Mr. CRANSTON. Reserving the right to object, I have a question of the majority leader. Does this preclude further amendments and close out the possibility of any further amendments?

Mr. BYRD. Yes.

Mr. CRANSTON. I would like to reserve the right to offer one amendment with an hour time limit on it only if the Helms amendment is adopted. In case it is adopted and in case I still see problems with it, I would like to have the right to come up with another amendment.

Mr. BYRD. That will be opening up the agreement of yesterday, and that agreement cannot be reopened whether we agree to this one or not.

Mr. CRANSTON. What agreement of yesterday?

Mr. BYRD. The agreement of enumerating the amendments that remained that could be called up.

Mr. CRANSTON. That is closed down because of that process?

Mr. BYRD. Yes, because if we open it up——

Mr. CRANSTON. I understand.

Mr. BYRD. I thank the distinguished majority whip.

Mr. President, has that agreement been agreed to?

The ACTING PRESIDENT pro tempore. The unanimous-consent request propounded by the majority leader has been agreed to.

Mr. BYRD. I thank the Chair and I thank all Senators.

I ask unanimous consent that the Helms amendment No. 2317 continue to be laid aside at the sufferance of the Senator from North Carolina because he is entitled, if there is an objection, to have it come back before the Senate upon the disposition of the Wallop amendment. I ask unanimous consent that the amendment by Mr. HELMS continue to be laid aside temporarily as of now.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection it is so ordered.

Mr. BYRD. Mr. President, if the Senators can restrain themselves and yield back some of the time, although I must compliment them, they are not asking for a great deal of time, it would help the Senate to dispose of the amendments and hopefully approve the ratification of the treaty at a reasonably early hour this afternoon. It would be most welcomed in Moscow, I think, by our President if it were done by 3 o'clock.

One might not expect me to have said that the way I did, but I think we have closed all loopholes we know about in this treaty, and it is a much better treaty than it was when he sent it to the Hill. So I will be happy to try to accommodate the President as much as I can.

Mr. NUNN. Mr. President, on another matter, if I can inform the majority leader, Senator WARNER from Virginia has been working diligently. I have been assisting him in respect to getting an agreement worked out on the DOD bill so that the D'Amato amendment would not be an impediment to the final passage of the DOD bill. I think a good deal of progress has been made between Senator D'AMATO, Senator LEVIN, and Senator WARNER. We have, at least, a prospect of getting a unanimous consent so we can finish the DOD bill today.

If we do not get that unanimous consent worked out by the completion of the INF Treaty, I would ask the majority leader consider going into legislative session to bring up the DOD bill, at which time I would at least try to get the D'Amato amendment tabled.

I hope that would not be necessary. I would feel an obligation to at least try to pass that Department of Defense bill. It contains so many elements that are so important, including pay raises for the military, including trying to avoid as much as possible the deferment of civilian employees.

The longer we delay it, the more the deferment and layoff of civilian employees is going to be. I would like to at least feel obligated to try to move that this afternoon. It should not take long. We will either get a unanimous consent or we will not. We will either get it tabled or not. It might necessitate or would necessitate, in the absence of a unanimous consent, one rollcall vote. If we get a unanimous consent, I do not have any need to have a rollcall vote on final passage, but someone else may ask for that.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Georgia for his observations. It is most helpful.

Let me respond to my friend from Maine. I hope that the Senate can go to the DOD authorization bill this afternoon and dispose of it, and I hope that a unanimous-consent request can be developed which would entertain the separation of the D'Amato amendment from the bill.

There is one caveat; that the Senate cannot go into legislative session to take up the DOD authorization bill without unanimous consent for the reason that once the Senate goes into legislative session, the veto message from the President will be read to the Senate, and immediately upon the reading of that, it will be attached to the Journal, following which the veto message is before the Senate for disposition. That has precedence over anything else, even over rule XXII, if there has not been a vote, and would have precedence over the War Powers Resolution, which has been triggered by the Senator from Washington [Mr. ADAMS].

We do face that problem getting to the DOD authorization bill this afternoon. I hope the distinguished Republican leader and I and the Senator from Virginia and the Senator from Georgia and other Senators may be able to collaborate in bringing about that desired result, but there are those obstacles.

Mr. President, I thank the distinguished Republican leader for the outstanding cooperation that he has given in advancing this treaty to this point. The daylight is really at the end of the tunnel. I yield the floor.

EXECUTIVE SESSION—TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES (THE INF TREATY)

The Senate resumed with the consideration of the treaty.

Pending:

Helms Amendment No. 2317 (to the resolution of ratification), to include in the instruments of ratification a unilateral declaration of the United States that, as an integral factor in its decision to adhere to the Treaty, it intends to continue to negotiate with the Union of Soviet Socialist Republics a treaty effecting reductions in strategic nuclear forces of the parties and, in conjunction with its NATO allies, to negotiate a treaty effecting reductions in the conventional forces of NATO and the Warsaw Pact, and in so doing, that it shall be guided by certain enumerated principles and considerations.

Wallop Amendment No. 2324, to provide for a United States response to possible violations of the INF Treaty.

The ACTING PRESIDENT pro tempore. The vote now occurs on the motion to table the Wallop amendment and the yeas and nays have been ordered.

Mr. McCLURE addressed the Chair.

The ACTING PRESIDENT pro tempore. The gentleman from Idaho.

Mr. McCLURE. Mr. President, I rise as a cosponsor of the compliance condition before the Senate, and to urge its adoption.

Mr. President, 27 years ago, Fred Ikle wrote a seminal and prophetic article entitled "After Detection, What?" The article addressed the difficulty of enforcing compliance with arms control agreements once violations have been detected.

When I say prophetic, I mean both foresightful and, also, little honored in his own land. For it is not until today, 27 years later, that we in the Senate are acting to address the problems Fred Ikle outlined in 1961. I hope the Senate will see fit today to honor this prophet, who recently retired, after a career of distinguished service, as Under Secretary of Defense for Policy.

We are all aware of the unprecedented strides that have been made in the verification regime of the INF Treaty. We have the right to inspect Soviet missile assembly and deployment sites deep within the country Churchill once described as "a riddle, wrapped in a mystery, inside an enigma." We have Soviet agreement on extensive cooperative measures to enhance the ability of our national technical means to monitor Soviet compliance.

ful that we will complete work on this matter today. That will enable the President to carry forward with the plans that had previously been laid in terms of including INF Treaty ratification at the summit.

Mr. President, I thank the majority leader for yielding.

ORDER EXTENDING THE MAJORITY LEADER'S TIME FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that my time be extended for not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The majority leader will state it.

Mr. BYRD. Is the first vote that is pending on the motion to table the amendment by Mr. WALLOP?

The ACTING PRESIDENT pro tempore. That would be the first order.

Mr. BYRD. Mr. President, was there a time limit earlier on the Wallop amendment which has expired?

The ACTING PRESIDENT pro tempore. There had been a time agreement of 80 minutes on the amendment offered by the Senator from Wyoming.

Mr. BYRD. And that 80 minutes has expired or has been yielded back?

The ACTING PRESIDENT pro tempore. That time has expired.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that, immediately upon the disposition of the amendment by Mr. WALLOP, and without further debate or motion, the Senate proceed to an amendment by Mr. PRESSLER, the subject matter of which is the Helsinki compliance certification, and that there be a 30-minute time limitation on the amendment, to be equally divided and controlled in accordance with the usual form; and, that, upon the expiration of the time or its having been yielded back, a vote occur in relation to the Pressler amendment; provided further, that, immediately upon the disposition of that amendment, without further debate or action, the Senate proceed to the consideration of an amendment by Mr. SYMMS dealing with end strength, and that there be a time limitation on that amendment by Mr. SYMMS of——

Mr. WARNER. Mr. Leader, I believe we can handle this in 15 minutes.

Mr. DOLE. Total?

Mr. NUNN. Sixteen minutes, equally divided.

Mr. BYRD. That there be a time limitation on that amendment, equally divided in accordance with the usual form.

And that, upon the expiration or the yielding back of that time, the Senate proceed immediately to a vote in relation thereto—that the Senate then proceed immediately and without further action or debate to an amendment by Mr. DOLE which is the double negative amendment on which there be a time limitation of 20 minutes to be equally divided and controlled in accordance with the usual form; and that upon the expiration or yielding back of that time a vote occur on the amendment; that upon the disposition of the Dole amendment, without further action or debate the Senate proceed to the consideration of an amendment by Mr. SPECTER having to do with treaty interpretation, that there be a 40-minute time limit on that amendment to be equally divided and controlled in accordance with the usual form and that, upon the disposition of that on the expiration or yielding back of that time, the Senate proceed without further action or debate to a vote in relation to that amendment;

That upon the disposition of that amendment without any further action or debate the Senate proceed immediately to the consideration of the second amendment by Mr. SPECTER, which is, likewise, on the subject matter of treaty interpretation and there be a 30-minute time limitation to be equally divided and controlled in accordance with the usual form; that upon the expiration or yielding back of that time a vote occur without any intervening action in relation—a vote occur in relation to that amendment; that upon the disposition of the Specter amendments, the Senate then proceed to an amendment by Mr. HELMS dealing with troop withdrawal, that there be 15 minutes on a side on that amendment, and that upon the expiration or yielding back of that time the Senate proceed without further action to a vote in relation to that amendment;

That upon the disposition of that amendment without further action or debate the majority leader be recognized and the cloture motion be vitiated but that the majority leader be recognized at that point.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

Mr. COHEN. Reserving the right to object, may I inquire of the majority leader upon the disposition of these amendments and any others that might come up in the intervening time, do you intend to go to the DOD bill after that?

Mr. BYRD. Mr. President, in response to the question by the distinguished Senator from Maine, Mr. COHEN, the amendments that have been enumerated here and included in the time agreement that has just been promulgated, upon the disposition of those amendments there is only one amendment that would remain, if that should be in the form of an amendment. That would be the amendment by Mr. QUAYLE. And so we cannot agree to a time limit on it. As I understand it, that may turn out to be a colloquy.

So I think that every amendment that has been protected by the agreement of yesterday dealing with enumerated amendments has been accounted for in this discussion today.

May I make one further parliamentary inquiry before I respond to the distinguished Senator from Maine?

Mr. President, I am told that the time as set forth in the agreement, which I hope to be executed shortly, would amount to something like 4, 4½ hours, if all the time is taken and if no more than four rollcall votes occur, may I say to the distinguished Senator from Maine, Mr. COHEN, that takes us up to about 2:30.

That does not set a time limit on the Quayle amendment or the Quayle colloquy, whichever he elects to utilize. Nor does it include any time for speeches anent the treaty.

I include in this unanimous-consent request any Senators who may wish to include statements in the RECORD may have until 5 p.m. today to do so, and that those speeches may appear as though read in their entirety. That is part of the request.

Will the Senator allow us to get this agreement and then allow him to respond?

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

Mr. EXON. Reserving the right to object, and I shall not, one matter I did not hear the majority leader refer to and maybe he did, last evening on the amendment offered by the Senator from North Carolina, to which the Senator from California had an amendment and withdrew that amendment, that amendment was never laid on the table. Has the majority leader discussed that amendment and has that been disposed of?

Mr. BYRD. That has not been disposed of. It has been included——

Mr. EXON. It has been included in the list you just read?

Mr. BYRD. Yes.

Mr. EXON. I thank the majority leader.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. CRANSTON. Reserving the right to object.

Mr. BYRD. Mr. President, I will amend my response to the question by Mr. EXON. I had included it only by reference. I had forgotten there has been no time agreement on that amendment. I think if we could get the rest of this agreement, it will not prejudice either Mr. HELMS or any other Senator, insofar as debate on that amendment is concerned. I hope that we can proceed with the request.

But critical though verification is, it is only half the problem. "After Detection, What?" That is the question we seek to answer today.

For it is not enough to detect violations. What counts is the political will to impose a political and military price to ensure that arms control scofflaws do not gain from their violations. If we cannot do that, all the onsite inspections, satellites, and monitoring sites in the world are useless.

The condition before us creates a mechanism to deter the Soviets from violating the INF Treaty, and to respond if they do. It does so before the fact of a Soviet violation, and as an essential part of the Senate's own understandings regarding the treaty.

The condition is straightforward. It establishes that the United States will consider any Soviet violation as grounds for a proportionate response or for withdrawal from the treaty, in accordance with generally recognized principles of international law. It establishes a procedure to ensure that the State is kept informed of Soviet compliance, or intelligence information indicating noncompliance, including the reliability of the evidence for, and the military significance of, any Soviet violations.

If the President reports to Congress that the Soviet Union is no longer in compliance with the treaty, and the President decides not to exercise the right to withdraw from the treaty, the President should certify to Congress that either:

The United States is undertaking appropriate responses, or

The Soviet Union has returned to compliance.

The Senate may reject the Presidential certification, in which case the treaty should no longer remain in force. However, this is not binding. It is a statement of how the Senate intends the United States to respond.

Mr. President, some may ask, why is this condition necessary? It is necessary because, to date, the United States record in making the Soviet Union pay for its violations of existing treaties has been abysmal. The House and Senate have voted unanimously to recognize the Krasnoyarsk radar site as a violation of the 1972 Anti-Ballistic Missile Treaty. But they then turned around and voted to force the United States to comply with the narrowest interpretation of that treaty, forestalling our ability to respond to a Soviet violation of potentially enormous military significance.

Our track record on the SALT II Treaty sends the same message. In 1979, as many of my colleagues recall, President Carter said that encryption, or scrambling, of missile telemetry would be just as significant a violation as exceeding the limits on strategic weapons. Such a violation, the Carter administration told us, could be considered grounds for abrogation of the treaty. The Senate Foreign Relations Committee endorsed this position. The committee also said, in its report, that any significant Soviet violation would "be countered by a timely response upon detection." On another issue, Secretary of State Cyrus Vance touted the ban on new types—the ban violated by the SS-25—as one of the cornerstones of the treaty.

As we all know, the Soviets went ahead and violated both those provisions, the ban on encryption and the ban on a new type. And after 5 years of voluntary U.S. compliance with SALT II, the Reagan administration finally moved to abandon the SALT II limits. Yet Congress is still trying—it is taking another shot on this year's defense authorization bills—to force the United States back into compliance with a treaty which the Soviets are violating and which, even had it been ratified, would have long since expired.

Mr. President, the arms control lobby blames the Reagan administration for the breakdown in Soviet compliance. The administration, they say, is being too confrontational, blowing Soviet violations out of proportion. Instead, we are told, the United States should use the Standing Consultative Commission for a quite resolution of disagreements.

But the SCC, which was established by the ABM Treaty to serve as a forum for compliance disputes, has been useless, an "Orwellian memory hole" as Cap Weinberger described it. As of March of last year, the SCC had spent 224 hours discussing Krasnoyarsk—with absolutely no effect on Soviet actions. The committee had also spent 270 hours on the SS-25, and 385 hours on the Soviet encryption of telemetry. Meanwhile the SS-25 has gone from the development stage to deployment, and the Soviets continue to encrypt their telemetry.

I know there is a son of SCC established by the INF Treaty, called the Special Verification Commission. I hope that body is more successful than its predecessor. And I hope the Senate will take action today to give our SVC people some leverage.

Mr. President, what we have done through our refusal to respond to Soviet violations is to send a dangerous message. In one breath, we have said that we believe the Soviets are in violation of treaties. But through our legislative actions, we have said that violations do not matter, and the Soviets can continue to cheat with impunity.

Today, the Senate has a chance to reverse that message. And let me make it clear to any of my colleagues, who think this condition somehow hurts the INF Treaty, that passing the compliance reservation is the best thing we can do for this treaty. In fact, I would go so far as to call this a "reverse-killer amendment." What's that? That is an amendment that kills the treaty if it does not pass. Because if the Senate rejects this amendment, that action could eventually kill this treaty. If we reject this amendment, we will be telling the Soviets: "Go ahead. Cheat. Keep cheating. We aren't going to do anything." And the Soviets can take a hint. If they believe they can gain from cheating, they will.

Mr. President, when he signed this treaty, President Reagan cited an old Russian proverb. "Doveryai, no proveryai." Trust, but verify. I would like to add a word to that. Doveryai, proveryai, i prinuzhdai. Trust, verify, and enforce.

I urge the adoption of the reservation.

VOTE ON AMENDMENT NO. 2324

THE ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to table the amendment of the Senator from Wyoming. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON; I announce that the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent due to death in family.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 66, nays 30, as follows:

[Rollcall Vote No. 161 Ex.]

YEAS—66

Adams	Durenberger	Moynihan
Baucus	Evans	Nunn
Bentsen	Exon	Packwood
Bingaman	Ford	Pell
Bond	Fowler	Proxmire
Boren	Gore	Pryor
Boschwitz	Graham	Quayle
Bradley	Harkin	Reid
Breaux	Hatfield	Riegle
Bumpers	Heinz	Rockefeller
Burdick	Hollings	Roth
Byrd	Inouye	Rudman
Chafee	Johnston	Sanford
Chiles	Kennedy	Sarbanes
Cohen	Kerry	Sasser
Conrad	Lautenberg	Simon
Cranston	Leahy	Specter
Danforth	Levin	Stafford
Daschle	Lugar	Stennis
DeConcini	Melcher	Stevens
Dixon	Mikulski	Weicker
Dodd	Mitchell	Wirth

NAYS—30

Armstrong	Heflin	Nickles
Cochran	Helms	Pressler
D'Amato	Humphrey	Shelby
Dole	Karnes	Simpson
Domenici	Kassebaum	Symms
Garn	Kasten	Thurmond
Gramm	McCain	Trible
Grassley	McClure	Wallop
Hatch	McConnell	Warner
Hecht	Murkowski	Wilson

NOT VOTING—4

Biden	Matsunaga
Glenn	Metzenbaum

So the motion to lay on the table the amendment (No. 2324) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senate will be in order. Senators will please take their seats. The Senate will be in order.

AMENDMENT NO. 2101

(Purpose: To condition ratification on the certification whether the Soviet Union is in compliance with the Helsinki Final Act)

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, the Senator from South Dakota is recognized for 15 minutes. The opposition is recognized for 15 minutes.

The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The Clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 2101.

At the appropriate place in the resolution, insert the following condition: "Subject, however, to the condition that neither the President nor any other agent of the Executive Department is authorized to sign or exchange instruments of ratificaiton unless and until the President, without delegation, shall have certified to the United States Senate whether the Union of Soviet Socialist Republics is faithfully meeting its obligations under and is in full compliance with all provisions of the Final Act of the Conference on Security and Cooperation in Europe".

The ACTING PRESIDENT pro tempore. The Senate will be in order.

The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I thank you for your efforts to establish order.

Mr. President, the key word in this amendment is "whether." It does not ask the President to certify "that" the Soviets are in compliance with the Helsinki Final Act on security, cooperation, and human rights. In fact, the Soviets, in my judgement, are not in compliance. Therefore, it would be a very simple matter for the President to issue a statement to that effect whereupon he would then be authorized to sign and exchange the instruments of ratification.

So the point of this amendment, is to highlight the Helsinki Final Act and human rights in the Soviet Union. The Soviets are not in full compliance. I believe the President should certify whether they are or are not, before entering into final ratification of this treaty. I think it should not take the President and his many advisers more than a half-hour to complete this task. In doing so, they would reiterate the obvious—that the Soviets are not in full compliance with the Helsinki accords on security, cooperation, and human rights.

Some might ask, "What is the point of doing this on the eve of the summit in Moscow?" Many of us in the Senate have been signing letters to the President and Secretary Gorbachev in recent weeks, asking that the various human rights and emigration cases be favorably resolved by the Soviet Union. There have been dozens of these letters this year, and I have signed many of them. They are good letters, and all produced desirable results in this era of glasnost and perestroika.

However, we should go beyond sending letters, to draw attention to the persistent problems of Soviet violation of the Helsinki accords.

The INF Treaty is a historic agreement in several respects. It is the first time the superpowers have agreed to mutually reduce nuclear armed missiles, and it makes a leap forward in the area of onsite inspection of nuclear facilities by human beings. But the Helsinki Act also was a historic agreement. It codified the idea that true security requires cooperation between nations and respect for certain basic human rights within nations.

The Helsinki Final Act has been the foundation for many effective efforts to advance the cause of human rights in Europe, especially in Eastern Europe. Unfortunately, there is a long way to go before we can rest assured that the Helsinki principles are respected in the Soviet Union, let alone fully observed. The Soviet Union signed this solemn agreement.

On this occasion of the imminent ratification of the INF Treaty, I urge the Senate to reaffirm the principles and ideals of the Helsinki Final Act by supporting my amendment. In doing so, we will be saying to the Soviet Union that we regard progress toward compliance with the Helsinki principles to be as important as this INF Treaty.

The INF Treaty is an extension of the Helsinki principles. The Helsinki Final Act may be regarded as an umbrella under which arms control agreements fall. It is the parent agreement, in a real sense, and has earned the respect and appreciation of millions of Europeans. Therefore, we can accomplish two historic feats: Ratification of the INF Treaty and reaffirmation of the Helsinki principles.

Mr. President, there are many minority groups in the Soviet Union, and their friends in the United States are very interested in this amendment.

For example, there is the Soviet Armenian minority. The Armenians want respect for their basic rights in the Soviet Union, and they have been demonstrating to make known to the world that they feel they are not being treated fairly. The Helsinki accords are not being respected by the Soviet Union regarding the Armenians.

Recently, it was my pleasure to travel to Turkey where I discussed with the leaders of that country some of the issues regarding the Ottoman Empire's genocide against the Armenians. They pointed out that most Armenians live across the border in the Soviet Union, and that they have recently been demonstrating very strongly. This amendment would very much highlight the Armenians in the Soviet Union. It would highlight their plight.

Also, the Baltic States—Estonia, Latvia, and Lithuania—have been struggling for greater autonomy, the freedom to practice religion, and respect for their unique cultural heritage and customs.

Last night, on television, it was pointed out that in the Soviet Union it is illegal to have a meeting to study the Bible. Certainly, the Christians and others who wish to practice religion, except where there are television cameras, are not being accorded the protection of the Helsinki principles. Discrimination against Ukrainians has been widespread. That is something that this amendment would address—not to mention the Soviet Jews who have suffered so much. Although the Soviets have permitted a higher level of Jewish emigration during the past year, the number of those permitted to emigrate to Israel remains far below the level of several years ago.

Mr. President, I think it is very important to make this statement on human rights. There are many citizens of the United States who welcome glasnost but who, at the same time, see continuing patterns of violations of the Helsinki accords.

This amendment would not require the Soviet Union to satisfy the requirements of the Helsinki accords. It would require that the President certify whether or not the Soviets are complying fully with Helsinki accords. This exercise on the eve of the summit would highlight the cause of human rights in many areas of the world.

Mr. President, we are on the verge of a historic act in the Senate. What we do here today will affect future generations. I have expressed great concern about the conventional defense forces in Europe and the imbalances that exist between NATO and Warsaw Pact nations. In some ways, I feel that we are giving up our INF missiles trump card while they are keeping their trump card, their superiority in conventional forces.

I am concerned that, next year, the administration—be it Republican or Democrat—will seek increases in military spending to increase our conventional forces in Europe; and I will raise questions about that, because I think there should be a more equitable defense burden sharing by our allies.

However, let us not go forward with this treaty without considering the issue of human rights. I know that this body has adopted, by unanimous consent, another Helsinki amendment, but that amendment has no teeth in

it. It does not require any action by the President. I think that on the eve of the summit, the President could make the proposed certification in a half hour, and it will not hold up the treaty. It would not force renegotiation of the INF Treaty. It will not hurt the treaty. In fact, it will strengthen it.

There are literally millions of people who are crying out for human rights and religious freedom, and many of us have worked on this. It seems strange that we should enter into this agreement with the Soviet Union without having this certification by the President on the eve of the summit. That is the purpose of my amendment.

Mr. President, I have offered many amendments in the Foreign Relations Committee on verification and other issues. I think that the efforts we made in the Foreign Relations Committee helped to bring about a stronger United States-Soviet agreement on verification procedures; as a result of our committee efforts, and the efforts of many of my colleagues, there was another meeting between the Secretary of State and the Soviet Foreign Minister, and additional verification procedures were clarified.

Also, I raised many questions and offered an amendment in the committee on conventional forces, which was defeated. I feel very strongly that any START agreement the President might initiate in Moscow should be tied to a reduction of Soviet/Warsaw Pact conventional forces in Europe, especially the Soviet combat-ready divisions that are located in Poland, Hungary, Czechoslovakia, and East Germany, not to mention the Soviet Union itself. They clearly have a 2-to-1 superiority at least, and maybe a 4-to-1 superiority in troops, tanks, artillery and other coventional weapons. So long as this exists, there cannot be a relaxing of the West's defense efforts.

Mr. President, the long debate we have had on this treaty has illustrated the concerns of many Senators. Amendments such as mine in committee and here on the floor have sent a signal to the White House to be very careful on the START Treaty. Most of our amendments have been defeated; but, as a result of offering these amendments and as a result of this fight, we have a stronger assurance that the verification procedures will work. We have clarified important treaty provisions, but I wish we would clarify the area of human rights before going forward.

My amendment would not require a renegotiation. It would not hold up the treaty. It merely says, on the eve of the summit—and the President and his advisors could do it in 30 minutes—that the President must issue a certification on whether or not the Soviets are complying with the Helsinki Final Act. It would not hurt the treaty one way or another, but it would highlight the issue of human rights and would show that Americans care about the Armenians in the Soviet Union, who are crying out; that we care a great deal about the Christians in the Soviet Union who want to read the Bible; that we care a great deal about the Jewish people who wish to emigrate or are struggling for greater freedom; it would show that we care about the Ukranians who for so long have had their freedoms denied. But most importantly it will show that we care about the human rights provisions of the Helsinki Final Act, and I think that is very important.

In my various travels about the world I have come very much to respect the efforts of the chairman of the Foreign Relations Committee, Senator PELL, to look into conditions in prisons when he is traveling abroad. I made a trip to Argentina with him years ago when he nudged the conscience of the entire country regarding the disappeared.

I also had the honor of traveling with him in Central America where he guided us to raise questions about prison conditions in Nicaragua.

So, as we move toward giving our consent to this treaty, I offer this amendment in all sincerity—not to hold up the treaty, not to in any way detract from it—but to put an exclamation point to this summit that we care a great deal about human rights.

Mr. President, I yield the floor, but I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CONRAD). Who yields time?

Mr. PELL. Mr. President, I yield myself 5 minutes.

Mr. President, I thank the Senator from South Dakota for his kind words and commend him for his interest in this whole subject of human rights.

As a founding member and once upon a time a cochairman of the Helsinki Commission, I have, as he knows, shared this interest over the years.

I recognize that it is in the spirit of trying to improve human rights that this commendable amendment is brought forward. However, I do not believe that the language that is proposed should be adopted by the Senate at this time because it could delay the ratification process in the eleventh hour. Moreover, through the adoption of the DeConcini-Lautenberg amendment, the Senate has put the Soviet Union on notice that the United States will continue to seek improvements in human rights. Certainly arms control is not the be all and end all of our relationship with the Soviet Union. I agree we must press the Soviets for progress in the area of human rights. But I question whether this condition is an effective way of doing it. It moves us down the road toward a formal linkage between arms control and human rights. Most of the witnesses who testified before the Foreign Relations Committee rejected the idea of linkage.

I, myself, asked Secretary Shultz what his views were with regard to attaching various provisions relating to the Soviet withdrawal from Afghanistan or improvement of human rights to the INF Treaty. Secretary Shultz replied "I see no purpose to be served by burdening this treaty with other matters. It seems to me it stands on its own feet."

I believe that the administration is not supportive of this condition. In my view, timely ratification of the INF Treaty would contribute to a positive atmosphere in which progress can be better made on the human rights front.

So when the appropriate time comes I do intend, I hope in collaboration and in cooperation with the Senator from Indiana, to move to table.

I yield 5 minutes to Senator DECONCINI.

Mr. DECONCINI. Thank you, Mr. President. I thank the chairman of the Foreign Relations Committee.

I thank the Senator from South Dakota. I understand his motivation here to make sure that human rights are clearly articulated in terms of Helsinki compliance in the Soviet Union. I appreciate that effort.

What concerns me here is that in my best judgment there is no way this President or any President could certify today that the Soviet Union is in compliance with the Helsinki Final Act and to make that part of this treaty would in my judgment really make the treaty inoperative, which the good Senator from South Dakota says is not his intent, but in my judgment that is exactly what would happen here.

So I think we are moving down a road here that would really be a killer amendment. We addressed this in what I thought was a constructive way a couple nights ago, about 10 o'clock when we did pass the DeConcini-Lautenberg-Grassley and others human rights amendment which was really a declaration and an understanding that the President should and would when he hands over the ratification instruments, ask Gorbachev, request Gorbachev, and extol Gorbachev to comply with the Helsinki Final Act and with the Madrid concluding document, that was consummated in 1985 and any other international instruments and agreements that have been made as they relate to human rights.

That, to me, is a very strong, forceful statement by this body as to our position on human rights and our desire to bring them to the attention of the Soviet Union.

But here we are making a condition that a President in all honesty could not certify.

If that is the intent of the Senator from South Dakota, I respect that. If it is the intent to make this treaty not be able to come into effect, I respect anybody who disagrees with my view that this treaty should be ratified.

But my best judgment is this amendment really makes it impossible to ratify the treaty. How could anyone

certify that the Soviet Union is in compliance? Some might even question whether the United States is in full compliance of the Helsinki Final Act. But we know for a fact the Soviet Union is not just by their emigration laws. They have still failed to pass emigration laws guaranteeing emigration. For example, their linkage of relatives' invitations, close relatives living outside the Soviet Union, in order for Soviet citizens to get a visa to travel outside the country is in total violation of the Helsinki Final Act.

So, Mr. President, I hope that we will table this amendment and believe that if we do not and if it passes it would indeed be a killer amendment and make this treaty inoperative and something that the Soviets could not accept nor could President Reagan accept a treaty with this type of amendment on it because in no god's way could he certify or anyone else that the Soviet Union is in compliance.

I thank the Senator from Rhode Island.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, will the distinguished Senator yield 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from Indiana.

Mr. LUGAR. I thank the Senator.

Mr. President, as I have listened to the debate, the distinguished Senator from South Dakota in describing his amendment read the first lines which I suppose are the most important. He said "The purpose of the amendment is to condition ratification on the certification whether the Soviet Union is in compliance with the Helsinki Final Act."

I will point out initially when the distinguished Senator's amendment was offered in the Foreign Relations Committee and likewise published here as amendment 2101 in the Senate, the first line read "to condition ratification on the certification that the Soviet Union is in compliance." "That" has been changed to "whether."

Now I make that point because the Senator has tried to cure a defect that the Foreign Relations Committee found regrettable; namely, that the entirety of this treaty might lie as the distinguished Senator from Arizona has pointed out on whether or not the Soviets are in compliance.

Frequently, the President has spoken out and said they are not. There is no secret as to his judgment about that.

So the distinguished Senator has eliminated the word "that" and said the President has to certify now "whether" the Soviet Union is in compliance or not.

As I read the amendment, the President could say, yes, no, or maybe. He is required to say something about it.

I would simply point out the President, as early as this morning had a lot to say about it in Helsinki. He pointed out that he believes the Soviet Union has made some progress. He commended the Soviets on a number of actions. But he pointed out very clearly they have a long way to go.

That was as definitive a judgment in response to the request of the Senator from South Dakota as I think we will get, and it came this morning. It was on worldwide television. The whole world knows our President's views on the human rights condition and the Helsinki accords, and the President commended the Helsinki accords which indeed was an anniversary celebration of them.

Therefore, Mr. President, I question the advisability of attaching this amendment to the treaty at this point. With full regard for the distinguished Senator from South Dakota, I am not certain it is useful to add questions of this variety that are answered really in public dialog as this one has been. The treaty ought not to be a questionnaire literally of the President, whether he feels that the Soviets are making headway or not, and the Senator has pointed out "whether" is the important word.

I ask Senators to reject this amendment and to keep it off the treaty.

I would agree with the distinguished Senator from Arizona that he and the distinguished Senator from Iowa and the distinguished Senator from New Jersey addressed this. They put the Soviets on notice that we care, a very important part of this treaty.

For these reasons, I am hopeful that the amendment will not be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 4 minutes to the Senator from Illinois.

Mr. SIMON. Mr. President, I join the Senator from South Dakota in his concerns, but I join the chairman and the ranking member of the Senate Foreign Relations Committee—the former chairman of the Senate Foreign Relations Committee—in their concerns about where we are going on this.

I believe one of the things that we should keep in mind is the Helsinki accords is precisely that. It is an accord. It is not a treaty. It does not have the binding force of law and there is a very marked distinction, a distinction that we were very much aware of in 1975 when we signed the Helsinki accords.

There is no question the Soviets are in violation of human rights, one facet of the three facets of the Helsinki accords that deals in this. I believe our amendment that I was pleased to add my name as a cosponsor of, sponsored by Senator DECONCINI, Senator LAUTENBERG, and Senator GRASSLEY, that deals with that sends a clear, strong message that we are concerned. I would add that we also have to keep in mind that the Helsinki accords is not simply human rights. We have focused primarily on that. It is also a number of other things.

Part of the Helsinki accords also is that the signatory powers agree to promote the teaching of foreign languages. Has the United States of America lived up to this part of the Helsinki accords? I think you could make a very strong case that we have not. We are the only nation on the face of the Earth where you go through grade school, high school, college, get a Ph.D., and never have a year of a foreign language.

I do not suggest that the Soviets ought to have a quiz on us on all the aspects of the Helsinki accords and we should not in reverse. We ought to reexamine where we are deficient and the Soviets ought to reexamine. There is no question they are deficient in these very questions the Senator from South Dakota has brought up this morning in human rights, in emigration, in these areas.

I am pleased, as has been mentioned by both Senator PELL and Senator LUGAR, that there does appear to be some modest change in this area of human rights in the Soviet Union. We hope there will be more.

But I do not think this is the instrumentality through which we achieve greater human rights in the Soviet Union. I shall join in the motion to table. With all due respect to the aim of my colleague from South Dakota, I do not think this is the means by which we achieve that.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Dakota has 3 minutes and 26 seconds remaining. The Senator from Rhode Island has 2 minutes and 11 seconds remaining.

Mr. PRESSLER. Mr. President, I yield myself the remainder of my time.

Mr. President, let me respond to some of the arguments from my fine colleagues. I commend each of them because they have all been leaders in the area of human rights.

First of all, my distinguished colleague from Rhode Island and chairman of the committee, who has done so much in this area, argues that this is not timely on this particular treaty. I would argue that it is very timely. The time could not be better, in terms of making a determination whether or not the Soviet Union is in compliance, because it would highlight these concerns at the summit in Moscow next week.

I know the President has talked about this issue, and I believe it would be a great declaration at this hour for him to formally certify Soviet noncompliance with the Helsinki Final Act.

Now, my distinguished colleague from Indiana pointed out that the word "whether" was the key to this

condition, which is true. We changed it in the Foreign Relations Committee to "whether" so that the President could go ahead and ratify this treaty after issuing the certification regarding Helsinki compliance. As a result, the human rights issue, the Helsinki Final Act issues, would be highlighted.

My colleague from Arizona spoke about the amendment that has already been adopted, but that is merely a declaration. Mine requires some specific action. My distinguished friend from Illinois who has done a great deal in this area, made the same point.

Mr. President, I would conclude by saying that this is an historic agreement that we are entering into. I think it is very important that we regard respect for human rights to be as important as arms control. In the future, we must be very vigilant in verifying compliance with this treaty. We must be vigilant on what the President does in the area of START. I come from a State that has many long-range missiles. South Dakota has many of these missiles, so we are concerned about what happens in the START agreement that may follow the INF Treaty.

But we also must be vigilant on what the Soviet Union does in other areas. It appears that the glasnost policy has introduced some changes but, in fact, there are still too many regional conflicts. The activities of the Soviets in Central America and their activities in Vietnam—where I visited recently—all of these indicate to me that we have a long way to go in achieving peaceful resolution of international differences.

I do commend President Ronald Reagan. His initiatives on arms control and summit meetings with the Soviet leader can lead to more exchanges and the opportunity for greater United States and world security.

But, through all this, our theme should be that we are very concerned with human rights.

Again, I repeat, this is not a killer amendment. It cannot hold the treaty up. It would not in any way hurt the treaty, but it would highlight our basic values and the values put forth in the Helsinki accords.

Mr. President, if a tabling motion is made, I will ask for the yeas and nays.

Mr. PELL. Mr. President, I yield the remainder of my time to the Senator from Colorado, Mr. WIRTH.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes and 6 seconds.

Mr. WIRTH. I thank the distinguished chairman for yielding.

Mr. President, I thank the Senator from South Dakota for raising this issue and once again reminding us of the importance of human rights. I am sure, in referencing Helsinki, he would also, by implication, outline the importance of us to be thinking about other areas of the Helsinki agreement relating to Third World conflicts, trade and other exchanges, and so forth.

But I think we should table this amendment. It is very clear in the Helsinki agreement that Helsinki does not speak to any formal linkage, as in this amendment. It does not speak to any formal linkage, but, rather, to a relationship between arms control and human rights, that those should run concurrently. And they are running concurrently in Vienna as we right now are in the process of finishing off the CSCE discussions there and getting the Soviets to commit, we hope, to next steps.

We are also, under Ambassador Ledogar's direction, focusing on next steps in the CST process and also on further steps in CDE, confidence and security building measures.

In any event, congressional control and human rights are running as envisioned in the Helsinki process concurrently.

So I think the Senator has done a service in again reminding us of the importance of this issue. But we certainly should go along with the tabling motion and not agree to this killer amendment at this point. It is inappropriate.

I hope our colleagues join with the Senator from Rhode Island in tabling the amendment offered by the Senator from South Dakota.

Mr. PELL. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Rhode Island has 20 seconds remaining.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. PELL. Mr. President, the point before us now is the amendment and, on behalf of myself and the Senator from Indiana, Mr. LUGAR, I move to table the amendment.

Mr. PRESSLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island [Mr. PELL] to table the amendment of the Senator from South Dakota [Mr. PRESSLER]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent due to death in the family.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 10, as follows:

[Rollcall Vote No. 162 Ex.]

YEAS—86

Adams	Ford	Murkowski
Baucus	Fowler	Nickles
Bentsen	Garn	Nunn
Bingaman	Gore	Packwood
Bond	Graham	Pell
Boren	Gramm	Proxmire
Boschwitz	Grassley	Pryor
Bradley	Harkin	Quayle
Breaux	Hatfield	Reid
Bumpers	Heflin	Riegle
Burdick	Heinz	Rockefeller
Byrd	Hollings	Roth
Chafee	Inouye	Rudman
Chiles	Johnston	Sanford
Cochran	Karnes	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kasten	Shelby
Cranston	Kennedy	Simon
D'Amato	Kerry	Simpson
Danforth	Lautenberg	Specter
Daschle	Leahy	Stafford
DeConcini	Levin	Stennis
Dixon	Lugar	Stevens
Dodd	McCain	Trible
Dole	McConnell	Warner
Domenici	Melcher	Weicker
Durenberger	Mikulski	Wilson
Evans	Mitchell	Wirth
Exon	Moynihan	

NAYS—10

Armstrong	Humphrey	Thurmond
Hatch	McClure	Wallop
Hecht	Pressler	
Helms	Symms	

NOT VOTING—4

Biden	Matsunaga
Glenn	Metzenbaum

So the motion to lay on the table amendment No. 2101 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

The PRESIDING OFFICER. We must have order in the Chamber in order for Senators to be heard. Please, if we can hold down conversations and take discussions to the cloakrooms so Senators can be heard. The Senate cannot proceed until the Chamber is in order.

The motion to reconsider has been made.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Symms amendment is now before the Senate.

AMENDMENT NO. 2326

(Purpose: To encourage the adjustment of the end strength of military departments to take account of certain military personnel assigned to on-site inspection activities under the Treaty)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 2326.

At the appropriate place in the following:

( ) Declaration: In authorizing the strength for military and civilian personnel of the Department of Defense for any fiscal year in which personnel of the Department of Defense are to be assigned to on-site inspection activities provided for in the Treaty, account should be taken of the number of such personnel that will be as-

signed to such activities during such fiscal year.

Strike out "( ) Condition" and all that follows through the end of the condition and insert in lieu thereof the following:

( ) Declaration: In authorizing the strength for military and civilian personnel of the Department of Defense for any fiscal year in which personnel of the Department of Defense are to be assigned to on-site inspection activities and support of such activities provided for in the Treaty, account should be taken of the number of such personnel that will be assigned to such activities during such fiscal year.

The PRESIDING OFFICER. If the Senator will suspend for one moment, the Senate will be in order so the Senator can be heard.

Mr. SYMMS. Mr. President, the purpose of this amendment is very simple and very straightforward. We all know preparing a DOD budget, a personnel chart of where everybody is to make productive use of the resources, is a very difficult task.

All this amendment states is that the strength of the respective services and support agencies that are set by Congress and set by the administration in our DOD bills will not be interfered with, and that these personnel will be assigned to this function without deleting people from the strength of the other services.

I say to my colleagues, it is estimated that it may be somewhere between 100 and 250 people that will be engaged in this activity.

To put this in perspective, 100 people would be a tank company; 250 people could be a reinforced rifle company.

It is not a great deal of people now, but looking down the road——

The PRESIDING OFFICER. If the Senator will suspend for one moment, let us have order in the Chamber so the Senator can be heard.

Mr. SYMMS. Mr. President, there are two amendments that I wanted to offer. One I am not going to offer and wait until next year on the defense authorization bill and the budget process, and that is to isolate how much money it takes for on-site inspection and verification personnelwise, to the best of our ability. I offer this amendment of end strengths so that we are not sending a message to the GI's in the field and the respective services that we are going to expect them to do more with less again and that we get engaged in these treaty arrangements and then just expect the Defense Department to take it out of operation and maintenance budgets.

It is not a big, big issue at the present time. If you look down the road at verification under these procedures in the START Treaty or other treaties that may come up, it could become a much more important and significant point.

The treaty cost over the next 5 years, in terms of on-site verification, is going to be somewhere between $800 million and $1 billion and require somewhere between 100 and 250 people. Simply put, this amendment recognizes the potential impact of a loss of those personnel and resources on DOD and that account should be taken of the loss of those personnel devoted to treaty implementation from the personnel end strengths of DOD. I do not believe that it is the intention of my colleagues to make DOD absorb the costs for personnel support of the on-site inspection agency. Consequently, this amendment states that DOD should not be held accountable for end strength of military and DOD-civilian personnel assigned to the on-site inspection agency.

Given the smaller defense budgets and reduced force structure that we all see coming down the road, Mr. President, I just do not think it makes sense to further cut DOD personnel authorizations and complicate the intensity of the debate over the defense budget.

Mr. President, I urge my colleagues to support the amendment. It is my understanding that this amendment will be accepted.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. What is the time situation?

The PRESIDING OFFICER. There is 20 minutes equally divided. The Senator from Idaho retains 6 minutes and 57 seconds, the Senator from Rhode Island has 10 minutes under his control.

Mr. PELL. I thank the Chair.

This amendment serves to identify the number of people attached to the on-site inspection agency. It would be more appropriate I would think as an amendment to the defense authorization bill, so I am very interested in the reaction of the Armed Services Committee.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. Mr. President, I ask unanimous consent that a letter to President Reagan as Europe's message to the President with respect to INF which was printed in the Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, Dec. 9, 1987]

EUROPE'S INF MESSAGE TO PRESIDENT REAGAN

Mr. President:

As longstanding admirers of your great personal contribution to the cause of freedom we wish to draw your attention, and that of the Senate, to the risks inherent in the agreement now signed to eliminate intermediate-range nuclear forces from Europe. Although we would like to convince ourselves otherwise, we believe that the accord will seriously and adversely change the balance of military and political forces within Europe in favor of the Soviet Union.

We are also fearful that unless NATO defenses are buttressed by a range of compensatory measures the agreement may set in train a course of events that will progressively undermine the fragile cohesion of the Western Alliance.

Ours is not, we think, a Euro-centric view. We fear that the accord will damage the influence and reputation of the United States, upon which all free, democratic societies remain dependent. It also will damage the vital interests of the U.S. itself. We must therefore decline to join in the summit euphoria that has gripped so many and that brings to mind unfortunate historical precedents. Rather, we would respectfully ask you—and by means of this open letter, members of the Senate who will soon be asked to ratify the accord—to consider the following:

The zero-zero option will remove a vital part of the architecture of deterrence that cannot be replaced soon. The cruise and Pershing II missiles serve a combination of functions that are essential to NATO strategy in an age of growing Soviet military superiority. The missiles make a general contribution to deterrence through their ability to reach targets deep within the Soviet Union—a capability not matched by any other U.S. land-based missile in Europe. The missiles link the European pillar of the alliance to the American pillar. They provide a crucial element between the level of tactical missiles and the strategic level. Take away that vital rung in the escalatory ladder and you immediately throw into question the mutual transatlantic involvement and solidarity that have preserved the peace in Europe for 40 years.

It is also important to bear in mind that the Soviet SS-20s no longer present the same threat to Western Europe they once did: the strategic and political value of their removal may therefore be exaggerated. This is partly because, by the latest standards, the SS-20 lacks accuracy and sophistication. Indeed, it will soon be obsolete.

Meanwhile, the Soviets are modernizing their nuclear arsenals by the inclusion of such weapons as the SS-24 that are outside the scope of the agreement. Thus, although the Soviets will give up many more warheads than the U.S., there is no balance or symmetry in this exchange. Even in the short term the accord will not exclude the possibility of an intermediate-range nuclear strike against Eruope: The Warsaw Pact may simply re-target a proportion of its Intercontinental Ballistic Missiles against Europe.

It should also be remembered that if the Soviets break the agreement—as they have violated earlier deals—or find ways of avoiding its provision, it is unkilely that any American president will be able to put the missiles back. It is doubtful, too, whether it would be possible to create a European consensus in favor of the missiles' re-deployment. At a later date some European nations may have been effectively neutralized.

We regret that you have not followed the advice of European political leaders who urged that what was needed to preserve deterrence in Europe was not the zero-zero option but a balanced *reduction* of INF forces. Perhaps the Europeans did not speak sufficiently clearly and consistently. We fully understand that Americans must be irritated by Europeans who appear ambivalent or hostile to the U.S. position when so many of their fellow Europeans have pushed you relentlessly in the direction of the negotiating table.

These comments, however, come from those who have publicly supported both the case for INF deployment throughout and the case for SDI program. We are not partisans of the arms race for its own sake and we emphatically are not opposed to arms reduction in principle. Indeed, we are sad-

dened to read that you recently dismissed informed criticism of the INF deal as coming from those who believed nuclear conflict was in any case inevitable.

SDI, the British and French strategic nuclear deterrents, Pershing II, cruise missiles, shorter-range intermediate nuclear weapons, the N-bomb and conventional weaponry—all these interdependent assets complicate the calculations of the Soviet military planner and so deter attack. This may not be the case if the Soviet Union comes to believe that a conventional land battle waged in Europe can be successfully fought without risk of a nuclear response. Clearly, the Soviet political leadership already believes the new agreement brings it closer to securing its related objectives of achieving a nuclear-free Europe and of dividing that continent from its Atlantic partner.

All this we have explained at length to our countrymen. Our frineds will be baffled and our adversaries delighted if the great political and strategic victory represented by the INF deployment is now to be canceled. Such an eventuality would provide the most unexpected and welcome encouragement to neutralists and unilateralists who in Holland, Belgium, West Germany and Britain lost the game and were proved wrong.

Americanism scarcely provides evidence of brilliant statecraft. Whatever show of unity Western politicans may now feel obliged to provide, the inescapable truth is that the West has been comprehensively outplayed. We run the risk of a denuclearized, neutralist West Germany, which in our view would be fatal to the alliance. Europe generally may be plunged into a worse state of doubt than that which existed prior to INF deployment. All this because in our haste for an agreement the arms-control process became an end in itself.

As Frank Barnett has written: "We have played at the arms-limitation table now for more than 60 years, first against Nazi Germany and Japan, then against the Soviet Empire. For the most part we gained little more than the euphoria of being seen at the Peace Casino while our adversaries went home to convert 'lawful' winnings into larger stockpiles of more advanced weapons."

It is one thing to strike a spectacular arms deal with one's advisory. It is another to preserve the conditions of peace and freedom. We remember the president who once denounced the "empire of evil" and who courageously scorned fashionable opinion in order to build up Western defenses. To that president we wish renewed courage, resolve and good fortune. We extend no less to the members of the United States Senate to whom the burden of a historic responsibility now passes.

Mr. PELL. I yield time to the Senator from Virginia.

Mr. WARNER. I concur in the observations of the distinguished chairman of the Foreign Relations Committee. Indeed, this type of legislation, while on its merits I think has considerable value, should more appropriately be attached to the defense authorization bill. Nevertheless, we are at this juncture on the treaty. The amendment is the pending business before the Senate. In terms of the Armed Services Committee, we have examined it. We are prepared to recommend that the Senate accept it.

I think I can speak for the distinguished chairman, Mr. NUNN, of Georgia. I spoke with him earlier today. It would be our hope, however, that perhaps we could persuade our distinguished colleague we could incorporate it in the conference which is pending, as you know, between the House and the Senate on the armed services authorization bill.

Might I ask my colleague if we could pledge to do that, would he be willing to withdraw his amendment?

Mr. SYMMS. If I understand correctly, if the Senator will yield, he is pledging that this amendment will be part of the armed services authorization bill which is still pending?

Mr. WARNER. Well, that bill by procedure in the Senate is closed to further amendment. So in the event the Senate acts on the pending armed services bill, we could not incorporate it, but at the time we come to conference between the House and the Senate I give the Senator my personal assurance that we can get it incorporated.

Mr. SYMMS. I think I need to counsel with my cosponsor, the minority leader, on this amendment.

Mr. President, with the assurances of the Senator from Virginia and others, I withdraw the amendment.

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

The amendment was withdrawn.

Mr. PELL. I thank the Senator from Idaho. I will ask the Chair what the pending business is.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I have no objection. The Senator would have to have unanimous consent to withdraw his amendment because of the time agreement.

The PRESIDING OFFICER. The Chair did state that it was without objection that the amendment was withdrawn.

Mr. BYRD. I beg the Chair's pardon.

AMENDMENT NO. 2327

The PRESIDING OFFICER. Under the previous order, the Republican leader has an amendment with a 20-minute time agreement.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] for himself, Mr. WALLOP, Mr. MCCAIN, and Mr. WARNER, proposes an amendment numbered 2327.

Mr. DOLE. Mr. President, I ask that further reading of the amendment be dispensed with.

