senate floor.

Unless there is something incredible that is likely to happen in the next 8 months, the President is not going to realign his position. If I realize that the Senate worry on the part of some; that the President will wait until the middle of an election year and raise a political issue by forcing people to vote for or against this treaty—but the public opinion might be asking if changing the votes of 22 Republican Senators between now and the election is zero, I would respectfully suggest.

So what the President has done here is done the only thing I think a chief executive—Democrat or Republican—should do; that is, he did just as Jimmy Carter did when he asked for SALT II to be taken down. He did not make a commitment he would not try to have it brought up. That is not what he said. What he said is: Bring it down. Don’t vote on it now. It is not in the national interest.

To have a President of the United States say, the treaty I, in fact, negotiate—I want to go on record saying you should not consider it at all during the remainder of my term in office, surely damages his ability to deal internationally.

So I think he is observing the reality of the circumstances, which means that there will be no vote next year on the floor of the Senate—for if that were the case, you might as well go ahead and have the vote now.

The letter Jimmy Carter sent me and I shall read it—said:

In light of the Soviet invasion of Afghanistan, I request that you delay consideration of the SALT II Treaty on the Senate floor.

The purpose of this request is not to withdraw the Treaty from consideration, but to defer the debate so that the Congress and I as President can assess Soviet actions and intentions, and devote our primary attention to the legislative and other measures required to respond to the crisis.

I know that there are many who share your view that the SALT II Treaty is in the national security interest of the United States and the entire world, and that it should be taken up by the Senate as soon as more urgent issues have been addressed.

Sincerely,

JIMMY CARTER.

This letter of the President of the United States—this President—goes a lot further than President Carter went in pulling down SALT II. But for the President to go beyond that, it seems to me, is to be beyond what we should be asking any executive.

The Senator from Virginia has worked mightily to try to resolve this. He has gone so far as to draft a letter which a number of Senators are likely to sign, if they have not already. One condition is that the President asking this be brought down, we the undersigned Senators ask that it be brought down. And we have no intention of bringing that treaty up next year. We do not think the treaty could be brought up in the election year.

To make the President, from an institutional standpoint, guarantee that
he is now against the treaty that he ratified, it seems to me, is to be going beyond institutional good taste.

Mr. HELMS. Will the Senator yield?

Mr. BIDEN. For a question, I would be happy to yield.

Mr. HELMS. I want to ponder a question to the Chair.

Mr. BIDEN. Surely.

Mr. HELMS. It was my understanding—perhaps mistakenly—that we would go from side to side in our discussions. If that is not the case, I ask unanimous consent that it be the case, when both sides are on the floor seeking the floor.

The PRESIDING OFFICER. The Chair will respond. There has been a unanimous consent request that has been agreed to that to the extent possible that will be done. In this case, the ranking member sought recognition, and no other person sought recognition.

Mr. HELMS. The Senator has been on his feet 20 minutes here. And two Senators have taken the floor from him. I want it to be understood I do not want that to happen again.

Mr. BIDEN. Mr. President, it was not my intention—I thought the Senator from North Carolina, in effect, acknowledged that I should take the question from the Senator from the State of Pennsylvania. I apologize.

Mr. HELMS. I did not think it would be four questions.

Mr. BIDEN. Mr. President, I am not propounding the questions. I am just trying to answer the question. I hope I answered the Senator’s question.

Mr. SPECTER. I believe I asked one question.

Mr. BIDEN. Yes. Mr. SPECTER. I had one more. I believe I asked one question. I had one more. I would like to ask another question.

The question I have for Senator Biden is, Is there any other way procedural that we can put off the treaty? We are considering the treaty. There is a unanimous consent request, and while I do not agree with what the Senator said in his first response—I believe the Senator can say more without being against the treaty. And I believe there are political considerations which are behind not having the matter brought up in fair consideration to Senator Lott’s request there be a commitment not to take it up all year. I think it highly unlikely that there would be any Republican vote to put off the treaty on a procedural matter to find 51 votes—50 votes plus the Vice President. But we are dealing here with matters of extra-ordinary gravity. I hope this matter can be worked out short of a procedural vote.

But I direct this question to the Senator from Delaware, whether there is any other procedural alternative to getting this vote off the Senate agenda.

Mr. BIDEN. Mr. President, I will respond briefly and then yield to my friend from North Carolina.

My knowledge of Senate procedure pales in comparison to the Senator from North Carolina. I am not being solicitous. That is a statement of fact. But it is my understanding that the only procedural means by which we could move from this treaty to other business without a vote would be if there were not points of order from the Executive Calendar to the legislative calendar. That would, as I understand it, require 51 votes. That is the only thing of which I know. I do not know if anyone is going to do that.

Mr. HELMS. Will the Senator yield?

Mr. BIDEN. I yield the floor to my friend.

The PRESIDING OFFICER. The Senator advises that the Senator’s statement is correct.

Mr. BIDEN. Mr. President, that may be the first time my procedural judgment has ever been ruled to be correct on the floor of the Senate. I am very happy the member suggested I ask that.

Mr. HELMS. I think the Senator has forgotten many times when he was correct.

Mr. BIDEN. The Senator is very nice to say that. Seldom procedurally, I yield the floor.

Mr. HELMS. I ask the distinguished Senator from Montana, who has been awaiting a chance to speak, be recognized for such time as he may require.

Mr. BIDEN. The Senator from Montana.

Mr. BURNS. I thank the chairmen of the Foreign Relations Committee and the Chair.

I listened to the exchange. It is very interesting. Why are we in this debate was not initiated by that side of the aisle. This whole process was not initiated by this side of the aisle. It was a reaction that was initiated by our friends on the other side. And whatever is irrelevant right now. What is relevant is our Nation’s security and the merits of this treaty and how it affects us and our national security. We have but one deterrent for the safety of the people who live in this country, and that is our reliable nuclear capability. Once it is questioned, then our ability to deter in this world of uncertainty would be damaged.

I rise to record my opposition to Senate passage of the Comprehensive Test Ban treaty. This treaty has no teeth. It is promises in the safeguards package, not only in the next few years but far into the future. We are told that the Joint Chiefs of Staff support the treaty with the safeguards and is unable to comment on the merits of the treaty without the safeguards. I fully understand the Chain of Command. Our leaders understand the Chain of Command. We do not have to read too much between the lines to conclude that without the safeguards package, this treaty poses unacceptable risks to our national security.

A total ban on all nuclear testing for all time has never been supported by prior Presidents—and for sound reasons. This administration’s best sales pitch for a total ban on bangs for all time is that it is an important step in the direction of doing away with the threat of nuclear war. This is a nice dream and a great idea for another planet. But on earth it is a downright dangerous false hope. The complete ban treaty has a fatal flaw in the real world: the treaty is enforceable. In one sentence, the fatal flaw is that violations cannot be verified.

The best intentions humans can conceive are of no use if the treaty is not implemented not only by us but also by the other nuclear players. And what is the score? Well Russia and China have not ratified the treaty and they are unlikely to do so. Even if they did, either one could veto any attempts at enforcement by the U.N. Security Council. North Korea did not even participate in the negotiations about the treaty. India and Pakistan have not signed on to the treaty. The score on rogue nations such as Iraq and Libya varies but we have to ask whether they could be trusted to keep their commitment to their abstention. The administration has, once again, gone off and negotiated a deal that is not acceptable to the Senate. I suppose the White House media spin will again be that the United States will suffer a loss of world leadership if the Senate does not buy this pig in a pike treaty. Well maybe the negotiators should have thought of that before they put American’s credibility on the line. The spinmeisters should re-read our Constitution. Treaties must be accepted by two thirds of the Senators. That requirement has been there since the founding of the Republic. The White House should not pretend to be shocked when the Senate turns down a treaty that it does not like because the treaty has no teeth. There are long away with the characters in the world who are unaffected by this treaty.

This treaty is not a good idea for a number of other reasons. The agreement puts international handcuffs on the United States. Our country needs to have access to the testing of current and possible future nuclear weapons,
defensive as well as offensive. We know that some nations play fast and loose with nuclear weapons technology. This is not the case generally in the United States and is not the case specifically in Montana where we maintain many Minutemen III missiles. Part of the Safeguards and Monitoring Program proposed by the Administration to sell this treaty is to assure us that the nuclear stockpile remains safe and reliable. But tests needed to create the database and methodology for stockpile stewardship have not been done during the seven year moratorium our nation has voluntarily followed on testing and would not be done under the mandatory terms of the treaty before us. Simply stated, the methodology for stockpile stewardship is unproven. Key safety and reliability data can only be obtained from the actual testing of weapons. We cannot take a chance on when or whether our nuclear weapons will work. Can you imagine putting all your faith in an airplane flying right without making actual flight tests? The pilots I know still think an aircraft has to be flown before they are convinced of its safety and reliability. Data from flight tests cannot adequately predict the impacts of ongoing problems such as aging taking into account the highly corrosive nature of materials with a shelf life of 20 years. What do we do in 25 years? Is the administration's argument to rely upon computer simulations or, as a last resort to withdraw from the treaty. The stakes are too high to depend upon theoretical models and any treaty can be killed by a later law. But I submit these actions are closing the barn door after the horses are gone. Montanans as well as all Americans must have confidence in the safety and reliability of the refurbished nuclear warheads remaining in our country. Our troops in the field must also have confidence that our nuclear weapons will carry. This test ban treaty precludes us from undertaking the technology testing that is essential for keeping confidence in our nuclear deterrent capability.

The cold war may be over but the threat posed to the United States from nuclear weapons in hostile hands is far from over. Russia refuses to ratify START II and continues to insist (along with the administration) on strict compliance with the ABM Treaty. If ever there was a lesson about not freezing nuclear technology in time, the ABM Treaty is the model. Most Americans still do not know that our country is absolutely defenseless against ballistic missile attack not only from Russia but also from anywhere else. There is mounting evidence that China has stolen priceless nuclear secrets from our national laboratories. Only a complete fool would think that the actions of the Chinese indicate that they would not cold-shoulder us towards being a nuclear power, with or without this test ban treaty. Neither India nor Pakistan have signed on to this treaty and I suppose the administration will try to blame that on the Senate somehow. I submit, however, that the positions of Pakistan and India on their nuclear status have nothing whatsoever to do with this debate in the Senate. We are aware that there are nuclear weapons outside of India and Pakistan. They must really lick their lips when they think about America not testing nuclear weapons anymore. Who seriously thinks this treaty will slow down despots who pose current and future, impossible and, perhaps, irrational nuclear threats to the United States? The administration is making a serious error in judgment in mixing up what States say at diplomatic conferences with what they go back home. This is not the time to handicap ourselves by assuming test ban obligations that we would keep but others would either violate or ignore.

I have been called by many representatives of other states and heads of state. Will the signing of this test ban treaty change the attitude of the Russians? Answer: No. By the PRC, the Chinese? No. Will it change the attitude in India or Pakistan or North Korea or other suspected rogue entities? No. Then why do we put ourselves in jeopardy by not testing? In conclusion, I believe this treaty is fatally flawed because it is not enforceable and will be ignored by the very nations we distrust. Moreover, to retain a credible nuclear deterrent capability, however, we must retain our ability to test our weapon systems for safety and reliability. Therefore, this treaty hurts us while helping our potential enemies. My vote is to oppose advice and consent.

I yield the floor.

Mr. REED. Mr. President, I rise to express my support for the Comprehensive Test Ban Treaty. I believe the real question before us is whether or not we can afford to go without testing the nuclear test ban treaty. I believe we are safer.

From a very self-interested standpoint, if this treaty is adopted, it gives us the very real potential of locking all of our potential adversaries into permanent nuclear inferiority because they will not be able to conduct the sophisticated tests necessary to improve their technology, particularly when it comes to the miniaturization of nuclear weapons. I think, if in fact, a significant number of signatories to the treaty were convinced that a violation took place. These additional monitoring sites, together with the onsite inspections, are tools that do not exist today to curb the proliferation of nuclear weapons. There has been some discussion about our ability to monitor the development of nuclear weapons and, indeed, to monitor clandestine tests of nuclear weapons. I think the suggestion has been made—and I think it is inaccurate—that a nuclear detonation could take place without anybody
should be pointed out. This treaty has
use them.

We have done that.

The whole notion of controlling nu-
clear testing is not new. Throughout
this debate, my colleagues have dis-
cussed the initiatives that began as
early as the 1950s with President Eisen-
hower. Then, in 1963, President Ken-
ney was able to sign, and the Senate
ratified, the Limited Test Ban Treaty
which outlawed nuclear explosions in
the sea, atmosphere, and in outer
space. In 1974, we entered into a treaty
with the Soviet Union—the Threshold
Test Ban Treaty—which prohibited un-
derground testing with yields greater
than 50 kilotons. In 1992, Congress
passed the Hartfield-Exon-Mitchell
amendment which called for a morato-ium on testing. We are still observing
today.

Also, I think it would be appropriate
to point out that in fact for the last 7
years, we have not detonated nuclear
devices. Yet each and every year, our
scientists, the experts in the Depart-
ment of Defense and Department of
Energy, have certified that our nuclear
stockpile is both safe and reliable. So
the assertion that we can never assure
the reliability and safety of our nu-
clear stockpile without testing has been
disproven over the last 7 years. We
have done that.

Now, I believe we can in fact main-
tain a nuclear stockpile that is both
safe and reliable. We can do it using
the new technology we are developing,
including but not exclusively related
to, computer simulations. We can do it
by investing, as we are each year, bil-
ions of dollars—over $4 billion—so we
can ensure that we have a safe nuclear
stockpile and that these weapons will
be reliable if we were forced to use them.

There is something else I think
should be pointed out. This treaty has
been endorsed and recommended to us
by the Secretary of Defense, the Chair-
man of the Joint Chiefs of Staff, and
the Secretary of Energy. These are in-
dividuals who take very seriously their
responsibility for the national security
of the United States. But some might
be hesitant to take this advice.

But such logic would not suggest or
explain why individuals such Gen. John
Shalikashvili, a former Chairman of the
Joint Chiefs of Staff; Gen. Colin
Powell; Gen. David Jones; or Adm. Wil-
liam Crowe would in fact be supportive
of the Comprehensive Test Ban Treaty.

Nobody would suggest why other
prominent military officers, such as
John Galvin, former Supreme Allied
Commander in Europe; Gen. Charles
Horner, who commanded the air forces
in Desert Storm; Bernard Rogers, an-
other former Chairman of NATO and
Supreme Commander in Europe, would
also recommend and support this trea-
ty. These individuals are concerned
about security and have spent their
lives in uniform dedicated to the secu-
rity of this country and the protection
of our people. They believe, as I do,
that this will be a safer world with this
treaty rather than if we reject this
treaty. With this treaty, I think we can
curtail dramatically the development of
nuclear weapons by opposing powers
to the United States.

It is true that you can develop a nu-
clear weapon without a test. You can
develop the unsophisticated rudimen-
tary weapons that were used in
World War II. But you cannot develop
the sophisticated technology which is
the key to strategic nuclear power
without nuclear testing.

If we accept this treaty, if we join
with other nations, then we will be in
a much stronger position, and the
world will be in a much stronger posi-
tion, to ensure that countries such as
India, Pakistan, and North Korea will
be very challenged to develop the kind
of sophisticated nuclear weapons that
will alter the strategic balance
throughout the world. That in and of
itself, I believe, will make it a safer
world.

Of course, the elimination of testing
will have a positive environmental
effect. Even though our tests now
test throughout the world are restricted un-
derground, there is always the possi-
bility of leakage of radioactive mate-
rial. And we know how devastating
that can be.

There are those who have been here
today who argued that we should reject
this treaty because it is not 100 percent
verifiable. I would suggest that we can,
in fact, verify this treaty—that 100 per-
cent is not the standard we would rea-
sonably use. As I have indicated pre-
viously, we have worked to ensure that
we suspect are suspicious detonations
in Russia. We would be even better pre-
pared to do that with 300 more moni-
toring stations in 90 countries around
the world. In fact, we would then have
an international forum to take our
complaints and to force an explana-
tion, and, if necessary, an onsite in-
spection of a test.

I think we have an obligation to
consider this treaty. I believe that we do.
And that consider-

President Clinton was the first head
of state to sign this treaty. One-hun-
dred and fifty nations followed. Forty-
one nations have ratified the treaty,
and several more, including Russia, are
waiting again for our lead in ratifying.

Unless we are part of this treaty, this
test ban will never go into effect because
it requires all of the nuclear powers—
those with nuclear weapons or with nu-
clear capabilities—to be a party to the
treaty before it can go into effect. I
hope we either in our wisdom consider
this more, or in our wisdom accept rat-
ying this treaty.

Thirty-six years ago when the Lim-
ted Test Ban Treaty came to this
floor, a great leader of this Senate,
Senator Everett Dirkens, was one of the
forces who decided to take a very
bold step that was challenging and
challenging as the step we face
today. His words were:

A young President calls this treaty the
first step. I want to take a first step, Mr.
President. One my age should think about
his destiny a little. I should not like to have
written on my tombstone, “He knew what
happened at Hiroshima, but he did not take
a first step.”

The treaty is not the first step. But
it is, I believe, the next logical step
that we must take. I believe none of us
want to look back and say that we
were hesitant to take this step, that we
were hesitant to continue the march
away from the nuclear apocalyptic to a
much saner and a much safer world.

I yield my time.

The PRESIDING OFFICER. Who
yields time?
Mr. HELMS. Mr. President, I yield
time to the Senator from Kentucky.

The PRESIDING OFFICER. The Sen-
ator from Kentucky.

Mr. BUNNING. Thank you, Mr. Presi-
dent. I thank Senator HELMS.

Mr. President, this whole debate re-

conceives of me of what the great philoso-
pher Yogi Berra once said: It is like
“deja vu all over again.”

I thought we pretty well settled this
argument years ago—back in the 1970s
and the 1980s—when the idea of unilat-
eral disarmament through a nuclear
freeze was proposed as the only way
to go. That was the case with the United
States and Russia. We rejected
the nuclear freeze concept. We put na-
tional security first. We won the cold
war, not through unilateral disarmament and symbolic gestures but through strength, and we defeated the evil empire. The world is safer and we have been able to substantially reduce the number of nuclear warheads and the threat of nuclear conflict.

So it is difficult to understand why this argument is back before the Senate today. It is difficult to understand why a U.S. President is back before us asking us to ratify an agreement which would tie this Nation’s hands behind its back and jeopardize our national security.

None of us support nuclear war. We are all against nuclear proliferation. But agreeing to forego all future testing of nuclear weapons is not the way to get there. It is a matter of national security, of safety, and of common sense.

Because we refused to accept the siren call of the nuclear freeze movement in the 1970s, we won the cold war, and we have some peace dividend because we were able to reduce our arsenal of nuclear warheads from 12,000 to 6,000 under the START II treaty. The number is expected to be reduced further to 3,000 warheads by the year 2005. But despite these reductions, and our progress on the START III treaty, the United States must maintain a reliable nuclear deterrent for the foreseeable future.

Although the cold war is over, significant threats to our country still exist. In the 21st century, nuclear weapons are not reliable, they are not much of a credible deterrent, and the nuclear umbrella that we and our allies count on for our mutual defense will have gaping holes in it.

We have to face reality. Our nuclear stockpile is aging. Our nuclear inventory is older than it has ever been, and nuclear materials and components degrade in unpredictable ways—in some cases causing the weapons to fail. Without testing, those potential problems could not be identified. Upgrading the nuclear facilities of the United States is not possible. Reliability will suffer.

Safety is also essential. A permanent ban on testing would jeopardize the safety of our nuclear arsenal by preventing us from integrating the most modern advanced safety measures into our weapons. Even now our nuclear arsenal is not as safe as we can make it. Of the nine weapons systems currently on hand, only one employs all of the most modern and secure measures available. Safety modifications of this kind would require testing to make sure they worked as intended.

Sure, advocates of this treaty argue there are some other measures of testing a weapon—safety and reliability. The Clinton administration has proposed an ambitious program known as the Stockpile Stewardship Program which would use computer modeling and simulations to detect reliability and safety. However, many of the components of our nuclear arsenal are untested and unproven. The National Ignition Facility, which is the centerpiece of this program, is not scheduled to be completed until the year 2003. There are already reports that it is years behind schedule, and it is very hard to even entertain the notion of trusting our nuclear security to an unproven program which probably won’t even be fully operational by the year 2010. Reliability and safety; there must be certainty; at this point only live testing provides that kind of certainty.

This treaty is based on a very noble, well-intentioned goal. There is no question that if the Senate were to ratify this treaty, it would be a grand symbolic gesture, but noble goals and symbolic gestures are not substitutes for good policy and hard reality.

I have already talked about a couple of reasons why this treaty is not good policy and safety and reliability. But there are other reasons this treaty fails the hard-reality test, as well: Verification and enforcement. The hard reality is that the United States usually tries to live up to agreements if it signs. If we ratify this treaty and the Chinese do not, we will have no confidence in the Chinese. If other nations sign this treaty and the United States does not, we will have no confidence in the United States. This treaty fails the hard-reality test, as well: Verification and enforcement.

Under this treaty, verification would be very difficult and enforcement would be impossible. It has no teeth. It is difficult now to detect nuclear tests with any confidence, and the verification monitoring provisions in this treaty don’t add to that confidence level at all. Yes, we could request on-site inspections if we thought someone was cheating, but that request would have to be approved by a super-majority in the 51-member executive council. In addition, each country under the treaty has the right to declare 50-square-kilometer areas off limits to any inspection.

Even if we did catch a cheater, the treaty has almost no teeth—possible trade sanctions. That’s it, possible trade sanctions. And we know how difficult it is to maintain multilateral trade sanctions. One country that blatantly invaded and looted a neighboring country and which consistently defies international inspection teams. No one can believe we would be more effective at enforcing sanctions against more responsible nations of greater commercial importance such as India and Pakistan. There are no teeth.

That brings us back to the hard reality. Would we obey the treaty? Yes, we would obey the treaty because that is the way we are. And others would follow us, because if we hadn’t they would be the only ones who had to pay the consequences for the whims of the moment. The hard reality is we would be taken seriously to comply with any treaty, we sacrifice our national security, jeopardize the safety and reliability of our nuclear arsenal. And what do we get in return? A noble, symbolic gesture. Nothing more. It is not worth it.

I urge my colleagues to vote no. Unilateral disarmament was a bad idea in the 1980s; it is a bad idea for the 21st century.

I yield the floor.

Mr. BIDEN. I yield to the Senator from Montana.

Mr. BAUCUS. Mr. President, I strongly support the Comprehensive Test Ban Treaty. Why? Various reasons.

First, we have an opportunity to vote on this treaty this week. I will cast my vote in favor of ratification because I believe that it would otherwise be a tragic mistake with extremely dire consequences for our Nation and equally dire consequences for the world. However, given the likelihood the Senate will fall short of the two-thirds majority required under the Constitution for ratification, I will support efforts to postpone this vote. We cannot tell the world the United States of America, the leader of the free world, opposes this treaty. It would be a travesty.

The Comprehensive Test Ban Treaty gives America a unique opportunity to leave a safer world for our children and for our grandchildren. We cannot prevent hurricanes or tornadoes, not yet. I hope one day it will be possible to prevent earthquakes; we can’t prevent them. We can’t prevent air pollution; we can’t reduce our nuclear fallout and environmental destruction caused by nuclear testing. And we can reduce the fear of a nuclear holocaust that all Americans have lived with since the start of the cold war 50 years ago. We can do all this, and we should.

Let me review some of the benefits we get from the Comprehensive Test Ban Treaty, and let me explain why this treaty will make the world safer for our children and grandchildren.

First, under the CTBT, there is an absolute prohibition against conducting nuclear weapon test explosions by the signatories. This would include all countries that possess nuclear weapons, as well as those countries that have nuclear power or research reactors. It would also include countries that do not yet have nuclear facilities. This absolute prohibition against testing makes it much harder for countries that already have advanced nuclear weapons to produce new and more sophisticated nuclear weapons. Russia and China are prime examples.

The CTBT prevents the kind of arms race competition we had during the cold war. For example, without nuclear tests the Chinese will be unable to MIRV ICBMs with any degree of reliability. The Chinese have no assurance of the effectiveness of putting multiple warheads on missiles because they would not be able to test. Many believe China has made enormous strides in

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their nuclear weapons capability because of decades of espionage, but the CTBT provides one way to limit further sophisticated development.

The absolute prohibition on nuclear testing also helps prevent countries with advanced nuclear weapons from developing more advanced nuclear warheads. This applies especially to India and to Pakistan. The strategy of using advanced nuclear weapons depends on confidence. It depends on reliability. India and Pakistan would not be able to build reliable and sophisticated nuclear weapons under the treaty.

The treaty’s terms also help prevent nations that are seeking nuclear arms from ever developing them into advanced sophisticated weapons. I refer to countries such as Iran and Iraq.

The second major reason for adopting this treaty is that ratification is critical to our ability to enforce and maintain the Non-Proliferation Treaty and another treaty. The NPT is the bedrock of our efforts to stop the spread of nuclear arms to non-nuclear weapon states. Many of the nations that signed the NPT, the Non-Proliferation Treaty, and agreed to its indefinite extension did so on the understanding that there would be a Comprehensive Test Ban Treaty.

The third reason for support is the CTBT will improve the ability of the United States to detect nuclear explosions. Let me repeat that. It will improve our ability to detect current explosions, the status quo compared with today. The international monitoring system will have 321 monitoring stations, including 31 in Russia, 11 in China, and 17 in the Middle East. These stations will be able to detect explosions down to about 1 kiloton, the equivalent of 1,000 tons of TNT—much lower than the kinds of explosions we are talking about in this Chamber. In the case of a suspicious event—that is a report of an explosion that could be nuclear, a mine site, or even an earthquake—any party can request an onsite inspection. With or without a treaty, we must continue all efforts at monitoring nuclear developments worldwide, but the treaty provides a system that far exceeds current capabilities of inspection.

Now, turning to two of the major objections to those who oppose the treaty: Both claim that our actual nuclear tests—that is, explosions—are necessary to ensure that our stockpile of weapons works. We have put in place a science-based Stockpile Stewardship Program. Its purpose is to provide a high level of confidence in the safety and reliability of America’s inventory of nuclear weapons. Under this program, our National Weapons Laboratories spend $4.5 billion each year to check and to maintain these weapons. We do not, and the advanced nuclear weapon cannot explode. The Secretaries of Defense and Energy, with the help of the Directors of the National Laboratories, the Commander of the U.S. Strategic Command, and the Nuclear Weapons Council, must certify every year to the President that the necessary high level of confidence exists.

Do not forget, $4.5 billion a year is spent on this. If they cannot give that certification to the President, the President can then use the so-called Safeguard F. What is that? That is the United States will be able to withdraw from the treaty and test the weapon that is in doubt; that is, if the President is not confident, the President can withdraw.

The Directors of our weapons labs, the Chairman of the Joint Chiefs of Staff, along with four of his predecessors, and an impressive array of Nobel Prize winners believe the Stewardship Program will provide appropriate protection for our national security.

The second objection against the treaty is that it is impossible to verify that all nations are complying with the treaty. That is true. It is true we cannot detect every conceivable explosion at low yields. But our defense agencies have concluded—the Department of Defense—that we will be able to detect tests that will have an impact on our national security. That is the threshold of concern to us.

Let me go through a few likely scenarios that would occur if we reject the treaty. First and most immediate would be on the Indian subcontinent. India and Pakistan matched each other with nuclear tests. Kashmir remains one of the world’s most dangerous trigger points. U.S. rejection of the test ban treaty would destroy our ability to pressure those two countries to halt further nuclear tests. Those countries would likely begin to develop more sophisticated nuclear weapons, heightening the probability of their actual use in the region.

The second adverse consequence of rejection is this: China would certainly prepare for more tests to increase the sophistication of its nuclear arsenal. At present, Chinese nuclear weapons do not pose a strategic threat to the United States. Our rejection of the CTBT would allow them to begin a long-term development program with testing that would make them such a threat.

The PRESIDING OFFICER. The Senator’s 8 minutes have expired.

Mr. BAUCUS. I ask unanimous consent to proceed to 2 minutes.

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

Mr. BAUCUS. The third adverse consequence is American efforts to promote nuclear nonproliferation would become much more difficult because other nations would believe America’s moral authority and its leadership were destroyed by our rejection of the CTBT.

The United States has been the world’s leader in promoting arms control. If we do not lead, no one else will. It is that simple. Our ratification of the Chemical Weapons Convention led to its approval by Russia, by China, and others. Our ratification of the Comprehensive Test Ban Treaty will lead other countries to agree to a complete ban on nuclear explosions.

As a footnote, let me add the American public, by an overwhelming margin, understand the need to control nuclear testing. In a recent poll, 82 percent of Americans responded that they would like to see the treaty approved. That is not a sufficient reason to vote for ratification, but we should take note of the public support that understands the dangers of nuclear testing.

President Eisenhower began the first comprehensive test ban negotiations in 1958 with the goal of constraining the nuclear arms race and halting the spread of nuclear weapons. Mr. President, 31 years later we have an opportunity to make this goal a reality. That is the legacy I want to leave to my son and all the children of Montana, of the United States, and of the world.

I yield 15 minutes to the gracious Senator from North Carolina.
that a post-cold-war world does not
mean a world devoid of duplicity or
danger. That is the dynamic we can
never escape nor ignore. That is the
dynamic that must inform each and
every one of us as we consider the ram-
ifications of the one-zero-yield treaty of un-
limited duration.

The question is not whether we sup-
port nonproliferation measures. We ob-
viously make that as one of our key
national security objectives. The ques-
tion is whether to support a treaty that
is a significant departure from what
when every Chief Executive of the
atomic age, except President Clinton,
had laid down for criteria in any test
ban treaty? Are we going to support a
treaty predicated on a program that is
yet to be tested and may remain
unproven for decades? Are we going to
support a treaty that assumes reliable
verification when we know we cannot
always detect low-level tests, when we
know that rogue nations such as North
Korea, Iraq, or Iran could develop
crude first-generation nuclear devices
with no testing at all? In fact, the CIA
Director George Tenet stated, back in
1997, in response to questions sub-
tmitted to him by the Senate Select
Committee on Intelligence:

Nuclear testing is not required for an
acquisition of a basic nuclear weapons capa-
bility. Tests using high explosive detona-
tions only could provide reasonable con-
fidence in the performance of a first gen-
eration device. Nuclear testing becomes critical
only when a program moves beyond basic de-
signs, incorporating more advanced con-
cepts.

We cannot even verify what is going on
in Iraq with Saddam Hussein. We all recall we set up an onsite inspection
program as a condition for his sur-
render in the Persian Gulf war. Today
he has systematically and unilaterally
dismantled the U.N. weapons inspection
system regime.

So these are the pressing issues that
confront us about the ratification of the
Comprehensive Test Ban Treaty.

That is why I am disappointed, regret-
ting that we have had politics per-
meate both sides of the political aisle,
both ends of Pennsylvania Avenue with
respect to this debate. Because the
ratification of any treaty, and cer-
tainly this one, is a solemn and unique
responsibility for the Senate, and we
should accord this debate the level of
gravity it deserves. It is not just about
procedure. It is certainly not about politics. It is about policy; what is in the best interests of this country as well as the security inter-
est of the world. What is at stake is no
less than our ability to stop prolifera-
tion and to ensure at the same time
the continued viability of our stock-
pile.

When we get into debates about pro-
cedure and process, I think it ignores
the overwhelming magnitude and grav-
ity of the centerpieces of this treaty. We
should not be making this agree-
ment a political football. Duty, a con-
stitutional duty, compels us to look at
the facts before us.

I can tell you, after I sat through
hours of deliberations and testimony
on the Armed Services Committee last
week, the facts are not reassuring. I
know there is an honest difference of
opinion among experts, among former
Secretaries of Defense. You have to
look at the honest difference of opinion
and take pause when you have six
former Secretaries of Defense, two
former Clinton administration CIA Di-
rectors, four former National Security
Advisers, and seven former National
Weapons Labs Directors, all opposing
the treaty before us.

Why? Because they believe a no-test-
ing, unlimited duration policy at this
time would fatally undermine con-
fidence in the reliability of the U.S.
nuclear stockpile as a sturdy hedge
against the aggressive intent of once
and future tyrants. That is a risk we
simply cannot afford to take.

In his words:

It is not just about politics. It is about policy;
that North Korea, Iran, and Iraq, to
name a few, would be able to inflict
major destruction on the United States
within 5 to 10 years of making a deci-
sion to acquire ballistic missile capa-
bilities.

That is what we are addressing today
fundamentally: a treaty that has ulti-
mately been negotiated by this admin-
istration with a noble long-range goal
that almost everyone accepts but one
consideration must be made in the
administration proposes to rely on to mon-
tor the safety, effectiveness, effi-
ciency, and accuracy of the arsenal is
between 10 and 20 years away from
being fully validated and operational,
and one in the reliability of the U.S.

That is 10 to 20 years. We could have weap-
os in our stockpile left untested and
unproven for decades while rogue
states acquire the means of mass de-
stroy.

That is what every Chief Executive of the
(continued)
global arms control. Consider that our successive agreements with the Soviet Union, and now Russia, will eventually reduce the entire American nuclear warhead stock to about 25 percent of its peak size in the cold war. Consider also that we maintain only 9 categories of nuclear weapons today from a level of more than 30 in 1985.

We are making remarkable strides, as we should, on our priorities in the arms control arena. But knowledge about the arms we must sustain as bulwarks against the military conflicts this cannot be lost, and this fact suggests that time has not ripened for the United States to sacrifice a 50-year, fool-proof position to keep the testing option open as unprecedented arms reductions have occurred and must continue. Indeed, the administration itself agrees we need a viable strategic nuclear arsenal to deter conflicts that could arise in critical areas such as the Middle East, the western Pacific, or northern Europe.

In the view of the vast majority of treaty opponents and supporters alike who submitted opinions and testimony to the Armed Services Committee last week, the Stockpile Stewardship Program's low levels of confidence in many aspects of nuclear warhead capability for at least a decade to come and perhaps more. Perhaps Dr. Robinson, the Director of the Sandia National Laboratory, put it best when he told the committee: "Confidence on the reliability and safety of the nuclear weapons stockpile will eventually decline without nuclear testing."

It was expert scientists, not politicians, who told the committee that the Stockpile Stewardship Program brings the U.S. nuclear weapons complex into uncharted waters of reliability.

So, too, is confidence key when it comes to another vital component of this argument: the ability to verify the treaty. At first glance, the technology behind the treaty's verification regime seems air-tight. Article IV of the accord establishes a joint international monitoring system and international data center with a total of 337 facilities around the world. If these installations detect a potentially illegal underground explosion that subsequent diplomacy cannot resolve, the accusing state may request an onsite inspection.

Fair enough, you might say, until you read the fine print. Then you discover that the onsite inspection provision requires an affirmative vote by 30 of the 51 members of the Executive Council of the Comprehensive Nuclear Test-Ban Treaty Organization authorized under article II, an awfully high threshold. Article II does not give the United States or any of its allies permanent or rotating seats on the Council.

That is not all. Science itself throws a wrench into the treaty's verification mechanism. According to a 1995 study by the Mitre Corporation, an established scientific research center, neither the National Technical Means of the United States nor the Monitoring System envisioned by the treaty can detect very low-yield or zero-yield tests. Finally, article V of the treaty establishes three ways to ensure compliance. The most important of these measures entrusts the Conference of States Parties, the treaty's ratifying governments, to refer urgent cases to the United Nations Security Council, a forum in which Russia or China could exercise a veto.

In other words, article V could mean if the United States diagnosed an imminent nuclear danger in a strategic region of the world, Moscow or Beijing might emerge as the final courts of appeal for sanctions or other punitive acts.

The day for a Comprehensive Test Ban Treaty may come where we could have a zero-nuclear testing regime for an unlimited period of time. It may not. Given this, it seems likely that we will be able to verify that level, as well as the low-level detections of other countries when it comes to explosions. But I think we have to consider the facts as we know them now.

I think we have to look very carefully at the troubling aspects of the Stockpile Stewardship Program and whether it is a viable alternative to nuclear testing. In the strategic and scientific communities many say it is not, and many are not willing to make such a commitment. That is what we are predating our nuclear deterrent strategy on.

So we have to vote—if we do vote today or tomorrow—on what we know today. We may know something differently in the future. But I submit that we cannot subject our security interests to what we might know 20 years from now. I hope we will defer the vote on ratification because of all the current concerns. I think we cannot be confident that we would do well to heed the advice of the letter that was submitted to the majority leader asking for deferral, the letter that was written by Henry Kissinger; John Deutch, a former CIA Director for the administration; and Brent Scowcroft, that we should defer until we can give more consideration to all of the issues that are before the Senate with respect to this treaty. I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN addressed the Chair. The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I yield myself 30 minutes. I respect the Senator from Maine very much, as I do the Senator from Indiana, who put out the five-page statement on why he opposes the treaty. I want to speak to some of the things that some Senators have spoken to.

I respectfully suggest the ability of the scientific community to shoot multiple nuclear weapons out of the sky in the stratosphere and make sure not a single one gets through is an even more daunting and challenging program than the Stockpile Stewardship Program. But they seem to have no problem to be ready to abandon the ABM Treaty, which has been the cornerstone of our arms control regime. But they have no faith. I find that fascinating, No. 1.

No. 2, I also find it very fascinating that everybody keeps talking about nonverifiability. I have heard more than once this morning—not from the Senator from Maine but from others—the dictum of President Ronald Reagan: Trust, but verify. That is constantly brought up: There is a reason we can't be for this treaty. We can't verify it.

They say this treaty is not perfectly verifiable. That is true. But it is a red herring. This body has never demanded perfect verification.

Consider Ronald Reagan's treaty, the INF Treaty, that eliminated land-based intermediate-range missiles. That treaty was signed by President Reagan, the same man who coined the phrase: Trust, but verify. Was the INF Treaty verifiable? Give me a break; No; it was not verifiable. It was not.

Listen to what the Senate Intelligence Committee said in response to Ronald Reagan's assertion: Trust, but verify, my INF Treaty. The Intelligence Committee said at the time: Soviet compliance with some of the Treaty's provisions will be difficult to monitor. This problem is exemplified by the unresolved controversy between DIA [the Defense Intelligence Agency] and other intelligence agencies over the number of SS–20's in the Soviet inventory.

Ground-launched cruise missiles pose a particularly difficult monitoring problem as they are interchangeable with long-range Soviet sea-launched cruise missiles.

This is the INF Treaty did not ban. We are concerned that the Soviets could covertly extend the range capability of a cruise missile, or covertly develop a new ground-launched cruise missile which prohibited long-range capability. In an INF/START environment...the Soviet incentive to cheat could increase because we can't be ready to abandon the ABM Treaty...we have no faith. I find that fascinating.
quotes that he fought for the INF Treaty, and others, had no problem saying that was a verifiable treaty. The ability to hide these things in barns, to hide them in haystacks, was greater than the ability of someone to muffle a nuclear explosion.

But no. I did not hear anything over on that side. I did not hear anybody saying: No, that’s not verifiable. I guess that was a Republican treaty. Maybe this is a Democrat’s treaty. Maybe that is how they think about it. But I find this one of the most fascinating things. It really—if my staff gives me one more suggestion, I am going to kill them. It says: The INF was approved 93-5. I thought I kind of made that point clear.

But at any rate, let me point out what else the Intelligence Committee said about that INF Treaty. It said:

Since no verification and monitoring regime can be absolutely perfect—

Let me read it again:

Since no verification and monitoring regime can be absolutely perfect, a central focus for the Committee—

That is the Intelligence Committee—

has been to determine whether any possible infractions would be of sufficient military significance to constitute a threat to our national security interests. This calculus is one which the Senate should bear in mind in its consideration of the treaty.

The Senate Intelligence Committee was right in 1988, and their standard is right today, even though this is pushed forward by a Democratic President instead of a Republican President.

To impose this utterly unrealistic standard of verifiability on Bill Clinton’s test ban treaty, when no such standard was imposed on Ronald Reagan’s INF Treaty, may be an effective “gotcha” in politics, but it clearly does not look to the national interest of the United States.

No inspection—no inspection—by the way, the inspections in the INF Treaty, unless it was on prearranged sites. By the way, those of my colleagues who point out that we have to get 30 or 50 votes, our negotiators are pretty smart. We have 30 to 50 votes based on categories.

Let me tell you how membership on that committee would be determined.

The Executive Council is the decisionmaking body of the Treaty Organization. Among other things, it authorizes disarming.

There are 51 seats on the Council, divided geographically. Ten seats are allocated to parties from North America and Western Europe.

Of these, the treaty provides that “at least one-third of the seats allocated to each geographical region shall be filled taking into account political and security interests, by States Parties in that region designated on the basis of the nuclear capabilities relevant to the Treaty.”

That’s chief negotiator, Stephen Ledogar, told the Foreign Relations Committee on Thursday that “this is diplomatic language” that assures that the United States gets a de facto permanent seat on the Council.

Moreover, he said that there was an agreement among the Europeans and us that we would always have a seat.

Makeup of the Council is: Africa, 10 seats; East/South Asia, 7 seats; Latin America, 9 seats; Middle East/South Asia, 7 seats; N. America/W. Europe, 10 seats; East Asia/Pacific, 8 seats.

There are 2-year terms.

A quick review of the candidates for seats that we should expect, in almost all instances, to get all the votes of the West Europe/North America group. So we start with 10.

Aside from Yugoslavia, Russia, and one of two others, the Eastern Europe group comprises strong United States allies. So that’s another 5-7 votes.

Similarly, many of the Latin American states are either: (1) strong allies or (2) strongly favor the test ban. So we should usually get most of those 9 votes.

That gets us very quickly to the low-mid-20s, in most instances—even being conservative and assuming that we don’t get all the votes in the above 3 groups.

That leaves Africa, 10 seats; Middle East/South Asia group, 7 seats; and the East Asia, 8 seats. There is where our work, depending on the makeup of the Council at the particular time, could get a little harder.

But even then the rosters have U.S. allies, or proponents of non-proliferation.

It is hard to see how we will not get to 30 in most instances.

In truth, it is more likely that most U.S. inspection requests, based on our intelligence and the data from the International Monitoring System, will be easily approved.

It should also be noted that, unlike the U.N., Israel is a member of a regional group, and will automatically get 10 votes. Does it have a special rule that guarantees that one seat within each region be filled on a rotational basis?

We can get 30 votes. We can get 30 votes any time we want. The reason why is we set up the committees the way we did. The flip side of that is, it will be hard for them to get 30 votes because the fact is that our intelligence community is saying we do not want onsite inspections in the United States.

I don’t know what treaty these folks are reading.

Let me make a second point. Here is the one lately that really gets me: The Soviet Union is going to be able to develop very small tactical nuclear weapons. Their judgment—and their strategic judgment—and they do not have the conventional forces capable of doing that—their judgment—and so they are developing, allegedly, a very small tactical nuclear weapon—their judgment. When was the last time we had 10,000 tactical nuclear weapons?

