

letter urges him to hold firm to our commitment to basic health care for children, pregnant women, the elderly, and the disabled in this country. This letter supports a per capita cap approach to finding savings in the Medicaid Program.

Mr. President, I ask unanimous consent to have that letter printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(See exhibit 1)

Mrs. MURRAY. Mr. President, this letter shows unity and it demonstrates support for President Clinton in his negotiations on this vital matter. As you heard the eloquent Senator from West Virginia describe yesterday, sometimes we have to look beyond partisanship and do what needs doing as Americans. As you heard our respected colleague say, we need to look beyond partisanship, toward compromise if we want to succeed in creating a balanced budget.

This letter is partisan in that it is signed by all Democrats. But it is my feeling that as Americans every Member of the Senate should have an opportunity to endorse the position described in this document. As Americans we all must do our very best for our children in this Nation, and that is what this letter is about.

As the Senators from Nebraska and North Dakota discussed yesterday with the release of the Senate Democratic budget, we can balance the budget in 7 years using the most conservative CBO estimates without hurting our children.

This letter I hold in my hand reflects just one part of that commitment. I do not think my colleagues across the aisle are advocating the block grants so that we will intentionally hurt children in this country. I will simply tell you the reaction of people at the State and local level who actually provide Medicaid services to children is overwhelmingly negative.

They can see from the grassroots level what it will mean to design a Medicaid program, and they do not want drastic funding cuts, and they do not want a block grant, because it fundamentally will not work.

Groups representing almost every decisionmaker and provider in this country have come out against the Medicaid block grant proposal. The Conference of Mayors, the National Association of County Officials, the National Conference of State Legislatures, the Democratic Governors Association, the American Hospital Association, and most other medical provider organizations, and all child advocacy groups, all have rallied in opposition to this bad idea.

I heard yesterday from Mayor Norm Rice of Seattle and the Mayors Association, who are sending a letter of their own to the President. The block grant has been condemned by anyone who has thought about how it will affect this country's children and other

vulnerable populations. Tonight there will be a child within a few blocks from this building who will need the help of a caring health care professional, and Medicaid will pay for the care.

Marion Wright Edelman uses a phrase that sums up what we are talking about when it comes to Medicaid and children, "protection of last resort." We have to guarantee that protection. It is a moral commitment, and it is within our grasp. We can balance the budget but we can do it without giving in to mindless partisanship and we can do it without sacrificing our basic commitments.

#### EXHIBIT 1

U.S. SENATE,

Washington DC, December 13, 1995.

President WILLIAM J. CLINTON,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our strong support for the Medicaid per-capita cap structure in your seven-year budget. We have fought against Medicaid block grants and cuts in the Senate, and we are glad you acknowledge the importance of our position.

We support a balanced budget. We are glad you agree with us that we can balance the budget without undermining the health of children, pregnant women, the disabled, and the elderly.

The savings level of \$54 billion over seven years included in your budget will require rigorous efficiencies and economies in the program. However, after consulting with many Medicaid Directors and service providers across the country, we believe a reduction of this level is possible to achieve without dramatic limits on eligibility or cuts to essential services. States will need flexibility to achieve these savings, and you have taken steps toward granting it in your bill.

We were encouraged that your Medicaid proposal does not pit Medicaid populations against one another in a fight over a limited pot of federal resources.

We were further encouraged to hear Chief of Staff Panetta relay your commitment to veto any budget not containing a fundamental guarantee to Medicaid for eligible Americans.

We commend you on the courage you have exercised in making these commitments to Americans eligible for Medicaid. There is a bottom line when it comes to people's health; do not allow the current Congressional leadership to further reduce our commitment to Medicaid beneficiaries.

Your current proposal is fair and reasonable, and is consistent with what we have advocated on the Senate floor. We urge you in the strongest possible terms to hold fast to these commitments in further negotiations. We are prepared to offer any assistance you may need in this regard.

Sincerely,

Bob Graham; John Breaux; Jay Rockefeller; Herb Kohl; Patrick Leahy; Frank R. Lautenberg; Ted Kennedy; Tom Daschle; Patty Murray; Barbara Boxer; David Pryor; Barbara A. Mikulski; Max Baucus; Paul Simon; Kent Conrad; Wendell Ford; Harry Reid; Paul Wellstone; Richard H. Bryan; Ernest Hollings; Dianne Feinstein; Tom Harkin; Byron L. Dorgan; Chris Dodd; J. Bennett Johnston; Joe Lieberman; Paul Sarbanes; Carol Mosely-Braun; John Glenn; Jeff Bingaman; Carl Levin; Bill Bradley; John F. Kerry; Bob Kerrey; Joe Biden; Daniel K. Akaka; Dale Bumpers; Daniel Inouye; Chuck

Robb; J. James Exon; Howell Heflin; Claiborne Pell; Russ Feingold; Daniel P. Moynihan; Sam Nunn; Robert C. Byrd.

Mr. FEINGOLD addressed the Chair. The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

#### HEALTH CARE

Mr. FEINGOLD. Let me first of all express my appreciation to the Senator from Massachusetts and the Senator from West Virginia who just spoke about the advertisement that I also saw this morning with regard to Mrs. Clinton and her health care financing proposals as opposed to those of the leadership in the Congress of this session.

To suggest that the President's proposal last year was in any way the same in terms of cuts to Medicare and Medicaid is truly absurd. In fact, I want to emphasize that one of the very significant things that the President's plan would have done is provide for the first time a national home- and community-based long-term care program, to help people stay in the community, and I think save the country a lot of money in both the Medicare and Medicaid budget.

To suggest that somehow Mrs. Clinton's proposal was in any way, shape or form like what we are seeing today with the slash-and-burn approach to Medicaid and Medicare is, to me, very unfortunate and very distorting and, again, suggests that there is no limit in reference to the actual facts in these situations.

I don't know how the American people are supposed to know who to believe. That is the comment I get most often now at home. "Who do you believe?" And when you are willing to put an ad on the television that suggests that a program that was proposed by the President last year is essentially the same as the Medicare and Medicaid cuts proposed today, I just get the feeling that people will not have any idea who is telling the truth in Washington. I think we all suffer because of that.

#### CONFEREES HAVE FAILED TO PROTECT FREE SPEECH RIGHTS OF INTERNET USERS

Mr. FEINGOLD. Mr. President, on another matter, 2 weeks ago I came to the Senate floor to urge my colleagues who are telecommunications conferees not to adopt potentially unconstitutional legislation in our efforts to protect children on the Internet. I was concerned about the substantial chilling effect this legislation would have on constitutionally protected speech. The media had just reported recently an online service provider's censorship of the word "breast" because it was vulgar, supposedly, despite the fact that that term merely refers to a part of the anatomy.

I was and remain concerned that this is the first word of many that will ultimately be censored if legislation criminalizing indecent speech is passed as part of the telecommunications legislation. It seems the conferees have agreed upon a variation of the Communications Decency Act for inclusion in the conference report for the telecommunications legislation.

Mr. President, the language very simply would criminalize indecent speech via the Internet that is already today protected in other forms of the media. Vagueness associated with the definition of indecency undoubtedly, Mr. President, will lead to far more censorship than simply the word "breast."

Mr. President, these measures, although perhaps well-intended, are poorly targeted to the stated problem. And they will do very little to protect children. If signed into law however, it is very clear that this legislation will be very effective at censoring constitutionally protected speech on the Internet.

As I pointed out before, I am extremely concerned about recent congressional focus on "indecent speech." The promoters of this legislation contend they are trying to protect children from obscenity—not indecency but obscenity. The transmission of obscenity is already a violation of criminal law. Use of the word or definition for "indecency" makes this legislation overly broad, capturing speech that I do not think many Senators intend or wish to prohibit.

Let me give my colleagues an example. The World Wide Web Page for HotWired, the online version of Wired magazine contains a strongly worded editorial about congressional action on the pending indecency legislation. The opinion piece contained at least three "indecent" words, based on FCC's current definition, and potentially more depending on the definition used by others.

I am not going to say these words on the floor of the U.S. Senate, Mr. President, but this editorial is a political speech, with Members of Congress and Senators as its target.

Are the words of this piece harsh? Yes, they are. Will some adults consider the words offensive? Yes, they will. Does the text contain words many of us would not want our children to read? Yes, it does.

But does the text contain words that most children have not heard before in the school yard? No, it does not. It does not contain anything unusual in that regard.

Is the language in this piece, this alleged profanity in this piece, protected by the first amendment? Yes, it is. You bet it is. But would the writers or transmitters of these words on the Internet be subject to criminal sanctions if the pending legislation passes?

I am afraid, Mr. President, the answer is probably yes.

Because even though the words do not fall under the definition of "ob-

scenity," and even though you may express these words in any other media and probably be safe from criminal prosecution, under this proposal in the telecommunications bill, these words would probably be defined as indecent and the person who communicates them may be subject to severe criminal penalties.