Mr. SANFORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk read as follows:

Before the period at the end of the Resolution of Ratification, insert a comma and add the following condition: "that prior to the exchange of the instruments of ratification pursuant to Article XVII of the Treaty, the President shall certify that it is the common understanding of the United States and the Soviet Union that if either Party produces a type of ground-launched ballistic missile (GLBM) not limited by the Treaty using a stage which is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range GLBM having more than one stage, it may not produce any other stage which is outwardly similar to, whether or not it is interchangeable with, any other stage of an existing type of intermediate-range GLBM."

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Our 4-month scrutiny of the INF Treaty has confirmed the initial reaction which many of us shared. The INF Treaty is a good treaty. I would say to all the people who worked so hard on this treaty and who have been following our deliberation on this treaty closely, do not be disheartened. We are going to get it done. We have focused on potential problems and overall I believe our negotiators have done a superb job in drafting a very complex document. As I think everyone understands, the Senate has also fulfilled its constitutional role in identifying some of the problems. Everyone who has examined the so-called double negative in article VI, paragraph 2, agrees that there is clearly a common understanding between the United States and the Soviet Union about what can and cannot be done with certain stages of intermediate range ballistic missiles.

We had a good debate on the floor about a week ago, the Senator from Indiana, the Senator from Rhode Island, the Senator from Wyoming, and others, and I believe we should formalize that understanding. I am doing this with what we call a category 1 amendment. I see no reason to belabor the point with anything more than a category 1 condition. This condition requires absolutely nothing more from the Soviets, but it does require something from our President.

I particularly want to thank the Senator from Wyoming, Senator WALLOP, for his hard work and patience on this matter. With his help we have now developed language which is acceptable to the administration and to both sides of the Armed Services Committee where the potential problem was originally identified. I believe the amendment has been cleared on both sides and I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. The committee has been assured by Ambassador Glitman that in no case can the Soviet Union produce a stage of the SS-25 interchangeable with a stage of the SS-20 contained in the provisions of paragraph 2 of article VI, and I think also an examination of the negotiating history of this provision confirms the administration's assertion that the

Soviet Union shares the same understanding of this provision as do we.

Accordingly, a meeting of the minds has been reached. I do not believe the amendment by the Senator from Kansas is absolutely necessary. However, no harm would be done by having the President certify to the common understanding, and I am prepared to yield back my time.

Mr. LUGAR. Will the Senator yield 2 minutes?

Mr. PELL. Certainly. I yield 2 minutes to the Senator from Indiana.

Mr. LUGAR. I thank the distinguished chairman.

Mr. President, I commend the minority leader for this amendment and Senator WALLOP for discussion which we had during the debate on the treaty. I believe their efforts have been constructive. On our side we are prepared to accept and vote for the amendment. I thank the Chair.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2327) was agreed to.

Mr. DOLE. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2328

(Purpose: To clarify the meaning of "common understanding" in treaty interpretation)

The PRESIDING OFFICER (Mr. SHELBY). Under the previous order, the Senator from Pennsylvania, Mr. SPECTER, has an amendment.

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) proposes an amendment numbered 2328.

At the appropriate place insert the following:

"Such common understanding means a shared interpretation which is both authoritatively communicated to the Senate by the Executive and clearly intended, generally understood and relied upon by the State in its advice and consent to ratification."

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I offer this amendment as a means of clarifying the Biden condition as amended yesterday by the Byrd condition.

I think it necessary at the outset to respond to some of the comments of the distinguished majority leader yesterday, when he referred to certain "Mickey Mouse" amendments. I do not know whether the distinguished majority leader was referring to the amendments which this Senator intended to offer. But I believe that the Senate made a very bad decision last night in rejecting the amendment offered by the distinguished Senator from California, Senator WILSON, which requires mutuality; that if the United States is to be bound by a treaty; that the same obligations must be imposed upon the Soviet Union. When this body rejected that amendment very late last night, I believe it tried to establish a principle that is very destructive to the interests of the United States of America.

I said "tried to establish a principle" because I do not believe that the action of the Senate last night established that principle. I do not believe that by our unilateral declarations here in the U.S. Senate attached to this treaty are in the form so designed that you can wipe out decades, centuries of international law on what a treaty means. But it obscures the issue, it obfuscates the issue, and I think it is very bad.

As I said earlier, what this Senator has attempted to do is to create a record that the Senate will look to in calmer days in the future. And when the distinguished majority leader said earlier that the procedures and principles on treaty ratification were more important than any one treaty, I agreed with the distinguished majority leader on that point. And that is saying something because I believe the INF Treaty is very, very important, and this Senator intends to vote for the INF Treaty when that vote comes up. But to the extent this Senator can do so, it will be my effort on two amendments which I will offer today, this morning—we are now a little after noon—to try to clarify the record.

I must say that I think to refer to any amendments as "Mickey Mouse" amendments is not constructive for the work of this body. I want to emphasize that point as this Senator responds. What the distinguished majority leader said late last night, "warning" the Senators on undertaking votes of that sort, I must take exception to as well.

This Senator, and I think other Senators, recognize their responsibilities under the Constitution, representing the people of our States. It is a solemn obligation to uphold the Constitution. When we offer amendments, we do so with the utmost seriousness. This Senator does so with the utmost seriousness, against a lifetime of study of U.S. Constitution and a lifetime of concern about United States-Soviet relations. I wrote a college thesis in 1951 on the subject.

One of the first things I did in the Senate was to propose a sense-of-the-Senate resolution calling for some meetings between President Reagan and the Soviet leader and I have constantly urged arms control and arms reduction. It is with some sense of misgiving that I see a conflict between the very excellent provisions of the INF and conditions attached to this treaty which violate long-standing principles of international law, treaty interpretation, and constitutional law on ratification.

So this Senator does not need any warnings or any notice as to what his duties are, and this Senator takes exception to any appellation of a "Mickey Mouse" amendment.

I have proposed this amendment, Mr. President, for consideration because I believe it to be a very important amendment. It essentially tracks, really directly tracks, the language of the Culvahouse letter which was referred to in testimony by the distinguished Senator from Georgia, Senator NUNN, before the Foreign Relations Committee. I discussed this on the record with Senator NUNN yesterday afternoon. It is a long sequence.

I ask unanimous consent that the full text of Senator NUNN's response be included in the RECORD.

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

Mr. SPECTER. Mr. President, I would like to point out that this is a very extraordinary case that came to the court on three occasions. Without going into it in great length, as summarized by Judge Green on page 13 of the slip opinion, that the Navy hearing was adding to its pattern of false representations which I think is a very terrible factor in delimiting the treaty interpretation issue.

I would now like to direct a question to the distinguished Senator from Georgia, Senator NUNN, and that relates to the criteria reaching common understandings because this is important in light of what we are doing here today and referring to page 90 of the committee report. The Sofaer doctrine is quoted as saying that there will be an understanding where first, "generally understood" by the Senate; second, "clearly intended" by the Senate; and third, "relied upon" by the Senate.

I now refer to testimony Senator NUNN gave according to the record before the Foreign Relations Committee, page 144, where he said, referring the Culvahouse letter, "As a matter of domestic law; however, the President is bound by shared interpretations which were both authoritatively communicated to the Senate by the Executive, clearly intended, generally understood, and relied upon by the Senate in its advice and consent to ratification."

Then the Senator makes the statement, "That sentence I agree with completely." And my question is: Does the Senator concur that those criteria are indispensible in order to have the application of an understanding of the Senate?

Mr. NUNN. I will say to the Senator it depends on how one interprets those words. I would certainly not interpret them the way I am afraid the Senator from Pennsylvania interpreted those words.

When the administration comes up and testifies before a committee of the Senate, the Senate has received that information and has relied on that information. I do not think the Senator has to jump up and down in the Foreign Relations Committee and say, "Oh, I relied on that, you told us that and I rely on that."

No; I do not think that. I think when the testimony comes in, Senators can sit there calmly and even snooze off if they like to—and not many of our colleagues do that—they can even snooze off and if the Secretary of State, or another authoritative wit-

ness, makes a statement, then the Senate, through its committee, has relied——

Mr. SPECTER. I ask the Senator to be as brief as he can be. I am not suggesting jumping up and down here. I am talking about criteria as a legal matter and there are three conditions. Generally understood, clearly intended, and relied upon. And it is a matter of what the facts show.

But I take it the Senator does agree that those are the three criteria which establish the Senate's understanding if they are met.

Mr. NUNN. I do not agree with that because I know where the Senator is coming from. He is coming from the point of view the Senate has to understand, we have to prove that we understood, we have to show that we relied on. I do not agree that you have to demonstrate that we relied on testimony, other than by showing that we received authoritative testimony. If you had to prove that we came out here on the floor with everything the Senate Foreign Relations Committee received, with everything the Armed Services Committee received, and everything the Intelligence Committee received, that we put it in the record, and that we said we relied on it and understood it, that would be an exercise in absolute absurdity, and I think it would render the process unworkable.

So I would not agree that those words should be added to simply the words "authoritative testimony."

I am glad the Senator has given me the opportunity to make that perfectly clear.

Mr. SPECTER. This Senator is not coming from anywhere. I understand the answer of the distinguished Senator from Georgia. He is now saying he disavows what he testified to before the Foreign Relations Committee, where he said that sentence there, "I agree with completely." He is now saying he does not agree with it at all.

Mr. NUNN. If the Senator would go right down the page on that same transcript, he will find that I went on and say, and I quote from that statement:

We have always thought that it [the understanding of the executive branch testimony relied upon by the Senate] was through the committee process. If we can simply declare that the U.S. Senate works through its committees, which we all know we do, and that matters that have been received, authoritative testimony received before the committees is deemed to have been received by the entire Senate and deemed to have been focused on by the whole Senate, then it seems to me that we could go a long way.

If the Senator has the whole page of that transcript instead of one part of it then he will see there was a qualification and I made it clear in that hearing what I was talking about.

Mr. SPECTER. Well, I have looked at the entire page. But the three references which track Sofaer directly are "clearly intended, generally understood, and relied upon by the Senate in its advice and consent to ratification." The Senator from Georgia said that he agreed with that sentence there and I agree with him completely.

Mr. NUNN. I would say, if the Senator would yield, I do agree with that completely, provided it is understood when an authoritative witness comes from the administration and testifies before a committee, the Senate should be deemed to have relied on that testimony in its deliberations.

Mr. SPECTER. Well, I thank the Senator. When he says he agrees with it completely, under that proviso, I accept that.

I had earlier asked the distinguished majority leader the question which I have since privately discussed with the Senator from Georgia relating to what the Senator from Georgia said at a committee hearing—that the Soviets were bound by what they heard in ratification proceedings, where the Senator from Georgia was quoted as saying that:

If the Soviets remain silent on points of interpretation presented by executive branch witnesses, then I believe the U.S. Senate, as well as our Government, can reasonably believe and contend that silence connotes consent to those interpretations.

It seems to this Senator that this is where the Biden, now the Byrd, condition is going, and it is a remarkable change in international law treaty interpretation, in light of the statements by the Supreme Court of the United States in Societe versus U.S. District Court, decided on June 15 of last year, referring to the negotiations and the practical construction adopted by the parties, and the decision back in 1942 on the Choctaw Nation case, and as those principles are picked up in Copeland versus United States, which says this:

Most important, foreign governments dealing with us must rely upon the official instruments of ratification as an expression of the full intent of the Government of the United States, precisely as we expect from foreign governments.

Now, my question to the Senator from Georgia is: Do you have any authority at all that there is any weight at all to be attached to bind a foreign nation from what goes on in a domestic ratification proceedings?

Mr. NUNN. I would say to the Senator—I do not have my exact words and I would like to get those—but what I intended to convey was——

Mr. SPECTER. Let me make them available to you. I have them right here.

Mr. NUNN. If we have an open and public hearing in which statements relating to a treaty are made by the executive branch of Government, and if the Soviet Union disagrees with those statements, then I think they have some duty to come forward and let the executive branch know that they do not agree with that interpretation.

Now, I would not go so far as to say they are bound. I think that would be overstating it. If I stated it as the Senator said, then I would say that was going too far.

I do believe there is a strong argument to be made that when one party publicly and openly cites their interpretation of a treaty in a way that is fundamentally different from the other party's understanding, the other party, knowing of that, if they know of it, has some affirmative duty to make that known. I would not go so far as to say they are bound, though. I am told that I did not say that.

Mr. SPECTER. I read what the Senator said.

Mr. NUNN. If I did, I went too far.

Mr. SPECTER. Do you have any authority at all for the proposition that a foreign government has to pay any attention at all to what goes on in a ratification proceedings and has any duty at all to make any response at all; any authority for that?

Mr. NUNN. I think basic contract law would tell you that when one party, before a contract has been completely entered into by the ratification thereof or formal procedure, hears the other party misinterpret it, there is some obligation for that party to correct it, and that silence does have some evidentiary effect on the interpretation of that contract. That is basic contract law and basic common sense.

Mr. SPECTER. No court opinion, no judicial opinion, just general interpretation.

Mr. NUNN. Does the Senator have any court opinion that says that is not?

Mr. SPECTER. Yes, I do. I would be glad to yield for a question on that.

The Copeland versus United States case says that; Societe says it is negotiations which govern, as does the Choctaw Indian case.

Mr. President, I inquire how much time I have remaining.

The PRESIDING OFFICER. One minute and 45 seconds.

Mr. SPECTER. I have quite a few more questions, Mr. President. I will seek to have an amendment which I will add to bring these issues up in a time sequence when we have more than the limited time. On the questions which I propounded, we did not have a time for discussion with the distinguished majority leader.

Mr. President, in conclusion, in the minute that I have left, I think the arguments here have disclosed conclusively that the Byrd condition makes major modifications in international law and treaty interpretation by disregarding the negotiating record deemed immaterial under the committee report——

Mr. SPECTER. I refer now to page 144 of the Foreign Relations Committee record to this testimony by Senator NUNN. And he cites the Culvahouse letter:

As a matter of domestic law, however, the President is bound by shared interpretations which were both authoritatively communicated to the Senate by the executive and clearly intended generally under and relie upon by the Senate in its advice and consent to ratification.

That refers to the Culvahouse letter and then Senator NUNN goes on to say "That sentence there I agree with completely."

Mr. President, we had a discussion and Senator NUNN said that was accurate providing the balance of his statement was included. As I see it, the balance of his statement will be in the RECORD but it does not really go to the heart of this particular issue.

Mr. President, the amendment which I am offering based upon the Culvahouse letter is firmly established in international law. I refer to section 314 of the Restatement—Third—of U.S. Foreign Relations Law section 2 referring to the Senate's understanding, and referring to advice and consent of the treaty on the basis of a particular understanding which is language of reliance.

I refer to the Chevron case, by the U.S. Supreme Court, recorded in 467 United States at page 836, which contains the language of "* * * if the intent of Congress is clearly * * * " which is part of the essence of my amendment, and the definition of the Supreme Court in the Japan Whaling Association case.

These provisions are forcefully articulated in the law as it exists today; that is what the Senate's understanding means. Mr. President, I believe it is important to focus on the factor that we are talking about, the intent of the Senate as opposed to any intent of any specific Senator or the intent of any specific committee or the testimony of any specific witness. And that principle of law is firmly established in

many court decisions. I refer to the opinion of the Supreme Court of the United States in McCaughn versus Hershey Chocolate Co., reported at page 488 of volume 283 of the U.S. reports. I refer to the opinion of the Supreme Court of the United States in New York Indians versus United States (1897) and to an opinion of the Court of Appeals for the District of Columbia Circuit, in *Austasia Intermodal Lines* v. *Federal Maritime Commission*, 580 F.2d, at page 645: "The views expressed by witnesses in congressional hearings are not necessarily the same as those of the legislators ultimately voting on the bill." Also, an opinion of the Court of Claims in Coplin versus United States, which makes an important distinction between what a legislative committee does and what the full Senate does.

Mr. President, it may be that, at bottom, there may not be a great deal of difference between this Senator's views and the views expressed by the distinguished Senator from Delaware [Mr. BIDEN]. I congratulate him for having offered the Biden condition and for his extraordinary work in this important field and chairing the joint hearings of the Judiciary Committee, together with the distinguished Senator from Rhode Island [Mr. PELL], in the Foreign Relations Committee.

It may be that we are not too far apart, if you are looking for a common understanding that is really a common understanding, as opposed to a few scattered references to testimony and a few scattered statements in a very long record of ratification.

A comment has been made that we want to avoid chicanery or incompetence by the executive branch, and I agree with that. I do not think that is really the issue. The issue is what happened at ABM, with a few scattered bits of testimony, where there is a factual dispute about what the intent of the Senate was.

So that if you articulate the doctrine which is present in the law, in the restatement and by the Supreme Court of the United States—that the common understanding has to be both authoritatively communicated to the Senate by the executive and, first, clearly intended; second, generally understood; third, relied upon by the Senate—then I think you have a standard where there will not be confusion. But if you adopt the language of the Foreign Relations Committee report about implicit understandings, whatever that means, then we are going to be in a morass on a continuous basis.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 8 minutes and 15 seconds remaining.

Mr. SPECTER. Mr. President, yesterday afternoon, the distinguished Senator from Michigan [Mr. LEVIN] raised a question concerning the possibility of two treaties that he said would be present under the Culvahouse letter. I did not have a chance to discuss this issue with him at that time, because the time was limited, and I had filed this amendment because time was limited, to give us time to consider these issues; and, upon reflection, I decided to put this matter to the Senate for a vote.

The Senator from Michigan raised the issue about two treaties even under the Culvahouse doctrine. I think that is true. I think it is possible to have two treaties when you have the executive negotiating with the Soviet Union, when you have the executive then reporting to the Senate, looking to the Senate's consent. But if a standard is established which does not lend itself to a few scattered bits of testimony and perhaps only the understanding of the committee, but have really some rigid standards, such as "clearly intended," such as "generally understood," such as "relied upon by the Senate," then I think you have a standard where we will not have the two-treaty problem.

I believe we should do everything within our power to avoid having that kind of problem, which will hold the United States to a tougher standard than the Soviet Union, which will result in having this body impose restrictions on the United States which the Soviet Union does not have. I do not think anybody wants that to occur.

What has happened in ABM and what has happened in these debates, I think, has sensitized the administration substantially, but we cannot rely on that alone. We should have standards as clearly articulated as possible. I think this accomplishes that result.

Parenthetically, Mr. President, I put this matter to a vote by the Senate because if the Senate chooses to reject this language as to defining and amplifying what "common understanding" means in the Biden condition, as amended by the Byrd condition, I think it will be underscoring the irrationality and inappropriateness of the Biden condition.

I yield the floor, and I reserve the remainder of my time.

Mr. PELL. Mr. President, I rise in opposition to the amendment offered by Senator SPECTER. The Senate has just passed by an overwhelming margin a bipartisan approach to the treaty interpretation issue. The Biden amendment, as amended by Senator BYRD, was supported by Senators from both sides of the aisle.

The amendment offered by Senator SPECTER would re-open and undermine the action just taken by the Senate. This amendment is essentially the Sofaer doctrine.

The Sofaer doctrine asserts that, regardless of what the administration may have said in presenting a treaty to the Senate, the President is constitutionally bound to adhere to a particular treaty interpretation only if the Senate has "generally understood, clearly intended, and relied upon" that interpretation.

The fact is that the Senate almost never meets these criteria:

How many Senators must speak on a matter in order to demonstrate conclusively that the Senate "generally understood" that interpretation?

How can the Senate demonstrate that it "clearly intended" a particular interpretation unless it acts to approve or disapprove a formal condition relating to that interpretation?

And, the most difficult criterion, how can it be proven that the Senate "relied upon" a particular interpretation as being crucial to its consent?

Mr. President, I oppose this amendment because it would reestablish the Sofaer doctrine and force the Senate to go to extraordinary lengths in order to prevent the President from reinterpreting a treaty.

The Senate has already spoken by adopting the Biden amendment as amended by Senator BYRD, and I believe the Senate should not change that amendment. I urge my colleagues to oppose the amendment offered by Senator SPECTER.

I think this amendment would simply reopen and undermine the action taken by the Senate.

I know that many of my colleagues want to speak on this matter.

Mr. SARBANES. Mr. President, will the Senator yield me 4 minutes?

Mr. PELL. I yield 4 minutes to the Senator.

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

Mr. SARBANES. Mr. President, I rise in strong opposition to this amendment. It will, in effect, nullify the Senate's treaty power. I do not believe the amendment is consistent with existing law and existing practice over the history of the Republic.

Let me quote, very quickly, an editorial from the New York Times of May 5. I ask unanimous consent that the full editorial be printed in the RECORD.

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

THE DOCTRINE OR THE TREATY?

The Reagan Administration negotiated an important treaty with the Soviet Union that would eliminate Euromissiles. Now it jeopardizes that accomplishment by insisting on a novel and absurd Presidential doctrine that few senators will or should swallow.

The Administration created the problem by asserting the right to reinterpret treaties unilaterally, and then doing just that with the Antiballistic Missile Treaty to suit President Reagan's Star Wars programs. The Senate Foreign Relations Committee rightly responded by attaching a condition to the new Euromissile treaty: Neither Mr. Reagan nor future Presidents would be permitted to disregard understandings of a treaty's meaning at the time of ratification.

If President Reagan wishes to see his new Euromissile treaty ratified, he will have to accept the committee's assertion of good sense and sound constitutional procedure.

The treaty comes to the Senate floor this week, in plenty of time to debate, approve and send it with President Reagan to Moscow on May 29. Three last-minute glitches have sprung up, none likely to block ratification.

Senate leaders vow to work furiously with the Administration on these three problems before floor debate begins. The Russians have been edging off commitment on on-site inspections; the Administration is confident Moscow will reaffirm earlier understandings. The treaty ignored futuristic technologies; now language is being worked out. There are concerns about U.S. long-range monitoring capability; the Senate and the White House will have to provide for this.

The serious obstacle to ratification, however, is the so-called Sofaer Doctrine. Named for Abraham Sofaer, the State Department's legal adviser, it holds that official testimony on the meaning of a treaty is binding only if it is "generally understood, clearly intended, and relied upon" by the Senate. Since it's hard to know what this mumbo-jumbo means, Presidents would be free to do with treaties as they wish.

The Senate Foreign Relations Committee hopes to solve the problem, simply and sensibly, by making executive branch testimony binding. Yet the Administration has persuaded some loyalist senators to oppose it, a move that could well sink the treaty.

If the Senate does not approve the treaty before the Reagan-Gorbachev summit meeting, it's likely not to happen under President Reagan—and then perhaps never. Presidential campaigns and the first year of a new Administration are not conducive to ratifying arms agreements. The choice of doctrine or treaty rests with the White House.

Mr. SARBANES. Mr. President, I read from the editorial:

The Reagan Administration negotiated an important treaty with the Soviet Union that would eliminate Euromissiles. Now it jeopardizes that accomplishment by insisting on a novel and absurd Presidential doctrine that few senators will or should swallow.

It then goes on to say:

The serious obstacle to ratification, however, is the so-called Sofaer Doctrine. Named for Abraham Sofaer, the State Department's legal adviser, it holds that official testimony on the meaning of a treaty is binding only if it is "generally understood, clearly intended, and relied upon" by the Senate. Since it's hard to know what this mumbo-jumbo means, Presidents would be free to do with treaties as they wish.

And my question is: Does the Senator concur that those criteria are indispensable in order to have the application of an understanding of the Senate?

Mr. NUNN. I will say to the Senator it depends on how one interprets those words. I would certainly not interpret them the way I am afraid the Senator from Pennsylvania interpreted those words.

When the administration comes up and testifies before a committee of the Senate, the Senate has received that information and has relied on that information. I do not think the Senator has to jump up and down in the Foreign Relations Committee and say, "Oh, I relied on that, you told us that and I rely on that."

No; I do not think that. I think when the testimony comes in, Senators can sit there calmly and even snooze off if they like to—and not many of our colleagues do that—they can even snooze off and if the Secretary of State, or another authoritative witness, makes a statement, then the Senate, through its committee, has relied—

Mr. SPECTER. I ask the Senator to be as brief as he can be. I am not suggesting jumping up and down here. I am talking about criteria as a legal matter and there are three conditions. Generally understood, clearly intended, and relied upon. And it is a matter of what the facts show.

But I take it the Senator does agree that those are the three criteria which establish the Senate's understanding if they are met.

Mr. NUNN. I do not agree with that because I know where the Senator is coming from. He is coming from the point of view the Senate has to understand, we have to prove that we understood, we have to show that we relied on. I do not agree that you have to demonstrate that we relied on testimony, other than by showing that we received authoritative testimony. If you had to prove that we came out here on the floor with everything the Senate Foreign Relations Committee received, with everything the Armed Services Committee received, and everything the Intelligence Committee received, that we put it in the record, and that we said we relied on it and understood it, that would be an exercise in absolute absurdity, and I think it would render the process unworkable.

So I would not agree that those words should be added to simply the words "authoritative testimony."

I am glad the Senator has given me the opportunity to make that perfectly clear.

To try to impose those tests upon the Senate is to shift the burden in treaty making as the distinguished Senator from Michigan pointed out yesterday, in a way that would nullify the Senate's power.

The Senator has quoted the remarks of the Senator from Georgia—who is on the floor and of course will answer for himself—but I want to include at this point in the RECORD the exchange that appears in the RECORD for yesterday's debate on pages S6778 and S6779, when the Senator from Georgia rejects these three criteria.

The Senator from Pennsylvania said to him:

Mr. President, I think that the administration can send a treaty to the Senate——

Mr. SPECTER. Mr. President, will the Senator yield?

Mr. SARBANES [continuing]. Have the text laid before the committee.

Mr. SPECTER. Will the Senator yield?

Mr. SARBANES. The Secretary of State can come and say this is what the treaty means. The committee can receive that testimony, decide for one reason or another they have no questions to ask, that it is clear on the record from the text of the treaty and the representations of the administration what the treaty means, and adjourn the hearing.

Neither that administration nor a subsequent administration can then come along and try to give the treaty a different meaning, a reinterpretation from what they said that text meant at the time that they presented it to the Senate committee.

The Senator has tried here to allow for such a reinterpretation. And I gather he may try in another amendment, which will deal with implicit understandings, to assert that the negotiating record could be used after consent has been given by the Senate to contradict an authoritative representation made to the Senate by the administration in the course of ruling Senate approval.

The PRESIDING OFFICER. The Senator from Maryland has used 4 minutes.

Mr. SARBANES. The Byrd amendment has precluded that kind of approach, and I strongly oppose the effort in this amendment to undo the Byrd amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I asked the Senator from Maryland to yield because in looking at the CONGRESSIONAL RECORD he did not read the whole RECORD. The Senator from Georgia and I did have an exchange. He is on the floor now, and he can comment for himself. But at page S6779 this comment is made by me: "Well, I have looked at the entire page."

Well, never mind my comment—it appears there—in the interest of time.

Mr. NUNN. I would say, if the Senator would yield, I do agree with that completely, provided it is understood when an authoritative witness comes from the administration and testifies before a committee, the Senate should be deemed to have relied on that testimony in its deliberations.

So when I make the representation that Senator NUNN agreed to it subject to that proviso I was making an accurate representation.

When the Senator from Maryland makes a comment that these three conditions are "mumbo-jumbo," he flies in the face of the decisions of the Supreme Court of the United States which this Senator has cited and flies in the face of the statement of law when he makes his bland, unsubstantiated, nonauthoritative assertions of law.

I thank the Chair and yield the floor and ask how much time I have remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 4 minutes and 10 seconds.

Mr. SARBANES. Will the manager yield my 1 minute?

Mr. PELL. I yield 1 minute.

Mr. SARBANES. Mr. President, I make only two observations. First of all, the reference to "mumbo-jumbo" was quoting the New York Times editorial. I do not disagree with that editorial, but I simply want to make it clear that phrase was not my original product.

Second, let me simply say on the Nunn exchange, and that is why I wanted to put it in the RECORD, the Senator from Pennsylvania has tried very hard throughout this debate to put this side on the hook of those three criterias. That has been rejected clearly. It was rejected by the Senator from Georgia. It is rejected by this Senator. That is not the test. Those

criteria are not what has to be applied, in arriving at the Senate's common understanding—it is the text of the treaty and the authoritative representation of the President which were provided by the President and his representatives to the Senate and its Committee. To impose those criteria in the way the Senator from Pennsylvania would try to do so shifts the burden with respect to the treatymaking as to really render the Senate a nullity. We reject that approach. It should be clear it is rejected.

The PRESIDING OFFICER. The Senator from Maryland has used up the 1 minute. Who yields time?

Mr. PELL. Mr. President, I yield 4 minutes to the Senator from Michigan.

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

Mr. LEVIN. I thank the Chair.

Mr. President, not only has this formulation that is being offered this morning by the Senator from Pennsylvania been rejected by Senator NUNN as was pointed out by Senator NUNN yesterday, by the Senator from Maryland, and others, it has been rejected by the Senate. This amendment today will void the action that we took yesterday.

The action that we took yesterday was to define what is meant by the words "common understanding." We said that it was based on the text of the treaty, the provisions of the resolution of ratification, and by authoritative representations provided by the President to the Senate and its committees. We defined it yesterday. We had this debate yesterday.

The Culvahouse formulation was brought in yesterday as an argument not to adopt the Byrd version. We rejected the Culvahouse version yesterday by adopting Byrd.

Today we are asked again to go into this issue. And I would say but three things. No. 1, the Culvahouse formulation puts the burden on the wrong party. It says that the Senate must show not just what was authoritatively communicated to us but that we must show that we clearly intend that understanding or that interpretation, we generally understood that interpretation, and that we relied on that interpretation. That burden becomes ours under Culvahouse and under the Specter amendment this morning.

That burden is on precisely the wrong party. We did not negotiate the treaty. We do not possess the negotiating history, although we are given part of it. All of that is in the hands of the executive branch. They are the ones that should have the burden, not us, and if they make clear authoritative representations to the Senate of the United States, they ought to be bound by them and the burden should not shift to us to prove that we generally understood that interpretation and that we relied on that interpretation.

As my friend from Pennsylvania knows, there is only one real way to prove it and that is to load every single one of these representations made by the executive branch during this ratification proceeding onto the resolution of ratification. There is no other sure way that we can prove what we clearly intended, generally understood, and relied on.

And that is going to burden this process. It is going to load it down and it is going to kill the treatymaking process because we are going to have to incorporate all of these representations that are important into that resolution of ratification in order to meet the Culvahouse test.

No. 1, you are putting the burden on the wrong party, the party that is receiving those representations rather than the party that is making them. You are loading down the treatymaking process. And for what?

My friend I think has conceded this morning that he no longer can maintain the principle that there is only one treaty because if we went through those hoops and loaded down that resolution of ratification, to incorporate all the representations which were made to us by the executive branch at that point, under Culvahouse when you read the Culvahouse letter you no longer can consider the negotiating record and you no longer can consider subsequent practice.

We were told yesterday by the Senator from Pennsylvania that the Constitution and international law require that we be able to look at the negotiating record and that we be required to look at subsequent practice. But under the Culvahouse formulation if we make those recommendations to us an explicit part of the resolution of ratification at that point there can be a different understanding here between us and the executive than there is between the executive and the other country. So you open up the door.

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

Mr. LEVIN. May I have 1 more minute?

Mr. PELL. I yield an additional minute.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my friend from Rhode Island. I thank the Chair.

So what you have done is you have put the burden on the wrong party. You have loaded down the ratification process and you have not maintained the principle which yesterday the Senator offered as an essential principle. It is no longer there because if we went through those hoops which we should not go through we then come up with the same situation which the Senator from Pennsylvania yesterday said should not be allowed to happen under principles of international law.

So you do not even protect your principle. You do not protect it in any pristine form, that is for sure, and I do not think you protect it at all because, as a matter of fact, the only way the Senate could ever protect itself would be to put every single one of those representations into that resolution of ratification at which point there will be as much conflict under the Senator's approach between what is represented to us and what is negotiated with the other country than there is under the Byrd approach.

This amendment completely undercuts, obviates and voids what this Senate yesterday adopted by a vote of 72 to 27. I hope we will reject it.

Mr. SPECTER. Mr. President, the distinguished Senator from Michigan is just wrong when he says there is any burden of proof on the Senate to do anything. It is just not true, if you read the simple language of my amendment.

When the distinguished Senator from Michigan talks about burdening the record, it is no more so than any other legislation or any other treaty where there is an interpretation. You do not have to burden the record at all.

When he talks about pristine, I agree, there is no such thing as pristine here or anywhere. But if you have this kind of a standard, absent malice or total incompetence, you have the best chance of not having two treaties. That is why the language of the Biden condition ought to be specified with these three important tests.

I yield the floor and ask how much time I have remaining.

The PRESIDING OFFICER. Three minutes and 12 seconds.

Mr. SPECTER. I thank the Chair.

Mr. SARBANES. How much time remains on this side?

The PRESIDING OFFICER. Seven minutes and 26 seconds.

Mr. NUNN. Will the Senator from Maryland yield me 4 minutes?

Mr. SARBANES. I yield 4 minutes to the Senator from Georgia.

Mr. NUNN. Mr. President, The Senator from Pennsylvania and I have been discussing this now for 1½ years. I am not under any illusion that either of us is going to change each other's mind at this stage.

But I do congratulate the Senator from Pennsylvania for getting into this subject at great depth, because it is complex and complicated and he has worked on it long and hard.

I must say that I fundamentally disagree with this amendment. I agree with the comments made by the Senator from Maryland and the Senator from Michigan. The Senator from West Virginia's amendment yesterday was adopted overwhelmingly. If we adopt this amendment today, we will be undermining the Byrd amendment.

Mr. President, there is a difference between saying that testimony is clearly understood, clearly intended, generally understood and relied upon by the Senate; that that is certainly testimony that has been received and saying that only if that testimony is

clearly intended, generally understood, and relied upon will it be deemed to be authoritative.

That is what the Senator is doing with this amendment. He is saying only if it was clearly intended, only if it is generally understood, only if it is relied upon by the Senate in its advice and consent. So he is saying these are three roadblocks and burden is all on the Senate to demonstrate that. If they do not, any President can go forward, no matter what his Secretary of State has said, no matter what his Ambassadors have said, and reinterpret a treaty according to his own liking. That is what we are deciding here today.

I would say that if we had had that procedure in this deliberation, there would be no hope whatsoever that we would be ratifying this treaty by this afternoon. There would be no hope we would be ratifying it by next Friday or even in 2 or 3 weeks or a month. We would be here for at least the rest of the summer, the reason being because the only way the Senate could maintain that burden and fulfill its responsibility that the Senator from Pennsylvania would place on the Senate is to take every bit of testimony that came before the Senate, and anything that we deemed to be important to our deliberations we would have to specify that it was important. We would have to read it out, sentence by sentence.

The Armed Services Committee had 33 hearings. It would take us probably a month to read into the record all of those hearings. That does not even count the Foreign Relations Committee and the Intelligence Committee.

Now, if we really want to fulfill the intent of the Senator's amendment, we would have to have amendments out here so that the Senate as a whole could have focused and been able to establish later that we had clearly intended and we had general understanding and it was relied upon by the Senate.

I guess we could also have to, if you take it to the logical conclusion, every time a statement was made in committee or every time at least a paragraph, maybe each sentence, we would have to stop the witness and say, "Yes, Mr. Secretary, we believe that that was clearly intended, we generally understand it, and we rely on it."

It would get into one of those "amen, brother" situations. After each sentence, we would say, "amen, brother, we generally understand, we clearly intend, and we rely on it. Amen."

What kind of sense does that make? It makes no sense at all. It makes no sense at all. That is a burden the U.S. Senate should not have to bear.

I would say also to the Senator from Pennsylvania that there is a great deal of difference in legislation and a treaty. When the administration comes up and testifies on legislation, that is their opinion. The Congress can either regard or disregard it. The Senate can say we believe that is correct or we can say we disagree.

Now, what happens after that? We pass a law. That law goes though the committee process. We have a markup. We go over every word of it. Then it comes to the Senate, where we debate it. Then it goes to the House. They debate it in committee. Then it goes to a conference committee after the House passes it. It goes through that process.

That is not the case with a treaty. A treaty is the law of the land. But it is a unique way in which we make that law. The way we make that law is through the executive branch negotiating the treaty and then presenting it to the Senate for our advice to the ratification thereof. The Senate does not make that law in the same sense it makes legislation. It is a jointmaker in the treaty context, but we do not have the negotiations. The executive branch does that.

So there is a fundamental difference in having law made by treaty, which is a unique executive kind of negotiation, and having a piece of legislation passed by the House and Senate. In fact, there may be another instance where the executive branch can make the law.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired.

Mr. NUNN. I ask for 1 more minute.

Mr. SARBANES. I yield another 2 minutes to the Senator.

Mr. NUNN. Mr. President, this is rather unique. When the Founding Fathers debated this, they wanted, first, the U.S. Senate to have some part of the debate, where the Senate of the United States should be the negotiators of treaties. They finally compromised and said both the Senate and the executive branch would be the jointmakers through the ratification process. So this is a unique kind of method of making law that both the executive and the Senate share in.

But it is not like legislation, where the Senator cites case after case relating to the making of law by legislation. There is a fundamental difference. In one case, the treaty is totally different from the way we have it in the other case.

Mr. President, I hope the Senate will reject this amendment, because it would, as has already been said, completely undermine the Byrd amendment, which has been carefully worked out in a bipartisan fashion.

Mr. SPECTER. Mr. President, contrary to the assertions of the distinguished Senator from Georgia, the case law is clear and the commentators are clear on the Chevron case, McCaughn, Schwegman Bros., and New York Indians, and the restatement—third—of foreign relation law, that the effort to find the intent of the Senate follows the same principles in treaties as in legislation.

But I would ask the Senator from Georgia one question, even on my time: Where do you find in my amendment any burden on the Senate to prove the common understanding?

Mr. NUNN. Your amendment clearly intends to say only if it is clearly intended to be a shared interpretation, only if it is generally understood to be a shared interpretation, and only if it relied upon the statement in its advice and consent.

So the Senate would have to, in fulfilling its responsibilities, make sure each of those conditions existed. Otherwise, the testimony given to the Senate by the executive branch would not fulfill those conditions and, therefore, would not be generally understood and would not be a common or shared view.

Mr. SPECTER. Well, what you say simply does not respond to my question, because it does not respond to the burden of proof. If the executive branch seeks to establish some understanding different from what the Senate has said, why, then, would not the executive branch have the burden of proof? And what you have said and what the distinguished Senator from Michigan has said relating to burden of proof simply is not present. There is nothing that establishes the burden on the Senate any more than on the executive branch. Whoever has something to say, only has to look at the record and show that the standards are met. If the President wants to come in and, as you say, change the interpretation of ABM, then the President would have the burden of proof.

Where is there anything in this language relating to your arguments that the Senate has the burden of proof to concoct this "chamber of horrors" which you have articulated here about all these witnesses and all these amendments? I rather got lost in that line of argument.

Mr. NUNN. Well, I thank my friend for yielding for the answer.

The real answer is the executive branch, in most cases, implements treaties. So if there is going to be a construction of a treaty and the implementation is affected thereby, and the executive branch asserts that it was not clearly intended testimony, it was not generally understood, it was not relied on by the Senate, then they would go out and begin to implement, and the burden would be on the Senate of the United States to find some way to stop that, either through the appropriations process, or through going to court. The burden would have to be on the Senate because the executive branch implemented it. If the Senate implemented the treaty, then you could say, well, the Senate could march off and do whatever it wanted to do and the executive would have the burden.

So the Senator's amendment has the clear implication, based on common sense and the way Government works, of putting the burden on the Senate.

Mr. SPECTER.. You are talking about implementation to stop the executive from making a mistake or a false interpretation. But in terms of the executive's——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BUMPERS. Will the Senator from Rhode Island yield 1 minute to me?

The PRESIDING OFFICER. The Senator from Rhode Island has 1 minute, 37 seconds.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may have 1 minute to finish the sentence.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. SPECTER. Mr. President, just to finish the sentence, and this will conclude my argument; and I think this shows the fallacy of claiming there is a burden of proof. The distinguished Senator from Georgia then starts to talk about how the Senate implements a cutoff of funds and so forth. But if it is a matter of interpretation, as he postulates it, even if the executive changes it, the executive has the burden and not the Senate.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield the remaining minute and 37 seconds to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am just staggered that we are revisiting an issue that the Senate, in what I thought was one of the its finest hours, put a very fundamental constitutional issue to bed.

This amendment is so mischevious it really is not in keeping with the commitment of the Senator from Pennsylvania to the Constitution. I look at this and I think, "authoritatively communicated"; does that put a burden on all the committees of the Congress to ask every witness: Is this authoritative? Could you provide a letter from the President, now, that says this is authoritative as compared to some other witness who does not deliver authoritative testimony?

And "clearly intended"; can you promise us that this is what the President clearly intends? And, even if it does, and the Senate clearly infers from testimony a certain viewpoint, shared understanding, later on the President can say you may have inferred it and you may have thought it was clearly intended but it is not what I really intended and therefore your understanding is wrong. I did not mean futuristic weapons, I meant ultrafuturistic weapons.

That is the kind of nonsense all of this leads to. There is no end to the prerogative the President has to do mischief to the treatymaking process and to subordinate the understanding of all 100 Senators here to something he may think about later on.

I will just close by saying it is a happy thought that when Ronald Reagan is gone you will never hear broad versus narrow interpretation again. Nobody else could ever think of such a cockamamie thing.

The PRESIDING OFFICER. All time has expired.

Mr. BYRD. Mr. President, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. SPECTER. Mr. President, this Senator does not seek the yeas and nays. I have no objection to having the yeas and nays, but I do not seek them.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. METZENBAUM] is necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent due to death in the family.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 163 Ex.]

YEAS—67

Adams	Ford	Murkowski
Baucus	Fowler	Nunn
Bentsen	Gore	Packwood
Bingaman	Graham	Pell
Boren	Harkin	Proxmire
Bradley	Hatfield	Pryor
Breaux	Heflin	Reid
Bumpers	Helms	Riegle
Burdick	Hollings	Rockefeller
Byrd	Inouye	Roth
Chafee	Johnston	Sanford
Chiles	Kassebaum	Sarbanes
Cochran	Kennedy	Sasser
Cohen	Kerry	Shelby
Conrad	Lautenberg	Simon
Cranston	Leahy	Stafford
Daschle	Levin	Stennis
DeConcini	Lugar	Stevens
Dixon	Matsunaga	Warner
Dodd	Melcher	Weicker
Dole	Mikulski	Wirth
Durenberger	Mitchell	
Exon	Moynihan	

NAYS—30

Armstrong	Hatch	Pressler
Bond	Hecht	Quayle
Boschwitz	Heinz	Rudman
D'Amato	Humphrey	Simpson
Danforth	Karnes	Specter
Domenici	Kasten	Symms
Evans	McCain	Thurmond
Garn	McClure	Trible
Gramm	McConnell	Wallop
Grassley	Nickles	Wilson

NOT VOTING—3

Biden	Glenn	Metzenbaum

So the motion to lay on the table amendment No. 2328 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized to offer an amendment on which there shall be 30 minutes of debate equally divided and controlled in the usual form.

The Senator from Pennsylvania.

AMENDMENT NO. 2329

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) proposes an amendment numbered 2329.

At the appropriate place insert the following:

"Notwithstanding any provision in the Resolution of Ratification, or the Biden Condition as amended by the Byrd Condition, or any statement in the Senate Foreign Relations Committee Report on the INF Treaty, there is no intent by the Senate to change the heretofore accepted constitutional law of the United States on treaty ratification as interpreted by the Supreme Court of the United States or the heretofore accepted international law on treaties as interpreted by the Supreme Court of the United States."

Mr. ADAMS. Parliamentary inquiry, Mr. President. Is this the amendment that was filed? It is different than the amendment we have before us.

Mr. SPECTER. I have modified the amendment, Mr. President.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, this amendment provides, as read by the clerk, that action heretofore taken by this body is not intended to change the Supreme Court of the United States interpretation of constitutional ratification or of international treaty interpretation. If the Senate votes this amendment down, I submit, Mr. President, that the Senate will have fully executed the coup de grace to the annihilation of existing law, Constitution of United States law on treaty ratification and international law on treaty interpretation.

The intent of the sponsor of this amendment plainly stated at the outset is to undercut what has been said about making the negotiating record immaterial, inferentially making the practices of the parties immaterial on deciding what is the intent of the parties, to undercut the approach that the treaty does not require mutuality in order to be binding, and to establish new standards for ascertaining what is the intent of the Senate realistically by casual, few, inconsistent references in the ratification record.

Mr. President, there have been some amazing things said on the floor of this Senate. The distinguished Senator from Arkansas, Senator BUMPERS, charged that my last amendment was "not in keeping with the Senator from Pennsylvania's commitment to the Constitution." That is a rather startling statement when we are debating the Constitution, especially considering the authority offered by this Senator on the last amendment. It may be that this debate is reaching the quick—a lot of comments which are really surprising, if not totally out of order.

But, Mr. President, I would suggest that what has occurred here is really surprising and really farfetched.

The proposition has been advanced that the Soviet Union has an obligation to attend Senate ratification proceedings and that the Soviet Union might be bound by what they have heard. When pressed, a little retreat: "Well, they are under a duty to speak up." When pressed, "Well, it is evident as to what was intended."

The proposition has been advanced on this floor that it is not necessarily the intent of the Senate but only the intent of a committee of the Senate, which is a radical departure from clearcut case law as to what the intent of the Senate is, not just of a Senator or two, not just of a committee, but what happens on the floor with the managers and the determination of intent of the Senate if there is not an explicit reservation.

Mr. President, this amendment is like apple pie, motherhood, and milk. It says that the laws on constitutional ratification interpreted by the Supreme Court still stand after what the Senate has done, that the law on international treaty interpretation still stands after what the Senate has done here.

Mr. President, not to be in derogation of my responsibilities under the Constitution, which I think I understand as well as the distinguished Senator from Arkansas [Mr. BUMPERS]. I shall now read from the Constitution. The Constitution says this in article 3, section 2—it may be out of order to read the Constitution on the floor of the Senate—but it says:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which may be made, under their authority.

Now, what this amendment seeks to do, Mr. President, is to insert in categorical terms that it is the Supreme Court of the United States which establishes the law on treaties that applies to the intent of the parties, the meaning of the treaties, as the Supreme Court has repeatedly interpreted the international law on treaties, and it is meant to say that, notwithstanding what this body has done on this process, the Supreme Court interpretation of the constitutional ratification stands.

I yield the floor and reserve the remainder of my time. I ask how much time I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I rise in opposition to this amendment offered by Senator SPECTER. This amendment would reopen the debate that we have completed on the Sofaer doctrine. We have worked long and hard to produce an acceptable amendment, which was the Biden amendment, as amended by Senator BYRD, which was adopted by an overwhelming margin. I see no purpose in reopening this issue, which has been a factor in bogging down consideration of the INF Treaty.

The amendment offered by Senator SPECTER is another attempt to change what has already been established by this body by an overwhelming vote, and I urge my colleagues to oppose this amendment and uphold the Senate's constitutional role which has been established by the vote of this body and by the discussion which has gone forth both on the preceding amendment and on the amendments that were offered earlier and were established.

Does the Senator from Maryland seek time at this point?

Mr. SARBANES. Will the Senator yield me 3 minutes?

Mr. ADAMS. I yield 5 minutes to the Senator from Maryland.

Mr. SARBANES. Three minutes will do.

Mr. President, I strongly oppose the amendment offered by the Senator from Pennsylvania. The Senator from Pennsylvania throughout this debate has tried to establish a proposition that there is one treaty between the executive and the foreign country and another treaty between the executive and the Senate of the United States. And then he asserts that they could in fact differ, a proposition with which I have great difficulty.

However, even if they do differ, I flatly disagree with his proposition that then the President can make reference to the treaty arrived at with the other country rather than the treaty as understood by the Senate on the basis of the text and authoritative representation by the President and his representatives. There are rules of international law for interpreting treaties. And those are the general rules that apply to all countries regardless of their internal form of government. And, therefore, when international law with respect to treaties is set out, it does not have to address the question of what is necessary within a country in terms of its internal processes in order to actually put a treaty in place.

Those international principles in my judgment cannot, in the instance of the United States, take precedence over, or provide the basis for a view of the treaty different from the common understanding of the treaty shared by the President and the Senate at the time the Senate gave its advice and consent to ratification.

The Sofaer doctrine has consistently tried to assert that, and this amendment in the language in the last clause referring to "accepted international law on treaties," does the same thing once again. The body of law that takes precedence is based on the treatymaking clause of the Constitution.

It has been argued here by the Senator from Pennsylvania and others who support him that if the President has this arrangement with the other country, he can in fact reinterpret his arrangement with the Senate in order to satisfy his arrangement with the other country. I submit that our position is directly counter to that. The arrangement that makes the treaty possible is reaching a shared understanding with the Senate and obtaining, as the executive is now seeking to do, the advice and consent of the Senate. Absent that consent, you have no treaty. Therefore, the common understanding that is shared by the President and the Senate at the time the Senate gives its advice and consent to ratification constitutes the meaning of the treaty and is the basis on which it is interpreted.

You cannot come along later and refer to a body of international law and principles that guide treaty interpretation between two nations and use those principles to support a different view, a different interpretation fhan the one that was at the basis of the common understanding between the President and the Senate in the course of the advice and consent process.

So I see the last clause of this amendment of the Senator from Pennsylvania as laying the basis—because of its references to international law, and the assertions by Judge Sofaer, by the Senator from Pennsylvania, and by others as to international law—whereby the President can give an interpretation to a treaty contrary to or at variance with what constituted the common understanding in the course of the Senate's advice and consent process.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator's 5 minutes has expired.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before yielding to my friend, the distinguished Senator from California, Senator WILSON, I want to reply to what the distinguished Senator from Maryland said. He says he finds a problem with the last clause because there might be an international law to support the Sofaer doctrine. The last clause says "heretofore accepted international law on treaties as interpreted by the Supreme Court of the United States."

So when the distinguished Senator from Maryland talks about some interpretation of international law at variance with the Constitution, constitutional ratification of the Constitution generally, he is totally wrong because it is international law on treaties that is interpreted by the Supreme Court of the United States. The distinguished Senator from Maryland is saying the Supreme Court of the United States does not consider the U.S. Constitution when it interprets international law, which is obviously an absurdity.

When the distinguished Senator from Washington—I did not have a chance to reply before, when the distinguished Senator from Maryland spoke—Senator ADAMS said that this amendment changes what has been established—well, he is right. It changes what has been established by the Senate in the last few days in terms of elevating the Senate's role above the intent of the parties, in terms of changing the way you find the understanding of the Senate from the Supreme Court decision, but then the distinguished Senator from Washington says we cannot have this amendment because we have to uphold the Senate's constitutional role.

