

the Rosebud Sioux Tribe is the highest in the world.

Last year, 16-year-old Dana Lee Jetty, a tribal member from the Spirit Lake Dakota Nation in North Dakota, who lost her 14-year-old sister to suicide spoke before the Senate Committee on Indian Affairs:

We need to make sure that our communities and our people know how to reach out for help if they need it and we need to make sure that the help is there when they ask.

We must take Ms. Jetty's words to heart and provide tribes with the resources they need to implement effective suicide prevention programs. It is critical to strengthen the social fabric to help improve mental health with effective and culturally sensitive prevention programs.

It is necessary to expand access to mental health services nationwide, including a focus on education, prevention and intervention. Furthermore, we need to acknowledge the obstacles that suicide survivors face during their grieving and encourage the involvement of survivors in healing activities and prevention programs. I believe with appropriate support and treatment, suicide survivors can lead effective advocacy efforts to reduce the incidence of suicide and find healing themselves.

The loss of so many lives to suicide is truly a crisis, and it is imperative to provide support for all those left behind. It is my hope that National Suicide Survivors Day will promote the broad based support that each survivor deserves and increase awareness of the need for greater efforts in addressing the root causes of suicide in Indian Country and throughout the Nation.

NEW START TREATY

Mr. BOND. Mr. President, I rise today to express my strong opposition to the administration's New START Treaty. I do so after great deliberation and after initial disposition to support the treaty because of the generic importance of these types of treaties for our Nation. But with what I have learned from classified intelligence information, I cannot in good conscience support this treaty. I have written a classified letter summarizing my views that is available to all members in Senate security; I urge them to read it, even as I try now with a few unclassified comments to explain my position.

When the administration announced this new treaty, we were told that its goal was to reduce strategic nuclear forces in a manner that would make America safer and enhance nuclear stability. That goal may be admirable, but unfortunately, the deal the administration has struck with Moscow falls well short. Consequently, I believe the administration's New START Treaty has been oversold and overhyped.

The first thing we must all understand about this treaty is that it forces the United States to reduce unilaterally our forces, such as missiles, bomb-

ers, and warheads, in order to meet treaty limits. On the other hand, the Russians will actually be allowed to increase their deployed forces because they currently fall below the treaty's limits. This raises a crucial question: exactly what does the United States gain from this treaty in exchange for a one-sided reduction in our deployed forces?

Defenders of this treaty have argued, first, that the treaty places no limits on America's plans for missile defense systems, and second, that our own military will have the flexibility to deploy our strategic forces, such as bombers, submarines, and missiles, in ways that best meet our security interests.

Unfortunately, these explanations simply do not stand up to scrutiny. The United States does not need a treaty with Russia, or any other country, to be free to pursue the missile defense system we need to keep America safe. The United States does not need a treaty to give us the flexibility to deploy our strategic forces as we wish.

Interestingly, the administration's justifications completely dismiss the unilateral statement Russia has made to this treaty that claims the right to withdraw if we expand our missile defenses. This Russian statement is pure and simple manipulation.

At some point down the road, our Nation will need to expand its missile defenses. Because of this unilateral statement, however, the reaction from some in the administration or in Congress will be to reject any expansion lest we upset the Russians and cause them to pull out of this new Treaty. The Russians surely are counting on this reaction. Yet in all the rhetoric in support of this treaty, I have not heard any reasonable explanation for why we would give Russia this lever to use against our legitimate and necessary right to defend ourselves against ballistic missile attack.

For several months, we have listened to the administration's claims that New START will make America more secure by strengthening nuclear stability. In the "Show Me" State, where I come from, and I suspect throughout the rest of the country, claims like this need to be backed up by facts. But if we cannot verify that the Russians are complying with each of the treaty's three central limits, then we have no way of knowing whether we are more secure or not.

The Select Committee on Intelligence has been looking at this issue closely over the past several months. As the vice chairman of this committee, I have reviewed the key intelligence on our ability to monitor this treaty and heard from our intelligence professionals. There is no doubt in my mind that the United States cannot reliably verify the treaty's 1,550 limit on deployed warheads.