I give this example to point out that the legislation considered by the telecommunications conference committee in its most recent incarnation is overly broad. It will result in censorship, either self-censorship driven out of the fear of criminal prosecution, or censorship by online providers themselves who must protect themselves from criminal liability.

America Online's censorship of the word "breast", an anatomical reference, was only the beginning. Mr. President, either type of censorship is completely unacceptable and totally unnecessary.

The Internet indecency legislation currently under consideration is overly broad, not just in the material covered by the proposed language, but also in the way that such materials are covered. The language would subject anyone who "displays in a manner available" to minors so-called indecent materials to criminal penalties.

While the proponents of the language are intending to target those who directly provide such materials to minors, it captures a much larger group of people, Mr. President. The term "available" has an entirely different meaning in cyberspace than it does in other forms of media. That is because online communications are entirely different than communications over other media.

The words "displays in a manner available" captures speech over public bulletin boards, USENET groups or World Wide Web Pages that are accessible to anyone with a modem, an Internet connection and the right software. There is no way to know, Mr. President, who will read the message you have posted on these forums or how old that person is, just like there is no way for HotWired to know who on my staff accessed the editorial on their Home Page or the age of that staff person.

Simply posting a message which contains profanity on free public access Internet forums expose Internet users to criminal liability if a minor accesses those forums—even if the sender had no intention at all of providing these materials to minors.

Let me provide my colleagues with some other examples of some of the socially valuable public forums that one can access on the Internet that may contain indecent speech under the definition in the telecommunications bill.

One news group called "news.newusers.questions" had the following message posted by an individual:

I need urgent information on the prevention of teenage pregnancy. Could someone please help me?

There was no indication the sender of this message was a minor. The sender could be an educator, a parent or a social service provider. One reader responded electronically and suggested this individual access a news group called "alt.parenting.solutions" and "alt.parents.teens," both of which address the issue in responsible ways. Another reader responded simply with the advice that teens should abstain from sex.

Presumably, there will ultimately be a response from a reader that gives explicit rather than general advice. That advice could contain indecent language or explicit words describing preventive measures. Under this proposal in the telecommunications bill, that advice could land the giver of the advice in jail if a minor happens to read the message.

Another news group called "misc.kids.pregnancy" contained a discussion about breastfeeding, pregnancy, and other adult topics relating to childbirth. Again, some of the language in these discussions was explicit but in no way irresponsible.

There is a World Wide Web Page called "Go Ask Alice" which is a forum wherein participants ask questions about sexuality, including pregnancy, sexually transmitted diseases, AIDS, birth control, breast implants, rape, menopause and reproductive health. Many of these topics and questions are sexually explicit and contain graphic, but constitutionally protected, language.

Another Web page is called "Truth or Dare: Sex in the 90's." This Web page was a forum devoted almost entirely to the topic of "safe sex." One topic discussed was the relationship between some sexually transmitted diseases and cervical cancer in women. Some of the information on this Web page, while it may be distasteful and offensive to some, it is important to many users of this forum.

There is also a Web page devoted to prostate cancer—its symptoms, detection, and treatment. There is language on this page, Mr. President, that could be considered indecent. Recall that America Online censored the word "breast" because it was on a list of vulgar words, even though the word was used in the scientific context of breast cancer survivors forum.

There are Web pages devoted to the detection and prevention of child abuse, including sexual assault. For example, the Sexual Assault Information Page includes a variety of information about abuse as well as access to other Web pages and Internet services dealing with child abuse and assault recovery, such as the Survivors and Victims Empowered Web Page. The SAVE Page is an online support service for victims of abuse, or the Rape, Abuse, and Incest National Network. There is also a USENET group, accessible to anyone, called "alt.sexual.abuse" which is a recovery support forum for those who were abused as children or adults.

There may be so-called indecent speech in all of these forums which minors can access. Make no mistake about it, many of these forums contain adult topics of a mature nature. Some of the language is offensive. However, these forums do serve a valuable social function from the standpoint of public health and safety.

Mr. President, the material on these forums is not what the congressional proponents of the indecency legislation are targeting, or at least I assume they are not. Proponents are targeting obscenity and pornography. Unfortunately, the legislation will capture speech on all the forums I have mentioned and thousands more like them. If the pending legislation passes, these forums may cease to exist because the users will fear criminal prosecution.

LESS RESTRICTIVE MEANS ARE AVAILABLE TO  
PROTECT CHILDREN

There is a better way to protect children, Mr. President, that will not criminalize constitutionally protected speech. Currently there are many software programs available to parents, sometimes for no charge, which allow them to screen out or block their children's access to forums where explicit language is used, including profanity. "Net Nanny" prevents children from accessing areas on the Internet that the parents deem inappropriate, and also prevents kids from giving out their names, addresses, phone numbers, credit card numbers or other information that could put them in harms way.

Parents can screen out not only indecency but also Websites that include rap music, violent topics, hate speech, political topics, or other types of information that they don't want their children to see. Parents have the option of screening as much or as little as they want.

"Cybersitter" allows parents to monitor what their children are accessing on the Internet and prevents children from downloading pictures or other graphic images. Mr. President, there are many other types of software available to parents that allow them to decide what is appropriate for their children, based on the characteristics of their family and the maturity of their children. That is the role of the parent, not of the Federal Government.

Mr. President, I have spoken in opposition to unconstitutional restrictions on speech via the Internet. I have argued that the pending legislation is likely unconstitutional. I have argued that the legislation is impractical. I have argued that the legislation will not achieve its objective. And I have argued that the legislation will stifle the growth of online communications technology.

But, Mr. President, I have received a lot of electronic mail on the legislation being considered by the conference committee in recent weeks from Wisconsinites, who do use the Internet daily. Rather than restate my argu-

ments, I want to let my constituents speak for themselves on this issue. Here is what some of them have said:

A photographer, historian and writer in Madison, WI, says:

... I am deeply concerned that this legislation will overreach its intended purpose. Instead of simply protecting children, this legislation will be so restrictive of communication via e-mail, list service, the World Wide Web, etc, that it will prevent adults from conducting perfectly legitimate exchanges of information. . . . I conduct a great deal of business communication via the Internet and I am fearful about what this latest ill-conceived legislation will do.

A father from Madison, WI writes:

It concerns me that certain politicians may take advantage of fears held by the public to enact laws that limit our freedom of speech. I myself am a parent and am concerned about some of the trashier content that can be found on the internet. However, I feel that each of us has the right and the responsibility to discern good from bad in our own minds. I raise my son to make good choices in his life . . . I desire to protect him for harm but I would not insulate him from the world and lock him in ignorance . . . the government should never limit his access to the truth.

An e-mail from a Milwaukee constituent stated:

I strongly urge you to consider other less restrictive means for regulating access to objectionable material by minors such as placing the responsibility in the hands of the parents, where it belongs, not by forcing unconstitutional censorship on the medium.

From Shorewood, WI, a parent writes:

I am a voting, tax-paying adult U.S. citizen. I am also a church going parent. I feel that it is unacceptable that I could be convicted of a felony for sending a love-letter to my wife. I feel it equally unacceptable that an unenforceable legal regulation of morality infringes upon my right to govern what my daughter may or may not see based on some narrow-minded and likely unconstitutional definition of indecency, especially when technological means of controlling her access are available to me now.

From Appleton, WI, an Internet-using constituent says:

We all know that the best parental censor to TV is the on-off button. Well, I and many others have installed our own button on the computer. My choice is a program called KidSafe. This program identifies and shows how to lock out adult sites. Indeed a parent can lock out almost anything. . . . I want to tell you that this program is free. And there are all kinds of links to it all over the Web. The cost? A few minutes to download and install it. I count myself among the more conservative citizens. However, I believe some of my co-believers have gone too far.

The attempt by any governmental or quasi-governmental body to come into the newsroom and rule on what shall and what shall not be printed in the paper would be shouted down by the populace as naked aggressive censorship. In this case, the computer replaces newsprint, ink and delivery system. Fundamentally though, it's no different.

From Reedsburg, WI, an employee of an Internet access provider writes:

To enact a law such as the one that just passed the House is paramount to going after

manufacturers of baseball bats because someone decided to beat his next door neighbor . . . with one.

The farmers in our community use the Internet to access the University of Wisconsin Ag Department . . . Many of our small businesses use it to communicate with customers around the world. Grocery stores and vendors are using the Web to e-mail product orders to vendors. The uses are growing. Please don't stifle growth.

An Appleton resident suggested that:

The pending legislation is akin to asking telephone companies to monitor all of their phone traffic in order to prevent obscene calls.

From Fox Point WI, a constituent writes that:

We are all familiar with government intervention and unintended consequences. In this instance, the consequences are clear and devastating to a free and open exchange.

A university professor in Wausau, WI, e-mailed:

Although the intent [of the computer indecency legislation] is a noble one, the consequences of the bill, if passed, could have a disastrous effect on the Internet as a viable medium for expression, education and commerce. Libraries will not be able to put their entire collections on line and people like me will risk massive fines and prison sentences for public discussions someone might consider indecent.

