will get to the unanimous consent language in a moment, but right now I want to describe what this is about. Then I wish to yield to my colleague from Georgia to add a little bit of the impact of this issue.

The issue is this: In all 50 States in America, lawyers have to put clients' funds into trust accounts. Under the law, they are not allowed to earn interest on these accounts. Over time, an arrangement has been worked out whereby the banks pay interest, but it does not go to the clients; it goes to fund civil legal services for those who cannot afford those services.

This arrangement is in great jeopardy if we do not pass this bill today. I will expand on that jeopardy in a moment, but at this point I simply am going to yield to my colleague from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I thank the Senator from Oregon. This is very important work, and we are in our late hour. Sometimes we do our best in the late hour.

The unintended consequence of the Dodd-Frank legislation with regard to IOLTA is it not being extended and we are going to literally have thousands of escrow accounts held by law firms and attorneys, real estate transactions, dispute resolution transactions, and beneficial programs that will have to be spread among many more banks because the insurance level, which is now limited, drops to $250,000. It would force the transfer of escrow account money out of any number of banks. At a time when capital is critical in small community banks, the unintended consequence might have been to take them below tier one capital requirements and put them in a stress situation.

I commend the distinguished Senator from Oregon for his work on this legislation. I thank the Senator from Louisiana, Mr. VITTER, for his consent for us to bring this forward. I give wholehearted support to the unanimous consent request.

I yield back to the Senator.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I appreciate so much the partnership of my colleague from Georgia. He has laid out clearly the impact of a failure to fix this legislation on our community banks where lawyers, exercising their fiduciary responsibilities, would have to move their trust accounts out of these special accounts where the interest goes to legal services and legal education and into no-interest-bearing accounts so that no one gains from that movement. In the course of it, they would be moving funds often from community banks to other institutions, imperiling these community banks.

I wish to address the other side of this issue, which is the important work these funds do in all 50 States. I will speak specifically to the State of Oregon, but there are parallels because all 50 States participate with these accounts.

In Oregon, we have, first, the association of Oregon Legal Services Program, its primary source of civil legal assistance available to low-income Oregonians. To give a sense, if a woman is having a big challenge with domestic violence, she can get legal aid through this type of assistance. If a family is trying to struggle with a mistake on a foreclosure process so they can save their home, they can get assistance through this program. They have 20 offices throughout the State of Oregon to serve Oregonians living in poverty.

Second is the Juvenile Rights Project. This provides legal services to children and families through individual representation in juvenile court and school proceedings to help children who are in extraordinarily difficult circumstances.

A third is Disability Rights Oregon, the Oregon Advocacy Center, which assists those who are disabled, who are victims of abuse or neglect, or have difficulty acquiring health care or need to exercise their rights in regard to special education. They can turn to the Oregon Advocacy Center-Disability Rights of Oregon for help.

In addition, these funds pay for legal-oriented education for our K–12 students. Let me give an example of three programs in Oregon. These programs assist 15,000 students in our State.

One is the High School Mock Trial Competition. This type of mock trial competition is an enormous learning exercise for our students in how our courts function and how the facts of a case are presented and how the principles of law are applied.

Then we have the summer institute training for teachers so that social studies teachers can learn more about the role of law and be more effective in conveying that vision to our students.

Then I also want to mention the We The People Program on the Constitution and Bill of Rights. Here in this Chamber, we discuss the Constitution and the Bill of Rights virtually on a daily basis. Virtually every day on this floor, we discuss how these founding documents affect how our laws are applied and how freedoms are protected in the United States of America. This program helps our children learn those fundamental principles. Sort of the heart and spirit of the American democratic world are conveyed through this We The People Program.

I also wish to commend a whole host of banks in Oregon that have agreed not only to pay interest on these lawyer trust accounts—and IOLTA stands for interest on lawyer trust accounts—but to pay 1 percent, which is above the going rate on most types of transaction accounts. They do that because they benefit from the deposits, and they know their communities benefit from these services and these programs.

This legislation will resolve a problem in which lawyers, applying their fiduciary responsibilities, would have had to withdraw their funds from these accounts and put them in other non-interest-bearing accounts, to no benefit to anyone and to a great deal of harm to so many.