I yield myself such time as I may consume.

They are worried now that they are going to be able to develop another smaller tactical nuclear weapon, as if this treaty has anything to do with that. Come on. Come on. What we should be doing is rejoicing in the fact that the whole emphasis in the Soviet program has shifted to a recognition that they have to defend their homeland—their judgment—and they do not have the conventional forces capable of doing that—their judgment—and so they are developing, allegedly, a very small tactical nuclear weapon—their judgment. Where is that anywhere in this treaty? Where does it say that? Where does it imply that? That is like my standing up and saying: I am very surprised my friends who oppose this treaty want to go to nuclear war; I am very surprised they are advocating nuclear war. That would be equally as unfounded and outrageous a statement as the assertion this treaty is unilateral disarmament.

I will repeat this time and again, and I will yield the floor in a moment. My problem is, we have a President of the United States of America who has sent a formal message to the Republican leader asking that a vote on this treaty
be delayed. Apparently, there is a consensus on the other side, thus far at least, not to allow it to be delayed. This is the total politicization of a national security debate. Could anyone have imagined before this came up, if a President, with the delay, unless it was for stark political reasons? I can’t fathom this one. I can’t fathom this. I wasn’t sure the President should have sent the letter in the first place.

If this treaty is defeated and India and Pakistan test, we are going to find ourselves in the ugliest political brawl we have seen in this place since Newt Gingrich left the House. You are going to have Democrats standing up on the floor saying: The reason why India and Pakistan test is because the Republicans defeated this treaty and gave a green light. That is not a provable assertion, but mark my words, we are going to hear it. Then the response is going to be even more political.

We have a deep breath. My mom always said, when you lose your temper, take a deep breath, count to 10. Not that I have ever lost my temper in my life. You can tell I am not at all passionate about any of these issues. But I am the only Democrat who has said that the United States has asked this treaty vote be delayed. It seems to me it is common courtesy and totally consistent with national interests to grant that request.

I will speak to other aspects of this. Let me conclude by saying two things: One, to move to a very small tactical nuke on the part of the Russians is an absolute outward admission that they lack the capability in their minds for fighting both conventional and nuclear war. If they had come to us—say to my friend from Massachusetts who knows a great deal about this—we would have prepared to vote to pay them $10-, $20 billion if they would stop developing intercontinental ballistic missiles that had the capacity to penetrate our airspace and in all probability hit hardened targets here. If they had said to us, we won’t do this, this is going to be a very small tactical nuke, we would have paid them to do that. Now we hear on this side, if we pass this treaty, they are going to build tactical nuclear weapons that are very small, smaller than the 10,000 they now have and are able to have and legally can have. That is a very bad thing. That is why we should reject this treaty. So we encourage the Chinese to go from 18 to 800 or 8,000 nuclear weapons that have MIRV capability and are thermonuclear in capability. That is wonderful reasoning. That is wonderful reasoning.

There are legitimate arguments against this treaty, which I believe do not rise to the level of being against a treaty, but I haven’t heard them made this morning, with all due respect. I yield the floor.

Mr. HELMS. Mr. President, I yield to the Senator from Arizona.

Mr. KYL. Mr. President, I want 30 seconds with the delay, unless it was for stark political reasons? I can’t fathom this one. I can’t fathom this. I wasn’t sure the President should have sent the letter in the first place.

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Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDENTING OFFICER. The Chair recognizes the Senator from Massachusetts, Mr. KERRY.

Mr. KERRY. Mr. President, I want to thank the Chair from Delaware for his terrific leadership on this issue over the last few days, and for a long period of time.

Let me quickly address, if I may, one point. The Senator from Delaware a few moments ago referred to the strange dynamic that has set in here in the Senate. I just want to underscore that, if I may, for a moment.

I grew up, as many of us did, looking at the Senate with a sense of great respect and awe for the capacity of the American people to come together around the most significant national security issues that faced the country. I think all of us always looked at this institution as the place that, hopefully, could break through the emotions and find the most common sense solution that is in the interests of the American people.

Some of the great history of the Senate has been written here. Those mo-
going to argue with those who don’t like the way a particular compromise was arrived at in the treaty, or that think a particular principle might have been fought for harder and the absence of victory on that particular principle somehow weakens the overall implementation of the Treaty.

The negotiating record—which has been subject to great scrutiny in recent days—reflects as many compromises from the original U.S. position as triumphs of our objectives. There are legitimate reasons for concern that we did not achieve all of the original goals of the United States in negotiating this Treaty. I certainly take to heart Secretary Weinberger’s admonition that you should not want the end goal so much that you give up certain substance in arriving at that end goal. I think that is a laudable and very important principle around which one ought to negotiate.

But my colleagues in this body understand the need for most of the necessity of compromise in finding pragmatic solutions to the many difficult problems we face. And the compromises we agreed to in the CTBT will allow us to achieve the nonproliferation goals we seek.

What has often been lost throughout this debate is that the United States enjoys a tremendous technological advantage over the other nuclear powers in both the sophistication of our weapons and our ability to maintain them reliably. The Administration and the Congress initially agreed to seek a test ban that would permit only the lowest-yield nuclear tests, which was soundly rejected by our negotiating partners because it would essentially ensure that only the United States, with the technical capacity the others lack to conduct those low-yield tests, would be permitted to continue testing its nuclear stockpile.

As Representative Stephen Ledogar—the head of the U.S. negotiating team—testified before the Foreign Relations Committee last Thursday, the other four nuclear powers argued that they needed a higher threshold in order to gain any useful data. Russia argued that, if a testing threshold were to be established for the five nuclear powers, it should allow for nuclear yields of up to ten tons of TNT equivalent, hardly a level that constituted an effective testing restriction.

Our negotiators quickly rejected that idea, and President Clinton decided the best way to resolve the impasse and protect U.S. interests would be to pursue a policy of zero-yield—a ban should be a ban. The Russians were not happy with this proposal, for once we pushed them they persuaded to accept a total ban on any nuclear test that produced any nuclear yield.

Clearly, the United States would have been better off if we had been able to negotiate a test ban that allowed us to continue testing. But it is ridiculous to argue that, because the CTBT does not protect the U.S. advantage it represents a dangerous capitulation on our part. To implement and verify a zero-yield test ban, we need not be worried about distinguishing between a low-yield test and a medium-yield test to determine if the Treaty has been broken. Any test of a plutonium-fueled weapon is a violation. In this regard, the Treaty’s strength is in its simplicity.

Second, critics argue that we shouldn’t ratify the CTBT because we can’t verify compliance. There has never been an arms control treaty that is 100% verifiable, and the CTBT is no exception. We will not be able to detect nuclear tests down to the most minute level of nuclear yield. But we will be able to verify that the Test Ban is accomplishing what it is meant to accomplish: an end to nuclear testing that advances the sophistication of current nuclear stockpiles or the development of new nuclear stockpiles.

The key to a successful verification system is that a potential violator must believe that the risk of getting caught is greater than the benefit of the violation. The lower the yield of the nuclear test, the smaller the chance of detection by seismic means. But at the same time, the amount of useful information one could get by conducting a low-yield clandestine test would be limited. As a result, a potential violator would likely decide that the risk of getting caught is greater than the benefit of conducting the test. Adding a zero-yield test threshold will not allow any developing weapons program to approach current U.S. capabilities.

For those who are concerned about the danger from low-yield nuclear testing, I would also argue that defeating this treaty will make it more difficult, not less, for the United States to detect those tests by denying us the benefits of the International Monitoring System that will verify the CTBT. The International Monitoring System will include 50 primary seismic monitoring stations and an auxiliary network of 120 stations, 80 radionuclide stations for atmospheric measurements, 11 hydroacoustic stations to detect underwater signals, and infrasound monitoring as well. This system will be augmented by the very powerful national intelligence-gathering technologies currently operated by the U.S. and others.

The CTBT also allows any state party to request an on-site inspection of a questionable seismic event. The Treaty calls for on-site inspection requests to be submitted to the Executive Council of the CTBT Organization—the body charged with implementing the Treaty—along with supporting data, collected either from the monitoring and data mechanisms established under the Treaty or from national technical means. The Executive Council will have representatives from all nations that either make nuclear tests or region that will rotate membership on the Executive Council on a set schedule. The United States has reached agreement with the nations in our region that we will always be one of the 10 nations representing our region, so we will always have a vote on the Executive Council.

Thirty of the 50 members of the Executive Council must agree to an on-site inspection request. Critics have argued that it will be very difficult for the United States to garner the support of 30 nations to allow for an on-site inspection. They argue that our traditional adversaries will use the Executive Council to block inspections that are necessary to protecting the U.S. national interest.

It is true that countries such as North Korea, Iran, Iraq and their few supporters can be counted on to block U.S. and other requests for on-site inspections. However, most of the nations of the world have no interest either in pursuing nuclear weapons or allowing their neighbors to pursue them unchecked, which is why this Treaty will enjoy such strong support throughout the international community.

Rogue nations would have to find support among more than 40 percent of the Executive Council to block our request for an on-site inspection. But it is extraordinary that nations would not be able to persuade at least 30 members of the merits and importance of our inspection request.

The CTBT will give us access to tools that we otherwise would not have for monitoring nuclear testing and for on-site inspection of seismic events that we do not fully understand. Defeating the treaty would deny our intelligence community the additional benefits of those additional tools.

Third, critics argue that the CTBT will not end nuclear proliferation, because key countries of proliferation concern will not sign or ratify. This is an important argument, because it goes to whether this Treaty can accomplish the fundamental purpose for which it is designed—stopping the proliferation of nuclear weapons.

It is true that countries will halt nuclear testing, or not, based on a calculation of their own national interest. But by creating an international norm against nuclear testing, the CTBT will add a powerful factor in a rogue nation’s assessment of whether its national interest will be helped or harmed by the conduct of a nuclear test. A nation that tests will face considerable costs to its political, economic and security interests.

U.S. ratification of the CTBT will lay the basis for universal enforcement of the Treaty, even against the few nations that may not sign.

The CTBT is a critical component of broader U.S. strategy on nuclear nonproliferation, which has the Nuclear Non-Proliferation Treaty (NPT) at its core. In 1995, states parties to the NPT agreed to extend that Treaty indefinitely. The United States has been a strong supporter of the NPT and is committed to its renewal. A nuclear nonproliferation treaty is the world’s largest arms control effort, based on the commitment of the declared nuclear weapons states to conclude a CTBT. The failure of the United States to ratify
the CTBT will seriously undercut our ability to continue our critical leadership role in the global nuclear non-proliferation regime.

Formal entry-into-force of the Treaty requires ratification by the 44 countries that have nuclear power or nuclear research reactors and are members of the Conference on Disarmament. And in my mind, it is altogether apparent that a treaty banning the testing of nuclear weapons requires the participation of all the clear-capable states before it can enter into force. Of those 44, 41 have signed the CTBT, and 23 have ratified. All of our allies have signed the Treaty. Russia and China have signed the Treaty. Only India, Pakistan and North Korea have not signed.

Now, some have argued that the United States should be in no hurry to ratify the Treaty, that we should wait until the United States has ratified the CWC, Russia, China, and North Korea have ratified. They worry that the United States will forfeit its ability to conduct nuclear tests with no guarantee that the countries we are most concerned about will make the same commitment. But the United States has already concluded that we do not need to conduct nuclear tests to maintain our vast nuclear superiority.

No one on the other side of the aisle is arguing we should go out and test tomorrow. Why? Because we don’t need to test tomorrow. We don’t need to test next year. We don’t need to test for the foreseeable future, according to most scientists in this country, because we don’t need the new explosion itself for the purpose of safety and for making judgments about the mechanics of both the electrical and mechanical parts of a nuclear warhead.

The CTBT binds us to a decision we have already made, because is it in our national interests to stop testing. And if, at some point down the line, it becomes necessary to resume testing to preserve the reliability of our nuclear deterrent, we can withdraw from the Treaty to do so.

Clearly, we want countries like India and Pakistan to ratify the Treaty and commit themselves to refraining from nuclear testing. Aren’t we more likely to convince them to do this if we ourselves have already ratified the Treaty? As Secretary Albright correctly pointed out on Thursday, waiting is not a strategy. During the debates on the Chemical Weapons Convention, there were those who advocated taking this passive approach to protecting our interests. But in fact, after the United States ratified the CWC, Russia, China, Pakistan, Iran and Cuba followed our lead. The best chance for achieving the non-proliferation goals of the CTBT is for the United States to lead. If the Senate were to reject the Treaty, international support for the test ban would be gravely undermined, and countries like India and Pakistan would have no reason to refrain from continued testing.

Aren’t we better off with a treaty that gives us the capacity to monitor, the capacity to continue to show leadership with India and Pakistan, the capacity to set up a process with China before the Chinese test in a way that gives them the ability to translate the information stolen—referred to in the Cox Report, and others—all acknowledge that at this point in time China has not created a new weapon that concerns nuclear weapon capacity, using our information. And we know that, in order to do so, using on our information, they have to test. China has signed the treaty, and is prepared to adopt the restraints of this treaty. Those who argue that we are better off allowing China the window to go out and test and now profit from what it has stolen elude all common sense, in my judgment. How would the United States be better off with a China that is allowed to test and translate the stolen information into a better weapons system? That is not answered on the floor of the Senate. But some argue that that is the way they would like to proceed.

U.S. ratification of the CTBT won’t end nuclear proliferation, but U.S. rejection of the Treaty undermine the credibility of U.S. leadership on non-proliferation, which will jeopardize U.S. work to prevent North Korea from developing nuclear weapons, to eliminate weapons of mass destruction in Iraq, and to block the sale of sensitive technologies that could contribute to proliferation.

Finally, critics argue that the United States will not be able to maintain a reliable nuclear deterrent without nuclear tests. I take very seriously the argument that, without nuclear testing, the credibility of the U.S. nuclear deterrent will be undermined. The security of the American people—and the security of our allies around the world—depends on maintaining the credible perception that an act of aggression against us will be met with an overwhelming and devastating response. If I thought for a minute that U.S. ratification of the CTBT would undermine this deterrent, I would not—I could not—support it.

In fact, the United States has today and will continue to have in the future high confidence in the safety, reliability and effectiveness of our nuclear stockpile. This confidence is based on over 50 years of experience and analysis of over 1,000 nuclear tests, the most in the world.

Most of the nuclear tests the United States has conducted have been to develop new nuclear weapons; for the most part, we use non-nuclear tests to ensure the continued reliability of our nuclear arsenal.

This is a key point—even with no test ban, the United States did not rely primarily on detonating nuclear explosions to ensure the safety and reliability of our nuclear stockpile. Most of the problems associated with aging nuclear weapons will relate to the many mechanical and electrical components of the warhead, and the CTBT does not restrict testing on these non-nuclear components. Moreover, we have already proven that we can make modifications to existing designs without nuclear testing. In 1998, we certified the reliability of the B-61 Mod 11, which replaced an older weapon in the stockpile, without conducting a nuclear test.

Looking to the future, the center of U.S. efforts to maintain our nuclear stockpile is the Science Based Stockpile Stewardship program, initiated by President Clinton in 1992. This 10 year, $45 billion program has four major objectives: to maintain a safe and reliable stockpile as nuclear weapons age; to maintain and enhance capability to replace and certify nuclear weapons components; to train new weapon scientists; and to maintain and further develop an operational manufacturing capability.

And it is already working. Since our last test in 1992, the Secretaries of Defense and Energy and the Commander-in-Chief of Strategic Command have certified 3 times (and are laboring to certify for the fourth time) that the U.S. nuclear stockpile is safe and reliable. It is only in the distant future—2010 perhaps, but we don’t know the answer to this yet—that conceivably the physical package of a nuclear weapon might reach the level of deterioration that might not be able to be replaced with totally new parts and therefore might somehow lessen our nuclear deterrent capacity. To enable us to respond to such a situation, President Clinton has established six Safeguards that define the conditions under which the U.S. will remain a party to the CTBT.

Presidential Safeguards A through F, as they are known, outline the U.S. commitment to maintaining a science-based stockpile stewardship program to insur a high degree of confidence in the reliability of the U.S. nuclear stockpile. The final safeguard, Safeguard F, states U.S. policy—as embodied in the official negotiating record of the CTBT—that, if the President is advised that the safety or reliability of the U.S. nuclear stockpile can no longer be certified, the President, in consultation with the Congress, will withdraw from the CTBT under the “supreme national interest” clause of the Treaty.

Now, critics of this Treaty have suggested that a future President, upon learning from his Secretaries of Defense and Energy that the nuclear stockpile can no longer be certified, and upon confronting all the scientific data that tells him our nuclear deterrent is eroding, will somehow fail to act—fail to invoke the “supreme national interests” clause and withdraw the United States from the Treaty. I ask my colleagues—Is there anyone who, when confronted with this information, would hesitate to act? When the Congress is informed of the status of the
nuclear arsenal—and those reports are given in full to the Congress—is there anyone who doubts that the Congress would immediately demand that the White House take action to protect our nuclear deterrent?

Surely, the critics of this Treaty who doubt that a President could find the political will to withdraw the United States from the CTBT when our “supreme national interests” are at stake aren’t suggesting that there is a confluence of factors that would possibly place the sanctity of a treaty above the sanctity of the lives of the American people. No one can tell me that any President of the United States is going to diminish the real national security interests of this country against some desire to keep a treaty in effect for the sake of having a treaty if, indeed, doing so will threaten the real interests of this Nation.

U.S. ratification of, and adherence to, the CTBT will not jeopardize our nuclear security, because the United States does not today, and will not tomorrow, rely on nuclear explosions to ensure the safety and reliability of our nuclear stockpile. We have embarked on a high-tech, science-based Stockpile Stewardship Program that will allow the United States to maintain the superiority of its nuclear arsenal. And in the event that we cannot certify the reliability of our nuclear deterrent, we have given notice to our negotiating partners that we will not adhere to the CTBT at the expense of our supreme national interests.

So, in effect, we are talking about what we could achieve by passing this treaty and showing leadership on the subject of implementing an international regime of monitoring and of nonproliferation, versus continuing the completely uncontrolled capacity of nations to provide a true threat to the United States.

Mr. President, critics of this Treaty argue that the United States today faces too many uncertainties in the realm of nonproliferation to commit ourselves to a leadership position on the CTBT. I can not speak to those uncertainties, but of the following, I am absolutely certain: if the Senate rejects the Comprehensive Test Ban Treaty, there will be more nuclear tests conducted around the world, not fewer, and we will be no better equipped here today to detect and monitor those tests; the U.S. nuclear arsenal will not be made more reliable—and other nuclear nations will have the freedom to conduct the necessary tests to bring their weapons on a technological par with our own, undermining the strength of our nuclear deterrent; and finally, the American people will be more vulnerable, not less, to the nuclear danger, because we will have underwent more than 30 years of work to build and fortify international norms on nuclear non-proliferation.

The Senate has before it today an opportunity to send a signal to the world that the United States will continue to lead on international efforts to reduce the nuclear danger. We also face the prospect of acting too soon, after too little time for deliberation, and sending a signal that the United States can no longer be counted on to stand against the forces of nuclear proliferation.

It seems to me that when the President of the United States makes a request in the interest of our Nation to the Senate to delay a vote, it is only politics that would drive us to have that vote notwithstanding that request.

My plea would be to my colleagues in the Senate to remember the capacity to cool down a little bit, to have a vote that delays the consideration of this treaty so that we may proceed to answer properly each of the questions raised by those who oppose it, and, if need be, make changes that would not send the message that the United States of America is rejecting outright this opportunity to embrace a policy that from Eisenhower on we have fought to try to adopt.

I hope that the leadership of the Senate on both sides of the aisle can be prevailed upon to prevent a tragic misstep that I fear will have grave consequences for the strategic interests of the United States and our friends and allies.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, parliamentary inquiry, please. Somewhere down the road we are going to try to wise to yield back time. That would not forbid a Senator on this side from suggesting the absence of a quorum or any other routine motion of the Senate. Is that correct?

The PRESIDING OFFICER. That is not correct. The Senator would have to have debatable time left or there would have to be a nondebatable motion. There would have to be debatable time left or there would have to be a nondebatable motion before a Senator would be able to suggest the absence of a quorum.

Mr. HELMS. Very well. I thank the Chair for the information.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to my colleagues on the Democratic side who want to speak on this treaty, if I may, we are going less than 1 hour—approximately 1 hour—left under the control of the Senator from Delaware, and I3 Members wish to speak to it; and, further, if my Republican colleagues conclude that they wish to yield back their time, the time is going rapidly as we approach this vote. I urge Senators, if they wish to speak, to be prepared, as my friend from the State of Connecticut is, to speak for 5 minutes.

I yield 5 minutes to my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Delaware.

As I have listened to my colleagues during this debate, I feel as if the Senate has backed itself at least into a procedural corner in the midst of a policy disagreement.

This is not the first time this has happened in the history of the Senate—not even in the 10½ years I have been here. But this is one of the most critical of all times we have faced a vote. For it seems to be a combination of reasons that are part ideological, part partisan, and part just plain personal. I hope we can find a way to work ourselves out of this corner because the stakes here are high.

As the debate has been going on, I have been thinking about the two big debates that have occurred here in the decade that I have been privileged to serve in this body. One was the gulf war debate, and the other was the Middle East peace accords, the Oslo accords.

I think of the gulf war debate because I remember as President Bush deployed a half million troops on the gulf that I thought we were going to delay a vote. But this was dismayed at how the reaction to that act by President Bush was dividing along partisan lines. It didn’t seem like a partisan question to me. People could have good faith opinions on both sides. The opinions were not based on party affiliation.

I have the same feeling as I listen to this debate, and watch the lines harden. Something unusual and unsettling has happened to our politics when party lines divide us so clearly and totally on a matter of national security. That is not the way it used to be in the Senate. And that is not the way it ought to be.

The same is true of the procedural debate in which we have come. We have a President—and those of us who support this treaty—acknowledging that the votes are not there to ratify it now. That says that the opponents of the treaty have won.

So why push for the vote? If the President of the United States has asked that it be delayed because of his fear of the consequences of a vote failing to ratify on nuclear proliferation, this is not political. This goes to the heart of our security and the hopes and fears we have for our future and our children’s future.

But I will say if there is one thing, in my opinion, that would be worse than the preceding analysis, and though we know those who oppose ratification of the treaty have won. That would be for us as a majority to voluntarily say that we will prohibit the President or ourselves from raising the question of the treaty again for the next year and a half. I think to do that would send an even worse signal to India, to Pakistan, to China, and to Russia.

Let’s keep the hope of a more secure world alive. Let’s acknowledge that we have a common goal.

Is anybody for nuclear proliferation? Don’t we all agree that the atmosphere...
is cleaner and the likelihood of nuclear proliferation less if nations can't test? Can't we find a way across party lines to do what we have done with other treaties—to adopt reservations or safeguards, or conditions which allow enough of us to come together to ratify this treaty? Why are we heading toward a wall from which there will be no good return and no good result?

I have also been thinking of the Middle East peace accords and the Oslo accords because I remember what Prime Minister Rabin of Israel said.

If you are strong you can take risks for peace.

We are the strongest nation today in the history of the world. When it comes to strategic nuclear weapons, we are the dominant. We have more than 6,000. If, tragically, for whatever reason, a few of them don't work we have such—in the marvelous term of the Pentagon—"redundancy" that we have thousands of others that we can rely on in the dreaded scenario that we might need to use them.

This treaty promises to freeze our advantage in nuclear weapons. Since we are the strongest nation in history and this treaty may well make us more dominant, terrible arsenals of nuclear weapons, why would we not want to take the risk of ratifying this treaty? It is, in my opinion, a very small risk for increasing peace and security for all—for our children, for our grandchildren. If we decide that testing is once again required by the United States in pursuit of our national interests, that option is protected. The treaty language is very clear: We can—and I am sure we will—withdraw.

My appeal in closing is to say, Can't we find a way to come back to some sense of common purpose and shared vision of a future? Both sides have said on the floor that nuclear proliferation is one of the great threats to our future. We are hurtling down a path, as this dreadful power spreads to other countries of the world, many of them rogue nations, where we cannot rely on the bizarre system of mutual assured destruction that saved the United States from nuclear war during the cold war. If an accident becomes more likely, the consequences will be dreadful. Can't we find a way to avoid good-old-fashioned gridlock, which is survivable on most occasions in this Senate, but I think potentially devastating on this occasion?

I appeal to my colleagues on the other side, whether there is or is not a vote now on this treaty, let's get together and figure a way we can sit, study the matter, talk to people in the Pentagon and people in allied countries, and see if we cannot find a way to agree on enough reservations, safeguards, and conditions to come back, hopefully next year, and ratify this treaty.

Yield the floor.

Mr. BIDEN. Parliamentary inquiry: If we go into a quorum call at this point, the time is taken out equally from the opponents and proponents; is that right or wrong?

The PRESIDING OFFICER. It takes unanimous consent to be charged equally. Otherwise, the time will be charged against the side which suggests the quorum call. Mr. BIDEN, I thank the Chair.

Mr. President, I yield 10 minutes to the Senator from Massachusetts, Mr. KENNEDY.

Mr. KENNEDY. Mr. President, this may be one of the most important debates the Senate will have in this recent time. In my view, the ratification of the Comprehensive Test Ban Treaty is the single most important step we can take toward ridding the world of nuclear war. Surely we are in no position to hold a premature vote today or tomorrow on this.

After 2 years of irresponsible stonewalling, the Senate has finally begun a serious debate on this treaty. This debate should be the beginning—not the end—of a more extensive and thoughtful discussion of this extremely important issue. The stakes involved in whether we sign and ratify this treaty are clear. Our decision will reverberate throughout the world, and could very well determine the future of international nuclear weapons proliferation for years to come.

We have a unique opportunity to help end nuclear testing once and for all. The United States is the world's premier nuclear power. The Comprehensive Test Ban Treaty locks us into that position. No other nations have the capability to test their nuclear arsenals safely and reliably without testing. We have that capability now, and the prospects are excellent that we can retain that capability in the future.

Over the past 40 years, we have conducted over 1,000 nuclear tests. We currently have extensive data available to us from these tests—data that would provide us with an inherent advantage under the Test Ban Treaty. In fact, the Nobel Prize winning physicist and former Director of the Theoretical Division at Los Alamos Laboratory, stated in an October 3 letter to President Clinton,

"Every thinking person should realize that this treaty is uniquely in favor of the United States. We have a substantial lead in atomic weapons technology over all other countries. We have tested weapons of all sizes and shapes suitable for military purposes. We have no interest in and no need for further development through testing. Other existing nuclear powers would need tests to make up this technological gap. And even more importantly, a test ban would make it essentially impossible for new nuclear powers to emerge.

As the foremost nuclear power, other nations look to us for international leadership. We led the negotiations for this treaty. We were the first of the declared nuclear powers to sign the Treaty. Yet, now, because of our inaction and irresponsibility, we have made it necessary for the leaders of three of our closest allies to plead with us not to defeat the Treaty."

These three leaders—Prime Minister Chirac of France, Prime Minister Blair of Britain, and Chancellor Schroeder of Germany—wrote in an OpEd article in the New York Times last Friday that, "Failure to ratify the Comprehensive Test Ban Treaty will be a failure in our Security Council representation, a stabilizing effect of the Non-Proliferation Treaty, extended in 1995, would be undermined. Disarmament negotiations would suffer." They also go on to say that, "Rejection of the treaty in the Senate would remove us from any other states still hesitating about whether to ratify it. Rejection would give great encouragement to proliferators. Rejection would also expose a fundamental divergence within NATO."

Our relationship with our most valuable allies is on the line. It would be the height of irresponsibility for the United States Senate to send the world a message that we don't care if other nations test nuclear weapons or develop their own nuclear arsenals. Surely, the risks of nuclear proliferation are too great for us to send a message like that.

The United States stopped conducting nuclear tests in 1992. Doing all we can to see that other nations follow suit is critical for our national security. Russia and China have both indicated that they are prepared to ratify the Treaty if the U.S. ratifies it. If the Senate fails to ratify it, the treaty result is a dangerous new spiral of nuclear testing and nuclear proliferation.

Many of my colleagues have spoken about the fact that there is no guarantee about this Treaty. I argue that there is one guarantee—if we fail to ratify the Treaty, the consequences are grave, and could be catastrophic for our country and for all nations.

Last week, we held hearings in the Armed Services Committee with the and I commend the distinguished Chairman and Ranking Member of that Committee for taking the lead on this extremely important issue. We listened to expert witnesses on both sides of the aisle, as they presented testimony on the Treaty and the Stockpile Stewardship Program.

General Shelton, the Chairman of the Joint Chiefs of Staff, testified that it was the unanimous conclusion of all of the Joint Chiefs, that the Treaty is in our national interest. General Shelton said, "The CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world will be a safer place with the treaty than without it, and it is in our national security interests to ratify the CTBT."

Some of my colleagues have referred to the Treaty as "unilateral disarmament." This characterization is grossly inaccurate, both in policy and in practice. A key element of our adherence to the Treaty, with the Administration's safeguards, is the Stockpile Stewardship Program.
Last Thursday, in the Armed Services Committee, each of the directors of our nuclear labs testified about that program. John Browne, the director of Los Alamos National Laboratory, said, “Through the Stockpile Stewardship program, we intend to demonstrate a technique in weapons relevant science and engineering that will project confidence in our nuclear capability. This technical excellence will be evident in our unclassified publications and presentations at scientific conferences. Other countries will see these accomplishments and will understand their connection to the quality of our weapons programs.” With the Stockpile Stewardship Program, we will still be able to maintain a powerful nuclear deterrent.

Critics argue that the Treaty’s not 100 percent verifiable. In reality, the Treaty enhances our current ability to monitor nuclear testing worldwide. It establishes an International Monitoring System, which creates a network of 321 testing monitors. We would get all of the benefits of this larger system and only have to pay 25 percent of its total cost. The Treaty also establishes an on-site inspection system. Perhaps most important, it will hold other nations accountable for their actions, and require them to provide explanations for suspicious conduct.

We also have a safety valve in the Treaty—Safeguard F. The Administration has sent this Treaty to the Senate as a stand-alone document. They sent it here with six Safeguards under which, and only under which, the United States will adhere to the Treaty.

As Safeguard F states, adherence to the Treaty is explicitly conditioned on: . . . the understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy of a high level of confidence in the safety or reliability of our nuclear weapons can no longer be certified, the President, in consultation with Congress, can withdraw from the Treaty.

The importance of this safeguard cannot be overstated. It ensures that we will be able to do what is necessary to maintain our nuclear arsenal.

President Kennedy, in his address to American University on June 10, 1963, spoke about the issue of verification while discussing the Limited Test Ban Treaty, he said.

No treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can—if it is sufficiently effective in its enforcement and if it is sufficiently in the interests of its signers—offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

These words still hold true today. The risks posed by ratification of the Comprehensive Test Ban Treaty pale in comparison to the risks posed by our non-testing—a world that would be far safer from the danger of nuclear war.

Voting on the Comprehensive Test Ban Treaty is one of the most important decisions that many of us will ever make. This vote holds profound implications not only for our generation, but for all the generations in the future. It makes no sense to risk a premature vote now that could result in rejection of the Treaty. As the poet Robert Frost pointed out, “Two roads diverged in the wood and I—/ I took the one less traveled by, / And that has made all the difference.”

I reserve the remainder of my time and yield it back to Senator BIDEN.

Mr. BIDEN. Mr. President, I will yield myself 5 minutes.

The argument has been made that the United States will not be able to modernize its deterrent arsenal to meet new threats or encounter new technologies under the Strategic Test Ban Treaty, and that is why billions are saying we cannot go ahead with this treaty.

I want to make it clear, the test ban treaty does not prevent us from adapting most operational characteristics of a nuclear weapon to changing military missions, should we determine we have to do that. Many important parts of a nuclear weapon can confidentially be developed, tested, and integrated into nuclear weapons without any nuclear tests because they do not involve changes in the primary or secondary components of the warhead; that is, the so-called physics package.

Dr. Paul Robinson, the Director of the Sandia National Laboratory, told the Armed Services Committee on Thursday night:

Adapting deployed nuclear designs to new delivery systems, or even other delivery modes, is not constrained by the elimination of nuclear yields. For example, if we determine that the new weapon is operationally simpler, a weapon system with a smaller yield is possible. And that is the key to modernizing the United States nuclear deterrent.

Let me put this in ordinary English. We keep being told here what has happened is, if we sign on to this treaty without this Stockpile Stewardship Program being fully completed, we are going to put ourselves at great disadvantage, amounting to nuclear disarmament; we will not be able to modernize our systems, and our systems are going to atrophy.

Dr. Robinson, the Director of Sandia, went on to say that a prominent success in the Stockpile Stewardship Program that is working now. We have nine deployed systems, nine different kinds of nuclear bombs. One of them is the B61 Mod-7 Strategic bomb. That was adapted without any nuclear tests. I have a photograph of that I will hold up now. That is a B-1 bomber. That red missile that is being dropped out of the belly of that bomber is a nuclear mission. It is not dropped out of the belly of any other weapons system.

What was the different requirement? The military said they needed a nuclear weapon that could destroy targets that were buried very deeply in the ground, and that Mod-7 version of the B61 nuclear warhead could not do that. So without any nuclear test, they tested a new system. It is called the Mod-11. That can penetrate the Earth dramatically and destroy deeply buried targets.

This picture illustrates an important fact. You can test nearly everything in a nuclear weapon so long as you do not put enough nuclear material in it to cause an uncontrolled chain reaction. We did not set off this bomb, but we did test the bomb. You can take the plutonium out of the bomb, and put uranium in the bomb, and you can test it. It just doesn’t set off this uncontrolled chain reaction. So this idea that we cannot change anything in our arsenal if we sign on to this is simply not correct.

By the way, the JASON Group, which is the most prestigious group of nuclear scientists in the United States of America, studied this, and they said the Strategic Test Ban Program can maintain all of our systems. One particular member of that group, testifying before the committee, Dr. Garwin, points out that we can from exchange entanglements: that is the plutonium and that secondary package, that device that explodes it, that blows up. In my visual image of it, the best way to explain it, as I was trying to explain it to my daughter who is a freshman in college, if you think of the Stockbridge apple, the Stockbridge apple is the plutonium, and you have to have something to ignite it, set it off. So there is a secondary explosion that takes place, and it shoots all these rods into this plutonium at incredible speeds.

I yield myself 2 more minutes.

What happens is it detonates the weapon, this chain reaction starts, and you have a thermonuclear explosion.

The question has been raised whether or not we figured out that this plutonium was no longer either stable or functional or was not reliable, could you take out of the warhead the thing that makes it go boom, the thing that causes the chain reaction, the thermonuclear explosion, and just put a package in? Dr. Garwin says you sure can do that, without testing, without nuclear tests.

This year, the first W-87—that is another warhead—life extension unit was assembled in February for the Air Force at the Y12 plant in Oak Ridge. It met the first production milestone for the W-87 life extension.

These are major milestones and successes in the Stockpile Stewardship Program. I might add, as my friend from Massachusetts knows, nobody is suggesting we start to test now—nobody that I am aware of. I should not say nobody. Nobody I am aware of. There may be somebody suggesting it.

Presentation of the option of modernizing our nuclear arsenal is not a surrender to counter-emerging defensive technologies, the phrase you hear, does not require ongoing nuclear testing. The most likely
countermeasures would involve changes to the missile and its reentry system, not to the nuclear explosive. It is a red herring to suggest if we sign on to this treaty, we are locking ourselves into a system that is decaying and moving into atrophy and we are giving ourselves some sort of essential argument.

Mr. BIDEN. Will the Senator yield for a question?

Mr. KENNEDY. I will be happy to yield.

Mr. BIDEN. There were some questions raised in the Armed Services Committee.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BIDEN. I yield time to the Senator.

Mr. KENNEDY. What assurances will we have that there will be continued funding for the Stockpile Stewardship Program? I imagine that the Senator agreed that we need a concern here that we would be glad to make funding for the Stockpile Stewardship Program mandatory. And, I doubt that there would be any hesitancy, on the part of our colleagues, to get broad support for this in the Senate, if that was what was needed. Ensuring funding for this important program wasn't an issue or a question.

Many of the witnesses at the hearings said: "How do we know there will be continued funding? They may very well cut back that program." Is this another area about which the Senator is concerned, that we don't know whether, year-to-year, the funds will be available for the Stockpile Stewardship Program.

Can he give us some insight about his own thinking on how we can give assurances to the lab directors that there will be adequate funding for that program in the future?

Mr. BIDEN. The Senator, as usual, puts his finger on one of the incredible flaws in our opponents' reasoning. They engage in circular reasoning. It goes like this: Without spending money on the Stockpile Stewardship Program, roughly $1.5 billion a year for 10 years, we will not be able to attain, when the shelf life of these weapons is reached 10 years out or more, a degree of certainty that they are reliable and safe.

You say: OK, we will fund it; we are for it, and the President sends up that number? Then they say: But we have a problem. Our Republican friends in the House won't vote for that much money, and we had to fight too hard to get it and they probably won't do it next year. The reasoning why, they go on to say, I am against this, although I think if we funded it, it would work and it would make sense, is my Republican colleagues in the House probably won't fund it; therefore, I can't be for this treaty because you guys are not funding the program.

I find that absolutely fascinating, but it is the circular reasoning which is being engaged. It strings together a group of non sequiturs that end up leading to a conclusion that makes no sense.

The Senator has been here longer than I. Can he imagine, if we vote this treaty down and other nations begin to test, and those who voted it down also doing anything, will they think the United States should be able to test, can you imagine this or future Congresses coming up with $45 billion to perfect a Stockpile Stewardship Program which purpose and design is to avoid testing, to spend $45 billion for the redundancy? Can the Senator imagine us doing that?

Mr. KENNEDY. I certainly cannot. The Senator has put his finger on one of the many reasons for supporting the Stockpile Stewardship Program which is to give the necessary assurances that funding for maintaining our weapons stockpile will be there year after year. This was something I noted was a concern during the course of our hearings—this question about the need for adequate funding. And, the Senator has responded to that concern. There is broad support, certainly on our side or for those who support this treaty, for giving the assurance that funding would be there. It is just one more of the arguments made by those who oppose this treaty that has now been rebutted. I thank the Senator.

Mr. BIDEN. I thank the Senator for his response. I will raise this when we get to the amendments. I wish to point out that there is one other ultimate safeguard. The ultimate safeguard is in the amendment, our last provision, which says, if, in fact, we do not fund the stockpile and that causes the laboratory Directors to say, "We cannot certify," and that means the Secretary of Energy says, "We cannot certify," the President of the United States, upon that determination, must withdraw from the treaty and allow us to begin to test. I am amazement at the arguments that are being made on the other side.

Mr. KENNEDY. If the Senator will yield on that question, so the amendment makes a change to the safeguards and makes this a mandatory requirement on the President to exercise the Supreme National Interest if the stockpile cannot be certified?

Mr. BIDEN. Yes.

Mr. KENNEDY. And, that is the measure that is going to be advanced by the leadership, yourself included, to be a part of the Resolution of Ratification?

Mr. BIDEN. That is correct. By the way, it is much stronger than any President wants. It is section (E) of the amendment we sent. I will read it to the Senator.

Withdrawal from Treaty.—If the President determines that nuclear testing is necessary—

The antecedent to that is the lab Directors say it—

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It is pretty strong.

Mr. KENNEDY. I thank the Senator. It is about as clear as can be. I see our ranking member of the Armed Services Committee welcoming the comments of the Senator from Delaware about the risks to our international position if we fail to ratify or defeat the CTBT in terms of security and stability around the world and the continued possibility of nuclear testing over time.

As a member of the Armed Services Committee, I am pleased that we held narrowly focused hearings on the many national security implications of this treaty. It is important that we narrowly focused our attention on our own national security issues. But, these broader international security issues are powerful, and in rereviewing and reading again the letters, statements, and editorials sent in opposition to the Treaty, I think that many of the broader international security issues, of further testing by other countries, and what the implications are going to be has been missed. I know the Senator addressed those, but I hope before we get into the final hours of this debate the Senator from Delaware will review that for the benefit of the membership.

Mr. BIDEN. Mr. President, I say to my friend from Massachusetts, this is another part of the circular reasoning. What I heard this morning on the floor and heard all day on Friday went like this: Without us being able to test, our 6,000 strategic nuclear weapons are going to become unreliable—which is ridiculous in my view. I strike the word "ridiculous." Which is highly unlikely. I am trying to be polite. It is hard. Then they say because it is going to become unreliable, two things are going to happen. One is that our allies are going to conclude that our deterrent is no longer credible and, therefore, they are going to lose faith in us. When they are then going to do is decide—Japan and Germany, which are nonnuclear powers—to become nuclear powers, and we are going to be escalating the arms race by passing this treaty.

The same day in an unprecedented move, to the best of my knowledge, the leader of Germany, the leader of France, and the leader of Great Britain sent an open letter to the Senate saying: We, Germany, Japan, and France, have ratified this treaty. We strongly urge you, the Senate, to ratify this treaty in the interest of your country as well as ours.

One of those signatories was the Chancellor of Germany, the very country my friends on the other side say, if we pass this treaty, Germany will go nuclear. I guarantee it—I guess I am betting my career on this one—I will bet you anything that if we turn down
Mr. BIDEN. I yield to the ranking member of the Armed Services Committee, the Senator from Michigan, Mr. LEVIN.

Mr. LEVIN. The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. I thank my good friend from Delaware. I thank him also for the leadership he has shown, both on the floor and off the floor, in trying to bring this treaty to hearings before the Foreign Relations Committee, so that the full Senate could look at the pros and cons of this in a deliberative way.

I start with a reference that Senator BIDEN made to three of our good allies—France, Germany, and Great Britain. The chairman of the Foreign Relations Committee is here and perhaps he will recollect otherwise; and I would trust his recollection on this, if he does—but I cannot remember when three of our closest allies' leaders have addressed a direct plea to the Senate. At least in the 20 years I have been here, I do not remember a letter coming from the Chancellor of Germany and the President of France, and the Prime Minister of Great Britain pleading with us to ratify a treaty. That is how serious the stakes are in this debate.

The world is looking to the Senate. Sometimes we say that and believe it is true; but in this case we say it and know it is true. Because the world has signed on both to a nonproliferation treaty and to a Comprehensive Test Ban Treaty.

There are a few exceptions, obviously. There are some states which will not sign any such treaty. But except for a few rogue nations, the world has signed on to a nonproliferation treaty and to a Comprehensive Test Ban Treaty.

The world is looking at us, expecting our leadership. Even though the world is looking to us to ratify, that does not mean we should ratify this treaty if it makes us less secure. We should do what is in our security interests. But unless all of our allies and the rest of the world are wrong, the world will be a much more secure place if we stop testing nuclear weapons and if other countries stop testing nuclear weapons as well.

