

our foreign policy because of how it will be viewed not by our President, but how it will be viewed by our allies in Europe and by the Russians. The Russian government opposed the Bush administration plan to place 10 silo-based missiles in Poland and a fixed radar installation in the Czech Republic. Although the Bush administration had reached agreement with the governments of our two allies, and the proposed ballistic missile defense plan posed no threat to Russia's overwhelming ability to strike Europe and the United States, Russia sought to coerce our eastern European allies.

It is worth noting that neither Poland nor the Czech Republic ratified the agreements to go forward with the plan, which the Obama administration cancelled. The McCain amendment would have removed any strategic ambiguity that the Russian Federation will exploit to intimidate NATO members. Many of our NATO partners have been slow to accept the concept of territorial missile defense, and rest assured that they will be slower to fund the program. It is a certainty that if the language in the preamble survives, and this treaty is ratified, the Russians will mount a campaign to obstruct missile defense in Europe. There is no good argument for having voted against the McCain Amendment, which would have significantly improved this treaty.

The principal argument raised against the McCain amendment was that any amendment to the treaty would result in the State Department having to return to a negotiation with the Russian Federation. That may be true, or the amended treaty could be considered by the Russian Duma. In either case, the argument brings into question the Senate's role in providing advice and consent to ratification. If it is the position of the majority that the treaty cannot be amended, as the Senate was unable to amend so many other matters before us these last weeks of this session, why have any debate at all?

This leads us to the subject of verification—a second matter of serious concern. Although the Senate will meet today in closed session to discuss the flawed nature of the verification procedures envisioned by the New START treaty, the majority has filed cloture and stated that the treaty cannot be amended. The senior Senator from Missouri, the vice chairman of the Intelligence Committee, has provided his views to the Senate on this matter, and I join him in his concerns.

Senator BOND has provided a classified assessment of the details related to verification and chances of Russian breakout of the treaty's warhead limits which is available for all Senators to review. To quote the vice chairman of the Intelligence Committee.

I have reviewed the key intelligence on our ability to monitor this treaty and heard from our intelligence professionals. There is no doubt in my mind that the United States

cannot reliably verify the treaty's 1,550 limit on deployed warheads.

I agree with the conclusion that the New START treaty central warhead limit of 1,550 cannot be conclusively verified. The New Start treaty allows the Russians to deploy missiles without a standard or uniform number of warheads. The limited number of warhead inspections provided for under this treaty also limits the access of our inspectors to an upper limit of three percent of the Russian force. It can thus be said that this treaty places higher confidence in trust than on verification.

Compounding these concerns is the history of Russian treaty violations. As the State Department's recent reports on arms control compliance make clear, the Russians have previously violated provisions of the START treaty, the Chemical Weapons Convention, the Conventional Forces in Europe treaty and the Biological Weapons Convention.

This is a not a track record to be rewarded with greater trust. It is a reason to take our verification duties even more seriously.

Despite my opposition to this treaty, I hope the President remains committed to modernizing the nuclear triad. The war on terror has required an expansion of our nation's ground forces, the Marine Corps, the Army, and our Special Operations Forces, and our near-term readiness. As we continue the effort to dismantle, defeat and disrupt al-Qaida, we must also plan for the threats that our country will face in the coming decades.

We must invest not only in the delivery systems and platforms that will preserve our nuclear delivery capability, such as the next generation bomber, nuclear submarines and a new intercontinental ballistic missile, but also in the strike aircraft and naval forces required to control the Pacific rim as economic growth and the military capabilities of China increase.

Although the President has decided there is value in pursuing a disarmament agenda, this country may determine in the coming years to place a greater reliance upon the role of strategic arms, and we must remain committed to defense modernization. Our Nation faces many challenges in the coming decades, some economic, some strategic. It would seem short-sighted to think that as North Korea, Iran and others work to acquire nuclear weapons capabilities we could draw our arsenal down to zero.

So I will oppose this treaty. I thank the chairman and ranking members of the Foreign Relations, Armed Services and Intelligence Committees for the service that they have provided the Senate in reviewing it. It is unfortunate that something as important as the Senate's consideration of a treaty like this one was truncated in order to meet another arbitrary deadline or the wish list of the liberal base. And it is deeply troubling to think that a legis-

lative body charged with the solemn responsibility of advice and consent would be deprived of this role because it would inconvenience our negotiating partners.

As debate over this treaty has intensified over the past few days, these and other concerns have become increasingly apparent to a number of Senators and to the American people. We should wait until every one of them is addressed. Our top concern should be the safety and security of our Nation, not some politician's desire to declare a political victory and host a press conference before the first of the year. Americans have had more than enough of artificial timelines set by politicians eager for attention. They want us to focus on their concerns, not ours, and never more so than on matters of national security.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following treaty, which the clerk will report.

The bill clerk read as follows:

Treaty with Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms.

Pending:

Inhofe amendment No. 4833, to increase the number of Type One and Type Two inspections allowed under the Treaty.

Thune amendment No. 4841, to modify the deployed delivery vehicle limits of the Treaty.

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

Mr. KERRY. Mr. President, I am delighted to be able to say a few words in response to the minority leader. I have great respect for the minority leader. He and I came to the Senate together in the same class, and I appreciate the difficulties of his job and certainly the difficulties of corralling any number of the different personalities. The same is true for the majority leader. These are tough jobs.

But I say to my friend from Kentucky that just because you say something doesn't make it true. Our friends on the other side of the aisle seem to have a habit of repeating things that have been completely refuted by every fact there is. Our old friend Patrick Moynihan used to remind all of us in the Senate and in the country that everybody is entitled to their own opinion, but they are not entitled to their

own facts. John Adams made that famous statement that facts are stubborn things. Mr. President, facts are stubborn things.

The facts are that this treaty is not being rushed. This treaty was delayed at the request of Republicans. This treaty was delayed 13 times separately by Senator LUGAR to respect their desire to have more time to deal with the modernization issue, which the administration has completely, totally, thoroughly dealt with in good faith. I would like to know where the good faith comes from on the other side occasionally. They put extra money in. They sat and negotiated. They sent people to Arizona to brief Senator KYL personally. For weeks, we delayed the procession of moving forward on this treaty in order to accommodate our friends on the other side of the aisle. And now, fully accommodated, with their requests entirely met, they come back and say, oh, it is being rushed.

Well, today marks our sixth day of debate on the New START treaty. That is a fact—6 days of debate on the New START treaty. Now they will come to the floor and say that we had an intervening vote here or there. Sure. That is the way the Senate works. That is the way it worked when they passed the first START treaty in 5 days. We are now spending more time on this treaty than we did on a far more complicated treaty, at a far more complicated time. The fact is that if we go through today, which we will, on this treaty, and depending what happens with cloture and when the other side decides they want to vote, we can be here for 9 days on this treaty, which is more time than we would have spent on the START treaty, START II treaty, and the Moscow Treaty. With the time it took other Senates to deal with three treaties, these folks are complaining about the time to take one treaty, and it will be more time. It is astounding to me.

I hope people in the country will see through this. When the leader comes to the floor and says our national security is being driven by politics, we need to step back and calm down for a moment and think about what is at stake. This treaty is in front of the Senate now not because of some political schedule; it is here because the Republicans asked us to delay it. We wanted to hold this vote before the election. What was the argument then by our friends on the other side of the aisle? "Oh, no, please don't do that; that will politicize the treaty." And so in order to not politicize the treaty, we made a decision on our side to accommodate their interests. Having accommodated their interests, they now turn around and say: You guys are terrible, you are bringing this treaty up at the last minute. Is there no shame ever with respect to the arguments that are made sometimes on the floor of the Senate? Is the idea always, just say it, say it enough, go out there and repeat it, and somewhere it will stick—maybe in the rightwing blogosphere or somewhere—

and people will get agitated enough and believe this is being jammed somehow?

This is on the floor for the sixth day. It is a simple add-on treaty to everything that has gone before, over all the years of arms control. It is a simple add-on treaty and extension of the START I treaty.

This is not a new principle; it is not complicated. It is particularly not complicated when the Chairman of the Joint Chiefs of Staff, the Director of National Intelligence, the Secretary of Defense, the Secretary of State, and every prior Republican Secretary of State all say ratify this treaty, ratify it now. We need it now.

Honestly, I scratch my head and am baffled at the place we have seemingly arrived at, where national security interests of our country are going to get wrapped up in ideology, politics, and all of the things that have commanded everybody's attention over the course of the last couple of years.

We did have an election a few weeks ago. It has been much referred to by our colleagues. It did signal the need to do some things differently. One of the things it signaled the need to do differently is something like the START treaty, where the American people expect us to come to the floor and do the Nation's business, particularly the business of keeping America safer.

We have had an excellent debate so far. The two amendments that were proposed were rejected overwhelmingly—60 to 30 was the last one. We had a number of people who were absent. That is a pretty pronounced statement by the Senate. It seems to me the Senator from Kentucky just said the major argument for not approving one of those amendments was that it would require us to go back and renegotiate. No, Mr. Leader, that is not the major argument. That is an argument that underscores the major argument, which is that the language has no meaning. The language doesn't affect missile defense. The major arguments are the facts, the substance of which is that the preamble language has no impact whatsoever on what we are going to do with respect to missile defense, and everybody who has anything to do with missile defense in this administration has said that. That is the major argument. In addition, the major argument is also that Henry Kissinger and Donald Rumsfeld and Secretary Gates have all said that language that has no legal impact and is just an expression of a truism—the reality that offense and defense have a relationship.

Are we not capable in the Senate of overlooking nonbinding, nonlegal, non-impacting language that acknowledges a simple truth about the relationship of offense and defense in the nature of arms control? That is all it does. That is the major argument. It just happens that in addition to having no impact on our defense, and no impact legally, and no impact that is binding—in addition to that, it also requires going back

to the Russians and renegotiating the treaty. As we will show in the classified session today, there are a lot of reasons why that doesn't make sense from the security interests of the United States of America. It is not that we should not do our job of advice and consent, but our job of advice and consent requires us to process the facts, requires us to think seriously about what those facts are and how they impact this treaty.

If the Senate does its job of thinking seriously about this treaty, it will separate out language that has no impact and no meaning whatsoever on our national missile defense plans, or on the treaty itself. I don't know how the President could make it more clear than in the letter he wrote to the leadership, in which he said as clearly as possible:

The United States did not and does not agree with the Russian statement. We believe that continued development and deployment of U.S. missile defense systems, including qualitative and quantitative improvements to such systems, do not and will not threaten the strategic balance with the Russian Federation. Regardless of Russia's actions in this regard, as long as I am President, as long as the Congress provides the necessary funding, the United States will continue to develop and deploy effective missile defenses to protect the United States, our deployed forces, and our allies and our partners.

I don't know how you can make it more clear than that. Those are the facts. It is my understanding that today the Joint Chiefs will all be submitting an additional statement for the record here to make it clear it is their view that this treaty has absolutely no negative impact whatsoever on our missile defense, and they believe it is entirely verifiable, and they want to see it ratified. So the issue of advice and consent here is whether we are going to follow the advice of those whom we look to on military matters, on defense intelligence matters, on security matters—those statespeople who have argued these treaties and negotiated these treaties through the years. The Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Commander of U.S. Strategic Command—and this is Secretary Gates:

I assess that Russia will not be able to achieve militarily significant cheating or breakout under the New START. Our analysis of the NIE and potential for Russia cheating or breakout confirms the treaty's verification regime is effective.

I hope that facts will control this debate, that the security interests of our country will control this debate, that those who have created this record for the Senate to weigh—we have been on this treaty for a year and a half not just for 6 days. Sixty Members of the Senate—the Armed Services Committee, the Foreign Relations Committee, the National Intelligence Committee, the National Security Working Group, which I cochair with Senator KYL—have all met and considered this treaty. Some people have gone to Geneva and actually met with the negotiators. The negotiators met with us

here. Before the treaty was even signed, we were weighing in on this treaty. We considered it in over 21 hearings and meetings over the course of the last 6 months. This is not 6 days. Let's not kid the American people. This is not 6 days. Three other treaties, one of which had no verification at all—that treaty received a 95-to-0 vote.

The American people voted for us to stop the politics. They voted for us to act like adults and do the business of this country. I believe voting on this treaty in these next hours and days is our opportunity to live up to the hopes of the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, a great deal of our day will be spent on discussing the verification regime of the New START treaty. A part of that will be in closed session. But I want to initiate additional debate this morning on the New START verification regime.

The important point is that today we have zero on the ground verification capability for Russian strategic forces, given that START I expired on December 5, 2009, more than a year ago.

Opponents of New START's verification regime have emphasized a peculiar argument, in my judgment. On the one hand we are told we do not need New START because it is a Cold War relic and that more modern approaches to arms control should be sought. On the other hand, opponents lament the passing of START I's Cold War verification regime.

I ask my colleagues which one should it be. Should we prefer modernized verification for a post-Cold War world that reflects the lack of an arms race and our military's desire for flexible force structures? Or should we resort back to Cold War verification?

The fact is, President Bush's Moscow Treaty, approved by a vote of 95 to 0, as the chairman just mentioned, contained no verification whatsoever. Some would cite this as a modern approach to arms control. They fail to mention that the Moscow Treaty explicitly relied on START I's verification regime. As I noted, START I expired more than a year ago.

I point out parenthetically that at numerous hearings in the Senate Foreign Relations Committee, those who extol the virtues of the Moscow Treaty—which, as I pointed out, was ratified 95 to 0—indicated we were in a new day. When we asked in that particular context how about verification, they said there is already verification under START I. We pointed out even then that it would expire in December of 2009. But it was fully anticipated by those advocating the Moscow Treaty that we would have another START regime by that point or that verification apparently would not be needed at all.

Some Senators say we could have just extended START I and kept the Moscow Treaty in place. This, again, overlooks the fact that our military, in

particular, disliked aspects of START I and advocated for a more flexible approach in START II or the New START.