As an initial hurdle, the ten annual warhead inspections allowed under the treaty permit us to sample only 2 to 3

percent of the total Russian force. Further, under New START, unlike its predecessor, any given missile can have any number of warheads loaded on it. So even if the Russians fully cooperated in every inspection, these inspections cannot provide conclusive evidence of whether the Russians are complying with the warhead limit.

Let's take an example: say that the United States found a missile that was loaded with more warheads than the Russians declared. While this would be a faulty and suspicious declaration by Russia, we could not necessarily infer from it that they had violated the 1,550 warhead limit—especially because the Russians could always make some excuse for a faulty declaration.

Compounding this verification gap is the current structure of the treaty's warhead limits which would allow Russia to prepare legally to add very large numbers of warheads to its forces in excess of the treaty's limit. For example, the Russians could deploy a missile with only one warhead, but legally flight-test it with six warheads to gain confidence in the increased capability—a practice they could not employ under the original START. The Russians could then store the five extra warheads for each such missile nearby, ready to mate them to the missile on a moment's notice. All of this would be legal.

Further, unlike START, this new treaty places no limit on the number of nondeployed missiles, so the Russians legally could store spare missiles to be mated with the spare warheads. This potential for Russia to "break-out" of the treaty in a short period of time—perhaps without adequate warning to the United States—may undermine the very nuclear stability this administration claims this treaty provides.

Arguably, it also means that, despite the opportunities to cheat, it may be even easier for Russia to circumvent legally the limits of this treaty. That does not sound to me like a great bargain for the United States.

Because the details on verification and breakout of this treaty are classified, I have prepared a full classified assessment that is available to any Senator for review. The key points, however, are not classified and I believe the Senate and the American public need to understand them fully.

Common sense suggests that the worse a treaty partner's arms control compliance record with existing and past treaties, the stronger verification must be for any new treaties. So, exactly what is Russia's record? According to the official State Department reports on arms control compliance, published by this administration and the previous administration, the Russians have previously violated, or are still violating, important provisions of most of the key arms control treaties to which they have been a party, including the original START, the Chemical Weapons Convention, the Biological Weapons Convention, the Conventional Forces in Europe Treaty, and

Open Skies. I recommend that my colleagues review the classified versions of these reports before any further Senate action is taken on this treaty.

Despite Russia's poor compliance record, the administration has decided that we will rely primarily on good Russian cooperation to verify New START's key 1,550 limit on deployed warheads. This brings to mind the famous adage: fool me once, shame on you; fool me twice, shame on me.

One of the persistent Russian arms control violations of the original START was its illegal obstruction of U.S. on-site inspections of warheads on certain types of missiles. The only reason these Russian violations did not prevent us from verifying START's warhead limits was because START limited the capability to deploy warheads through a "counting rule" that could be verified primarily with our own intelligence satellites. Unfortunately, New START has discarded this critical counting rule, designed to work hand-in-glove with our satellites, in favor of reliance on no more than ten sample inspections a year—again, just 2 to 3 percent of Russia's force.

The warhead limit in New START is calculated from the actual number of warheads loaded on a missile, and unlike START, this new treaty permits any missile to have any number of warheads loaded on it. But no satellite can tell us how many warheads are loaded on missiles. Therefore, if this treaty is ratified, we will have to rely primarily on on-site inspections to verify actual warhead loadings the very same kind of inspections that the Russians violated in START. If the Russians continue their poor compliance record and obstruct our warhead inspections under New START, the consequences will be much more serious and will substantially degrade verification.

The administration is surely aware of these verification and breakout problems as there is no shortage of verification gimmicks in this treaty. But not even all of them together permit us to verify reliably the treaty's warhead limit. So how have treaty enthusiasts responded to these problems?

First, they discard the military significance of possible Russian cheating. Our own State Department's verification assessment states that:

any Russian cheating under the Treaty would have little if any effect on the assured second-strike capabilities of U.S. strategic forces. In particular, the survivability and response capabilities of [U.S.] strategic submarines and heavy bombers would be unaffected by even large-scale cheating.

This is not exactly a ringing endorsement. I think it is pretty clear that a large-scale breakout would have a seismic impact from a geopolitical perspective. It would escalate tensions between the superpowers and lead to extreme strategic instability. Even more fundamentally, the State Department statement raises a pivotal question: If no level of Russian cheating under New START is deemed militarily signifi-

cant, then what is the value of this treaty in the first place?