How do we tell India "don't test", if we ourselves want to test? How do we tell Pakistan, "don't test; for God's sake, for your security and the world, don't test"; if we say, oh, but we want to continue?

What does that do to our argument? I would suggest it destroys it. It destroys our standing to try to persuade countries that want to become nuclear powers, that want to add to their inventories, that want to improve their inventories—it wipes out our standing to make the argument, if we say everybody else ought to stop testing but us.

We are the only superpower in this world. That gives us certain responsibilities. But one of those responsibilities is that we should not be just a superpower, but we should be superwise as well. We should realize that we are not always going to be the world's only superpower—nuclear or otherwise. We should behave with the realization that our actions today are going to affect the rest of the world, including the direction they go in terms of nonproliferation.

As India and Pakistan would not care if every country in the world signed or ratified this treaty if it was not in our security interests. I think we ought to listen, we ought to understand what the rest of the world is saying to us, we ought to remember our own commitments. We signed up to the extension of the nonproliferation treaty, and made a commitment to the world to conclude a comprehensive test ban treaty. We should remember our own commitments. We should consider what our allies and the rest of the world are saying to us. But if it were not in our own security interest, I would not recommend that we ratify the treaty.

But we should surely listen to our two leading foreign policy leaders as to what they recommend to this Senate? What does the Chairman of the Joint Chiefs of Staff recommend strongly to the Senate? He says:

The test ban treaty will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. It is true that the treaty cannot prevent proliferation or reduce current inventories, but it can restrict nuclear weapon progress and reduce the risk of proliferation.

General Shelton said:

In short, the world will be a safer place with the treaty than without it. And it is in our national security interest to ratify the CTBT.

Secretary Cohen said the following:

By banning nuclear explosive testing, the treaty removes a key tool that a proliferator would need in order to acquire high confidence in its nuclear weapons designs.

Secretary Cohen said:

Furthermore, the treaty helps make it more difficult for Russia, China, India, and Pakistan to improve existing types of nuclear weapons and to develop advanced new types of nuclear weapons.

Secretary Cohen said:

In this way, the treaty contributes to the reduction of the global nuclear threat. Thus, while the treaty cannot prevent proliferation or reduce the current nuclear threat, it can make more difficult the development of advanced new types of nuclear weapons and thereby help cap the nuclear threat.

What the three world leaders, to whom I referred before and to whom Senator BIDEN referred earlier, said in their article and in their letter to us was the following:

Rejection of the treaty in the Senate would remove the pressure from other states still hesitating about whether to ratify it. Rejection would give great encouragement to proliferators. Rejection would also expose a fundamental divergence within NATO. The United States and its allies must side by side for a comprehensive test ban since the days of President Eisenhower. This goal is now within our grasp. Our security is involved as well as America's. For the security of the world we will leave to our children, we urge the U.S. Senate to ratify the treaty. We...
have President Chirac, Prime Minister Blair, Chancellor Schroeder of Germany, from their perspective, pleading with us to ratify this treaty. We have our top military leadership, uniformed and civilian, urging us to ratify this treaty. That is the kind of assessment which has been made of the value of this treaty. That is the kind of analysis which has been done.

We should think carefully before we reject it; before we defeat a treaty that is aimed at reducing the proliferation of nuclear weapons in the world; before we give up our leadership in the fight against proliferation; and our efforts to go after proliferators. We keep saying the proliferation of weapons of mass destruction is the greatest threat this Nation faces; our military leaders tell us this treaty is an important step in the fight against proliferation. Before we give up that leadership and defeat a treaty which is adding momentum to the battle against proliferators, we surely should stop and assess what it is that this Senate is about to do.

It has been argued that we need testing for our stockpile. The answer is that the stewards of the stockpile, the lab Directors, for the last 7 years have been certifying safety and reliability of the stockpile based not on testing, which we have given up for 7 years, but based on a Stockpile Stewardship Program which has allowed them to certify with a high degree of confidence that our stockpile is safe and reliable, without one test in the last 7 years.

Will they be able to do that forever? They think they can, but they are not sure. They told us they believe they will be able to continue to certify the safety and reliability of our stockpile without testing. They have also told us something else. Here I want to read a letter from them because there has been such a misunderstanding about what these three lab Directors have been doing for the Senate in the last 7 years.

While there can never be a guarantee that the stockpile will remain safe and reliable indefinitely without nuclear testing, we have stated that we are confident that a fully supported and sustained stockpile stewardship program will enable us to continue to maintain America’s nuclear deterrent without nuclear testing. If that turns out not to be the case, which is a condition of our entry into the Test Ban Treaty by the U.S.—provides for the President, in consultation with Congress, to withdraw from the treaty under certain conditions—then we might trigger the ‘drawal clause.’

We cannot guarantee that the Stockpile Stewardship Program will always allow them to certify safety and reliability, they believe it will be able to do so, and therefore they are, in the words of one of them, ‘signed onto this treaty. That is because we can’t certify the safety and reliability of our nuclear stockpile in some future year they have the assurance in safe-guard F, by which we can withdraw from the treaty if we need to conduct a nuclear test. We have incorporated that safeguard and, indeed, strengthened it in the amendment to this resolution, that we will withdraw from this treaty and return to testing against the stockpile if necessary. We do not want our stockpile to be unsafe or unreliable. Nobody does—one of us.

The question then is, Can we join the rest of the world, at least the civilized world, to ban on testing, to fight the proliferation of nuclear weapons, and at the same time assure ourselves that if we need to test again, we will be able to do so by notifying the rest of the civilized world in advance that we retain the right to withdraw from the treaty and test if our security requires it? In other words, in the event the day comes when testing is needed to certify safety and reliability, we are putting the world on notice now that we intend to exercise that withdrawal clause.

Could somebody cheat? That is the other argument which has been used, that somebody could cheat at a very low level of testing, that somebody might not be able to catch it, that our seismic detection capability is not such that we would be certain we would catch a very low level test. This is what Secretary Cohen says about the cheating question—Is it possible for states to cheat on the treaty without being detected? The answer is yes. We would not be able to detect every evasively conducted nuclear test. And from a national security point of view, we need that. But I believe that the United States will be able to detect a level of testing, the yield and number of tests, by which a state could undermine the U.S. nuclear deterrent.

So the Secretary of Defense is testifying that militarily significant cheating would be caught, that a low-level test by a power would be taking a huge risk in cheating, because there are other means of detection to get evidence of cheating. But most importantly, if a signatory to this treaty decided to cheat and take that risk, they could not undermine our nuclear deterrent. It would not be a militarily significant cheating that could occur without our knowing it seismically. We would not have to rely on other means in order to discover a militarily significant act of cheating. Plus, General Shelton and Secretary Cohen have both told us that the treaty, by what I call the broad and total test, will increase our ability to observe and monitor tests because it will create over 300 additional monitoring stations in 90 countries specifically in order to detect nuclear testing.

I will conclude with two points. One, this Senate is not ready to ratify this treaty. Indeed, maybe it never will ratify the treaty. But it is clear now that this Senate will not ratify the treaty at this time. I believe at a minimum we should delay voting, do no harm.

There are many of us who have not focused adequately on these issues, by the way. This has been a very truncated period of time for consideration, with very few hearings focused directly on the treaty. I know we had three hearings in the Armed Services Committee, and there was one in Foreign Relations last week that focused directly on this treaty. We are here under a unanimous consent agreement which allows only one amendment by the majority leader and one by the Democratic leader to this treaty, an unusual restriction for consideration and deliberation of a treaty. No other amendments are in order; no other restrictions, conditions on a resolution of ratification, but the one. So we are here in a very restricted circumstance and a very short time limit. It is not a deliberative way to address a treaty. This Senate should do better.

At a minimum, my plea is, do no harm. Do no harm to the cause of antiproliferation. The way to avoid doing harm, regardless of where people think they are on the merits of the treaty, is to delay consideration of this treaty.

My final point has to do with the delay issue. There is a precedent for delaying a vote on a treaty even though it was already scheduled. The precedent is the most recent arms control treaty we looked at, I believe, which is the Chemical Weapons Convention. There was a vote actually scheduled on the Chemical Weapons Convention. There was a vote that was scheduled on the Chemical Weapons Convention for September 12, 1996. Shortly before that vote, Senator Dole, who was then a candidate for President, announced his opposition to the Chemical Weapons Convention. It was decided on the 12th, which I believe was the actual day scheduled by unanimous consent for a vote on the convention, it was decided to vitiate that unanimous consent agreement and to delay the vote on the Chemical Weapons Convention. A vote had actually been scheduled. The precedent is the most recent arms control treaty we looked at, I believe, which is the Chemical Weapons Convention. It was decided on the 12th, which I believe was the actual day scheduled by unanimous consent for a vote on the convention, it was decided to vitiate that unanimous consent agreement and to delay the vote on the Chemical Weapons Convention.

I said before on this floor last week that I think we are in an analogous situation to what occurred on the Chemical Weapons Convention. A vote had actually been scheduled for September 12, 1996. I raise it again for a very specific point. At that time, there were no conditions attached to the decision to delay the vote. The Senate agreed to vitiate the unanimous consent agreement, to delay vote; but, there was no requirement, no condition attached as to when it would be brought up or not brought up. It was simply to vitiate. People decided—we decided in that case—not to proceed with the vote. That was a different situation. It is more similar to what exists now, but there are different circumstances now that are, I think, additional reasons not to vote at
this time, including the very narrow UC under which we are operating, with the strict consideration of a total of two amendments.

I suggest we look back—and we are going to do what each of us always does, try to come up with our own set of criteria as to what is best for this Nation. In my judgment, ratification is best, but, clearly, that is not where the Senate is now. I hope there is a majority of us who believe, for various reasons, that the best course of wisdom is that we not proceed to defeat this treaty at this time—whether it is because that defeat would constitute a blow to our leadership in the battle against proliferation in this world, as three major allies have told us, or whether it is because this institution has not had adequate time yet to fully understand and consider and deliberate over this very complicated treaty; for whatever reason—and many exist—I hope we will delay this vote. I cannot foresee a circumstance in which I have told my good friend from Virginia, where I would want to see this treaty brought up next year, given the fact that the election is at the end of next year. However, I can't preclude any circumstance from existing. I can't predict the kind of circumstances that would exist, where I would be comfortable saying we should under no circumstances consider this treaty, no matter what happens.

But I can, in good conscience, say I can't predict, in any such circumstances because I can't. Will the world situation change? Will India and Pakistan begin testing because we fail to ratify? Will that then lead to China to begin their testing again? Will that have an impact on Russia? Will the political situation change in the United States where candidates of both parties will possibly decide that this treaty is in our best interest? Can I foresee any of that happening? No. Do I believe any of that will happen? No. But it could happen.

Circumstances change. So I would not want to see us saying there are no circumstances under which anybody could even raise the question of consideration of this treaty next year. It is a very straightforward statement and, again, I conclude by saying, personally, I hope we delay the vote. Personally, I can foresee no circumstances under which this should be brought up next year. We should wait until after the Presidential elections, in the absence of some unforeseeable circumstance change in the United States or the world. It is our duty to deliberate over this treaty, no matter what happens.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, who will acquire nuclear weapons in the months and years ahead? Which countries? Which groups? Which individuals, perhaps, will acquire nuclear weapons? Many would like to acquire nuclear weapons. Terrorist groups would like access to nuclear weapons. Rogue countries would like access to nuclear weapons.

The cold war is over, the Soviet Union is gone, the Ukraine is nuclear armed, two former superpowers are nuclear armed. Russia and the United States. Between us, we have 30,000 nuclear weapons. What responsibility do we have as a country to try to prevent the spread of nuclear weapons to other countries and to reduce the nuclear weapons that now exist? Is this the responsibility of each country? It is our responsibility as a country to try to stop the nuclear war, to reduce the dangers of nuclear war, and stop the spread of nuclear weapons.

Some have never supported any arms control agreements. I respect that. They have a right to do that. I don't agree with it. I think it is wrong. Nonetheless, there are those who have never supported any arms control agreements. Yet, this control agreements work. We know they work.

I asked unanimous consent to show a piece of a Russian Backfire bomber wing on the floor of the Senate.

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

Mr. DORGAN. This is a piece of a wing sawed off of a Russian Backfire bomber. This bomber wasn't brought down from the skies with hostile fire. This bomber wasn't destroyed because of circumstance change in the United States or the world. This piece of wing came from a Russian bomber because this country and the Russians have an agreement to reduce the number of bombers, missiles, and submarines in our arsenal, and reduce the number of nuclear warheads.

This other item is copper wiring, ground up from a Russian submarine that used to carry missiles with nuclear warheads aimed at the United States of America. Did we sink that submarine in hostile waters? No, it was destroyed and the wiring ground up by the Cooperative Threat Reduction Program, under which the United States assists in the destruction of bombers, missiles, and warheads in Russia. We bring down the number of weapons in our stockpile; they bring down the weapons in theirs. The delivery systems are brought down as well.

Does arms control work? Of course, it works. We know it works. That is why I have always said arms control, arms control agreements are important. It is a good thing.

Now we are debating the issue of whether we will have a Comprehensive Nuclear Test-Ban Treaty—something that was aspired to by President Eisenhower nearly 40 years ago. A Comprehensive Nuclear Test-Ban Treaty was something that President Eisenhower lamented he was not able to accomplish. Forty years later—after years of negotiation—2 years ago, it was sent to the Senate, signed by the President, and asked to be ratified in the Senate. It was sent to the Senate Foreign Relations Committee. I know there have been debates about it, but there have been no debates in the Senate. It was sent to the Senate Foreign Relations Committee in 2 years on the CTBT. And then, with 10 days' notice, it is brought to the floor of the Senate for a vote. Some say, well, that is fine. That is a consideration. That is not true. It is a thoughtless way to handle this issue. This is a serious issue, a big issue, an issue with great consequence. Ten days, no comprehensive hearings—that is a thoughtless way to handle this issue. Can we as a country intervene to say, do not test nuclear weapons, do not test nuclear weapons? Do we have the ability to say to India and Pakistan that this is a dangerous step? Mr. President, have you that resolve. That resolve must come from us.

I have heard a lot of reasons on the Senate floor why this should not be ratified. I have heard from some folks who have never supported ratification of any treaty that would lead in the direction of arms control. All of the arguments I have heard, in my judgment, are not relevant to this treaty. It is proposed that India and Pakistan that this treaty would weaken our country.

Here is what would happen when this treaty is ratified. The number of monitoring stations across the world will go to well over 300. We will substantially enhance our capability to monitor whether anyone explodes a nuclear weapon.

Here is what we have now. Here is what they will have if the CTBT enters into force.

How on Earth can anyone credibly argue that this doesn't strengthen our ability to detect nuclear explosions anywhere on the Earth? It is an absurd argument to suggest that somehow ratifying this treaty will weaken our country.

The last four Chairmen of the Joint Chiefs of Staff, all the senior military leadership now serving in this country, including Gen. Colin Powell, and previously retired Joint Chiefs of Staff support this treaty. Would they do so because they want to weaken this country? Of course not. They support this treaty because they know and we know that this treaty will strengthen our country. It will strengthen our resolve to try to stop the spread of nuclear weapons. The Joint Chiefs of Staff say in a very real sense that one of the best ways to protect our troops and our interests is to promote arms control, in both the conventional and nuclear realms, arms control can reduce the chances of conflict.
Gen. Omar Bradley said, "We wage war like physical giants and seek peace like ethical infants."

There is not nearly the appetite that, in my judgment, must exist in this country—and especially in this Senate—enough to stand up for important significant issues. That is what we have here.

The military leaders say this treaty is in this country’s security interest. The scientists, 32 Nobel laureates, the chemists, physicists, support ratification. Dr. Garwin, who I was out on the steps of the Capitol with last week, who worked on the first nuclear bomb in this country, says this treaty is in this country’s interest. We can safeguard this country’s nuclear stockpile, the scientists say; we can do that, they say. And the detractors say, no, you can’t. These detractors—let me talk for a minute about this.

National missile defense: They say: Let’s deploy a national missile defense system right this minute. The Pentagon and the scientists say we can’t, we don’t have the capability. Our friends say: No. We don’t agree with you. You can and you have the capability. They say: We demand you do it, and we’ll deploy it.

On the Comprehensive Nuclear Test-Ban Treaty, the detractors say: Well, it would weaken this country because we can’t detect nuclear tests and we can’t maintain our stockpile. And the military leaders say the scientists say you are wrong. We can safeguard our stockpile. We can detect nuclear explosions.

This selective choosing of when you are willing to support the judgment of the best scientists in this country or the military leaders of this country is very interesting.

Last week, Tony Blair, Jacques Chirac, and Gerhard Schroeder, the leaders of England, France, and Germany, sent an op-ed piece to the New York Times asking this country to ratify this treaty. That ought not be the position this country is in. This country ought to be a leader on this issue. Now, we are being asked by our allies to please lead. We ought not have to be asked to provide leadership to stop the spread of nuclear weapons. What are we thinking of?

Last week, the chairman of the Foreign Relations Committee referenced comments from the Governor of my State. The Governor of my State, saying he was worried that the nuclear stockpile is not safe and pointing out that we have nuclear weapons in our State.

It is an interesting and brand new argument that I hear. I have not heard anyone stand on the floor of the Senate in recent months saying we have a real problem with the safety of the nuclear stockpile. This is just a straw man. That is what this is.

I know the majority leader thought it was probably an interesting strategy to bring up the treaty without comprehensive hearings, without comprehensive discussions and debate, and without much of an opportunity for the American people to be involved in the debate on a Comprehensive Nuclear Test-Ban Treaty, and then say we want to vote on it. We are going to kill this thing.

You know those who think that way I guess can grin all the way to the vote tally on the floor of the Senate. The faces of those around the world who rely on this country to be a leader in stopping the spread of nuclear weapons. This country has a greater responsibility in this area, and we can exercise this responsibility by voting to ratify this Comprehensive Nuclear Test-Ban Treaty.

The PRESIDING OFFICER (Mr. VON OY). The Senator from Delaware.

Mr. BIDEN. Parliamentary inquiry: How much time is under the control of the Senator from Delaware?

The PRESIDING OFFICER. Twenty minutes.

Mr. BIDEN. Is there time on the amendment once the amendment is called up?

The PRESIDING OFFICER. There will be 4 hours equally divided on each of the two amendments that may be called up.

Mr. BIDEN. One last parliamentary inquiry. Am I able to call up the Democratic leader’s amendment now, and would the time begin to run on that amendment now?

The PRESIDING OFFICER. The Senator may now strike all after the resolved clause and insert the following:

AMENDMENT NO. 2291

(Purpose: To condition the advice and consent of the Senate on the six safeguards proposed by the President)

Mr. BIDEN. Mr. President, on behalf of the Democratic leader, I call up amendment No. 2291.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN), for Mr. DASCHLE, proposes an amendment numbered 2291.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the resolved clause and insert the following:

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate, in its advice and consent to the ratification of the Comprehensive Nuclear Test-Ban Treaty, opened for signature and signed by the United States at New York on September 24, 1996, including the following annexes and associated documents, all such documents being integral parts of and collectively referred to in this resolution as the ‘‘Treaty,’’ (contained in Senate Treaty document 105–28), subject to the conditions in section 2:

(1) Annex 1 to the Treaty entitled ‘‘List of States Parties Pursuant to Article XII’’;

(2) Annex 2 to the Treaty entitled ‘‘List of States Pursuant to Article XIV’’;

(3) Protocol to the Comprehensive Nuclear Test-Ban Treaty number 2291;

(4) Annex 1 to the Protocol;


SEC. 2. CONDITIONS.

The advice and consent of the Senate to the ratification of the Treaty is subject to the following conditions, which shall be binding upon the President:

(1) STOCKPILE STEWARDSHIP PROGRAM.—The United States shall conduct a science-based Stockpile Stewardship program to ensure the integrity, safety, and reliability of nuclear weapons in the active stockpile is maintained, including the conduct of a broad range of effective and continuing experimental verification on world-wide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

(2) NUCLEAR LABORATORY FACILITIES AND PROGRAMS.—The United States shall maintain modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology that are designed to attract, retain, and ensure the continued application of human scientific resources to those programs on which continued progress in nuclear technology depends.

(3) MAINTENANCE OF NUCLEAR TESTING CAPABILITY.—The United States shall maintain the basic capability to resume nuclear test activities prohibited by the Treaty in the event that the United States ceases to be able to adhere to the terms of the Treaty.

(4) CONTINUATION OF A COMPREHENSIVE RESEARCH AND DEVELOPMENT PROGRAM.—The United States shall continue its comprehensive research and development program to improve its capabilities and operations for monitoring the Treaty.

(5) INTELLIGENCE GATHERING AND ANALYTICAL-capabilities.—The United States shall continue its development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

(6) WITHDRAWAL UNDER THE ‘‘SIXTH INTERESTS’’ CLAUSE.—

(A) SAFETY AND RELIABILITY OF THE U.S. NUCLEAR DETERRENT POLICY.—The United States—

(i) regards continued high confidence in the safety and reliability of its nuclear weapons stockpile as a matter affecting the supreme interests of the United States; and

(ii) will regard any events calling that confidence into question as extraordinary related to the ‘‘supreme interests of the Treaty’’ under Article X(2) of the Treaty.

(B) CERTIFICATION BY SECRETARY OF DEFENSE AND SECRETARY OF ENERGY.—Not later than December 31 of each year, the Secretary of Defense and the Secretary of Energy, after receiving the advice of—

(i) the Nuclear Weapons Council (comprising of representatives of the Department of Defense, the Joint Chiefs of Staff, and the Department of Energy), and

(ii) the Directors of the nuclear weapons laboratories of the Department of Energy, and

(iii) the Commander of the United States Strategic Command, shall certify to the President whether the United States nuclear weapons stockpile and all critical elements thereof are, to a high degree of confidence, safe and reliable. Such certification shall be forwarded by the President to Congress not later than 30 days after submission to the President.

(C) RECOMMENDATION WHETHER TO RESUME NUCLEAR TESTING.—If, in any calendar year, the Secretary of Defense and the Secretary of Energy cannot make the certification required by subparagraphs (A) and (B), the Secretaries shall recommend to the President whether, in their opinion (with the advice of the Nuclear Weapons Council, the Directors of the nuclear weapons laboratories of the Department of Energy, and the Commander of the United States Strategic Command),
nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear stockpile.

The amendment that has been submitted by the Democratic leader contains six conditions that corresponded to the six conditions that the President of the United States said were conditions to the Resolution of Ratification. Let me explain why.

The safeguards were announced by President Clinton in August of 1995. They were merely statements of policy by the President, and there is no way for President Clinton to bind future Presidents with such statements. However, the first condition in a Resolution of Ratification, by contrast—which is what I am proposing now—are binding upon all future Presidents. Therefore, approval of these conditions will lock them in for all time, so that any future President or future Congress, long after we are gone, will understand that these safeguards are essential to our continued participation in the Comprehensive Test Ban Treaty.

Administration witnesses who testified before the Armed Services Committee and the Foreign Relations Committee underscored the importance of these safeguards during the Senate hearings last week. I suspect that is why our Republican friends didn’t want to put it up as part of the original instruments. So we started off as we would have it come out of committee, with the actual treaty, plus the conditions attached. I expect the reason they didn’t want this side to do that is it would strengthen the hands of those who were for the treaty.

I understand the tactical move, but I think it is unfortunate because, as we all know, the witnesses who testified from the administration, others from the laboratories, and others who were with the laboratories and were in former administrations, all those people who testified underscored the importance of these safeguards. In other words, they didn’t want the treaty without these safeguards.

During the testimony before the Armed Services Committee, Dr. Paul Robinson, Director of Sandia Laboratory, testified:

The President’s six safeguards should be formalized in the United States. General Shelton, Chairman of the Joint Chiefs of Staff, stated:

The Joint Chiefs support ratification of CBTW with the safeguards package.

Of the six conditions, the first, the third, and the last are interrelated and probably the most important. The first condition relates to the Stockpile Stewardship Program. Anyone who has listened to this debate now understands what the Stockpile Stewardship Program will be essential to ensuring the safety and reliability of our nuclear weapons in the future. It requires this condition: That the United States shall conduct a science-based, technology-based Stockpile Stewardship Program to ensure a high level of confidence in the safety and the reliability of nuclear weapons in our active stockpile.

As we have all heard over the course of this debate, this Stockpile Stewardship Program is a 30-year, $45 billion, or $4.5 billion-a-year project that is designed to maintain the nuclear stockpile, and it will involve cutting-edge science, as it already has. It is already underway, and the Directors of the three National Laboratories have testified they believe they can maintain the stockpile of our nuclear weapons if the funding is provided.

Already there have been difficulties, particularly in the other body, in securing this level of funding. The first condition in our amendment will assure that the funding will be there. The third condition which is in the amendment before the Senate requires that the United States maintain the basic capability to restart a nuclear test activity prohibited by the treaty in the event that the United States ceases to be obliged to adhere to the committee.” That means countries have to have a place to test the weapons underground.

We could let our underground test facilities go to seed and not maintain them, so that when the time came that we ever did have to pull out of this treaty, we would not be prepared to be able to resume testing. So we say as a precondition that the United States stay in this treaty that we require the United States stay in this treaty.

As we have all heard over the course of this debate, there were 28 conditions. There were 28 conditions to treaties. When it was agreed to, this treaty at all, we had to agree to the six conditions that the President of the United States said were conditions to the six conditions that the President of the United States said were conditions to the treaty.

President shall consult promptly with the Senate and withdraw from the Treaty pursuant to Article IX(2) of the Treaty in order to have available to us, an amendment to the treaty. Senator Lautenberg, stated:

I understand the tactical move, but I think it is unfortunate because, as we all know, the witnesses who testified from the administration, others from the laboratories, and others who were with the laboratories and were in former administrations, all those people who testified underscored the importance of these safeguards. In other words, they didn’t want the treaty without these safeguards.

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The subcritical experiments at the Nevada Test Site, which are a vital part of our stockpile stewardship, also enable test site personnel to keep and hone their skills and practice the procedures for actual nuclear weapons tests. Translated, that means we have specialized scientists who in the past have participated in the over 1,000 nuclear detonations we have used over the history of our program, and that without, I might add, a nuclear explosion since 1992, these skilled scientists still keep their skills honed by going into this test site facility and doing subcritical tests; for example, using uranium instead of plutonium or performing other tests that don’t require a nuclear explosion.

We are not only maintaining the capability of being able to do a nuclear explosion; we are maintaining the necessary personnel. The fact that subcritical experiments are scientific, valid and challenging also serves to make work at the test site worthwhile and attractive to skilled personnel.

The reason I bother to mention that, in an argument against the treaty by one of the senators who today say they think before Senator HELMS’ and my committee, the Foreign Relations Committee, he said: We really like to make things go boom. He said: I’m a scientist; I like to make them go to the end of the experiment. I like to conduct them that way. But I can do it without making them go boom.

What people worry about now, if you are not going to “make ’em go boom,” if you are not going to explode them, some will say scientists won’t want to be involved in that; it is not as exciting as if they could actually test. That is an argument that says we will lose a whole generation of nuclear scientists who know how to conduct these tests and keep the knowledge.

Other scientists come along and, with the laboratories, say: No, no, no; we can keep all the interest we need to keep in a group of young scientists who will replace the aging scientific community who have been performing the tests because we will do what we call subcritical tests at the sites where we used to do the critical tests.

Part of the agreement, part of the understanding, the requirement, is these facilities have to be maintained as opposed to saying we have a treaty now, we will not do nuclear explosions, so why spend the money on maintaining these facilities?

The answer is: To keep scientists interested and to bring a whole new next generation of brain power into this area so they will have something they believe is worthwhile to do, as opposed to them going out and inventing new widgets, or deciding they are going to develop a commercial product or something. That is one of the legitimate concerns.

The second concern has been: Once you pass this treaty, you know what you are going to do; you are going to stop funding the hundreds of millions of dollars it takes over time to maintain this place to be able to explode a nuclear weapon if we need to.

We said: Do not worry about that; we are going to go to a treaty, and we commit to spend money to continue to do it. If we do not, it is a condition not met and the President can leave the treaty. That is the third condition.

The sixth is a failsafe mechanism, available to future Presidents in case the critics of the stockpile program turn out to be right. Again, I might point out the critics of the stockpile program, including my good friend, and he is my good friend, are the very ones who have great faith in the Star Wars notion, great faith in the ability to put this nuclear umbrella over the United States so not a single nuclear weapon could penetrate and blow up and kill 5, 10, 20 million Americans. They have faith in that scientific capability, whether it is laser-based space weapons or whether it is land-based systems. But they do not have faith in the ability to be able to test a weapon that has not been exploded.

I understand that. It is a bit of a non sequitur for me to suggest you can have faith in one and not the other. I point out, as a nonscientist, as a plain old lawyer, it seems to me it takes a lot more to guarantee if somebody flies 2, 10, 20, 50, 100 nuclear weapons at the United States, you will be able to pick them all out of the sky before they blow up and America will be held harmless, than it would to determine the reliability of this bomb you take out of a missile, sit on a table at a test site, and see whether or not it still works or not without exploding it. One seems more complicated than the other to me. But maybe not. At any rate, at any rate, and all the scientific know-how, we have to continue to be able to guarantee the reliability of our weapons. We have a sixth condition.

Article IX of the treaty, I remind everyone, contains a standard withdrawal clause. I am talking about the condition; I am talking about the treaty itself now. Article IX has a standard withdrawal clause, permitting any party who signs the treaty the right to withdraw 6 months after giving notice; that is, start testing.

We could ratify this tomorrow. We still have to wait for another 23 nations to ratify it, but we could reach the critical mass—no pun intended—where enough nations sign and say to the President, then, certifies to the Congress that there is a high degree of confidence in a safe and reliable stockpile.

If any one of those National Laboratory Directors — and there is a redundancy in what they check. By the way, do you know how it works now? The way it works now, we have nine deployed systems, nine different types of hydrogen bombs located on bells of airplanes, on cruise missiles, in the bellies of submarines, on longer range missiles, or in a silo somewhere in the United States of America. Every year these National Laboratory Directors go out and get 11 of these from each of those nine deployed systems. They take them back to the laboratories and they dissect them, they open them up, they look at them—to overstate it—to see if there is any little corrosion there in the firing pin, that sort of thing. It is much more complicated, but they check it out.

They take one of them and they dissect it, similar to what a medical student does with a cadaver. They bring in 11 people, 10 of whom give a thorough physical, the 11th they kill, cut up, and see if everything is working when they look inside. They do that now, and there is redundancy in the system. The three laboratories do that.

Then they have to go to the Secretary of Energy and the Secretary of Defense and say: We can certify that our arsenal out there is reliable and safe.

But, if, under our condition 6, any one of those lab Directors says, “No, I don’t think I can certify this year, I don’t think I can do that,” then the Secretary of Energy has to be told that, and the Secretary of Energy, who is their immediate boss, has to then tell the President: No, no, we can’t certify. And under No. 6, the President shall consult with us and must withdraw from the treaty.

Let me read the exact language. It says this under E, page 5 of the amendment. “Withdrawal from the treaty.” If the President determines, and I just explained how he determines—if it is sent to him by the lab Directors and the Secretaries of Energy and Defense who say we can’t certify: . . .

— he can withdraw from the treaty.

Every year pursuant to the safeguard—I am back on the safeguards now—every year, we are saying, if this amendment is adopted, pursuant to safeguard 6, the National Laboratories’ Directors say: We certify the reliability and safety of our nuclear weapons.

The President, then, certifies to the Congress that there is a high degree of confidence in a safe and reliable stockpile.
development of a broad range of intelligence gathering and analytical capabilities and operations to ensure accurate information about nuclear programs around the world.

These six conditions should have been in the treaty anyway, but they would not let us add them. We are going to add them now, with the grace of God and goodwill of our neighbors and 51 votes. These six conditions are essential to ratification of the treaty. If you do not want this treaty to work, then you will vote against this amendment.

I acknowledge if these safeguards are not there, nobody wants the treaty. The President does not want the treaty. The lab Directors do not want the treaty. No one wants the treaty. There may be others that would be useful to add or even necessary for ratification of the treaty, but the leadership has said we can only have one amendment.

They will recall that my own resolution, which went through this process, proposed only hearings and final adoption by March 31 of next year. I want to put that in focus. I see others want to speak, so I will yield, but I want to make it clear it has been said time and again on the Senate floor by leaders here themselves—and I am sure he unintentionally misspoke—he said he received a letter from 45 Democratic Senators saying they wanted a vote.

Mr. HELMS. I don’t want the Senator to yield at this point. Mr. BIDEN. I finish this one point, and I will be delighted to yield the floor.

Mr. HELMS. I have been following the amendment. Mr. BIDEN. I know the Senator has, and I appreciate that. I appreciate the respect he has shown for the efforts I have been making, notwithstanding we disagree on this considerably.

I want to make this closing point at this moment. What is, it has been said by the Republican leader, Senator LOTT, that 45 Senators demanded a vote on this treaty now. But 45 Senators signed a letter, including me. It was a Biden resolution—one that was about to be voted on when we were on another piece of legislation—that we have extensive hearings this year and that final action not occur until the end of March of next year, so everybody could have a chance to go through all of these hearings, so everybody could have a chance to debate what we are talking about at much greater length than today.

There has not been the bipartisan negotiation on conditions to this Resolution of Ratification that usually occurs during consideration of treaties. Mr. President, I see my friend from North Carolina is seeking recognition. I will be delighted to yield the floor to him.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. If the Senator will yield.

Mr. BIDEN. I will be delighted to.

Mr. HELMS. Mr. President, I compliment the Senator on the explanation of his amendment. I have been following him as he has been going along. We are far from being opposed to the amendment. We do not have any problems with the safeguards.

Mr. President, I ask unanimous consent that the pending amendment No. 2291 be agreed to and the motion to reconsider be laid upon the table.
The PRESIDING OFFICER. That is correct.

Mr. SARBANES. Mr. President, I rise in support of the Comprehensive Nuclear Test Ban Treaty, the CTBT, to which the Senate has been asked to give its advice and consent. This is a landmark agreement that will help stem the tide of nuclear proliferation and reduce the risk of nuclear confrontation. In my view, it is a treaty that, on balance, will serve U.S. interests and strengthen U.S. security.

The Comprehensive Test Ban Treaty is a product of nearly 40 years of labor. The idea was first endorsed in 1958 by President Eisenhower, who recognized that the most effective way of controlling the development and spread of nuclear weapons was to ban their testing.

In 1963, the United States took the first step toward this end by signing and ratifying the Limited Test Ban Treaty, which prohibits nuclear explosions in the atmosphere, outer space, and under water.

Further limitations were established through the Threshold Test Ban Treaty, signed in 1974, and the Peaceful Nuclear Explosion Treaty, signed in 1976. Under those treaties, the United States and the Soviet Union agreed to halt underground explosions larger than 150 kilotons.

When the cold war came to an end, sentiment began to build for a comprehensive ban on nuclear testing. President Bush signed legislation establishing a moratorium on such testing to be followed by France and Russia and continues to this day.

In January 1994, the Geneva Conference on Disarmament began negotiations on a treaty to forbid all nuclear explosions. An agreement was concluded in August of 1996, and the following month, President Clinton became the first world leader to sign the new treaty. It was submitted to the Senate for advice and consent to ratification just over 2 years ago, on September 24, 1997.

The Comprehensive Test Ban Treaty is relatively simple and straightforward:

First, it prohibits all explosions of nuclear devices. It does not ban the development or production of nuclear materials, nor does it affect activities to maintain a secure and reliable stockpile. By establishing a zero threshold on nuclear yield that affects all countries equally, the treaty draws a clear and consistent line between what is permitted and what is not.

Second, the treaty sets up a regime of verification and inspections, consultation, and confidence-building measures. An International Monitoring System of 321 monitoring facilities is to be established, and all data will be stored, analyzed, and disseminated by an International Data Center. In addition, information that the United States obtains through its own intelligence can be used as the basis for a short-notice, on-site inspection request.

Let me emphasize that. Information that the United States obtains through its own intelligence can be used as the basis for a short-notice, on-site inspection request.

Third, the treaty creates an organization to ensure proper implementation and compliance, and to provide a forum for consultation and cooperation among States Parties. The new body will have a Technical Secretariat responsible for day-to-day management, and supervising and managing data-collection operations, as well as a 51-Member Executive Council, on which the United States would have a seat. Both the Technical Secretariat and the Executive Council are to be screened by a third party, the United Nations, which will meet at least annually.

Finally, the treaty provides for measures to redress a situation and ensure compliance, including sanctions, and for settelements by a higher body, the United Nations Security Council in which we have a veto, the authority to levy sanctions or other measures.

The CTBT, which has been signed by some 60 countries and ratified by 154, has drawn broad support not only from among the American population, but from key U.S. military and intelligence officials and from our key allies.

It has been endorsed by the Chairman of the Joint Chiefs of Staff, Gen. Hugh Shelton, as well as former Chairmen Gen. John Shalikashvili, Gen. Colin Powell, Gen. David Jones, and Adm. William Crowe, and the directors of all three national laboratories that conduct nuclear weapons research and testing.

NATO’s Defense Planning Committee and Nuclear Planning Group called for ratification to ensure “as soon as possible.” Thirty-two Nobel laureates in physics have written to the Senate stating that “it is imperative that the CTBT be ratified,” and noting that “fully informed technical studies have shown that continued nuclear testing is not required to retain confidence in the safety, reliability and performance of nuclear weapons in the United States stockpile, provided science and technology programs necessary for stockpile stewardship are maintained.”

Despite the importance of the CTBT for U.S. national security, formal consideration of the treaty has not taken place over the last 2 years. Now we are suddenly called upon to register a judgment without the benefit of proper hearings and committee debate. While I have come to the conclusion that the merits of this treaty outweigh its costs and that it is in the interests of Senate advice and consent to ratification, I do regret that an issue of such significance should be taken up without the normal course of hearings and proceedings leading up to the consideration of a measure of this kind.

Let me outline a few of the reasons why I support this treaty. First, it will help reduce threats to U.S. national security. A complete ban on testing makes it harder for countries already possessing nuclear weapons to develop and deploy more sophisticated new designs, and for those seeking nuclear capability to initiate a nuclear weapons program. As we know, relatively simple bombs can be built without testing, but creating smaller, lighter weapons that are easier to transport and conceal and that require less nuclear material are difficult without explosive tests.

With a global ban in place, a nation intent on conducting tests would take on the burdens not only of increased expenses and technical dangers, but also the risk of detection and imposition of international sanctions. But a very real sense, the CTBT locks in U.S. nuclear superiority while preventing reignition of arms races that constitute serious threats to our national security.

The CTBT also promotes U.S. security by strengthening the Nuclear Non-Proliferation Treaty, the NPT, which entered into force in 1970 and was extended indefinitely in 1995. The NPT is the bedrock of international arms control policy, representing a bargain in which non-nuclear weapons states promised to forswear the development and deployment of nuclear weapons and accede to a permanent inspection regime so long as the nuclear powers agreed to reduce their arsenals. In order to gain approval for permanent extension of the Nuclear Non-Proliferation Treaty, the five declared nuclear powers promised to negotiate and ratify a test ban treaty.

The CTBT further advances U.S. interests by providing additional tools to assure our current and detection capability. The International Monitoring System will record data from 321 sensor stations—262 beyond what the United States possesses today.

The new facilities include 31 primary and 116 auxiliary seismic monitoring stations, 57 radionuclide stations to pick up traces of radioactivity, 8 hydroacoustic stations to detect explosions on or in the oceans, and 50 infrasound stations to detect sound waves in the atmosphere. Thirty-one of the new or upgraded monitoring stations are in Russia, 11 in China, and 17 in the Middle East, all...
What is at stake is not just the pros and cons of the test ban treaty, but the future of multilateral arms control.

I ask unanimous consent the full text of that article be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. SARBANES. Perhaps as compelling as the case in favor of the treaty are the potential consequences of a negative vote. Senate rejection of the treaty could severely weaken the Nuclear Non-Proliferation Treaty, for which a review conference is scheduled next April.

It is entirely possible, as the Washington Post reported, that “some non-nuclear countries might regard failure to ratify the treaty as a broken promise that would relieve them of the obligation to comply with key parts” of the Nuclear Non-Proliferation Treaty. Such a result would clearly cut U.S. leadership and credibility on non-proliferation, threatening our policy objectives in Iraq and North Korea, among other places, but could increase the likelihood of resumed testing and aggressive proliferation in South Asia.

Resumed testing would not only threaten regional security and U.S. strategic interests but could pose new challenges to public health and the natural environment. According to the Energy Department, more than one out of seven underground U.S. nuclear tests since 1963 vented radioactive gases into the atmosphere, and the problem will obviously be much worse in countries that do not take or cannot afford the same level of environmental protections.

Some have objected that the treaty will be difficult to verify, that it will prevent the United States from maintaining a safe and reliable nuclear arsenal. While no treaty is completely verifiable, it is clear that CTBT evasion is not easy; it would require significant effort and expenditure on the part of the evading state to reassemble a nuclear arsenal. As one key supporter of the treaty, and until recently the Senate Foreign Relations Committee, Mr. S. Robert Michel, put it, “The only way to prevent violations is to have a treaty in place.”

Mr. SARBANES. And that is why the Senate Foreign Relations Committee approved the bill. It is a necessary part of our strategy to deny future proliferators the option of acquiring nuclear weapons.

In his statement before the Armed Services Committee on October 6, Secretary of Defense William Cohen addressed this point at length. I will quote the Secretary because I think his observations are extremely important:

CTBT evasion is not easy; it would require significant effort and expenditures, as well as the necessary preparations and resources. In the end, the testing party has no guarantees that its preparation or its nuclear test will escape detection by the International Monitoring System.

In short, the CTBT will make it much more difficult to conduct nuclear tests, which is exactly what the United States and other states want.

An article in the Washington Post on October 8 reported that:

The world’s major powers, including America’s major treaty partners, may be moving today that failure to ratify the multilateral nuclear test ban treaty would send a dangerous signal that could encourage other countries to spurn arms control commitments.

German Foreign Minister Joschka Fischer was quoted as saying:

Mr. SARBANES. And those dealt with the conduct of the Stockpile Stewardship Program, the maintenance of modern nuclear laboratory facilities, the maintenance of a basic capability to resume testing, should it become necessary. The resolution of a comprehensive research and development program to improve our monitoring capabilities, the continued development of a broad range of intelligence gathering, and the ability to withdraw from the CTBT if the safety or reliability of a nuclear weapon type critical to our nuclear deterrent could no longer be certified.

I believe these safeguards will ensure that U.S. national security interests can be met within the context of the treaty.

Mr. President, I support ratification, but there do not appear to be enough
votes to approve it. The President, in his letter requesting that action be delayed, stated that...