Is the Senate's constitutional role what the Byrd amendment says it is? Or is the Senate's constitutional role what the Supreme Court of the United States has said it is for the past 200 years? Who makes the law of this country on the role of the Senate—Senator BYRD or the Supreme Court of the United States? And vote against this amendment if you are for Senator BYRD and vote for this amendment if you are for the Supreme Court of the United States.

I yield.

Mr. SARBANES. Will the Senator yield me 2 minutes?

Mr. SPECTER. No.

I yield 3 minutes to the distinguished Senator from California, Senator WILSON.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Mr. President, I thank my friend from Pennsylvania not only for yielding me some time but also for doing the yeoman's service that he has done providing a clear legal perspective in this debate.

I find it no less remarkable that the partisans of the Byrd condition would oppose this than that it was remarkable last night they could not find it within themselves to support the central proposition that the United States should not be disadvantaged by adhering to a more stringent standard of treaty interpretation than that binding the Soviet Union.

But what he is saying here is also a very difficult thing to understand in that what he is proposing is that the Senate not usurp the function of the courts, not seek to overturn established law and precedent by which we have been governed in the interpretation of treaties.

And apparently those who are partisans of the Byrd condition think that this must be resisted precisely because if it is followed, if we agree that we will make no change, then the Byrd condition is in peril.

Even at the time that I was arguing against the Byrd condition, it really did not seem to me to be too pernicious, that we take special steps to announce clearly that in fact we would not try to upset constitutional precedent.

Let me just say that more important than any question about Senate prerogatives really is a question of the Senate's duty to do its job, that job imposed by the Constitution, to recommend for or against ratification. But what this makes plain is that the partisans of the Byrd condition obviously are fearful of anything that will shed light on the very obvious possibility, indeed perhaps almost the probability, that by following the Byrd condition the Senate will be in a position to put before the United States different obligations imposed on the one hand by domestic law and on the other by our treaty obligations.

Well, I will only say this: I think it is in a sorry day when Senators are unable to vote for this amendment. It is not a killer amendment. Happily, the Byrd condition will not be a killer amendment either. It is bad law. But I must say that in time it will be I think revealed for what it is, unconstitutional as well as bad law. It will not, happily, prevent conscientious Senators from doing their job.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Pennsylvania has 3 minutes remaining; the Senator from Washington has 8 minutes remaining.

Mr. SARBANES. Mr. President, will the Senator yield me 2 minutes?

Mr. ADAMS. I yield 2 minutes to the Senator from Maryland.

Mr. SARBANES. Mr. President, the absolutely pernicious nature of this amendment is revealed if one focuses on the fact that it is framed in the disjunctive.

What the Senator from Pennsylvania has advanced in his amendment is the concept of accepted constitutional law on treaty ratification on the one hand or—and the word is his—accepted international law on treaties on the other.

That has been at the root of this whole issue, because it is an effort to use accepted international law on treaties between the parties as a justification for ignoring what is accepted constitutional law and practice with respect to how the United States goes about making a treaty and the Senate's role in that process.

The Senator has framed his amendment in the disjunctive, and he has put the constitutional law of the United States in one clause and has put international law on treaties in the other clause. They are set out as alternatives.

That is exactly the Sofaer doctrine—the effort to use international law and the concepts governing there, as between States, as a way to provide a means for the President to ignore the understanding reached with the Senate and to proceed down a different path. It would enable the President to reinterpret a treaty—a treaty which only took place, only went into effect, because the Senate gave advice and consent to it—by using the principles of international law as a way to support a reinterpretation different from the shared understanding reached with the Senate in the course of the advice and consent function. The Senator has framed his amendment that way. He has put the constitutional law of the United States on treaty ratification in one clause and the international law on treaties in another, thereby opening up that Sofaer loophole again.

This amendment should be defeated.

Mr. NUNN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ADAMS. I yield 1 minute to the Senator.

Mr. NUNN. Mr. President, I agree with the argument the Senator from Maryland has made persuasively.

If we vote for this amendment, are we not saying, in effect, that we in the U.S. Senate are saying, basically, that international law as interpreted by the executive branch can override the relationship under the U.S. Constitution between the U.S. Senate and the executive branch?

Mr. SARBANES. I think we are.

Mr. NUNN. Basically, we are putting international law, if so interpreted by the executive branch, on a higher plane than the Constitution provides.

Mr. SARBANES. This amendment is framed in the disjunctive. It says constitutional law in one clause or international law in the other, which opens up the loophole to use international law to nullify or negate constitutional law.

Mr. NUNN. It is basically saying to the executive branch: "Mr. President, or, Judge Sofaer, take your choice. If international law is better for you, use that. If constitutional law is better for you, use that. But don't worry about the relationship between the Executive and the Senate, and don't worry about what you say before the Senate when you tell us what a treaty means. If you want to negotiate a treaty, tell us anything you want to, and then find some international law, getting the negotiating history out of the safe, that the Senate never saw, change the treaty, and then say, 'Too bad, folks. That's they way it is.' "

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPECTER. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Pennsylvania has 3 minutes. The Senator from Washington has 4 minutes.

Mr. SPECTER. Mr. President, will the Senator from Georgia respond to two questions?

Mr. NUNN. I would be delighted.

Mr. SPECTER. Has the Senator read the amendment?

Mr. NUNN. I have.

Mr. SPECTER. Since the Senator has read the amendment, how can he say that the amendment proposes international law as interpreted by the executive branch, when the amendment specifically says international law on treaties as interpreted by the Supreme Court of the United States.

Mr. NUNN. I will answer the Senator.

Does he remember the Taiwan case, where President Carter terminated the Taiwan treaty? That case went to court. Senator Goldwater brought the position to court, and a number of people on that side of the aisle joined in, as well as a couple on this side. Basically, it said that the President could not terminate the treaty.

The Supreme Court of the United States said: "That is a political question. It has to be adjudicated between the Executive and the Senate of the United States. It is not a case that we are going to decide."

So, by delegating it to the Supreme Court of the United States you are in effect, giving the executive branch the right to interpret international law. When someone tries to go to the Supreme Court to stop that interpretation by the executive branch, then the Supreme Court is very likely to say: "It is a political question, folks. You decide it."

So it is a clever way of giving the executive branch the right to take any principle of international law it wants and hang its hat on and that basically overrides everything that has been said in the U.S. Senate.

I have a hard time believing that people who serve in this body really want to undermine the institution of the U.S. Senate as much as these amendments reflect.

I wonder what will happen if we have a different President in the White House, whether we will get the same kind of thrust at that stage. That will be an interesting question for history.

Mr. SPECTER. It is hard for this Senator to understand how the distinguished Senator from Georgia says that this amendment delegates the interpreting power from the Supreme Court of the United States, when it is the Constitution—article III, section 2—which gives the interpretive power on treaties to the Supreme Court of the United States, not the Specter amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. SPECTER. I yield the floor.

Mr. LEVIN. Mr. President, will the Senator yield me 1 minute?

Mr. ADAMS. I yield 1 minute to the Senator from Michigan.

Mr. LEVIN. Mr. President, there is not much I can add to what Senators SARBANES and NUNN have said on the key point of this amendment; but let me quote the words of the Senator from Pennsylvania, because he says it all.

He said that this amendment changes what was established in the Byrd amendment. That is his intent; the intent is clear. It is to reverse the amendment, and that is what we are voting on.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, that is true, because the Byrd amendment changes the law of the United States of America, constitutional law on ratification and law on interpretation of treaties, under the Supreme Court decisions. That is why it is wrong.

The PRESIDING OFFICER. Who yields time?

Does the Senator yield the floor?

Mr. SPECTER. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has all of 15 seconds remaining.

Mr. ADAMS. Does the Senator yield back the remainder of his time, or does he wish to continue?

The PRESIDING OFFICER. Who yields time?

Time will be taken from both sides.

Mr. SARBANES. Let it be taken.

Mr. SPECTER. Mr. President, on my final 15 seconds: I have earlier argued that if you vote against this amendment, you vote to follow Senator BYRD. If you vote for it, you vote to follow the Constitution.

Senator GRASSLEY approached me and said: "You made it clear, ARLEN, because my oath is to uphold the Constitution, not Senator BYRD."

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

Mr. SARBANES. Mr. President, will the Senator yield me 1 minute?

Mr. ADAMS. I yield 1 minute to the Senator.

Mr. SARBANES. Mr. President, I want to be absolutely clear. The person who is seeking to uphold the Constitution of the United States in this debate is the able and distinguished majority leader Senator BYRD. It is the Senator from West Virginia who has stood as the champion of our Constitution. I commend and thank him for his leadership.

The phrasing of the Specter amendment makes it clear, because it is in the disjunctive, as between constitutional law and international law that it in fact does not fully uphold the Constitution in that regard. Otherwise, this amendment would not have been put in the disjunctive, and the Senator would not have set up in his amendment two paths—one path following the Constitution, accepted constitutional law, and another path, separate and apart, on the basis of the word "or," which follows "international law on treaties."

This opens up the possibility of following the path of international law on treaties in order to negate accepted constitutional law. It is this possibility which the distinguished Senator from West Virginia sought to preclude in his amendment, and that is why it commanded the overwhelming support it has received in this body.

This amendment ought to be rejected.

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

The Senator from Washington has 2 minutes and 30 seconds remaining.

Mr. ADAMS. Mr. President, in conclusion on the debate, the Senator from Maryland has stated it very well. The majority leader, Senator BYRD, by the amendment that was overwhelmingly adopted, established the constitutional power and the constitutional right, the shared power of the Senate of the United States with the executive in creating a treaty.

This is another attempt to circumvent the Constitution of the United States by stating that you would use, as the Senator from Maryland has so well stated, a separate path around it.

I hope this amendment will not be adopted. I yield back the remainder of the time.

The PRESIDING OFFICER. All time has now been yielded back.

Mr. BYRD. Mr. President, I move to table the amendment, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia to lay on the table the amendment of the Senator from Pennsylvania.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. METZENBAUM] is necessarily absent.

I further announce that the Senator from Ohio [Mr. GLENN] is absent due to death in the family.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 164 Ex.]

YEAS—64

Adams	Bradley	Chafee
Baucus	Breaux	Chiles
Bentsen	Bumpers	Cochran
Bingaman	Burdick	Cohen
Boren	Byrd	Conrad

Cranston	Inouye	Pryor
Daschle	Johnston	Reid
DeConcini	Kassebaum	Riegle
Dixon	Kennedy	Rockefeller
Dodd	Kerry	Roth
Dole	Lautenberg	Sanford
Durenberger	Leahy	Sarbanes
Exon	Levin	Sasser
Ford	Lugar	Shelby
Fowler	Matsunaga	Simon
Gore	Melcher	Stafford
Graham	Mikulski	Stennis
Harkin	Mitchell	Stevens
Hatfield	Moynihan	Weicker
Heflin	Nunn	Wirth
Helms	Pell	
Hollings	Proxmire	

NAYS—33

Armstrong	Hecht	Pressler
Bond	Heinz	Quayle
Boschwitz	Humphrey	Rudman
D'Amato	Karnes	Simpson
Danforth	Kasten	Specter
Domenici	McCain	Symms
Evans	McClure	Thurmond
Garn	McConnell	Trible
Gramm	Murkowski	Wallop
Grassley	Nickles	Warner
Hatch	Packwood	Wilson

NOT VOTING—3

Biden	Glenn	Metzenbaum

So the motion to lay on the table the amendment No. 2329 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I wonder if the distinguished Republican leader and I now could discuss further the remaining items and perhaps arrive at a time for our final vote on the resolution of ratification.

Mr. President, as I understand it, there will be a colloquy between Mr. QUAYLE and Mr. NUNN. There remains the amendment by Mr. HELMS on troop withdrawal.

Mr. DOLE. Fifteen minutes, equally divided.

Mr. BYRD. I ask unanimous consent that there be 15 minutes, equally divided, in accordance with the usual form on the Helms troop withdrawal amendment.

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

Mr. BYRD. And that there be no more amendments other than these amendments.

Mr. DOLE. And the pending Helms amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the final vote on approval of the resolution of ratification occur no later than 3:15 p.m. today and that the time—may I inquire of the Chair how much time is there to be on the colloquy?

The PRESIDING OFFICER. There is no time set for colloquy at this point.

Mr. BYRD. I thought that was entered this morning as 10 minutes.

The PRESIDING OFFICER. The Chair has no official advice to that effect.

Mr. BYRD. Ten minutes equally divided; I ask unanimous consent, on the colloquy.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. All right. That means we have 10 minutes on the colloquy and 15 minutes equally divided on the amendment by Mr. HELMS; that is 25 minutes. That would end at 2:15 p.m. today.

Mr. DOLE. Then there is 30 minutes on the declaration, the pending Helms amendment, and I hope there will be no rollcall. Maybe there is. That will be another 15 minutes. So it looks about, just about, maybe, 3:30 will get it, 3:05 or 3:10.

Mr. BYRD. Mr. President, is there a 30-minute time limit already ordered on the pending amendment by Mr. HELMS?

The PRESIDING OFFICER. There is no time agreement on the pending amendment that has been set aside.

Mr. BYRD. Mr. President, I ask unanimous consent that there be a 30-minute time limitation on the pending amendment by Mr. HELMS to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. CRANSTON. Reserving the right to object, it is not the pending amendment. It is a revised version of the pending amendment.

Mr. BYRD. Well, it is in the pending place because we have continued it temporarily—set it aside.

I ask unanimous consent that the amendment may be modified in accordance with the understanding of the two Senators, Mr. HELMS and Mr. CRANSTON.

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

Mr. CRANSTON. That is fine.

Mr. BYRD. Mr. President, I ask unanimous consent that no amendments be in order, other than those amendments which are contained in this most recent order.

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

Mr. BYRD. Not counting rollcalls, that would put the Senate to 2:45 or 2:50 p.m. today.

Could we agree on a 3 o'clock vote?

Mr. President, I ask unanimous consent that the vote on the approval of ratification for the INF Treaty occur today at 3 o'clock p.m. or no later than 3 o'clock p.m. today. No later than.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators and I particularly thank the distinguished Republican leader.

The PRESIDING OFFICER. Under the previous order the Senator from North Carolina is recognized to call up his amendment upon which there shall be 15 minutes of debate divided and controlled in the usual form.

The Senator from North Carolina is recognized.

Mr. QUAYLE. Mr. President, I ask unanimous consent that that amendment be set aside so Senator NUNN and I can agree in our colloquy.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Senator from Georgia.

Mr. NUNN. Mr. President, this will only take a few minutes but it is an important subject.

Mr. President, I would like to engage the Senator from Indiana, Senator QUAYLE, in a brief discussion about the meaning of the May 12 United States/Soviet agreement on future INF weapons as it applies to permitted types of drones, remotely piloted vehicles [RPV's] and other categories of non-weapons-delivery vehicles.

In my remarks yesterday on the Nunn-Warner-Boren-Cohen-Helms Category III Understanding, I said:

After the administration determined its position on the definitional issue, executive branch witnesses discussed the implications of the definition with reference to specific types of future weapons which would and would not be covered by this definition. Based on this testimony and additional consultations with the administration, it is the understanding and intent of the sponsors of the amendment that the following represents an illustrative list of potential RPV/drone missions areas which the United States regards as "non-weapons-delivery" missions for purposes of treaty interpretation:

I emphasize this list is an illustration. It is not intended to envision every possibility of excluded weapons, but it is illustrative of those missions that we believe are not weapon delivery missions:

Surveillance, reconnaissance, target simulation, communications relay, signals intelligence, such as electronics eavesdropping; decoying, psychological warfare activities, such as leaflet dropping, weather data gathering, bomb damage assessment, target designation, electronic countermeasures [ECM] and other electronic warfare activities, such as radar jamming and chaff dispensing.

I would ask my colleague if he agrees with that list of permitted RPV's and drones, recognizing that it is only illustrative and not all-inclusive?

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, I do agree with that statement. Let me also observe that electronic warfare or combat includes all "electromagnetic actions required to support military operations" including but not limited to military:

Deception, jamming, suppression of enemy air defenses, electronic countermeasures, and C^3 countermeasures.

Those electromagnetic devices that are not designed to damage or destroy a target but only disrupt its normal operation temporarily are not considered to be weapons.

The electromagnetic spectrum includes laser and microwave emitters,

and it is clear that any devices designed to provide missile guidance, military intelligence, or communication that use laser or radio energy are not weapons payloads.

Finally, all delivery vehicles that are not cruise or ballistic missiles as defined in the treaty but of INF range are permitted no matter what their payload because they are not weapons delivery vehicles as defined by the treaty.

I would ask the Senator from Georgia if he agrees with that elaboration?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I do agree with the Senator's statements and commend him for the important contribution he has made to the Senate's review of this treaty by first raising and then continuing to diligently pursue the meaning and effect of the treaty's provisions in this area.

On another matter, Mr. President, with regard to the Murkowski-Quayle amendment passed Wednesday night, I would ask your confirmation that you did not mean by the phrase "no restrictions should be placed on current or future non-nuclear sea- or air-launched cruise missiles," to restrict our ability to, for example, mark a cruise missile so as to be able to distinguish between a conventional and nuclear cruise missile?

Mr. QUAYLE. I answer my friend from Georgia: No, our intent was to make it clear that the Senate opposes any START treaty which would include non-nuclear ALCMS, SLCMS, or even ground-launched cruise missiles outside of INF ranges. We recognize that there could be requirements under a START treaty to distinguish non-nuclear ALCMS, SLCMS, or even ground-launched cruise missiles outside of INF ranges from nuclear variants for arms control purposes but not to do so in any way that might facilitate enemy military counter measures.

Mr. NUNN. I thank the Senator from Indiana.

Mr. QUAYLE. Mr. President, I also thank my friend from Georgia for getting into this.

I had originally intended to offer this as an amendment. I conversed with him and now I think this is a far preferable way.

After I make a unanimous-consent request I am just going to put in a couple of definitions as I found in the Joint Chiefs of Staff's military dictionary. That does not relate to our colloquy but relates to a previous statement I had made.

I do at this time, Mr. President, ask unanimous consent to make a technical correction, that has been cleared, in the Murkowski-Quayle amendment 2279 agreed on Wednesday evening. In paragraph 2 strike the last occurrence of the word "or".

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. QUAYLE. Mr. President, finally as I said I am not going to offer an amendment. There were some concerns about some of the words that I had put in the amendment lacked any definitions. Some of these concerns came from the Joint Chiefs of Staff and the military. I am just going to put into the RECORD a couple of the definitions of some of the words as provided by the Joint Chiefs of Staff's own dictionary of military and associated terms and the Air Force's "Electronic Combat-Principles," so in case they had missed it somewhere along the line they might want to read the RECORD and find out what the amendment really meant, other than some of the concerns that we got back. I think they happened to forget to consult their own military dictionaries over there. I ask unanimous consent to have this printed in the RECORD after my remarks.

Mr. NUNN. Mr. President, reserving the right to object, and I will not object, as I understand the statement of the Senator this does not relate to the amendment that we were discussing, the Murkowski-Quayle amendment, but rather an amendment the Senator did not present to the Senate for its consideration but had intended at one time?

Mr. QUAYLE. The Senator is absolutely correct. This has no relationship to the Murkowski-Quayle amendment. It does relate to an amendment that I had intended to offer but did not after conferring with the distinguished chairman of the Senate Armed Services Committee.

I think this is a far preferable way. My desire was to try to get some feeling of what a nonweapon delivery vehicle is. I think this probably adequately explains it. On May 19 I made a speech, an opening statement in which I listed several specific types of clearly permitted nonweapons systems; things that did not directly damage or destroy their targets. Later, I filed an amendment that generally described what at the very least would be allowed. There were concerns, however, which the JCS raised, that the amendment used words, such as "spoof," "electromagnetic," "dazzle," "deceive," "interfere," "disrupt," that lacked any definitions that were as clear as the Treaty definition for "weapon"—a device designed to damage or destroy its intended target. In fact, the military's own dictionaries define the terms used in my amendment but they do not define the words "damage," "destroy," or "designed." I ask unanimous consent to place in the RECORD the military's definitions for those who may have concerns about some of the definitions along with my original amendment.

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

DEPARTMENT OF DEFENSE—DICTIONARY OF MILITARY AND ASSOCIATED TERMS

SCOPE. Terms and definitions identified with NATO represent terms standardized and agreed for use within the NATO community. Entries identified with IADB represent terms standardized and agreed for use between member countries of the Inter-American Defense Board. The symbol I means that the entry has United States Government interdepartmental approval for national usage. The symbol DOD marks the entry as official for DOD Components, which will use the terms and definitions so designated without alteration unless a distinctly different context or application is intended. To provide a common interpretation of terminology at home and abroad, US officials participating in either NATO or IADB activities will use the terms and definitions designated for that organization. When an agreed organizational term does not exist, the DOD term and definition will take precedence.

Electronic warfare—(DOD) Military action involving the use of electromagnetic energy to determine, exploit, reduce or prevent hostile use of the electromagnetic spectrum and action which retains friendly use of electromagnetic spectrum. Also called EW. There are three divisions within electronic warfare:

a. Electronic countermeasures—That division of electronic warfare involving actions taken to prevent or reduce an enemy's effective use of the electromagnetic spectrum. Also called ECM. Electronic countermeasures include:

(1) Electronic jamming—The deliberate radiation, reradiation, or reflection of electromagnetic energy for the purpose of disrupting enemy use of electronic devices, equipment, or systems. See also jamming.

(2) Electronic deception—The deliberate radiation, reradiation, alteration, suppression, absorption, denial, enhancement, or reflection of electromagnetic energy in a manner intended to convey misleading information and to deny valid information to an enemy or to enemy electronics-dependent weapons. Among the types of electronic deception are:

(a) Manipulative electronic deception—Actions to eliminate revealing, or convey misleading, telltale indicators that may be used by hostile forces.

(b) Simulative electronic deception—Actions to represent friendly notional or actual capabilities to mislead hostile forces.

(c) Imitative electronic deception—The introduction of electromagnetic energy into enemy systems that imitates enemy emissions.

b. Electronic counter-countermeasures—That division of electronic warfare involving actions taken to ensure friendly effective use of the electromagnetic spectrum despite the enemy's use of electronic warfare. Also called ECCM.

c. Electronic warfare support measures—That division of electronic warfare involving actions taken under direct control of an operational commander to search for, intercept, identify, and locate sources of radiated electromagnetic energy for the purpose of immediate threat recognition. Thus, electronic warfare support measures (ESM) provide a source of information required for immediate decisions involving electronic countermeasures (ECM), electronic counter-countermeasures (ECCM), avoidance, targeting, and other tactical employment of forces. Also called ESM. Electronic warfare support measures data can be used to produce signals intelligence (SIGINT), both communications intelligence (COMINT) and electronics intelligence (ELINT).

Electronic warfare—*(NATO)* Military action involving the use of electromagnetic energy to determine, exploit, reduce, or prevent hostile use of the electromagnetic spectrum and action to retain its effective use by friendly forces. See also electronic counter-countermeasures; electronic countermeasures; electronic warfare support measures.

Electronic warfare—*(IADB)* Military action involving the use of electromagnetic energy to determine, exploit, reduce or prevent hostile use of the electromagnetic spectrum and action that retains friendly use of the electromagnetic spectrum.

Barrage jamming—*(DOD, NATO, IADB)* Simultaneous electronic jamming over a broad band of frequencies. See also jamming.

Deception—*(DOD, NATO, IADB)* Those measures designed to mislead the enemy by manipulation, distortion, or falsification of evidence to induce him to react in a manner prejudicial to his interests. See also counter-deception; military deception.

Deception means—*(DOD)* Methods, resources, and techniques that can be used to convey information to a foreign power. There are three categories of deception means:

a. Physical means—Activities and resources used to convey or deny selected information to a foreign power. (Examples: military operations, including exercises, reconnaissance, training activities, and movement of forces; the use of dummy equipment and devices; tactics; bases, logistic actions, stockpiles, and repair activity; and test and evaluation activities).

b. Technical means—Military materiel resources and their associated operating techniques used to convey or deny selected information to a foreign power through the deliberate radiation, reradiation, alteration absorption, or reflection of energy; the emission or suppression of chemical or biological odors; and the emission or suppression of nuclear particles.

c. Administrative means—Resources, methods, and techniques designed to convey or deny oral, pictorial, documentary, or other physical evidence to a foreign power.

Dazzle—*(DOD, IADB)* Temporary loss of vision or a temporary reduction in visual acuity. See also flash blindness.

Electromagnetic interference—*(DOD)* Any electromagnetic disturbance that interrupts, obstructs, or otherwise degrades or limits the effective performance of electronics/electrical equipment. It can be induced intentionally, as in some forms of electronic warfare, or unintentionally, as a result of spurious emissions and responses, intermodulation products, and the like. Also called EMI.

Electromagnetic intrusion—*(DOD)* The intentional insertion of electromagnetic energy into transmission paths in any manner, with the objective of deceiving operators or of causing confusion. See also electronic warfare.

Electromagnetic pulse—*(DOD)* The electromagnetic radiation from a nuclear explosion caused by Compton-recoil electrons and photoelectrons from photons scattered in the materials of the nuclear device or in a surrounding medium. The resulting electric and magnetic fields may couple with electrical/electronic systems to produce damaging current and voltage surges. May also be caused by nonnuclear means. Also called EMP.

Electromagnetic radiation—*(DOD, IADB)* Radiation made up of oscillating electric and magnetic fields and propagated with the speed of light. Includes gamma radiation, X-rays, ultraviolet, visible, and infrared radiation, and radar and radio waves.

Electronic simulative deception—*(NATO)* The creation of electromagnetic emissions to represent friendly notional or actual capabilities to mislead hostile forces.

Electromagnetic spectrum—(DOD) The range of frequencies of electromagnetic radiation from zero to infinity. It is divided into 26 alphabetically designed bands. See also electronic warfare.

Electromagnetic spectrum—(IADB) The frequencies (or wave lengths) present in a given electromagnetic radiation. A particular spectrum could include a single frequency or a wide range of frequencies.

Electromagnetic vulnerability—(DOD) The characteristics of a system that cause it to suffer a definite degradation (incapability to perform the designated mission) as a result of having been subjected to a certain level of electromagnetic environmental effects. Also called EMV.

Electronic counter-countermeasures—See electronic warfare.

Electronic countermeasures—See electronic warfare.

Electronic deception—See electronic warfare.

Electronic deception—(NATO) Deliberate activity designed to mislead an enemy in the interpretation or use of information received by his electronic systems. See also electronic imitiative deception; electronic manipulative deception; electronic simulative deception.

Electronic imitative deception—(NATO) The introduction into the enemy electronic systems of radiations imitating the enemy's own emissions.

Electronic jamming—See electronic warfare; jamming.

Electronic line of sight—(DOD, IADB) The path traversed by electromagnetic waves that is not subject to reflection or refraction by the atmosphere.

Electronic manipulative deception—(NATO) The alteration of friendly electromagnetic emission characteristics, patterns, or procedures to eliminate revealing, or convey misleading, tell-tale indicators that may be used by hostile forces.

Electronic reconnaissance—(DOD, IADB) The detection, identification, evaluation, and location of foreign electromagnetic radiations emanating from other than nuclear detonations or radioactive sources.

Electronics intelligence—(DOD, IADB) Technical and intelligence information derived from foreign non-communications electromagnetic radiations emanating from other than nuclear detonations or radioactive sources. Also called ELINT. See also intelligence; signals intelligence; telemetry intelligence.

Electronic warfare support measures—(NATO) That division of electronic warfare involving action taken to search for, intercept, identify and locate radiated electromagnetic energy for the purpose of immediate threat recognition. It provides a source of information required for immediate decisions involving electronic countermeasures, electronic counter-countermeasures and other tactical actions such as avoidance, targeting and homing.

Electronic warfare support measures—See electronic warfare.

Electro-optical intelligence—(DOD) Intelligence information other than signals intelligence derived from the optical monitoring of the electromagnetic spectrum from ultraviolet (0.01 micrometers) through far infrared (1,000 micrometers). Also called ELECTROOPTINT.

Electro-optics—(DOD, NATO) The technology associated with those components, devices and systems which are designed to interact between the electromagnetic (optical) and the electric (electronic) state.

Flash blindness—(DOD, NATO, IADB) Impairment of vision resulting from an intense flash of light. It includes temporary or permanent loss of visual functions and may be associated with retinal burns. See also dazzle.

Jamming—See barrage jamming; electronic countermeasures; electronic jamming; selective jamming; spot jamming.

Spoofer—(DOD) In air intercept, a code meaning, "A contact employing electronic or tactical deception measures."

Spot jamming—(DOD, NATO, IADB) The jamming of a specific channel or frequency. See also barrage jamming; electronic warfare; jamming.

Spotting—(DOD, NATO, IADB) A process of determining by visual or electronic observation, deviations of artillery or naval gunfire from the target in relation to a spotting line for the purpose of supplying necessary information for the adjustment or analysis of fire.

DEPARTMENT OF THE AIR FORCE, ELECTRONIC COMBAT PRINCIPLES

Finally, destructive and disruptive measures describe the dimensions of operations in the electromagnetic spectrum. A destructive measure seeks the termination of the target system, its operating personnel, or both. A disruptive measure is anything that does not directly seek destruction, and its effects are reversible.

EXECUTIVE AMENDMENT No. 2248

At the end of the resolution of ratification, add the following:

The Senate's advice and consent to ratification of the Treaty is further subject to the following, which the President shall communicate to the Union of Soviet Socialist Republics, in connection with the exchange of the instruments of ratification of the Treaty:

( ) UNDERSTANDING.—The United States understands that the Treaty does not cover nonweapons delivery vehicles including—

(1) any ground-launched ballistic missiles or ground-launched cruise missiles having a range capability of more than 500 kilometers but less than 5,500 kilometers and that has not been flight-tested or deployed to carry or be used as a weapon, including any warhead, mechanism, or device, which when directed against any target, is designed to damage or destroy it; and

(2) ground-launched ballistic missiles or ground-launched cruise missiles having a range capability of more than 500 kilometers but less than 5,500 kilometers and carrying devices designed to spoof, upset, jam, deceive, or disrupt enemy electromagnetic devices, or to dazzle, disrupt, or interfere with the normal operation of enemy optical or electro-optical capabilities, disable or incapacitate enemy assets or troops temporarily, or provide military intelligence, surveillance, communication, missile guidance, target designation, or range-finding information.

The PRESIDING OFFICER (Mr. BREAUX). Under the unanimous-consent agreement and the previous order, the Senator from North Carolina is now recognized to offer an amendment upon which there shall be 15 minutes of debate equally divided and controlled in the usual form.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, if the managers of the bill or any other Senator have no objection, I should like to reserve the order and proceed with the

declaration. I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator?

Without objection, it is so ordered.

AMENDMENT NO. 2317, AS MODIFIED

(Purpose: To include in the resolution of ratification a unilateral declaration of the United States regarding Strategic Arms Reduction Talks)

Mr. HELMS. Mr. President, I send a modification amendment of declaration to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] for himself, Mr. BYRD, Mr. DOLE, and Mr. SIMPSON, proposes an amendment numbered 2317, as modified.

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

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

The amendment is as follows:

At the end of the resolution of ratification, insert the following before the period: "*Provided* that the Senate's advice and consent to ratification of the INF Treaty is subject to the condition: Declaration. It shall be the declared policy of the United States of America that, as an integral factor in its decision to adhere to this Treaty, the United States intends to continue to negotiate with the Union of Soviet Socialist Republics a treaty effecting reductions in strategic nuclear forces of the Parties and, in conjunction with its NATO Allies, to negotiate a treaty establishing conventional stability in Europe. In so doing, it shall be guided by the following principles and considerations:

(a) A main object of such future treaties shall be international stability and reduction of the risk of war by obtaining general equivalence in the resultant strategic forces of the Parties;

(b) During any negotiations contemplated by this declaration, the United States shall act in close consultation with its Allies who are member states of the North Atlantic Treaty Organization and with such other states as appropriate;

(c) Negotiations contemplated by this declaration shall also be conducted with close and detailed consideration of the advice of the United States Senate, and the Senate should be kept fully apprised of all significant proposals made to the Union of Soviet Socialist Republics and, with respect to such negotiations, the judgments and recommendations of the United States Senate shall be given full and highest consideration and due regard;

(d) The negotiations contemplated by this declaration shall also seek to secure regimes of effective verification and mechanisms for full compliance which build upon the verification regime and compliance mechanisms of the present Treaty, strengthening them appropriately for any subsequent treaty;

(e) In accordance with the Constitutional process of the United States, the United States shall, consistent with correctly construed principles of international law, not be bound to adhere to or observe any treaty contemplated by this declaration until ratification thereof pursuant to the advice and consent of the Senate. However, nothing in this declaration shall imply that the United States will take an action of such nature as to make impossible the performance of any future treaty contemplated by this declaration after the signing of such treaty and during the period in which there is a clear prospect of timely ratification thereof;

(f) The United States considers full and exact compliance with the present treaty and with all other existing arms control agreements between the Parties to be a major issue affecting (i) the proposals and attitudes of the United States with respect to the future treaties contemplated hereby and (ii) proportionate and appropriate responses with respect to such existing agreements;

(g) Pursuant to this declaration, any joint statement by the United States of America with the Union of Soviet Socialist Republics of a framework for the negotiation of strategic arms treaties contemplated hereby, and such framework itself, shall serve for the purpose only of guiding the conduct of the negotiations which the United States herein has declared its desire to pursue expeditiously, and shall not constrain any military programs of the United States unless otherwise provided for in accordance with Section 33 of the Arms Control and Disarmament Act; and

(h) The capability of the United States of America to monitor any future treaty contemplated by this declaration shall be strengthened in order to increase the ability of the United States to detect violations thereof.'."

Mr. HELMS. Mr. President, this is the amendment that caused a little bit of brouhaha last night, and I want to say to all Senators that I was not offended in the least by anything that occurred. Everybody was tired. Nonetheless, the declaration was recognized as significant and binding and of a good precaution in advance of the Moscow summit so the effort to table it failed by a wide margin.

In any case, as the Senate functions and should function, we worked further on the declaration, made a few not major but strengthening changes, and I am now ready to proceed.

It is a straightforward declaration, Mr. President. It is cosponsored by the distinguished majority leader, Mr. BYRD; and the Republican leader, Mr. DOLE; and the assistant Republican leader, Mr. SIMPSON.

Specifically, it creates a binding legal duty on this and future Presidents to adhere to a declared U.S. policy with respect to future treaties involving conventional and strategic arms.

We worked much of the night in formulating revise language in the declaration because of its permanent status. The work was conducted with Ambassador Glitman and other representatives of the White House and Department of State, including eventually the President's Chief of Staff, our former colleague, Senator Baker.

I ask unanimous consent that a letter attesting to the negotiations and the most important conclusion thereof be entered in the RECORD at this point.

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

DEPARTMENT OF STATE,
May 27, 1988.

Hon. JESSE HELMS
U.S. Senate
Washington, DC.

DEAR SENATOR HELMS: The Declaration you have proposed states principles and considerations by which the present Administration and future Administrations would have a duty to be guided, since it would be adopted as a valid condition and would constitute the basis on which the Senate grants its advice and consent.

This undertaking does not constitute a legal precedent for other purposes, or for any other declaration.

Sincerely,

ABRAHAM D. SOFAER,
Legal Adviser.

Mr. HELMS. Mr. President, the declaration emphasizes close coordination with the Senate as a body as contemplated by the Constitution and with our NATO allies with respect to future arms negotiations. It also emphasizes that any agreement on such issues would not be binding on the United States without Senate advice and consent, as provided for in the U.S. Constitution, but, perhaps even more importantly, also that no framework or unratified treaty will in any way whatsoever constrain any arms program of this country.

There has been a great deal of discussion in this body about the significance of the INF Treaty. Some have contended, "well it's not really that big a deal, so we might as well ratify it forthwith." I do not share that view either as to the treaty's significance or the Senate's position on it. It seems to me the treaty is significant—not only politically, but more important, militarily.

Regardless of the degree of importance attributed to the INF Treaty, I do not believe I have heard any Senator disagree—not one Senator, Mr. President—disagree with the assessment that any START Treaty, dealing with proposed reduction in strategic—that is long-range—nuclear weapons will be far more significant.

For this reason, Mr. President, I have concluded that it is imperative that the administration coordinate every stage of negotiations—every step of the way and extensively—with the Senate well in advance of the formulation of any START Treaty, and even in the formulation of some less formal framework or other outline of a START Treaty or for that matter any other arms treaty of whatever nature. That is what the declaration provides in legally binding terms. No more faits accomplis.

The declaration puts the United States on record by codifying as national policy that a main object of future treaties, such as START, shall be international stability and reduction of the risk of war by obtaining at least general equivalence—as is already provided in Federal law by the Jackson amendment, which is familiar to all of us.

The amendment also declares the intention of the United States to coordinate with the Senate—not a select group but the Senate—in advance of any START framework or outline, and certainly before the initiation of any further START negotiations pursuant to any such framework or joint communique.

Mr. President, there have been press reports suggesting that some sort of framework for a START agreement will in fact, be announced in Moscow during the summit. The declaration also makes clear that any such framework shall be viewed by the U.S. Government as advisory only with respect to negotiations only and will not constitute a commitment nor contrain any military program of the United States unless specifically provided for in accordance with section 33 of the Arms Control and Disarmament Act. In other words, Mr. President, a clear-cut statute enacted subsequent to the declaration, or a ratified—a ratified—treaty.

The declaration also notes another factor with which I have heard few, if any disagreements—that is, that the verification and compliance regimes for a START Treaty will need to build upon the verification and compliance regimes of the present treaty, strengthening them appropriately for any subsequent treaty. It requires improvement because improvement is badly needed, both in this proposed treaty and any future treaty.

Many have pointed to what they regard as the unprecedented verification procedures provided in the INF Treaty. The onsite inspection procedures, in particular, have received widespread attention and acclaim. I, for one, believe that the accolades are greatly overdone. Under the provisions of the treaty, the United States is given permission to inspect sites that the Soviets so designate, not other sites where covert activity might be taking place, even if we have good reason to suspect such covert activity. That is just one of the many flaws which I consider to be fatal in the INF Treaty, but which others have chosen to overlook.

Nonetheless, regardless of my own reservations about the widely presumed achievements in verification in the INF Treaty, Mr. President, almost all witnesses before the Committee on Foreign Relations, including the administration witnesses, have noted that a START verfication regime, in particular—and compliance mechanism—will have to be far more extensive than that provided in the case of the INF Treaty.

Even in public sessions, Mr. President, we have had unclassified discussion to the need for significant improvements in our national technical means for intelligence gathering in order to monitor the much more complex procedures of any START Treaty.

The declaration puts the United States, as a nation, on record in support of a much more extensive verification and compliance regime for any proposed START Treaty.

Similarly, Mr. President, the declaration notes that the United States will consider the Soviet Union's "full and exact" compliance with the INF Treaty and other existing arms control agreements to be a major issue affecting the proposals and attitudes of the United States with respect to any envisioned START or other arms treaty.

I have noted on previous occasions that the Soviets have an extensive history of cheating. It would be this Senator's hope that we will learn our lesson before it is too late for the safety of our country and that if the Soviets persist in this consistent pattern of cheating, we must call a halt to further treaties with the Soviets until they come into compliance. I believe that principle should have been applied to the INF Treaty. While others disagreed, I am pleased that there is much broader support for such a position with respect to any proposed START Treaty.

Mr. President, former Secretary of State Henry Kissinger recently laid out some of the pitfalls in negotiating a START Treaty and the need for full consultation with our allies. Now, I do not always agree with Dr. Kissinger, although I tend to agree with him more often now that he is no longer Secretary of State, but the distinguished former Secretary of State is absolutely correct, in my judgment, in his analysis this time, so I ask unanimous consent, Mr. President, that the article on the subject by Dr. Kissinger, published in the Washington Post and perhaps elsewhere on April 24, be printed in the RECORD.

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

[From the Washington Post, Apr. 24, 1988]

START: A DANGEROUS RUSH FOR AGREEMENT

(By Henry Kissinger)

President Reagan has stated that he hopes the START agreement to reduce U.S. and Soviet strategic forces by 50 percent will be completed in time for the summit at the end of May. There has been astonishingly little debate about the impact of such an agreement on strategy, verifiability and foreign policy. A pause in the rush to agreement is needed to permit a national debate while the treaty can still be reshaped. It is essential also to insure that Congress will fund the measures that will be necessary to ensure the survivability and strategic effectiveness of America's nuclear deterrent under START conditions. Before America makes another arms control deal with the Soviet Union, it must make a deal with itself.

For START is being negotiated in a conceptual vacuum. The United States has not yet decided—or at least has not put forward—what strategic forces it proposes to deploy under the START ceiling of 4,900 warheads in 1,600 missiles and 1,100 nuclear weapons on aircraft. Or how it plans to verify Soviet observance of these limits. Yet the relative capability of U.S. strategic forces—or the perception of it—has been the key element in Western security policy for the entire postwar period.

Still, common sense permits certain projections. The United States will almost certainly opt to retain 18 submarines out of the current 36, down from 41 in the 1970s. Since each Trident submarine has 24 missiles counted as having eight warheads each, this would place 3,456 warheads on submarines and leave 1,444 warheads to be distributed among land-based missiles.

When the number of submarines is cut so drastically while the agreement leaves Soviet antisubmarine forces free to grow and modernize, the vulnerability of the U.S. residual submarine force must inevitably increase. This would be especially true were a technological breakthrough to occur in antisubmarine warfare.

The situation with respect to land-based missiles is more precarious still. The Washington summit agreement reduces Soviet heavy missile warheads from 3,080 to 1,540. Though this is lauded as a great achievement, any serious analysis shows that the survivability of the U.S. land-based force after the proposed reductions can be maintained at present levels only by a major—and expensive—modernization program. And the present level of vulnerability already is considered dangerous by most experts.

U.S. land-based missiles now consist of 2,000 warheads on three types of missiles: 500 highly accurate warheads on 50 MX missiles; 1,500 reasonably accurate warheads on 500 Minuteman III missiles and 500 inaccurate large warheads on Minuteman II single-warhead missiles—the oldest in the U.S. arsenal.

Retaining the most accurate and modern weapons—the MX and Minuteman III—and scrapping the Minuteman II would be most cost effective and most consistent with a strategy of sparing civilian populations and concentrating on military targets. However, it would also produce the most vulnerable U.S. deployment. Indeed, such a START scheme would actually worsen the vulnerability of American silos. Today the Soviet Union has 3,080 SS-18 warheads aimed at 1,000 U.S. silos. After START, assuming the United States retains its most effective weapons, the Soviets would have 1,540 warheads aimed at 364 silos, thereby raising the ratio of warheads to silos from 3.08:1 to 4.2:1. It is hard to argue that such a result would be a contribution to "stability."

The cheapest way to maintain the existing ratio of Soviet warheads to U.S. missiles would be to disperse U.S. targets by replacing a number of Minuteman IIIs with three warheads for a three times larger number of Minuteman IIs with single warheads. The disadvantage is that Minuteman IIs have relatively poor accuracies. They are most useful for a strategy of civilian devastation and least suitable for a strategy concentrating on military targets.

The wisest course would be to develop a new single-warhead missile to combine the advantages for discriminating targeting and dispersal for survivability. It could be placed into a silo or preferably be made mobile or both. But the best course is also the most expensive.

But no agreement on the composition of the strategic forces exists either within the executive branch or between the administration and Congress. For budgetary reasons the administration has all but shelved the Midgetman, the proposed single-warhead mobile missile. The Senate Armed Services Committee has approved a mobile Minuteman III; the House Armed Services Commit-

tee has opted for the Midgetman in principle but allocated insufficient funds. There are drawing board schemes to reduce the number of misiles on Trident submarines from 24 to 16, thus increasing the number of submarines by a third and complicating the tasks of Soviet antisubmarine warfare. But nobody has advanced a concept for how to pay for the additional submarines.

The administration therefore needs to make sure that Congress will in fact fund the necessary programs. At a minimum, there should be an executive-legislative summit in which the administration outlines how is proposes to compose post-START U.S. strategic forces and congressional leaders agree to fund the programs needed to improve their survivability.

A pause in the rush to agreement also would permit closer examination of verification in the crucible of the realities that would be created by the new agreement.

A verification system would have to be able to determine whether the permitted numbers of 6,000 warheads and 1,600 missiles have been exceeded.

I know of no expert who believes that the margin of error with respect to counting the number of mobile intercontinental missiles can be smaller than 25 percent. Yet the two newest Soviet missiles are mobile; the SS-25 is land mobile and the SS-24 is rail mobile.

The problem of counting Soviet missiles produced but never deployed is even more intractable. In the negotiations for the recently concluded INF agreement, the Soviet Union revealed that it had produced 50 percent more medium-range weapons than it had deployed. In START, unlike INF, the production lines for strategic weapons would remain open.

If verification of the total number of missiles is difficult, determining the number of warheads could turn into a nightmare. Since it is impossible to establish from a satellite how many reentry vehicles a missile carries, certain mechanical "counting rules" have been established over the years. Every multiple-warhead missile was assumed to have the maximum number of reentry vehicles that had been tested on that missile even if it carried fewer reentry vehicles when actually deployed.

The Washington summit jettisoned that principle. America's new submarine-launched missile, the D-5 has been tested with 10 warheads. Nevertheless, to maintain a minimum number of submarines the United States chose to equip each D-5 missile with eight reentry vehicles. In return the Soviets were permitted ot count the reentry vehicles on their submarine-launched missile, the SSN-23, at four, even though it had been tested in an 8-to-10-warhead version. Similar discrepancies exist with respect to the Soviet heavy ICBM, the SS-18. The number of reentry vehicles assigned to missiles has become a subject of negotiation, not of verifiable testing data.

Complex schemes—probably too complex for day-to-day use—for the on-site inspection of deployed warheads are being discussed, but no arrangement could prevent the Soviet Union from producing warheads with the largest number of reentry vehicles already tested, stockpiling them and installing them in time of crisis or perhaps even between inspections. We must take care lest on-site inspection works more to tranquilize than to reasssure.

Before an agreement is signed, the public and Congress need to understand precisely the scope and limits of verification. A number of questions must be answered, such as:

(a) What confidence do we have in the verification scheme for limitation subject to the START agreement?

(b) What is the cumulative risk if the verification system is under stress and not carried out under ideal laboratory conditions?

(c) By how much and in what ways does on-site inspection improve on national technical means, such as satellites?

(d) How will the verification system be integrated into American decision-making at the highest levels?

(e) What is the United States prepared to do in case of violations?

(f) What level of violation would threaten free-world security and why?

In the end the START process will mark another major step away from the deterrent strategy pursued for the entire postwar period. It will be another step toward stripping away the legitimacy of nuclear weapons without linking that process to the vital need to reduce the conventional arms threat either by building conventional forces or via conventional arms control. The growth of Soviet strategic forces in the mid-'70s coincided with making nuclear strategy a domestic issue in most democracies. As a result Western nuclear strategy has progressively become separated from rational objectives. Accurate warheads and missile defenses have all been vilified; mass destruction of civilian targets has been emphasized as if only the prospect of a holocaust would preserve peace. These evasions leave the democracies increasingly suspended between Armageddon and surrender. The prospective START agreement will inevitably exacerbate this incoherence, accelerating abdication from the weapons on which Western strategy is based without producing an alternative.

It is self-evident that the dismantling of American medium-range weapons in Europe, followed by a 50 percent cut in the strategic forces of the United States, must have some impact on Western strategy. What targets that once were covered will be left unattended under the new agreement? What happens to the four submarines "assigned" to the North Atlantic Treaty Organization when the total number of submarines on station in the Atlantic has shrunk to around six? How does NATO visualize the relationship between nuclear and conventional defense in both strategy and arms control? How do we propose to link these processes?

One way to improve the survivability of strategic forces would be to build a strategic defense at least for missile sites. Yet in order to achieve START the administration has agreed to a nine-year deployment ban extending into a third presidential term after the Reagan administration. It is in the process of agreeing to unspecified restrictions on testing. If history is any guide, these restrictions are likely to atrophy the program, since no deployment ban or testing restrictions have ever been abandoned by the United States. If the administration is willing to accept that outcome, it should obtain a higher price, for example, scrapping all the Soviet heavy missiles. If, however, the administration seriously intends to proceed with the Strategic Defense Initiative, it should put before an executive-legislative summit a strategic rationale and a program and budget levels for the next decade. If it fudges the issue, it will inhert the disadvantages of every course of action: de facto abandonment of SDI for no equivalent concession.

"Reductions" and "ending the nuclear threat" have become catchwords in the domestic debate of all NATO countries. But the Western alliance requires a strategy, not a slogan. START should not proceed further until the American people and our allies have been told with some precision where this process is leading.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I reserve the remainder of my time.

Mr. COHEN. Will the Senator yield?

Mr. HELMS. Certainly.

Mr. COHEN. I commend the Senator from North Carolina for making the changes that were suggested yesterday. I think he has worked in absolute good faith in trying to clarify the exact intention of this particular amendment, and I think the amendment reflects a broad bipartisan consensus on what the objective should be.

Mr. HELMS. I thank the Senator. And may I say to him that he has been exceedingly helpful in formulating this binding declaration and voting yesterday to prevent the effort that Senator BRADLEY made to table the proposal.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 6 minutes to the Senator from California [Mr. CRANSTON] who was the individual who first blew the whistle on this amendment and saw its pitfalls.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. I thank the distinguished chairman for the time and for the comment.

Mr. President, yesterday in the interest of comity and more importantly in the interest of moving this important INF Treaty forward, I withdraw my second-degree Cranston-Leahy amendment to the Helms "Start Principles" amendment. There was a lot of confusion, as one Republican Senator noted, over what kind of an agreement had been reached by the majority leader and the minority leader and a few other Senators with the Senator from North Carolina.

I want to be clear that I and many others in this Chamber were not a party to any deals cut with the Senator from North Carolina. It was acknowledged by all concerned that I was clearly within my rights in offering my second-degree amendment. I walked through the front door. I was not attempting a sneak attack through a side door or the back door.

Frankly, I was somewhat startled then when the majority leader and the Senator from North Carolina both acknowledged that they had never given any thought to the possibility that some Senator might come up with a second-degree amendment.

I have served in this body with the Senator from West Virginia for 20 years and with the Senator from North Carolina for 16 years and never before in my memory has either Sena-

tor forgotten about the possibility that somebody might offer an amendment or, indeed, failed to take into account any potential use of Senate rules, Senate traditions, Senate procedures, Senate habits and mores, or anything else.

I guess what this proves is that nobody is perfect, neither the Senator from West Virginia, the Senator from North Carolina, or anybody on the face of this Earth.

Anyhow, in the interest of comity, I withdrew my amendment.