Under START, the United States conducted inspections of weapons, their facilities, their delivery vehicles, and warheads in Russia, Kazakhstan, Ukraine, and Belarus. These inspections fulfilled a crucial national security interest by greatly reducing the possibility that we would be surprised by future advancements in Russian weapons technology or deployment. Only through ratification of New START will U.S. technicians return to Russia to resume verification.

New START verification should not be evaluated by Cold War standards. During the Cold War, we wanted to constrain the arms race and improve stability by encouraging a shift away from ICBMs with multiple warheads. Neither of these objectives remain today. START was negotiated at a time when the former Soviet Union had more than 10,000 nuclear warheads on more than 6,000 missiles and bombers, most of them targeted against the United States and our allies.

Under New START, the United States and Russia each will deploy no more than 1,550 warheads for strategic deterrence. Seven years from entry into force, the Russian Federation is likely to have only about 350 deployed missiles. This smaller number of strategic nuclear systems will be deployed at fewer bases, as has been pointed out earlier in the debate.

While we inspected 70 facilities under START, many of these have been shut down in recent years. Under New START, we will be inspecting only 35 Russian facilities. It is likely that Russia will close down even more bases over the life of the treaty.

Both sides agreed at the outset that each would be free to structure its forces as it sees fit, a view consistent with that of the Bush administration. As a practical economic matter, conditions in Russia preclude a massive restructuring of its strategic forces.

For the United States, the New START treaty will allow for flexible modernization and operation of U.S. strategic forces while facilitating transparency regarding the development and the deployment of Russian strategic forces.

The treaty, protocol, and annexes contain a detailed set of rules and procedures for verification of the New START treaty, many of them drawn from START I. Negotiators took the experience of onsite inspection that was well honed during START I and tailored it to the new circumstances of today. The inspection regime contained in New START is designed to provide each party confidence that the other is upholding its obligations while also being simpler and safer for the inspectors to implement, less operationally disruptive for our strategic forces, and less costly than START's regime.

Secretary Gates recently wrote to Congress that "the Chairman of the

Joint Chiefs of Staff, the Joint Chiefs, the Commander, U.S. Strategic Command, and I assess that Russia will not be able to achieve militarily significant cheating or breakout under New START due to both the New START verification regime and the inherent survivability and flexibility of the planned U.S. strategic force structure."

That is a very important statement, in my judgment, that Secretary Gates, with affirmation of all of the above officials of our government, says that Russia will not be able to achieve militarily significant cheating or breakout under New START given the verification procedures we have outlined.

Predictably, recent verification and compliance reports covering START have chronicled cases where we disagreed with Russia about START I implementation. Yet despite these issues, neither party violated START I's central limits. We should not expect that New START will eliminate friction, but the treaty will provide a means to deal with such differences constructively, as under START I.

The resolution of ratification approved by the Foreign Relations Committee of the Senate requires further assurances by conditioning ratification on Presidential certification prior to the treaty's entry into force, of our ability to monitor Russian compliance, and on immediate consultations should a Russian breakout from the treaty be detected. For the first time in any strategic arms control treaty, a condition requires a plan for New START monitoring.

Some have asserted there are too few inspections in New START. The treaty does provide for fewer inspections compared to START I. But this is because fewer facilities will require inspection under New START. START I covered 70 facilities in four Soviet successor states, whereas New START only applies to Russia and its 35 facilities. Therefore, we need fewer inspectors to achieve a comparable level of oversight.

New START also maintains the same number of "re-entry vehicle on-site inspections" as START I; namely, 10 per year. Baseline inspections that were phased out in New START are no longer needed because we have 15 years of START I treaty implementation and data on which to rely. Of course, if New START is not ratified for a lengthy period, the efficacy of our baseline data would eventually deteriorate.

New START includes the innovation that unique identifiers, or UIDs, be affixed to all Russian missiles and nuclear-capable heavy bombers. UIDs were applied only to Russian road-mobile missiles in START I. Regular exchanges of UID data will provide confidence and transparency regarding the existence and location of 700 deployed missiles, even when they are on non-deployed status—something that START I did not do.

The New START treaty also codifies and continues important verification

enhancements related to warhead loading on Russian ICBMs and SLBMs. These enhancements, originally agreed to during START I implementation, allow for greater transparency in confirming the number of warheads on each missile.

Under START I and the INF Treaty, the United States maintained a continuous onsite presence of up to 30 technicians at Votkinsk, Russia, to conduct monitoring of final assembly of Russian strategic systems using solid rocket motors. While this portal monitoring is not continued under New START, the decision to phase out this arrangement was made by the Bush administration in anticipation of START I's expiration. With vastly lower rates of Russian missile production, continuous monitoring is not crucial, as it was during the Cold War.

The Moscow Treaty's verification shortcomings were dismissed during debate in the Senate in 2003 because we were told there would be time to fix them before START I expired—something we failed to achieve.

The only binding treaty of any kind in place is the Moscow Treaty which itself will expire in December of 2012, and the Moscow Treaty contains no counting rules and no verification.

An illustration of the benefits of New START compared to the Moscow Treaty: We will have data on the number, by type, of deployed, fixed land-based ICBMs and SLBMs and their launchers. This is not in the Moscow Treaty.

Secondly, we will have data on the number, by type, if they exist, of deployed and nondeployed road-mobile and rail-mobile ICBMs and their launchers, and the production of mobile ICBMs. This, too, is not in the Moscow Treaty.

We will know, thanks to New START preinspection procedures, the actual number of warheads emplaced on each ICBM or SLBM subject to the inspection. The warhead inspection portion of a New START inspection on a deployed missile is used to confirm the accuracy of the declared data on the actual number of warheads emplaced on a designated, deployed ICBM or SLBM. This is not in the Moscow Treaty.

We will have data and inspections for the number of warheads on ICBMs and SLBMs. This is not in the Moscow Treaty.

For the first time, we will have identification and tracking of all nondeployed Russian missiles—nondeployed Russian missiles—not just road-mobile missiles, a unique verification system under New START.

We will have declarations, notifications, and inspections on the aggregate number of deployed missiles.

We will have data on the technical parameters for ballistic missiles through technical exhibitions/inspections for missiles, and we will have data on the number, by type, of deployed heavy bombers, both those that are equipped for nuclear-capable weapons and those that are not, and the

number, by type, of formerly nuclear-capable heavy bombers, training aircraft, and heavy bombers equipped for conventional munitions that no longer carry nuclear munitions. We will have data and inspections on the elimination of strategic nuclear launchers and delivery vehicles. We will have tracking, notification, and inspection of the production of ICBMs for mobile launchers of ICBMs to confirm the number of ICBMs for mobile launchers of ICBMs produced. And we will have data and inspections on the elimination of declared facilities.

The bottom line is that every Senator should ponder today that we have zero on-the-ground verification capability for Russian strategic forces, given the fact that START I expired on December 5, 2009. Those who wish to reject this treaty and rely on the Moscow Treaty enjoy the same result—zero verification, because the Moscow Treaty contains none.

I appreciate that we have had vigorous debate not only on the verification procedures but likewise on missile defense and, for that matter, the entire negotiation of the treaty. In my judgment, it is important, given the outline I have explained this morning, no verification and none anticipated until we pass the New START treaty. Unless there are those—and there have been throughout the history of these debates—who simply do not like treaties with the Russians, who would prefer no treaty, who anticipate that some day perfection may come and some negotiation will take place that is clearly not in sight, if rejection of this treaty were to be recorded. I believe it is imperative for our national defense and national security. That is a personal judgment but it is one I strongly advocate. This is why I believe that progress on the New START treaty is extremely important for the national security of our country.

I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, procedurally we have two amendments right now that are pending, my amendment No. 4833 and the Thune amendment No. 4841. Mine is concerning verification. His concerns delivery systems. We will have up until 1:30, when we go into closed session, to debate these. It would be my hope that Members who want to debate would confine their debate only to these two amendments. Because if they don't and we let the time get beyond this, not as many people will be heard on these amendments. I know the Senator from North Dakota wants to speak. I encourage anyone wanting to speak on the treaty other than these two amendments to defer to those who want to speak on these amendments. That is not a unanimous consent request. It is something I think is appropriate to do. These are significant amendments. A good way to do that, if someone wants to talk about the treaty other than these two amend-

ments and there is someone wanting to talk about the amendments, I would hope they would defer to those who want to talk about the amendments.

Let me make a comment about the Senator from Massachusetts. When we talk about the fact that we have been on this thing longer than any other treaty, for years and months and all that, I remind him, I am kind of in a unique situation. I am on both the Armed Services and Foreign Relations Committees. We have had a lot of hearings. That is true. In the Foreign Relations Committee, we had 16 hearings, a total of 30 witnesses. Of the 30 witnesses, 28 were in favor of the treaty, 2 were opposed. What we attempted to do is to get a broader exposure to this very significant treaty on this issue. For that reason, we do need to take more time, because we have only heard one side. Then on the other matter, the idea that this is just an add-on from a previous treaty, let's keep in mind, when the START I treaty came up, that was between two superpowers, everyone understand that, the U.S.S.R. and the United States. That is not the same today.

One of the problems I have with this treaty is that it is a treaty between the United States and Russia. This is not, in my opinion, where the threat is. The threat is with Iran and North Korea. Every time we get an assessment on North Korea, we are wrong. They have more than we believed they have, and then we are put in a position where we know they are trading with countries such as Iran. And Iran right now, according to our intelligence, which is not even classified, would have a delivery system with a nuclear warhead by 2015. So there is where the issue of missile defense comes in.

I know the argument on missile defense. We have the Russian Foreign Minister Lavroc coming out and saying:

We have not yet agreed on this [missile defense] issue and we are trying to clarify how the agreements reached by the two presidents correlates . . . with the actions taken unilaterally by Washington.

And adding:

The Obama administration had not coordinated its missile defense plans with Russia.

Then we have, on the opening day of April 8 in Prague, the Russians saying that the treaty can operate and be viable only if the United States refrains from developing its missile defense capabilities, quantitatively and qualitatively. We can sit around and say this isn't going to affect that, but nonetheless, that is on record. We have some Russians who believe that. That is not on my amendment. I wanted to comment that there is a reason for taking the time. I will not get into the debate as to whether we should have done it before the election or after.

I will say, a lot of the things that have come up in this lameduck session have come up because the chances of getting these things through is greater than they would be after eight or nine

new Senators come in. The fact is, these eight or nine new Senators have all joined in a letter asking us, could you refrain from ratifying this very significant treaty until we have a chance to look at it. We are the ones. We are the Senate coming in. I think that is a good argument.

Let me get back to my amendment 4833 and kind of kick it off here. I know we have a lot of people who want to talk about the amendment. Let me share my thoughts first. Right now there are, under the New START treaty, 188 inspections over 10 years. That is 18 a year versus what we had with START I, 600 over 15 years. That is 40. So it is a drop from 40 inspections per year to 18. I believe it would be good to actually have more than we had during START I. Under New START, they inspect to verify the elimination of nuclear weapon delivery systems that have fundamentally changed from those of START I. START I required the elimination of sites. We didn't at that time have to set up a mechanism to look and see if these were actually eliminated because we knew at that time they were. Now we have no way of knowing whether the sites have been reactivated. In fact, the test being used under this New START treaty would be to view the debris that shows that systems were eliminated. It could very well be that they could destroy a system, there would be a lot of debris. There could be three or four systems they don't destroy, but they could spread the debris around. It is not a very good test as to what is actually happening.

The second problem I have is that under New START, 24 hours of advance notice is required before an inspection, which is quite a dramatic increase. Under the old START treaty it was 9 hours advance notice. If you walk into this and assume the Russians are not going to cheat, that is fine. But I am not willing to do that because in a minute I will document the things they said they would do and have not been doing. If anything, we should certainly not have a no-longer warning than under the old START treaty. My amendment seeks to mitigate some of these negotiated disadvantages by increasing the number of inspections per year. The amendment triples the number of inspections under the New START from the two types of inspections specified under the New START treaty, type one and type two inspections. Type one inspections refer to the ICBM bases, submarine bases, and airbases, to confirm accuracy of declared data on the number and types of deployed and nondeployed warheads located on ICBMs, SLBMs, and heavy bombers.

Type two refers to inspections at formerly declared facilities to confirm that those facilities are not being used for purposes inconsistent with the treaty. That would have been inconsistent with START I.

That is what we talked about a minute ago. I don't see any verification

in terms that are meaningful to verification on type two. But type one inspections would increase from 10 to 30 inspections a year. Type two would increase from 8 to 24, a total of 54 inspections.

On July 20, 2010, the principal deputy Under Secretary of Defense for policy, James Miller, testified before the Senate Armed Services Committee. I was there. He said that Russian cheating or breakout, as they sometimes say, a kinder phrase, under the treaty would have little effect because of the U.S. second-strike strategic nuclear capability. I disagree with that. If this is something where we have people who agree and disagree, certainly we should fall down on the side of protection for the United States.

As we get to the argument saying we don't need as many inspections because we have a smaller number of facilities to inspect or the smaller size of the nuclear arsenal, as in New START, the larger the impact of cheating has on a strategic nuclear balance, this is kind of a hard thing for people to understand. But increasing the number of type one and two inspections is critical to New START verification because the total number of inspections has been dramatically reduced. Having the facilities reduced is of more concern.

Let me quote a few people who have weighed in on this issue.

Former Secretary of Defense Harold Brown explained, on October 23, 1991, when they were looking into the future and saying this was something they thought was going to happen, in testimony before the Senate Foreign Relations Committee on the original START treaty:

Verification will become even more important as the numbers of strategic nuclear weapons on each side decreases, because uncertainties of a given size become a larger percentage of the total force as this occurs.

Is he the only one who believes this? No. Former Secretary of Arms Control John Bolton stated just this year, on May 3:

While [verification] is important in any arms-control treaty, verification becomes even more important at lower warhead levels.

That is where we are now, lower warhead levels.

