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S 2530

CONGRESSIONAL RECORD — SENATE

March 5, 1985

Committee on Small Business: Mr. Bumpers, Mr. Dunn, Mr. Sasser, Mr. Baucus, Mr. Levin, Mr. Dixon, Mr. Boren, Mr. Harkin, and Mr. Kerry.

Committee on Veterans' Affairs: Mr. Cranston, Mr. Matsunaga, Mr. DeConcini, Mr. Mitchell, and Mr. Rockefeller.

Select Committee on Ethics: Mr. Heflin, Mr. Pryor, and Mr. Eagleton.

Select Committee on Indian Affairs: Mr. Melcher, Mr. Inouye, Mr. DeConcini, and Mr. Burdick.

Special Committee on Aging: Mr. Glenn, Mr. Chiles, Mr. Melcher, Mr. Pryor, Mr. Bradley, Mr. Burdick, Mr. Dodd, Mr. Johnston, and Mr. Bingaman.

Joint Economic Committee: Mr. Bentsen, Mr. Proxmire, Mr. Kennedy, and Mr. Sarbanes.

SENATE RESOLUTION 88— AMENDING THE STANDING RULES OF THE SENATE

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. Res. 88

Resolved, That paragraph 3(a) of Rule XXV of the Standing Rules of the Senate is amended for the 99th Congress as follows:

Strike "12" after "Rules and Administration" and insert in lieu thereof "15".

Sec. 2. Paragraph 3(c) of Rule XXV of the Standing Rules of the Senate is amended for the 99th Congress as follows:

Strike "7" after "Indian Affairs" and insert in lieu thereof "9".

SENATE RESOLUTION 89— MAKING MAJORITY PARTY AP- POINTMENTS TO SENATE COM- MITTEES AND ELECTING CHAIRMEN AND SUCH COM- MITTEES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. Res. 89

Resolved, That the following shall constitute the majority party's membership on those Senate committees listed below for the 99th Congress, or until their successors are appointed:

Rules and Administration: Mr. Mathias (chairman), Mr. Hatfield, Mr. McClure, Mr. Helms, Mr. Warner, Mr. Dole, Mr. Stevens, and Mr. Garn.

Small Business: Mr. Weicker (chairman), Mr. Boschwitz, Mr. Gorton, Mr. Nickles, Mr. Rudman, Mr. D'Amato, Mr. Kasten, Mr. Pressler, Mr. Goldwater, and _____.

Veterans' Affairs: Mr. Murkowski (chairman), Mr. Simpson, Mr. Thurmond, Mr. Stafford, Mr. Specter, Mr. Denton, and Mr. Boschwitz.

Select Committee on Ethics: Mr. Rudman (chairman), Mr. Helms, and Mrs. Kassebaum.

Special Committee on Aging: Mr. Heinz (chairman), Mr. Cohen, Mr. Pressler, Mr. Grassley, Mr. Wilson, Mr. Warner, Mr. Evans, Mr. Denton, Mr. Nickles, and Mrs. Hawkins.

Select Committee on Indian Affairs: Mr. Andrews (chairman), Mr. Goldwater, Mr. Gorton, Mr. Murkowski, and Mr. Abdnor.

Joint Economic Committee: Mr. Abdnor (vice chairman), Mr. Roth, Mr. Symms, Mr. Mattingly, Mr. D'Amato, and Mr. Wilson.

SENATE RESOLUTION 90—RELAT- ING TO THE SOVIET ARMS CONTROL VIOLATIONS REPORT OF 1985

Mr. SYMMS (for himself and Mr. McClure) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. Res. 90.

Resolved, It is the sense of the Senate that the people of the United States should be informed urgently and, consistent with the protection of intelligence sources and methods, to the fullest extent possible regarding Soviet noncompliance with the unratified SALT II Treaty or any arms control agreement to which the Soviet Union is a Party, and, pursuant to this finding, requests the President to review his classified message to the Congress dated February 1, 1985, and as soon as possible after the adoption of this resolution promptly to make public all material and information therein which can be released to the people of the United States consistent with the standard specified herein.

Mr. SYMMS. Mr. President, I am offering this resolution for myself and Senator McClure for a very important reason. Soviet arms control violations must be ended. But before they can be ended, they must be revealed to the Soviets and to the American people. I want the distinguished American delegation to the Geneva arms control talks—the so-called umbrella talks—confirmed today to confront the Soviets on March 12, 1985, with the full spectrum of all their arms control treaty violations.

I believe that the most important findings of President Reagan's February 1, 1985, report to Congress on Soviet Non-Compliance with Arms Control Treaties are in the classified annex. I believe further that these findings must be made public so that they can be understood by the Congress and by the American people. Each of the findings has been discussed in the press repeatedly before, and I believe that their confirmation by the executive branch would in no way jeopardize intelligence sources and methods. No intelligence data supporting these findings need be divulged at this time, just the findings themselves.