Second, treaty proponents attempt to draw a parallel to the "Moscow" arms control treaty, signed by President Bush and approved 95-0 by the Senate. They argue that this treaty has the same kind of warhead verification difficulties as New START, therefore critics of New START are applying a double-standard. This argument fails on two counts: the first being that the Moscow arms control treaty was placed on top of the verification measures already in effect for START; and second, that the United States had decided unilaterally to move to the limits imposed in the Moscow treaty, whether or not Russia reduced to them. This is simply not the case for New START. Clearly, the two treaties are not comparable from a verification standpoint.

The administration also argues that our ability to monitor Russian forces will be greater with the new treaty than without it. As a general proposition, this is true. In actuality, however, the extent of the treaty's monitoring benefits could be insignificant or only modest in some important respects. This disparity between generalization and reality is explained more in my classified paper.

The bottom line is this: if the chief benefit of this treaty is that we will know more about what Russia is doing with its nuclear forces, then the same benefit could have been achieved with a much more modest confidence-building protocol, one which would not require unilateral U.S. force reductions, give Russia a vote on our missile defenses, or present impossible verification problems.

The administration claims that New START is indispensable to reap the "Reset" benefits with Russia. If a fatally flawed arms control agreement is the price of admission to the Reset game, our Nation is better off if we this one out.

Similarly, any suggestion by treaty advocates that rejecting the treaty weakens the "good" Russian leader, Medvedev, and strengthens the "bad" Russian leader, Putin, should be met with healthy skepticism. Now is not the time to fall for a "good cop—bad cop" act from Moscow.

In many cases, concerns about particular treaties can be solved during the ratification process. I respect my colleagues who are attempting to do so with this treaty. Unfortunately, New START suffers from fundamental flaws that no amount of tinkering around the edges can fix. I believe the better course for our nation, and for global stability, is to put this treaty aside and replace it with a better one.

The United States needs, and we in the Senate should demand, a treaty that can be reliably verified by our own intelligence assets without relying on Russia's good graces, not one that requires unilateral reductions or gives Russia a vote on our strategic defenses. I urge my colleagues to reject anything

less and to take a strong stand for America's defense and America's future.

RESTORE ONLINE SHOPPERS' CONFIDENCE ACT

• Mrs. HUTCHISON. Mr. President, I wish to engage my colleague Senator ROCKEFELLER in a colloquy. There have been some questions raised about how S. 3386, the Restore Online Shoppers' Confidence Act, affects a company that sells its business entirely or enters into a deal with another company to "step into the first company's shoes" and provide the products or services to consumers that were previously provided by the first company. I would ask the chairman to explain the intent of the legislation.

Mr. ROCKEFELLER. This legislation is not intended to limit a company's ability to provide its customers with a seamless transition when a company sells its assets or arranges to have a new entity provide the products and services it previously provided to its customers.

Mrs. HUTCHISON. I thank the Senator. Questions have also been raised about how this bill would affect an online company that bills its customers monthly for an ongoing service and decides to enter into a deal with another company to provide the backend billing and other services to those same customers. What is the intent of the legislation?

Mr. ROCKEFELLER. The bill would not consider the company providing backend billing and other services for the initial merchant to be a posttransaction third party seller. Therefore, the provisions of the bill governing post-transaction third party sellers would not apply.

This legislation is intended to prevent the kind of fraudulent transactions the Commerce Committee exposed in its recent investigation—where a consumer intentionally purchases products or services from one company and ends up unknowingly purchasing products or services from a different, unrelated company. As we have discussed, this bill is not intended to prevent a company from making a business deal that would provide continuity of service to its customers by entering into a business arrangement that gives another company the right to deliver products and services intentionally purchased by consumers and to bill for those products and services.

Mrs. HUTCHISON. I thank the Senator for those clarifications. •

THEOLOGICAL SCHOOL OF HALKI

Mr. CARDIN. Mr. President, a year ago this month I was privileged to again meet with the Ecumenical Patriarch, Bartholomew I. His impassioned call for support for the reopening of the Theological School of Halki promoted