

on health reform. I can truly say I have learned a lot from those speeches, many of which have helped shape my own views on the health reform debate.

That said, I have also heard some speeches that give me cause for concern, as some colleagues seem to have prejudged the legislation before it has even appeared.

I have heard about the dangers of a British or Canadian-style government-run health care system.

I have been warned about rationing and bureaucrats getting between Americans and their doctors.

I have listened to stories about patients from other countries that come here to get care they can't receive in a timely manner back in their own country.

I have heard over and over about a government-run takeover of health care.

I do not doubt the sincerity of my colleagues who see potential pitfalls in health care reform. But when I hear these speeches, I often wonder what legislation they are warning us about.

So far, I have not seen any bill being discussed in committee that calls for a government-run, single-payer system such as Canada or Great Britain.

I have not seen any legislative text that puts restrictions on what treatments doctors can provide or what they can discuss with their patients.

I have not read any language that rations any sort of health care.

I hope that the fears about change in our health care system do not hurt our chances of enacting reform this year.

I hope the debate over the bill is centered around what is actually in the legislation, not extrapolations about provisions in the bill or frightening projections of a health care system in other countries that are not actually being proposed here in Congress.

I hope that as the debate moves forward, all of us in the Senate will step back, take a breath, and remember why we need to reform health care. We are moving quickly toward a health care system that Americans will no longer be able to afford. The system is quickly hurtling out of control.

Yes, we do need to keep what works, and we need to fix what is broken.

We need to make certain that Americans can get affordable health insurance without worrying about pre-existing conditions.

We need to help Americans avoid bankruptcy because of out-of-control medical bills.

We need to ensure stability in the system so that Americans maintain insurance options and their choice of doctor.

Most important, we as a country need to take control of our health care destiny. We can have a future in which Americans can have stable coverage, with stable costs and stable quality. Or if we do nothing, we will have a future of rapidly increasing premiums, uncertain coverage and decreased quality.

I urge my colleagues to gather their collective will, realize what is best for

our country and do the right thing during this historic opportunity by passing health care reform.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

#### HEALTH CARE REFORM

Mr. KYL. Mr. President, I wanted to deliver these remarks on the same subject of health care earlier in the week. I had been back home in Arizona during the July recess and had spoken to many of my constituents about the subject. I didn't have the opportunity to address this subject until today. I note that health care is very much on their minds. They have been asking a lot of questions. My constituents have been following the health care debate, and the majority I have spoken with are very much in favor of reform.

I think all of us in this body realize there are things we have to do to lower the cost of health care and ensure everybody has an opportunity to be covered.

I can also tell you they are very concerned about the reforms that have been proposed by the President. They wonder whether they, in fact, will work to their best interests. Cost is an issue that has come up repeatedly when I have spoken with my constituents. They want to know why we have to spend so much money in order to—allegedly—save money and how much it will cost. I tell them it is projected to cost at least a trillion dollars. This is not a fanciful figure; this is what the two bills pending before the Senate are being scored at, meaning that the Congressional Budget Office has said that is about how much they are going to cost. The ultimate price tag could be even higher because in the case of one of the bills, not everything that is going to be in it has already been scored by the CBO, and as to the Finance Committee bill, it is still very much a work in progress.

The usual reaction people have to a trillion dollar-plus health care bill is that they cannot believe we would want to spend that much money or that we can't afford to spend that much. They know already that there are only two ways the Federal Government can pay for such a massive program: one, either borrow more money or, two, impose new taxes or some combination of the two. Naturally, they don't like either alternative.

Most Arizonans think Washington has already borrowed more money than taxpayers can handle, after the President's \$1.2 trillion stimulus bill, the \$400 billion Omnibus appropriations bill, and the \$3.4 trillion, 10-year budget. Now we hear talk about adding an additional trillion dollars on top of that. The folks in Arizona think that is just too much. In fact, by the end of the fiscal year, our publicly held debt will be about 57 percent of our gross domestic product, and deficits of a tril-

lion dollars a year are projected for the next decade. We just got the statistics for the deficit this year. It is already at \$1.1 trillion. By the end of the year, it could easily be another half-trillion dollars above that. This will drive the debt to at least 82 percent of the gross domestic product by 2019. To give you an idea of what that means, the GDP is how much money we make as a country. It would be the same as saying that for a family that has an income of \$100,000, its credit card debt is \$89,000. Try paying off an \$89,000 credit card debt on a \$100,000 income. The interest payments on the debt will soon make up the single-largest item in our budget. So, obviously, when we talk about spending another trillion dollars we don't have, my constituents are very wary of this. They are wary about the debt, and, to say the least, they don't think it is fair for Washington to pass another trillion-dollar bill, with the costs being transferred to our children and grandchildren—especially after what happened with the stimulus, which has, frankly, included a great deal of waste and obviously has failed to contain unemployment.

A lot of folks have expressed skepticism that spending another trillion dollars is the right way to reduce health care costs. Frankly, I agree with them. Somebody has to pay the trillion dollars. They are also concerned about the new taxes that have been proposed to pay for this because, in fact, part of this trillion dollars is proposed to be paid for through new taxes. There have been all kinds of ideas proposed, such as a tax on beer, soda, juice, and snack food. Those are really small items, but they hit people right where it counts when they go to the grocery store.

There is also a new value-added tax idea. This hits the small business men and women, who are especially concerned because of the new taxes that some are suggesting they should pay—as much as a 10 percentage point increase in the amount of taxes they would have to pay. This is important because, in our economic downturn today, we know it is small businesses that are going to create the jobs that will bring us out of the recession. This would not be just a job killer but an economic growth and recovery killer with that kind of tax imposed on these folks.

My constituents want to know—and, frankly, I want to know—if the President will fulfill his campaign pledge not to raise taxes one single dime on the middle class and whether he will veto any legislation that includes the kinds of taxes of which I am speaking that would fall directly on families. They believe and I believe there ought to be a different way to achieve the health care we want—in other words, without this new round of spending and taxes.

They have heard the President argue in his pitches for Washington to change our health care system that if we spend

all this money on health care now, we will somehow save money later. Americans have some commonsense questions about this claim: How will the government actually do this? Will their health care be rationed? If they are privately insured, will they be able to keep the health care they already have? Eighty-five percent of persons are already insured and are happy with what they have. Yet proposals in the pending legislation would cause many of them to lose that insurance and go onto government programs. That, of course, then raises questions like rationing, as I have discussed many times before.

A Washington-run health care system would likely try to suppress costs by denying or delaying care. Administration officials are already talking about using comparative effectiveness research for this purpose. This is not a fanciful or hypothetical notion. As we know, this is exactly what has happened in countries such as Canada and the United Kingdom, two countries with government-run health care systems. In a "20/20" health care segment, they reported that Norwood, Ontario, holds a lottery each week to give one winner a trip to a family doctor. The show filmed the town clerk pulling a name from a box and calling the name of an elated winner. Is that what we want in the United States? The average emergency room wait in Canada is 23 hours—if you are even considered sick enough to be admitted. In Britain, in 2007, the government set a goal to reduce the average wait time to see a physician to fewer than 18 weeks. That is 4½ months waiting to see a doctor. Do Americans want that?

That is how government-run health care works: You make something free and demand soars. To reduce costs, bureaucrats deny or delay treatment or tests or procedures they deem too expensive. The way it works is simple: You set a budget of how much you are going to spend on health care every year. It doesn't matter how sick your folks get; it has to fit within that budget. Think about that for your family. Say you set a budget and you are going to spend no more than \$5,000 on health care this year. A good friend of mine in Arizona had an automobile accident; it was very serious. He had to have his spleen removed. He is still in recovery, and it is obviously going to cost a lot of money—more than \$5,000. Well, if he set a budget and said that is all he is going to spend, what is he to do? Does he not get the treatment he needs as a result of that accident? You cannot reform health care or reduce costs by rationing care to patients.

One of the things Republicans will insist on is that the way we do the reform doesn't hurt what we already have, which is a system that allows you to get to the emergency room and allows you to see a doctor. You can choose your own doctor. If you have insurance, you get to keep it. We don't want to take care of the few who are

unable to get insurance today in a way that requires us to change what everybody else has, if it is already working for them.

It is true that you won't find the words "ration" or "denial" of care or "withholding coverage" in these bills. Obviously, they don't state it that way. But the results are precisely what are required by the policies in the bill. The results are easily masked by all kinds of terminology, but the rules, the forms, the legal obligations, and the provider reimbursement schemes all result in the ability of the government to tell you whether something is going to be covered, whether you and your doctor think it is necessary for your care or not.

I have heard some respond by saying that at least in the Canadian system they may ration care, but everybody has access to a doctor. Not true. The Fraser Institute, a Canadian think tank, released a study this year that found that 1.7 million people—out of a country of 33 million—were unable to see a physician in 2007. That number does not include those who have a doctor but are on a waiting list.