In 1997, Brent Scowcroft said:

Current force levels provide a kind of buffer because they are high enough to be relatively sensitive to imperfect intelligence and modest force changes.

He said:

As force levels go down, the balance of nuclear power can become increasingly delicate and vulnerable to cheating on arms control limits, concerns about "hidden" missiles, and the actions of nuclear third parties.

Yesterday when we were having this debate, I acknowledged that both the Senator from Massachusetts and I have been aviators for a number of years. I recalled going across Siberia in a flight around the world. You go through time zone after time zone of wilderness, and you think of all the places things could

be. That is not the way it is in our country. That is what Brent Scowcroft was saying, that:

As the force levels go down, the balance of nuclear power can become increasingly delicate and vulnerable to cheating on arms control limits, concerns about "hidden" missiles, and actions of nuclear third parties.

Then in May of this year in the Senate Foreign Relations Committee, former Secretary James Baker summarized that the New START verification regime is weaker than its predecessor, testifying to Congress that the New START verification program:

... does not appear as rigorous or extensive as the one that verified the numerous and diverse treaty obligations and prohibitions under START I. This complex part of the treaty is even more crucial when fewer deployed nuclear warheads are allowed than were allowed in the past.

So I think we have this unanimity of people who believe as the level comes down, the inspections become more critical. I think we also have to look at the fact—and I know it is not nice to say, and this offends a lot of people—Russia cheats on every arms control treaty we have had with them. We had a recent thing—I am glad it came out—I think it was in the summer of this year, with the report on foreign country compliance. This is what our report said.

It starts out with the START. It says there are a number of longstanding compliance issues—such as obstruction to U.S. right to inspect warheads—raised in the START Treaty's Joint Compliance and Inspection Commission that remained unresolved when the treaty expired on December 5, 2009. Then, if you look, they break it down.

The Biological Weapons Convention. In 2005, the State Department concluded that "Russia maintains a mature offensive biological weapons program and that its nature and status have not changed." This was in this report we had. In 2010, the State Department report states this: Russia confidence-building measure declarations since 1992 have not satisfactorily documented whether its biological weapons program was terminated.

They said the same thing 5 years later that they said back in 2005. So we do not know right now. They were supposed to be eliminating that program, as to the Biological Weapons Convention, and they did not do it.

The Chemical Weapons Convention. In 2005, the State Department assessed that "Russia is in violation of its Chemical Weapons Convention obligations because its declaration was incomplete with respect to declaration of production and development facilities." In 2010, the State Department again stated that there was an absence of additional information from Russia, resulting in the United States being unable to ascertain whether Russia has declared all of its chemical weapons stockpile, all chemical weapons production facilities, and all of its chemical weapons development facilities.

So what they are saying now is, 5 years later, after they had been warned in 2005 they had to do this, that they were in noncompliance, they are still in noncompliance. That is as to chemical weapons.

As to conventional forces in Europe, the report says: "The United States notes that Russia's actions have resulted in noncompliance with its Treaty obligations." The Wall Street Journal recently reported that, according to U.S. officials, the United States believes Russia has moved short-range tactical nuclear warheads to facilities near NATO allies as recently as this spring.

So I think if you look at the record of Russia, they don't tell us the truth. They agree to something, and then they do not do it. That is why verification probably—it may be the most significant frailty in this New START treaty that needs to be addressed.

For starters, I want to repeat that we have fewer inspections now under this treaty. The idea that you can determine by the debris that remains after something is supposed to be destroyed is, to me, a nonstarter. The advance notice—the fact that we now give them advance notice three times as long as we did at one time—as weapons decrease, I think everybody agrees we need to have more of the opportunities to inspect. Then lastly is the fact that Russia cheats.

I will yield the floor at this point. I do not see anyone around who wants to talk about these two amendments, so I will yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. INHOFE. Mr. President, will the Senator from North Dakota yield?

Mr. DORGAN. Mr. President, of course I will yield.

Mr. INHOFE. I wish to ask the Senator, there may be some who may wish to talk on these two amendments. About how long will the Senator speak on the general subject of missile defense or the treaty? About how long will the Senator be talking on something other than specifically these two amendments?

Mr. DORGAN. Mr. President, I would estimate about 15 to 20 minutes would be the maximum.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I spoke yesterday to most of the arguments. I do not think there is a need to go back over them. I appreciate the arguments and concerns of the Senator from Oklahoma. So I think I will let that stand where it was, and we will see if another Senator comes to pick up.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this is a very significant and important issue. As I have indicated previously, we deal with a lot of issues here in the Senate, some less relevant, some more impor-

tant. We often treat the serious too lightly, and the light too seriously. In this case, I think everybody understands that negotiating a treaty with the Russians dealing with arms reductions is critically important. And that is what this is.

I do not think, when you talk about nuclear weapons, there are other issues that are similar to it. If, God forbid, before sundown today, we learn that a nuclear weapon has been obtained by a terrorist group or a rogue nation and detonated in the middle of a major city on this planet Earth, and hundreds of thousands of people are killed, life on Earth will change forever.

This is a big issue, a very important issue. I just described the horror of a circumstance where a nuclear weapon was detonated in a major city on this planet. We have 25,000 nuclear weapons that exist on this planet. The question is, are we able to find a way to systematically reduce the number of nuclear weapons and, therefore, reduce the threat of the use of nuclear weapons while, at the same time, trying to keep nuclear weapons out of the hands of terrorists and rogue nations?

These days, it seems to me, the question of the nuclear threat is very different than when previous treaties were negotiated. The reason for that is, we have found a new enemy on this planet. It is called terrorism—terrorists who are very happy to give up their lives as long as they can take the lives of others.

That terrorist threat, and the threat that a terrorist organization might acquire a nuclear weapon, and then very happily detonate that nuclear weapon and kill hundreds of thousands of people—innocent people—that is a very serious problem. That is why there is a new urgency to not only arms control and arms reduction negotiations, but to the passage of treaties that are, in fact, negotiated.

We have successfully negotiated various arms control treaties. I will not go through the list of successes, as I did previously. But we have been very successful in reducing the number of nuclear weapons and the number of delivery vehicles—bombers and submarines and intercontinental ballistic missiles. We have fields in which sunflowers now grow where missiles were once planted with nuclear warheads aimed at our country.

That is a success, in my judgment. There is no doubt that what we have done over the years has been successful. Yet there remain on this planet some 25,000 nuclear weapons.

I have listened to this debate, and I do not believe there is anyone involved in this debate who represents bad faith. I think there are differences of opinion, and I believe people who come here and offer amendments believe in their heart they are pursuing the right strategy. But in some ways it also seems to me to be kind of the three or four stages of denial; that is, you take a position, and when that is responded to,

then you take a second position: I wasn't there. If I was there, I didn't do it. If I did it, I am sorry.

The stages of denial are pretty interesting to me. Let me go through a few of them.

The first was, some were very worried in this Chamber that if we proceeded with START without adequately funding the nuclear weapons complex and funding the necessary investments in our current nuclear weapons stockpile, the investments for modernization, the investments for life extension programs, and so on—if we did that without adequate funding for that, that would be a serious problem.

The fact is, President Obama proposed adequate funding in coordination with those who were raising that question. Particularly Senator KYL was raising that question a great deal. He and I talked about it a substantial amount because I chair the subcommittee that funds the nuclear weapons complex and the life extension programs and the modernization programs.

So while most other areas of the Federal budget were being trimmed or frozen or held static, we increased, at President Obama's request, the nuclear weapons line item in the budget that deals with modernization and life extension programs, and so on. We increased that by nearly 10 percent in FY 2011 budget; and then another 10 percent in the FY 2012 budget President Obama will send Congress in February; and then, on top of a 10-percent increase and a 10-percent increase, another \$4 billion increase over the next five years thrown on top of all of that.

I do not think anyone can credibly suggest there is now a problem with funding. The President kept his promise, and then did more than that—two 10-percent increases, taking us to \$7.6 billion, and then, on top of that, adding another \$4 billion in 5 years. It is hard to find another part of the budget that has been as robustly funded.

Again, as chairman of the subcommittee that funds this, I believe we have done what was necessary, and much more to satisfy the concerns expressed by those who worried that the funding would not be there. This President said it will be there. He made those proposals with two big increases and then an even larger third increase, and that ought to lay to rest that subject for good.

Will our current stockpile be properly maintained with life extension programs and modernization expenditure? The answer is yes. It is clearly yes. The funding has been made available, and there ought not to be debate about that any longer.

Now the question of time. Some have said—and I heard this morning on television one of my colleagues say: Well, this is being rushed through at the end of a session. That is not true. That is an example of what I described previously on the floor of inventing a reality, and then debating off that new

invention. It is not true that we are rushing this through. We have had meeting after meeting after meeting. I am on the National Security Working Group, and all through the negotiation with the Russians on this treaty, Republicans and Democrats on that committee were called to secret sessions and briefed all along the way, to say: Here is what is going on. The negotiators would say: Here is where we are. Here is what we are doing. And we were always kept abreast of all of that. So there is nothing at all that is running away quickly at the end of a session to try to get this done.

In fact, this has been delayed much longer than, in my judgment, I would have preferred. But, nonetheless, we are here, and it seems to me this ought not be part of the routine business of the Congress. This is an arms control treaty on nuclear arms reduction. This ought to be one of those areas that rises well above that which is the normal business in a Congress.

But there is no credibility at all to suggest this is being rushed. I can recall day after day sitting in secret sessions with negotiators telling us along the way: Here is what we are doing. They met with Republicans and Democrats. We met altogether in a room in the Capitol Visitor Center and had briefing after briefing after briefing on the National Security Working Group, and it includes most of those in this Chamber who have spoken on this issue.

So it is not the case that there were Members of Congress uninformed about what was happening. All of us were informed. This administration, I thought, did an exceptional job of coming to us to say: We want to keep you advised and informed of what we are doing. It is not the case at the end of this session it is being rushed through. It should have been done a few months ago. I wish it had been, but it has not been. So, therefore, we find ourselves at this intersection. But it should not let anybody believe this is being pushed and rushed without time to consider. All of us have had ample time over many months, and over a year before that, while the negotiations were taking place to seriously consider and be a part of what this is and what it means for our country.

The other issue that is being raised constantly is, it will limit our capabilities with respect to missile defense. Again, it is not the case. I understand what people have been reading in order to make that case. But every living Secretary of State from the Republican and Democratic administrations have come out in favor of this treaty—every one.

The Chairman of the Joint Chiefs of Staff has made a very assertive, strong statement in support of this treaty. They didn't do that because somehow we are limited on missile defense. In fact, the President has written to us and said: "That is not what exists with respect to us and an agreement with the Russians." It just is not.

Yesterday, the argument was, well, this doesn't include tactical weapons. No, it doesn't. We do need to limit tactical weapons. I wish it had been a part of the Moscow Treaty. I wish it was part of this treaty. It wasn't. But that doesn't mean we should stop progress on the strategic weapons limitations, a reduction of the number of strategic nuclear weapons.

Why would you not take the progress in the area of limiting strategic nuclear weapons and the delivery of vehicles, airplanes, missiles, submarines, and so on, with which those weapons are delivered—why would you not take the progress that exists with respect to limiting strategic weapons? Of course we should do that. Certainly, I don't disagree at all with those who are worried about tactical weapons. So am I. So is this administration. All of us would have loved to have had an agreement on tactical nuclear weapons 5 and 10 years ago, but that was not possible and it was not the case. So now we work on this, and this provides measurable reductions in the number of nuclear warheads and measurable reductions in the delivery vehicles for those warheads—bombers, missiles, submarines, and so on. It would be unthinkable, it seems to me, for our country to decide that, no, this is not the direction in which we want to move.

As I indicated earlier, on every occasion where we have debated the issue of arms control and arms reduction—understanding it is our responsibility; it falls on the shoulders of this country, the United States, to assume the leadership—on every occasion where we have debated the issue of trying to reduce the number of nuclear weapons on this planet and reduce the number of delivery vehicles and the threat from nuclear weapons, we have done that exclusive of this new threat which now casts a shadow over everything we talk about; that is, the threat of terrorism—a new threat in the last decade—terrorists who are very anxious to take their own lives if they can kill thousands or hundreds of thousands of others. The specter of having a terrorist group acquire a nuclear weapon and detonate that nuclear weapon on this planet will change life on the planet as we know it.

So it is a much more urgent requirement that we finally respond to this by continuing this relentless march to reduce the number of nuclear weapons and try to make certain we keep nuclear weapons out of the hands of terrorists, to reduce the number of rogue nations that would have nuclear weapons. That is our responsibility. It is our leadership responsibility in this country.

The signal we send to the world with respect to this vote and others dealing with arms control and arms reductions is unbelievably important. That is why this vote in this Chamber at this point is so urgent.

I mentioned terrorism, and it is now a few days before Christmas. Last

Christmas, we were reminded about terrorism once again. A man got on an airplane with a bomb sewn in his underwear. Before that he was preceded by a man getting on an airplane with a bomb in his shoe. They were perfectly interested in bringing down an entire plane full of people. The terrorists who were interested in killing several thousand Americans on 9/11/2001 are even more interested in acquiring a nuclear weapon and killing hundreds of thousands of people somewhere in a major city on this planet.

That is why this responsibility, the responsibility of continuing to negotiate and negotiate and negotiate treaties that represent our interests—yes, they have to represent our interests, and this one does. Look at the list of people who support this treaty. I have brought out charts before that show all of the Republicans and Democrats, the folks who have worked on these things for so long, Secretaries of State and military leaders and former Presidents.

It is our responsibility to make progress. Frankly, as I said, I don't suggest there is bad faith on the part of anybody who stood up with their opinion. That is not my suggestion. I think people in this Chamber are people of good faith. But it seems to me that some have not yet understood the increasing urgency now to address this issue. This issue is in our national interests. This issue with the Russians—this treaty with the Russians was negotiated very, very carefully, representing our national interests—yes, on verification, representing our national interests. It represents our interests in every other way. Missile defense—we didn't give up anything with respect to missile defense. So as I hear some of my colleagues come to the floor very concerned about these issues, all of them are responded to easily, in my judgment.