...proceeding to a vote under these circumstances would severely harm the national security of the United States, damage our relations with our allies, and undermine our historic leadership over 40 years, through administrations Republican and Democratic, in reducing the nuclear threat.

I agree with the President's assessment. Therefore, I urge my colleagues to join in voting to postpone consideration of the treaty while we undertake to build the necessary understanding and political support that will lead to its ultimate ratification.

If we do not approve the treaty, ratify it, then surely we should delay its consideration, postpone its consideration while we continue to explore the matter further, rather than, in my judgment, doing the grave harm that would come to the national security, as the President has outlined.

I ask unanimous consent that two editorials from the New York Times in support of the treaty be printed in the RECORD.

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

[From the New York Times, Oct. 12, 1999]

**FIGHTING FOR THE TEST BAN TREATY**

Despite the important contribution it would make to a safer world, the nuclear Test Ban Treaty stands virtually no chance of muster enough support to win Senate ratification this week. Allowing it to be voted down would deal a damaging blow to America's credibility and military security. The wiser course is to delay Senate action for at least a few months, as President Clinton requested yesterday, giving the White House more time to overcome the arguments of treaty critics.

But Republican senators are recklessly insisting on an immediate vote unless Mr. Clinton withdraws the treaty. One audience consists of the rest of his term. That is something he should avoid, because it would signal to the rest of the world that the White House, not just the vote, is edging away from the Test Ban Treaty.

Mr. Clinton refuses to be bound by such conditions. Nevertheless some Senate treaty supporters, including Daniel Patrick Moynihan of New York, are trying to put together a deal under which Mr. Clinton would not give up on the treaty, while Senate Democrats would refrain from pushing it in this Congress. The White House suggests it could accept such an arrangement.

The message that Washington sends to the world will be clearer. One audience consists of countries like India and Pakistan, which are still trying to decide whether to sign the treaty and would be unlikely to do so if the Clinton White House gave up on eventual Senate ratification. For these countries to remain outside the test ban would encourage a dangerous nuclear arms race in south Asia that could easily draw in nearby countries like Iran and China. It could also fuel the ambitions of other intermediate powers, like India or Pakistan.

Another group of countries includes established nuclear nations such as China and Russia. Like Washington, Beijing and Moscow have signed the treaty but not yet ratified it, and are observing a voluntary moratorium on nuclear tests.

As long as Mr. Clinton continues to campaign for the Test Ban Treaty and there remains a reasonable chance that Washington will someday ratify it, these countries are likely to keep their current position. But if the President's hopes for eventual American ratification recede, China or Russia might be tempted to test again in an effort to improve their bomb designs and nuclear weapons technology.

These considerations argue strongly for delaying the vote rather than giving up on it for the rest of Mr. Clinton's term. The treaty is backed by America's military leaders, public opinion and Washington's main allies. Good answers are available to the objections so far raised by Senator Christopher J. Dodd or by the political calculus is not favorable, and ultimately it may be necessary to wait until a new President and a new Senate take office before it is outmaneuvered into a compact timetable that left too little time for an intensive lobbying campaign.

The resulting failure will weaken American security and will act as a magnet for Pakistan will be more likely to develop its nuclear arsenals and China will be increasingly tempted to resume testing to exploit new weapons designs, some of which may have been stolen from the United States. The goal now should be to try to limit the damage by keeping open the possibility that the Senate can be persuaded to ratify the treaty in the months to come.

To that end, the White House must reject the terms the Republicans now offer for canceling the moratorium. The key requirement is the outrageous requirement that President Clinton not seek ratification during his remaining 15 months in office. That would make the treaty nearly impossible to sell and would leave other countries wondering whether Mr. Clinton has abandoned the treaty he signed three years ago. Unless the Republicans agree to a postponement until the White House should let the Senate proceed toward a vote next week—testing, between now and then, to win as many extra Republican votes to make ratification short,

On the treaty's failure, Mr. Clinton should concentrate his presidential energy on building enough support to justify a new ratification effort as soon as possible. Republican senators have raised several arguments against the treaty, most of which can be addressed in close debate. Some doubt whether American intelligence agencies can detect very-low-yield nuclear tests. Others worry that America's nuclear stockpile might deteriorate without testing. Some mistakenly believe that missile defenses will make arms control treaties unnecessary.

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The Administration has answered these objections convincingly. Approving the treaty would not only halt an international nuclear arms race but also hasten nuclear proliferation, keep existing weapons reliable and nurture the scientific skills that could create new ones if the treaty ever broke down. Missile defense can at best supplement arms control, not replace it.

There is every reason for Republicans of conscience to vote for the treaty, despite its flaws. There is almost no chance that they will. Mr. Clinton's challenge now will be to sway enough Senate votes to make ratification possible before he leaves the White House.

**EXHIBIT I**

[From the Washington Post, Oct. 8, 1999]

**U.S. ALLIES URGED SENATE TO RATIFY TEST BAN**

By William Drozdzik

VIENNA, Oct. 7—The world's major powers, including America's closest allies, warned today that failure to ratify the multinational nuclear test ban treaty would send a dangerous signal that could encourage other countries to spurn arms control commitments.

With the Senate scheduled to begin debating the treaty Friday, envoys from nearly 100 nations at a conference here, including Russia, China, Britain and Germany, expressed alarm that the United States appears to be on the brink of rejecting the Comprehensive Test Ban Treaty. The pact, which President Clinton signed in 1996, would prohibit nuclear test explosions worldwide.

Diplomats said British Prime Minister Tony Blair and French President Jacques Chirac will soon make personal appeals to the United States to approve the accord, prior to a possible Senate vote next week.

"In Washington, it was unclear if a compromise would be reached to postpone a vote on the treaty. Both sides agree that the pact will be defeated if it comes to a vote on Monday or Wednesday as scheduled. In the latest blow to the accord's prospects, Sen. Richard G. Lugar (R-Ind.), an influential arms control advocate, declared his opposition."

Majority Leader Trent Lott (R-Miss.) was sticking to his position late today that a vote can be delayed only if the Clinton administration promises not to try to revive the treaty before the president leaves office. The White House has rejected that proposal, and Sen. Joseph R. Biden Jr. (D-Del.), the ranking minority member of the Foreign Relations Committee, said he is "not hopeful" that the vote could be postponed.

Here in Vienna, diplomats said that Blair and Chirac will urge their opponents to forgo partisan politics and weigh the damaging impact a negative vote would have on U.S. leadership in the effort to halt the spread of weapons technology.

There was particular concern here that some non-nuclear countries would regard failure to ratify the treaty as a broken promise that would relieve them of the obligation to comply with key parts of another accord. The Nuclear Non-proliferation Treaty. That pact is considered the linchpin of international efforts to limit the spread of nuclear weapons.

International anxiety also has been compounded by new worries over U.S. efforts to ease constraints imposed by the Anti-Ballistic Missile (ABM) Treaty, which limits the ability of the United States to build systems to defend against missile attack.

Russia and China say they will destabilize the strategic balance if the United States built a missile defense system, because Washington could be tempted to attack other nations and use that system in a situation. That could trigger a new arms race as other nations sought ways to overwhelm missile defenses.

Basic nations are surprised by the Senate's hesitation to approve the test ban treaty, in part because the accord is widely regarded...
abroad as locking in American nuclear superiority. Until recently, the treaty had gained strong momentum as the ratification process moved ahead and a world-wide sensor system was deployed. Even the tiniest indication of a nuclear explosion.

More than half of the 44 nations with nuclear facilities whose ratification is necessary to take effect have already done so. U.S. approval is deemed critical to persuade other nations, including Russia and China, to ratify. Even more important, if the U.S. does not ratify, which pledged to sign the test ban treaty under enormous international pressure, are said to be awaiting Senate action before making their final decisions.

"It would be a highly dangerous step for the Senate to reject this treaty," said Peter Hain, the U.K.'s minister of state for foreign affairs. "If the test ban treaty starts to unravel, all sorts of undesirable things could happen. It would send the worst possible signal to the rest of the world by giving a green light to many countries to walk away from promises not to develop nuclear arsenals." Hain and other delegates here spoke at a long-planned conference organized to discuss how to put the test ban treaty into effect.

German Foreign Minister Joschka Fischer said the rest of the world would be watching the Senate closely to see the possible effects of its possible effect in eroding support for the non-proliferation treaty. "What is at stake is not just the pros and cons of the test ban treaty, but the whole question of multinational arms control," Fischer said.

Diplomats fear that a failure to put the test ban treaty into effect soon would discourage some "threshold" countries—those close to developing nuclear weapons—from cooperating with intrusive inspections under the non-proliferation treaty. Such inspections are necessary to prevent them from cheating and secretly developing nuclear weapons.

Jayantha Dhanapala, the U.N. undersecretary for disarmament affairs, said many countries agreed to a permanent inspection regime four years ago only on the basis of a written guarantee by the nuclear powers to negotiate and ratify a worldwide test ban as one of several key steps toward nuclear disarmament.

In a grand diplomatic bargain struck in 1995, the inspection program was made permanent for some 175 nations that have promised to forswear nuclear weapons. In exchange, the United States, France, Britain, Russia and China—pledged to reduce nuclear arsenals and approve a treaty that would ban test explosions that help upgrade their weapons.

"If the Senate rejects ratification, it would send a very negative signal that will act as a brake on the momentum we have achieved to control this threat, because the countries would see this vote as a betrayal of a promise," Dhanapala said.

The U.S. delegation, Ambassador John B. Rittich III, said a main theme of the Vienna conference has been international alarm over isolationist thinking that has surrounded the controversy over the treaty. He said foreign delegates found it difficult to understand how the Senate could consider backtracking from a ban on nuclear explosions even though polls show as much as 90 percent of the American public support the treaty.

China's representative here said that U.S. failure to ratify the test ban treaty would be "a very negative development" and joined others in expressing concern that the United States is shunning its obligations on global arms control.

"I don't like to talk about any country exercising world leadership, but in this case we see that the United States must play a special role," Sha Zukang, China's top arms control official, said in an interview. Sha added that China is even more alarmed by U.S. efforts to forswear nuclear defense system than by the Senate's reluctance to approve the test ban treaty.

Boris Kvok, Russia's deputy chief of disarmament issues said the U.S. decision on the test ban treaty would not affect the deliberations of Russia's parliament on the pact or alter his country's position. "Fate of the U.S. moves ahead with ballistic missile defense, it would be a disaster for strategic stability in Europe and the world. And we would have to start developing new weapons to correct this imbalance," Kvok said.

Mr. SARBANES. Mr. President, I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I yield myself up to 10 minutes to speak on the Comprehensive Test Ban Treaty.

Mr. President, there have been a number of arguments put forward against and for the Comprehensive Test Ban Treaty. We have heard, most recently, arguments for ratification of the treaty from President Bush of the United States, from Secretary of Defense Robert Gates, and the Republican members of the House and Senate who have been urging us to ratify the test ban treaty. Mr. President, I want to address a number of arguments put forward by those who are against the Comprehensive Test Ban Treaty. I note the President stated in his weekly radio address that every President since Eisenhower—a Kansan—has supported this treaty. The reality of this is actually that no previous administration, either Republican or Democrat, has ever supported the zero-yield test ban now in this treaty before the Senate. Eisenhower insisted that nuclear tests with a seismic magnitude of less than 4.75 be permitted. Kennedy terminated a 3-year moratorium on this nuclear tests, declaring that "never again" would the United States make such a mistake. He then embarked upon the most aggressive series of nuclear tests in the history of the weapons program. Carter, Reagan, and Bush all opposed a zero-yield test ban. Then in the present administration initially opposed a permanent zero-yield test ban before signing onto the CTBT.

It has been claimed that the CTBT hasn't been given enough Senate floor time. The unanimous-consent agreement provides for 22 hours of debate on the CTBT. By contrast, the START treaty had 9.5 hours; START II had 6 hours; the Chemical Weapons Convention had 18 hours. We need to put a lot of time in on this. The White House insisted for 2 years that the Senate vote on the CTBT, using terms such as "now," "immediately," "right away." Now when we are ready to vote, there isn't seem to be any pressure to enter into that debate and vote.

Another thing the President said in his news conference in Canada was this was being "politically motivated." I reject that, Mr. President. You do not consider items such as this with any consideration for political motivation. This is nuclear testing we are talking about. This is a critical issue to the world—to my four children. That is something you don't interject any bit of politics into. I reject that notion altogether.

There are a couple of other arguments bantered about quite a bit—one that I have taken most note of because it causes me the most pause to think is what would other countries think if we voted down the treaty? Would that cause more proliferation? I cannot read the minds of the leaders in China, Russia, Pakistan, India, or Israel. There are people with a great deal of wisdom and expertise who did not get a chance to be in that area and have put forward thoughtful statements. One was put forward by former Secretaries of Defense Weinberger, Cheney, Rumsfeld, Laird, Carlucci, and Schlesinger. All of them signed this quote:

"We also do not believe the CTBT will do much to prevent the spread of nuclear weapons.

Now, you have six former Secretaries of Defense saying that.

The motivation of rogue nations like North Korea and Iraq to acquire nuclear weapons will not be affected by whether the U.S. tests. Similarly, the possession of nuclear weapons by nations like India, Pakistan, and Israel depends on the security environment in their region, not by whether or not the U.S. tests. If confidence in the U.S. nuclear deterrent were to decline, countries that have relied on our protection could well feel compelled to seek nuclear capabilities of their own. Thus, ironically, the CTBT might cause additional nations to seek nuclear weapons.

That was a quote from the six former Defense Secretaries—Weinberger, Cheney, Rumsfeld, Laird, Carlucci, and Schlesinger.

This is a quote from General Vessey, former Chairman of the Joint Chief of Staff:

"Supporters of the CTBT argue that it reduces the chances for nuclear proliferation. I applaud efforts to reduce the proliferation of nuclear weapons, but to believe that the test ban will reduce the ability of rogue states to acquire nuclear weapons in sufficient quantities to upset regional security in the absence of the threat of our nuclear weapons can be built with assurance they'll work without testing. The Indian and
Pakistan's "tests" apparently show that there is adequate knowledge available to build implosion type weapons with reasonable assurance that they will work. The Indian and Pakistani nuclear programs have been called "tests," but I believe it to be more accurate to call them "demonstrations," more for political purposes than for scientific testing.

A letter signed by John Deutch, Henry Kissinger, and Brent Scowcroft says:

Supporters of the CTBT claim that it will make a major contribution to limiting the spread of nuclear weapons.

It is the same argument we hear time and time again, which I wish to be true because I want this to be a nuclear-free world. They say:

This cannot be true if key countries of proliferation concern do not agree to accede to the treaty. To date, several of these countries, including India, Pakistan, North Korea, Iran, Iraq, and Syria, have not signed and ratified the treaty. Many of these countries may never sign the CTBT regime, and ratification by the United States, early or late, is unlikely to have any impact on their decisions in this regard. For example, no serious attempt would believe that the nations like Iran or Iraq will give up efforts to acquire nuclear weapons if only the U.S. signs the CTBT.

If you think about that, they are not going to respect what we do.

This is a letter from Edward Teller to Senator HEMLS. He says this in the letter, dated February 4, 1998:

The point I must make is that, in the long run, knowledge and ability to produce nuclear weapons will be widely available. To believe that, in the long run, proliferation of nuclear weapons is avoidable is wishful thinking and dangerous. It is more dangerous because it is a point of view that the public is eager to accept. Thus, politicians are tempted to gain popularity by supporting an amendment which is unacceptable to this side. I did want to speak to that for just a moment because I don't believe anyone should suffer any illusions that the so-called safeguards that are part of this amendment are going to in any way enhance the treaty and make it more palatable. We accepted it because it is what is being done anyway. It wouldn't have to be added to the treaty. The President theologically is pursuing these things. He should pursue them. But they are not going to make the treaty any better or worse.

For example, the first item is the Stockpile Stewardship Program. It has been assumed all along that there would be a Stockpile Stewardship Program. We don't have to amend this in order to achieve anything.

The problem is, the Stockpile Stewardship Program is very troublesome even if you assume there would be assurance at the end of the day that it could do the job it was designed to do because some people are assuming that design is a total replacement of testing. It was never designed to totally replace testing, but merely to give us a greater degree of confidence in the reliability and safety of our nuclear weapons, not that it could totally replace testing.

But even if you laid that aside, the notion was that the Stockpile Stewardship Program would be ready in a decade. This was announced about 3 years ago. Now we are being told it will be ready by the year 2010.

There are slips along the way that suggest problems with the Stockpile Stewardship Program. It is behind budget. We haven't been budgeting the amount of money that was indicated as necessary for it—the $4.5 billion a year. We have also not indexed for inflation. So each year that we supply the $4 billion or so, we are getting further behind because we are not indexing that to inflation.

We have also included other programs within the Stockpile Stewardship Program that were never intended to be funded out of it, such as the tritium production for nuclear weapons. That was to be a separate area of funding. This administration has folded that into the Stockpile Stewardship Program, with the result that even more of the money necessary for the ASCI Program is a key part of the Stockpile Stewardship Program will be shorted if we have to spend that money for tritium.

In addition to that, let me quote a letter received from Henry Kissinger, Director of one of our National Laboratories. This is a letter sent to me in September of this year from John Nuckolls who is the former Director at Livermore. Here is what he said:

A post-CTBT or other funding reduction would increase the risk in long-term stockpile reliability. Current and projected funding is inadequate. Substantial additional funding is needed for SSP experimental efforts including construction of an advanced hydro facility.

I also note that the so-called ignition facility, which is planned as a part of this, is also behind schedule and over budget.

As Mr. Nuckolls pointed out, we are already behind. We are getting further behind, and I don't think anyone should put that much reliance as a result in the Stockpile Stewardship Program.

Another safeguard is the nuclear laboratory facilities and programs. Of course, we are going to maintain our nuclear laboratories and facilities. I don't think anybody would ever assume we were not going to do that. So this adds nothing to the treaty. The question is, Can you maintain these without nuclear testing? It turns out it is much more difficult to do so, quoting again, the reason being that the so-called ignition facility, which is planned as a part of this, is also behind schedule and over budget.

In an extended duration nuclear test ban, confidence in the stockpile would be adversely affected by loss of key test trained and validated expert personnel, major gaps in our scientific understanding of nuclear explosives, nuclear and chemical decay of warheads, accidents and inadequate funding of the Stockpile Stewardship Program.

All nuclear test trained/validated expert personnel would eventually be lost. Training of the replacement workforce would be seriously handicapped without nuclear testing, and expert judgment could not be fully validated. A serious degradation of U.S. capabilities to find and fix stockpile problems, and to design and build new nuclear weapons would be unavoidable.

In other words, what is perceived as a good thing—these nuclear laboratory facilities and programs—is actually being allowed to deteriorate without testing. We simply won't have the people available in order to maintain the facilities and to be prepared to do the things he says are necessary to be done. A serious degradation of U.S. capabilities would be unavoidable.
We are not talking about something hypothetical and unimportant. We are talking about the U.S. nuclear stockpile. This is the person who used to run this National Laboratory. He is telling us we had better be careful putting our reliance on that program.

The most basic safeguard is the maintenance of nuclear testing capability. That is fine, except that we are not doing it. This President should be doing it. He claims to be doing it. But it is not being done. We now know it would take 5 to 10 years, if not longer, to get back to the point where we could test.

I again quote from Mr. Nuckolls’s letter:

In an extended duration nuclear test ban, the nuclear test site infrastructure is likely to decay or become obsolete. Nuclear test experienced personnel would be lost. A series of nuclear tests to diagnose complex reliability problems and to certify a fix, or to develop new weapons could take several years.

Nuclear testing has been essential to the discovery and resolution of many problems in the past.

The point he is making is that you can’t just say you are going to be able to resume testing unless you take active and take serious steps to maintain that readiness. We are not doing it. And he says in a test ban of this kind, we would not be able to do it.

That is why the Senate is the continued comprehensive research and development program. Of course, we are going to be doing that. Intelligence gatherings, analytical capabilities—we will do the best we can on that, although, as he has pointed out, it is inadequate.

Senator RICHARD LUGAR, an arms control advocate and an expert in this body, has concluded reluctantly that this treaty is not verifiable and enforcement as a matter of fact, it cannot be made so.

Let me quote from the Washington Times of today because it talks about how we negotiated this treaty and how we negotiated the provisions for verification. Let me read from the story which is headlined, “Moscow, Beijing balk at monitors. Testing sites not included in nuke treaty.” I am quoting now:

Russia and China refused to permit seismic monitoring near their nuclear weapons test sites that could have resolved some verification problems now troubling the Comprehensive Test Ban Treaty, according to U.S. government officials.

Clinton administration officials and congressional aides said the failure of U.S. negotiators to win the cooperation of Moscow and Beijing was a “negotiating failure” that undermined the treaty. It is also a key reason U.S. intelligence agencies said both nations could conduct hidden nuclear tests without detection.

The officials, who spoke on the condition of anonymity because of sensitive intelligence issues, said the treaty’s international monitoring system that includes 50 “primary” seismic stations and 120 “auxiliary” seismic stations does not include stations close to China’s remote northwestern Lop Nur test site in Gansu province, or Russia’s arctic Novaya Zemlya.

U.S. intelligence agencies suspect the two locations were used recently for small nuclear test blasts.

China’s test on June 12 may have been part of efforts by Beijing to build smaller warheads for its short-range missiles, or multiple warhead intercontinental ballistic missiles (ICBMs), U.S. intelligence officials said.

Two suspected nuclear tests detected near Novaya Zemlya on Sept. 8 and Sept. 23 are believed to be part of Russia’s secret nuclear testing program.

U.S. intelligence agencies reported recently to policy-makers and members of Congress that Russia and China are the two nations most interested and capable of conducting covert tests. “Both have locations where they could conduct secret tests that would not be detected,” one intelligence official said.

On Russia, the aide said the administration faces a dilemma. “Either they accuse the Russians of violating the treaty or concede the treaty cannot be verified,” the aide said.

U.S. intelligence agencies are now saying that “you can have militarily significant developments below the [seismic] detection threshold,” the aide said.

Administration officials have said verification is not as important as promoting the agreement itself as a deterrent to nuclear weapons proliferation.

“The CIA has indicated that it cannot verify to a hundred percent whether or not someone has conducted a nuclear test,” Defense Secretary William S. Cohen said Sunday on NBC’s “Meet the Press.” “But we believe with this treaty, you’re going to have someone doing on that would put us at any kind of a disadvantage.”

On the record, the United States cannot detect nuclear blasts below a few kiloton yield, Secretary of State Madeleine K. Albright said: “We can detect what we need to.”

“Those that are below a certain level, we do not think would undercuts our nuclear deterrent because they would be so small that they would not affect our nuclear deterrent capacity,” Mrs. Albright said on ABC’s “This Week.”

A Pentagon official, however, said the Clinton administration had pushed harder for more sensitive seismic monitoring if Beijing were to accept the treaty.

On China, the aide said that China had the impression the Clinton administration had pushed harder for more sensitive seismic monitoring if Beijing were to accept the treaty. Michael Pillsbury, a former acting director of the U.S. Arms Control and Disarmament Agency, said China would have agreed to better seismic monitoring if Beijing were pushed harder.

“Chinese officials have told me that if the Clinton administration had pushed harder they would have agreed to a primary site near the test site,” said Pillsbury, who also took part in a recent Defense Science Task Force study on nuclear weapons, “but the Chinese had the impression the Clinton administration didn’t place as a high priority on treaty verification as they did on maintaining good trade relations.”

Senator writing a paper on this and wrote that the Clinton administration had pushed harder and was pushing the treaty.

None of those stations, however, is located close enough to the main Russian and Chinese testing facilities to be able to detect tests conducted covertly inside underground cavities, or tests of very small nuclear blasts, the officials said.

By contrast, the United States has five primary seismic monitoring stations under the treaty including one in Nevada, where the main U.S. nuclear testing site is located. It will also have 11 secondary sites.

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treaties that lack even minimal standards, then we need to say no, so that our negotiators in the future will be able to negotiate stronger provisions—provisions that we seek because we understand their importance and necessity for control.

If we simply ratify what is acknowledged to be a flawed treaty, then our negotiators are never going to be able to say no to bad terms and we are always going to have to then go to the lowest common denominator in these treaties—treaties which then become bad for the United States; treaties which are unverifiable and unenforceable. Those are concepts that used to cause the Senate to say no, to say we won't approve a treaty that doesn't have good verification or enforcement provisions. Those are minimally necessary for sensible treaties.

Our negotiators tried to avoid a zero-yield basis in this treaty but they couldn’t so they gave up. They tried to have a 10-kiloton limit rather than the kind of limit that this treaty be in effect in perpetuity, but they couldn't get it done. So in order to make a deal, they said: All right, we will agree to something less. If they knew and if their counterparts understood at the Senate at that point would say: No, we are not going to ratify such a treaty, they would more likely have stood firm and been able to hold their ground. The same thing is true with respect to the monitors. Administration officials have tried to suggest that actually we will have a better chance of monitoring in the future than we do today, while many of the experts have debunked that. The fact that the treaty calls for monitoring sites around the world is irrelevant if the sites are not placed in the positions that are best for detection of nuclear weapon explosions. What this article is pointing out is that when the United States tried to intercede only on the U.S. and China, the Russians and Chinese said no, and we backed down. Now we don't have monitoring stations in key locations in the world near the Chinese and Russian test sites that would enable the United States to understand whether or not they have violated the treaty by engaging in nuclear tests.

Let me quote further from the article, while it points out that Russia and China will have some seismic stations close to the test sites, this results in very small nuclear blasts, the official said.

By contrast, the United States has five primary seismic monitoring facilities under the treaty in Nevada, one in Texas and the main U.S. nuclear testing site is located. It will also have 11 secondary sites.

Michael Pillsbury, a former acting director of the U.S. Arms Control and Disarmament Agency, said China would have agreed to better seismic monitoring if Beijing were pushed to do it.

"Chinese officials have told me that if the Clinton administration had pushed harder they would have agreed to a primary site near the test site," said Mr. Pillsbury, who also took part in a recent Defense Science Task Force study on nuclear weapons, "but the Chinese believed that the Clinton administration didn't place as high a priority on treaty verification as they did on maintaining good trade relations."

A Senate aide said Russia agreed to allow more sensitive seismic monitoring to be placed near Novaya Zemlya, but only if the United States agreed to provide Moscow with advanced computers and U.S. nuclear weapons testing data. The administration refused.

I think the point of this article and the point of the testimony of several of the people who came before the committee was that the people who negotiated this treaty gave up too soon on too many important provisions, and because they wanted a treaty more than they were concerned about the specific provisions—such as verification and enforcement—they were willing to commit the United States to a series of obligations that will have a profound negative impact on our nuclear stockpile and yet do very little, if anything, to ensure that other nations in the world will not proliferate nuclear weapons.

The reason the administration said they needed this treaty was that it provided them with the political ability to impose sanctions on Russia and China, and the President said he didn't have the political ability to do that. If you ask them about that, they would say: No, we are not going to bamboozle our negotiators. Because the Senate provides a backstop, we will say no. That is the way the Founding Fathers understood we could ensure that the United States did not take on inadequate or offensive international arms obligations or limitations.

I have mentioned all the safeguards but the last one. These safeguards add nothing to the status quo. In fact, I hope they will be more robustly pursued than this administration has pursued.

Last is the withdrawal under the supreme interest clause. Even this was something that the administration sought to avoid when it negotiated the treaty. The Senate at that point would say: No, we are not going to ratify such a treaty, they would have stood how very difficult—in fact, how impossible. In fact, President John F. Kennedy said exactly that in speaking about the moratorium that he inherited from the Eisenhower administration. He said never again should we do that because it is not only difficult, it is impossible to go back to testing without political ramifications after having had a moratorium condition.

The supreme interest clause is certainly something that would be part of any administration's options; whether or not it is added to the treaty is irrelevant. The administration always has that option. It adds nothing.

The reason we were happy to accept the amendment offered by the Senator from Delaware is that it adds nothing to the treaty. We assume those provisions would be extant and therefore there is no reason to object to it. There is also no reason to celebrate because it adds nothing to what we already have.

As I said, unless we are a lot more serious about providing the funding that is called for under the amendment and doing the science that is required, we are going to find ourselves getting further and further behind, especially in the area of the safeguards added to this treaty. We need a safeguard package that makes the treaty any better than it was to begin with. I ask unanimous consent to have printed in the RECORD a letter from John H. Nuckolls.

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


Hon. Jon Kyl,
U.S. Senate, Hart Senate Office Building, Washington, DC.
Dear Senator Kyl: This letter responds to your April 1, 1999 request for my answers to five questions concerning the effects of a nuclear test ban on the reliability and safety of the nuclear stockpile. My views do not represent LLNL.

1. To maintain confidence in the safety and reliability of the U.S. nuclear stockpile in the absence of nuclear testing, the United States intends to rely on the Stockpile Stewardship Program to accomplish the goals previously achieved through nuclear testing. Setting aside the controversial issue of sustained funding for the Program, how confident should we be that the Program will achieve its goals? In your answer, please address not only the level of certainty we should have regarding the Program's technical goals, but also the goal of attracting and retaining nuclear weapons expertise and to ensure that the Program addresses problems that may develop in the existing stockpile or design and build new nuclear weapons.

2. An extended duration test ban, confidence in the stockpile would be adversely affected by loss of all nuclear test trained
and validated expert personnel, major gaps in our scientific understanding of nuclear explosives, nuclear and chemical decay of warheads, accidents and inadequate funding of the Stockpile Stewardship Program (SSP).

All nuclear test trained/qualified personnel would eventually be lost. Training of the replacement workforce would be seriously hampered without nuclear testing, where expert judgment could not be fully validated. A serious degradation of U.S. capabilities to find and fix stockpile problems, and to detect and destroy new nuclear weapons would be unavoidable.

There are major gaps in our scientific understanding of the importance of nuclear testing. These gaps create a serious vulnerability to untested problems. Uncertainties in our ability to compensate for missing test experience grow as our nuclear test experience is diminished. Inadequate understanding of critically important processes and expert judgment could not be fully validated. A serious degradation of U.S. capabilities to find and fix stockpile problems, and to detect and destroy new nuclear weapons would be unavoidable.

Key components of nuclear warheads are "aging" by radioactive decay and chemical decomposition and corrosion. Periodic re-manufacture is necessary, but may copy existing defects and introduce additional defects. Warheads manufactured presently differ significantly from the original parts—due to loss of nuclear test validated personnel who manufactured the original parts. The use of new material and fabrication processes, and inadequate specification of original parts. There are significant risks of reducing stockpile reliability when remanufactured parts are used in warheads where there are major gaps in our scientific understanding.

In spite of extraordinary efforts to prevent accidents, sooner or later "accidents will happen." Accidents (very probably those of foreign nuclear forces) are likely to generate requirements for incorporating modern damage limitation technologies in our nuclear warhead systems which lack these safety features. Without nuclear tests, confidence in reliability would be substantially reduced if fixes and validation are precluded by a CTBT.

The uncertainty in long-term stockpile reliability may be reduced somewhat by increasing margins. Depending on national security requirements, operational measures may be feasible which compensate for uncertain stockpile reliability, e.g., limit arms re-engineering so that warheads and diverse reserves of warheads and delivery systems can be maintained, use multiple independent forces on each target and maximize multiple shoot options.

2. Certification of U.S. nuclear weapons, once achieved through nuclear testing, is now achieved through a process of "science-based stockpile stewardship." It is not acknowledged to be flawed by 32 Nobel laureates in physics. It is not acknowledged to be flawed by four of the past five National Security Advisers, U.S. Chiefs of Staff. It is not acknowledged to be flawed by the weapons lab Directors, etc. cetera.

I want to make it clear, he states some believe it is flawed. The majority of the people who are in command—the Secretaries of Defense who have been mentioned—if we balance it out, clearly think this is not a flawed treaty.

I yield on the Republican time to my friend from New Mexico. Mr. DOMENICI. Mr. President, there can be no question that this debate and the vote which might occur are very significant and historic events for the United States. I very much want to be in favor of the treaty but I cannot favor the treaty because I believe essentially it jeopardizes U.S. security.

I wish every Senator had the opportunity I have had for the last 3½ years. I say that knowing full well my friend from Arizona, while not on the committee that funds the stockpile stewardship, is one of the rare exceptions in that he and a few other Senators have learned and worked very diligently to understand what we have been doing since we decided on behalf of the Senate in a Mark Hatfield amendment that we would not test nuclear weapons.

What has been the U.S. response to our scientific and nuclear community? Essentially, what have we been busy doing can be encapsulated in the words "science-based stockpile stewardship." One might say, since that pertains to the safety of the weapons system, what we have done is move the nuclear testing at low yields, do our nuclear weapons research, and create a new level of confidence in the reliability of our nuclear arsenals?

With a series of clandestine nuclear tests, Russia would improve confidence in the reliability of its nuclear stockpile. Advanced low-yield nuclear weapons could also be developed, e.g., tactical and BMD warheads. These features would achieve confidence of other nations could improve their nuclear forces by clandestine tests of nuclear weapons, including tests of U.S. designs obtained through espionage? and Russian designs obtained through various means?

A "CTBT" with clandestine nuclear tests would incentivize and facilitate espionage. Achieving qualitative parity with a static U.S. stockpile would be a powerful incentive. Espionage is facilitated when U.S. progress is frozen, and classified information is being concentrated and organized in electronic systems.

These views are my own and do not represent LLNL.

Sincerely,

JOHN H. NUCKOLLS,
Director Emeritus, LLNL.

Mr. BIDEN. Mr. President, the Senator from Virginia would be next, but he has kindly yielded to the Senator from New Mexico.

My friend from Arizona keeps saying the "acknowledged flawed treaty." It is not acknowledged to be flawed by 32 Nobel laureates in physics. It is not acknowledged to be flawed by four of the past five National Security Advisers, U.S. Chiefs of Staff. It is not acknowledged to be flawed by the weapons lab Directors, etc.

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JOHN H. NUCKOLLS,
Director Emeritus, LLNL.
the most profound testimony regarding America’s stockpile of nuclear weapons occurred in the Armed Services Committee last week when sitting at the witness table was the Secretary of Energy, surrounded by the three National Laboratories.

It goes without saying that our country owes them a high degree of gratitude and thanks for what they do, for they oversee the safety of our weapons under this new approach which is very different for them, and that is, no testing; they must certify that everything is OK without testing. Scientists and physicists steeped in knowledge about nuclear weapons—one of them is a nuclear weapons expert of the highest order—testified, and I will quote in a while some of the difficulties they see with reference to their responsibility.

Secondly, I do not know what to do about it, but the difficulty, as they testified, in securing the funding they need without new mandates imposed upon them is very uncertain. The difficulty is real and it is uncertain as to whether they will continually over time get sufficient resources.

Third is, and I say this with a clear hope that the Secretary of Energy and the President will listen, the unknown impact of the failure on the part of this administration to proceed with reorganizing the Department of Energy on stewardship efforts. I do not want to belabor in this speech the efforts that many of us went to in streamlining accountability of the nuclear weapon program within the Energy Department. We called it a semiautonomous agency—so that Department, which is charged with the nuclear weapons, including the profound things we are talking about with respect to their safety, will not be bogged down by rules, regulations, personnel, and other things from a Department as diverse as the Department of Energy.

As a matter of fact, the more I think about it, the more I am convinced they should get on with doing what Congress told them to do instead of this waffling out of it by putting Secretary Richardson in charge of both the Energy Department and a new independent agency—which was supposed to be created so it would be semiautonomous, and he will head them both under an interpretation that cannot be argued—indicating to me that they are not quite willing in this Department of Energy to face up to the serious problems of our nuclear stockpile and such things as science-based stockpile stewardship.

Lastly, and for many who talked on the floor, the most important issue is the ambiguities and threats to our international security at the present time. I will talk about that a bit because we are both under an interpretation that cannot be argued—indicating to me that they are not quite willing in this Department of Energy to face up to the serious problems of our nuclear stockpile and such things as science-based stockpile stewardship.

When the United States declared a unilateral moratorium in 1992, the onus was on the scientists and National Laboratories to design and implement a program that would ensure the safety, reliability, and performance of our nuclear deterrent. This is an onerous, complicated task that has yet to be fully implemented and validated, and I just stated that.

Science-based stockpile stewardship was designed to replace nuclear tests through increased understanding of the nuclear physics in conjunction with unprecedented simulation capabilities. This requires a lot of money. In fact, full implementation of the stewardship program is more expensive than reliance on nuclear tests, and I do not say this as an excuse for moving back to testing. The truth of the matter is it proves we are very willing to keep our stockpiles safe, reliable, and sound, even if it costs us more money, so long as we do not underground testing on the other side of the ledger.

There is not only that. In addition, the validity of this approach remains unproven, and key facilities, such as the National Ignition Facility, are behind schedule and under budget, and it is supposed to be one of the integral parts of being able to determine the stockpile confidence.

This program will attempt to preserve the viability of existing weapons indefinitely. We no longer possess the capability to produce or produce the necessary new weapons, and maybe Senator KYL has referred to that. We have already gotten rid of our production facilities. Currently, seven highly sophisticated warhead designs comprise our arsenal. Each weapon contains thousands of components, all of which are subject to decay and corrosion over time. Any small flaw in any individual component would render the weapons ineffective. In addition, because we intend to preserve, rather than replace, these weapons with new designs, aging effects on these weapons remain to be seen.

I quote Dr. Paul Robinson of Sandia National Laboratory in his testimony last week:

Confidence in the reliability and safety of the nuclear weapons stockpile will eventually decline without nuclear testing . . . Whether the risk that will arise from this decline in confidence will be acceptable or not must be considered in light of the benefits expected to be realized [if you have a] test ban.

Are we ready today to accept a decline in confidence of our nuclear deterrent? Can we today accurately weigh the benefits on either side of the issue? I do not think so. On the other hand, risk, risk, risk, collapse of on-going disarmament initiatives by pre-maturely rejecting this treaty. That is the core of the problem, and the reason we are asking these hard questions is that I am not for it, but I would not like it to be voted on.

There are substantial risks with unknown consequences. Success of the current administration requires recruiting the brightest young scientists. We have to begin to sub-stitute for the older heads who know everything there is about it and contain all of the so-called corporate memory with reference to the science testing and the like.

My colleagues all know that I have fought very hard to get the money for the Stockpile Stewardship Program. We were perilously close this year to having this part of our budget cut by as much as $1 billion by the House. I think after weeks of saying we would not go to conference—it is not worth going to conference to fight—it was belied that we would be below last year’s level. They finally came to the point where we have a Stockpile Stewardship Program funded, but in an almost irrelevant way.

Dr. Browne of Los Alamos said:

I am confident that a fully supported and sustained program will enable us to continue to maintain America’s nuclear deterrent without nuclear testing. However, I am concerned about several trends that are reducing my confidence level each year. These include annual shortfalls in planned budgets, increased numbers of findings in the stockpile that need resolution, an augmented workload beyond our original plans, and unfunded mandates that cut into the program.

It is pretty clear that it is not what they would like it to be.

He also said he was concerned about other significant disturbances this year in the stability of the support from the government, partially in response to the concerns about espionage. This has sent a mixed message to the Laboratory that will make it more difficult to carry out the stewardship program. According to this good doctor who heads Los Alamos, the task of recruiting and training the requisite talent is hindered by the current security climate at the laboratories.

I strongly believe that the establishment of a semi-independent agency for nuclear weapons activities will significantly enhance efforts to ensure the success of the Stockpile Stewardship Program. At the same time, this reorganization will require many months to accomplish. I ask my colleagues the following question: Should we make an international declaration regarding U.S. nuclear tests in the midst of a complete overhaul of the Department responsible for those weapons? I don’t think so. Such an action would be premature.

Lastly, today we cannot clearly define the direction the world will take on clear issues. This concern speaks both for and against the treaty. Treaty proponents believe that U.S. ratification and the treaty’s entry into force will curb proliferation. This treaty, if fully implemented, would enhance our ability to detect nuclear tests and create a deterrent to nations that may aspire to possess nuclear weapons capabilities.

However, others say, without question, this treaty is not a silver bullet. Dr. Robinson of Sandia National Laboratory had this to say:

Dr. Browne of Los Alamos said:
this treaty would be acceptable if accompanied by substantive bilateral commitments with Russia and multilateral commitments among the declared nuclear powers. A framework for international disarmament, non-proliferation and stability may well include a Test Ban Treaty, but it should also be accompanied by binding commitments on future disarmament objectives, such as the Fissile Materials Cutoff Regime, and the Anti-Ballistic Missile Treaty.

We support the current treaty—one facet of a complex picture—before us today. It may contribute to achieving other disarmament objectives, but we are being asked to wager our nuclear deterrent on the hope that formal commitments from other nuclear powers and threshold states will be forthcoming. We sign on the dotted line that we will not utilize testing to maintain our stockpile, and we plead with the world to follow suit.

Or reject the Treaty now and eliminate others’ potential hesitation regarding future tests.

Only 23 of the 44 nations required for the Treaty’s entry into force have ratified it. India, Pakistan, North Korea, Russia and China have not ratified it. Neither India nor Pakistan have even signed the treaty.

We should not rush to vote on this matter.

Regardless of the vote count, we risk either permanent damage to our non-proliferation objectives or the safety and reliability of the U.S. nuclear arsenal. Continuing our moratorium on nuclear testing and not acting on this Treaty is the best course of action for now.

We have time. Time to observe international changes and formulate a nuclear posture suitable for a new era. Time to evaluate the future of our bilateral relations with Russia and China, to first ensure the success of Stockpile Stewardship.

U.S. ratification would provide a positive signal and increase our leverage at the negotiating table in our pursuit of many non-proliferation objectives. If the Senate does not ratify this Treaty, which appears highly likely at the present, many of our current foreign policy initiatives will unravel.

Most importantly, a negative vote on the CTBT will further erode the Nuclear Posture Review Treaty, NPT itself. We secured indefinite extension of the NPT in 1995 by committing to lead negotiations, sign and ratify the Test Ban Treaty. There is an explicit link between our Article VI commitments to disarm and the CTBT.

Many other steps could be taken to demonstrate a good faith effort toward nuclear disarmament. The Test Ban Treaty is just one element of a comprehensive strategy to reduce nuclear dangers. The U.S. and Russia have already radically reduced stockpiles from their Cold War levels. Progress has been made in the negotiations for a fissile materials cutoff regime. Currently, all of the declared nuclear powers have a moratorium on testing, and two of those, Britain and France, have signed and ratified the Test Ban Treaty.

If the Senate votes against this Treaty, we will convey to the world that the U.S. has no intent to make good on its earlier commitments. START II will wither in the Duma; negotiations with Russia on START III and the Anti-Ballistic Missile Treaty will most likely falter. We would most likely witness a rash of nuclear tests in response. Killing this Treaty would inevitably also impact upcoming elections in Russia. To the Russians our actions in Kosovo underscored NATO’s willingness to engage in out-of-area operations, even in violation of sovereignty. Anti-U.S. sentiments in Russia soared. Not only would a down vote on this Treaty play into the hands of the Communists and Nationalists, U.S. actions would essentially give Russia the go-ahead to begin testing a new generation of tactical nuclear weapons to secure its border against NATO.