As I said earlier, many of my constituents also worry about losing their current coverage if a new Washington-run health care system is implemented. True, they have heard the President say repeatedly that if you have health insurance, you get to keep it. But they have also heard the other side of the story, and I have read at least one of the bills—in fact, there are two specific provisions—that render this statement untrue—that if you have health insurance, you get to keep it. Not true. The Congressional Budget Office has estimated that just part of one of the proposed plans shows that millions of people would lose their existing coverage and be told to enroll in government health care. The Lewin study specifically mentioned 119 million people who would be shifted from their current employer-provided coverage onto the government plan.

Many of my constituents also want to know if the President would veto legislation that has the potential to cause Americans to lose the private insurance they currently enjoy.

There is a final concern, and this concerns me. It goes to America's seniors. We have made some very strong commitments to our seniors through the Medicare Program. Our seniors obviously are more susceptible to needing health care. They have a greater number of health concerns than younger Americans. And we have said to them: We will, through Medicare, ensure that your health concerns will be taken care of. They are obviously very concerned about rationing if Medicare were somehow to be cut in order to raise money to solve the problem for others in our society. That is precisely what at least one of these bills proposes to do—cut Medicare and take that money and apply it to the new costs that we are going to be incurring as a result of this so-called health care reform.

Seniors are worried these cuts in Medicare will adversely affect their ability to get care. They also fret that adding the 47 million uninsured Americans—which would be just for starters—to health insurance rolls, including government insurance rolls, would impact the care they now receive by crowding the system. In other words, leading to wait times, rationing for them or even potentially denial of care. We must not implement a new health care system that would suddenly erode the quality of care for Medicare beneficiaries.

My constituents want high-quality, patient-centered health care. Most already have good health insurance for themselves. They are concerned about its cost. They are also concerned that there are some who need to be insured who are not. But what they want to hear are fresh new ideas about how to achieve this result without, in effect, throwing the baby out with the bathwater; without adversely affecting the system that currently takes care of them, whether it is seniors being cared for in Medicare or it is the vast majority of Americans who are already insured and like the insurance they have. They do not want us to rush a costly new plan through the Congress.

I think the President was correct when he said: If we don't do this quickly, we might not do it at all. Well, what did he mean by that? In effect, what he was saying is that if the American people have a long enough time to study and debate exactly what is being proposed, they may not like what they see. I think that is exactly what is happening here.

There is a bill that is going to be marked up next week in the House of Representatives, and I don't think the American people are going to like what they see in that bill. We have a bill that has been marked up in the HELP Committee in the Senate, and much of my criticisms go to that particular bill. There is one section in that bill, for example, that spends \$400 billion over 7 years to subsidize health care for families making between \$66,000 a year and 80,000-some dollars a year. Is that what we want to cut Medicare to pay for?

As I said, the more Americans understand the details of these bills, the more questions I think they are going to ask. We owe it to our constituents to allow them the time to understand it and to ask us those questions. I want to be able to go back to Arizona and say: All right, here are the three bills—or two bills or however many there are—and here is what they do. Do you like it or not? If not, how would you change it? We need the time and the ability to get the reaction from our constituents if we are going to be true to our position as representatives of the people.

So when the President says: If we don't do this quickly, we might not do it at all, he is probably right. But it is better to get it right; to take our time

to do it right and not make mistakes, than to rush something through that is going to add \$1 trillion in new spending; that is going to potentially impact the coverage we already have, potentially impact Medicare for our seniors and perhaps not achieve the results we want. This is one of the most important things this Congress—the American Congress—will have done in years. It is complicated, it is hard, and we have to get it right.

One of the first things a physician learns in medical school, when confronting a patient to see what is wrong with that patient and to begin the treatment, is to, first, do no harm. It is possible to do harm to a patient. So the physician, first of all, is admonished: The body is a wonderful thing, it recovers pretty well; don't do anything to harm. The same thing is true with our economy and with the policies with respect to health care. There are a lot of good things being done in health care—physicians are working very hard to take good care of us, most people have good insurance, seniors rely on Medicare. Let's not do harm to what we have in order to take a small segment of our population and make sure they can get insurance.

That is the primary position we are taking when we say: Let's don't rush this. Let's do it right. At the end of the day, we can all be proud of the fact that we have reformed our health care system to reduce, not increase, some of the expenses and to ensure that those who don't have insurance can, in fact, be covered.

I said I wished to give these remarks earlier in the week, having talked with a lot of my constituents in Arizona. I also wished, toward the end of this week, to comment on the President's trip to Russia. He is going to be returning home soon, and his trip to Russia produced some very important announcements, which I wished to discuss today.

#### PRESIDENT OBAMA'S VISIT TO RUSSIA

I am going to switch subjects now and discuss the President's trip to Moscow and his summit with the President of Russia.

The most significant object of that summit, as we know, was the discussion of further strategic arms reductions. I personally believe it is important that the verification and confidence-building measures of the 1991 START agreement not expire without some measure to continue them, possibly including a legally binding replacement treaty. I know that is one of the purposes of the President's visit. But I am also cognizant of the fact that a follow-on to the 1991 START agreement does not address the most current threats to the United States and the West; namely, those posed by nuclear proliferation and nuclear terrorism. The two subjects are barely related.

For example, the threat from Iran and the history of Russian support for the Iranian nuclear weapons and bal-

listic missile program is well known. It is probably even going on today. This should have been at the top of the President's agenda with Russia, if, in fact, he is going to address the threats that are most currently before us, rather than a decades-old arms control agreement with Russia.

Additionally, there is the ongoing nuclear weapon ambitions of North Korea. Some press reports suggest it may be sharing its technology with countries such as Syria and Burma. Given the well-known willingness of these rogue states—and I speak of North Korea and Iran—to support terrorism, their unchecked nuclear ambitions will surely hasten the day when terrorists are able to acquire nuclear weapons. I believe nuclear proliferation and nuclear terrorism are the greatest threats to our Nation today, and we should be focused much more on those threats, as I said, than going back and negotiating an arms control agreement with Russia, which obviously is not a current threat to the United States.

The main focus of the President's trip when he was in Moscow appears to have been on the subject of a strategic arms reduction treaty with Russia. That being the case, the Senate has a great responsibility—if the administration seeks our advice and consent by submitting the treaty to us for ratification—to understand what the proposal is and to provide our advice to the President before it is negotiated and, if appropriate, our consent to ratify. Obviously, the Constitution requires this process of advise and consent when it comes to treaty making.

Here are some of the questions I think we need to answer. First of all, what does the United States get from such a new treaty when it appears that the Russians are on their way to reaching the levels of weaponry announced without a treaty? They are going to do it anyway.

Second, why has the United States bent to Russian demands to take tactical nuclear weapons off the table when the Russians have a 10-to-1 advantage in tactical nuclear weapons over the United States and have openly talked in their military doctrine about using tactical nuclear weapons in conflict?

How will the administration provide for the modernization of U.S. nuclear forces, including the warheads and the complex of infrastructure that sustains them and the nuclear weapons delivery systems, the bombers and the missiles and submarines that must accompany any START ratification process? That is perhaps the most critical question of all.

A number of these questions and recommended courses of action have recently been articulated by some of this country's leading experts on arms control and nonproliferation policy, including Ambassador James Woolsey, Dr. Fred Ikle, Ambassador John Bolton, and many others.

Mr. President, I ask unanimous consent to have printed in the RECORD, at

the conclusion of my remarks, a document entitled "U.S.-Russian START Renewal Negotiations: Guidelines to Protect U.S. Interests."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. I thank the Chair.

I also urge my colleagues to study materials recently released by the New Deterrent Working Group involved with the Center for Security Policy, a respected think tank here in Washington, that has studied these issues for years; and also a very objective and important guide for how we should approach our thinking on these negotiations from the Hudson Institute. These are outstanding compilations of expert opinions for Senators to familiarize themselves with as we head into a treaty ratification process. They are too lengthy to insert in the RECORD, but I am happy to provide these papers to any of my colleagues who would like to read them.

Another important question concerns missile defense. Just before the summit, it appeared the White House was taking a strong line in refusing to accept Russian demands to link missile defenses with a follow-on treaty. The Russians have said: We are not even going to talk about the START numbers unless we can also talk about U.S. missile defense. The Russians don't like it. They would like to have us put some limitations on that. The administration recognized not only should there be no constraint on the development of missile defenses, but, moreover, any treaty—any treaty—that limits U.S. missile defenses would be dead on arrival in the Senate if we tied the two subjects together.

This past week, I joined Senators WICKER, JOHANNIS, MCCAIN, HATCH, LIEBERMAN, BEN NELSON, and BEGICH in sending a letter to the President in which we confirmed that "linking missile defense plans to offensive force negotiations runs contrary to American strategic interests and would undermine our security."

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I just referred.