Money—we are spending more money than has ever been spent on the nuclear weapons complex to make sure our nuclear weapons work. Linton Brooks, the previous head of NNSA said: I would have killed for a budget like they now have for the life extension programs and the modernization program. I would have killed for that, he said. He was the man who ran the NNSA under the previous President, President George W. Bush. So money is not an issue. Clearly, that is not an issue.

Time? This is not being pressed into a tiny little corner with an urgent time requirement. This has been delayed and should not have been delayed. But it is sufficiently important to stay here and do this and hope the work that has been done on a bipartisan basis can be supported by the entire Senate.

It is easy to compliment people in the Chamber, and you don't compliment those with whom you disagree, I suppose. But let me compliment Senator KERRY and Senator LUGAR because I think the work they have done, which is very strongly bipartisan, to bring

this treaty to the floor of the Senate for ratification is a representation of the best of the Senate. It is the way this place really ought to work. Searching out and holding hearings and hearings and hearings, the best thinkers to come and give us advice about all of these issues—they did that. There is nothing this issue is represented by with respect to pushing it into a tight timeframe. They have done this the right way—the right kinds of hearings, the right kind of consultation. Now, they have come to the floor of the Senate saying this is urgent. Let's get this done.

I just wanted to come today—I was driving to work this morning, and I saw the Martin Luther King memorial being built on the Mall. I recalled what he once said. He said, "The means by which we live have outdistanced the ends for which we live." He said, "We have learned the secret of the atom and forgotten the sermon on the mount."

Well, the secret of the atom is something we have indeed learned. In recent years, the specter of having so many nuclear weapons on this planet and the specter of terrorists acquiring one requires us to be ever more vigilant and to proceed to ratify treaties we negotiate over a long period of time. Again, as I indicated, it is our responsibility.

This responsibility for stopping the arms race rests on our shoulders. Yes, we must do it in our national interests, protecting ourselves as we do. In my judgment, this treaty meets every one of those measures. I am pleased to support it and pleased to be here to say that I hope my colleagues will look at what Senator KERRY and Senator LUGAR have done and come to the floor of the Senate with robust support for what I think is outstanding work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

TRIBUTES TO RETIRING SENATORS
BYRON DORGAN

Mr. KERRY. I know the Senator from South Dakota is here. I know he wishes to speak. I will not be long. I wish to take advantage of this moment with the Senator from North Dakota on the floor to say a couple of things.

First of all, I am very grateful to him personally for the comments he has made about both my efforts and the efforts of Senator LUGAR. I appreciate them enormously. But more importantly, the Senator is going to be leaving the Senate at the end of this session. I wish to say there are few Senators who combine as many qualities of ability as does the Senator from North Dakota. He is one of the most articulate Members of the Senate. He is one of the most diligent Members of the Senate. He is one of the most thoughtful Members of the Senate.

I have had the pleasure of serving with him on the Commerce Committee. I have seen how creative and determined he is with respect to the interests of consumers on Internet issues, on fairness issues, consumer issues in

which he has taken an enormous interest. He has been head of the policy committee for I think almost 10 years or so. He has been responsible for making sure the rest of us are informed on issues. He has kept us up to date on the latest thinking. He has put together very provocative weekly meetings with some of the best minds in the country so we think about these things.

So I wanted to say to the Senator from North Dakota personally through the Chair how well served I think the citizens of North Dakota have been, how grateful we are for his service, and how extraordinarily lucky we have been to have someone representing one of the great 50 States as effectively as he has. I think he has been a superb Senator, and he will be much missed here.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I wish to speak to an amendment I have pending at the desk, but before I do that, I wish to make some general observations as well about where we are with regard to this process because there has been a lot said about Republicans not wanting to vote on this or trying to delay this. But I think one would have to admit that we have now talked about missile defense, which I think is a very valid issue with respect to this treaty. There are very significant areas of disagreement with regard to how it treats missile defense. We have had a discussion about tactical weapons, which, in my judgment, also is a very important issue relative to our national security interests and the interests of our allies around the world. We have had a debate about verification, about which the amendment of Senator INHOFE is currently pending. Those are all very valid and substantive issues to debate and discuss with regard to this treaty.

The amendment I will offer will deal with the issue of delivery vehicles, which is something that is important as well where this treaty is concerned.

So I would simply say that it is consistent with our role in the U.S. Senate to provide advice and consent. If it were just consent, if that is what the Founders intended, we could rubber-stamp this. But we have a role in this process, and that role is to look at these issues in great detail and make sure the national security interests of the United States are well served by a treaty of this importance.

So I think the words of the treaty matter, and I think the words of the preamble matter. I am not going to re-litigate the debate we have already had on missile defense, but I believe that if we have language in a preamble to a document such as this, not unlike the preamble we have in our Constitution which is frequently quoted, it has meaning. To suggest that the preamble doesn't mean anything, that it is a throwaway and has throwaway language, to me really misses the point. Obviously, it matters to someone. It matters greatly to the Russians, and I

don't think, if it didn't, it would be in there. That is why I believe that having this linkage between offensive strategic arms and defensive strategic arms in the preamble—it is in there for a reason. Somebody wanted it in there, obviously, and I think it certainly has weight and consequence beyond what has been suggested here on the floor of the Senate.

I would also argue as well that the signing statement we have already talked about where the Russians made it very clear in the signing statement, in Prague on April 8 of 2010, that the treaty can operate and be viable only if the United States of America refrains from developing its missile defense capabilities qualitatively or quantitatively—if you tie that back to article XIV of the withdrawal clause of the treaty where it talks about being able to withdraw for exceptional circumstances, you can certainly see the pretext by which the Russians may decide to withdraw from this treaty.

So missile defense is not an inconsequential issue. It is a very important issue with regard to this treaty, and the amendment that was offered on Saturday and voted on attempted to address that. Unfortunately, that failed. I hope we have subsequent opportunities to get at the issue of missile defense because I certainly think it is an unresolved issue in my view and in the view of many of us.

AMENDMENT NO. 4841

The amendment I offer today is very straightforward and modest. It would simply increase the number of deployed delivery vehicles—in other words, bombers, submarines, and land-based missiles—allowed for in the New START treaty from 700 to 720. It simply adds 20 additional vehicles to the number in order to match up with the administration's plan presented to the Senate for fielding 720 delivery vehicles rather than the 700 called for in the text of this treaty.

Before I continue, I ask unanimous consent that Senator SCOTT BROWN of Massachusetts be added as a cosponsor of this amendment.

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

Mr. THUNE. For those watching this debate who may be unfamiliar with some of the terminology used in these arms control treaties such as the term "delivery vehicles," it is important to understand that delivery vehicles simply means the nuclear triad of systems: bombers, submarines, and land based intercontinental ballistic missiles or ICBMs. This triad of delivery vehicles is very valuable because it is resilient, survivable, and flexible, meaning that if, God forbid, we suffer a nuclear attack, those who attacked us can never be sure that they have knocked out our ability to respond with a nuclear strike. Obviously, without the means to deliver nuclear weapons, an adversary would not take seriously our ability to respond to a nuclear attack. As the numbers of delivery vehicles goes

down, it becomes more and more important to make sure they are modernized and that they work as intended. And as numbers get reduced, it begins to have an impact on whether we can effectively retain the triad, making it more likely that our nation would have to eliminate a leg of the triad.

On July 9, 2009, at an Armed Services Committee hearing, I asked GEN James Cartwright, the Vice Chairman of the Joint Chiefs, about the administration's commitment at that time to reduce our strategic delivery vehicles to somewhere in the range of 500 to 1,100 systems, and to specify at what point in this range would he become concerned that delivery vehicle reductions would necessitate making our nuclear triad into a dyad. General Cartwright responded that he "would be very concerned if we got down below those levels about mid point," meaning that he would be concerned if the negotiated number fell below 800 delivery vehicles. This treaty caps delivery vehicles at 700, substantially below the number that General Cartwright stated a year and a half ago.

Now, the treaty makes this odd distinction between "deployed" and "non-deployed" delivery vehicles, and the treaty's proponents will point out that the total cap for the treaty is 800 "deployed and non-deployed" systems. And of course, there is a letter from General Cartwright in the committee report accompanying the treaty stating that he is comfortable with the distinction between deployed and non-deployed delivery vehicles, and the overall limits to delivery vehicles. But it is important to understand that the administration has not articulated how it will deploy a nuclear force conforming to the number of 700. Instead, the administration has presented a plan for how it will deploy 720 delivery vehicles. And that is the motivation behind this amendment. I find it very troubling that the administration has yet to articulate how it will deploy a nuclear force conforming to the number of 700. The comprehensive plan for delivery vehicle force structure the administration was required to present to Congress under section 1251 of the fiscal year 2010 Defense authorization bill, known as the 1251 report, provides a very troubling lack of specificity concerning force structure under the New START treaty. Specifically, the administration's fact sheet on the section 1251 report explains that the U.S. nuclear force structure under this treaty could comprise up to 60 bombers, up to 420 ICBMs, and 240 SLBMs. The only number that is a certainty in the 1251 report is the number of SLBMs. I hope the members from states with bomber bases and ICBM bases will pay attention to this important point. Since deployments at the maximum level of all three legs of the triad under the explanation provided by the administration's 1251 report add up to 720 delivery vehicles, it is mathematically impossible for the U.S. to make such a de-

ployment and be in compliance with the treaty's limit of 700 deployed strategic nuclear delivery vehicles. Clearly, additional reduction decisions will be made with respect to U.S. force structure under this treaty, and obviously those reductions will come out of bombers and/or ICBMs.

Secretary Gates and Admiral Mullen acknowledged in a hearing before the Senate Armed Services Committee on June 17, 2010, that further reductions would still be required to meet the treaty's central limits. They went on to argue that because the United States will have 7 years to reduce its forces to these limits, they did not find it necessary to identify a final force structure at this point; meaning the Senate will commit the United States to a delivery vehicle force of 700 without knowing how that force will be composed.

Compounding this problem of not knowing what the final force structure will look like is the fact that the Obama administration conceded to Russian demands to place limits on conventional prompt global strike systems by counting conventionally armed strategic ballistic missiles against the 700 allowed for delivery vehicles. For those who are unfamiliar with prompt global strike, it is simply a program that would allow the United States to strike targets anywhere on Earth with conventional weapons in as little as an hour. Development of these systems is an important niche capability that would allow us to attack high-value targets or fleeting targets, such as WMD, terrorist, and missile threats. A recent Defense Science Board report states that "the most mature option for prompt, long-range, conventional strike is the ballistic missile" and that "Building on the legacy of these [intercontinental ballistic missile] weapon systems provides a relatively low-risk path to a conventional weapon system with global reach." Yet this treaty will not permit us to develop this low-risk concept for conventional prompt global strike without it having an impact on the central limits under this treaty of 700 delivery vehicles.

To be very blunt, this treaty was so poorly negotiated that for every ICBM or SLBM deployed with a conventional warhead, one less nuclear delivery vehicle will be available to the United States. This one-for-one reduction in deployed nuclear forces is one we can ill afford at the levels of delivery vehicles allowed under this treaty. When the Commander of U.S. Strategic Command, General Chilton, testified before the Armed Services Committee on April 22, 2010, he specifically said that we could not replace the deterrent effects of nuclear weapons with a conventional capability on a one-for-one basis or "even ten-for-one."

Treaty proponents will point out that there are other potential new conventional prompt global strike systems on the drawing board that may not fall

under the treaty's limitations, such as a hypersonic glide delivery vehicle. But why are we tying the hands of future administrations that may need to quickly field such systems, especially since converting ICBMs to carry a conventional warhead are the most advanced systems we have right now on conventional prompt global strike?

The Senate should not ratify the treaty without knowing what kind of conventional prompt global strike systems may be counted and how that will affect our triad at the much reduced delivery vehicle limits. According to the DOD, an assessment on treaty implications for conventional prompt global strike proposals will not be ready until early 2011. If we pass this treaty now, Senators won't know the details on this important issue until the treaty enters into force, when it is too late. Adopting my amendment would provide a hedge against the issues that are raised by the conventional prompt global strike niche capability and its impact on the treaty's limit of 700 delivery vehicles. With a 700 delivery vehicle limit, conventional prompt global strike counting against that number, we will have fewer nuclear delivery vehicles, and this limit will be a disincentive to develop and deploy conventional prompt global strike as a result. Moreover, why should we accept these constraints in a treaty that was about strategic nuclear weapons?

While we are required under the treaty to cut the number of delivery vehicles to the bone, Russia will not have to make any similar cut to their delivery vehicles, leaving one to wonder what we received in return for this significant concession. The treaty essentially requires the United States to make unilateral reductions in delivery vehicles, as Russia is already well below the delivery vehicle limits and would have drastically reduced its arsenal with or without this treaty. As CRS writes, "[Russia] currently has only 620 launchers, and this number may decline to around 400 deployed and 444 total launchers. This would likely be true whether or not the treaty enters into force because Russia is eliminating older missiles as they age, and deploying newer missiles at a far slower pace than that needed to retain 700 deployed launchers."

So I want to put a fine point on that, Mr. President. Essentially what we are doing here is we have about 856 delivery vehicles in our arsenal today. We are reducing that down to 700. So we are taking a significant haircut, a significant cut in the number of delivery vehicles that would be available to us. The Russians, on the other hand, are currently only at 620 launchers, delivery vehicles, which is already well below the 700. On the attrition path they are on, it would very soon be down to about 400 deployed launchers and 444 total launchers. So the United States has made huge concessions regarding delivery vehicles in this treaty, and the

Russians have conceded nothing on this point. It seems to me this is another area in which we made significant concessions and received very little in return.

