

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to speak for 15 minutes prior to the vote.

Mr. LOTT. Reserving the right to object, Mr. President, I note we do have some approximately 3 hours of time remaining on the treaty itself. We intend to yield back 54 minutes of our time so there will be an exact equal amount of time available to both sides. I believe that would be the appropriate time to have debate on this treaty, on its merits or on how to proceed.

Therefore, with great respect, I would object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

COMPREHENSIVE NUCLEAR TEST-BAN TREATY—Resumed

Mr. LOTT. Mr. President, I yield back all time under our control with the exception of 54 minutes, which would then put both sides with an equal amount of time.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from West Virginia.

Mr. BYRD. Mr. President, may I have the attention of the majority leader.

Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I say what I am about to say without rancor. I hope I can.

I have been in this body now 41 years at the end of this year. I was majority leader for 4 years, then minority leader for 6 years, and then majority leader for 2 more years.

Mr. President, as majority leader, and as minority leader, I never once objected to a Senator's request to speak for a few minutes—15 minutes in my case today—nor do I ever expect to object to another Senator's request to speak. My request was for only a short amount of time. The distinguished majority leader objected. He has a perfect right to object. I don't question his right to object. But, Mr. President, I think we have come to a very poor pass in this Senate when Senators can't stand to hear a Senator speak for 15 minutes. Our forefathers died for the right of freedom of speech. I may not agree with what another Senator says, but, as someone else has said, I will defend to the death his right to say it.

Mr. Leader, I very much regret that you objected to my request to speak for 15 minutes. I don't get in your way in the Senate often.

Mr. President, I want to adhere to the rules. I don't get in the distinguished majority leader's way very often. He doesn't find me objecting to his requests. I know he has great responsibilities as the majority leader of the Senate. He has a heavy burden. Having borne that burden, having borne those responsibilities, I try to act as I should act in my place and let the two leaders run the Senate. I don't cause the majority leader much trouble here. He will have to say that. He will have to admit that. I don't get in his hair. I don't cause him problems. But, Mr. President, when a Senator, the senior Senator of the minority asks to speak for 15 minutes, I think it has to be offensive, not only to this Senator but to other Senators.

I would never object, Mr. Majority Leader, to a request from your side. Suppose STROM THURMOND had stood to his feet. He is the senior Member of this body. I think there has to be some comity. I think it comes with poor grace to object to a senior Member of the Senate who wishes to speak before a critical vote.

Now, the majority leader said in his opinion, or something to that effect, that I could speak after the motion had been decided upon, and there would be time allowed under the order, and there would be time then to make a speech. That was his opinion.

In this Senator's opinion, this Senator felt that it was important for this

Senator to speak at that time. Not that I would have changed any votes, but I think I had the right to speak. What is the majority leader afraid of? What is the majority leader afraid of?

Mr. LOTT. Will the Senator yield?

Mr. BYRD. I will yield in a moment. I will accord the Senator that courtesy.

Mr. President, what is the majority leader afraid of? Is he afraid to hear an expression of opinion that may differ from his? As majority leader, I never did that. When I was majority leader, I sought to protect the rights of the minority. That is one of the great functions of this Senate, one of its reasons for being. I would defend to the death the right of any Senator in this body to speak. Fifteen minutes? Consider the time we have spent. We haven't spent a great deal of time on this treaty. I regret very much the majority leader saw fit to object to my request to speak.

Now, I am glad to yield to the distinguished majority leader. Mr. President, I ask that my rights to the floor be protected. I am not yielding the floor now.

Mr. LOTT. Mr. President, will the Senator yield to me to respond?

Mr. BYRD. Yes.

Mr. LOTT. Let me begin by saying the same thing Senator BYRD said at the beginning of his remarks. I respond without any sense of rancor. I know that sometimes in the Senate we get very intent and very passionate about issues. I know this issue is one we all are very concerned about, and passions do run high, as they should, because we have very strongly held opinions. Thank goodness, though, we still are able to do as we did last night, retire to another building and enjoy each other's friendship and company, and then we return to the issues at hand. We debate them mightily, with due respect and without rancor.

As far as the amount of time that has been spent on debate on this treaty, I went back and checked recent treaties. In fact, the only one that took as much time on the floor of the Senate as this treaty in recent history was the chemical weapons treaty, in which, I remind the Senator, I was also involved. Usually treaties are debated a day or two, 6 hours or 12 hours. I think this one is going to wind up being about 15 or 16 hours. I think we have had time to have the debate that was necessary on this issue. After all, it has been pending in various ways for at least 2 years, and the treaty was actually signed, I think, way back in 1995, if I recall correctly.

I understand what Senator BYRD is saying. I, too, have been around awhile. I know only Senator THURMOND can match your record. But I have been in Congress 27 years myself. I served in the House 16 years, where I was chairman of the Research Committee. I served 8 years as the whip of my party in the House. I have been in the Senate since 1989, where I served as secretary

of the conference, the whip, and leader. I understand the importance of the differences between the two bodies and the precedents and the tradition and the comity and the respect for each other. I have a great deal of respect and love for this institution and, in fact, for the Senator from West Virginia.

Having said all of that, this was a motion, a request. I made a motion to go back to the Executive Calendar, a nondebatable motion. Then there was a request in effect to have debate. It wasn't as if there wouldn't be debate on the substance of the treaty. There are almost 3 hours of time remaining on the treaty. But in that extra effort to be fair, so the closing debate would be equal, we have already yielded back 54 minutes so there would be 2 hours approximately on each side.

I want to make sure Senators have a chance to be heard and that their voices are not muted. Yours will not be, under the time we have left. But in that case, I thought the time would have delayed getting to a conclusion on this very important matter. It was a nondebatable motion, and we had time left for debate. I believed it was the correct thing to do. I regret the Senator feels strongly to the contrary.

I recognize that he has been not only not an impediment to my trying to do my job but quite often has been helpful. I appreciate that. I am sorry he feels that way.

I knew he was going to make the motion. I knew there was going to be an effort to have extended debate on a nondebatable motion to go back to a treaty, which I had, frankly, made a mistake, probably, in interrupting it to go to the Agriculture appropriations conference report. I did it because we need to get to these appropriations bills, as the Senator knows.

Majority leaders have to balance time schedules and views of Senators and different bills, appropriations bills, the desire to get to campaign finance reform. I gave my word to more than one Senator that we would begin today on campaign finance reform. I am still determined to keep that commitment. But if it is 8 or 9, they will say: Well, you didn't keep your word. It is too late. All of that came into play.

I assure you, I would want Senator BYRD's voice to be heard, Senator DASCHLE's, on any nondebatable motion and on this treaty. I am sure the time will come when I will stand up. In fact, I remember one occasion—Senator DODD will remember this because he came to me and said: I appreciate your doing that—when there was an effort to cut you off. I stood up and said no. I asked unanimous consent that the Senator have that time. I stood up when I thought it was unfair. This time, on a nondebatable motion to go back to the Executive Calendar, I thought it was unfair, in fact, to have an extended debate on that.

I appreciate your giving me a chance to respond. I hope we can work through

this. We will get to a final vote. Sometimes we come up with agreements that allow things to go to another day. Sometimes we strive mightily and we can't reach that. And sometimes you just have to fulfill your constitutional responsibility and you just vote.

Mr. DASCHLE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. LOTT. Mr. President, I ask unanimous consent that my time be taken out of our side and not yours.

Mr. DASCHLE. Mr. President, reserving the right to object. I ask unanimous consent that, since neither of the statements made by the Senators relates directly to the treaty, none of the time be taken out of the limited time remaining for debate on the treaty.

Mr. LOTT. Mr. President, I will not object.

I reiterate that we need to get to a conclusion on the debate and have the vote on this issue, so we can move to campaign finance reform, as I committed to Senator McCAIN, within a reasonable hour tonight. But I will not object.

Also, I yield the floor because I don't want to eat up any more time in the late afternoon.

Mr. BYRD. The Senator doesn't have the floor to yield.

Mr. LOTT. I yield as far as my comments are concerned back to the Senator who has the time.

The PRESIDING OFFICER. Without objection, the time will be reasserted to its original agreed period for each side.

Mr. BYRD. If the distinguished majority leader will listen, I want his attention. I don't want to say anything behind his back. He might be offended. I want him to hear what I say and be able to respond to it.

Mr. President, the distinguished majority leader spoke about how long he served in the House. That had nothing to do with my request for 15 minutes. I served in the Senate 30 years before the distinguished majority leader ever got to the Senate. Two-thirds of the Members of this Senate have never served with me when I was majority leader in this Senate. Two-thirds. I am not interested in what the rules of the House are. I served over there.

I am interested in free speech, freedom of speech. May I say, in response to the distinguished majority leader, I know what the rules are. I know that the motion to return to executive session is not debatable. I know that very well. Mr. President, the distinguished majority leader alluded to an extension of debate on this treaty—something to the effect that he had heard there were going to be efforts to extend that debate. I am not one of those. I wasn't part of that, and I never heard of it. So help me God, I had no desire to extend the debate. I wanted to say something about that motion, not just about the treaty. I wanted to speak before the motion. I was denied that right—not

that I would have changed any votes, but it is my right as a Senator.

There is too much of what the House does that we don't need to do in this Senate. I am afraid that too many Senators feel that we need to be like the House. This Senate exists for the protection of the minority, for one thing. It also exists to allow Members to speak freely and to their heart's content. I understand unanimous consent agreements. I have probably gotten more unanimous consent agreements than any other majority leader that ever was a part of this Senate. I walked in the Senator's shoes. I walked in the majority leader's shoes. But never—never—would I object to a Senator asking for 15 minutes to speak on a motion, notwithstanding the fact that the rules preclude debate. That is why unanimous consents have to be made. You have to get unanimous consent to speak in a situation like that. I was denied that.

Mr. President, this Senate needs to remember that we operate here by courtesy. We have to be courteous to one another. We have to remember that we work together for the country, we work for the Senate; and it is going to take cooperation and understanding. I try to be a gentleman to every Senator in this body. I don't think there is any Senator who can say I have not been a gentleman to him in my dealings with him or her. The Senate is for two main purposes: there are two things that make the Senate different from any other upper body in the world—the right to amend, which this side is often denied, and which I never denied. If there were 50, 60, or 70 amendments, I said find out from both sides how many Senators wanted to offer amendments and then we will try to get consent that there be no other amendments, and vote. So there is the right to amend and the right to speak—freedom of speech. As long as Senators may stand on their feet and speak as long as they wish, the liberties of the American people will be assured.

Mr. Leader, I will not carry this. I have said my piece today. I am offended by what the majority leader did, but I am going to forgive him. I am. I don't live with yesterday regarding relations in this Senate. I think too much of the Senate. That is why I am running again; I think too much of the Senate. I could retire and receive \$21,500 more annually in my retirement than I will earn as a Senator. Besides, I could be free to take another job. But it isn't money that I seek; it isn't wealth that I seek. I love this Senate. I am a traditionalist. I live by the traditions of the Senate. I try to live by the rules of the Senate. I try to remember that if I offend a Senator today, he may be the very Senator who will help me tomorrow. I try to remember that. I try to make that a practice.

The majority leader made a mistake, if I may respectfully say so. But I will not hold that against him. I will shake

his hand when this is over, because first, last, and always I try to be a man, one who can look in the eye of my fellow man and, if I have done him wrong, I want to apologize to him before the Sun sets. That is my creed. We need to have better comity than we are having in the Senate—not that I will be a problem. But the American people are watching. They see this. And the majority leader has the votes. He doesn't have to be afraid of a motion the minority might make. He doesn't have to care what the minority may say. Nobody needs to be afraid of an opinion I might express before a vote. And no time is saved by it, as we now see. No time is saved. (Laughter)

If I had any real ill will in my heart, I would take the rest of the afternoon to speak, and maybe more. But I thank the majority leader for his kindness to me in the past. I understand his problems. I don't want to get in his way. I have said things behind his back that were good. I have talked about the attributes of this leader behind his back. And anything I say today, that is all; I am getting it off of my heart. The majority leader, I think, will contemplate what has been done here today and, in the long run—if I may offer a little bit of wisdom that I possess from my 41 years of experience in this body—he will be just a little less relentless in his drive to have the majority's will uncontested.

Remember, there will come a day when he will need the help of the minority. The minority has been right in history on a few occasions and may be right again. The day may come when the minority in the Senate of today will be the majority of tomorrow. If I am still living and in this Senate at that time, I will stand up for the rights of the minority because that is one of the main functions of the Senate.

Mr. President, I yield to the distinguished majority leader if he wishes to respond to anything I said.

Mr. LOTT. Mr. President, I thank the Senator for the offer to yield. I think I have said enough. I appreciate what he has had to say. I appreciate the fact that he has said his piece and we will move on about our business. That is my attitude, too.

Mr. DASCHLE. Mr. President, could the Chair clarify as to the amount of time remaining on both sides?

The PRESIDING OFFICER. There are 45 minutes 41 seconds on the Senator's side, and 54 minutes on the Republican side.

Mr. DASCHLE. The Democratic side has 45 minutes remaining?

The PRESIDING OFFICER. Forty-five minutes 41 seconds.

Mr. BIDEN. Mr. President, parliamentary inquiry: Was that what we had prior to the motion to go back into executive session?

The PRESIDING OFFICER. No. The clock was reset. It was timed according to the original agreement, the original time the Democratic leader had been allotted.

Mr. BIDEN. Parliamentary inquiry: I thought it was 54 minutes.

The PRESIDING OFFICER. Fifty-four minutes, and then the Senator from West Virginia spoke again, and that time was deducted.

Mr. BIDEN. I ask unanimous consent that the whole colloquy—all of what took place—not go against the time of either side because I thought that was the request the minority leader made. I hope we can do that. We have a number of Senators wishing to speak. It is only 54 minutes on each side. I would appreciate it if there would not be an objection to that unanimous consent request. The clock started, 54 minutes per side; ready, get set, go.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I object.

Mr. BIDEN. I thank my friend. I thank him for the courtesy.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. DASCHLE. Mr. President, I am going to use my leader time. I understand I don't have to use a unanimous consent request to obtain the 20 minutes available to me. I will not use the full 20 minutes.

My colleagues are going to rise to speak to the treaty itself. Up until now, I have refrained from talking about the deliberations themselves, but I think for the RECORD it is important for us to state how it is we got here.

We just cast a vote of profound consequence. The choice that vote presented the Senate this afternoon was quite simple. It was a choice between statesmanship or partisanship.

This was not just a procedural motion. Let's begin with that understanding. The motion that just passed on a party line vote was a vote to kill the test ban treaty. What is all the more important—and people should understand—was that there was no requirement that we cast this vote. This vote was not necessary. We did not have to go to executive session. We could have precluded that vote. Nothing on the Executive Calendar would have been affected adversely by allowing the treaty to stay on the Executive Calendar.

So everyone ought to understand that. This was a voluntary choice made by the majority leader.

That is the first point.

The second point relates to how it is we got here.

This treaty was submitted, as has been repeatedly stated in the RECORD, on September 22, 1997. Ever since that time, my colleagues on this side of the aisle have requested that there be hearings, that there be some thorough consideration of this very important matter.

A number of other countries have already made the decision we were asking this body to make. One-hundred and fifty have signed it. Fifty-one countries have voted already to ratify it.

We were asking that there be hearings.

I don't know where the majority leader got his information about the length of time this treaty has been debated versus all the other treaties. It is interesting. I will submit for the RECORD all of the treaties and the consideration given them since 1972.

But just quickly to summarize, it is important to note that the Intermediate Nuclear Force Treaty took 23 days of committee hearings and 9 days of floor consideration.

The START I treaty took 19 days of hearings and 5 days of floor consideration.

The Antiballistic Missile Treaty, approved in 1972, took 8 days of hearings and 18 days—more than half a month—of consideration on the Senate floor.

Mr. President, we have had a couple of days on this particular issue. I ask unanimous consent that the entire list of treaties and the amount of time given them on the floor and in committee be printed in the RECORD.

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

SENATE CONSIDERATION OF MAJOR ARMS CONTROL AND SECURITY TREATIES—1972-1999

Anti-Ballistic Missile Treaty/SALT I (approved 1972):

Eight days of Foreign Relations Committee hearings;

Eighteen days of Senate floor consideration.

Intermediate Nuclear Forces (INF) Treaty (1988):

Twenty-three days of Foreign Relations Committee hearings;

Nine days of Senate floor consideration.

Conventional Forces in Europe (CFE) Treaty (1991):

Five days of Foreign Relations Committee hearings;

Two days of Senate floor consideration.

START I Treaty (1992):

Nineteen days of Foreign Relations Committee hearings;

Five days of Senate floor consideration.

START II Treaty (1996):

Eight days of Foreign Relations Committee hearings;

Three days of Senate floor consideration.

Chemical Weapons Convention (1997):

Fourteen days of Foreign Relations Committee hearings;

Three days of floor consideration.

NATO Enlargement (1998):

Seven days of Foreign Relations Committee hearings;

Eight days of floor consideration.

Comprehensive Test Ban Treaty (submitted 1997):

One day of Foreign Relations Committee hearings (scheduled).

Mr. DASCHLE. Mr. President, what Democrats sought, very simply, was complete consideration in all the committees for whatever time it may have taken to ensure we have established the kind of record we established on all the other treaties before we voted on them. That is what we asked. That is what we sought in our letter to the Majority Leader.

The Republicans' response was cynical. They proposed we limit debate to 14 hours, that there be one amendment on a side, and that no time be given to

proper hearings. They left us as Democrats the choice: Filibuster the treaty on which we have called for consideration, or accept a unanimous consent agreement.

There was one reason that Republicans forced this choice—one reason, and one reason only. It was a partisan attempt to embarrass the President and embarrass Democrats. That was the reason.

So it is now clear, based upon a letter being circulated by Senator WARNER and others, that the President should delay consideration of this treaty. Over 51 Senators have now signed a letter circulated by Senators MOYNIHAN and WARNER. Nearly 60 Senators—a majority—have now said we ought to postpone consideration of this treaty.

In fact, based upon this clear belief on the part of a majority of my colleagues on both sides of the aisle, I encouraged the President to submit a statement asking the Senate to delay the vote. He did. A couple of days ago, he made a formal request that the Senate delay consideration of this treaty until a later date to allow ample consideration of all the questions raised and the tremendous opportunities presented by this treaty.

The Joint Chiefs of Staff have made similar requests. The Secretary of Defense, the Secretary of State, former Secretaries of Defense, former Chairs of the Joint Chiefs of Staff have all recommended publicly and privately that this treaty consideration be delayed.

I added to the voice yesterday. I submitted a letter to the majority leader wherein I was willing personally to commit to hold over on a final vote for the rest of this Congress, barring any unforeseen and extraordinary circumstances as defined by myself and the Majority Leader. We may have seen an example just yesterday of just such a circumstance. What happens in Pakistan, what happens in India, what happens in North Korea, what happens in the Middle East, what happens in Iraq and Iran, what happens in an awful lot of those countries could have a profound effect on the decisions made in the Senate over the course of the next 14 months.

Yet it was the view expressed by some in the majority, and now apparently all in the majority, that even in the most extraordinary circumstances, the Senate will not take up this treaty. Now we are left with nothing more than an up-or-down vote on the treaty itself.

Now I have heard the latest rumor. In the last couple of hours, we are told that it is article 18 of the Vienna Convention that requires us to act. Mr. President, nothing could be farther from the truth—nothing. Nothing in article 18 requires us to vote. The obligations of a signatory have already attached to the United States and will continue to do so until the President, only the President, makes clear the United States' intent not to become a party.

The Senate will not change this by voting the treaty down or suspending its consideration today. So don't let anyone mislead this body about the ramifications of article 18.

We find ourselves now at the end of this debate with the recognition on the part of Members in our caucus that, of all of our solemn constitutional responsibilities, there cannot be one of greater import than the consideration of a treaty. And, remarkably, incredibly, no constitutional obligation has been treated so cavalierly, so casually, as this treaty on this day. This is a terrible, terrible mistake. If it's true that politics should stop at the water's edge, it is also true that politics should stop at the door to this chamber when we are considering matters of such grave import.

I urge those colleagues who have yet to make up their minds about this treaty to do the right thing; to support it, to recognize the profound ramifications of failure, to pass it today.

I yield the floor.

Mr. DORGAN. Will the Senator yield?

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

Mr. DORGAN. Mr. President, I think there was a misunderstanding regarding the previous unanimous consent request.

My understanding is the Senator from South Dakota asked unanimous consent that the presentation by Senator BYRD and the discussion between Senator BYRD and the majority leader not come out of the allocated time. I think each side had 54 minutes remaining. The Chair indicated Senator BYRD spoke twice. Senator BYRD was recognized once and did not relinquish the floor. I am not suggesting there was anything deliberate, but I think there was a misunderstanding with respect to the time that should exist. I think this side should have had 54 minutes based on the unanimous consent request made by the Senator from South Dakota.

Mr. DASCHLE. Mr. President, I also thought we had reached a unanimous consent understanding that there would not be time taken off either side for the colloquy that Senators BYRD and LOTT encountered.

As I understand it, the Chair ruled that the time up until the point that I made the unanimous consent request was not going to be taken from either side, but the remaining time was counted against us. I was making the assumption that the entire colloquy would be left outside our timeframe, and I again make that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I don't object, but I ask the Senator to withhold because I think we have a solution to it that will be satisfactory to both sides.

Mr. DASCHLE. I will withhold the unanimous consent request and look forward to that discussion.

I yield the floor.

Mr. HELMS. Mr. President, what is the existing time now—post the minority leader's request?

The PRESIDING OFFICER. The Senator from North Carolina has 54 minutes and there are 48 minutes 41 seconds on the other side.

Mr. HELMS. The proposal I make is that I yield back all time under our control with the exception of 45 minutes. This action again makes the time remaining exactly equal on both sides, or at least I hope it does.

The PRESIDING OFFICER. The Senator has that right. Is there objection?

Mr. DORGAN. Reserving the right to object.

Mr. DASCHLE. Reserving the right to object, if that is the Senator's solution, I am disappointed. We have a number of Senators who have not yet had the opportunity to speak. As it is, it is going to be very difficult to divide what remaining time there is.

I renew the unanimous consent request that we be given the 54 minutes that we understood we were entitled to when I made the first unanimous consent request.

Mr. HELMS. Reserving the right to object.

Mr. INHOFE. Reserving the right to object.

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, what is the time the minority leader has under his proposal?

The PRESIDING OFFICER. The minority has 48 minutes.

Mr. HELMS. We have a 3-minute difference; is that correct?

Mr. DASCHLE. Six minutes.

Mr. HELMS. The Chair says 48 minutes.

Mr. DASCHLE. I am asking for the 54 minutes the Senate was originally allotting either side when this debate began.

Mr. HELMS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HELMS. I yield back all time under the control with the exception of 45 minutes. This action, again, makes the time remaining equal on both sides.

The PRESIDING OFFICER. The Senator has that right.

Mr. HELMS. If they want to object to that, let them try.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I am going to ask speakers on both sides to have no conversation because we have very little time. I say to the Senators on my side, we are limiting ourselves as far as it will go to 5 minutes per Senator.

I ask unanimous consent to have printed in the RECORD a letter from the distinguished former Secretary of State, Henry Kissinger.

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

OCTOBER 13, 1999.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, I—together with former National Security Adviser Brent Scowcroft and former CIA Director and Deputy Secretary of Defense John Deutch—had recommended in a letter dated October 5th to Senators Lott and Daschle and in an op-ed in the October 6th Washington Post that a vote on ratification of the Comprehensive Nuclear Test Ban Treaty be postponed to permit a further discussion and clarification of the issues now too controversial. This having proved unachievable, I am obliged to state my position.

As a former Secretary of State, I find the prospect that a major treaty might fail to be ratified extremely painful. But the subject of this treaty concerns the future security of the United States and involves risks that make it impossible for me to recommend voting for the treaty as it now stands.

My concerns are as follows:

IMPORTANCE OF NUCLEAR WEAPONS

For the entire postwar period, the American nuclear arsenal has been America's ultimate shield and that of our allies. Though we no longer face the same massive threat that we did during the Cold War, new dangers have arisen. Our nuclear arsenal is our principal deterrent to the possible use of biological and chemical warfare against America, our military, and our allies.

VERIFICATION

Almost all experts agree that nuclear tests below some yield threshold remain unverifiable and that this threshold can be raised by technical means. It seems to me highly dangerous to leave such a vacuum regarding a matter fundamentally affecting the security of the United States. And the fact that this treaty is of indefinite duration compounds the problem. The CIA's concerns about recent ambiguous activities by Russia, as reported in the media, illustrate difficulties that will only be compounded by the passage of time.

Supporters of the treaty argue that, because of their small yield, these tests cannot be significant and that the treaty would therefore "lock in" our advantages vis-a-vis other nuclear powers and aspirants. I do not know how they can be so sure of this in an age of rapidly exploding technology and whether, on the contrary, this may not work to the advantage of nations seeking to close this gap. After all, victory in the Cold War was achieved in part because we kept increasing, and not freezing, our technological edge.

NUCLEAR STOCKPILE

I am not a technical expert on such issues as proof testing, aging of nuclear material, and reworking existing warheads. But I find it impossible to ignore the concern about the treaty expressed by six former Secretaries of Defense and several former CIA Directors and National Security Advisers. I am aware that experts from the weapons laboratories have argued that there are ingenious ways to mitigate these concerns. On the other hand, there is a difference between the opinion of experts from laboratories and policymakers' confidence in the reliability of these weapons as our existing stockpile ages. When national security is involved, one should not proceed in the face of such doubts.

SANCTIONS

Another fundamental problem is the weakness of the enforcement mechanism. In theory, we have a right to abrogate the treaty when the "supreme national survival" is involved. But this option is more theoretical than practical. In a bilateral treaty, the re-

luctance to resort to abrogation is powerful enough; in a multilateral treaty of indefinite duration, this reluctance would be even more acute. It is not clear how we would respond to a set of violations by an individual country or, indeed, what response would be meaningful or whether, say, an Iranian test could be said to threaten the supreme national survival.

NON-PROLIFERATION

I am not persuaded that the proposed treaty would inhibit nuclear proliferation. Restraint by the major powers has never been a significant factor in the decisions of other nuclear aspirants, which are driven by local rivalries and security needs. Nor is the behavior of rogue states such as Iraq, Iran, or North Korea likely to be affected by this treaty. They either will not sign or, if they sign, will cheat. And countries relying on our nuclear umbrella might be induced by declining confidence in our arsenal—and the general impression of denuclearization—to accelerate their own efforts.

For all these reasons, I cannot recommend a vote for a comprehensive test ban of unlimited duration.

I hope this is helpful.

Sincerely,

HENRY A. KISSINGER.

Mr. HELMS. Mr. President, the Senate is moving toward the end of an historic confrontation against the most egregious arms control treaty ever presented to this body for its advice and consent.

The CTBT is a dangerous treaty which, if ratified, would do enormous harm to our national security. It will not and cannot accomplish its highly exaggerated stated goal of halting the spread of nuclear weapons, because as the CIA has repeatedly made clear the CTBT cannot be verified. Moreover, at the same time, it would undermine America's security by undermining confidence in the safety and reliability of our nuclear arsenal.

It is for these reasons that the Senate is prepared to vote down this treaty.

Unable—indeed unwilling even to try to respond to these facts, the White House has spitefully argued that Republicans are "playing politics" with the national security of the United States—a spurious charge, which is one of many reasons why the administration has failed to convince Senators who have raised substantive concerns.

Mr. President, the Senate Republicans' purpose in opposing this treaty is not because we seek to score political points against a lame-duck administration.

We are opposed because the CTBT is unverifiable, and because it will endanger the safety and reliability of the U.S. nuclear arsenal. Those who support the CTBT have failed to make a compelling case, and that, Mr. President, is precisely why the CTBT is headed for defeat.

The President and his Senate allies have mouthed the charge that the process has been "unfair"—that Republicans are ramming this vote through the Senate in what the White House has falsely asserted as a "blind rush to judgment."

Let's examine the record: The Senate has held seven separate hearings exclu-

sively on the CTBT—three in the Government Affairs Committee, three in the Armed Services Committee and one final, day-long marathon hearing in the Foreign Relations Committee with 11 different witnesses. It is instructive that, after demanding for months that the Foreign Relations Committee hold hearings, only a handful of Democrat Senators even bothered to show up.

As for floor debate, we scheduled 22 hours of debate on the CTBT—more than any other arms control treaty in recent history. By contrast, the Senate held just 6 hours of debate on Conventional Forces in Europe Treaty; 9½ hours on the START Treaty; 6 hours on the START II treaty; 18 hours on the Chemical Weapons Convention; and just 2 hours on the Conventional Forces in Europe Flank Agreement.

Well, then, some of them have falsely charged, Republicans pushed their unanimous-consent request through an unsuspecting Senate, on a Friday when few Senators were in town to discuss and consider it—a demonstrably false allegation.

The majority leader shared our draft unanimous-consent request with the minority leader on Wednesday, September 29. He offered it on the Senate floor the next day, Thursday, September 30. The minority objected, and asked for more time to consider it. After consulting with the White House, with the State Department, and with the Democrat Caucus, they came back with a request for more time for the debate.

We agreed to give them an additional week before the vote, and 12 additional hours of floor debate. Then on Friday October 1—after 3 days of internal discussion—they finally agreed to a unanimous consent for a vote they had vociferously demanded for two full years. And they are complaining that we are rushing to judgment? As my friend, Senator BIDEN has often pleaded during this debate; Give me a break!

So the "politics" argument failed, and the "process" argument failed. Now they are turning in desperation to the "Chicken Little" argument, warning us of the "disastrous" consequences should the Senate reject the CTBT.

If we vote the CTBT down, they warn, India and Pakistan may well proceed with nuclear test. Well, as Senator BIDEN may plead: Give me a break! That horse has already left the barn. India and Pakistan have already tested. Why did they test in the first place? Because of the Clinton administration's failed nuclear nonproliferation policies.

For years, India watched as Red China transferred M-11 missiles to their adversary, Pakistan. They watched as this administration stood by—despite incontrovertible evidence from our intelligence community that such transfers were taking place—and refused to impose sanctions on China that are required by law. As a result,

they made an unfortunate but understandable calculation that the President of the United States is not serious about non-proliferation, and that this White House is unwilling to impose a real cost on proliferating nations.

The fact of the matter is that no matter how the Senate votes on the CTBT, nations with nuclear ambitions will continue to develop those weapons. Russia and China will continue their clandestine nuclear testing programs.

North Korea will not sign or ratify the CTBT, and will continue to blackmail the West with its nuclear program. And India and Pakistan will probably test again—no matter what we do today. Because these nations know that this administration is unwilling to impose any real costs on such violations.

By defeating this treaty, the Senate will not change this calculus one iota. We will not be giving a “green light” for nuclear testing. Such tests by non-nuclear states are already a violation of the international norm established by the Nuclear Nonproliferation Treaty. The proliferation we have witnessed in recent years has been a result of the administration’s failure to enforce that existing norm, and place a real costs on violations of that norm.

Mr. President, only a willingness to impose real penalties on such violations will prevent the expansion of the nuclear club. Papering over the problem with a worthless piece of paper like the CTBT will accomplish nothing.

Let me suggest something that will happen when we defeat this treaty. This administration, and future administrations, will henceforth think twice before signing more bad treaties which cannot pass muster in the United States Senate.

This administration clearly wants the Senate’s “consent” on treaties, but they are not interested in the Senate’s “advice.” If they had asked our “advice” on the CTBT before they signed it, they would have known well in advance that an unverifiable, permanent, zero-yield ban on all nuclear tests would be defeated. They would have negotiated a treaty that could be ratified.

Mr. President, when the debate ends today, there must be no ambiguity about the status of the CTBT. The Senate must make clear that this treaty is dead. Unless we vote today to explicitly reject the CTBT, under customary international law the U.S. will be bound by the terms of this treaty. The CTBT will be effectively in force. That is an unacceptable outcome.

Why must the Senate defeat the CTBT? The answer is clear: Because the next administration must be left free to establish its own nuclear testing and nuclear nonproliferation policies, unencumbered by the failed policies of the current, outgoing administration. We must have a clean break, so that the new President can re-establish American credibility in the world on non-proliferation. A credibility not

based on scraps of paper, but on clear American resolve.

Mr. President, we must vote on this treaty and we must reject it. It is our duty and solemn responsibility under the Constitution.

I yield the floor and reserve the remainder of our time.

Mr. BIDEN. I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, as a Member of the Foreign Relations Committee I sat through the day of hearings. And even in that short time—and I know you and I were there together—I was thoroughly convinced that our country will be more secure if we sign on and we ratify this treaty than if we do not.

I think we have a very stark choice. We can continue to lead the world in stopping the spread of nuclear weapons by supporting this treaty or we can start a nuclear chain reaction by opposing it. I pray that we will support this treaty.

As I said in the committee, when I was a child in grammar school—and I think a lot of you might remember this—America faced a real threat of nuclear war. In my public school we had emergency drills. We were taught that if we hid underneath our desks and we covered our eyes and we turned away from the windows, we would survive a nuclear strike. We were taught that the wood from our desks would save us from the massive destruction caused by a nuclear weapon. We also were made to wear dog tags around our necks. We were so proud of that. We thought we were being just like the people in the Army. We didn’t realize the true purpose of the dog tag was so that someone could identify our body after a nuclear strike.

The kids in my generation really didn’t know that much. But the kids in later generations certainly did. When I was in the House, Congressman George Miller set up a Select Committee on Children, Youth, and Families. One of our first hearings was on the impact of the nuclear disaster that was looming ahead of our children. So we had testimony from children that they feared for their lives. I do not want to go back to those days when the children of the 1980s feared a nuclear strike, or my days, when we feared a nuclear strike.

I have heard the concerns raised about the treaty. And, as I see it, the two main arguments against the treaty are verifiability and the condition of our stockpile stewardship program.

So like most Members of the Senate, I look at what the experts say on these two issues. Last week, the Secretary of Defense testified on the verification issue. He said, “I am confident that the United States will be able to detect a level of testing and the yield and the number of tests by which a state could undermine our U.S. nuclear deterrent.”

The Chairman of the Joint Chiefs, General Henry Shelton testified, “The

CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world would be a safer place with the treaty than without it, and it is in our national security interests to ratify the CTBT treaty.” In fact, four former Chairmen of the Joint Chiefs who served under the Carter, Reagan, Bush, and Clinton administrations have come out in favor of the treaty.

On the condition of our nuclear stockpile, I turned to the directors of our three national laboratories. They all support ratification of the CTBT saying “we are confident that the Stockpile Stewardship program will enable us to maintain America’s nuclear deterrent without nuclear testing.”

I’ve also received a letter from 32 physics Nobel Laureates in support of the CTBT. In discussing the stockpile issue, they write,

Fully informed technical studies have concluded that continued nuclear testing is not required to retain confidence in the safety, reliability and performance of nuclear weapons in the United States’ stockpile, provided science and technology programs necessary for stockpile stewardship are maintained.

Let me also point out that the Senate has passed an amendment to the resolution of ratification stating that if “the President determines that nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile, the President shall consult promptly with the Senate and withdraw from the Treaty . . . in order to conduct whatever testing might be required.”

If our stockpile is not safe and reliable, the President will withdraw from the treaty. There doesn’t have to be a Senate vote. It’s not going to get bogged down in rules of the Senate. If there is a supreme national interest in withdrawing from the treaty, we will withdraw.

I also think it is important to look at the risks of not going forward with this treaty. How can the United States tell Pakistan, India, and China not to test their nuclear weapons if we don’t ratify this treaty? How can we go to our friends and say, don’t give Iran the technology to produce weapons of mass destruction? I fear that our failure to ratify this treaty will set off a nuclear “chain reaction” throughout the world that the United States will long regret.

An editorial in the San Francisco Chronicle puts it best in saying “A global treaty that invites every country to step forward or face condemnation is the only way to corral nuclear danger. If the world feels hostile and uncertain now, wait five years without the ban.”

We can turn it around today if we vote for this treaty. I think there are many protections in it which allow the President, any President, to say: We should go back to testing.

I yield the floor.

(Disturbance in the Visitors' Galleries)

Mr. HELMS. May we have order in the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, in these brief moments, 5 minutes for each Senator—I think it is probably not a bad idea because we have had so many hours and hours and hours of debate on this it is becoming redundant now—I would like to use this brief period of time only to bring out a couple of things that need to be reemphasized.