INTEREST ON LAWYERS TRUST ACCOUNTS

Mr. MERKLEY. Madam President, I ask unanimous consent, as if in legislative session and as if in morning business, that the Senate proceed to the immediate consideration of H.R. 6398, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6398) to require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6398) was ordered to a third reading, was read the third time, and passed.

Mr. MERKLEY. Madam President, I wish to thank the Chair and my colleague from Georgia who understood and presented so effectively the impact on our community banks that are working hard to get funds out to our Main Street businesses so we can create jobs and put our economy back on track.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I commend the Senator from Oregon and thank him for his help on this important issue for people all over the United States, not just in Oregon and Georgia but around the country. This is a great effort, and I commend him on it.

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

Mr. ISAKSON. Madam President, I wish to take an additional minute, if I might—the chairman of the Foreign Relations Committee is on the floor—to say, in addition to my statement I made 2 days ago in a speech on the floor with regard to the START treaty, that I wish to thank the chairman and the ranking member of the Foreign Relations Committee for the accommodating process from day one in April until today, where the treaty will ultimately pass on the floor of the Senate.

Legislation is about improving ideas and making sure the interest of the

American people and the United States of America is protected. Through the work of Senators LUGAR and KERRY, we have been able to craft amendments to the resolution of ratification on the START treaty that ensure missile defense and modernization—the two contentious points on this legislation which came from the committee—are not only taken care of, but they are buttoned down and they are clear. And I thank the chairman and the ranking member for their willingness to do so.

I want to let everyone who is listening and those who will read the reports of this debate know that this has been a 7-month process, not a 9-day process, and it has been a detailed process. It has been the work of the will of the people of the United States of America, and the U.S. Senate has worked its will. When it is ratified today, it will be a step forward in the future for my children and grandchildren.

During my campaign when I ran for reelection this year, I made the following statement: The rest of my life is about doing everything I can do to see to it that the lives of my children and grandchildren are safer, more secure, and as affluent as my life has been because of my parents and grandparents. Today, in this ratification, we are ensuring that we will be strong in our strength, we will trust but we will verify. We will make sure we can fight, if necessary, but we will also make sure we are accountable. And most important of all, with regard to the biggest threats we face—terrorism and loose nuclear materials falling into the hands of a rogue nation—we will be a safer country because of this, and I thank the chairman and ranking member because of it.

I thank the chairman for his time, and I yield back.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Madam President, I rise to oppose the START treaty because it recognizes limits on U.S. missile defenses in return for marginal reductions in the Russian arsenal. At the moment when the U.S. and allies must build missile defenses to protect against Iran, this treaty generates Russian pressure for America to go slow or risk Russia's departure from the agreement.

If you take the President's Senate missile defense letter at face value, then America would deploy defenses that will trigger a Russian treaty exit. I am concerned that to prevent a Russian treaty withdrawal, the United States will move slower on building defenses against Iran just when we need to move faster.

The most important duty of the Federal Government is to defend Americans against foreign attack, and the most important mission under that duty is to protect American families from the most dangerous nations that could carry out such an attack.

In the mid-20th century, we agreed that the Soviet Union represented a clear and present danger to America. Our Cold War Presidents—Truman through Clinton, Republicans and Democrats—backed policies of a strong defense, with alliances with our friends and diplomacy with the Soviets. But much has changed since the 20th century ended over a decade ago. While the Russians still have an impressive arsenal, they are shadows of their former shadow, dropping from 290 million people to 140 million people and from a gross domestic product of $2.6 trillion in 1990 to $2.1 trillion in 2010. The nuclear national security threat for the new 21st century moved beyond Russia to include Iran and North Korea, soon to be armed with nuclear weapons and missiles to deliver them.

While the Russians are heavily armed, they present a relatively stable face to the outside world. They have the capability to attack, but they currently lack the intent. On any given year, their leaders appear adverse to risk and unready to commit national suicide. The same cannot be said for Iran, North Korea, and other nations that present a far less rational face to the international community. Looking at such potentially irresponsible leaders, it is incumbent on us to go beyond idealistic diplomacy and mount a defense against an attack which may be leveled against our people or our allies. The lives of millions and the cause of freedom depend on our assessment of this threat and how we respond.