Mr. President, we are binding ourselves to the number of delivery vehicles we negotiate with Russia, even though we have security commitments to extend our nuclear deterrent to more than 30 countries, while Russia has none. Given geographic realities, U.S. strategic nuclear forces are part of how the United States provides this extended deterrence. As we face an uncertain future, where other nations like China continue to modernize their nuclear forces, we will need to be able to hold more potential targets at risk to deter attacks. That means we need to be very careful about reducing delivery vehicle levels, and this amendment would simply use the administration's 1251 report force structure plan of 720 delivery vehicles as the ceiling for delivery vehicles under this treaty, rather than the current number of 700 reflected in the treaty.

Some of my colleagues will probably warn that even this modest amendment is a "treaty killer" amendment. But article II, section 2 of the Constitution says that the President "shall have power, by and with the advice and consent of the Senate, to make treaties." When the other side admonishes us about "treaty killer" amendments, it becomes apparent that we are supposed to be a rubberstamp for this treaty, wanting us to provide our consent but not to provide our advice. It should be made clear what a "treaty killer" amendment is. It is any amendment seeking to remedy an issue with the treaty the Russians steamrolled us on during the negotiation process but which New START proponents do not wish to adopt because protecting American interests will annoy the Russians and perhaps jeopardize entry into force of the treaty.

One thing should be clear: The Senate cannot kill New START in the way some are suggesting. If the Senate gives its consent to New START with amendment to the text, that just means the treaty is sent to Russia for its approval with the amendment. The ball will then be in Russia's court. As CRS has outlined in its study on the role of the Senate in the treaty process: "Amendments are proposed changes in the actual text of the treaty. . . . [They] amount, therefore, to Senate counter offers that alter the original deal agreed to by the United States and the other country."

Simply put, an amendment to the treaty text would not kill the treaty, it would merely require Russian consent to the amendment as a matter of international negotiation. If Russia chooses to reject that amendment, it will not be the Senate that kills the treaty, it will be the Russian government.

As a side note, I believe it is important to recall that General Chilton's support for New START levels was

predicated on no Russian cheating. He testified to the Senate Armed Services Committee on April 22, 2010, that one of the assumptions made when the Nuclear Posture Review was completed was "an assumption . . . that the Russians in the post negotiation time period would be compliant with the treaty." It has been pointed out many times now how Russia is a serial violator of arms control commitments.

In conclusion, reducing U.S. strategic nuclear forces, especially with delivery systems, is a very serious matter that has received insufficient attention. We have little to gain, and much to lose, if we cannot be certain that the numbers in New START are adequate. I think it is worth noting that former Defense Secretary Schlesinger testified to the Senate Foreign Relations Committee on April 29, 2010, that "as to the stated context of strategic nuclear weapons, the numbers specified are adequate though barely so." Again, this is a modest amendment that takes into account the administration's own force structure plan of 720 delivery vehicles. This amendment would simply use the administration's 1251 report force structure plan of 720 delivery vehicles as the ceiling for delivery vehicles under this treaty rather than the current number of 700 reflected in the treaty. In light of all of these issues, I ask my colleagues to carefully consider this amendment, and I respectfully ask for a vote in its favor.

Mr. President, I ask my colleagues to support this amendment. I simply say that with regard to maintaining a triad and a system of bombers, ICBMs, and SLBMs, in order to do that, the 700-number ceiling makes that very complicated.

If you assume 420 ICBMs and 240 SLBMs, that leaves room for some bombers but not a lot of room. Frankly, if you go down from the 720 number to the 700 number, if you assume up to 260 bombers—that is, if you assume the 700 number and take it out of bombers, you would be down to 40 bombers, 96 B-52s and B-1s that are nuclear capable, nuclear weapons we use with nuclear-launch vehicles for extended deterrence around the globe. Going down to 40 would be a two-thirds reduction in the number of bombers we have to provide that type of extended deterrence. It strikes me that we are getting perilously close with this number to moving from a triad to a dyad.

Furthermore, we are tying our hands when it comes to our ability to have the necessary delivery vehicles at our disposal, if and when that time would ever come.

Again, this is a very straightforward amendment. It takes the number from 700 to 720. It is consistent with the 1251 report and what the administration says they can accommodate in terms of launch vehicles. I hope my colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, before I say a few words about the amendment, let me see if I can get an agreement from my colleagues. We have a lot of colleagues asking when we are going to vote, and we need to have some votes. We have only had two votes on this treaty after 6 days. Obviously, I can move to table, but I do not want to do that, at least not yet.

I ask the Senator from South Dakota if we can set up a time to have a vote on his amendment at 12:30.

Mr. THUNE. Mr. President, I say to the Senator from Massachusetts, we are prepared to debate. The Senator from Oklahoma wants to talk at length about the verification issue. I do not think we are prepared at this point to enter into a time agreement for any time certain on votes. Until we can get some indication from our colleagues who would like to speak on this amendment, it would be very difficult to do that.

Mr. KERRY. Mr. President, I say to my colleague, we are getting into the sixth day of debate. Christmas is coming. It is surprising to me that we do not have any indication who would like to speak on this amendment.

Mr. THUNE. Mr. President, I say to the Senator from Massachusetts, we do have others who want to speak, not only on this amendment but also on the amendment of the Senator from Oklahoma. These, as I said, are very significant, substantive amendments that deal fundamentally with the issues that are important to this treaty. I do not think we are prepared at this point to cut off that debate. Until we get some indication from some of our colleagues about who else might want to come down and speak to either of these issues, I object to entering into any kind of time agreement.

Mr. KERRY. Mr. President, I accept that. The point I am trying to make is, we have allowed each of the prior amendments to come to an up-or-down vote. We have not tabled them, which is an often-used practice, as everybody knows. We could have debated all last night; there was nobody here to debate. Now we are here debating. We are happy to leave time for debate. But I ask my colleagues if they could inquire into who might want to come so we could at least, out of courtesy to our colleagues, give them a sense of what the schedule might be, and then we can set a time for that debate allowing everybody adequate time.

I am not suggesting in any way that the topics we are discussing are not important. They are important, and they are worthy of debate and are worthy of discussion. We welcome that discussion.

Mr. INHOFE. Will the Senator yield?

Mr. KERRY. I yield for a question.

Mr. INHOFE. In addition to what Senator THUNE said, there are several people who said they want to go into closed session first and address issues having to do with my amendment and his amendment before a vote.

Mr. KERRY. Mr. President, I respect that. I am perfectly comfortable if we are able to set a time after that closed session. I think everybody would feel good if we can find the time. I understand the need to want to have that session. That is the Senator's right, and we respect that. We certainly can do it. Maybe we can find a time when we come out of that session when we can have a couple of votes back to back. I think that would help a lot of people.

I thank the Senator from South Dakota for his amendment. It is one that is worthy of some discussion. Obviously, some of that discussion is going to have to take place in the context of a classified session.

He said one of the arguments that will be used is that this will result in going back to the Russians and having to renegotiate the treaty. That is not a casual argument. It is not a small thing. But it is not the principal reason—it is one of the reasons, obviously, I think this amendment is ill-advised. But, most importantly, this amendment is unnecessary.

All of us on our side have a very clear understanding of the importance of delivery vehicles with respect to our national defense. But here is what we have to balance the comments of the Senator from South Dakota against: the President of the United States, the Secretary of Defense, the Joint Chiefs of Staff, the commander of the U.S. Strategic Command, and others have all determined that we can safely reduce our deployed ICBMs and our deployed SLBMs and our deployed heavy bombers—the three legs of the triad—that they could be reduced to the 700 number.

That figure was picked, obviously, after an enormous amount of thinking by all of those parties concerned—the Strategic Command, the Air Force folks, the Navy SLBM—and they did so only after seeing the results of force-on-force analyses of exactly where that would leave us in terms of America's response should there—happily in the current atmosphere—be the unlikely event of a nuclear confrontation. Obviously, we need to think about these issues in that larger context of where we are today, what direction we are moving in, and what is the reality.

As the Senator knows, without going into any details, that force-on-force determination was made not just in the likelihood of a Russian-U.S. confrontation but in a multiparty confrontation. Again, we will discuss some of that later.

The gravamen of the Senator's complaint is that he is concerned that the administration has failed to thus far state precisely how it is going to reduce the deployed ICBMs—intercontinental ballistic missiles—and the SLBMs—submarine-launched ballistic missiles—and heavy bombers, how do we meet the treaty's requirement of 700. I want the chairman of the Senate Armed Services Committee to weigh in.

I will say quickly, the administration has made it clear that it intends to maintain 20 launchers on the 12 ballistic missile submarines that we keep operationally deployed, meaning our submarine force will account for 240 of the 700 limit. We agree on that. That leaves room for 460 deployed delivery vehicles combined from the two other legs of the triad—from the ICBMs and from the heavy bomber forces.

The Senator also said the administration has said in its 1251 report that it has not made a final decision on going all the way up to the 420 ICBMs or all the way up to 60 bombers or somewhere in between. That decision has not been made.

In other words, out of the total deployed delivery vehicle limit of 700, the administration has left itself some room to maneuver, to make a decision on 20 of its ICBMs and bombers.

Under the agreement, we have 7 years of room before we have to meet that limit. When asked about this sort of available time of 7 years, General Chilton, the commander of our Strategic Command, told the Armed Services Committee for the record:

The force structure construct, as reported in the section 1251 report, is sufficient to meet the Nation's strategic deterrence mission. Furthermore, the New START treaty provides flexibility to manage the force drawdown while maintaining an effective and safe strategic deterrent.

As a technical matter, the Senator's amendment would require the President to go back to the Russians, move the limit up from 700 to 720, even though the military is perfectly comfortable with the level we have. That is when we begin to get into the question, if they are telling us that this is good and comfortable and we can do what we need to do in this context, I might add, of a very different Russia, very different United States, very different set of strategic demands at this moment, why would we reopen the treaty for renegotiation?

I have more to say, particularly on the subject of the Prompt Global Strike because the Prompt Global Strike likewise is not impacted negatively by this, and there are a number of reasons we have options as to how we arm certain legs in the triad and what we choose to do.

It is important to point out also—I think this is important—there may be some concern. I understand the geography of the Senator's representation, so there may be some concern from some Senators, and the comments that the Senator made that those of you who have people concerned with the ICBM bases or the SLBM bases or the bomber bases need to be focused on this, let me be clear that the administration has made it clear. None of the three ICBM bases are going to be closed because of the New START treaty. We are maintaining all of them.

What is more, the administration has made it clear that it is committed to the ICBM force in the years to come. In

its updated 1251 report, the Minuteman III will remain in service through 2030 and then be replaced by a follow-on ICBM to be determined.

If people are concerned about cutting bombers, Senators should remember that to meet the New START's limits, we are not going to need to eliminate any bombers. We plan to simply convert some bombers to a conventional role, at which point they will no longer count toward the treaty limits.

With that stated as part of the RECORD, I yield 5 minutes, or such time as the Senator from Michigan would like to consume, to the chairman of the Armed Services Committee.

Mr. INHOFE. Mr. President, it was my understanding that we had an informal arrangement that we would go back and forth. I would like to be recognized.

Mr. KERRY. I completely understand that. We had the two Senators speak. I would like to yield to the chairman of the Armed Services Committee for 5 minutes and then come back.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the amendment of Senator THUNE would amend the treaty by changing one of the elements of the treaty, which is the number of deployed strategic forces that we have. Under the treaty, the limit, of course, is 700. But the critically important part to our military is that each side would have the ability to change the mix to reach 700 as it suits our respective needs.

The amendment of Senator THUNE would alter the limit of 700 to 720 deployed SLBMs, heavy bombers equipped with nuclear arms, and ICBMs. These limits, as the chairman of the Foreign Relations Committee has just said, were agreed upon only after careful analysis by the U.S. military leadership, particularly General Chilton who is the commander of our U.S. Strategic Command and the man responsible for these strategic systems.

Senator KERRY has quoted General Chilton. I want to add one additional quote of his which he testified to before the Armed Services Committee on July 20 of this year. General Chilton stated that the force levels in the treaty meet the current guidance for deterrence for the United States. By the way, that guidance was laid out by President George W. Bush.

The options we provided in this process focused on ensuring America's ability to continue to deter potential adversaries, assure our allies, and sustain strategic stability for as long as nuclear weapons exist. This rigorous approach, rooted in deterrence strategy and assessment of potential adversary capabilities—

Here are the key words—supports both the agreed-upon limits in the new START and recommendations in the Nuclear Posture Review (NPR).

So General Chilton is on record in a number of places very precisely and specifically saying that the options which were provided, including the one which was adopted here, rooted in the

strategy, rooted in the provisions, the guidance as laid out by President Bush, support the agreed upon limits in the START treaty. I don't know how much more precise and I don't know how much more significant you can get with the words of the commander who is in charge of these weapons.

The 1251 report, the report says up to those numbers. It is not specifically committed to those numbers. The important thing about the report is not just that it says up to in I think at least two of the three cases it also says it is important that we remain flexible as to this number.

So the 700 force structure that is in the treaty would retain the nuclear triad, retains all three delivery legs, bombers, SLBMs, and ICBMs. On that point General Chilton said we are going to retain the vital nuclear delivery systems, and if there is a failure technically in one of the nuclear systems, we can rearrange our deployed force structure and treaty limits to compensate.

Some have said the United States will have to make significant reductions to reach the 700 level and the Russians will have to make none. According to General Chilton, this argument is a distraction. What he said is that the "new START limits"—in his words, the "new START limits the number of Russian ballistic missile warheads that can target the United States, missiles that pose the most prompt threat to our forces and our Nation. Regardless of whether Russia would have kept its missile force levels within those limits without a new START treaty, upon ratification they would now be required to do so." And that certainly is very important to our Strategic Commander, General Chilton, because he said:

The constraints of the treaty actually do constrain Russia with regard to deployed launchers and deployed strategic weapons, and that is an important element as well. Without that they are unconstrained.

He explained that the limits were important because without those limits

There would be no constraints placed upon the Russian Federation as the number of strategic delivery systems or warheads they could deploy. And I think it is important for the United States—

he concluded

that there be limits there, limits that we would also be bound by, obviously.