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

U.S. SENATE,

Washington, DC, July 2, 2009.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: In anticipation of your upcoming visit to the Russian Federation, we write to express our concern about recent comments by Russian leaders suggesting limitations on U.S. missile defense plans in Europe as a prerequisite for agreeing to a successor to the Strategic Arms Reduction Treaty (START). We urge you to not combine discussions about U.S. missile defense efforts and the ongoing START negotiations.

Speaking on May 20, Russian Foreign Minister Sergey Lavrov said that an agreement on a START replacement would be "impossible . . . without taking into account the

situation in the missile defense sphere.” Russian President Dmitry Medvedev also noted during an April speech that “(a)nother aspect of security is the relationship between offensive and defensive weapons.” Prime Minister Vladimir Putin likewise suggested a quid pro quo between START and missile defense during a visit to Japan on May 10, when he said that “Russia will link missile defense to strategic offensive armaments.”

We feel strongly that linking missile defense plans to offensive force negotiations in this way runs contrary to America’s strategic interests and would undermine our security. As you have noted, the planned European missile defense system is limited in scope to defend the United States and its allies against the rising threat posed by Iranian long-range ballistic missiles, but it poses no threat to Russia’s strategic missiles.

We support your determination to bring into force a follow-on agreement to START prior to its lapse on December 5th of this year. However, we will be reluctant to support any agreement that is explicitly conditioned on U.S. abandonment of missile defenses in Europe or otherwise linked to a U.S. decision to curtail or abandon those defenses.

Given that negotiations for a follow-on treaty to START are being conducted on a relatively short timeline, we believe that the paramount goal this year is to ensure that the verification and confidence building measures from the 1991 START treaty do not lapse.

The United States and the Russian Federation will need to find ways to cooperate on many issues in the coming years and we hope that your representatives bear in mind the broader strategic context in which these negotiations with Moscow are taking place.

Sincerely,

James M. Inhofe, Joseph I. Lieberman, Jon Kyl, Ben Nelson, John S. McCain, Mark Begich, Jeff Sessions, Mike Johanns, Roger Wicker, Orrin Hatch, United States Senators.

Mr. KYL. Notwithstanding what I have said, buried in the joint understanding—which has now been made public—reached by President Obama and Medvedev is inclusion of the following language suggesting an accession to the Russian demand to include missile defense in the follow-on treaty:

A provision on the interrelationships of strategic offensive and strategic defensive arms.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KYL. This last statement is a dangerous connection to make and one the administration must not negotiate. U.S. missile defenses exist to protect against ballistic missile threats by rogue regimes and the threat of accidental or unauthorized launches. They are not about Russia. Consequently, we should not allow Russia to attempt to limit our defenses, and that is what I fear these words from the Joint Understanding may allow to occur. Such a linkage in the START agreement will be rejected by Members of the Senate.

I would also like to call attention to a curious statement by the President which was quoted in this past Sunday’s New York Times:

It’s naive for us to think that we can grow our nuclear stockpiles, the Russians continue to grow their nuclear stockpiles, and our allies grow their nuclear stockpiles, and that in that environment we’re going to be able to pressure countries like Iran and North Korea not to pursue nuclear weapons themselves.

The fact is, the United States has not been growing or even modernizing its nuclear stockpile. Why did the President make such a false statement? Yes, the Russians are growing theirs, at least modernizing it. Britain and France are modernizing their stockpiles, though not growing them, as far as I have seen in the press. India, Pakistan, and North Korea are all growing their stockpiles; and, of course, we are all familiar with Iran’s actions. All of this has occurred in the absence of the United States growing its stockpile. What the President said is not true. In fact, it has all occurred while the United States has undertaken substantial nuclear force reductions. We haven’t modernized our nuclear weapons, and we haven’t conducted an underground nuclear test for 17 years. One would think this history would put to rest the naive assumption that the U.S. movement toward disarmament will be reciprocated by other nations, including those that threaten our national security.

I would also like to submit for the RECORD a Wall Street Journal op-ed written by Steve Rademaker, former Assistant Secretary of State for International Security and Nonproliferation in the last administration. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks that letter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. KYL. Mr. Rademaker correctly observes:

The critics are not impressed that by 2012 the U.S. will have reduced its deployed strategic warheads by 80 percent. They will not be satisfied if the U.S. reduces by 99 percent. So long as there is one nuclear weapon remaining in the U.S. inventory, he says, they will point to this as the root cause of nuclear proliferation.

As I indicated a few moments ago, there are real concerns facing the Senate at this time as we consider the START follow-on treaty. It is imperative that the President understand the true situation as he negotiates with his Russian counterparts.

This is all the more important as we begin to understand the highly significant reductions the administration apparently wants to negotiate in a follow-on agreement. According to the Joint Understanding from which I quoted before, the President plans to reach an agreement that represents a significant departure from current force levels.

I note that the 1,700 to 2,200 deployed strategic nuclear force level—actually on the high end of that range—was considered the minimum force level required for deterrence and assurance just last year when the Departments of Energy and Defense issued an unclassified white paper, “National Security and Nuclear Weapons in the 21st Century.”

Given yesterday’s announcement, I am curious to understand how estimates of necessary force levels could have changed so dramatically in the 10 months since that paper was issued. I am also very concerned about the implications for our triad and for our conventional arms modernization, if we lock in a launcher limit at anything close to 500.

The triad is the combination of our strategic bomber force, our intercontinental ballistic missiles based on land in silos, and ICBMs in submarines. Those are the three parts of our strategic triad. If we were to reduce the numbers as dramatically low as this paper would indicate, it is very clear the triad would be jeopardized; that is to say, not all elements of it would have the weaponry to be part of our strategic deterrent.

Moreover, these numbers would suggest that parts of this triad can be used for conventional purposes. Bombers can drop high explosive bombs. They don’t just drop nuclear weapons. A missile—we have a lot of cruise missiles that send high-explosive warheads to their destination. It doesn’t have to be a nuclear warhead. If we reduce the number of delivery systems down below a certain level, we not only impact our strategic nuclear deterrent but also our conventional deterrent and conventional capability.

This may be very advantageous for Russia. In fact, Russia is headed to a low level anyway because of their economy. But I believe it is a grave risk for the United States and our allies. I think these are issues that will warrant the highest level of scrutiny by the Senate. We can’t be rushed in our work. These are very important existential questions.

I note that the Senate had over 425 days between the signature on the START I agreement and the eventual ratification of that treaty. There were 1,119 days between the signing and ratification of START II. And the Chemical Weapons Convention allowed the Senate 1,563 days of review, deliberation, and debate. The last successful arms control treaty with the Russians, the Strategic Offensive Reductions Treaty, or SORT, permitted the Senate 287 days to review.

I say again, there is no need for a rush. As the Wall Street Journal reported yesterday, July 8:

The White House Coordinator for Weapons of Mass Destruction, Security and Arms Control, Gary Samore, said on Sunday that the Administration may have to enact certain provisions of a treaty by executive order and on a ‘provisional basis’ to meet the December deadline.

Clearly, there are options available to ensure that the Senate has all the time it needs to thoughtfully consider a treaty and to make sure a nuclear weapons modernization program is in place and funded before the Senate proceeds to ratification of the START follow-on.

Mr. President, according to press reports, Russian President Medvedev has indicated that his nation would like to reduce the number of strategic launchers several times below the number currently permitted under START. This is reflected in the launcher limits outlined in the Joint Understanding.

This sounds good, but it is unclear that Russia is actually giving anything up.

In recent testimony before the House Committee on Foreign Affairs, Dr. Keith Payne, a former official of the Defense Department and a member of the bipartisan Congressional Commission on the Strategic Posture, cautioned “We should be very careful about moving toward lower launcher numbers because it would provide significant advantages for the Russian Federation, but significant disadvantages for U.S. strategy.”

As Dr. Payne noted in his testimony, Russia’s strategic ICBMs, SLBMs and bombers will drop dramatically with or without a new arms control agreement.

Specifically, Dr. Payne stated: “within 8 or 9 years, the number of Russian strategic launchers will have dropped from approximately 680 launchers (some of which already are not operational) to approximately 270 launchers simply as a result of aging of their systems and the pace of their modernization program. In contrast, the service life of existing U.S. systems extends several decades.”

Dr. Payne continues: “Despite spending up to 25% of the Russian military budget on the strategic forces, Russia’s strategic nuclear forces will decline steeply with or without arms control.”

Consequently, Russia isn’t giving up anything by agreeing to these reductions. At the same time, reductions in delivery vehicles could have consequences for the U.S., in terms of prompt global strike capabilities and conventional strike modernization.

Dr. Payne also wrote about these facts in a recent Wall Street Journal piece, and I ask unanimous consent to print it in the RECORD as well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. KYL. Additionally, in order to get a follow-on START agreement with Russia—one that appears to be much more to Russia’s advantage than ours—we have also decided we will not seek to get the Russians to give up a very real advantage they possess: their tactical nuclear weapons, also known as nonstrategic nuclear weapons.

