

Those who have insurance, who are satisfied with it, will be able to keep their insurance with consumer protections. It will help small businesses so they can insure their employees. And it will help those people who do not have insurance get some help and get some insurance. The public option will improve the system all up and down in other ways.

Mr. President, I yield the floor.

#### NSWG TRAVEL

Mr. KYL. Mr. President, I rise today in my capacity as the cochairman of the Senate's National Security Working Group. It is in that capacity I recently traveled on a CODEL with the senior Senator from California.

Pursuant to the requirements of the current Memorandum of Understanding on the Administrative Procedures for the U.S. Senate National Security Working Group, specifically paragraph 6, Senator FEINSTEIN and I have filed in the Office of Senate Security a classified memorandum available to the members of the working group and their designated staffer.

As my colleagues are aware, the NSWG, which is the successor of the Senate's Arms Control Observer Group, was created by the Senate to aid administrations that choose to negotiate arms control treaties. In view of the 67-vote threshold to ratify a treaty, and given the complexity and importance of the subject matter at the heart of arms control treaties, as well as the Constitution's mandate that the U.S. Senate has a role of advice and consent in treaty making, the NSWG exists to provide a forum for an expert group of Senators to have up-to-date information on ongoing treaty negotiations, and to provide the Administration with consultation from the Senate.

This consultative role is important, because the Constitution entrusts the Senate with the responsibility to provide its advice along with, perhaps, its consent to a treaty. This means administrations are supposed to listen to the advice of Senators if they expect to earn the Senate's consent.

The U.S. negotiating team is lead by Assistant Secretary of State Rose Gottemoeller, a highly capable administration official and a gracious host. I thank her for her time and hospitality, as well as for her service.

I urge my colleagues in the NSWG to take the time to study the classified memorandum Senator FEINSTEIN and I have drafted. The issues covered in our memorandum are significant, and, in some cases worrisome. I won't go into detail here—the memorandum is classified and for good reason.

That said, I will ask to have printed four recent articles on the START follow-on treaty negotiations to the RECORD. These articles highlight issues that every Senator should consider.

As my colleagues know, the 1991 START Agreement expires 2 weeks from today. I urge my colleagues to

consider what will happen on December 6, the day after the expiration of that agreement. For the first time in 15 years, an extensive set of verification, notification, elimination and other confidence building measures will expire.

The U.S. will lose a significant source of information that has allowed it to have confidence in its ability to understand Russian strategic nuclear forces; likewise, the Russian Federation will lose information about U.S. nuclear forces, almost all of which are strategic, unlike the Russian forces, which place tremendous emphasis on tactical nuclear forces not covered by the 1991 Agreement or its successor.

Yet, no one appears to know what will come next. According to the reports I will add to the RECORD, there is no plan for what provisions of the 1991 Agreement will be maintained after the 1991 Agreement expires on December 5.

The question of what happens after the 1991 Agreement expires is important. The Russian Federation is already telling us they intend to deploy a new road mobile missile, one which, for the first time, will have multiple independent reentry vehicles. Open source reports indicate this missile will constitute 80 percent of Russian ICBM forces by 2016. This is a significant deployment. Moreover, it confirms that Russia, unlike the U.S., is modernizing its nuclear forces.

How will we monitor this highly destabilizing weapon, the RS-24? According to the article I introduced from the Global Security Newswire by Elaine Grossman, we won't have the entry and exit portals at Votkinsk.

That we don't have answers to these questions is alarming, more so because our negotiators must have known for months that a "bridge" would be necessary. Why do I say this? Simple: the Moscow Treaty took the Senate 9 months—287 days—to ratify from the date of its signature. And that was a very limited treaty—it was about two to three pages long.

The START agreement of 1991 took 429 days to ratify on October 1, 1992, after it was submitted to the Senate on July 31, 1991. And by everything we have seen in the press and been briefed on in the National Security Working Group, this new treaty will be almost as complicated, and will include highly significant nuclear force reductions, that will take time for Senators to consider. In fact, the Senate has not had even one hearing on the START process yet.

The administration must have understood this. Yet it spent the first half of the year negotiating a joint understanding that would allow it to show progress towards the President's goal of world without nuclear weapons. According to press reports, only now have the negotiators begun looking at the question of verification.

I was shocked that there had been virtually no talk—and I know this

from my conversations with members of both the Russian and U.S. delegations in Geneva—of what happens after December 5 and prior to the possible entry into force of the follow-on agreement when and if it is signed by the two executives. Mr. President, I don't say this lightly, but, this borders on malpractice.