General Chilton is not only comfortable with the limits in this treaty, it was his analysis that formed the underpinning for the 700 limit. He doesn't need the strategic, the additional 20 strategic nuclear delivery systems to maintain our strong deterrence, and other than to kill this treaty there is no reason to add these 20 additional systems. We should respect General Chilton's judgment that the United States can maintain an effective deterrent and that such a change would kill this treaty.

I yield the floor and I thank the Chair.

Mr. INHOFE. Madam President, I do want to be recognized for the purpose of further explaining my amendment No. 4833 and also to respond to the Senator from Massachusetts. Before doing that I would ask if the Senator from South Dakota has any responses he wishes to make at this time, and then I wish to keep the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from South Dakota.

Mr. THUNE. I thank the Senator for giving me the opportunity to respond, if I might, to some of these issues.

One of the issues General Chilton, the Stratcom commander, I think testified to was an assumption there would be nobody cheating. As I said before, history is replete with examples of the Russians cheating on these agreements. And furthermore, what they agreed to was not—the treaty is 700, but what General Chilton and the nuclear force structure plan would call for is 720. It is 240 submarine-launched ballistic missiles, up to 420 ICBMs, and up to 60 bombers. Again that adds up to 720. All this amendment does is simply make consistent what the nuclear force structure plan as outlined by General Chilton and others would be with what the treaty requirements would be as well.

Again I want to make one point about this. I said this earlier but we have 856 launch vehicles, delivery vehicles in our arsenal today. The treaty calls for 700 so we are making a 156-delivery vehicle reduction to get down to the 700 number. The Russians today at 620 in effect are already below the 700 number and they are headed down even lower to somewhere in the 400 range. So we have made a significant concession with respect for delivery vehicles at no cost whatsoever to the Russians. I would point out also that the concern I have, as I said before, in taking a 720 number and reducing it to 700 assumes again that even if you keep 240 submarine-launched ballistic missile delivery vehicles, assume that, and if you assume 420 ICBMs, you would have to reduce the bomber inventory down to 40 to get under the 700 level.

I think most people understand it is the bombers, the heavy bombers that have given us the extended deterrence. They are visible, they are recallable, they are psychological, they are political. You put them into a theater, they loiter, they persist, and that is a powerful deterrent to those who would like to proliferate nuclear weapons. If we take our bomber fleet and we reduce down to the limits that would be talked about under this treaty, we are putting at great risk the triad. A lot of these bombers need to be updated and they are getting older. We need a next generation bomber which I think is going to be critical that that also be a nuclear bomber. But I think it is important to point out that this particular treaty relative to where we are today and to what our needs could be in the future, particularly as it per-

tains to bombers, the need for extended deterrence, we are reducing to a level that I think makes many of us uncomfortable and gets below the number that was prescribed in the nuclear force structure plan as had been outlined. The 720 as opposed to 700—the 700 number is well below where I think we need to be and does put in peril the triad which has served us well for a long period of time. In fact, in the early stage of the Cold War it was the heavy bombers that provided the bulk of the work. When we developed the ICBM, and SLBMs, now some of the bombers have been converted to conventional use and they have been doing a great job in that mission as well. But if we are going to have extended deterrence in the future we are going to have to have a very robust nuclear fleet that is nuclear capable, and a 700 number puts that in great jeopardy.

With that, I yield back to the Senator.

Mr. LEVIN. Will the Senator yield for one question before he yields the floor?

The PRESIDING OFFICER. The Senator from Michigan.

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

Is it not true that the 1251 report says that the numbers which they talk about are up-to numbers, in the case of both ICBMs and the nuclear bombers?

Mr. THUNE. Madam President, it is my understanding that is correct; it is up to the 240 SLBMs, up to 420 ICBMs, and up to 60 bombers.

Mr. LEVIN. So the 720 is not proscribed by the 1251 report. Thus the total of the three numbers, two of which are up-to numbers, is that correct?

Mr. THUNE. Madam President, to answer the question of the Senator from Michigan, that I believe to be the case. It is not proscriptive. All I am simply saying is if you make an assumption that you are going to take the additional 20 delivery vehicles out of the bomber fleet, you would take it from 60 down to 40 at a time when we have about almost 120 bombers in our inventory. That is a significant reduction in our ability to provide extended deterrence, and the bombers are the best form of extended deterrence.

Mr. LEVIN. I thank the Senator and I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my intention now—I made my presentation earlier on and a similar presentation yesterday and the Senator from Massachusetts responded. I wish to respond to his responses to clarify some of the things that might be a little unclear.

First of all, the Senator from Massachusetts said every Senator on our side and, most importantly, the unbelievably experienced negotiators who put this treaty together, have made a lifetime of trying to understand these kinds of relationships and the ways in which you adequately verify, and they

wanted to expand, which I appreciated, how qualified these people were, but here is the problem we have and I think it was articulated by the Senator from South Dakota. We have a constitutional responsibility. We take an oath of office to support the Constitution, and one of the things it is up to us—not to anybody but us—to provide for common defense. Article II, section 2 of the Constitution specifically gives us not just the right but the obligation for advice and consent, and quite often we talk about all these smart people who have agreed with this. That leaves one group out. That is us. We happen to be the ones who are accountable to the people through our election.

The Senator from Massachusetts also said that the treaty itself, talking about the amendment, my amendment, he said he opposes an amendment to the treaty itself which we all understand now after two votes that it would kill the treaty, essentially saying that if you amend the treaty it is dead.

I think we need to stop and reevaluate what our obligation is, not just the constitutional obligation, as the CRS has outlined in a study of the role of the Senate in the treaty process. Amendments are proposed changes in the actual text of the treaty. They amount therefore to Senate counteroffers that alter the original deal agreed upon by the United States and the other country.

If the Senate gives its consent to New START with amendments to the text, the treaty is sent to Russia for its approval with the amendments. Both the Russian Duma and the United States Senate have a constitutional right to change portions of this treaty and it is up to them to do. So this reinserts it back into the process. I feel that is exactly what our Founding Fathers wanted us to be doing in these treaties and that is what we are trying to do.

The third thing that was stated by the Senator from Massachusetts is, he was talking about the concept of the type one inspections and the type two inspections as a new one. Well, it is a new process because type two inspections are inspections on formerly declared facilities. Obviously in the START I treaty we didn't have formally declared facilities. They came as a result of the first treaty. Type one refers to inspections of ICBM bases, submarine bases, and air bases to confirm the accuracy of declared data on the number and types of deployed and nondeployed warheads located on ICBMs, SLBMs, and heavy bombers. So I would say that type two inspections weren't even addressed in the first treaty.

The Senator also said we said we ought to send this back "but it doesn't rise to that level in my judgment." Now he talks about the level of significance. All these amendments are significant. Each one of us who is an author has a little bit of bias because we have studied a little bit more in our

particular area. I can't think of anything that is more significant than verification. The interesting thing that was brought out by the Senator from North Dakota was General Chilton's support. I am reading from the report right now. It says General Chilton's support for the New START level was predicated on no Russian cheating or changes in the geopolitical environment.

Well, historically they have been cheating on everything. Let me go ahead and reread what I said before. We had the meeting, the convention in 2005, and then again 5 years later in 2010, came out in May or June of this year, and in that one, talking about the biological weapons convention in 2005, the State Department concluded that Russia maintains a mature offensive biological weapons program and that its nature and status have not changed. That is what they said in 2005. Now 5 years later the new report came out and the State Department report states the Russian confidence-building measures since 1992 have not satisfactorily documented whether its biological program was terminated. Therefore, they are saying the same thing 5 years later, so they lied 5 years ago and it appears that they have not done—or they cheated, I should say.

Chemical weapons the same thing.

In 2005, the State Department assessed that:

Russia is in violation of its Chemical Weapons Convention obligations because its declaration was incomplete with respect to declaration of production and development facilities.

Then, in 2010, 5 years later, the State Department again stated there was an absence of additional information from Russia, resulting in the United States being unable to ascertain whether Russia has declared all of its chemical weapons stockpile and all of its chemical weapons development facilities.

If we are predicating all that on General Chilton, who said cheating has all of a sudden miraculously stopped, this is a great reform measure, and I would like to see the evidence of it before we assume that is the case.

The Senator from Massachusetts also stated people responsible for verification of this treaty would never have been sent to the United States. This treaty would never have been sent to the United States if the treaty did not have adequate verification measures. So it talks about all these verification measures.

Then he says: It is the judgment of our military, our State Department, and our intelligence community that these measures are adequate.

That may be true with those who are currently answering to our President who strongly support this treaty. But if we look at the State Department and the military and the intelligence of the past, those people who have commented, James Baker, as I recall, Secretary of State, summarized that the New START verification regime is

"weaker than its predecessor," testifying to Congress in May of this year. I happen to have been there. He said the New START verification program:

... does not appear as rigorous or extensive as the one that verified the numerous and diverse treaty obligations and prohibitions under START I. This complex part of the treaty is even more crucial when fewer deployed nuclear warheads are allowed than were allowed in the past.

Insofar as the military is concerned, Richard Perle, former Assistant Secretary of Defense in the Reagan administration, stated on December 2, a few days ago, that:

New START has a very weak verification regime, one that establishes a dangerous precedent and lowers our standards for verification.

Here is the military weighing in.

He goes on to say that:

New START's verification provisions would provide little or no help in detecting illegal activity at locations the Russians did not declare, are off limits to U.S. inspectors, or are hidden from U.S. satellites.

James Woolsey—when we talk about intelligence, I have a bias because James Woolsey is from Oklahoma. He was the Director of Central Intelligence from 1993 to 1995. He was adviser to the SALT I negotiations up through 1970, a delegate at large to the START and defense and space negotiations.

He stated, on November 15, that under this treaty, unlike the original START treaty, Russia is free to encrypt telemetry from missile tests, making it harder for us to know what new capabilities it is developing. There is no longer the requirement for permanent onsite monitoring of Russia's primary missile production facility, which under old START helped us keep track of new mobile missiles entering the Soviet force.

He goes on and on. That is agreed with by Paula DeSutter, former Assistant Secretary for Verification, Compliance, and Implementation at the U.S. State Department, who pointed out on July 12 that New START has glaring holes in its verification regime. New START is "much less verifiable than the original START."

I only say this because my friend from Massachusetts talked about the military, the State Department, and the intelligence community. One thing that is ingrained in our system is that we have a President who is Commander in Chief. He has a lot of influence over the State Department and the military. We have heard some very well respected people along those lines.

One of the arguments or rebuttals the Senator from Massachusetts had against my opening statement yesterday was that we have fewer sites now than during the development of the START I treaty. This is true. We do have fewer sites. An argument can be made—and most people agree with the fact—that if you have fewer sites, you need more inspections.

Former Under Secretary of State for Arms Control and International Security John Bolton stated, on May 3, that

“while [verification] is important in any arms-control treaty, verification becomes even more important at lower warhead levels.”

Brent Scowcroft and Arnold Kanter weighed in on the same thing in a joint statement:

Current force levels provide a kind of buffer because they are high enough to be relatively insensitive to imperfect intelligence and modest force changes. . . . As force levels go down, the balance of nuclear power can become increasingly delicate and vulnerable to cheating on arms control limits, concerns about “hidden” missiles, and the actions of nuclear third parties.

In May of this year, in front of the Foreign Relations Committee, former Secretary of State James Baker summarized that the New START verification regime is weaker than its predecessor, testifying to Congress that the New START verification program “does not appear as rigorous or extensive as the one that verified the numerous and diverse treaty obligations. . . .”

He goes on to say it is more significant as you reduce your number of inspected facilities.

Further, the Senator from Massachusetts responded to me by saying they are going to demand the same number of inspections of our military bases, and we would have to be prepared to host them three times more in inspections. That is true. This is bilateral. Everything we are asking them to do, we to have to do too. I like that idea. He went on to talk about the inconvenience, but my amendment applies to both the United States and to Russia. My amendment increases inspections for both sides, which will improve confidence, trust, and transparency. More importantly, it improves our ability to catch the Russians cheating and deter Russian cheating. I am fully aware we have to do the same thing the Russians have to do.

Furthermore, it was stated by the Senator from Massachusetts, in his response to my statement:

So I think it's one thing to ask our strategic nuclear forces to do that ten times a year, or less than once a month. It's another thing for them to be waiting for 30 inspections a year. We have 2 submarine bases, 3 bomber bases, and 3 ICBM bases.

I might add, Russia has 3 submarine bases, 3 bomber bases and 12 ICBM bases. So we are actually not on parity there.

Quoting from a letter Secretary Gates sent this summer about whether the Russians would cheat on this treaty in a manner that would be militarily significant, he said:

The chairman of the Joint Chiefs of Staff, the Joint Chiefs commander, and the U.S. strategic command and I assess that Russia will not be able to achieve militarily significant cheating or breakout.

In other words, they are not going to cheat. This is this conversion I guess they have had.

Mr. KERRY. Madam President, would the Senator yield for a moment?

Mr. INHOFE. Just for a moment, for a question.

Mr. KERRY. I just want to be clear. The Senator read my words accurately, which were the quote of the general who said “militarily significant.” I don't think he said that.

Mr. INHOFE. I didn't hear the Senator.

Mr. KERRY. With respect to the issue of cheating, what he said was he didn't think there would be anything militarily significant. Again, this is material we could go into, which we will probably, in the classified session. But I just want that distinction to be clear.

Mr. INHOFE. I thought that is exactly what I said. I apologize for the misunderstanding.

Further, the Senator from Massachusetts made the statement that:

Our analysis of the N.I.E. and the potential for Russian cheating or breakout confirms that the treaty's verification regime is effective.

I have to always be a little suspect of what comes out of the N.I.E. I think all of us are. We don't take it as gospel. This is actually a true story. Back in the Clinton administration, it was August 24, 1998, I asked the question: How long will it be until North Korea has a multistage rocket? The response that came back in August of 1998 was 5 to 10 years. Seven days later, on August 31 of 1998, they fired a three-stage rocket.