We risk little by postponing consideration of this Treaty. We put our most vital security interests at stake by rushing to judgement on it.

In sum, defeat of this Treaty at this point will have a devastating impact on numerous current foreign policy initiatives that are clearly in the U.S. national interest. We can anticipate an unraveling of initiatives toward bilateral disarmament with Russia, and we will forfeit any remaining hope of preventing a nuclear arms race between India and Pakistan. We will open wide the door for China to proceed with tests to validate any nuclear designs based on the alleged stolen W-88 blueprints.

At the same time, Stockpile Stewardship is as yet unproven. We still do not fully understand the aging effects of nuclear weapons, such aging effects relate both to the components which comprise the nuclear weapons and the scientific experts who initially designed and tested them. Also, as witnessed again this year, the budget for the full implementation of Stockpile Stewardship is anything but secure. In light of the current situation, ratification of this Treaty may put us at risk.

The timing of this debate is such that I have to weigh very carefully the negative impact of this Treaty’s possible defeat and the annual budgetary struggles for Stockpile Stewardship in combination with the scientific community’s own doubts about the Stockpile Stewardship program.

We should maintain the moratorium on testing and postpone the vote on this matter.

It is irresponsible and dangerous to proceed now with the debate and vote on this Treaty. We have nothing to lose by maintaining our current status of a unilateral moratorium and having signed but not yet ratified the Test Ban Treaty. But we have everything to lose regardless of the outcome of this vote.

I thank the Senate for listening and the leadership for granting me this time. I yield the floor.

Mr. BIDEN addressed the Chair.

Mr. ROBB. I thank the Chair and thank the distinguished Senator from Delaware.

Mr. President, on balance I personally believe the arguments for ratification of the CTBT are far more persuasive than the arguments against ratification. But I recognize the legitimacy of some of the arguments made against ratification. I recognize the credibility of some of those making those arguments. I respect the sincerity of colleagues who believe that ratification would be a mistake.

Having said that, I will not repeat all of the reasons that I would vote for ratification, if we are, indeed, forced to go ahead with the vote scheduled for later this afternoon. I would simply appeal to my colleagues who support the Senate’s vote for ratification not to let their feelings— their personal feelings—toward our Commander in Chief or their desires for a decisive political victory to weaken the role of the U.S. leadership in the international community or to encourage additional testing by nations that might not otherwise do so, and thus make the world less secure and more dangerous.

On the politics, opponents of ratification at this time have already won. No one contends that 67 Senators are prepared to vote for ratification. No one is suggesting that this President or any future President is going to bring the treaty up for ratification again unless and until they have those 67 votes.

I happen to be one of the 10 Senators who engaged in an extended discussion of this treaty with the President and his national security team last Tuesday evening. Many others have been actively engaged in the debate from the very beginning. As I recall, there were six Republicans and four Democrats; and we were equally divided on the question of ratification.

I wish to commend all of the Senators involved in that process and throughout, but particularly those Republicans who stated during that meeting, very forcefully, why they oppose the treaty and why a ratification vote would fail but nonetheless were willing to help find a way to pull us back from the brink— to save the good of the country and in the interest of a safer world.

In this instance, the President has acknowledged that if we go ahead with the vote, he will lose. But he is asking us not to defeat our own national interest as well by voting down this treaty.

The Senate, in pressing its case, however, for an up-or-down vote at this point, in my judgment, injures the
country’s ability to lead and strikes a blow at American leadership around the world. Far more is at stake than defeating the policy and agenda of this particular President. Make no mistake, allies, friends, and enemies would view the defeat of the CTBT as a green light for renewed nuclear arms race. It would permit the development of nuclear weapons, either strategic or tactical.

Defeat of the treaty will not be perceived as a signal of restraint. Just the opposite. Delay of consideration of the matter now gives us the opportunity to address continuing concerns about monitoring and verification, as best we can, while delivering the message to other nations that we should proceed with yellow-light caution in regard to testing and development of their programs.

I have carefully reviewed the intelligence community’s analysis of our CTBT monitoring capabilities—including the 1997 national intelligence estimate estimating the capability of the CTBT—and admittedly, there are no absolutes when it comes to our ability to detect and identify some tests at low yields with high confidence. The more critical issue at hand, however, is the signal that we are capable of verifying the rationale that underlies such action and what it means for the inherent advantage we currently maintain with our nuclear arsenal.

I urge my colleagues to weigh very carefully the views of the intelligence community. The intelligence community believes we can effectively monitor the CTBT. We approved the Chemical Weapons Convention aware of the fact that denial and deception techniques would prevent us from confirming absolutely that production, development, and stockpiling were not going on. But as with the CTBT, we were able to approach the subject of monitoring with a high degree of confidence. Determinations were not vio-

lating the CWC. As a result, implementation of that pact is contributing to our national security.

Senate hearings this past week suggest an emerging story at Novaya Zemlya but not outright violations of CTBT provisions. Transparency is lacking there, and perhaps a delay in consideration of the treaty will aid our efforts to sort out ongoing developments in this particular location. But defeating the treaty concerns we have about this one site would represent a failure to understand what is in our broad national interest. Creating a normative global standard not to test will do enormous good and will act as a powerful force to stop would-be cheat-

ers in their tracks.

It is reasonably clear to our intel-

ligence community that Russia and perhaps others would not necessarily make gains in their thermonuclear weapons program through an evasive low-yield program without risking exposure of such tests to the international community. Given that reality, it simply begs the question: Under what substantive rationale would Russia or another country proceed in light of the outcry and condemnation that would surely follow?

I believe this matter is ripe for an agreement we can negotiate among ourselves in the Intelligence Community, that delays CTBT consideration until the next Congress. I am prepared to support CTBT regard-

less of the political affiliation of the Commander in Chief. But due to the untenable circumstances in which we now find ourselves, it is my intention to delay the request of this Commander in Chief and delay a vote.

With that, Mr. President, I yield the floor.

Mr. HUTCHINSON addressed the Chair.

THE PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield myself 15 minutes to speak in opposition to the Comprehensive Test Ban Treaty.

I also sat through a week of hearings last week. I also, as a member of the Armed Services Committee, had the opportunity to hear our intelligence community and representatives from the Department of Defense, and to hear the Directors of our labora-
atories. I respectfully reached a different conclusion as to what the evidence is. In fact, in my estimation, the evidence is strong enough to raise seri-
ous doubts about the wisdom of ratifying this treaty. The evidence, I believe, indicates that in fact Russia is currently testing low-level nuclear weap-
ons and is seeking to develop, from their own public statements and the Russian media, a new type of tactical weapon, and there were suspected Russian tests as recently as September 8, 1999, and September 23, 1999.

I believe when we have these kinds of issues of the gravest weight to our Na-

tion and to our Nation’s security, when there are doubts about verification—and I think it is overwhelmingly clear from what I heard from the intel-

gence community—we cannot have assurance that we will be able to verify a zero-yield treaty. That was very plain and very clear from the testi-

mony we heard. Verification is not possible. Therefore, it is not in the best in-

terests of our Nation to ratify this treaty.

There are numerous reasons to op-

pose the treaty. We have heard many of them during the debate on the floor of the Senate. Many have been discussed very clearly. I will focus on one par-


ticular feature of this agreement which, in my view, is insufficient in and of itself to reject ratification of this treaty. That is the issue of the treaty’s duration.

This is an agreement of unlimited du-

ration. It is an agreement that is in perpetuity. That means if it is ratified, the United States will commit itself forever not to conduct another nuclear test. It would make us dependent upon, totally reliant upon, the

Stockpile Stewardship Program. From what we heard from the Directors of the labs last week, the Stockpile Stewardship Program is, by all accounts, a work in progress. Some said it would take 5 years to reach the point where we could have confidence in the promise to provide assurance that such tests would be as long as 15 to 20 years before we could know whether or not this program was going to be of a sufficient confidence level that we could count upon it without reliance upon tests.

I want Members to think about this program. One is, Will it work? We are not going to know that for many years. Will it work sufficiently that we can rely upon high-speed computers and modeling and annual examinations without any kind of test to have the confidence that they are reliable and safe and that, should they tragically ever need to be used, we could count on them actually working?

The second very big issue is whether it can be funded adequately so the pro-

gram can be developed to that level of confidence. We have every indication that this will be an area in which Cong-

ress in the future will seek to cut, an area in which there will not be the need and commitment of resources to ensure the development of this Stockpile Stewardship Program to a point in which we can have absolute confidence in it.

I want Members to think about the duration of this treaty—forever. Are we so confident today that we will never again need nuclear testing, so certain that we are willing to deprive all future Commanders in Chief, all fu-

ture military leaders, all future Con-

gresses of the one means that can actu-

ally prove the safety and reliability of our nuclear deterrent? Are we that confident? I suggest we are not.

Proponents of the treaty will say that that is not the case, that this commitment is not just a point to the fact that the treaty allows for withdrawal if our national interest requires it. Proponents of the treaty promise that if we reach a point where the safety and reliability of our nu-

clear deterrent cannot be guaranteed without testing, then all we need to do is exercise our right to withdraw and we would, at that point, resume test-

ing.

This so-called ‘‘supreme national in-

terest’’ clause, along with safeguard F, in which President Clinton gives us his solemn word that he will ‘‘consider’’ a resumption of testing if our deterrent cannot be guaranteed, is supposed to give us a sense of reassurance.

The fact is, this reassurance is a hol-

low promise. I think supporters of the treaty realize it. The fact is, if the criti-
cal moment arrives and there is irref-
utable evidence that we must conduct nuclear testing to ensure our deterrent is safe, reliable, and credible, those supporters of the treaty will be moun-
ting from the highest mountain that the very act of withdrawing from this treaty would be too provocative to ever be
justified, that no narrow security need of the United States could ever override the solemn commitment we made to the world in agreeing to be bound by this treaty.

If Members don’t believe that will happen, they need only to look at our current difficulties with the 1972 ABM Treaty. I believe it provides a chilling glimpse of our nuclear future should we ratify an ill-conceived test ban at this time. As the Comprehensive Test Ban Treaty, the ABM Treaty is of unlimited duration. There are many parallels. That is one of them. The ABM Treaty includes a provision allowing the United States to withdraw if our national interests so demand, another very clear parallel and treaty obligations are more clearly mismatched than with the ABM Treaty today. It is very difficult to imagine a situation in which the national security interests we have today are less mismatched than with the ABM Treaty.

Earlier, Senator Kyl rightly pointed out that the negotiators for this treaty originally wanted a 10-year treaty. Previous Presidents wanted a treaty of limited duration, but we have before us one that would lock us into a commitment in perpetuity.

The very system we voted to deploy. But the ABM Treaty is mismatched with our modern security needs. Yet we confront an absolute unwillingness to consider any option to withdraw. The treaty was conceived in a strategic context utterly unlike today’s, a bipolar world in which two superpowers were engaged in both a global rivalry and an accompanying buildup in strategic nuclear forces. Now, today, is a totally different context and situation. One of those forces has been reduced or eliminated, but we have before us one that would lock us into a commitment in perpetuity.

Even though the ABM Treaty is hopelessly outdated—almost 30 years old—and prevents the United States from defending its citizens against the new threats of the 21st century, supporters of arms control insist that withdrawal is unthinkable. Its supporters insist, though, that withdrawal is not just ill advised, but supporters would say it is unthinkable. The voices wailing loudest about changing this obsolete agreement are the same ones urging us today to subjugate our own security interests so demand, another very clear parallel and treaty obligations are more clearly mismatched than with the ABM Treaty.

Its supporters insist, though, that withdrawal is not just ill advised, but supporters would say it is unthinkable. The voices wailing loudest about changing this obsolete agreement are the same ones urging us today to subjugate our own security interests so demand, another very clear parallel and treaty obligations are more clearly mismatched than with the ABM Treaty.

The ABM Treaty is an entirely different system to which to coax the United States to agree with or deter it from acting in its interests, and these weapons are so attractive precisely because we have no defense against them. Indeed, we are legally prohibited from defending against them by the ABM Treaty of 1972.

Technologically, too, the ABM Treaty is obsolete. A kill vehicle that destroyed an ICBM high over the Pacific Ocean on October 2 was undreamed of in 1972. So was the idea of a 747 equipped with a missile-killing laser, which is under construction now in Washington State, or space-based tracking satellites like SBIRS-Low, so precise that they may make traditional ground-based radars superfluous in missile defense. Yet this ABM Treaty, negotiated almost three decades ago, stands in the way of many of these technologies that could provide the United States with the protection it needs against the world’s new threats.

Now proponents of this new treaty will say we can always pull out, that if situations and circumstances change, we can always invoke our national security provision and we can withdraw from this treaty. If in the future we find we must test in order to ensure the stability and reliability and safety of our system we can pull out and do that. I suggest that that is not even a remote possibility. Once we make this commitment, just as we did on the 1972 ABM Treaty, there will be no withdrawing, there will not even be consideration of the possibility that it might be in our national interest to withdraw from a treaty to which we have made a commitment.

These new threats today have led to a consensus that the United States must deploy a national missile defense system and a recognition that we are behind the curve in deploying one. The National Missile Defense Act, calling for deployment of such a system as soon as technologically feasible, passed this body by a vote of 97–3, with a similar ratio of support in the House.

Just as obvious as the need for this capability is the fact that the ABM Treaty prohibits us from deploying the very system we voted to deploy. But does anybody talk about withdrawing from the ABM Treaty because it is in our national security interests? Absolutely not. I suggest we will be in the same kind of context should we ratify the treaty that is before us today.

Clearly, the ABM Treaty must be amended or jettisoned. The Russians have so far refused to consider amending it, so withdrawal is the most obvious course of action if United States security interests are to be served.

Listen to the hue and cry at even the mention of the ABM Treaty. From Russia to China to France, and to here on the floor of the Senate, we have heard the cry that the United States cannot withdraw from the ABM Treaty because it has become too important to the world community. Those who see arms control as an end in itself oppose even the consideration of withdrawal, claiming passionately that if the United States withdrew, it to the world to remain vulnerable to missile attack. Our participation in this treaty transcends narrow U.S. security interests, they claim; we have a higher obligation to the international community, they claim. After all, if the United States is the first to attack, won’t that just encourage others to build more missiles in order to retain the ability to coerce us, thus threatening the simplistic ideal of “strategic stability”? That phrase, translated, means that citizens of the United States must be vulnerable to incineration or attack by biological weapons so other nations in the world may do as they please.

Even though the ABM Treaty is hopelessly outdated—almost 30 years old—and prevents the United States from defending its citizens against the new threats of the 21st century, supporters of arms control insist that withdrawal is unthinkable. Its very existence is too important to be over-ridden by the mere security interests of the United States.

Absurd as such a proposition sounds, it is the current policy of this administration, and it is supported by the very voices who now urge us to ratify this comprehensive test ban.

The Clinton administration has been reluctantly forced by the Congress into taking serious action on missile defenses—thankfully. It admits that the system it needs to meet our security requirements cannot be deployed under the ABM Treaty. Yet so powerful are the voices calling on the United States to subjugate its own security interests to arms control that the administration is proposing changes in the ABM Treaty that, by its own admission, will not allow a missile defense system that will meet our requirements. It has declared what must be done as “too hard to do” and intends to leave the mess it created for another administration to clean up. All because arms control becomes an end in itself.

That sorry state of affairs is where we will end up if the Senate consents to ratification of the CTBT. Those who support it now urge us to ratify the CTBT and then “fix” it later. “Don’t worry, there is an escape clause,” will be the same ones who, 5 or 10 years from now—when there is a problem with our stockpile and the National Ignition Facility is not finished and we find out we overestimated our ability to simulate the workings of a nuclear weapon—will be saying we dare not withdraw from this treaty because we owe a higher debt to the international community. That is what we will hear.

I don’t represent the international community; I represent the people of the State of Arkansas. Our decision here must serve the best interests of
the United States and its citizens. Our experience with the ABM Treaty is a perfect example of how arms control agreements assume an importance far beyond their contribution to the security of our Nation. The Comprehensive Test Ban Treaty’s unlimited duration is a potential that this agreement will prevent us from conducting nuclear testing long past the point at which we decide such testing is necessary. As our ABM experience shows, we should take no comfort from the presence of a so-called “supreme national interest” clause.

Now, should we just put it off or should we vote on it? I believe our responsibility is not the world opinion. Our responsibility is, frankly, not the public opinion polls of the United States. The American people, as a whole, have not had the benefit of hearing the Directors of our National Labs or the DOD come and testify before us as to the difficulties of verification and the difficulties of developing our Stockpile Stewardship Program. If it is a flawed treaty—and I believe it is—if it is a defective treaty—and I believe it is—if it is not in our national security interest—and I believe it is not then we should vote, and we should vote to defeat the treaty and not ratify it.

This is a treaty that I believe will not get better with age. It will not get better by putting it on a shelf for consideration at some future date. I believe it is defective. I believe it is not in our national security interest. I believe it is our constitutional responsibility not to put it off but to vote our conscience.

I urge the defeat of what I believe is a flawed treaty. I yield the floor.

The PRESIDING OFFICER (Mr. Brownback). The Senator from Delaware.

Mr. BIDEN. Mr. President, I yield myself 2 minutes, and then I would be happy to yield to the Senator.

I want my colleagues to note—they may not be aware of it, and I wasn’t until a few minutes ago—as further consideration of how this may or may not affect the events around the world there apparently has been a coup in Pakistan where the Sharif government fired their chief military chief of staff when he was out of the country. He came back and declared he didn’t like that. He surrounded the palace and surrounded the Prime Minister’s quarters. The word I received a few moments ago—I suggest others check their own sources—was that there is going to be a civil-military government installed that is not Sharif, and that the military will do the installing. I cite that to indicate to you how fluid world events are. We should be careful about what we are doing.

I also point out that today before the Foreign Relations Committee, Dr. William Perry, the President’s Korean policy coordinator and former Secretary of Defense, testified that failure to ratify the CTBT will give North Korea “an obvious reason not to ratify the CTBT.”

Dr. Perry, the Secretary of Defense in President Clinton’s first term, endorsed ratification of the treaty. He said it was “essential” for the security interests of the United States.

I cite that only because it is current. Lastly, I would say that listening with great interest to the last several speakers I find it again fascinating that this is a lot more than about a country or about the United States. It is about ABM. It is about what our nuclear strategy should be.

My friend from Arkansas, as well as others who have spoken, has great faith in our ability to erect a nuclear shield that can keep out incoming nuclear weapons in the scores, dozens, or potentially hundreds, which is a monumental feat, if it can be accomplished—we may be able to accomplish it—but don’t have the confidence that those same scientists could figure out a way to take a weapon off the nose of a missile, look and determine whether or not it has deteriorated. I would suggest one is considerably more difficult to do than the other. But it is a little bit about what you would want.

Lastly, I would say for those who are talking about verification—my friend from Arizona heard me say this time and again, and I would suggest you all go back and look at, if you were here, the way you voted on the INF Treaty, the Reagan INF Treaty, or if you weren’t here, what President Reagan said because many of my friends on the Republican side quote Ronald Reagan when he says “trust but verify.” Nobody can verify the INF Treaty. The intelligence community—and I will not read again all of the detail; it is in the Record—indicated we could not verify the INF Treaty, and we said and the Reagan administration said and President Reagan said in his pushing the INF Treaty, the INF Treaty was impossible completely. Yet with the fact that we didn’t even know how many SS–20s they had, it was concluded that they could adapt those to longer range, interchange them with shorter-range missiles and longer-range missiles, and hide them in silos. But my Republican colleagues had no trouble ratifying that treaty, which was not verifiable, or was considerably less verifiable than this treaty.

If you quote President Reagan, please quote him in the context that he used the phrase “trust but verify.” And he defined what he meant by “verify” by his actions.

The military under President Reagan said the INF Treaty was verifiable to the extent that they could not do anything that would materially alter the military balance. No one argues that we cannot verify to the extent as well. But it seems as though we apply one standard to non-nuclear weapons by Republican Presidents and a different standard to a treaty proposed by a Democratic President. I find that, as you might guess, fascinating. I will remind people of it now and again and again. And but I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Arizona.

Mr. KYL. Mr. President, I think my colleague from New Hampshire wishes to speak. Let me take a minute before he does to respond to two things that the Senator from Delaware said.

I find it interesting that North Korea would be used as the example of a country that will排出nuclear weapons if we don’t ratify the test ban treaty, according to Secretary Perry.

Mr. BIDEN. That is not what he said, if I may interrupt, if I could quote what he said.

Mr. KYL. Please do.

Mr. BIDEN. He said it will give North Korea “an obvious reason not to ratify CTBT.” He did not say it will give them reason to produce nuclear weapons.

Mr. KYL. I think that is a very important distinction. I thank my colleague for making it because, clearly, North Korea is not going to be persuaded to eschew nuclear weapons by the United States ratifying the CTBT. North Korea will do what it wants to do regardless of what we do. That is pretty clear. To suggest that we need to ratify this treaty in order to satisfy North Korea is absurd.

North Korea is a member of the non-proliferation treaty. They haven’t signed up for 2 years. Clearly, our actions have had no influence on North Korea, except to cause North Korea to blackmail the United States by threatening to develop nuclear weapons and by threatening to develop missiles unless we will pay them tribute. I don’t think North Korea is a very good example to be citing as a reason for the United States to affirm the CTBT.

Moreover, I remember this argument a couple of years ago when the chemical weapons treaty was being brought before the body. They said this was the only way to get North Korea to sign up to the CWC, and we certainly wanted North Korea to be a signatory to that treaty because they might use chemical weapons someday. We ratified it. They still haven’t signed up—2 years later. I don’t think North Korea is going to care one way or the other by virtue of a moratorium on testing. If that were the case, then North Korea would have long ago decided to forego the development of nuclear weapons because the United States hasn’t tested for 8 years. Clearly, our actions have had no influence on North Korea, except to cause North Korea to blackmail the United States by threatening to develop nuclear weapons and by threatening to develop missiles unless we will pay them tribute. I don’t think North Korea is a very good example to be citing as a reason for the United States to affirm the CTBT.

To my friend’s other point on the comparison between nuclear weapons and missile defense, I think it makes our point. Missile defenses can work.
They are not easy to develop. We have seen several tests that failed with the THAAD system. What it demonstrated to us was that testing is required to know that missile defense will work, just as the experts have all indicated testing is the preferred method of knowing whether our nuclear weapons will work.

So I think it makes the point that either for missile defense or for nuclear weapons testing it is the best way to know what it will work. That is why we need to test both the missile defense systems that we have in development right now, and that is why we need the option of being able to test our nuclear weapons as well.

Mr. BIDEN. I wish to respond, if I may. I yield myself such time as I may consume.

Mr. KYL. We may put off the Senator from New Hampshire for a good time.

Mr. BIDEN. I hope not.

My friend from Arizona, as I said, is one of the most skillful debaters and lawyers in here. He never says anything that is not true. But sometimes he says things that do not matter much to the argument.

For example, he said nuclear testing is the preferred method. It sure is. Flying home is a preferred method to get there. But I can get there just as easily and surely by the train. The train is preferred to fly home. I get home faster when I fly home. But the train gets me home. In fact, I can drive home. All three methods can verify for my wife that I have come from Washington to my front door. They are all verifiable.

That is the preferred method. By the way, it is the preferred method to have underground testing. That is the preferred method to make sure everything is working.

If I took the logic of his argument to its logical extension, I would say, well, you cannot send a bill from Arizona wanting underground testing is, in fact, denying the scientists their total capacity to understand exactly what has happened by denying atmospheric testing. The preferred method is atmospheric testing. What difference does it make if we can guarantee the reliability of the weapon?

The question with regard to North Korea I pose this way: If we ratify the treaty and find from Arizona is correct that North Korea does not, so what. There is no treaty. It does not go into force. They have to ratify the treaty for it to go into force. What is the problem? If a country is certain it will not ratify, they are not going to ratify or abide. Then (a) they don’t ratify, we are not in, we are not bound; (b) if they are in and they do a nuclear explosion underground, we are out, according to the last paragraph of our amendment. The President has to get our consent. If we don’t want to do, we must. These are what we used to call in law school red herrings. They are effective but red herrings.

The last point, I heard people stand up on the floor and say: This country is already or is about to violate the NPT, the Nuclear Non-Proliferation Treaty, by exploding a nuclear weapon. Guess what. They are allowed, under the NPT, to blow up things: nuclear bombs, nuclear explosions. They don’t call them “weapons”; they say it is a nuclear explosion, as long as it is for peaceful means. How does one determine whether or not an underground test which has plutonium implanted has set off a chain reaction was for peaceful, as opposed to non-peaceful, means? That is a nuclear test.

We ought to get our facts straight. The distinctions make a difference. It is true; it is hard to verify whether or not anybody violated the NPT because if they are caught, that country says it was for peaceful reasons, dealing with peaceful uses of their nuclear capability.

I have heard a lot of non sequiturs today. My only point in raising North Korea was the idea that anybody who thinks we are going to be in a position that if we turn this treaty down there is any possibility we will stop testing anywhere in the world is kidding themselves.

I say to my colleagues, ask yourself the rhetorical question. Do you want to be voting down a treaty on the day there is a coup in Pakistan. Good luck, folks. I am not suggesting that a vote this way was inconsistent of what Pakistan would or wouldn’t do. But I will respectfully suggest we will be answering the rest of the year, the rest of the decade, whether or not what we did at that critical moment and what is going on between India and Pakistan and in Pakistan was affected by our actions.

I conclude by saying, in the middle of the Carter administration there was a little debate about this notion of a neutron bomb. The American Government put pressure on Helmut Schmidt, Chancellor of Germany at the time, to agree to deployment of the neutron bomb in Europe—a difficult position for him to take as a member of the SPD. He made the decision, and then President Carter decided not to deploy the neutron bomb. I remember how upset the Chancellor of Germany was. The Chancellor of Germany was not inclined to speak the truth at the time, to the Senator from Delaware that testing is the preferred method.

The preferred method to have underground testing. Is the preferred method to have underground testing. Is the preferred method to have underground testing. Is the preferred method to have underground testing. It is the preferred method. It sure is. Fly home. I get home faster when I fly home. But the train gets me home. In fact, I can drive home. All three methods can verify for my wife that I have come from Washington to my front door. They are all verifiable. They all get the job done. It is the preferred method.

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They have also said in contradiction to the Senator from Delaware that there is no certainty with respect to the other method, which is the Stockpile Stewardship Program, which is not complete and has not gone into effect and cannot provide certainty, in any event.

Dr. John Foster, who chairs the congressional committee to assess the efficacy of the Stockpile Stewardship Program, said this in his testimony last week:

I oppose ratification of the CTBT because without the ability to perform nuclear weapons tests the reliability and safety of our Stockpile Stewardship Program will degrade.

There is nobody who is more respected in this field than Dr. John Foster.

He further said the testing, which has been performed over the years, “has clearly shown our ability to calculate and simulate their operation is incomplete. Our understanding of their basic physics is seriously deficient. Hence, I cannot answer that a ban on testing of our nuclear weapons can only have a negative impact on the reliability of the stockpile.”
It does make a difference if we are able to say to them, I posit: We want you to refrain from testing and sign on to this treaty if, in fact, we have done it. If we say: We want you to refrain from testing and sign on to the treaty, but by the way, we already have 6,000 of these little things and we are going to test ourselves, it makes it very difficult to make that case.

Lastly, I say with regard to Pakistan, it is not so much what anyone will be able to prove; it will be what we say in present times. It is not a question of what is asserted in politics what is asserted is sometimes more important than what is provable. It should not be, but it is. It does have ramifications domestically and internationally, I suggest. Also, with regard to this issue of the preferred versus the only method by which we can guarantee the reliability of our stockpile, nobody, including the present lab Directors, suggests that our present stockpile is, in fact, unreliable or not safe.

We have not tested since 1992. The issue is, and my colleague knows this, the intersection—and it is clear if we do not test, we do nothing to that stockpile, it will come some degrade, just like my friend and I as we approach our older years, as a matter of medical fact, our memories fade. It is a medical fact.

To suggest that because our memories fade we should not listen to someone on the floor who is 8 years older than someone else would be viewed by everyone as mildly preposterous because when that older person was younger, they may have been so far superior to the person who is younger now that they still have a better memory. It does not make a point. It is a distinction without a difference.

It is the same way with regard to our stockpile degrading. At what point does the degradation occur that it is no longer reliable? I asked that of Secretary Schlesinger. He said he thinks we are down from 99 percent to about 85 percent now, and he thinks there is no worry at the 85 percent level. But what he worries about, and then he held up a little graph and the graph showed based on years and amount of reliability this curve going down like this, at the same time there was a dotted line showing the Stockpile Stewardship Program and how that mirrored that ability to intersect with where we would intersect our confidence that our Stockpile Stewardship Program would be able to assure that the stockpile was reliable.

It comes around where the shelf life of these weapons occur about 10 years out. Everyone has said that between now and then, the overwhelming body of opinion is that it is older than that; it was President Reagan’s last year—on the Star Wars notion. Dr. Teller was sitting there, a very distinguished man, saying things like—and I will get the exact quote for the RECORD tomorrow—but he said things like: We must act now because the Russians are on the verge of having a missile defense capability.

On the verge; they were on the verge of collapsing. He is never right about his predictions, but I will invent the hydrogen bomb. That is a big deal. I cannot argue with that. As my mother would say, just because you can do one thing well does not mean you can do everything well. If I need to blow somebody up, I want him with me. If I need someone to predict to me what is going to happen in terms of our interest, of our adversaries, or us, he (“ain’t”) the guy I am going to because he has not been right.

Here we are, we are going to do this with our authority—we all learned, and, again, I am not kidding when I say this. Senator Kyl is not only a first-rate lawyer, he has a first-rate mind.

Dr. Robert Barker, former assistant to the Secretary of Defense for Atomic Energy, who reported the certification of the stockpile to three Secretaries of Defense, said:

Sustained nuclear testing is the only demonstration of a survivable deterrent. Our confidence in the safety and reliability of nuclear weapons has already declined since 1992, the year we deprived ourselves of the nuclear testing tool. It should be of grave concern to us that this degradation in confidence cannot be quantified.

The point is that the reason testing is preferred is because it is the only demonstrable way of assuring ourselves of the safety and reliability of our nuclear stockpile. There could be, may be, in a decade or so, some additional confidence or assurance through a successful Stockpile Stewardship Program, but we don’t know that until the time. Until then, that is why testing is the preferred method. It is the only way to assure the safety and reliability of our stockpile.

To respond to that and to respond to the first question I asked, I am happy to yield to the Senator.

Mr. BIDEN. I will try to respond briefly.

No, I do not suggest our actions would affect the international community should not be taken in the context and consideration of what is happening in the international community is naive in the extreme. It is not suggesting anything, it is just what the world is doing or should not do. It is suggesting that it makes sense to take into consideration what is happening around the world and what appropriate or inappropriate conclusion from our action will be drawn by other countries. We have always done that in our undertakings around the world. It is just responsible stewardship of our national security.

The suggestion was not that because there is a coup, failure to ratify this treaty, or if it is down or ratifying it would have affected that coup. That is not the issue. The issue is there is a struggle today within Pakistan, evidenced by the coup, as there was within in India, as evidenced by their recent elections, about what they should do with their nuclear capacity, whether they should test further, enhance it, and deploy it, or whether or not they should refrain from testing and sign the treaty.

The only point I am making is that our actions will impact upon that debate within those countries. The debate happens to be taking place in the context of a military coup right now in Pakistan. It took place in the context of an election where the BJI won and made a statement with India. Just last week, but it does impact upon that.

We lose any leverage we have to impose upon Pakistan, which still wants to deal with us, still relies upon us or interfaces a number of areas in terms of food, trade, and aid all the way through to military relationships. It does make a difference if we are able
We both went to undergraduate school and took courses in logic. We learned about the 13 logical fallacies. We engage in them all the time. One is the appeal of authority. I will take my authority and trump your authority. I have 32 Nobel laureates. Are you going to rise up to me when the author of a Dharma? I have four of the last five Chairmen of the Joint Chiefs of Staff, with what are you going to raise me? This is crazy.

What is true is that it is better to test if you want to know for certain whether a specific weapon is reliable. I acknowledge that, he will acknowledge it is better not to test on one area: If you want to discourage others from testing. Just discourage. He does not have to agree that it would do everything, just discourage. It is better not to test.

If you tell your kid he cannot smoke and you are standing there smoking and saying: By the way, you can't smoke, they may smoke anyway; but one thing is for certain: If you are smoking—as my friend who is president in a different context—you might lose your moral authority to make the case.

I think we lose our moral authority to make the case internationally when we say: By the way, the way, we are unquestionably the most powerful nuclear nation in the history of the world, and in relative terms we are far in excess of anyone else, including the former Soviets—now the Russians—that the Chinese are not, as they say where I come from, a “patch on our trousers,” that the Libyans and others may be able to get themselves a Hiroshima bomb, but they are going to have to carry it in a suitcase—it “ain’t” close.

But I tell you what: Because we worry about our reliability—even though we are going to spend $45 billion, even though we have the best scientists in the world, the best scientists that we can attract from other parts of the world—we know we can put up a shield around America that can stop 10, 20, 100, 1,000 hydrogen bombs from dropping on the United States—but we believe that we have to test our nuclear weapons now or be able to test them in the near term in order to be able to assure that we are safe and secure and that people are credible.

I will end where I began this debate a long time ago. When the Senator from New Hampshire and I were college kids, we used to ride along—he was head of off to Vietnam—and there used to be a bumper sticker which said: One hydrogen bomb can ruin your day. It just takes one. One hydrogen bomb can ruin your day.

We are not talking about one hydrogen bomb, but is doubting that 1,000 people and 15 nations in the world can develop not a hydrogen bomb but a nuclear bomb like the one dropped on Hiroshima and Nagasaki. No doubt about that. This is not going to stop that. This isn’t going to guarantee that because you do not, everyone has to test that. They can do that without testing. We dropped it without testing it. The second one we did not test. So they can test; they can test. But, folks, this is high-stakes poker.

All I am saying to you is, you take the worst case scenario my friends lay out, that we have the stockpile, but we cannot guarantee it, and we cannot detect it with any clause, anywhere. If you get you out of it because the treaty is not working. That is their worst case scenario. The escape clause is we have to get out because it says we must get out.

Let me tell you my worst case scenario. My worst case scenario is, we in fact, do not sign this treaty, and the Chinese decide all moral restraints are off—even though they are not particularly a moral country—we can now, I’m going to lie, go and not be buffeted by world opinion in terms of affecting our trade or our commerce and the rest. We can go from 16, 18, 20—for example, many intercontinental ballistic missiles we can now test to build lighter, smaller ones with that information we stole from the laboratories. We can now MIRV our missiles.

The Pakistanis and the Indians agree that: Look, what we have to do is now deploy nuclear weapons because the restraints are off. I do not know what we do with that worst case scenario. There is nothing the President can say, such as: By the way, stop. Out. I want to pull out. You all can’t do that. China, you can’t do that. There is no way out of that one.

This is not like making the mistake on a tax bill. This is not like us making a mistake on a piece of welfare or social legislation. We can correct that in a day. I have been here when we passed reforms on health care that within 6 months we repealed because we thought it was a mistake. You cannot do this. You cannot go to the Senate a course of action that the President would say in a different context: Isn’t it also better not to test if we can persuade others not to do so by our own example? You can test and not be unduly jeopardized as a result. On that, there has been a variety of expert opinion testifying this past week suggesting that the reason it is better to test is precisely because we cannot guarantee the safety of the reliability of our stockpile to an adequate degree of certainty without that.

To the question of whether or not it is a fallacy of logic to quote experts, I would simply suggest that while it may have been the most persuasive argument in the world to quote experts in support of your position, it is at least some weight of evidence. Both sides have engaged in that. It is true that on many of these issues there are opinions on both sides of the issue.

Dr. Edward Teller certainly is an expert in nuclear weapons design on and on many other matters that relate to it. But let’s assume he does not know what he is talking about here and go to people whose job it is to verify a compliance with arms control treaties. I ask unanimous consent to have printed in the RECORD a letter dated October 1, 1999, from Fred Eimer, former Assistant Director of ACDA, the Arms Control Agency Verification and Implementation Office, to Senator Helms.

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

OCTOBER 1, 1999.

Senator JESSE HELMS,
Chairman, Committee on Foreign Relations,
U.S. Senate.

Dear Mr. Chairman: I write to express my opposition to the Comprehensive Test Ban Treaty (CTBT) Numerous experts have noted that this treaty raises serious questions regarding the ability of the United States to maintain our nuclear deterrent. I am particularly concerned, however, that the United States will be disproportionately harmed by the test bans because we will be able to conduct militarily significant nuclear test well below the verification thresholds of the Treaty’s monitoring system, and our unilateral assurance.

I have listened with concern to the various claims being made regarding the CTBT’s
International Monitoring System (IMS). It is important to note that the IMS will have serious limitations. While many in the U.S. recognize the IMS' technical limitations, it is being marketed internationally as a comprehensive, effective monitoring regime.

Supporters of the CTBT have sought to divert attention from the IMS' limitations by emphasizing that the U.S. will have its own national technical means (NTM) of verification and would have the right under the Treaty to request an on-site inspection. The United States cannot take confidence in these claims.

The U.S. has stated that an effective verification system should be capable of verifying and attributing with high confidence evasively conducted nuclear explosions of about a few kilotons yield in broad areas. However, that the verification capability is a goal that is not achieved and is far from certain that it will be met in the foreseeable future. It is unlikely that the verification system will provide evidence sufficient for U.S. or collective action should tests of a few kilotons yield take place.

The capability of the U.S. and of the International Monitoring System (IMS) to detect seismic signals of possible nuclear test origin can be quantified. Charts can show what the U.S. network can detect now and what the current IMS and a possible future IMS for all areas of the world. Thousands of seismic events will be detected yearly by these systems. The verification task will be to examine which, if any, of these signals can be identified as being from nuclear tests.

The large underground tests conducted in past decades were easily verified as being of nuclear origin. However, identification of possible future tests in the kiloton yield range in violation of a CTBT will be a daunting task in the future, if not in the past.

The relationship between detection and identification depends on a number of factors that will not be known. If charts are produced that purport to show the identification capability for areas of interest throughout the world, those charts would be a result of subjective judgements that are likely to be of limited and uncertain reliability.

You may recall that over the decades of the TBT there was much controversy about whether tests that were conducted were identified from seismic signal magnitudes. This was true even though the Soviet test sites were studied more than almost any other part of the world. Details in question came from relatively large tests.

It is certain that whatever the minimum detectable yield capability is of a seismic network, the verification capability, that is, the ability for identification is substantially worse, by as much as a factor of ten or more in some instances.

Furthermore, possible Treaty violators can take steps to make detection and identification more difficult. For example, the technique of “decoupling”, that is, testing in a sufficient manner, so that the seismic magnitude of a test. Every country of concern to the United States is normally capable of decoupling at least its small nuclear explosions.

While in the past primary reliance for obtaining verification related intelligence was placed on system data that collected photographic, seismic and other data, the CTBT's verification system includes on-site inspection (OSI). I believe that the value of OSI is very limited for the CTBT.

The CTBT's on-site inspection regime is unlikely to provide evidence of noncompliance. However, it may permit a country falsely believed to have violated the Treaty to clearly explain its tests. Names large enough to be unambiguously identified do not need OSI. For small tests the location of the source of the seismic signals would be so uncertain, that OSI would need to cover an impractical large area. Furthermore, it is highly dubious that the U.S. network has the capability for an on-site inspection since the treaty has a “red-light” requirement that 30 of 51 members must endorse such a step. The U.S. government has not prepared the U.S. to conduct an OSI request would be viewed as a hostile action.

Furthermore, the OSI regime associated with the Treaty has a number of as yet untested and unresolved procedural and implementation issues. It is possible that some of these can be fixed. However, OSI has very little to offer in the event the Treaty has been conducted, even if these issues are resolved. In conclusion, Mr. Chairman, the proposed treaty will put our nuclear deterrent at risk without significant verification control or nonproliferation benefit. Other nations will be able to conduct militarily significant nuclear tests well below the verification threshold of the Treaty's monitoring system, and our own unilateral capability.

Best regards.

FRED EIMER,
Former Assistant Director, ACDA.
Verification and Implementation.

Mr. KYL. In this letter he said:

Other nations will be able to conduct militarily significant nuclear tests well below the verification threshold of the Treaty's monitoring system, and our own unilateral capability.

In other words, the treaty is not verifiable. Testifying last week, one of the experts acknowledged by Senator BIDEN, Dr. Paul Robinson, who is the Director of the Sandia National Laboratories, said:

The Treaty bans any “nuclear explosion,” but unfortunately, compliance with the strict zero-yield requirement is unverifiable.

Finally, the third and most prominent of all experts that I would like to suggest we pay some attention to with respect to verification is our own colleague, Senator Richard Lugar from Indiana. I ask unanimous consent that I print his press release, dated October 7, 1999, be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

LUGAR OPPOSES COMPREHENSIVE TEST BAN TREATY

Senator Dick Lugar, a senior member of the Senate Intelligence Committee, Foreign Relations Committee and National Security Working Group, released the following statement yesterday announcing his position on the Comprehensive Test Ban Treaty:

The Senate is poised to begin consideration of the Comprehensive Test Ban Treaty under a unanimous consent agreement that will provide for 14 hours of general debate, debate on amendments, and a final vote on ratification.

I regret that the Senate is taking up the treaty in an abrupt and truncated manner that is so highly politicized. Admittedly, the CTBT is not a new subject for the Senate. However, while affirming our desire for international peace and stability, the U.S. Senate is charged with the constitutional responsibility of evaluating how likely it is that the likely outcomes of treaties. This requires that we examine the treaties in close detail and calculate the consequences of ratification for the present and the future. Viewed in this context, I cannot support the treaty's ratification.

I do not believe that the CTBT is of the same order as the arms control treaties that have come before the Senate in recent decades. Its usefulness to the goal of nonproliferation is highly questionable. Its likelihood of achieving that objective will depend on its support and confidence in the concept of multilateral arms control. Even as a symbolic
statement of our desire for a safer world, it is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.

Stockpile Stewardship

The United States must maintain a reliable nuclear deterrent for the foreseeable future. Although the Cold War is over, significant threats to our country still exist. At present, the United States is still re-manufacturing nuclear weapons to completely mimic the American people with these protections because of the inability of the Stockpile Stewardship Program to put our faith in a program other than well short of that standard.