I have said repeatedly that I hope to be able to support the treaty being negotiated now. I have kept an open mind throughout this process. Yet as I learn more about what has been negotiated thus far, and the general process this treaty negotiation has taken, I grow more concerned.

The paramount object of this treaty should have been to extend the verification measure of the 1991 Agreement. But, it appears that the administration's object was to lock in significant nuclear weapons cuts; they achieved that with the July joint understanding. Only recently has verification gotten the attention it deserved all along.

And, now, the Russians may think they have the advantage. That may be why they returned a counter offer a little over a week ago that the U.S. was "very disappointed about" in the words of Under Secretary of State Ellen Tauscher. We have entered an endgame where the Russians may feel that the U.S. wants the START follow-on agreement more than they do; even though Russia needs this treaty, needs to lock the U.S. into strategic delivery vehicle reductions as Dr. Keith Payne explained in his testimony before the House Foreign Affairs Committee, only the House so far has held a hearing on START.

I believe the U.S. would have been very well served with a simple 5 year extension of the 1991 Agreement, as the treaty allowed. But, now the President is preparing to head to Oslo to collect his Nobel Peace Prize, one that was apparently based on the President's endorsement of the Global Zero vision. The Russians apparently perceive that the President would be quite embarrassed if he had to pick up his Prize having failed to get a START follow-on completed. In the interest of the United States, I implore the administration not to negotiate against an artificial deadline. There are means to lock in verification and associated activities from the 1991 Agreement after it expires in 2 weeks.

Mr. President, I ask unanimous consent that the four articles to which I referred be printed in the RECORD.

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

#### NEW RUSSIAN-U.S. ARMS REDUCTION TREATY HAMPERED BY DIFFERENCES

(By Ilya Kramnik)

Moscow.—Russia and the United States cannot agree on a new strategic arms reduction treaty to replace the START-1, which will expire on December 5, 2009.

The problems concern control of mobile missile systems, cuts in delivery vehicles, and a connection between the new treaty and

limits on the deployment of ballistic missile defense systems.

The START-1 treaty signed in 1991 stipulated the size of mobile missile systems' deployment areas and the number of basing stations for rail missile systems. It also limited the number of missile systems that can be simultaneously deployed outside their deployment sites, and the duration of such deployment.

The liquidation procedures stipulated for mobile missiles are stricter than for silo-based missiles. In particular, mobile missiles must be liquidated together with their delivery vehicles, whereas the cuts for silo- and submarine-launched missiles stipulate only the liquidation of silos and submarines.

Topol is the only mobile intercontinental ballistic missile on combat duty in Russia. The United States decided in the early 1990s that submarine-launched Trident II missiles could replace its land-based mobile systems.

When the silo-based group of missiles was cut in Russia, the focus was shifted to the Topol missiles. The role of mobile systems increased when the Topol-M system was introduced and the RS-24 Yars MIRVed missile, which is heavier than Topol-M and can carry up to ten independently targetable warheads, was created.

Given the current trends, land-based mobile missiles will constitute the bulk of Russia's Strategic Missile Force in the next 20 years. Russia might also deploy new rail missile systems.

In this situation, limits put on the deployment areas and movement of mobile systems will deprive Russia's Strategic Missile Force of its main advantage—mobility, which ensures a degree of safety in case of a first strike. However, the survival of silo-based missiles in a first strike is not assured either, given the growing precision of reentry vehicles.

The U.S. strategic nuclear might is based on the naval element of the nuclear triad, in particular its 14 Ohio-class nuclear submarines armed with 336 Trident II missiles, each with eight individually targeted warheads. It would be useless to try to limit the deployment areas and movement of submarines, because such a limitation cannot be effectively verified.

Another bone of contention is the number of delivery vehicles. Russia has proposed cutting them to 500, whereas the United States sets the limit at 1,000. This explains the big difference in the proposed limitations, between 500 and 1,100 delivery vehicles and 1,500–1,675 nuclear warheads.

The issue of delivery vehicles is closely connected to the "upload potential," which is the number of warheads for cruise missiles carried by heavy bombers that can be stored for potential deployment in a dangerous period. The more delivery vehicles a side's strategic nuclear forces have, the larger the upload potential, which makes strategic arms reductions senseless.

And lastly, the main problem of the new reduction treaty is a connection between strategic nuclear weapons and ballistic missile defense (ABM) systems. Russia insists that the ABM systems should be curtailed, whereas the United States is only prepared to recognize a connection between strategic offensive arms and ballistic defense systems in the preamble to the new treaty.