Mr. President, I welcome the numerous substantive changes which have now been made in the Helms proposals in order to make it acceptable to all parties. In fact, all of the major remedies in the Cranston-Leahy second-degree amendment offered last night have been accepted. Specifically, the watered-down hortatory language in the Helms amendment now before us no longer requires prenotification of the Senate for "all significant START proposals." It no longer requires the United States to convene a Geneva plenary every time the Senate has recommendations. It no longer requires conveyance to the Soviets, nor does it make a binding declaration exclusively by the Senate of the U.S. policy. It no longer sets general equivalence or force symmetry as a goal for conventional force reduction talks. It no longer rejects the U.S. obligation to avoid undermining the terms of emerging treaties pending verification. It no longer sets possible standards for verification or compliance, not does it cast aspersions on the effect of verification procedures established in the INF Treaty.

And, finally, and more importantly, it no longer, as did the previous objectionable Helms draft, prevents President Reagan from discussing START in Moscow next week.

By taking the guts out of the Helms proposal, we have ensured that neither this President, nor any future President will have his options foreclosed by this amendment.

The amendment before us will have no meaningful effect on future START negotiations—deleterious or beneficial.

It is utterly harmless.

In a spirit of accommodation, and with the hope that we can soon vote for final passage of the INF resolution of ratification, I am prepared to permit this harmless verbiage to pass.

We will not send President Reagan to Moscow muzzled and handcuffed. He will arrive there Sunday unshackled. He will be able to explore with the Soviet leadership steps toward START and any and all prudent steps designed to deliver all of us from the nuclear brink. There is now no reason for any controversy over the pending amendment. I will vote for it. I urge all other Senators to do likewise.

The PRESIDING OFFICER. The Senator from Rhode Island controls time.

Mr. PELL. I yield 3 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee, Mr. GORE, is recognized.

Mr. GORE. Mr. President, I thank the chairman of the committee for yielding this time. I will not take the full 3 minutes.

My purpose in rising is, first of all, to express my thanks to the Senator from North Carolina for his willingness to make such significant and sweeping changes in the amendment as it was originally presented to the Senate.

As one who expressed concern yesterday, I have appreciated the opportunity to work with the Senator from North Carolina, the Senator from California, and the Senator from Maine, in fashioning some changes in the amendment as it was originally introduced.

My concern has been completely alleviated. I feel that one of the bases for hope that Americans feel with regard to the summit meeting about to begin is not only that we will have the formal exchange of ratified documents, not only that there will be a general improvement in the atmosphere of the relationship between our Nation and the Soviet Union, but a very specific hope that the success of the INF negotiations as embodied in this treaty, hopefully a treaty that will be ratified shortly, will give a powerful impetus to the ongoing negotiations with respect to the far more important subject of strategic arms reductions.

If the amendment as it was originally presented had been adopted, it might well have had a chilling effect on some of the potential agreements that might have come toward the end of the current President's term. This changed version avoids those problems in my view, and I want it clear that those of us who opposed the original amendment did so in a bipartisan spirit, working with the principal negotiator of the INF Treaty.

And I wish at this time to again compliment Ambassador Glitman for his outstanding work in negotiating the treaty in Geneva and in his work on this particular matter. Again in thanking the Senator from North Carolina I want to pay my respects particularly to the Senator from California, Senator CRANSTON, who has played such leadership in this and other matters.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield myself 4 minutes.

The amendment offered by the Senator from North Carolina is being substantially revised, and I think meets the objections that many had to the original one. The new version does away with the more onerous aspects of the previous one.

I am pleased that paragraph (c) of the declaration dealing with Senate oversight of negotiations affirms that there shall be close and detailed consideration of the Senate's advice as negotiations proceed and that the Senate's judgments and recommendations will be given proper consideration, while not placing the Senate in a too-intrusive position.

Paragraph (e) deals with the obligations of the United States in the period between the signing of new treaties on conventional forces and strategic arms and their ratification pursuant to the consent of the Senate. Nothing in this section would be inconsistent with our obligation under customary international law to refrain from acts that would defeat the object and purpose of such treaties.

As Senator HELMS said himself during the committee's last INF hearing with Secretary Shultz, our hearings, "I think you will find that international law requires the signatories to take no steps to defeat the object and purpose of the treaty before it is ratified."

Paragraph (g) contemplates that this President or the next President may agree with the Soviet leader on the framework to guide further negotiations. I would agree that any such framework should not obligate the President to disarm or to reduce or to limit our Armed Forces. At the same time, the President should remain free, as he is under this formulation, to take unilateral actions regarding our forces pursuant to his authority as Commander in Chief.

So I question whether the declaration is necessary. It has been much improved, and since it does not have legal force, I will not oppose it.

The PRESIDING OFFICER. Who yields time?

The Senator from Rhode Island has 5 minutes and 28 seconds remaining, and the Senator from North Carolina has 4½ minutes remaining.

Mr. PELL. I yield 2 minutes to the Senator from Washington, Mr. ADAMS.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. I thank the chairman. I want to compliment those who have worked on this particular amendment and the changes that have occurred. I think it is terribly important, Mr. President, that we send a strong message with this treaty, which I believe now that this amendment does, that the United States is looking forward to a regime in the future, for future generations where we reduce the total number of nuclear weapons significantly. If we had not changed this, it might have had, as the Senator from Tennessee so well stated, a chilling effect. We do not want a chilling effect. We hope that the President of the United States and the General Secretary of the Soviet Union join together in the beginning of a movement toward reducing the 25,000 nuclear warheads that face one another.

I think as we have worked on this treaty, Mr. President, a great many Senators have spent a great deal of time trying to be certain that this treaty was truly a step toward a new set of relations in the world where the superpowers begin to build their economic strength again, and not simply be involved in an endless arms race.

I think the Senator from North Carolina is to be complimented for his strong views that he has had, and his understanding in this particular case that it is the future that we are talking about. And it is the hope and intent of all of the Senators, and I think it is now expressed in this treaty, that we will move toward a total reduction in arms. I hope the treaty will be voted for, Mr. President. I will vote for this amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Rhode Island has 3 minutes, 45 seconds; the Senator from North Carolina has 4½ minutes remaining. Who yields time?

Mr. PELL. I suggest the absence of a quorum.

Mr. HELMS. Mr. President, will the Chairman withhold?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I believe the distinguished Senator from Indiana, Mr. LUGAR, has a couple of questions, after which I shall address the unusual and bemusing comments made by the Senator from California and others who must now realize that their position of yesterday, had then, and does not now have majority support.

Mr. LUGAR. I thank you very much.

I have two questions, Mr. President. With regard to paragraph A in the declaration, is it to be understood that the phrase "general equivalence" should be construed to mean that a strategic arms treaty need not require identical force structures?

Mr. HELMS. I say to the Senator that is absolutely correct.

Mr. LUGAR. I thank the Senator. With regard to paragraph (g) in this declaration is it understood that this paragraph has no application to separate policy decisions of the President? For example, the President will not be precluded from using existing authority to reduce or increase arms for reasons other than complying with the terms of a framework agreement?

Mr. HELMS. The Senator is correct. There is a separation. It would not have clear sense otherwise. I say the Senator is correct.

Mr. LUGAR. If I may have the indulgence of the Senator for a few seconds, let me respond to a question raised as to how we came to this declaration, that in a general meeting of leadership Senator HELMS indicated a very strong interest which members of that leadership group share. As one who sat around the table with the distinguished Senator, we pledged to work with him on that repatriation. There was no pledge. It is specific wording. There certainly was a good-faith intent on the part of all parties. I am pleased to support the declaration the Senator has brought forward.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes and 40 seconds.

Mr. PELL. I yield 1 minute to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, let me compliment all Members who have been a part of this negotiation. This is a dramatically different amendment than the one that was moved to be tabled last night. I think that has changed in the way that all parties can accept. I want to thank all Senators for taking those steps. I believe if it passes, the President will not be shackled in his discussions with Mr. Gorbachev at the summit. And I thank all Senators for their persistence. I hope we will accept this amendment.

I thank the distinguished Senator from North Carolina for making the modifications.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island has 2 minutes 40 seconds remaining. The Senator from North Carolina has 2 minutes 48 seconds remaining.

Mr. PELL. I am prepared to yield back my time.

Mr. HELMS. I am not quite, I say to my friend, because in facing defeat of their position, it appears to me that some Senators, who had no part in writing this declaration are trying to rewrite it now with rhetoric rather than with binding terms.

In fact, Mr. President, as I listened to some of the earlier comments I wondered if the Senators who are talking about this declaration being watered down had read it. I am satisfied with it. I would have liked one particular section to be a little bit stronger, but in any case I certainly appreciate the support of my distinguished colleagues from California, Tennessee, and other States—although in some cases I must say that in candor that I am somewhat baffled by it.

I thank the distinguished majority leader, the distinguished minority leader, and the distinguished assistant minority leader for cosponsoring this amendment. I have no pride of authorship. We have to start from somewhere. You have to realize that beauty is in the eye of the beholder. I hope the beholders who attempt through debate to create an impression that we have given away the store on this matter will at least read it and see what has been done. They may wish to change their position based on what I know of the past views. But perhaps they have had a revelation over night.

At least the legal adviser for the Department of State understands precisely where this amendment is coming from and what it accomplishes. I inserted his letter in the RECORD at the outset of my remarks just a few moments ago. He said:

> DEAR SENATOR HELMS: The Declaration you have proposed states principles and considerations by which the present Administration and future Administrations would have a duty to be guided, since it would be adopted as a valid condition and would constitute the basis on which the Senate grants its advice and consent.
>
> This undertaking does not constitute a legal precedent for other purposes, or for any other declaration.

Of course I did not intend that it would affect other declarations. It is this declaration which must be clearly binding. It is signed Abraham Sofaer, legal adviser to the State Department.

This declaration sets forth the position of the United States of America—not the Senate—but the entire Nation with respect to any potential strategic arms limitation treaty, or any other arms treaty. It is a binding declaration of instructions to this and all—all—future Presidents on the need for full coordination with this Senate, for due regard for the advice of the Senate during negotiations—and for consultations with our NATO allies. I referred earlier to the letter from the administration. So I will not repeat that. The declaration places the Senate where the framers of the Constitution intended it to be: squarely in the middle of treaty negotiations through advice to the President based on coordination of information from and to him. It gets the Senate back where it was meant to be: at the takeoff and not just the landing.

As I said, I have discussed this matter with the Chief of Staff at the White House, the former majority leader of the Senate, Mr. Baker, this morning, and Mr. Culvahouse, legal counsel at the White House. I am perfectly satisfied that this amendment accomplishes precisely what I wanted to do. I am particularly satisfied that it eliminates the concept that asserted concepts of international custom can suspersede the Constitution.

I regret the suggestion that we had to back down or that it was watered down. It is particularly peculiar in that neither those making the suggestions nor their staffs had any part whatsoever in the strengthening revisions made in discussions with the administration. In any case, I am delighted to have the support of all Members on the matter, even those whose position was defeated yesterday and who now seek to claim victory while in the awaiting jaws of their defeat.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island has 2½ minutes.

Mr. PELL. Mr. President, I point out that the administration, which opposed the amendment originally offered by Senator HELMS, is now in support of it. I congratulate Senator HELMS and the administration.

Mr. HELMS. Mr. President, I reclaim some of my time.

They agree with us now. We sat around the table about 4 or 5 hours. I would state to the Senator that the extent of disagreement was not significant—nor particularly substantive—but that the wordsmithing was arduous because all recognized that we were creating in perpetuity binding obligations.

I say again that this amendment accomplishes what I set out to accomplish, that it does so in very precise fashion, and that I am delighted that we have such a clear understanding with the executive about its legal duty to observe its requirements and to implement its provisions completely and faithfully.

I suggest that the news media read the amendment and see what they think of it, rather than accept the suggestion that it was watered down. It speaks for itself and does not need the gratuitous characterizations of those who now—I suspect with great but supressed reluctance—now profess support.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], is absent due to illness.

I also announce that the Senator from Ohio [Mr. GLENN], is absent because of death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 165 Ex.]

YEAS—94

Adams	Exon	McConnell
Armstrong	Ford	Melcher
Baucus	Fowler	Metzenbaum
Bentsen	Garn	Mikulski
Bingaman	Gore	Mitchell
Bond	Graham	Moynihan
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Burdick	Hecht	Pell
Byrd	Heflin	Pressler
Chafee	Heinz	Proxmire
Chiles	Helms	Pryor
Cochran	Humphrey	Quayle
Cohen	Inouye	Reid
Conrad	Karnes	Riegle
Cranston	Kassebaum	Rockefeller
D'Amato	Kasten	Roth
Danforth	Kennedy	Rudman
Daschle	Kerry	Sanford
DeConcini	Lautenberg	Sarbanes
Dixon	Leahy	Sasser
Dodd	Levin	Shelby
Dole	Lugar	Simon
Domenici	Matsunaga	Simpson
Durenberger	McCain	Specter
Evans	McClure	Stafford
Stennis	Trible	Wilson
Stevens	Wallop	Wirth
Symms	Warner	
Thurmond	Weicker	

NAYS—4

Bumpers	Hollings
Hatfield	Johnston

NOT VOTING—2

Biden	Glenn

So the amendment (No. 2317), as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2330

(Purpose: To provide for the phased withdrawal of the dependents of all United States military personnel stationed in Europe during the first 29 months after the entry into force of the Treaty, to provide that all military personnel who shall, after the entry into force of the Treaty, be newly assigned to duty on the continent of Europe be so assigned for any tour of duty in excess of 12 months and that such tour shall be unaccompanied, and to provide for the phased withdrawal of all United States military personnel from the continent of Europe beginning after the completion of the withdrawal of dependents and ending not later than the third year after the entry into force of this Treaty)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator form North Carolina [Mr. HELMS] proposes an amendment numbered 2330.

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

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

The amendment is as follows:

At the end of the Resolution of Ratification, insert the following before the period: "; provided further, however that the following text shall be included in any instruments of ratification exchanged between the parties:

"DECLARATION. It is the policy of the United States that:

"1. By the end of the first phase, that is, no later than 29 months after entry into force of this Treaty, all dependents of all United States military personnel on the continent of Europe shall have been withdrawn from that continent pursuant to such rules and regulations as may be prescribed by the Congress of the United States;

"2. After the entry into force of this Treaty, no United States military personnel (exclusive of such personnel not in excess of 1,000 as may be assigned to diplomatic missions) shall be newly assigned to duty on the continent of Europe for any tour of duty in excess of 12 months and having served such tour shall not thereafter be reassigned to that continent except in case of war declared by the Congress of the United States; provided, further, that no tour of duty limited in duration by this subparagraph shall be a tour accompanied by dependents; and

"3. By the end of the second phase, that is, no later than three years after entry into force of this Treaty, all United States military personnel (exclusive of such personnel not in excess of 1,000 as may be assigned to diplomatic missions) shall have been withdrawn from the continent of Europe pursuant to such rules and regulations as the Congress of the United States may prescribe for such purpose; provided, further, that thereafter, subject to the exclusion hereinbefore specified, no United States military personnel shall be stationed on the continent of Europe except after a declaration of war by the Congress of the United States expressly so providing."

Mr. HELMS. Mr. President, it is important to look at the INF Treaty from the standpoint of Soviet strategy. When we are trying to predict Soviet behavior, including compliance with the INF Treaty, we have to try to recreate in our minds the motivating factors that underlie Soviet military structures and deployments.

I have heard it said, over and over again on this floor, that there is little military significance to this treaty. It has been stated that the original Soviet deployment of the SS-20 didn't make much sense from a military standpoint—that, indeed, these deployments were only intended to have a political impact. It has been said that this treaty cannot create a military threat because it only removes 3 percent, or some say 5 percent of the warheads in Europe. It has been repeated, almost like a ritual incantation, that NATO forces in Europe will still have 4,000 nuclear warheads left as a presumed deterrent against Soviet forces.

The Senator from North Carolina has listened to these statements with growing amazement. It is almost a self-evident fact that massive military deployments do indeed have important military significance; they give such overwhelming military power that no conventional military force could hope to withstand them—and that in turn results in massive intimidation.

Most of the 4,000 nuclear warheads in Europe are of types that were there at the time of the deployment of the SS-20's, and their lack of deterrent capability was the reason NATO agreed to deploy the Pershing II's. Most of those so-called warheads are on zero-range or short-range weapons useful on a battlefield, but not capable of threatening retaliation against command and control centers in the Soviet Union. General Rogers, former commander of NATO, has given positive testimony that these warheads are not capable of deterrence.

There are only two good reasons to sign any arms control treaty. First, to reduce the risk of war. Second, to enhance the security of our country. Tragically, the INF treaty accomplishes neither purpose.

The Soviets enjoy a decisive 5-to-1 margin of superiority over our forces in Europe, on the basis of their strength in chemical and conventional warfare forces. As Winston Churchill

has reminded us, "Strength helps prevent war. Weakness invites aggression."

The danger of war is enhanced if the totalitarians in the Kremlin see an opportunity to dominate Western Europe at minimal military risk. With the removal and destruction of our Pershing II missiles, we will surrender our ability to retaliate effectively against Soviet aggression. We will no longer be able to hold at risk 2½ million Communist troops, 40,000 Communist tanks, and 6,000 Communist fighter aircraft.

With the elimination of our nonnuclear ground-launced cruised missiles, we will no longer be able to disrupt Soviet supply lines as a way of neutralizing the enemy's "blitzkrieg" strategy.

Warsaw Pact supply routes in Eastern Europe contain thousands of choke points, most or all of which could be disrupted with nonnuclear cruise missiles. Without those supply routes, Communist-bloc forces simply would be stranded in the field.

Soviet and Warsaw Pact armies already have created the basic structure—bridges, roads, storage depots, airfields, and fuel supplies—necessary to mount a European invasion.

Mr. President, why has the Soviet Union and the Warsaw Pact created such a tremendous force structure in Eastern Europe? Why have they built the infrastructure for an invasion of the West when the West has never shown the slightest inclination to prepare for an invasion of the East?

Mr. President, the Soviet Union has made these massive deployments because, from the Soviet standpoint, they follow eminent strategic and military logic. We must remember that the Soviet Union has always considered an invasion from Europe to be a strong threat to its national security, from the time of Napoleon's campaign. In the United States, we look upon strategic threats as threats which could deal an overwhelming blow to the American homeland. In our view, these could come only from the Soviet Union, so we have a tendency to include only intercontinental striking forces as "strategic."

But the Soviets look at it differently. Any strike, from whatever place of origin, is considered strategic when it is capable of striking deep within the Soviet Union. A prime object of their strategy, therefore, has always been to protect against an attack coming from Europe. There has been an inbred assumption in Soviet thinking that the Soviet Union cannot rest easy until all the countries of Europe are "peaceloving"—that is, governed by Communist governments controlled by the Soviet Union. The key aim, therefore, is to nullify any military power in Western Europe capable of striking the Soviet Union, destabilize existing governments, and replace them with governments friendly toward communism.

Mr. President, the INF Treaty helps the Soviets to accomplish the objective of nullifying Western military power in Western Europe. The removal of the Pershing II's cuts the heart out of any deterrent to Soviet invasion. The Senate has received testimony that NATO could fight for less than a week against the massive Soviet/Warsaw pact military deployment. Moreover, the INF Treaty does not remove the Soviet nuclear threat against Western Europe. Testimony received by the Foreign Relations Committee showed clearly that the Soviets can remove the SS-20 delivery vehicles from the warheads, and bolt new SS-25 delivery vehicles onto the old warheads. We heard talk about all the declarations about warheads being destroyed. Finally that misrepresentation was abolished. In short, the INF Treaty gives the Soviets a way to modernize their won nuclear weapons, while eliminating the NATO nuclear capability completely.

Thus Soviet armies can move into Europe and take it over in a few days, and NATO has no way to stop them. Moreover, the inherent threat provided by this Soviet capability is enough to demoralize and destabilize Western politics, inducing gradual accommodation and "cooperation" with Russia.

Moreover, the INF Treaty will deliver over 600,000 U.S. hostages into the power of the Soviet Union. Today, in 1988, 325,000 American military personnel and 300,000 of their dependents are on the frontiers of freedom in West Germany. Today, these men and women have a clearly defined mission—to deter and, if necessary, to defeat a Soviet-initiated attack on Western Europe. In 3 years, however, if the INF Treaty is ratified, those 625,000 American will have replaced our missiles as the main barrier to Soviet intimidation and aggression.

Instead of using Pershing II's and GLCM's to ward off a Soviet attack, our soldiers and their dependents will be standing, completedly exposed, in the breach. Our troops are good, but their equipment is no match for the Soviet/Warsaw pact armies backed up with SS-25's and other nuclear weapons.

Twice in this century out troops have been sent to fight "no-win" war, in Korea and in Vietnam. In both places, our Government's goal was not victory, but stalemate. Tens of thousands of our sons were sacrificed for the sake of State Department theories and diplomatic negotiations. Now in Western Europe we are once again about to sacrifice our children on the altar of arms control, detente, and so-called "limited war" theories.

Despite an unbroken record of Soviet cheating on every treaty we have ever signed with the Soviet Union, the Senate, undoubtedly, in just a few minutes, will entrust the lives of our young people and the security of our country to yet another treaty.

I believe it would be unconscionable to leave our young people as hostages in Europe, knowing full well that if war breaks out—and I am tempted to say "when," instead of "if"—that there is nothing the United States can do or will do—knowing that the Europeans will do scarcely anything more themselves, as has been the case in the past couple of decades, to provide for their own defense.

Specifically, this amendment provides for the phased withdrawal of the dependents of all United States military personnel stationed in Europe during the first 29 months after the entry into force of the treaty, to provide that all military personnel who shall, after the entry into force of the treaty, be newly assigned to duty on the continent of Europe be so assigned for any tour of duty in excess of 12 months and that such tour shall be unaccompanied, and to provide for the phased withdrawal of all U.S. military personnel from the continent of Europe beginning after the completion of the withdrawal of dependents and ending not later than the third year after the entry into force of this Treaty.

The withdrawal of U.S. forces from Europe is inherent in the meaning of the INF Treaty. If we are voluntarily removing the only deterrent to Soviet aggression in Europe, we will be leaving our young men and women completely exposed to that same Soviet aggression. U.S. forces in Europe cannot hope to hold back a Soviet attack when the deterrent weapons to back them up have been removed.

The amendment I am proposing therefore provides for the phased withdrawal of U.S. troops and their dependents in conjunction with the withdrawal of our Pershing II and ground-launched cruise missile force as scheduled in the INF Treaty.

Specifically, it provides that by the end of the first phase of missile withdrawals—29 months after entry into force—all dependents of the all American military personnel shall have been withdrawn from Europe.

In addition, it provides that by the end of the second, and final phase of missile withdrawals—3 years after entry into force—all American military personnel, except those necessary for protection of diplomatic missions, shall have been withdrawn from Europe.

Therefore, by the time that all of our missiles have been withdrawn, so will all of our troops and dependents. This is a minimum step that we can pass for the safety of these young men and women.

One final note, and I do not think many Americans are aware of this even yet. It costs the American taxpayers $447 million every day to defend Europe. I think it is high time that Europe defend itself and pay for it, certainly under the circumstances, when there is a great possibility and

probability that these young people, our fighting personnel, will be left hostage to that superior onslaught of conventional forces by the Soviet Union.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Parliamentary inquiry. Who controls the time?

The PRESIDING OFFICER. The Senator from Rhode Island controls the time in opposition to the amendment.

Mr. BUMPERS. Will the Senator from Rhode Island yield me 2 minutes?

Mr. PELL. I have a summation statement here. Let me speak for a minute, if I may.

Mr. President, I just wanted to tell my colleagues that I received a letter from JOE BIDEN, who wants his thanks to go to all of those who supported him and helped him in the effective advocacy of his original matter and said that he hoped to be back joining us before long.

Mr. President, I ask unanimous consent that the letter to me from Senator BIDEN be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 27, 1988.

HON. CLAIBORNE PELL,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR CLAIBORNE: I would be very grateful if you could take just a moment of the Senate's time to express my regard for those Senators who worked so ably to uphold the condition on treaty interpretation adopted by the Foreign Relations Committee. I was proud of the Senate's action yesterday—not in expanding its power but in upholding the balance of power on which our Constitutional government depends.

I was particularly gratified by the effective advocacy of Senators Sarbanes, Nunn, Dodd, Levin, Cranston, and Kerry in support of the Majority Leader, without whose clear priorities and determination this crucial result would not have been obtained. I would also add a word of praise to Senator Cohen, whose integrity is a special asset for the Senate.

With the Senate's share of the Treaty Power now reaffirmed, I look forward to returning soon to work with my colleagues on the thorough review of the War Power that the Foreign Relations Committee will now commence.

Sincerely,

JOSEPH R. BIDEN, Jr.,
U.S. Senator.

Mr. BUMPERS. Will the Senator yield me 2 minutes?

Mr. PELL. There are only 2 minutes remaining.

Mr. BUMPERS. One minute?

Mr. PELL. I yield 1 minute to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I want to say that the Senator from North Carolina is onto a really serious problem. His amendment is entirely too precipitous to be taken seriously when you talk about withdrawing troops from Western Europe.

But, just for the edification of this body, the United States spends twice as much per capita to defend Western Europe as any other nation. As a matter of fact, it is the Scandinavian nations who make the biggest personal sacrifice for defense.

Paul Kennedy, in his book called "The Rise and Decline of a Great Power," says very simply that if we continue to spend 7 percent of our gross national product per year, which we are doing, to defend countries like Japan, who spend 1 percent of theirs, we are going to remain in decline.

The Soviet Union is spending somewhere between 15 and 25 percent and they are in a much greater state of decline than we are for the same reason.

So I want to say to the Senator from North Carolina that I will not support his amendment because, as I say, I think it ought to be negotiated and done in a timely way. But what he is trying to do is right on target. The United States has been a patsy entirely too long.

It is their defense, it is their countries, and we are spending twice as much, making twice as big a sacrifice as they are.

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

Mr. BUMPERS. I thank the Senator from Rhode Island for yielding.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time for the opponents has been yielded back.

Mr. HELMS. Do I have time remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 21 seconds remaining.

Mr. HELMS. I yield such time as the Senator from Texas may require.

Mr. GRAMM. Mr. President, I will be brief. I did not know we were in decline. We have created, since 1982, more jobs than all of trading partners combined. If that is in decline, I hope it continues and I hope it spreads to Texas.

I yield back the remainder of my time.

Mr. BUMPERS. Will the Senator yield 10 seconds?

I just want to say, you let me write a $200 billion check to you and I will show you a good time, too, Senator.

Mr. HELMS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. HELMS].

The amendment (No. 2330) was rejected.

The PRESIDING OFFICER. Under the previous order the Senate will now vote on the question on the adoption of the Resolution of Ratification of Calendar No. 9, treaty document No. 100-11.

The majority leader is recognized.

Mr. BYRD. Mr. President, I ask to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection.

Mr. BYRD. Mr. President, I ask unanimous consent that all Senators may submit their statements for the RECORD until 5 o'clock p.m. today.

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

Mr. BYRD. Mr. President, this will probably not be the last rollcall vote today. So stick around.

INF: A FLAWED TREATY THAT WILL WEAKEN EUROPE'S DEFENSE

Mr. HOLLINGS. Mr. President, today's vote on the INF Treaty is an act of retreat. We have begun the march back down the hill. Seven years ago we and our NATO allies charged up that hill with courage and resolution. In the face of Brezhnev's crude attempt at intimidation—his deployment of SS-20's targeted at Western Europe—we jointly deployed Pershing II and cruise missiles in Europe. Brezhnev's bluster was defeated, and the NATO alliance stood strong.

However, what the Soviets could not win through bombast and intimidation, they are winning today through public relations and finesse. Chairman Gorbachev is attractive, smart, and savvy—and therefore dangerous. He seeks hegemony, not through the sledgehammer of SS-20's, but through the low-key, insidious influence of overwhelming conventional superiority in Europe.

Sixteen years ago, when SALT I was being negotiated and ratified, the fervor and fetish of the day was for "bargaining chips." Today, in the negotiation and ratification of the INF Treaty, the fetish is "verification." We have had some 27 amendments proposed to this treaty, and the overwhelming majority have focused on issues of verification. The shame is that this obsession with verification has distracted the Senate from the central issue—the critical flaw—of this treaty, which is that, though it purports to be a nuclear arms treaty, it is also the most significant conventional arms treaty in history.

For misguided reasons related to verification, the INF Treaty bans conventional ground-launch cruise missiles [GLCM's], a weapon which could be of incalculable value in the defense of Western Europe from Soviet ground attack. Yet, as we have discovered in the ratification hearings, this ban was a unilateral concession by U.S. negotiators. We received no concession in return. What is more, the impact of this ban will be strictly to the disadvantage of the West. The Soviets have no GLCM's; they have no need for GLCM's, because they have already covered all important West European military targets with their short-range missiles permitted by the INF Treaty. Meanwhile, NATO is sacrificing the most potent weapon in its conventional arsenal, a weapon we have already deployed and one which the highest Pentagon advisory boards have identi-

fied as critical to the long-term conventional defense of Europe.

Of course, this is all the more ironic because everyone agrees that the INF Treaty will make it imperative for NATO to boost its conventional capabilities; and no weapon is more ideally suited—in terms of affordability and military value—than the conventional GLCM. A NATO defense premised on, say, 3,000 conventional GLCM's would raise the nuclear threshold and bring real credibility to our defense. What is more, it would promote cohesion within NATO, because it would require a collective alliance decision to launch the GLCM arsenal in response to a Soviet attack. Instead, with the elimination of this conventional, all-alliance defense based on GLCM's, we are forced to revert to defense based on the threat of massive nuclear retaliation by the United States. This nuclear defense posture excludes the Europeans from the decision process—the United States must act unilaterally. And it is manifestly lacking in credibility: No one seriously believes we will let loose a barrage of MX's from the American Midwest in response to a Soviet incursion into West Berlin.

This is the box we are painted into by the INF Treaty. It is a giant step backward. It returns us to a fatalistic, noncredible reliance on massive nuclear retaliation. It lowers the nuclear threshold. It denies NATO its best bet for an effective, credible, conventional defense.

In our misguided zeal for abstract verification, we have been distracted from the crux of this treaty. The INF Treaty sacrifices NATO's security. I believe we should reject it.

INF TREATY RATIFICATION

Mr. HARKIN. Mr. President, I rise in strong support of the INF Treaty.

President Reagan is to be congratulated for persevering on the so-called zero option.

Mr. Gorbachev is also to be congratulated for agreeing to a treaty that calls for the Soviet Union to destroy twice the number of missiles, carrying four times the number of warheads with eight times the megatonnage. Can you imagine the uproar here in the Senate if we were asked to ratify a treaty which forced the United States to give up two or eight times the power of the Soviet Union?

Fortunately, Mr. Gorbachev has learned the lesson of the nuclear age: Nuclear superiority has no meaning. Nuclear weapons have become our common enemy. The nuclear arms race is consuming resources in both countries that are needed to expand our economics and to solve our immediate societal problems, including the environment, crime, drugs, deteriorating bridges, and cities.

We are bleeding our economies to expand our nuclear arsenals, increasing the chances of a nuclear holocaust in the process. What foolishness!

A few hundred nuclear explosions would destroy either civilization. Today we each have over 10,000 stratetic or long-range nuclear weapons. In addition, even after the INF nuclear weapons are removed, we will have over 4,000 tactical or battlefield nuclear warheads or bombs left in Europe, and the French and English have over 800 nuclear warheads, twice the number the United States will remove under the treaty.

Under these conditions, does it really make any difference if the Soviets have to remove 1,600 INF warheads while the United States has to remove only 400? Fortunately, Mr. Gorbachev recognized that starting the process of nuclear arms reductions was much more important than haggling over asymetries in the numbers.

THE PERSHING II

Some treaty detractors have made the claim that our Pershing II missiles are much more important than the Soviet's SS-20. By this line of reasoning, the Soviets will gain militarily by giving up 405 of the triple-warhead SS-20's to remove 120 of our single-warhead Pershing II's. Frankly, I would have a hard time explaining to the Politburo how removing 120 Pershing II nuclear warheads justifies eliminating 1,215 SS-20 warheads.

This argument is based on the claim that only the Pershing II can threaten Soviet strategic forces with rapid retaliation, whereas the SS-20 targets in Western Europe can be covered by the long-range Soviet SS-24's or SS-25's that are not covered by the INF Treaty.

In place of our weapons removed by the INF Treaty, we could use our strategic weapons based in the United States to aim at the Warsaw Pact targets, but, according to this reasoning, we would not risk attack on the United States to respond to an attack on Europe * * * a plausible supposition.

We could use aircraft to deliver an estimated 1,700 tactical nuclear bombs. However, they are slow, and they would have to fly through Soviet air defenses.

We could use submarine-based missiles, including the Poseidon submarines assigned to NATO. Each Poseidon carries 16 missiles with 10 to 14 warheads each; thus each Poseidon carries more warheads than we have deployed on all the Pershing II missiles.

But, the detractors say, the Poseidon does not have the accuracy to destroy Soviet buried silos or command and control bunkers. These Poseidon warheads could, however, attack almost all other Warsaw Pact military targets including airfields, ports, radar installations, supply depots, fuel tank farms, barracks, antiaircraft installations, and so forth.

The bottom line, then, is the Pershing II serves one purpose and one purpose only, compared to the other nuclear retaliatory forces assigned to Europe. The Pershing II has "prompt, hard-target kill capability." It could attack Soviet command and control and underground silos. In a crisis, this capability would be destabilizing * * * it would give the Soviets strong incentive to use nuclear weapons early * * * to use them or lose them.

Do we really want to give the Soviets incentive to use nuclear weapons in a crisis?

Mr. President, it seems to me that the European nuclear balance will be much more stable without the Pershing II. I argued against deploying the Pershing II in the first place for this very reason. The INF Treaty now allows us to remove not only this destabilizing weapon, but also all 405 deployed SS-20 missiles as well as all stored missiles. This is a bargain we cannot refuse.

This treaty is clearly in the best interests of the United States and the Soviet Union. This is not a zero sum game. We both win.

In the nuclear age, there is no American security without Soviet security. There is only common security.

FLEXIBLE RESPONSE

Another argument against this treaty is that it removes one rung on the ladder of flexible response. Without the INF weapons, so the argument goes, we would have to escalate quickly from using tactical nuclear weapons to strategic weapons. This would deprive us with one major opportunity to control and limit a nuclear war.

There are—at least—two major fallacies with this supposition: First, that the Soviets would not be deterred by 4,000 tactical nuclear weapons, by 800 French and English nuclear weapons, and by 11,000 strategic nuclear weapons, and, second, that we could control and limit a nuclear war even with INF weapons.

Are we to believe that the Soviets are deterred by 16,200 nuclear warheads, but they would not be deterred if we only had 15,800 warheads? Did we not deter nuclear war for 40 years prior to the introduction of these INF weapons just 4 or 5 years ago?

We forget that we got along fine for decades without these INF weapons. They were installed to counter the SS-20's, or at least so we were told. Now that the SS-20's will all be removed, we have lost our original reason for the Pershing II and the ground-launched cruise missiles.

DECOUPLING

Detractors of this INF Treaty also claim that the United States would be decoupled from the defense of Europe. Without the INF weapons, so they say, the United States would not come to the aid of our NATO allies in the remote event that the Soviet Union should ever attack Western Europe.

Are we to believe that the United States would not become involved when we have over 200,000 ground troops stationed in Central Europe? Would we do nothing as our young

men were directly engaged in this hypothetical battle? This is preposterous.

No one questioned that we would defend NATO in 1980, before these few extra INF weapons were placed in Europe. Why would we behave any differently now, with the withdraw of a few percent of our vast nuclear arsenals?

NUCLEAR WEAPON FREEZE

Finally, I would like to comment on claims by some that the success of the "zero option" proposal, which led to this INF Treaty, proves once and for all that the nuclear weapons freeze concept is a bad idea. I agree that, in the case of INF weapons, we did gain a net reduction in Soviet SS-20 missiles by introducing our own INF weapons.

However, we should also note that the United States has no deployed weapons in the shorter range (500 to 1,000 km), and yet the Soviet Union under Gorbachev still agreed to remove all 387 of their existing SS-12 and SS-23 missiles. At least in this case, we did not need to build up our weapons to induce the Soviets to eliminate their missiles in this range. We do have 178 of the old Pershing I missiles stored in Colorado. But even here the Soviets have many more stored missiles of the shorter range category: 539.

More importantly, the success of the INF Treaty in getting the Soviets to remove the SS-20's does not automatically extend to the strategic arena. And, after all, it is the massive strategic nuclear arsenals on both sides that most threaten the future of our world.

The intermediate range nuclear weapons form a unique situation: The Soviets had weapons in this range, and we did not.

This is not the case with strategic weapons: We both have massive strategic nuclear arsenals. There is no need to build more strategic weapons to convince the Soviets to reduce. We have plenty of weapons to negotiate, thanks to 40 years of building these weapons of mass destruction.

Detractors of the freeze fail to account for Soviet advances in deployed strategic forces since 1980. Between 1980 and 1986, the Soviet Union in fact added 2,500 more strategic nuclear warheads and 885 nuclear bombs or cruise missiles, or a total of 3,385 more strategic nuclear weapons. Had we agreed to a nuclear weapons freeze in 1980, there would be 3,385 fewer strategic nuclear weapons in the Soviet arsenal today.

As a matter of fact, a nuclear weapons freeze in 1980 would have established about the same quantity of Soviet warheads now considered under the START negotiations: about 6,000 warheads.

In other words, since 1980, the Soviets have added the very warheads that would be removed under START, should the START negotiations succeed. However, in 1980, the United States had about 7,000 deployed warheads on land-based and submarine-based missiles. Thus we would have been in a slightly better position with a nuclear weapons freeze in 1980 than with the proposed 6,000 warhead limit suggested under START.

The INF Treaty requires the Soviets to remove missiles carrying 1,667 warheads. A nuclear weapons freeze in 1980 would have prevented them from adding 3,385 strategic nuclear weapons * * * the freeze would have given us a net gain of 1,718 warheads.

Furthermore, a nuclear weapons freeze did not and does not preclude large reductions in nuclear weapons. In fact, the original freeze declaration in the 1979-80 time period stated clearly that the freeze was merely the first step, to be followed by reductions. Had we and the Soviets agreed to a freeze in 1980, then we could have moved to lower levels yet, starting from the level of 6,000 warheads instead of today's 10,000 warhead levels.

A nuclear weapons freeze today on strategic nuclear weapons would still be in the best interests of the United States and the world. If we proceed with current research and development of the next generation of nuclear weapons, we will degrade our future security when the Soviet Union develops these new weapons, as they always do.

For example, we are now developing Earth penetrating warheads, precision guided maneuvering reentry vehicles, and weapons designed to track down and kill mobile targets in the Soviet Union. These weapons, if developed and deployed, would degrade our security, because they would be used to destroy Soviet command and control bunkers and retaliatory missiles. In a crisis, these new weapons would create incentive for the Soviets to strike first, to "use them or lose them." These new weapons would lower the nuclear threshold.

We are also experimenting with nuclear-pumped directed energy weapons at the Nevada test site. These weapons would focus some form of energy such as x rays or microwaves over long distances. We would no longer have to explode a nuclear weapon near its intended target, thereby reducing the chances of "collateral damage"—meaning fewer civilians killed. With reduced collateral damage, future military or civilian leaders might be more inclined to use nuclear weapons. Escalation to nuclear war would be more likely in the future.

In addition, when the Soviets caught up to us and developed their own nuclear pumped directed energy weapons, our military assets, particularly those in outer space, would be placed in grave jeopardy. Ironically, these third generation weapons would be the death knell of star wars: Soviet nuclear pumped x rays or microwaves could destroy our space-based star wars battlestations.

We can stop the Soviet Union from developing these dangerous new weapons with a ban on nuclear weapons explosions, a ban on flight tests, a ban on all weapons in space, and a halt to the deployment of new weapons—that is, a nuclear weapons freeze.

That is why Senator HATFIELD and I, along with eight of our colleagues have introduced S. 2346, the "Outer Space Protection Act of 1988," which calls for a ban on all weapons in space and the testing of all weapons designed to destroy objects in space, provided that the Soviet Union also refrains from these two activities.

There are no weapons in space today; the space weapons genie is still in the bottle. We can keep it there. If you agree that our national security would be protected by banning all weapons in outer space, I urge you to cosponsor S. 2346.

Deep reductions in nuclear weapons such as those discussed now in the START negotiations without a freeze on improvements in technology could lead to a less stable nuclear environment. Focusing exclusively on numbers of weapons would ignore destabilizing new weapons developments that threaten our security in the future. Even if 50 percent reductions were agreed to in START, returning us to 1980 levels of nuclear weapons, the Soviets could continue to develop third generation weapons.

The nuclear weapons freeze on strategic nuclear weapons was a good idea in 1980 and remains the best hope to stop the qualitative, technological arms race in 1983. Combining a freeze on qualitative advances in nuclear weapons with deep reductions in the quantity of weapons offers the best hope for an enduring and stable peace.

In conclusion, Mr. President, the INF Treaty is a small but significant step toward stopping and reversing the nuclear arms race. It resumes the momentum of arms control after 7 years of nuclear weapon escalation by this administration. It paves the way for deep reductions and movement toward more stable nuclear arsenals, provided that the next administration backs away from the quest for nuclear superiority in offensive and defensive weapons. A freeze on the qualitative advances in nuclear technology combined with deep reductions in offensive forces would dramatically improve our common security as we enter the 21st century.

Mr. President, I enthusiastically support the INF Treaty. This treaty marks the first time in 16 years that there has been an overwhelming, bipartisan consensus that arms control is a necessary and vital part of our national security.

Now we must continue and expand the momentum of arms control. The INF Treaty begins to reduce the threat of a nuclear holocaust in Europe. Now we need to reduce the threat of nuclear war in the United States by jointly reducing our much larger strategic nuclear forces.

There are those who are counseling to "go slow." Mr. President, we have heard these words of caution for over 40 years * * * "Go slow" on arms control while the arms makers go full speed ahead. We must reverse the priorities: stop the qualitative arms race and move full speed ahead with arms reductions. Otherwise the meager gains of the INF Treaty will soon be overcome by new advances in strategic and tactical nuclear weapons.

The arms control process must continue and expand in the years ahead. We have taken but the first step.

Mr. COHEN. Mr. President, the Senate has essentially concluded with its floor consideration on the treaty between the United States and the U.S.S.R. on the elimination of their intermediate-range and shorter range missiles—the INF Treaty. In the 4 months since the treaty was formally transmitted to this body, the Senate, acting through its committees, has been engaged in an extremely productive review of the treaty, its meaning, and its implications for the security of the United States and our allies.

As the vice chairman of the Select Committee on Intelligence and a member of the Committee on Armed Services, I have had the opportunity to participate in the deliberations of those committees on the treaty and related matters. Both committees held numerous hearings on treaty-related matters on which they have special expertise and issued reports setting forth their findings, conclusions, and recommendations.

As a result of this review, the meaning and the implications of the treaty are much better understood both by Members of the Senate and, I believe, by administration officials. This review has led me to the conclusion that the INF Treaty would serve the security interests of the United States and our allies. Accordingly, I vigorously support the Senate giving its advice and consent to ratification.

INTELLIGENCE COMMITTEE DELIBERATIONS

From last September to March of this year, when it submitted its report, the Intelligence Committee conducted 15 closed hearings and 17 on-the-record staff briefings on INF monitoring, in addition to many informal staff briefings. On March 21, the committee unanimously adopted a report which addressed not only the immediate intelligence issues raised by the treaty, but also the longer term implications of the treaty, including its relationship to further requirements that may be levied against our intelligence capabilities. The unclassified committee report, which was included in the report of the Foreign Relations Committee, addresses the issues involved in the monitoring and verification process and describes the role which monitoring and verification plays in the overall assessment of the INF Treaty. Each of these issues is addressed in detail in the classified report, which is available to each of the Members of the Senate.

The committee's unclassified report, "The INF Treaty: Monitoring and Verification Capabilities," noted that "since no verification and monitoring regime can be absolutely perfect, a central focus for the committee has been to determine whether any possible infractions would be of sufficient military significance to constitute a threat to our national security interests." The committee found that while some of the treaty's provisions will be difficult to monitor, the limited military utility, high cost, or operational difficulties associated with potential cheating scenarios made such cheating unlikely. The committee noted, however, that if a START Treaty on long-range, strategic arms is achieved, the incentives for and military significance of Soviet violations of the INF Treaty would increase. Moreover, the need to monitor START limits in addition to the INF limits could strain our intelligence capabilities. For these reasons, the committee recommended support for a long-term program to modernize and improve upon current plans for intelligence collection, specifically those that would be most helpful in verifying a START Treaty.

Last week, the chairman of the Intelligence Committee, Senator BOREN, and I had the opportunity to meet with the President to discuss these matters. I am pleased to report that after our meeting, the President issued a statement that he supports the initiation this year of a multi-year program to improve our intelligence capabilities and that he will include funding for the second year of this program in next year's budget. Mr. President, I will ask that the full statement issued by the President be included in the RECORD at the end of my statement.

As Senators are aware, subsequent to the issuance of the Intelligence Committee's March 21 report, additional matters arose related to the treaty. The Intelligence Committee held a number of additional hearings and meetings, including a joint meeting with the Foreign Relations and Armed Services Committee, to address these additional matters and a report regarding the so-called futuristic weapons question was adopted by the committee earlier this month. I will summarize these issues in a moment.

ARMED SERVICES COMMITTEE DELIBERATIONS

As part of its inquiry into treaty-related matters, the Armed Services Committee held 29 hearings between January and March. This included a review of NATO defense issues and an extensive article-by-article review of the treaty text. The latter included 4 days of hearings with the chief U.S. negotiator of the treaty, Ambassador Maynard Glitman, to receive detailed answers to a lengthy list of questions in order to clarify potential ambiguities in the treaty text.

On March 28, the committee adopted, by a vote of 18 to 2, its report on "NATO Defense and the INF Treaty." In its report, the committee identified 15 issues which it believes warranted particular attention and offered recommendations on these issues. The committee's fundamental conclusion was that, on balance, the positive features of the treaty outweigh its weaknesses. Moreover, the committee concluded that if the Senate were to reject the treaty, the adverse political repercussions in Europe and elsewhere would be very significant.

"FUTURISTICS" AND THE DEFINITION OF "WEAPON-DELIVERY VEHICLE"

Among the 15 issues identified by the Armed Services Committee was the question of so-called "futuristic" weapon systems and, in particular, the definition of the term "weapon-delivery vehicle." The article-by-article analysis submitted by the Secretary of State defines this term as "those types of ground-launched cruise missiles that have been * * * flight tested or deployed with any type of warhead device or simulation thereof." As the Armed Services Committee's report noted, this suggests that the treaty might not cover ground-launched ballistic missiles or ground-launched cruise missiles that destroyed their targets through other, perhaps more futuristic or exotic, means such as lasers, microwave pulse generators, or direct impact. The committee recommended "that the Senate insist that the administration tell it authoritatively first, what they think the definition of weapon-delivery vehicle and second, whether this definition was clearly agreed to by the Soviet Union." The committee also raised the possibility of the need to adopt an appropriate understanding on this matter.

The committee concluded, and I fully concurred in this evaluation, that this issue is critical. The INF Treaty is intended to last in perpetuity. Accordingly, the treaty must be very clear in defining what types of future weapons of INF range will and will not be allowed.

Following close consultations on this matter among the Senate leadership, the three committees, and the executive branch, the United States raised this matter with the U.S.S.R. On May 12, during the ministerial meeting in Geneva, Ambassador Kampelman and Soviet Ambassador Karpov concluded a diplomatic note on the application of the treaty to intermediate-range and shorter-range missiles flight-tested or deployed to carry or be used as weapons based on either current or future technologies and on the related question of the definition of the term "weapon-delivery vehicle" as used in the treaty. I believe that this diplomatic note represents full agreement on these very important matters.

INSPECTION PROTOCOL ISSUES

After the three committees issued their reports, it also became clear that

problems had arisen regarding the implementation of the protocol on inspections. During the technical discussions between United States and Soviet representatives on implementation of the inspection provisions of the treaty, it became apparent that, in addition to differences over the details of implementation, the Soviet side was seeking to repudiate certain obligations that are clearly spelled out in the actual text of the treaty. These issues included such fundamental matters as the smallest size objects which are subject to inspection, where inspectors can conduct inspections, the equipment which will be used in inspections, and so on.

Unable to satisfactorily resolve these problems at the technical level, the U.S. Embassy in Moscow raised them with Soviet Foreign Ministry officials. The Soviet response was delivered by Ambassador Dubinin on May 8. The following day, the Intelligence Committee received a briefing on the exchange of views with the Soviets. Based on that briefing, it was quite clear that the issues had not been resolved.

Accordingly, on May 9, the Senate leadership decided to postpone consideration of the INF Treaty until these problems were fully resolved. This decision represented the clear consensus of the majority and minority leaders, the leadership of the relevant committees, including the Intelligence Committee, and the Reagan administration.

On May 12, during the ministerial meeting in Geneva, the two sides also reached agreement resolving the inspection dispute. An agreed minute was signed by Ambassador Glitman and Colonel General Chervov on the inspection matters. The agreed minute reaffirms those provisions of the treaty text that the Soviet side was apparently seeking to renounce. It also sets forth additional details to ensure that the implementation of the inspections is consistent with the intent of the treaty. Additionally, in the agreed minute, there is an additional Soviet assurance that they will not send out of their Votkinsk facility objects of certain sizes, and, in that context, we will not be inspecting such objects since they will not exist. I am satisfied that this agreed minute represents full agreement on the issues involved.

The treaty was brought up only after we were convinced that the agreed minute reached at the Geneva ministerial meeting did, in fact, completely resolve these matters. In short, the Senate's consideration, and therefore its approval, of this treaty was made contingent upon the agreed minute which resolved the inspection dispute.

CATEGORY III AMENDMENT ON FUTURISTICS AND INSPECTIONS

Mr. President, I am pleased that, yesterday, the Senate unanimously agreed to adopt a category III amendment to the resolution of ratification offered by Senators NUNN, WARNER, BOREN, and myself addressing the status of the diplomatic notes on futuristic weapons and the agreed minute on inspections. I would note that the portion of the amendment crafted by Senators NUNN and WARNER, the chairman and ranking minority member of the Armed Services Committee, addresses the diplomatic notes on futuristic weapons and the definition of the term "weapon-delivery vehicle." The portion crafted by Senator BOREN and me, in our role as chairman and vice chairman of the Intelligence Committee, addresses the agreed minute regarding on-site inspections.

This amendment makes the advice and consent of the Senate to the ratification of the INF Treaty subject to the condition that in connection with the exchange of instruments of ratification, the President shall obtain the agreement of the Soviet Union that the agreement concluded by the exchange of the diplomatic notes and the agreed minute are of the same force and effect as the treaty.