A Hudson, WI, parent shared this advice for Congress and other parents:

I've always believed that people should take responsibility for what their children view. This is why my children cannot access the Internet without my consent. They don't have the password. It's that simple.

From Plymouth, WI, a pastor in a United Church of Christ Congregation writes:

I am concerned about pornography and "cybersex" but this [legislation] isn't the direction we should be heading. Personal responsibility needs to be taken and how can that be legislated?

Mr. President, there is a lot of wisdom coming from our constituents on this matter. These are people who are using the technology to contact their Senators and Representatives instead of pencil and paper. Unlike many of us here, they rely on cybercommunications in their daily lives. I think my colleagues would do well to listen to their advice.

While, I recognize it is unlikely in these late stages of the telecommunications conference that conferees will change their direction on regulating cyberspace, I urge my colleagues to think carefully about this legislation.

Including this language in a bill that purports to deregulate telecommunications markets is exactly the wrong direction to take.

Mr. President, constituents in my State, parents and others are very concerned about the overbreadth of these provisions, the fact that it may inhibit their ability to communicate in their work or in their own private lives.

I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Indiana.

TREATY WITH THE RUSSIAN FEDERATION ON FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START II TREATY)

The Senate continued with the consideration of the treaty.

Mr. LUGAR. Mr. President, will the Chair please state the pending business?

The PRESIDING OFFICER. The pending business is the START II treaty.

PRIVILEGE OF THE FLOOR

Mr. LUGAR. Mr. President, I ask unanimous consent that the following staff members be accorded the privilege of the floor during consideration by the Senate of the START II treaty: Kenneth A. Myers III, Linton Brooks, a CNA fellow in my office and K. A. Myers, Jr., a professional staff member of the Select Committee on Intelligence, and Ronald Marks, legislative fellow on the majority leader's staff.

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

Mr. LUGAR. Mr. President, I am pleased to join once again with my colleague, Senator CLAIBORNE PELL, in bringing before the Senate a strategic arms reduction agreement negotiated between the Russian Federation and the United States—the START II Treaty. Senator PELL and I collaborated on the ratification process attendant to the START I Treaty, and it is only fitting that Senator PELL will be handling the manager's task for the Democratic side on the START II Treaty.

The chairman of the Foreign Relations Committee, Senator HELMS, has asked me to manage these treaty deliberations on the Republican side, and I am pleased to do so.

For the benefit of our colleagues who may be curious as to the schedule on a Friday afternoon before Christmas, let me outline how we will proceed in these deliberations on the START II Treaty.

Following opening statements by the two managers, we will entertain similar statements by other Members.

We will then move to consideration of any amendments to the text of the treaty itself. Senator PELL and I are aware of no proposed amendments to alter the treaty text.

Then the Senate will move to consideration of the resolution of ratification that will reflect the terms by which the Senate is providing its advice and its decision to the President regarding ratification of the START II Treaty. In reporting the START II Treaty to the full Senate by a unanimous vote of 18-0, the Senate Foreign Relations Committee approved a resolution of ratification that contained a number of conditions and declarations.

Subsequent to the filing of the Committee's report on the START II Treaty, interested Senators from other committees came together in a bipartisan spirit to try to develop some consensus on other conditions and declara-

tions that would either modify or be added to the resolution of ratification approved by the Foreign Relations Committee. That effort at consensus-building has been successful, and I want to thank Senator STEVENS, Senator KYL, Senator COCHRAN, Senator PELL, Senator LEVIN, and Senator NUNN for the constructive manner in which they approached the resolution of ratification. As a result of their efforts, we have arrived at a package of amendments that enjoys the support of Members participating in those negotiations. That package will be offered in the form of manager's amendments as modifications or additions to the original resolution reported by the Senate Foreign Relations Committee.

That resolution of ratification, as amended, will then be open to further debate and amendment.

Mr. President, I have elaborated somewhat on the process we will employ in considering this treaty so that Members might plan their schedules accordingly. Unfortunately, we have not been able to arrive at a time agreement for considering the treaty, but I hope these remarks will give Members some sense as to how the Senate will proceed in carrying out its duties in the treaty-making process.

Mr. President, the START II Treaty has been awaiting action by the Senate for over 2 years. The opportunity has now arrived for the Senate to play its role in the treaty-making process, and I am grateful to those of my colleagues who have worked so diligently to provide the conditions under which the Senate can consent to the ratification of this treaty.

The START I Treaty was the first arms control agreement that actually reduced the number of strategic offensive weapons. It mandated an overall strategic nuclear force reduction of about one-third, and a reduction of up to 50 percent in one of the most dangerous and destabilizing categories of nuclear weapons—heavy ICBM's. START I also broke new ground in establishing effective verification regimes by providing levels of visibility and confidence that exceeded any previous nuclear arms control effort. Thus, the START I Treaty was a vigorous step toward a more stable nuclear balance because it resulted in a reduction in the numbers of destabilizing first strike systems; it fostered greater reliance on more survivable nuclear systems; and it provided increased certainty about the other side's strategic posture. In December 1994, these gains were formalized with the entry into force of the START I Treaty.

The disintegration of the Soviet Union offered the opportunity to build on the gains of START I and to go even further in reducing the nuclear dangers to our Nation. The START II Treaty accomplishes just this purpose. When enacted, this treaty will dramatically reduce the numbers of weapons in the two most destabilizing and dangerous categories of nuclear arsenals—ICBM's

with multiple independently targeted reentry vehicles [MIRV's] and the last of the heavy ICBM's, the SS-18's; and it will enable each party to reduce its strategic arsenal on the basis of an effective verification regime built upon both confidence building measures and intrusive inspections. Both parties will be left at rough equivalence in strategic forces, but the result will be smaller, more stable strategic nuclear forces for both the United States and Russia.

The START I Treaty was signed as a bilateral agreement between the United States and the Soviet Union on July 31, 1991, after 9 years of negotiation. The treaty was transmitted to the Senate for its advice and consent to ratification on November 25, 1991, but the Soviet Union dissolved formally on December 25, 1991, before the Senate could take action or the treaty could enter into force.

The breakup of the Soviet Union created a number of complex state succession issues with respect to the treaty. The most important of these issues was that strategic offensive nuclear weapons were left deployed in four former Soviet republics.

In order to resolve this key succession problem, the START I Treaty was converted into a multilateral treaty among the United States, Russia, Belarus, Ukraine, and Kazakhstan by means of the May 23, 1992, Lisbon Protocol (Treaty Doc. 102-32).

The Protocol constituted an amendment to, and integral part of, the START I Treaty. It provided that the four former Soviet republics would together assume the legal obligations of the U.S.S.R. for the START I Treaty. It further obligated the four states to make arrangements among themselves as necessary to implement the treaty's limitations, to permit verification of the treaty's provisions on their territory, and to allocate costs. The Lisbon Protocol also obligated Belarus, Ukraine, and Kazakhstan to accede to the 1968 Nuclear Non-Proliferation Treaty NPT as nonnuclear weapons states as soon as possible.

In letters submitted with the Protocol, Belarus, Ukraine, and Kazakhstan pledged to eliminate all nuclear weapons and strategic offensive arms on their respective territory within 7 years after entry into force of the START I Treaty. To date, all tactical nuclear weapons have been removed from the three states and transferred to Russia. While Belarus, Ukraine, and Kazakhstan were under no legal obligation to transfer any nuclear weapons to Russia, and could have, at least in theory, eliminated such weapons on their own territories, those remaining strategic nuclear weapons are, in fact, being transferred and eliminated in Russia.

Based on the clarifications and obligations associated with the Lisbon Protocol, the Senate provided its advice and consent to ratification of the START I Treaty in a 93 to 6 vote on October 1, 1992.

The treaty between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, or the START II Treaty, was signed by the United States and the Russian Federation on January 3, 1993, and was transmitted by President Bush to the Senate on January 15, 1993.

The START II Treaty builds upon and goes even further than the START I Treaty. START II's central limits require the parties to reduce their strategic offensive arms so that specified limits are reached by the year 2003. The START II Treaty, together with the START I Treaty, will reduce both nations' deployed strategic offensive arms by more than two-thirds, and will completely eliminate land-based intercontinental ballistic missiles [ICBM's] deployed with multiple warheads. Strict, lower limits will be imposed on all deployed strategic offensive arms, including warheads carried on ICBM's, submarine-launched ballistic missiles [SLBM's], and heavy bombers. Stabilized sea-based forces will be retained but will carry significantly lower numbers of warheads. In contrast to the START I Treaty, all heavy bombers will be attributed with warheads based on the number of nuclear weapons for which they are actually equipped.