First of all, mistakenly—certainly not intentionally—some of the Members have stood on this floor and have implied that the Directors of our labs are in support of this treaty. I think it is very important to hear a quote from one of the Directors, C. Paul Robinson, Dr. Robinson, from Sandia National Lab, speaking in behalf of all three of the Directors.

He said:

I and others [that's the other three] who are or have been responsible for the safety and reliability of the U.S. stockpile of nuclear weapons have testified to this obvious conclusion many times in the past. To forgo that validation through testing is, in short, to live with uncertainty.

He goes on to say:

If the United States scrupulously restricts itself to zero yield while other nations may conduct experiments up to the threshold of international detectability, we will be at an intolerable disadvantage.

I can't think of anything worse than to be at an intolerable disadvantage.

Second, it has been implied that all these Presidents have been for it in the past, Eisenhower and Bush, and everyone has been for this treaty. In fact, this is not true. I am sure those who stated it thought it was true, but it is not true. Only President Clinton has come forth with a treaty that is a zero-yield treaty—that is no testing at all—that is unlimited in duration—not 10 years as it was in the case of Eisenhower—and unverifiable. So this is the first time. It would be unprecedented if this were to happen.

Third, I hear so many objections as to the unfairness. It doesn't really matter how much time there has been devoted for the debate on this. Everyone out there, Democrats or Republicans, any one person could have stopped this. This was a unanimous consent. It is true we had three times the time that was allocated for debate on the CFE treaty, twice the time on the START I, three times the time that was allocated on START II. That is important, of course. It shows that we did give adequate time. But the point is, any Senator could have objected. That means every Senator endorsed this schedule by which this was going to be handled.

With the remaining minute that I have, let me just say, as chairman of the readiness committee, I have a very serious concern. We have stood on the

floor of this Senate and have tried to stop the President of the United States, this President, Bill Clinton, from vetoing our defense authorization bills going back to and including 1993, stating in his veto message that he doesn't want any money for a National Missile Defense System. He has fought us all the way. We would have had one deployed by fiscal year 1998 except for his vetoes. But he has vetoed it. That means that there is no deterrent left except a nuclear deterrent. That means if a missile comes over, we can't knock the missile down so we have to rely on our ability to have a nuclear deterrent in our stockpile that works. And all the experts have said they don't work now. We can't tell for sure whether they work now.

We have stood on the floor of this Senate with a chart that shows, on all nine of the nuclear weapons, as to whether or not they are working today. We do not really know because we haven't tested in 7 years. Testing is necessary. We would be putting ourselves in a position where we have no missile defense so we have to rely on a nuclear deterrent. We don't know whether or not that nuclear deterrent works.

Last, I would say I wasn't real sure what the minority leader was talking about when he talked about article 18 of the Vienna Convention. I will just read it one more time so we know if we do not kill this and kill it now, we are going to have to live under it. It states:

A State is obliged to refrain from arguments which would defeat the object and purpose of a treaty when it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intentions clear not to become a party to the treaty.

That is what this is all about. We are the Senate that is going to reject this treaty.

Mr. KOHL. Mr. President, I rise to urge my colleagues to ratify the Comprehensive Test Ban Treaty. If two-thirds of this body fails to ratify the treaty, we are squandering a unique opportunity to make the world a safer place for our children.

The Comprehensive Test Ban Treaty is really quite simple: It bans all nuclear explosives testing for weapons or any other purposes. This treaty does not ban nuclear weapons. We currently have some 6,000 nuclear weapons in our arsenal. Nothing in this treaty requires us to give up these weapons. Nor does the Comprehensive Test Ban Treaty require us to limit our own nuclear testing in a way that we have not already chosen to do unilaterally. Yet, opponents of the treaty have painted a picture of dire consequences and doom that requires a response.

The history of the 20th century is replete with lessons about the danger posed to us by nuclear weapons. Those of us who remember when the United States dropped atomic bombs on Hiroshima and Nagasaki towards the end of

World War II are vividly aware of the consequences of the use of nuclear weapons. Nuclear arms are not a dry topic for policy debate. They are devastating weapons that have been used and could be used again by any nation that currently possesses nuclear weapons or the capability to develop them.

It was not so long ago that we were in the midst of a nuclear arms race during the Cold War. Those of us who remember the Cuban missile crisis and the palpable fear that swept across the country at that time are well aware of the dangerous potential for a crisis to escalate between nations with nuclear capabilities. Yet in the midst of the Cold War, we were able to negotiate the 1963 Limited Test Ban Treaty which prohibits nuclear explosions for weapons testing in the atmosphere, outer space and under water.

Must we be on the brink of crisis or engaged in another arms race to recognize the value of a nuclear test ban treaty? The Berlin Wall may have fallen and the Cold War may be over but the possibility of new and threatening nuclear powers emerging in the next century must still inform our national security policy. Our formidable stockpile of weapons may serve as a deterrent to the current nuclear weapon states, but far more frightening is the prospect of nuclear weapons falling into the hands of a rogue nation or terrorist organization.

There is no question that a world without nuclear weapons is a safer one. However, we have long moved beyond that point. Rather, we have pursued—for the most part in a bipartisan fashion—arms control agreements and policies to stem the spread of nuclear weapons. Thus, it defies logic that the Senate would not embrace this tool to help us ensure that there are fewer nuclear weapons and fewer advanced nuclear weapons. Without nuclear explosive testing, those attempting to acquire new nuclear weapons cannot be confident that these weapons will work as intended. Banning testing is tantamount to banning the development of nuclear weapons.

Since the signing of the CTBT treaty, 154 states have signed the treaty and 51 have ratified it. A smaller group of 44 states which have nuclear power reactors or nuclear research reactors and are members of the Conference on Disarmament are required to ratify the treaty for it to go into force. Of this group, 41 have signed the treaty and 26 have ratified it. Today, only five countries are nuclear weapons states and only three countries are considered to be nuclear "threshold" states. Limiting nuclear explosive testing is the key to keeping the number of nuclear weapon states down.

For those of my colleagues who see no value in pursuing arms control and policies to limit the development of nuclear weapons—weapons that one day may be directed toward us or our allies I say that you are out of step with the American people. Arms control does not compromise our national

security: it bolsters it. Polling on this issue and other arms control issues indicate that the American people recognize that we are safer if there are fewer nuclear arms in the world, especially when we continue to have the most robust conventional and nuclear forces in the world.

Indeed, the CTBT locks in our nuclear superiority, for it is the U.S. government that has conducted more nuclear explosive tests than any other nation. We are integrating the knowledge acquired during our 1000-plus tests with ongoing non-nuclear testing and the science-based Stockpile Stewardship program to monitor the reliability of our weapons. Although some critics have described this approach as risky and incomplete, the three directors of our nuclear weapons labs have all affirmed that this approach is sufficient to maintain the safety and reliability of our stockpile. And, they will continue to review these findings on an annual basis.

Should the lab directors be unable to vouch for the safety and reliability of our nuclear weapons, I have no doubt that they will advise the President accordingly. For the safeguards package accompanying the treaty, and reflecting current U.S. policy relative to the treaty, states that the CTBT is conditioned on:

The understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE)—advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command—that a high level of confidence in the safety or reliability of a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standard “supreme national interests” clause in order to conduct whatever testing might be required.

In fact, opponents argue that this treaty cannot restrain nations from testing nuclear weapons because there is nothing to prevent nations from withdrawing from the treaty. That is the case, of course, for all international treaties. While there are no guarantees that this treaty will stop nations from testing, signing the CTBT makes it more difficult for a nation to conduct nuclear tests. A nation must balance its desire to conduct nuclear tests with the likelihood it will be subject to international condemnation. Will we be able to overcome international pressure should the President be advised that we need to conduct nuclear explosive tests again? I am hopeful we will never reach that point, but given the willingness of some members to reject this treaty today, I don't believe that international pressure will prevent us from heeding the advice of our nation's nuclear weapons experts.

We have heard much over the last few days from those who say that we should reject the CTBT because the treaty is not verifiable. Yes, there are

some nuclear tests we will not be able to verify, particularly at the lowest levels. This would be the case whether the treaty was in force or not. There is a strong case to be made, however, that tests difficult to verify are at low enough levels to render them militarily insignificant. Treaty opponents also neglect to mention that we are worse off in our ability to monitor nuclear testing around the world without the CTBT. As Secretary Cohen stated in his testimony to the Armed Services Committee last week, “I think that our capacity to verify tests will be enhanced and increased under the treaty by virtue of the fact that we'd have several hundred more monitoring sites across the globe that will aid and assist our national technical means.”

If we fail to ratify the CTBT not only are we squandering an opportunity to advance our own national security interests by limiting nuclear testing, but we are at risk of undermining everything we have achieved until now to stem the spread of nuclear weapons. As Paul Nitze, President Reagan's arms control negotiator, explained:

If the CTBT is not ratified in a timely manner it will gravely undermine U.S. non-proliferation policy. The Nuclear Non-Proliferation Treaty (NPT), the primary tool for preventing the spread of nuclear weapons, was made permanent in 1995 based on a firm commitment by the United States and the other nuclear weapon states to negotiate a CTBT by 1996. Violation of the spirit, if not the letter of this NPT related commitment of 1995 could give nations an excuse to withdraw from the Treaty, potentially causing the NPT regime to begin to erode and allowing fears of widespread acquisition of nuclear weapons by many nations to become reality.

By taking away the most significant weapon in the battle to prevent their spread, failure to ratify the CTBT would fundamentally weaken our national security and facilitate the spread of nuclear weapons. Instead of being a leader in the fight against nuclear proliferation, the United States would have itself struck a blow against the NPT.

Our military leaders have also been advocates for the CTBT. The current Chairman of the Joint Chiefs of Staff echoed Mr. Nitze's remarks when he said in his testimony last week, “The CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world will be a safer place with the treaty than without it, and it is in our national security interests to ratify the CTBT treaty.” Four of the previous five chairmen of the Joint Chiefs of Staff support our ratification of the Comprehensive Test Ban Treaty.

The CTBT is not the product of one administration. Rather it is the culmination of the work and ideas of several administrations. The decision to place a moratorium on nuclear testing was first made in 1992, by President George Bush when he announced a five-year moratorium on tests to develop new warheads, and then when he signed legislation containing the Hatfield-Exon-Mitchell amendment banning nuclear testing for at least one year. That

testing moratorium has been maintained by President Clinton. And, none of the major presidential candidates have said that they are prepared to end this moratorium and begin conducting nuclear tests.

This treaty is not a Democratic treaty: It was President Eisenhower who said that the failure to achieve a nuclear test ban was one of greatest disappointments of his administration. And it was President Eisenhower who said, “This Government has stood, throughout, for complete abolition of weapons testing subject only to the attainment of agreed and adequate methods of inspection and control.” Mr. President, that day has arrived.

This treaty is an American achievement. It was American determination and leadership that brought the CTBT negotiations to conclusion, and it is American leadership which invigorates international arms control efforts in general. I support these efforts.

The debate we are having is being watched around the world. Our allies are dumbfounded that we are on the verge of defeating the CTBT and so am I.

I deplore the partisanship which has underscored this debate. This treaty is not about politics. I urge my colleagues to review the merits of this treaty in a non-partisan fashion. It is clear from the partisan divide that this issue is very much caught up in the politics of this institution. So, I wish we had put off further debate and a vote on ratification for another day and give the Comprehensive Test Ban Treaty the unbiased scrutiny it deserves.

Mr. GORTON. Mr. President, I have followed the Senate's consideration of the Comprehensive Test Ban Treaty with great interest, and am impressed particularly with the statement made last Thursday by Senator LUGAR—whose experience and knowledge on matters of foreign affairs and national security is highly respected by both Republicans and Democrats. I associate myself completely with his views.

I agree with Senator LUGAR that this treaty is unverifiable, jeopardizes our national security by eliminating our ability to modernize and increase the safety of our existing weapons, and will fail to achieve its principal goal: to provoke a roll call of countries that the simple phrase “rogue nations” conjures up in the minds of all Americans (North Korea, Iraq, and Iran, as well as China, Russia, India, and Pakistan) to refrain from engaging in nuclear testing.

First, I join Senator LUGAR in expressing my regret that the Senate is considering the treaty at this time. It has been my strong preference that consideration of the treaty take place after the election of the next President. President Clinton's record on this treaty has been one of political maneuvering and a legacy quest, with shockingly little attention dedicated to how this treaty serves our nation's

security and foreign policy objectives. But the timing of the debate and its duration are both the results of demands by the President and Senate Democratic leader.

My support for allowing a new President, should he or she support the treaty, to make his case to the Senate based upon its merits and that administration's broad foreign policy goals, however, does not mean I am not fully prepared to vote against the treaty if the vote takes place at this time.

Senator LUGAR presented a thoughtful and well-reasoned, though devastating, indictment of the treaty: the treaty will prevent the United States from ensuring the reliability, effectiveness and safety of our nation's nuclear deterrent, which means we will not be able to equip our existing weapons with the most modern safety and security measures available; the treaty is not verifiable—not only due to our simple technical inability effectively to monitor for tests, but due to the lack of agreement on what tests are permitted or not permitted under the treaty and the cumbersome, international bureaucracy that must be forged to conduct an inspection if tests are suspected; and, most importantly, that the treaty is unenforceable, lacking any effective means to respond to nations that violate the Treaty's conditions. As Senator LUGAR stated, "This Treaty simply has no teeth. . . . The CTBT's answer to illegal nuclear testing is the possible implementation of sanctions. . . . For those countries seeking nuclear weapons, the perceived benefits in international stature and deterrence generally far outweigh the concern about sanctions that could be brought to bear by the international community."

As I have already said, this debate is premature. It may well be that the passage of years and the development of our own technology might make ratification of the treaty advisable. It is not so today by a wide margin. I must, therefore, vote against ratification in the absence of an enforceable agreement to leave the issue to the next President.

Mr. WYDEN. Mr. President, I come here today to ask a question, a question that is a mystery to the vast majority of Americans: Why will the United States Senate not ratify the Comprehensive Nuclear Test Ban Treaty?

If there were any issue debated in the history of this Senate that called for more sober reflection, more independent thought, it is how to end the proliferation and testing of nuclear weapons. This may be the greatest burden the United States will carry into the next millennium.

The United States was the first nation to develop and test nuclear arms. More than a half century ago we were the first, and so far only, nation to use those arms. Three years ago we were the first nation to sign this treaty that takes a step back from a nuclear-armed world.

No other nation in the world can possibly gain more than the United States does from this treaty.

The treaty holds real promise for putting an end to the international development of nuclear weapons. It removes the ability of belligerent nations to enhance their nuclear stockpile. It removes the ability to use nuclear test explosions to bully and threaten their neighbors. It removes the incentive to throw much-needed capital into an insatiable and wasteful weapons program.

The American people understand this simple logic better than some in this body. Over 84% of the American public understands that ratifying the CTBT is the best way to protect the United States against the threat of nuclear attack by other nations. They are not talking about defensive missiles, they are talking about an America where their children won't have to grow up as they did; under the shadow of nuclear annihilation. This treaty, they understand, is a first step toward that goal.

President Dwight D. Eisenhower was a five star general as well as a two term President of the United States. He led men in wartime against a real, living threat to the security of the United States. He led America at the beginning of the cold war, at the most dangerous time for nuclear confrontation in our history. He had a unique understanding of the needs and necessities of national security, an understanding that I don't believe any member of this chamber can pretend to possess. His view of a nuclear test ban treaty was this: that the failure to achieve such a ban, when the opportunity presented itself would "have to be classed as the greatest disappointment of any administration, of any decade, of any time, and of any party."

Opponents of this treaty say we are letting down our guard, that we are leaving ourselves open to be overwhelmed. President Eisenhower understood clearly and personally the dangers of failing to prepare for war. But it was precisely this experience with war that led him to conceive of the test ban as a means of preserving the safety and security of the American people.

This clear and rational thinking has continued, at least with our senior military leaders. The Chairman of the Joint Chiefs of Staff is responsible for our entire national defense infrastructure. It is his duty to the American people to insure that our military forces, nuclear and conventional, are strong, prepared and able to provide for the common defense. Our current Chairman, General Hugh Shelton, and Former Chairmen General Colin Powell, Admiral William Crowe, General John Shalikashvili, and General David Jones all believe firmly that, for the safety and security of the American people, the CTBT must be ratified.

President Bush signed into law a ban on American nuclear testing in 1992. As a matter of fact, we have not conducted a nuclear test for seven years.

We have already stopped running this race.

Has this test ban, already in place domestically for the better part of a decade, harmed our nuclear stockpile? The President says no, our military leaders say no, and the men whose responsibility it is to maintain the weapons say no. The CTBT has the support of all of the directors of our national labs whose first responsibility is to ensure that our nuclear weapons stockpile functions safely and reliably far into the future. They confidently believe this treaty, and the continuation of the test ban, is in our national interest.

It's been seven years since we have conducted a nuclear test. We are no less safe than we were a decade ago. No one who is qualified to make the judgment believes that we need to resume testing in the future.

What would passage of this treaty mean? Without test explosions, a new nuclear state cannot know that their crude bombs will work. Only very recently, after decades, over one thousand tests, and thousands of nuclear bombs manufactured, did our bomb making experts feel confident enough to proceed without testing. Without testing no other state can achieve that level of confidence.

While testing continues there is always the possibility that a nation will develop a bomb that is smaller and more easily concealed, the perfect weapon with which to attack a superpower like the United States, perhaps even without fear of retaliation. Missile defenses cannot stop a bomb carried over our borders, but an end to testing can stop that bomb before it is even made.

What would the failure of Senate ratification of the CTBT mean? Failure by the Senate to ratify the Treaty would mean a future full of new and more dangerous weapons. It would make infinitely more difficult a new effort to prevent the proliferation and use of nuclear arms. Those states that are currently non-nuclear trust that, in exchange for not attempting to acquire or develop nuclear arms, the current nuclear states will cease using their own.

The Nuclear Non-Proliferation Treaty, the cornerstone of our efforts to prevent the worldwide spread of nuclear weapons, was indefinitely extended in 1995. It was extended with the promise that the CTBT would be ratified by the world's nuclear powers. If we defeat this treaty, we will be breaking that promise, and putting our entire world-wide non-proliferation strategy in jeopardy.

If we cannot commit to cease testing, we cannot expect other nations to adhere to their commitments on nuclear non-proliferation. When one nation tests nuclear arms, their neighbors get nervous. They are justifiably concerned for their defense and security. The natural response to this threat, for which there is no real defense, is to acquire a threat of one's own.

A rejection of this treaty by the U.S. Senate would send a chilling message around the world. The tests by India and Pakistan earlier this year highlight another, more sinister motivation for nuclear tests, the desire to threaten and intimidate. How do we expect nations like India and Pakistan to react to the Senate's rejection of this treaty?

For 50 some years we have lived under a gruesome umbrella known as Mutual Assured Destruction. This grim strategic relationship between the Soviet Union and the United States meant that the entire world lived under constant threat of global thermonuclear war. In times of great international tension we were a hair trigger away from unleashing that destruction. If the treaty fails we must contemplate the prospect of dozens of states facing each other in the same insane standoff—in Asia, in the Middle East, in Africa—over disputed borders, scarce resources and ancient hatreds.

The opponents of this treaty say we cannot afford the risk that another nation might have the skill and luck required to sneak a couple of nuclear tests under a world-wide monitoring regime. They believe that possibility is a mortal danger to the United States and the advances we have made in over 1,000 nuclear tests. I say we cannot afford the risk of another 50 years of the unfettered development of nuclear weapons around the world.

Our stockpile is secure, our deterrent is in place. The United States does not need to test as we have witnessed over the past seven years.

We unleashed the nuclear genie that has hung over the world for the last 50 years. But in that moment of leadership, when we signed the Comprehensive Test Ban Treaty, we took a strong step toward making the world a safer place. Let us today take the next step toward a safer, more secure future.

Mr. KYL. Mr. President, earlier today, the Senator from Illinois claimed that President Bush supported a moratorium on nuclear testing. This assertion is inaccurate. I ask unanimous consent to have printed in the RECORD President Bush's statement upon signing the Fiscal Year 1993 Energy and Water Development Appropriations Act, on October 2, 1992.

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

STATEMENT ON SIGNING THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993, OCTOBER 2, 1992

Today I have signed into law H.R. 5373, the "Energy and Water Development Appropriations Act, 1993." The Act provides funding for the Department of Energy. The Act also provides funds for the water resources development activities of the Corps of Engineers and the Department of the Interior's Bureau of Reclamation, as well as funds for various related independent agencies such as the Appalachian Regional Commission, the Nuclear Regulatory Commission, and the Tennessee Valley Authority.

I am pleased that the Congress has provided funding for the Superconducting super

collider (SSC). This action will help us to maintain U.S. leadership in the field of high-energy physics. SSC-related research has spawned, and will continue to spawn, advances in many fields of technology, including accelerators, cryogenics, superconductivity, and computing. The program serves as a national resource for inspiring students to pursue careers in math and science. SSC related work will support 7,000 first tier jobs in the United States. In addition, 23,000 contracts have been awarded to businesses and universities around the country.

I must, however, note a number of objectionable provisions in the Act. Specifically, Section 507 of H.R. 5373, which concerns nuclear testing, is highly objectionable. It may prevent the United States from conducting underground nuclear tests that are necessary to maintain a safe and reliable nuclear deterrent. This provision unwisely restricts the number and purpose of U.S. nuclear tests and will make future U.S. nuclear testing dependent on actions by another country, rather than on our own national security requirements. Despite the dramatic reductions in nuclear arsenals, the United States continues to rely on nuclear deterrence as an essential element of our national security. We must ensure that our forces are as safe and reliable as possible. To do so, we must continue to conduct a minimal number of underground nuclear tests, regardless of the actions of other countries. Therefore, I will work for new legislation to permit the conduct of a modest number of necessary underground nuclear tests.

In July 1992, I adopted a new nuclear testing policy to reflect the changes in the international security environment and in the size and nature of our nuclear deterrent. That policy imposed strict new limits on the purpose, number, and yield of U.S. nuclear tests, consistent with our national security and safety requirements and with our international obligations. It remains the soundest approach to U.S. nuclear testing.

Sections 304 and 505 of the Act also raise constitutional concerns. Section 304 would establish certain racial, ethnic, and gender criteria for businesses and other organizations seeking Federal funding for the development, construction, and operation of the Superconducting super collider. A congressional grant of Federal money or benefits based solely on the recipient's race, ethnicity, or gender is presumptively unconstitutional under the equal protection standards of the Constitution.

Accordingly, I will construe this provision consistently with the demands of the Constitution and, in particular, monies appropriated by this Act cannot be awarded solely on the basis of race, ethnicity, or gender.

Section 505 of the Act provides that none of the funds appropriated by this or any other legislation may be used to conduct studies concerning "the possibility of changing from the currently required 'at cost' to a 'market rate' or any other noncost-based method for the pricing of hydroelectric power" by Federal power authorities.

Article II, section 3, of the Constitution grants the President authority to recommend to the Congress any legislative measures considered "necessary and expedient." Accordingly, in keeping with the well-settled obligation to construe statutory provisions to avoid constitutional questions, I will interpret section 505 so as not to infringe on the Executive's authority to conduct studies that might assist in the evaluation and preparation of such measures.

GEORGE BUSH.

The White House.
Mr. KYL. I emphasize the following excerpt from President Bush's statement:

Despite the dramatic reductions in nuclear arsenals, the United States continues to rely on nuclear deterrence as an essential element of our national security. We must ensure that our forces are as safe and reliable as possible. To do so, we must continue to conduct a minimal number of underground nuclear tests, regardless of the actions of other countries.

The moratorium on testing to which the Senator from Illinois referred was not requested by President Bush. It was enacted by Congress as the Hatfield, Exxon, Mitchell prohibition on testing, over President Bush's objections. In a subsequent report to Congress, the President responded to this prohibition as follows:

* * * the administration has concluded that it is not possible to develop a test program within the constraints of Public Law 102-377 [the FY '93 Energy and Water Appropriations Act] that would be fiscally, militarily, and technically responsible. The requirement to maintain and improve the safety of our nuclear stockpile and to evaluate and maintain the reliability of U.S. forces necessitates continued nuclear testing for those purposes, albeit at a modest level, for the foreseeable future. The administration strongly urges the Congress to modify this legislation urgently in order to permit the minimum number and kind of underground nuclear tests that the United States requires, regardless of the action of other States, to retain safe, reliable, although dramatically reduced deterrent forces.

Mr. CRAIG. Mr. President, the Comprehensive Test Ban Treaty has far reaching domestic and international security implications, and it deserves the most thorough and thoughtful consideration by the Senate. Like my colleagues, I have followed the CTBT, and have paid close attention to the number of hearings that have taken place in recent days, and over the last few years.

Let me begin by saying that if I thought supporting this treaty would make the threat of nuclear war disappear, and give us all greater security from these lethal weapons, I would not hesitate in giving my support. Unfortunately, the facts do not demonstrate this; indeed, implementing this treaty will very likely increase danger to U.S. citizens and troops. For that reason, I am obligated to oppose ratification.

Ratification of the CTBT would prohibit the United States from conducting explosive tests of nuclear weapons of any kind. In spite of CTBT's goal of curbing the proliferation and development of nuclear weapons by prohibiting their testing, it is a dangerous and flawed agreement that would undercut U.S. national security.

American foreign policy must be based on decisions and actions that unquestionably enhance the national security interests of the United States, and nothing less. Our foreign policy cannot be based on a view of the world through rose colored glasses. Decisions must be made on the assessment of the clear and present dangers to the United States now and in the future. Let me reiterate some of those dangers confronting U.S. citizens today.

There are twenty-five to thirty countries that have sought or are seeking and developing ballistic missiles. Last August, North Korea flight-tested a long-range missile over Japan, demonstrating its potential to strike Alaska or Hawaii in the near future. Although our decisive victory in the Gulf War demonstrated to many of our adversaries that a challenge on the battlefield would be foolish, hostile states now seek to offset our conventional force strength through the development of their own nuclear weapons programs. Does this Administration really believe that if the U.S. ceased to test, nations like North Korea, Libya, or Iran would end nuclear development? The dangers to the United States are very real and threats continue to grow.

The center of U.S. defense policy is deterrence. Key to that deterrence is the credible threat of retaliation against those who would harm the U.S. and her citizens. This threat can only remain credible if our stockpile of weapons is reliable and modernized. CTBT runs counter to this objective.

Nuclear tests are the only demonstrated way to assure confidence in the reliability and safety of our nuclear weapons. The CTBT will diminish our ability to fix problems within the nuclear stockpile and make safety improvements. We have long relied on testing these extremely complicated weapons to demonstrate both their safety and effectiveness.

The Clinton Administration falsely claims that every Administration since Eisenhower has supported CTBT. What the President fails to say is that no other Administration has sought a test ban at zero yield like the current Administration. Frankly, this is a dangerous proposition for the reliability and safety of our arsenal. Former Secretary of Defense, James Schlesinger, explained the problem:

* * * new components or components of slightly different materials must be integrated into weapon designs that we deployed earlier. As this process goes on over the years, a simple question arises: Will this design still work?

That is why reliability testing is essential. As time passes, as the weapon is retrofitted, we must be absolutely confident that this modified device will still induce the proper nuclear reaction. That is why non-nuclear testing, as valuable as it is, is insufficient. It is why talk of a test ban with zero nuclear yield is irresponsible.

Mr. Schlesinger's point is well taken. Make no mistake, the effects of a zero yield test ban will be catastrophic for U.S. security interests.

The CTBT would also make it very extremely difficult to meet new weapons requirements. Throughout American military history, advances in air defense and anti-submarine warfare have created a need for new weapons, and testing has saved the lives of U.S. airmen. For example, nuclear testing was required to make the B83 bomb of the B-1B aircraft to allow the plane to drop its payload at a low altitude and high speed and escape the pending ex-

plosion. The bottom line is a test ban would harm modernization efforts, and jeopardize the lives of our men and women in uniform.

Furthermore, the CTBT will do nothing to stop proliferation, even if testing is thwarted. This treaty is based on the flawed assumption that prohibiting nuclear testing will stop rogue nations from developing nuclear weapons. However, this assumption fails to acknowledge that rogue nations could likely be satisfied with crude devices that may or may not hit intended targets. Killing innocent civilians does not seem to be a concern of leaders like Saddam Hussein of Iraq or Kim Jong-Il of North Korea. The only thing predictable about rogue nations is their unpredictability. Lack of testing is not a security guarantee. South Africa and Pakistan long maintained an untested arsenal, in spite of bold nuclear aspirations. To presume that absence of nuclear test equals enhanced security is dangerous proposition.

It is also very disturbing that ratification of this treaty would abandon a fundamental arms control principle that has been insisted upon for the last two decades—that the United States must be able to "effectively verify" compliance with the terms of the treaty. Verification has meant that the United States intelligence is able to detect a breach in an arms control agreement in time to respond appropriately and assure preservation of our national security interests.

Because the CTBT bans nuclear test explosions no matter how small their yield, it is impossible to verify. Low-yield underground tests are very difficult to detect with seismic monitors. In previous Administrations, CTBT negotiations focused on agreements that allowed explosions below a certain threshold because it is impossible to verify below those levels. As the CTBT is impossible to verify, cheating will occur, and U.S. security will be undermined.

Mr. President, I stand with all Americans today in expressing concern about the growing nuclear threat across the globe. The real question before us is whether ratification of the Comprehensive Test Ban Treaty will increase our own national security. Unfortunately, the answer is no. The sad truth about the CTBT is that it would be counterproductive and dangerous to America's national security. Moreover, I think the Senate must recognize that the implications of ratification of the CTBT is ultimate nuclear disarmament of the United States. If the U.S. cannot maintain a safe and reliable stockpile, and is barred from testing them, disarmament will be the de facto policy. The United States cannot afford this dangerous consequence. Nuclear deterrence has protected America's national and security interests in the midst of a very hostile world. I urge my colleagues to vote against this treaty.

Mr. JOHNSON. Mr. President, the United States Senate has the oppor-

tunity to take another important step in ridding the world of the threat of nuclear war by ratifying the Comprehensive Nuclear Test Ban Treaty (CTBT). It was three years ago when the United States joined nations from around the world in signing a treaty banning nuclear explosives testing. It is up to the Senate to ratify this treaty and re-establish the United States as the world leader in efforts to stop nuclear proliferation.

Over forty years ago, President Dwight D. Eisenhower began an effort to end nuclear testing. During this time, the United States and five other nations conducted 2,046 nuclear test explosions—or an average of one nuclear test every nine days. The United States has not tested a nuclear weapon since 1992 when Congress and President Bush agreed to a moratorium on nuclear testing.

Countries who sign the CTBT agree to stop all above-ground and underground nuclear testing. The treaty also sets up an extensive system of monitors and on-site inspections to help ensure that countries adhere to the treaty. Finally, the treaty includes six "safeguards" proposed by the President; the most important of which, allows the United States to remove itself from the conditions of the treaty at any point the Congress and the President determine it would be in the Nation's interest to resume nuclear testing. The current Chairman of the Joint Chiefs of Staff, four former chairmen of the Joint Chiefs of Staff, numerous former military leaders, and an equal number of acclaimed nuclear scientists and nobel laureates support ratification of the CTBT.

My support for the CTBT comes with an understanding of the limitations associated with stopping countries and rogue nations from developing, testing, and deploying nuclear weapons. Opponents of the CTBT claim that it is not a perfect document and therefore threatens the security of our Nation. While I agree that the CTBT is not the definitive answer in stopping nuclear proliferation, I contend that it is an important step in the ongoing process to prevent nuclear war in the future.

The CTBT will not threaten our national security. Most importantly, the treaty bans the "bang", not the "bomb." The United States already possesses the largest and most advanced nuclear weapons stockpile in the world. I agree that maintaining a strong nuclear deterrent is in our country's national security interest. Data collected from over 40 years of nuclear testing, coupled with advanced scientific computing will ensure the reliability and safety of our nuclear weapons without testing. As I mentioned before, the United States can also withdraw from the CTBT at any time to conduct whatever testing our country feels is necessary.

In fact, the CTBT will enhance our national security. The CTBT will limit the ability of other countries to acquire nuclear capabilities, and it will

severely constrain the programs of countries that currently have nuclear weapons. With or without the CTBT, the United States has a critical national security requirement to monitor global testing activities. Verification requirements built into the CTBT will provide our country with access to additional monitoring stations we would not otherwise have. For example, the CTBT requires the installation of over 30 monitoring stations in Russia, 11 in China, and 17 in the Middle East. These are in addition to the on-site inspections of nuclear facilities that are also allowed under the treaty.

Additional monitoring stations and on-site inspections are only effective if the countries we are most concerned with actually ratify the treaty. Granted, there is no guarantee that the United States' ratification of the CTBT will automatically mean that India, Pakistan, China, and Russia will follow suit. However, it is an even greater chance that these countries will be less inclined to ratify the treaty if our country does not take the lead. For those who doubt the likelihood of other countries ratifying the CTBT, I point to the example of the Chemical Weapons Convention (CWC). It can not be refuted that the United States ratification of the CWC facilitated ratification by Russia, China, Pakistan, and Iran. Ratification by the United States is required to bring the CTBT into force, and ratification by the United States will strengthen our diplomatic efforts to influence other states to sign and ratify the treaty.

The CTBT will not rid the world of nuclear weapons and it may not even prevent all nations from conducting some kind of nuclear tests. However, the CTBT provides the best tool available for the United States to continue its efforts to combat nuclear proliferation without jeopardizing our own national security. I urge my Senate colleagues to join me in supporting this important treaty and restoring America's leadership on this issue.

Mr. GRAMS. Mr. President, the Senate's responsibility for advice and consent on treaties places a grave responsibility on the institution and its members. There is a very high bar that treaties have to meet, a two-thirds vote in the Senate. That is for good reason. Our nation takes our treaty obligations seriously, and the Senate is the final check on flawed or premature commitments. While I support the goal of controlling nuclear proliferation, it is becoming clear the Comprehensive Test Ban Treaty (CTBT) is not in the best interests of this nation.

After a meeting with the President, personal discussions with some of our nation's top diplomats, including former Secretary of State Henry Kissinger, and participation in hearings held by the Foreign Relations Committee, I harbor reservations about this treaty in its current form and question if it would truly be in the nation's best strategic interest as we move into the 21st Century.

Specifically, the treaty fails to address the key questions of verifiability and reliability: can the results that treaty supporters hope to achieve be verified, and can the treaty ensure the continued reliability of our nation's stockpile?

Since I have been in the Senate, I have voted for three arms control treaties. However, in my judgment, this zero-yield test ban is not in our best interest. We would not be able to verify compliance with the Treaty or ensure the safety and reliability of our nuclear arsenal. Six former Defense Secretaries, two former CIA Directors from the Clinton Administration, and two former Chairmen of the Joint Chiefs of Staff, including Minnesota's General Vessey, have concluded that ratification of the CTBT would be incompatible with our nation's security interests.

The original official negotiating position of the Clinton Administration was to have a treaty with a finite duration of 10 years that permitted low-yield nuclear tests and would have forced countries such as Russia and China into a more reliable verification monitoring regime. If the Administration had negotiated a treaty along those lines, I think it would have had a workable result with a good chance of being ratified.

Instead, the Administration agreed to a treaty of unlimited duration and a zero-yield ban that prohibits all nuclear tests; a treaty which is clearly unverifiable and a clear departure from the positions of all previous Administrations, both Democratic and Republican. For instance, President Eisenhower insisted that low-yield nuclear tests be permitted. President Kennedy ended a three-year moratorium on nuclear tests, saying the U.S. would "never again" make that kind of error. President Carter opposed a zero-yield test ban while in office because it would undermine the U.S. nuclear deterrent. No other Administration has ever supported a zero-yield ban which prohibits all nuclear tests.

Ronald Reagan's words, "Trust but verify," remain a guiding principle. But a zero-yield ban is not verifiable. While the exact thresholds are classified, it is commonly understood that the United States cannot detect nuclear explosions below a few kilotons of yield. We know that countries can take advantage of existing geologic formations, such as salt domes, to decouple their nuclear tests and render them undetectable. Also, advances in commercial mining capability have enabled countries to muffle their nuclear tests, allowing them to conduct militarily significant nuclear explosions with little chance of being detected.