Since the Soviets have already agreed to be bound by the exchange of the diplomatic notes and the agreed minute, the Senate was confident that this reservation would pose no risk to the treaty's being implemented. The amendment simply addresses the status of the agreement reached in the diplomatic notes and the agreed minute, it does not alter the content of that agreement.

With regard to the agreed minute, this amendment emphasizes the importance the Senate places on both the inspection issues involved and the Soviet's abiding in good faith to their treaty obligations. Moreover, while the agreed minute may have a legally binding character, it could appear to some to be subordinate to the treaty, in either a legal or political sense. A category III understanding ensures that there are no questions that the agreed minute has the same political stature and legal force and effect as the treaty.

From the perspective of domestic law and the relationship between the Senate and the Executive, it is also essential to ensure that the agreed minute is of the same force and effect as the treaty. An agreed minute can be terminated or altered by the executive branch without the advice and consent of the Senate. Thus, we could conceivably face the situation in which the Senate's decision to give advice and consent to ratification was contingent upon this agreed minute, only to find that subsequent to ratification the agreed minute is altered. A category III understanding ensures that substantive changes could not be made in the agreed minute without the advice and consent of the Senate.

Likewise, this amendment ensures that there will be no question that the agreement on the critical matters of futuristic weapons and the definition of the term "weapon-delivery vehicle" contained in the May 12 exchange of diplomatic notes is of the same force and effect as the treaty. The treaty is designed to cover certain weapon systems. It is not designed to cover nonweapon systems; in fact, I would say that it is designed to not cover nonweapon systems. Accordingly, the definition of such a fundamental term as "weapon-delivery vehicle" is essential, as is a clear agreement on the application of the treaty to weapons based on future technologies.

Finally, Mr. President, I would note that our amendment was amended to include the agreements signed on May 21, 1988, in Vienna and Moscow correcting the site diagrams and certain technical errors in the treaty. Senator WARNER and I engaged in a colloquy in which it was made clear that the acceptance of the second degree amendment was subject to the condition that future technical changes will not require the advice and consent of the Senate, nor will the regular data updates. Senator HELMS joined us in colloquy, and I refer my colleagues to yesterday's RECORD for the complete text of our colloquy.

NATO SECURITY AND THE INF TREATY

Mr. President, in recent weeks, much attention has been focussed on these very complicated and arcane issues of futuristic weapons and inspection rights. I believe that "details" such as these are critical in determining whether the Treaty will serve our interests, fulfill its purposes, and remain viable over time. At the same time, Mr. President, this focus on treaty details should not overshadow the significant attention we have accorded to the broader implications of the Treaty for the security of the United States, NATO, and our Asian allies.

As I mentioned earlier, the Armed Services Committee report was entitled "NATO Defense and the INF Treaty." The relationship between the treaty and NATO's security was, indeed, the central focus of the committee's deliberations. 19 of the committee's 29 hearings on the treaty explicitly dealt with NATO security issues, including one meeting with Dr. Willen van Eekelen, the defense minister of the Netherlands and chairman of the Eurogroup Defense Ministers. In addition to these formal meetings, I and many members of the committee held numerous meetings with European political and military officials.

The committee examined NATO's present ability to successfully implement its strategy of flexible response, including forward defense, and the impact the INF Treaty would have on NATO's ability to do so. Flexible response requires that NATO have sufficient forces to respond to any level of aggression and a full spectrum of forces—conventional, theater nuclear, and strategic nuclear—so that it can counter any act of aggression with an appropriate response. In our view,

there are serious deficiencies in NATO's ability to implement its strategy.

Of particular concern is the failure of NATO to develop an adequate conventional force posture. Not only has the alliance permitted the nuclear threshold to remain unacceptably low, conventional deficiencies call into question whether NATO's conventional defense forces would hold out long enough to enable political authorities to make a carefully deliberated decision to turn to a nuclear response to aggression.

There is also concern regarding our theater nuclear force posture. Over the last decade, there has been a significant increase in Soviet theater nuclear forces. During the same period, NATO has decided to retire some 2,400 older theater nuclear weapons in conjunction with a commitment to pursue theater nuclear modernization. I believe it is very important that we adhere to this commitment. In doing so, I believe that we can address certain concerns expressed by European, particularly German, officials. In this regard, of particular importance is proceeding with a tactical air-to-surface missile which can reach beyond German territory and is compatible with both United States and allied aircraft.

I would urge my colleagues to take the time to read the Armed Services Committee's evaluation of NATO's defense posture and how it will be affected by the INF Treaty.

As I indicated earlier, I have had the opportunity to discuss these issues with a number of European officials. The large majority of them expressed support for the INF Treaty. At the same time, many had concerns about what would follow once the treaty is in place. Such concerns involved the relative priority among future arms control efforts, modernization of remaining theater nuclear forces, the viability of and U.S. commitment to extended deterrence, and efforts to enhance NATO's conventional deterrent. Such concerns were particularly pronounced among West Germans.

An articulate expression of such concerns was made by Dr. Alfred Dregger in a recent speech in Washington, which I will ask be inserted in the RECORD at the end of my statement. Dr. Dregger is the chairman of the ruling party parliamentary group in the Bundestag of the Federal Republic of Germany. I should point out that I disagree with Dr. Dregger on many counts, both in terms of fact and judgment. However, I believe it is critical that we understand views that are commonly held in allied countries. Dr. Dregger's speech is representative of a perspective which I have heard repeatedly from a number of German officials, and I would commend it to my colleagues' attention.

Among the concerns frequently expressed are that the strategic unity of Alliance territory from North America to the Federal Republic of German is being called into question; that the credibility of extended deterrence is rapidly weakening; that the elimination of ground-launched INF missiles will leave the alliance with no intermediate-range nuclear forces, opening a gap in the spectrum of deterrent forces and making German territory uniquely exposed to nuclear weapons; that the intermediate-range nuclear forces that do, in fact, remain might be negotiated away.

These concerns, sincerely held by many responsible individuals in Germany and even some in this country, have been extensively examined by the Armed Services and Foreign Relations committees and individual Senators. I understand the origins of such concerns and, frankly, must acknowledge that the sometimes imprudent actions by officials in the United States have contributed to these concerns.

Perhaps the single event which best captures the complexities and contradictions displayed in the Reagan years was the summit in Reykjavik, where the President seemed prepared to give up all ballistic missiles, and possibly even all nuclear weapons. The administration was accused of, at best, placing higher priority on public relations than on policy and, at worst, of fundamentally misunderstanding the role of nuclear weapons in NATO strategy. Those concerns were, in my view, justified. And while the administration has largely recanted, some in Europe continue to have gnawing doubts.

More recently, a January 1988 report entitled "Discriminate Deterrence," authored by former Under Secretary of Defense Ikle and other prominent individuals, was read by some as suggesting that the American nuclear umbrella might no longer cover Western Europe. This exacerbated the concern raised by the INF Treaty, itself, that the removal of U.S. Pershing II and ground-launched cruise missiles would lead to the decoupling of the U.S. strategic deterrent from the defense of Europe. Given the emphasis on the need to strengthen this coupling that accompanied the INF deployment decision, this concern is understandable. But the response to dual-track decision indicates that this original rationale was given more credence by its authors than by the two audiences at which it was primarily aimed.

First, large minorities of Western European publics quickly came to the conclusion that far from strengthening coupling, the INF deployments were in fact decoupling. According to this view, the INF deployments were foisted by the United States on Europe so as to allow the United States to fight a nuclear war in Europe while American soil remained a sanctuary. As Senator NUNN and many others have noted, when we deploy many Europeans cry "decoupling" and when we withdraw many Europeans cry "decoupling."

Equally important, the Soviet reacton was to clearly state that any United States nuclear weapon landing on Soviet soil would be considered a "strategic weapon" regardless of its launching point, and that retaliation would be directed at United States soil. Perhaps this was mere propaganda, but I think that our German friends would be the first to say that differentiating between "strategic" and "tactical" nuclear weapons means little when the explosions are occurring on one's homeland. Thus, one could argue that the INF missiles were perfectly coupling—but that raises the question of whether they were really essential in the first place if, in Soviet eyes, they were no difference from strategic missiles. If that were the case, the credibility of using INF missiles would be little more than the credibility of using strategic missiles.

There are no simple or clearcut answers to such questions. Perhaps the INF missiles enhanced coupling somewhat, and their removal will reduce coupling somewhat. However, as former Secretary of Defense James Schlesinger noted in his testimony to the Armed Services and Foreign Relations Committees, it is European parochialism to believe that the Soviet Union has been deterred primarily by a relative handful of weapons based in Europe, none of which were deployed before December 1983. I would note that former Secretary of Defense Harold Brown expressed essentially the same opinion in his testimony.

There are also concerns about German "singularization." While I appreciate these concerns and understand their origin, I find them exaggerated. Air- and sea-based intermediate-range forces remain. Moreover, as I already indicated, the alliance's existing commitment to modernization, particularly with the tactical air-to-surface missile, can ameliorate such concerns. And, of course, other alliance nations that remain targeted by Soviet nuclear weapons, including tactical nuclear weapons, find it difficult to accept that Germany has been singled out.

INTERPRETATION OF TREATIES

Mr. President, in considering this treaty, the Senate has also addressed the Senate's role in treatymaking and how treaties are to be interpreted. We were forced to address this, of course, because the administration has put forth a novel and disturbing theory of treaty interpretation in its effort to shed some of the constraints of the ABM Treaty.

Under this theory set forth by the State Department's legal adviser, Abraham Sofaer, the executive branch is not bound by its explanation of a treaty to the Senate unless the Senate satisfies a set of criteria arbitrarily defined by Mr. Sofaer. These arbitrary criteria are, not surprisingly, of such a

nature that the Senate, as a practical matter, would rarely meet them and an effort to do so would result in virtual paralysis of the treatymaking process. In a vote earlier today, the Senate rejected these criteria by a vote of 60 to 30.

The Foreign Relations Committee in its consideration of the INF Treaty attached a condition to the resolution of ratification to reaffirm the constitutional role of the Senate in treatymaking. This condition was altered by an amendment offered by Senator BYRD which contained a provision I suggested in an effort to promote bipartisan consensus. I am pleased that we were successful in achieving such consensus and that the Senate approved this condition on a vote of 72 to 27.

The condition approved by the Senate states that the Senate's advice and consent to ratification of the INF Treaty is subject to the condition, based on the treaty clauses of the Constitution, that the United States shall interpret the treaty in accordance with the common understanding shared by the President and the Senate at the time the Senate gave its advice and consent to ratification.

The condition states that such common understanding is based on, first, the text of the treaty and the provisions of this resolution of ratification; and, second, the authoritative representations which were provided by the President and his representatives to the Senate and its committees, in seeking Senate consent to ratification, insofar as such representations were directed to the meaning and legal effect of the text of the treaty.

The condition also states that the United States shall not agree to or adopt an interpretation different from that common understanding except pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute.

Finally, in the provision which I suggested in order to address the concerns of some Senators, the condition states that if, subsequent to ratification of the treaty, a question arises as to the interpretation of a provision of the treaty on which no common understanding was reached in accordance with the above, that provision shall be interpreted in accordance with applicable U.S. law.

Mr. President, I would note that the condition does not question the authority of the President to interpret treaties. Rather, it prevents him from reinterpreting them. Without such a bar on Presidential reinterpretation, the Senate's role in treatymaking would be essentially nullified. This condition reaffirms that when a common understanding has been reached between the Senate and the executive, that is binding. If the same administration or a future administration wants to alter that common understanding, it is required to come back to the Senate and seek the Senate's advice and consent.

Finally, Mr. President, I would note that this condition does not directly address the ABM Treaty. In my view, this condition ought to allow some opportunity for those who disagree with the so-called narrow interpretation of the ABM Treaty to fight that battle at another time.

CONCLUSION

Mr. President, the Senate's review of the INF Treaty has been thorough, perhaps more thorough than the review of any comparable treaty in the Senate's history. The 4 months which has been required to conduct this review has been a very valuable and productive investment of time which has served the interests of the Senate and the United States well. I would argue that the treaty to which the Senate will give its advice and consent to ratification is a better treaty than that which was submitted to the Senate in January.

Mr. President, as other Senators have correctly noted, our objective has been to deal with this treaty responsibly, not to meet a deadline. At the same time, I am pleased that we have been able to conclude our consideration in a responsible manner in time to allow the President to exchange the instruments of ratification with General Secretary Gorbachev during the Moscow summit, thus bringing the INF Treaty into force.

Once again, Mr. President, let me express my strongly held view that this treaty will serve the security interests of the United States and our allies. Accordingly, I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the statement of President Reagan and the remarks of Dr. Dregger, to which I referred, be printed in the RECORD.

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

STATEMENT BY THE PRESIDENT

I strongly support bipartisan efforts by the Senate Committees on Intelligence and Armed Services to work with the Administration to modernize and upgrade our intelligence capabilities. It is important as we work toward future arms reduction agreements that our country have all of the means necessary to assure compliance with these agreements. With or without future arms control agreements, it is important for our national security interests that we keep pace with changes in technologies in other nations. For that reason, I welcome bipartisan support to start this year on a multi-year program to improve these systems. I will also include funding for the second year of this program in the final budget which I submit to the Congress, and I will urge the next administration to assure continuity of this vital effort. After 1989, the funding for the program should be additive to the 2-percent real growth objective for national security spending.

NUCLEAR DISARMAMENT: CONSEQUENCES FOR THE ALLIANCE—PERSPECTIVES FOR GERMANY AND EUROPE

(Address by Dr. Alfred Dregger)

INTRODUCTION

Since 1945 the hegemony of the East is present already in peacetime—if that is how we want to describe Europe's existing state—in the middle of Germany. Its pressure is directed straight at Western Europe. This is an unprecedented situation in history.

1. In an east-westerly direction our country is only 250 km deep. In its north-south direction, however, it encompasses the entire front in central Europe, from the North Sea to the Alps. In this situation we are and will continue to be dependent upon the Alliance. It is and will remain essential that allied forces are stationed on West German territory. It is and will continue to be important, indeed crucial, for our country to be part of the risk- and deterrence-sharing alliance which creates North America and Western Europe and strategic whole.

Only in this way has it been possible to build up in what is now a narrow Western Europe a risk which a potential aggressor cannot take. Thus in a world fraught with war the Alliance's territory, including its exposed parts, has been an area of peace and security.

There are schools thought in the United States, who, following the INF agreement, would substitute this strategic whole by a more regionalized defense strategy. This would have serious implications for the Alliance, and in the first part of my address I shall try to analyze them.

2. Alongside the Atlantic Alliance the European solidarity is of great importance to us West Germans. Together with others, we are striving to merge the European members of the Alliance, with the full participation of France, into a European security union which will enable Europe to exercise greater influence and assume greater responsibility within the Alliance. This point I shall be dwelling on in the second part of my address.

3. And finally I shall turn to a problem that is still unsolved, the division of Germany and Europe. Here, too, it is a question of the security of all concerned, but also of the human and civil rights of the people of Eastern central Europe who, after 1945, were subjected to communist rule against their will.

A.

My starting point is the INF agreement. We Germans assume that it will be ratified. My Government and my parliamentary group have expressed their approval, so today I will merely try to analyze the agreement's implications for Europe's security and the consequences to be drawn from them.

1. The INF agreement has relieved the Soviet Union of the risk of a possible strike by US land-based systems in Europe. The Pershing II, the weapon system which commanded most respect from the Soviet Union, is to be removed from Europe.

2. True, Europe will be freed from the threat posed by the Soviet SS-20s, but the Soviet Union will still have, in addition to its other tremendous nuclear potential, 1,365 land-based nuclear systems with ranges below 500 km which cover every point in the Federal Republic of Germany. It makes no difference to us whether we are destroyed by medium-range or short-range weapons.

3. However one assesses Mr. Gorbachev's policy, how great its chances and what the

results are likely to be, there has so far been nothing to justify the assumption that the Soviet Union has finally abandoned its Czarist legacy of expansion to the East, West and South, or its communist aim of the revolutionary change of the world.

Western Europe is the part of the world on which the Soviet Union still focuses most of its interest and energy. The "common European house" is a metaphor regularly used by Mr. Gorbachev. In its Western territories the Soviet Union has the largest concentration of resources, infrastructure and armed forces. The Federal Republic of Germany is only a narrow barrier to the Soviet Union's western route to the Atlantic.

4. Situated along the dividing border between East and West, we Germans recognize that we cannot sustain ourselves on our own. To do so we need the help of the Europeans acting in unison within the Atlantic Alliance. We, the CDU/CSU, led the Federal Republic of Germany into the Alliance in the face of stiff opposition from the SPD. We secured a parliamentary majority in favor of the NATO decision to modernize nuclear weapons in Europe which had been championed by chancellor Helmut Schmidt who, however, had been abandoned by his own party because of that very decision. We know that we depend on the United States if we want to preserve freedom, security and democracy—and this is our aim.

5. But we also know that the United States and the free nations of Europe depend on the Federal Republic of Germany if, with the Eastern half of Europe already gone, they do not want Western Europe, too, to become part of the Soviet Union's sphere of influence. * * *

Without us, without the territory of the Federal Republic of Germany, and without the military contribution of the Federal Armed Forces, Western Europe can neither be defended nor protected from blackmail.

If the Soviet Union succeeded in bringing the Federal Republic of Germany and other West European countries into its power orbit it would have under its control a Euro-Asian bloc which not even the United States would be able to cope with. Thus the United States, through its miltiary presence in Europe, is defending not only us but itself.

8. The Alliance has a moral foundation. It lies in the conviction that its members are defending common values and in the certainty that none of them wittingly or unwittingly disregards the vital interests of the others. To prevent any doubt arising or increasing in Germany as a result of the disarmament process, it is in our allies' own interest that we Germans should make our security aims unmistakably clear to them. This is my intention.

B.

1. Germany's primary aim is to prevent our country being destroyed by war. We Germans, 14 million of whom were expelled from their native regions in East Germany, Eastern and South-Eastern Europe after World War II—and two million of them died—today live in one of the most densely populated countries on earth. It is a country which can be destroyed but not defended by nuclear weapons. We therefore expect our allies to target their nuclear deterrents, whenever possible, not on our country but on the territory of the potential aggressor. This explains our aversion to short-range nuclear systems, which in either direction can only carry from Germany to Germany, and our even greater aversion to nuclear artillery. Anyone who ignores this basic fact resulting from the geography and division of our country cannot expect to gain any lasting political success in Germany. We Germans are glad that our French allies appreciate our position on these issues.

2. Preventing a non-nuclear war is likewise vital to the Germans. Our country would be the main theater in a European war, by virtue not only of its division but of the fact that the East pursues an offensive and the West a defensive military strategy. What it means to be the main theater of war we know only too well from our own experience, particularly during the last war. Dresden was no less terrifying than Hiroshima.

3. Since 1945 the Alliance has prevented war in Europe and kept it free from blackmail. We Germans appreciate this. We are a reliable ally and our armed forces represent an important contribution to the Alliance. Of course, the deterrent effect of nuclear weapons has helped preserve peace in Europe, though only within the framework of the Alliance's overall strategy. The crucial factor has not been the weapons, not even the nuclear variety, but the shared risk and the shared deterrence which makes the Alliance's territory, that is to say North American and Western Europe, a strategic whole.

This strategic unity implies that if the Soviet Union were to attack Germany it would not only be confronted with the conventional and nuclear forces of the United States, Canada and Europe stationed in our country—which are still greatly outnumbered by those of the Soviet Union but with an alliance which, by virtue of its risk-sharing and deterrence-sharing, spans the geographical distance between Europe and North America; an alliance whose philosophy does not tolerate zones with different degrees of security; an alliance which for this reason would not shrink from, any means of repulsing an aggressor, repulsing him—and this is what matters—on his own territory with devastating consequences for himself.

4. The strategic unity of the alliance's territory, the unreserved commitment of North America and Western Europe to risk-sharing and deterrence-sharing, has enabled the Federal Republic of Germany to place its forces completely under NATO command, to forgo nuclear weapons, and to link its destiny to that of the Alliance.

Will this philosophy, and with it the strategy of war prevention through deterrence, if necessary using the ultimate means, be maintained or is the United States in the act of drafting a completely different strategy?

The Iklé report contains the following key sentence: "To help our allies and to defend our interests abroad we cannot rely on threats expected to provoke our own annihilation if carried out."

This sentence is remarkable because it does not refer to the defense of the Alliance's territory by the Alliance but to the help which the United States will afford to those who defend their territory. This help would exclude those weapon systems which, if used, could lead to the destruction of the United States. Obviously these are the US strategic systems, whose deterrent capability would no longer be used for the defense of Europe.

This sentence is all the more remarkable as it comes at a time when the United States is eliminating its land-based intermediate-range systems. What remains are chiefly the short-range systems which would not affect the United States or the Soviet Union but could not lead to the annihilation of Germany in particular.

The Iklé report following this line of reasoning when it implies that the American nuclear weapons in Europe should not be seen primarily as a means of escalation but as means with which the Alliance can, with selective and controlled measures, defeat attacking Soviet forces without any escalatory effect. Paul Nitze has apparently even proposed the elimination of all air- and sea-based intermediate-range systems. This would imply complete intermediate-range denuclearization.

On such a vital question as this I must state unequivocally that a strategy that would be tantamount to the regionalization of a European war would deprive the Alliance of the basis for its existence in Europe, especially in Germany. We Germans cannot make our small and densely populated country available for a nuclear war strategy which, if implemented, would mean the end for us.

Our only option is a war-preventing strategy which in a divided Europe must be based on the strategic unity of the whole territory of the Alliance, that is to say the unqualified commitment of North America and Western Europe to risk-sharing and deterrence-sharing. Such a strategy, too, has its risks, for America as well as for Europe. But it has served its purpose. It has kept the Alliance's territory free from war and blackmail and bolstered America's world-power status. In this respect NATO is the most successful alliance in history. All of us should do, everything possible to preserve it.

This includes not questioning the Alliance's risk-sharing arrangement. Referring to this at a CDU congress on security held in Bonn on 13 April, Ambassador Richard Burt said that to the United States risk-sharing means rejecting the idea of limiting a nuclear war to European territory. To the Federal Republic it means rejecting the denuclearization of its territory.

That is true. The two are interrelated. This fact has to be allowed for in disarmament negotiations. Those who, following the removal of land-based systems, would also eliminate the air- and sea-based intermediate-range systems and instead increase the short-range variety, must realize that they are thereby rejecting the risk-sharing principle and hence NATO's present philosophy and strategy.

With respect to the INF agreement's implications, I should like to say the following:

1. We reject proposals for compensating for the loss of intermediate-range systems with short-range systems. This would mean that the intermediate category, which can reach the territory of the potential aggressor, would no longer be available, whereas the short-range category, most of which could in Central Europe reach only Germany on both sides of the dividing line, in other words the potential victim, would be increased. Such a switch from longer to short range systems would be in contravention of the general political guidelines which the Alliance had good reason to adopt.

2. We reject all so-called "firebreak." concepts. Disarmament in the intermediate-range sector has made disarmament in the short-range sector not superfluous but more urgent. We cannot agree to an avoidable nuclear threat being added to the special, unavoidable conventional threat to which our country is already exposed on account of its geographical position. Consequently, in view of the elimination of intermediate-range systems, short-range systems must follow suit. This depends not only on what happens, following the INF agreement, with regard to short-range weapons but particularly with regard to air- and sea-based intermediate-range weapons. The more intermediate-range systems are eliminated, the more short-range systems will have to be eliminated as well.

3. The 1,365 short-range systems of the Soviet Union, compared with only 88 on the Western side, pose a threat to our country's existence. That would also apply to Western systems if they were no longer part and parcel of a war-preventing, risk-sharing and deterrence-sharing alliance but became instruments of a strategy for waging war.

On numerous occasions, we have called upon Mr. Gorbachev to unilaterally reduce his overwhelming superiority in terms of short-range missiles for the sake of confidence building. We have had no reply. As regards these weapons too we want negotiations with the Soviet Union on the basis of a NATO disarmament and security concept.

4. So long as risk-sharing and deterrence-sharing with respect to intermediate-range weapons is maintained we, the CDU/CSU, will reject a third zero solution, because the denuclearization of Europe would give full effect to the Soviet Union's huge conventional and chemical superiority.

This is a factual argument which is not easy to assert because it contradicts the philosophy of the first two zero solutions. I have never concealed my view that it would have been better to start the nuclear disarmament process with weapons of ranges below 500 km than with the intermediate-range categories. But it didn't work out that way. We therefore have to face the facts and we will do so.

But before any decisions are taken with regard to the modernization of short-range systems we want clarification within NATO as to what would be the strategic purpose of the nuclear weapons with ranges below 500 km, how many of them would be needed, and what their ranges would be. In our view the purpose can only be a limited one, that is to say, to prevent the concentration of conventional assault forces, especially tank armies. In this connection it is clear that the greater the range of a modernized version of the Lance the fewer will be needed.

5. We would like above all to know whether and with which air- and sea-based systems the United States is prepared to maintain the intermediate-range deterrence once the land-based variety has been scrapped. The credibility of the flexible-response strategy depends on this.

6. At their meetings in Brussels on June 12, 1987 and March 2/3, 1988 respectively, NATO's Foreign Ministers and Heads of State and Government decided to develop a comprehensive concept (Gesamtkonzept) for disarmament which will embrace systems with ranges below 500 km. This concept is intended as the basis for decisions on modernization and for negotiation proposals to the Soviet Union. There will be no more decisions restricted to specific weapon systems as in the case of the two zero options. That is a good thing. We Germans expect all allies to follow this line.

7. We Germans also want the Alliance's comprehensive concept to consider whether the nuclear artillery is necessary and expedient. If our allies say these weapons are needed in order to protect their forces then I must point out that protection of the civilian population is just as important—at least to us—as the protection of our own and allied forces. The fighting spirit of the Federal Armed Forces does not depend solely on its equipment but more so on the conviction of our servicemen that NATO's strategy is necessary to ensure the survival of the German people. In any case, we must seriously doubt the value of such protection for the Alliance forces as well if their own leaders were to expose them to the effects of nuclear weapons on the battlefield. Chernobyl gave us an idea of what this would mean.

8. Allies who depend on one another should appreciate one another's situation even though their situations differ in the extreme. My country's situation can be described in three short sentences: Germany and its capital Berlin are divided. On both sides of the dividing line there are huge concentrations of forces of opposing alliances. The people east of the dividing line are forced to live under a communist regime. These are our burdens.

With the Bundeswehr, a conscript army, we have placed the strongest and most up-to-date conventional force in Europe at NATO's disposal. We have recently increased the period of conscription from 15 to 18 months. The sons of the Federal chancellor and my own sons are officers of the reserve. They will be called up for periods of reserve training and will be liable to compulsory military service up to the age of 60. No member of the Alliance demands anything like so much of its ablebodied men.

Americans who are aware of this will not say that the German burden and the German contribution to the Alliance is too small. We do not expect gratitude for what we do because we are doing it for our country. But because we are doing it for the Alliance as well we expect our allies to show consideration for our special geographical situation and our vital interests.

9. The Warsaw Pact's capability for surprise attack and large-scale offensive action and for force generation from deep within its own territory will remain the key problem of European security until the Soviet superiority has been removed by means of asymmetric reductions. Whether the Warsaw Pact is prepared to make such reductions will be seen when the West have tabled their disarmament concept, which will hold General-Secretary Gorbatchev to his word. We Germans urge that it do so.

10. We Germans call for a global ban on and global elimination of chemical weapons. Both sides can manage without them. It should be possible to solve the verification problem. The superpowers can also manage without a very large proportion of their strategic nuclear systems, which are to be reduced by 50%. We welcome this intention on the part of the United States and the Soviet Union.

D.

1. In 1963 McGeorge Bundy, President Kennedy's National Security Adviser, told Konrad Adenauer that in the next ten to fifteen years neither France nor England would be the leading power in Europe but the United States of America. His forecast was correct. It is in neither America's nor Europe's interest that this should remain so.

Europe needs to have more confidence in its own abilities and to develop its own identity in matters of defense as well. Only in this way can one European voice which will be taken seriously emerge from the babble of European voices that crosses the Atlantic and also reaches the Kremlin. Europe itself must become America's ally and conduct a dialogue with the Soviet Union. The Europeans must emerge from their present role in which they are at best consulted but have no say in decisions concerning their own fate.

2. We already have a European security union, Western European Union, whose members have pledged to afford each other "all the military and other aid and assistance", over and above the requirements of the NATO Treaty. This WEU, which embraces Germany, France, the United Kingdom, Italy and the Benelux countries, must be activated. It needs all those institutions which today enable NATO to function as an alliance: a council of ministers, a permanent council, and a military committee. Western European Union must be open to all European countries who are prepared to accept its mutual assistance obligation.

The fact that we have a European security union does not mean we reject our American ally, on the contrary. In a changing world in which the United States is no longer the sole dominating power, the Americans want, I expect, not weak but strong allies. NATO can only stay strong if Europe becomes strong. This presupposes the political and military integration of the free States of Europe.

3. Europe's two nuclear-weapon States, France and the United Kingdom, have a special responsibility for Europe's security. They must coordinate their nuclear systems and place them in the service of their European allies too. So long as the superpowers have not reduced their nuclear systems to the level of those of the two European nuclear powers added together there is no reason, in the German view, to call for nuclear disarmament on the part of France or the United Kingdom.

4. A European security union that is able to act would enable Europe to participate in all negotiations which directly concern Europe's security. This must apply in particular to negotiations on nuclear arms control. It is not the Americans but the Europeans themselves who are to blame for not having been a party to the Reagan-Gorbachev talks in Reykjavik.

5. The European Community aims to establish the internal European market by 1992. A European economic and monetary union is envisaged. Together with a European security union it would form the political union of Europe. That union would be a strong and valuable ally to the United States. The creation of a political union of the free States of Europe has been the CDU/CSU's aim since the days of Konrad Adenauer. Helmut Kohl has moved a good way towards that goal, particularly in co-operation with France. It is my hope that after the French presidential elections—regardless of the result—France and Germany will be able to launch the initiatives that are needed to achieve this goal.

E.

1. While to many people the political unification of Europe today seems possible, indeed probable, there are many who feel that it is unrealistic to seek the termination of the division of Germany and Europe. But the nations of Europe want an end to division. It is the totalitarian regimes in the communist countries that prevent this from happening. We cannot ignore these regimes but neither can we accept them. We should therefore adhere to our aim of German and European unity.

2. The principles established by the Atlantic Alliance in the 1967 Harmel Report are therefore still as valid today as they were then. Let me quote paragraph 8 of that report: ". . . No final and stable settlement in Europe is possible without a solution of the German question which lies at the heart of the present tensions in Europe. Any such settlement must end the unnatural barriers between Eastern and Western Europe, which are most clearly and cruelly manifested in the division of Germany."

3. The border that was drawn right through the middle of Europe over forty years ago is neither a historical nor a cultural border. It is a demarcation line drawn by the victorious powers, a remnant of rigid military rule which violates Europe's dignity and the right of its peoples to enjoy freedom and self-determination.

Terminating the division of Germany and Europe is an objective which can only be

achieved in close co-operation with both superpowers, taking into account their interests, including their security interests. Whether and when the Soviet Union will be amenable to such a policy is just as uncertain as the process of change initiated by Mr. Gorbachev.

But the Soviet Union, too, must ask itself what will be better for itself in the long run: a reunited Europe with whom it will be able to develop close co-operation, or the maintenance of its domination over the nations of eastern central Europe, forcibly allied to it a domination the economic, political and military burdens of which are not diminishing but growing from year to year.

The faster the process of West European integration, the sooner the Soviet Union will ask itself this crucial question. When the European Community, which already represents part of that peaceful order for the whole of Europe which must be the West's objective, develops via an economic and monetary union and a security union into a political union, then we shall have an outstanding model for a united Europe based on freedom and justice, reconciliation and harmony.

4. On June 12, 1987, President Reagan, in his speech at the Brandenburg Gate in Berlin, called upon General Secretary Gorbachev to open the Wall. He coupled this demand with proposals for providing opportunities for Berlin, the divided German capital. All this strengthens our hope that the United States will remain our valuable and reliable partner, not only in defense matters but in European matters are well.

THE INF TREATY

Mr. WALLOP. Mr. President, this is a political treaty, not a strategic or military effort. If nothing else demonstrates this, consider for a moment that most of the debate has centered on Congress' relations with the President, and not America's relations with the Soviet Union. Virtually every so-called expert from the left through the center to the right have found fault with the treaty, though many argue that the politics of it in Europe override its military inadequacies.

In the Biden-Pell amendment the Senate stated explicitly that while it has refused the role the Constitution contemplated, it would postpone its judgement to some later, less visible time when perhaps the public would be less able to understand and witness our decisons. The Senate has slinked away from a close examination, let alone effect any changes upon the text of the treaty or on the resolution. Yet it says it will share a common understanding with some future administration.

Take for example my amendment on the double negative in article 6, paragraph 2, which could authorize the construction of both stages of the prohibited SS-20 missile. The amendment tracked the specific recommendation of the Senate Armed Services Committee. No one argued against the amendments in substance, but only against doing it. To be sure, the Republican leader later addressed the problem with an amendment to the resolution of ratification—but this amendment is strictly unilateral and nonbinding on the Soviet Union. Indeed it does not even get read to them.

Politics not strategy? To be sure. The President, who only last May said he would not even present a treaty to the Senate until the Soviets were in compliance with all previous treaty obligation, had his administration oppose any mention—any mention at all—of Soviet compliance in our resolution of ratification. My amendment only set forth a framework for dealing with Soviet violations, but despite the proud boast that this treaty requires stringent verification, there is absolutely no intention to require compliance. If a violation occurs—it occurs. Under these circumstances, heavy new expenditures for personnel and equipment to verify are a waste of resources.

Senator WILSON's amendment to restate the Scoop Jackson amendment to SALT I that the United States should be no more tightly bound by the provisions of the treaty than the Soviets was rejected. The conclusion? Once again, it is the internal relations of the United States between Congress and executive that ruled the day. We now may be more constrained than the Soviet Union. Again the arms control process has become the means by which some Americans control the arms in the hands of other Americans, and the Soviets are not expected to be treated with equal diligence.

On the issue of futuristic weapons, an administration that had not even contemplated them as an issue sought unilaterally to constrain them once the issue was raised. The decision was to safeguard the summit, not the integrity of the treaty. The reputation of the negotiators was placed above the national interest. Politics once again ruled military reason.

The decision to ban conventional cruise missiles in a treaty banning nuclear weapons was taken solely because it was thought the argument was politically difficult to make even though it was militarily sounder to maintain our technological advanatage in the areas of greatest strength.

Europe's defense is now basically dependent on weapons we cannot use, solely because we state that they cannot be. They thus become no deterrent at all and the face of NATO is today forever changed.

Make no mistake, the Soviet ability to deliver nuclear weapons to targets throughout Europe remains undiminished. The SS-25 is both the principal violation of the SALT II agreement and a much more sophisticated version of the now banned SS-20. Its range, power, mobility, and accuracy all exceed the capabilities of its predecessor. So it is clear that a whole class of nuclear weapons has not been banned, only a whole class of Western capability has been abolished. I question the wisdom of this militarily and warn of its consequences politically in Europe.

Mr. President, while a large majority of my colleagues is going to vote for this treaty, I am confident that I will sleep better tonight than many of them will. That is because most of my colleagues who are going to vote for the treaty know that they are doing something that will harm this country in the not-so-long run.

They also sense that in the not too distant future there will have to be an answer for the vote today. They hope against hope that this treaty's ill effects on this country's principal alliance will be smaller rather than larger, and above all that they will materialize later rather than sooner. They hope to prolong the interval before they will have to deal with the next phase of that crazy Reykjavik package of which this treaty is but the first installment. Nevertheless, a majority of my colleagues will not be able to say no to the short term boost they hope to receive from this act. It must be troubling for the more thoughtful among them to reflect that we are engaging in political self-gratification while neglecting long-term consequences that are bad for great nations. It is the very definition of the underclass as Senator MOYNIHAN well knows.

I believe that the majority of those who vote for this treaty are painfully aware that they do so without a shred of intellectual justification. Sixteen years ago, when the SALT I package came before this body, those eager to posture as peacemakers could point to a plausible theory of how that arrangement would make us all safer by stopping the development of counterweapon weapons so that we would all live happily ever after under Damocles' sword. It was a silly theory, as the Soviets showed by building a missile force far more fearsome than the one that the treaty was supposed to stop. Nevertheless, those who voted for it can still point to a coherent explanation for what they did. But there is no theory whatever that justifies what this treaty does.

This is what Henry Kissinger, the architect of SALT I testified about the INF Treaty:

> On the one hand, INF shifts the nuclear defense of Europe to weapons based in the United States or at sea, and now at the same time we are cutting these weapons by 50 percent and shifting the ratios with respect to land-based weapons to an even more unfavorable direction to the United States, so that the practical result will be, as soon as people start doing the figures, to raise even more doubts about the American willingness to initiate general nuclear war in the defense of Europe.

Is there any theory according to which these considerations ought to be set aside? None. And yet most Senators are setting them aside. Why? Many have been asked, but they won't say.

Perhaps the answer was given by Brent Scowcroft and James Woolsey, hardly conservatives, in the Washington Post, December 3, 1987 "* * * to implement a slogan, to flatter the ego of an outgoing administration * * *." But surely this is no good reason for

pulling our Pershings and cruise missiles out of Europe.

Scowcroft and Woolsey also write:

Since NATO's nuclear weapons were deployed in Europe principally to compensate for NATO's conventional inferiority, the removal of the INF force would accentuate NATO conventional weakness as well.

The treaty they say "would be a significant step toward denuclearizing Europe, a long-time Soviet objective. Such an eventual step would wholly undercut NATO strategy, leaving no counter to Soviet conventional superiority except the use of U.S. strategic nuclear forces."

Are Scowcroft and Woolsey mistaken? Or perhaps it would be a good idea to irrevocably commit U.S. nuclear forces to firing on targets in Europe. I and others have asked such questions of Senator NUNN and Sentor LUGAR. But they have not answered. They wish to put off such questions as long as possible because all the answers say the same thing: This treaty is a mistake. They know it, yet they want it.

This is what James Schlesinger has said, "The movement toward the treaty was a mistake."

How else can one characterize the attempts to eliminate midrange missiles? As Scowcroft and many others have asked, why should these be first? A cogent argument can be made that short range weapons, the ones that blow up on our allies, should go. Another cogent argument is that the longest range weapons should go because they can only be used for United States-Soviet armageddon. But why single out the weapons that can only be launched to protect Europe? Why is it supposed to be a coup to get rid of the Soviet SS-20 only to have it replaced by the SS-25? This makes sense for the Soviets. Not for us. Note that nobody has argued otherwise.

But the bottom line was stated in testimony by Ambassador Robert Blackwell—an ardent arms controller if there ever was. He supports it, he says, "But I do so holding my nose."

For something that old-line arms controllers openly say stinks, and you know that is not good, you are willing to roll our opposition. More important, you, a majority of my colleagues are willing to endorse this intellectual bankruptcy.

What else can one call Secretary of Defense Carlucci's statement that "what we do militarily in Europe should not be affected by the political atmosphere engendered by the treaty?" This is a bit like saying that what happens in the hotel room should not be influenced by the champagne and flowers. Or how about Secretary Shultz's statement to us on Tuesday, that he does not understand the notion that a treaty on weapons in Europe will have political consequences in Europe? How about Shultz's other statement in defense of the treaty, that what we do about the nuclear balance should have no connection with what the conventional balance happens to be? Make no mistake about it. This is the level of political-military understanding that has brought us this treaty, and this is what you are endorsing.

How ironic it is that so many of my colleagues will be voting for this because voting for this kind of thing has come to be a test of acceptability to the foreign policy establishment.

But this foreign policy establishment is bankrupt. And associating with it is a guarantee of embarrassment.

If anyone has any doubts, let him look at a tape of Mr. Shultz's news conference of Wednesday, May 25, on General Noriega. Shultz and the entire foreign policy establishment were played for fools and incompetents by a petty caribbean tyrant. These are the people whose lead you are following when dealing with the biggest league. Tyrant of them all, Mr. Gorbachev. Do you feel confident?

The United States' embarrassment in Panama is only just beginning. Recall that we voted to ratify a treaty giving our canal to whomever rules that country. And it will come out that every Member of the Senate who voted for that treaty knew at the time that Manuel Noriega was the real power in that country, and that he was deeply involved with drugs, and that he was deeply involved with Castro. So why did my colleagues vote for that treaty? I look forward to the attempts to evade an explanation. I guess many voted for it for the same reason many are voting for the INF Treaty. It may be bad for our country, but that will be later. Meanwhile, those who vote "no" will be called names. Well, I'll take the long view.

The long view regarding the INF Treaty is pretty sobering. What are my colleagues who will vote for the treaty today going to say when Germany's refusal to modernize the Lance system can't be hidden anymore? What will you do when Germany agrees to denuclearize itself but begs us to keep our troops there as hostages? Will you wring your hands and claim you were not at the briefings where it was mentioned that this would be the likely consequence of the INF Treaty? Will you vote to keep our troops there as hostages, or will you vote to withdraw or redeploy them? Will you be able to hide the fact that the United States' forward defenses will have collapsed? Will you be able to hide your personal responsibility for what will happen? What will you do about START, the part of that crazy Reykjavik package? How will you be able to resist that, after having done this? Would it not have been easier to just say no to this entire denuclearization campaign to begin with? When will be a good time to stand up and grapple with the real responsibilities for which we were elected?

Today those who really wanted this treaty have won a victory. But it is a victory of obscurantism over reason and of posturing over responsibility. Events are coming that will make you wish you had lost this contest.

Mr. FORD. Mr. President: the Intermediate Nuclear Forces Treaty [INF] that is now before the Senate is the first arms control agreement that has been reached in 10 years. It is long overdue. One of the highest priorities of any administration must be the pursuit of an end to the deadly and costly nuclear arms race in which we are engaged with the Soviet Union. Although the INF Treaty comes at the end of the Reagan administration, it is nonetheless welcome and it brings with it promise of better things to come.

Modest in scope—the treaty speaks to only 4 percent of the world's arsenal, its unprecedented on-site verification procedures lay important groundwork for further arms control agreements, notably the strategic arms reduction talks, and also to verify any agreement on conventional arms. It is unique in the history of arms control in that, for the first time ever, it requires actual destruction of existing nuclear delivery systems. Previous agreements have imposed ceilings on categories of weapons; the INF Treaty calls for the destruction of all missiles with a range between 300 and 3,400 miles. Even more unusual is the assymetry of the mandated reduction—the Soviet Union must give up a 2-to-1 advantage in intermedicate range missiles.

A word on verification is in order. Soviet compliance with the INF treaty may not be 100 percent. The verification procedures set forth in the treaty are not perfect as they do not allow for on-site inspection anywhere at any time. The Administration considered and rejected this idea because it would have given Soviet inspectors unlimited access to our own most secure facilities. It is possible that the Soviets could hide an INF missile somewhere on their territory and that it would go undetected. But, I submit, they could not test such missiles, or train troops to operate or maintain them in their proper basing structures without detection. Absent such preparations, the Soviet Union could not maintain a militarilly significant capability in these theater weapons. That is the mark of effective verification.

The INF Treaty has been studied at great length by our own experts on the Senate Foreign Relations, Armed Services, and Intelligence Committees and, of course, the majority leader. We owe our colleagues a vote of thanks for the many, many hours they have dedicated to the issue.

In the course of these deliberations, three key areas have been identified as being in need of further clarification—future interpretation, futuristic weapons, and verification. Although a flurried exchange of diplomatic notes has taken care of some of the concerns raised, there are still several serious

amendments to the resolution of ratification that must be considered by this body.

It is the Senate's constitutional right and duty to give a treaty—any treaty, but particularly one of such import as the one before us, the closest scrutiny and to modify any provision or aspect we find inconsistent with the national good—even if that change requires the explicit agreement of the other party or parties. So we will do in the days ahead and I encourage the process.

It is obvious that the overwhelming majority of the Senate will give its consent to the resolution of ratification. It is testimony to the wholeness of the treaty, to the good and, I might add, ongoing efforts of the Reagan administration, and to the hope that one day the treaty will be used as a building block for continuing an arms control process many of us had thought was no longer alive.

I rise in support of the INF Treaty.

Mr. SASSER. Mr. President, the U.S. Senate stands at the threshold of what posterity may well come to know as the beginning of the end of the age of nuclear weapons. As my colleagues know, the treaty on the elimination of intermediate-range and shorter range missiles—better known as the INF Treaty—is unique in that it would eliminate two entire classes of nuclear weapons. It provides for highly intrusive verification measures, including onsite inspections. The agreement mandates the destruction of all intermediate and shorter range missiles and launchers. Furthermore, it bans the production, flight testing, or possession of these missiles for the unlimited duration of the treaty. The agreement would eliminate U.S. Pershing II, BGM-109G ground-launched cruise missiles, the Pershing 1A, and the Pershing 1B and Soviet SS-20's, SS-5's, SSC-X-4's, SS-12's and SS-23's. Both deployed and undeployed ground-launched ballistic and cruise missiles carrying nuclear or conventional warheads are included in the agreement. Elimination of intermediate-range and shorter range missiles capable of reaching targets from 300 miles to 3,400 miles away is a considerable step forward in the effort to free the world from the threat of nuclear war. I think the vast majority of my colleagues would agree that, although this agreement eliminates only a minute percentage of United States and Soviet warheads—about 3 or 4 percent—this is a small but extremely important step forward. I am pleased that the INF Treaty is before the Senate for consideration.

The agreement includes an unprecedented verification regime which includes onsite inspections. For years, U.S. negotiators have stressed the importance of onsite inspections to effective verification. Within its scope, the treaty provides for comprehensive monitoring and specific measures to be taken to verify data and to verify the destruction of missiles and delivery systems. U.S. inspectors have the right to conduct short-notice inspections and portal monitoring of designated missile operating bases or missile support facilities for 13 years after the treaty enters into force. This will ensure that the Soviets are complying with the terms of the treaty. The treaty establishes a special verification commission to help resolve any disputes over compliance which may arise. Recognizing that while such a commission is a good safety valve, so to speak, the agreement accommodates the realities of the international political system and the imperatives of protecting national security: the agreement also provides that each side may, in "exercising its national sovereignty," have the right to withdraw from the treaty if it judges that "extraordinary events related to the subject matter of this treaty have jeopardized its supreme national interest."

In short, Mr. President, the agreement contains a system of monitoring and verification measures designed to deter and detect cheating. It also contains a mechanism for resolving any compliance disputes which may arise, and an escape clause should the President determine that the treaty has ceased to serve and protect the national interest. Mr. President, there are those who object to the INF Treaty because the Soviets are not trustworthy—because they are historically and notoriously duplicitous.

I certainly understand those very legitimate concerns. Those who cite the Soviet's poor record on treaty compliance should find some comfort in the verification regime. The ban on testing missiles which are covered by the treaty and the high confidence in our ability to detect violations of the testing ban on intermediate-range missiles and the decreasing performance reliability of untested weapons are mutually reinforcing disincentives to cheat. There is much cause for optimism that the Soviets will not commit militarily significant violations. The military benefits of cheating are relatively low while the political costs are extremely high.

I believe that the backbone of any arms control agreement is its verification regime. The Intelligence Committee undertook the crucial task of assessing the capacity of our intelligence community, our national technical means, such as photo-reconnaissance satellites, and our onsite inspectors to meet the additional demands on resources which the INF Treaty would place on them. In looking to the future, the committee noted that, in addition to the current responsibilities of verifying compliance with the terms of the antiballistic missile treaty and other arms control agreements—particularly in view of a prospective start agreement. The new demands of the INF Treaty and current efforts to negotiate a strategic arms reduction treaty should be considered.

The successful negotiation and subsequent ratification of a treaty which would substantially reduce nuclear strategic arsenals would place even more demands on these resources. Verification of compliance with the agreements and closer monitoring of technological advances and of certain military activities, which, although not prohibited by the treaties, would greatly increase in importance under the restrictions of the arms control agreements. The committee recommended that the Congress authorize and appropriate additional funds to beef up monitoring capabilities. I understand that the President will include additional funds in next year's budget request.

Mr. President, there is hardly a Senator more keenly aware than I that this country is in urgent need of reducing its Federal deficit. Increased fiscal responsibility is a must if we are to recover our economic equilibrium. But this request for additional funds for the verification is one request which the Congress should grant—and I feel confident that the Congress will grant it. I will certainly do what I can to ensure that adequate funds for effective monitoring and intelligence gathering for arms control treaty verification are appropriated.

Mr. President, with a matter as important as national security, we cannot afford to make mistakes. The Senate has the constitutional role of providing its advice and consent for ratification of treaties negotiated by the executive. I have the highest regard for my Senate colleagues who have labored long and hard in the Foreign Relations, Armed Services, and Intelligence Committees to lay the ground work for the ratification process and to ensure that the Senate is presented with the best possible treaty to consider.

After nearly completing committee work on the treaty, it was necessary to double back for further discussion of some important outstanding issues relative to futuristic weapons and technical compliance issues with regard to verification. Administration officials returned to Geneva to fine tune the agreement with regard to these issues. Committee members held more hearings this week and approached the task of examining administration reports on these matters with the same vigor and critical analysis that characterized their examination of the treaty in previous hearings. I understand that these issues have been satisfactorily resolved.

The strong spirit of bipartisanism and the exemplary cooperation between the Foreign Relations, Armed Services, and Intelligence Committees is indeed commendable. I congratulate the members of those committees for a job well done.

Mr. President, I believe that the INF Treaty would greatly enhance U.S. national security. As welcome as the

prospect of ratification of the INF Treaty is to the overwhelming majority of my colleagues here however, complying with the treaty would raise many new defense policy questions. For example, the Armed Services Committee took a detailed look into the implications for the North Atlantic Treaty Organization of the loss of the weapons to be destroyed under the agreement. Overall, the treaty is found to enhance NATO and U.S. security.

I do not believe that any of the Senators who support this treaty and who plan to vote for its ratification believe that the INF agreement is perfect or that it alone will end the nuclear arms race. I do believe that Senators who support this treaty and who plan to vote for it believe that it is a good, verifiable, treaty and that it is a landmark contribution toward arms control. I support the INF Treaty and I urge my colleagues to vote for its ratification.

Mr. MELCHER. Mr. President, there can be no greater or more significant achievement in this generation than the ratification of the Intermediate-Range Nuclear Forces Treaty, because it starts us down the path of, first, limitation, and, then, elimination of nuclear weapons. By our vote, we speak not just for Americans, but also on behalf of all mankind.

What we unleashed in awesome, destructive power upon Hiroshima and Nagasaki has since then by immense technological changes wrought even more terrible powers of destruction. There could be no small nuclear war because, when either side uses nuclear weapons of any size, the opposing side would use larger and larger nuclear weapons. What was not destroyed by initial blasts would eventually be plagued by fallout anywhere and everywhere on the planet. Air currents would circumvent the globe, eventually delivering radioactive particles to all parts of the globe and all creatures, great and small, would eventually perish while mankind, whoever and wherever, peasant or Pope, serf or king, could await and anticipate their demise and death.