At present, I am not convinced the Stockpile Stewardship Program will permit our experts to maintain a credible deterrent in the absence of testing. Without a complete, effective and comprehensive Stockpile Stewardship Program, the CTBT could erode our ability to discover and fix problems with the nuclear stockpile and to make safety improvements. In fact, the debate on this issue may be an honest discussion of whether we should commence limited testing and continue such a program with consistency and certainty.

Verification

President Reagan’s words “trust but verify” remain an important measuring stick of whether a treaty serves the national security interests. The United States must be confident of its ability to detect cheating among member states. While the exact thresholds are classified, it is commonly understood that the United States cannot detect nuclear explosions below a few kilotons of yield. The Treaty’s verification regime, which includes an international monitoring system and on-site inspections, was designed to fill the gaps in our national technical means. Unfortunately, the CTBT’s verification regime will not be up to that task even if it is ever fully deployed.

Advances in mining technologies have enabled nations to.smother nuclear tests, allowing them to conduct tests with little chance of detection. Countries can utilize existing geologic formations to decouple their nuclear tests, thereby dramatically reducing the seismic signal produced and the ease of detection. A recent Washington Post article points out that part of the problem of detecting suspected Russian tests at Novaya Zemlya is that it is建立 in a granite cave that has proven effective in muffling tests.

The verification regime is further bedecked by the lack of a common definition of a nuclear test. Russia believes hydro-nuclear activities and sub-critical experiments are permitted under the treaty. The U.S. believes sub-critical experiments are permitted but hydro-nuclear tests are not. Other states believe both are illegal. A common understanding or definition of what is and what is not permitted under the treaty has not been established.

Proponents point out that if the U.S. needs additional on-site inspections, on-site inspections can be requested. Unfortunately, the CTBT will utilize a red-light inspection process. Requests for on-site inspections must be approved by at least 30 affirmative votes of members of the Treaty’s 51-member Executive Council. In other words, if the United States accused another country of violating the treaty, we could only get an inspection if 29 other nations concurred with our request. In addition, each country can declare a 50 square kilometer area of its territory to be off limits to any inspections that are approved.

The CTBT stands in stark contrast to the Chemical Weapons Convention in the area of verification. The CWC requires an affirmative vote of the Executive Council for an inspection to be approved, the CWC does not exclude large tracts of land from the inspection regime, as does the CTBT.

The CTBT’s verification regime seems to be more salable to the United States than the CWC. The United States has been fighting against the UNSCOM inspection process in Iraq. We have rejected Iraq’s position of choosing and appointing inspectors. In addition, the 50 square kilometer inspection-free zones could become analogous to the controversy over the inspections of Iraqi presidential palaces. The UNSCOM experience is one that is best not repeated under a CTBT.

Conclusion

On Tuesday the Senate is scheduled to vote on the ratification of the CTBT. If this vote takes place, I believe the treaty should be rejected. The Administration seems to make a case on why this treaty is in our national security interests.

The Senate is being asked to rely on an unfounded and unproven hypothesis, the Stockpile Stewardship Program. This program might meet our needs in the future, but as yet, it is not close

Enforcement

Let me turn to some enforcement concerns. Even if the United States were successful in utilizing the laborious verification regime and non-compliance was detected, the treaty is by all accounts a toothless tiger. This treaty simply has no teeth. Arms control advocates need to reflect on the possible damage to the concept of arms control if we ever enter into a treaty that is perceived as ineffectual. Arms control based only on a symbolic purpose can breed cynicism in the process and undercut support for more substantive and proven sanctions measures. The CTBT’s answer to illegal nuclear testing is the possible implementation of sanctions. It is clear that this will not prove particularly compelling in the decision-making processes of foreign states intent on building nuclear weapons. For those countries seeking nuclear weapons, the perceived benefits in international stature and deterrence generally far outweigh the concern about sanctions that could be brought to bear by the international community.

Further to the recent experience has demonstrated that enforcing effective multilateral sanctions against a country is extraordinarily difficult. Quite simply, the United States is struggling to maintain multilateral sanctions on Iraq, a country that openly seeks weapons of mass destruction and blatantly invaded and looted a neighboring nation, among other transgressions. If it is difficult to maintain the international will behind sanctions on an outlaw nation, how would we enforce sanctions against more responsible nations of greater commercial importance like India and Pakistan?

In particularly grave cases, the CTBT Executive Council can bring an issue to the attention of the United Nations. Unfortunately, this too would most likely prove ineffective, given that permanent members of the Security Council could veto any efforts to punish CTBT violators. Chances of a better result in the General Assembly are remote at best.

I hope the enforcement mechanisms of the CTBT provide little reason for countries to forego nuclear testing. Some of my friends respond to this charge by pointing out that the enforcement regime of the NPT is effective, given that permanent members of the Security Council can bring the issue to the attention of the United Nations. Unfortunately, this too would most likely prove ineffective, given that permanent members of the Security Council could veto any efforts to punish CTBT violators. Chances of a better result in the General Assembly are remote at best.

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to doing so. The treaty is flawed with an ineffective verification regime and a practically nonexistent enforcement process.

For these reasons, I will vote against ratification of the CTBT.

Mr. KYL. Let me quote three or four lines from it.

He said:

If we are to put our faith in a program other than testing to ensure the safety and reliability of our nuclear deterrent and thus our security, we must have complete faith in its efficacy. The Stockpile Stewardship Program fails well short of that standard.

At present, we have convinced the Stockpile Stewardship Program will permit our experts to maintain a credible deterrent in the absence of testing.

He goes on the say:

Unfortunately, the CTBT’s verification regime will not be up to that task even if it is ever fully deployed.

He concludes his statement with this paragraph:

The Senate is being asked to rely on an unfinished and unproven Stockpile Stewardship Program that might meet our needs in the future, but as yet, it is not close to doing so. The treaty is flawed with an ineffective verification regime and a practically nonexistent enforcement process.

For these reasons, I will vote against ratification of the CTBT.

So spoke Senator RICHARD LUGAR. I do not suggest that any of us here in the Senate are as expert as other people I have quoted, but certainly Senator LUGAR has a reputation for being a very serious and well-informed student of arms control issues, a proponent of arms control treaties. When he says, as he did with respect to this treaty, that it is simply not of the same caliber as other arms control treaties for the variety of reasons he expresses in his release, I think all of us should pay serious attention to that.

Madam President, it is now my pleasure, at long last, to turn to the Senator from New Hampshire, who has been very patient in waiting for Senator BIDEN and me to conclude.

Mr. BIDEN. Madam President, I won’t take the time.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. KYL. I yield to Senator BIDEN and then have a unanimous consent request.

Mr. BIDEN. Madam President, I want to print in the RECORD, without taking the time from the Senator from New Hampshire, some other quotes from Dr. Robinson from his testimony on October 7, 1999. I ask unanimous consent they be printed in the RECORD.

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

WRITTEN TESTIMONY OF DR. PAUL ROBINSON TO THE ARMED SERVICES COMMITTEE, OCT. 7, 1999

Nuclear effects tests carried out in underground test chambers were always a compromise to the actual conditions that warheads would experience in military use. Thus, this is not the first time that we have been confronted with the best job simulating phenomena which cannot be achieved experimentally.

Mr. BIDEN. As well, I ask unanimous consent to print in the RECORD quotes from the October 7 testimony of Dr. Robinson, Dr. Tarter, Dr. Tarter again, Dr. Browne, Dr. Robinson, Mr. Levin, Dr. Robinson, Dr. Robinson, Dr. Tarter, Dr. Tarter and Dr. Browne; it is an exchange:

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

LAB DIRECTORS’ WRITTEN TESTIMONY—KEY QUOTES ON STOCKPILE STEWARDSHIP, OCTOBER 7, 1999, ARMED SERVICES COMMITTEE HEARING

Dr. Robinson, Page 5:

I believed then, as I do now, that it may be possible to deploy a Science-Based Stockpile Stewardship approach as a substitute for nuclear testing for keeping previously tested nuclear weapons designs safe and reliable.

Dr. Tarter, Page 4:

The bottom line remains the same as it has been in my previous testimonies before this Committee. Namely, that a strongly supported, expert-driven, expert-managed Stockpile Stewardship Program has an excellent chance of ensuring that this nation can maintain the safety, security, and reliability of the stockpile without nuclear testing.

Dr. Tarter, Page 4:

In December 1998, we completed the third annual certification of the stockpile for President Clinton. At that time, I concluded that nuclear tests were not required at this time to assure the safety and reliability of the nation’s nuclear weapons.

Dr. Brown, Page 1:

I am confident that a fully supported and sustained program will enable us to continue to maintain a safe and reliable deterrent without nuclear testing.

Senator LEVIN. . . . what you are telling us is that this safeguard and the other safeguards are part of this process that you can rely on . . . . Dr. Robinson, you are on board in terms of this treaty; is that correct?

Dr. ROBINSON. I am on board that science-based stockpile stewardship has a much higher chance of success and I will accept it as the substitute.

Senator LEVIN. For what?

Dr. ROBINSON. I will call other reservations about the treaty—

Senator LEVIN. As a substitute for what?

Dr. ROBINSON. As a substitute for requiring yield tests for certification.

Senator LEVIN. Dr. Tarter?

Senator Tarter. A simple statement again: It is an excellent bet, but it is not a sure thing.

Senator LEVIN. My question is are you on board, given these safeguards?

Senator Tarter. Yes. I will call other reservations about the treaty—

Senator LEVIN. As a substitute for what?

Senator Tarter. Yes. I will call other reservations about the treaty—

Senator LEVIN. Dr. Browne?

Senator Browne, Senator Levin, if the government parleys us with the sustained new resources, the answer is yes, and if safeguards F is there, yes.

Mr. BIDEN. I thank the Chair, my colleagues, and my friend from New Hampshire.

Mr. KYL. Madam President, I ask unanimous consent to print in the RECORD, at a cost of $3,228.00, a series of decision briefs and newspaper articles on the subject of the test ban treaty.

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

[From the Center for Security Policy, Oct. 11, 1999]

DECISION BRIEF #99-D 107
C.T.B.T. TRUTH OR CONSEQUENCES #: 1, A SAFE, RELIABLE NUCLEAR DETERRENT DEMANDS PERIODIC, REALISTIC UNDERGROUND TESTING (Washington, D.C.: Center for Security Policy, October 12, 1999) The Senate is being asked to rely on an unfinished and unproven Stockpile Stewardship Program. This program might meet our needs in the future, but as yet, it is not close to doing so. The treaty is flawed with an ineffective verification regime and a practically nonexistent enforcement process.

For these reasons, I will vote against ratification of the CTBT.
Former Secretary of Defense Caspar Weinberger: “If we need nuclear weapons, we have to know that they will work. That is the essence of their deterrence. If there is uncertainty, deterrence is weakened. The only assurance that you could have is that the warhead will be safe, that the weapon will work, and the only way to test that is to test them.”

“Since [U.S.] testing ended [in 1992] there have been no weapons ‘red-lined’ [i.e., removed from operational status for safety and reliability concerns]. The assumption seems to be that since we stopped testing everything’s fine. Well, I can’t share that assumption. It seems to me that we don’t want to take a chance. You just aren’t allowed any margin for error in this business. And this treaty gives a very large margin for error.”

“And all of the discussion in other committees and a great deal of the discussion in public has been an attempt to show that the stockpile stewardship program will be an effective way of testing them, although everyone agrees it’s not as effective as testing them in the way that we have done in the past. Improved modeling, with all precautions to prevent any of the escape of the material into the atmosphere.

“You will have all kinds of statements made that the stockpile stewardship program will be able to be tested by computer modeling. We’ve had some less than reassuring statements of what the accelerators can do. After all, we can make the pit of the warhead in a bottle or building and then get them out of the center of the system. You can’t store them in a building or bottle. And the once again be sure that these weapons will work and will be able to do their horribly lethal task is to test them and test them in the most effective way possible.”

Admiral Henry Chiles, President Clinton’s former Commander-in-Chief, U.S. Strategic Forces Command: “We are going to have to remove and replace almost all, if not all, of the non-nuclear components in those weapons with newly designed components. The older components are not available. They were originally manufactured by technologies that are obsolete, and they are not supported in our evolving industrial base. And we’re only now of our other engineering unit of comparable complexity that anyone would consider safe and reliable in a modern world.”

Dr. Edward Markey, the current Director of the Sandia National Laboratory: “I can state with no cavets that to confirm the performance of high-tech devices—cars, planes, medical diagnostics, computers or nuclear weapons—testing is the preferred methodology. Actually nuclear testing of the entire system. To forego testing is to live with the uncertainties of the past. And the question is, what is the risk, can one bound the uncertainty, and how does that work out?”

“Today, the change of the nation’s nuclear weapons from eight to 10 years; we would replace an old design with a completely new design at that point in time. And so we had a project very little effects due to aging of the system sitting in there. Today the stockpile is the oldest one we’ve ever had in the 54-year history of the program, so we’re watching for new effects due to aging that we haven’t seen before.”

Dr. John Nuckels, former Director of the Lawrence Livermore National Laboratory under President Reagan: “It cannot be assumed that the powerful computational and experimental capabilities of the Stockpile Stewardship program will increase confidence. Improved modeling, standing may reduce confidence in the estimates to performance margins and reliability if fixes and validations are precluded by the CTBT.”

“The SSP will probably succeed in finding undetected stockpile defects and in narrowing the gap gaps in our understanding of nuclear weapons which have eluded 50 years of nuclear testing. Nuclear testing would then be required to confirm this new knowledge and validate the resulting stockpile fixes.”

Dr. Troy Wade, former Assistant Secretary of Energy for Defense Programs and nuclear weapons program director, said that the only assurance that we have now is a patently absurd premise.”

“Maintaining the nuclear deterrent of the United States, without permitting needed testing, is like requiring the local ambulance service to maintain the reliability and safety of the stockpile. I believe this treaty would remove the principle tool from the tool chests of those responsible for assuring safety and reliability.”

“Nuclear weapons are not like artillery shells. You cannot store them in a bottle or building and then get them out of the center of the system. You can’t store them in a bottle or building. And the once again be sure that these weapons will work and will be able to do their horribly lethal task is to test them and test them in the most effective way possible.”

Dr. Robert Barker, former Assistant for Atomic Energy to Secretaries of Defense Weinberger, Carlucci and Cheney and a nuclear weapons designer: “There are nine weapons in the continuing inventory; only three of those weapons have the three modern safety features of enhanced nuclear detonation safety. And while you are at it, downsize the nuclear deterrent if fixes and validations are precluded by the CTBT. And the CTBT’s proponents assert, representing a significant augmentation of the former. For example, Mr. Clinton recently declared: ‘The treaty will also strongly enable the ability to monitor if other countries are engaged in suspicious activities through global chains of sensors and on-site inspections, both of which the treaty provides for.’

The truth
Fortunately, authoritative testimony in the Senate Intelligence, Armed Services and Foreign Relations Committees last week needed rebuttal claims. While the most sensitive of that testimony was taken by the Intelligence Committee in closed session, an invaluable summary was provided by the Chairman of the Senate Select Committee on Intelligence, Senator Richard Shelby (R-AL, an appearance before the Foreign Relations Committee on 7 October. Highlights of Chairman Shelby’s authoritative statement include the following: “It’s my considered judgment, as chairman of the Intelligence Committee, that CTBT monitoring is not feasible” and that it’s impossible to monitor compliance with this treaty with the confidence that the Senate should demand before providing its advice and consent for ratification.

“I’m not confident that we can now or can in the foreseeable future detect any and all nuclear explosions prohibited under the treaty. While I have a greater degree of confidence in our ability to monitor lower-yield explosions in known test sites, I have markedly less confidence in our capabilities to monitor lower-yield and/or evasively conducted tests. Improvements, including the ability of states to develop new nuclear weapons or improve existing weapons.
At this point, I should point out too that while the proponents of the treaty have argued that it will prevent nuclear proliferation, the fact is that some of the countries of most concern to us—North Korea, Iran—can develop and deploy nuclear weapons without any nuclear tests whatsoever.

With respect to monitoring, in July of '97, the intelligence community published a Technical Intelligence Estimate entitled: "Monitoring the Comprehensive Test Ban Treaty: Over the Next 19 Years." The NIE was not even suggesting the ability to monitor compliance with the treaty or about the likely utility of the treaty in preventing countries like Korea, Iran—both countries from development and fielding nuclear weapons.

The NIE identified numerous challenges, difficulties and credible evasion scenarios that affect the intelligence community's confidence in its ability to monitor compliance.

Because the details are classified and because of the inherent difficulty of summarizing a highly technical analysis covering a number of different countries and a multitude of variables, I recommend that members of the committee review this document with the following caution: Based on testimony before the committee this week, I believe that newly published assumptions required for the forecast estimates of nuclear weapons capabilities in various countries have been released in the public domain.

The revised assumptions and analysis appear certain to lead to even more pessimistic conclusions.

"Many proponents of the treaty place their faith, in monitoring aids provided under the treaty, such as the International Monitoring System—or IMS—a multinational seismic detection system, and the CTBT's On-Site Inspection regime—or OSI. Based on a review of the strengths and limitations of the procedures of these international mechanisms, neither of which will be ready to function for a number of years, and based on the intelligence community's own analysis and statements, I'm concerned that these organizations will be of at best limited, if not marginal, value.

"I believe this IMS will be technically inadequate. For example, it was not designed to detect evasively conducted tests which, if you are Iraq or North Korea, are precisely the kind you're going to conduct. It was designed, as you know, with diplomatic sensitivities rather than effective monitoring in mind. And it will be eight to 10 years before the system is complete.

"Because of these factors and for other technical reasons, I'm afraid that the IMS is more likely to muddy the waters by injecting questionable data into what will inevitably be highly charged political debate over possible non-compliance. As a result, the value of more accurate, independently obtained information will be undermined, and essentially the space around it in this cavity would muffe or mitigate the sound, so that the seismic signal is reduced by a factor of one million. That means that a one-kiloton explosion could look like only 14 tons. So it would be well below the threshold of the international monitoring system.

The fact is that militarily significant covert nuclear testing cannot—and almost certainly will—be conducted at low-yields or in other ways aimed at masking the force of an explosion. Unlike the history of arms control is riddled with examples of where even clear-cut violations are excused or ignored by the other parties. Just as the NIE identified numerous challenges, the treaty is at stake will probably not be conducted at low-yields or in other ways aimed at masking the force of an explosion.

President Bush has acknowledged a tendency on the part of his Administration to "fudge" the facts when the alternative of telling the truth will have hard policy implications. Washington: Five times during that six-year period I understood clear testing, following a final series of unclassified reports he submitted to this Congress on his desk last full day in office. This report was written to explain why the Bush Administration found a statute mandating an end to all U.S. nuclear testing after 1992. The Administration strongly urges Congress to modify this legislation urgently, in order to permit the minimum number and kind of underground nuclear tests that the United States requires—regardless of the action of other states—to retain safe and reliable, although dramatically reduced, nuclear deterrent forces.

The reasoning for President Bush's adamant position on the need to continue nuclear testing is that it is necessary to assure the reliability of the U.S. deterrent is not hard to comprehend in light of the experience described by Dr. Barker in his testimony on October 12, 1999:

"During my six years in the Pentagon, from 1986 and 1992, the people in the nuclear weapons laboratories were every more experienced in the ways in which clear testing that he vehemently opposed. This point was made clear in testimony before the Senate Armed Services Committee last week by Dr. Robert Barker, a nuclear weapon designer who served as the Pentagon's top nuclear weapons expert during the Reagan and Bush Administrations.

There should be no doubt whatsoever that President Bush and the entire administration that stood behind him believed that nuclear testing was necessary to maintain the safety and reliability of the U.S. stockpile. And until we did further tests those weapons were basically non-operational, and we were faced with trying to deal with the situation of instantaneously having a weapon systems not available to us....

In every case where a change had to be made in order to fix the problem, a nuclear test was required to be sure that we were doing nuclear testing. Well, every day of any year I could go to them and they would tell me my stockpile was safe, my stockpile was reliable—I could count on their judgment.

"Five times during that six-year period I was faced with catastrophic failures in the stockpile. The Department of Energy came to me on five occasions, and I found myself going to Secretaries Weinberger or Carlucci or Cheney, and telling them that a weapon in the stockpile could not do its job. And until we did further tests these weapons were basically non-operational, and we were faced with trying to deal with the situation of instantaneously having a weapon systems not available to us....

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In every case where a change had to be made in order to fix the problem, a nuclear test was required to be sure that we were doing nuclear testing. Well, every day of any year I could go to them and they would tell me my stockpile was safe, my stockpile was reliable—I could count on their judgment.
“It’s one of the great ironies that there was a thing in existence back in 1993 called a test ban readiness program, which called for a significant number of tests each year for a while to prove whether or not a scheme of calculation and non-nuclear simulation would provide a reliable replacement for nuclear testing... That is the reliable, scientific, unilaterial approach. You don’t change your calibration tool without comparing the results.”

“Nor should the council change its accounting system without verifying that the new system gave the same results as the old. No scientist would change the calibration tool in his laboratory without first validating that the new tool gave the same result as the old. And in 1993 we were embarked upon a process of developing a set of tools that we could assess what we would prove to be a reliable replacement for nuclear testing. “The cessation of nuclear testing cut that shilling off, got us in the replacement and have denied ourselves the ability to ever calibrate it if we ratify this Comprehensive Test Ban Treaty.”

No President, John F. Kennedy has voluntarily imposed the kind of unilateral moratorium on nuclear testing upon which Bill Clinton has insisted over the past seven years of his presidency. And President Kennedy declared when he ended the three year testing moratorium he had adopted: “We know enough now about broken negotiations and the advantages gained from a long test series never to offer again an unexpected moratorium. Some may urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep our eyes so focused on the preparation of an experiment which may or may not take place on an uncertain date in the undefined future.”

“Nor can large technical laboratories be kept fully alert on a stand-by basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient—it we have explored this alternative thoroughly and found it impossible of execution.”

The fact is that President George Bush, many of those who served in senior ranks of his administration—notably, his Secretary of Defense Dick Cheney, his National Security Advisor, and Secretary of Energy James Watkins have all expressed their opposition to this treaty—and his son, George W. Bush, have formally counseled the Senate against permanent unilaterial and/or multilateral bans on nuclear testing. This counsel should be heeded—not misrepresented or ignored.

DECISION BRIEF No. 99-D 110
C.T.B.T. TRUTH OR CONSEQUENCES #4: THE ZERO-YIELD, PERMANENT TEST BAN IS ROOTED IN SUBSTANCE, NOT POLITICS
(Washington, D.C.): President Clinton is fond of saying that the Comprehensive Test Ban Treaty (CTBT) is the “longest-sought, hardest-fought prize in the history of arms control.” He and his subordinates and other CTBT proponents try, however, to confuse by whom the present, zero-yield, permanent ban on all nuclear tests has been so long sought and hard fought. This is not an accident.

For all, as it has become clear that this arms control initiative has been the agenda not, among others, that the United States, every President since Dwight Eisenhower, but rather for radical, left-wing anti-nuclear ideologies, its prospects for approval by the Republics were unlikely.

The fact is, as Senate Foreign Relations Committee Chairman Jesse Helms has observed “not a single president before the current one has ever sought a zero-yield, indefinite duration CTBT.” Actually, every one of his predecessors rejected such an approach.

President Reagan’s legacy
Particularly telling is the forceful 1988 rejection of nuclear test bans and other limitations on nuclear testing beyond those currently on the books that was sent by President Reagan to the Senate in September of that year. The highlights of this carefully prepared, interagency-approved report entitled, The Relationship between Progress in Other Areas of Arms Control and Non-Sterile Limitations on Nuclear Testing should be required reading for Senators now confronting the decision whether to advise and consent to the CTBT.

The Requirement for Testing “Nuclear testing is indispensable to maintaining the credible nuclear deterrent which has kept the peace for over 40 years.”

“Second, we conduct nuclear tests in order to improve the safety, security, survivability and effectiveness of our nuclear arsenals. Testing has allowed the introduction of modern safety and security features on our weapons. It has permitted a reduction by nearly one-third in the total number of weapons in the stockpile since 1960, as well as a reduction in the total megatonmage in that stockpile to approximately one-quarter of its 1960 value.”

Third, the U.S. tests to ensure we understand the effects of a nuclear environment on military systems.”

Finally, by continuing to advance our understanding of nuclear weapons design, nuclear testing serves to avoid technological surprise and to allow us to respond to evolving threats.”

“These four purposes are vital national security goals. As companion reports by the Departments of Defense and Energy indicate, they cannot currently be met without nuclear testing.”

Reductions in Nuclear and/or Conventional Arms May Actually Increase U.S. Testing Requirements
It is important to recognize that there is no direct technical linkage between the size of the nuclear stockpile and the requirements for nuclear testing.

“Indeed, their supporter providing for deep reductions in strategic offensive arms the reliability of our remaining U.S. strategic weapons could be even more important than the need for testing even greater.”

Similarly, neither reductions in strategic offensive arms themselves nor success in converting to kiloton-yield or in eliminating the third reason for U.S. nuclear testing, the requirement to ensure we understand, from both an offensive and defensive standpoint, the effects of nuclear explosions on military systems. Even in a world with reduced strategic arms and an improved balance in conventional forces, the threat to existence, in such a world, understanding nuclear effects would be no less important.”

Further Policy Caveats
The CTBT recognizes that neither nuclear testing nor arms control per se are ends in themselves. They are tools to be employed only in the interests of enhancing national security.

“...it is clear that limitations as stringent as a complete ban on tests above either 1 kiloton or 10 kilotons would impose serious risks and will almost certainly prove not to be compatible with our overall security interests. As the companion reports by the Departments of Defense and Energy make clear, such limitations have exceptionally severe effects on U.S. programs. In addition, we do not know how to verify such yield limitations.”

The Bottom Line
The Reagan Administration report declared in closing that “A comprehensive test ban remains a long-term objective of the United States.” It makes clear, however, that the circumstances under which such a ban might be acceptable are very different from those that applied at the time, or today: “We believe such a ban must be viewed in the context of a time when we do not need to depend on nuclear deterrence to ensure international security and stability, and we have achieved, and, and effectively verifiable arms reductions, substantially improved verification capabilities, expanded confidence-building measures, and greater balance in conventional forces.”

Senators being asked to consider postponing a final vote on the Comprehensive Test Ban Treaty (CTBT) have reasoned that the practical effect of doing so would effectively be to agree that—despite its incompatibility with U.S. national security interests and its consistency with the sort of woolly-headed, radical disarmament notions Ronald Reagan espoused—the CTBT’s restraints would continue to bind the United States. For, under international legal practice, unless and until a nation formally gives notice of its intention not to ratify a treaty, it is obliged to refrain from actions that would undercut its object and purpose. Such notice should be given, and promptly.

DECISION BRIEF No. 99-D 111
C.T.B.T. TRUTH OR CONSEQUENCES #: OPPOSITION TO A ZERO-YIELD, PERMANENT TEST BAN IS ROOTED IN SUBSTANCE, NOT POLITICS
(Washington, D.C.):—Advocates for the Comprehensive Test Ban Treaty (CTBT) have been engaged in a form of political contortionism that would impress Houdini. Having insisted on the Senate’s immediate consideration of this accord in time for a CTBT review conference held last week in Vienna, they were initially surprised, then seemingly pleased when Senate Republicans agreed two weeks ago to a fixed period for debate and a near-term vote. Accordingly, every single Democratic Senator and those relatively few Republicans who have de¬clared their support for the CTBT. As President Clinton’s White House’s blessing—to a “unanimous consent” agreement designed to do just that. In other words, when they couldn’t get the necessary votes, the CTBT’s proponents were quite content with this arrangement.

It became clear that the treaty’s opponents had easily the 34 votes needed to defeat President Clinton’s permanent, zero-yield Comprehensive Test Ban, however, the Senate’s consideration and its vote, it is worth com¬plain that the arrangement they had agreed to was no longer satisfactory. Slightly, they claimed the CTBT was in danger of fail¬ing to “partisan politics” and that only by delaying the vote would that accord receive the deliberate consideration due it.
Unfortunately for the pro-CTBT contor- tionists, the announcement on 7 October by Senator Richard Lugar (R-IN) of his ad- man opposition to the present Comprehen- sive Test Ban Treaty highlights such problems as untenable. Sen. Lugar is, after all, a man with a record of unwavering support for arms control and unfailing willingness to pursue bipartisanship to forge an acceptable solution to complex issues. His closely reasoned and well-re- searched grounds for his declared intention to vote against this CTBT makes it clear that the goal of the CTBT is to ban all nuclear explosions. We do not believe this can succeed. I have little confidence that the verification and enforcement provisions will dissuade other nations from nuclear testing. Furthermore, I am concerned about our country’s ability to maintain the integrity and safety of our own nuclear arsenal under the conditions of the treaty.

We affirm our desire for international peace and stability, the U.S. Senate is charged with the constitutional responsibility of making hard judgments about the likely outcomes. This requires that we examine the treaties in close detail and calculate the consequences of ratification for the present and the future. Viewed in this context, I cannot support the treaty’s ratification.”

Highlights of Senator Lugar’s critique should be required reading for Senators and their constituents:

Bad Arms Control: “I do not believe that the CTBT is of the same caliber as the arms control agreements we have come to expect from the Senate in recent decades. Its usefulness to the goal of non-proliferation is highly ques- tionable. Its likely ineffectuality will risk undermining support and confidence in the concept of multi-lateral arms control. Even as a symbolic statement of our desire for a safer world, it is problematic because it would exacerbate risks and uncertainties re- lated to the safety of our nuclear stockpile.”

No Safety Net on the SSP: “At present our nuclear capability provides a deterrent that is crucial to the security of the American people and is relied upon as a safety umbrella by most countries around the world. One of the most critical issues under the CTBT would be the safety and reliability of our nuclear weapons stockpile without testing. The safe maintenance and storage of these weapons is a crucial concern. We can- not allow them to fall into disrepair or per- mit their safety to be called into question.”

...Unfortunately, the jury is still out on the Stockpile Stewardship Program. The last nine years of improvements, but the bottom line is that the Senate is being asked to trust the security of our country to a pro- gram that is unproven and unlikely to be fully effective perhaps at all.”

...The Congressional Research Service reported last year that: ‘A problem with one warhead type can affect hundreds of thou- sands of independently deployed warheads; with only 9 types of warheads expected to be in the stockpile in 2000, compared to 30 in 1985, a single problem could affect a large frac- tion of the U.S. nuclear force’.” If we are to put our faith in a program other than testing to ensure the safety and reliability of our nuclear arsenal, the Senate must make certain that we must have complete faith in its efficacy. The Stockpile Stewardship Program falls well short of that standard.

...In addition, further by the fact that some of the weapons in our arsenal are not as safe as we could make them. Of the

nine weapon designs currently in our arse- nal, only one employs all of the most modern safety and security measures. Our nuclear weapons laboratories are unable to provide such protections because of the inability of the Stockpile Stewardship Program to completely mimic testing.

...At present, I am not convinced the Stock- pile Stewardship Program will permit our experts to maintain a credible deterrent in the absence of testing. Without a completely effective, and proven Stockpile Stewardship program, the CTBT could erode our ability to discover and fix problems with the nuclear stockpile and to make safety improve- ments.”

An Unverifiable CTBT: “The U.S. must be confident of its ability to achieve nuclear disarmament. While the exact thresholds are classified, it is commonly un- derstood that the United States cannot de- tect nuclear explosions below a few kilotons of yield. The Treaty’s verification regime, which includes an international monitoring system and on-site inspections, was designed to fill the gaps in our national technical means. Unfortunately, the CTBT’s verification regime will not be up to that task even if it is ever fully deployed.”

“The verification regime is further bedev- iled by the lack of a common definition of a nuclear test. Russia believes hydro-nuclear activities and sub-critical experiments are permitted. The U.S. believes sub-critical experiments are permitted but hydro-nuclear tests are not. Other states believe both are illegal. A common under- standing or definition of what is and what is not permitted under the treaty has not been established.”

The CTBT’s verification regime seems to be the embodiment of everything the United States has been fighting against in the UNSCOM inspection process in Iraq. We have rejected Iraq’s position of choosing and ap- proving the national origin of inspectors. In addition, the 50 square kilometer inspection- free zones could become analogous to the process and undercut support for more sub- stantive and proven arms control measures.

“Mission Impossible—Enforcement of the CTBT: ‘Even if the United States were suc- cessful in utilizing the laborious verification regime, and it was detected, the Treaty is almost powerless to respond. This treaty simply has no teeth. Arms control advocates need to reflect on the possible consequences of the debate if we embrace a treaty that comes to be perceived as ineffectual. Arms control based only on a symbolic purpose can breed cynicism in the process and undercut support for more sub- stantive and proven arms control measures.”

“The CTBT’s answer to illegal nuclear testing is the possible implementation of sanctions. It is clear that this will not prove particularly compelling in the decision-making processes of foreign states intent on building nuclear weapons. If those coun- tries seeking nuclear weapons, the perceived benefits in international stature and deter- rence generally far outweigh the concern about sanctions that could be brought to bear by the international community.’

Fraudulent “Norm”: “I believe the en- forcement regime of the CTBT is too weak to provide a little reason for countries to forego nuclear testing. Some of my friends respond to this charge by pointing out that even if the en- forcement regime were ineffective, the treaty will impose new inter- national norms for behavior. In this case, we have observed that “norms” have not been a powerful check on the actions of nations, India and Pakistan, the very countries whose ac- tions we seek to influence through a CTPT.

“If a country breaks the international norm embodied in the CTBT, that country has already broken the norm associated with the Non-Proliferation Treaty (NPT). Coun- tries that attempt to test a weapon must first manufacture or obtain a weapon, which would constitute a violation of the NPT. I would be foolish to determine the CTBT is a motivated nation from developing nuclear weapons after violating the long-standing norm of the NPT.”

Bottom Line

The Clinton Administration’s transparent intent to use the CTBT as a political weapon against its critics makes Senator Lugar’s statesmanship and courage in opposing this treaty as a matter of more than just recommendable. Although the Indiana Senator has made clear his preference not to vote on the CTBT in the coming days, the sub- jective case he has made against this ac- cord should be dispositive to his colleagues in deciding to reject the Comprehensive Test Ban Treaty now, rather than be subjected to endless debate and a floor vote later. What is the baseline for the bipartisan approaches to foreign policy with a record of unwavering support for arms control advocates need to reflect on the possible consequences of the decision to reject this permanent, all-inclusive test ban treaty to begin with.”

Which Advice?

Setting aside the singularly unpromising job the serving Chairman, Gen. Hugh Shelton, has done in his advocacy for the CTBT—his recent opposition hearing a few weeks ago, his endorsement was unintelli- gible; on NBC’s Meet the press on 10 October, he gave a statement of support for the Trea- ty that was more articulate, but wholly in- appropriate to the question he was asked, not once but twice—fans of the CTBT should be careful in relying too heavily upon their favorite officers to sell this Treaty.

Consider, for example, statements that three of the most prominent of these offi- cers—General Powell, Admiral William J. Crowe and General George Walker—made during their respective stints as chairman of the Joint Chief of Staff

General Colin Powell, 30 September 1991: [to see how a question by Senator Malcolm Wallop (R-Wy) as to how Gen. Powell would respond to a Soviet proposal to halt testing.] I would recommend to the Sec- retary of State that the President request appro- priation of the treaty in negotiations—what we couldn’t meet, I would recommend against it. We need nuclear testing to ensure the safety, (and) surety of our nuclear stock- pile. If we do not have to have nuclear testing, if we have to know what it is they will do, and so I would recommend continued testing.”
October 12, 1999 CONGRESSIONAL RECORD — SENATE S12387

Gen. Powell, 1 December 1992: “With respect to a comprehensive test ban, that has always been a fundamental policy goal of ours, but as long as we have nuclear weapons we have a responsibility for maintaining our stockpile that our stockpile remains safe. And to keep that stockpile safe, we have to conduct a limited number of nuclear tests to make sure we know what nuclear weapons will actually do and how it is aging and to find out a lot of other physical characteristics with respect to nuclear phenomena.”

Admiral William Crowe, 8 May 1986: [According to a contemporary press report:] “Admiral William Crow, Chairman of the Joint Chiefs of Staff, said a comprehensive test ban—which many members of Congress have urged President Reagan to negotiate with Moscow—would ‘introduce elements of uncertainty that would be dangerous for all concerned.’

‘Given the pressure from lawmakers for conventional weapons testing, I frankly do not understand why Congress would want to suspend testing on one of the most critical and sophisticated elements of our nuclear deterrent. A recent survey of the Joint Chiefs of Staff’s policy on testing after leaving office, in which career and current members of the JCS undergo a reverse transfer in which position—previous ones opposing renewed treaties and the Senate Foreign Relations Committee."

General David Jones per an Aviation Week article dated 29 May 1978: “General David Jones, Chairman of the Joint Chiefs of Staff, told a Senate Armed Services Committee meeting last week that he could not recommend an indefinite zero-yield test ban. ‘I would have to act responsibly, and that the U.S. stockpile reliability could not be assured. Jones said he is concerned over asymmetries that could develop through nonagreement or refusal of the U.S.S.R. He said Senators are not convinced by the safeguards he has seen to date, and that it would not be difficult to overcome them.’

Gen. Jones, according to a 27 May 1978 Washington Post article: Air Force Gen. David Jones, selected by [President] Carter to be chairman of the Joint Chiefs, told the Senate Armed Services Committee at his recent confirmation hearing that ‘I would have difficulty recommending a zero-yield test ban at this time or at any time.’

It falls to these individuals and those who are interested in their views to establish which position—their former ones opposing a limited nuclear test ban or their present ones endorsing it—actually reflect their ‘best national security advice.’

‘Supporters of the CTBT argue that it reduces the chances for nuclear proliferation. I am not against the idea of comprised and new weapons but I do not believe that the test ban would reduce the ability of rogue states to acquire nuclear weapons in sufficient quantity to pose a real threat to the United States. The one nation most of the world looks to for securing peace in the world, should not deny itself the opportunity to test for the block building of its security, its nuclear deterrent force, if conditions require testing.’

‘...belief that the more demonstrably modern and useable is our nuclear deterrent force, the less likely are we to need to use it, but we have modern weapons, and we ought not deny ourselves the opportunity to test if we deem it necessary.’

The Bottom Line

The case for the Clinton Comprehensive Test Ban Treaty fundamentally comes down to a question of ‘confidence’—in the judgment of prominent retired military leaders that those who warn that history suggests such confidence is unwarranted in the absence of periodic, realistic underground testing.

It should, at a minimum, shake the confidence of Senators whose support for the treaty would likely be key to enactment of the Treaty and reconstituting the nuclear force if that is of the judgment of those who warn that history suggests such confidence is unwarranted in the absence of periodic, realistic underground testing.

‘...belief that the more demonstrably modern and useable is our nuclear deterrent force, the less likely are we to need to use it, but we have modern weapons, and we ought not deny ourselves the opportunity to test if we deem it necessary.’

[From the Center for Security Policy, Oct. 1997]

SELECTION RHYTHMS NO. 99-D 112 C.T.B.T. TRUTH OR CONSEQUENCES #7: REALISTIC EXPLOSIVE TESTING IS REQUIRED TO ‘RE-MANUFACTURE’ EXISTING NUCLEAR WEAPONS

(Washington, D.C.): One of the most pernicious arguments being served up in recent days by the proponents of the Comprehensive Test Ban Treaty (CTBT) is the claim that the U.S. deterrent stockpile can be reconstituted and relabeled militarily equivalent without further underground tests. Since they explicitly rule out modernization of the nuclear arsenal, however, the only way a stockpile of weapons comprised of weapons having the highest average age in history could possibly be preserved in a safe and reliable condition would be expensive and unsafe, and could not be substantially (if not virtually completely) remanufactured.

While advocates of the zero-yield, permanent CTBT deny it, neither historical experience nor common sense would lead the proposition that U.S. nuclear weapons—comprised as they are of as much as 6,000 exactly manufactured parts, made of exotic and dangerous materials, and no-exposed for years to high levels of radiation—will not undergo substantial changes over time. In fact as a result of such factors, former Assistant Secretary of Energy Victor Reis declared in congressional testimony in October 1997 that: ‘Just about all the parts (of those obsolescing devices) are going to have to be remade.’

Why ‘Remaking’ of the Arsenal Cannot be Effected Without Testing

There are numerous, serious problems with undertaking such a program in the absence of nuclear testing. First, the production lines for building the stockpile’s existing existing and new warheads and warheads and components, and the long infancy. Reconstitution and recertifying them would take quite some time, would be very costly and probably won’t be possible to effect with confidence absent realistic, explosive nuclear testing.

Second, it will not be possible to replicate some of the ingredients in weapons designed two decades or more ago; key components are technologically obsolete and no longer used. We would recommend using them when smaller, lighter, cheaper, more reliable and carboxylic materials are now the state-of-the-art. To use new, modern materials, as is required by law, would require the use of some of the materials utilized in the original designs.

Third, virtually everybody who was involved in designing and proving the original designs has left the industrial and laboratory complex, taking with them irreplaceable corporate memory that may spell the difference between success and failure in reproducing their work.

An Authoritative Historical Review

These points were underscored in an authoritative review report to Congress issued by the Lawrence Livermore National Laboratory in 1987. Among its relevant highlights are the following (emphasis added throughout):

‘...it has frequently been stated that non-nuclear and very low yield i.e., less than 1 kiloton) testing and computer stimulation would be adequate for maintaining a viable nuclear deterrent. A recent variant of this argument is that the only way any scenario for new warheads, we would be adequate for indefinite maintenance of our stockpile of nuclear weapons. We believe that neither of these assertions can be substantiated.

‘...the major problem is that a nuclear explosive includes such a wide range of processes and scales that to include all the relevant physics and engineering in sufficient detail to provide an accurate representation of the real.

‘A final proof test at the specified low-yield was extremely to the WM (Air-Launched Cruise Missile) was done as the weapon was ready for deployment. The test results were a complete surprise. The primary low-yield of over 1,000 expected yield, insufficient to ignite the secondary.
Given historical experience and the scientific insights gleaned from it, no one who is serious about maintaining the U.S. deterrent for the indefinite future would argue that their systems could be perfected or improved without nuclear testing. Remanufactured weapons will have to be realistically tested, at least at low yield levels, if we—and those whose mission it is to have confidence in their effectiveness.

(From the Center for Security Policy, Oct. 7, 1999)

SECURITY FORUM NO. 99-F 23
SIX SECRETARIES OF DEFENSE URGE DEFEAT OF C.T.B.T.
(Washington, D.C.): In an unprecedented public statement to a signed arms control agreement, six former Secretaries of Defense—one of whom, Dr. James R. Schlesinger was also (among other things) a Secretary of Energy in the Carter Administration—have written the Republican and Democratic leaders of the U.S. Senate urging the defeat of the Comprehensive Test Ban Treaty (CTBT).

This authoritative description of the CTBT’s defects and the deleterious repercussions its ratification would have for America’s security posture, has enabled us to properly assess and correct problems with existing warheads.