My resolution merely requests that the President release these findings, which are so necessary to our understanding of the Soviet threat to our national security.

Mr. President, I ask unanimous consent that the President's unclassified February 1, 1985, report be printed in the RECORD, together with my analysis of this report.

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

ANALYSIS OF FEBRUARY 1, 1985, VIOLATIONS REPORT

The January 1984 Presidential Report to Congress on Soviet Arms Control Violations found 5 Soviet violations conclusively, with unanimous interagency agreement. This Report was the result of a McClure-Helms-Symms unanimous amendment. The Octo-

ber 1984 GAC Report to the President on Soviet Arms Control Violations stated 13 more conclusive Soviet arms control violations, and it was reviewed and received general agreement within the Administration as a Presidential Report to Congress. This was the result of a McClure-Mattingly-Courter unanimous Amendment. The February, 1985 Presidential Report to Congress on Soviet Arms Control Violations (classified Secret) states 6 new Soviet arms control violations conclusively with unanimous interagency agreement. This is the result of a McClure amendment.

There are thus a total of 24 Soviet arms control treaty violations for which the evidence is conclusive, and more significantly, the entire Reagan Administration unanimously agrees that these 24 are conclusive violations. There are nine more probable, likely, and possible violations reported by the President, with 31 more to go to report on the full 64 Soviet violations.

It is now fair to say that the Arms Control Process has suffered a "broken back" administered by the Soviets. It is also most reasonable to conclude that the Soviets have torn up both SALT I and SALT II. Indeed, the Reagan Administration unanimously agrees that the Soviets are conclusively violating the core provisions of both treaties.

Soviet SNDV growth is certain to continue in 1985, with impending SS-24 ICBM deployment, impending SS-25 mobile ICBM deployment and continued Bear H bomber production, together with SS-16 deployment.

The Soviets are directly challenging the essence of the U.S. democratic political system by their 24 conclusive and agreed arms control violations. They are boldly gambling that American democratic leaders can not muster the leadership or collect the bipartisan political consensus necessary to demonstrate the political will to compensate for their violations. They believe, with some justification derived from their past observation of American behavior, that American political leaders are paralyzed and demoralized and unable to galvanize public support to challenge them and counteract their threats to our collective security.

Of course, the Soviets are very self confident. They have reason to be. The Soviets know full well that they now have an overwhelming 4 to 1 numerical advantage in ICBM warheads (counting DIA's reported best estimate of 14 warheads on each of 308 superheavy SS-18 ICBMs, reportedly giving the Soviets 2,500 ICBM warheads to only 2,100 for the U.S.), and their accuracy and megatonnage advantages give them over a 6 to 1 advantage in first strike, counterforce offensive capabilities. The Soviets have over a 14 to 1 advantage in Intermediate Range Nuclear Force Warheads against NATO. The Soviets are also developing and deploying a nation-wide ABM defense, capable of soon defending not only Moscow, but also ICBM fields, and the whole nation. Thus the Soviets are over a decade ahead of the U.S. in both offensive and defensive capabilities.

The most sensible and cost effective U.S. response to Soviet break-out from SALT I and SALT II is to accelerate our Strategic Defense Initiative. But the only way that we are ever going to be able to deploy SDI in the near term, or even in the long term, however, is to selectively abrogate the SALT I ABM Treaty. And the only way, politically, that we can do that is to scrap the unratified SALT II Treaty. Thus it is extremely important to SDI and to American national security to scrap SALT II.

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The Reagan Administration has either reaffirmed or strengthened its conclusions on 11 Soviet arms control treaty violations. Indeed, the two most significant Soviet violations have now been upgraded from "probable" and "almost certain" to unqualified, certain, clearcut, conclusive violations. These violations are the SS-25 as the second new type ICBM and the Krasnoyarsk ABM Radar. Moreover, as was the case in the January 1984 Presidential Report, the February Report is the unanimous judgment of the entire Administration, with no dissenting footnotes or reservations.

Further, the new report states that "there are other compliance issues that will not be publicly disclosed at this time but which remain under review." And the report adds ominously: "With regard to the issues analyzed in the January 1984 report, the Soviet Union has thus far not provided satisfactory explanations nor undertaken corrective actions sufficient to alleviate our concerns."

Thus the Soviets are refusing U.S. diplomatic inquiries and U.S. requests that they cease their violations. Their stonewalling has gone on for over one year and a half. Their stonewalling is not likely to end in Geneva next week.