There are five parties to the START I Treaty; in contrast, the START II Treaty is bilateral: the United States and the Russian Federation are its only parties. According to the Lisbon Protocol, no nuclear warheads or deployed strategic offensive arms will be located on former Soviet territories other than Russia, at the time the first phase of the reductions in this treaty are required to be completed. Nevertheless, the START II Treaty draws upon the START I Treaty for definitions, counting rules, prohibitions, and verification provisions and only modifies those as necessary to meet unique requirements of the START II Treaty.

The terms of the START II Treaty are based on the joint understanding signed between the United States and Russia on June 17, 1992. Its impetus was the desire to strengthen stability by eliminating the most destabilizing systems remaining under the START I Treaty. The joint understanding established the START II Treaty guidelines.

The START II Treaty, unlike START I, is relatively brief and straightforward. The START II Treaty calls for reductions, in two phases, in ICBM's, ICBM launchers, ICBM warheads, SLBM's, SLBM launchers, SLBM warheads, heavy bombers, and heavy bomber nuclear armaments. Seven years after entry into force of the START I Treaty, the aggregate number for each party shall not exceed 4,250 deployed strategic warheads. By the same date the following sublimits are to be reached as well: between 3,800 and 4,250, for the aggregate number of warheads on deployed ICBM's, deployed SLBM's, and deployed heavy bombers; 2,160, for warheads on deployed SLBM's; 1,200,

for warheads on deployed multiple-warhead ICBM's; and 650, for warheads on deployed Russian heavy ICBM's (SS-18s).

Upon the completion of the above reductions during the second and final phase, the parties shall further reduce their strategic offensive arms so that no later than January 1, 2003, and thereafter, the aggregate number for each party shall not exceed 3,500 deployed strategic warheads. By the same date the following sublimits would also apply: between 3,000 and 3,500, for the aggregate number of warheads on deployed ICBM's, deployed SLBM's, and deployed heavy bombers; between 1,700 and 1,750, for warheads on deployed SLBM's; Zero, for warheads on deployed multiple-warhead ICBM's; and Zero, for warheads on deployed heavy ICBM's.

The START II Treaty provides that after January 1, 2003, neither party may deploy land-based missiles with more than one warhead and all heavy ICBM's must be destroyed. Specifically, all launchers of ICBM's to which more than one warhead is attributed under article III of this Treaty, including test and training launchers, must either be destroyed or be converted to launchers of ICBM's to which no more than one warhead is attributed. This will require the United States to eliminate or convert Peacekeeper ICBM's and their launchers. The Russians will have to eliminate or convert SS-19 and SS-24 ICBM launchers, except those that contain the permitted number of SS-19's downloaded to a single-warhead configuration. Also exempt from this provision are launchers of non-heavy ICBM's located at space launch facilities that are permitted under the START I Treaty. For the United States, this means the Peacekeeper can be used as a vehicle for space launch. All SS-18 ICBM launchers, including all those at space launch facilities, must be physically destroyed. There is one exception—90 deployed launchers may be converted, under agreed provisions, to single-warhead SS-25 type ICBM launchers with canisters no more than 2.5 meters in diameter, such that rapid reconversion is effectively precluded.

All United States Minuteman III ICBM's, and 105 of the 170 Russian SS-19 ICBM's, may be retained and downloaded to one warhead pursuant to article III of this Treaty. Any number of SLBM's with multiple warheads may also be downloaded by up to four warheads per missile. Thus, the United States could theoretically meet the numerical constraints of the START II Treaty on SLBM warheads by downloading and retaining up to 18 Trident submarines with missile warhead loads reduced from eight warheads to four.

The START I Treaty requires that 154 of the 308 former Soviet heavy ICBM launchers must be destroyed by the end of the 7-year reduction period. The START II Treaty goes further and

requires the elimination or physical conversion of all heavy ICBM launchers. The Russian Federation will be allowed to convert, under agreed constraints and subject to inspection, 90 of these deployed missile launchers within which only SS-25 single-warhead ICBM's may be deployed. The remaining 64 heavy ICBM launchers must be destroyed by the end of the second phase of reductions in accordance with START II Treaty procedures. The constraints on SS-18 silo conversion require that the Russians pour concrete to a height of five meters above the silo base and mount in the upper portion of the silo a restrictive ring that is smaller in diameter than the diameter of the SS-18. These modifications preclude an SS-18 from being launched from these silos, and would be extremely difficult and time-consuming to reverse. The constraints also require the destruction of all deployed and nondeployed SS-18 missiles and their launch canisters.

In the START II Treaty, all deployed heavy bomber nuclear armaments will be counted according to how the bombers are actually equipped. Each deployed heavy bomber—except for 100 bombers reoriented to a conventional role—will be attributed with the aggregate number of long-range nuclear air-launched cruise missiles, nuclear-armed air-to-surface missiles with ranges of less than 600 kilometers, and nuclear gravity bombs for which it is actually equipped. Under this agreement, heavy bombers will be attributed with a realistic number of warheads that reflects operational considerations; in many cases, this number may be lower than the maximum number of weapons that could be physically loaded on the aircraft using all available attachment points. In addition, each party may reorient 100 of its heavy bombers to a conventional role; these bombers were never accountable under the START I Treaty as heavy bombers equipped for long-range nuclear ALCM's. Such bombers would not count toward START II warhead ceilings, but would continue to count against the START I Treaty limits.

Each party may, on a one-time basis, return such bombers back to a nuclear role, if it wishes. If some, but not all, bombers within a specific type or variant, under the START I Treaty, are reoriented to a conventional role, they must be given a difference observable by national technical means from the bombers within that type or variant that remain in a nuclear role. Likewise, if a bomber that has been reoriented to a conventional role is subsequently returned to a nuclear role, it must receive an observable difference from other heavy bombers of the same type and variant.

The START I Treaty provisions will be used to verify the START II Treaty's limits, except as otherwise provided. The START II Treaty provides for additional inspections to confirm the elimination of heavy ICBM's and

their launch canisters, as well as additional inspections to confirm the conversions of heavy ICBM silo launchers. In addition, the START II Treaty provides for exhibitions and inspections to observe the number of nuclear weapons for which heavy bombers are actually equipped and their relevant observable differences.

The START II Treaty requires the elimination or conversion of launchers of deployed ICBM's with multiple warheads. To reinforce this limitation, the acquisition of such weapons from another state is prohibited after the second phase of reductions. After that date, the START II Treaty also prohibits the production, flight-testing—except from space launch facilities—or deployment of ICBM's to which more than one warhead is attributed. The parties are obligated under the treaty not to produce, flight-test, or deploy an ICBM or SLBM with more warheads than it has been attributed under the START II Treaty. Also, the parties are obligated not to transfer heavy ICBM's to any other state, including any other party to the START I Treaty. The START II Treaty provides that this last prohibition is to be applied provisionally from the date of signature of the START II Treaty. This has no effect on the United States since there are no U.S. heavy ICBM's.

To provide a forum for discussion of implementation of the START II Treaty, the treaty establishes the bilateral implementation commission [BIC]. Through the BIC, the parties can resolve questions of compliance and agree upon additional measures to improve the viability and effectiveness of the treaty.

The START II Treaty will enter into force upon the exchange of instruments or ratification by the parties. However, since the START II Treaty is built upon the START I Treaty, it could not have entered into force prior to the START I Treaty's entry into force in December 1994. It will remain in force as long as the START I Treaty remains in force.

The START II Treaty consists of the main treaty text and three documents which are integral parts thereof:

The Protocol on Procedures Governing Elimination of Heavy ICBM's and on Procedures Governing Conversion of Silo Launchers of Heavy ICBM's Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms—the Elimination and Conversion Protocol;

The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms—the Exhibitions and Inspections Protocol; and

The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms—the Memorandum on Attribution.

Also submitted to the Senate for its information are documents that are associated with, but not integral parts of, the START II Treaty. These include three exchanges of letters by the sides addressing SS-18 missiles on the territory of Kazakhstan, heavy bomber armaments, and heavy ICBM silo conversion. Although not submitted for the advice and consent of the Senate to ratification, these documents are relevant to the consideration of the START II Treaty.

The first exchange of letters relates to the negotiation of an agreement between Russia and Kazakhstan regarding SS-18 missiles and launchers on the territory of Kazakhstan. In his December 29, 1992, response to Russian Foreign Minister Kozyrev's commitment of December 29, 1992, to spare no effort to conclude such an agreement, Secretary of State Eagleburger confirmed that the START II Treaty would be submitted to the United States Senate for its advice and consent on the understanding that the agreement referred to by Minister Kozyrev—providing for the movement to Russia and elimination of heavy ICBM's from Kazakhstan—would be signed and implemented, and that, not later than 7 years after entry into force of the START I Treaty, all deployed and nondeployed heavy ICBM's now located on the territory of Kazakhstan will have been moved to Russia where they and their launch canisters will have been destroyed.