Should technical means of verification fail, the onsite inspection regime is extremely weak. If we suspect a country has cheated, thirty out of fifty-one nations on the Executive Council have to agree to an inspection. It will be extremely difficult to reach

this mark given that the Council established under the treaty has quotas from regional groups and the U.S. and other nuclear powers are not guaranteed seats. If an inspection is approved, the suspected state can deny access to particular inspectors and can declare a 50-square kilometer area off limits. These are exactly the type of conditions we rejected in the case of UNSCOM in Iraq.

As to the question of reliability, we all recognize that our nuclear deterrent is effective only if other nations have confidence that our nuclear stockpile will perform as expected. A loss of confidence would not only embolden our adversaries, it would cause our allies to question the usefulness of the U.S. nuclear guarantee. We could end up with more nuclear powers rather than fewer.

There is a very real threat the credibility of our nuclear deterrent will erode if nuclear testing is prohibited. Historically, the U.S. often has been surprised by how systems which performed well in non-nuclear simulations of nuclear effects failed to function properly in an actual nuclear environment. Indeed, it was only following nuclear tests that certain vulnerability to nuclear effects was discovered in all U.S. strategic nuclear systems except the Minuteman II.

The Stockpile Stewardship Program is advertised as an effective alternative to nuclear testing. I hope it will enable us to avoid testing in the near future. However, many of the critical tools for the Stockpile Stewardship Program have not been developed. For example, the high-powered laser system which supposedly will have the capacity to test the reliability and safety of our nuclear stockpile was scheduled to come on line in 2003, but has now been pushed back two years later. We should make sure that alternatives to nuclear testing are fully capable before we commit to abandoning testing.

There also are very real safety concerns which we must address when dealing with aging materials and components of weapons that can degrade in unpredictable ways. Right now, only one of the nine types of weapons in our nuclear stockpile have all available safety features in place, because adding them would have required nuclear testing. It doesn't make sense to effectively freeze our stockpile before all of our weapons are made as safe as possible. We must make sure that the members of our armed forces who handle these weapons are not placed in jeopardy, and the communities which are close to nuclear weapons sites are not endangered.

Furthermore, this treaty would not ensure U.S. nuclear superiority. As John Deutch, Henry Kissinger and Brent Scowcroft stated in a recent op-ed, "no serious person should believe that rogue nations such as Iran or Iraq will give up their efforts to acquire nuclear weapons if only the United States ratifies the CTBT." There is already a

nuclear Non-Proliferation Treaty (NPT). Any threshold state that is ready to test has already broken the norms associated with that treaty. There is no reason to believe that the CTBT regime, which has no real enforcement mechanism, will succeed where the NPT has failed. Nations that are habitual violators of arms control treaties will escape detection, building new weapons to capitalize upon the U.S. deficiencies and vulnerabilities created by the CTBT.

While I support continuing the current moratorium on nuclear testing, it seems premature for the United States to consider ratifying the CTBT. I can envision a time, however, when ratification of a much better negotiated treaty could benefit our nation—but not until we have developed better techniques for verification and enforcement, and the advanced scientific equipment we need for the stockpile stewardship program.

Mr. LAUTENBERG. Mr. President, we are about to begin a new century—a new millennium with new opportunities to make the world a safer place. The United States must be taking the lead in pursuing those opportunities. Which will be possible when this Senate ratifies the Comprehensive Test Ban Treaty which is our best hope for containing the threat of nuclear war.

Unchecked testing of nuclear weapons is the single greatest threat to world peace—and to the security of the United States—as we enter the 21st century. I know none of my colleagues want nuclear weapons falling into the hands of hostile people. None of us want emerging nuclear powers to develop advanced weapons of mass destruction.

The CTBT is not a magic wand, but it would make it more difficult for other countries to develop sophisticated nuclear weapons. But unless we act now to ratify this treaty, those remain very real possibilities—with potentially catastrophic consequences.

Most of us here grew up during a time when the threat posed by nuclear weapons manufactured by the former Soviet Union were a day-to-day, ever-present reality. That particular danger, of course, is part of history now. But that doesn't mean the United States or any other country can rest easy. In fact, in some ways, the dangers are even greater today.

Forty years ago, we at least knew who the enemy was. We knew where to target our defenses. Unless we ratify this treaty and play a role in enforcing it, we won't be completely sure which countries are moving ahead with a nuclear weapons program.

Over just the last year and a half, India and Pakistan have conducted missile tests, and Pakistan's elected government has just been overthrown by a military coup. These developments make it more urgent than ever that we hold the line on any further nuclear weapons testing world-wide.

That is exactly what this treaty promises to do. In fact, it represents

the sort of historic opportunity that was only a dream during the Cold War. An opportunity to create an international monitoring system that would be our best assurance that no country's nuclear testing program moves any further than it already has. But that won't happen without this country's participation.

The United States must take the lead in transforming the CTBT from a piece of paper into a force for global security. Our decision to ratify will have a profound effect on the way this treaty is perceived by the rest of the world. 154 nations have signed the CTBT, but many of those countries will ratify it only if the United States leads the way. And every nation with nuclear technology must ratify this agreement before it comes into force.

Every President since Dwight D. Eisenhower has stressed the importance of controlling nuclear weapons worldwide. And I hope everyone here will remember that this treaty has strong support from military weapons experts, religious groups, scientists and world leaders.

Even more importantly, the American people support ratification of this document. They know how important it is and prove it in polls when they say 82% view the treaty ratification as essential. They will remember how we vote on this issue. And it has to be pretty tough to explain to voters who want their families protected why you didn't vote to ban testing of nuclear weapons.

I know the argument has been made that this treaty will somehow compromise our own defenses. But that's a pretty shaky theory. The United States can maintain its nuclear stockpile without testing, using the most advanced technology in the world. So ratifying this treaty won't leave us without a nuclear edge, it will preserve it. At the same time, it will signal our commitment to a more secure and lasting world peace.

A number of our colleagues and other people as well have suggested that we don't have the required two-thirds majority to ratify this treaty. As a result, President Clinton has asked that we delay this historic vote a little longer. I am prepared to support that approach with great reluctance because rejecting this essential treaty outright would be the worst possible outcome. But a delay should give my colleagues who are skeptical of this treaty the chance to better understand how it will enhance our nation's security and why it has the support of the American people.

I hope that, sometime within the next year, we will have the opportunity to continue this debate and provide the necessary advice and consent to ratify a treaty that would create a more peaceful world in the next century.

I yield the floor.

Mr. GRASSLEY. Mr. President, I rise today to express my opposition to the Comprehensive Test Ban Treaty.

First, let me say I do believe my colleagues and I share the goal of decreasing the number of weapons of mass destruction found throughout the world. With that aside, my utmost concern is for the safety of each American, and I take very seriously my constitutional responsibility to review the Comprehensive Test Ban Treaty as it relates to the security of American citizens. I must take into consideration not only the present state of the world, but the future as well.

I have, in the past, supported moratoriums on nuclear testing. In 1992, I voted in favor of imposing a 9-month moratorium on testing of nuclear weapons with only limited tests following the moratorium. Since the Eisenhower Administration, each President has sought a ban on nuclear testing to some degree. However, never before has an administration proposed a ban on nuclear testing with a zero-yield threshold and an unlimited time duration.

The goal of the Comprehensive Test Ban Treaty, also known as CTBT, is to ban all nuclear testing. However, I have not been convinced this treaty is in the best interests of the United States. From the lack of clear definitions to the incorrectness of underlying assumptions to the verification and enforcement provisions, I believe the treaty is fundamentally flawed. And, these flaws cannot be changed by Senate amendment.

I want to take a few moments to discuss my concerns regarding the Comprehensive Test Ban Treaty.

Verification is critical to the enforcement of any treaty. Without verification, enforcement cannot truthfully occur. The Clinton Administration has called for zero-yield under the CTBT. No yield. This means there should be no nuclear yield released when an explosion occurs. There is agreement among the Administration, the intelligence community and the Senate that a zero-yield threshold cannot be verified.

The issue of zero yield takes on another level of importance when it becomes clear that zero-yield is not the standard defined in the Treaty. It is the standard interpreted by President Clinton. Nowhere in the Treaty is there a definition of what is meant by a "test." Other countries, notably Russia, have not interpreted the Treaty in the same manner. We don't know how China has interpreted the ban on "tests." We don't know because we cannot verify that China and Russia are not testing. Therefore, not only do we have a potential standard that is impossible to verify, but other countries have the ability to interpret the Treaty differently and act upon their interpretation, and the United States will not be able to enforce the higher standard.

A second major concern of mine involves our existing nuclear stockpile. The cold war may be a thing of the past, but threats to our nation's security exist today. Our nuclear stockpile

exists for a reason, and not only are new weapon technologies essential to our defense, it is also critical to maintain the security and safety of existing weapons.

Proponents of the CTBT maintain the United States does not need to conduct nuclear tests to maintain the integrity of our existing stockpile because of President Clinton's Stockpile Stewardship Program. The Stockpile Stewardship Program relies upon computer modeling and simulations as a substitute for testing. I believe the intent of the Stockpile Stewardship Program is good. However, I am not confident in the ability of the Stockpile Stewardship Program to keep our existing stockpile safe. One-third of all weapons designs introduced into the U.S. stockpile since 1985 have required and received post-deployment nuclear tests to resolve problems. In three-fourths of these cases, the problems were discovered only because of ongoing nuclear tests. In each case, the weapons were thought to be reliable and thoroughly tested.

I see three problems with the Stockpile Stewardship Program as it exists today. First, the technology has not been proven. In 1992 laboratory scientists proposed a series of tests to create the data bases and methodologies for stockpile stewardship under a ban on nuclear testing. These tests were not permitted. At the very least, actual nuclear tests are necessary to produce an accurate computer simulation. Second, data from past tests don't address aging, which is a central problem in light of the highly corrosive nature of weapon materials. Shelf life of U.S. nuclear weapons is expected to be 20 years, and many weapons are reaching that age. Without testing we will not have confidence in refurbished warheads. My third concern relates to China. Apparently, China has acquired the "legacy" computer codes of the U.S. nuclear test program. The Clinton administration proposes to base its efforts to assure stockpile viability on computer simulation which is highly vulnerable to espionage—and even to sabotage—by introducing false data. There is no such thing as a secure computer network.

The Comprehensive Test Ban Treaty will not go into effect until 44 specific countries both sign and ratify the Treaty. In addition to the United States, China, Russia, North Korea, Iran, India and Pakistan have yet to ratify, and India and Pakistan have not even signed the Treaty. The argument is made that U.S. ratification would quickly lead to ratification by these other countries. I would reply by saying that—as the Treaty is constructed—each of these countries could indeed sign and ratify the Treaty. Then, they could proceed with low-yield nuclear testing which cannot be verified.

Even if nuclear testing is suspected, under the terms of the CTBT, any inspection must be supported by 30 of the

51 members of an Executive Council elected by all State Parties to the Treaty. And, the United States is not even guaranteed a position on the Executive Council. Furthermore, onsite inspections are subject to a number of limitations. First, inspection activities are subject to time limits (25 days.) Any collection of radioactive samples must be accompanied by an approval by a majority of the Executive Council. No State Party is required to accept simultaneous on-site inspections on its territory. And finally, the State party under inspection may refuse to accept an observer from the State party requesting the inspection. There is currently a supporter of inspection limitations similar to these; his name is Saddam Hussein.

Effective arms control treaties can be extremely helpful in limiting the spread of weapons of mass destruction. Moratoriums on nuclear testing and limiting the yield of tests have highlighted the ability of the United States and other responsible countries to shape the current environment while protecting against the intentions of rogue states. I remain hopeful that our technology will one day rise to the level of verifying a zero-yield nuclear test ban. I remain hopeful that China, Russia, India and Pakistan may one day commit themselves—in both words and actions—to cease developing and testing nuclear weapons. Until that day, or until a Treaty is brought before the Senate that can be verified and fairly enforced, I will continue to support policy that protects American citizens. And in this case, it means opposing the Comprehensive Test Ban Treaty.

Mrs. MURRAY. Mr. President, I rise to join my colleagues in voicing my strong support for Senate ratification of the Comprehensive Test Ban Treaty.

I joined many of my colleagues in calling for Senate consideration of the CTBT. But I must say, I am very disappointed in the process put into place for the consideration of this hugely important issue.

This Senate is failing our great tradition of considering treaties without partisan political influences. So many giants in American history have argued for and against treaties right here on the Senate floor.

Senator Henry "Scoop" Jackson from my own State of Washington was one of these giants. Following his death in 1983, Charles Krauthammer wrote the following in *Time* magazine:

The death of Senator Henry Jackson has left an empty stillness at the center of American politics. Jackson was the symbol, and the last great leader, of a political tradition that began with Woodrow Wilson and reached its apogee with John Kennedy, Lyndon Johnson, and Hubert Humphrey. That tradition—liberal internationalism—held that if democratic capitalism was to have a human face, it had to have a big heart and strong hand.

Scoop believed in that strong hand. Senator Jackson was one of the Senate's workhorses on defense issues. Few

had the intimate knowledge of defense and foreign policy matters that Scoop did. And this expertise extended to arms control issues as well. Jackson was famous for taking apart arms control agreements and forcing the Executive Branch and his congressional colleagues to understand fully the matter at hand. And, Jackson was a leader at perfecting arms control agreements that fully protected U.S. interests.

Senator Jackson was a defense giant throughout the cold war. He championed his country's defense from the days of FDR to Ronald Reagan's first term as President. Yet, he managed to vote for every single arms control treaty that came before the Senate. He tackled the issues and he protected U.S. interests and national security with absolute devotion to country free from partisan politics. Jackson epitomized the Senate at its best; senators working together without time constraints; senators holding the Administration accountable; senators engaged to strengthen U.S. foreign and defense policy.

Sadly, this Senate has taken a different course. Few can argue with any sincerity that the Senate has given the CTBT a thorough consideration. The treaty's certain defeat was dictated by partisanship before a single hearing was held on the issue. Advise and consent, the Senate's historical and constitutional duty has been laid aside by a majority party currying favor with extremist political forces.

In spite of the pre-determined fate of the CTBT, I want to take a few minutes to briefly explain my strong support for the Comprehensive Test Ban Treaty.

The arguments used to end nuclear testing in 1992 are just as valid today.

My service in the Senate has largely mirrored the U.S. moratorium on nuclear weapons tests. President Bush wisely halted U.S. nuclear weapons testing after a thorough review of our nuclear weapons arsenal and particularly the safety, reliability and survivability of our stockpile.

The directors of our nuclear weapons laboratories, numerous prestigious weapons scientists, prominent military leaders and many others remain convinced that the United States can safely maintain its nuclear weapons stockpile without nuclear testing.

The CTBT freezes in place U.S. supremacy in nuclear weaponry.

The United States maintains a 6,000 warhead nuclear arsenal. This arsenal is the result of more than 1,000 nuclear weapons tests. Our nuclear weapons program is without equal in the world.

Dr. Hans Bethe, Nobel Prize winning physicist and former Director of Theoretical Division at the Los Alamos Laboratory wrote the President on this very point in early October. Dr. Bethe's letter states:

Every thinking person should realize that this treaty is uniquely in favor of the United States. We have a substantial lead in atomic weapons technology over all other countries.

We have tested weapons of all sizes and shapes suitable for military purposes. We have no interest in and no need for further development through testing. Other existing nuclear powers would need tests to make up this technological gap. And even more importantly, a test ban would make it essentially impossible for new nuclear power to engage.

Here's a leading nuclear scientist, a Nobel Prize winning physicist, and he says the CTBT is "uniquely in favor of the United States." To me, this is an immensely powerful argument in favor of CTBT.

Failure to ratify the test ban treaty will send a disastrous message to the international community.

Already our closest allies are calling upon the United States to ratify the CTBT. Many countries urging the U.S. to ratify the treaty are the same countries covered by the U.S. nuclear umbrella including our closest NATO allies.

Given our unmatched nuclear superiority, is the United States' national interest advanced by working with the global community to combat potential nuclear threats? The answer to me is a resounding yes.

The United States is safer if the world is working together to combat any proliferation threats. Without the CTBT, the global effort to combat proliferation will be seriously undermined and U.S. credibility and sincerity will be jeopardized.

Our efforts to contain and control a nuclear arms race in South Asia will be undermined. The global resolve to contain proliferation in the Middle East in countries like Iran and Iraq will diminish. Rogue states like North Korea will not face the same international resolve on weapons experimentation and development. It will be easier for nations like China to modernize its nuclear weapons program if the CTBT does not enter into force. Our already difficult efforts to work with a fraying nuclear establishment in Russia will also be setback by the U.S. failure to lead the effort to end nuclear weapons testing once and for all.

The CTBT is largely a creation of the United States. For more than 40 years, Republican and Democratic Administrations have pushed the world to end nuclear weapons testing. President Clinton signed the CTBT upon its successful negotiation in 1996. More than 140 countries have signed the treaty. Some 40 countries have ratified the treaty. U.S. ratification of the CTBT is one of the last remaining hurdles to the treaty entering in force.

Mr. President, I will cast my vote with absolute confidence for ratification of the Comprehensive Test Ban Treaty.

Mr. DEWINE. Mr. President, we live in dangerous and uncertain times. The global threats to peace and security known well to us during the Cold War have been replaced by terrorist states and rogue nations with growing nuclear arsenals. Historically, existing international arms control agreements

have made our nation, and our world, a safer place. The United States has been a world leader to reduce global nuclear tests. Several nuclear test ban treaties already are in effect, including the 1963 Limited Test Ban Treaty (LTBT), which banned nuclear blasts in the atmosphere, space, and underwater; the 1974 Threshold Test Ban Treaty (TTBT), which banned tests on devices above 150 kilotons; and the 1990 Peaceful Nuclear Explosion Treaty.

Unfortunately, the Comprehensive Test Ban Treaty will not provide the same protections as these other weapons treaties. That is why I cannot support it.

I am against the CTBT for two fundamental reasons: 1. The Treaty does not guarantee us an ability to maintain a safe, viable, and advanced nuclear stockpile; and 2. The Treaty does not provide effective verification and enforcement if other nations violate the Treaty.

The Clinton administration has proposed replacing our testing system with a computer simulated Stockpile Stewardship Program. Right now, we simply do not know if this program can serve as a reliable surrogate for testing. We do not know if computer simulations can mimic accurately the functions of actual testing. We do not know if computer simulations can provide adequate information so we can modernize and our devices in response to changing threats and new weapons systems. What we do know is that in order for our own nuclear defenses to be an effective deterrent, they must be able to work. Ratification of the CTBT would close off the only means that currently can ensure the reliability, safety, and security of our nuclear defense stockpile.

I also am opposed to the CTBT because it does not provide adequate verification and enforcement mechanisms. Nations will be able to conduct nuclear tests well below the detection threshold of the Treaty's current monitoring system. If a rogue nation, like Iraq, conducts a nuclear test, and the United States insists on an on-site inspection, the treaty first would require 30 of 51 nations on the CTBT executive council to approve the inspection. If approved, the country to be inspected could still declare up to 50 square kilometers as being "off limits" from the inspection. How can measures like this ensure other nations will comply with the CTBT? They simply can't.

The national security of our nation would not be served with the adoption of the current CTBT. I believe ratification of the CTBT could compromise our national security. The Senate should defeat its ratification.

Ms. MIKULSKI. Mr. President, I rise to support the Comprehensive Nuclear Test-Ban Treaty.

This is a sad day for the Senate. Despite limited debate on this issue, the appeal of the President and bi-partisan pleas of over 51 Senators to delay consideration of this treaty, the Majority

Leader has decided to force our vote on this treaty. The very nature and timing of the issue requires that we come together and act in a responsible, non-partisan manner. We are faced with an historic opportunity to send nations around the world an important, powerful message—let's make sure it is the right message and that we vote to ratify this important treaty.

Ratification will strengthen—not weaken—America's national security. We must remember that ratification will not force America to abandon or alter its current practice regarding nuclear testing—we stopped nuclear testing seven years ago. And why did we stop nuclear testing? Because we have a robust, technically sophisticated nuclear force and because nuclear experts affirm that we can maintain a safe and reliable deterrent without nuclear tests. This is also one reason why we should ratify the CTBT.

Another reason to ratify the CTBT is that it will strengthen our national security by limiting the development of more advanced and more destructive nuclear weapons. As we all know, we have the most powerful nuclear force in the world. Thus, limiting the development of more advanced and destructive nuclear weapons limits the power of rogue nations around the world from strengthening their own nuclear arsenals. It allows America to maintain its nuclear superiority.

Full ratification and implementation of the CTBT will also limit the possibility of other countries from acquiring nuclear weapons. Furthermore, it will provide us with new mechanisms to monitor suspicious activities by other nations. For example, it provides for a global network of sensors and the right to request short notice, on-sight inspections in other countries.

But failure to ratify the CTBT will jeopardize our national security as well as the security of countries around the world. If we fail to act, the treaty cannot enter into force for any country. Let us not forget that nuclear competition led Pakistan and India to conduct underground nuclear testing over one year ago. Without this treaty, nuclear competition will only continue to grow and to spread. Without this treaty, underground nuclear testing will not only continue but will be carried out by even more countries—not by our allies, but rather, by our enemies.

I am dismayed that we are even forced to consider this vital treaty in light of the current unrest in Pakistan and India. Now, more than ever, we must demonstrate national unity.

We must listen to the experts who urge us to ratify the treaty—the Secretaries of Defense and Energy, the Directors of the National Weapons Laboratories and the Nobel laureates. We must listen to national leaders around the world beseeching us to ratify the treaty—asking us to act as a responsible international leader and to serve as a positive example for other nations to follow. And most important, we

must listen to the American people—the majority of whom are pleading with us to make our world a safer place and to ratify this treaty.

Let us not forget that 152 countries have signed the CTBT. America led these countries by being the first to sign the treaty. Other major nuclear powers, such as Britain, France, Russia and China followed our lead. To date, 41 countries have ratified. Although we will not be the first country to ratify, let us not be the first country to jeopardize its very existence.

We live in a dangerous world—where terrorists and rogue nations are developing the most repugnant weapons of mass destruction. We need to think clearly about what message we are sending today to the rest of the world—to our allies and to our adversaries. Our actions today will influence action by countries around the world. If we ratify, other countries will follow suit and ratify. Our failure to ratify will go beyond encouraging other nations to follow suit. It will prevent the very entry into force of this historic agreement.

Let us send a powerful message to our neighbors around the world and ratify this historic treaty. Let us ratify the treaty and guarantee a safer future for our children by strengthening the security of our country and of the world.

Mr. ROBERTS. Mr. President, there are few responsibilities of the Senate more important than the constitutional duty to offer our advise and consent on treaties.

After long deliberation and after a series of classified and unclassified hearings, I have determined that I cannot support ratification of the Comprehensive Test Ban Treaty. There are serious flaws in this document that could endanger our national security in the future.

Make no mistake, the world is a dangerous place. We must deal with the world as it is, not as we wish it were. And we must approach ratification of this treaty with only one view; does it advance the cause of world peace without jeopardizing our own security.

The treaty fails on both counts.

First, this treaty is not verifiable. I cannot vote for a treaty that will bind the United States, but which will be ignored by other nuclear nations.

There are differing opinions concerning the ability to detect nuclear testing. But the issue is more complex than just detecting a detonation of a nuclear device with a yield greater than allowed by the treaty. If, for example, if a detonation occurred and we decided that we should inspect the site, how would we do the inspection?

First, 31 nations have to agree that a violation has occurred before site inspections would be authorized. The chances of 31 nations agreeing a violation has occurred are remote. But why do proponents of the treaty think a nation that has just violated the treaty will allow an inspection? You need to

look no further than Iraq to appreciate the difficulty in inspecting a nation that wants to obfuscate such testing.

Just a quick review of the significant events that escaped our intelligence community in the recent past do not give confidence that they will uncover violations of this treaty. Our intelligence officers missed the development of the advanced missile development by North Korea, they failed to recognize the signs that both India and Pakistan were going to test nuclear weapons, they provided incorrect information resulting in our bombing the Chinese Embassy in Belgrade, and they failed to provide sufficient information to prevent us from conducting a missile attack on a pharmaceutical plant in Khartoum.

Additionally, there was confusion over the exact number of nuclear tests conducted by India and Pakistan.

Secondly, ratification of this treaty will not reduce development or proliferation of nuclear weapons. A basic truth for any nation is that it will act in a manner that best suits its national interests. The downside of our military dominance compared to the rest of the world is that it forces weaker nations to rely on weapons of mass destructions as a counter to our conventional strength. Russia and China have both publicly stated that a new reliance on nuclear weapons is necessary to “balance” our dominance. Rogue nations cannot possibly challenge us with conventional weapons and therefore feel compelled to acquire or develop non-conventional weapons.

This treaty will not stop or slow down the development of nuclear weapons if a nation deems these weapons as vital to their national interests. Russia and China will not be deterred from enhancing their nuclear weapon performance simply because they have signed this treaty.

Yet, our own nuclear defense program would be limited under the treaty.

Third, the Stock Pile Stewardship program as outlined will not guarantee safe and reliable nuclear weapons. This is a technical area. But there is considerable differences of opinion between impressive scientists about whether we can maintain our stock pile as safe and reliable without nuclear testing. Without such assurance of safety and reliability and with the knowledge that the United States will maintain a nuclear deterrent for the foreseeable future, I cannot support such a treaty that would potentially put our stockpile at risk.

Treaty proponents will argue that any time the appropriate leaders of defense, energy and the scientific community say we must test to insure reliability and safety, we can withdraw from the treaty. I have little confidence that once this treaty is approved, “pulling the sword Excaliber from the stone” would seem a trivial task compared to withdrawal from a nuclear test ban treaty.

The point is that once the treaty is signed, we need to be confident that we can maintain a safe, reliable nuclear stockpile. We have no such confidence today—perhaps the technology will be in place in 5-15 years—and therefore we should not jeopardize our nuclear deterrent by agreeing to this treaty.

Because we cannot verify whether other nations are following the treaty, because the treaty does not halt or prevent proliferation of nuclear weapons and because the treaty could lead to reduced reliability and safety of our nuclear stockpile, I cannot support its ratification.

Mr. JEFFORDS. Mr. President, the Senate finds itself in a very uncomfortable position today. We have before us one of the most important treaties negotiated this decade, the Comprehensive Test Ban Treaty. It is not perfect. It does not do everything we wish it would. Its verification provisions are not air-tight, and its sanctions for violators are not particularly stiff.

I understand many of my colleagues’ uneasiness about the treaty. Prior to last week, there had been no deliberate consideration of the CTBT before any Senate committee. Members have had little opportunity to learn about the treaty and have their questions addressed. A significant portion of the Senate has just in the last two weeks begun to carefully examine the details of the treaty. This is no way to conduct the ratification process on a matter of such importance to national security, and puts Senators in a very uncomfortable position. For some time, I have urged the Foreign Relations Committee to hold hearings on this treaty and allow this debate to begin. But for better or worse, this is the situation we find ourselves in, and having exhausted appeals for a delay in the vote, I trust my colleagues will do their best to thoroughly evaluate what is now before them.

Implementation of the CTBT would bring, however, a significant improvement in our ability to stop the proliferation of nuclear weapons. The Test Ban Treaty would constrain the development of new and more deadly nuclear weapons by nations around the globe by banning all nuclear weapon test explosions. It would also establish a far-reaching global monitoring system and allow for short-notice on-site inspections of suspicious events, thereby improving our ability to detect and deter nuclear explosions by other nations. The fact that the CTBT was signed by 154 nations is a major tribute to American diplomacy. Many of these nations are now looking to America for leadership before they proceed to ratification of the treaty, and under the provisions of the treaty, it will not enter into force until the United States has ratified.

Rejection of the test ban treaty could give new life to dormant nuclear testing programs in countries like Russia and China. It could also renew dangerous, cold war-era nuclear arms competitions. And we would have a very

difficult time asserting our leadership in urging any nation to refrain from testing. Not only would we lose an historic opportunity to lock in this agreement among nations, we would undermine the power of our own diplomacy by not following through on an initiative that we have spearheaded.

Critics charge that we cannot be 100 percent certain that we can detect any test of any size by any nation. I would concede that is true. But when it comes to national defense, nothing is 100 percent certain. We can never be sure any weapon will work 100 percent of the time. We can be certain, however, that this treaty will improve our ability to constrain the nuclear threat today and in the future. We owe it to our children and our grandchildren to add this important weapon to our defense arsenal.

I urge my colleagues to vote for ratification of the Comprehensive Test Ban Treaty.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I want to inform my colleagues on this side—I apologize for it—the most I can give any colleague is 2 minutes. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, with this fateful vote tonight the world becomes a more dangerous place. That is what our top military leaders are telling us. To quote General Shelton, the Chairman of the Joint Chiefs:

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

Secretary of Defense Bill Cohen says that this treaty will “help cap the nuclear threat.”

Mr. President, we no longer have standing, when we defeat this treaty, to tell China or India or Pakistan or any other country: Don’t test nuclear weapons.

We will have lost our standing, and I believe will have lost our bearings. By rushing headlong into this vote tonight and defeating a treaty which 150 nations have signed—it was said a few moments ago that our lab Directors say that the treaty would endanger their safety and reliability testing.

I ask unanimous consent that a joint statement of the lab Directors be printed in the RECORD saying that “we are confident that a fully supported and sustained Stockpile Stewardship Program will enable us to continue to maintain America’s nuclear deterrent without nuclear testing.”

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

JOINT STATEMENT BY THREE NUCLEAR WEAPONS LABORATORY DIRECTORS: C. PAUL ROBINSON, SANDIA NATIONAL LABORATORIES, JOHN C. BROWNE, LOS ALAMOS NATIONAL LABORATORY, AND C. BRUCE TARTER, LAWRENCE LIVERMORE NATIONAL LABORATORY

“We, the three nuclear weapons laboratory directors, have been consistent in our view

that the stockpile remains safe and reliable today.

“For the last three years, we have advised the Secretaries of Energy and Defense through the formal annual certification process that the stockpile remains safe and reliable and that there is no need to return to nuclear testing at this time.

“We have just forwarded our fourth set of certification letters to the Energy and Defense Secretaries confirming our judgment that once again the stockpile is safe and reliable without nuclear testing.

“While there can never be a guarantee that the stockpile will remain safe and reliable indefinitely without nuclear testing, we have stated that we are confident that a fully supported and sustained stockpile stewardship program will enable us to continue to maintain America’s nuclear deterrent without nuclear testing.

“If that turns out not to be the case, Safeguard F—which is a condition for entry into the Test Ban Treaty by the U.S.—provides for the President, in consultation with the Congress, to withdraw from the Treaty under the standard “supreme national interest” clause in order to conduct whatever testing might be required.”

Mr. LEVIN. Mr. President, our three allies, in an unprecedented move, have directly appealed to this Senate to ratify this treaty. Great Britain, France, Germany, directly appealed to this Senate.

Finally, it is unprecedented that this Senate would defeat a treaty of this magnitude with this speed without a report even from the Foreign Relations Committee. I think we are doing a real disservice to world peace and stability by defeating this treaty.

I thank my friend for the time he has yielded me.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. If when the vote occurs on the Resolution of Ratification it does not achieve 67 votes, what happens to the treaty?

The PRESIDING OFFICER. The treaty would then stay on the calendar until the end of the Congress.

Mr. BIDEN. Further parliamentary inquiry: At the end of the Congress, what would then happen to the treaty?

The PRESIDING OFFICER. The treaty would then be returned to the Foreign Relations Committee.

Mr. BIDEN. I thank the Chair. I yield the floor.

Mr. HELMS. I yield to the distinguished Senator from Texas, Mrs. HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to be notified at 2½ minutes. I am going to split my time with Senator SHELBY who has not arrived. I will take my 2½, and then when he arrives, he will use the other 2½ minutes.

If America does not form a nuclear umbrella to protect world peace, who will? To whom will our allies look to protect them from an incoming ballistic missile? Only America can do that, and there are only two ways we have to deter a rogue nation from lobbing a nuclear missile into some other

country. The first is a missile defense system which belatedly we are now deploying. It is not yet ready, but we are on the way. That is No. 1. No. 2 is the ability to be sure we have a safe and secure and viable nuclear arsenal.

This is not a treaty that has been debated for 20 years. It is not the same treaty that preceding Presidents negotiated. It is different in this respect: Every other President held firm for the United States to test at a low level. President Clinton gave that up. That is part of the reason this treaty is before us and why the other countries came in because the low-level testing is not able to be detected. No other President gave in on that issue.

Secondly, no other President gave in on the issue of permanence. The idea that we would unilaterally disarm ourselves in perpetuity is irresponsible.

I do not like the fact we are taking up this treaty now. I do not want to send a bad signal. But most of all, I do not want to leave ourselves and our allies unprotected from some rogue nation that has nuclear capabilities, and we know there are many.

I want to go back and look at the record, and let’s talk about peace through strength. It was not peace through weakness and unilateral disarmament that stopped the Cold War. It was peace through strength. We cannot let that go away by signing a treaty that is not in our interests. There are other avenues. There is renegotiating the treaty so we can test at a low level, so we will be able to say to the world: We have a nuclear arsenal, so do not even think about lobbing a nuclear missile at us or any of our allies. We could renegotiate the treaty so it has a term or a timetable. There are alternatives. I hope we will not be rammed into doing something that is wrong for our country because there are alternatives.

Mr. President, I ask unanimous consent that an excerpt of testimony from General Shalikashvili in a March 1997 appropriations hearing be printed in the RECORD.

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

EXCERPTS—SENATE APPROPRIATIONS HEARING, MARCH 1997
NUCLEAR WEAPONS TESTING

Senator HUTCHISON. Second, I am always interested in the Department of Energy’s role in the maintenance and storage of our nuclear stockpile. I would like to ask you a general question.

Are you confident that they are doing everything that you think is prudent in maintaining and storing our weapons? Do you think we are maintaining and storing enough? And do you think we can rely on a safe and reliable nuclear stockpile when we have banned any testing?

General SHALIKASHVILI. The answer is yes, and let me tell you what I base this on.

I think it is 2 years ago that the President established a system where each year the Secretary of Defense, the Secretary of Energy, and the Commander of our Strategic Forces, now General Habiger in Omaha, have to certify that the stockpile is safe and reliable. The system is such that if any one of

them reports that it is not so, then the President has to consult with Congress on that issue.

Senator HUTCHISON. How do they tell when you cannot actually test? Do you think the computer modeling is sufficient? Do you think the testing is sufficient when you can't test?

General SHALIKASHVILI. The Energy Department has proposed and the Secretary of Defense has agreed with the establishment of a science-based stockpile verification program. It is a very costly program. To stand it up—and I might have my number off but not by much—it is about \$4 billion a year, to establish the laboratories, the computer suites, and all of that, to establish it.

What I monitor is whether—this year, for instance, in the energy budget there is approximately \$4 billion toward the science-based stockpile verification program. Just 10 days ago I was in Omaha to get a briefing from General Habiger on how he is coming along on making the judgment that this year the stockpile is still safe and reliable.

Not only is he in constant communications with the nuclear laboratory directors who work that issue, he also has a panel of prominent experts on the subject who report to him. Based upon his observations, because he monitors what is on the missiles and so on, his discussions with the labs and the report that he gets from the panel that is established just to answer that question, last year, for the first time, he made the judgment that it was safe. He tells me that, unless something comes up before he reports again, he is going to again certify this year.

With each year that goes by and we are further and further away from having done the last test, it will become more and more difficult. That is why it is very important that we do not allow the energy budget to slip, but continue working on this science-based stockpile verification program and that we get this thing operating.

But even then, Senator, we won't know whether that will be sufficient not to have to test. What we are talking about is the best judgment by scientists that they will be able to determine the reliability through these technical methods.

Senator HUTCHISON. Do you think we should have some time at which we would do some testing just to see if all of these great assumptions are, in fact, true?

How can we just sit here and say gee, we really hope this works and then be in a situation of dire emergency and have them fizzle?

General SHALIKASHVILI. I don't know. I won't pretend to understand the physics of this enough. But I did meet with the nuclear laboratory directors and we talked about this at great length.

They are all convinced that you can do that. But when I ask them for a guarantee, they cannot give it to you until all of the pieces are stood up. Obviously, if we stand it up, and we cannot do that, then we will have to go back to the President and say we will have to test.