While the United States and Russia have a rough equivalence in their strategic nuclear weapons, there is a sig-

nificant imbalance in tactical nuclear weapons that favors Russia.

This imbalance is exacerbated by the fact that Russia maintains an active nuclear weapons production complex, while the United States does not.

According to the recently concluded report of the bipartisan Perry-Schlesinger Commission, there is a growing asymmetry between United States and Russian nuclear weapons capabilities thanks to a longstanding problem whereby the Russian Federation has maintained far greater numbers of tactical nuclear weapons than the United States.

According to the commission, the Russians have approximately 3,800 of these weapons, while the United States has only a few hundred.

And according to a recent CRS report, the Russians may have as many as 8,000.

Despite this asymmetry, we are told that the forthcoming START follow-on will not deal with Russian tactical nuclear weapons, at Russian demand.

Yet, it is clear that our allies who rely on our extended deterrent are increasingly concerned.

For example, the Perry-Schlesinger report stated: “The combination of new warhead designs, the estimated production capability for new nuclear warheads, and precision delivery systems such as the Iskander short-range tactical ballistic missile (known as the SS-26 in the West), open up new possibilities for Russian efforts to threaten to use nuclear weapons to influence regional conflicts.”

And according to that report, “The United States should not cede to Russia a posture of superiority in the name of deemphasizing nuclear weapons in U.S. military strategy. There seems no near-term prospect of such a result in the balance of operationally deployed strategic nuclear weapons. But that balance does not exist in nonstrategic nuclear forces, where Russia enjoys a sizeable numerical advantage. As noted above, it stores thousands of these weapons in apparent support of possible military operations west of the Urals. The United States deploys a small fraction of that number in support of nuclear sharing agreements in NATO. Precise numbers for the U.S. deployments are classified but their total is only about five percent of the total at the height of the Cold War. Strict U.S.-Russian equivalence in NSNF numbers is unnecessary. But the current imbalance is stark and worrisome to some U.S. allies in Central Europe. If and as reductions continue in the number of operationally deployed strategic nuclear weapons, this imbalance will become more apparent and allies less assured.”

It is therefore inexplicable to me that we will not be negotiating with the Russians about reductions in those nuclear forces.

Moreover, I am concerned by suggestions that discussions of these forces will have to wait for the “next treaty”

which may not ever arrive. In the meantime, this follow-on agreement may lock in a significant disadvantage for the United States and our allies.

In recent months, it has become clear that the state of our nuclear deterrent is in need of serious attention.

As high an authority as Secretary of Defense Robert Gates warned: “At a certain point, it will become impossible to keep extending the life of our arsenal, especially in light of our testing moratorium. It also makes it harder to reduce existing stockpiles, because eventually we won’t have as much confidence in the efficacy of the weapons we do have.”

Secretary Gates continued this argument when he said: “To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.”

This is a statement of significant import. Secretary Gates has warned that without a modernization program, such as the Reliable Replacement Warhead RRW, which Congress rejected during the last administration, we will be unable to reduce the number of weapons we maintain.

In fact, we are not even certain we can modernize without testing, but we would be a lot closer to knowing the answer to that question if Congress had approved the RRW studies.

As the Perry-Schlesinger Commission noted, our nuclear weapons and their delivery platforms are long overdue for a needed modernization program and will continue to experience safety, reliability and credibility problems until that modernization is in place.

In fact, even in its Interim Report, the commission stated: “High confidence in stockpile reliability not only is important for maintaining deterrence, it is also vital for making substantial reductions in the size of our stockpile.”

Thus, it should not be surprising that the commission made the following findings and recommendations that are of such importance that I want to read them into the Record in their entirety:

i. For the indefinite future, the United States must maintain a viable nuclear deterrent. The other NPT-recognized nuclear-weapon states have put in place comprehensive programs to modernize their forces to meet new international circumstances.

ii. The Stockpile Stewardship Program has had some remarkable achievements. But in recent years, the level of funding provided to support these safeguards has been inadequate.

iii. The Life Extension Program has to date been effective in dealing with the problem of modernizing the arsenal. But it is becoming increasingly difficult to continue within the constraints of a rigid adherence to original materials and design as the stockpile continues to age.

iv. As the reductions have proceeded over the period since the end of the Cold War, the potential to deal with technical surprise has been reduced, as the diversity of types of weapons in the stockpile has shrunk.

v. The infrastructure that supports two thirds of the strategic deterrent triad—the SLBMs and ICBMs is not being sustained.

Mr. President, it is clear that not only is a modernization program for our nuclear weapons, the complex that supports it, and the delivery systems associated with it long overdue, it is also inextricably linked to safely reducing our nuclear arsenal further and must be considered by the Senate simultaneously to, if not before, the START follow-on is submitted.

Such a modernization program should take into account issues raised by the Nuclear Weapons Council in its December 24, 2008, letter to the NNSA administrator.

I ask unanimous consent to print the letter in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 5.)

Mr. KYL. It should also take into account the commission's recommendations, which noted that as long as modernization takes place within current policies regarding testing and military characteristics, there should be no political controversy.

The administration should request a modernization program that in its first year includes: increases to stockpile surveillance; LEP studies for W76 and B61 that add safety, reliability and credibility; increases to directed stockpile work; certification and safety at the Nevada Test Site; accelerated funding of the Los Alamos CMRR facility and the Y-12 UPF; and, increases to advanced computing platform and code work.

Mr. President, lastly, I wish to discuss an important but so far overlooked component of the pending arms control discussions, namely Russia's history of violating its obligations.

The unclassified version of the 2005 State Department Report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments makes clear, and not for the first time, that Russia has not lived up to all of its agreements under the 1991 START agreement.

Dr. Payne noted this in his recent testimony, and I quote, "in my opinion, the most important of these violations has been discussed openly in Russian publications. It is the Russian testing of the SS-27 ICBM with MIRVs in direct violation of START. The SS-27 is listed as a single-warhead ICBM and can only be tested and deployed with a single warhead under START. Russian Sources place the number of MIRVs on this forthcoming missile at 4 or more."

These are not the only such issues regarding the Russians compliance with START. I ask unanimous consent that the START section of the unclassified Compliance Report be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 6.)

Mr. KYL. Additionally, the Commission on the Strategic Posture noted that the Russians are in violation of their commitments concerning tactical nuclear weapons under the 1990-91 Presidential Nuclear Initiatives.

I remind my colleagues these are the same tactical nuclear weapons that Russia refuses to discuss in the follow-on treaty, a demand the administration seems to have accepted.

Clearly, if the United States is going to negotiate a successor to the 1991 START agreement with the Russians, we must have a way to reconcile past compliance failures and ensure that future violations, if any, are resolved in a timely manner.

As I have articulated, there are significant issues that the Senate will have to follow closely and scrutinize as a part of the process of advice and consent.

This is a two-way process of consultation between the administration and the Senate.

I remind my colleagues and the administration, it is more important that this be done right than quickly.

Arrangements can be made to ensure that the provisions of START that enjoy almost universal support in this body do not expire, as administration officials have freely admitted.

I urge the administration to continue consulting regularly with the Senate, including the National Security Working Group that I cochair with my colleague from West Virginia, Senator BYRD.

I yield the floor.

#### EXHIBIT 1

#### U.S.-RUSSIAN START RENEWAL NEGOTIATIONS—GUIDELINES TO PROTECT U.S. INTERESTS

Recognize that the U.S. nuclear deterrent force is a key element in the defense of the United States and of our allies and friends.

U.S. nuclear umbrella is crucial non-proliferation tool. The U.S. nuclear umbrella is perhaps the most important nonproliferation tool we possess, as many of our allies and friends rely on our deterrent force. Absent a U.S. nuclear deterrent seen to be credible, effective and safe, those nations would have to consider developing their own nuclear weapons.

Analyze first, then negotiate. The U.S. Defense Department should complete a proper Nuclear Posture Review, as mandated by Congress, before the U.S. concludes a new treaty with Russia on further nuclear weapons reductions.

Limit Russian advantage in "tactical" nuclear weapons—A new U.S.-Russian agreement should aim to reduce the current Russian superiority over the U.S. in numbers of "tactical" nuclear weapons. Russia has approximately ten times the number of such weapons in the U.S. arsenal.

Address before U.S. leverage shrinks—The U.S. will have less leverage to address this issue once a START renewal agreement has been concluded.

Recognize the significance of Russia's large advantage in "tactical" nuclear weapons. The distinction between strategic and tactical nuclear weapons is an artifact of the

Cold War that facilitated arms control agreements on very high levels of nuclear forces.

Today, the size of nuclear arsenals is much smaller and the importance of large numbers of smaller-yield weapons is much greater.

To U.S. allies and friends, all nuclear weapons are strategic.