The second exchange of letters of December 29, 1992, and December 31, 1992, between Secretary of State Eagleburger and Russian Foreign Minister Kozyrev relates to heavy bombers, and constitutes the assurance of the United States, during the duration of the START II Treaty, never to have more nuclear weapons deployed on any heavy bomber than the number specified in the memorandum on attribution for that type or variant. This letter creates no new legal obligation for the United States but merely reiterates the obligation already assumed under paragraph 3 of article IV of the START II Treaty.

The third exchange of letters of December 29, 1992, and January 3, 1993, between Russian Minister of Defense Grachev and Secretary of Defense Cheney, sets forth a number of assurances on Russian intent regarding the conversion and retention of 90 silo launchers of RS-20—referred to by the U.S. as SS-18—heavy ICBM's. In his letter, which is politically binding on Russia, Minister Grachev reaffirms the steps that Russia will take to convert these silos and assures the Secretary of Defense that missiles of the SS-25 type will be deployed in these converted silos.

In January 1992, President Bush proposed to ban land-based MIRVed ICBM's and to cap actual warheads at 4,700, while cutting U.S. Trident warheads by one-third. President Yeltsin agreed with the ban, but wanted deeper

cuts to 2,000 to 2,500 warheads. President Yeltsin considered the Bush proposal too inequitable because it cut the Russians where they were the strongest, the land-based MIRVed systems, while letting the U.S. retain its supremacy in bombers and submarines. In addition, the Russians would lose considerable forces in Belarus, Kazakhstan, and Ukraine. The breakthrough came when the United States agreed to reductions in its submarine-based ballistic missile warheads. On June 17, 1992, Presidents Bush and Yeltsin signed a joint understanding in Washington that called for a treaty on deep cuts. The joint understanding paved the way for the conclusion of the START II Treaty.

#### ASSESSMENT OF THE JOINT CHIEFS OF STAFF

The U.S. START II negotiating position was based on a Joint Chiefs of Staff assessment of how many and what kind of nuclear forces were necessary to retain a credible deterrent force beyond the year 2003. The logic at the time, and during the negotiations, was to reduce the numbers of warheads but to preserve a balanced force—a mix of ICBM's, SLBM's, and bombers sufficient in size and capability to meet future U.S. deterrent requirements. It was the JCS view, that with the 3,500 warheads allowed under this treaty, the United States would remain capable of holding at risk a broad enough range of high value political and military targets to deter any rational adversary from launching a nuclear attack against the United States or against its allies.

In September 1994, the United States completed the nuclear posture review [NPR]—an effort chartered to determine what roles its nuclear forces must meet to protect against future challenges to U.S. national security interests. The NPR assumed the post-START II nuclear force levels and its analysis reconfirmed the calculations that were done before and during the negotiations for START II. The review reaffirmed both that the United States must maintain a viable nuclear deterrent in the post-cold war world and that 3,500 warheads will be sufficient to hold at risk those assets which any foreseeable enemy would most value—the core determinant of effective deterrence.

More specifically, the JCS concluded that the START II/NPR force is sufficient to prevent any foreseeable enemy from achieving his war aims against the United States or its allies, no matter how a nuclear attack against the United States is designed. In practice, this means that U.S. nuclear forces must be robust enough to sustain the ability to support an appropriate targeting strategy and a suitable range of response options, even in the event of a powerful first strike that attempts to disarm U.S. nuclear forces. The JCS analysis shows that, even under the worst conditions, the START II force levels provide enough survivable

forces, and survivable, sustained command and control to accomplish U.S. targeting objectives.

This force will consist of 14 Trident submarines equipped with the D-5 missile system, 66 B-52 bombers, 20 B-2 bombers, and 450-500 Minuteman III missiles. When the START II reductions are completed, United States strategic forces will be roughly equivalent to those of Russia and will be sufficient to meet our deterrent requirements.

#### CRISIS STABILITY

The START II Treaty builds upon the accomplishments of START I by further reducing strategic arms in a way that increases crisis stability. START II does this by eliminating the most destabilizing nuclear weapons—land based MIRVed ICBM's and heavy ICBM's.

In the past, with MIRVed ICBM's a significant part of the forces of both sides, there was much greater incentive to shoot first during a crisis. The inherent vulnerability of land-based missiles to a first strike, compounded by the consideration of losing the multiple warheads on MIRVed missiles, argued for launching these weapons before they could be disabled by an enemy strike. Thus, according to the JCS analysis, eliminating this entire category of nuclear weapons relieves the incentive to launch first, adding greatly to crisis stability. START II also eliminates the last of the heavy ICBM's—the remaining Russian SS-18's—which are hostage to the same logic and are therefore equally destabilizing in a crisis.

In addition to eliminating these two kinds of systems, the JCS concluded that the restructuring of the U.S. triad made under the terms of this treaty will improve stability in its own right. The U.S. START II ICBM leg will be a less attractive target than has been the case in the past. All remaining ICBM's will have single warheads; making them less valuable targets than MIRVed missiles. But, in addition, the combined calculus of rough equivalency in overall warheads between the United States and Russia, and the fact that all remaining ICBM's will be equipped with single warheads, will make it highly unlikely that Russia will consider launching an effective first strike to disarm United States ICBM's. According to the JCS analysis, under the warhead calculus of this treaty, to achieve the levels of confidence needed to disarm this one leg of the United States triad would require such a high proportion of Russia's overall warheads that this course would leave the attacker at a serious disadvantage. By any rational calculation, the costs would greatly outweigh any potential gains. The second leg of the U.S. triad will consist of SLBM's, which have long been, and will remain the most secure and survivable part of the U.S. nuclear force. The third leg will be manned bombers, which have the inherent advantage that they can

be recalled up to the last minute. The JCS concluded that in combination, these systems provide a redundant mix of mutually supporting capabilities—in short, a viable, effective triad that provides stability during a crisis. This improved crisis stability, even as the United States maintains an effective deterrent that is militarily sufficient, is the hallmark of the START II Treaty—it is, in fact, an even more noteworthy goal than the warhead reductions themselves.

#### VERIFICATION AND METHODS OF RESTRUCTURING

The third element of the treaty that the JCS analyzed is compliance verification. The JCS analyzed the verification procedures from two standpoints: do the verification procedures offer the United States confidence that it can effectively verify compliance and detect significant violations of the treaty; and do the verification procedures provide adequate safeguards for protecting U.S. national security against unnecessary or unwarranted intrusion.

START II builds upon the interlocking and mutually reinforcing verification provisions established in START I. Unless otherwise specified, the counting rules, notifications, verification, conversion, and elimination procedures from START I are used for START II. The breakup of the former Soviet Union has not undermined the confidence of the members of the Joint Chiefs of Staff in these procedures. In fact, the increased openness of Russian society, and the capabilities of America's own national technical means [NTM] are additional factors that add to JCS confidence in the United States ability to effectively verify. The JCS believe that the verification procedures are adequate to ensure that the United States will be able to detect any significant violations. Conversely, the JCS also believes that the verification provisions are sufficiently restrictive to protect the United States against unnecessary intrusion.

#### REDUCTIONS THROUGH RESTRUCTURING

One notable aspect of the treaty is that it breaks new ground by permitting both Russia and the United States to achieve the stipulated nuclear reductions by restructuring their current forces. This is an improvement over START I because it allows the parties to reduce their forces more cost effectively and quickly through a combination of hardware elimination, conversions, and downloading. The key to making this restructuring possible is the inclusion of some specially designed verification procedures that will allow the United States to monitor and check compliance.

#### DOWNLOADING

The START II Treaty differs from START I in its provisions for reducing nuclear warheads by downloading. In START I, either side could remove up to four warheads from a missile, but could only get credit for the reduced

warhead number if the warhead mounting platform was destroyed and replaced—an expensive option. There was also a limit on the aggregate number of downloaded warheads permitted for each party. START II encourages each side to take greater advantage of downloading. For economic reasons, and at United States insistence the warhead mounting platforms do not have to be destroyed under START II. The advantage for the United States is that this permits Trident sea-based missiles to be downloaded cost effectively without the need to replace all of their mounting platforms. The treaty also goes beyond the START I limit of only crediting the downloading of up to 4 warheads per missile, as it permits the downloading of 5 warheads from each of 105 Russian SS-19 ICBM's as these missiles are converted to a single warhead configuration. When both parties are done downloading, all remaining missiles will have a single warhead. However, these downloading procedures will not be applied to Russia's SS-18 force because all SS-18's will be completely eliminated under START II.

United States confidence in the actual warhead numbers deployed on future ICBM's will be based on existing provisions for reentry vehicle onsite inspections [RVOSI], coupled with national technical means [NTM]. The JCS is confident that the combination of RVOSI and United States NTM will provide the means to detect any significant violations should the Russians at some time in the future attempt to return their missiles to a MIRVed configuration.

