of storage and of accountability. We are working with the Russians through our Department of Energy on these accountability projects, which are intense and vigorous.

For these reasons, I oppose the amendment of the distinguished Senator from Massachusetts. I hope other Senators will oppose it. It appears to me to be unnecessary. I would say, simply, other criticisms of the treaty are certainly a matter of the opinion of the Senator, but it was a modest treaty. It came from the volition and the will of both countries coming together at their own time, at their own speed, and with procedures that seem to me to offer an adequate amount of verifiability, much of it on the site and through the eyes of the Russian press, as well as our own.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, as the chairman of the committee knows, I have so much respect for him. We rarely have disagreements.

In essence, he sort of made my case just now. I have never argued about the destruction of some of the missiles that are going in. I talked about the warheads and fissionable material. Fissionable material is not in the missile; it is in the warhead. The distinguished chairman just said, I wish we had a better sense of the disposition of those warheads. I wish we had a better sense of the disposition of those warheads.

All I am asking for is that we ask our intelligence communities. Is the Senate scared of asking its own intelligence community for a report on our capacity to know where those materials are and what is happening? That is all I am asking.

On the floor of the Senate, I cannot go into what we have heard in private, in classified sessions. But this amendment is based on my knowledge of what our intelligence community is concerned about and what I believe we ought to be concerned about in this country. So as the chairman says, I wish we had a better sense of what is happening to those warheads.

If we are willing to go to war in Iraq because we think it is dangerous for that man to have nuclear warheads, and we know that 15 out of some 20 efforts to transfer this material has come from Russia, we better be concerned about these warheads. That is what this is about. That is precisely what involves the security of the people of the United States of America, and that is what this amendment is about.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LUGAR. Mr. President, I ask unanimous consent that the vote in relation to the Kerry amendment, No. 255, occur at 5:40 today, and the time until then be equally divided in the usual form, provided that no further second-degree amendment be in order to the amendment prior to the vote.

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

Mr. LUGAR. Mr. President, I add one final argument, and that is the actual text of the amendment of the distinguished Senator from Massachusetts requires these intelligence reports on the capability of the United States to monitor the compliance of the Russian Federation to the requirements of the treaty.

The treaty does not require insight into the warhead destruction. That is a desirable aim, and I have indicated in due course we may be able to negotiate that, but that is not a part of this treaty. Therefore, the report that is being asked for really asks for information that is not covered by the treaty.

I repeat, the information that is covered by the treaty, it seems to me, is really adequately monitored by the cooperative threat reduction personnel.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield to the distinguished Senator from Delaware.

Mr. BIDEN. Mr. President, I will be very brief. Let me, as we say in this body, associate myself with the remarks of my colleague and say it in a slightly different way. The Senator is asking us to have the intelligence community monitor something that there is no capacity to monitor because there is no provision in the treaty requiring the monitoring. It is a little bit like saying we would like the President to report to us, on a yearly basis, the cost of the destruction or dismantling or taking off of alert or removing from a silo every missile that is removed by the Russians.

That would be great, but it is not in the treaty. There is no provision.

Regarding the ultimate criticism, the primary criticism the Senator from Massachusetts makes of the treaty is accurate. There is not much to this treaty. There is not much to it. As I said in my very long opening statement, the administration, when they testified before the committee, said: Look, we were going to do this anyway. We were going to do this anyway. So we told the Russians, in effect paraphrasing the Secretary of State, we told the Russians if you want to come along, come along; if you don't, you don't.

The whole rationale of this administration is the bet that the cold war is over, it is truly and forever behind us. I hope they are right. This treaty affords few protections in the event of a heightened mistrust that develops, or a crisis. It doesn't have any protections. So we are not kidding each other, between now and 2012 the Russians could go out, if they were capable of doing it financially, and build 10,000 more nuclear weapons. They could dig 40,000 more holes for silos, if they had the money. There is nothing in this treaty that prevents that.

I know we are all railing against what the treaty should have been; what, if we personally were negotiating it, we would have done. But, unfortunately, I say to my friend from Massachusetts, he has a tough call the rest of us must make. If you don't like what is in it, and there is a great deal that is not in it that we would like to have in it, vote against it. Vote against it. But you can't fix something that is not broken, in effect—the treaty has no verification. It has no requirement the warheads be destroyed. There is no requirement they be accounted for. There is no requirement that there, in fact, be any progress shown until December 31, 2012.

If you view all of these deficiencies as fatal flaws, then vote no, just flat vote no because you cannot fix them. You cannot fix them. The only way I think we could fix them is if we get the administration and Russia and the United States on a positive track here. We have them on a track. The track is that upon which we have agreed. As Sam Nunn said, this is a good-faith treaty. That is the bottom line.

The reason I am for this treaty is failure to ratify it, I believe, will be read as bad faith. Ratifying it demonstrates good faith, and our hortatory language—the message we have sent personally in terms of each individual Senator speaking to the administration—the language in our declarations and conditions and the amendments on the floor makes it clear to the administration that there is clearly a majority of Members of the Senate who would like to see more done. We are not criticizing what has been done. We just would like more done.

I understand the frustration. Believe me. I understand the frustration. The greatest concern—and I think we have taken care of it—is if, in fact, the Russians do not have the engineering and/or financial capability of meeting the commitment they have made to reduce their deployed forces, we will help them. That is the best thing we can do. That is what we have done.

I suggest we should support this treaty and we should oppose this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I appreciate the comments of the distinguished ranking Member. Let me be very clear. I am not asking for anything to be done here that isn't monitoring of this treaty. If you look on page 2 of my amendment, it says I am looking for "an estimate, for each strategic nuclear weapons system in the Russian Federation, of the confidence of the United States, whether low, medium, or high, in the capability of the United States to monitor the deployed warheads of such systems."