Hopefully, it will work out. But we are still a number of years away before we will have that all put together so that we can tell you for sure whether it will work or not.

Senator HUTCHISON. Well, mark one Senator down as skeptical.

General SHALIKASHVILI. Mark one Chairman of the Joint Chiefs of Staff joining you in that skepticism. I just don't know.

But I know that if you do not help us to make sure that energy puts that money against it and does not siphon it off for something else, then I can assure you we won't get there from here.

The PRESIDING OFFICER. The Senator has used 2½ minutes.

Mrs. HUTCHISON. I thank the Chair. I reserve 2½ minutes for Senator SHELBY.

Mr. BIDEN. I yield 2 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it is with regret, after 25 years in this Chamber, a Chamber I love so much, that I say it is a travesty the Senate is on the verge of rejecting the Comprehensive Nuclear Test-Ban Treaty. The idea of a treaty banning all nuclear tests has been around since President Dwight Eisenhower called for one more than 40 years ago when I was 19 years old.

Today, there is broad agreement around the world that a test ban treaty is necessary and, I point out to my colleagues, we have not conducted a nuclear test since President Bush signed legislation to establish a moratorium on nuclear testing in 1992.

Mr. President, 152 nations have signed this treaty. They are abiding by its terms, but if we vote against ratification, if we vote against advising and consenting, the Senate will abdicate our Nation's role as the world leader in support of nonproliferation. The 100 people in this body representing a quarter of a billion people will abdicate our Nation's responsibility to ourselves and the world.

I am bewildered at the arguments made by some of my colleagues because the United States, which enjoys an immense global nuclear advantage over all other countries, will only find that position eroded if a global ban on testing is not realized.

Treaty opponents make two main arguments: that it is unverifiable and that the safety and reliability of our own weapons will be endangered without testing. In my judgment, both arguments fail miserably.

As I said before, no treaty is 100% verifiable, and the fact is that any nation bent on developing a nuclear weapon can fashion a crude device, with or without this treaty. But without the explosive testing that this treaty prohibits, it will be extremely difficult to build nuclear weapons small enough to be mounted on delivery vehicles.

The critical question we should be asking is if this treaty will make it significantly harder for potential evaders to test nuclear weapons. The answer is a resounding yes. This treaty establishes a monitoring system that includes over 300 stations that will help locate the origin of a test. Last year, when India tested two nuclear devices simultaneously, the seismic waves that they created were recorded by 62 of these prototype stations.

Once a test has been detected, the treaty has a short-notice on-site inspection regime so questionable incidents can be resolved quickly. In short, the treaty makes it much more difficult for signatory nations to test nuclear weapons without alerting the international community and incurring their collective condemnation.

The argument that the CTBT will somehow undermine the safety and reliability of our own stockpile is likewise flawed. We have conducted over 1,000 nuclear tests during the last 54 years, the most of any country in the world. We have extensive knowledge of how to build and maintain nuclear weapons reliably. Moreover, the Clinton Administration is planning a 10 year, \$45 billion Stockpile Stewardship Program that will develop unprecedented supercomputing simulations that will further ensure the continued reliability of our weapons.

I question whether we need to spend that much money, but I find it ironic that many of the voices who are questioning the technical merits of Stockpile Stewardship Program are the same people who want to spend tens of billions more on a National Missile Defense System that has shown modest technical progress, to say the least.

We have a treaty before us which will curb the proliferation of nuclear weapons. It should have been ratified years ago. I urge my colleagues to join me in setting aside short-term politics. Vote for the instruments of ratification. The Senate should be the conscience of our Nation, the conscience of the world. If we vote this down, it is not.

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

Mr. HELMS. Mr. President, I yield 3 minutes to the distinguished Senator from Alaska, Mr. STEVENS.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am not opposed to the concept of a comprehensive test ban treaty.

If we are able to maintain our own nuclear deterrent and the umbrella of nuclear protection we have extended to our allies, a ban on testing under a fair treaty could be very much in our national interest.

Clearly we do not want other countries to develop sophisticated nuclear weapons, the sort that are light enough to go on ICBMs that could reach our country. A verifiable test ban would seriously hinder other countries from developing those sophisticated weapons.

However, today we cannot indefinitely maintain with certainty the safety and reliability of our nuclear weapons. So while proponents of the treaty make valid points about the benefits that may be obtained with regard to nonproliferation, we are not yet prepared to assume the risks that would be imposed upon us if we give up the ability to test our own weapons.

As Paul Robinson, the Director of the Sandia National Laboratory, put it:

Confidence in the reliability and safety of the U.S. nuclear weapons stockpile will eventually decline without nuclear testing *** Whether the risk that will arise from this decline in confidence will be acceptable or not is a policy issue that must be considered in light of the benefits expected to be realized by a universal test ban.

I have considered the risks on both sides of the this issue, and I come to

the conclusion that a test ban should remain our goal, but we are not yet in a position to enter into an indefinite ban.

We hope over time to reduce the risks of maintaining our stockpile without testing using a science-based Stockpile Stewardship Program. But that program is not yet ready.

Our lab Directors believe it will take another 5 to 15 years to prove the program can be a success.

As John Browne, the Director of the Los Alamos National Laboratory has said, he is "concerned about several trends that are reducing [his] confidence. These include annual shortfalls in the planned budgets, increased numbers of findings in the stockpile that need resolution, an augmented workload beyond our original plans, and unfunded mandates that cut into the program."

I hope the Senate can delay a vote on this treaty. It is in our national interest to ask others to abide by a ban as we are doing, and our ability to make that request will be reduced if we vote against ratification today.

However, on whole, the risk to our national security is greater if we prematurely agree to an indefinite ban. For that reason, I hope we will put off the vote on this treaty, but, if we have to vote, in the interest of national security, I will vote against the ratification of this treaty at this time.

I thank the Senator for the time.

Mr. LEAHY. Mr. President, I yield 15 minutes out of our time to the distinguished senior Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I regret that the Senate has arrived at this juncture, that we are forging ahead with a vote that many, if not most, of us believe is ill-timed and premature. The outcome is a foregone conclusion—the Senate will reject the Comprehensive Test Ban Treaty. I sincerely hope that this vote is being driven by something other than pure partisan politics, but for the life of me, I fail to see it. Nevertheless, here we are, and vote, it appears, we will.

In the consideration of a matter as important as a major arms control treaty, we need, at a minimum, sufficient time to examine the issue, sufficient opportunity to modify the treaty, and last, but not least, the answers to a few basic questions.

First, do we support the objectives of the treaty? In the case of the CTBT, I think it is quite possible that a large majority of the Senate does support the goal of banning live nuclear weapons tests worldwide. I suspect that the 80 percent or more approval ratings that we hear in reference to this treaty are based on that question.

Second, is the treaty in the national security interests of the United States? Would the security of the United States be enhanced if we could flash-freeze the practice of nuclear weapons

testing worldwide, or are we leaving ourselves frozen in time while other nations march forward? Given our vast superiority in both numbers and technology over other nations, including Russia, it would seem that a freeze on testing could be an advantage to the United States, if—and it is a big if—other nations fully respect the treaty.

Third, does the treaty accomplish its objectives? This is where the questions become more difficult. Verification is a legitimate issue, as is the security of the U.S. nuclear weapons stockpile. What will the impact be on our national security if some countries cheat on the treaty, and others simply refuse to ratify it? Can we really trust an untested Stockpile Security Program to maintain our arsenal of nuclear weapons, and what signal will we be sending to the rest of the world if we find flaws in the program or in our weapons, flaws that mandate live testing to fix the weapons? These types of questions require time and research to fully explore. We have neither the time nor the information we need on this treaty.

Finally, can the treaty be improved by the addition of amendments, reservations, understandings or the like? Few documents that come before this body are perfect, and treaties are no exception. It is easy to criticize, easy to find fault, easy to point out the flaws—it is much easier to renounce a piece of legislation or a treaty than to improve it. We have heard a fair amount of discussion about the safeguards to be attached to this treaty. That is all well and good, but I wonder if they are good enough. I wonder how much scrutiny Senators have really given those safeguards. Could they be improved, or perhaps expanded? Maybe we need more safeguards. The point is, under these circumstances, we do not have the ability to fully explore ways to strengthen this treaty, and perhaps make it acceptable to more Senators.

A treaty of this nature—one that would bar the United States from testing its stockpile of nuclear weapons in perpetuity—deserves extensive study, careful debate, and a floor situation that allows for the open consideration of amendments, reservations, or other motions.

Treaties of this importance, of this impact on the Nation, are not to be brushed off with a political wink and a nod. Treaties of this importance must be debated on the basis of their merits, not calibrated to the ticking of the legislative clock.

As the distinguished ranking member of the Foreign Relations Committee, Senator BIDEN, noted on Friday, in comparison with Senate consideration of other national security treaties, the Comprehensive Test Ban Treaty has been given short shrift indeed. The 1988 Intermediate-Range Nuclear Forces Treaty (INF), which was considered during a time in which I served as Majority Leader, was the subject of 20 hearings before the Senate Foreign Relations Committee, 12 hearings before

the Senate Armed Services Committee, a number of hearings in the Intelligence Committee, and eventually, nine days of Senate floor debate. The SALT II Treaty, which again was considered when I was Majority Leader, was the subject of 21 hearings by the Foreign Relations Committee, and nine hearings by the Armed Services Committee before President Carter and I reached agreement in 1980 that, as a result of the seizure of the U.S. embassy in Tehran, consideration of the treaty should be suspended.

The Comprehensive Test Ban Treaty is of equal importance and deserves the same consideration as those earlier treaties affecting our national security. Senator WARNER and Senator LEVIN, the chairman and ranking member of the Senate Armed Services Committees, and their respective staffs, did a yeoman's job in scheduling three back-to-back days of hearings on the Treaty last week. They managed to wedge an enormous amount of information into a remarkably brief window of opportunity. They deserve our thanks and our commendations.

But what are we left with at the end of the process? What we are left with is a cacophony of facts, assessments, and opinions. Few in this chamber are steeped in the intricacies of the Comprehensive Test Ban Treaty. I am not. Few of us have a full enough understanding of the treaty to sift the competing opinions that we have heard this week and to draw informed conclusions.

It is often said that the devil is in the details. To accept or reject this treaty on the basis of such flimsy understanding of the details as most of us possess is a blot on the integrity of the Senate, and a disservice to the Nation.

Mr. President, I refer now to the Federalist No. 75 by Alexander Hamilton. Let me quote a bit of what he says in speaking of the power of making treaties.

Its objects are contracts with foreign nations, which have the force of law, but derive it from the obligations of good faith. They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign. The power in question seems therefore to form a distinct department, and to belong properly neither to the legislative nor to the executive. . . .

However proper or safe it may be in government where the executive magistrate is an hereditary monarch, to commit to him the entire power of making treaties, it would be utterly unsafe and improper to entrust that power to an elective magistrate of four years duration. . . . The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created and circumstanced, as would be a president of the United States.

. . . It must indeed be clear to a demonstration, that the joint possession of the power in question by the president and senate would afford a greater prospect of security, than the separate possession of it by either of them.

In The Federalist Essays, Number 75, Alexander Hamilton lays out a compelling case for the fundamental and essential role that the Senate must play in the ratification of a treaty.

Mr. President, in accordance with what Hamilton said, in these words that I just spoke, we should pause to take his words to heart. He leaves no room for quibble, no margin for question. The Senate is a vital part of the treaty-making equation. And yet, on this treaty, under this consent agreement, the Senate has effectively abdicated its duty.

This is an extraordinary moment. The Senate is standing on the edge of a precipice, approaching a vote that is, by all accounts, going to result in the rejection of a nuclear arms control treaty. All of us are by now aware of a coup d'état which has occurred in one of the more unstable nuclear powers in the world—Pakistan—a state that conducted underground tests of nuclear weapons just last year, but which in recent weeks, sent signals that it would sign the Comprehensive Test Ban Treaty.

While the two events are not necessarily related, the Senate's rejection of this treaty, coming on the heel of this coup d'état, could send a powerful message to the as-yet-unfamiliar government in Pakistan. Would it not be prudent to assess this new situation, with all of its potential ramifications to our own security situation, before we act on this treaty? I believe all of us know that it would.

But, Mr. President, I fear that what is driving the Senate at this moment instead of prudence or the security interests of the United States, is political agenda. Indeed, it is political agenda that has brought us to this uncomfortable place, and it is political agenda which blocks our exit from it, despite the desire of most members to pull back.

Once we have disposed of this vote, if the Comprehensive Test Ban Treaty is returned to the Senate at some future date, I urge the leaders to work together to re-examine it in a bipartisan fashion. We have a number of ready made vehicles to do so—the Foreign Relations Committee, the Armed Services Committee, the Intelligence Committee, and the National Security Working Group, of which both leaders are members. Our leaders should sit down with the experts whose opinions represent both sides of the Treaty debate. They should talk to the Russians, eyeball to eyeball. They should talk to our allies, eyeball to eyeball. An opinion piece in the New York Times is no substitute for face-to-face talks with the leaders of Britain, France and Germany. We have made the effort on other treaties, and we should do no less for this Treaty.

And above all, we should undertake this examination of the treaty on a bipartisan basis. No treaty of this importance is going to receive the consideration that it deserves without the co-

operation of the leaders of both parties. It is just that simple.

Mr. President, I look forward to the day when we can deliberate the full implications of the Comprehensive Test Ban Treaty. What we do on this treaty will affect national—and international—security for generations to come. We owe it to the Senate and to the Nation to give this Treaty thorough and informed scrutiny, to improve it if needed, to approve it if warranted, or to reject it if necessary. That is our charge under the Constitution, and that is the course of action that I hope we will be given another opportunity to pursue.

In closing, Mr. President, I cannot vote today either to approve or to reject the ratification of the Comprehensive Test Ban Treaty. I will do something that I have never before done in my 41 years in the United States Senate. I will vote "Present." I will do so in the hope that this treaty will sometime be returned for consideration, under a different set of circumstances, in which we can fully and dispassionately explore the ramifications of the treaty and any amendments, conditions, or reservations in regard to it.

Mr. President, I yield the floor.

Mr. HELMS. I yield 4 minutes to the distinguished Senator from New Hampshire, Mr. SMITH.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Chair.

Mr. President, the Senate now has acquired two documents which are very revealing in this debate, new information. I have a memorandum here which makes clear that neither the Department of Defense nor the Joint Chiefs of Staff were privy to the Department of Energy's lobbying effort vis-a-vis the White House to forgo all nuclear testing under the CTBT. This was never—in the words of a senior DOD official—coordinated with the Defense Department or the military.

These documents make it very clear that the Clinton administration ignored national security concerns expressed directly to the President of the United States in negotiating the CTBT and a further reason that the treaty should be rejected.

Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum, dated September 8, 1994, to the President of the United States from Hazel O'Leary.

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

THE SECRETARY OF ENERGY,
Washington, DC, September 8, 1994.

MEMORANDUM FOR: THE PRESIDENT.

From: Hazel R. O'Leary.

Subject: Hydronuclear Experiments at the Nevada Test Site Under the Moratorium on Nuclear Testing.

I. Summary

After careful and extended debate within the executive agencies, you are to be presented with a decision memorandum on

whether the United States should conduct hydronuclear experiments at the Nevada Test Site (NTS) under the moratorium on nuclear testing. Although the views of the Department of Energy on this matter are reflected in that decision memorandum, I want to take this opportunity to strongly urge you to decide that the U.S. should not conduct, nor prepare to conduct, hydronuclear experiments during the existing moratorium. At the very least, the U.S. should decide to defer a decision on whether to conduct hydronuclear experiments until after the Nuclear Non-Proliferation Treaty (NPT) Extension Conference next spring and not take any actions which prejudice an ultimate decision on whether to conduct these experiments.

II. Discussion

Under your leadership, the United States has taken a world leadership role in enacting and maintaining a nuclear testing moratorium and actively pursuing a test ban treaty. These efforts are essential elements of the comprehensive approach this Nation has undertaken to prevent the proliferation of nuclear weapons. We must be vigilant to ensure that actions are not taken which could undermine these essential objectives.

The reasons to, at a minimum, defer a decision on conducting hydronuclear experiments are compelling.

It is not technically essential to conduct hydronuclear experiments at this time. The Department of Energy has determined that the existing nuclear stockpile of the United States is safe and reliable and; that technical means other than hydronuclear testing can maintain the stockpile in this robust condition for the near term. Additionally, the JASON group, a high-level, independent technical evaluation team assessing the Stockpile Stewardship program for the U.S. Government, weighed the limited technical value of hydronuclear experiments against the costs, the impact of continuing an underground testing program at the NTS, and U.S. non-proliferation goals and determined that on balance they opposed these experiments.

Publicly affirming the U.S. commitment to conduct hydronuclear experiments would highlight the issue at the Conference on Disarmament. This could undermine the comprehensive nuclear test ban negotiations by providing nations that are not fully committed to a comprehensive nuclear test ban an opportunity to use U.S. conduct as a convenient excuse for their opposition. Significant progress on the test ban treaty is essential if the priority objective of achieving an indefinite extension of the Nuclear Non-Proliferation Treaty is to be successful in spring 1995.

A request for funding in fiscal year 1996 to preserve the hydronuclear experiment option will be difficult to defend to the Congress since it is not technically essential to conduct these experiments to preserve stockpile reliability and safety. Additionally, because of the controversial nature of hydronuclear experiments, a request for funding at this time may invite the Congress to enact legislation restricting funding for this purpose. This would tie the hands of the Executive Branch in the negotiation of a comprehensive test ban treaty and may force a change in the Administration's current negotiating position and strategy. Alternatively, if the Congress withheld its approval of funding, this will create ambiguity concerning U.S. policy and intentions on this sensitive issue, further complicating the comprehensive test ban negotiations.

As a member of your cabinet, with responsibility, with others, for carrying out your non-proliferation and national security agenda, I believe strongly that a decision to

conduct, or to prepare to conduct, hydronuclear experiments under a nuclear testing moratorium is tactically unwise and substantively unnecessary at this time. I urge you to decide not to authorize preparations for these experiments in the fiscal year 1996 budget request and also not to conduct these experiments under a moratorium.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent to print in the RECORD a memorandum for Dr. John Deutch, chairman of the Nuclear Weapons Council, from Dr. Harold Smith, staff director of the Nuclear Weapons Council.

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

MEMORANDUM

For: Dr. John Deutch, Chairman NWC.
From: Dr. Harold Smith, Staff Director
NWC.
Subject: Secretary O'Leary's Letter to the
President on Hydronuclear Experiments
(HN).

BACKGROUND

Letter dated September 8, 1994 from Secretary O'Leary to the President was received in my office today by FAX as a bootleg copy from Los Alamos National Laboratory—copies were not distributed to OSD, DoD, JS, NSC or the Deputies.

Letter clearly circumvents the established IWG process being pursued through the NSC.

THE O'LEARY LETTER (SENT AS AN
ATTACHMENT)

Section I.

"... strongly urge you to . . . not conduct, or prepare to conduct hydronuclear experiments during the existing moratorium"—circumvents the IWG Deputies forum established by NSC to decide this issue in an Interagency process

Section II.

"... not technically essential to conduct hydronuclear experiments at this time"—HNs must be conducted while the stockpile is safe and reliable to acquire baseline data, otherwise HN as a diagnostic for stockpile problems is of limited value

"... technical means other than hydronuclear testing can maintain the stockpile in this robust condition for the near term"—HNs provide direct experimental testing of an unaltered (real) pit—no other technique provides this capability

"... the JASON group . . . opposed these experiments."—The JASON's draft report indicated that HN experiments have limited technical value, but their assessment was lacking in scope and depth—the JASONs received one briefing and asked no questions in developing their position—NRDC white paper was the basis for their conclusions

"... could undermine the CTBT negotiations . . ."—speculative

"A request for funding in FY 1996 . . . difficult to defend to the Congress . . ."—ability to justify funding for HNs with Congress should be based on the need to maintain a safe and reliable stockpile

"As a member of your cabinet with responsibility with others for carrying out your nonproliferation and national security agenda"—the national security agenda should include Stockpile Stewardship that includes the ability to conduct a meaningful experimental program

AE opinion—HNs will provide unique data to be combined with other experimental and analytical data to significantly improve confidence in the safety and reliability of the stockpile

Mr. SMITH of New Hampshire. Mr. President, in the summary of the document to the President of the United States from Hazel O'Leary, the Energy Secretary, she said:

After careful and extended debate within the executive agencies, you are to be presented with a decision memorandum on whether the United States should conduct hydronuclear experiments at the Nevada test site (NTS) under the moratorium on nuclear testing. Although the views of the Department of Energy on this matter are reflected in that decision memorandum, I want to take this opportunity to strongly urge you to decide that the U.S. should not conduct, nor prepare to conduct, hydronuclear experiments during the existing moratorium.

In other words, the Secretary of Energy is asking the President of the United States to ignore the recommendations of the experts.

She states further in this memorandum to the President:

It is not technically essential to conduct hydronuclear experiments at this time. The Department of Energy has determined that the existing nuclear stockpile of the United States is safe and reliable and that technical means other than hydronuclear testing can maintain the stockpile in this robust condition for the near term.

She concludes in the memo to the President:

As a member of your cabinet with responsibility, with others, for carrying out your nonproliferation and national security agenda, I believe strongly that a decision to conduct, or to prepare to conduct, hydronuclear experiments under a nuclear testing moratorium is technically unwise and substantively unnecessary at this time. I urge you to decide not to authorize preparations for these experiments in the fiscal year 1996 . . .

That is a very interesting memorandum from the Secretary of Energy to the President of the United States.

Now let us hear what the experts had to say. This is very interesting. In a memorandum from Dr. Harold Smith to John Deutch, Nuclear Weapons Council: Background, letter dated September 8 from Secretary O'Leary to the President was received in my office today by fax as a bootleg copy from the Los Alamos National Laboratory. Copies not distributed to OSD, DOD, Joint Staff, NSC or the Deputies, not distributed and not copied.

Then the subject, and it begins to analyze the O'Leary memo. Let me quote a couple of items. In the memo from O'Leary to the President, she says: Strongly urge you to not conduct or prepare to conduct hydronuclear experiments. They say: This circumvents the IWG deputies forum established by the NSC to decide this issue in an interagency process.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. HELMS. One more minute.

Mr. SMITH of New Hampshire. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. The Senator has been yielded 1 additional minute.

Mr. SMITH of New Hampshire. The second point in the O'Leary memo

says: not technically essential to conduct hydronuclear experiments at this time. Hydronuclear experiments must be conducted while the stockpile is safe and reliable to acquire baseline data, otherwise HN, or hydronuclear, testing, as a diagnostic for stockpile problems, is of limited value.

These are the experts saying this in response.

Finally: Hydronuclear tests provide direct experimental testing of an unaltered real pit. No other technique provides that capability. This is what the experts in the Clinton administration believed. They were end run by the Secretary of Energy on a political decision, which basically said, don't worry about the science, just move forward with the policy.

This is outrageous. It flies in the face of every single point the President has made in saying we should pass this treaty.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I yield 2 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I have a strong sense of *deja vu* today.

On September 22, 1963, the Senate, on a bipartisan basis, ratified the Limited Test Ban Treaty by a vote of 80-19. I was present in the Chamber, in the gallery, as a young 21-year-old student observing my country in action and studying government and politics. I was very proud of the Senate on that day.

I was very proud of President Kennedy when, on October 7, 1963, he signed the instruments of ratification of the Limited Test Ban Treaty in the treaty room at the White House.

Today I am saddened. I am saddened by our rush to judgment. I am saddened that our Nation may see a rejection by this Senate of the first real treaty in terms of arms limitation in 70 years.

We are in the strongest military posture I think we have been in as a nation. As such, we are certainly more secure today than when John F. Kennedy sought ratification of the Limited Test Ban Treaty in 1963, certainly more secure than when President Ronald Reagan sought approval of the Intermediate Nuclear Forces Treaty in 1988, and certainly more secure than when President Bush submitted the START I treaty for Senate ratification in 1992. Of all the nations in the world, we have the most to gain from slowing the development of more capable weapons by others and the spread of nuclear weapons to additional countries.

The treaty cannot enter into force unless and until all 44 nuclear-capable states, including China, India, Iran, North Korea, and Pakistan, have ratified it. Should any one of these nations refuse to accept the treaty and its conditions, all bets are off. Finally, even if

all the required countries ratify, we will still have the right to unilaterally withdraw from the treaty if we determine that our supreme national interests have been jeopardized.

President Kennedy said, when he signed our first real nuclear test ban treaty: In the first two decades, the age of nuclear energy has been full of fear, yet never empty of hope. Today the fear is a little less and the hope a little greater.

Mr. President, it is my hope that at the end of today's work, this Senate can say the same.

I thank the Chair.

Mr. HELMS. Mr. President, I yield 4 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 4 minutes.

Mr. SHELBY. Mr. President, I rise in opposition to the Resolution of Advice and Consent to the Ratification of the Comprehensive Test Ban Treaty.

Last Thursday, I testified before the Senate Committee on Foreign Relations, in my capacity as chairman of the Select Committee on Intelligence, to present my views on the ability of the Intelligence Community to monitor compliance with the CTBT. Today, I would like to make certain general observations, in addition to addressing issues involving CTBT monitoring and verification. By the way: monitoring and verification are different. Monitoring is objective. Verification is subjective; it involves determining the significance of information obtained through monitoring.

First, as a general matter, I believe that the treaty will serve as a stalking horse for denuclearization. I do not accuse all of the treaty's supporters of seeking that goal. Yet, a test ban agreement whose first operative sentence appears on its face to outlaw the explosion of nuclear weapons, even in a war of self-defense, surely raises profound questions about the long-term viability of any nuclear deterrent.

I fear that the treaty will both undermine and delegitimize our nuclear deterrent. When I say "undermine," I refer to the effect of ratification of, and adherence to, this treaty on the weapons in our nuclear stockpile.

Senators KYL, WARNER, and others have ably addressed this issue in the course of the debate. I will not belabor it further, other than to cite, as others have, the conclusion of former Secretaries of Defense Rumsfeld, Cheney, Schlesinger, Weinberger, Laird, and Carlucci. These highly regarded public servants have determined that "over the decades ahead, confidence in the reliability of our nuclear weapons stockpile would inevitably decline, thereby reducing the credibility of America's nuclear deterrent." This alone is reason for the Senate to withhold its advice and consent to the treaty.

With respect to delegitimizing our nuclear deterrent, Article I of the trea-

ty prohibits "any nuclear weapon test explosion or any other nuclear explosion." I understand that the U.S. Government does not view that prohibition as applying to the use of nuclear weapons.

The President's 1997 transmittal message to the Senate included an article-by-article analysis of the treaty. This analysis explains that the U.S. position in the negotiations was that "undertakings relating to the use of nuclear weapons were totally beyond the scope" of the CTBT. The analysis does not make clear whether all other signatories agreed with the U.S. view or whether they acquiesced in it or did something else. It is unfortunate that the CTBT text does not incorporate the U.S. understanding. We are asked to give our advice and consent to that text and only that text.

Article 15 of the treaty bars reservations, even one clarifying the meaning of Article I. Because the U.S. understanding of the scope of the prohibition on other nuclear explosions cannot be incorporated in a reservation to the treaty, the U.S. position may be subject to challenge as a matter of law. After all, one normally looks at negotiating history only if the treaty text is unclear. I hope the administration will address this issue to my satisfaction.

In the meantime, along with many other concerns about this treaty, I question the wisdom of negotiating an agreement that relegates our right of self-defense to the fine print.

I would also draw the attention of Senators to the language of the preamble to the CTBT. The administration points to the preamble for support for its narrow reading of the open-ended language of Article I. The administration notes, correctly, that the preamble does not refer to the "use" of nuclear weapons. In the administration's view, the treaty therefore cannot be read to apply to the use of nuclear weapons. Yet, a close reading of the preamble raises more questions than it answers over the ultimate purpose of the CTBT. I hope everybody shares my abhorrence of nuclear weapons. But merely wishing to put the nuclear genie back in the bottle will not accomplish that goal.

The one certainty about the CTBT is that, if ratified, the United States will obey it to the letter. Other countries' record of deception and denial with respect to nuclear testing is such that we cannot have the same confidence. And, in the world of the blind, the one-eyed is king.

I have supported well-negotiated, well-considered reductions in our nuclear forces. But it is a fact that the American nuclear deterrent has served our Nation well and has served the world well. The United States, under Democratic and Republican administrations, backed by a strong and credible nuclear deterrent, faced down the Soviet threat and served as a force for peace and stability around the world.

Therefore, Mr. President, I would not start down this path. Even if the Sen-

ate approved the CTBT today, it would be years before the treaty took effect. And by then, decisions would have been made affecting the future of our nuclear deterrent that may be irreversible.

The second reason I intend to vote against advice and consent is that I am convinced that the treaty cannot achieve the goals its proponents have described: to prevent the nuclear powers from developing new nuclear weapons and to stop the proliferation of nuclear weapons.

While I cannot go into classified details, as my colleagues are aware, the Washington Post recently reported that Russia continues to conduct what may be low-yield nuclear tests at its Arctic test site. Russia reportedly is undertaking this action in order to develop a new low-yield weapon that will be the linchpin of a new military doctrine. These Russian activities are of particular concern. There is evidence, including public statements from the Russian First Deputy Minister of Atomic Energy, Viktor Mikhailov, that Russia intends to continue to conduct low-yield hydro-nuclear tests—that is, nuclear tests—and does not believe that these are prohibited by the treaty.

With respect to proliferation, Acting Undersecretary of State John Holum has stated that, with the CTBT in effect, it will be "very difficult for new countries to develop nuclear weapons." Yet, Director of Central Intelligence George Tenet has stated that "[n]uclear testing is not required for the acquisition of a basic nuclear weapons capability . . . [and] is not critical for a first-generation weapon." North Korea, Iraq, and Iran are seeking this kind of weapon.

Third, it is my considered judgment, as Chairman of the Intelligence Committee, that it is impossible to monitor compliance with this treaty with the confidence that the Senate should demand—I repeat, demand—before providing its advice and consent to ratification.

Simply put, I am not confident that we can now, or, in the foreseeable future will be able to, detect any and all nuclear explosions prohibited under the treaty.

I have a great degree of confidence in our ability to monitor higher yield explosions at known test sites. I have markedly less confidence in our capabilities to monitor lower yield and/or evasively conducted tests, including tests that may enable states to develop new nuclear weapons or improve existing weapons.

I should also repeat in this context North Korea, Iran, and Iraq can develop and deploy nuclear weapons without any nuclear tests at all.

With respect to monitoring, in July 1997, the intelligence community issued a National Intelligence Estimate entitled "Monitoring the Comprehensive Test Ban Treaty Over the Next 10 years." While I cannot go into classified details, I can say that the

NIE was not encouraging about our ability to monitor compliance with the treaty—nor about the likely utility of the treaty in preventing countries like North Korea, Iran, and Iraq from developing and fielding nuclear weapons.

The NIE identified numerous challenges, difficulties, and credible evasion scenarios that affect the intelligence community's confidence in its ability to monitor compliance.

Because the details are classified, and because of the inherent difficulty of summarizing a highly technical analysis covering a number of different countries and a multitude of variables, I recommend that Members review this document with the following caution: I believe that newly acquired information and other developments require a reevaluation of the 1997 estimate's assumptions and underlying analysis on certain key issues. I believe such a new analysis will increase concern about monitoring the CTBT. A preliminary summary of the Intelligence community's revised judgment was provided to the committee late last Friday. This document, along with the NIE and the transcript from last week's hearing is available to Members in S-407.

Proponents of the treaty argue, in essence, that we will miss no test of strategic significance. Despite the U.S. inability to monitor compliance at any test level, proponents place their faith in multilateral monitoring aids provided under the treaty: the International Monitoring System, a multinational seismic, infra-sound, hydro-acoustic, and radio-nucleide detection system; and the CTBT's on-site inspection regime.

Based on a review of the structure, likely capabilities, and procedures of these multilateral mechanisms, which will not be operational for a number of years, and based on the intelligence community's own analysis, I believe that these mechanisms will be of little value. For example, the IMS will be technically inadequate to monitor the most likely forms of noncompliance.

The IMS seismic system was not designed to detect "evasively" conducted tests. These are precisely the kind of tests Iraq or North Korea are likely to conduct.

In addition, the IMS suffers from having been designed with diplomatic sensitivities rather than effective monitoring in mind. Under the so-called "non-discriminatory" framework, no country will be singled out for attention. All countries—Iraq and Ireland, North Korea and Norway—will receive the same level of verification.

Lastly, it will be 8 to 10 years before the system is complete.

Because of these shortcomings, and for other technical reasons, I am afraid that the IMS is likely to muddy the waters by injecting questionable data into what will inevitably be highly charged debates over possible violations.

With respect to OSI, I believe that the onsite inspection regime invites

delay and deception. For example, U.S. negotiators originally sought an "automatic green light" for on-site inspections. Yet, because of the opposition of the People's Republic of China, the regime that was adopted allows inspections only with the approval of 30 of the 51 countries on the Executive Committee. Proponents of ratification, especially, will appreciate the difficulty of rounding up the votes for such a super-majority.

I am troubled by the fact that if the United States requested an inspection, no U.S. inspectors could participate in that inspection, and we could send an observer only if the inspected party approved. I am also disturbed by the right of the inspected party to declare areas up to fifty square kilometers off-limits to inspection or to impose severe restrictions on inspectors in those areas.

I understand that these provisions mirror limitations sought by Saddam Hussein on UNSCOM inspectors. This leads me to believe that OSI stands for "Option Selected by Iraq." Even if inspectors do eventually get near the scene of a suspicious event, the evidence—which is highly perishable—may well have vanished.

The recently-reported activity at Russia's Arctic test site raises questions both as to our monitoring capabilities and Russian intentions under the CTBT. The Washington Post reported that Russia continues to conduct possible low-yield nuclear tests at its Arctic test site. The Washington Post also reported that the CIA cannot monitor such tests with enough precision to determine whether they are nuclear or conventional explosions.

Mr. President, I have tried to convey some serious concerns about the practicality of this treaty, and that is extremely difficult to do in an unclassified forum and in such a short time.

I urge my colleagues, as they consider their position on this treaty, to immerse themselves in the details. For further information on treaty monitoring and the reported activities at the Russian test site, I urge Members to review the materials available in S-407.

In closing, Mr. President, I would like to make some general points.

First, I believe that, when foreign and national security policies come before the Senate, we must put the Nation's interests first.

Second, while arms control agreements may be useful to the extent they advance our national interests, they are not a substitute for sound policy. Good agreements are an instrument of good policy. Bad agreements, pursued for agreement's sake, do not serve our Nation's interests.

Lastly, some of my colleagues have held out the option of withdrawal from the treaty, should it be ratified yet somehow fail to lead to the Golden Age that proponents envision.

Let me be clear. If this treaty is ratified, there will be no turning back.

The history of cold war arms control agreements is instructive. In 1972, the United States signed the Interim Agreement on the Limitation of Strategic Offensive Arms, generally known as SALT I, together with the SALT I Anti-Ballistic Missile treaty.

On May 9, 1972, Ambassador Gerard Smith unilaterally declared that "[i]f an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme interests could be jeopardized." He continued, "Should that occur, it would constitute a basis for withdrawal from the ABM Treaty."

In fact, no such agreement was reached in five years or in ten years or in 15 years. Not until 1991, almost 20 years after SALT I, when START I was signed, did the United States and the Soviet Union reach such an agreement. At no point did the United States invoke the Supreme Interest clause to withdraw from the ABM Treaty.

It is difficult to imagine the circumstances in which an administration would withdraw from the CTBT.

In closing, Mr. President, I believe that there are many reasons to oppose this treaty. The effect on our nuclear stockpile, the inability of the treaty to achieve its goals, and our inability to monitor compliance are each sufficient reason to withhold advice and consent to ratification.

Mrs. FEINSTEIN. Mr. President, I yield myself 3 minutes. Mr. President, I rise today to express my support for the Comprehensive Nuclear Test Ban Treaty. Unfortunately, the vote outcome today looks to be a tragedy of major proportions. It will leave the world a far less safe place and means the United States relinquishes its imperative as a leader in nuclear non-proliferation. I would like to take a few minutes to explain why I support this treaty, and to address some of the arguments presented by those who are opposed to this Treaty.