The February 1, 1985 Report to Congress was widely reported in the press before its release to contain evidence on 19 Soviet arms control violations. It did, and the report confirms several more violations. On January 4, 1985, Senators East and Helms and I wrote to the President stating that there were 43 outstanding Soviet arms control violations remaining to be reported to Congress. Now there are still 31. Moreover, Senators East and Helms and I stated: "We feel that omission of even one of these [31] issues would not be in accord with the McClure-Helms-Symms amendment which passed the Senate unanimously on September 23, 1983, on a 93-0 roll call vote." Thus the State Department is still not complying with the law, and has not even promised a subsequent report on additional violations.

Finally, the February 1 Presidential Report states again that "the United States is continuing to carry out its own obligations and commitments under relevant agreements." This means that no matter how badly the Soviets cheat, the U.S. is not even seeking negotiations to modify or selectively abrogate arms control treaties to which we are a party.

This is pure and simple unilateral disarmament, and therefore outright appeasement of the Soviet Union.

In conclusion, it should be pointed out that the February 1, 1985 Report states that the U.S. is "taking into account in our defense modernization plans the security implications of arms control violations." This will be examined carefully in future Senate hearings, because the Senate has still not received a report on the Military Implications of Soviet SALT violations requested almost a year ago. Myself and Senators McClure, Helms, East and others have been pressing the Administration for a report on the military implications of the Soviet SALT violations since March 1, 1984 and recently they reaffirmed their request on January 4 and 25, 1985.

They are still waiting for this report.

[From the White House, Feb. 1, 1985]

THE PRESIDENT'S UNCLASSIFIED REPORT TO THE CONGRESS ON SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

(The following is the text of a message to the Congress transmitting the President's unclassified Report on Soviet Noncompliance with Arms Control Agreements as required by the FY-1985 Defense Authorization Act.)

To the Congress of the United States:

During 1984, at the request of the Congress, I forwarded two reports to the Congress on arms control compliance. The first, forwarded last January, was an in-depth analysis of seven specific issues of violations or probable violations by the Soviet Union of arms control obligations and commitments. The second report, forwarded in October, was an advisory study prepared independently by the General Advisory Committee on Arms Control and Disarmament. These reports indicate that there is cause for serious concern regarding the Soviet Union's conduct with respect to observance of arms control agreements.

In the FY-1985 Defense Authorization Act and the Conference Report on that Act, the Congress called for additional classified and unclassified reports regarding a wide range of questions concerning the Soviet Union's compliance with arms control commitments. The Administration is responding to these requests by providing both classified and unclassified reports which update the seven issues initially analyzed in the January 1984 report, and analyze a number of additional issues.

In this unclassified report the United States Government reaffirms the conclusions of its January 1984 report that the USSR has violated the Helsinki Final Act, the Geneva Protocol on Chemical Weapons, the Biological and Toxin Weapons Convention, and two provisions of SALT II: telemetry encryption and ICBM modernization. The United States Government also reaffirms its previous conclusions that the USSR has probably violated the SS-16 deployment prohibition of SALT II and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty. In addition, the United States Government has determined that the USSR has violated the ABM Treaty (through the siting, orientation and capability of the Krasnoyarsk Radar), violated the Limited Test Ban Treaty, and violated the SALT II provision prohibiting more than one new type of ICBM, and probably violated the ABM Treaty restriction on concurrent testing of SAM and ABM components. Evidence regarding the USSR's compliance with the ABM Treaty provision on component mobility was determined to be ambiguous. In addition, the United States Government is concerned about Soviet preparations for a prohibited territorial ABM defense. Further, the USSR was determined to be currently in compliance with those provisions of the SALT I Interim Agreement and its implementing procedures that deal with reuse of dismantled ICBM sites and with the reconfiguration of dismantled ballistic missile launching submarines.

Beyond the issues that are treated in the unclassified report released today, there are other compliance issues that will not be publicly disclosed at this time but which remain under review. As we continue to work on these issues, we will brief and consult with the Congress in detail and will, to the maximum extent possible, keep the public informed on our findings.

In order for arms control to have meaning and credibly contribute to national security and to global or regional stability, it is essential that all parties to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less. To do so would undermine the arms control process and damage the chances for establishing a more constructive US-Soviet relationship.

As I stated last January, Soviet non-compliance is a serious matter. It calls into question important security benefits from arms

control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. With regard to the issues analyzed in the January 1984 report, the Soviet Union has thus far not provided satisfactory explanations nor undertaken corrective actions sufficient to alleviate our concerns. The United States Government has vigorously pressed, and will continue to press these compliance issues with the Soviet Union through diplomatic channels.