An agreement that preserves the large imbalance in total numbers of deployed nuclear weapons in Russia's favor will, over time, affect the views of U.S. allies and friends on the reliability of the U.S. nuclear umbrella.

U.S. policy for decades—in administrations of both parties—has been to maintain a nuclear capability second to none. That policy would be undermined by an agreement that further reduces strategic weapons while leaving so-called non-strategic weapons unlimited.

Recognize existence of risks in strategic reductions below current levels—There is no compelling reason for the U.S. and Russia to reduce deployed strategic nuclear warheads below the current range of 1700-2200, as set in the Strategic Offensive Reductions Treaty (SORT). This level of offensive strategic nuclear arms, the lowest in decades, was based on analysis that took into account the dangers and uncertainties of the security environment. Quickly reducing to an arbitrary number like 1500, does not take into account these risks.

Don't pay for what's free—According to credible Russian sources, Russia's strategic nuclear weapons will be reduced by approximately 60% over the next decade in any event—with or without a START renewal treaty—due to the aging or planned modernization of systems. The United States should not make concessions for the purpose of inducing Russia to make reductions that will occur anyway.

Certain reductions may be harmful—Whether a reduction below the 1700-2200 range is prudent depends on a number of considerations, especially preserving deterrence and taking account of all potential adversaries.

Preserve deterrence and extended deterrence—Any reductions should allow the U.S. to preserve not only deterrence of threats directly against the U.S. but also extended deterrence—for allies and partners who depend on the U.S. to deter potential nuclear aggressors.

Effect on triad—In particular, any reductions should allow the U.S. to maintain a robust nuclear triad of land-based, sea-based and bomber-delivered weapons.

Importance of triad—It is important to maintain the triad, lest the survivability and flexibility of the U.S. strategic posture be undermined.

Consider all potential adversaries—In assessing the sufficiency of the U.S. deterrent, the potential nuclear capabilities of all possible adversaries of the U.S. and of allies and partners who depend on that deterrent should be considered, not just the capabilities of Russia.

Don't incentivize proliferation—The U.S. nuclear posture should not be constrained to the point that other current or potential nuclear powers come to believe they can create a nuclear arsenal that would give them significant strategic leverage against the U.S.

In any case, exercise caution in limiting delivery systems—In the interest of stability and flexibility, the U.S. should not agree to reduce the number of delivery systems in a way that would increase the vulnerability of our deterrent (including our extended deterrent that protects U.S. allies and partners).

Don't incentivize MIRVs—For the same reasons, a new agreement should not restrain or penalize "de-MIRVing"—that is, converting multiple-warhead missiles into single-warhead missiles.

Severe limits on the number of delivery systems create pressure for the parties to arm missiles with multiple warheads.

Preserve U.S. ability to modernize for safety and reliability—Any agreement should preserve the right of the U.S. to develop new warheads to be able to react to unforeseen circumstances.

A crucial requirement: A comprehensive modernization plan—The Senate should not consent to any treaty until the Administration has proposed to Congress a satisfactory, comprehensive modernization plan that fulfills the modernization recommendations of the bipartisan Congressional Commission on the Strategic Posture of the United States, especially the maintenance of a safe, reliable and credible U.S. nuclear deterrent, including an extended deterrent for the protection of U.S. allies and partners.

Don't constrain missile defense—A new U.S.-Russian arms control agreement should not constrain the U.S. ability to develop and deploy missile defenses.

Don't constrain advanced conventional weapons—A new U.S.-Russian agreement should not constrain or penalize (1) U.S. development of advanced conventional—that is, non-nuclear weapons, including those capable of strategic strike, or (2) U.S. deployment of such weapons to replace nuclear weapons.

Take account of unpredictability of technology developments—We cannot now predict what conventional weapons developments may be possible.

Consider effects on programs of the future—Thus, the effect of a given treaty limitation cannot be measured only by how it would impact programs already on the books.

Address Russian compliance problems—Devise a mechanism that ensures treaty violations are investigated and parties to an agreement adhere to their obligations.

From the outset, the Russians have failed to comply fully with their obligations.

For example, according to an August 2005 U.S. State Department report, Russia has prevented U.S. inspectors from verifying warhead limits on certain ICBMs.

Update START verification—A key U.S. objective in an agreement with Russia should be to update START verification provisions to take account of new circumstances and fix problems.

Verification regime extendable—Obama administration officials have a sense of urgency because the START Treaty expires in December 2009 and they want to ensure that the treaty's verification regime does not lapse. But the US and Russia can agree to extend the verification regime without having to rush to reach agreement on further weapons reductions.

Endorsed by:

John Bolton, Ambassador to United Nations, Under Secretary of State for Arms Control and International Security (G.W. Bush);

Seth Cropsey, Deputy Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (G.H.W. Bush);

Jack David, Deputy Assistant Secretary of Defense for Combating Weapons of Mass Destruction and Negotiations Policy (G.W. Bush);

Paula DeSutter, Assistant Secretary of State for Verification, Compliance and Implementation (G.W. Bush);

Michael M. Dunn, Lieutenant General, U.S.A.F. (ret.); President, National Defense University;

Eric Edelman, Under Secretary of Defense for Policy (G.W. Bush)

Douglas J. Feith, Under Secretary of Defense for Policy (G.W. Bush);

Fred C. Ikle, Under Secretary of Defense for Policy (Reagan); Director, Arms Control and Disarmament Agency (Ford);

Robert Joseph, Under Secretary of State for Arms Control and International Security (G.W. Bush);

Stephen Rademaker, Assistant Secretary of State for International Security and Nonproliferation (G.W. Bush);

Abram N. Shulsky, Director, Strategic Arms Control Policy, Office of Secretary of Defense; Secretary of Defense Representative to Defense and Space Talks (Reagan);

James Woolsey, Director, Central Intelligence Agency (Clinton).

#### EXHIBIT 2

##### JOINT UNDERSTANDING

The President of the United States of America and the President of the Russian Federation have decided on further reductions and limitations of their nations' strategic offensive arms and on concluding at an early date a new legally binding agreement to replace the current START Treaty, and directed that the new treaty contain, inter alia, the following elements:

1. A provision to the effect that each Party will reduce and limit its strategic offensive arms so that seven years after entry into force of the treaty and thereafter, the limits will be in the range of 500-1100 for strategic delivery vehicles, and in the range of 1500-1675 for their associated warheads.

The specific numbers to be recorded in the treaty for these limits will be agreed through further negotiations.

2. Provisions for calculating these limits.

3. Provisions on definitions, data exchanges, notifications, eliminations, inspections and verification procedures, as well as confidence building and transparency measures, as adapted, simplified, and made less costly, as appropriate, in comparison to the START Treaty.

4. A provision to the effect that each Party will determine for itself the composition and structure of its strategic offensive arms.

5. A provision on the interrelationship of strategic offensive and strategic defensive arms.

6. A provision on the impact of intercontinental ballistic missiles and submarine-launched ballistic missiles in a non-nuclear configuration on strategic stability.

7. A provision on basing strategic offensive arms exclusively on the national territory of each Party.

8. Establishment of an implementation body to resolve questions related to treaty implementation.

9. A provision to the effect that the treaty will not apply to existing patterns of cooperation in the area of strategic offensive arms between a Party and a third state.

10. A duration of the treaty of ten years, unless it is superseded before that time by a subsequent treaty on the reduction of strategic offensive arms.

The Presidents direct their negotiators to finish their work on the treaty at an early date so that they may sign and submit it for ratification in their respective countries.

Signed at Moscow, this sixth day of July, 2009, in duplicate, in the English and Russian languages.

FOR THE UNITED STATES OF AMERICA:

FOR THE RUSSIAN FEDERATION:

#### EXHIBIT 3

[From the Wall Street Journal, May 7, 2007]

##### BLAME AMERICA FIRST

(By Stephen Rademaker)

Two groups with diametrically opposed agendas have for years argued that the likes of Iran and North Korea will not be deterred in their quest for nuclear weapons so long as the U.S. and the other nuclear powers are ignoring their obligation under the Nuclear Nonproliferation Treaty (NPT) to give up

their nuclear arsenals. Apologists for the proliferators, who care not at all about nuclear disarmament, and arms control activists, to whom there is no higher priority than nuclear disarmament, have long agreed about this and little else.

Jimmy Carter spoke for the latter group when he wrote, in an op-ed in the Washington Post a while back, "The United States is the major culprit in this erosion of the NPT." The key to ending nuclear proliferation, according to Mr. Carter and the many others who share this point of view, is for the U.S. to demonstrate leadership by moving decisively to eliminate its nuclear weapons. This perspective is likely to be heard more frequently as international efforts to constrain the nuclear ambitions of Iran and North Korea appear to falter.