Although tests of a complex system are expensive and time-consuming, one is hard-put to find an example anywhere in U.S. industry where a major production line was re-opened and requalified without tests. Exact replication, especially of older systems, is impossible. Even if matches are not the same, some materials become unavailable, and equivalent materials are never exactly equivalent. Different people—not those who did the initial work—do the remanufacturing.

‘Documentation has never been sufficient to ensure replication. A perfect specification has never yet been written. We have never known enough about every detail to specify everything that may be important.

‘Tests, even with the limitations of small numbers and possibly equivocal interpretation of results, are the final arbiters of the trade-offs. Even if the design is the same, some materials become unavailable, and equivalent materials are never exactly equivalent. Different people—not those who did the initial work—do the remanufacturing.

‘Remanufacture of a nuclear weapon is often asserted to be a straightforward exercise in engineering and material science, and simply by using well-documented specifications to make identical copies. In the real world, however, there are many examples where weapon parts cannot be duplicated, un-remodeled, and some components, health hazards, disadvantageous operations, out-of-business vendors, reproducible materials, lack of documentation, and myriad other reasons. Not only must remanufacturing attempt to replicate the construction of the original weapon, it must also duplicate the performance of the weapon.

‘It is important to emphasize that in weapon remanufacturing we are dealing with a practical problem. Idealized proposals and statements like that we should be able to do without testing because expertise is not essential are a prescription for failure.

The Bottom Line

Senators concerned about the Nation’s ability to perform the needed modifications essential to any effort to “remanufacture” stockpiled weapon types should bear in mind a continuation by one of the prominent scientists usually cited by CTBT proponents: Dr. Richard Garwin. In testimony before the Senate Foreign Relations Committee last week, Dr. Garwin declared: “I oppose testing and re-arming our nuclear weapons under the moratorium or under the CTBT.”
North Korea and Iraq to acquire nuclear weapons will not be affected by whether the U.S. tests. Similarly, the possession of nuclear weapons by nations like India, Pakistan, and Israel remains on the security environment in the region not by whether or not the U.S. tests. If confidence in the U.S. nuclear deterrent were to decline, countries that have relied on our protection could well feel compelled to seek nuclear capabilities of their own. Thus, ironically, the CTBT might cause additional nations to seek nuclear weapons.

Finally, it is impossible to verify a ban that extends to very low yields. The likelihood of cheating is high. ‘Trust but verify’ should remain the byword. Tests with yields below 1 kiloton can both go undetected and be militarily useful to the testing state. Furthermore, a significantly larger explosion can go undetected—or mistaken for a conventional explosion used for mining or an earthquake—if the test is ‘decoupled.’ Decoupling involves conducting the test in a large underground cavity and has been shown to dampen an explosion’s seismic signature by a factor of up to 70. The U.S. demonstrated this capability in 1966 in two tests conducted in salt domes at Chilton, Mississippi.

We believe that these considerations render a zeroyield Comprehensive Test Ban Treaty incompatible with the Nation’s international commitments and vital security interests and believe it does not deserve the Senate’s advice and consent. Accordingly, respectfully urge you and your colleagues to preserve the right of this nation to conduct nuclear tests necessary to the future of our nuclear deterrent by rejecting the proposal of the present CTBT.

Respectfully,

JAMES R. SCHLESINGER.

ERNST J. CHEWEY.

FRANK C. CALLILUCCI.

CASPAR W. WEINBERGER.

DONALD H. RUMSFELD.

MELVIN R. Lahr.

[From the Center for Security Policy, Oct. 7]

SECURITY FORUM
SENATOR LUGAR DELIVERS KISS-OF-DEATH TO CTBT

(Washington, DC: As the Senate prepares to open debate on the Comprehensive Test Ban Treaty, Senator Lugar, the preeminent Republican champion in the Senate, recently declared that the treaty is a ‘wrecking ball’ that could undermine our national security. Lugar’s speech was released today on the Senate floor. Sen. Lugar declared ‘I will vote against the ratification of the CTBT.’

The Senator’s reasons for rejecting what was clearly a wrenching decision are characteristically thoughtful and powerful explained in the following excerpts of his memorandum. The Center applauds Senator Lugar for his leadership and commitment to the security of the United States and its allies.]

[Press Release from U.S. Senator Richard Lugar on the Senate Intelligence and Foreign Relations Committees and the Senate’s National Security Working Group]

The Senate is poised to begin consideration of the Comprehensive Test Ban Treaty under a unanimous consent agreement that will provide for 14 hours of general debate, debate on two amendments, and a final vote on ratification. In anticipation of the general debate, I will state my reasons for opposing ratification of the CTBT.

The goal of the CTBT is to express U.S. leadership in an area of arms control. Inevitably, arms control treaties are accompanied by idealistic principles that envision a future in which international norms prevail over the threat of conflict between nations. However, while affirming our desire for international peace and stability, the U.S. Senate is charged with the constitutional responsibility of making hard judgments about the likely outcomes of treaties. This requires that we examine in close detail and calculate the consequences of ratification for the present and the future. Viewed in this context, I cannot support the treaty’s ratification.

I do not believe that the CTBT is of the same caliber as the arms control treaties that have been negotiated over the past three decades. Its usefulness to the goal of nonproliferation is highly questionable. Its likely ineffectuality will risk undermining support for our other arms control efforts and, in the absence of testing. Without a complete, effective, and proven Stockpile Stewardship program, the CTBT could erode our ability to discover and fix problems with the nuclear stockpile and to make safety improvements.

In fact, the most important debate on this issue may be an honest discussion of whether we should commence limited testing and continue such a program with consistency and certainty.

Verification

President Reagan’s words ‘trust but verify’ remain the mainstay of current nuclear arms control. A key stick of whether a treaty serves the national security interests of the United States. The U.S. must be confident of its ability to detect, deter, and respond to other nation’s nuclear tests. In the absence of testing. Without a complete, effective, and proven Stockpile Stewardship program, the CTBT could erode our ability to discover and fix problems with the nuclear stockpile and to make safety improvements.

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Enforcement

Let me turn some concern enforcement. Even if the United States were successful in utilizing the laborious verification regime and non-compliance was detected, the Treaty is almost powerless to respond. This treaty simply has no teeth. Arms control advocates need to reflect on the possible damage to the concept. If we embrace a treaty that comes to be perceived as ineffectual, arms control based only on a symbolic pursuit of the Chemical Weapons Convention in the area of verifiability. Whereas the CBT requires a significant number of verifiers to ensure an inspection to be approved, the CWC requires an affirmative vote to stop an inspection from proceeding. Furthermore, the CWC did not exclude large tracts of land from the inspection process. The CTBT's verification regime seems to be the embodiment of everything the United States has been fighting against in the UNSCOM inspection process in Iraq. We have rejected Iraq's position of choosing and approval. The national origin of inspectors. In addition, the CWC did not require inspections in free zones could become analogous to the controversy over the inspections of Iraqi presidential palaces. The UNSCOM experience is one that is best not repeated under a free zone.

Conclusion

On Tuesday the Senate is scheduled to vote on the ratification of the Comprehensive Test Ban Treaty (CTBT). Mr. Perle—an accomplished security policy practitioner widely respected on both sides of the Atlantic and, indeed, among the world—powerfully argues that the objections but from Messrs. Tony Blair, Jacques Chirac and Gerhard Schroeder in an op-ed. article published in the New York Times on 8 October should not dissuade us from the U.S. From the perspective of the International Atomic Energy Agency (set up to police the Non-Proliferation Treaty) to conceal his clandestine nuclear facilities. Administration has failed to make a case on why this treaty is in our national security interest. The Senate is being asked to rely on an unfinished and unproven Stockpile Stewardship Program. This program might meet our needs in the short term, but it is not close to doing so. The Treaty is flawed with an ineffective verification regime and a practically nonexistent enforcement process. For these reasons, I will vote against ratification of the CTBT.
October 12, 1999

CONGRESSIONAL RECORD—SENATE

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member of the Intelligence and Foreign Relations Committees. A frequent floor man-
ger in favor of arms control legislation, he

argued that the CTBT is "not of the same cali-
er that the treaty is conceptually flawed—but be-
causes of the definition of the term "nuclear test?"

so they cannot be detected? Do they under-

tend to meet these exacting standards even

ness of who have served this

country as Republicans and Democrats, and

military policy analysts for three or four
decades, going back to President Dwight D.
Eisenhower."

This is how the fight over the Com-
prehensive Test Ban Treaty is shaping up. It
will be one in which the pivotal block of sen-

ors—mostly Republicans but possibly In-

terest to churches and other religious organ-
izations that are funding the CTBT. 

Johnson and others have suggested that
the CTBT would be opposed by those who feel
that the United States is being left behind in the
arms race. 

But Senator Lugar opposes ratifica-
tion—not because he believes the treaty is con-
troversial in his view that the treaty is conceptually flawed—but be-
cause it does not achieve its intended purpose but it could "risk under-
mining support and confidence in the con-
cept of multi-lateral arms control.

Arguing that the CTBT is "not of the same cali-
er than Blair, Chirac, Schroeder and Hutton combined—which may explain why his view of the treaty is one of reason and not passion. Senator Lugar opposes ratifica-
tion—not because he shares my view that the treaty is conceptually flawed—but be-
cause it does not achieve its intended purpose but it could "risk under-
mining support and confidence in the con-
cept ofulti-lateral arms control.

Lugar concluded that the treaty's use-
fulness is "highly questionable," and that it
would "weaken" the U.S. nuclear stockpile or the importance
of the nation's nuclear deterrent. 

Clinton abandoned in mid-

nership in the 1996 Presi-
dential election, Clinton abandoned in mid-
stream an effort to negotiate a binding defi-
nition of the term "nuclear test" and a practical none.

Saratago's careful, detailed assess-
ment of the treaty's flaws contrasts sharply with
the rugby cheering section coming from the

billionaire Carter had a few words for us.

Thus, it would be hard to modernize the in-
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ventory as strategic circumstances change.
For instance, how could we know if a new, deep-penetrating warhead will take out a hardened underground bunker if we can’t test it?

Should the Senate give its advice and consent to this accord, however, that line seems sure to change. Then the CTBT’s proponents will revert to form, free to acknowledge the obvious: that our nuclear stockpile—composed of increasingly obsolescing weapons—cannot be maintained without testing. Either, so by their logic, the next move would be to just retire our underground arsenal, our nuclear deterrent.

Consider the October 1997 congressional testimony of then-Assistant Secretary of Energy for Defense Programs Victor Reis: “Just a few years ago, most of our precision nuclear weapons were fulfilling a critical role: The界定 of all the nuclear weapons in our arsenal, the most sophisticated on the planet. The threat of us using them cannot be tolerated. If the Senate ratifies the CTBT, we will expose our nuclear arsenal to the world in which a number of countries have acquired such weaponry without conducting known nuclear tests, and others seek to buy the know-how and equipment from willing sellers in Russia, China and Pakistan.

Neither should the leadership of the American military be taken in by the argument that the nuclear option is now credible. The United States cannot afford to lose its credibility as a nuclear superpower. The United States should lead the way. We should persuade others to do the same. Then, together, we can work towards a world free of nuclear weapons. This is the only way to achieve true global security. The CTBT is a necessary step in this direction. Let us make it a permanent part of our national security strategy.

[From the Worldwide Weekly Defense News, Sept. 27, 1999]

TRUTH ABOUT NUCLEAR TESTING WOULD SINK TEST BAN TREATY

(By Frank Gaffney)

In the course of a Sept. 9 hearing before the Senate’s Armed Services Committee, a question was asked about the Comprehensive Test Ban Treaty (CTBT). The administration of President Bill Clinton, which had been working on the CTBT for years, appeared to have a political advantage. The Senate Armed Services Committee, among other relevant U.S. government agencies, was urged to consider the nomination of Gen. John Shalikashvili to be the next chairman of the Joint Chiefs of Staff.

The bottom line is that U.S. national security demands that we file nothing but systematic and rigorously tested military systems, both conventional and nuclear. To be sure, conventional systems can contribute significantly to reducing the cost and the length of time it takes to develop and deploy such weapons. But we cannot afford to let any weapon—least of all the most important ones in our arsenal, our nuclear deterrent—go untested and unproven.

The argument for the test ban is that it will prevent nuclear proliferation. If countries cannot test nukes, they will not build them because they won’t know if they work. Yet the CTBT in fact opens the testing option for would-be nuclear powers.

We sign. They desist. How exactly does this work?

As a Washington Post editorial explains, one of the ways to “induce would-be proliferators to get off the nuclear track” is “if the nuclear powers showed themselves ready to accept some of the discipline they are calling on non-nuclear others to accept.” The power of example of this group of states is expected to induce other countries to follow suit.

History has not been kind to this argument. The most dramatic counterexamples, of course, are rogue states such as North Korea, Iraq and Iran. They don’t sign treaties and, even when they do, they set out to break them clandestinely from the first day. Moral suasion does not sway them.

More interesting is the case of friendly countries such as India and Pakistan. They are exactly the kind of countries whose nuclear option the American example of restraint is supposed to mollify.

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More interesting is the case of friendly countries such as India and Pakistan. They are exactly the kind of countries whose nuclear option the American example of restraint is supposed to mollify.

When it comes to nuclear testing, nations will act in their perceived self-interest. This is, of course, fatuous nonsense in a world in which a number of countries have acquired such weaponry without conducting known nuclear tests, and others seek to buy the know-how and equipment from willing sellers in Russia, China and Pakistan.

Neither should the leadership of the American military be taken in by the argument that the nuclear option is now credible. The United States cannot afford to lose its credibility as a nuclear superpower. The United States should lead the way. We should persuade others to do the same. Then, together, we can work towards a world free of nuclear weapons. This is the only way to achieve true global security. The CTBT is a necessary step in this direction. Let us make it a permanent part of our national security strategy.

What penalties? China exploded test after test until it had satisfied itself that its arsenal was in good shape, then quit in 1996. India and Pakistan got slapped on the wrist for a couple of months.

Okay, say the test ban advocates. If not swayed by American example, they will be swayed by the penalties for breaking an international norm.

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Okay, say the test ban advocates. If not swayed by American example, they will be swayed by the penalties for breaking an international norm.

Why does it? Why? Because these countries are either too important (India) or too scary (North Korea). Despite our pretensions, for America too, interests trumps norms. Of course, in the end the United States signs a ban on nuclear testing will not affect the course of proliferation. But it will affect the nuclear status of the United States.

The test ban, or the American nuclear arsenal, the most sophisticated on the globe and thus the most in need of testing to...
ensure its safety and reliability, will degrade over time. As its reliability declines, it becomes unusable. For the United States, the unintended effect of a test ban is gradual disarmament.

Well, maybe not so unintended. For the more extreme advocates of the test ban, non-proliferation is the ostensible argument, but disarmament is the real objective. The Ban Convention, the Bomb and Nuclear Freeze movements have been discredited by history, but their adherents have found a back door. A nuclear test ban that is imposing more restraints than the test ban is part of a larger movement: the war against weapons. It finds expression in such touching and useless exercises as the land mine convention, the biological weapons convention, etc.

* * * * *

[From the Washington Post, June 7, 1998]

PAPER DEFENSE

(By George F. Will)

In the meadow of the president's mind, in the untended portion where foreign policy thoughts sprout randomly, this flower recently bloomed concerning the Indian and Pakistani nuclear tests: "I cannot believe that we will start the 21st century by having the Indian subcontinent repeat the worst mistakes of the 20th century."

What mistakes did he mean? Having nuclear weapons is not for the security of thousands of Americans would have died in 1945 ending the fighting in the Pacific. And nuclear weapons were indispensable ingredients of the containment of the Soviet Union and its enormous conventional forces.

Perhaps the president meant that arms competitions were the "mistakes." But that thought was not to the level of adult commentary on the real historical contingencies and choices of nations.

This president's utterances on foreign policy often are audible chaff, and not even his gladiatorial activities are as embarrassing as his sub-sophomoric pronouncement to India and Pakistan that "two wrongs don't make a right." That bromide was offered to nations weighing what they consider questions of national life and death.

U.S. policy regarding such tests has been put on automatic pilot by Congress's itch to micromanage and to mandate cathartic gestures, so the United States will now even more economically sanctions India for its provocations and Pakistan for responding to it. Because India is stronger economically, the sanctions will be disproportionately injurious to Pakistan.

India has an enormous advantage over Pakistan in conventional military forces. (It has the world's fourth largest military establishment—less than China's army is three times larger than India's.) That is one reason Pakistan believes it needs nuclear weapons. Economic sanctions will further weaken Pakistan's ability to rely on non-nuclear means of defense.

This should be a moment for Republicans to reassert their interest in national security issues, one of the few areas in which the public still regards them as more reassuring than Democrats. But the Republican who could be particularly exemplary, isn't. Arizona Sen. John McCain says the first thing the Bush administration assumed that both Pakistan and India had built weapons with their nuclear technologies and worried about a possible nuclear race.

The nonproliferation treaty authorizes international inspections only at sites declared to be nuclear facilities. Nations have been known to fib. The CTBT sets such a low-yield standard of what constitutes a test of a nuclear device, that verification is impossible.

Various of the president's policies, whether shaped by corruption, in competence of naïveté, have enabled China to increase the lethality of its nuclear weapons and of India and Pakistan committed to keeping America vulnerable to such weapons: 41 senators, all Democrats, have filibustered legislation sponsored by Sens. Thad Cochran (R-Miss.) and Daniel Inouye (D-Hawaii) declaring it U.S. policy "to deploy effective anti-missile defenses of the territory of the United States as soon as technologically possible."

Instead, the administration would defend the nation with a breakthrough—gestures like the George W. Bush-Bashar al-Assad neoliberalism's foreign policy of let's pretend. Let's pretend that if we forever forswear tests, other nations' admiration will move them to follow suit. Pakistan's tests are indispensable for maintaining the safety and reliability of aging U.S. deterrent inventory. So the CTBT is a recipe for slow-motion demilitarization. But let's pretend that if we become weaker, other nations will not want to become stronger.

Seeking a safer world by means of a weaker America and seeking to make America safe behind the parchment walls of arms control is anathema to the Bush administration. The war on terror is now evolving countermeasures by opponents. We have broken or are thought to have broken the norm includes Argentina, Brazil, Iran, Iraq, North Korea, South Africa, South Korea and Taiwan.

PAPER DEFENSE

(By George F. Will)

It appears the Senate will either vote down the Comprehensive Test Ban Treaty or postpone a vote indefinitely. The treaty's supporters, led by President Clinton, argue that the CTBT is necessary to constrain nations that seek to acquire a workable nuclear weapon design. But the treaty would accomplish none of its proponents' nonproliferation goals. It would, however, seriously degrade the U.S. ability to test.

No treaty can stop a nation from designing and building a simple nuclear weapon with confidence that it will work. To do so doesn't require a one-kiloton explosion. U.S. bombs dropped on Japan in 1945 was of a design that had never been tested, and South Africa built and tested nuclear weapons without testing.

By contrast, the U.S. today needs to test its nuclear weapons because they are more complex. They are designed to make pinpoint strikes against small targets such as silos. This dictates high-performance delivery systems, which, in turn, requires tight parameters on the allowable weight, size, shape, safety and reliability of carriers.

Today's would-be proliferators are likely to target cities, not silos. The delivery vehicles may be ships, barges, trucks or Scud-type missiles. The exact yield of the weapon will not matter, and there will be no tight restrictions imposed by advanced delivery systems. Safety standards will not be a crucial issue.

CTBT proponents also contend that the treaty will promote nonproliferation by creating an international regime to control nuclear weapons. But there is already a norm against additional nations acquiring nuclear weapons: the Nuclear Nonproliferation Treaty, signed by every major country except India, Israel and Pakistan.

The NPT norm against the pursuit of nuclear weapons is stable. Stable? The norm once thought to have broken the NPT norm against nuclear weapons includes Argentina, Brazil, Iran, Iraq, North Korea, South Africa, South Korea and Taiwan.

It is true, as treaty proponents argue, that the CTBT will inhibit nuclear-weapons modernization. But this is not a plus. It would keep the U.S. from modernizing its nuclear arsenal and make its weapons safer. Already there are new safety measures that could be incorporated into the American stockpile, making it less likely that weapons will explode accidentally. Incorporating these new safety technologies because they would require low-yield nuclear testing.

Modernization is also needed to make U.S. weapons more effective against the evolving countermeasures by opponents. We know that deeply buried targets are a new problem, as are biological weapons. America may need to tailor its arsenal to a totally different type of targets in the future, which will require nuclear testing.

While the treaty would inhibit U.S. modernization, it would not affect those that choose to cheat. It would be easy for Russia, China, and others to conduct nuclear tests without being detected. This is because the CTBT is not even minimally verifiable.

Effective verification entails having high confidence that militarily significant cheating will be detected in a timely manner. In the case of the CTBT, we need to know the answers to two questions: What yield nuclear test it provide much critical information? Can the CTBT verification system detect to that level?

Five hundred tons of yield is a very useful testing level, although not sufficient to gain full confidence in all aspects of an existing weapon's performance or to develop sophisticated new nuclear weapons. The latter goals could be achieved for most designs with tests at levels in between one and 10 kilotons. Tests at levels as low as 500 tons may be militarily insignificant for the International Monitoring System of the CTBT is expected to provide the ability to detect, locate and identify non evasive nuclear weapons of one kiloton.

Because of their small size, most likely to be used in, are likely to be evasive. By taking some relatively simple measures, they could test several kilotons with little risks of detection. One method by which they may do so is through energy decoupling—detonation of the device underground—that can reduce the seismic signal by as much as a factor of 10. Thus, a fully decoupled one-kiloton explosion would look seismically like at 14-ton explosion, or a 10-kiloton explosion like a 140-ton one. The inspection to solve the verification problem. Even if we knew that a test would conducted, we almost certainly would not know exactly where it took place. Knowing the search area would be too large for a meaningful inspection.
If the Senate ratified the CTBT, it’s certain that the U.S. would comply with it, foreclosing America’s ability to modernize its nuclear forces. But other nations have a history of noncompliance with arms control treaties. Thus the limited political benefits of the CTBT are not worth the high cost to America’s national security.

(From The New Republic, October 25, 1999) **THE FLAWED TEST BAN TREATY—POOR PACT** (By Frank J. Gaffney Jr.) If current vote-counts prove accurate and no last-ditch agreement is brokered, the Senate will not provide the two-thirds support necessary to ratify the Comprehensive Test Ban Treaty (CTBT). Although the Clinton administration claims as if it were no big deal that there will be a hard fight for the CTBT, the struggle against nuclear proliferation, defeat of the CTBT would actually be a victory for American national security.

As the administration has implicitly conceded by sending Energy Secretary Bill Richardson on a last-minute trip to Russia to negotiate better verification procedures, many senators harbor deep concerns about the treaty’s verifiability. They are right to do so, U.S. intelligence suspects (but cannot prove) that Iraqis and Iranians and Chinese have conducted covert nuclear tests in recent months. In fact, it is impossible to verify a total, or “zero-yield,” ban on all nuclear explosive testing. The CTBT’s key provision for on-site inspections. Such inspections from earthquakes or conventional explosions. If they were fully verifiable, it would be irrelevant to the proliferation of nuclear weapons. Explosive testing is simply no longer the sine qua non of a nuclear development and acquisition program. From Israel to North Korea, countries have acquired atomic devices without conducting identified nuclear tests. (Pakistan and India conducted cleaver tests for political, technological, reasons, and the tests took place years after each of them had gotten the bomb.) Even Clinton’s CTBT point man, National Security Council staffer Steve Andreasen, has publicly stated that this treaty will not prevent countries from obtaining “simple” weapons—which can be too useful and too blackmarketable for the U.S. to manage over time. That will be the practical and inexcusable effect of denying those responsible for ensuring the safety, reliability, and effectiveness of the tools we have relied upon for the vast majority of the past 55 years: realistic, explosive testing.

The exceedingly sophisticated nuclear weapons in the U.S. arsenal cannot prudently be kept “on the shelf” indefinitely. The current average age of these weapons is 14 years; their service life is estimated to be 20. And none were planned or manufactured to remain viable in a no-test environment. Indeed, experts in charge of the nuclear deterrent probably exist already, going undetected ever since Congress voted to adopt a testing cutoff in 1992. On his last day in office, Clinton formally appealed for relief from this legislation, warning that “the requirement to maintain and improve the safety of our nuclear stockpile and to evaluate and maintain the reliability of the U.S. forces necessitates continued nuclear testing for those purposes, albeit at a modest level, for the foreseeable future.” An Administration member casualty to dissemble on this point, every administration until his recognized that periodic underground testing—at least at low levels of explosive “yield”—was necessary to detect and fix problems that unexpectedly, but chronically, appear even in relatively new weapons. Hence, no other president since World War II has thought even of a permanent, zero-yield ban Clinton has embraced.

Moreover, the older the weapon, the more problematic it becomes to certify its safety and reliability through computer simulations alone. As complex nuclear arms age, their exotic metals, chemicals, and highly radioactive materials change that are exceedingly difficult to predict and model via computer methods. At a minimum, if such weapons are to be retained for the foreseeable future, they must be updated. As then-Assistant Secretary of Energy for Defense Programs Victor Reis told Congress in October 1997, “Just about all the parts of the current arsenal’s weapons are going to have to be remade.”

There are serious challenges to such a wholesale refurbishing program that even new experimental devices as those being developed under the administration’s more than $45 billion Stockpile Stewardship Program will not be able to address with certainty, at least not for the next decade or so. First, the production lines for building the stockpile’s existing bombs and warheads are more than twice as old as their targets—meaning something them would require a lot of time and money. And, even if the original designs could be faithfully replicated, one could never be certain that their specifications without realistic, explosive testing to validate the product.

Second, it is impossible to replicate some of the ingredients in weapons designed two decades ago or earlier; key components have become technologically obsolete, and no one would recommend using them when smaller, lighter, more feasible materials and equipment are now readily available. In addition, federal safety and health guidelines now prohibits the use of some of the components utilized in previous designs. Third, most of those who were involved in designing and proving these weapons have left the industrial and laboratory complex, taking with them irreplaceable corporate memory. With continuing nuclear testing, all of these problems could presumably be overcome. Without such testing, the United States will be able neither to modernize its nuclear arsenal to meet future deterrent requirements nor to retain the high confidence in stockpile reliability that would have to rely for the foreseeable future.

It is precisely for these reasons that the CTBT, as the longest-sought, hardest-fought goal of the anti-nuclear movement. Fortunately, more than 34 senators have figured out that, were it to be ratified, the CTBT would set the United States on the slippery slope to unilateral nuclear disarmament. Whenever the United States is equally tailgating, that promotes more of the “nays” include any of the Senate’s self-described New Democrats—whose partisans brought Clinton and Al Gore to power on a platform of a more tough-minded approach to national security and defense issues? (From The Washington Times, Oct. 12, 1999) **TIME FOR A CTBT VOTE** (By Frank Gaffney, Jr.) In 23 years of working on nuclear weapons policy and related arms control matters, I have never seen any crisis happen last Thursday. That was the day Sen. Richard Lugar, Indiana Republican, released a review of the Bush administration’s nuclear posture that pronounced the U.S. able to avert any crisis. With apologies to the Smith Barney marketeers, when Mr. Lugar speaks on treaties, people listen. It has been more important that his Senate colleagues do so. Indeed, the Indiana senator has offered a critique of the CTBT that should be required reading for anyone asked to vote on this treaty. He summarizes the reasons why he will vote against this treaty as follows:

The Comprehensive Test Ban Treaty is to ban all nuclear explosions worldwide: I do not believe it can succeed. I have little confidence that the verification and enforcement provisions will dissuade other nations from nuclear testing. Furthermore, I am concerned about our country’s ability to maintain the integrity and safety of our own nuclear arsenal under the conditions of the treaty.

The impact of so withering an assessment—backed up by pages of painstaking analysis—was evident on Sunday as syndicated columnist George Will accomplished the intellectual equivalent of rope-a-dope in an interview with Secretary of State Madeleine Albright on ABC News’ “This Week” program. Mrs. Albright was reduced to sputtering as Mr. Will read from one section of Sen. Lugar’s indictment after another, unetable either to challenge the authority of the tidier or effectually to rebut his damning conclusions.

Instead, she worked rather tendentiously and unconvincingly through her talking points about how Senate opposition to the CTBT signals that “We are not as serious about arms control as we should be.” None. None. To the contrary, the opposition to this treaty can be justified as much on its adverse impact on “serious” efforts to control nuclear weapons as on the fact it will undermine the U.S. nuclear deterrent. As Sen. Lugar put it: “I do not believe that the CTBT is of the same caliber as the arms control treaties that have come before the Senate in recent decades. Its usefulness to the goal of non-proliferation is highly questionable. Its like, as a matter of fact, would exacerbate rather than diminish the acerbate risks and uncertainties related to the safety of our nuclear stockpile.”

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In short, by making it clear the Comprehensive Test Ban Treaty is incompatible with U.S. national security requirements and bad for arms control, Richard Lugar has delivered a deathblow to the CTBT. Without his support, it is inconceivable that a two-thirds majority could be found in the Senate to permit ratification of this accord. The objection that occurs now is: Since the CTBT is so fatally flawed and so injurious, will the Senate’s Republican majority agree to let the United States stand out on the fringes for the foreseeable future? That would be the practical effect of exercising the option a number of GOP senators (including, it must be noted, the president’s chief Republican sponsor) will allow them to exercise—unscheduling the vote this week and deferring further Senate action on the Comprehensive Test Ban until the elections, at the earliest.

Under international law, that would mean only one thing: Until such time as our government makes it clear the CTBT will not be ratified, the United States will be obligated to take no action that would defeat the “object and purpose” of the CTBT. This would mean not only no resumption of testing. Under the Clinton administration, there will certainly be no preparations to conduct explosive tests either—or even actions to stop the steady, lethal erosion of the nation’s technical and human capabilities needed to do so.

If national security considerations alone were compelling to prevent the Senate leadership to stay the course and defeat the treaty, the conduct of the president and his surrogates should be sufficient inducement. After all, administration spokesmen are using every available platform to denounce Republicans for playing “political” games with this treaty. (Never mind that we are absolutely certain that the president acts on issues in the Senate to please his allies on the CTBT in the Senate had a chance to reject the time-agreement that scheduled the vote. As long as they thought their side would prevail, the 14 hours of debate were considered to be sufficient; only when more accurate, and ominous, tallies were taken did the proponents begin to whine there was too little time for hearings and floor deliberation.)

Moreover, in refusing to date to commit not to put up for a vote in an even more politically charged Senate on the next day, the CTBT’s champions are behaving in a manner that can only encourage GOP speculation that the president and his partisans have every reason to pull the plug on the time-agreement granted to campaign against the Republican majority—with the hope not only of changing minds, but changing senators and even control of the Senate in the upcoming election.

With Dick Lugar arguing that the zero-yield, sub-kiloton “hard judgments” on the Comprehensive Test Ban Treaty must be defeated, Senate Republicans can safely do what is right without fear of serious domestic political repercussions. And, though they may be much more cautious around the world if the CTBT is rejected by the U.S. Senate, the real, lasting impact will not be to precipitate nuclear proliferation; it is not the CTBT that is going to make sure we understand we have the capability to respond in kind with weapons that will work. I think that is the real subject of the debate. It takes a very confident person to criticize Edward Teller a little bit today. Mr. BIDEN. Madam President, if the Senate will yield, not on his scientific assessments, on his political judgment. Mr. SMITH of New Hampshire. Right. I understand, and I don’t want to make sure they understand we have the capability to respond, but there are weapons that will work. I think that is the real subject of the debate.

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move out on to the talk shows—at taxpayers' expense, I might add—and criticize those of us in the Senate who in good conscience vote against this treaty.

What they haven't told the American people is that these Presidents have not one single President—not Eisenhower, not Kennedy, Johnson, Nixon, Carter, no one, not Reagan—no one until Bill Clinton ever proposed a test ban of zero yield and unlimited duration—limited duration.

In the past few days, the spin machines have been working overtime telling the American people this issue is far too critical to national security for the Senate to make such a rash decision on its ratification. The administration now wants to pull the treaty, saying we haven't had enough time to study it. For up until a week or two ago, they were pushing us for a vote on it.

My colleague from Delaware mentioned the coup in Pakistan, did that bother me. No, frankly. I don't think it has a heck of a lot to do with this decision. I don't like to see coups anywhere. They contribute to the instability in the world. But it has nothing to do, in my view, with the issue before us.

I would like to remind my colleagues, this treaty was signed by President Bill Clinton in 1996 and transmitted to the Senate in 1997. Over 2 years, we have had this treaty before us. One of the problems I have in the Senate is that it doesn't matter how much time you spend on something or how long something is before this body; the only time we try to get really involved in it is when we are about to vote on something. Then those who haven't done their homework want to come out here and say we need more time.

We have had plenty of time. I have had 5 years of hearings on this issue. I chaired them myself and have listened to people testify for the past 5 years on this issue. I remind my colleagues, just a few months ago the minority threatened to hold up every single piece of legislation that came to the Senate floor until we agreed to have a vote on the test ban treaty. Now they are criticizing us because we are having one. It was President Clinton and the minority who demanded the treaty be brought before the Senate; it was President Clinton and the minority who urged consideration; and it was President Clinton and the minority who scolded the majority for failing to act on this issue. That was 2, 3 weeks ago.

So when things go sour on the President, he has a unique way—and a very good way, frankly—of twisting things around to his benefit. We found that out here on the floor in a very important impeachment vote a few months ago. The President has been demanding a vote on this treaty for 2 years. Now he has it. But now it is our fault because he is not going to get the vote he wants. The President said in remarks on the 50th anniversary of the Chairmen of the Joint Chiefs of Staff, in August, 1999—not too many months ago—"I ask the Senate to vote for ratification as soon as possible." That was 2 months ago. He asked the Senate, "to give its advice and consent to the Comprehensive Test Ban Treaty this year."

The problem with the President is, he wants us to give consent, but he doesn't like our advice. That is the problem. The Constitution requires both advice and consent. The President needs to learn that the Senate is here to advise, and if you want the consent, then you need to advise and discuss. That is part of the process. It is part of the process in treaties, and it is part of the process in judicial nominations, and it is part of the process in other appointments in his administration. After 7 years, almost, he still hasn't learned that.

In his State of the Union, in 1998, President Clinton said, "Approve the Comprehensive Test Ban Treaty this year." That was last year. The Vice President, Mr. Gore, said, "The U.S. Congress should act now to ratify the Comprehensive Test Ban Treaty." That was now was July 23, 1998.

Now, because the votes are going against him, he is now saying we need more time, don't vote now. It is just spin at its best, and he is good at it; there is no question about it. That was pure partisan politics because when the majority leader finally consented and offered to bring the treaty to the floor, it was objected to. Let's remind the American people of that. You can bet the President is not going to remind them of that. This treaty was objected to when the majority leader asked to bring it to the floor. Then he offered a second time to bring the treaty to the floor and this body agreed by unanimous consent to a debate and a vote.

Let me say again: Unanimously, we agreed to a debate and a vote. The minority party had ample opportunity at that time to object on the grounds that we hadn't enough time to study the treaty. Why didn't they say so then? Because the answer is, that is not the issue. We have had plenty of time to study the treaty. "We haven't had enough time to have hearings," they said. The minority leader objected. Once the President sensed he was going to lose the vote, the spin machine began and he quickly figured out a way not to vote on what the President urged us so desperately to schedule in the first place—to avoid the vote he asked us to have.

I agreed with the President then that this treaty deserved consideration by the Senate. I wish we had more chance to advise, but he didn't choose that. So he asked for our consent. As it turns out, we are not going to give it to him. That is our constitutional right. It should not be spun and changed. It may be a political problem. We are all accountable. Some have said they don't want to vote on this treaty. I am not one of those people. We are here to be held accountable; we are here to vote. That is why we are here. If we disagree, we can vote against it. If we agree, we can vote for it.

My objection to this treaty is not based on partisan politics; it is based on the fact that the President and his Administration have repeatedly and publicly said this treaty and its implications both here in the United States and around the world. I believe the world will be more unstable—contrary to the feelings of my colleague from Delaware—not a more stable place, and America's nuclear deterrent capability will become more unreliable than at any time in the history of America if this treaty were to be ratified.

There are three points that would support that argument:

One, the Comprehensive Test Ban Treaty is not verifiable.

Two, the Comprehensive Test Ban Treaty will not stop proliferation.

Three—and perhaps most important—the Comprehensive Test Ban Treaty puts our nuclear arsenal at risk.

My job as chairman of the Strategic Subcommittee is to oversee that arsenal. I have been out to the labs, and I have had 5 or 6 years of hearings on these issues. Others will discuss the first two points in more depth than I will, and some have already. Let me focus on the third concern, which is that the Comprehensive Test Ban Treaty is not verifiable.

Last week, we saw reports in the media that the CIA admitted they were unable to verify key tests that may even be taking place today. We can't base our national security on an ability—which arguably may not exist—to detect an adversary's covert activity, and that the Comprehensive Test Ban Treaty will not stop proliferation. We already have a treaty in place to do that, the Non-Proliferation Treaty. This treaty has been violated repeatedly over and over by rogue nations that don't respect international law.

Do you think, with this kind of treaty, that every nation is going to have this great respect for international law and they are going to allow us total access to their country to verify this? When are we ever going to learn? Some have mentioned how futile the treaty would be in asking rogue nations not to test the same nuclear weapons they promised not to develop in the first place under the Non-Proliferation Treaty. And it is false hope that our adversaries will abide by international law if we just promise to do this treaty.

As I mentioned, the safety and reliability of the nuclear arsenal is my most serious concern. Rather than relying solely on the good intentions of other countries—and they may be good or they may not be—or on our ability to detect violations by other countries, my concern is ensuring that we remain capable of providing the safeguard and nuclear deterrent that won the cold war. That is what won the cold war—
the fact that other nations knew what would happen. They knew what would happen if they mess with us; we had the arsenal.

The linchpin of this treaty, as I see it, is whether or not you believe the United States can maintain a safe, credible, and reliable nuclear deterrent, given a zero-yield ban in perpetuity. The Stockpile Stewardship Program is really at the heart of this matter. If you think that we can have a reliable nuclear arsenal, with a zero-yield ban, in perpetuity, that should be for this treaty. Even the Secretary of Defense, William Cohen, has illustrated this point. This was 2 days ago. I want this to be listened to carefully. During testimony before the Armed Services Committee.

Senator SNowe. Would you support ratification of this treaty without the Stockpile Stewardship Program? Secretary Cohen. No. Senator Snowe. Not so then, obviously, you are placing a great deal of confidence in this program.

Secretary Cohen. I oppose a unilateral moratorium, without some method of testing for the safety and reliability of our nuclear force. The question right now is, does the Stockpile Stewardship Program give us this confidence? If there is doubt about it, then, obviously, you would say we cannot rely upon it and we should go back to testing.

Let me repeat that last line: If there is doubt about it, then, obviously, you would say we cannot rely upon it and we should go back to testing.

Well, that is a critical point. Which of us would knowingly ratify a treaty that was advertised to put the safety, reliability, and credibility of the United States nuclear deterrent stockpile at risk and place the lives of the American people at risk? None of us would do that. Certainly not us, not the Secretary, not anybody. But that is the linchpin. If you believe in the Stockpile Stewardship Program, a series of computer simulations and laser experiments—that is what the program is, that we don’t need to test, and that we do these computer tests and laser experiments—if you think that can sufficiently guarantee the safety and reliability of our nuclear weapons program, without testing of any kind forever—forever—then you should vote for the treaty because that is what this is about. As the Senator from Delaware said, after 4 years, it is time to get out of the treaty, but if you don’t like what is going on, then it is too late.

If, however, you do not believe that the Stockpile Stewardship Program can sufficiently guarantee the safety and reliability of our nuclear weapons programs, then you should vote against the treaty.

Well—as Chairman of the Strategic Forces Subcommittee, I have oversight of all three of the Nation’s nuclear laboratories, Los Alamos, Lawrence Livermore, and Sandia. I have been to the labs, I have seen the computer simulations, I have talked with the physicists and programmers. Just last February Senator LANDRIEU and I traveled to Lawrence Livermore Lab for a field hearing and a very productive set of tours and briefings.

Based on my experience—based on what I’ve seen, I don’t have the confidence that the Stockpile Stewardship Program can sufficiently guarantee the safety and reliability of our nuclear weapons arsenal—forever—without any testing of any kind.

But don’t make my word for it—after all I’m not a physicist—I’m not a nuclear lab director. To settle the question about whether this Stockpile Stewardship Program can guarantee the safety and reliability of our nuclear weapons, we must turn to those lab directors, the men directly responsible for administering, executing, and overseeing the Stockpile Program.

Those three gentlemen testified before the Armed Services Committee just last week, and I think it is absolutely critical to share that testimony with my colleagues as we debate this treaty.

Dr. John Browne, Director of Los Alamos National Laboratory, had this to say about the necessity and reliability of the Stockpile Stewardship Program:

Maintaining the safety and reliability of our nuclear weapons without nuclear testing is an unprecedented technical challenge. The Stockpile Stewardship Program is working successfully toward this goal, but it is a work in progress.

There are simply too many processes in a nuclear explosion involving too much physical detail to perform a complete calculation. At present, with the most powerful supercomputers, we know that we are not doing calculations with sufficient accuracy and with sufficient detail to provide maximum confidence in the stockpile.

We know that we do not adequately understand instabilities that occur during the implosion process and we are concerned about the aging of high explosives and plutonium that could necessitate remanufacture of the stockpile.

We do not know the details of how this complex, artificially produced metal (plutonium) ages, including whether pits fall gradually, giving us time to replace them with newly manufactured ones, or whether they fail catastrophically. A short time interval that would render many of our weapons unreliable at once.

It is important to note that even with a complete set of tools we will not be able to confirm all aspects of weapons safety and performance. Nuclear explosions produce pressures and temperatures that cannot be duplicated in even the largest or most sophisticated laboratory facility. Some processes simply cannot be experimentally studied on a small scale because they depend on the specific configuration of material at the time of the explosion.

On the basis of our experience in the last 4 years, we continue to be optimistic that we can maintain our nuclear weapons without testing. However, we have identified many issues that increase risk and lower our level of confidence.

Dr. Bruce Tarter, Director of Lawrence Livermore National Laboratory testified:

We have not been able to meet the deadlines of the program as we thought we could. It (the stockpile program) hasn’t been perfect—the challenge lies in the longer term.

The stockpile stewardship program is an excellent bet—but it’s not a sure thing.

Dr. Paul Robinson, director of Los Alamos National Laboratory, which is responsible for the engineering of more than 90 percent of the component parts of all U.S. nuclear warheads, provided an accurate and concise summary.

There is no question from a technical point of view, actual testing of designs to confirm their performance is the desired regimen for any high-technology device.