Unless the sides agree on this issue, the new treaty will be a useless document suiting neither side. This will not please the United States, the economically stronger partner. At present Russia plans to supply 30 new missiles to its strategic nuclear forces annually and may step up the process. If necessary, Russia will be able to maintain its nuclear forces at standards guaranteeing unacceptable damage to the aggressor, irrespective of the ABM systems.

If the sides do not sign the new treaty, or if the treaty does not limit the deployment of ABM systems, this will actually restart a nuclear missile race, even if at a lower level than in the 1950s through 1980s.

The opinions expressed in this article are the author's and do not necessarily represent those of RIA Novosti.

#### U.S. TREATY-MONITORING PRESENCE AT RUSSIAN MISSILE PLANT WINDING DOWN

(By Elaine M. Grossman)

WASHINGTON.—With the Strategic Arms Reduction Treaty expiring in early December, U.S. inspectors are winding down their nearly 15-year presence in the remote Russian village of Votkinsk.

Roughly 630 miles northeast of Moscow, the town is home to the Votkinsk Machine Building Plant, a weapon factory where the accord allows as many as 30 U.S. personnel to ensure Russian compliance with treaty provisions on nuclear-capable missiles. Moscow uses the facility to manufacture SS-27 Topol-M and SS-26 Bulava ICBMs.

Operating 24 hours a day, the monitoring staff can observe and inspect vehicles leaving the facility by rail or road, according to the U.S. Defense Threat Reduction Agency. The monitors also conduct twice-daily perimeter inspections to verify that missiles cannot leave the facility by any other means.

Washington and Moscow are engaged in intense negotiations to replace the treaty with a new accord that sets lower caps on deployed nuclear warheads and delivery vehicles. However, the envoys have not yet reached agreement. Despite earlier hopes to the contrary, the two nations will be unable to achieve ratification of a new treaty before the old one comes to an end.

Lacking a new agreement that allows for a continued U.S. presence at the Votkinsk facility, the monitors would be forced to move out by Dec. 5, when the 1991 treaty expires.

There is no public indication yet that a new pact would maintain a provision allowing for U.S. inspectors on the ground at Votkinsk.

With the United States not currently producing any new-design strategic missiles, there is nothing for Moscow to monitor at shuttered U.S. production lines. In that the production-monitoring verification measure is now not reciprocal, Moscow no longer finds it useful, even if Washington does, according to nuclear weapons expert Jeffrey Lewis of the New America Foundation.

Lewis has pointed to indications that Moscow wants to jettison any such missile-production monitoring in the so-called "New START" agreement.

"The Russians have been saying that for a long time," one U.S. Defense Department official told Global Security Newswire last week.

Given clear signals that a Russian change of heart was unlikely, "we had to [start packing up]," the official said. "We had to. You can't just walk away."

U.S. facilities at the Votkinsk site include a large administrative building and three residential buildings, called Lincoln, Roosevelt and Washington.

Although preparing to depart Votkinsk has been a major undertaking, responsibility for winding down operations has fallen largely to the support staff, freeing inspectors to continue their treaty-controlled mission, officials said.

"We've got monitors there right now . . . and we will continue to monitor until the treaty expires on Dec. 5," the defense official said. "Nobody has suspended it. Nobody would. We've maintained that [monitoring since 1995 when] we sent our first monitors

there, and they've been there continuously, 365 days a year, since that point."

This official and several others interviewed for this article spoke on condition of anonymity. They cited diplomatic and political sensitivities involved in discussing a verification regime under negotiation in the ongoing U.S.-Russian arms control talks.

Asked to describe treaty-verification activities at Votkinsk, a U.S. official would say only that "the United States has fully implemented its rights under START at Votkinsk and will continue to do so until Dec. 5."

However, the monitoring process at Votkinsk is based on clearly established rules and is fairly straightforward, other officials said.

From inside a Navy-issued trailer called a "Data Collection Center," the inspectors observe traffic exiting the production facilities through a huge portal, according to those familiar with the setup.

They use red traffic lights to control vehicles, and can exercise treaty rights to inspect cargo if a truck or railcar exceeds a specified length and is potentially capable of transporting a missile, these sources said. U.S. personnel also can record the serial numbers of START-limited missiles, aiding in any subsequent efforts to track deployed missiles under treaty provisions.

The inspections have helped Washington assess Moscow's nuclear-capable missile fleet and remain aware of new missiles under development, officials say.

Under a New START accord, Washington and Moscow each anticipate reducing deployed strategic nuclear warheads to no more than 1,675. U.S. and Russian Presidents Barack Obama and Dmitry Medvedev announced in July. The pact would also cut nuclear-capable delivery vehicles to a level between 500 and 1,100, the leaders said.