There are, however, two basic flaws in the suggestion that nuclear proliferation is rooted in U.S. nuclear policy. First, the reasons why Iran, North Korea and other would-be proliferators seek nuclear weapons have nothing to do with Washington's nuclear policy. Second, the claim that the U.S. is disregarding its legal obligations under the NPT does not withstand scrutiny.

To recognize that the motivations of today's nuclear proliferators have nothing to do with U.S. nuclear policy, it is necessary only to consider one question: Would Iran's Mahmoud Ahmadinejad or North Korea's Kim Jong Il be any less interested in having nuclear weapons if the U.S. gave up its nuclear weapons? In both cases, the answer is clearly no.

President Ahmadinejad, by his own statements, is bent on dominating the Middle East and destroying the state of Israel. Nuclear weapons afford a shortcut to the realization of these objectives and therefore the Iranian regime wants them. Whether or not the U.S. has nuclear weapons is irrelevant to this calculus. Mr. Ahmadinejad may occasionally find it a convenient talking point to draw comparisons with the nuclear programs of other countries, but there is little doubt his policy would be the same even in the absence of that talking point.

In the case of North Korea, the pursuit of nuclear weapons appears to stem from Kim Jong Il's hunger for prestige and power. All indications are that Kim would be even more interested in having nuclear weapons if he thought he could be the only leader on Earth to possess them.

Those who argue that the U.S. has disregarded its nuclear disarmament obligations under the NPT are quick to make categorical assertions about the treaty's requirements, but almost never quote the pertinent language of the NPT, for the simple reason that it provides no support for their claims. The key provision, Article VI of the treaty, consists of only one sentence: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control."

It is impossible to discern from this language a binding legal obligation on the U.S. and the other four nuclear-weapon states to give up nuclear weapons. The operative legal requirement is to "pursue negotiations in good faith on effective measures relating . . . to nuclear disarmament. . . ."

The U.S. has not only negotiated on such matters for more than three decades, but it has signed and implemented a series of arms control agreements beginning in 1972 that have ended the nuclear arms race and substantially reduced the U.S. nuclear inventory. When the latest arms control agreement with Russia expires in 2012, the U.S.

will have reduced by about 80% the number of strategic nuclear warheads deployed at the height of the Cold War.

Significantly, the obligations of Article VI apply not just to the five countries allowed by the treaty to have nuclear weapons, but to all parties to the NPT. Article VI clearly links the obligation to negotiate on nuclear disarmament with an obligation on the part of all NPT parties to negotiate “a Treaty on general and complete disarmament.”

The treaty also does not assume that nuclear disarmament must be a prerequisite to general and complete disarmament. To the contrary, one of the treaty’s introductory paragraphs spells out the expectation of the parties that actual “elimination from national arsenals of nuclear weapons” would take place not prior to, but “pursuant to a Treaty on general and complete disarmament.”

Those who in essence agree with the views of a Noam Chomsky that “The United States has led the way in refusal to abide by the Article VI obligations,” notwithstanding more than 30 years of nuclear arms control, need to explain why they are not similarly exercised by the failure of all other NPT states to satisfy their Article VI obligations. In particular, they need to explain why the U.S. must do more to comply with Article VI’s nuclear disarmament provisions, in the absence of even token steps by anyone else to comply with that Article’s general and complete disarmament requirements.

Because the language of Article VI does not actually say what proponents of nuclear disarmament want it to say, they have worked for decades to reinterpret it. They have, for example, promoted declarations by international conferences reformulating the requirements of Article VI, and then argued that these reformulations are legally binding on the U.S., without approval by the U.S. Senate. These efforts have succeeded to a remarkable degree, at least as measured by popular conceptions of the NPT’s nuclear-disarmament requirements.

And so the critics are not impressed that by 2012 the U.S. will have reduced its deployed strategic nuclear warheads by 80%. They will not be satisfied if the U.S. reduces by 99%. So long as there is one nuclear weapon remaining in the U.S. inventory, they will point to this as a root cause of nuclear proliferation.

Few serious students of nuclear strategy believe that the stockpiles of the nuclear weapon states can be reduced to zero in the foreseeable future. Fortunately our reliance on nuclear weapons has been declining, and the U.S. should continue to eliminate unnecessary nuclear weapons based on considered judgments about our national security requirements. But we should not base such decisions about our nuclear force structure on wishful thinking that we can earn the goodwill of nuclear proliferators and other critics whose agendas are advanced by blaming America for nuclear proliferation.

#### EXHIBIT 4

[From the Wall Street Journal, July 8, 2009]

#### ARMS CONTROL AMNESIA

(By Keith B. Payne)

Three hours after arriving at the Kremlin yesterday, President Barack Obama signed a preliminary agreement on a new nuclear arms-control treaty with Russian President Dmitry Medvedev. The agreement—a clear road map for a new strategic Arms Reduction Treaty (START)—commits the U.S. and Russia to cut their nuclear weapons to the lowest levels since the early years of the Cold War.

Mr. Obama praised the agreement as a step forward, away from the “suspicion and ri-

valry of the past,” while Mr. Medvedev hailed it as a “reasonable compromise.” In fact, given the range of force levels it permits, this agreement has the potential to compromise U.S. security—depending on what happens next.

In the first place, locking in specific reductions for U.S. forces prior to the conclusion of the ongoing Nuclear Posture Review is putting the cart before the horse. The Obama administration’s team at the Pentagon is currently examining U.S. strategic force requirements. Before specific limits are set on U.S. forces, it should complete the review. Strategic requirements should drive force numbers; arms-control numbers should not dictate strategy.

Second, the new agreement not only calls for reductions in the number of nuclear warheads (to between 1,500 and 1,675), but for cuts in the number of strategic force launchers. Under the 1991 START I Treaty, each side was limited to 1,600 launchers. Yesterday’s agreement calls for each side to be limited to between 500 and 1,100 launchers each.

According to open Russian sources, it was Russia that pushed for the lower limit of 500 launchers in negotiations. In the weeks leading up to this summit, it also has been openly stated that Moscow would like the number of deployed intercontinental ballistic missiles (ICBMs), submarine-launched missiles (SLBMs), and strategic bombers to be reduced “several times” below the current limit of 1,600. Moving toward very low numbers of launchers is a smart position for Russia, but not for the U.S.

Why? Because the number of deployed Russian strategic ICBMs, SLBMs, and bombers will drop dramatically simply as a result of their aging. In other words, a large number of Russian launchers will be removed from service with or without a new arms-control agreement.

The Obama administration will undoubtedly come under heavy pressure to move to the low end of the 500-1,100 limit on launchers in order to match Russian reductions. But it need not and should not do so. Based solely on open Russian sources, by 2017-2018 Russia will likely have fewer than half of the approximately 680 operational launchers it has today. With a gross domestic product less than that of California, Russia is confronting the dilemma of how to maintain parity with the U.S. while retiring its many aged strategic forces.

Mr. Medvedev’s solution is to negotiate, inviting the U.S. to make real cuts, while Russia eliminates nothing that it wouldn’t retire in any event.

This isn’t just my conclusion—it’s the conclusion of many Russian officials and commentators. Russian Gen. Nikolay Solovtsov, commander of the Strategic Missile Troops, was recently quoted by Moscow Interfax-AVN Online as saying that “not a single Russian launcher” with “remaining service life” will be withdrawn under a new agreement. Noted Russian journalist Pavel Felgengauer observed in *Novaya Gazeta* that Russian leaders “have demanded of the Americans unilateral concessions on all points, offering practically nothing in exchange.” Precisely.

Beyond the bad negotiating principle of giving up something for nothing, there will be serious downsides if the U.S. actually reduces its strategic launchers as much as Moscow wishes. The bipartisan Congressional Strategic Posture Commission—headed by former secretaries of defense William J. Perry and James R. Schlesinger—concluded that the U.S. could make reductions “if this were done while also preserving the resilience and survivability of U.S. forces.” Having very low numbers of launchers would make the U.S. more vulnerable to desta-

bilizing first-strike dangers, and would reduce or eliminate the U.S. ability to adapt its nuclear deterrent to an increasingly diverse set of post-Cold War nuclear and biological weapons threats.

Accepting low launcher numbers would also encourage placing more warheads on the remaining ICBMs—i.e., “MIRVing,” or adding multiple independently targeted warheads on a single missile. This is what the Russians openly say they are planning to do. Yet the U.S. has long sought to move away from MIRVed ICBMs as part of START, because heavy MIRVing can make each ICBM a more tempting target. One measure of U.S. success will be in resisting the Russian claim that severely reducing launcher numbers is somehow necessary and “stabilizing.” It would be neither.

Third, the new agreement appears to defer the matter of so-called tactical nuclear weapons. Russia has some 4,000 tactical nuclear weapons and many thousands more in reserve; U.S. officials have said that Russia has an astounding 10 to 1 numerical advantage. These weapons are of greatest concern with regard to the potential for nuclear war, and they should be our focus for arms reduction. The Perry-Schlesinger commission report identified Russian tactical nuclear weapons as an “urgent” problem. Yet at this point, they appear to be off the table.