I support the Comprehensive Test Ban Treaty because I believe it strengthens the U.S. ability to play a leadership role in global nuclear non-proliferation. The treaty is a key element of the global non-proliferation regime, and if the U.S. fails to ratify the CTBT, it sends a clear message around the world that the development and possession of nuclear weapons are unacceptable. As former U.S. Ambassador to India Frank Wisner expressed in a letter earlier this year, if the U.S. walks away from the CTBT "I do not want to contemplate treaty failure here followed by a breakdown with India and Pakistan and the effect these moves will have on rogue states like Iraq, Libya, Iran and North Korea."

Second, the CTBT will constrain the development of nuclear capabilities by rogue states, as well as the development of more advanced weapons by declared nuclear states. Any significant nuclear program requires extensive testing, and while a rogue state might develop a primitive first generation

weapon without testing, that testing would not be adequate to develop a sophisticated weapon. And, because new types of weapons also require testing, the CTBT will also curb the ability of states which already possess nuclear weapons from developing more advanced designs. As John Holum, Acting Undersecretary of State and the former Director of the Arms Control and Disarmament Agency, has noted, the United States does not need tests; proliferators need tests.

Third, the CTBT will improve the U.S. ability to detect and deter nuclear tests. The American Geophysical Union and the Seismological Society of America, in a joint statement issued on October 6, found that when the International Monitoring System—with over 300 seismic, hydroacoustic, infrasound, and radionuclide monitoring stations—is in operation, no nation will be able to elude them, even with a small-yield test.

And, finally, the CTBT will make the world a safer place and safeguard U.S. national security interests. The treaty constrains the development of nuclear weapons by other states. That is good. It provides the United States with additional means to detect nuclear activities of other countries. It provides the United States with means and leverage to act if we discover that other states are, in violation of the treaty, developing nuclear weapons. And, given the size and sophistication of the U.S. nuclear arsenal—second to none in every respect—it preserves U.S. nuclear superiority and our deterrent capability. It will help make the world a safer place. It is in the national interest.

The Joint Chiefs believe that this Treaty safeguards U.S. interests. Former Chiefs, including Generals Colin Powell, John Shalikashvili, David Jones, and Admiral Crowe all endorse the treaty. Presidents of both parties, from Eisenhower and Kennedy to President Clinton have worked for a ban on nuclear test explosions. The NATO alliance has endorsed the Treaty. And other leading U.S. military and diplomatic figures—including Paul Nitze, Admiral Turner, Admiral Zumwalt—all support this treaty and believe that it makes the U.S. more secure in the world, not less.

Let me now address several of the arguments that have been raised by opponents of this treaty: That it is not verifiable; that it will compromise the reliability and integrity of the U.S. nuclear arsenal; that the U.S. needs to maintain the ability to improve our nuclear arsenal and that we can only do so with additional tests; and that others, such as North Korea and Iran, will develop nuclear weapons under the CTBT while our hands are tied.

First, several opponents of this treaty have commented that it is impossible for the CTBT to offer a 100% fool-proof means of detecting low-yield tests.

It is true that the CTBT will not provide the means for 100% verification of

low-yield tests—those tests less than one kiloton in size. But it is undeniable that the additional seismic monitors, including a system that will be well-calibrated to pick up tests smaller than one kiloton (in areas of interest) and the treaty's on-site verification provisions, will increase our current verification capabilities. As the statement of the American Geophysical Union and the Seismological Society of America asserts, the CTBT will add significant capabilities to what we can now detect, and the increased likelihood of detection will serve as a real deterrent to any state contemplating a test.

In addition, as physicist and arms control expert Sidney Drell has noted, “very low yield tests are of questionable value in designing new nuclear weapons or confirming that a new design will work as intended.” In other words, even if the CTBT is not 100% verifiable for small-yield tests, tests of this size are only of a limited utility to a state seeking to develop nuclear weapons.

Second, questions have been raised about the adequacy of the Science Based Stockpile Stewardship Program to maintain the reliability and integrity of U.S. weapons systems.

Simply put, according to General Shalikashvili in testimony before Congress, “our warheads, having been adequately tested in the past, continue to be safe and reliable.” With the Stockpile Stewardship Program, further nuclear testing is not necessary to maintain the safety and reliability of the U.S. arsenal. The U.S. has conducted over 1,000 nuclear tests. We have a high level of knowledge and sophistication and sufficient data to maintain the safety and reliability of our weapons. The U.S. does not need to conduct further nuclear tests—it is other states that need to test if they seek to develop nuclear programs, and it is precisely tests by other states that the CTBT will constrain or prevent.

In fact, because the U.S. does not need to continue to test, in 1992 President Bush signed into law legislation that established a moratorium on U.S. testing, and we have not tested a weapon in six years.

Each year the heads of Los Alamos, Sandia, and Lawrence Livermore have certified that the U.S. stockpile is safe and reliable. There is every indication that, aided by sophisticated computer modeling and other stockpile stewardship initiatives, they will be able to continue to make these certifications. In fact, in a February 2, 1998 statement, the three lab heads stated that “We are confident that the Stockpile Stewardship program will enable us to maintain America’s nuclear deterrent without nuclear testing.”

Critically—and this point should not be overlooked or ignored by opponents of the treaty—if at any point the United States finds that it can not continue to certify the safety and reliability of our nuclear weapons, under

the President’s safeguards package incorporated in the Democratic Amendment, the U.S. will maintain the prerogative to pull out of the CTBT and conduct tests or take whatever measures are necessary to maintain stockpile integrity. In other words, our very ability to maintain stockpile safety is a condition of U.S. participation in the CTBT.

Third, questions have been raised as to whether the U.S. needs to continue to test to maintain the ability to improve our nuclear arsenal to face the security challenges that lie ahead.

While the CTBT might constrain our ability to develop whole new classes of weapons, the CTBT does allow us to make modifications to our weapons, including casings, detonators, batteries, and arming systems. In a letter to President Clinton, Dr. Hans A. Bethe, head of the Manhattan Project’s theoretical division and professor of physics emeritus at Cornell University, states that “If any component shows signs of deterioration it will be refabricated. If the fuel itself is degrading, it will be refreshed.”

Parts that wear out can be replaced, and modifications can be made that will improve the capabilities of our nuclear arsenal. Thus, for example, in 1996 a B-61-7 nuclear bomb was modified to a B-61-Mod V earth penetrating weapon by hardening the outer casing. Unlike the B-61-7, the B-61-Mod V has additional capability to penetrate hardened targets.

In other words, the CTBT, while effectively preventing other states from developing nuclear weapons, will still allow the United States to modify its arsenal to meet the challenges that we may face in the years ahead.

Finally, there is the argument that under the CTBT other states—especially such states as North Korea or Iran—will do what they want while our hands will be tied.

In the final analysis some states will do what they want in violation of the norm established by the international community anyway. In other words, they will seek to develop nuclear weapons whether or not the CTBT is in force.

The real question, then, is if the CTBT will make it easier or more difficult for these states to develop nuclear weapons.

For example, with or without the CTBT the U.S. will face problems verifying small-yield tests. And the fact of the matter is that without the CTBT, relying only on national intelligence means, we will have greater difficulty in detecting any tests and less leverage to do anything about it if we do.

Again, to quote General Shalikashvili,

On the issue of verification we have concluded that a Comprehensive Test Ban Treaty will actually put us in a better position to obtain effective verification than we would have without the Treaty. The Treaty does not provide “perfect verification,” but that

level of verification that would allow us to detect, to identify and to attribute that level of testing that could undercut our nuclear deterrent.

The CTBT may thus deter some from going forward with nuclear developments entirely—India and Pakistan have indicated that they would adhere to a test ban, for example—and for those it will not deter, it will make the development of nuclear weapons that much more difficult, and perhaps impossible.

I do not believe the CTBT, or any treaty for that matter, can prevent a determined state from doing what the treaty forbids. But that is neither the right nor the fair standard to measure the treaty against. One cannot let the perfect be the enemy of the good.

The bottom line is that by any measure the CTBT will make the development of nuclear weapons by other states more difficult, will add to the U.S. ability to detect tests, and will enhance U.S. national security by preventing the spread of nuclear weapons while assuring that the U.S. maintains a strong and capable nuclear deterrent second to none. And we also know that failure of the U.S. to ratify the CTBT will have disastrous repercussion.

The United States has led the international effort to keep the nuclear genie in the bottle for the past five decades. As we prepare to enter a new century we should not now uncork that bottle, and make our legacy to the twenty-first century the unleashing of a global nuclear weapons race.

Although I do not believe that this is the appropriate time for this Senate to vote on this treaty, I urge my colleagues to support ratification of the CTBT.

Mr. HELMS. Mr. President, I yield 2 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, I rise today to explain why I intend to vote against the Comprehensive Test Ban Treaty (CTBT). I think that the words of President Ronald Reagan serve as the most appropriate and powerful way to begin this discussion. President Reagan frequently reminded us, “We must always remain strong, so that we will always be free.” The first question we must ask ourselves as we consider this vote is whether the CTBT jeopardizes the strength that the American people have relied upon for 50 years to ensure that this Nation remains free and at peace. Unfortunately, after careful consideration, I have concluded that the CTBT does jeopardize our strength by causing real harm to the very backbone of America’s security—its safe, reliable, and credible, nuclear deterrent.

Some of my colleagues have argued that the Senate should postpone final action on the CTBT, that defeating the treaty today sends the wrong message to the world, that somehow the Senate would be signaling to rogue states and others that the United States thinks it is acceptable to develop nuclear weapons. I could not disagree more. The

Senate will reject this treaty because it harms America’s nuclear deterrent and because it does nothing meaningful to ensure that the spread of nuclear weapons is halted. Regardless of the outcome of the CTBT vote, the world should know that this Senate remains committed to preventing the spread of nuclear weapons, and that we will continue to support the strongest possible actions against proliferant states.

Nor should the rest of the world misinterpret another aspect of the Senate’s rejection of the CTBT. The main message of the Senate’s action today is that our constitutional democracy, with its cherished checks and balances, is alive and well. Through the wisdom of our Founding Fathers, the Constitution makes the treaty-making power a shared power. The Senate, through its obligation to provide advice and consent to treaties, acts as the “quality control mechanism” to ensure that the President does not bind the Nation to an international commitment that is not in its best interests. Before the United States is bound by the terms of an international agreement such as the CTBT, the President and the Senate must both agree to its terms. In rejecting the CTBT, the Senate is sending an explicit message that the United States does not have an international legal obligation to adhere to the provisions of the treaty. If the President were to determine that the United States must conduct tests to ensure the safety or reliability of our nuclear arsenal, the United States would be entitled to do so.

Perhaps most importantly, the Senate’s rejection of the CTBT will send a clear message that the United States will not sign up to flawed treaties that are not in the nation’s interest. And the men and women who represent the United States in international negotiations will know that when they stand up to negotiating partners in order to protect America’s interests in future treaty negotiations, the Senate will not only support them, it will expect them to forcefully advocate a position that protects those interests.

Supporters of the CTBT would have the American people believe that to cast a vote against the treaty is merely a political act designed to embarrass the President. I do not see how anyone who has actually watched the Senate’s careful deliberations—both in its committees and the floor—in recent weeks can honestly reach such a conclusion. I think that what the Senate had done through its thorough hearings and floor debate is to demonstrate beyond any reasonable doubt that this treaty faces certain defeat because of the substantive arguments against it that have been persuasively been presented to this body. The inescapable fact about the CTBT is that it is a fatally flawed treaty—it jeopardizes this Nation’s nuclear deterrent, it will not contribute to the cause of nonproliferation, and it is unverifiable and unenforceable.

Although these arguments have already been made in depth here on the floor, they bear reinforcement as Senators prepare to cast their votes.

First, the CTBT threatens the Nation’s nuclear deterrent—the very backbone of America’s security for the past 50 years. To have an effective nuclear deterrent, we must have absolute confidence in the safety and reliability of our nuclear weapons. This requires periodic nuclear tests to ensure that we understand, for example, the effects of aging on our weapons and the best way to mitigate those effects. Again, as with the maintenance of any complex weapon, we must be able to test, to detect technical or safety problems that arise in our nuclear stockpile.

The administration’s Stockpile Stewardship Program may well help the United States to better understand our nuclear arsenal, but it is unproven, it may never be an adequate substitute for actual tests, and it is already behind schedule.

A week’s worth of expert testimony bears this out. As C. Paul Robinson, the current Director of Sandia National Laboratory, testified before the Armed Services Committee last week:

I and others who are, or have been, responsible for the safety and reliability of the U.S. stockpile of nuclear weapons have testified to this obvious conclusion [that testing is the preferred methodology] many times in the past. To forego that validation through testing is, in short, to live with uncertainty.

Second, the CTBT will not contribute to the cause of nonproliferation. Countries will make decisions about whether to pursue nuclear weapons based on hard-headed calculations of their security interests. This fact has been demonstrated time and again. The existence of an “international norm” against the pursuit of nuclear weapons, created by the 1968 Nuclear Non-Proliferation Treaty (NPT), has not stopped a number of states, including Iran, Iraq, and North Korea from attempting to develop nuclear weapons. Furthermore, the United States has not tested in 8 years, yet in that same timeframe, five other nations have tested.

Third, the CTBT is unverifiable, meaning that states who choose to violate the CTBT may never be caught, and it is unenforceable, meaning that violators who are caught will likely go unpunished. As the October 3 Washington Post pointed out, a recent assessment by the Central Intelligence Agency concluded that the CIA “cannot monitor low-level tests by Russia precisely enough to ensure compliance with the CTBT.”

And as C. Paul Robinson, the Director of Sandia National Laboratory, said in testimony before the Armed Services Committee on October 7:

... [c]ompliance with a strict zero-yield requirement is unverifiable. The limitations of verifiability introduce the possibility of inconsistent observance of the ban under the threshold of detectability.

Speaking to the issue of lack of enforceability, our colleague RICHARD LUGAR recently noted:

This treaty simply has no teeth The CTBT's answer to illegal nuclear testing is the possible implementation of sanctions. It is clear that this will not prove particularly compelling in the decisionmaking processes of foreign states intent on building nuclear weapons. For those countries seeking nuclear weapons, the perceived benefits in international stature and deterrence generally far outweigh the concern about sanctions that could be brought to bear by the international community.

Mr. President, for all the reasons my colleagues and I have cited throughout this debate, I believe the only prudent course is for the Senate to demonstrate strength and good sense worthy of Ronald Reagan by rejecting this flawed CTBT.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Dr. Henry Kissinger to the chairman of the Foreign Relations Committee.

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

HENRY A. KISSINGER,
October 13, 1999.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, I—together with former National Security Adviser Brent Scowcroft and former CIA Director and Deputy Secretary of Defense John Deutch—had recommended in a letter dated October 5th to Senators Lott and Daschle and in an op-ed in the October 6th Washington Post that a vote on ratification of the Comprehensive Nuclear Test Ban Treaty be postponed to permit a further discussion and clarification of the issues now too controversial. This having proved unachievable, I am obliged to state my position.

As a former Secretary of State, I find the prospect that a major treaty might fail to be ratified extremely painful. But the subject of this treaty concerns the future security of the United States and involves risks that make it impossible for me to recommend voting for the treaty as it now stands.

My concerns are as follows.

IMPORTANCE OF NUCLEAR WEAPONS

For the entire postwar period, the American nuclear arsenal has been America's ultimate shield and that of our allies. Though we no longer face the same massive threat that we did during the Cold War, new dangers have arisen. Our nuclear arsenal is our principal deterrent to the possible use of biological and chemical warfare against America, our military, and our allies.

VERIFICATION

Almost all experts agree that nuclear tests below some yield threshold remain unverifiable and that this threshold can be raised by technical means. It seems to me highly dangerous to leave such a vacuum regarding a matter fundamentally affecting the security of the United States. And the fact that this treaty is of indefinite duration compounds the problem. The CIA's concerns about recent ambiguous activities by Russia, as reported in the media, illustrate difficulties that will only be compounded by the passage of time.

Supporters of the treaty argue that, because of their small yield, these tests cannot be significant and that the treaty would therefore "lock in" our advantages vis-à-vis other nuclear powers and aspirants. I do not know how they can be so sure of this in an age of rapidly exploding technology and

whether, on the contrary, this may not work to the advantage of nations seeking to close this gap. After all, victory in the Cold War was achieved in part because we kept increasing, and not freezing, our technological edge.

NUCLEAR STOCKPILE

I am not a technical expert on such issues as proof testing, aging of nuclear material, and reworking existing warheads. But I find it impossible to ignore the concern about the treaty expressed by six former Secretaries of Defense and several former CIA Directors and National Security Advisers. I am aware that experts from the weapons laboratories have argued that there are ingenious ways to mitigate these concerns. On the other hand, there is a difference between the opinion of experts from laboratories and policymakers' confidence in the reliability of these weapons as our existing stockpile ages. When national security is involved, one should not proceed in the face of such doubts.

SANCTIONS

Another fundamental problem is the weakness of the enforcement mechanism. In theory, we have a right to abrogate the treaty when the "supreme national survival" is involved. But this option is more theoretical than practical. In a bilateral treaty, the reluctance to resort to abrogation is powerful enough; in a multilateral treaty of indefinite duration, this reluctance would be even more acute. It is not clear how we would respond to a set of violations by an individual country or, indeed, what response would be meaningful or whether, say, an Iranian test could be said to threaten the supreme national survival.

NON-PROLIFERATION

I am not persuaded that the proposed treaty would inhibit nuclear proliferation. Restraint by the major powers has never been a significant factor in the decisions of other nuclear aspirants, which are driven by local rivalries and security needs. Nor is the behavior of rogue states such as Iraq, Iran, or North Korea likely to be affected by this treaty. They either will not sign or, if they sign, will cheat. And countries relying on our nuclear umbrella might be induced by declining confidence in our arsenal—and the general impression of denuclearization—to accelerate their own efforts.

For all these reasons, I cannot recommend a vote for a comprehensive test ban of unlimited duration.

I hope this is helpful.

Sincerely,

HENRY A. KISSINGER.

Mr. KYL. Mr. President, I will read excerpts from the letter. It is instructive that Henry Kissinger has written the following:

As a former Secretary of State, I find the prospect that major treaty might fail to be ratified extremely painful. But the subject of this treaty concerns the future security of the United States and involves risks that make it impossible for me to recommend voting for the treaty as it now stands.

He then went on to talk about the experts who believe the treaty to be unverifiable, and then the concerns expressed by the CIA about recent ambiguous activities with respect to Russia; the impossibility, on his part, to ignore the concerns expressed by people such as the former Secretaries of Defense, CIA Directors, and National Security Advisers; and the weakness of the enforcement mechanism of the treaty.

He concludes in the following fashion:

I am not persuaded that the proposed treaty would inhibit nuclear proliferation. Restraint by the major powers has never been a significant factor in the decisions of other nuclear aspirants, which are driven by local rivalries and security needs. Nor is the behavior of the rogue states such as Iraq, Iran, or North Korea likely to be affected by this treaty. They either will not sign or, if they sign, will cheat. And countries relying on our nuclear umbrella might be induced by declining confidence in our arsenal—and the general impression of denuclearization—to accelerate their own efforts.

For all these reasons, I cannot recommend a vote for a comprehensive test ban of unlimited duration.

Mr. COVERDELL. Will the Senator yield?

Mr. KYL. Yes.

Mr. COVERDELL. Mr. President, I think this is a most important letter, but the date makes it unique.

Mr. KYL. The date of the letter is today, October 13, 1999, on the eve of our vote.

Mr. President, let me conclude by thanking all of the people who have testified on both sides of this, especially Dr. James Schlesinger, Jim Woolsey, and people who came early to the Senate and helped inform those of us who were eager to learn what we needed to know about this. I am especially grateful, as I said, to Dr. Schlesinger for his willingness to do that, as well as to testify before the committee.

I also thank Senator JOHN WARNER and Senator JESSE HELMS, both of whom have spent a great deal of time conducting extremely informative hearings. I also thank Senator JOE BIDEN from Delaware, who has conducted himself very well on his side of the debate.

I reserve any additional time.

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise in support of the Comprehensive Nuclear Test Ban Treaty.

I strongly believe that the Comprehensive Test Ban Treaty—or CTBT—is in our nation's national security interests. But before I discuss my reasons for supporting the Treaty, let me first say why the Senate—even those who are unsure of the Treaty—should support the Resolution. The past week of debate over the issue has only underscored the arguments for its ratification.

I have spoken before about the history of the CTBT. Let me reiterate some of its history and why it is important to Iowans.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by the Senate in an overwhelming, bipartisan vote of 80-14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and underwater. This treaty was signed by 108 countries.

Our nation's agreement to the Limited Test Ban Treaty marked the end

of our nation's above ground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now know, all too well, the terrible impact of exploding weapons over the Nevada desert. Among other consequences, these tests in the 1950's exposed millions of Americans to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. "Hot Spots," where the Iodine-131 fallout was the greatest, were identified by a National Cancer Institute report as receiving 5-16 rads of Iodine-131. The "Hot Spots" included many areas far away from Nevada, including New York, Massachusetts and Iowa. Outside reviewers have shown that the 5-16 rad level is only an average, with many people having received much higher exposure levels, especially those who were children at the time.

To put that in perspective, federal standards for nuclear power plants require that protective action be taken for 15 rads. To further understand the enormity of the potential exposure, consider this: 150 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States, about three times more than from the Chernobyl nuclear power plant disaster in the former Soviet Union.

It is all too clear that outlawing above-ground tests were in the interest of our nation. I strongly believe that banning all nuclear tests is also in our interests. This is a view shared by many leading Iowans. I request unanimous consent that a recent editorial from the Des Moines Register be placed in the RECORD.

October also marked some key steps for the Comprehensive Test Ban Treaty or CTBT. On October 2, 1992, President Bush signed into law the U.S. moratorium on all nuclear tests. The moratorium was internationalized when, just a few years later, on September 24, 1996, a second step was taken—the Comprehensive Test Ban Treaty, or CTBT, was opened for signature. The United States was the first to sign this landmark treaty.

Mr. President, President Clinton took a third important step in abolishing nuclear weapons tests by transmitting the CTBT to the United States Senate for ratification. Unfortunately, the Senate has yet to take the additional step of ratifying the CTBT. I am hopeful that we in the Senate will ratify the Treaty, and continue the momentum toward the important goal of a world wide ban on nuclear weapons testing.

Many believed we had conquered the dangerous specter of nuclear war after the Cold War came to an end and many former Soviet states became our allies. Unfortunately, recent developments in South Asia remind us that we need to be vigilant in our cooperative international efforts to reduce the dangers of nuclear weapons. This weeks coup in Pakistan only makes clearer the need for a nuclear test ban treaty.

The CTBT is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. Its "zero-yield" prohibition on nuclear tests would help to halt the development and deployment of new nuclear weapons. The Treaty would also establish a far-reaching verification regime that includes a global network of sophisticated seismic, hydro-acoustic and radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

It is vital to our national security for the nuclear arms race to come to an end, and the American people recognize this. In a recent poll, more than 80 percent of voters supported the Treaty.

It is heartening to know that the American people understand the risks of a world with nuclear weapons. It is now time for policymakers to recognize this as well. There is no better way to honor the hard work and dedication of those who developed the LTBT and the CTBT than for the U.S. Senate to immediately ratify the CTBT.

It's ratification is clearly in America's and the world's security interests. It would make the world a safer place for our children and grandchildren. Its defeat could well trigger a major new arms race in Asia—a prospect that should send chills down the backs of us all.

The choice is clear.

Mr. President, I have read through the treaty as best I could and looked at some of the annexes and protocols thereto. In there, there is a list of about 317 monitoring stations that would be put in place if we ratify this treaty. Right now, I understand there are about 100. So we will have three times more monitoring stations than we have right now. So to those who say we might not be able to absolutely detect every explosion over a certain amount, or under a certain amount, quite frankly, we will have a lot more monitoring stations by ratifying this treaty than we have right now.

Secondly, if the explosions are so small as to be undetectable, there are provisions in the treaty that allow for a state to have an onsite inspection. So there is a whole process it goes through so we can have an onsite inspection to determine whether or not it was a nuclear explosion.

Lastly, the treaty does contain a supreme interest clause in accordance with which a state party may withdraw from the treaty upon 6 month's notice, et cetera, if it determines that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interest. So, at any time, if the United States, or any other sovereign nation, decides it is in their supreme interest to withdraw from the treaty, they can do so by giving 6 month's notice.

Lastly, if anybody ever had any doubt about why we ought to be ratify-

ing this treaty, the headline in this morning's paper ought to say it all: Army Stages Coup In Pakistan. Troops Arrested Prime Minister.

In part, it says:

India expressed deep concern with the government's ouster and put its army on high alert.

If nothing else, this ought to tell us to ratify this treaty, or else we are going to have more nuclear explosions in South Asia. It is a powder keg waiting to happen. We ought to ratify the treaty.

Mr. HELMS. Mr. President, I yield 2 minutes to the Senator from New Mexico, Mr. DOMENICI.

Mr. DOMENICI. Mr. President, as I said earlier this week, I oppose this treaty for two major reasons: (1) the treaty cannot be considered apart from other major arms control agreements in to which the United States has entered; and (2) Science-Based Stockpile Stewardship has not yet been given enough time to prove whether or not it will give us the assurance we need in the reliability and safety of our nuclear weapons without physical testing.

However, the vote by the Senate today to reject this treaty was ill-timed and this poor timing could have adverse consequences in the world. No need exists now for a vote; after all, the United States is not now testing and has no plans in the immediate future to do so. This has been recognized by proponents and opponents of this treaty who have asked for delay in the vote.

I have attempted, with many others, during the last 2 weeks to help forge some path out of the parliamentary impasse in which the Senate is currently involved. Nonetheless, that has not been successful. We have not found any such path. I think that is unfortunate. Nonetheless, I might say treaties don't really die, even when they are defeated; they are returned to the Executive Calendar of the Senate. Therefore, we will have another chance to debate the Comprehensive Test Ban Treaty in the next Congress, or years thereafter. It may very well be that, by then, my concerns about the overall strategic arms strategies and their relationship to the Comprehensive Test Ban Treaty can be alleviated. And if the potential for stockpile stewardship during that decade can be realized, perhaps I will be able to vote for the treaty in the future.

I yield the floor.

Mr. BIDEN. Mr. President, I yield 2 minutes to my friend from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, my father, over a half century ago, wrote an article the day after Hiroshima, and he focused on the problem of a proliferation of atomic bombs and nuclear weaponry. He was worried about his children, and he was worried about his grandchildren to come.

Today I come to the floor of the Senate, and I say I really was hoping this

Senator would be a part of a vote that would ratify the Comprehensive Test Ban Treaty. I think it would be an enormous step forward for our children and our grandchildren in our effort to put a stop to the proliferation of these weapons of mass destruction.

I will say very honestly and truthfully to my colleagues that I don't understand why we didn't put this vote off. I don't understand why Senators, on a procedural vote, voted to essentially go forward with this vote today. I think the defeat of this agreement is an enormous step backward for humankind. I think it is a profound mistake.

I think now I have to say to the people in Minnesota and to the people in our country I am saddened that this treaty is going to be defeated. I don't think we should have this vote. But to the American people and Minnesotans, hold each and every Senator accountable.

I yield the floor.

Mr. HELMS. Mr. President, I yield 5 minutes to the distinguished Senator from Virginia, the Old Dominion State, Mr. WARNER.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished chairman. I thank the distinguished ranking member.

This has been, under the limitations, an excellent debate for the Senate. This is my 21st year in the Senate, and I can think of few debates in that time that have been as informed as this one. I strongly disagree with a very dear friend, Brent Scowcroft, who described this debate otherwise. While not a Member of the Senate, he is one whom I respect. His remarks were reported widely in the newspapers this morning.

This has been a good debate. Senators on both sides have stood up and displayed courage. Our two leaders, Senator LOTT and Senator DASCHLE, have displayed the courage of their convictions. In the many consultations over the past week that I have had with the distinguished chairman and ranking member, and our leadership, I have always left with the belief that they placed the security interests of this country foremost, as each day decisions had to be made regarding this treaty.

I also say to my dear friend, Senator MOYNIHAN, I thank him for the leadership he has shown. We embarked together on a bipartisan effort, and we were joined by a very significant number of our colleagues—whose names will be a part of the RECORD at a later time—in an effort simply to recognize that in the course of the hearings and in the course of conversations and consultations with so many people not only here in the United States but across the seas, that there were clearly honest differences of opinion from individuals who have spent much of their lifetime on this subject—honest differences of opinion.

But lacking is that burden of proof, some would say beyond a reasonable

doubt, that this treaty would not put at risk the security of this country by virtue of the terms of the treaty as presently written.

This treaty requires that we put at risk in perpetuity—not just today, not just tomorrow, but in perpetuity—a stockpile which today is safe and credible, which tomorrow will be safe and credible—for the foreseeable next few years to come. Let there be no doubt in anyone's mind of that fact. But can we say that that will be the case forever?

As our military examined this treaty, it is clear that they said we support the treaty, but only if the safeguard is in place which says we can get out of the treaty if the President makes that determination, and only if the Stockpile Stewardship Program—the computer simulations which are to replace actual testing—can be put in place and proven to ensure that our nuclear stockpile remains credible and safe.

The Record before the Senate today does not justify that support. It does not say that each of the components of the Stockpile Stewardship Program will be in place and will work in a way that will put our stockpile, in the future, in the same category that it is in today. We do not know. There is a reasonable doubt. We simply do not know. For that reason, regrettably, I shall have to vote—that vote occurs shortly—against this treaty.

But I say that honest individuals have done their very best in this Senate, and I thank all those beyond the Senate who have made very valuable contributions to this debate.

I shall put in the RECORD, by unanimous consent, further documentation on the laboratory directors. Of all the testimony that came before the Armed Services Committee, the testimony of the lab directors was the most compelling. And indeed, that of the intelligence community, which, in a sense, asked for more time to do the work they thought necessary in assessing our ability to monitor this treaty. And many former Secretaries of Defense had an honest difference of opinion.

As Senator KYL, who has worked so hard on this treaty and probably knows it better than anyone else, has said clearly—Secretary Kissinger, one of several Secretaries of State who have expressed their opinions—has now indicated his opposition. These are men and women who have spent their lifetime on this subject. Reasonable doubt is to be found there.

Lastly, the laboratory Directors: I would like to respond to some of my colleagues and the media's mis-portrayal of the testimony given at last Thursday's hearing before the Senate Armed Services Committee by the Directors of the three National Labs—Dr. Paul Robinson of Sandia National Laboratory, Dr. C. Bruce Tarter of the Lawrence Livermore Laboratory, and Dr. John C. Browne of Los Alamos National Laboratory. It is important to have a full picture of what was said at our hearing last week. Many of these

statements used by my colleagues and the media were taken out of context. For instance, the line of questioning that the Ranking Member engaged in with the Lab Directors on whether they were "on board" with the treaty, I believe has been mis-characterized. I'd like to read from the transcript the exchange that occurred between the Ranking Member and the Lab Directors.

Senator LEVIN. What you are telling us is that if this safeguard and the other safeguards are part of this process that you can rely on, that in your words, Dr. Robinson, you are on board in terms of this treaty; is that correct?

Dr. ROBINSON. I am on board that science-based stockpile stewardship has a much higher chance of success and I will accept it as the substitute.

Senator LEVIN. For what?

Dr. Robinson. I still had other reservations about the treaty—

At this point, Dr. Robinson was cut off and was unable to finish his answer. In response to this line of questioning, a Senator from the minority side, said that he "detected an uneasiness on the part of some of those who testified" and expressed concern that Dr. Robinson's response that he had other concerns with the treaty was "blurred".

Senator LEVIN then asked Dr. Tarter, Director of Lawrence Livermore Labs, to respond to the same question, Dr. Tarter responded:

A simple statement again: It is an excellent bet, but it is not a sure thing.

Senator LEVIN. My question is, are you on board, given these safeguards?

Dr. TARTER. I can only testify to the ability of stockpile stewardship to do the job. It is your job about the treaty.

Senator LEVIN. Are you able to say that, providing you can rely on safeguard F and at some point decide that you cannot certify it, that you are willing under that condition to rely on this stewardship program as a substitute for actual testing?

Dr. TARTER. Yes.

Dr. Tarter never said that he was "on board with the treaty." In fact, he attempted to avoid directly answering Senator LEVIN's question. Clearly, Dr. Tarter was uncomfortable with this line of questioning. It was only after Senator LEVIN significantly modified the question by adding certain qualifications that Dr. Tarter finally responded affirmatively.

Senator LEVIN asked Dr. Browne whether he was on board with the treaty and Dr. Browne responded:

Senator Levin, if the government provides us with the sustained resources, the answer is yes, and if safeguard F is there, yes.

Dr. Browne said that he was "on board with the treaty" but only if certain conditions were met.

In examining the complete record and considering the manner in which the responses were elicited, it is clear that the labs directors had reservations about the treaty. They were clearly uneasy with the question and the manner in which they were questioned. They were certainly not enthusiastic in indicating any support for the treaty—even with the qualifications (i.e., safeguards) that were added.

In addition to the previous line of questioning the transcript includes numerous statements by the Lab Directors which I believe, taken together, indicate that these experts have serious issues with this treaty as well as the Stockpile Stewardship program. I note that the endorsement in January 1998 of the CTBT by Generals Colin Powell, John Shalikashvili, David Jones, and Admiral William Crowe, former chairman of the Joint Chiefs of Staff, was conditioned, like that of the Lab Directors, on the six safeguards submitted by the President along with the treaty to the Senate for advice and consent which included a Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the stockpile.

Here are some of the statements by the Lab Directors on the Stockpile Stewardship program:

Dr. Browne, Director of Los Alamos stated:

Each year, through a comprehensive program of surveillance of the stockpile, we find one or more problems in each weapons system that may require attention. . . . we have identified several issues that, if they had occurred when testing was active, most likely would have been resolved by nuclear testing." He went on to state: "The issue that we face is whether we will have the people, the capabilities, and the national commitment to maintain . . . confidence in the stockpile in the future, when we expect to see more significant changes. Although we are adding new tools each year, the essential tool kit for stockpile stewardship will not be complete until some time in the next decade.

Dr. Tarter, Director of the Lawrence Livermore stated:

I think we have a challenging program [stockpile stewardship], one that is very difficult to achieve. I think, although both the administration and the Congress have had increasing levels of support for the stewardship program over these past years, they have not quite met what we said was necessary to achieve the program on the time scale that we believed was necessary in view of the aging of the designers and of the weapons. I think we all feel under a great deal of stress to try to make those deadlines with the current resources. . . . So I think to date I would give the program a—I think we have done a good job. I think we have learned things. It is not a perfect job, but I think it has been a very, very good start. I think the challenge lies in the longer term, and I think . . . if I had one simple phrase I think that the stewardship program with sustained support is an excellent bet, but it ain't a sure thing.

Dr. Robinson, Director of Sandia, stated:

I question the expectations many claim for this treaty. . . . I think we have got to specify with a lot more character what is the real purpose of the treaty. I secondly discuss [in his written statement] a lot of the important technical considerations as we have tried to substitute other approaches, which has come to be known as the science-based Stockpile Stewardship Program, for the value that tests had always provided us in previous decades. I can state with no caveats that to confirm the performance of high tech devices—cars, airplanes, medical diagnostics, computers, or nuclear weapons—testing is the preferred methodology. . . . My statement

describes the work involved in attempting to substitute science-based stockpile stewardship. It is an enormous challenge, but I agree, much very good work has been done. Much has been accomplished. But we still cannot guarantee that we will ultimately be successful. Science-based stockpile stewardship is the best way we know of to mitigate the risk to the extent that is possible.

. . . But the question and where we (those who support or oppose testing and the treaty) differ the greatest is what is the best way to achieve that peace with stability. At least two very dichotomous approaches. Is the world better off with nuclear weapons in the hands of those who value peace the highest, who will maintain their nuclear arsenals in order to deter aggression and to prevent major wars, or would the world be better off if there were no more nuclear weapons, and is there really a sound plan for how you might ever achieve that?