Our approach in pursuing these issues with the Soviet Union is to ensure that both the letter and intent of treaty obligations and commitments will be fulfilled. To this end the Administration is: analyzing further issues of possible non-compliance; as noted above, seeking from the Soviet Union through diplomatic channels explanations, clarifications, and, where necessary, corrective actions; reporting on such issues to the Congress; and taking into account in our defense modernization plans the security implications of arms control violations. At the same time, the United States is continuing to carry out its own obligations and commitments under relevant agreements. Our objectives in the new negotiations which begin in March are to reverse the erosion of the ABM Treaty and to seek equitable, effectively verifiable arms control agreements which will result in real reductions and enhanced stability. While all of these steps can help, however, it is fundamentally important that the Soviet Union take a constructive attitude toward full compliance with all arms control obligations and commitments.

The Administration and the Congress have a shared interest in supporting the arms control process. For this reason, increased understanding of Soviet violations or probable violations, and a strong Congressional consensus on the importance of compliance to achieving effective arms control, will strengthen our efforts both in the new negotiations and in seeking corrective actions from the Soviet Union.

I look forward to continued close consultation with the Congress as we seek to make progress in resolving compliance issues and in negotiating sound arms control agreements.

Sincerely,

RONALD REAGAN.

SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

INTRODUCTION

In January 1984, the President, in response to Congressional requests, reported to the Congress on several issues involving violations or probable violations by the Soviet Union of existing arms control agreements, including: the Geneva Protocol on Chemical Weapons, the Biological and Toxin Weapons Convention, the Helsinki Final Act, the ABM Treaty, SALT II, and the Threshold Test Ban Treaty.

In that report the President stated: "If the concept of arms control is to have meaning and credibility as a contribution to global or regional stability, it is essential that all parties to agreements comply with them. Because I seek genuine arms control, I am committed to ensuring that existing agreements are observed."

The President further noted that: "Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. It increases doubts about the reliability of the USSR as a negotiating

partner, and thus damages the chances for establishing a more constructive US-Soviet relationship."

The current unclassified report provides updated information on the seven issues previously reported and additionally reviews six other compliance issues that have been intensively studied since the January 1984 report was completed, for a total of thirteen issues. The six new cases involve questions of Soviet compliance with provisions of the SALT I Interim Agreement, the Limited Test Ban Treaty (LTBT) and the Anti-Ballistic Missile (ABM) Treaty.

With regard to the SALT I Interim Agreement, this report examines the evidence on two issues: (1) whether the USSR has made prohibited use of remaining facilities at dismantled former ICBM sites; (2) whether the USSR has reconfigured dismantled ballistic missile submarines in a manner prohibited by Treaty or Protocol provisions.

With regard to the Limited Test Ban Treaty (LTBT), this report examines whether the USSR vented nuclear debris from underground nuclear tests beyond its territorial limits in contravention of the LTBT.

With regard to the ABM Treaty, this report examines whether the USSR has concurrently tested SAM and ABM components; developed, tested or deployed mobile ABM components; and/or has provided a base for territorial defense.

In this report the United States Government reaffirms the conclusions of its January 1984 report that the USSR has violated the Helsinki Final Act, the Geneva Protocol on Chemical Weapons, the Biological and Toxin Weapons Convention, and two provisions of SALT II: telemetry encryption and ICBM modernization. The United States government also reaffirms its previous conclusions that the USSR has probably violated the SS-16 deployment prohibition of SALT II and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty. In addition, the United States Government has determined that the USSR has violated the ABM Treaty through the siting, orientation and capability of the Krasnoyarsk Radar and the Limited Test Ban Treaty; by testing the SS-X-25 ICBM in addition to the SS-X-24 ICBM, violated the SALT II "new types" provision limiting each party to one new type ICBM; and probably violated the prohibition against concurrent testing of ABM and components. Moreover, the Soviet Union's ABM and SAM-related actions suggest that the USSR may be preparing an ABM defense of its national territory. Evidence regarding the USSR's compliance with the ABM Treaty provision on component mobility was determined to be ambiguous, and the USSR was determined to be currently in compliance with provisions of the SALT I Interim Agreement and its implementing procedures that deal with re-use of dismantled ICBM sites and the reconfiguration of dismantled ballistic missile launching submarines.

In addition to the issues regarding Soviet compliance with arms control agreements which are addressed in this unclassified report, there are other compliance matters currently under review which cannot be publicly disclosed at this time and which we intend to brief to the Congress on a classified basis in the near future.

In examining the issues in this unclassified report, as well as in the classified report to follow, we have focused on questions of Soviet noncompliance. Questions of Soviet noncompliance have not arisen with regard to several other provisions of these agreements, nor with certain other treaties, such as the Antarctic Treaty, the Outer Space Treaty, the non-proliferation Treaty, the

Seabed Arms control treaty, the Environmental Modification Convention, and others.