I think we need to look at some of the intelligence estimates. They have been wrong in the past. When you are talking about something as significant as the issue we are talking about here, about the threat that is out there, then we have to be right.

Then, the Senator from Massachusetts quoted Condoleezza Rice. I actually agree with her. She said:

The new start treaty helpfully reinstates on-site verification of Russian nuclear forces which lapsed with the expiration of the original start treaty last year. Meaningful verification was a significant achievement of Presidents Reagan and George H.W. Bush and its reinstatement is crucial.

I agree with that. Obviously, she is not saying she supports this. She is saying she supports some kind of a verification. There is none today, so anything is better than nothing. I think that is what she is saying. She also agreed, in her next statement in the Wall Street Journal of December 7:

Still, there are legitimate concerns about New Start that must and can be addressed in the ratification process. . . .

Implying that there is nothing wrong with having amendments.

Lastly, one of the statements the Senator from Massachusetts made in response to my comments was:

Finally, I'd like to point out that we addressed the importance of this verification question in condition of the resolution of ratification. That condition requires that before New START can enter into force and every year thereafter, the President has to certify to the Senate that our national technical means, in conjunction with the verification activities provided for in the New START treaty, are sufficient to ensure the effective monitoring of Russian compliance

with the provisions of the New START treaty and timely warning of Russian preparation.

Here is the problem I have with that. The President can only certify what he knows. Our intelligence experts are telling him what they are seeing in Russia. This amendment provides that the President will have more information. I would think, if that is the concern, we would want to give the President more information.

Lastly, I see the Senator from Arizona is here, and I know he wants to be heard. Let me mention one last thing my good friend, the Senator from Massachusetts, stated. He was talking about the fact that these are killer amendments. I think it is worth restating what we said before.

The CRS has outlined in its study on the role of the Senate in the treaty process:

Amendments are proposed changes in the actual text of the treaty. [They] amount, therefore, to Senate counteroffers that alter the original deal agreed to by the United States and the other country.

If the Senate gives its consent to New START with amendments to the text, the treaty is sent to Russia for its approval with an amendment. That means we go back and forth and hopefully come out with a treaty that would be workable.

According to the 2005 and 2010 State Department reports on arms compliance, Russia has a bad habit of cheating on these agreements. In fact, I think we have covered that adequately at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I wish to talk about both the Thune amendment and the Inhofe amendment. With respect to the Inhofe amendment on verification, we are going to go into executive session of the Senate at 2 o'clock this afternoon, where there will be an opportunity for all Senators to examine classified materials that have been presented by our intelligence agencies, some of which relate specifically to the treaty and, in particular, the verification provisions in the treaty. It is too bad it is not possible for us to discuss with very much specificity the nature of the intelligence we will be discussing, but I will say I think it is a good thing we will be voting on the Inhofe amendment following that session, because a lot of the material we are going to be exposed to in executive session relates to the verification provisions of this treaty and past experience with verification.

That is about all I wish to say right now, except that I hope colleagues would attend that session because their vote on the Inhofe amendment would at least be partially predicated on their being briefed in that executive session.

With respect to the Thune amendment, I very much support it as well. The reason is because the whole point of this treaty was to reduce the nuclear

warheads and the delivery vehicles of the Russian Federation and the United States. That is the essence of the treaty. There is a lot more to it, but it reduces to 1,550 the actual warheads and reduces to 700 the delivery vehicles. There is a special definition or counting rule of those delivery vehicles that we don't need to get into here, but the reality is, it is 700 deployed delivery vehicles, with another 100 that could theoretically be deployed at a later date.

But 700 is the number. That is important for a couple of reasons. As we have talked about before, the Russians will actually have room to build up. There are a lot of different estimates over the number of delivery vehicles they are planning on having. But because missiles and bombers and submarines are expensive, the Russians could be well below that number in a few years. So that number does not help the United States at all. The Russians are already below it by at least—well, over 100—and they will be going lower than that.

One unfortunate consequence of that is they are MIRVing their ICBM delivery vehicles in a way that, obviously, is going to be much more destabilizing. Throughout the Cold War, both sides developed missiles that allowed them to put more than one warhead on top of a missile. The problem is, that is very destabilizing in a potential nuclear conflict because of the notion that you lose it if you do not use it.

So it was an incentive for either side to launch their missiles before the other side could attack them and destroy them. If you hit one missile silo and that missile in the silo has 8 warheads on it or 10 warheads on it, you have killed 10 warheads, not just one. Those warheads—the way they work is, when the missile gets up to the top of its apogee, those warheads are splayed out, and each one has a different trajectory down to potentially 8 or 10 different targets. So they are very destabilizing. The incentive is for the person doing the first strike to kill them all so the other side does not have that capability coming back at you.

Well, both the United States and the then-Soviet Union recognized how destabilizing this was and moved toward a single warhead per missile, which is much less destabilizing, obviously. Since one of the benefits of this treaty is allegedly the stability that comes from it, one is very troubled by the idea that, unfortunately, that is not the way it works. The treaty is much more destabilizing, not stabilizing, because of this incentive for the Russians to put more than one warhead on each missile. The United States, by contrast, is limiting our missiles to one warhead apiece. In a way, that puts us at a big disadvantage.

Another way it puts us at a disadvantage is we are above the 700, and we are going to have to retire a lot of our delivery vehicles to get down to 700. So the treaty is not symmetrical in this regard. They could actually build up to 700. We will have to bring down to 700.

It is also not symmetrical because our obligations around the world are much more diverse than are Russia's obligations. Russia will be defending Russia. The United States has an understanding with 31 other countries that our nuclear umbrella is available to them for their nuclear deterrence as well. So this requires a more sophisticated defense plan on our part as to how we would deliver various warheads to what targets, and it essentially expands the number of weapons we need.

So it is a big deal to get down to the number of 700. As Senator THUNE has noted—and I will not repeat this—before the treaty was negotiated, a lot of our military people were testifying to various numbers that, obviously, led to the conclusion that 700 was way too low. Dr. Schlesinger has, for example, said that 700 might be barely enough.

The problem is, that, A, we are even going to go below 700 if we proceed with something the administration wants to do, many of us here want to do; that is, to develop what is called a conventional Prompt Global Strike. A conventional Prompt Global Strike is using an ICBM but with a conventional warhead on it, not a nuclear warhead, to strike at a target of potentially a rogue nation or some terrorist group or someplace where you have actionable intelligence that is of very short life. You want to destroy a target. You obviously do not want to use a nuclear warhead. But you want to get there fast, and it is a long way away. So you might need to use, essentially, the same kind of missile you would use to deliver a nuclear warhead.

Well, the Russians did not like that, so they said: If you do any of those, you are going to have to count them against your nuclear delivery limit. So if we did 25 of those, let's say, then instead of 700 vehicles to deliver nuclear weapons, we would only have 675. That is why the Thune amendment talks about going back up to 730, which, without getting into classified material, I believe represents a number that more closely approximates what people think is going to be necessary for the United States on into the future.

The other thing that is troubling about it is, the administration has yet to commit to a full triad nuclear capable. Even though they have said they are fully committed to the triad, which means bombers, submarines, and ICBMs, they have not been willing to say the new bombers we build will be nuclear capable or will have cruise missiles that can deliver a nuclear warhead.

So while they say "triad," they are not willing to commit to anything but a diad. The problem with that is, there is much less stability and capability if you only have two ways of delivering your nuclear weapons. If there is something wrong with your ICBM force—remember, about 2 months ago, the power went out in several States, and our ICBMs were actually down for—I have forgotten what it was—an hour

and a half or something like that because they did not have any electrical power.

Well, obviously, nothing happened during that period of time. But a single point of failure is never desirable in the military context, where if one thing goes wrong, a lot of weapons or capability is taken off the table. The problem is, if you get down to just two ways of delivering these weapons, rather than the three we have today, you are going to be much less capable. Your deterrent is not going to deter as much. That is what Senator THUNE is trying to get at.

Let's at least modestly increase the number of delivery vehicles we have. It is a modest amendment. It is an appropriate amendment. Yet as we have just seen from Reuters today—something we already knew but the latest iteration of it—"Russia warns U.S. not to change nuclear pact." In effect, what they are saying is, the Senate can debate all it wants to, but if it makes one change, changes one comma, one thing is different in the treaty, well, then what? Then, as my colleague, Senator KERRY, said, we would have to see if the Russians were willing to agree to it. Otherwise, they would have to renegotiate at least that part of the treaty.

Well, what is wrong with that? Unless you think the U.S. Constitution was stupid to give the Senate a role in this, it does not seem to me there is anything wrong with the Senate saying: You got about nine-tenths of it just fine, President Obama and President Medvedev, your negotiators. These negotiators are good, smart people and they are dedicated public servants, but they are not necessarily the last word. The Senate is the last word, according to our Constitution. We gave our advice. The administration did not take our advice in two specific ways, but yet they expect us to give them their consent to the treaty.

The reality is, the Senate should not be a rubberstamp. In the first START treaty, we said: You have not dealt with a subject here that needs to be dealt with—the potential for Russian submarine-launched cruise nuclear weapons. We need to have a side agreement on that. It did not blow up START. We did a side agreement. The world did not end when the Senate said no to the Comprehensive Test Ban Treaty. The predictions were that this was going to destroy our relations with Russia forever. It did not. Here we are today now told again: If you change one thing in this treaty, then Russia will not go along with it and our relationship could deteriorate significantly.

Well, if our relationship depends upon ratification of the treaty exactly like it is, then it is a lot weaker than the President and Vice President are making it out to be when they talk about this wonderful new reset relationship. Surely, it could stand the Senate making a modest change to the

treaty. If it cannot, then I do not buy the argument that this is a wonderful reset relationship.

So for my colleagues who say: We will not abide by any amendments to the treaty, I say: Well, then, you have just said the Senate is irrelevant in the treaty process. We might as well forget about having the Senate consider these treaties in the first place.

Senator THUNE and Senator INHOFE have good amendments. I am looking forward to supporting both of them when we return from our closed session this afternoon. I urge my colleagues to do the same.

Mr. THUNE. Madam President, will the Senator yield for a question?

Mr. KYL. I would be happy to yield for a question.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. The Senator from Arizona made some good points, I think, about the importance of the triad in maintaining our nuclear capability and deterrence.

I am interested in knowing if the Senator is aware that even if you assume the numbers that are in the 1251 report that would take the number of bombers down to 60—and it is up to 60, but the treaty calls for 700 delivery vehicles, which, if you took that out of bombers, would take you down to 40—that even taking it to 60 would cut in half the number of nuclear bombers.

Is the Senator also aware bombers are the best vehicle to enforce extended deterrence? The ICBMs, the missiles we have, our adversaries sometimes cannot see those. A bomber is visible. A bomber can be sent into theater. It has an impact, a psychological impact, a political impact. It is recallable. It is something that can be out there that makes those who would proliferate nuclear weapons even more concerned about the capability we have to respond.

The importance of maintaining that leg of the triad is, in this Senator's judgment, critical. It sounds like, from what the Senator is saying, he understands that as well.

I want to know if the Senator is aware that the limits that are imposed not only in the 1251 report but, more important, in the treaty would significantly reduce the number of nuclear bombers we have at our disposal today.

Mr. KYL. Madam President, I say to Senator THUNE, I was not aware it would be cut in half. I was aware it would be drastically reduced. That is a huge reduction, especially if the administration is unwilling to commit that we are even going to have a nuclear-capable bomber force in the next generation of our triad. They have been willing to say we have a great triad today. That is true as far as it goes. But part of that triad on the bomber force, for example, are B-52s that were designed—when—back in the 1950s and built in the 1960s and 1970s.

We have to replace all three legs of our triad. The decision has been made

on the submarine. That is a good thing. But the decisions have not yet been made on the ICBM or on the bomber force.

One of our concerns about modernization is that modernization of the nuclear warheads is fine—I mean, it is necessary. But if we do not also modernize the method by which we deliver those warheads, then modernizing our warheads is of little significance.

The final point to Senator THUNE's question, of course, is that other countries, including Russia and China, are all modernizing both their warheads and their delivery vehicles. So the United States does not want to get caught in the position where we are down to very few workable weapons, especially the bomber force, which, as the Senator noted, can also be called back, unlike the missiles that are launched either from ground or from submarine. Once they are launched, they are launched. At least a bomber can be called back.

Mr. THUNE. I guess the concern and observation the Senator raised I would make as well. With regard to a follow-on bomber, a next-generation bomber, much of our bomber fleet today—47 percent of it is pre-Cuban missile era. So they are older. They need to be replaced. We need a next-generation bomber. The question the Senator raised about the ambiguity coming out of whether a next-generation bomber would, in fact, be nuclear is a real concern because that would put at risk the existence of the triad, which I think allows us to maintain the flexibility, the versatility we have today in terms of nuclear deterrence.

So I would echo what the Senator from Arizona has voiced as a concern about this discussion of a next-generation bomber and whether, one, it will be done, and, two, it will be a nuclear bomber.

Mr. KYL. I will conclude by saying, I hope we have at least a short moment or period of debate following the closed session so both Senator THUNE and Senator INHOFE can make a brief closing argument to remind our colleagues about what the debate has been all about. I regret more of our colleagues were not on the floor to hear the debate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, of course, we will accommodate, hopefully, some brief statements prior to the votes, and I am confident we can agree on some reasonable period, hopefully, not more than 5 minutes or something like that, to summarize.

But let me say to my friend from Arizona, because I heard him saying fairly passionately: What is the point of having the Senate involved if it cannot advise and consent and cannot amend the treaty, none of us on our side are arguing we should not have that right, that we do not have that right, that this is not a worthy debate, and that we should not debate a legitimate attempt

to amend the treaty. That is not what we are saying. In fact, if I thought it was a flawed treaty and if I thought there were enormous gaps in it, I would try to amend the treaty, I am sure. I think if that were true, we wouldn't have had a 60-to-30 vote against doing it yesterday. Sixty Senators made the judgment that we don't want to; we don't think it rises to that level.