The administration may hope to negotiate reductions in tactical nuclear weapons later. But Russia has rejected this in the past, and nothing seems to have changed. As Gen. Vladimir Dvorkin of the Russian Academy of Sciences said recently in Moscow Interfax-AVN Online, “A treaty on the limitation and reduction of tactical nuclear weapons looks absolutely unrealistic.” If the U.S. hopes to address this real problem, it must maintain negotiating leverage in the form of strategic launchers and weapons.

Fourth, Mr. Medvedev was quoted recently in RIA Novosti as saying that strategic reductions are possible only if the U.S. alleviates Russian concerns about “U.S. plans to create a global missile defense.” There will surely be domestic and international pressure on the U.S. to limit missile defense to facilitate Russian reductions under the new treaty. But the U.S. need for missile defense has little to do with Russia. And the value of missile defense could not be clearer given recent North Korean belligerence. The Russians are demanding this linkage, at least in part to kill our missile defense site in Europe intended to defend against Iranian missiles. Another measure of U.S. success will be to avoid such linkages.

In short, Russian leaders hope to control or eliminate many elements of U.S. military power in exchange for strategic force reductions they will have to make anyway. U.S. leaders should not agree to pay Russia many times over for essentially an empty box.

Finally, Russian violations of its existing arms-control commitments must be addressed along with any new commitments. According to an August 2005 State Department report, Russia has violated START verification and other arms-control commitments in multiple ways. One significant violation has even been discussed openly in Russian publications—the testing of the SS-27 ICBM with MIRVs in direct violation of START I.

President Obama should recall Winston Churchill’s warning: “Be careful above all things not to let go of the atomic weapon until you are sure and more than sure that other means of preserving peace are in your hands.” There is no need for the U.S. to accept Russian demands for missile-defense linkage, or deep reductions in the number of our ICBMs, SLBMs and bombers, to realize much lower numbers of Russian strategic

systems. There is also no basis for expecting Russian goodwill if we do so.

## EXHIBIT 5

DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY NUCLEAR WEAPONS COUNCIL,

Washington, DC, December 24, 2008.

Hon. THOMAS P. D'AGOSTINO,  
Administrator, National Nuclear Security Administration, Department of Energy, Washington, DC.

DEAR MR. D'AGOSTINO: The Department of Defense (DoD) and the National Nuclear Security Administration (NNSA), have joint responsibility to maintain a safe, secure, and reliable nuclear weapons stockpile and supporting infrastructure to provide the United States a credible nuclear deterrent. I understand that NNSA is implementing Records of Decision (RODs), in connection with the recently completed Supplemental Programmatic Environmental Impact Statement (SPEIS), regarding the future U.S. nuclear weapons complex. Our staffs have been working together to address the detailed issues associated with the SPEIS decisions, including specific requirements the nuclear weapons complex must achieve to enable stockpile and infrastructure transformation.

The U.S. nuclear deterrent continues to serve as the ultimate guarantor of U.S. security and our security commitments to allies. The required size and composition of the nuclear weapons stockpile is dependent on the global security environment and the ability to respond to unanticipated technical problems. We cannot know with certainty the future global security environment, nor can we predict the nature or extent of potential problems with warheads or delivery systems. These factors argue for a flexible nuclear weapons infrastructure capable of responding to future geopolitical or technical challenges.

To minimize stockpile size and reduce the likelihood that a return to underground nuclear testing will be needed in the future, DoD will require a warhead with modern safety, security, and use control features. In addition, DoD will continue to rely on life extension of legacy warheads and therefore requires an infrastructure capable of developing and producing these warheads. Of critical importance, and independent of future stockpile planning, our nuclear infrastructure must ensure that our future stockpile is:

**Safe and Secure:** To the degree feasible, refurbished or replacement warheads will incorporate enhanced safety features such as: insensitive high explosives, multipoint safety, meet all other safety-related Military Characteristics, and be protected against theft and sabotage including the possibility of unauthorized or accidental detonation.

**Reliable:** U.S. nuclear forces must be able to hold at risk those critical capabilities of our potential enemies that are defined by presidential guidance. Increased performance margins should be pursued in weapon refurbishment or replacement programs, ensuring with high confidence that our nuclear weapons are reliable and credible while reducing the likelihood of a return to underground nuclear testing.

**Adaptable:** The NNSA should employ, to the maximum extent possible in refurbished or replacement weapons, modular designs that are interoperable between multiple delivery platforms.

In light of these standards and the need to achieve and modernize a responsive nuclear infrastructure, the DoD recommends the NNSA RODs regarding the future of the nuclear weapons complex take into account the following:

Independent of the size of the future nuclear weapons stockpile, provide a plutonium research, development, and manufacturing capability that will ensure (1) continued ex-

cellence in plutonium research, (2) an ability to conduct surveillance of plutonium pits, and (3) a capacity to deliver newly manufactured pits with actual production rates determined by NNSA that, when coupled with full exercise of analytical chemistry and other quality control processes, will demonstrate key capabilities and meet stockpile requirements. As stated in the March 2008 "National Security and Nuclear Weapons in the 21st Century" paper signed by Secretaries Gates and Bodman, planned pit production facilities should be capable of providing an estimated maximum capacity of 50-80 pits per year. Near-term planning for pit manufacturing capacity should be executed in a way that does not foreclose appropriate adjustments in capacity if necessary in the future.

Provide an infrastructure to produce, with sufficient capacity, uranium and other components of nuclear warhead canned sub-assemblies, and to support surveillance and dismantlement activities.

Maintain the ability to produce tritium in quantities sufficient to support the stockpile.

Maintain the ability to conduct surveillance of all components of nuclear warheads so that potential reliability issues can be quickly identified, allowing responsive correction.

Provide sufficient capacity for warhead assembly and disassembly that takes into account upcoming warhead life extension programs, the potential introduction of replacement warheads with enhanced surety features, and the capability to address future and emerging requirements, while at the same time addressing the growing number of warheads slated for dismantlement resulting from recent stockpile reductions directed by the President.

Complete and sustain the research and development, scientific, computational and experimental facilities and capabilities, including warhead design, engineering and production skills needed to support the future stockpile.

Ensure a 24-36 month preparedness to conduct, as may be required, an underground nuclear test to help resolve a safety or technical problem in the stockpile.

As you implement the RODs regarding the future complex, I trust that you will fully consider these requirements and request that you update the Nuclear Weapons Council on progress at an upcoming meeting.

(For John J. Young, Jr., Chairman).

## EXHIBIT 6

BUREAU OF VERIFICATION AND COMPLIANCE,

Washington, DC, August 30, 2005.

ADHERENCE TO AND COMPLIANCE WITH ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS

B. THE STRATEGIC ARMS REDUCTION TREATY (START)

Belarus, Kazakhstan, Russia, and Ukraine are in compliance with the START strategic offensive arms (SOA) central limits. Both the United States and Russia met the START seven-year reduction final ceilings of 1,600 delivery vehicles and 6,000 attributed warheads by the December 4, 2001, deadline. By December 2001, these four Former Soviet Union (FSU) successor states had reduced their aggregate forces to 1,136 deployed launchers, 5,518 deployed warheads, and 4,894 deployed ballistic missile warheads, as defined by Article II of the Treaty, and all strategic weapons had been removed or eliminated from the territories of Ukraine, Belarus, and Kazakhstan. Additionally, START required the four FSU successor states to eliminate at least 154 heavy ICBM (SS-18)silo launchers by December 2001. In the original MOU, dated September 1, 1990,

the Soviet Union declared 308 SS-18 heavy ICBM silo launchers. As of November 30, 2001, a total of 158 SS-18 silo launchers had been eliminated—104 in Kazakhstan and 54 in Russia—leaving a total of 150 deployed heavy ICBMs.

Notwithstanding the overall success of START implementation, a significant number of longstanding compliance issues that have been raised in the START Treaty's Joint Compliance and Inspection Commission (JCIC) remain unresolved. The Parties continue to work through diplomatic channels and in the JCIC to ensure smooth implementation of the Treaty and effective resolution of compliance issues and questions.

The United States raised six new compliance issues during the period of this report. The United States considers four of these to have been closed. However, several previous—often long-standing—compliance issues remain unresolved. A number of these issues, some of which originated as early as the first year of Treaty implementation, highlight the different interpretations of the Parties about how to implement the complex inspection and verification provisions of the START Treaty.

## ICBM ISSUES

Inability to Confirm during Reentry Vehicle Inspections (RVOSIs) that the Number of Attributed ICBM Warheads Has Not Been Exceeded. During RVOSIs of deployed Russian ICBMs, U.S. inspectors have been hampered, in some cases, from ascertaining whether the missile had a front section, or that the front section contained no more reentry vehicles (RVs) than the number of warheads attributed to a missile of the declared type under the Treaty.