The issues we have analyzed raise very serious concerns. The United States Government firmly believes that in order for arms control to have meaning and credibly contribute to national security and to global and regional stability, it is essential that all parties to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and the United States Government will not accept anything less: to do so would undermine the arms control process and damage the changes for establishing a more constructive US-Soviet relationship.

THE FINDINGS

Biological and Toxin Weapons Convention and 1925 Geneva Protocol

1. Chemical, Biological, and Toxin Weapons

Treaty Status: The 1972 Biological and Toxin Weapons Convention (the BWC) and the 1925 Geneva Protocol are multilateral treaties to which both the United States and the Soviet Union are parties. Soviet actions not in accord with these treaties and customary international law relating to the 1925 Geneva Protocol are violations of legal obligations.

Obligations: The BWC bans the development, production, stockpiling of possession, and transfer of: microbial or other biological agents or toxins except for a small quantity for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment and means of delivery of agents or toxins. The 1925 Geneva Protocol and related rules of customary international law prohibit the first use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices; and prohibits use of bacteriological methods of warfare.

Issues: The January 1984 compliance report addressed whether the Soviets are in violation of provisions that ban the development, production, transfer, possession and use of biological and toxin weapons. Soviet compliance was reexamined for this report.

Finding: The U.S. Government judges that evidence during 1984 confirm and strengthen the conclusion of the January 1984 report that the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligations under the Biological and Toxin Weapons Convention of 1972.

Although there have been no confirmed chemical and toxin attacks in Kampuchea, Laos, or Afghanistan in 1984, there is no basis for amending the January 1984 conclusion that the Soviet Union has been involved in the production, transfer and use of trichothecene mycotoxins for hostile purposes in Laos, Kampuchea and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972.

Limited Test Ban Treaty

2. Underground Nuclear Test Venting

Treaty Status: The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Limited Test Ban Treaty (LTBT)) is a multilateral treaty that entered into force for the United States and the Soviet Union in 1963. Soviet actions not in accord with this treaty are violations of a legal obligation.

Obligations: The LTBT specifically prohibits nuclear explosions in the atmosphere, in outer space, and under water. It also prohibits nuclear explosions in any other environment "if such explosion causes radioactive debris to be present outside the territo-

rial limits of the State under whose jurisdiction or control such explosion is conducted."

Issue: The U.S. examined whether the USSR's underground nuclear tests have caused radioactive debris to be present outside of its territorial limits.

Finding: The U.S. Government judges that the Soviet Union's underground nuclear test practices have resulted in the venting of radioactive matter and caused radioactive matter to be present outside the Soviet Union's territorial limits in violation of its legal obligation to the Limited Test Ban Treaty. The Soviet Union has failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite U.S. request for corrective action.

Threshold Test Ban Treaty

3. Nuclear Testing and the 150 Kiloton Limit

Treaty Status: The Threshold Test Ban Treaty (TTBT) was signed in 1974. The Treaty has not been ratified but neither party has indicated an intention not to ratify. Therefore, both parties are subject to the obligation under customary international law to refrain from acts which would defeat the object and purpose of the TTBT. Soviet actions that would defeat the object and purpose of the TTBT are therefore violations of their legal obligation. The United States is seeking to negotiate improved verification measures for the Treaty. Both Parties have separately stated they would observe the 150 kiloton threshold of the TTBT.

Obligation: The Treaty prohibits any underground nuclear weapon test having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the Parties, beginning March 31, 1976. In view of the technical uncertainties associated with estimating the precise yield of nuclear weapons tests, the sides agreed that one or two slight unintended breaches per year would not be considered a violation.

Issue: The January 1984 report examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons. This issue was reexamined for this report.

Finding: The U.S. Government judges that, while ambiguities in the pattern of Soviet testing and verification uncertainties continued in 1984, evidence available through the year confirms the January 1984 finding that Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the Threshold Test Ban Treaty of 1974, which banned underground nuclear tests with yields exceeding 150 kilotons. These Soviet actions continue despite U.S. requests for corrective measures.

Helsinki Final Act

4. Helsinki Final Act Notification of Military Exercises

Legal Status: The Final Act of the Conference on Security and Cooperation in Europe was signed in Helsinki in 1975. This document represents a political commitment and was signed by the United States and the Soviet Union, along with many other States. Soviet actions not in accord with that document are violations of their political commitment.

Obligation: All signatory States of the Helsinki Final Act are committed to give prior notification of, and other details concerning, major military maneuvers, defined as those involving more than 25,000 ground troops.

Issue: The January 1984 compliance report examined whether notification of the Soviet military exercise Zapad-81 was inad-

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equate and therefore a violation of the Soviet Union's political commitment under the Helsinki Final Act. The USSR's compliance with its notification commitment was reexamined for this report.