What mankind has wrought in harnessing the nuclear powers of destruction, mankind has to control to avoid destruction of all man.

So, make no mistake. This nuclear arms limitation involves only a small fraction of the nuclear warheads on Earth and only a limited area of the Earth, but it is the most significant achievement of this generation because it is a first step in controlling the destiny of the world toward limiting and then eliminating the threat of the world's destruction.

As in the Chinese proverb, in a journey of a thousand miles, the most important step is the first step.

This treaty ratification is that most important first step.

MINUTIA, MYTH, AND MACHINATION

Mr. HATFIELD. Mr. President, I have spent the better part of these last 2 weeks watching this debate. Let me say at the outset that it was a relief to finally have the opportunity to cast a vote for a treaty, any treaty, that moves forward the cause of arms control. I did so in good conscience. I did so without ambivalence.

I wish I could also say that I did so knowing that the positive benefits of this treaty will negate the cumulative damage done to arms control and strategic stability over the last decade. But I cannot. It is difficult to estimate how many steps backward we took before deciding to take this one small step forward.

And so I am troubled, Mr. President. I am troubled because while the content of this treaty offers some hope for the future, the content of this debate offers little hope. I am troubled because the principle concerns with which this Chamber has obsessed itself for almost 2 weeks, can be summed up in three words: minutia, myth, and machination.

Let me turn first to the minutia. I contend that when all is said and done and the smoke has cleared, history will note the significance of this treaty for one reason and one reason only: that reason is onsite verification. By all logic, onsite verification should have been as nonnegotiable for Soviet General Secretary Gorbachev as it would have been for a Russian tsar.

I dare say, however, that those of us who have a record of support for mutual and verifiable arms control were less taken aback by the recent change in the Soviet position than were the resident arms control saboteurs of the Reagan administration. There have been two types of individuals dealing with arms control in this administration—the saboteurs and the hard bargainers. Fortunately, the latter—like the tortoise and the hare—outlasted and outendured the former.

It is unfortunate that the true meaning of this historic moment, the fact that we have shattered a barrier of immeasurable significance to the promise of peace, has been obscured by the obsession with minutia which has characterized this debate. I submit that this treaty should have been named the "On Site Verification Treaty of 1988."

So much for the minutia, Mr. President. Now for the myth. One of the amazing things about all myths is that if you tell them often enough, everyone begins to believe that they are true. If you say something, anything, over and over again with enough conviction—no matter what it is—it becomes virtually impossible to distinguish fiction from fact, rhetoric from reality.

So it is with what my colleagues have been calling our grave conventional vulnerability in Western Europe.

Mr. President, we have been hearing about the overwhelming superiority of Warsaw Pact forces for so long now that hardly anybody questions it anymore.

Mark my words: The "conventional gap" is going to be the battle cry of the 1990's. You would think the NATO alliance will be left with nothing more than a couple of sling shots.

Is that really the situation, Mr. President? I suggest not.

If it were, technology would mean nothing. The Joint Chiefs of Staff—our Joint Chiefs of Staff—estimate that out of 20 key military technologies the United States—and therefore NATO—leads in 14, the two sides are equal in 5 and the Soviets lead in 1.

If it were, all the money we have spent over the years would mean nothing. This overwhelming superiority argument implies that, although NATO has outspent the Warsaw Pact on defense since 1965, the Warsaw Pact is somehow vastly more efficient and more capable than NATO.

Let me also remind my colleagues that we are not creating a nuclear free zone in Europe. There will be 4,350 nuclear weapons in Western Europe after the INF Treaty goes into force. Artillery shells, depth charges, Lance missiles—and that does not even take into account the 400 submarine-based ballistic missiles included in NATO's general strike plan.

I could go on and on, Mr. President, about terrain and morale and training and leadership, about our longstanding, and I think sensible, commitment to quality over quantity. But if sheer numbers always translated into victory, battles from Fredericksburg to Barbarosa, from Korea to the Falklands, would have turned out very differently.

You do not add up numbers of troops and tanks and hardware and compare them to the capability of the enemy to determine if the defensive posture is adequate, because the defense relies on an entirely different configuration of forces.

Before my colleagues buy into this myth of a grave conventional gap, this myth of a defenseless Western Europe, I have a warning: We have heard about these "gaps" before.

In the 1950's, it was the bomber gap. The fear was the Russians would have 600 to 700 long-range bombers by 1960. What they actually had by 1960 were 190 long-range bombers—at least 300 less than what we had.

In the 1960's, it was the missile gap. The Soviets were expected to have between 500 and 1,000 intercontinental ballistic missiles by 1961. What they actually had in 1961 were 10 ICBM's, while the United States had 200.

More recently, it was the spending gap. The 1970's—when U.S. defense outlays totaled $2 trillion—were labeled the "decade of neglect." The truth is that defense outlays grew 38 percent more rapidly than the corre-

sponding Soviet figure even during the much-maligned Carter years, but that did not stop us from approving what had become a 69-percent increase by 1987. And now the conventional gap is being stuffed down our institutional throat. I would just suggest that before we start lending our support to immense appropriations to plug this latest gap, we make sure it really exists at all. I maintain that it does not.

Now, Mr. President, let me address the machinations.

I have heard Senators on this floor talking about the lack of adequate verification to enforce the ban on ground-launched cruise missiles. I do not remember any of my concerned colleagues raising an objection at that critical moment when the technology was becoming reality; and I do not remember any of these Senators urging the President during the period prior to the deployment of cruise missiles in Europe to try to negotiate an escape.

In fact I am quite certain that they were convinced that deployment was the only language the Soviets understand, and that serious negotiations could only begin after deployment had occurred. That it might be difficult to verify a cruise missile ban somehow escaped their attention at the production and deployment stages. But at the removal stage—at the removal stage they display the nervousness of an expectant father—pacing, wringing their hands, tossing in their sleep.

But the ultimate irony is this, if verification is the primary concern and peace truly is the objective, it is far easier to verify all facets of nuclear weapons activity—production and testing and deployment—than it is to verify one isolated component. Yet I have not noticed any of the "peace through mistrust" crowd advocating the most verifiable course of all, which is a comprehensive bilateral nuclear freeze.

It is the technological dimension, not numbers of weapons, which remains the true lifeblood of this nuclear arms race. We are becoming slaves to nuclear technology and very soon there will be no means of escape.

As the inheritor of this agreement, the next President will assume a place in history both surging with opportunity and fraught with peril. Surging with opportunity because we may be facing a new dawn of superpower relations. Fraught with peril because there are going to be a lot of people around this town who will be out of a job—virtually devoid of a justification for existence—if peace were to break out.

The most fraudulent enemy of arms control has always been the charge "You can't trust the Russians."

Yet all of the initiatives put forward by responsible advocates of arms control have been firmly grounded on the unequivocal principle that they must be mutually verifiable. If you cannot verify it, you do not do it. It is that simple. In fact, the world "trust" does not belong in any responsible debate or discussion about arms control. We should banish it from the official vocabulary. Therein lies the true significance of this treaty. More than anything else, this treaty holds forth the promise of a world devoid of the incredibly false contention that if only we could trust the Russians, there would be peace.

Let no one be fooled—least of all the American people—about the meaning of this moment. As my colleague Senator BUMPERS observed the other day, we already have produced more warheads since that much hailed and historic occasion when the leaders of the superpowers signed this agreement than will be reduced by the agreement itself.

A few of us attended a play the other night entitled "Walk in the Woods." It is based on the famous walk in the woods taken by Paul Nitze, the American arms control negotiator and his Soviet counterpart. A few of the lines were very relevant to this point. The American negotiator says "But there is not a quest for peace here." And his Soviet counterpart responds, "Ah, but there is a quest for the appearance of the quest for peace."

We could video tape, wiretap, and employ electronic surveillance against every Communist on the face of the Earth and they would say: "The technology isn't good enough." We could drain every last penny from the Federal budget to build every conceivable weapon the scientists can come up with, and they would say: "We need more money." And we could develop such astonishing military might that it would bring the Soviets to their knees begging us to stop and they would say: "Not just yet." And each and every time they will justify it in the name of peace.

So when I hear the so-called voices of reason, as I have on this floor, join in a chorus of caution to "go slow" with START: I wonder what it would take to get them to demand that we move faster. When I hear the so-called voices of reason call for "caution" on this treaty: I wonder what it would take to embolden them. And when I hear the voices of doom weaving scenarios of imminent destruction resulting from this small step forward for humankind: I wonder what they think will happen if we wait another 16 years. It has been 16 years since we voted on an arms control treaty. Do we really want to wait until the year 2004 for the next one? Call it what you want, but as far as I am concerned the treaty I voted for is the "onsite verification treaty." This Senate has been locked in a cold war time capsule since 1945. This treaty unlocks the door. Now it falls to us to decide whether we want to evacuate the time capsule—or to stay inside—in which case we will surely plunge into the abyss. That does not need to happen. Let us open the door and let ourselves out.

Mr. GRASSLEY. Mr. President, soon we will have to decide whether we will approve the United States-Soviet INF Treaty that is before this body. The concept of removing an entire class of nuclear weapons is a goal that all of us subscribe to, for its own value and as a first step toward further serious arms control.

I firmly support the effort toward a reduction in nuclear arms.

Both sides, the United States and the Soviet Union have sufficient nuclear weapons to destroy each other and possibly the world. To diminish this threat is something I wholeheartedly endorse.

In examining this treaty, it is obvious that it accomplishes some significant breakthroughs and achievements that might lead the way to further and more comprehensive nuclear arms reduction agreements. For this, the administration and its negotiators deserve credit.

In evaluating this treaty, the main criteria that I used to judge this or any arms control agreement that comes before this body is, does it enhance the ultimate security of this country? By agreeing to these reductions in INF nuclear weapons, as small as they are—and we are really only talking about a 3- to 4-percent reduction in our nuclear arsenals—are we maintaining our ability to adequately defend ourselves? I am not under the illusion that this treaty will seriously threaten our national security, but there are several issues that cause me concern, concern for this particular INF Treaty, and serious concern for future arms control agreements.

The first concern that I have is over verification. Numerous flaws and problems have arisen over the verification procedures in this treaty. We recently heard from Secretary Shultz that these differences have been resolved to our satisfaction.

This body should examine closely these issues to make sure they are indeed resolved to our satisfaction and that the ambiguities have been cleared up and the verification procedures are as we negotiated them.

Both the administration and the intelligence community agree that this, or any treaty is not 100 percent verifiable and that the Soviets could maintain a covert force of SS-20's without being detected. They argue, however, that the Soviets could not cheat in a "militarily significant" way and that training, deployment, and testing of a covert force would certainly be detected.

This leads me to my second concern that of a compliance policy.

These statements about Soviet cheating concern me because it seems to imply that we can expect some violations of the treaty on the Soviet's part, violations that we might or might not be able to detect. And quite

frankly, I do not put a great deal of faith in the Soviets willingness to adhere to treaties.

An examination of past arms control agreements in general, does not give one a good feeling about how well totalitarian states comply with arms reduction pacts. When these governments see an opportunity to gain military or political advantage, they violate or ignore the treaty with impunity. The experience the democratic governments of pre-World War II had with the Axis Powers over naval arms control pacts was one of violation after violation with little or nothing done to penalize the offending party.

The lesson to be learned from this experience is that any verification process, regardless of how accurate it can be, will be meaningless if the will to take specific and definite action against violations is lacking.

When one examines the record of Soviet adherence to arms control pacts, there is the feeling we are watching history repeat itself.

We all know the litany of Soviet arms control violations, and I am sure we will hear them listed in great detail before this debate is over.

What has been the U.S. Government response to these violations? Basically, nothing. President Reagan finally had enough of Soviet noncompliance and withdrew the United States from its voluntary compliance with SALT II. This has been the only real retaliatory action taken by the United States.

None of the treaties had any type of compliance policy that detailed what the consequences of Soviet violations would be. And we can clearly see the results this has produced.

Yet with these lessons to draw upon, how have we tried to remedy the problem? An examination of this treaty provides no glimmer of a positive compliance policy. We have set up another commission—the Special Verification Commission—to deal with compliance questions.

This will probably be as ineffectual as the Standing Consultative Commission set up to deal with SALT I and II problems.

The Soviets have already tried to evade and renege on verification procedures, before the treaty was even ratified. What can we expect if the treaty is ratified and the threat of delaying action on it as this body did last week is removed? The administration must provide some indication of its response to potential Soviet violations.

If the administration refuses to do this, then the Senate should in the future do it for them. We need to put the Soviets on notice that we will not tolerate violations to the treaty.

I cosponsored an amendment with Senators WALLOP, KARNES, GARN, MCCAIN, NICKLES, MCCLURE, and WILSON that will impose a compliance policy on the treaty. It does not go as far as I would have liked, but it does force the President to report to Congress on Soviet compliance and, in the absence of compliance, set up a mechanism for the President to initiate a proportional response. The Senate will then have the opportunity to approve or disapprove by resolution the President's actions. Of course, the Wallop amendment was defeated, but I have hopes future administrations will carry out its goals regardless.

In conclusion, Mr. President, let me say, I applaud the spirit and intent of this treaty. It is a first step toward serious arms control reduction. And with constructive and responsible action we can make this a viable treaty and at the same time send a message to the Soviets that we are serious about a workable START Treaty.

Mr. BENTSEN. Mr. President, I support ratification of this treaty. It provides important limits on the Soviet military threat to Western Europe and unprecedented measures to protect us against any secret Soviet cheating.

This agreement will force the Soviet Union to withdraw and destroy some 1,836 intermediate and shorter range missiles which are now targeted on us and our allies. We will have to destroy less than half that number. The 3,136 Soviet nuclear warheads associated with these missiles must also be removed. We will remove 859 such warheads, still leaving over 4,000 nuclear weapons in NATO to help deter Soviet aggression.

As the Chairman of the Joint Chiefs of Staff testified, "The Soviets will lose capability in both the European and Asian theaters. They no longer will have the capacity to hit with ground-launched theater ballistic missiles Great Britain, Spain, France, Italy, and a large part of Turkey; or strike with these weapons many of our pre-positioned major equipment sites and debarkation sea and airports in Western Europe."

Admiral Crowe also noted that two of the major shorter range delivery systems which could be used for a chemical weapons attack on NATO Europe, the SS-12's and SS-23's, would be removed from the Soviet order of battle by this treaty.

While the military benefits are the principal test of this agreement, it also constitutes a major success for United States and allied diplomacy. We decided to modernize our nuclear forces in Europe and carried through with the deployment of these systems in spite of strong domestic opposition in some countries. We called the Soviet bluff when they walked out on the talks in 1983, and we eventually achieved President Reagan's original zero option—the elimination of all ballistic and ground-launched cruise missiles with ranges between 300 and 3,300 miles on both sides.

As a member of the Senate Intelligence Committee, I was involved in our comprehensive review of verification issues. We concluded that the United States should be able to monitor the removal and elimination of the Soviet weaponry declared under the treaty with certainty.

We also noted, however, that significant improvements in our intelligence capabilities are needed if we are to be able to monitor and verify a strategic weapons treaty—where the Soviet incentives to cheat would be much greater and the consequences of any such cheating far more serious.

While Europe without the INF weapons would not be denuclearized, the remaining balance would still show important Soviet advantages, particularly in conventional forces. I believe that NATO must take prompt steps to redress that balance in order to maintain the credibility of its strategy.

The Soviet arsenal is too menacing for us to rely on anything short of countervailing power. We know from history that Soviet smiles may vanish overnight, and cooperation can turn quickly into fierce antagonism. Accordingly, we need a defense force that can deter or if necessary defeat the Soviets, an American force tailored to Soviet capabilities, regardless of their intentions.

Mr. President, I do not have confidence in the Russians. I believe that they will do whatever they perceive to be in their own best interests, regardless of treaties or international law or world public opinion.

It so happens that this treaty seems to be consistent with Soviet interests as well as with our own. In addition to the modest military benefits of removing certain missiles on each side, the agreement allows the Russians to proclaim their peacefulness and to renew their propaganda offensive in Western Europe. But it also shows the world that the United States is committed to both peace and strength.

We have also obtained important Soviet concessions in the INF Treaty which I hope will be exploited in the negotiations on strategic forces. For example, the Russians agreed to disproportionate reductions in their own forces compared to ours, more than twice as many missiles and nearly four times as many nuclear warheads. They also agreed to onsite inspection on an unprecedented scale and to cooperative measures to improve verification.

The Soviets will now be tested, tested on whether they will accept similarly tough provisions in future arms control agreements and tested on whether they will fulfill their other international obligations, such as on human rights. They also will be challenged to carry out their promises to withdraw from Afghanistan and to demonstrate cooperation on other international problems, such as the Middle East, Africa, and Latin America.

As Soviet President Gromyko has said, General Secretary Gorbachev has a smile with iron teeth. He is tough and smart. And we have to be tough and smart in dealing with him.

That is why we should use approval of this INF treaty as part of the foundation for broader cooperation—if the Soviet Union is willing, and if the terms are fair and equitable for us.

Mr. President, I know that many proposals will be offered to alter or impose conditions on this agreement. I am sympathetic to several of them. For example, I regret that the agreement has forever precluded development of a conventionally armed ground-launched cruise missile, for I believe that such a capability could be very valuable in NATO.

I also regret that this administration has not pushed the Russians harder about past violations of arms control agreements. For this and future agreements to succeed, there must be a much tougher standard of compliance, and a much greater willingness to raise complaints directly with the Russians.

Nevertheless, I do not want to sacrifice the positive achievements of this agreement for the sake of preferable "might-have-beens." I certainly do not want the Senate to give aid and comfort to America's opponents by trying to reopen settled questions, thus letting our adversaries blame us for delays in the ratification of the treaty and perhaps even a stalemate in renegotiations that kills the treaty.

I do want the Senate to approve this agreement, and do so in time to strengthen President Reagan for his Moscow summit meeting. It would undercut his standing, and thus his ability to press the Soviet leader on so many issues which we also consider important in United States-Soviet relations, if we stall on the treaty or burden our approval with conditions that we know to be nonnegotiable.

Mr. President, my enthusiasm for this agreement is tempered by my recognition of its limitations and of the disappointing record of bilateral agreements in bringing lasting changes in Soviet behavior at home and abroad. While the consequences of approving the treaty are modest, those of rejection would be immediate and severe, particularly among our allies. I also am willing to tilt toward my hopes and away from my skepticism.

This treaty can lead to a safer world for us and our children and grandchildren. It can be the first step toward much more significant measures that enhance our security and reduce the terrifiying danger of nuclear war. I hope and pray that our actions this week do lead in that direction.

Mr. DODD. Mr. President, although I am in my eighth year as a Member of the U.S. Senate, this is the first time that I have had an opportunity to review and pass judgment on a new arms control treaty.

This is also the first time, even for the most senior members of the Senate, that a treaty eliminating a whole class of nuclear weapons is subjected to the advice and consent of this body. These two "firsts" indicate the significance of this debate for me, as well as for the Senate, and the whole Nation.

Having examined this treaty very carefully during the past 5 months, I want to commend the President, the Secretary of State, and our superb negotiators, for their persistence in pursuing this agreement and the negotiating skill with which they accomplished their task. They deserve full credit for the success. I also want to point out that President Reagan, and President Carter before him, enjoyed solid bipartisan congressional support on the INF issue every step of the way. We backed the dual-track decision, we consistently supported the deployment of the Euromissiles, and when the Soviets walked out in Geneva, together with most of my colleagues, I put the blame squarely on the Soviet Union. This treaty was negotiated against a backdrop of solid bipartisan support, and rightly so. Arms control negotiations, where the security and survival of our Nation is at stake, must be the last place for partisan bickering.

Our support for this important national undertaking did not mean, of course, that we went about our constitutional role of advice and consent in a perfunctory fashion. As a member of the Foreign Relations Committee I have experienced firsthand the very thorough, responsible, and expert manner our committees reviewed all facets and implications of this treaty and its annexes.

My first reading of this treaty last December convinced me that it was a good, solid accord. Nonetheless, to make my final decision, I needed clarifications and reassurances on several aspects, and I made full use of the committee procedure to obtain those clarifications and reassurances.

One major area of concern for me was the continuing vitality, security, and cohesion of the NATO alliance. I was particularly disturbed by several articles written by Henry Kissinger, who is certainly one of the most profound and original strategic thinkers our country has ever had. While giving lukewarn endorsement to eventual ratification, Dr. Kissinger raised a number of points that he deemed to be shortcomings of this treaty and its negative effects on NATO. Beyond engaging Dr. Kissinger himself on these points, I repeatedly quoted his arguments to other witnesses, among them Secretary Shultz, former Secretaries Vance and Rogers, and Ambassadors Burt, Keel, and Galbraith. From this fascinating clash of expert views I concluded that while Dr. Kissinger's arguments are legitimate, the NATO alliance will not be weakened by the implementation of this agreement as long as its members retain their dedication to its common objectives. The dual track process, from its inception to the conclusion of the INF Treaty, was one of the best examples of concerted, coordinated, and decisive allied action in recent memory.

I carefully questioned our witnesses on the continuing modernization of our NATO forces. I am a dedicated supporter of further vigorous arms control efforts. At the same time, I am not blind to the fact that for almost 43 years nuclear weapons have insured the peace in Europe by providng a certain stability and balance, albeit a balance of terror. Those of us who strive to reduce nuclear weaponry must take on, with equal vigor, the obligation to insure a new balance in a world with reduced weaponry. Moreover, we must maintain stability not only at the starting point, and not only at the finish line, but at every point along the way. In my statement to the Foreign Relations Committee I likened this process to the precarious disassembly of a house of cards. Card by card it must be disengaged without ever letting the house collapse, until the last two aces, leaning against each other, are removed. During my exchanges with Ambassadors Kampelman and Glitman I gained assurances that article XIV of the treaty about conflicting undertakings cannot be interpreted as barring efforts to modernize NATO weaponry as long as we do not produce, test, or deploy weapons specifically banned in this treaty.

We are all concerned about Soviet violations of past treaties and about prospective future violations. With our able negotiators I explored the consequences of such violations, and the available remedies, including withdrawal from the treaty. In the same issue area I also discussed the significance of the Krasnoyarsk radar with our verification panel.

The recent controversy about the ABM Treaty made me keenly aware of the importance of clarifying this treaty's provisions to leave very little room for potential confusions and disagreements. I asked many questions to clarify the meaning and legal effect of particular wordings in the treaty. It was also due to the ill-effects of the ABM controversy that I fully supported the inclusion of a committee condition in the resolution of ratification on constitutional principles concerning treaty interpretation. My suggestion to narrow and focus the suggested language was accepted by the committee and included in the reported condition. This condition is likely to become subject of a separate debate and I will address this particular question in more detail at that point.

As for the technical details of verifying the data base and the future implementation of the treaty. I have complete confidence in my colleagues on the Intelligence Committee who did a very thorough job ascertaining that the verification regime is more than adequate to prevent any militarily significant violation from remaining undetected. I also approved of the requests of the Armed Services and the Intelligence Committees to seek and obtain supplemental agreements on

questions of futuristic systems and verification details.

Mr. President, I have worked hard during the past 4 months to reassure myself, my colleagues, and the American people on the soundness of this agreement and the rightness of our agreeing to its ratification. This treaty is not prefect, but it is as good as it can be made under the circumstances. There is no doubt left in my mind that it is very much in our national interest to consent to its ratification.

It is true that the military significance of this treaty is small. It removes but a fraction of the existing nuclear arsenals. But the political significance is enormous, not just by what it accomplishes in the short term, but more by what it achieves in the long term. It restarts a process by which we can continue to strive for a less dangerous world; a world where we can preserve and enhance our security at a lower level of armaments, with less risks, with no incentives to strike first, and maybe ever with lower expenses.

I am not among those who believe that everything labeled "arms control" is necessarily desirable. There can be bad agreements, and there can be fatally dangerous agreements. But I believe fervently that good, comprehensive, solid agreements are achievable. We should spare no effort to work for them while providing prudently for the maintenance of our strength and acting in concert with our allies.

Mr. President, this treaty fully deserves what, I hope, it will receive in this Chamber, an overwhelming vote of confidence.

LINKAGE ON THE INF TREATY TO PARITY IN THE CONVENTIONAL BALANCE

Mr. WIRTH. Mr. President, during the debate on this treaty, we have heard considerable discussion of the conventional balance in Europe. This is an important issue, but for a variety of reasons it should not be linked to the INF Treaty. The issue will be discussed under the CDE framework, and I hope we will come to agreement with the Soviets on conventional arms control. But as I will outline at some length, linkage with INF is neither appropriate nor timely.

The effort to create a linkage between the INF Treaty and the achievement of conventional force parity in Europe is a dangerously misguided exercise.

There is no inherent relationship between the two. The provisions of this treaty and their impact on NATO's defenses and security were thoroughly studied by the Armed Services Committee during the course of its review of the INF Treaty. The committee's conclusion was that the INF Treaty did not increase or exacerbate unfavorable aspects of the existing balance between NATO and Warsaw Pact conventional forces. In fact, we found the opposite to be true, as we stated in our report, "in broad terms, the committee believes the INF Treaty can make a modest but useful contribution to NATO security."

So to attempt to create an artificial, negative linkage between the INF Treaty and the conventional balance in Europe is to do injustice to an agreement which adds to NATO's security.

The second dangerous element in this attempted linkage is the very concept of parity in conventional forces in Europe. Once the INF Treaty is ratified, the focus of our attention will turn to conventional arms control in Europe. It is very important that we begin this debate with a clear understanding of what the issues are. We can take a significant step toward ensuring an educated, accurate debate on conventional arms control, if, at the outset, we lay to rest obfuscating fallacies before they take hold. Today I want to address what I fear may become a central fallacy in the conventional arms control debate.

I believe there exists a serious misunderstanding about conventional parity—what it means, and even more importantly, what it does not mean. "Conventional Parity"—it has a nice ring to it if you say it fast enough, Taken at face value, it would seem there could be no argument over the desirability of parity between adversaries who live in uneasy peace on opposite sides of a fortified border. It would seem that the continuance of this peace might depend on equal numbers of forces and equipment on each side, so that both sides would view initiating aggression as fraught with risks, and the outcome highly uncertain.

However, simple parity is not just simple, it is simplistic. It assumes that the only variable that is important is a simple numerical ratio: tank for tank; artillery tube for artillery tube; division for division. This simple numerical logic is an illusion, but before addressing the factors that make it so, let me ask two questions.

First, are those who decry the conventional balance in Europe, who claim it is so unfavorable to NATO that without the missiles removed by the INF Treaty NATO is in imminent danger of being overrun by Soviet forces—are those critics ready to transfer funding from the Strategic Defense Initiative to the conventional forces budget? If the conventional balance is really in such a criticial state, we should do it without delay. But I daresay if it were put to a vote these critics would not support it.

Second, if such a conventional comparison is paramount, the proponents of improving the conventional balance should be leading a mad stampede to transfer money from aircraft carriers to tanks and artillery. In aircraft carriers we have a 14 to 1 advantage over the Soviet Union, and we're still building carriers. Following the logic of the conventional balance doomsayers, increasing this already great U.S. advantage makes no sense. We should be using these carrier funds to buy tanks. But we're not, and I daresay there would be considerable opposition were it proposed.

The negative answers to these questions demonstrate a fundamental and almost incomprehensible inconsistency in our allocation of defense resources, if, the conventional balance is as dangerously unbalanced as those who call for conventional parity claim. Let us examine this apparent inconsistency, and begin by reviewing a variety of variables.

1. STRATEGY

Is NATO strategy the same as the Warsaw Pact's? Or are there fundamental differences? Proponents of conventional linkage assume our strategies are the same, and so assume that the same weapons systems are required. But this is gravely wrong.

2. QUANTITATIVE COMPARISON

The unspoken assumption of the proponents of linkage is that it is a straightforward matter of adding up totals. It is not, any quantitative comparison involves a broad variety of vexing variables. A bean count is not enough.

3. QUALITATIVE COMPARISON

If quantity is hard to measure, so much more so is quality. Factoring in quality makes any quantitative assessment much more difficult and complex, and ultimately, uncertain. But to ignore the qualitative factor is to render any bean count even more shallow.

Finally, we should recognize that the key to assessing the European balance is not simply to compare the size of the opposing forces, but to focus on the use each side would make of the resources available. I intend to examine this issue now. I believe when I have finished my colleagues will be persuaded that the linkage drawn between the INF Treaty and conventional force ratios in Europe is not firmly based in fact, but instead rests on very weak, unstable ground.

Let us first look at strategy. Gen. John Galvin, Commander in Chief, U.S. European Command, testified this year before the Armed Services Committee on the role and mission of NATO:

> NATO is a defensive alliance. Its members are committed to use military force only in response to aggression. Therefore the Alliance does not maintain forces capable of overwhelming its potential adversaries. Because our primary objective is to deter attack we must be able to convey the message that as an alliance we have both the capability and will to protect our interests. In the event that deterrence fails, NATO forces must be able to preserve or restore the territorial integrity of Alliance nations and bring the war to a close on favorable terms as soon as possible.
>
> Any force comparison is incomplete without considering what the forces are trying to accomplish. The strategic doctrines of the two alliances are in sharp contrast. NATO's strategy is entirely and exclusively defensive, rejecting the advantages of initiative that accrue to any attacker; that is,

ability to select the time, place, and nature of an attack. * * * Every aspect of Soviet military posture—weapons, force structure, training, and doctrine—are all designed to maximize the potential for rapid offensive operations over long distance.

We do not need to match the Warsaw Pact man for man or tank for tank. What we do need is a conventional capability strong enough to frustrate aggression and increase the time before nuclear weapons would have to be used. Such a capability would preclude hasty decisions to use nuclear weapons and enhance NATO's strategy of flexible response. Deterrence would be more credible because Soviet planners could not be sure of gaining the objectives of aggression so swiftly that NATO would be unable to consider the use of nuclear weapons.

As General Gavin has testified, the strategies of NATO and the Warsaw Pact are dramatically different, requiring very different resources and alignments.

Let us now turn to a second variable—the static quantitative comparison itself. Once again I shall quote General Galvin:

In order to know what action needs to be taken to maintain adequate conventional forces, we must have a clear understanding of the relative strengths and weaknesses of the two alliances. The NATO-Warsaw Pact military balance is a measure of the relative capability of military forces that results from a complex combination of factors that together form military power.

Even a quantitative comparison is not simple. At Supreme Headquarters Allied Powers Europe we have examined more than 150 analyses of the East-West balance. These reflected a great variation in analytical techniques—and a wide variety of conclusions.

Even the prestigious International Institute of Strategic Studies is backing off specific bean counts. The recently published 1987-88 edition of the Institute's The Military Balance notes that its figures have been "much quoted but also at times misrepresented", and that "political leaders, East and West, sometimes use assessments of the balance selectively to rally public support for their foreign defense policies."

Significantly, this year the Institute includes an essay on the conventional balance in Europe, going beyond quantity alone:

No single approach is likely to prove useful for all purposes. Indeed, it is a misnomer to speak of a single, overall balance.

According to John Cross, who oversees the compilation of the report, the Institute has "started to spell out the 999 ways in which pure bean counting doesn't give a sensible answer."

And even if quantity were the only measure, would that be enough to assure victory? History tells us it is not. At Austerlitz in 1805, the smaller force won; at Antietam and Fredricksburg in 1862, and Chancellorsville in 1863, the smaller force won.

At the Battle of Frontiers in 1914; the fall of France in 1940; the Nazi invasion of Russia in 1941; the North Korean invasion of South Korea in 1950; the Sinai in 1967; the Golan Heights in 1967 and 1973; and in the Falklands—The Smaller force won.

A reliance on static quantitative comparisons alone to measure NATO and Warsaw Pact forces does show that NATO's is the smaller force. But this is not the whole story. To quote again from General Galvin,

If we look only at forces stationed in Western or Eastern Europe, the Warsaw Pact outnumbers NATO only slightly in personnel and more than 3 to 1 in tanks, artillery, and combat aircraft. If we look at both sides when fully mobilized and reinforced, the Soviet advantage declines.

Furthermore, "NATO has traditionally sought to make up for its numerical disadvantages by maintaining an edge in quality of its forces." Some weapons are more equal than others. The point can not be ignored—combat capability is another crucial variable in an estimate of a military balance. One not taken into consideration by the traditional bean count.

Neither is readiness. Again according to General Galvin, "the readiness of NATO forces is generally higher than those of the Warsaw Pact." But the General also said, "we have to improve readiness throughout NATO with better training." And NATO's interoperability problems are well-known. All this simply demonstrates that readiness is yet another complex variable.

There is, in fact, a whole list of qualitative variables that make the static quantitative analysis unrewarding by itself. Josh Epstein of the Brookings Institute has given a summary of this issue:

* * * bean counts—static side-by-side enumerations—of peacetime military inventories of tanks, planes, and so forth do not constitute assessment of the conventional military balance in Europe or anywhere else. A close accounting of each side's prebattle forces is obviously necessary to any assessment of warfighting capability; but such accounting alone is far from sufficient. Warfare is a dynamic process in which the opposed forces grind each other down, a process whose pace and outcome depend crucially upon factors that simply cannot be captured in a bean count, no matter how balanced. Some of these factors are obvious: Technology (weapons' quality); Training and troop skill; Command, control, communications and intelligence; Reconnaissance and targeting capabilities; Relative concealment and exposure (use of terrain); Logistics; Force-to-space constraints; Reliability of allies; Readiness; Warning and suprize; the relative willingness to suffer attrition and yield territory; asymmetries in goals and tactics.

Finally, we cannot ignore the context in which any comparison exists—the respective economic, social and political environments. We are all aware how very different these environments are. We must also acknowledge that they are never static.

Furthermore, not only are our respective political and economic systems so different, but so too are the challenges we face. In the West, a number of factors on both sides of the Atlantic have been working against NATO's military posture; the public diplomacy of Gorbachev, diminished concern about a Pact attack on the West, euphoria on the arms control front, a tangled web of economic uncertainties, chronic Federal budget deficits, and the allure of distant as opposed to current military technologies.

But the Eastern bloc also has more than its share of problems: a legacy of economic and political stagnation from the pre-Gorbachev era; continuing structural economic difficulties; a weak and limited technological base far inferior to those of NATO nations; demographic trends unfavorable to the ruling ethnic Russians; and an uncertain allegiance among the Warsaw Pact countries.

Clearly, there is much more to evaluating and determining the conventional balance than a simple bean count approach to parity. I would be the first to admit that NATO's conventional forces have their weaknesses, and to acknowledge that a diligent and determined commitment of resources is required for NATO to retain its deterrent capability. But NATO has many strengths as well, strengths poorly represented by a bean count. Thus the call for conventional parity, with or without the INF Treaty, is not only unnecessary, but very much the wrong approach to conventional arms control. Consequently, linkage between the INF Treaty and conventional parity is inappropriate and unnecessary.

In conclusion, I direct my colleagues' attention to the following statement by Admiral Crowe, Chairman of the Joint Chiefs of Staff, from his testimony on the INF Treaty before the Armed Services Committee:

The JCS have unanimously concluded that on balance this Treaty is militarily sufficient and also adequately verifiable. In turn, they believe that this accord is in the best interests of the United States and it allies and strongly recommend its ratification by the U.S. Senate.

Mr. HECHT. Mr. President, this discussion we have undertaken on the INF Treaty has been a tough question for me. One of the toughest I've faced in the Senate. A President for whom I have the greatest respect and affection urges us to trust that the leaders of the Soviet Union are beginning to change their behavior, to honor treaty commitments, to behave responsibly in the international community. This, against a long history—some quite recent—of Soviet misconduct, attacks on our interests, and violation of numerous treaties and other agreements. We're being asked to agree to elimination of a weapons system that just a short time ago, we were told was vital to the defense of Western Europe.

And, to make the matter still more difficult, Mr. President, the technical questions of arms control itself, and the technological aspects of intelligence support to the compliance verification process, are almost beyond comprehension by anyone other than arms control specialists, engineers, and

mathematician war gamers. The complexity and the incredible amount of detailed information we've had to examine on the intelligence aspects of the proposed treaty alone are mind boggling. On this point, Mr. President, as a member of the Intelligence Committee and one who has been intimately involved in this process, I want to compliment Chairman BOREN and Vice Chairman COHEN, for the quality and the exceptionally efficient management of our committee work on the treaty. They have shown outstanding balance, fairness, and understanding of the very complex intelligence issues involved and I applaud their high caliber leadership.

Mr. President, most Americans, when confronting a difficult decision will normally examine the positive side of a debate first. We're just adapted to the action oriented approach—but—given the history of this issue, and the possible consequences if we make the wrong decision, I want to begin with the basic arguments against ratification.

First, Mr. President, should the Senate accept what we've seen so far of glasnost and perestroika as solid evidence that the leaders of the Soviet Union are giving up a singularly bad part of Marxist-Leninist political doctrine? Have they abandoned those concepts which they claim give them a philosophical right to lie, cheat, and steal in international relations in pursuit of Soviet Communist expansionism? I think not.

There's much intellectual debate around the world on this question these days, but we see no real renunciation of the basic political philosophies which stand behind Soviet Communist expansionism. I have had a number of opportunities to question Soviet officials directly about this point, and the responses have been at best evasive and murky. In a previous statement I made on this floor, I cited the U.S.S.R.'s long history of treaty violations and international misconduct. That list, of course, is based on proven Soviet action, all in the name of Communist expansion and increases in Russian nationalist power.

From the intelligence viewpoint, Mr. President, we cannot offer the American people complete assurance that we will be able to detect and report accurately—and in a timely manner—possible Soviet attempts to cheat on this treaty. Senators should note the careful and precise language of the Intelligence Committee report on this point.

Ratification of this treaty is an important—if somewhat symbolic—step toward denuclearization of our defense of Western Europe. The ultimate result could be for the United States to drop what has been a successful strategy, without a prior reduction in superior Soviet/Warsaw Pact conventional forces. The danger lies in attempting to defend Western Europe without either a significant reduction in Warsaw Pact conventional forces or a costly upgrade in NATO conventional forces strength.

There are early signs of a change in the Soviet "closed society," and indications of a turn toward greater concern for domestic economic development and increased domestic flow of information in pursuit of that development. Nevertheless, they are a long way from an open society in the way we in the west understand and live that concept. The implication for their ability to cheat on treaty compliance are obvious.

The final negative argument I wish to cite is an internal budget issue—that is, if this treaty is ratified, the administration must find a way to pay for special intelligence collection resources to participate in the verification process. A significant sum must come from a nonincreasable national defense budget figure. There has been no proposal that elimination of the nuclear IRBM will create amortization funds to pay for the inspection/verification process.

Now, Mr. President, what are the arguments for ratification? For starters—despite efforts from some sources to depict Senate conservatives as the bad guys, we, too, would like to see a real lessening of military tensions with the Soviet Union. But only if there's a basis for belief that we can achieve that decrease without serious risk to our own freedom and independence. As well as that of our allies. We are told by the administration that we can move in that direction with this treaty without serious risk—and I would remind my colleagues that we would have to strain reason to accuse the Reagan administration of seeing our conflicts with the Soviet Union through rose-colored glasses.

On a closely related question: is the current Soviet shift in policy emphasis for real—that is, toward domestic economic improvement—with possible decrease in emphasis on international expansionism? If it is, should we encourage that shift? I believe the right answer in both cases is "yes." I've consulted some of the more suspicious Russian watchers in the national intelligence and foreign policy community, and they generally agree that Gorbachev is serious about his domestic economic focus. They also agree he has a very difficult task, and that his chances of success are not at all good. My own views on this question are that the United States should encourage the U.S.S.R. to focus on its domestic problems. But we should be very cautious and wary—this leopard has a long way to go before we can say it has changed its spots.

With respect to absolute assurance of timely detection of Soviet attempts to violate the treaty—again I urge each Member to review closely the Intelligence Committee's assessments on this question. I support the findings of that report. Its bottom line is that while absolute assurances are not possible, the risks involved are well within reasonable limits. As a Nevadan from Las Vegas, a former businessman, and a former banker, I claim some understanding of calculating odds and risks. And, finally, on this argument for ratification, I call your attention to the favorable outcome of the last round of clarification negotiations with the Russians in Geneva.

Will the INF Treaty take us too far down the denuclearization road in European defense—without prior redress of the conventional forces imbalance? I think not—especially if we continue to press the conventional forces balance issue. Our NATO alliance leaders have said that the INF treaty is a reasonable and desirable course, and they have at least as much, if not more, at stake on this point as we do.

On my last point for ratification, Mr. President—based on our research and evaluation in the Intelligence Committee, I believe that the administration can—through the "rob Peter to pay Paul" process known formally as adjustments in priorities and limited recovery of the program costs for the INF weapons and units—find the funds to pay for the new intelligence collection capabilities we must have.

So, Mr. President, after balancing pros and cons—where are we? Like most important questions in national security, it's where you put the weight in the values area—what's most important? for me, I am inclined to accept the judgment of the military men who have to command our forces in war, that the Pershing missile system is not absolutely vital to the defense of Western Europe. I believe we can afford the limited risk involved, especially if we have some years of experience with this treaty, as a way of judging Soviet intentions and behavior before—and I underscore before—the United States undertakes to make arms control agreements on the truly critical weapons—the strategic missiles.

In this context, Mr. President, barring the revelation of new information, or vital arguments I have not yet heard, I will vote to support this treaty, and I therefore urge the rest of the Senate to support ratification.

RATIFY THE INF TREATY

Mr. PRYOR. Mr. President, I want to state my support for Senate consent to the ratification of the INF Treaty. Its final signing by President Reagan and Secretary Gorbachev, will give people around the world a glimmer of hope for finally putting an end to the global nuclear arms race.

While this accord is historic for a number of reasons, its immediate military impact will be modest. The missiles that will be eliminated represent only 4 percent of the world's nuclear arsenal. But to the extent that it does have a military impact, I believe it tips the scales in favor of U.S. security interests.

The treaty's greatest significance is that it lays the groundwork for future

arms accords by creating a better environment between ourselves and the Soviets and by making two historic advances.

The first breakthrough is that this is the only agreement in history to actually eliminate an entire class of nuclear weapons. With this accord, we will eliminate all United States and Soviet nuclear missiles with a range of 300 to 3,000 miles. This will require the Soviets to remove four times more nuclear warheads than the United States will remove.

And second, the INF accord establishes unprecedented methods to minimize the possibility of either side cheating on the agreement. Just a short time ago, we thought that the Soviets would never agree to the onsite inspections of Soviet facilities that we believe are necessary to verify compliance. Yet, these intrusive methods are included in the treaty and its protocol regarding inspections.

Before going further, I want to complement the leaders and members of the Foreign Relations Committee, the Armed Services Committee, and the Select Intelligence Committee who spent over 4 months grappling with every aspect of this agreement. The thoroughness of their review was evidenced when the leaders held up consideration of the treaty by the full Senate until several problems regarding verification and inspection conditions could be cleared up with the administration.

Much of the debate on the INF Treaty has stemmed from by concern about the agreements possible affect on the conventional arms balance in Europe. Some have charged that the conventional forces leg of NATO's flexible response triad will be exposed by the removal of part of a nuclear leg of the triad, the INF missiles.

Mr. President, I agree that there are serious problems with NATO conventional forces that need to be addressed. Legitimate concerns have been raised about NATO firepower, sustainability, and reinforcement rates.

This INF Treaty certainly will not solve a NATO-Warsaw Pact conventional arms imbalance. Nor is it accurate, however, to portray the treaty as laying bare NATO conventional vulnerability.

Mr. President, I would note that this treaty eliminates only a small fraction of either superpowers nuclear arsenal. The United States will retain well over 4,000 nuclear warheads in Western Europe, which could be supplemented by nuclear weapons on U.S. submarines, aircraft carriers, and other maritime assets available for use in the European theater of operations.

It is a sobering fact that European targets that will no longer be covered by INF missiles, simply will be retargeted by the immense nuclear assets remaining on both sides.

Furthermore, the INF Treaty will take a heavier toll on Soviet nuclear forces than on United States nuclear forces. Specifically, it will require the elimination of 859 United States missiles versus 1,752 Soviet missiles and it will reduce the number of deployed United States nuclear warheads by 429 as compared to 1,687 for the Soviets.

I was impressed by the comments of the Chairman of the Joint Chiefs of Staff, Admiral Crowe, on this subject during treaty hearings this spring. He said:

> We are never going to negotiate a treaty where we do not give up something. * * * But we believe that in this one the trade has been favorable to the U.S. and that the balance we are seeing with the implementation of the INF Treaty is better than the one when it started.

Mr. President, my point is that this treaty is not going to create major new vulnerabilities for NATO conventional forces. The modernization of conventional forces are necessary with or without the treaty. Addressing conventional shortcomings deserve our attention and, perhaps more importantly, the increased attention of our NATO allies.

As I mentioned earlier, I believe this treaty has limited military significance. Its greatest importance is that it sets the stage for further serious arms talks, such as the START negotiations to limit strategic classes of nuclear weapons. In fact, without successful negotiations on these weapons, the Soviets will be free to simply fill the small void left by the missile eliminations in this treaty with the production of other missiles.

We are unlikely to even approach agreement in these important START talks without the groundbreaking verification conditions established in this INF Treaty.

Clearly, the Achilles heel of any arms agreement is the ability to assure each side that the other side is not cheating.

I agree with Secretary of State Shultz who testified this spring that, "there is no such thing as absolute or 100 percent verification (of compliance)." Our goal must be to assure ourselves that the treaty provides a high level of confidence that even a low level of cheating is not occurring.

This spring, Defense Secretary Carlucci testified that the provisions of the treaty do provide adequate and effective verification of compliance. He said:

> The prohibition of flight testing, the production ban, and geographic constraints will make it difficult for the Soviet Union to deploy a militarily significant covert force of the INF missiles. Should the Soviets still elect to violate the Treaty, this will prove costly, complicated, and—we believe—detectable before any significant military threat to U.S. interests arise.

The verification procedures agreed to in this treaty include onsite monitoring of specified production facilities in both countries, open inspections of missile deployment, storage, and elimination areas, the ability of either country to conduct challenge inspections for 13 years when violations are suspected, and unprecedented data exchanges to support these efforts.

If implemented correctly, these procedures should provide the confidence we need that the Soviets are in compliance. They also set an important precedent and foundation for the START talks and other arms negotiations.

Mr. President, I think that the debate on this treaty has been healthy. It has forced us to contemplate the unthinkable horrors of nuclear war, while daring us to envision a world with less nuclear tension. I think we all feel some shame that the powerful nations of the world have come to rely so heavily on the unstable protection of a nuclear umbrella.

When the Senate votes on this treaty and when the President signs it, the people of the United States and the Soviet Union can be proud that they have taken at least a small step back from nuclear war. The INF Treaty is probably not anyone's idea of perfection, but it does open the door to a safer world, while promoting our Nation's security interests.

Mr. KERRY. Mr. President, at the outset of hearings on the INF Treaty, I set forth criteria that I believed the Senate should focus on in deciding whether the treaty merited our support:

First, and most importantly, would the treaty increase stability on the East-West border in Europe, reducing the risk of a crisis turning into a war?

Second, would the INF Treaty improve the overall military balance on the East-West border, making it less likely that if such a war took place, the West would lose?

The testimony the Foreign Relations Committee received during the hearings amply demonstrated that the INF Treaty does meet this criteria: It increases stability through eliminating a class of weapons that placed Europe within 8 minutes of nuclear destruction in a superpower crisis, and it does so on terms that favor NATO.

It does so through the treaty's military and political consequences. Let us take the purely military situation first.

As we know, the object and purpose of the treaty is to eliminate weapons that target Europe at distances of between 500 to 5,500 kilometers, or about 300 to 3,300 miles. Under it, the Soviets are destroying 857 deployed intermediate-range missiles and shorter range missiles and 895 nondeployed missiles for a total of 1,752 missiles with the potential of delivering about 3,052 Soviet warheads—almost four times the number of warheads that the United States and NATO will give up under INF.

I asked Secretary of State Shultz and Secretary of Defense Carlucci, among others to define the military significance of the treaty. The answers

given are worth citing. In the words of Secretary Shultz:

As a result of the treaty, the Soviets will lose considerable capability in both the European and Asian theaters to strike our allies. In addition, in Europe, they no longer will have the capacity to strike with these weapons many of our prepositioned major equipment sites, and debarkation points, both ports and airfields. Additionally, we have long been concerned about Soviet capabilities to attack NATO Europe with chemical weapons. We still are, but at least two of the significant shorter-range delivery systems for chemical and conventional weapons—SS-12's and SS-23's—will be removed from the Soviet order of battle as a result of this treaty.

In the words of Secretary Carlucci:

The elimination of Soviet INF missiles will reduce the number of Soviet missiles capable of threatening NATO's remaining systems with nuclear, chemical and conventional weapons [leaving] the Soviet Union with little confidence in its ability to preempt successfully NATO's European based forces and predict NATO's response.

Or to quote the Chairman of the Joint Chiefs of Staff, Adm. William J. Crowe,

Successful implementation of this treaty will reverse a 40-year buildup, during which Western Europe has become the most militiarized region in the world, and eliminate complete two classes of very destructive, short warning nuclear weapons systems. * * * The Soviets will no longer have the capacity to hit with ground-launched theater ballistic missiles Great Britian, Spain, France, Italy, and a large part of Turkey.

In addition, Japan, Taiwan, the northern Philippines, and a portion of Alaska, now covered by the SS-20's will no longer be subject to their possible use for chemical weapons attacks, according to Admiral Crowe.

So from a military point of view, this treaty is indeed a good one.

But equally important are the political effects of the INF Treaty. We know the attitude of our allies to the treaty—for them, it is an agreement which gives profound relief from the real anxieties of being targeted by thousands of intermediate range nuclear missiles. Yet it is not merely European anxieties that will be lowered with the implementation of this treaty—it is the anxieties of our military and of the Soviet military. Reducing these tensions itself reduces the risk of war. It moves us away further away from the crisis atmosphere engendered by the aftermath of World War II, by the fate of Eastern Europe, and the invasions of Hungary and Czechslovakia, the Berlin crisis, and the other Soviet actions that have made the West legitimately fear for its security. The INF Treaty gives us a chance to see if the glasnost and perestroika of Mikhail Gorbachev can translate into coexistence at a reduced level of tension. The INF Treaty is thus potentially a seminal political document—a sign that we are not frozen forever in the patterns and relationships defined by Stalinism and the cold war.