#### SILO CONVERSION

The treaty also permits the Russians to convert 90 of their SS-18 silo launchers into launchers for SS-25 single warhead ICBM's. The Russians agreed to convert the silos under procedures that preclude their later use for SS-18's. The procedures for conversion are specifically designed to be both time consuming and difficult to reverse. Once the conversions are completed, any attempt to reconvert the silos back to a configuration capable of housing heavy ICBM's would be readily detected by visual inspections and U.S. NTM. To verify these silo conversions, the Russians agreed to more extensive verification procedures than the START I Treaty allowed. Additionally, they agreed to destroy the SS-18's themselves, including those in Kazakhstan as they are returned to Russia. U.S. inspectors will get to observe both the silo conversion procedures and the missile eliminations.

#### HEAVY BOMBER

The third provision for restructuring is delineated in the details for heavy bomber counting and conversion. Under the terms of the treaty, the number of warheads attributed to heavy bombers with nuclear roles, including those equipped with long-range nuclear air-launched cruise missiles [ALCMs], will be determined by totaling the number of nuclear weapons with which each type of bomber can be

equipped. To make this counting determination, each side will have to demonstrate to the other side the nuclear weapons configuration of each type of bomber that is designated to retain a nuclear mission. In addition, the United States obtained Russian agreement that up to 100 heavy bombers never attributed with long-range nuclear ALCM's may be reoriented to conventional missions without having to undergo the conversion procedures that applied under START I. These reoriented heavy bombers will not be counted under the warhead limits of the START II Treaty nor will they be deemed part of the United States nuclear force under START II and can be used for nonnuclear, conventional missions only. As defined by the treaty, the reoriented bombers will have to be based separately from heavy bombers with nuclear roles; they will be used only for nonnuclear missions; they will not be used in exercises for nuclear missions; and their aircrews will not train or exercise for nuclear missions. Currently, the United States plans to reorient its B-1's to a conventional role using these START II procedures.

#### FORCE STRUCTURE IMPLICATIONS

START II will require the United States to eliminate its Peacekeeper-MX MIRVed ICBM force. However, the treaty will not require the United States to eliminate any Minuteman MIRVed ICBM's, because they may be downloaded from three warheads to one warhead in accordance with article III. Similarly, the United States will not have to eliminate any Trident submarines or SLBM's that could have been deployed under START I. Once again, reduction of SLBM warheads may be accomplished by downloading. On the other hand, START II will cause substantial changes in the U.S. heavy bomber force. The executive branch concluded in its recent nuclear posture review that all B-1B's would be reoriented to a conventional role. In addition, B-52 bombers may be equipped with either 8 or 12 air-launched cruise missiles, rather than the current 20 cruise missiles.

Russian strategic forces will be dramatically affected under the START II Treaty. Russia will have to eliminate approximately 250 strategic ballistic missiles carrying 2,500 warheads. Much of these reductions will be achieved by the total elimination of the SS-18 MIRVed heavy ICBM force—the most potent hard-target kill-capable force in the Russian strategic arsenal. Furthermore, because of the MIRV ban and the limitations on downloading, Russia will also have to eliminate its capable and mobile SS-24 ICBM force—the Russian equivalent of the MX.

The JCS has testified that the START II Treaty offers a significant contribution to U.S. national security. Under its provisions, the United States achieves the longstanding goal of eliminating both heavy ICBM's and the practice of MIRVing ICBM's, thereby significantly reducing the incentive for a first strike.

The Joint Chiefs of Staff have carefully assessed the adequacy of U.S. strategic forces under START II, and have testified that, with the balanced triad of 3,500 warheads that will remain once this treaty is implemented, the size and mix of the remaining U.S. nuclear forces will support the deterrent and targeting requirements against any known adversary and under the worst assumptions. Both American and Russian strategic nuclear forces will be suspended at levels of rough equivalence; a balance with greatly reduced incentive for a first strike. The JCS stated that, by every military measure, START II is a sound agreement that will make our Nation more secure. Under its terms, U.S. forces will remain militarily sufficient, crisis stability will be greatly improved, and the United States can be confident in the ability to effectively verify its implementation. This treaty is clearly in the best interests of the United States.

#### VERIFICATION AND COMPLIANCE

The bottom line of the intelligence community's assessment about the prospects for monitoring the START II Treaty is that they will be able to monitor many—and the most significant—provisions of START II with high confidence. In some areas, though, they will have some uncertainty.

The intelligence community was deeply involved in the senior-level interagency process that led to the development of U.S. positions during the START II negotiations. The intelligence community helped design specific Treaty provisions that were included in the treaty to complement U.S. monitoring capabilities and thereby inhibit cheating. Information resulting from these provisions interacts synergistically with data from U.S. national intelligence means to enhance monitoring capabilities. For instance, the procedures for converting SS-18 silos for use by smaller, single warhead missiles make undetected reconversion to SS-18 launchers virtually impossible. The process would be time consuming, difficult, expensive, and easily observed. Moreover, onsite inspections permit the United States to visit a sample of silos of its choosing.

#### RATIFICATION AND IMPLEMENTATION

The steps Russia has taken toward implementing the deep reductions of the START I Treaty are significant. Since the Senate last considered the START II Treaty in 1993, Russia and Ukraine have largely been able to bridge their differences over the control and ultimate disposition of the strategic nuclear weapons in Ukraine. Moreover, Belarus, Kazakhstan, and Ukraine have ratified START I and acceded to the nonproliferation treaty as nonnuclear states, setting the stage for START I entry into force on December 5, 1994. Russia is well on the way to meeting the reductions of START I and significant progress has been made in deactivating missiles in Ukraine and Kazakhstan and consolidating strategic nuclear weapons on Russian terri-

tory. Russia also has completed the destruction of substantial numbers of launchers for older missiles, well in advance of the reduction required by START I.

#### MONITORING TASKS: GENERAL CONCLUSIONS

Under START II the intelligence community will be expected to monitor the activities associated with the reduction of Russian strategic offensive nuclear forces through January 1, 2003, as well as Russia's subsequent adherence to the numerical limits in the treaty. These tasks will be in addition to the requirements to monitor activities relative to qualitative restrictions on the technical characteristics and capabilities of the weapon systems involved, and location restrictions contained in the START I Treaty. Finally, the intelligence community is charged to detect and correctly interpret any activities that are prohibited by either treaty.

Specific new monitoring tasks under START II include the requirements to:

Monitor warhead reductions to between 3,000 and 3,500, including a 1,700 and 1,750 sublimit on SLBM warheads.

Monitor the ban on production, flight-testing, acquisition, and deployment of MIRVed ICBM's after January 1, 2003.

Monitor the conversion of up to 90 SS-18 silos for smaller, SS-25-type single-warhead ICBM's.

Monitor the elimination of the remaining SS-18 heavy ICBM silos, and of all SS-18 missiles and canisters.

Monitor up to 105 SS-19 ICBM's that are downloaded to carry only a single warhead.

Monitor the number of nuclear weapons with which Russian heavy bombers are actually equipped.

Determine that heavy bombers reoriented for conventional roles do not carry nuclear weapons or train for nuclear missions.

#### MONITORING JUDGMENTS

The intelligence community's monitoring judgments are based on three decades of experience collecting against and analyzing Soviet strategic forces as well as in monitoring other arms control agreements. More specifically, the monitoring judgments are based on:

Analyses of testing, production, deployment, and operational practices as well as engineering assessments of strategic weapon systems characteristics.

The strengths and weaknesses of current and programmed collection systems.

The potential contribution of verification measures contained in the two START treaties.

With regard to monitoring specific limitations in the START II Treaty, the intelligence community's confidence will be highest when monitoring the mandated restrictions, including the elimination of SS-18 ICBM's, as well as accounting for the number of deployed strategic weapons systems—single-warhead ICBM's, submarine-

launched ballistic missiles, and heavy bombers—that remain in the force.

As all MIRVed ICBM systems are eliminated, the intelligence community expects the single-warhead SS-25 road-mobile force to expand and a silo-based variant of this missile to be deployed. With the help of notification requirements, the intelligence community believes it will be able to track the growth of this force.

The intelligence community will be able to monitor the ban on MIRVed ICBM's after 2003 both by tracking the elimination of launchers for MIRVed ICBM's and by analyzing the data from flight tests of new missiles.

Since the START I Treaty was signed, Russia and the United States have demonstrated telemetry tapes, as called for by the treaty, and installed telemetry playback equipment on each other's territory. With START I entry into force, the intelligence community is now receiving telemetry tapes and associated interpretive data as required under treaty provisions.

Based on the information and equipment provided by Russia, intelligence community experts have high confidence that the agreed procedures will enable them to process, interpret, and analyze data contained in the Russian tapes.

For some START II monitoring tasks the intelligence community's uncertainties will be greater. As it stated in 1992, during the START I ratification hearings, monitoring missile production activity is more difficult than monitoring reductions and deployed forces.

At facilities where continuous portal perimeter monitoring is conducted, the uncertainties in monitoring future production will be low.

Estimates of missile production at facilities not subject to continuous monitoring or onsite inspection, however, will continue to be more uncertain.