Finding: The U.S. Government previously judged that the Soviet Union violated its political commitment to observe the prior-notification provisions of Basket I of the Helsinki Final Act, which requires notification and other information concerning exercises exceeding 25,000 ground troops. A major Warsaw Pact maneuver (Zapad-81), exceeding the 25,000 troop limit, was conducted in 1981 at a time great pressure was being put on Poland, and the Soviet Union did not provide the pre-notification or other information required. The judgment that the Soviet Union did not observe the prior notification provisions of the Helsinki Final Act is confirmed.

While the USSR and Warsaw Pact states have generally taken an approach to the confidence-building measures of the Final Act which minimizes the information they provide, Soviet compliance with the exercise-notification provisions was much improved in 1983. However, during 1984, the USSR returned to a minimalist stance, providing only the bare minimum required under the Final Act.

Salt I Interim Agreement

Treaty Status: The SALT I Interim Agreement entered into force for the United States and the Soviet Union in 1972. Dismantling procedures implementing the Interim Agreement were concluded in 1974. The Interim Agreement, by its own terms, was of limited duration and expired as a legally binding document in 1977. The applicability of the Interim Agreement to the actions of both parties has, however, been extended by the parties by a series of mutual political commitments, including the President's May 31, 1982 statement that the United States would refrain from actions which would undercut existing strategic arms agreements so long as the Soviet Union shows equal restraint. The Soviets have told us they would abide by the SALT I Interim Agreement and SALT II. Any actions by the USSR inconsistent with this commitment are violations of its political commitment with respect to the Interim Agreement and its implementing procedures.

Two issues were analyzed for this report: Soviet activities at dismantled ICBM sites, and reconfiguration of a Yankee-Class ballistic missile submarine.

5. Mobile Missile Base Construction at Dismantled SS-7 ICBM Sites

Obligation: The SALT I Interim Agreement and its procedures prohibit the parties from using facilities remaining at dismantled or destroyed ICBM sites for storage, support, or launch of ICBMs. Any Soviet actions inconsistent with this commitment are violations of a political commitment with respect to the Interim Agreement and its implementing procedures.

Issue: The U.S. examined whether the USSR has used former ICBM sites in a manner inconsistent with its political commitment under the Interim Agreement and its implementing procedures.

Finding: The U.S. government judges that Soviet activity apparently related to SS-X-25 ICBM deployments at two former SS-7 bases does not at present violate the agreed implementing procedures of the SALT I Interim Agreement. However, ongoing activities raise concerns about compliance for the future, since use of "remaining facilities" to support ICBMs at deactivated SS-7 sites would be in violation of Soviet commit-

ments. The U.S. will continue to monitor developments closely.

6. Reconfiguration of Yankee-Class Ballistic Missile Submarines

Obligation: The SALT I Interim Agreement and its procedures require that submarines limited by the Agreement be dismantled or be reconfigured into submarines without ballistic missile capabilities. Any Soviet actions inconsistent with this obligation are violations of a political commitment.

Issue: The U.S. examined whether the USSR's reconfiguration of a submarine to increase its length, and for use as a platform for modern long-range cruise missiles is consistent with its political commitments under the Interim Agreement and its implementing procedures.

Finding: The U.S. Government judges that the Soviet Union's conversion of a dismantled SSBN into a submarine longer than the original, and carrying modern, long-range cruise missiles is not a violation of its political commitment under the SALT I Interim Agreement, but constitutes a threat to U.S. and Allied security similar to the original Yankee-Class submarine.

SALT II Treaty

Treaty status: SALT II was signed in June 1979 and has not been ratified. In 1981 the United States made clear to the Soviet Union its intention not to ratify the SALT II Treaty. Prior to this clarification of our position in 1981, both nations were obligated under customary international law not to take actions which would defeat the object and purpose of the signed, but unratified, Treaty. Such Soviet actions prior to 1981 are violations of legal obligations. Since 1981, the United States has observed a political commitment to refrain from actions that undercut the SALT II Treaty so long as the Soviet Union does likewise. The Soviets have told us they also would abide by these provisions. Soviet actions inconsistent with this commitment are violations of their political commitment with respect to the SALT II Treaty.

Three SALT II issues are included in this unclassified report: encryption of telemetry, SS-X-25 ICBM, and SS-16 ICBM deployment.

7. Encryption of Ballistic Missile Telemetry

Obligation: The provisions of SALT II ban deliberate concealment measures that impede verification by national technical means. The Treaty permits each party to use various methods of transmitting telemetry information during testing, including encryption, but bans deliberate denial of telemetry, such as through encryption, whenever such denial impedes verification.