This is not a matter of wishful thinking, but is inherent in the procedures for cooperative verification set forth and required by the treaty, which for the first time since the dawn of the cold war lets each side inspect the destruction of weapons by the other. These inspections, with all of their detailed procedures, have the potential to increase the confidence of each side's military that the other is acting in good faith in carrying out the terms of the treaty. Each side will see that its national security has not been weakened by the fact that it has given up some of its nuclear weapons. To the contrary, it will see its security strengthened by the knowledge that it no longer has to worry how the other side might use its intermediate range nuclear weapons in a crisis.

At this point, I would like to address some of the assertions made about this treaty's verifiability, Soviet cheating, and other criticisms of the treaty.

Let me take verifiability first. I don't think anyone contends that we will be unable to verify whether or not the Soviets are actually dismantling and destroying the missiles and missile support structure as set forth in the memorandum of understanding. We will be able to verify the fact that the Soviets are destroying 857 deployed intermediate range missiles and shorter-range missiles and 895 nondeployed missiles for a total of 1,752 missiles with the potential of delivering about 3,052 Soviet warheads.

Instead, the debates have been over whether or not we can certify if the Soviets were to have secretly deployed a small number of hidden SS-20's that the United States does not know about. This suggests that our intelligence community does not know what it is doing, that national technical means has failed, and that the Soviets would blithely take an enormous risk of being discovered to have cheated on this treaty when they could accomplish the same military goals legally by simply deploying new SS-25's instead.

I have yet to hear any Member of this body, or any critic of this treaty describe what possible military benefit the Soviets could gain out of a secret force of SS-20's that they could not gain out of the deployment of a similar number of legal SS-25's. The limited coverage of this treaty—a coverage which could have been easily broadened by the United States if it had wished through a commitment to interim restraint according to the terms of SALT II while START remained under negotiation—eliminate any incentive to cheat. The political impact of such cheating would be substantial. The military utility of such cheating is hard to fathom. The argument about hidden SS-20's fails to pass the fundamental test of common sense.

In the words of Admiral Crowe, "The measures in this treaty has taken together create major disincentives to Soviet cheating by raising significantly the cost that the Soviet Union would have to incur in order to covertly deploy a significant force of banned missiles, while raising the probability of getting caught if they do cheat. This is particularly true because of the flight testing and production bans which, over time, would impair the military utility and viability of any covert force."

In other words, according to the head of the Joint Chiefs, this treaty makes it very difficult if not impossible for the Soviets to covertly test SS-20's. If they can't test them, they can't rely on them in the already unlikely event that they have somehow secreted them away somewhere.

If the Soviets did decide to cheat, I personally believe we could catch them, and catch them early. The testimony the Senate has received on that point is pretty clear, as the unclassified record reflects. For example, Admiral Crowe has testified, "the total web of all intelligence sources, including our national technical means and onsite inspection procedures, provides high confidence that the United States Government can detect breaches of treaty provisions by the Soviet Union before such violations become militarily significant. * * * Thus, the JCS have unanimously concluded that on balance this treaty is militarily sufficient and also adequately verifiable.

As Gen. Larry D. Welch, the Air Force Chief of staff told the Foreign Relations Committee February 4, 1988, "it is not practical for the Soviets to hide significant numbers in any useful state of readiness for a significant period of time. * * * We think the treaty has an effective verification scheme that makes it difficult, costly and unprofitable for the Soviets to cheat on any significant scale."

For the record, one should note that it was the United States which abandoned negotiations aimed at achieving "anytime, anywhere" inspections to ensure verification, because our military didn't want to give the Soviets that much access to our military technology. In response to one of my questions on this issue, Secretary of Defense Carlucci noted, "we concluded that 'anytime, anywhere' inspections were not essential given the extensive and unprecedented nature of our verification procedures as a whole."

Then there is the argument that the treaty was not sufficiently clear about futuristic systems, that the Soviets might be intending to use future weapons other than conventional or nuclear explosives in lieu of the weapons banned under INF.

As far as I am concerned, this argument was one that could have been avoided if the United States has been willing to ban reconnaissance drones, because such drones are basically the only kind of intermediate range GLCM's permitted under the treaty. The concern has been that the Soviets

would test and deploy GLCM's that looked like reconnaissance drones, but which might really be futuristic weapons. The administration argued, and I believe definitively, that the term "weapon" obviously applies to any device that can "damage or destroy" a target, regardless of the principle involved. But the treaty itself was silent on the issue.

As a result, several Senators pushed for specific, clear language confirming the understanding of both parties to the treaty that futuristics were covered. Because of congressional concern, the administration went beyond this and exchanged diplomatic notes with the Soviet Union on this issue on May 12, 1988, agreeing that "weapon delivery vehicles" include all devices designed to damage or destroy any target. This definition would appear to solve the question of whether futurists are or are not covered. The verification procedures that apply to all other GLCM's will apply to these GLCM's as well. The precise means of differentiating a reconnaissance drone which is permitted from a futuristic weapon which is banned is classified, and available in an addendum to the Intelligence Committee's verification report. In testifying before the Foreign Relations Committee on these matters May 13, Secretary of State Shultz confirmed, in answering one of my questions, that any action by the Soviets inconsistent with the terms of this note would be considered a violation of the treaty by the United States. So I think controversy should be behind us.

But the treaty is only a first step, and its political impact in the long run depends much on what steps we take to follow it up. As I suggested at the start of the hearings, the treaty's impact will be reduced if the Soviets replace the eliminated weapons with new weapons of other types, retargeting Europe, ensuring that NATO too will move to undertake the deployment of new systems, not covered by the treaty, that compensate for the systems eliminated. I asked administration witnesses if we would be better off if both sides did not replace the banned INF weapons with other weapons.

The administration took the position that no such constraints were advisable. The Soviets do have the right to replace the INF systems with strategic weapons such as the SS-25, and to do so will not violate the treaty. Similarly, the United States can replace its Pershings and GLCM's by deploying additional sea-launched cruise missiles or air-launched cruise missiles. I believe this is unwise, and that the political meaning of the treaty will be eroded if both sides add new strategic weapons targeted at Europe. I hope that instead, a more conservative approach will prevail, and each side will exercise restraint in deploying additional strategic weapons while strategic arms reduction talks continue. Without such restraint, the military implications of the new deployments could overwhelm the INF Treaty before the ink dries upon ratification.

It is clear that we do not need to replace the INF weapons with strategic weapons in order for the treaty to be in the interests of the United States. In response to questions I asked them, Secretary Carlucci and Secretary Shultz agreed that no "compensatory measures" need be taken by NATO to replace the INF missiles we are removing under the treaty. In Secretary Carlucci's words, "'compensatory measures'" is a misleading term, since the treaty enhances NATO's security."

Replacement of the INF weapons with other weapons by both sides would ultimately undermine and make meaningless the real gains the INF Treaty has brought us. Furthermore, in the long run, the failure to achieve real cuts in strategic forces such as discussed in the START Treaty will relegate the INF Treaty to little more than a historical footnote. This treaty is important—but it will not remain so if we fail to achieve a workable reduction in strategic forces soon to halt the spiraling forward of the nuclear arms race that has continued for 40 years.

During consideration of the INF Treaty, I asked a number of witnesses about the structure of the START Treaty in its current form, a structure which would leave the United States with about 330 land-based targets against as many as 3,300 Soviet land-based ICBM's, if we deploy 100 MX missiles and do not move toward a single warhead land-based system. Administration witnesses refused to answer questions about START on the ground that it was still being negotiated. Secretary Carlucci, for example, took the position that "until the negotiations are completed * * * it would be premature and indeed unwise to speculate on what the makeup of these forces might look like."

I have to disagree with the Secretary of Defense. We cannot negotiate a START Treaty without a very clear idea of what kind of force structure we want to have after it is ratified.

As former Secretary of Defense James Schlesinger stated in response to my questions on this issue, "the greatest potential danger in a START agreement [is] that it would not achieve greater stability, but, by contrast * * * would increase the number of Soviet RV's, or accurate counterforce RV's, in relation to United States aim points." As former Secretary of Defense Robert McNamara noted, "perceptions are important * * * we are not and would not be vulnerable, but the force structure * * * referred to could lead the public to a perception of vulnerability."

Supporters of arms control need to recognize that perception problem now, and be prepared to respond to it properly. As Dr. Schlesinger suggested, there are obvious fixes to the perception problem. If the United States and Soviet Union begin to de-MIRV—even if the United States were to shift to fewer warheads per delivery system unilaterally—the argument that we are vulnerable will be less and less appealing.

By contrast, rail garrison MX makes even less sense under a START regime than it does today. Rail garrison MX would not alleviate the problem of the perception of vulnerability to a surprise first strike, because the delays involved in moving the missiles from their garrisons would put a premium on surprise attack, potentially increasing U.S. anxieties. At the same time, deployment of MX under a treaty that limits the total number of land-based warheads would reduce the total number of our land-based targets, exaggerating rather than decreasing anxities about a possible first strike. Instead of rail garrison, we need to be prepared to move, in the context of a strategic arms reduction agreement, to a single warhead missile. Deployment of such weapons by both sides could allow us to move beyond START to deep cuts in the nuclear arsenals of the superpowers, in which both forces might go down to not just 35 or 50 percent, but 90 percent or more.

In the meantime, I would hope the Joint Chiefs would not recommend a submarine force structure under START that would take submarines out of the water and reduce their number to as few as 17 targets, as has been under consideration by the Joint Chiefs. I hope we would instead move under START to reduce the number of launchers in each submarine, perhaps by sealing launch tubes.

These kinds of solutions are fundamentally more affordable and less risky that any form of strategic missile defense options, including the so-called accidental launch protection system of ALPS.

ALPS has been suggested by some as the one ABM option that might make sense, because it would not be used to stave off a determined Soviet nuclear attack, but merely to prevent an accidental nuclear weapon from destroying an American city. The net technical assessment for many years has been that the threat of accidental launch is not high. But if that assessment has now changed within the administration, the cheaper solution is for the United States to press the Soviets to implant permissive action links or PAL's which enable missiles that are accidentally launched to be disabled before they reach the unintended target.

Much has been said about the treaty interpretation issue and I see no reason to go into it indepth here. I would note however that the Byrd amendment was added to the treaty as the direct consequence of the administration's decision to unilaterally reinterpret the AMB Treaty to permit testing of star wars components otherwise prohibited. The reinterpretation turned the traditional interpretation

of the ABM Treaty on its head, and was rejected by all persons associated with its negotiation other than Paul Nitze, who, of course, continues to serve in this administration. The reinterpretation effectively eliminated the congressional role in treaty making. If the Executive can choose to reinterpret a treaty at will, regardless of what statements are made by the executive branch to the Congress prior to the approval of the treaty, he has effectively eliminated the Congress' constitutional role in the making of treaties.

The Byrd amendment merely reasserts Congress' traditional role and insures that on this treaty, we have the right to rely on statements made by the executive branch, and the Executive may not reinterpret a treaty in light of such statements without the Congress' permission. That is not a radical position, but a deeply conservative one, that protects the historic perogatives of this body.

I would also like to say a few words about the road from here. As I have suggested, INF will soon become meaningless without strategic reductions. Press accounts suggest that the biggest hangup to a START Treaty has been the President's insistence that the Soviets agree to permit star wars tests and United States right to withdraw from the treaty in five years. It would be too bad for President Reagan to miss the opportunity for an immediate, real and significant improvement in our national security in pursuit of the chimera of star wars.

I urge President Reagan to shift this position and thus make it possible to get closer to a START agreement. Second, I urge him to move forward with negotiations on space weaponry, with a view to outlawing the deployment or testing of weapons in space. As part of those negotiations, we should propose limitations on antisatellite testing. I would hope also that the President would begin to consider a series of challenges to Mr. Gorbachev to effect further reductions in tensions between our countries. One such challenge would be to take up Gorbachev's offer of a nuclear testing moratorium as a means of stopping the development of new kinds of new nuclear weapons. Two generations remain more than enough—we need not add a third to terrorize the world. Another challenge, would be to challenge Gorbachev to reduce the tanks and other ground-based forces deployed in Eastern Europe—and perhaps to offer Gorbachev a real and appropriate United States response in return that would not injure United States security, but which might lead to further Soviet actions to reduce its forces.

The Soviets need to move away from a strategy in which NATO can legitimately be concerned about the potential of a deep strike into NATO territory. They can do this by restructuring their forces further back from the borders in a reinforced defense. Such a strategy would meet their legitimate security concerns while reducing the threat to NATO, paving the way for an alternative to the fear that has dominated the European East-West border for more than 40 years. Perhaps Gorbachev will not or cannot do this, but I believe such actions would ultimately prove to be in the Soviets' interest, as well as NATO's. Additionally, the majority of Warsaw Pact divisions are not combat-ready divisions but reserve divisions. Many of them could be demobilized.

At the same time, the United States and NATO can independently take some actions to improve our security, while reducing the risk of war, regardless of Soviet actions.

For a generation, NATO has defined its strategy in terms of forward defense, for political reasons as much as military ones. But forward defenses are shallow and perhaps inherently unconvincing. As a result, NATO has moved more toward a strategy of "follow on forces attack," a strategy involving the use of airpower and high levels of explosive power to wipe out Soviet and Warsaw Pact followon forces before they reach the front. One problem with this approach is that to the other side it suspiciously may resemble a deep-strike or offensive strategy. I believe NATO needs to begin to consider proposals to move toward "defense in depth" instead of merely forward defense. Defense in depth is the orthodox military answer to the desire to have a defense posture that is both effective and visibly defensive in nature. Such a move by NATO might well strengthen NATO defenses, while simultaneously encourage the Soviet Union to demobilize offensive forces near the border that NATO justifiably finds deeply disturbing.

A move toward defense in depth might combat the general belief that successful conventional defense of Western Europe over an extended period of war is improbable and that therefore the West needs to retain a strategy of possible early use of nuclear weapons. NATO remains prepared to use nuclear weapons in a war with the Soviet Union and Warsaw Pact. Yet many experts believe there is no clear bright line that would guarantee that a limited nuclear war could be fought and won by anyone, and that such a war would not spread to demolish everything we believe in. If a move by NATO toward defense in depth would reduce the risk of use of nuclear weapons by anyone, that in and of itself would be a very positive development.

Less ambitious than defense-in-depth would be a decision by NATO to move ahead with constructing light field fortifications and tank barriers at the most vulnerable points of the dividing line between the two German states. Stocks of remote-controlled scatter mines could be built up near the border. Plastic pipes could be laid at vulnerable points to be filled with slurry explosive from tank trucks in mobilization and detonated if conflict seemed certain. NATO has done relatively little with this kind of nonprovocative defense. In the wake of INF, as an alternative to other more expensive and less stabilizing options, it should begin to do far more with these kind of relatively low-technology barriers. This is not to suggest a new kind of Maginot Line; rather, it is to create real obstacles in Germany to a possible forward land thrust identified by NATO experts as one of the greatest threats NATO faces.

Finally, I believe that the United States and NATO should seriously consider the negotiation of a restricted armament zone along the German and Czech borders, under which mobile heavy weapons such as tanks and self-propelled artillery and helicopters, as well as all nuclear delivery and dual capable systems are prohibited from within 50 or more kilometers from the border. This would not be a move to triple zero as has been proposed by Secretary Gorbachev, but it would provide a safety zone making a short-warning blitzkrieg less likely, and giving both sides an added measure of security.

While the President is in Moscow for the summit with Mr. Gorbachev, I hope he will intensify discussions on conventional force reductions, focusing Soviet attention on NATO's legitimate concerns about the tanks and artillery amassed facing the West.

As he conducts such discussions, as well as the discussions on START, on space weaponry, on human rights and other issues central to our relationship with the Soviet Union, there is no action we could take that would help him more than to swiftly ratify this treaty today.

I urge the swift approval of this treaty.

Mr. DOMENICI. Mr. President, I support the treaty to eliminate intermediate range nuclear weapons.

The Senate's consideration of the Treaty is a major event in America's defense policy. Since President Reagan signed the Treaty last December, it has received very careful review by the Senate. Three Senate committees held extensive hearings on the Treaty. We have been debating the Treaty on the floor for 1 week.

This debate, as well as the Treaty, will serve our Nation well.

The Treaty has received broad support in this country and abroad. While I share that support, I do so for reasons which have less to do with the weapons we are eliminating than with the prospects for further actions to control arms.

There are four points I wish to make regarding the Treaty, four points about what the INF Treaty is likely to mean for the future.

Before stating those points, I want to put this treaty in perspective, to describe what it does and what it fails to do.

While it does eliminate an entire class of nuclear weapons, we must remember that the missiles involved make up less than 5 percent of the nuclear arsenals of the superpowers.

None of the Soviet missiles to be destroyed under the treaty are targeted on United States soil.

Reductions in our own stockpile of nuclear weapons through modernization more than outnumber the cut in Soviet warheads as a result of this Treaty and the 50-percent reductions being negotiated at the START talks.

With that background, let us look at the four lessons we can learn from this important Treaty.

First, in arms control as in most other endeavors, you never get something for nothing. The negotiating history of the INF Treaty is testimony to the fact that the free world must bargain from strength, if we expect the Soviets to agree to meaningful actions.

Until the United States and its NATO allies made the difficult decision to build and deploy INF weapons, the Soviets showed no interest in removing theirs. Once our INF missiles were deployed, the Soviets returned to the negotiating table and a bargain was struck.

In Churchill's phrase, we "armed to parley" and it worked.

We cannot expect to succeed in future arms control agreements by following some other course. We cannot sit at the negotiating table with nothing to offer and expect something in return. Strength is the predicate of success in arms control. Logic demands it, the Soviets respect it.

Developing and maintaining strength is difficult. The Soviets spent $140 billion more on nuclear forces than we did between 1966 and 1985. Since 1975 they have produced and deployed 840 new long-range missiles; we have deployed 310. The Soviet advantage in Europe in both conventional and chemical weapons is similarly imposing.

The Strategic Modernization Program initiated by the Reagan administration has narrowed but not closed this gap. Our deterrent must be strengthened, both in its offensive and its defense forces.

If we allow the Soviets a significant military advantage, the Soviets will have little or no incentive to negotiate a more even-handed and stable strategic relationship.

The second lesson to be learned from the INF Treaty involves our NATO allies. This treaty grew from of a common understanding of objectives. Euorpean governments took high political risks in their commitment to INF deployment. The alliance was tested in this policy. But the payoff has been substantial.

The Soviet INF missiles are aimed at Western European targets. The fact that it was in the interest of our allies to dismantle these missiles must not diminish the Treaty's significance in sharing the defense burden.

If our NATO allies desire to be rid of Warsaw Pact tanks lined up on their borders, the INF experience should tell us how to respond.

Any threat needs to be met with strength and persistence.

Prime Minister Thatcher was right about Mr. Gorbachev. We can "do business with him." But we always remember that behind his smile are columns of tanks and artillery.

The third INF lesson involves the importance of counting.

Numbers of warheads and launch vechicles is critical. The ratio of Soviet first strike warheads to strategic targets in the United States is a number with great public significance. We know with certainty where we are at a military disadvantage and what it will take to reverse it and thereby lower the risks.

In this Treaty, the Soviets were persuaded to eliminate nearly three times as many launchers and twice as many missiles as we were. The reason was they had three times as many launchers as we did and twice as many missiles. A one-for-one cut would have left us at a great disadvantage. We need to determine with precision the level of each weapon that makes us safer, then pursue that level.

Because of the advantage the Soviets have in conventional forces, disproportionate reductions must also be our policy objective in this area. The Warsaw Pact must be persuaded to cut much more than NATO.

And in talks on long-range strategic weapons, critical attention must also be paid to the sublimits in specific systems.

Without disproportionate reductions, we and our NATO allies face increased risks, or significant increases in defense spending for conventional arms. The point is this: We must avoid being outnumbered where it really matters. All arms control numbers are not equal, and they need not be treated equally. With this points of background, now let me turn to the issue of verification, which has received such careful attention in this debate.

The on-site verification measures in this treaty represent two kinds of breakthroughs, one poltical, the other technological.

The Soviets have accepted an unprecedented level of instusion into their military-industrial complex. As important, new technologies have been developed to fill this verification demand.

While it is premature to conclude that the INF verification regime is a success, it seems clear that no treaty could exist without it.

We must look forward to further developments in the science and technology of verification.

It is imperative that we produce the verification technology we need for arms control. To achieve that, we need an appropriate division of labor within the arms control and defense bureaucracy.

A recent proliferation has occurred in the Federal offices and agencies dedicated to one aspect or another of verification. The INF Treaty adds a special verification commission, while the Defense Department has created its own on-site inspection agency to implement the Treaty. The verification technology, which the Pentagon will deploy in the Soviet Union, was designed by scientists and engineers at the Department of Energy's Sandia Laboratory.

Other involved in verification include the State Department, the Arms Control and Disarmament Agency, and the intelligence community.

These offices need to be integrated into a coherent arms control regime. The science of verification needs to proceed in step with arms control strategy. We need verification for current arms control treaties as well as research on verification for agreements which our children may negotiate.

But verification cuts two ways. It will not always be in our interest to share the military information that verification yields—or verification technology itself—with the Soviets. Verification experts must be in a position to inform policymakers of the potential losses, as well as the gains associated, with any technology.

And I believe it is clear that as we increase the ambitiousness of our arms control agenda, we increase the verification task. We have seen evidence that we are in danger of overdriving our headlights in the arms control and verification area, trying to solve verification problems only after we began negotiating the agreements to be verified.

Innovation in verification, as in other dynamic fields, will result from the push of technology and the pull of the demand. Strategists in the Departments of State and Defense, the Arms Control and Disarmament Agency, and the intelligence agencies need to be in a position to tap existing verification technology, and to direct resources into verification research in support of future arms control agreements. The Pentagon should be responsible for the acquisition and operation of the verification systems selected for any agreements we sign.

On the other hand, there will be a push from those in the research, design, and testing of verification technology that is sound. Most of our verification technology comes from the Department of Energy laboratories, the same laboratories that design and manage our nuclear arsenal. In the course of carrying out their research to retirement responsibilities for these weapons, they have produced an extraordinary change in our nuclear stockpile. The explosive power to today's nuclear weapons has been re-

duced by one quarter, as compared with 1960. The average yield of today's nuclear weapons has been reduced to one-fifteenth of what it was in 1957. The result is a more discriminating and flexible deterrent. Smaller weapons delivered by more accurate launchers allows our military to tailor its response to any level of Soviet threat. The President would not have to choose between an all out attack and surrender.

Our national laboratories have been as effective in fashioning plowshares as they have been in forging swords.

They have been in the verification research and development business for nearly as long as they have been in the weapons business. For that reason, the responsibility for all scientific and technological efforts in support of verification must be consolidated within the DOE laboratories.

The next generation of arms control will ask even more of the labs. The verification requirements associated with future arms control agreements—most notably the START agreement currently being negotiated—will be far more challenging.

We will need to distinguish between nuclear and conventional cruise missiles. We will need to identify multiple warhead systems from single warhead systems, and to account for mobile strategic missiles. We will need technology for on-site inspections that is less intrusive, but just as accurate.

Verifying limits on chemical weapons, as well as the industrial complex on which they are based, or limits on material placed in space, poses particularly difficult problems for the science of verification.

Before they signed the INF Treaty, President Reagan and Secretary Gorbachev agreed that the future of arms control lies in the ability to trust but verify. If we are to enjoy the security that verification makes possible, we must insure that verification works.

As President Reagan departs for what is likely to be his final summit sessions with Secretary Gorbachev, I wish him godspeed. I congratulate him and Mr. Gorbachev on the historic agreement we have debated this week.

It is only a beginning, but a beginning with such great significance. In the words of Secretary Gorbachev:

> There are grounds to foresee a bloom in Soviet-American relations * * * which would benefit the U.S.S.R., U.S.A., and the world community.

Mr. President, I am proud to stand on the floor of the Senate during this important time. I hope that a few years from now we can look back and tell our grandchildren: We turned the corner with INF.

Mr. COCHRAN. Mr. President, this INF Treaty is an historic agreement, and ratification seems to be imminent. I hope so.

This treaty represents a real breakthrough in super power relations. For the first time:

First, entire classes of weapons will be dismantled by agreement;

Second, more Soviet missiles than American are destroyed under the treaty; and

Third, onsite inspections within the U.S.S.R. will be permitted to verify their compliance with the treaty.

My hope is that we can build on this new agreement and enter a new era of less dangerous, and more cooperative, relations, with the Soviets—realizing that we must require them to earn our trust through their actions and that we cannot just rely on their words or their promises.

The Soviets have broken their promises before. They have violated the terms of other agreements in the past. It will be very important for us to monitor their actions closely so we will know that their behavior matches their assurances.

We must be prepared to protect ourselves in the event the Soviets do not keep their part of this bargain. We can do that. We will do that in my opinion.

I don't think the American people need to worry that we will let our guard down or fail to provide for our Nation's security or fail to fulfill out obligations to NATO in reliance upon the hope that this treaty makes us safe from the Soviet military threat.

We will still be required, after this treaty is approved, to defend ourselves and our interests against conventional military threats and nuclear weapon threats from other systems that aren't covered by this treaty.

But, this agreement is important. It is an encouraging development. It sets new precedents. It makes more likely agreements on conventional force reductions in Europe and strategic arms limitations. This treaty does not guarantee peace, but it makes a peaceful relationship with the Soviets more likely than was the case before it was negotiated.

These are my personal conclusions. I have read the treaty and the supporting documents given to the Senate by the administration. I have reviewed the reports of the Committees on Foreign Relations, Armed Services and Intelligence, and the briefing book provided to Senators by the State Department. I have also read "The INF Treaty: Pro and Con" of the Hudson Institute, White House Issue Briefs, The American Enterprise Institute Reviews of the INF Treaty dated February 3, 1988 and May 18, 1988, and the reports of the INF Treaty by the Republican Policy Committee of the Senate.

Although this Senator did not have the benefit of hearing the testimony of the witnesses at the committee hearings, I feel that we all have had a good opportunity to become familiar with the issues involved in the ratification process.

On the basis of the entire record and the debate on the floor of the Senate, I am convinced this resolution of ratification should be approved.

I will vote for it, and I congratulate the President for a superb job of negotiation and for his perseverance with his policy of peace through strength. He has led us to this point, and he deserves to be commended for his efforts, and his success, in behalf of our citizens and all mankind.

Mr. KARNES. Mr. President, I rise to discuss my views on the INF Treaty as we approach the vote providing consent to the ratification of the agreement. I believe the agreement before the Senate can benefit the security of the United States and its allies. By the same token, we must be aware that the treaty imposes many important responsibilities on the United States and its NATO allies that must be met to realize these security benefits. Thus, there are several aspects of the treaty, and the history behind it, that deserve special attention. First, let me focus on the opportunities presented by this treaty and then I will turn to the questions related to our future responsibilities.

First, it is important to take note of the lessons that should be derived from the history of the negotiation of this agreement. The central lesson to be learned is that successful arms control requires that we negotiate from strength. This treaty is a monument to the strength and resolve of the United States and its allies. Many in Europe and here in the United States were arguing that what the administration termed the zero option, which serves as the foundation of this treaty, was proof that the administration was philosophically opposed to arms control. They were arguing that we should not deploy the Pershing II and ground-launched cruise missiles. They campaigned in favor of the nuclear freeze. The events of the last several years have proved that these people were profoundly wrong. If these critics had prevailed in 1982, the Soviets would have retained a substantial portion of their intermediate-range missile force. Under this treaty those missiles will be dismantled. It is interesting to point out that these critics of the administration's original INF proposal have suddenly reversed their earlier position and are now supporting this treaty.

As my colleagues know, the agreement requires both the Soviet Union and the United States to eliminate all intermediate-range and short-range nuclear missiles currently in their possession and never to possess such weapons in the future. Based on the memorandum of understanding, the agreement will require the Soviets to dismantle 1,836 missiles, which are capable of carrying 3,136 warheads. The United States, on the other hand, will be required to dismantle 859 missiles, which are capable of carrying the same number of warheads.

Given the inventory of missiles retained by the two sides, it is clear that the agreement will require the Soviets

to destroy more missiles than the United States. The Soviets will have to destroy 1,836 missiles, more than double the 859 the United States will have to destroy. Also, the Soviet force is capable of carrying 3,136 warheads, compared to the United States force that is capable of carrying only 859 warheads. Although the agreement does not require the destruction of warheads and not all the missiles listed above contain warheads, it is important to keep the warhead numbers in mind. This so-called asymmetrical reduction of missiles is among the most appealing elements of this agreement. While there is much more to successful arms control than simple "bean counting," we should build upon the principle of asymmetrical reductions in future arms controls treaties.

The verification regime established in the treaty is the best we have ever negotiated with the Soviets. The verification regime includes on-site inspections, as well as national technical means. Again, many critics of the administration argued that such stringent verification requirements would block the achievement of an agreement. Again, the administration's persistence paid off.

Mr. President, now let me turn to the responsibilities imposed by this treaty. Obviously, the detailed and complete inspection and verification regime established by this treaty also must be considered a major breakthrough that is achieved by this agreement. One must keep in mind, however, that the Soviets will be tempted to cut corners on procedures related to inspection and verification. There is plenty of room for Soviets to undertake subtle forms of cheating in these areas precisely because the provisions are so detailed. The protocol on elimination, for example, sets very specific means for eliminating specific kinds of missiles, launchers, support facilities, and support structures. The protocol on inspections sets forth very specific procedures for conducting several sets of inspections. The Soviets may be tempted to interfere with United States inspectors or undertake limited modifications of the elimination procedures required under the agreement. The United States should be prepared to challenge the Soviets in an effective fashion if they violate the agreement with regard to these details.

The Soviet record on complying with past arms control agreements is spotty at best. The United States must be prepared to challenge the Soviets if they violate this agreement and take substantive action in responding to such violations. A reliable verification system is of little value if we are not prepared to take actions to redress discovered violations. What is most disturbing about past actions related to this issue is that the United States seems unable to reach a consensus about what to do about violations. The result has too frequently been an acrimonious internal debate that crates an impasse that in turn results in no action being taken in response to the violation. Recent debates over the Anti-Ballistic Missiles Treaty and the SALT II Treaty are two examples of failing to respond to Soviet violations. It is my hope that we can break with this unfortunate history. We should make it very clear among ourselves that we will respond to Soviet treaty violations. We cannot afford to continue ignoring Soviet violations of arms control treaties. It must be remember that the contributions of successful arms control are derived from the actual implementation of agreements and the elimination of weapons. The signing of an agreement is the start, not the end, of successful arms control.

In this regard, I am disappointed that the Senate chose not to accept an amendment to the resolution of ratification offered by Senator WALLOP and me to establish a positive compliance policy. The American people clearly believe that the United States must be prepared to deal with cheating by the Soviet Union on arms control treaties. I am prepared to continue to press the Senate on this issue. It is my hope that the Senate will undertake to establish a positive compliance policy in the future.

As I stated earlier, there is more to successful arms control than simple "bean counting." While the numbers are important, we should also be clear that this treaty has important political, military, and security implications. The problems related to these broader implications are real and must be addressed. Ignoring these problems will only serve to undermine our security.

We must be aware that it has been a long-sought Soviet goal to weaken NATO. Our Western European allies agreed to form the cooperative defense structure that constitutes NATO in large measure because they sought the protection of the American nuclear umbrella. The deployment of the American intermediate-range missiles in Europe during the early 1980's was a powerful symbol of American resolve to protect our Western European allies. Removing these missiles now may lead some Western Europeans to question the willingness and ability of the United States to protect them against a Soviet/Warsaw Pact attack. We must work very hard to see that what may be a success in arms control does not splinter NATO and become a collective security failure.

Mr. President, many of my colleagues have discussed the superiority of the Soviet/Warsaw Pact conventional forces in Europe. This imbalance in conventional forces is a serious problem that his agreement makes ever more pressing. We should be prepared to give the question of addressing the superiority of Soviet/Warsaw Pact conventional forces in Europe the highest priority. A comprehensive review should be undertaken that addresses the full range of options open to the United States and NATO for redressing this imbalance. These options include increased funding for our own conventional forces, reviewing our program related to battlefield nuclear weapons, reviewing our program for nuclear-armed aircraft in Europe, reviewing the mission requirements of our strategic nuclear weapons, and moving aggressively to achieve an agreement that would result in an asymmetrical reduction of conventional forces in Europe. Without taking appropriate action, this agreement will only further weaken the United States' and NATO's military position in an area where there are already glaring vulnerabilities.

It is important that the Senate, along with the House of Representatives, focus on the future needs of our defense forces, as this agreement is implemented. Defense and arms control are interrelated elements of our national security structure. We cannot afford to have these two elements become unrelated. This agreement will require modifications in our defense structure. Failure to make these required modifications will only serve to undermine our national security.

Finally, there is a domestic element to this essentially international undertaking to eliminate intermediate-range and short-range missiles. It concerns our perceptions of the Soviet Union as a nuclear power and a longstanding adversary. It is related to what I have called the euphoria factor, which reached its heights during United States-Soviet summits. We would be making a serious error in judgment, an error bordering on self-deception, if we allowed the successful conclusion of this agreement to alter our view of the Soviet-American relationship in any fundamental way. It is unrealistic to expect the Soviets to change the basic premise of their foreign policy, which is expansionist in outlook and reliant on military power.

In Soviet-American relations, arms control is only one of four issues on the agenda for discussion. The other three areas are human rights, regional conflicts, and bilateral issues. Many times, little attention is paid to these other issues, compared to the coverage given to arms control. Regional conflicts such as Afghanistan, Angola, Nicaragua, and Cambodia remain important obstacles to peace. The Soviet Union, while taking token actions in recent months to improve its image, still abuses the rights of its people. These problems, as well as continuing problems related to military forces and security, should make it clear that we cannot expect a radical shift in Soviet-American relations. Under no circumstances should we come to base our security requirements on the good will and intentions of the Soviet Union.

Thus, Mr. President, I am going to vote to give consent to the ratification of the INF Treaty. I do so with no illu-

sions. The Treaty in many ways is the embodiment of our hopes for reducing the stockpiles of nuclear weapons and reducing the risk of nuclear war. But this treaty is also going to impose many important responsibilities, as well as offering many benefits. We must recognize these responsibilities and not shrug them off. Thus, it is important that the Senate pay very careful attention to the implementaion of this treaty, as well as giving special consideration to the new military and security requirements brought about by the treaty. If the Senate is careful to meet the responsibilities derived from the INF Treaty, then this treaty will indeed contribute to the long-sought goals of peace and security with reduced levels of armament.

Mr. MURKOWSKI. Mr. President, this is a historic moment.

For the first time since the beginning of the postwar arms race between the United States and the Soviet Union, we have before us a treaty that would not simply slow the rate of growth of nuclear weapons, but would eliminate an entire class of those weapons.

This is a time of great hope and great trepidation.

Great hope, because this treaty and the ongoing negotiations in Geneva seem to hold the hope of further reductions of tactical and strategic nuclear weapons and chemical weapons.

And great trepidation because most Americans and most Europeans have lived their entire lives under a system of nuclear deterrents which the great powers now seem to be dismantling.

While the nuclear arms race has been terrifying, it has been terror that we have understood. The future is less clear than the past.

I am proud to say that those of us, here in the Senate, who have the responsibility to provide our concurrence on this treaty have not been caught up in the euphoria of the summit process. We have given this treaty one of the most careful analyses that has ever been applied to any treaty.

As one of five Senators who have had the responsibility to sit on two of the three committees which have conducted hearings on this treaty, I can bear witness that the issue has been studied from every angle in Foreign Relations Committees and Intelligence Committees. We have learned the strengths of the treaty, and its weaknesses.

We have sought to correct a key weakness with respect to the elimination of conventionally armed ground-launched cruise missiles.

We did not succeed in that effort, but I must say that as a result of the efforts of the Senator from South Carolina, my friend, Senator HOLLINGS we had in this Chamber one of the most enlightening debates on the significance of nuclear and nonnuclear deterrence that I have heard since I have been here.

I am happy to say that in passing the resolution which I and my colleague from Indiana, Senator QUAYLE sponsored, that the Senate has put itself firmly on record that nonnuclear cruise missiles are not to be placed on the table at the START talks.

As we reflect on the implications of the advise and consent which this body is about to give to this treaty, we must consider whether a world, or even a Europe, free of nuclear weapons is in fact a safer place;

As we consider the realities of a post-INF world, we must measure the requirements for conventional forces which will exist after these intermediate and short range weapons have been destroyed; and we must consider what requirements would exist with the conclusion of additional treaties between ourselves and the U.S.S.R.

Mr. President: this treaty may well reduce the danger of nuclear war, but it does not reduce our responsibilities for national defense. In the absence of these INF weapons, other weapons systems will have to bear the burden of deterrence. As we depend less on nuclear weapons for our national security we will have to depend more on conventional weapons and forces. Conventional weapons are expensive, in some cases much more expensive than nuclear weapons. In many cases they require more manpower.

More importantly, Mr. President, the task of verifying this treaty will require an extensive dedication of our national intelligence assets, not only the collection resources but also the time and talent of our intelligence analysts.

If any of my colleagues, Mr. President, are going to vote for this treaty because they believe it will necessarily reduce our expense for national defense. They need to consider again.

There is no question, Mr. President, that this treaty will lower the risk of war, but it will not necessarily save money.

In this context, Mr. President, I would like to quote from the report on this treaty of the Senate Select Committee on Intelligence, of which I am a member.

U.S. intelligence requirements should not be dictated solely by arms control treaty monitoring needs. The committee believes that monitoring Soviet activities is necessary not only to verify arms control agreements, but also to provide timely warning of possible threats that are not prohibited by the treaty.

During the course of the hearings in the various committees and in the course of a long debate here on the Senate floor, Senators have given voice to a number of arguments pro and con. There has been a full airing of views.

That there are different opinions in ths body, Mr. President, or indeed in this Nation, on the ways and means of national defense, is not a sign of national weakness. It is rather a sign of the strength of our democracy. The issue has not been whether or not we should have a national defense, nor how strong that defense should be. The issue has been rather how most effectively to provide that defense.

It is essential, Mr. President, that those who watch us in other nations understand this point as well. Nothing that we say or do here, no disagreement that is aired, should be taken as a sign that the United States is not firmly committed to its own defense and that of its allies. The fact that we have given this vital treaty such considered analysis should not lead anyone to believe that the United States is not capable of making quick and clear judgments in the event of a threat to our security.

The United States entered in to the treaty negotiation process from a position of strength. This ratification process is a further element of our strength as a democracy.

This treaty is not the end of our arms control agenda, it is rather the beginning.

In a hearing in the Foreign Relations Committee, Secretary of Defense Carlucci outlined for me an entire menu of arms agreements which the NATO leadership has agreed to pursue.

Mr. President, according to the evidence submitted by the Secretary of Defense, the schedule is as follows:

A 50-percent reduction in the strategic nuclear weapons.

The Global elimination of chemical weapons, the establishment of a conventional weapons balance, and finally additional reductions of nuclear weapons.

With respect to the START treaty, Mr. President, I urge the administration to procede slowly and with great care. It is more important that an agreement which protects our security be reached than that a START treaty be signed this weekend or this year.

In its report on the INF Treaty, the Intelligence Committee has called the attention of the Senate to the very grave, and very expensive verification measures that will have to be taken to guarantee such a treaty.

If we are prepared to undertake a START treaty, we must also be prepared to provide to our intelligence community the resources which will be required to verify it.

Further, Mr. President, it is vital that in reaching nuclear arms treaties that we not give away conventional arms simply to solve negotiation or verification problems. As we lower the nuclear risk, we must not increase the conventional risk.

We must maintain deterrence whether nuclear or conventional. It must always be clear to anyone who would be our enemy that the price of attacking us is greater than any sane person would pay.

Mr. President, much has been said here and in the various committee hearings about the reduction of nucle-

ar arms. This is an important moment, however, for us to focus on a threat which is older and in some ways more terrifying than nuclear weapons, that is chemical weapons.

Mr. President, it is incredible that in the late 20th century, we can witness the barbarity of chemical weapons being used in the Iran-Iraq war. It is also incredible that civilized nations must maintain chemical warfare arsenals at this late date.

I do not have to remind my colleagues of the horrors of chemical warfare. The history of the First World War tells us that and our televisions news broadcasts have reinforced the lesson.

Much has been said of the possibilities of nuclear weapons being employed by terrorists. We have read that it is possible to develop a nuclear bomb in a relatively unsophisticated laboratory with relatively sophisticated materials.

It is much simpler, Mr. President to develop and field chemical weapons.

Mr. President, as we reflect on this step we are taking in arms control, I urge the administration to place emphasis on the achievement of a ban on chemical arms. I urge the other nations of the world, friends and adversaries, to join in this effort. The tale of suffering which has been written across the record of this century must end.

We in the Congress must support this effort, first of all by assuring that our own Armed Forces have adequate defenses against chemical weapons and then by urging our administration to place a chemical weapons treaty on the highest priority.

Mr. President, I would, however, caution my colleagues and the American people not to be so swept up in this treaty process that they lose sight of other critical political and social issues which remain unsettled between the United States and the Soviet Union.

True peace comes from understanding, simply eliminating one class of weapon does not advance peace. Peaceful cultural contacts between our peoples are important building blocks to true peace. It is essential that we consider how this treaty process and the summit meetings that accompany it can advance these ideas as well.

In summary, Mr. President, this treaty provides an excellent frameword for the discussion on key issues involving the United States-Soviet relationship. The treaty promises that the strategic realities of the next century will be different from those that have been obtained during the latter half of this century.

For that reason, it is my intention to support granting advice and consent to this treaty.

Mr. DURENBERGER. Mr. President, I rise today as the Senate completes action of the INF Treaty and the resolution of ratification. It has been a difficult—and at times frustrating—trip on the road to ratification. A nearly unprecedented move to invoke cloture was averted at the 11th hour. Serious—and not so serious—issues have been debated at length. The Senate has passed judgment on a number of issues. Before our final vote on the resolution of ratification, we voted 21 times on amendments, conditions, and a point of order. And as we prepare for the final vote, it is clear that the resolution will be approved by far more than the required two-tirds.

It is important to remember what this treaty is designed to address—and what it was never meant to address. The INF negotiations were about intermediate range forces. They were not about the conventional force imbalance between NATO and the Warsaw Pact. They were not about Soviet human rights violations. And they were not about Soviet violations of past arms control agreements. The Senate considered these issues—and many more—in the course of our work on the treaty.

The negotiations on INF were a complete and resounding success. It is absolutely essential to remember that for many years it seemed the chances of success were small. For a decade after the deployment of SS-20's, it appeared the Soviet Union would succeed in its goal of fostering disunity in NATO, and intimidating western Europe. Many predicted the end of NATO in the early 1980's over the INF issue. Many criticized President Reagan for being not serious about arms control because he strove to eliminate—rather than merely limit—an entire class of nuclear weapons. And many urged a halt in deployment of our ground-launched cruise missiles [GLCM's] and Pershing II's in 1983, arguing that arms control would be irreversably damaged if deployment proceeded.

The critics and the doomsayers have been decisively proven wrong. This treaty is evidence of the success of the Reagan approach to arms control. Secretary of State Shultz, on the first day of hearings on the treaty, correctly stated: "The way we and our allies met the Soviet INF challenge shows that tough-mindedness, clarity of purpose, and resolve pay off."

The INF Treaty is evidence of the amazing triumph of NATO solidarity over Soviet attempts to decouple Western Europe from the United States. The first sentence of the Senate Foreign Relations Committee report summarizes the point: "The INF Treaty is a tribute to the collective resolve of the North Atlantic Alliance." The Soviet decision to deploy SS-20's was a political master stroke. It raised the specter of decoupling Europe from the United States because the modernized Soviet weapons threatened to deprive NATO of escalatory options in a crisis. The SS-20's were a huge advance over the antiquated SS-4's and SS-5's: They were mobile, carried three warheads, could be reloaded, and were more accurate.

The deployment of SS-20's forced NATO to face a vexing dilemma: Respond with a comparable but politically very difficult program of modernization or ignore the new threat and endanger the alliance. NATO responded with the 1979 dual-track decision which stated that if arms control could not address the SS-20 threat, nuclear modernization would. Arms control did address the threat—and in a manner few observers predicted—by completely eliminating the SS-20's. But arms control only worked after deployment began. The INF Treaty is a prime example of how arms control and defense programs complement each other.

The Soviets attempted to forestall our modernization through a skillful propaganda campaign. Threats were alternated with inducements in an effort to splinter the alliance. The Soviets walked away from all arms control negotiations in 1983 when deployment began. In spite of the Soviet efforts, President Reagan and NATO perservered—and the INF Treaty is the result.

Senate action on this treaty took nine very busy legislative days. The Senate conducted its work under a deadline. It was not an artificial deadline as some have charged, but a very imporant deadline: the beginning of President Reagan's fourth summit with his Soviet counterpart. I strongly supported completing action on the INF Treaty before this weekend. I spoke on the floor in favor of invoking cloture on the treaty if necessary. I took this view because I believe the President should be able to exchange instruments of ratification at the Moscow summit. I found no reason—none—for this body to delay its advice and consent. Exchange of the instruments of ratification at the summit may not be crucial to progress in the U.S. summit agenda. But final action on INF would make it clear that our President is able to deliver on arms control with the strong support of the U.S. Senate—and the American people.

Consideration of the INF Treaty was the first time this Senator has had the privilege of speaking and voting on an arms control agreement. The Senate has not considered an arms control agreement for ratification since the Anti-Ballistic Missile Treaty of 1972. The fact that the INF Treaty will be the first arms control agreement to come into force since 1972 illustrates a truth about the reality of arms control in the United States: the constitutional requirement for two-thirds of the Senate to consent to ratification sets a very high standard for any arms control agreement.

As I wrote in my 1984 book, "Neither Madmen Nor Messiahs," "Like it or not, arms control must ultimately be shaped in the world of politics." As

the last 2 weeks of debate illustrated, the politics of ratification are very contentious. Even the unique credibility and leadership of President Reagan and a broad bipartisan consensus in favor of the INF Treaty did not prevent a serious campaign against ratification. President Reagan unfortunately could not mobilize all the members of his party in support of the treaty.

The lesson is, I believe, that any future arms control agreement—whether by this president or the next—will face very difficult obstacles on the road to ratification. The INF Treaty was subject to closer scrutiny than any treaty in the history of the Senate. And it is clear that any future treaty will face even more scrupulous examination.

In the course of Senate consideration of the INF Treaty, it is clear that the treaty was improved. While the killer amendments were overwhelmingly rejected, a number of positive conditions were added to the resolution of ratification. Two concerns, in particular, that were raised after the treaty was transmitted to the Senate were addressed. The fate of so-called futuristic weapons—weapons that destroy targets through nonnuclear and nonexplosive means—was raised in Senate committee hearings. The administration argued that such weapons were prohibited along with other weapons with ranges between 500 and 5,500 kilometers. The Senate argued, wisely, that clarification on this point should be explicitly reached with the Soviet Union.

The issue of futures was raised by the United States with Soviet representatives. A diplomatic note was exchanged in Geneva which made the United States understanding explicit. I voted for a category 3 condition which makes Senate consent of the INF Treaty conditional on Soviet agreement that the note has the same force and effect as the treaty provisions. The same amendment required Soviet acceptance of the agreed minute clarifying a number of verification issues. That minute, signed on May 12 by the United States and Soviet Union, also grew out of concerns raised during Senate consideration of the treaty.

The issue that threatened to be most contentious—the Biden condition on treaty interpretation—was resolved in a bipartisan compromise. Compromise on this issue eluded the Senate for months, but the pressure of a cloture threat and diligent work by concerned Senators resulted in a workable solution. Like all compromises, it does not completely satisfy all participants. Twenty-seven Senators opposed the compromise, arguing that the Byrd amendment language was too restrictive. I supported the amendment because it was a good resolution of a complex constitutional issue. The Senate must be able to rely upon the authoritative testimony of administration officials concerning the meaning and effect of the text of a treaty. That is what the Byrd amendment states, and that is why I supported it.

I also supported the Wilson amendment which simply stated that the United States would not be bound to a treaty interpretation that was not equally binding on the Soviet Union. The Wilson amendment engendered tremendous controversy and was eventually tabled.

This brief summary of the INF Treaty as we approach the momentous vote on approving the resolution of ratification is by no means comprehensive. Prehaps the greatest importance of this treaty lies in the promise it holds for United States relations with the Soviet Union. The Soviet acceptance of the zero option, proposed in 1981, is indicative of the reevaluation evident in the range of Soviet policies. Our historic adversary is in the midst of the most dynamic change in Soviet history. A combination of economic, political, and social factors have pushed the Soviet Union toward the promise embodied in glasnost and perestroika.

President Reagan's policy of strong defense and strong negotiation played a major role in moving the Soviet Union toward more accommodating attitudes on a range of foreign affairs issues. Tough negotiating paid off in the INF Treaty—and the Soviet Union acceded to our position. Tremendous progress has been made in the START negotiations. There is great potential for real advances in a number of regional security.

It is too soon to tell what the eventual outcome of Gorbachev's policies will be. But it is clear that United States-Soviet relations stand at a historic crossroads. The INF Treaty is the first tangible evidence of change in the Soviet Union. The horizon is full of indication of greater progress. That is what President Reagan is exploring in Moscow—after he presents Secretary Gorbachev with a ratified INF Treaty.

Mr. President, I will cast my vote in favor of the resolution of ratification, and I urge my colleagues to do likewise.

Mr. LEVIN. The INF Treaty has undergone intense Senate scrutiny by the Armed Services, Foreign Relations, and Intelligence Committees. As a result of that scrutiny the administration sought and received clarification of the Soviet understanding of certain treaty limits. There is no question that the Senate has in its possession the information necessary to decide whether to consent to ratification. It is time to make that decision.

I support ratification of the INF Treaty because it establishes many precedents which are in our national security interest.

First, it completely eliminates an entire class of nuclear weapons from the arsenals of the two superpowers, and it does so in a way that enhance our security, and the security of our allies.

Second, it asymmetrically reduces those weapons it covers in a manner which favors NATO.

Third, it includes new, unprecedented verification procedures which will make it extremely difficult to violate this treaty in a militarily significant manner without detection.

These are important accomplishments. But rather than directly expounding on them in more detail I wish to respond to some of the allegations against the treaty that have been made on this floor during the past 10 days of debate.

IS THE TREATY MILITARILY SIGNIFICANT?

We all know that the INF Treaty is only going to eliminate about 4 percent of the nuclear weapons—launchers missiles, and support facilities—on both sides. And we know the treaty does not provide for the destruction of a single warhead. Critics therefore ask how much good does it really do?

First of all, 4 percent of the superpowers' nuclear stockpiles represents a destructive power many thousand times that of the Hiroshima bomb, and its removal is a militarily significant achievement.