The purpose of an RVOSI, as set forth in paragraph 6 of Article XI of the Treaty, is to confirm that a ballistic missile contains no more RVs than the number of warheads attributed to a missile of that type.

The RVOSI procedures are referenced in paragraph 16 of Section IX of the Inspection Protocol and contained in Annex 3 to the Inspection Protocol. Paragraph 11 of Annex 3 allows the inspected Party to cover RVs. Inspectors have a right to view these covers and to measure hard covers prior to their placement on the RVs. The covers are then installed on the RVs before the inspectors view the front section. Under the Treaty, such covers must not hamper inspectors in ascertaining that the front section contains no more RVs than the number of warheads attributed to a missile of that type. Russian RV covers, in some instances, are too large; consequently, they fail to meet this requirement.

During certain RVOSIs, Russia did not demonstrate to the satisfaction of the U.S. inspection team that additional covered objects located on the front section, and declared by Russia not to be RVs, were not RVs. Although START does not differentiate between nuclear and non-nuclear RVs, Russia's willingness to use radiation detection equipment (RDE) during such RVOSIs to establish that the extra objects were not nuclear has been useful for resolving some, but not all, U.S. concerns.

FINDING. Russian RV covers, and their method of emplacement, have in some cases hampered U.S. inspectors from ascertaining that the front section of the missiles contains no more RVs than the number of warheads attributed to a missile of that type under the Treaty. Russian cooperation in the use of RDE and other measures has been helpful in addressing some, but not all, of the difficulties encountered by U.S. inspectors.

Russian Road-Mobile Launchers' "Break-in." Russia has failed to declare certain road-mobile launchers of ICBMs when they first leave their production facility, as required by the Treaty. Russia has moved some of these launchers to an undeclared "break-in" area located over 60 miles from the production facility without declaring that they have left the production facility and are accountable under the Treaty.

Pursuant to paragraph 6(b) of Article III of the Treaty, a mobile launcher of ICBMs becomes subject to the Treaty limitations when it first leaves a production facility. Not later than five days following the first exit of such a newly produced non-deployed road-mobile launcher, and its entry into Treaty accountability, Section I of the Notification Protocol requires the Party producing the new Treaty-accountable item to provide a notification of this change in data. Except for transits, Parties are proscribed from locating non-deployed mobile launchers outside the boundaries of the START-declared facilities identified in subparagraph 9(b) of Article IV of the Treaty.

**FINDING.** Russia continues to violate START provisions relevant to these obligations.

Deployed SS-25 Road-Mobile Launchers Based Outside Their Designated Restricted Areas. Russia based some deployed SS-25 road-mobile launchers outside their declared restricted areas (RAs) at two road-mobile ICBM bases while these RAs were under construction. The United States and Russia concluded a temporary, interim policy arrangement regarding the conduct of inspections and cooperative measures at the facilities where the launchers were housed during the period of construction. This arrangement permitted U.S. inspectors to conduct data update inspections and RVOSIs that they had not previously been able to perform, and allowed Russia to cooperate fully with providing cooperative measures access for the launchers that were previously unavailable. All of these road-mobile ICBMs and their launchers have since been transferred from their bases, and their declared RAs have been eliminated as START facilities.

**FINDING.** Notwithstanding the interim policy arrangement, Russia's practice of locating deployed SS-25 road-mobile launchers outside their declared RAs for long periods of time constituted basing in a manner that violated the provisions of paragraphs 1 and 9 of Article VI of the Treaty. This practice has ceased and the United States considers this issue closed.

Denial of the Right to Measure Certain Deployed ICBM Launch Canisters on Mobile Launchers. U.S. inspectors have been prevented from exercising the Treaty right to measure certain ICBM launch canisters on mobile launchers, both deployed and non-deployed, that are encountered during data update inspections to confirm data regarding the type of item of inspection. Russia, for instance, has prevented U.S. inspectors from measuring launch canisters for SS-24 ICBMs contained in rail-mobile launchers that are located within the boundaries of an inspection site. Similar concerns have arisen with regard to launch canisters for SS-25 and SS-27 mobile ICBMs located on road-mobile launchers. With regard to launch canisters for these latter types, Russia and the United States have agreed upon a policy arrangement to address this issue, though it has not yet been implemented for the SS-27 ICBM.

Subparagraph 20(a) of Section VI of the Inspection Protocol identifies ICBM launch canisters as one of the items of inspection for data update inspections. In accordance with the procedures in Annex 1 to the Inspection Protocol, inspectors have the right to confirm the number and, if applicable, the

types of items of inspection that are specified for the facility to be inspected and declared for the inspection site, and the right to confirm the absence of any other item of inspection at the inspection site. Pursuant to paragraph 6 of Annex 1, inspectors may view and measure the dimensions of a launch canister declared to contain an item of inspection to confirm it is of the declared type.

**FINDING.** Russia prevented U.S. inspectors from exercising their Treaty right to measure launch canisters for SS-24 ICBMs contained in rail-mobile launchers that are located within the boundaries of an inspection site, in contravention of paragraphs 1 and 6 of Annex 1 to the Inspection Protocol. With regard to launch canisters for SS-25 and SS-27 ICBMs located on road-mobile launchers, the Parties have agreed upon a policy arrangement to address this issue, but it has not yet been implemented for the SS-27 ICBM.

#### TELEMETRY ISSUES

As part of the START verification regime, the Parties are obligated to notify each other of missile flight tests and to exchange telemetry tapes, tape summaries, interpretive data, and acceleration profiles for each flight test of a START-accountable ICBM or SLBM. The United States has raised several concerns regarding Russia's failure to provide all Treaty-required telemetry materials for some START-accountable flight tests in violation of paragraphs 4 and 5 of Article X of the Treaty, and paragraph 1 of Section I and paragraphs 1 and 2 of Section II of the Telemetry Protocol.

**FINDING.** Russia has in some instances failed to comply with Treaty requirements regarding the provision of telemetry information on missile flight testing pursuant to Article X of the START Treaty and Sections I and II of the Telemetry Protocol.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Arizona for his courtesy. I enjoyed hearing his remarks. No Senator on either side of the aisle has been a more consistent spokesman on military preparedness than Senator KYL has been over the years. His concern about our nuclear stockpile is well known and very important. I hope all Americans will pay close attention to what he had to say.

I ask unanimous consent to speak for up to 20 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CHECKS AND BALANCES

Mr. ALEXANDER. Mr. President, our job in the Senate is to debate. We are said to be the greatest deliberative body in the world. The great conflicts in our country come here so that we can resolve them. After 6 months of President Obama's administration, Americans admire him, like him, like his family, and appreciate his seriousness of purpose. But Americans are beginning to see some significant differences of opinion between the kind of country the Democrats are imagining for our Nation and the kind of country Republicans and many independents are imagining. There is concern in Tennessee, as well as around the country, about the lack of checks and balances

on too much debt and too many Washington takeovers.

In terms of debt, we see the President's proposals for debt for the next 10 years are nearly three times as much as all of the money the United States spent in World War II. As far as Washington takeovers, it seems to be a weekly running reality show. First the banks; then the insurance companies; then the student loans; then the car companies even, according to recent legislation; your farm pond, according to some Federal legislation; and now maybe even health care.

But people have a right to say to us on this side of the aisle: What would you Republicans do? You can't just point with alarm—although that is part of our job. What would Republicans do?

I wanted to mention three areas where Republicans have a different opinion than the current administration and where we hope we might persuade the American people and many Democrats and even the President to join us on a different path for the country. The first has to do with the Government's ownership of General Motors. We want to give the stock back to the people who paid for it, the taxpayers. The second has to do with health care. We want to begin at the other end of the discussion. We want to start with the 250 million Americans who already have health care and make sure they can afford it. After we are through making sure of that, that they can afford their government, because they can't afford these trillion-dollar additions to health care we keep hearing about.

Third, on clean energy, we want clean energy as well as the President does. But we also want energy that Americans can afford. We know cheap energy is key to our economic success. We want jobs to be made. We want cars to be made in Michigan and Ohio and Tennessee and not Mexico or Japan. We have a plan for clean energy that is low cost, that will reduce utility bills and keep jobs here which would compare with the Waxman-Markey climate change bill passed by the House and headed our way.

I would like to talk about each of those three very briefly. First, General Motors. I congratulate the new GM for emerging from bankruptcy today. General Motors has meant a great deal to our country and a great deal to our State, Tennessee. When General Motors decided nearly 25 years ago to put the Saturn plant in Tennessee, we had very few auto jobs. Nissan had already made a decision to come to our State. That was a pioneering decision because most auto plants were in the Midwest. Today there are a dozen such auto plants, including the General Motors plant in Spring Hill. In Tennessee, instead of having a few auto jobs, a third of our manufacturing jobs are auto jobs.

So we are grateful to General Motors for its decision 24 years ago, and we