Issue: The January 1984 compliance report examined whether the Soviet Union has engaged in encryption of missile test telemetry (radio signals) so as to impede verification. This issue was reexamined for this report.

Finding: The U.S. Government reaffirms the conclusion in the January 1984 report that Soviet encryption practices constitute a violation of a legal obligation under SALT II prior to 1981 and a violation of their political commitment since 1982. The nature and extent of such encryption of telemetry on new ballistic missiles, despite U.S. request for corrective action, continues to be an example of deliberately impeding verification of compliance in violation of this Soviet political commitment.

8. The SS-X-25 ICBM

Obligation: In an attempt to constrain the modernization and the proliferation of new, more capable types of ICBMs, the provisions of SALT II permit each side to "flight

test and deploy" just one new type of "light" ICBM. A new type is defined as one that differs from an existing type by more than 5 percent in length, largest diameter, launch-weight and throwweight or differs in number of stages or propellant type. In addition, it was agreed that no single re-entry vehicle ICBM of an existing type with a post-boost vehicle would be flight-tested or deployed whose reentry vehicle weight is less than 50 percent of the throwweight of that ICBM. This latter provision was intended to prohibit the possibility that single warhead ICBMs could quickly be converted to MIRVed systems.

Issue: The Soviets declared the SS-X-24 to be their allowed one new type ICBM. The January 1984 report examined the issues: whether the Soviets have tested a second new type of ICBM (the SS-X-25) which is prohibited; whether the reentry vehicle (RV) on that missile, if it is not a new type, is in compliance with the provision that for existing types of single RV missiles, the weight of the RV be equal to at least 50 percent of total throwweight; and whether encryption of SS-X-25 flight test telemetry impedes verification. The U.S. reexamined these issues for this report.

Finding:

a. **Second New Type:** The U.S. Government judges that the SS-X-25 is a prohibited second "new" type of ICBM and that its testing, in addition to the SS-X-24 ICBM, thereby is a violation of the Soviet Union's political commitment to observe the "new" type provision of the SALT II Treaty. Despite U.S. requests, no corrective action has been taken.

b. **RV-to-Throwweight Ratio:** The U.S. Government reaffirms the conclusion of the January 1984 report regarding the SS-X-25 RV-to-throwweight ratio. That is, if we were to accept the Soviet argument that the SS-X-25 is not a prohibited new type of ICBM, it would be a violation of their political commitment to observe the SALT II provision which prohibits the testing of such an existing ICBM with a single reentry vehicle whose weight is less than 50 percent of the throwweight of the ICBM.

c. **Encryption:** The U.S. Government reaffirms its judgment made in the January 1984 report regarding telemetry encryption during tests of the SS-X-25. Encryption during tests of this missile is illustrative of the deliberate impeding of verification of compliance in violation of a legal obligation prior to 1981, and of the USSR's political commitment subsequent to 1981.

9. SS-16 Deployment

Obligation: The Soviet Union agreed in SALT II not to produce, test or deploy ICBMs of the SS-16 type and, in particular, not to produce the SS-16 third stage or the reentry vehicle of that missile.

Issue: The January 1984 report examined the evidence regarding whether the Soviets have deployed the SS-16 ICBM in spite of the ban on its deployment. The U.S. reexamined this issue for this report.

Finding: The U.S. Government reaffirms the judgment made in the January 1984 report. While the evidence is somewhat ambiguous and we cannot reach a definitive conclusion, the available evidence indicates that the activities at Plesetsk are a probable violation of the USSR's legal obligation not to defeat the object and purpose of SALT II prior to 1981 when the Treaty was pending ratification, and a probable violation of a political commitment subsequent to 1981.

ABM Treaty

Treaty Status: The 1972 ABM Treaty and its Protocol ban deployment of ABM systems except that each party is permitted to

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deploy one ABM system around the national capital area or, alternatively, at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are, therefore, violations of a legal obligation.

Four ABM issues are included in this unclassified report: the Krasnoyarsk radar, mobile land-based ABM systems or components, concurrent testing of ABM and SAM components, and ABM territorial defense.

10. The Krasnoyarsk Radar

Obligation: In an effort to preclude creation of a base for territorial ABM defense, the ABM Treaty limits the deployment of ballistic missile early warning radars, including large phased-array radars used for that purpose, to locations along the periphery of the national territory of each party and requires that they be oriented outward. The Treaty permits deployment (without regard to location or orientation) of large phased-array radars for purposes of tracking objects in outer space or for use as national technical means of verification of compliance with arms control agreements.

Issue: The January 1984 report examined the evidence regarding the construction of a large phased-array radar near Krasnoyarsk in central Siberia. It was concluded that this radar was almost certainly a violation of the ABM Treaty. The U.S. reexamined this issue for this report.