But the same critics often go on to complain that the withdrawal of our Pershing II's and GLVM's would have serious negative military significance, because it would curtail NATO's capability to target military installations, railway chokepoints, staging areas and industrial facilities in the U.S.S.R. in case of an attack. They also argue that we will denude ourselves of our most modern nuclear weapons, while the Soviets could simply reassign their SS-25 missiles to targets which they formerly covered with their SS-20's. The Soviets may well do so, but NATO can certainly do the same. The important point, however, is there will be fewer missiles on both sides to do that. Both sides give up nuclear options. The treaty significantly reduces Soviet capacity to strike NATO targets while holding their strategic forces in reserve. For instance, if they reallocate SS-25's to targets in Europe, they will reduce their capability to attack targets in the United States.

At the same time, while the treaty requires the elimination of U.S. intermediate-range, ground-based systems, it does not eliminate the United States and allied nuclear deterrent.

Admiral Crowe, the Chairman of the Joint Chiefs of Staff, made both these points in hearings on the treaty:

* * * the Soviets will lose capability in both the European and Asian theaters. They will no longer have the capacity to hit with ground-launched ballistic missiles * * * our prepositioned major equipment sites and debarkation sea and air ports in Western Europe, thereby reducing our ability to reinforce NATO.

FLEXIBLE RESPONSE STAYS EFFECTIVE

Critics of the treaty have also contended that the elimination of Per-

shing II's and GLCM's would open a window of vulnerability because it will force us to sacrifice an important part of our nuclear deterrent. Without intermediate-range nuclear forces, we could be forced to escalate to strategic nuclear forces if our conventional defenses in Europe prove to be inadequate. Flexible response, these critics claim, has always meant that we could escalate on each step of the ladder of destruction and respond to a Soviet attack at any level we choose.

Let me first say, Mr. President, that this is a flawed understanding of the flexible response doctrine. In developing that doctrine more than 20 years ago, NATO planners wanted to leave a potential attacker uncertain about the level of response and the degree of escalation the Western alliance would choose in defending itself. It is true that the deployment of Pershings and GLCM's in Europe gave us more operational choice. But getting rid of them does not mean NATO is losing flexibility. An attacker would still be uncertain how soon we would respond with nuclear weapons, and with which of a still vast array of such weapons we might counterattack.

Admiral Crowe, in the course of our hearings, also said that after the INF Treaty takes effect:

* * * the U.S. will retain a spectrum of capabilities to selectively execute NATO's strategy of flexible response.

The Pershing II and ground-launched cruise missiles eliminated by the INF Treaty are but a part of NATO's current nuclear deterrent. Over 4,000 nuclear warheads will remain in Western Europe after the INF Treaty is implemented. 1,700 of those 4,000 are aircraft bombs.

As Walter Slocombe told the Foreign Relations Committee:

* * * it is simply false to suggest that without them (i.e. the Pershing II's) NATO will lack the means to attack Soviet forces and Soviet territory with nuclear weapons.

And former Defense Secretary Schlesinger testified:

It is a form of parochialism in Europe to suggest that the Soviets have basically been deterred by a relative handful of warheads in Europe, none of which were deployed before 1983.

Even after INF ratification, we will have the capability in Europe to strike at targets in the Soviet Union. The Foreign Relations Committee report discusses NATO's remaining military options in some detail:

Among the aircraft capable of striking deep into Soviet territory are 150 F-111 bombers stationed in Britain. There are also additional F-111's in the United States that could be quickly transferred to NATO in a crisis. In addition to these F-111's, NATO has an ongoing program to upgrade the capability, range, and survivability of its other nuclear capable aircraft. As part of this program, NATO continues to introduce upgraded F-16's and Tornado aircraft with greatly enhanced range and penetration capability. Finally, as Secretary Carlucci reported in "Support of NATO Strategy in the 1990's," NATO's planned deployment of the nuclear capable F-15E Strike Eagle in the early 1990's "will significantly augment the capabilities of NATO's dual-capable aircraft."

It is simply not true that we are denuding our forces in Europe of the deterrent and protection nuclear forces can provide. Certainly, both sides are giving up part of their nuclear forces. The Soviet intermediate nuclear missiles covered by this treaty were precisely those in the late 1970's that threatened the European theater the most. How can getting rid of them make us and our allies' security less safe? And is the nuclear deterrent after INF ratification less credible?

THE EFFECT OF THE INF TREATY ON THE CONVENTIONAL FORCE BALANCE

Another allegation made by those Senators who intend to vote against the treaty is that it will relegate our 325,000 soldiers in Europe to the role of hostages in the face of overwhelming Warsaw Pact superiority in conventional forces. Without adequate nuclear protection, the saying goes, our troops would be run over in no time at all, so let's bring them home before that happens.

The INF Treaty does not make Europe safe for conventional war. As Secretary Carlucci recently wrote:

The key point is, in addition to eliminating a category of weapons in which the Soviet Union has enjoyed a significant preponderance, will not impede NATO's ability to maintain and modernize a credible mix of nuclear and conventional forces.

Let me stress that a conventional war in Europe would not be a particularly safe enterprise for the Soviets. As the latest edition of the Pentagon publication "Soviet Military Power" noted:

At the conventional level, the Soviets may conclude that, despite their advantages, they may not have sufficient forces to assure them a high probability of success in the event of war in Europe.

This is not to say that as we continue to reduce our reliance on nuclear weapons our conventional forces should not be improved. They should be. In fact, improving our conventional forces and achievement of conventional arms control would be the most-effective means of reducing the risk of nuclear war, because a nuclear war is most likely to result from the controlled or uncontrolled escalation of a conventional conflict.

The INF Treaty highlights the necessity to modernize and improve our conventional forces. Reliance on the nuclear deterrent has always been potentially devastating. By providing sufficient logistical support, enough modern weapons, ammunition and fuel supplies to our combat forces, and by keeping up the high level of our soldiers' training we can improve our conventional deterrent.

THE NATO ALLIANCE WILL BE STRONGER

Some critics of the INF Treaty suggest the alliance will break apart as a result of the elimination of the intermediate nuclear weapons.

I don't see how NATO could possibly break apart because of an action that is supported by all its European governments and welcomed by the overwhelming majority of their people. Politically and psychologically, the treaty serves to strengthen the cohesion of the Western alliance. For the first time it could be shown in a palpable way that reductions of weapons can be achieved if the alliance takes and maintains a unified position of strength.

We face new demands on our and the allies' defense budgets in order to modernize remaining nuclear weapons and improve our conventional capabilities. How in the world will we muster political support in our democracies for these undertakings if we don't deliver on our promise to withdraw INF missiles from Europe if the Soviets agree to withdraw theirs?

Our political credibility and maneuvering room are at stake. Ratification will enhance them, while rejection would cause considerable political turmoil, and could actually result in the unilateral withdrawal of our INF forces.

In sum, all the evidence points to a serious crisis in NATO if we do not ratify the INF Treaty, not the other way around.

INF VERIFICATION MEASURES ARE PRECEDENT SETTING

Nobody doubts the extraordinary achievement of having the Soviets agree to onsite inspections for the first time in the history of arms-control agreements.

No verification regime can be made absolutely foolproof. If the Soviets intend to cheat, they will do so. If they do it in any militarily significant way, there is a high probability for detection and our response to that is not limited to diplomatic protest alone.

But the fact of the matter is, there is little incentive for the Soviets to cheat. If they are at all serious about further reductions in nuclear arsenals, they will have to prove to us that they are willing to cooperate. Also, rather than hiding some SS-20's or GLCM's somewhere in the Siberian tundra, where they would be militarily useless, they could—and probably will—retarget some of their SS-25's to targets in Western Europe. But that is not an argument against INF. It is an argument for further, cautious negotiations on the reduction of strategic nuclear forces.

The verification scheme tested under the INF Treaty will not be an exact model for START. The START agreement does not plan to abolish all nuclear weapons of a particular type, which is one of the things that makes verification of the present treaty considerably easier. But the experience we will gain with onsite verification from INF should prove helpful in arriving at effective START verification. Not only do we need experience in monitoring Soviet weapons produc-

tion, we also need to learn how to handle a large number of Soviet inspectors in our own country. We must, for example, develop sufficient counterintelligence measures.

INF creatively mixes the prohibitions in the agreement with specific verification procedures to ensure that no militarily significant violations will go undetected. For example, the prohibition on flight testing and production of systems banned by the agreement, combined with the onsite inspection, facility monitoring, and challenge inspection provisions, make the maintenance, production, or deployment of a militarily significant covert INF force next to impossible without detection.

Mr. President, the Senate has done an excellent job of resolving the issue of how this treaty and other treaties are to be interpreted by future Presidents by adopting the Byrd amendment yesterday. This amendment was absolutely essential to reaffirm the Senate's constitutional role in treatymaking.

Under the Constitution, the Senate must give its advice and consent to the ratification of a treaty which is negotiated by the President and his representatives in order for it to take legal effect. Treatymaking is thus a cooperative undertaking, a power shared by the Executive and the Senate, and in order for this process to work, they must also share a common understanding of what the treaty they are making together means. The Byrd amendment clearly establishes that the text of a treaty and the resolution of ratification have primary status as to its meaning. The next binding source for establishing a treaty's meaning under domestic law is the explanation provided to the Senate by the President's authorized representatives. These representatives form a binding contract between the President and the Senate as to U.S. obligations under the treaty. The common understanding of the treaty is thus established by its text, the resolution of ratification and the administration's authoritative explanations. No administration may deviate from that understanding without the consent of the Senate.

White House Counsel Arthur B. Culvahouse, Jr., made clear in a letter to Senator LUGAR last March that "all INF testimony of executive branch witnesses, within their authorized scope, is authoritative." I ask unanimous consent that the full text of that letter be printed at the close of my remarks.

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

(See exhibit 1.)

Mr. LEVIN. Some Senators have claimed that such a standard will establish two treaties, one between the President and the U.S.S.R., another between the President and the U.S. Senate. They fear that the Soviets will not be bound by the United States' common or shared understanding. However, it is the administration's responsibility to make sure that what they explain the treaty to mean is consistent with what the Soviets agreed it would mean. In establishing a shared understanding with the Executive the Senate is simply establishing what the negotiating partners both intended the treaty to mean. As long as the administration properly explains the meaning of the treaty to the Senate, the Soviets will be as much bound by the administration's authoritative statements as is the United States itself.

Other Senators have claimed that the Byrd amendment could prevent clarification of future ambiguities such as those we detected in the treaty with respect to future technologies. We solved that problem in part by looking at the negotiating record, and the Byrd amendment would clearly allow such references to take place in the future. But we have not and should not establish a procedure in which the Senate has to wade through what negotiating history is provided to it to ensure that the administration's authoritative representations are not in conflict with that record. Such a procedure would completely bog down the treatymaking process.

It was also critically important that the Senate defeated the amendment by the junior Senator from California last night. His amendment would ostensibly have said that the United States would not be bound to any interpretation that didn't also bind the Soviet Union. This sounds simple and appealing, but this was nothing but an effort to vitiate the Byrd amendment. It would have, for instance, allowed a future President to bow to Soviet pressure and agree to a new Soviet interpretation of the treaty which might allow the Soviets to conduct weapons programs which President Reagan's representatives swore to the Senate would be prohibited. International law would thereby override domestic U.S. law, and the President would not be bound by the representations made to the Senate.

Let me be clear on this point, Mr. President: The authoritative statements made by the Executive are more important to U.S. security in evaluating a treaty's meaning than the negotiating history. Without being sure that the administration means what it says when it explains the treaty to us, we cannot sensibly advise and consent to it.

If the executive was not bound by its statements, a subsequent administration could come back and say, "sorry folks, the treaty means something else. We found a paper here in the negotiating history that proves it means something different than was represented to you during the hearings." And what is even worse, the Soviets could at some future date pressure our administration to interpret a certain section in the treaty a certain way—for example as a concession during another treaty negotiation.

This is why the adoption of the Byrd amendment and the defeat of the Wilson and also the Specter amendments today were so important.

Mr. President, we cannot allow this opportunity to pass. There is a unique, and propitious, convergence of events today that we may not soon see again. The President who negotiated this treaty is known for his skepticism about Soviet intentions, but he has approved the verification procedures included in this treaty. The Soviet leader is new, apparently determined to pursue a new economic course at home, and determined to achieve an INF Treaty both to demonstrate his adroitness and to begin a process that could lead to reduced military spending. We don't know what the situation will be a year from now. But we do know what it is today. We have what may be a unique opportunity.

I urge ratification of this treaty. I don't claim that it is perfect. I don't know of any treaty the Senate has ever ratified that was. I think of the proverb, "Even a journey of a thousand miles begins with a single step." This is that step. Our goal is nothing less than the elimination of the threat of nuclear annihilation that hangs over us, our children, and our planet. In pursuit of that goal, even a relatively small step is of the greatest significance. Let's take it. Now.

EXHIBIT 1

THE WHITE HOUSE,
Washington, March 22, 1988.

HON. RICHARD D. LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATOR LUGAR: Discussions concerning my letter to you of March 17, 1988, have raised a question about the Secretary of State's identical letters of February 9, 1988, to Senators Byrd and Nunn. To clear up any misunderstanding that may exist, I should like to assure you that no inconsistency was intended or in fact exists between my letter and Secretary Shultz' letters. Whereas Secretary Shultz responded to the Senators' request for assurances regarding the "authoritativeness" of Executive branch testimony on the INF Treaty and the Senate's ability to rely on such testimony, my letter addressed a specific draft text setting forth what we believe to be unconstitutional and unworkable rules of treaty interpretation.

As the Secretary of State's February 9 letters pointed out: (1) all INF testimony of Executive branch witnesses, within their authorized scope, is authoritative; (2) Administration testimony and materials for the record can be regarded as authoritative without the need for the Senate to incorporate them in its Resolution of Advice and Consent; and (3) the Reagan Administration will in no way depart from the INF Treaty as we are presenting it to the Senate. Those letters remain an accurate statement of our policy and intention with respect to the INF Treaty.

My March 17 letter is consistent with Secretary Shultz' statement of Administration views.

Sincerely,

ARTHUR B. CULVAHOUSE, Jr.,
Counsel to the President.

Mr. DOMENICI. Mr. President, I would like to share with the Senate a few thoughts that I have about what brought us to this first significant step in nuclear arms reduction which culminated here in the U.S. Senate when our constitutional ratification processes were completed.

Clearly, I need not go through a list of congratulations. Others have done it better than I and certainly know more intimately the committee activities of staff than I do.

But I would like to congratulate President Ronald Reagan, the Soviet leader Mikhail Gorbachev, our Secretary of State and his counterpart in the Soviet Union, the United States Congress, and the U.S. Senate in particular.

Having said that, I would like to talk for a minute about the people of the world that I think caused this treaty to happen, and the evolution of democracy and entrepreneurship in the world that I think America started after the Second World War that brought us here. So before I give my few observations, I would like to say a very big thank you to the American people for having consistently supported at critical times since the Second World War a strong American military.

But I would also like to congratulate American leaders who at the end of the Second World War had a kind of foresight that, if you think about it for a minute, is so farsighted that it is almost frightening. Mr. President, the Soviet Union decided to negotiate with the United States of America and the Free World, represented on the Free World side by our President, Ronald Reagan, as much because of economics as because of military might.

Let me put this this way, Mr. President: The Soviet Union at the end of the Second World War decided that they were going to have a kind of empire. It was an empire that was going to be built on their kind of political system and their kind of economic system. What did the United States of America do? The United States of America did one of the most incredible things that a superpower has done in all of history. We decided that we would not take 1 ounce of retribution against our enemies, Japan and Germany. Quite to the contrary, we welcomed them with open arms into a new alliance of broad-based democracy for their people, and a competitive or entrepreneurial, noncentralized economic system. And that decision was so far-sighted that it probably reflects the most important single quality of our 200-year democracy. Because from that decision has mushroomed an evolving free industrial economic base the likes of which the world has never seen, from Japan to Germany, to Europe with the Marshall Plan, to Korea and new budding democracies around the world.

Believe it or not, that one decision fueled the concepts that caused the world to produce five times as much material wealth since the Second World War as was produced in all of previous history.

Now, I return to where I start. The Soviet Union looks out a window at prosperity and material wealth, technological advance, educational superiority. It must now, with new younger leaders in that country shake them to the very bones to understand that, as they look back at their kind of empire, with its economy in decay, they are incapable of competing with the free market system which our decision that I have just described started.

It was sort of a freedom machine that we think comes from the Constitution and our people and probably will never stop as long as people live on this Earth. It has spread, and its economic base is profound.

While we Americans look out at that free world, we have from time to time been burdened and bothered by the successes of our partners, because some of them learned from us and are doing better than we are, be it the Japanese or the Germans or others. They learned from us in terms of broad-based education, economics, and the formation of wealth. They are, in some respects, causing us to play catch up in some areas. But when you look at the big picture, it appears to this Senator that we should say, "Thank you" to our forefathers for their wisdom in moving this kind of economic base out into the world—and to the American people who work hard every day to keep this economy robust, and to our friends and partners in the free world who are moving science, technology, and mankind ahead with us in a manner that must frighten the Soviet Union immensely.

Obviously, there is a long way to go. But this step is a giant step and, hopefully, it will yield more and more results as time passes.

Clearly, we have to remain vigilant, and we will have to keep this economic production machine of the free world the envy of those who have not joined it. Collectively and collaboratively, we have to spread the opportunity to other parts of the world—the opportunities of institutional democracy, capital formation, and the production of wealth and jobs for people.

More on the parochial and backhome front, I want to thank the national laboratories in my State—Sandia, Los Alamos, and the laboratory at Lawrence Livermore in California. They are our nuclear deterrent laboratories run by the Department of Energy. They are the greatest scientists in the world. They house themselves there, and since the Second World War they have operated under a very loose charter. They have been asked to maintain our nuclear deterrent, and they have.

They are the ones who produce the science, the technology, and the evolution of nuclear weapons, such that the Senate has finally decided to approve this treaty, along with the economic reasons I stated here today and our conventional expenditures on military might. This is what has caused the Soviet Union to begin to rethink the enormous amount of money they are putting into the military.

Those laboratories have played a vital role in this treaty. It might be ironic to some—but not to this Senator—that the same scientists who produced the first atomic bomb and its subsequent generations, and all the sophisticated technology that goes with that, have also produced the verification science that permitted us to enter into this treaty.

As a matter of fact, one of those national laboratories, Sandia National Laboratory, in Albuquerque, NM, was asked to prepare the model for the verification system we will put on the ground in the Soviet Union. Since this treaty is a zero option, none of these weapons will be allowed. We are going to man equipment in the Soviet Union to do the monitoring to verify their production facilities.

It is one of the same three laboratories, with their scientific excellence, that was called upon to produce the scientific information and the basic science and engineering that will be used when we build in the Soviet Union the facilities to verify their production facilities.

I do not think that is ironic—some may think so—because they are great scientists, with great versatility, perhaps the greatest in the world.

When we add those three to the other Department of Energy laboratories, we have the greatest scientific organization in the world. Because they are so capable, so familiar with nuclear activities, it seems to this Senator that they are going to play a vital role in putting the genie back in the bottle, just as they played a vital role in the genie getting out of the bottle.

Mr. President, I close by congratulating all those men and women, the scientists, and Congress, who all these years have supported these great institutions.

I congratulate them for their efforts, because they were working on very short timeframes and were able to assure American policymakers that we could engineer, design, and deliver the verification needed for us to feel secure—our President, first, and then us—in ratification, in delivering a completed package to President Ronald Reagan so that he and Mikhail Gorbachev, the leader of the Soviet Union, could meet and talk about further problems between our two nations, other problems, including perhaps further arms reduction in the field of nuclear armaments, and many of the other thorny problems that separate us.

Mr. EXON. Mr. President, I have listened with great interest to my friend and colleague from New Mexico.

When we talk about he heroes of peace and the heroes of war, I am struck by the fact that all too often we do not pay enough attention, as we should, to those scientists, as has just been done very eloquently by my friend and colleague from New Mexico. I thank him for making these statements, because these are indeed the people we are relying on to lead us to proper verification, which is part and parcel of the peace process we hope will be moved ahead even further with the summit meeting next week between the leader of the Soviet Union and the leader of the free world, President Reagan.

TRIBUTE TO INF DELEGATION

Mr. NUNN. Mr. President, at the first of what became many hearings with Ambassador Glitman, I made the following statement about the review process upon which we were about to embark:

Ambassador Glitman, I thank you for you patience and welcome you before the committee. At the outset, I want to emphasize that however tedious, protracted or difficult these proceedings may seem, we are guided by a common goal: to ensure that the treaty that has been presented to the Senate for its advice and consent is both fully understood and fully supportive of our national security interests.

From our trips to Geneva with the Senate Arms Control Observer Group, we know how hard you and your team worked on this treaty. Your hours were long and your patience was often tested. In the end you prevailed and faithfully executed your negotiating instructions as given to you by the President. You did your duty and you did it well. Now is the time for us to do ours with your help.

As the long journey traveled by this treaty now enters the final phase, I would ask all of you to recall Winston Churchill's famous observations to the House of Commons in 1947 when he said, "Many forms of government have been tried and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time."

So we will have to keep that in mind as we go through this tedious journey.

Mr. President, as we now reach the end of this long road toward ratification of the INF Treaty, I would again like to pay tribute to Ambassador Glitman and his able and professional negotiating team.

Through the months of Senate hearings and 2 weeks of floor debate, Ambassador Glitman has demonstrated the same diligence, expertise and calm patience which he maintained through the years of negotiating this treaty. I commend him and his colleagues for their hard work and their constant willingness to respond to our questions and assist us in our review of this treaty.

Mr. President, I ask unanimous consent to insert in the RECORD a list of the members of the U.S. INF delegation and commend them for their important contribution to making this treaty a reality.

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

INF DELEGATION AT SIGNATURE—DECEMBER 1987

Amb. Maynard W. Glitman.
Amb. John Woodworth—OSD.
Mr. Leo Reddy—Department of State.
Mr. David Jones—Department of State.
Ms. Karin Lawson—ACDA.
Mr. Robert Simmons—ACDA.
BGEN Frank A. Partlow—JCS.
Mr. Alan Foley—State.
LTC Jeffrey Ankley.
Mr. James Hurd.
Dr. Stan Fraley.
Mr. Ronald Bartek.
Mr. Timothy Tulenko.
Mr. David Sloss.
LTC Jerry Myers.
COL Ronald Forrest.
COL Thomas Kincaid.
LTC Joseph Grubb.
LTC Ken Keating.
MAJ Timothy Hayes.
Ms. Paulette Grabulis.
Mr. Jerry Cady.
Mr. Michael Pecotte.
Ms. Susan Kosinski.
Ms. Jan Hughes.
Ms. Alexandra Miller.
Ms. Helen Moses.
Ms. Peggy Woosley.
Ms. Jo Reklis.
Ms. Dorothy Peratt.

Mr. HELMS. Mr. President, there is a passage from Livy's "History of Rome" which calls to mind what is about to happen in the Senate today. It reads as follows.

Until at last not only Rome's resources but her spirit failed her also . . . and so the Senate foregathered, and bade the generals find some way of inducing the invader to depart . . . and a treaty was made . . . that they should deliver a thousand pounds weight of gold to Brennus King of the Gauls who should rule both nations thereafter. And upon this wicked and humiliating settlement, the invader's insolence heaped another injury: for when the gold was to be weighed he would have it measured in his own lying scales: and when the Roman general refused, the Gaul flung his sword into the false balance "that they might pay all and the sword's weight, too." And they say a voice was heard that the Romans could not endure hearing, crying "Conquered! Woe to thee, thou art Conquered!"

But Camillus [outside the City] bade them recover their country with iron not gold, having before them the temples of their gods, their wives, their children, and the land where they were born. Livy, History of Rome, describing events of 390 B.C.

Mr. PELL. Mr. President, as the Senate winds up its consideration of the INF Treaty, I would like to make some observations on the significance of this treaty. Many of us have pointed out that the reductions mandated by this treaty are marginal militarily since they involve only 5 percent or so of the two sides' deployed nuclear arsenals, but that the treaty is nevertheless important because it is a necessary first step toward significant reductions in strategic weapons and in other offensive forces. I would like to expand a bit on what we have accomplished by approving this treaty.

For the first time, however modestly, we are reducing nuclear weapons. We are not just limiting the growth for freezing the level of nuclear weapons, we are lowering the level of such weapons and establishing the basis for further dramatic reductions. That is a truly remarkable achievement.

For almost a decade and one-half, we and the Soviets have been engaged in a Euromissile arms race costing billions of dollars. The INF Treaty means that both sides now implicitly admit that they have wasted billions of dollars in a fruitless effort to outbid each other in theater nuclear armament. More importantly, a conceptual breakthrough has been achieved in Soviet thinking about what constitutes sufficiency in its arsenal of deterrence. The Soviets are prepared to sacrifice the capacity to deliver four warheads for every one that the United States gives up, because—apparently—they accept that the world can be destroyed by a fraction of the nuclear weapons that now exist. Therefore, there is an apparent acceptance that fewer missiles do not necessarily imply a decrease of security and since there can be no victor in so-called nuclear warfighting, there is no point in piling up nuclear armaments above the level that would deter attack.

It is this change in mind-set that is the important thing about the INF Treaty, and it is this change in mind-set that, once embodied in the INF Treaty, makes it possible to reduce even more superfluous nuclear weapons. By approving this treaty we are generating momentum for truly significant reductions that will make the world safer for all of us, for our children and for their children. I, for one, am proud and privileged to be a part of this historic beginning; and I hope to be a part of the subsequent process of deep reductions in nuclear weapons.

It took great political courage and skill on both sides to open the way to the INF Treaty and to the further arms control agreements that are almost sure to follow. More courage and skill will be needed to achieve these further agreements, but I am confident that our efforts will be crowned with success.

I wish to congratulate President Reagan, Secretary Shultz, Ambassador Kampelman and Ambassador Glitman for what they have achieved in this INF agreement. I also commend Senator BYRD, Senator DOLE, Senator NUNN, Senator WARNER, Senator BOREN, Senator COHEN, Senator LUGAR and all of my colleagues on the Foreign Relations Committee for the leadership and support they have given to this historic effort.

In addition, I would like to thank the staff for its excellent work in making this treaty possible. I would like to commend in particular John Ritch, Bill Ashworth, Dave Keaney, Jamie Rubin, Chris Van Hollen, Nancy Stetson, Hank Kenny, Kathi Taylor, Steve Polansky, George Pickart, Mary Jane Hatcher, Charlotte Ford, Betty

Alonso, Jonathan Litchman, David Hill, Joanna Figueroa, and Jerry Christianson, who, as Staff Director, coordinated the work of the committee staff.

Finally, although we were on opposite sides of the fence on this issue, I would like to pay tribute to Senator HELMS, the ranking minority member of the Foreign Relations Committee. He fought a valiant, often lonely, fight; but he is a man of patriotism and conviction, and I respect him for that. He fought for what he believed was in America's best interest, and we simply agreed to disagree. He has conducted himself with considerable dignity and civility, and I thank him for his cooperation in ensuring that this treaty was brought to the floor with a minimum of delay and, above all, without any personal rancor whatsoever.

I would be remiss if I did not also pay tribute to our absent colleague, Senator BIDEN, who contributed so much to the success that the Senate achieved in defending its prerogatives in treaty making. I wish him a speedy recovery, and I look forward to his early return to the Senate.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the resolution of ratification of Treaty Document No. 100-11. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. GLENN] is absent due to death in the family.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Ohio [Mr. GLENN] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 5, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—93

Adams	Dixon	Kassebaum
Armstrong	Dodd	Kasten
Baucus	Dole	Kennedy
Bentsen	Domenici	Kerry
Bingaman	Durenberger	Lautenberg
Bond	Evans	Leahy
Boren	Exon	Levin
Boschwitz	Ford	Lugar
Bradley	Fowler	Matsunaga
Breaux	Garn	McCain
Bumpers	Gore	McClure
Burdick	Graham	McConnell
Byrd	Gramm	Melcher
Chafee	Grassley	Metzenbaum
Chiles	Harkin	Mikulski
Cochran	Hatch	Mitchell
Cohen	Hatfield	Moynihan
Conrad	Hecht	Murkowski
Cranston	Heflin	Nickles
D'Amato	Heinz	Nunn
Danforth	Inouye	Packwood
Daschle	Johnston	Pell
DeConcini	Karnes	Pressler
Proxmire	Sanford	Stennis
Pryor	Sarbanes	Stevens
Quayle	Sasser	Thurmond
Reid	Shelby	Trible
Riegle	Simon	Warner
Rockefeller	Simpson	Weicker
Roth	Specter	Wilson
Rudman	Stafford	Wirth

NAYS—5

Helms	Humphrey	Wallop
Hollings	Symms	

NOT VOTING—2

Biden	Glenn

So it was:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, together with the Memorandum of Understanding and the two Protocols thereto, collectively referred to as the INF Treaty, all signed at Washington on December 8, 1987 (Treaty Doc. 100-11), subject to the following—

(a) CONDITIONS:

(1) Provided, that the Senate's advice and consent to ratification of the INF Treaty is subject to the condition, based on the Treaty Clauses of the Constitution, that—

(A) the United States shall interpret the Treaty in accordance with the common understanding of the Treaty shared by the President and the Senate at the time the Senate gave its advice and consent to ratification;

(B) such common understanding is based on:

(i) first, the text of the Treaty and the provisions of this resolution of ratification; and

(ii) second, the authoritative representations which were provided by the President and his representatives to the Senate and its Committees, in seeking Senate consent to ratification, insofar as such representations were directed to the meaning and legal effect of the text of the Treaty; and

(C) the United States shall not agree to or adopt an interpretation different from that common understanding except pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute; and

(D) if, subsequent to ratification of the Treaty, a question arises as to the interpretation of a provision of the Treaty on which no common understanding was reached in accordance with paragraph (2), that provision shall be interpreted in accordance with applicable United States law.

(2) The advice and consent of the Senate to the ratification of the INF Treaty is further subject to the condition that in connection with the exchange of the instruments of ratification pursuant to Article XVII of the Treaty, the President shall obtain the agreement of the Union of Soviet Socialist Republics that the agreement concluded by exchange of notes in Geneva on May 12, 1988 between the United States and the Union of Soviet Socialist Republics as to the application of the Treaty to intermediate-range and shorter-range missiles flight-tested or deployed to carry or be used as weapons based on either current or future technologies and as to the related question of the definition of the term "weapon-delivery vehicle" as used in the Treaty, the agreed minute of May 12, 1988 signed by Ambassador Maynard W. Glitman and Colonel General N. Chervov reflecting the agreement of the Parties regarding certain issues related to the Treaty, and the agreements signed on May 21, 1988 in Vienna and Moscow, respectively, correcting the site diagrams and certain technical errors in the Treaty, are of the same force and effect as the provisions of the Treaty.

(3) That prior to the exchange of the instruments of ratification pursuant to Article XVII of the Treaty, the President shall certify that it is the common understanding of the United States and the Soviet Union that if either Party produces a type of ground-launched ballistic missile (GLBM) not limited by the Treaty using a stage which is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range GLBM having more than one stage, it may not produce any other stage which is outwardly similar to, whether or not it is interchangeable with, any other stage of an existing type of intermediate-range GLBM.

(b) DECLARATIONS:

(1) The Senate's advice and consent to ratification of the Treaty is further subject to the following:

(A) because the incentive for Soviet noncompliance, and the difficulty of monitoring will be greater for any strategic arms reduction talks (START) agreement than for the INF Treaty, the United States should rely primarily on its own national technical means of verification rather than any cooperative verification scheme, such as the on-site inspection procedures agreed to in the INF Treaty.

(B) because the United States enjoys a comparative advantage in the development of nonnuclear technologies that can increase the nuclear threshold and reduce the likelihood of war and because START and the INF Treaty will increase the military need to rely more heavily on such nonnuclear capabilities, in any subsequent agreement between the United States and the Soviet Union regarding the reduction of Strategic Weapons, it should be the position of the United States that no restrictions should be established on current or future nonnuclear air- or sea-launched cruise missiles developed or deployed by the United States, or on nonnuclear ground launched cruise missiles of ranges not prohibited by the INF Treaty; and

(C) because the reductions contemplated under any START agreement would change the character and optimal mix of strategic nuclear forces that the United States will need to maintain stability, the United States Congress and the President should agree on the character of, and funding for, these forces before any START agreement, framework or otherwise, signed or agreed to.

(2) Provided, that the Senate's advice and consent to ratification of the INF Treaty is subject to the condition: Declaration.—It shall be the declared policy of the United States of America that, as an integral factor in its decision to adhere to this Treaty, the United States intends to continue to negotiate with the Union of Soviet Socialist Republics a treaty effecting reductions in strategic nuclear forces of the Parties and, in conjunction with its NATO Allies, to negotiate a treaty establishing conventional stability in Europe. In so doing, it shall be guided by the following principles and considerations:

(A) A main object of such future treaties shall be international stability and reduction of the risk of war by obtaining general equivalence in the resultant strategic forces of the Parties;

(B) During any negotiations contemplated by this declaration, the United States shall act in close consultation with its Allies who are member states of the North Atlantic

Treaty Organization and with such other states as appropriate;

(C) Negotiations contemplated by this declaration shall also be conducted with close and detailed consideration of the advice of the United States Senate, and the Senate should be kept fully apprised of all significant proposals made to the Union of Soviet Socialist Republics and, with respect to such negotiations, the judgments and recommendations of the United States Senate shall be given full and highest consideration and due regard;

(D) The negotiations contemplated by this declaration shall also seek to secure regimes of effective verification and mechanisms for full compliance which build upon the verification regime and compliance mechanisms of the present Treaty, strengthening them appropriately for any subsequent treaty;

(E) In accordance with the Constitutional process of the United States, the United States shall, consistant with correctly construed principles of international law, not be bound to adhere to or observe any treaty contemplated by this declaration until ratification thereof pursuant to the advice and consent of the Senate. However, nothing in this declaration shall imply that the United States will take an action of such nature as to make impossible the performance of any future treaty contemplated by this declaration after the signing of such treaty and during the period in which there is a clear prospect of timely ratification thereof;

(F) The United States considers full and exact compliance with the present treaty and with all other existing arms control agreements between the Parties to be a major issue affecting i) the proposals and attitudes of the United States with respect to the future treaties contemplated hereby and ii) proportionate and appropriate responses with respect to such existing agreements;

(G) Pursuant to this declaration, any joint statement by the United States of America with the Union of Soviet Socialist Republics of a framework for the negotiation of strategic arms treaties contemplated hereby, and such framework itself, shall serve for the purpose only of guiding the conduct of the negotiations which the United States herein has declared its desire to pursue expeditiously, and shall not constrain any military programs of the United States unless otherwise provided for in accordance with Section 33 of the Arms Control and Disarmament Act; and

(H) The capability of the United States of America to monitor any future treaty contemplated by this declaration shall be strenthened in order to increase the ability of the United States to detect violations thereof.'."

(c) DECLARATION AND UNDERSTANDINGS:

The advice and consent to ratification given by the Senate under this resolution of ratification is subject to the following declaration and understandings, which the President, using existing authority, shall communicate to the Union of Soviet Socialist Republics, in connection with the exchange of the instruments of ratification of the Treaty:

(1) the declaration that the Senate strongly believes that respect for human rights and fundamental freedoms is an essential factor to ensure the development of friendly relations and cooperation between the United States and the Soviet Union and calls pon the President to use every opportunity to stress the inherent link between respect for human rights and the achievement of lasting peace;

(2) the understanding that the President shall seek sustained and demonstrable progress by the Soviet Union in its implementation of the provisions of—

(A) the Final Act of the Conference on Security and Cooperation in Europe (hereafter referred to as the "Helsinki Final Act"),

(B) the Madrid Concluding Document of the Commission on Security and Cooperation in Europe, done September 9, 1983 (hereafter referred to as the "Madrid Concluding Document"),

(C) the Universal Declaration of Human Rights (also known as the "Universal Declaration"), and

(D) other international human rights agreements to which the Soviet Union is a signatory or party, including provisions relating to—

(i) the freedom of thought, conscience, religion, and belief, without regard to race, sex, language, religion, or national origin.

(ii) the recognition and respect for the rights of individuals, including those belonging to national minorities, to enjoyment and practice of thier cultures, heritage, history, and national consciousness,

(iii) the right of freedom of movement for individuals within the Soviet Union and the right to leave the Soviet Union, without arbitrary and capricious barriers, and

(iv) the right of individuals to know and act upon their rights and duties in these agreements; and

(3) the understanding that the United States, through the Helsinki process, will expect full compliance, as evidenced by specific action, by the Soviet Union with its commitments in the field of human rights and fundamental freedoms and will seek to strengthen these commitments through review meetings and a balanced number of follow-up activities which will advance verifiable implementation of the human rights provisions of the Helsinki Final Act and the Madrid Concluding Document.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the President of the United States be immediately notified that the Senate has given its consent to the Resolution of Ratification on the INF Treaty.

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

(Applause, Senators rising.)

Mr. BYRD. Mr. President, there will be no more rollcall votes today. I thank all Senators and hope they have a good rest.

Mr. NUNN. Mr. President, let me thank the majority leader. I congratulate him again for his tremendous work on the INF Treaty. That treaty has now been given consent by the Senate, ratification, and it is a better treaty because of the majority leader's insistence that we not have any arbitrary timeframe; we take our time and do an expeditious but very thorough job in bringing about that Senate ratification.

We do have, I think, good evidence that the constitutional process by which the Senate and executive branch jointly make treaties has worked and worked very well. I think most of the credit is due to the majority leader for that process working so well.

I would also want to add to that that I think the Republican leader did a superb job and, as the majority leader said to the President of the United States a few minutes ago on the telephone, he has reason to be very, very proud and grateful of the Republican leader, Senator DOLE.

Mr. WARNER. Mr. President, I join the distinguished chairman in praising our majority and minority leaders. Indeed, they were of invaluable assistance to make the passage possible.

Mr. NUNN. I think the way they handled their telephones in talking to the President, switching them back and forth in talking to the President, was truly remarkable. They had great mental process and acumen.

Mr. BYRD. And they demonstrated dexterity and they are both ambidextrous.

Mr. WARNER. Mr. President, we should also note both are members of the Rules Committee, which approved the phone system.

Mr. NUNN. As is the Senator from Virginia. The Senator from Georgia is not a member of that committee, but would like to consult with the committee about that telephone system.

Mr. WARNER. We will look into it.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, there may be some Senators who would like to speak.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

Mr. BYRD. Mr. President, there may be some Senators who would wish to speak as in legislative session. I ask unanimous consent that Senators may speak as in legislative session for not to exceed 5 minutes each and that the period not extend beyond 4 p.m. today.

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

Mr. BYRD. I ask unanimous consent, also, Mr. President, that the Chair not entertain any request that would involve putting the Senate into legislative session.

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

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

STATEMENT BY THE PRESIDENT ON THE INF TREATY

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement issued by the President following Senate action on the INF Treaty today, issued by the Office of the Press Secretary in Helsinki, Finland.

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

STATEMENT BY THE PRESIDENT

I am very pleased with the action of the United States Senate in consenting to ratification of the INF Treaty.

In two days, I will arrive in the Soviet Union to meet with General Secretary Gorbachev to discuss our four-part agenda. Today's action by the Senate clearly shows support for our arms reduction objectives.

I want to express my appreciation for the leadership demonstrated by Majority Leader Bob Byrd and Republican Leader Bob Dole in securing the timely approval of this treaty. I have invited them to join me for the exchange of ratification documents in Moscow.

I continue to have concerns about the constitutionality of some provisions of the Resolution of Ratification, particularly those dealing with interpretation, and I will communicate with the Senate on these matters in due course.

THE INF TREATY

Mr. HEINZ. Mr. President, we have just had a historic vote on the INF Treaty. I believe we have advanced this treaty and passed ratification for two reasons. The first is that this treaty has been all along in the United States national security interest. It is in our interest because it forces the Soviets to dismantle twice as many deployed missiles and four times as many warheads as the United States. It also is a treaty that sets several useful precedents which are of key importance to future progress in strategic arms control, and those are worth having as well.

But before I discuss these and other points, I think we should all remember why there have been last-minute delays in taking up the ratification of this treaty.

At the 11th hour, the Soviet Union showed once again that it is a tough negotiating partner. Just as we were about to debate the treaty, the Soviets tried to back out of key verification provisions. But the Senate stood its ground, and insisted on the tight verification rules that are one of this treaty's contributions to the arms control process.

This final chapter in the INF Treaty's evolution underlined a key point: it is indeed possible to deal with the Russians, and to negotiate agreements that are in our interest, but it must be done with open eyes, and with a determination to be firm in sticking to our positions on key issues.

In many respects this treaty represents a major accomplishment for the United States. It is an accomplishment made possible by one key factor—a bipartisan determination to stick to our guns and settle for nothing less than a verifiable elimination of the Soviet medium-range nuclear threat to Western Europe.

The INF saga began in 1979, when the United States and its NATO Allies decided to match the Soviet medium-range missile threat with missiles of our own. The decision had two tracks—one the deployment of missiles, the other the willingness to negotiate limitations on intermediate range weapons. Under Republican and Democratic Presidents, the United States and its allies pushed ahead despite a fierce Soviet propaganda offensive and strong public opposition to deploy our intermediate nuclear forces. After they failed with propaganda, the Soviets tried the bluff. In 1983, the Soviets walked out of the INF talks.

But they came back to the table. They came back to discuss the Reagan administration plan to eliminate all such missiles—the double zero—that they had dismissed earlier as unacceptable. And last December, General Secretary Gorbachev signed a treaty that embodied this plan.

The United States and the allies were firm in their determination. And because we were, we have a treaty that makes real reductions in the nuclear threat. And the Senate refused to be prodded at the 11th hour as well. Because of that steadfastness the treaty establishes verification principles we have sought for decades.

Mr. President, the INF Treaty before us eliminates an entire class of nuclear weapons. It establishes principles of unequal reduction and strict verification that show the way for future advances in nuclear arms control. This treaty is in the national security interest of the United States and our allies. I support it, and urge my colleagues to do likewise.

The treaty serves the interests of the United States and the NATO Alliance by reducing the number of nuclear weapons available to attack Western Europe. This reduction is important militarily because the Soviets will be removing a far larger number of deployed warheads than will we. They will remove over 1,600 warheads, while the United States will remove just over 400. Nevertheless, as has been widely noted, this treaty will eliminate only a small percentage, about 4 percent, of the total nuclear weapons arsenals of the two superpowers.

But the political contribution made to NATO strength by the INF Treaty may be even greater. That is because the treaty is more than anything the result of alliance unity in the face of Soviet pressure and intimidation. In 1979 the NATO Alliance decided to field intermediate range United States nuclear missiles in Europe to counter the alarming growth of Soviet SS-20 missiles.

In November 1983, after 4 years of Soviet bluster, threats, intimidation, and propaganda campaigns, at the strong recommendation of the NATO ministers, the first American intermediate missiles were deployed in Europe. The Soviet delegation at the INF talks walked out, and the Kremlin began an intense propaganda campaign to block full deployment of the United States missiles.

But the United States and the allies would not be intimidated by Soviet pressure, and deployment proceeded. After the failure of their gambit was apparent, the Soviets returned to the table, and in the end embraced the zero-zero plan, which by then had been expanded to cover the entire globe, thereby eliminating Soviet missiles in the Far East that threaten our ally, Japan.

Under the INF Treaty, the Soviet Union will have to destroy over 1,800 missiles, while the United States will destroy around 800. The Soviets will remove over 1,600 warheads from the total available to strike Western Europe and Japan. The United States will remove just over 400 warheads based in Europe. This unequal reduction in weapons is a very valuable advance in arms control. It may be a guide to future reductions of conventional arms in Europe, where we will begin talks facing a significant Soviet numerical advantage in most categories of weaponry. It is a clear precedent for disproportionate Soviet cuts in strategic weapons, where they hold certain numerical advantages that are the chief threat to deterrence and stability.

The INF Treaty will not eliminate the Soviet nuclear threat to NATO. But it will reduce it substantially, and will force the Soviets to divert their strategic forces aimed at the United States to European targets if they wish to maintain their nuclear threat agaisnt NATO. In short, the work and determination that went into matching Soviet intermediate-range deployments in Europe have borne fruit, and that is the elimination of the Soviet missile force that was created beginning in the middle of the last decade.

Some critics of the treaty argue that it will weaken NATO's deterrent, or that it will denuclearize Europe. These statements do not stand up to examination. First, the NATO Alliance deterred Soviet attack for over three decades before the United States INF missiles were in place. We only started putting our INF missiles in Europe in late 1983. Clearly, these missiles were never the basis for our deterrence of the Warsaw Pact. That deterrence rests primarily on the massive military resources of NATO, which have evolved over the history of the alliance and continue to require modernization.

Second, removal of the INF missiles, while reducing the nuclear options of both sides, hardly denuclearizes Europe. The United States alone will retain over 4,000 tactical nuclear weapons for use in Europe. That does not count Poseidon missile submarines dedicated to NATO missions. Nor does it include other American nuclear missiles, such as submarine-based cruise

missiles, which can be used to support our NATO operations. In addition, our French and British allies maintain their own independent nuclear forces. In other words, Mr. President, even after the removal of the INF missiles, the United States and its NATO allies will retain many nuclear weapons systems to help counterbalance traditional Soviet strength in conventional military terms.

Mr. President, I think the American people are a trusting people. We maintain the most open form of government in the world. We fear no idea, we welcome debate on all issues of public importance. But the American people also understand that trust is not enough of a basis for international agreements with the Soviet Union.

An old Russian saying is in vogue these days: "Trust, but verify." The new American version is shorter: "Verify." This treaty does not rely on trust. It establishes precedents of detailed and intrusive onsite verification to ensure the destruction of missiles and the ban on production of missiles. It is the sort of verification approach many Americans have sought for many years in our arms control dealings with the Kremlin.

Under the INF agreement, the Soviets have provided us with unprecedented military information. This includes photos of all the missiles and equipment concerned, photos and maps of their missile bases, diagrams of their missile production facilities. We have the right to conduct onsite inspections of these facilities. We will witness the destruction of their missiles and associated equipment. We will continuously monitor their missile factory to make sure banned systems are not being produced.

The procedures established in the INF Treaty are not the last word, but they are a good start on creating verification arrangements that will allow the United States to enter more important and, therefore, more risky arms-control agreements with the Soviet Union. The experience we gain in implementing the INF Treaty, in destroying missile arsenals under foreign supervision, cannot but help both countries improve on the mechanism already agreed to and will build confidence in the verification process.

Mr. President, the INF Treaty is a good treaty. It is a tribute to the bipartisan determination of the United States and its allies to match or eliminate the Soviet nuclear threat to Europe. It is a milestone in setting a precedent for unequal reductions and in creating reliable verification mechanisms that we need to make significant progress in strategic arms control with the Soviet Union.

The American people have a mature view of relations with the Soviet Union. They now realize that our relationship, so long as the Soviet system does not undergo fundamental change, will of necesssity be one that mixes both competition and cooperation.

This means that while we can, indeed, we must, negotiate with the Kremlin to stabilize the nuclear military rivalry, we must keep the full agenda of United States-Soviet issues in mind as we define a relationship. We can afford neither the infatuation of détente nor the blind hostility of a cold war. We must learn from these past experiences and sustain a posture that exploits potential for accommodation while not abandoning fundamental values and principles.

As we do this, we must maintain a vigorous and balanced defense posture to defend our interests and meet our alliance obligations. We must continue to limit the flow of Western technology and credit to the Soviet Union that might help them to offset some of our key technological advantages. We must maintain pressure on the Soviet Union to cease its meddling in trouble spots throughout the Third World. And we must continue to insist that the Soviet Union live up to its international obligations on human rights.

At the same time, as the INF Treaty demonstrates, we can secure agreements with the Soviet Union that serve our security interests and the cause of peace. We can best reach those agreements by presenting the Kremlin with a unified determined approach that links the United States and its allies in defense of key security interests.

The INF Treaty is only a small step, but an important one, in bringing the nuclear arms competition under control. I applaud the President for securing this treaty, and look forward to the next and more momentous step in controlling the arms race.

THE RETIREE BENEFITS BANKRUPTCY PROTECTION ACT OF 1988

Mr. HEINZ. Mr. President, 2 years ago, we set out to protect the health benefits of retirees when LTV Corp. attempted to terminate its retirement health plan upon filing for bankruptcy. LTV's actions made it clear to the Congress, for the first time, just how fragile a company's promise of retiree health benefits could be. One simple decision, made on the advice of the bankruptcy lawyers, was enough to suddenly expose 78,00 LTV retirees to the huge financial risk of a serious illness or injury. LTV's retirees, some only moments from surgery, were simply informed that their health insurance had been canceled by the company—with no forewarning, and no offer of alternative coverage.

Cancellation of health insurance is a serious matter for anyone. It is especially serious for a retiree who is too young for Medicare but too old to buy affordable health coverage. While healthy retirees may find a replacement policy for a hefty monthly premium, sick retirees may be unable to find one at any price. The thought that a company could enter bankruptcy and renege on the promise of health and life insurance without a moment's hesitation or so much as a word to the retirees was troubling to the Congress.

The Congress was also concerned over the treatment of retirees after a company filed for bankruptcy. Once the retirees lost their benefits they were forced by the bankruptcy law to go to the end of the line of creditors and patiently wait for years to get a small cash settlement. While chapter 11 reorganization seemed to work to protect the interests of the major, and usually secured, creditors, it left the retirees totally exposed to catastrophic medical losses while bankruptcy lawyers bickered over the reorganization plan. The retirees had no way to make their concerns known to the court during bankruptcy.

LTV's threatened termination moved the Senate to action, and within a short time we had passed legislation to prevent the termination of retiree health and life insurance plans by bankrupt companies while Congress considered reform legislation. This temporary provision was continued for almost 2 years while we worked on the bill that is before us now.

Today, Mr. President, we are finally at the point where we can pass the Retiree Benefits Bankruptcy Protection Act of 1988. This legislation has been carefully considered by the Judiciary Committee in the House and Senate, passed by the Senate on two previous occassions, and now finally accepted by the House.

The bill will protect retirees from unilateral termination of benefits by a company filing a chapter 11 bankruptcy petition. Health and life insurance benefits would be continued throughout the proceedings unless it was necessary to discontinue them to keep the company alive. This bill will also finally give retirees adequate representation in the bankruptcy proceedings.

Mr. President, this is a great day for retirees. No longer will companies be able to surprise their retirees when they file for chapter 11 bankruptcy. No longer will retirees have to go to the end of the line and wait for a cash settlement. They will finally become equal partners with the other creditors in bankruptcy.

I would like to thank my colleague from Ohio, Senator METZENBAUM, for his leadership on this legislation and for his persistent efforts to develop this compromise. He and his staff, particularly David Starr, have worked tirelessly to push this legislation through both sides of the Congress. I urge my colleagues to join us in passing of H.R. 2969.

THE INF TREATY

Mr. NICKLES. Mr. President, several years ago I had the pleasure of