Perhaps the greatest challenge in the ongoing negotiations has been finding common ground on how to verify the new numerical limits, experts say. Moscow has resisted a number of measures that it interprets as nonreciprocal, including Washington's interest in tracking Russia's mobile ICBMs, according to reports. The United States fields no such mobile systems for possible monitoring.

Russian negotiators also have opposed renewing START provisions for exchanging missile-test data, called "telemetry," Lewis said early this month on his blog, ArmsControlWonk.com. However, it remains unclear what the U.S. negotiating position has been on this issue, he said.

Interviewed last week, Lewis rued the potential loss of these verification measures under the anticipated New START pact, saying, "I suspect we're going to lose Votkinsk, but I hope we can hang onto the telemetry."

Not everyone views Votkinsk monitoring as a valuable verification provision to be sought in a forthcoming treaty.

The basis for exchanging inspectors at U.S. and Russian weapon-production facilities essentially is that "we think you're cheating and we're here to prove it," said one retired nuclear-weapons officer. "[But] if they're going to do something they don't want us to know about, they'll go and do it someplace else."

Over the years, it has become increasingly possible to verify missile-test performance and weapon deployments via direct observation or satellite imagery, according to this defense expert and others.

Under the 1991 treaty, "we put some rather onerous requirements on the Russians because we could," said the retired officer. "If the Cold War is either over or thawing, there are certain things you would not require a counterpart to do."

Moscow actually never exercised its reciprocal right to continuously monitor a U.S. missile production facility by deploying inspectors, according to a DTRA fact sheet. In April 2001—a year after Thiokol Corp. stopped making Peacekeeper missiles at a plant in Promontory, Utah—the Russian right to maintain such inspectors in the United States came to an end.

That left Votkinsk as the only operating strategic-missile production facility in either nation, and the only site to host continuous monitoring. The START accord also allows for 12 types of intrusive verification measures that include suspect-site inspections to confirm that clandestine weapons production is not occurring, according to the U.S. defense agency.

Even as hosting the only remaining monitoring mission at a production facility has evolved into an irritant for Moscow, it is unclear how useful the U.S. presence at Votkinsk has been for Washington. Intelligence officials have prized the U.S. opportunity to observe Russian manufacturing operations at Votkinsk, but how much militarily useful information has been gleaned is uncertain, some experts said.

For many of the U.S. civilian and military inspectors who served at the remote Russian location, there were apparently few surprises.

"It was very monotonous. We could have months go by without inspecting a missile," a former U.S. inspector at Votkinsk told GSN in an interview. "It all seemed like the whole process was very ridiculous, in a way."

A photograph posted on a Facebook page for the "Votkinsk Portal Monitoring Facility" shows a group of U.S. personnel wearing swimsuits and big smiles, posing on beach chairs in several inches of snow. A Defense Threat Reduction Agency building appears in the background.

"It always felt like an episode from 'M\*A\*S\*H,'" said the former inspector, referring to the television comedy series about an Army medical unit during the Korean War. "There's people from all over the country just thrown in there to do this job. It was very surreal at times."

Military duty officers would cycle through the facility on three- or six-week rotations, this source said. Civilians typically served much longer tours—many on DTRA contract with Raytheon Technical Services, or Hughes before that—on duty for nine-week stretches, with three weeks of leave in between.

Under the START accord, the U.S. government could deliver food and other goods to the inspection and support teams at Votkinsk in two cargo aircraft flights a year.

The defense agency describes a typical inspection team as including a team chief and deputy, two linguists, a weapons specialist and other experts. Government and contracted support personnel include translators, technicians, cooks and medical staff, according to defense officials.

The former inspector said the U.S. team at Votkinsk used relatively little advanced technology for its monitoring operations, and the staff's computers or other electronics could likely be moved using a single cargo aircraft. Most furniture and office supplies would likely be disposed of or left behind, officials speculated.

#### RUSSIA HINTS AT DELAY IN START II NEGOTIATIONS

WASHINGTON—A report from Interfax news agency has quoted the Russian Foreign Ministry as saying that the provisions of the Strategic Arms Reduction Treaty (START) can remain in force even after it expires on December 5.

To some, the pronouncement looks problematic for the administration of U.S. President Barack Obama, which was hoping to sign a new treaty with Russian President Dmitry Medvedev when Obama goes to Europe to accept his Nobel Peace Prize on December 10.

At a November 15 meeting with Medvedev in Singapore after the close of the Asia-Pacific Economic Cooperation forum, Obama said that the two men's "goal continues to be to complete the negotiations and to be able to sign a deal before the end of the year."

He added that he was "confident" that with "hard work and a sense of urgency," it could happen.