Recall that nuclear technology represents the science of the 1930s, missile technology from the 1960s. Since the laws of physics cannot be classified, countries bad and good will all one day have the means to develop powerful arsenals based on the last century's science. It is the sacred mission of the democracies to understand this change, to measure its danger, and to eliminate an attack should one of these smaller, less rational countries attack.

In such an environment, an agreement to limit the nuclear arms of the United States and Russia is helpful but does not concern the new danger emerging against the people of the West. If we can lower nuclear arms to levels where we still maintain a devastating counterpunch against a rational opponent who is uninterested in national suicide, then a nuclear war with that country remains unlikely and the cost of our armaments is reduced. If that agreement also causes us not to build defenses against an irrational opponent who may attack anyway, then we have committed a grievous national error.

I initially favored the goals of the START treaty. The treaty is an echo from the 20th century and had a marginal utility in improving the defense of the United States. Unfortunately, the negotiations to produce this treaty took a turn that was not well perceived by the press or public. The Russians used these negotiations intended to improve the defense of the United States as a means to preserve their ability to attack.

Surprisingly, American negotiators formalized a link in the protocol between limiting defenses against missile attack and maintaining forces to carry out such a strike. Perversely, this agreement now stands for two principles: No. 1, the United States and Russia should reduce their nuclear arms, on which we all agree, and No. 2, the United States should recognize policies to maintain the viability of a Russian attack. This second principle turns the purpose of the treaty on its head. It weakens the future defense of our Nation. The treaty would support a policy that we must not improve our defenses to such a degree as to defeat a Russian attack.

Much of this has had little impact on actual defense plans regarding Russia. Russia presents a relatively stable, status quo face to the international community. It also maintains a nuclear force which would quickly overwhelm any planned system of defense. But a policy of limiting missile defense has a tremendous impact on our ability to thwart an attack from less responsible powers, such as Iran or North Korea. Given the actions of Iranian and North Korean leaders, I would argue these countries represent the more important danger to the future of the United States and our allies in this new century.

In the 20th century, the argument about the defense of the Nation against an attack by missiles took on a divided and partisan tone. President Reagan proposed ''missile defense,'' while congressional Democrats opposed ''Star Wars.''

Much of the disagreement ended in the late 1980s and 1990s when Iraq attacked Iran and then Israel with missiles.

Over time, careful observers noted that missile defense was important not just to the health of Israel but to its survival.

When Russia attacked Georgia, it used a great number of missiles to deliver blows against that little country. As this century winds on, more countries will see these realities of the 21st century, eventually including the United States.

The administration's unsteady missile defense plans also concern me. I am concerned about the missile defense actions taken by the current administration. When it took office, it cancelled plans to enhance the missile defenses of the United States itself that were based in Alaska and California. To the great embarrassment of our allies in the Czech Republic and Poland, it cancelled plans to deploy radars and two-stage ground-based interceptors (GBIs). I would note that history has been unkind to Western leaders that abandon Poland.

The administration also began an effort to cancel funding for the ''Arrow III'' interceptor being jointly developed with Israel. Thanks to the late Chairman of the House Defense Appropriations Committee, Jack Murtha, the effort to kill Arrow III was reversed and

full-funding came to the Arrow III program despite the President's early wishes.

Once the negative reaction of our hurt Polish allies was known, the administration responded with a four-part plan to calm Europe using systems inferior to the GBI anti-missiles originally proposed by the last administration and current Secretary of defense. The inartfully coined European ''Phased-Adaptive'' approach involved anti-aircraft systems patched together in a rather ad hoc fashion. We now plan to begin by sailing U.S. Navy Aegis cruisers near European coasts followed by a decade and the possible deployment of a to-be-built Navy missile interceptor that does not yet exist, called the ''Standard Missile 3, block IIA''.

I contacted our Missile Defense Agency and asked if the originally planned GBIs for Poland could have stopped an attack by Iran against the United States. They answered yes.

We checked if any one of the new ''Phased-Adaptive'' stages could stop a similar intercontinental attack by Iran against the U.S. They answered Phase I could not, Phase II could not, and Phase III could not.

In fact the only phase that could engage a missile launched by Iran against the U.S. was not until Phase IV by the IIB missile that did not yet exist that would be deployed far later than the original GBIs proposed.