In addition, an exchange between Senator REED and Dr. Robinson on the Stockpile stewardship Program occurred as follows:

Senator REED. Let me just ask another question, which, as I understand it, part of the effort on the Stockpile Stewardship Programs is massive computational projects. Which, if carried out, will allow you to go back and analyze data that we have accumulated for years and years and years, which has never been fully analyzed. Does that offer any additional sort of opportunities to increase your sense of reliability that, without testing, we can go ahead and more accurately protect the stockpile?

Dr. ROBINSON. You are quite correct. The legacy data that we have, the correct statement is not that it has not been analyzed, it has not been successfully predicted by the models. We have gaps in our understanding. As we improve the codes, as we add the third dimension—we are presently going from two dimensional calculations to three-dimensional calculations—a key test of the success of these simulation codes will be how well does it predict those things we could not understand in the past. So that is a very key part of the science-based Stockpile Stewardship Program.

There were also statements on the value of testing. One of the most powerful statements was given by Dr. Robinson from Sandia. He said:

. . . there are black issues, white issues, but mostly a lot of gray. But, I can say from my own experience over the years, I have seen that same kind of scientific debate. But when you then carried out a test and looked at the predictions of various people in the debate, the answer became very clear. The test has a way of crystallizing answers into one or the other and ending that grayness. And that is something that will be missing in a future state.

. . . the President presented to you with the treaty and which he and certainly we believe are conditions for ratification. The most important of those by far is Safeguard F. We kept stressing to the White House, we cannot be sure that science-based stockpile stewardship will mature in time to handle a serious safety or reliability problem as these weapons age. Without it, without the ability at that point to test, we would be powerless to maintain the U.S. first line of defense, its strategic deterrent force.

After hearing their testimony first hand, I do not know how anyone could state that the Lab Directors vigorously supported this treaty. When you examine the entire record it is clear that the Lab Directors—the experts on the safe-

ty and reliability of America's nuclear stockpile—have reservations about the treaty and the Stockpile Stewardship Program. Their support for this treaty is tempered by specific qualifications and stipulations. I urge each and every one of you to review the full testimony of these most important witnesses.

Lastly, the laboratory Directors:

The lab Directors have said, based on their careers of 15 or 20 years, they cannot guarantee that the present Stockpile Stewardship Program will match or even approach in, say, 5, 10, or 15 years the sound data that we have gotten through 50 years of testing—actual testing. We are not about to resume actual testing. We don't have to at this point in time, but we might in the future.

But every Senator should think about the fact that they are casting a vote that commits the United States in perpetuity. The road to arms control, whatever the goal is at the end—peace in the world—building blocks and steps have been laid both by Republicans and Democrats. Every President, and others, has worked on these agreements. Neither side should take the majority of the credit; it has been shared equally. And a hope and a prayer of this Senator is that we continue as a nation to lead in taking positive, constructive steps in arms control.

So it is with regret that I believe this treaty has that degree of reasonable doubt, imposing restriction in perpetuity on one of our most valued strategic assets, and I cannot support it.

I yield the floor.

Mr. BIDEN. Mr. President, I yield to the Senator from New York 1 minute.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to thank, above all Members in this body, the chairman of the Armed Services Committee, Senator WARNER, who is opposed to this treaty, as I am in support.

Together we have addressed a letter to our distinguished leaders, Senator LOTT and Senator DASCHLE, asking that the matter be put off until the next Congress, as the President has requested be done.

Sir, this morning I don't think we had a handful of signatures on that letter. At this moment, we have more than half the Members of this body—as the day has gone by, the realization of what an enormous decision we are making with so very little consideration has sunk in.

Sir, we spent in my time in this body 38 days debating the Panama Canal Treaty. The Treaty of Versailles—equally important—was debated 31 days in 1919 and 24 days in 1920.

Note that it was passed over, because a treaty does not die once it has simply been voted down; it remains on the calendar.

But I would like to express the hope that before the debate is over, the distinguished Senator from Virginia might place in the RECORD the letter

which we addressed to the leaders and perhaps, if he wishes, the signatures we have so far received. He indicates he would be willing to do that. I thank him and I thank my leader, Senator BIDEN.

Mr. BIDEN. After consultation with the chairman of the committee, they are going to reserve the remainder of their time so we will not go back and forth with proponents and opponents until they indicate they want to.

I yield 2 minutes to the Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Delaware for yielding. I support the treaty because I think the balance of risks are in favor of ratifying this treaty. It is not without risk, but it is not in perpetuity. The United States may withdraw at any time that it chooses. If we reject this treaty, it is an open invitation to other nations to test. I think that is a greater risk than the risks involved in ratifying the treaty. The events of the last 24 hours in Pakistan show the undesirability of having the Pakistanis test in their race with the nation of India, not to speak of the other nations, Iran, Iraq, North Korea.

I suggest the President of the United States call the majority leader of the Senate and try to work this out. More than that, of the Senators here, many who are opposed to the treaty think we should not vote it down. It is not over until it is over. I believe it is possible for the President to say to the majority leader what would satisfy the majority leader to take this treaty out of the next Congress. And I believe the majority leader could convene the Republican caucus—and we can do that yet this afternoon or into the evening on this momentous matter. I think it is still possible to avoid this vote to give extra time for security measures, to give extra time for testing, but not to cast a vote which will be a vote heard around the world to the detriment of the United States.

Mr. BIDEN. Mr. President, I yield 3 minutes to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the Comprehensive Test-Ban Treaty, CTBT, a treaty which I believe is in our national security interests.

Although it appears regrettably that the required votes of two-thirds of the Senate do not exist at this point, I nonetheless hope that as many of my colleagues as possible will vote to ratify this treaty since we cannot procedurally seem to be able to set the treaty aside.

Since 1992, the United States has abided by a unilateral moratorium on nuclear weapons testing. Despite the absence of testing during these past 7 years, our nuclear weapons stockpile has been maintained, our nuclear deterrent has remained formidable, and our national security has not been threatened. Because our nuclear arsenal remains safe and reliable today, the United States has no plans to test these weapons any time soon.

Also during these past 7 years of our moratorium on nuclear testing, the United States negotiated and signed the CTBT. We signed this treaty recognizing that discouraging other nuclear powers and would-be nuclear powers from testing these weapons would lessen the unthinkable possibility that the nuclear option would ever be employed. In fact, halting advancement in nuclear weapons development and limiting the number of nuclear-capable military states, locks in a status quo in which the United States has an enormous military advantage. This treaty makes the United States militarily stronger, not weaker.

One of the wisest aspects of the CTBT is its requirement that all of the world's 44 nuclear capable nations ratify the treaty for it to enter into force. This means that North Korea, Iran, and others that pose the greatest potential threat to the United States and our allies must join us in being a party to this treaty before the United States relinquishes the option of nuclear testing.

Another strong aspect of the CTBT is that it is accompanied by 6 critical safeguards that the Joint Chiefs of Staff insisted upon before agreeing to support it. I would note that the sixth and most significant to these safeguards is included in the resolution which is before us today. It requires the United States to withdraw from the CTBT under the supreme national interests clause if the Secretaries of Energy and Defense cannot certify the reliability of our nuclear arsenal. This safeguard gives Americans the assurance that they will continue to be protected by a robust and credible and nuclear deterrent under the CTBT.

I believe this treaty is very much in the interests of the United States. It will help prevent the spread of nuclear weapons worldwide, while ensuring a huge U.S. advantage in nuclear weaponry that has deterred would-be aggressors for many years. I urge my colleagues to support ratification of this treaty.

Mr. KYL. Might I inquire of the distinguished chairman of the committee if I could make a brief statement.

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

Mr. KYL. Mr. President, deterrence has long been a primary component of U.S. security policy. In the cold war, nuclear weapons were the backbone of our national deterrent. The threat of unacceptable damage in response to aggression was central to inhibiting the Soviet Union's expansionist aims. Moreover, the credibility of the U.S. nuclear guarantee provided for "extended deterrence" against attacks on our friends and allies.

While the conditions today are much different from the past, our nuclear weapons continue to serve as an essential hedge against a very uncertain future with both Russia and China, two states that highly value their own nu-

clear forces. Equally important, deterrence—backed by credible nuclear forces—remains the first line of defense against an even broader range of threats than in the past, including rogue states armed with weapons of mass destruction.

The nuclear balance of terror that once defined our relationship with the Soviet Union is no longer central in our relations with Russia. Yet, even as we work to achieve a more democratic and open Russia, nuclear weapons appear to play a growing role in Moscow's security strategy, including declaratory policy and defense planning. Whether to overcome conventional weakness or as a means to retain one of its last vestiges of superpower status, Russia is continuing to modernize its nuclear forces. The retention of thousands of theater nuclear weapons, the deployment of the new mobile SS-27 ICBM, and the continuing investment in its massive nuclear weapons infrastructure demonstrate how important these weapons are to Moscow and lend credence to the concerns that Russia may have recently tested new nuclear weapons to provide the foundation for its future security strategy.

There are many fundamental questions about Russia's political and economic future that today can not be answered with certainty. What is clear, however, is that Russia will continue to possess formidable, modern nuclear forces no matter how these questions are answered over time. For this reason, it remains imperative for us to retain a credible nuclear deterrent capability to guard against the reversal of our relations with a potentially hostile and nuclear-armed Russia.

The strategic uncertainties associated with China are even greater than those with Russia. There are clear indications of qualitative improvements and quantitative increases to the Chinese nuclear arsenal. The Cox committee found that China is actively pursuing miniaturized nuclear warheads and MIRV technology, developing more accurate and ballistic missiles, and building a larger arsenal. Recent Chinese tests of a new medium-range ballistic missile, the DF-31 and public declarations of its development of enhanced radiological weapons serve to reinforce these findings. Similarly, a recent National Intelligence Estimate forecasts increases in the Chinese strategic arsenal and investment in technologies, such as penetration aids, designed to defeat any United States missile defense.

Perhaps most disturbing, the strategic intentions of both Russia and China appear increasingly antagonistic toward the United States. This past August they jointly announced a strategic partnership as a counterweight to what they termed U.S. "hegemonic ambitions." As he met with Chinese President Jiang Zemin, President Yeltsin declared himself "in fighting form, ready for battle, especially with Westerners," and complained that "some

nations are trying to build a world order that would be convenient only for them, ignoring that the world is multi-polar." Given the uncertainties surrounding the future political and military developments in these two states, experience and prudence suggest the need for a hedge that only credible nuclear forces can provide.

While deterrence of rogue states armed with weapons of mass destruction is very different than deterrence as we understood it in the cold war, an overwhelming retaliatory capability—and the fear of a possible nuclear response—remains critical to countering this new set of ever more dangerous threats. Despite sustained and determined efforts to de-legitimize our nuclear weapons, and assertions that their utility ended with the cold war, our nuclear weapons are essential in this context. Conventional superiority alone is not sufficient. Looking at the only real world experience we have in deterring the use of chemical and biological by rogue leaders—the Desert Storm case—it appears that the threat of a nuclear response was a major factor in the Iraqi decision to forego the use of their weapons of mass destruction.

An in-depth study of United States security policy in the 21st century, conducted last year by the National Defense University and Livermore National Laboratory, concluded that nuclear weapons would remain critical both to hedge against Russia and China, as well as to deter rogue states that will seek to challenge us in regions of vital interest. This same study concluded that: "Retaining the safety, reliability, security, and performance of the nuclear weapons stockpile in the absence of underground nuclear testing is the highest-risk component of the U.S. strategy for sustaining deterrence." For over 40 years, testing was seen as essential to the credibility of our deterrent forces and our commitments to friends and allies. The CTBT, if ratified by the United States, would call into question the effectiveness and reliability of this essential component of our national security strategy.

In the annual statement of U.S. National Strategy, President Clinton has affirmed the view of his predecessors for more than half a century—nuclear weapons are vital to the security interests of the United States. It is not surprising then that one of the safeguards offered by the White House to diminish the risk inherent in accepting a permanent ban on nuclear weapons testing through the Comprehensive Test Ban Treaty CTBT is to attempt to sustain the existing inventory of nuclear weapons through what is known as the Stockpile Stewardship Program, SSP. The aim of the SSP is to utilize the data from more than 1,000 U.S. atmospheric and underground nuclear tests legacy code combined with advanced diagnostic and experimental facilities now under development in the SSP to assess the aging properties of nuclear

weapons. It is hoped that the SSP will enable U.S. nuclear weapon scientists and engineers to model and simulate nuclear phenomena with sufficient fidelity and reliability to permit judgments to be made about whether or not a particular weapon or class of weapons will continue to be safe and reliable. In short, whether or not U.S. nuclear weapons will remain a credible deterrent.

The administration's approach is an extraordinarily risky one—far more so than can be discerned from administration statements on the subject. This is so because the way risks are multiplied in the program. First, the CTBT prevents the United States from using the technique for assuring the reliability of stockpile—the detonation of the nuclear weapon to be confident that the aging of the nuclear components have not diminished confidence in its safety and reliability. Second, the CTBT prevents the United States from testing new weapon designs—the approach we have taken over the past half century to make sure our nuclear weapon stockpile kept pace with what was required to deter. Third, the CTBT offers as an alternative to testing, the SSP. Let's examine each of these elements of risk in turn.

First, the design of nuclear weapons is a highly empirical process. Vast computer networks and theoretical physicists notwithstanding, testing has been an indispensable dimension of nuclear weapon development, production, and deployment. This is so because the environment within a nuclear weapon is unlike anything in nature. Materials exposed to decades of nuclear radiation behave in ways scientists do not know how to predict. Gold, for example, corrodes in a nuclear environment—a property not evident in nature. We do know what will happen over time to the nuclear components of a weapon and how the aging process will affect the weapon. This has been addressed in the past by detonating weapons after a fix has been installed in a weapon that appears to be adversely affected by age. Because there is no theoretical basis that has been validated through testing to certify weapon safety and reliability, testing has been indispensable. The United States ceased its nuclear weapon testing program in 1992, but had never undertaken an effort to ascertain whether or not it could model and simulate the aging properties of nuclear weapons with sufficient reliability to permit the certification of the weapons in the stockpile.

Nuclear weapons now in the stockpile—eight types plus one additional type in reserve—means that we have concentrated our deterrent in relatively few weapon designs. In the mid-1980s, we had 32 types of nuclear weapons in the stockpile. The average age of the weapons in the stockpile is 15 years—more than has ever been the case in the past, and well beyond U.S. experience. We simply do not know what the long-term implications of

aging are on nuclear weapons. We do know that there are consequences from the aging process, because problems resulting from aging have been identified in the past. However, as we were able to conduct underground tests, the aging process did not degrade the safety and reliability of the stockpile. If the CTBT is ratified, we may not have an opportunity to do this in the future because the process for utilizing the supreme national interest provisions of the treaty to withdraw are themselves an impediment to sustaining deterrence.

Second, the CTBT will prevent the United States from testing new nuclear weapon designs should the need to sustain deterrence call for new designs. Many new designs were required during the cold war to sustain deterrence. Identifying some circumstances that could give rise to a requirement for new weapon designs is not difficult. The weapons retained in the U.S. inventory after the cold war are primarily designed to strike urban-industrial targets (reflecting the policy of mutual assured destruction) and hardened targets on or near the earth's surface. The change in the technology of underground construction has fundamentally changed the economics of locating military targets in deep underground locations. In Russia, for example, despite its severely depressed economic circumstances, has invested \$6 billion since 1991 in a deep underground military facility in the southern end of the Ural Mountains. The underground facility at the site is located under nearly 1,000 feet of granite—one of scores of deep underground sites—that could not be held at risk with the current nuclear weapon stockpile. Similar underground facilities exist in other declared or undeclared nuclear weapon states. It is possible that some future President may decide that new weapon design(s) are needed to sustain deterrence. He will be prevented from doing so if the CTBT is ratified.

Third, the alternative to testing, the SSP, is an extraordinarily risky approach to sustaining deterrence. The United States has not conducted a testing program to verify that the modeling and simulation of the existing stockpile or new designs can be maintained or implemented using the experimental and diagnostic facilities of the SSP. No testing has taken place since 1992, but the SSP will not be fully operational until 2010 or beyond. One of the most important of these facilities—the National Ignition Facility, NIF—has proven to be both a technical and cost challenge. Last month the Congress was confronted by a one-third jump in the cost of this program. The entire SSP—budgeted at \$4.5 billion—is certainly underfunded, as the NIF experience demonstrates. For the SSP to be successful, all of its numerous experimental and diagnostic facilities have to work perfectly to assure that the safety and reliability of the stockpile can be certified indefinitely. It is one

thing to take such a technical and financial risk in an environment where testing is unconstrained. It is quite another to bet on the enduring success of a program—the SSP—that has already been shown to have unforeseen cost, technical, and schedule difficulties. The extent of these difficulties has not yet even been ascertained by the executive branch—much less an independent determination by the Congress. The risks to the ability to sustain deterrence under the CTBT are simply too large for the Congress to accept. The CTBT should not be ratified.

CTBT proponents claim that the treaty is an important tool in the fight against nuclear proliferation. This is simply inaccurate.

A test ban will provide no obstacle to a proliferator who seeks a first-generation—or even a second-generation-nuclear weapon. One of the two bombs the United States dropped on Japan to end WWII was an untested design. South African built and deployed six nuclear weapons without testing the design. Pakistan obtained a workable design from China, and thus needed no nuclear tests of its own.

Faced with these facts, treaty proponents often resort to the claim that the CTBT will establish an international norm against nuclear proliferation. Again, history teaches us differently. There is already an international norm against proliferation embodied in the Nuclear Nonproliferation Treaty—the NPT. Over 130 nations have signed the NPT and, by doing so, have forsaken nuclear weapons development. As an aside here, I guess we can say the CTBT is to get nations to promise not to test the weapons that they promised not to develop under the NPT.

The international norm of nuclear nonproliferation—the one supposedly established by the NPTB was broken by Iraq, which tried to develop nuclear weapons clandestinely. And, the norm is violated even today by North Korea, which remains in noncompliance with the NPT. Two nations not party to the NPT, India and Pakistan, also broke the international norm.

Other arms control norms are readily and repeatedly broken as well. There are too many examples to cite here today, but let me give you one. The United States forswore biological weapons and led the world in signing the Biological Weapons ban. The Soviet Union signed too, but secretly kept inventing and manufacturing ever more potent biological weapons. Other nations, including Iraq, have also made such weapons.

The point here is that norms do nothing to prevent development of heinous weapons by nations that view it in their security interests to do so. They are driven by their own perceptions of threat, not by a desire to adhere to a norm established by the United States or the international community.

Ironically, the CTBT might actually promote nuclear proliferation. I say this for two reasons.

First, it may promote proliferation by damaging the U.S. nuclear umbrella. United States allies such as Japan, South Korea, Germany, and Italy have long depended on United States nuclear strength to provide them the ultimate protection. Indeed, the United States persuaded South Korea and Taiwan to give up their own nuclear weapons programs by promising them protection.

U.S. nuclear testing has signaled to allies, and to potential enemies, that the United States nuclear arsenal is effective and that the United States is committed to using such weapons if absolutely necessary. Without nuclear testing, there is no question that United States confidence in the stockpile will decline. Our enemies and allies alike will read this silent signal as a local of commitment to maintaining and using, if necessary—the nuclear deterrent.

As U.S. confidence in the stockpile declines over time, it is likely that our allies confidence in the nuclear umbrella will similarly decline. This could lead to allies reevaluating their own security needs. (If the U.S. umbrella appears insufficient, might they not consider developing their own nuclear deterrents?)

The second reason that I say that the CTBT may promote proliferation is that it will result in significantly increased interactions between the U.S. weapons design community and the international academic community. This could, and probably will, result in the transfer of weapons-relevant data. Let me explain.

The U.S. stockpile stewardship program, the one intended to take the place of nuclear testing, relies on markedly increased collaboration between nuclear weapons specialists and the open scientific community. The program encourages open exchange of new nuclear research between the U.S. weapons laboratories and the international scientific community. The role that the stewardship program envisions for unclassified researchers extends far beyond peer review and the occasional preventatives meeting. Bit involves U.S. highly likely that these Occasional presentations meeting energy the quit involves Program, to participate in attempt to develop tool so to replace

There will be five university research centers and a host of other researchers funded by 5 year grants totaling tens of millions of dollars. It is highly likely that these researchers in the unclassified world, working closely with nuclear weapons scientists on the stewardship program, will gain an improved understanding of nuclear explosives phenomena. And, of course, there will be no way to prevent the further dissemination this understanding.

In summary, the CTBT will not further the cause of nuclear nonproliferation. Quite the opposite, it will likely result in promoting nuclear proliferation.

The Comprehensive Test Ban Treaty submitted to this Senate by President

Clinton is not verifiable. This means that, despite the vast array of expensive sensors and detection technology being established under the treaty, it will be possible for other nations to conduct militarily significant nuclear testing with little or no risk of detection.

What is militarily significant nuclear testing? Our definitions of the term might vary, but I think we'd all agree that any nuclear test that gives a nation information to develop newer, more effective weaponry is militarily significant.

In the case of the United States, nuclear tests with yields between 1,000 tons and 10,000 tons are generally large enough to provide “proof” data on new weaponry designs. Other nations might have weaponry that could be assessed at even lower yields. For the sake of argument, however, let's be conservative and assume that other nations would also need to conduct tests at a level above 1,000 tons to develop a new nuclear weapon design.

The verification system of the CTBT is supposed to detect nuclear blasts above 1,000 tons, so it would seem at first glance that it will be likely that most cheaters would be caught. We need to look at the fine print, however. In reality, the CTBT system will be able to detect tests of 1,000 tons or more if they are non-evasive. This means that the cheater will be caught only if he does not try to hide his nuclear test. But, what if he does want to hide it? What if he conducts his test evasively?

It is a very simple task for Russia, China, or others to hide their nuclear tests. One of the best known means of evasion is detonating the nuclear device in a cavity such as a salt dome or a room mined below ground. This technique called “decoupling” reduces the noise, or the seismic signal, of the nuclear detonation.

The change in the signal of a decoupled test is so significant—it can be by as much as a factor of 70—that it will be impossible for any known technology to detect it. For example, a 1,000-ton evasive test would have a signal of a 14-ton non-evasive test. This puts the signal of the illicit test well below the threshold of detection.

Decoupling is a well-known technique and is technologically simple to achieve. In fact, it is quite possible that Russia and China have continued to conduct nuclear testing during the past 7 years, while the United States has refrained from doing so. They would have been able to test, without our knowing, by decoupling.

There are also other means of cheating that can circumvent verification. One is open-ocean testing. A nation could put a device on a small seaborne platform, tow it to the middle of the ocean, and detonate it anonymously. It would be virtually impossible to attribute the test to the cheater.

If the CTBT were not going to affect U.S. capabilities, it would not be important whether the treaty is verifiable

or not. The fact is, however, the CTBT will freeze the U.S. nuclear weapons program and will make it impossible to assess with high confidence whether the current stockpile is reliable. And, because the treaty is not verifiable, it will not effectively constrain other nations in the same way. That means that they will ultimately be able to gain advantage.

Let me stress here that my assessment is not based on partisan opinions. The non-verifiability of the CTBT is well-known and has been affirmed by the U.S. intelligence community. We have no business signing up to an unverifiable treaty, particularly one that could so adversely affect the strength and effectiveness of our nuclear deterrent.

Mr. President, seismology has come a long way in the past half-century, but it still measures only earth vibrations, not Treaty compliance. Let's save time by stipulating that earth vibrations caused by most nuclear explosions will be detected by the CTBT's International Monitoring System (IMS). Then we can focus discussion on the political process by which detection of "events" lead to identification of nuclear tests, and by which identification of tests leads to verification of non-compliance with a Treaty.

In combination, the United States and IMS will reliably detect thousands of seismic events every year. But that does not mean that either system, independently or in combination, can reliably identify low yield nuclear explosions.

Seismic networks are scientific tools that must be calibrated against real world occurrences of what they measure. Once seismologists know that a given seismic signal was a nuclear test of a given yield at a given location, their network is calibrated for nuclear explosions of comparable magnitude at that location. For events of different magnitudes and/or in different locations, seismic signal identification is subjective. Like a few dozen CPAs interpreting the same IRS rule, each event will be interpreted differently depending on who is making the judgment and who their client is. This is particularly true, of course, for smaller events and those that occur in parts of the world—where nuclear explosions have not previously been recorded.

The fact of such uncertainty is not in dispute. No one can specify now, or in the foreseeable future, how large a nuclear test must be before it can be reliably identified as a nuclear test by the IMS. The best case would involve fully decoupled tests in locations where seismologists know both the precise magnitude of previous tests and the consequent seismic reading generated by those tests. The worst case would involve clandestine tests in uncalibrated regions that are decoupled. Even in best case circumstances no one disputes the uncertainty of identifying low yield nuclear events—no matter where they are conducted. Some be-

lieve these uncertainties extend to events of several kilotons, fully decoupled. In any case, no improvements of the United States and IMS systems that can be expected in the foreseeable future will alter those judgments.

Mr. President, that is why CTBT proponents stress seismic capabilities in terms of detection capability, which, unlike identification capabilities, can be calculated. But detection relates exclusively to the seismic network's ability to sense events, and again I stress it is identification, not detection that underpins verification.

A violator can decrease even a detected seismic magnitude by "decoupling"—that is, conducting a nuclear test in an underground cavity that muffles an explosion. Treaty proponents will argue that construction of such cavities is a nontrivial engineering task. It is hard to measure such difficulty because our experience in decoupling is more limited than, say, Russia's. But to decouple a 10-kiloton explosion so that it cannot be identified requires a cavity that countries of greatest concern are certainly capable of constructing.

To help resolve such uncertainties, the CTBT includes the right to conduct on-site inspections (OSI). But decisions to exercise that right will be based on the level of voting countries' confidence in events identified by the IMS seismic network.

Thirty current members of the rotating 51-member CTBT Executive Council must agree that an OSI should be conducted. It is clear from the negotiating record that some countries, including China, would view a request for OSI as a hostile act.

The fact, coupled with identification uncertainties for low yield events, makes it very unlikely that the Executive Council will ever get the votes needed to request OSI for lower yield tests. For larger yields, in calibrated regions, where event-identification would be less ambiguous, OSI requests would be more likely to get the required support, but hardly needed to identify the event.

For seismic events that could be low yield tests, the precise location of that event will be very uncertain, and the area that would need to be examined with OSI would be prohibitively large. Impression in locating an event, coupled with the inspected state's rights under the CTBT's "managed access" principle, assures that an approved OSI will never conclusively identify an event.

Past experience has shown that to achieve consensus—even within the United States—on the identification of low yield events will be very difficult. Past experience has also shown that other countries—most of whom do not have the detection resources the United States has—will weigh OSI decisions against the political reality that target state will perceive OSI as a hostile action.

The bottom line, Mr. President, is that OSI approval will be most likely

in cases where they are needed least, least likely in cases where they are needed most, and of marginal utility when they are conducted.

Even if a detected seismic event is categorized as a nuclear test, it still has to be attributed to a CTBT party. What if it takes place in international waters? What if a suspected government feigns surprise and attributes the undertaking to a non-state actor, known or unknown, acting within its borders? What if the precise location cannot be specified and the suspect state has sensitive facilities in the area surrounding the event's apparent epicenter? In short, the IMS is designed to support a bulletproof CTBT regime. It will generate lots of suspecting, very little detecting, still less identifying, little or no attributing, and a virtual absence a verified noncompliance.

Mr. President, none of this would matter except that the United States will never conclude that the accumulated uncertainties are sufficient to justify our abrogation of the treaty. Anti-nuclear interests, knowing full well that a foreign nuclear test has occurred, will always be able to obscure the evidence or moderate the U.S. response. That is true already, of course, but Treaties reside in a rarefield political and legal atmosphere in the U.S. from which abrogation is never taken lightly.

These are the weapons the United States relied on defeat two monstrous twentieth century tyrannies and to deter threats for over a half-century. I do not wish to subordinate their deterrent power, their safety, their modernization, or their reliability to the vagaries of this detection-identification-verification conundrum. The IMS system was not, and could not have been, designed to verify clandestine tests. Thus, to whatever extent our ratification of the CTBT relies on the integrity of verification it should be soundly defeated.

CTBT proponents are fond of saying that this treaty is the longest sought, hardest fought arms control agreement. They point out that negotiation of a nuclear test ban first began with President Eisenhower, and continued on-and-off through the administrations of several presidents.

In truth, the Clinton CTBT is very different from the test bans sought by past presidents. An old name has been put on a new treaty. We need only look at history to see that what President Clinton's administration negotiated is not at all consistent with the treaty sought by his predecessors.

When President Eisenhower undertook negotiations for a test ban, he purposefully excluded low-yield nuclear testing for at least two reasons. First, he knew that the United States would need to conduct such low-level tests to assure that the U.S. stockpile was as safe and reliable as possible. Second, he knew that such testing is readily concealed, so banning them would not be verifiable. And, like Eisenhower, subsequent U.S. Presidents

held fast to the position that any test ban must allow for low-yield testing.

President Clinton, separating himself from past presidents, declared that the United States would undertake a zero-yield nuclear test ban. He made this decision against the advice of the majority of his cabinet, including the Secretaries of Defense and State, and against the advice of the leaders of the national laboratories. That is, President Clinton unilaterally determined that the U.S. would deny itself the ability to conduct the low-level testing necessary to assure us that the weapons in our stockpile are functional and usable.

President Clinton's decision is particularly astounding when you realize that other nations will not be similarly constrained. They will be able to test low-yield devices. Why? Because the CTBT does not define what is meant by a nuclear test. In other words, the treaty does not say that it is a zero-yield ban. That is something that President Clinton imposed on the United States as its own interpretation of the treaty. Thus, when Russia conducts low-yield tests to assure reliability of its own arsenal, it will not be technically in violation of the CTBT.

A second reason that Clinton's CTBT is quite different from the test bans sought by past presidents is duration. Clinton's treaty is of unlimited duration. All previous presidents understood that it was very important to limit the length of the treaty to a few years, thus requiring renewal periodically. This would place the burden upon those who want a test ban to prove that it is in the security interests of the United States to continue the ban. Instead, Clinton's treaty does the opposite: it makes getting out of the treaty very difficult. And, as we have seen from the ABM Treaty, it is politically very difficult to leave a treaty, even when it is no longer relevant or in your security interests.

A third major difference that makes Clinton's CTBT different from past test bans is its lack of verifiability. All past presidents stated that they would only support a treaty that is effectively verifiable.

Verifiability may not seem to be a very significant issue, but it is indeed terribly important. We all know that the United States will adhere scrupulously to the CTBT if we in the Senate give our advice and consent to ratification. Other nations, however, have repeatedly demonstrated that they are willing to violate their arms control commitments. North Korea is currently in violation of the Nuclear Non-proliferation Treaty, under which it promised not to pursue nuclear weapons. Russia has violated a host of arms agreements, including the ban on production of biological weapons.

If the United States abides by a test ban, whereas other nations are able to continue testing undetected, the United States will ultimately be disadvantaged. Others will be able to as-

sure confidence in their stockpiles, but the United States will not. Others will be able to continue to develop newer, more modern nuclear weapons, whereas the U.S. program will be frozen. Others will be able to test any fixes to problems that develop with their stockpiles, whereas the United States will not be able to do so.

This treaty is not well-thought-out and contains provisions that will ultimately harm the U.S. nuclear deterrent. Furthermore, the zero-yield interpretation by President Clinton is unacceptable. We should reject this treaty in the interests of our own security.

CTBT proponents assert that the DOE's Science Based Stockpile Stewardship Program (SSP) can maintain the safety and reliability of the nation's nuclear weapon stockpile without nuclear testing. I emphasize that this is an assertion, an unproven, undemonstrated assertion. Dr. Siegfried Hecker, as Director of Los Alamos National Laboratory in 1997, in response to a question from Senator KYL, has stated "... we could not guarantee the safety and reliability of the nuclear stockpile indefinitely without nuclear testing." By agreeing to ratification of the CTBT the Senate would accept abandoning nuclear testing, the only proven method for assuring the safety and reliability of our nuclear deterrent, to embrace the unproven, unvalidated SSP.

Nuclear deterrence is a vital element of our national security structure. President Clinton, in sending us this treaty reaffirmed that he views the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States. If this is the case, how we can accept an unproven SSP as the basis for our confidence in the nuclear stockpile? If SSP were an established capability, and a not a set of research programs, most of which will not reach fruition for years, and the predictions of SSP had been thoroughly compared with the results of nuclear tests specifically designed to validate the new SSP, with positive results, then and only then could I consider abandoning nuclear testing in favor of SSP.

Can you imagine any reputable company abandoning one accounting systems for another without making sure that the new system's results agreed with the old? Can you imagine any reputable laboratory abandoning one calibration tool for another before ensuring that the new tool agreed with the old tool? But this is what we are being asked to do if we give our advice and consent to the CTBT. In an area where the supreme national interest of the United States is at stake we are being asked to endorse SSP as a replacement for nuclear testing without knowing if SSP works. Clearly the sensible course of action is to pursue SSP but calibrate its predictions, validate its new computer models, step-by-step, year-by-year by direct comparison with the re-

sults of nuclear tests specifically designed to test SSP. Then, if the SSP is shown to be a reliable replacement for nuclear testing, we could consider whether we would wish to be a party to a treaty banning nuclear testing. We must retain the ability to conduct underground nuclear tests to ensure the reliability and safety of our existing weapons and to establish whether SSP works.

I would like to remind my colleagues that this body, in 1987, required the Department of Energy to design a program very like what I have described, but even more encompassing. The Senate Armed Services Committee language for the fiscal year 1998 authorization bill required that DOE prepare a report on a program which would prepare the country for further limitations on nuclear testing beyond the 150 kiloton yield cap then in place. The committee recognized that the sophisticated weapons in the U.S. inventory might not be sustainable under further test limitations and required DOE to describe a program that would "... prepare the stockpile to be less susceptible to unreliability during long periods of substantially limited testing." DOE was also required to "... describe ways in which existing and/or new types of calculations, non-nuclear testing, and permissible but infrequent low yield nuclear testing might be used to move toward these objectives." This latter requirement might be viewed as the progenitor of SSP. DOE responded to this requirement by designing a test-ban readiness program which anticipated a ten year, ten nuclear test per year program which would address the objectives required by the Senate, which included the development and validation, by comparison with nuclear tests, of new calculational tools and non-nuclear testing facilities. I must hasten to add that this program described by DOE was never fully funded because throughout the Reagan and Bush administrations further limitations on nuclear testing were not viewed as necessary or desirable. A CTBT was stated to be a long term goal.

The stark differences between the Senate's requirement and the DOE response and the path taken by the Clinton administration could not be more stark. There was no period of preparation for this CTBT before us. The DOE was not instructed to implement the design and testing of robust replacement warheads. The DOE was not funded to procure and validate new calculational and non-nuclear testing facilities. Instead, nuclear testing stopped without warning. Even the few nuclear tests that might have allowed some preparation were denied. Dr. Hecker wrote to Senator KYL, "We favored conducting such tests with the objective of preparing us better for a CTBT." However all tests were ruled out by the Clinton administration for policy reasons. This was years before the President signed the CTBT.

Nuclear weapon safety has always been a paramount concern of the United States. Throughout the history of its nuclear weapons program the United States has made every effort to ensure that even in the most violent of accident situations there would be the minimum chance of a nuclear explosion or radioactive contamination. The adoption of the CTBT will abandon this important commitment.

I am very concerned that a CTBT will stand in the way of improving the safety of U.S. nuclear weapons. All experts agree that nuclear weapon safety cannot be improved without the ability to conduct nuclear tests to confirm that the weapons, once new safety features are incorporated, are reliable. The CTBT makes pointless any attempts to invent new, improved safety feature because they could never be adopted without nuclear testing. Of even greater concern is that the CTBT even eliminates the possibility of improving the safety of current weapons through the incorporation of existing, well understood safety features.

Unfortunately, few people know that many of our current weapons do not contain all the safety features that already have been invented by the DOE Laboratories. A White House Backgrounder issued July 3, 1993, in conjunction with President Clinton's decision to stop all U.S. testing, acknowledges "Additional nuclear tests could help us prepare for a CTBT and provide some additional improvements in safety and reliability." President Clinton thought it was more important not to undercut his nonproliferation goals!