I would simply say to my colleague, it is not that the amendment—that we shouldn't have the debate and that somehow not doing this now rejects the notion that we are capable of doing it; it is that we don't think it is a good amendment. We don't think the amendment rises to the level where it raises an issue that it merits sending the treaty back to the Russians.

So we will retain that right—and I will protect that as long as I am a Senator—to give that proper advice and consent. But I believe we gave the proper advice and consent and we rejected an amendment, as I hope we will reject these other two amendments, and I will further the arguments with respect to that later.

I think the Senator from Pennsylvania is waiting for time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. KERRY. Madam President, I ask the indulgence of the Senator from Pennsylvania for a moment. Let me also reiterate I don't know where this constant questioning of the triad keeps coming from, because the Secretary of Defense, in testimony as well as in letters, not to mention the Defense Department through the Joint Chiefs and then others, have repeatedly stated their commitment to a viable, forward-going triad. The triad is not in question here. There will be a triad, we are committed to the triad, and I will have something more to say about that later.

I yield the floor, and I thank my colleague.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

Mr. CASEY. Mr. President, I rise to speak about two or three topics in this debate on the START treaty, but first and foremost, one that speaks directly to the amendment that is pending. That is the question of verification—the ability for the United States to verify by way of inspection and other means what the Russian Federation has in terms of its nuclear weapons.

First of all, I would say as a foundational principle in this debate, nothing in this treaty will in any way compromise the safety, security, effectiveness, and reliability of our nuclear arsenal. That is critical to make that point, and I think the American people understand that. But as the American people are listening to this debate

about verification, I think it is important to outline the distinctions between the amendment and I think what is, in fact, the case in the treaty.

The treaty itself allows each party up to 18 short-notice, on-site inspections, and that is each year, with up to 10 so-called type one inspections conducted at operating bases for ICBMs, strategic nuclear-powered ballistic missiles, submarines, and finally nuclear-capable heavy bombers. So that is the type one inspections, up to 18 of those, which are short-notice inspections. Secondly, under the type two inspections, these are conducted in places such as storage sites, test ranges, formerly declared facilities, and conversion or elimination facilities.

Some have asked whether we lose any valuable elements of the original START agreement's inspection regime. The Under Secretary of Defense for Policy James Miller replied to that question, a similar question I posed during the Senate Foreign Relations Committee hearing on the verification of the New START treaty. It was a hearing I chaired. He said that under New START, we will conduct, as I said a moment ago, 18 inspections per year for 35 sites; so 18 inspections, 35 Russian sites. Under START I, there were 28 inspections for 70 Russian facilities. We are going from a verification regime where there are 28 inspections for 70 sites to one that goes to 18 inspections for 35 sites. The ratio is actually better under this treaty in terms of the numbers of inspections and sites.

Mr. Miller, Under Secretary of Defense Miller, said that the ratio of inspections to facilities "is improved under the New START treaty relative to the original START treaty." That is Under Secretary of State Miller. That is not my words but his.

ADM Mike Mullen, Chairman of our Joint Chiefs of Staff, reiterated this point on March 26 of 2010 when he said that the New START "features a much more effective transparent verification method that demands quicker data exchanges and notifications."

In addition, this does not take into account that some of the inspections under the New START treaty allow us to do two inspections at once, unlike the first START treaty. I would also say the inspection regime we have in place under this treaty has also been changed to reflect the current security environment, an enhanced relationship with the Russian Federation and more than a decade of our experience in conducting inspections. The New START inspection regime is simpler and cheaper than that which was conducted under the original START treaty. We conduct fewer overall inspections under this new treaty because there are, in fact, fewer sites in Russia to inspect, and we have gotten better at inspecting in the years since this has transpired.

I would also say we are standing here today on December 20 of 2010, 380 days

without inspectors on the ground in Russia. That is one of the reasons why I say ratification of this New START treaty makes us safer than not ratifying this treaty; in fact, makes us less safer. One of the reasons for that—not the only reason, but one of the reasons—is that 380 days have passed without inspectors on the ground. This is, in a word, unacceptable to our national security. I think the American people believe that as well.

We need to vote on this treaty. While I and many of our colleagues who have worked on this believe there is a sense of urgency, we also believe the views of the other side of the aisle have been engaged in a serious debate. We have had day after day now of debate on the floor. Of course, all of the debate here now and last week—almost a full week now—all of that was preceded by months and months of work on the Foreign Relations Committee, the Intelligence Committee, and other parts of the Senate.

This is not new. The President made an agreement back in the spring of this year. We passed this treaty out of our committee back in the fall. We have had a lot of work. More than 900 questions have been asked of the administration and more than 900 questions have been answered by the administration; something like 20 separate hearings among several committees. We have had a lot of time and a lot of work put into this. The pace of this, in my judgment, has not been too fast, but it has been done with a sense of urgency to finally—after all of these months of work, all of these months of debate, all of these months of hearings, we are at a point now where we can ratify this treaty. I think in the end there is going to be bipartisan and broad support for ratification and we look forward to that vote.

My decision to support the New START treaty came after informed study of this issue as a member of the Foreign Relations Committee, and it is based, in large part, on relying upon and asking questions of folks such as Admiral Mullen, to name one—someone who has spent years in the service of this country, concerned about and doing something about the defense and the security of this country. So often we hear in this Chamber we should respect the opinions of commanders on the ground, and we should. We have heard that in the context of the war in Iraq, and we continue to hear it in the context of the war in Afghanistan. We should respect and take into consideration the determinations and judgments made by commanders on the ground, those who have direct experience with military questions and, in this case, have direct experience with the defense of our country.

I think when it comes to the New START treaty, we should apply the same rule as well when it comes to Admiral Mullen or any other military leader who has an opinion about this treaty. The commanders on the ground

as it relates to this treaty have spoken and they have done so without equivocation and, I would argue, unambiguously. On this vital treaty and on this national security issue, they have spoken with one voice: We need to take action to secure our country and we need to take action to defend our country. We need to make sure we are taking actions that will result in a nuclear arsenal that will be safe, secure, effective, and reliable, and one of the steps to get there is to make sure we ratify this treaty.

Let me move to one other topic. I know we have colleagues here who wish to speak. Let me ask how much time I have remaining.

THE PRESIDING OFFICER. The Senator has 7½ minutes remaining.

MR. CASEY. Thank you. I wish to speak about missile defense and I may be able to do it within that time or less. First of all, I wish to commend the work by this administration for the letter that was sent recently that reiterated once again the commitment of the United States. I would argue that is an unwavering commitment to missile defense, consistent with the goal of having a nuclear arsenal and having defense for this country—but especially as it relates to the nuclear arsenal—that is safe, secure, effective, and reliable. This New START treaty does not place any constraints on our ability to defend ourselves. Over the past few days, this has been made clear by Chairman KERRY on the floor, making these strong arguments, as well as those made repeatedly by our uniformed military leadership.

Let me give some flavor of that by reading the following. This is a quotation from LTG Patrick O'Reilly who thinks the New START treaty could actually provide more flexibility in implementing our missile defense plans. He said:

The New START treaty reduces constraints on the development of the missile defense program in several areas. For example, MDA's intermediate-range LV-2 target booster system, used in key tests to demonstrate homeland defense capabilities and components of the new European Phased Adaptive Approach, was accountable under the previous START treaty, because it employed the first range of the now-retired Trident 1 SLBM. Under New START, this missile is not accountable, thus we will have greater flexibility in conducting testing with regard to launch locations, telemetry collection, and processing, thus allowing more efficient test architectures and operationally realistic intercept geometries.

That is a very technical summation by LTG Patrick O'Reilly. He is the Director of the Missile Defense Agency. He is not just making some casual observation in a think tank or even as a Member of Congress. We listen to a lot of voices here and many of them are respected voices. But I think when we are listening to the Missile Defense Agency Director, who is a lieutenant general, and he talks about this New START treaty providing more flexibility as it relates to missile defense, I think we should listen very carefully.

I know Republicans here in Washington have over many days now directly or indirectly tried to assert that this administration is not committed to missile defense. They are wrong. I think the record is very clear. The President made clear that this administration is inalterably committed—my words—to a missile defense that is effective. I would argue as well to a missile defense that ensures we have a safe, secure, effective, and reliable nuclear arsenal. It is also a missile defense that is capable of growing and adapting to threats posed by countries such as Iran.

I have heard a lot of folks here on both sides of the aisle stand up and make statements about the threat caused by Iran's nuclear program. We should listen to voices that are concerned about that in the context of making sure that this ratification is consistent with that, which it is. It is consistent with our efforts to ensure that Iran does not have that capability.

So what are these capabilities? Well, here is a quick summation.

We currently have 30 ground based interceptors at Fort Greely, AK, and Vandenberg Air Force Base in California defending the homeland. Defense Under Secretary Flournoy and General Cartwright have asserted that we will continue to improve and further augment these existing ground-based interceptor systems, noting that these "U.S. based defenses will be made more effective by the forward basing of a TPY-2 radar—which we plan by 2011."

In Europe, the United States has worked to defend our allies in NATO. The European Phased Adaptive Approach is a network of increasingly capable sensors and standard missile SM-3 interceptors that will provide a capacity to address near term threats, while also developing new technologies to combat future threats.

The first stage, to be completed in 2011, will deploy Aegis ships with SM-3 interceptors in Northern and Southern Europe to protect our troops and Allies from short-range medium regional ballistic missile threats.

The second phase, estimated to be operational by 2015, it will field upgraded sea- and land-based SM-3s in Southern and Central Europe to expand protection of the continent.

The third phase will introduce a more capable version of the SM-3 that is currently under development, which will provide full protection for our allies in Europe from short, medium, and intermediate range ballistic missiles by 2018.

The final phase, planned for 2020, it will field an even further improved SM-3 missile with anti-ICBM capabilities to augment current defense of the U.S. homeland from Iranian long-range missile threats.

So when you look at it from each of these three points of view—meaning the three phases—we are going to have in place a system that will defend our

homeland and will also help our European allies.

Let me conclude with one quotation. I mentioned Admiral Mullen, Chairman of the Joint Chiefs. This is what he said about the so-called phased adaptive approach:

The Joint Chiefs, combatant commanders and I also fully concur with the Phased Adaptive Approach as outlined in the Ballistic Missile Defense Review Report. As with the Nuclear Posture Review, the Joint Chiefs and combatant commanders were deeply involved throughout the review process.

So whether it is the Joint Chiefs, the combatant commanders, or other commentators, we are going to make sure that in the aftermath of the ratification of this treaty and consistent with and as part of and because of the ratification of this treaty, our missile defense will be as strong as it can be. And we are going to make sure that, without a doubt, we are going to protect the American people and take every step necessary to make sure our nuclear arsenal is safe, secure, effective, and reliable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I ask unanimous consent to speak for up to 10 minutes on the New START Treaty.

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

AMENDMENT NO. 4847

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and that amendment No. 4847 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. LEMIEUX), for himself and Mr. CHAMBLISS, proposes an amendment numbered 4847.

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

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

The amendment is as follows:

(Purpose: To amend the Treaty to require negotiations to address the disparity between tactical nuclear weapon stockpiles)

At the end of Article I of the New START Treaty, add the following:

3. The Parties shall enter into negotiations within one year of ratification of this Treaty to address the disparity between the non-strategic (tactical) nuclear weapons stockpiles of the Parties, in accordance with the September 1991 United States commitments under the Presidential Nuclear Initiatives and Russian Federation commitments made by President Gorbachev in October 1991 and reaffirmed by President Yeltsin in January 1992. The negotiations shall not include discussion of defensive missile systems.

Mr. LEMIEUX. Mr. President, I rise to offer an amendment to the New START Treaty—this important treaty that we are discussing between the

United States of America and Russia concerning strategic nuclear weapons.

I have a lot of concerns about this treaty. Many of those concerns have already been expressed by my colleagues. I have concerns about the verification procedures, that they are weakened from the previous START Treaty. I have concerns about the linkage of missile defense systems with strategic offensive weapons. Those concerns have been addressed as well, and I share them.

The biggest concern I have about this treaty is its failure to deal with what are called tactical nuclear weapons. Now, to those folks at home who may be listening to this, it is probably not readily apparent—it wasn't initially to me—the difference between what a strategic nuclear weapon is and a tactical nuclear weapon. A strategic nuclear weapon is usually considered to be a large vehicle, like an intercontinental ballistic missile, or ICBM. It travels over a very long range. These strategic nuclear weapons can also be delivered by a submarine or a long-range bomber. A tactical nuclear weapon is generally much smaller in size. It has a smaller range and has a delivery vehicle that may be on the back of a truck, for example.

In many ways, in the world we live in today, where we are not in the Cold War atmosphere with the former Soviet Union, the tactical nuclear weapon is of much more concern than the strategic. The great fear we all have is that one of these nuclear weapons would get into the hands of a terrorist. A tactical nuclear weapon, by its very nature, is portable, and it could be something that is even capable of being moved by one person or, as I said before, on the back of a truck.

Why this treaty doesn't deal with tactical nuclear weapons is beyond me. I realize in the past, when we were in the Cold War environment with the Soviet Union, we didn't deal with tactical nuclear weapons because we were concerned about these big missiles that could cross the ocean and strike our country. We were concerned about heavy bombers delivering missiles or bombs that would hit the homeland. That makes sense. But we are in a completely different environment now. While we should still be concerned with those strategic weapons, the tactical weapons are actually much more of a danger to us because they are the very weapons that could get into the hands of a rogue nation. Those are the very weapons that could get into the hands of a terrorist.

This treaty doesn't have anything to do with that. It doesn't address it at all. It would be as if we were going to enter into a treaty about guns, and we had a big negotiation in a treaty where we talked about long arms, shotguns, and rifles, but we failed to talk about pistols. It doesn't make any sense to me. It doesn't make any sense to me because these are the very weapons about which we should be the most