The problem goes deeper. I asked the MDA to compare the capabilities of the originally proposed two-stage GBIs to hit an Iranian missile against the future final Phase IV SM–3 JIB. The MDA replied with this graph. It shows that the original, longer range GBIs would have a full 4-minute window to hit and destroy an incoming Iranian missile bound for New York City. The SM–3 IIB, which has a shorter range, would have only 3 minutes. In short, the administration's new proposed missile has 25 percent less time to defeat an incoming Iranian attack than the originally proposed missile. No wonder our Polish allies supported the original plan.

I worry that some of these changes were made to curry favor with the Russians. I am concerned that the preamble to the START treaty would be used to reduce or block the efforts of the Congress to upgrade the defenses of the United States. In short, I am worried that while this treaty reduces the smaller threat of attack by Russia, it creates a Russian block for plans to eliminate the larger threat from Iran. The Russians clearly stated that if we mount defenses that could defeat their attack, they would pull out of the treaty. The problem is that to eliminate the threat from Iran and North Korea, we will have to do so. In this case, what is the value of the treaty? It clearly helps the Russians but if it blocks or delays our effort to protect against Iran, does it help us? I am also concerned with other aspects of this treaty, like an end to full-time compliance monitoring inside Russia.

There are also details of the treaty itself that concern me. Under previous treaties, the United States had a full-time monitoring presence in Votkinsk. This was eliminated. We will no longer have full-time monitors in Russia.

Also, an end to telemetry from new Russian missiles. Under previous treaties, the United States and Russia shared all the information transmitted by their test missiles in flight, called telemetry. While our spy satellites, planes and ships can gather some of this information, there is nothing like getting it straight from the missile's mouth. Telemetry is key to understanding the capability of a new missile, especially its maneuvers to drop off one or more nuclear warheads.

Under this new treaty, this data was lost. The Russians will not provide telemetry from their new missiles under this treaty. Their only obligation is to share telemetry from five missile flights a year and they will likely pick old missiles to do this.

We are told we lost the capability to collect the telemetry of new Russian missiles because while the Russians are developing many new models, we are not. Given that telemetry would report mainly on new Russian developments and not American, our negotiators gave up.

They should not have given up. The collection of telemetry from new Russian missiles had long been enshrined in arms control treaties. This precedent was well established and should have been continued.

There are inspections, but only 18 per year. We are told that the new treaty will offer the unprecedented inspection of actual missile warheads. This is true. Under the old treaties, we simply counted the number of missiles the Russians had using our spy satellites and assumed each missile was packed with as many warheads as the missile's flight tests and telemetry showed.

Now we will get to inspect actual missiles—but only 18 per year. The Russians have hundreds. At the rate the treaty allows, the full inspection of the Russian arsenal of 800 launchers would take over 40 years.

I asked administration officials how many hours notice the Russians would have before Americans conducted an actual warhead inspection. In all cases, they would have 24 hours or more notice that the Americans were coming. After extensive briefings on Russian cheating against previous arms control treaties—most flagrantly the treaty banning biological weapons—it should give you pause that the United States gave up collecting telemetry on the flight of every Russian missile in return for the inspection of 10 missiles per year and that only after a full day's notice.

We are also told that this treaty is needed to improve Russian international behavior. In my view, a treaty should only be signed to reward good behavior, not to encourage it later.

I was most inclined to support the intent of this treaty to improve relations between the United States and Russia on the subject of collapsing the Iranian regime and its nuclear weapons program. Undoubtedly, the administration earned good marks in getting the Russians to cancel the delivery of one key piece of air defense equipment—an anti-aircraft missile battery called the S–300—to Iran. This was an unqualified success.

Unfortunately, there are many more failures where the press paid little note. We believe the Russians are still delivering other pieces of air defense equipment to the Iranians. That is why the Russians insisted on exempting such deliveries from the new U.N. sanctions against Iran. Russian equipment will likely be used to defend Iran's nuclear sites, the very programs we are most worried about that violate Iran's commitment to the U.N. Nuclear Non-Proliferation Treaty.

What is most surprising is the actions of the Russians since the negotiation of this treaty. They know we, the Europeans and Israelis are most worried about the nuclear program of Iran. Despite these well-publicized concerns and numerous U.N. resolutions against the Iranian nuclear program, the Russians chose this year and this country to provide nuclear fuel to the Iranian reactor at Bushehr. As that Russian reactor begins operation, plutonium production will begin inside Iran. While the Russians promise that the Iranians will not be able to use this plutonium in Iranian bombs, can we be assured that these promises will be honored? Would not it have been better to never begin plutonium production in Iran at all?