I am less ready to ignore the safety of the American people. If we accept the CTBT, we will be accepting a stockpile of nuclear weapons that is less safe than it could be. I, for one, want no part in settling for less than the best safety that can be had. Should a U.S. nuclear weapon become involved in a violent accident which results in deaths and damage due to the spread of radioactive plutonium, I do not want to be in the position of explaining how I, by consenting to ratification of the CTBT, prevented the incorporation of safety measures that would have prevented these tragic consequences.

CTBT proponents will cite certifications of safety by the laboratory directors and the administration that the stockpile is safe. They apparently believe that procedures will make up for the lack of safety features. The Chernobyl nuclear reactor accident provides us with an example of what happens when procedures are counted on to ensure safety rather than putting safety mechanisms in place. Chernobyl is not the only example where counting on human operators to follow procedure for ensuring safety has failed. It had been DOE's objective to install safety features which were inherent to guarantee, to the maximum extent possible, that neither through accident

nor malevolent intent could human actions cause unacceptable contamination. Has this policy been abandoned because it is inconvenient to an administration determined to have a CTBT at any cost?

We have spent considerable money to incorporate advanced safety features in some existing weapons. Were we wasting our money? Is there some reason why it is OK to have some weapons less safe than others? I am not challenging that each weapon may be as safe as it could have been made at the time it was built. But safety standards change and now we may have to live without current weapon systems for a very long time. The American people deserve the safest weapons possible. We have gone from expecting seat belts, to expecting antilocking brakes and air bags in our automobiles. We know we could have insensitive high explosive and fire-resistant pits and enhanced nuclear detonation safety devices in every stockpile weapon. But we do not! We know each additional safety features decreases the probability of catastrophic results from an accident involving a nuclear weapon. We have no business entering into a CTBT until every weapon in our inventory is as safe as we know how to make it. I cannot justify a lesser standard and I hope you join me in this view and not give advice and consent to the ratification of the CTBT.

Mr. President, there are numerous reasons to oppose this treaty, many of which have been discussed here already. But I would like to focus on one feature of this agreement that is, in my view, sufficient reason by itself for rejecting ratification, and that is the treaty's duration.

This is an agreement of unlimited duration. That means that, if ratified, the United States will be committing itself forever not to conduct another nuclear test.

Think of that—forever. Are we so confident today that we will never again need nuclear testing—so certain that we are willing to deprive all future commanders-in-chief, all future military leaders, all future Congresses, of the one means that can actually prove the reliability of our nuclear deterrent?

Now, proponents of this treaty will say that this is not the case—that this commitment is not forever—because the treaty allows for withdrawal if our national interest requires it. And proponents of the treaty promise that if we reach a point where the safety and reliability of our nuclear deterrent cannot be guaranteed without testing, well then all we need do is exercise our right to withdraw and resume testing. This so-called "supreme national interest" clause, along with Safeguard F, in which President Clinton gives us his solemn word that he will consider a resumption of testing if our deterrent cannot be certified, is supposed to reassure us.

But the fact, Mr. President, is that this reassurance is a hollow promise, and supporters of the treaty know it.

The fact is that if the critical moment arrives and there is irrefutable evidence that we must conduct nuclear testing to ensure our deterrent is safe, reliable, and credible, those same treaty supporters will be shouting from the highest mountain that the very act of withdrawing from this treaty would be too provocative to ever be justified, that no narrow security need of the United States could ever override the solemn commitment we made to the world in agreeing to be bound by this treaty.

And if you don't believe that will happen, Mr. President, you need only look at our current difficulties with the 1972 ABM Treaty. It provides a chilling glimpse of our nuclear future, should we ratify this ill-conceived test ban.

Like the Comprehensive Test Ban Treaty, the ABM Treaty is of unlimited duration. It, too, includes a provision allowing the United States to withdraw if our national interests so demand. It's difficult to imagine a situation in which national security interests and treaty obligations are more clearly mismatched than with the ABM Treaty today, but its supporters insist that withdrawal is not just ill-advised but actually unthinkable. And the voices wailing loudest about changing this ossified agreement are the same ones urging us today to entangle ourselves in another treaty of unlimited duration.

Think of the ways in which the ABM Treaty is mismatched with our modern security needs. The treaty was conceived in a strategic context utterly unlike today's, a bipolar world in which two superpowers were engaged in both global rivalry and an accompanying buildup in strategic nuclear forces. Today, one of those superpowers no longer exists, and what remains of it struggles to secure its own borders against poorly armed militants.

The arms race that supposedly justified the ABM Treaty's perverse deification of vulnerability has not just halted, it's reversed, and no thanks to arms control. Today Russian nuclear forces are plummeting due not to the START II agreement—which Russia has refused to ratify for nearly 7 years—but to economic constraints and the end of the cold war. In fact, their forces are falling far faster than treaties can keep up; arms control isn't controlling anything—economic and strategic considerations are. Similar forces have led the United States to conclude that its forces can also be reduced. Thus, despite a strategic environment completely different from the one that gave birth to the ABM Treaty, its supporters stubbornly insist that we must remain a party to it.

In 1972, only the Soviet Union had the capability to target the United States with long-range ballistic missiles. Today, numerous rogue states are

diligently working to acquire long-range missiles with which to coerce the United States or deter it from acting in its interests, and these weapons are so attractive precisely because we have no defense against them—indeed, we are legally prohibited from defending against them by the ABM Treaty.

Technologically, too, the ABM Treaty is obsolete. The kinetic kill vehicle that destroyed an ICBM high over the Pacific Ocean on October 2 was undreamed of in 1972. So was the idea of a 747 equipped with a missile killing laser, which is under construction now in Washington state, or space-based tracking satellites like SBIRS-Low, so precise that they may make traditional ground-based radars superfluous in missile defense. Yet this ABM Treaty, negotiated three decades ago, stands in the way of many of these technological innovations that could provide the United States with the protection it needs against the world's new threats.

These new threats have led to a consensus that the United States must deploy a National Missile Defense system, and a recognition that we are behind the curve in deploying one. The National Missile Defense Act, calling for deployment of such a system as soon as technologically feasible, passed this body by a vote of 97-3, with similar support in the House. Just as obvious as the need for this capability is the fact that the ABM Treaty prohibits us from deploying it. Clearly, the ABM Treaty must be amended or jettisoned; the Russians have so far refused to consider amending it so withdrawal is the obvious course of action if United States security interests are to be served.

But listen to the hue and cry at even the mention of such an option. From Russia to China to France and even to here on the floor of the United States Senate, we have heard the cry that the United States cannot withdraw from the ABM Treaty because it has become too important to the world community. Those who see arms control as an end in itself inveigh against even the consideration of withdrawal, claiming passionately that the United States owes it to the world to remain vulnerable to missile attack. Our participation in this treaty transcends narrow U.S. security interests, they claim; we have a higher obligation to the international community. After all, if the United States is protected from attack, won't that just encourage others to build more missiles in order to retain the ability to coerce us, thus threatening the great god of strategic stability? That phrase, translated, means that citizens of the United States must be vulnerable to incineration or attack by biological weapons so that other nations in this world may do as they please.

Even though the ABM Treaty is hopelessly outdated and prevents the United States from defending its citizens against the new threats of the 21st

century, supporters of arms control insist that withdrawal is unthinkable. Its very existence is too important to be overridden by the mere security interests of the United States.

Absurd as such a proposition sounds, it is the current policy of this administration and it is supported by the very same voices who now urge us to ratify this comprehensive test ban. The Clinton administration has been reluctantly forced by the Congress into taking serious action on missile defenses. It admits that the system it needs to meet our security requirements cannot be deployed under the ABM Treaty. Yet, so powerful are the voices calling on the United States to subjugate its own security interests to arms control that the administration is proposing changes to the ABM Treaty that—by its own admission—will not allow a missile defense system that will meet our requirements. It has declared what must be done as “too hard to do” and intends to leave the mess it has created for another administration to clean up. All because arms control becomes an end in itself.

That sorry state of affairs, Mr. President, is where we will end up if the Senate consents to ratification of the Comprehensive Test Ban Treaty. Those treaty supporters who are saying now, “don't worry, there's an escape clause” will be the same ones who, 5 or 10 years from now—when there's a problem with our stockpile and the National Ignition Facility is still not finished and we find out that we overestimated our ability to simulate the workings of a nuclear weapon—will be saying we dare not withdraw from this treaty because we owe a higher debt to the international community.

Mr. President, I don't represent the international community, I represent the people of my state. Our decision here must serve the best interests of the United States and its citizens. Our experience with the ABM Treaty is a perfect example of how arms control agreements assume an importance well beyond their contribution to the security of our nation. The Comprehensive Test Ban Treaty's unlimited duration is a virtual guarantee that this agreement will prevent us from conducting nuclear testing long past the point at which we decide such testing is necessary, should we so decide. As our ABM experience shows, we should take no comfort from the presence of a so-called “supreme national interest” clause.

I urge the defeat of this treaty.

Mr. President, the CTBT is nothing less than an ill-disguised attempt to unilaterally disarm the U.S. nuclear arsenal. We have repeatedly confirmed the need for nuclear weapons in the U.S. defense force posture. According to this administration's Secretary of Defense, “nuclear forces are an essential element of U.S. security that serve as a hedge against an uncertain future and as a guarantee of U.S. commitments to allies.” Most of us recognize

this as a necessary, but awful, responsibility. Unfortunately, the CTBT actively undermines the Secretary of Defense's stated rationale for the U.S. nuclear arsenal.

For nuclear weapons to serve as a hedge against an uncertain future, they must be relevant to the threats we may face. As Iraq demonstrated during the gulf war, that threat is often a rogue regime armed with weapons of mass destruction. Hopefully, the threat of nuclear retaliation will deter a rogue regime from using WMD against United States forces and allies in the theater, as it did in the Iraqi case. However, some rogue regimes may not be moved by such concerns. Would North Korea, which appears otherwise content to let its people starve, balk at the prospect of United States nuclear retaliation? and for that matter, is a United States threat to kill hundreds of thousands of oppressed North Korean civilian the proper response to North Korean WMD use? Is it a proportionate, morally acceptable threat to make? If it is not a threat we would carry out, how credible can it be? The answer to these questions lies in making sure that the U.S. nuclear arsenal is and remains relevant to the sorts of threats we will encounter in the “uncertain future.”

Making the U.S. nuclear arsenal relevant to a world of rogue actors with dug-in, hardened shelters and WMD capabilities will likely require new weapons designs. In addition to improving the safety and reliability of our arsenal, new weapons designs tailoring explosive power to the threat will be crucial. For example, in some settings, biological weapons can be even more deadly than nuclear weapons. By releasing the agent into the atmosphere, a conventional attack on a biological weapons storage facility might cause more innocent deaths than it averted. It is possible that only a nuclear weapon is capable of assuring the destruction of a biological agent in some circumstances. The U.S. development of the B61-11 bunker buster nuclear weapon is evidence that, absent the political pressure for arms control, the U.S. arsenal needs these capabilities.

The CTBT will stop the United States from developing and deploying fourth generation nuclear weapons. Further, it will slowly degrade and destroy the nuclear weapons design infrastructure needed to produce new weapons designs. Thus any promise to withdraw from the CTBT in time of need becomes irrelevant; the capabilities we need won't be there. Without these new designs, nuclear weapons will ultimately cease to be a credible option for U.S. decisionmakers in all but a few very specific cases. Denying the United States the nuclear option is the true intent of the CTBT.

Do other countries recognize the utility of new weapons designs? Certainly.

Russia increasingly relies on its nuclear weapons for national security because its conventional forces are failing. Russia is almost certainly interested in developing what one Russian senior academic identified as "ultralow-yield nuclear weapons with little effect on the environment." Our ability to detect and identify these sorts of test, which may resemble conventional explosions or small seismic events, with any degree of certainty is limited, and the cost of evading detection through decoupled underground tests, masking chemical explosions, etc., is not prohibitive. While the CTBT's proposed International Monitoring System (IMS) will add to the capabilities available through U.S. national technical means (NTM), it will still not provide definitive answers.

While less sophisticated than the Russian program, China has demonstrated that modernized and new weapons designs are on its agenda. Its aggressive intelligence-gathering operation aimed at the U.S. nuclear weapons complex should be clear evidence of that. China's willingness to freeze its nuclear modernization program simply to comply with a treaty should also be suspect—China has repeatedly demonstrated that it is willing to act contrary to its international commitments in areas of keen United States interest like the Missile Technology Control Regime (MTCR). "Norms" and diplomatic peer pressure will not dissuade China from nuclear testing. Based on these observations, what the CTBT will create is a frozen, degrading U.S. nuclear weapons program, improving Russian and Chinese arsenals, and a host of rogue regimes increasingly aware that the United States nuclear threat is deficient.

Let me conclude my remarks. I think as we close this debate, it is important to reflect for a moment on what the constitutional responsibilities of the Senate are. In binding the American people to international treaties, the Senate is a coequal partner with the President of the United States, whose people negotiate treaties which he signs and then sends to the Senate for its advice and consent.

It would help if he asked the Senate's advice before he requested our consent, but in this particular case his negotiators tried in certain circumstances to gain provisions in this treaty which eventually they concluded they could not get, and as a result, negotiated what Senator LUGAR of this body has called a treaty not of the same caliber as previous arms control treaties; a treaty that is flawed in a variety of ways he pointed out, including the fact it is not verifiable and it lacks enforceability.

My view is that the Senate can fulfill its constitutional responsibility not by being a rubber stamp to the administration but by in effect being quality control by sending a message that the U.S. Government, embodied in the Senate, will insist on certain minimum

standards in treaties that will bind the American people. Particularly with respect to our national security, when we are talking about arms control, we will insist on those standards regardless of world opinion or what the lowest common denominator of nations may request.

This administration had the opportunity to negotiate a treaty of less than permanent duration. They originally tried a 10-year, opt-out provision but failed in that. They originally, at the request of the Joint Chiefs of Staff, were trying not to agree to a zero yield but to permit hydronuclear tests. But eventually they agreed to a zero yield. There were requests for better monitoring sites around the world, but our negotiators gave up on that as well.

My point is, in rejecting this treaty tonight the Senate will be strengthening the hand of our future negotiators who, in talking to their counterparts in the world, will be able to say the Senate is going to insist on certain minimum standards: That it be verifiable, it be enforceable, that it take the U.S. security interests seriously, and unless that is done we cannot possibly agree to these terms.

By rejecting this treaty this evening, I believe we will be sending a very strong message that as the leader of the world, the United States will insist on certain minimal standards to the treaties. Our negotiators in the future will be better able to negotiate the provisions. And in the future, the Senate will be in a position to ratify a treaty rather than having to reject what is clearly an inferior treaty.

I urge my colleagues to reject this treaty.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield 2 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. LIEBERMAN. Mr. President, the good-faith efforts of people on both sides of the aisle to avoid a vote, knowing that there were not votes in the Senate to ratify this treaty, have obviously failed. The vote will occur soon, and the votes are not there to ratify the treaty. That, in my opinion, is profoundly unfortunate. There is plenty of blame to be passed all around for that result.

I think at this moment we all should not look backward but look forward, and particularly say to our friends and allies and enemies around the world that this vote tonight does not send a signal that the majority of the American people and their Representatives in Congress and in the Senate are not profoundly concerned about nuclear proliferation and are not interested in arriving at a treaty that genuinely will protect future generations from that threat.

At times in this debate I was heartened by statements, including those

made by the current occupant of the Chair, the Senator from Nebraska, saying if the vote occurred, you would vote against the ratification tonight, but more work ought to be done and more thought ought to be given. I hope in the days ahead we will be able to reach across the partisan aisle, work together without time limitation or even timeframe, to see if we can find a way to build adequate support for the ratification of this treaty, or a treaty which will control the proliferation of nuclear weapons by prohibiting the testing of those weapons. I invite my colleagues from both parties to join with us in that effort in working together with our administration. I hope we can take from this experience the lessons of what we did not do this time and should do next time.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Delaware.

Mr. BIDEN. Mr. President, how much time remains in my control?

The PRESIDING OFFICER. The Senator from Delaware has 16 minutes 54 seconds remaining.

Mr. BIDEN. How much time remains in control of my friend?

The PRESIDING OFFICER. The Senator from North Carolina has 10 minutes remaining.

Mr. HELMS. Will the Senator forgive me; I overlooked Senator WARNER.

Mr. BIDEN. Surely.

Mr. WARNER. I thank my distinguished colleagues.

My dear friend and partner in the venture for a letter, Senator MOYNIHAN, addressed the letter in his remarks. First, we expressed it was an effort in bipartisanship by a large number of Senators—I but one; Senator MOYNIHAN two. This letter will be printed in the RECORD following the vote.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have spoken to our leader. I am going to close the debate on our side. I will use any time up to the amount of time that I have available.

My friend from North Carolina knows—I guess when people listen to us on the air they must wonder. We go through this, "my friend from North Carolina" and "distinguished Senator from..." I imagine people, especially kids or youngsters in high school and college, must look at us and say: What are they talking about, unless they understand the need for good manners in a place where there are such strong differences, where we have such deep-seated differences on some issues, where I must tell you—and I am not being melodramatic—my heart aches because we are about to vote down this treaty. I truly think, I honestly believe that, in the 27 years I have been here, this is the most serious mistake the Senate has ever made—or is about to make.

But that does not detract from my respect for the Senator from North

Carolina, who not only is against the treaty, but wants to bring it up now, now, and vote it down. So I think it is important for the American people to understand. We have deep differences on this floor. In other places they have coups and they shoot each other. Because of the traditions of this body and the rules of the Senate, we live to fight another day.

My friend knows we came the same year; we came the same date; we came at the same time. I will promise him, and he will not be surprised, I will use every remaining day of this Congress to try to fight him on this issue—even though I am about to lose, we are about to lose, my position is about to lose—to try to bring this back up, try to push it, try to keep it alive. Because as the Parliamentarian pointed out, when you vote this treaty down today, it doesn't die; it goes to sleep. It goes back to bed. It jumps over that marble counter there, back over the desk to the Executive Calendar to be called up again.

I warn you all, I am going to be a thorn in your side, not that it matters much, but I am going to keep harping at it. I am going to keep beating up on you; I am going to keep talking about it; I am going to keep at it, keep at it, keep at it.

When we started this off, my objective was to get the kind of hearings—I know my friend says we have had hearings—the kind of hearings we have had on other significant treaties—10, 12, 15, 18 days of hearings. The “sense of the Senate” amendment that I was prepared to introduce two weeks ago called for Foreign Relations Committee hearings beginning this fall and final action by March 31, 2000.

That is what I was looking for because I truly believe that, were the American people and our colleagues able to hash this out in the way we designed this body to work, we would, in fact, find accommodation for all those concerns that 67 Senators might have; not 90, but probably 67, 68—70. I truly believe that. I truly believe that.

Instead, we got one quick week of hearings, with the Committee on Foreign Relations holding only one day of hearings dedicated to this treaty, the day after the committee was discharged of its responsibility.

That abdication of committee responsibility was perhaps only fitting, as most Republicans appear prepared to force this great country to abdicate its responsibility for world leadership on nuclear non-proliferation.

But let me say that in this floor debate, I have attempted at least to answer attacks leveled by treaty opponents. Neither side has been able to delve very deeply, however, given the time constraints and lack of balanced, I think, detailed knowledge on the part of our Senate.

For example, the distinguished Senator from Rhode Island and the Senator from Virginia are both friends. They are World War II vets. They have

served a long time and they are among the two most honorable people I know. Senator CHAFEE—I assume he will forgive me for saying this—came up to me and said: JOE, check what I have here. Is this accurate, what I have here?

I said what I am about to say: It is absolutely accurate.

He said: But it is different from what my friend from Virginia said, Senator WARNER said.

I said: I love him, but he is flat wrong. He is flat wrong.

I don't think anybody is intentionally misleading anybody. I do think we haven't hashed this out.

For example, there is a condition that we have adopted by unanimous consent, part of this resolution of ratification we are about to vote on, the last section of which says:

Withdrawal from the treaty: If the President determines that nuclear testing is necessary to assure with a high degree of confidence the safety and reliability of the United States nuclear weapons stockpile, the President shall consult promptly with the Senate and withdraw from the treaty.

He has no choice. He must withdraw.

My friend from Virginia characterizes this treaty as having no way out. If, however, the President is told by the National Laboratory Directors, by the Secretary of Defense, the Secretary of Energy, “We can't guarantee any more, boss,” he must inform us and he must withdraw.

That is an illustration of what I mean. Here are two honorable men, two men of significant experience, asking one another and asking each of their staffs: Which is right?

In one sense, it is clear what is right: we haven't had much time to talk about it. We haven't had much time to talk about it.

The debating points and counterpoints are too many to summarize in a short statement in the probably 12 minutes I have left. But the themes of this debate are clear and so are the fallacies that underlie the arguments of those who oppose the treaty, at least the arguments made most repeatedly on the floor.

The first theme of the treaty opponents is that, while our nuclear weapons stockpile may be—they don't say “may”, they say “is”—safe and is reliable today, there is no way to do without nuclear testing forever. That is the first theme that is promoted by the opponents.

This argument is based on a fallacy rooted in our nuclear weapons history. The history is that our nuclear testing has supported a trial-and-error approach to correcting deficiencies, rather than rooting our weapons in detailed scientific knowledge of how a nuclear reaction works.

The fallacy is that nuclear weapons must be subjected to full-up, “integrated” testing. That is a fallacy. The truth is, rarely do we fully test major systems. Rather, we test components or conduct less than full tests of complete systems.

As my colleagues know, a truly full test of a nuclear weapon would require that it be tested as a bomb or as a warhead, as it is intended to be, and exploded in the atmosphere. All the experts tell you that. That is the only true, absolute way you know what is going to happen: test it in the atmosphere.

As the Presiding Officer knows, we have done without atmospheric testing for 36 years. We accepted the supposedly degraded confidence in our nuclear stockpile that results from this lack of full-blown testing.

Why have we accepted that? Because we balanced the benefits of full-up atmospheric testing against its disadvantages, and it was clear that the benefits outweighed the negatives.

When listing the benefits, we also noted how well we could assure the systems performance without these full-up tests. When listing the disadvantages, we included cost, risk of collateral damage, environmental risk, radioactive fallout, and the diplomatic or military costs that would have been incurred if we had rejected or withdrawn from the Limited Test-Ban Treaty which was signed in 1963.

Similarly today, we have to consider both the benefits and the disadvantages of insisting upon the right to conduct underground nuclear testing. We should include in our calculus the fact that the Resolution of Ratification of this treaty requires the President to withdraw from the treaty if he “determines that nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile.”

Guess what? Every year now, under the law, the Secretary of Energy and the Secretary of Defense must not only go to the President, but must come to the Senator from Nebraska, the Senator from Delaware, the Foreign Relations Committee, the Armed Services Committee, and they must tell us, as well as the President, whether they can certify the continued safety and reliability of the stockpile. If they cannot certify, and if we adopt this Resolution of Ratification, the President has to withdraw from the treaty.

We will likely differ in our calculations of the balance between advantages and disadvantages of foreswearing underground nuclear testing. But we should all reject the fallacy that there is no substitute for continuing what we did in the past.

The second theme that opponents of the treaty keep putting out is that we have to reject this treaty because it is not perfectly verifiable. This argument is based upon a fallacy rooted in slogans and fear. The fear relates to the history of arms control violations by the Russians and the Soviet Union. The slogans are Ronald Reagan's election-year demand: Effective verification. And his later catch phrase: Trust but verify.

This body has never demanded perfect verification.

Consider the vote we had on the INF Treaty that eliminated land-based intermediate-range missiles. That treaty was signed by President Reagan. President Reagan, the same man who signed the treaty, also coined the phrase "trust but verify."

Was the INF Treaty perfectly verifiable? No. Nobody in the world suggested it was perfectly verifiable. Listen to what the Senate Intelligence Committee said before we voted on Ronald Reagan's INF Treaty. They said:

Soviet compliance with some of the treaty's provisions will be difficult to monitor. The problem is exemplified by the unresolved controversy between the Defense Intelligence Agency and other intelligence agencies over the number of SS-20s in the Soviet inventory.

We did not even know how many SS-20s, intermediate-range missiles, they had. The Intelligence Committee went on to say:

Ground-launched cruise missiles pose a particular difficult monitoring problem as they are interchangeable long-range, sea-based launch cruise missiles.

Which the INF Treaty did not ban. This was not verifiable. Where were all you guys and women when the Reagan treaty was up here? God love him: Trust but verify. I challenge anyone to come to the floor in the remaining minutes and tell me that the INF Treaty was perfectly verifiable.

I love this double standard. You wonder why some of us on this side of the aisle think this is about politics.

The fallacy is clear: Nobody really believes in perfect verification. The Senate approved Ronald Reagan's INF Treaty by a vote of 93-5, despite the fact that we knew the INF Treaty was far from verifiable. The legitimate verification questions are how well can we verify compliance and whether our national security will be threatened by any undetected cheating that could occur.

I say to my colleagues, we should end the pretense that only a perfectly verifiable treaty is acceptable. The only perfectly verifiable treaty is one that is impossible to be written.

Each side in this debate has agreed that the approval or rejection of this treaty could have serious consequences. I suggest that we pay some attention to each side's worst-case scenarios.

Opponents of the treaty have warned that a permanent ban on nuclear weapons tests could result in degraded confidence in the U.S. deterrent, perhaps leading other countries to develop their own nuclear weapons. Treaty supporters have warned that rejection of this treaty could lead to a more unstable world in which all countries were freed of any obligation to obey the Test-Ban Treaty.

Neither of these worst-case outcomes is very palatable. Any degraded foreign confidence in the U.S. deterrent would be limited, however, either by annual certification of our own high con-

fidence in our nuclear weapons, or by prompt action to fix any problems—including mandatory withdrawal from this treaty if the President determined that testing was necessary.

Rejection of this treaty would not greatly increase the speed with which a nuclear test could be conducted, if one were necessary. The nuclear stockpile certification process already forces an annual decision on whether to resume testing, and the treaty would impose only a six-month delay after notice of our intent to withdraw. That means a total lag of 6 to 18 months between discovering a problem and being free to test—roughly what officials say is the minimum time that it takes to mount a serious nuclear weapons test, anyway.

By contrast, however, the worst-case scenario of Treaty supporters might not be so limited. As Larry Eagleburger, who served as Secretary of State at the end of the Bush Administration, wrote in Monday's Washington Times:

The all-important effort of the United States to stem the spread of nuclear weapons around the world is about to go over a cliff unless saner heads in Washington quickly prevail.

Eighty years ago, this body rejected the Treaty of Versailles that ended the First World War. Woodrow Wilson's vision of a League of Nations to keep the peace was turned down by a Senate that did not want to accept such a U.S. responsibility in the world. While that vote was understood to be significant at the time, nobody could foresee that our refusal to take an active role in Europe's affairs would help lead to a Second World War only two decades later.

Today, eight years after the Cold War's end, the Senate is presented with a different kind of collective security proposition—an international treaty that can meaningfully reduce the danger that nuclear weapons will spread, a treaty enforced by an army of inspectors and a global system of sensors.

We cannot tell what the precise consequences of our actions are going to be this time, but the world will surely watch and wonder if we once again abdicate America's responsibility of world leadership, if we once again allow the world to drift rudderless into the stormy seas of nuclear proliferation.

World War II was a time of horror and heroism. A world of nuclear wars will bring unimagined horror and little room for the heroism of our fathers. We all pray that our children and grandchildren will not live in such a world.

Will the votes today have such a major, perhaps awful, consequence? We cannot say for sure, but I end by suggesting to all that the chance being taken by those who are worried about our ability to verify compliance and our ability to verify the stockpile is far outweighed by the chance we take in rejecting this treaty and saying to the entire world: We are going to do test-

ing and we do not believe that you can maintain your interests without testing, so have at it.

We should all consider that this may be a major turning point in world affairs. If we should reject this treaty, we may later find that "the road not taken," in Robert Frost's famous phrase, was, in fact, the last road back from the nuclear brink.

I heard, in closing—the last comment I will make—my friend say: Our allies will lose confidence in us if we ratify this treaty. The fact is, however, that Tony Blair called today and, to paraphrase, said: For God's sake, don't defeat this treaty. He is the Prime Minister of England, our No. 1 ally.

The German Chancellor said: Please ratify, in an open letter. The President of France, Jacques Chirac, said: Please ratify. So said our allies.

Larry Eagleburger's conclusion is one with which I shall end. His conclusion was:

The whole point of the CTBT from the American perspective is get other nations to stop their testing activities and thereby lock-in—in perpetuity—the overwhelming U.S. advantage in weaponry. There is no other way to interpret a vote against this treaty than as a vote in favor of nuclear testing of other nations. It would stand on its head the model of U.S. leadership on non-proliferation matters we have achieved for over 40 years.

If the Senate cannot bring itself to do the right thing and approve the treaty, then senators should do the next best thing and pull it off the table.

As I used to say in a former profession, I rest my case, but in my former profession, when I rested my case, I assumed I would win. I know I am going to lose here, but I will be back. I will be back. I yield the floor and reserve the remainder of time, if I have any.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, how much time do we have left on this side?

The PRESIDING OFFICER. The Senator from North Carolina has 9 minutes 30 seconds.

Mr. HELMS. Mr. President, my friend, Senator BIDEN, began with an allusion to the young people listening by television about how we call each other distinguish Senators and various other good things, and that is called courtesy. I call him a distinguished Senator, and I admire JOE BIDEN. He knows I do. I cannot outshoot him. He has far more volume than I. I have used my windpipes a little bit longer than he has.

Let me tell you about JOE. He is a good guy. He is a good family man. He goes home to Delaware every night. He comes back in the morning. Sometimes he is not on time for committee meetings and other things, but we take account of that. But you can bank on JOE BIDEN in terms of his vote. He is going to vote liberal every time. I have never known him—and I say this with respect—to cast a conservative vote. And that is the real difference.

I believe it is essential that the Senate withhold its consent and vote to

defeat the Comprehensive Nuclear Test-Ban Treaty.

Mr. President, in the post-cold-war world, many of us have assumed that the U.S. nuclear deterrent is less relevant than before. I contend that it is more important than ever.

The level of threat posed by another nation has two parts—the nation's capabilities to inflict damage upon us, and the intent to do so. Since the end of the cold war, Russia's intent, clearly, is peaceful. This has not changed Russian nuclear capabilities, however. If Russia's government were to change to a hostile one tomorrow, the level of threat posed by Moscow would be even greater than it was during the cold war.

Unlike the United States, Russia has not stopped improving on its nuclear arsenal. The Russians have continued to modernize their nuclear arsenal with new warheads and new delivery systems, despite the end of the cold war. This modernization has been at tremendous economic expense and has probably entailed continued nuclear testing. I might also add that Russian nuclear doctrine has continued to evolve since the end of the cold war, and now Moscow relies even more on its nuclear deterrent for defense than it did before.

But, Russia is not the only potential threat. The greater danger may come, ultimately, from China. As you know, Chinese espionage has yielded great fruit, including United States nuclear weapons designs and codes, as well as intelligence on our strategic nuclear submarine force. China continued nuclear testing long after the United States undertook a self-imposed nuclear test moratorium in 1992. And, undoubtedly, it can continue secret nuclear testing without our being able to detect it.

Other threats also abound. One of the most serious is from North Korea, which remains in noncompliance with the Nuclear Nonproliferation Treaty and is continuing to build missiles that can be used for nuclear weapons delivery.

In this uncertain world, it is not enough to simply retain a nuclear arsenal. We need a true nuclear deterrent. A nuclear arsenal becomes a nuclear deterrent only when we have convinced potential enemies that we will use that arsenal against them if they attack us or our allies with weapons of mass destruction. This means we must do two things. First, we must maintain the arsenal in workable, reliable condition. Second, we must clearly communicate our willingness to use the arsenal. We must not forget: a weapon does not deter if your enemy knows that you won't use the weapon.

Nuclear testing, historically, has performed both the maintenance and communications functions. Testing kept the arsenal reliable and modern. Very importantly, it also signaled to potential enemies that we were serious about nuclear deterrence.

Some people might argue that our nuclear arsenal is as modern as it will ever need to be. I am not willing to make that argument because I know I can't predict the future. I have no way of knowing what technological advances our potential enemies may make. Perhaps they will make discoveries of countermeasures that make our delivery systems outmoded. Or, perhaps they will acquire ever more potent offenses, just as Iraq, Russia, and North Korea have acquired highly virulent biological weapons.

If the future does bring new challenges to our existing arsenal, I think we ought to be in a position to modernize our stockpile to meet those challenges. The directors of our nuclear weapons design laboratories have told us that we cannot modernize our weapons, for example, to take on the threat of biological weapons unless we can test. It therefore seems reasonable that we not deny ourselves the ability to test.

Again, some people may argue that we should join the CTBT and then pull out if we need to test. That would be terribly foolish. We all know how politically difficult it is to pull out of a treaty, no matter how strong the arguments are for doing so. It is better to not join in the first place.

In conclusion, let me reiterate my support for keeping our nuclear deterrent strong. The nuclear arsenal protects us against attacks from other nations that might use weapons of mass destruction against us. It tells them silently that the cost of any aggression is too high. We need to keep sending that signal to them, and nuclear testing will help us do that.

Mr. President nuclear deterrence was crucial to U.S. and allied security throughout the cold war, and it will be no less important in the future. The enormous benefit of America's nuclear deterrent is that it protects U.S. interests and safeguards the peace without the use of force.

It is clear that on several occasions, notably during the Cuban missile crisis, nuclear deterrence kept the cold war from becoming a shooting war. Now that the cold war is over, has nuclear deterrence become less important? The answer is no. During the first conflict of the post-cold-war period, the 1991 gulf war with Saddam Hussein, nuclear deterrence undoubtedly saved thousands, possibly tens of thousands of lives. How? Saddam Hussein was deterred from using his chemical and biological weapons because he feared the United States would retaliate with nuclear weapons. That is not my interpretation of the gulf war; it is what senior Iraqi leaders have said. The gulf war experience illustrates that as chemical, biological and nuclear weapons continue to proliferate, the U.S. nuclear deterrent will become even more vital to our security.

While Washington must be prepared for the possibility that nuclear deterrence will not always safeguard the

peace, we must safeguard our capability to deter. President Clinton recognized this continuing value of nuclear deterrence in the White House's most recent presentation of U.S. national security strategy. A National Security Strategy for A New Century, I quote: "Our nuclear deterrent posture is one of the most visible and important examples of how U.S. military capabilities can be used effectively to deter aggression and coercion . . ." And, quote "The United States must continue to maintain a robust triad of strategic forces sufficient to deter any hostile foreign leadership . . ."

The strategy of nuclear deterrence that for decades has played such a crucial role in preserving peace without resort to war would be damaged, perhaps beyond repair, in the absence of nuclear testing. Make no mistake, the CTBT would harm U.S. security by undermining the U.S. nuclear deterrent.

For the nuclear stockpile to underwrite deterrence it must be credible to foes. That credibility requires testing. To deter hardened aggressors who are seemingly impervious to reason, there is no substitute for nuclear testing to provide the most convincing demonstration of the U.S. nuclear stockpile and U.S. will to maintain nuclear deterrence.

The strategy of nuclear deterrence also requires that U.S. leaders have confidence that the nuclear stockpile will work as intended, is safe and reliable. Only testing can provide that confidence to U.S. leaders, and to our European and Asian allies who depend on the U.S. nuclear deterrent for their security. In the past, nuclear testing has uncovered problems in given types of weapons, and also assured that those problems were corrected, permitting confidence in the reliability of the stockpile.

The absence of testing would undermine both the credibility of the U.S. nuclear deterrent in the eyes of would-be aggressors and the confidence of U.S. leaders in the strategy of nuclear deterrence.

In addition, an effective strategy of nuclear deterrence requires that the nuclear stockpile be capable of deterring a variety of aggressors and challenges. New and unprecedented threats to United States security are emerging as a variety of hostile nations, including North Korea and Iran, develop mass destruction weapons and their delivery means. The U.S. nuclear deterrent must be capable against a wide spectrum of potential foes, including those who are desperate and willing to take grave risks. The nuclear stockpile inherited from the cold war is unlikely to be suited to effective deterrence across this growing spectrum of potential challengers. America's strategy of nuclear deterrence will become increasingly unreliable if the U.S. nuclear arsenal is limited to that developed for a very different time and challenger. Nuclear weapons of new designs inevitably will be necessary; and as the directors of both nuclear weapons design

laboratories have affirmed, nuclear testing is necessary to provide confidence in the workability of any new design. In short, nuclear testing is the key to confidence in the new weapons design that inevitably will be necessary to adapt our nuclear deterrent to a variety of new challengers and circumstances.