An outgrowth of the historical difficulty in monitoring missile production is that estimates of the nondeployed missile inventory are less certain. Nevertheless, the intelligence community stands by the judgment it made in 1992: It does not believe the Russians have maintained a large-scale program to store several hundred or more undeclared, nondeployed strategic ballistic missiles. It acknowledges, however, that it is possible that some undeclared missiles have been stored at unidentified facilities.

#### THE POTENTIAL FOR CHEATING

With regard to detecting and correctly interpreting prohibited activity, the intelligence community examined nearly 40 cheating scenarios in 1991 when analyzing their ability to monitor START I. In light of START II limitations and bans, they examined additional scenarios. In both cases the intelligence community sought to devise scenarios that theoretically would be the most feasible and potentially interesting to the Russians as well as most challenging to United States intelligence capabilities. They consulted

with the Office of the Joint Chiefs of Staff and other experts to make certain that they had included those scenarios that would have the most military significance to our strategic military planners.

The cheating scenarios that continue to be the most potentially troublesome are those that would involve the covert production and storage of mobile missiles and their launchers. START II has neither increased nor reduced these concerns.

The intelligence community continues to doubt that Russia will be able to initiate and successfully execute a significant cheating program. This confidence is due to United States national technical means, verification provisions in the treaty, and to some extent, the increased difficulty of keeping Russian Government activities secret.

Although an effort to hide a small number of weapon systems would be almost impossible to detect, the intelligence community judges that it would also be of little interest or value to Russia.

#### TREATY PROVISIONS TO ENHANCE MONITORING

Although open-source information is now more abundant and relevant than in the past and the intelligence community has an impressive array of technical collection systems, it was clear during the negotiations of both START treaties that they would encounter significant uncertainties in monitoring some provisions if they had to rely only on national intelligence means. All START I provisions designed to enhance verification, including those that guarantee access to telemetry data from ballistic missile flight tests, will continue to apply under START II. In addition, START II provides for supplementary onsite inspections that will aid United States ability to monitor its unique provisions.

The value of these treaty provisions for monitoring varies, depending on the task. In some cases provisions—particularly those for onsite inspections—provide unique opportunities for directly monitoring treaty-required activities. In other cases the Russians provide detailed information on their forces so that the intelligence community need only find an individual discrepancy to identify an ambiguous, or perhaps illegal situation. In any case, onsite inspections, notifications, and regular data exchanges will facilitate our ability to optimize the employment of intelligence collection systems.

In addition to the START I Treaty's 13 types of inspections, START II's new onsite inspection provisions would assist in monitoring specific activities:

The intelligence community would have the right to observe the elimination of all declared SS-18 missile airframes that are not eliminated through launches, as well as all associated launch canisters.

The intelligence community would have the right to confirm by direct measurement that 5 meters of concrete have been poured into converted SS-18 silos, as well as to ob-

serve the entire process of concrete pouring, and to measure the inner diameter of the restrictive ring installed in the upper portion of each silo.

The intelligence community would have the right to conduct four additional RV inspections per year at converted SS-18 silos to confirm the single-RV load of the SS-25-type missile, observe the upper portion of its canister for identification purposes, and confirm the continued presence of the restrictive ring.

During special heavy bomber exhibitions and all short-notice inspections of heavy bombers after the START I baseline period, the intelligence community would have the right to inspect the interiors of weapons bays and external weapons attachment points.

As the intelligence community stated during the START I hearings, for some monitoring tasks it will continue to rely most heavily on information acquired from their independent technical sensors. For example, neither START treaty requires the exchange of telemetry tapes from the flight tests of bombers and cruise missiles, nor do they prohibit the encryption of such test data. Moreover, START provisions will provide little assistance in detecting prohibited activity at locations the Russians do not declare.

#### VERIFICATION CONCEPTS, CAPABILITIES, AND CONCERNS FOR MAJOR TREATY ELEMENTS

Verification of START II will be based largely upon the capabilities and provisions designed to verify START I, and generally reflect the same assumptions and considerations. The two central elements of START II are the elimination of MIRVed ICBM's—including all heavy ICBM's—by the year 2003, and deeper reductions in the same basic categories of strategic offensive arms as START I. Accordingly, the conceptual basis for verification of START II is the same as that for START I. The same capabilities and measures that provide for effective verification of START I limits on launchers, missiles, and attributable warheads will be effective in verifying the lower aggregate limits in START II.

#### THE STATUS OF IMPLEMENTATION PLANNING FOR START II

The START I Treaty entered into force on December 5, 1994. The Department of Defense was ready for entry into force and has been able to implement and comply with the extensive START I Treaty. The Military Services and Defense Agencies which must implement START II are getting invaluable experience right now in implementing the even more complex START I Treaty.

Planning for START II Treaty implementation within the Department of Defense began prior to the signature of the treaty in order to ensure that the United States will be in compliance at entry into force. In November 1992, the USD(A&T) issued DOD guidance which directed all Military Services and Defense Agencies to begin planning for START II and assigned specific START II implementation guidance with DOD's overall approach to implementation planning—centralized oversight and decentralized execution—which

proved so successful and cost effective during implementation of the INF Treaty. The Department of Defense is in the process of updating this guidance to the Military Services and Defense Agencies.

Because of the inherent relationships between START I and START II, the DOD START I implementation working group [SIWG] will be used to address implementation issues for START II. The SIWG consists of representatives of the Military Services and Defense Agencies. The SIWG, which first met in August of 1991, meets monthly to review the status of preparations within each Military Service and Defense Agency to issue planning guidance, assign additional responsibilities, conduct reviews, and resolve questions which may arise during planning for, and actual implementation of, START I and START II. To date, no major issues for START II have been identified which would impact United States ability to successfully implement the treaty.

In addition, the mechanisms for ensuring long-term compliance within the Department of Defense will be similar to those used to ensure DOD compliance with other arms control treaties. Specifically, the START I DOD compliance review group [CRG] will also be the forum for resolving any START II DOD compliance issues. The CRG is composed of representatives of the USD(A&T), the Under Secretary for Policy [USD(P)], the Joint Chiefs of Staff [JCS] and the DOD General Counsel. The CRG meets as required to ensure DOD compliance with START I and, pending entry into force, START II Treaty compliance.

#### POTENTIAL START II IMPLEMENTATION COSTS

DOD has provided some preliminary estimates of the cost of START II implementation. The following assumptions were used in developing these estimated implementation costs: The United States will draw down to the aggregate limit of no more than 3,500 warheads by January 1, 2003. This reduction will include the elimination of all Peacekeeper launchers. The costs associated with reducing the number of SLBM warheads assumes that the United States will retain 14 Trident submarines but download each deployed SLBM to 5 reentry vehicles. The assumptions are based on the results of the nuclear posture review [NPR] and do not reflect NPR programmatic costs.

These estimates also assume that the United States will exercise all of the START II onsite inspection rights, including those for the elimination of all SS-18 missiles and their launch canisters, the conversion of 90 SS-18 silos and the four additional reentry vehicle onsite inspections [RVSOI] allowed annually at converted SS-18 silos. Heavy bomber inspection and protection are included in these figures.

A preliminary estimate for START II shows that the total costs could amount to approximately \$201.9 million

between 1995 and the end of the second treaty reduction phase in 2003. These costs break down as follows:

[In millions of dollars]	
Elimination of MIRVed ICBMs .....	42.5
Reduction of deployed SLBM warheads .....	110.0
ICBM launcher elimination .....	14.5
Bomber exhibitions .....	1.3
Data reporting .....	2.0
Bomber conversion .....	10.5
Verification of SS-18 silo conversion ..	12.6
Verification of missile and launch canister elimination .....	2.8
Verification of rail-mobile ICBM launcher elimination .....	2.9
Additional reentry vehicle inspectors .....	2.8
<hr/>	
Total .....	201.9

The figures show that the total estimated cost of United States compliance activities will be approximately \$180.8 million with the majority of that—about 61 percent—to be dedicated to deployed SLBM warhead reductions. Total START II Treaty verification costs are approximately \$21.1 million, with the verification of silo conversions representing about 60 percent of that total estimate.

It is important to contrast these relatively small, 8-year costs for START II with the START I implementation costs for just fiscal year 1994 and fiscal year 1995. For this period, the Department of Defense budgeted approximately \$180 million for the implementation of the START I Treaty. This investment is paying off because START I preparations formed the basis for START II requirements and will allow the even deeper reductions at a relatively moderate cost.

Two additional inspection and security issues are worthy of mention. First, START II does not add any new inspectable facilities in the United States—although the portion of Whiteman AFB where B-2s are being deployed will be subject to inspection under START II only. This will help minimize costs and security concerns. Second, U.S. heavy bombers, particularly the B-2, will be subject to more intrusive exhibitions and inspections than under the START I Treaty. The START II Treaty requires inspections to verify that heavy bombers are not actually equipped for more nuclear weapons than declared but also allows portions of the heavy bomber not related to making this determination to be shrouded, covered. The U.S. Air Force is developing an inspection implementation plan that will ensure protection of sensitive-classified information during the inspection-exhibition but which also will ensure that our treaty obligations are met. The Assistant Secretary of Defense for C3I is responsible for providing security policy guidance to the DOD components.