For a device as highly consequential as a nuclear weapon, testing of the complete system both when it is first developed and periodically throughout its service life to ensure that aging effects do not invalidate its performance, is also the preferred methodology.

I could not offer a proof, nor can anyone, that such an alternative means of certifying the adequacy of the U.S. stockpile will be successful. I believe then as I do now that it may be possible to develop the stockpile stewardship approach as a substitute for nuclear testing for keeping previously tested nuclear weapon designs safe and reliable. However, this undertaking is an enormous challenge, which no one should underestimate, and will carry a higher level of risk than at any time in the past.

I do not believe that we can test today to guarantee that this program will be ultimately successful; nor can we guarantee that it will be possible to prove that it is successful.

The reliability and safety of the U.S. nuclear weapons stockpile will eventually decline without nuclear testing.

The stockpile stewardship program—essential for the operation of the stockpile—does not provide a guarantee of perpetual certifiability. I have always said actual testing is preferred method—to do otherwise is acceptable risk.

I cannot ensure the program will mature in time to ensure safety and reliability of our nuclear weapons stockpile in the future.

I have always felt if you are betting your country—you better be conservative.

I find this testimony absolutely chilling. I am not willing to “Bet my life” on the stockpile stewardship program. America’s lab directors who are directly responsible for the execution of the stockpile stewardship program testified before Congress that this program cannot guarantee the future security or stability or our nuclear weapons. I am not willing to accept any risk. I will not risk the lives of the American people on a program who’s director—empowered by the President with the responsibility for running that program—are so very uncertain about its reliability.

On the basis of the expert testimony of these three lab Directors alone, if any Senators had any doubt about how they would vote on this treaty—it should now be gone.

I am certain that for the life of me understand why the President would ask the Senate to ratify a treaty that lives or dies based on the stockpile stewardship program—a program that our lab Directors are telling us they cannot guarantee.

If we ratify this treaty, there is a very high probability we will have to start looking for a way out of it within 10–15 years—maybe even sooner. I don’t
understand entering into a treaty you know full well you may have to pull out of almost as soon as it goes into effect.

Now, supporters of the treaty will point out that if in fact the lab Directors and the Secretary of Energy all agree in 10 years that the stockpile stewardship isn’t working, the President, in consultation with Congress, can just pull us out of the treaty.

We do not intend to take on a life of their own, and I do not believe it would be that easy. Just look at the ABM Treaty of 1972. Our co-signer, the U.S.S.R. doesn’t even exist anymore, and although there is overwhelming agreement between the defense and intelligence communities, and the American public, that our national interests are at stake, the President still opposes pulling out of the ABM Treaty!

The Nuclear Test Ban Treaty of 1963 and the Strategic Arms Limitation Treaty of 1968 are two more examples. These treaties have both been violated. But have we pulled out of either one despite the legal right to do so—absolutely not.

My friends and colleagues, it makes no sense to ratify a treaty that our own nuclear experts tell us may have to negotiate a way out of within a decade.

This treaty is dangerous and ill-advised. It places our nuclear stockpile, and hence our nuclear deterrent capability, at considerable risk. This treaty is bad for America, and it is bad for the international community, and I will vote against it.

That is if I’m given the opportunity to vote against it. While Senate Democrats and the White House are back pedaling furiously, some in the Senate are anxious to rescue them from their mistake and deliver them from a major legislative defeat. It might be tempting to view this as a “win-win” situation for those who oppose the treaty. The reasoning goes like this: If we effectively kill the flaw without a vote, we will have forced the White House to back down, and have won without letting the White House accuse us of killing the treaty. This is superficially appealing. But it is a strategy for, at best, a half-victory, and at worst, a partial defeat.

Postponing a vote on the CTBT will allow the White House to claim victory in saving the treaty, and will allow the White House to continue to spin the American people by blaming opponents for not ratifying the treaty. There is no conservative victory in that.

Every single Senator knows today how he or she will vote on this treaty. More debate and more hearings won’t change it. The time has come to put aside politics aside and stand firm on our beliefs. The die is cast, and Republicans and Democrats alike have staked out their positions. It’s time for Senators to stand by those positions and vote with their conscience. Mr. President, I oppose postponing the vote on this treaty, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

Mr. HELMS. I feel obliged to observe that the United States has already flirted with an end to nuclear testing—from 1958 to 1961. It bears remembering that the nuclear moratorium ultimately represented an unacceptable risk to the nation’s security, and was terminated after just three years. On the day that President Kennedy ended the ban—March 2, 1962—he addressed the American people and said:

We know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to return again. Today we monitor.

Some urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep top flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the future. Nor can large technical laboratories be kept fully alert on a standby basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient—worse, it is unverifiable and makes it impossible of execution.

This statement is very interesting. It makes clear that the fundamental deterrent problem still remains unchanged over the past 27 years. The United States certainly faces a Russian Federation that is engaging in “secret preparations” and likely is engaging in clandestine nuclear tests relating to the development of new low-yield nuclear weapons. The United States, on the other hand, cannot engage in such nuclear modernization while adhering to the CTBT.

Likewise, the Senate is faced with the same verification problem that it encountered in 1962. As both of President Clinton’s former intelligence chiefs have warned, low-yield testing is undetectable by seismic sensors. Nor does the United States have any reason to believe changing the ludicrously high number of votes needed under the treaty to conduct an on-site inspection. In other words, the treaty is unverifiable and there is no chance that cheaters will ever be caught.

This is not my opinion. This is a reality, given that 30 of 51 countries on the treaty’s governing board must approve any on-site inspection. Even the President’s own senior arms controller—John Holum—complained in 1997 that “the condition on our position that on-site inspections should proceed automatically unless two-thirds of the Executive Council vote “no.” Instead of an automatic green light for inspections, the U.S. got exactly the opposite of what it requested.

But most importantly, in 1962 President Kennedy correctly noted that the in ability to test has a pernicious and corrosive effect—not just upon the weapons themselves (which cannot be fully remanufactured under such circumstances)—but upon the nation’s nuclear infrastructure. Our confidence in the nuclear stockpile is eroding even as we speak. Again, this is not my opinion. It is a fact which has been made over and over again by the nation’s senior weapons experts.

In 1995, the laboratory directors compiled the following two charts which demonstrate why even with a successful science-based program, confidence will not be as high as it could be with nuclear testing; and (2) even if the stockpile stewardship program is completely successful by 2010, the United States will not be able to design new weapons, and will not be able to make certain types of nuclear safety assessments and stockpile replacements.

Stakeholders will notice, on both charts, there is mention of “HH” (e.g., hydronuclear) and 500 ton tests. The laboratory directors, in a joint statement to the administration in 1995, said: “A strong Stockpile Stewardship that can keep the laboratory directors stated in 1997 that nuclear testing would give the United States greater confidence in the stockpile.

So as I listen to these claims that the United States is “out of the testing business,” I make two basic observations. First, we are only out of the testing business because President Clinton has taken us out. There is no legal barrier today to conducting stockpile experiments. The reason is purely political. Indeed, the White House is using circular logic. The United States is not testing because the White House supports the test ban treaty; but the White House is claiming that because of no testing, we should support the treaty.

Second, I remind all that the United States thought it was out of the testing business in 1958, only to discover how badly we had miscalculated. President Kennedy noted that the United States Senate is on the verge of voting down a treaty the intent of which is consistent with U.S. national security objectives, but the letter and timing of which are fraught with serious implications for our credibility.

Mr. President, I will vote against ratifying the Comprehensive Test Ban Treaty. This is not a vote I take lightly. I am not ideologically opposed to arms control; I have voted to ratify the START Treaty and the Chemical Weapons Convention. But, my concerns about the flaws in this Treaty’s drafting and in the administration’s plan for
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maintaining the viability of the stockpile leave me no other choice.

On October 5, Henry Kissinger, John Deutch and Brent Scowcroft wrote to the majority and minority leaders stating their serious concerns with the Senate's refusal to ratify the treaty, saying the treaty is the key to advance of our being able to implement its provisions and relying solely on the Stockpile Stewardship Program. They noted that “…few, if any, of the benefits envisaged by the treaty's advocates could be realized by Senate ratification now. At the same time, there could be real costs and risks to a broad range of national security interests—including our nonproliferation objectives—if [the] Senate acts prematurely.” These are sage words that should not be taken lightly by either party in the debate on ratification.

In the post-cold-war era, a strong consensus exists that proliferation of weapons of mass destruction is our single greatest security challenge. Unfortunately, a ban on nuclear testing, especially when verification issues are so poorly addressed, as in this treaty, will not prevent other countries from developing nuclear weapons. A number of countries have made major strides in building nuclear weapons without testing. South Africa and Pakistan both built nuclear stockpiles without testing; North Korea may very well have one or two crude nuclear weapons sufficient for its purposes; and Iraq, using a design that had never been tested, brought a nuclear state at the time it invaded Kuwait. Iran has an active nuclear weapons program, and Brazil and Argentina were far along in their programs before they agreed to terminate them. Testing is not necessary to have very good confidence that a first generation nuclear weapon will work, as the detonation over Hiroshima, utilizing a design that had never been tested, demonstrated more than half-a-century ago.

In determining whether to support this treaty at this time, it is essential that we examine the continued importance we attach to our national security. Last week's testimony by our nuclear weapons lab directors that the Stockpile Stewardship Program will not be a reliable alternative to nuclear testing for five to 10 years is a clear and unequivocal statement that ratification of this treaty is dangerously premature. General John Vessey noted in his letter to the chairman of the Armed Services Committee that the unique role of the United States in ensuring the ultimate security of our nuclear forces in the process, remains dependent upon our maintenance of a modern, safe and reliable nuclear deterrent. As General Vessey pointed out, “the general knowledge that the United States would do whatever was necessary to maintain that condition certainly reduced the proliferation of nuclear weapons during the period and added immeasurably to the security cooperation of that country, all the while meeting their requirement for nuclear forces in the process, remains dependent upon our maintenance of a modern, safe and reliable nuclear deterrent. As General Vessey pointed out, “the general knowledge that the United States would do whatever was necessary to maintain that condition certainly reduced the proliferation of nuclear weapons during the period and added immeasurably to the security cooperation of that country, all the while meeting their requirement for nuclear forces in the process, remains dependent upon our maintenance of a modern, safe and reliable nuclear deterrent.” This sentiment was also expressed by former Secretaries of Defense Schlesinger, Cheney, Carlucci, Weinberger, Rumsfeld, and Laird, when they emphasized the importance of the U.S. nuclear umbrella and its deterrent value relative not just to nuclear threats, but to chemical and biological ones as well.

In articulating his reasons for continuing to conduct nuclear tests, then-President Kennedy stated that, “if our weapons are to be more secure, more flexible in their use and more selective in their impact—if we are to be alert to new breakthroughs, to experiment with new designs—if we are to maintain our scientific momentum and leadership—then our weapons progress must not be limited to theory or to the confines of laboratories and caves.” This is not an obsolete sentiment. It rings as true today as when President Kennedy uttered those words 37 years ago.

I thank the Chair.

Mr. HATCH. Mr. President, today the Senate debates an arms control treaty of idealistic intent, vague applicability, and uncertain viability. Given today's state of scientific, geopolitical and military affairs, I must vote against the resolution of ratification of

...
the Comprehensive Test Ban Treaty, a treaty that will lower confidence in our strategic deterrent while creating an international regime that does not guarantee an increase in this country's security.

On balance—and these matters are often concluded on balance, as rarely are we faced with clear-cut options—it is my reasoned conclusion that the CTBT does not advance the security of this nation.

Some people think that, by passing the CTBT, we will be preventing the horrors of nuclear war in the future. There is great emotional content to this argument.

But in deliberations about a matter so grave, I had to apply a rational, logical analysis to the affairs of nations as I see them. And, on reflecting on half a century of the nuclear era, I can only conclude that it is the nuclear strategic deterrent of this country that is the single most important factor in explaining why this country has not been challenged in a major military confrontation on our territory. We emerged victorious from the cold war without ever engaging in a global "hot" war.

Despite the security we have bought with our nuclear deterrent, the world we live in today is more dangerous than the cold war era. Today, we are faced with the emergence of new international threats. These include rogue states, such as Iraq, Sudan, and North Korea; independent, substate international terrorists, such as Osama bin Laden; and international criminal organizations that may facilitate funds and, perhaps, nuclear materials to flow between these actors. Some of these actors, of course, can and have developed the "poor man's" nukes, as they are called: biological and chemical weapons.

It is to the credit of the serious proponents of this treaty that they have not argued that this treaty can effectively prevent these new actors on the global scene from developing primitive nuclear weapons—which can be built without tests. The CTBT does not prevent them from stealing or buying tactical nuclear weapons that slip uncured out of Russian arsenals. The CTBT cannot prevent or even detect low-yield testing by rogue states which have a record of acting like treaties aren't worth the paper they're written on. These are the threats we face today.

In this new threat environment, the proponents of this treaty suggest that we abandon testing to determine the reliability of our weapons, to increase their safety, and to modernize our arsenal.

Yet we have recent historical evidence that our nuclear deterrent is a key factor in dealing with at least some of these actors. Recall that, in the gulf war, Saddam Hussein did not use his chemical and biological weapons against the international coalition. This was not because Saddam Hussein was respecting international norms. It was solely because he knew the United States had a credible nuclear deterrent that we reserved the right to use.

Proponents of the Comprehensive Test Ban Treaty argue that scientific tests cannot be replaced as the methodology to ensure the reliability and safety of our arsenal, which, we all know, has not been tested since 1992. The question of reliability of our deterrent is absolutely essential to this nation's security. And, in my view, the advances of our science-based alternative program to testing—known as the Stockpile Stewardship Program—all acknowledge that this critical replacement to testing is not in place today and will not be fully deployed until sometime in the next decade.

Even if the Stockpile Stewardship Program is fully operational in 2005, as the most optimistic representations suggest, that will be more than 10 years since we have had our last tests. After a decade of no testing, the confidence in our weapons will have declined. Throughout this period, we will be relying on a scientific regime whose evolution and effectiveness we can only hope for.

This is the concern of numerous national security experts, and their conclusions were not supportive of the CTBT. Addressing this central issue, six former Secretaries of defense (Schlesinger, Cheney, Carlucci, Weinberger, Rumsfeld, and Lloyd) said:

The Stockpile Stewardship Program, which will not be mature for at least 10 years, will improve our scientific understanding of nuclear weapons and would likely mitigate the decline in our confidence in the safety and reliability of our arsenal. We will never know whether we should trust the Stockpile Stewardship if we cannot conduct tests to calibrate the unproven new techniques.

Former Secretary of State Henry Kissinger, former National Security Advisor Brent Scowcroft, and former Director of Central Intelligence John Deutch said recently:

But the fact is that the scientific case simply has not been made that, over the long term, the United States can ensure the nuclear stockpile without nuclear testing. . . .

The Stockpile Stewardship Program is not sufficiently mature to evaluate the extent to which it can be a suitable alternative to testing.

I hasten to point out that the experts who have spoken against the CTBT have served in Republican and Democratic Administrations. Secretary Kissinger served in the Nixon administration, for example, which negotiated the Threshold Test Ban Treaty banning tests. President Carter signed the CTBT in 1968, and when the treaty was ratified during the Bush administration, John Deutch, as we all know, was head of the CIA in the present administration.

I support the Stockpile Stewardship Program, and will continue to support it. There may be a day when my colleagues and I can be convinced that science-based technology can ensure the reliability and safety of our arsenal to a level that matches what we learn through testing. That would be a time to responsibly consider a Comprehensive Test Ban. And that time is not now.

This central point on the reliability of our nuclear deterrent has not escaped the public's view of the current debate. Utahns have approached me on both sides of the argument.

So, we have seen no numerous polls that suggest that the public supports the Comprehensive Test Ban Treaty. When people are asked, “do you support a global ban on nuclear testing?” majorities respond affirmatively. However, when people are asked, as some more specific polls have done, “Do you believe our nuclear arsenal has kept this country free from attack?” the majority always answers overwhelmingly affirmatively. When asked if they think that they have a treaty that enables us to monitor a nuclear deterrent, the answer is always overwhelmingly affirmative, as it is when the public is asked whether we need to maintain reliability in our nuclear deterrent. Once again, I find the public more sophisticated than they are often given credit for.

When I speak with people about the limits of monitoring this global ban, and the numerous methods and technologies available to parties that wish to evade detection, confidence in the CTBT falls even lower. The fact is—and, once again, the proponents of the treaty concede this—that a zero-yield test ban treaty is unverifiable. Some small but imminent tests—such as 5 kilotons—may be undetected by the CTBT, some have said. Russian officials have suggested that they have a battery of techniques known as “decoupling,” where detonations are set in larger, either natural or specially constructed, subterranean settings.

Today we are uncertain about a series of suspicious events that have occurred recently in Russia, a country that has not signed the CTBT. Some Russian officials have suggested that they would interpret the CTBT to allow for certain levels of nuclear tests, a view inimical to the Clinton administration’s proponents of the CTBT. These are troubling questions, Mr. President, which should cast great doubt on the hopes of the proponents of the CTBT.
Saddam Hussein’s play book for defeating UNSCOM.

Some have suggested that Senate rejection of this treaty, which seems likely, will undermine this country’s global leadership. It is said that, if we fail the Senate, states will not ratify the treaty. This assertion strikes me as highly suppositional.

Since the end of World War II, there are very few instances of the United States being nuclear threat explicitly. Besides the Soviet Union, locked in a bipolar global competition with us until its collapse in 1991, other nations’ decision to develop nuclear programs were based, not on following “U.S. leadership,” but on their perception of regional local conditions of war, or on their desire to establish global status with a strategic weapon. Their decisions to cease testing will be similarly based.

The CTBT, it is argued, will prevent China from further modernizing its nuclear arsenal. It is more accurate, in my opinion, to state that the treaty, if it works as its proponents wish, may constrain China from testing the designs for nuclear warheads it has gained, not over future military developments always hinges on the distinction between intentions and capabilities. China’s current nuclear capabilities are modest, although it has a handful of warheads and the means to deliver them to the North American continent.

But I have to ask: Are the analysts in the Clinton administration confident that China’s intentions are consistent with a view embodied in the CTBT that would not be substantively nuclear inferiority to the United States?

Is that what their espionage was about? Or their veiled threats—such as the famous “walk-in” in 1995, when a PRC agent showed us their new-found capabilities? And how about the PRC’s explicit threat to rain missiles on Los Angeles? That was a reflection on intentions.

Those of us who study intentions and capabilities of such a key geopolitical competitor as China know that their capabilities are far inferior to us. But you have to wonder, based on their statements and other actions, whether the Chinese are willing to accept the current strategic balance that would be locked in with the CTBT.

And, does it make sound strategic sense for the defense of our country that the United States, in effect, unilaterally relinquish technological superiority by freezing our ability to modernize and test?

When we freeze our deterrent capability, we are, in effect, abandoning America’s technological edge and mortgaging our national security. The belief and hope that all of our geopolitical competitors will do the same. This reflects a view of the world that is far more optimistic than I believe is prudent. A substantial dose of skepticism should be required when thinking about the defense of our country.

To address these concerns, the administration has waived “Safeguard F,” which it will attach to the treaty. This addendum states that it is its understanding that if the Secretaries of Defense and Energy inform the President that “a high level of confidence in the safety or reliability of a nuclear weapon” cannot be certified that nuclear deterrents could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the circumstances—”Supreme national interests” clause in order to conduct whatever testing might be required.”

This vaguely worded escape clause is the manifestation of what is known in international law as rebus sic stantibus. This famous expression is attributed to Bismark, who declared: “At the bottom of every treaty is written in invisible ink—rebus sic stantibus—until circumstances change.” This is a recognition common in international law, and now manifest in black-and-white in “Safe-guard F,” that agreements hold only as long as the fundamental conditions and expectations that existed at the time of their conclusion.

The fundamental conditions that the CTBT seeks to address are where my fundamental reservations lie. There are too many factors that we cannot control and that will not be restrained by the best intentions of a testing freeze.

The world is changing, and alliances are subtly changing. Geopolitical competitors such as China, Russia, Iran, and North Korea are undergoing radical changes that are demonstrably affecting their governments, foreign policies, and militaries. An agreement on a test ban freeze today does not reconcile with these realities.

Even the most stalwart proponents of the treaty can only argue that U.S. ratification of the treaty may influence other states’ behaviors. That is a hope, not a certainty. The need for a reliable nuclear deterrent, last tested over two centuries ago, “There is nothing so likely to produce peace as to be well prepared to meet an enemy.’’ Washington believed that if we wanted peace, we must be prepared to defend our country.

The CTBT is not based on the national security principles of Washington or any other President who used strength and preparedness to protect our way of life and advance liberty around the globe. This treaty is based on an illusion of arms control, dependent on the unverifiable good will of signatory nations—some of which are openly hostile to the United States. The CTBT will do nothing to stop determined states from developing nuclear weapons and will degrade the readiness of the U.S. nuclear stockpile. The U.S. nuclear arsenal is still the most powerful deterrent to aggression and terrorism. The United States must have a strong arsenal; this treaty would place the reliability of that arsenal in question.

Is such a step worth the risk? What does the CTBT give us in return? Is the treaty really the powerful weapon in the war against proliferation that the Administration claims? Several critical deficiencies of the CTBT make this treaty a genuine threat to U.S. national security.

First, the monitoring system of the treaty will not be able to detect many nuclear tests. The International Monitoring System (IMS) of the CTBT is designed to detect nuclear blasts greater
than one kiloton, but tests with a smaller blast yield may be used to validate or advance nuclear weapons designs. Tests larger than one kiloton can be masked through certain testing techniques. By testing underground, for example, the blast yield from a nuclear explosion can be reduced by a factor of 70. The bottom line is that countries will be able to continue testing under this treaty and not be detected.

The unverifiability of the CTBT was highlighted in Washington on October 3, 1999. In an article entitled “CIA Unable to Precisely Track Testing,” Roberto Suro writes that “the Central Intelligence Agency has concluded that it cannot monitor low-level nuclear tests by Russia precisely enough to ensure compliance with the Comprehensive Test Ban Treaty.”

Twice last month, Russia may have conducted nuclear tests, but the CIA was unable to make a determination, according to the Post article.

Sen. Joe Lieberman, the distinguished chairman of the Armed Services Committee, is quoted in the Post article concerning a broader pattern of Russian deception with regard to nuclear testing. According to a military assessment made in the Washington Post article, Russia has conducted repeated tests over the past 18 months to develop a low-yield nuclear weapon to counter U.S. superiority in precision guided munitions.

Such behavior reinforces the central point that proponents of the CTBT seem to miss in this debate. When nations have to choose between the communal bliss of international disarmament or pursuing their national interest, they follow their national interest. Countries such as Russia have the best of both worlds with an unverifiable treaty like the CTBT: Russia can continue to test without being caught and the U.S. nuclear arsenal cannot be maintained, modernized and eventually deteriorate over time.

A second critical problem with the CTBT is that countries do not have to test to develop nuclear weapons. The case of India and Pakistan provides perhaps the best example that a ban on nuclear testing can be irrelevant. Pakistan developed nuclear explosive devices without any detectable testing, and India advanced its nuclear program without testing for twenty-five years.

Modernization in South Asia also lends itself to a broader discussion of this Administration’s nonproliferation record. The Administration’s rhetoric on the CTBT has been strong in recent weeks, but has the Administration always been as committed to stop proliferation as the President?

The case of Pakistan is particularly illustrative of this Administration’s flawed approach to nonproliferation and arms control. In an unusually candid report in 1997, the CIA confirmed that Pakistan is the principal supplier of Pakistan’s nuclear weapons program. Although the Administration has been careful to use milder language in subsequent proliferation reports, China is suspected of continuing such assistance. Rather than take consistent steps to punish Chinese proliferation, however, the Administration is pushing a treaty to stop nuclear testing—testing which is not needed for the modernization of nuclear weapons in the first place.

This Administration would have more credibility in the area of nonproliferation if it had been taking aggressive steps to publish proliferation and defend America’s interests over the last seven years. When China transfers complete M-11 missiles to Pakistan, this Administration turns a blind eye. When China is identified by the CIA in 1997 as the ‘...the most significant supplier of WMD-related goods and technology to foreign countries,’ the Administration rewards China with a nuclear cooperation agreement in 1998.

These severe lapses in U.S. nonproliferation policy cannot be covered over with another unverifiable arms control treaty.

A third problem with the CTBT is that it places the reliability of the U.S. nuclear arsenal at risk. While other countries can develop simple nuclear weapons without testing, such tests are critically important for the maintenance and modernization of highly sophisticated U.S. nuclear weapons. In that it forbids testing essential to ensuring the readiness of the U.S. stockpile, the CTBT is really a back door to nuclear disarmament. The preamble of the CTBT itself states that the prohibition on nuclear testing is “a meaningful step in the realization of a systematic process to achieve nuclear disarmament.”

Proponents of the CTBT argue that we have the technology and expertise to ensure the readiness of our nuclear arsenal through the Stockpile Stewardship Program. The truth of the matter is that only testing can ensure that our nuclear weapons are being maintained, not computer modeling and careful archiving of past test results. As Dr. Robert Barker, a strategic nuclear weapons designer and principal advisor to the Secretary of Defense on all nuclear weapons matters from 1986–92, stated, “...sustained nuclear testing is the only demonstrated way of maintaining a safe and reliable nuclear deterrent.”

Dr. James Schlesinger, a former Secretary of the Defense and Energy Departments, is one of the most competent experts to speak on the national security implications of the CTBT and the Stockpile Stewardship Program. His conclusion that the Stockpile Stewardship Program should be heeded by every Senator. In testimony before Congress, Dr. Schlesinger stated that the erosion of confidence in our nuclear stockpile would be substantial over several decades. Dr. Schlesinger states that “the stockpile will be beyond the expected shelf life of the weapons in our nuclear arsenals, which was expected to be some 20 years.”

The real effect of the CTBT, then, is not to stop the spread of nuclear weapons, for less developed countries can develop simple nuclear weapons without testing and countries like Russia and China can test without being detected. The real effect of the CTBT will be to degrade the U.S. nuclear arsenal, dependent on periodic testing to ensure readiness.

Modernization and development of new weapons systems, also dependent on testing, will be precluded. The need to modernize and develop new nuclear weapons will not be addressed by the CTBT. New weapons for new missions, changes in delivery systems and platforms, and improved safety devices all require testing to ensure that design modifications will be effective. In supporting this treaty, the President is saying that regardless of the future threats the United States may face, we will surrender our ability to sustain a potent and effective nuclear deterrent.

Mr. President, such shortsighted policies which leave America less secure are completely unacceptable and should be rejected.

It is difficult for me to understand how a President who determines that “the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States” can support the CTBT, a treaty which could jeopardize the entire nuclear arsenal within years.

Those who favor the CTBT argue that the treaty will create an international norm against the development of nuclear weapons. If the United States will take the lead, advocates for the treaty state, the other countries will follow our good intentions and follow our example.

Mr. President, moral suasion carries little weight with countries like North Korea, Iran, and Iraq. Moral suasion means little more to Russia, China, Pakistan, and India. If these countries follow their security interests, not the illusory arms control agenda of another international bureaucracy.

It is folly to degrade the U.S. nuclear deterrent through a treaty that has no corollary security benefits. I am opposed to treaties and norms which seek to reduce the potential for international conflict, but arms control treaties which are not verifiable leave the United States in a more dangerous position. When we can trust but not verify, the better path is not to place ourselves in a position where our trust can be broken, particularly when the security of the American people is at stake.

I thank the Chair for the opportunity to address this important matter and I urge my colleagues to oppose the Comprehensive Test Ban Treaty.
sell to the American people the Comprehensive Test Ban Treaty. For example, only this administration could attempt to put a positive spin on a Washington Post article reporting that the CTBT is unverifiable. It didn’t work and still, again it was demonstrable on his that you can’t make a silk purse out of a sow’s ear.

No administration, prior to the present one, has ever tried to argue with the proposition that a zero yield test ban would or could be verifiable. A treaty which purports to ban all nuclear testing is, by definition, unverifiable. In fact, previous administrations admitted that much less ambitious proposals, such as low-yield test ban, were also not verifiable.

This is not a “spin” contest. This is a fact.

There is one hapless fellow, at the other end of Pennsylvania Avenue, who is bound to argue with this, and he should not be lending his name to such shenanigans.

I am not referring to the President. This is his treaty—the only major arms control agreement negotiated on his watch—and its verifiability is entirely about his legacy. No. I am talking about Vice President Gore, who took the correct, flat-out-position—when he was a United States Senator—he was opposed to even a 1-kiloton test ban. According to then Senator Gore, the only type of test ban that was verifiable was, in his estimation, one with no less than a 5-kiloton limit. He was quite clear, Mr. President, in saying that anything less—such as the CTBT treaty now before the Senate—would be unverifiable.

On May 12, 1988, Senator Gore objected to an amendment offered to the 1989 defense bill which called for a test ban treaty with restrictions on nuclear tests above 1 kiloton. Then-Senator Gore declared:

Mr. President, I want to express a lingering concern about the threshold contained in that amendment. Without regard for the military usefulness or lack of usefulness of a 1 kiloton versus the 5 kiloton test, purely with regard to verification, I am concerned that a 1 kiloton test really pushes verification to the limit, even with extensive cooperative measures. . . . I express the desire that this threshold be changed from 1 to 5.

In other words, the Vice President knows full well that a 1-kiloton limit—to say nothing of a 0-kiloton ban—was unverifiable. In fact, at his insistence, the proposed amendment was modified upward to allow for all nuclear tests below 5 kilotons.

Why then, is the administration, of which he is now a part, claiming that a zero-yield ban is “effectively verifiable”?

Numerous experts have cautioned the Senate that a “zero-yield” CTBT is fundamentally unverifiable. Other nations will be able to conduct militarily significant nuclear tests below the detection threshold of the Treaty’s monitoring system, and even below the United States’ own unilateral capability.

President Clinton’s own former Director of Central Intelligence, Jim Woolsey, testified before the Foreign Relations Committee, on May 13, 1998, that “With the yield of zero, I have very serious doubts that we would be able to detect them.”

On August 5, 1999, former Secretary of State Henry Kissinger noted: “When I was involved in test-ban negotiations, it was understood that testing below a certain threshold was required to ensure constructive use of weapons. It also was accepted that very low-yield tests would be difficult to detect, and an agreement to ban them would raise serious questions about verifiability.”

Most significantly, Fred Elmer, former Assistant Director of the Arms Control and Disarmament Agency and chief verification expert for both the Reagan and Bush administrations, wrote to me this past Sunday stating his opposition to the CTBT.

Dr. Elmer noted that: “Other nations will be able to conduct militarily significant nuclear tests well below the verification threshold of the Treaty’s monitoring system, and well below that of our own National Technical Means.”

Now, of course, the Administration has claimed on a variety of occasions that the CTBT is “effectively verifiable.” It seems, however, that this administration is saying one thing to the Senate and the American people, and admitting quite another thing overseas. I will read into the RECORD the criticism that was leveled against the CTBT on August 1, 1996, by Mr. John Holum—President Clinton’s ACDA Director—when he was in Geneva. Mr. Holum stated:

The United States’ views on verification are well known: We would have preferred stronger measures, especially in the decision-making process for on-site inspections, and in numerous specific provisions affecting the practical implementation of the inspections. But the United States signed the CTBT and the mission on the Conference on Disarmament has crafted a text that the United States can accept, barely, the balance that Ambassador Ramaker has crafted.

“Reluctantly,” he added, “I accept the treaty.”

Does this sound like a ringing endorsement of the CTBT’s verification regime? I would say this is tantamount to “damnation by faint praise”!

The fact is that the CTBT’s much-vaunted international monitoring system (IMS) was only designed to detect “fully coupled” nuclear tests down to one kiloton, and cannot detect evasive nuclear testing. Any country so-inclined could easily muffle its nuclear devices, and then conduct them in natural caverns (such as salt domes or caverns) or in man-made excavations. This technique can reduce the seismic magnitude of a test by a factor of 70. In other words, countries can conduct tests of up to 60 kilotons without being detected by the IMS.

Every country of concern to the United States is technically capable of producing these tests. In other words, countries such as North Korea, China, and Russia will be able to conduct very significant work on their weapons programs without fear of detection by the IMS. I point out to the Senate that the Department of Energy data, 56 percent of all U.S. nuclear tests were less than 20 kilotons in yield. Such tests, if decoupled, would all have been undetectable by the IMS. In other words, one out of every two nuclear tests ever conducted by the United States would not have been detected by the IMS—had the U.S. chosen to mask its program. I fail to see how the administration does not think this monitoring deficiency is not militarily significant.

Moreover, claims that the IMS will provide new seismic monitoring capabilities to the United States are ludicrous. The vast majority of seismic stations listed in the CTBT already exist, and were funded by the U.S. taxpayers. In fact, 13 percent of the stations are U.S. stations, 47 percent of the “Auxiliary” stations called for under the treaty already are in place because the United States put them there years ago. I repeat, the only reason the IMS has value to the United States is because it was already U.S. property long before the CTBT was negotiated.

So where are the additional 32 percent of the stations going to be located? In places such as the Cook Islands, the Central African Republic, Fiji, the Solomon Islands, Cameroon, Niger, Bolivia, Botswana, Costa Rica, Samoa, and so on and so forth. There is no benefit to having seismic stations in these places. In other words, Mr. President, the CTBT will provide zero benefit to our nuclear test monitoring.

In fact, it is going to make life more difficult for the United States. The same “overselling” of the IMS that is going on here in the United States is also occurring internationally. Ultimately, this is going to cause great problems for the United States in arguing that a country has violated the treaty when the much-vaunted IMS has not detected anything. Few nations are likely to take seriously the United States in situations where the IMS has not detected a test.

Moreover, the IMS also will complicate U.S. efforts by providing false or misleading data, which in turn will reduce the IMS has any value to its nuclear violations. Specifically, the CTBT fails to require nations to “calibrate” their regional stations to assess the local geology.

Naturally, countries such as Russia and China have refused to volunteer to do so. By consequence, these stations will record data that will be inconsistent with U.S. national information.
and will be used to argue against U.S. on-site inspection initiatives.

While it is important to realize the deficiencies of the CTBT’s seismic monitoring regime, it also is a fact that several treaty provisions will severely limit the utility of on-site inspection, if launched, to uncover credible evidence of a violation. First, the aforementioned failure to calibrate regional stations will introduce inaccuracies in the location of suspicious events. In a broader inspection area than otherwise would be the case. Second, if the United States requests an inspection, no U.S. inspectors would be allowed to participate, and the country in question can refuse to admit other specific inspectors. Third, the treaty allows for numerous delays in providing access to suspect sites, which will cause dissipation of most of the best technical signatures of a nuclear test.

Indeed, in the case of low-yield testing, there are few enough observable signatures to begin with, and on-site inspections are unlikely to be of use at all. Finally, the inspected party is allowed equal access under the treaty and to declare up to 50 square kilometers as being “off-limits.” As UNSCOM found with Iraq, any time a country is given the right to designate sites as off-limits to inspectors, the inspection regime is undermined.

In conclusion, the IMS and the inspection regime is likely to be so weak that I would not be surprised if countries such as Iraq and North Korea did not ultimately sign and ratify. Because of the technical impossibility of verifying a zero-yield test ban, such rogue regimes can credibly claim to adhere to a fraudulent, unverifiable norm of the technical impossibility of testing.

Let us be clear on what not ratifying the CTBT means: A vote against the CTBT is a vote for the resumption of nuclear testing by the United States.

A resumption of nuclear testing is the clear consequence of the criticism by opponents of the CTBT that the stockpile Stewardship Program is not sufficient to guarantee the safety, reliability, and performance of the nation’s nuclear weapon stockpile.

Critics of the Stockpile Stewardship Program argue that only actual testing can preserve our nuclear deterrence. Indeed at least one witness testifying before the Armed Services Committee advocated a resumption of 10 kiloton testing. That means testing a weapon almost the size of what was dropped on Hiroshima.

I do not believe that the American public wants to see the resumed testing of Hiroshima-sized nuclear weapons. Nor do I believe such testing is necessary, not as long as America persists in investing sufficient resources in the Stockpile Stewardship Program.

Yes, there are uncertainties about the ability of the Stewardship Program over time to be successful. As the Director of Los Alamos National Laboratory, John Browne, has testified, “the average age of the nuclear stockpile is older than at any time in history, and nuclear weapons involve materials and technologies found nowhere else on earth.” And as his colleague at the Lawrence Livermore laboratories, Bruce Tarter, stated, “the pace of progress must be quickened. Much remains to be accomplished, and the clock is running.”

Indeed, the United States has no alternative to the Stockpile Stewardship Program to return to the level of nuclear testing that we saw prior to President Bush ordering a moratorium on testing in 1992.

I ask unanimous consent that a chart demonstrating the number of United States nuclear tests, from July 1945 through September 1992, be printed in the RECORD following my remarks.

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

Mr. AKAKA. The United States needs to train people, design equipment, and to invent new techniques if it is going to preserve the safety and reliability of its nuclear deterrent. The Stockpile Stewardship Program can accomplish all of these objectives.

The Stockpile Stewardship Program has had problems but it has made great progress. As Director Tarter noted, it has opened up new possibilities for weapons scientists not even contemplated a few years ago.

This is the future: one of science, not one of testing.

As a strong advocate of National Missile Defense, I have been struck by how some are willing to have such extraordinary confidence in the ability of American scientists and engineers to overcome problems in missile defense but do not seem to place the same confidence in the ability of American scientists and engineers to do the same with stockpile stewardship.

Choosing the path of science does not mean the United States cannot test if science proves inadequate to practice. The assurance of confidence that the President’s six safeguards attached to this treaty mean that, if necessary, we can resume testing. I have full confidence in this President or any future President being willing to take this extraordinary step, and I have full confidence that this or any future Congress will back that President up should such a decision to return to testing be necessary.

Supporting the CTBT does not preclude America from taking whatever steps are necessary to preserve our national security.

I would argue, as have many of my colleagues, and interesting enough, many of our allies, that ratification of the treaty helps promote American security by locking in our nuclear superiority and limiting the abilities of other nations to match our nuclear capability. Our allies, who benefit from the security of the American nuclear umbrella, want the CTBT because they know it enhances, not detracts, from their security.

Yes, it is true that the treaty will not prevent proliferation absolutely. A country does not need to conduct nuclear tests to have a nuclear capability. But will it have a reliable weapons system? I do not think so.

Yes, it is true that the CTBT will not prevent a country from trying to hide small scale nuclear tests. But I believe that the international monitoring system, which will be in place as well as the United States’ own national technical means will be so extensive that any test will be detected. That country will then be subject to an international inspection. Some suggest that the United States will not be able to gain a consensus for such an inspection. I do not see why not: it will be in the interest of all signatories to ensure that no countries violate the agreement. I cannot envision a majority of states not voting in favor of an inspection of a suspected nuclear test.

I do not know if the CTBT will create a new international norm discouraging nuclear weapons development. I do know that the CTBT will make such development technically more difficult to do and politically more difficult to deny.

Let me conclude by asking this simple question: do my colleagues who oppose the CTBT want our country to resume nuclear testing?

If not, then I suggest that the only course is to invest in the Stockpile Stewardship Program. I say, give...
American science a chance. Invest in the future of weapons science, not in the past of weapons testing by ratifying the Comprehensive Test Ban Treaty.

**EXHIBIT NO. 1**

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Mr. HELMS. Mr. President, yesterday President Clinton sent a written request to the Senate asking that we “postpone” a vote on the CTBT. In light of the President’s outburst on Friday lashing out at Senate Republicans, and his adamant declaration that he would never submit a written request asking the Senate to withdraw the CTBT, his decision to send just such a letter is interesting.

His letter, was a baby-step in the right direction, insufficient to avert a vote on the CTBT today. The President is clearly playing poker with the Senate, but he doesn’t have a winning hand, and I think he knows it.

The President sent this letter only because he realizes he has failed to make a compelling case for the treaty, and failed to convince two-thirds of the Senate that this treaty is in the national interest. He knows that if we vote on the CTBT today, the treaty will be defeated.

His letter did not meet both the criteria set by him and others. For example, he requested: (a) that the treaty be withdrawn and (b) that it not be considered for the remainder of his presidency.

The President has repeatedly dismissed the critics of this treaty as playing politics. Look who’s talking. In his mind, it seems, the only reason anyone could possibly oppose this treaty is to give him a political black eye. Putting aside the megalomania in such a suggestion, accusing Republicans of playing politics with our national security was probably not the most effective strategy for convincing those with substantive concerns about the treaty.

The fact is, we are not opposed to this treaty because we want to score political points against a lame-duck Administration. We are opposed because it is unverifiable and because it will endanger the safety and reliability of our nuclear arsenal. The White House and Senate Democrats have failed to make a compelling case to the contrary. That is why the treaty is headed for defeat.

Of course, treaty supporters want to preserve a way to spin this defeat into a victory, by claiming that they have managed to “live to fight another day.” That’s probably the same thing they said after President Carter requested the SALT II Treaty be withdrawn. But they will be fooling no one but themselves.

Before this debate is over, it must be made clear that to one and all this CTBT is dead—and that the next President will not be bound by its terms. The next administration must be left free to establish its own nuclear testing and non-proliferation policies, unencumbered by the failed policies of the current, outgoing administration.

Without such concrete assurances that this CTBT is dead, I will insist that the Senate proceed as planned and vote down this treaty.

**LEGISLATIVE SESSION**

The PRESIDING OFFICER. Under the previous order, the hour of 4:30 p.m. having arrived, the Senate will now return to legislative session.

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT**

The PRESIDING OFFICER. The Senate will now resume consideration of the conference report to accompany H.R. 1906, which the clerk will report by title.

The legislative assistant read as follows:

A bill (H.R. 1906) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, I am pleased to present to the Senate the conference report on H.R. 1906, the Fiscal Year 2000 Agriculture Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

The conference agreement provides total new budget authority of $60.3 billion for programs and activities of the U.S. Department of Agriculture with the exception of the Forest Service, which is funded by the Interior appropriations bill.

The Food and Drug Administration and Commodity Futures Trading Commission are included also, and expenses and payments of the farm credit system are provided.

The bill reflects approximately $5.9 billion more in spending than the fiscal year 1999 enacted level and $6.6 billion less than the level requested by the President.

It is $418 million less than the House-passed bill level and $391 million less than the Senate-passed bill level.

I must point out that we, of course, are constrained with the adoption of this conference report by allocations under the Budget Act. The bill is consistent with the allocations that have been made to this subcommittee under the Budget Act, and it is consistent in other respects with the Budget Act.

The increase above the fiscal year 1999 enacted level reflects the additional $5.9 billion which the administration projects will be required to reimburse the Commodity Credit Corporation for non-realized losses.

The conference report also provides an additional $8.7 billion in emergency appropriations to assist agricultural...