Finally, the U.S. strategy of nuclear deterrence cannot be sustained without a cadre of highly trained scientists and engineers. That generation of scientists and engineers that served successfully during the cold war is passing rapidly from the scene. Nuclear testing is critical to recruit, train, and validate the competence of a new generation of expert to maintain America's nuclear deterrent in the future.

Mr. President, there is no credible evidence that the CTBT will reduce nuclear proliferation. None of the so-called "unrecognized" nuclear states—India, Pakistan and Israel—will be convinced by this Treaty to give up their weapons programs. Most important, those states that are currently seeking nuclear weapons—including Iran, Iraq and North Korea a state that probably already has one of two nuclear weapons—will either not sign the Treaty or, equally likely, will sign and cheat. These countries have demonstrated the value they ascribe to all types of weapons of mass destruction and are not going to give them up because others pledge not to test. They also know that they do not need to test in order to have confidence in first generation weapons. The United States did not test the gun-assembly design of the "little boy" weapon in 1945; and the South Africans and other more recent proliferators did not test their early warhead designs.

Contrary to its advertised purpose, and in a more perverse and bizarre way, the CTBT could actually lead to greater proliferation not only by our adversaries but also by several key allies and friends who have long relied on the American nuclear umbrella as a cornerstone of their own security policy. In other words, if the CTBT were to lead to uncertainties that called into question the reliability of the U.S. nuclear deterrent, which it certainly will, the result could well be more rather than less proliferation.

The United States has for many years relied on nuclear weapons to protect and defend our core security interests. In the past, our nuclear weapons were the central element of our deterrent strategy. In today's world—with weapons of mass destruction and long-range missiles increasingly available to rogue states—they remain an indispensable component of our national security strategy. While serving as a hedge against an uncertain future with Russia and China, United States nuclear weapons are also essential in meeting the new threat of regional states armed with weapons of mass destruction. In fact, in the only contemporary experience we have with an

enemy armed with chemical and biological weapons, there is strong evidence that our nuclear weapons played a vital role in deterring Saddam from using these weapons in a way that would have changed the face of the gulf war, and perhaps its outcome.

While the U.S. nuclear deterrent today inspires fear in the minds of rogue-type adversaries, U.S. nuclear capabilities will erode in the context of a CTBT. Inevitably, as both we and they watch this erosion, the result will be to encourage these states to challenge our commitment and resolve to respond to aggression. Much less concerned by the U.S. ability—and therefore its willingness—to carry out an overwhelming response, they will likely pursue even more vigorously aggression in their own neighborhoods and beyond. To support their goals, these states will almost certainly seek additional and ever more capable weapons of mass destruction—chemical, biological and nuclear—to deter American intervention with our conventional superiority. They may also be more willing to employ weapons of mass destruction on the battlefield in an effort to disrupt, impede, or deny the United States the ability to successfully undertake military operations.

By calling into question the credibility of the "extended deterrent" that our nuclear weapons provided for key allies in Europe and Asia, the CTBT could also spur proliferation of nuclear weapons by those states who have long relied on the U.S. nuclear guarantee. For over half a century, the United States has successfully promoted non-proliferation through the reassurance of allies that their security and ours were inseparable. U.S. nuclear weapons have always been a unique part of this bond. Formal allies such as Germany, Japan and South Korea continue to benefit from this protection. Should the U.S. nuclear deterrent become unreliable, and should U.S. allies begin to fear for their security having lost faith in the U.S. guarantee, it is likely that these states—especially those located in conflict-laden regions—would revisit the question of whether they need their own national deterrent capability.

Maintaining a reliable and credible nuclear deterrent has also contributed to the reassurance of other important friends in regions of vital interest. For instance, Taiwan and Saudi Arabia have to date shown considerable restraint in light of the nuclear, chemical and biological weapons proliferation in their region, in large part because they see the United States as committed and capable of coming to their defense. While strong security relations have encouraged Taipei and Riyadh to abstain from their own nuclear programs, an unreliable or questionable U.S. nuclear deterrent might actually encourage nuclear weapons development by these states.

In summary, by prohibiting further nuclear testing—the very "proof" of our arsenal's viability—the CTBT

would call into question the safety, security, and reliability of U.S. nuclear weapons, as well as their credibility and operational utility. Consequently, should the United States move forward with ratification of the Treaty, it is likely to have the profound adverse effect of encouraging further proliferation of weapons of mass destruction. This would be in the most fundamental way detrimental to U.S. national security objectives.

Mr. President, a cornerstone of arms control is the ability of the U.S. government to verify compliance. In U.S. bilateral agreements such as the Strategic Arms Reduction Treaty, and the Intermediate Nuclear Forces Treaty, the Senate has insisted on provisions in the treaty that would provide for a combination of cooperative measures including on-site inspection, as well as independent national technical means of verification to monitor compliance. Such provisions have been almost entirely absent in multinational arms control agreements. It is not surprising that international agreements such as the Biological Weapons Convention, the Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime, and the Chemical Weapons Convention are ignored by nations whose security calculation drives them to acquire weapons of mass destruction and their means of delivery. The CTBT is likely to sustain the tradition of non-compliance we have so widely observed with other multilateral arms control agreements. The problem with the CTBT is particularly acute because national technical means of verification do not exist to verify compliance. There is some relevant arms control history on this point.

In the 1980's, the United States negotiated a threshold test ban treaty with the former Soviet Union, FSU. This agreement limited nuclear tests to a specific yield measured in equivalent explosive energy in tons of TNT. Compliance with this agreement could not be verified by national technical means of verification. Very specific cooperative measures were required to render the agreement vulnerable to verification of compliance. Specifically, underground nuclear tests were limited to designated sites, and each side was required to permit the deployment of sensors in the region where tests were permitted to monitor such testing. These extraordinary measures emphasize the limitations of underground nuclear test monitoring. Tests that were not conducted at designated sites could not be reliably monitored. Moreover, even when we are confident we know where a test will be conducted, unless we have detailed knowledge of the local geological conditions and are able to deploy our own sensors near the site, the limits of modern science—despite the billions of dollars invested in various technologies for nearly half a century—cannot verify compliance with national undertakings concerning underground nuclear testing.

Since the early 1990's, Russian nuclear weapons scientists and engineers have been conducting experiments at a test site on the Novaya Zemlya Island in the Russian Arctic. Because these tests are conducted in underground cavities, it is beyond the limits of modern scientists to be certain that a nuclear test has not been conducted. Two such tests were carried out in September according to the Washington Post in its report on Sunday, October 3, 1999. No one in the Department of Energy, the Department of Defense, the CIA, or the White House knows what those tests were. Nor can they know. These could have been nuclear tests using a technique for emplacing the nuclear device in circumstances that will deny us the ability to know whether or not a nuclear test has been carried out.

A technique known as "decoupling" is a well understood approach to concealing underground nuclear tests. By suspending a nuclear device in a large underground cavity such as a salt dome or hard rock, the seismic "signal" produced by the detonation is sharply reduced as the energy from the detonation is absorbed by the rock or salt. The resulting "signal" produced by the blast of the detonation becomes difficult to distinguish from natural phenomena. Because decoupling is a simple, cheap, and reliable means of concealing nuclear tests, the United States insisted on a provision in the Threshold Test Ban Treaty that underground nuclear tests could only be undertaken in specific agreed-upon sites. The unfeasibility of monitoring compliance with a CTBT if a nation decides to use decoupling techniques to conceal nuclear tests. This has been acknowledged by the Intelligence Community. The Community's chief scientist for the Arms Control Intelligence Staff, Dr. Larry Turnbull stated last year.

The decoupling scenario is credible for many countries for at least two reasons: First, the worldwide mining and petroleum literature indicates that construction of large cavities in both hard rock and salt is feasible with costs that would be relatively small compared to those required for the production of materials for a nuclear device; second, literature and symposia indicate that containment of particulate and gaseous debris is feasible in both salt and hard rock.

The reduction in the seismic "signal" can diminish the apparent yield of a nuclear device by as much as a factor of 70. The effectiveness of concealment measures means that potential proliferators can develop the critical primary stage of a thermonuclear (hydrogen) weapon. It can do so with the knowledge that science does not permit detection of a decoupled nuclear test in a manner that will permit verification of compliance with a CTBT or any other bilateral or multilateral arms control agreement intended to restrain nuclear testing.

How much risk must the United States continue to be exposed by

these ill-thought out multilateral arms control agreements? We have been reminded of this problem recently. The Biological Weapons Convention has been advertised by the same people now advocating the CTBT to be a successful example of a universally subscribed codification of the rejection of biological weapons by the international community. What has happened in the three decades since its ratification? The treaty has in fact, been widely violated. Two dozen nations have covert biological weapons programs. The arms control community—recognizing the treaty's fundamentally flawed character—is now seeking to "put toothpaste back in the tube" by attempting to negotiate verification provisions 30 years after the fact. We know from the report of the Rumsfeld Commission last year that the technology of nuclear weapons has been widely disseminated—abetted by the declassification policies of the Department of Energy. The problem of nuclear proliferation is now beyond the grasp of arms control. Other measures to protect American security and the security of its allies from its consequences now must be identified, considered, and implemented. We simply have to face the fact that compliance with the CTBT cannot be verified and no "fix" is possible to save it. The scope and pace of the consequences of nuclear proliferation will be magnified if the CTBT is verified.

Mr. President, when Ronald Reagan said "trust but verify" he expressed what most Americans feel about arms control treaties that limit the tools of U.S. national security. They know we will abide scrupulously by our legal obligations and would like to live in a world where others do the same. But since we do not live in such a world, they expect us to avoid treaties whose verification standards are less demanding than our own compliance standards.

The Comprehensive Test Ban Treaty now before us for advice and consent would be a radical departure from traditional U.S. approaches to the cessation of nuclear testing. Despite its superficial attractiveness there are two enduring reasons why no previous administration has ever advocated a permanent, zero-yield test ban. The first is that we've never apologized for relying on low yield underground tests to assure the safety and reliability of our nuclear deterrent.

Others and I will have more to say about that issue, but right now I will focus on the second reason we've never ceded to the anti-nuclear sentiments behind a zero-yield test ban. In the 1950's—when international nuclear disarmament really was a stated objective of U.S. policy—President Eisenhower's "comprehensive" test ban applied to tests above four or five kilotons. But after studying it for a few years he turned instead to nonproliferation and limited test ban proposals because he realized he could not assure

verification of a test ban even at that threshold.

We understood back then that cheating would allow an adversary to modernize new weapons and confirm the reliability of existing ones. We knew we would never exploit verification loopholes for military advantage but were less sanguine about the forbearance of others. We knew that monitoring, detecting, and identifying noncompliance, let alone verifying it under international legal standards, was beyond our technical, diplomatic, and legal limits, and we were honest enough to say so.

And yet today we are told verification methods are good enough to enforce compliance by others with a permanent zero-yield test ban while we pursue unconstrained nuclear weapons modernization by other means ourselves. Mr. President, I know that science has not stood still over the past 40-plus years. Our monitoring methods have no doubt improved. But does that mean that from now until forever we can verify any nuclear test of any magnitude, conducted by anyone, anywhere? And—if we could—that we would be equipped to do something about it? The administration wisely stops short of such absolute claims, but asserts nevertheless that international verification methods are adequate for this treaty.

So I have to ask is it our means of detection and verification or our standards of foreign compliance that have "evolved" over the past 44 years? I realize that perfect verification is unachievable. The U.S. is party to many treaties—some good, some bad—that are less than 100% verifiable. But the administration's belief—that this CTBT is so important that we should bind ourselves forever to its terms anyway—does not flow logically from that premise.

Previous administration have proposed bans on nuclear tests above certain yields despite sub-optimal means of monitoring compliance by appealing to their "effective" rather than "fool-proof" verification provisions. The Carter administration employed that standard to promote a ten-year ban on tests above two kilotons. They knew a lower threshold would stretch credulity despite the seemingly infinite elasticity of "effective verification."

Mr. President, "effective verification" is an intentionally vague political term-of-art, but as the old saying goes, we all "know it when we see it." for the CTBT, it should mean we have high confidence that we can detect within hours or days any clandestine nuclear test that would provide a cheater with militarily significant weapons information.

If the administration attaches a different meaning to the term, we are entitled to know that. If not, we are entitled to know precisely what nuclear tests yields do provide militarily significant information, and whether the CTBT's verification system can detect them down to that level.

As they are pondering those questions, permit me to offer some assistance. Those who test new weapons and track the deterioration of old ones will tell you that Carter's two-kiloton threshold would have permitted scientifically valuable U.S. nuclear tests (which Clinton's CTBT would disallow) bearing directly on the reliability of our nuclear deterrent.

So, let me rephrase the question. Let's say evidence suggests a foreign test in, say, Novaya Zemlya, North Korea, Iran's territorial waters, or somewhere near the Tibetan mountains. Let's say it indicates an explosion of five kilotons—250 percent of what Carter would have allowed. Let's say the test did not take place in a "decoupled" cavity and, unlike the Pakistani test of May 1998, that the suspect state did not disable in-country seismic stations.

Now, will the IMS reliably detect that test within hours or days with high confidence? Will it promptly identify the test and its precise location? Will it quickly differentiate it from mining excavations and plant disasters?

And if it does: Will the requisite 30 members of the 51-member CTBT Executive Council immediately support an on-site inspection on the basis of that IMS input?

Will the Executive Council issue an inspection request even if the state in question was the last one inspected and cannot be challenged consecutively?

With the alleged cheater welcome a team of top caliber experts and escort them to the suspected location promptly on the basis of that input?

Will inspectors be allowed to use state-of-the-art inspection equipment in and around all suspect facilities on the basis of that input?

Let's say the IMS and Executive Council overcome all of those impediments and call for an on site inspection of the suspected state. Now, do you suppose a state that conducted a clandestine nuclear test might be prepared to exercise any of the following rights explicitly granted under the CTBT's "managed access" principle:

Deny entry to the inspection team [88(c)]? Refuse to allow representatives of the United States (as the challenging state) to accompany the inspectors [61(a)]? Delay inspectors' entry for up to 72 hours after arrival [57]? Permanently exclude a given individual from any inspections [22]? Veto the inspection team's use of particular equipment [51]? Declare buildings off-limits to inspectors [88(a); 89(d)]? Declare several four-square-kilometer sites off-limits to inspectors? [89(e); 92; 96]? Shroud sensitive displays, stores, or equipment [89(a)]? Disallow collection/analysis of samples to determine the presence or absence of radioactive products [89(c)]?

Mr. President, even if we truly believe that in certain cases, working diligently under CTBT rules, each of these impediments can be surmounted, I must ask:

Would it really be worth it for 5 kilotons? What if comparable events arise days, weeks, or months apart? What if new information bearing on the event arises after the elaborate inspection process has run its course? What if we develop comparable suspicions of the same state frequently? How many of these would it take before the United States is branded as a "pest" by the anti-nuclear crowd that is pushing this treaty? What if only our friends agree with our judgments? Or, perish the thought, if even our "friends" don't? How many pointless, frustrating, inconclusive OSI exercises would have to proceed our exercise of "Safeguard F" withdrawal rights?

In short, Mr. President, the CTBT is long on President Reagan's "trust" requirement, but fatally short on his "verify" requirement. I don't see how a single Senator can vote in favor of its ratification.

Mr. President, I want to clarify a point in regard to the Comprehensive Test Ban Treaty, and to set the record straight concerning the heritage of the treaty that the Senate is now considering.

The treaty before the Senate is not, as some have led us to believe, the product of nine administrations. Certainly Ronald Reagan, George Bush, Gerald Ford, Richard Nixon, and Dwight D. Eisenhower have no ties to this treaty. And, the administrations of John F. Kennedy, Lyndon Johnson and Jimmy Carter's never proposed this treaty. The fact is, no other administration has any tie whatsoever to the treaty that is being considered by the Senate. The administration would like you to think that the treaty has had decades of support. Not so. This treaty is all Bill Clinton's. No other administration has ever supported a zero yield, unlimited duration nuclear test ban treaty barring all tests.

Well, they'll say, the idea of limiting nuclear testing has been endorsed since the Eisenhower administration. Well, that may be, but supporting an idea and endorsing the specifics of a concrete proposal are two different things. President Clinton and I both support tax cuts. We both support missile defense. We even both say we're for maintaining a strong nuclear deterrent. It's in examining the specific tax cuts, missile defense proposals, and methods of maintaining our nuclear security that we differ.

President Eisenhower's name has been invoked here a number of times by Members supportive of the treaty. The implication is that Eisenhower is somehow the father of the CTBT. A review of the historical record reveals that President Eisenhower's administration proposed a test ban only of limited duration. Eisenhower only supported the test moratorium that began in 1958 because he was assured that the moratorium would retain American nuclear superiority and freeze the Soviets in an inferior position. He was very clear that the United States had to

maintain a nuclear edge both in quality and quantity. I believe President Eisenhower would not have supported a treaty that gave others an advantage, as this treaty clearly does.

President Kennedy's views of a nuclear test ban were much the same as Eisenhower's. He did not support a zero yield test ban. In fact, hydronuclear tests were conducted secretly in the Nevada desert during President Kennedy's administration. He also did not support a ban of unlimited duration. Kennedy broke out of the testing moratorium after the Soviet Union tested on September 1, 1961. At that time the world was shocked that the Soviets were able to begin an aggressive series of 60 tests within 30 days. Equally shocking was the realization that the Soviets had been planning for the tests for at least six months, while at the same time negotiating with the United States to extend the test moratorium. The Kennedy and Johnson administrations did agree to the Limited Test Ban Treaty which banned nuclear blasts in the atmosphere, space, or under water, but not underground as the CTBT does.

President Nixon did not seek to ban nuclear tests, although he agreed to limit tests above 150 kilotons.

James Schlesinger, President Jimmy Carter's Secretary of Energy tell us that President Carter only sought a 10-year treaty and sought to allow tests of up to two kilotons.

Presidents Reagan and Bush did not pursue a comprehensive test ban of any kind or duration. Some point to President Bush's signing of the Hatfield/Exon/Mitchell legislation limiting the United States to a series of 15 underground tests before entering a ban on testing as evidence that President Bush supported this comprehensive test ban treaty. This is not correct. On the day he left office, President Bush repudiated the Hatfield legislation and called for continuation of underground nuclear testing. He said, I quote,

The administration strongly urges Congress to modify this legislation urgently in order to permit the minimum number and kind of underground nuclear tests that the United States requires, regardless of the action of other states, to retain safe, reliable, although dramatically reduced deterrent forces.

That brings us to the Clinton administration. Only President Clinton has sought a zero yield, unlimited duration treaty, and he has not even held that position for the entirety of his administration. For the first 2½ years, this administration pursued a treaty that would allow some level of low yield testing. As recently as 1995, the Department of Defense position was that it could support a CTBT only if tests of up to 500 tons were permitted. As a concession to the non-nuclear states, the Clinton administration dropped that proviso and agreed to a zero yield test ban.

This treaty has no historical lineage. It is from start to finish President Clinton's treaty.

Mr. President, proponents of the CTBT are fond of pointing out that public opinion is strongly in favor of the treaty. This is not particularly a surprise because, in general, Americans support treaties that have been signed by their President. They assume that the U.S. Government would not participate in a treaty that is not in the nation's interest.

In this regard, I would like to make two points. First, the American public overwhelmingly supports maintenance of a strong U.S. nuclear deterrent. If people are given the facts about the importance of nuclear testing to that deterrent, I believe that their view of the CTBT would change dramatically. Second, the CTBT indeed is not in the nation's interests and it is up to us, as leaders, to explain to the people why. Let me first address Americans' attitudes toward their nuclear deterrent.

In June, 1998, the Public Policy Institute of the University of New Mexico truly non-partisan and professional groups conducted a nationwide poll on public views on security issues. Let me give you a few results of that poll:

Seventy-three percent view it as important or extremely important for the U.S. to retain nuclear weapons today.

Sixty-six percent view U.S. nuclear weapons as integral to maintaining U.S. status as a world leader.

Seventy percent say that our nuclear weapons are important for preventing other countries from using nuclear weapons against our country.

More than 70 percent say that it is important for the U.S. to remain a military superpower, with 45 percent saying that it is extremely important that we remain so.

Now, we all know that the measure of commitment to a given aim can sometimes best be gauged by willingness to spend money to achieve it. The poll asked, "Should Government increase spending to maintain existing nuclear weapons in reliable condition?" Fifty-seven percent support increased spending and 15 percent support present spending levels.

I will return to the subject of public opinion in a moment, but let me turn briefly to the issue of whether this treaty is in the nation's interest. If there were a test ban, we would not be able to know with certainty whether our nuclear weapons are as safe and reliable as they can be. On the other hand, Russia, China, and others might be able to continue nuclear testing without being detected. This is because the CTBT is simply not verifiable. What do you think the American people would think about that? Well, we have some data to tell us.

The University of New Mexico's poll asked: "If a problem develops with U.S. nuclear weapons, is it important for the United States to be able to conduct nuclear test explosions to fix the problem?" Fifty-four percent of the people said yes. Only 15.5 percent said no. The rest were undecided.

The poll also asked, "How important do you think it is for the United States

to be able to detect cheating by other countries on arms control treaties such as the comprehensive nuclear test ban? Over 80 percent said that it was important, with 40 percent saying that it is extremely important.

The bottom line here is that the American people want us to retain a strong nuclear deterrent. While they will also support good arms control measures, they expect the American leadership to do whatever is necessary to keep the deterrent strong. Let's not be fooled by simplistic yes-or-no answers to questions about the CTBT. This issue is more complex than that. We must simply give people the facts about this treaty. The CTBT would imperil our security.

I urge a vote against this treaty.

I yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Does the Senator from Delaware have any time remaining?

The PRESIDING OFFICER. The Senator from Delaware has 1 minute 6 seconds remaining.

Mr. BIDEN. I do not wish to be the last to speak. I would like to use that 1 minute and ask unanimous consent that my friend be allowed to use any additional time he may want to use after that, because it is appropriate he should close.

I want to make a point in the minute I have.

This is about, as the Senator has honestly stated, more than the CTBT Treaty. It is about ending the regime of arms control. That is what this is about. If this fails, I ask you the question: Is there any possibility of amending the ABM Treaty? Is there any possibility of the START II or START III agreements coming into effect with regard to Russia? Is there any possibility of arms control surviving?

I think this is about arms control, not just about this treaty. I appreciate my friend's candor. That is one of the reasons I think it is such a devastating vote.

I yield back the remainder of our time. And I ask unanimous consent that the Senator from North Carolina be given an appropriate amount of time to respond, if he wishes.

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

Mr. HELMS. Mr. President, the yeas and nays have been ordered; is that right?

The PRESIDING OFFICER. Yes, they have.

Mr. HELMS. Let's vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution to advise and consent to ratification of Treaty Document No. 105-28, the Comprehensive Nuclear Test-Ban

Treaty. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll. Mr. BYRD (when his name was called). Present.

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 325 Ex.]

YEAS—48

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Smith (OR)
Dodd	Landrieu	Specter
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden

NAYS—51

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Snowe
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

ANSWERED "PRESENT"—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51, and one Senator responding "present." Not having received the affirmative votes of two-thirds of the Senators present, the resolution is not agreed to, and the Senate does not advise and consent to the ratification of the treaty.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. ABRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the Warner-Moynihan letter to the Majority and Minority leaders dated October 12, 1999, be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, October 12, 1999.

Hon. TRENT LOTT

Majority Leader.

Hon. TOM DASCHLE

Democratic Leader.

U.S. Senate, Washington, DC.

DEAR MR. LEADERS: The Senate Leadership has received a letter from President Clinton requesting "that you postpone consideration of the Comprehensive Test Ban Treaty on the Senate Floor." We write in support of putting off final consideration until the next Congress.

Were the Treaty to be voted on today, Senator Warner and Senator Lugar would be opposed. Senator Moynihan and Senator Biden

would be in support. But we all agree on seeking a delay. We believe many colleagues are of a like view, irrespective of how they would vote at this point.

We recognize that the Nation's best interests, the Nation's vital business, is and must always be the first concern of the Presidency and the Congress.

But we cannot foresee at this time an international crisis of the magnitude, that would persuade the Senate to revisit a decision made now to put off a final consideration of the Treaty until the 107th Congress.

However, we recognize that throughout history the Senate has had the power, the duty to reconsider prior decisions.

Therefore, if Leadership takes under consideration a joint initiative to implement the President's request—and our request—for a delay, then we commit our support for our Leaders taking this statesmanlike initiative.

REPUBLICANS

Warner, Lugar, Roth, Domenici, Hagel, Gordon Smith, Collins, McCain, Snowe, Sessions, Stevens, Chafee, Brownback, Bennett, Jeffords, Grassley, DeWine, Specter, Hatch, Voinovich, Gorton, Burns, Gregg, Santorum.

DEMOCRATS

Moynihan, Biden, Lieberman, Levin, Feingold, Kohl, Boxer, Cleland, Dodd, Wyden, Rockefeller, Bingaman, Inouye, Baucus, Hollings, Kennedy, Harry Reid, Robb, Jack Reed.

Mikulski, Torricelli, Feinstein, Schumer, Breaux, Bob Kerrey, Evan Bayh, John Kerry, Landrieu, Murray, Tim Johnson, Byrd, Lautenberg, Harkin, Durbin, Leahy, Wellstone, Akaka, Edwards.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senate can and should always act as the conscience of the Nation. Historians may well say that we did not vote on this treaty today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, today the United States Senate fulfilled its constitutional responsibility by voting on the Comprehensive Nuclear-Test Ban Treaty. Under the Constitution, the President and the Senate are co-equal partners when it comes to treaty-making powers. Positive action by both branches is required before a treaty can become the supreme law of the land. All Americans should know that I and my colleagues take this solemn responsibility with great pride, and we are very diligent in making sure that our advice and consent to treaties is treated with the utmost consideration and seriousness.

The Senate does not often refuse to ratify treaties, as borne out by the historical record. But the fact that the Senate has rejected several significant treaties this century underscores the important "quality control" function that was intended by the Framers of the Constitution. The Founding Fathers never envisioned the Senate would be a rubber stamp for flawed treaties. I and my colleagues would never allow this venerable institution to be perceived as—much less actually become—a mere rubber stamp for agreements negotiated by this or any other President. Instead, the Senate

must dissect and debate every treaty to ensure that it adequately protects and promotes American security interests. The American people expect no less.

As has been pointed out by numerous experts before the Foreign Relations, Armed Services, and Intelligence Committees, and by many Senators in extended floor debate, this treaty does not meet even the minimal standards of previous arms control treaties. That is, it is ineffectual—even dangerous, in my judgment; it is unverifiable; and it is unenforceable. As one of my distinguished colleagues put it: "the CTBT is not of the same caliber as the arms control treaties that have come before the Senate in recent decades."

This treaty is ineffectual because it would not stop other nations from testing or developing nuclear weapons, but it could preclude the United States from taking appropriate steps to ensure the safety and reliability of the U.S. nuclear arsenal. That it is not effectively verifiable is made clear by the intelligence community's inability to state unequivocally the purpose of activities underway for some number of months at the Russian nuclear test site. Just last week, it was clear that they could not assure us that low-level testing was not taking place. The CTBT simply has no teeth.

Had the President consulted with more Senators before making the decision in 1995 to pursue an unverifiable, unlimited-duration, zero-yield ban on testing, he would have known that such a treaty could not be ratified. If he had talked at that time to Senator WARNER, to Senator KYL, to Senator LUGAR, to any number of Senators, and to Senator HELMS, he could have been told that this was not a verifiable treaty and that it was not the safe thing to do for our country.

I know some will ask, so what happens next? The first thing that must be done is to begin a process to strengthen U.S. nuclear deterrence so that no one—whether potential adversary or ally—comes away from these deliberations with doubts about the credibility of the U.S. nuclear arsenal.

To this end, I have written to Secretary of Defense Bill Cohen asking that he initiate a comprehensive review of the state of the U.S. nuclear weapons stockpile, infrastructure, management, personnel, training, delivery systems, and related matters. The review would encompass activities under the purview of the Department of Defense and the new, congressionally mandated National Nuclear Security Administration. The objective of this review would be to identify ways the administration and Congress jointly can strengthen our nuclear deterrent in the coming decades, for example, by providing additional resources to the Stockpile Stewardship Program on which Senator DOMENICI is so diligently working, and that exists at our nuclear weapons labs and production plants. I have offered to work with Sec-

retary Cohen on the establishment and conduct of such a review, and I hope Secretary Cohen will promptly agree to my request.

Second, the Senate should undertake a major survey of the proliferation of weapons of mass destruction and associated means of delivery as we approach the new millennium. A key aspect of this review should be an assessment of whether or to what extent U.S. policies and actions (or inactions) contributed to the heightened proliferation that has occurred over the past 7 years. We know that from North Korea to Iran and Iraq, from China to Russia, and from India to Pakistan, the next President will be forced to confront a strategic landscape that in many ways is far more hostile and dangerous than that which President Clinton inherited in January, 1993. I call upon the relevant committees of jurisdiction in the Senate to properly initiate such a survey and plan to complete action within the next 180 days.

Finally, I am aware that the administration claims that rejection of the CTBT could damage U.S. prestige and signal a blow to our leadership. American leadership is vital in the world today but with leadership comes responsibility. We have a responsibility to ensure that any arms control agreements presented to the Senate for advice and consent are both clearly in America's security interests and effectively verifiable. The Comprehensive Test Ban Treaty failed on both of these crucial tests.

Today, among many other telephone conversations I had, I talked to former Secretary of Defense Dick Cheney, a man for whom I have the highest regard, a man who gave real leadership when he was at the Department of Defense, a man who would never advocate a position not in the best national security interests of the United States or in support of our international reputation. He told me he was convinced the treaty was fatally flawed, that it should be defeated, and in fact it would send a clear message to our treaty negotiators and people around the world that treaties that are not verifiable, that are not properly concluded, will not be ratified by the Senate. We will take our responsibility seriously and we will defeat bad treaties when it is in the best interest of our country, our allies, and more importantly for me, our children and their future.

I think we have taken the right step today. I note that this vote turned out to be a rather significant vote: 51 Senators voted against this treaty. Not even a majority was for this treaty. To confirm a treaty or ratify a treaty takes, of course, a two-thirds vote, 67 votes. They were not here. They were never here. This treaty should not have been pushed for the past 2 years. It was not ready for consideration and it was unverifiable and therefore would not be ratified.

I thank my colleagues on both sides of the aisle for their participation. I

thought the debate was spirited. It was good on both sides of the aisle. I appreciate the advice and counsel I received on all sides as we have gone through this process. It has not been easy but it is part of the job. I take this job very seriously. I take this vote very seriously. For today, Mr. President, we did the right thing for America.

I yield the floor.

LEGISLATIVE SESSION

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to legislative session and a period of morning business with Senators permitted to speak up to 10 minutes each.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 2561

Mr. CRAPO. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, October 14, the Senate begin consideration of the DOD appropriations conference report; that it be considered read, and there be 60 minutes equally divided between Senator STEVENS and Senator INOUYE, or their designees, with an additional 10 minutes under the control of Senator MCCAIN. I further ask unanimous consent that following the use or yielding back of the time, the conference report be laid aside, and a vote on adoption occur at 4 p.m. on Thursday.

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

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now begin consideration of Calendar No. 312, S. 1593.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

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

Mr. CRAPO. Mr. President, before I yield the floor to the managers of this legislation, let me announce that there will be no further rollcall votes this evening. Tomorrow morning we hope to consider the Defense appropriations conference report under a short time agreement. However, that rollcall vote will be postponed to occur at 4 p.m. We will then resume consideration of the campaign finance reform bill on Thursday, and I hope that substantial progress can be made on that bill during tomorrow's session.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I mention to the majority leader it is now nearly 7:25 p.m. and at the request of

the majority leader and the Senator from Kentucky, he wants to begin the debate and discussion on this very important issue. The agreement that the majority leader and I have is we will have 5 days of debate and discussion. I certainly hope he doesn't consider starting at 7:25 as a day of the debate and discussion. I ask him that.

Second, this is a very important issue. Even the staff is gone. Most Members have gone. The Senate majority leader knows that. Tomorrow we have scheduled a DOD discussion and vote which would be the first interruption—although we have just gotten started—followed by a vote on the Department of Defense appropriations bill. That could have been scheduled tonight and the vote have taken place.

I hope the majority leader will understand that I will not make an opening statement tonight. I will wait until tomorrow so I have the attention of my colleagues. If the Senator from Kentucky wants to make his statement, that is fine. I know from discussions with the Senator from Wisconsin he chooses to do the same thing.

I don't think an issue such as this should be initiated at 7:30 in the evening. However, I want to assure Senator LOTT that, once we have opening statements and once we get into the amending process and votes, I will be glad to stay as late as is necessary every night including all through the weekend, if necessary.

I don't think it is appropriate for anyone to say we demand opening statements tonight on the issue, and then tomorrow morning we go back to another bill off of the issue at hand. I hope the majority leader, who has been very cooperative in helping me and has been very cooperative in bringing up this issue, understands my point of view on this particular issue.

I yield the floor.

Mr. McCONNELL. I say to my friend from Arizona, all I was hoping we could do, since this session of Congress is getting short and we have, in response to the requests of both the Senator from Arizona and the Senator from Wisconsin, taken this issue up this year in a way in which people can offer amendments, maybe we could at least get an amendment laid down tonight. Maybe there is a possibility of getting some kind of time agreement on an amendment for tomorrow so we can get into the debate.

I agree with the Senator from Arizona; I don't think there is any need for opening statements tonight. I am not planning on making one, but we desire to get started because we have a lot of Senators on both sides of the aisle desiring to offer amendments.

Mr. LOTT. So I can respond to comments of both Senators, and particularly for questions I was asked by Senator MCCAIN, I had a fixation on trying to get started on this bill today because I had committed to do so. I realize it is late, but I am sure the Senator understands how difficult it is to juggle the schedule.

We had originally thought the Comprehensive Test Ban Treaty would be voted on not today but last night or certainly earlier today. I am trying to juggle the appropriations conference reports, too. I was specifically asked by a couple of Senators to have the debate in the morning and then to have the vote at 4 o'clock.

Later this week, we have to have an interruption for the HUD-VA appropriations conference report. Next week, we will have to have interruptions for the Interior appropriations conference report. I have to keep bringing in the appropriations bills. I realize that it interrupts the flow of the debate. However, that is why I have learned around here the best thing to do is to get something going and just get started, get it up so it is the pending business, and we go about our business.

I took particular interest in the Senator's offer that maybe we even consider doing this on the weekend or maybe a Saturday. I think it would get a lot of attention. We are getting down to the end of the session and I have a lot of people pulling on me to do the Religious Persecution Act, the nuclear waste bill, bankruptcy, and trade bills. I need to try to take advantage even of a couple of hours on Wednesday night if we possibly can.

If both Senators are willing to at least get started, see if we can get an agreement, see if we can have opening statements, let's get started and we will be back on it at 10:30 in the morning. I will work with both or all sides to make sure this is fully debated and amendments are offered. Remember, we are going to have amendments and we are going to have a lot of discussion. We are going to have a lot of votes. I think it is time to go forward. I hope the Senator will cooperate with me as we try to get that done.

Mr. MCCAIN. Mr. President, let me say to the majority leader, I am in deep and sincere appreciation of his efforts to resolve all of these issues and the pending legislation. I remind him, however, that some months ago we did enter into an agreement that we would have 5 days of debate and amending on the bill. I know the majority leader will stick to that agreement. Starting at 7:30 at night is not, obviously, a day of debate and discussion. I understand we may have to be interrupted. However, I also say again we expect to have the agreement adhered to.

I am deeply concerned about nuclear waste and religious freedom and all of the other issues, but we did have an agreement on this particular issue. I intend to see that we can do our best to adhere to that agreement.

Mr. LOTT. I say to the Senator, we will proceed on Carroll County, MS, time. Do you understand that?

Mr. MCCAIN. I thank the Senator from Mississippi. I am glad to entertain whatever proposal the Senator from Kentucky has at this time. I intend, along with the Senator from Wisconsin, to wait until tomorrow for our