But as Russian and U.S. weapons negotiators continue to meet in Singapore, it has emerged that a key sticking point is how each country inspects the other's nuclear weapons facilities.

"If you believe the leaks that have been coming out over the past couple of days, the issue is now about disagreements over the systems and processes of how things are checked," Fyodor Lukyanov, the editor of the journal "Russia in Global Affairs," told RFE/RL's Russian Service. "For its part, the Russian side is opposed to the proposals that the Americans have put forward."

Lukyanov said that one point of disagreement could bring the talks to a crashing halt.

"Nothing is agreed on until everything is agreed on," he said.

#### "WORKING THROUGH ISSUES"

Obama may have been referring to that issue in Singapore when he said he felt "as if both sides are trying to work through some difficult technical issues but are doing so in good faith."

Obama and Medvedev met in Moscow in July and agreed to reduce the number of nuclear warheads that each country could possess to between 1,500 and 1,675 within seven years.

Kennette Benedict, executive director of the Bulletin of Atomic Scientists, which focuses on the consequences of nuclear weapons, thinks the statement by the Russian Foreign Ministry about allowing the original START treaty to remain in force is a positive sign from Moscow.

"I take this as a very positive sign because the START Treaty does expire on December 5—and there are provisions for extending it, and the reason it's so important to extend is because it has such robust verification measures in it. We have inspectors now in Russia and they have inspectors here in the United States," Benedict said. "If START I is not extended, then our inspectors would need to leave. Russia and their inspectors would need to leave the U.S., and the trust that we've built may make it more difficult to come to a final agreement."

Benedict said she expects that Obama and Medvedev will sign a START II Treaty soon, perhaps by the end of the year. The hard part, she said, will be persuading getting the U.S. Senate to ratify it.

#### DOMESTIC POLITICS

For the past decade, Benedict said, the Senate has been reluctant to ratify any international treaties, regardless of subject matter.

"As I understand it, they think that the United States can go it alone on any number of things, and that we have a right to have as many weapons as we want, and they believe, I guess, that all weapons are useful," Benedict said. "So they think that military might is the best way for the United States to proceed."

Gary Schmitt, director of advanced strategic studies at the American Enterprise In-

stitute, a private policy-research center in Washington, agreed that Senate ratification will be difficult, but for a more nuanced reason.

"It's not going to be a slam-dunk [in the Senate] because the actual agreement's going to reduce the number of warheads and platforms," Schmitt said. "And if it's really a substantial cut, there'll be a serious debate about what the nature of our deterrent looks like."

In fact, Schmitt said he's surprised that Obama is acting as if the United States needs a START II Treaty. One of the snags in the negotiations so far, he noted, is that Moscow wants to cut weapons further than Washington does.

"I think one of the problems with the Obama administration's approach was that they actually acted like we needed this arms-control agreement, when, in fact, it was the Russians who were looking for it because, first of all, it costs a lot of money to develop new weapons, and the second thing is that a lot of what they have is extremely old and should be taken out of commission," Schmitt said. "Somebody was telling me that at the most recent military parade in Moscow they were driving some of the missiles by and they were noticeably rusty, which is not what you want when you have ICBMs."

Ultimately, Schmitt said, it is good news that both Russia and the United States aren't arbitrarily standing by the December 5 deadline.

Give the two sides plenty of time to talk, he said, because both sides can easily live with an extension of START I.

#### RUSSIA NOT PREPARING INTERIM AGREEMENT AT START TALKS

MOSCOW, Nov. 17.—The United States and Russia are not preparing some interim agreement on strategic offensive weapons, the Russian Foreign Ministry said.

"According to the instructions that were given our delegation is working on a new agreement on the reduction and limitation of strategic offensive weapons and not some interim documents," Russian Foreign Ministry spokesman Andrei Nesterenko said at a briefing in Moscow on Tuesday.

Nesterenko was commenting on the statement by U.S. presidential aide Michael McFaul that Moscow and Washington need to prepare an interim agreement on strategic offensive weapons, as the main agreement will not be ratified by December 5 when the current one expires.

#### CHANGES TO S. CON. RES. 13 PURSUANT TO SECTION 301(a)

Mr. CONRAD. Mr. President, section 301(a) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, aggregates, and other appropriate levels and limits in the resolution, and make adjustments to the pay-as-you-go scorecard, for legislation that is deficit-neutral over 11 years, reduces excess cost growth in health care spending, is fiscally responsible over the long term, and fulfills at least one of eight other conditions listed in the reserve fund.

I find that the Patient Protection and Affordable Care Act of 2009, an amendment in the nature of a substitute to H.R. 3590, fulfills the conditions of the deficit-neutral reserve fund