Finding: The U.S. Government judges, on the basis of evidence which continued to be available through 1984, that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Continuing construction, and the absence of credible alternative explanations, have reinforced our assessment of its purpose. Despite U.S. requests, no corrective action has been taken.

11. Mobility of New ABM System

Obligation: The ABM Treaty prohibits the development, testing or deployment of mobile land-based ABM systems or components.

Issue: The U.S. examined whether the Soviet Union has developed a mobile land-based ABM system, or components for such a system, in violation of its legal obligation under the ABM Treaty.

Finding: The U.S. Government judges that Soviet actions with respect to ABM component mobility are ambiguous, but the USSR's development of components of a new ABM system, which apparently are designed to be deployable at sites requiring relatively little or no preparation, represent a potential violation of its legal obligation under the ABM Treaty. This and other ABM-related Soviet actions suggest that the USSR may be preparing an ABM defense of its national territory.

12. Concurrent Testing of ABM and SAM Components

Obligation: The ABM Treaty and its Protocol limit the parties to one ABM deployment area. In addition to the ABM systems and components at that one deployment area, the parties may have ABM systems and components for development and testing purposes so long as they are located at agreed test ranges. The Treaty also prohibits giving components, other than ABM system components, the capability "to counter strategic ballistic missiles or their elements in flight trajectory" and prohibits the parties from testing them in "an ABM mode." The parties agreed that the concurrent testing of SAM and ABM system components is prohibited.

Issue: The U.S. examined whether the Soviet Union has concurrently tested SAM and ABM system components in contravention of this legal obligation.

Finding: The U.S. Government judges that evidence of Soviet actions with respect to concurrent operations is insufficient to assess fully compliance with Soviet obligations under the ABM Treaty, although the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The number of incidents of concurrent operation of SAM AND ABM components indicate the USSR probably has violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable. This and other such Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

13. ABM Territorial Defense

Obligation: The Treaty allows each party a single operational site, explicitly permits modernization and replacement of ABM systems or their components, and explicitly recognizes the existence of ABM test ranges for the development and testing of ABM components. The ABM Treaty prohibits, however, the deployment of an ABM system for defense of the national territory of the parties and prohibits the parties from providing a base for such a defense.

Issue: The U.S. examined whether Soviet ABM and related activities provide a base for a territorial defense.

Finding: The U.S. Government judges that the aggregate of the Soviet Union's ABM and ABM-related actions suggest that the USSR may be preparing an ABM defense of its national territory.

SENATE RESOLUTION 91—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. SIMPSON (for Mr. DOLE, for himself, and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 91

Whereas in the case of Lear Siegler, Inc., etc. v. John Lehman, etc., et al., filed in the United States District Court for the Central District of California, the constitutionality of the procurement protest system established by the Competition in Contracting Act of 1984, Public Law 98-369, 98 Stat. 1175, 1199-1203, has been placed in issue;

Whereas the Department of Justice has notified the Senate that the Department will assert in this case and in other cases under the Competition in Contracting Act that the powers granted by that Act of Congress to the Comptroller General violate the constitutionally prescribed separation of powers;

Whereas pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288j(a) (1982), the Senate may direct its Counsel to intervene in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Senate in the case of Lear Siegler, Inc., etc. v. John Lehman, etc., et al.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI, Mr. President, the Senate Committee on the Budget will meet on the first concurrent budget resolution for fiscal year 1986, Tuesday, March 5, 1985, through Friday, March 8, 1985. The markup will be held each day at 10 a.m. and 2 p.m.

For further information, contact Susan Yurko at the Senate Budget Committee at 224-0536.

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS, Mr. President, I would like to announce that the Subcommittee on Governmental Efficiency and the District of Columbia of the Governmental Affairs Committee will hold a joint hearing with the Committee on Environment and Public Works on the subject of "Government Global Forecasting Capability." The hearing will be held on Tuesday, March 26, 1985, at 9:30 a.m. in room SD-342 of the Dirksen Senate Office Building.

For further information, contact Marion Morris of the subcommittee staff at 224-4161.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HAWKINS, Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 5, 1985, to conduct a closed hearing on the fiscal year 1986 budget.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. HAWKINS, Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet on Tuesday, March 5, 1985, to conduct a hearing on the Genocide Treaty.

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

SUBCOMMITTEE ON SEAPOWER AND FORCE PROJECTION

Mrs. HAWKINS, Mr. President, I ask unanimous consent that the Subcommittee on Seapower and Force Projection, of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 5, 1985, to conduct a open hearing to be followed by a closed hearing on the Navy Shipbuilding Program.

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

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mrs. HAWKINS, Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 5, to hold an open hearing followed by a closed session on

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