#### CONCLUSION

In conclusion, the START II Treaty is the result of a bipartisan effort. Negotiated by a Republican administration and submitted by a democratic

one. Three Secretaries of State and Defense have supported it. START II represents a substantial step forward in attempting to codify strategic stability at greatly reduced levels of armaments. Final reductions must be completed by January 1, 2003—namely, to levels of 3,000 to 3,500 total warheads, 1,750 of those based on submarines. It was the Joint Chiefs of Staff view, that with the 3,500 warheads allowed under this treaty, the United States would remain capable of holding at risk a broad enough range of high value political and military targets to deter any rational adversary from launching a nuclear attack against the United States or against its allies. START II removes the most destabilizing segment of nuclear inventories, namely MIRV warheads and heavy ICBM's. Elimination also includes all deployed heavy ICBM silos and all test and training launchers. The Joint Chiefs of Staff believe that the verification procedures are adequate to ensure that the United States will be able to detect any significant violations. Conversely, the Joint Chiefs of Staff also believe that the verification provisions are sufficiently restrictive to protect the United States against unnecessary intrusion. It is my belief that on balance the START II Treaty is in the national security interests of the United States.

I urge my colleagues to consent to its ratification, subject to the conditions and declaration contained in the modified resolution of ratification.

Mr. HELMS. Mr. President, I support ratification of the START II Treaty because it will serve America's national security interests in at least three critical respects. First, when fully implemented, START II will ban the deployment of all intercontinental ballistic missiles with more than one warhead—traditionally these missiles have been the mainstay of Russia's nuclear forces. Second, this treaty rectifies a dangerous deficiency of the START I Treaty by completely eliminating all of Russia's heavy ICBM's. Third, START II creates a managed process for nuclear arms reductions. While no one will deny that much of Russia's motivation to engage in deeper cuts stems from its economic woes, I cannot in good conscience rely solely upon economic forces for reassurance that Russia's nuclear arms reductions will be undertaken in a sustained or stabilizing fashion.

START II ensures that Russia will eliminate those weapons of greatest concern to the United States, leaving nothing to chance.

Now of course, Mr. President, there is a quid pro quo for these benefits. The effect of the START II Treaty for the United States will be the elimination of our MX missile, significant reductions in our nuclear bomber fleet, and limits on the number of warheads we can deploy on submarine launched ballistic missiles. However, these changes do not fundamentally alter the deterrence value of our nuclear forces. In

fact, reductions under START II will result in a more survivable U.S. force structure than what we would have with just the START I Treaty.

Furthermore, START II preserves the triad of U.S. strategic offensive forces. We will continue to rely upon this combination of ICBM's, SLBM's, and heavy bombers to complicate any would-be aggressor's attack and to offer flexibility in any U.S. nuclear response. In fact, START II will improve the viability of the triad by eliminating those elements of the Russian force which directly threatened its integrity throughout the cold war—namely all of its SS-18 heavy ICBM's and its newer, mobile SS-24 ICBM's.

We should recall that in 1983, the Scowcroft Commission declared: "The Soviets now probably possess the necessary combination of ICBM numbers, reliability, accuracy, and warhead yield to destroy almost all of the 1,047 U.S. ICBM silos, using only a portion of their own ICBM force." One of the problems with the START I Treaty was that it did little to alleviate this concern. Although it reduced the number of deployed SS-18's by one-half, it also reduced the number of U.S. silo-based ICBM's by roughly half. Thus the ratio of SS-18 warheads to U.S. silos remained virtually unchanged. START II fixes this problem.

Now I would be remiss not to mention several areas where I continue to have misgivings. For example, I am concerned that Russia—at some point—might upload warheads on its SS-19 missiles, and that they might deploy their bombers with more warheads than the treaty allows. I also am concerned over the inherent difficulty of tracking mobile missiles. Yet even in the most serious cheating scenarios, Russia would be hard-pressed to achieve a military significant advantage over the United States.

However, we should not enter into this arrangement starry eyed. To those who say Russian cheating is implausible, or that Russia lacks the motivation to engage in such activities, I only need ask: "What arms control agreement have they not cheated on?" If the Senate decides to ratify START II, we must demand that Russia break with its lackluster record of treaty compliance. We should not agree to a new arms control measure while at the same time tolerating Russia's ongoing biological weapons program, its refusal to implement the bilateral destruction agreement for its chemical weapons program, its failure to comply with the Treaty on Conventional Armed Forces in Europe, or its persistent violation of the ABM Treaty. The burden of proof is upon Russia to demonstrate that it is capable of breaking with the arms control legacies of the cold war.

We also must realize the limitations of this arms control treaty. START II is bilateral in nature, and does not address the growing strategic arsenals of other countries such as China. Neither have we heard hide nor hair from this

administration regarding United States-Russia cooperation on ballistic missile defenses as a stabilizing complement to the well-structured reductions under START II. I therefore will resist any further efforts to reduce U.S. strategic nuclear arms to the point where the equilibrium between our strategic capability and our targeting requirements is disrupted, or to the point where the coherency of any leg of the U.S. nuclear triad is threatened.

Finally, I am concerned over the reckless abandon with which this administration raced to fully implement the START Treaty before it even had entered into force. That exuberance created a serious imbalance in the sizes of the United States and Russian nuclear arsenals. Given the deep levels of reductions contemplated under START II, we must proceed very cautiously with implementation.

That said, even with these concerns, START II will enhance significantly our national security. The resolution of ratification transmitted to the Senate from the Foreign Relations Committee contains six conditions and seven declarations that go to the heart of the issues I have mentioned here. And even in the event of serious Russian noncompliance, the United States will retain a mix of survivable nuclear forces more than sufficient to deter Russia. For all of these reasons, Mr. President, I reiterate my support for ratification of the START II Treaty.

Mr. WARNER addressed the Chair. The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask the distinguished acting chairman of the Foreign Relations Committee a question or two.

As you know, the group working with Senator STEVENS—and I am part of that group—has proposed certain amendments. I want to ask first, procedurally, at what time during the course of our deliberations does the Senate take up those amendments?

Mr. LUGAR. Mr. President, I am pleased to answer the distinguished Senator from Virginia that after the opening statements by the managers and others, then the resolution of ratification that came from the Foreign Relations Committee will be the pending business, and amendments will be in order at that point.

Mr. WARNER. I see. I thank the distinguished Senator, Mr. President, because I have worked with Senator STEVENS and others, and the acting chairman recounted those Senators who have been a part of that.

I think it is very important that those amendments be included in this treaty, and, frankly, I think it is wise that we are trying to act today so that those amendments and the treaty itself may once again be the subject of public comment until such time as we have the opportunity to vote on final passage.

I wish to, Mr. President, commend Senator STEVENS for leading this

group. I just inquired, I say to my colleague from Alaska, about the timing of his presentation which I anticipate.

Mr. LUGAR. Mr. President, I thank the distinguished Senator for his comments and his question. I simply indicate that I share his enthusiasm for the package of amendments.

Senator STEVENS has been our leader on the arms control observation group in which the distinguished Senator from Virginia and others have participated, and it will be my hope that in the event there is no controversy surrounding those amendments, they might all be adopted as a managers amendment. That would be the procedure that we hope to follow. But as soon as the resolution of ratification is before us, those amendments will be in order.

Mr. WARNER. Mr. President, I thank the Senator. I observe the presence on the floor of the distinguished Senator from Alaska.

Several Senators addressed the Chair.

Mr. LUGAR. Mr. President, I would be happy to yield in just a moment. I want to yield first to my distinguished colleague, Senator PELL, for his opening statement.

Mr. KYL. Mr. President, I simply wanted to add a comment to what the Senator was speaking of. I just came from the room in which the staff had put together the final language. Representatives of the administration had signed off on it as well as the representatives from Senator LEVIN's office, and I signed off on it as well.

I anticipate that at the point when it is agreeable with all of the Senators, that it represents the final piece in the agreement. As far as I know, there has been agreement reached, in other words, on all of those provisions.

I thank both Senator LUGAR and Senator STEVENS for their leadership in bringing this group together to allow the creation of these additional declarations and one addition to be added for the treaty.

Mr. LUGAR. Mr. President, I thank especially the Senator from Arizona who has had many concerns about the treaty and has expressed those in a very articulate, constructive way. And his views, I believe, are represented substantially in the amendments that will be offered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I am wondering if I could ask the indulgence of the Members of the Senate. I know how important this legislation is, but Senator BROWN and I would ask unanimous consent that we be allowed to go to morning business for an extremely short period of time to introduce legislation. We will make our statements part of the RECORD.

So I ask unanimous consent that we be allowed to go to morning business.

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