I am also concerned about new ideas coming from the administration on missile defense and the Russians. Long ago, President Clinton proposed U.S-Russian cooperation in space. That cooperation led to a dependence so that soon, the U.S. will lack any way to launch astronauts. We cannot send our own astronauts to our own space station without the permission of the Russians.

In discussions regarding this treaty, I learned that the administration is now planning to bring the Russians inside the missile defenses of NATO. Russia is the very nation that used missiles to attack Georgia—a country applying for membership in NATO. I am sure the Georgians would be uncomfortable at best seeing Russians manage the missile defense of their little nation.

The U.S. offer to bring the Russians into NATO's missile defenses was embodied in an offer at the recent NATO conference in Lisbon. Nearly all Americans are fully aware of Russian spying against the United States military for the last 70 years. We know that Russia has one of the most active cyber-attack networks on the planet operating against U.S. networks. It would seem that a proposal to bring the Russians into the missile defense system of

NATO would introduce powerful new opportunities for espionage against us, as well as a greater understanding of our defense capabilities and weaknesses.

Imagine a Russian officer in a NATO missile defense center. He will soon learn when our system is alerted, how it processes information, what our response times are and the estimated accuracy of our interceptors. These are the things he would learn during his first week inside our operations center. We can only imagine what else he would learn over the coming years.

Remember that the warning information from NATO is critical to the defense of the United States. If the Russians managed to spoof or block critical NATO missile warning data, then U.S. commanders defending our homeland would become weaker, not stronger due to Russian presence in NATO missile defense centers.

Recall that missile combat is the ultimate ''come as you are'' affair. In a struggle between continents, the battle will be joined within 30 minutes. When submarine or medium-range missiles are employed, battle can start in as little as 10 minutes. If we have Russians in the system who found American weaknesses or deployed problems, U.S. commanders will have only minutes to diagnose and fix those problems before the gravest consequences befall our people and allies.

The next Congress will favor missile defense programs to a far greater degree than this one. I plan to encourage this body and especially the House with legislation to deny funding for any effort to bring Russians into the missile defenses of NATO or the United States.

I respect the opinions of Senators on both sides of this question. It is my judgment that safety of the American people is better off if we work to eliminate the new dangers of the 21st century rather than focus on the old agreements of the 20th century. In my view, the growing dangers of Iran and North Korea threaten the American people most. Therefore, the missile defense programs of the United States and our allies take precedence over an agreement whose protocol limits our defenses by acknowledging the need to preserve the ability of Russia to attack the United States.

While most of us were born in the 20th century and we loved black and white TV, the ''Ed Sullivan Show'' and the ''Honeymooners,'' we recognize that time has passed and we must adapt to the new world of the Internet, Ipad and Ichat. The 20th century doctrine of nuclear Mutually Assured Destruction against the Soviet Union is part of our past and not part of a future involving Taepo Dong II missiles from North Korea and Shahab III missiles from Iran.

I would urge the administration to devote the time and attention of our able diplomats to ending the Iranian nuclear program rather than this agreement that, while laudable in its very modest goals, went awry at the negotiating table.

Mr. President, I yield the floor.

Mr. LEVIN. Madam President, on April 8, 2009, President Obama and President Medvedev concluded negotiations, which had begun under President Bush, and signed the New START treaty. This new treaty is a key part of the reset of the U.S.-Russian relationship. Even though the Cold War ended 20 years ago, this relationship has been unclear; Russia is not an adversary but neither is it an ally. There have been divides and disagreements even though we share many common goals and interests. President Obama is rightly intent on moving the relationship in a more positive direction. Ratification of the New START treaty is an important part of this process.

On May 13 of this year, President Obama submitted the New START treaty to the Senate. In carrying out its responsibility the Senate Foreign Relations Committee, the Senate Armed Service Committee and the Senate Select Committee on Intelligence held a total of 20 hearings and 4 briefings. Seven hearings and three briefings were held by the Armed Services Committee. Even before the new treaty was submitted to the Senate, the Department of State provided the Senate National Security Working Group multiple briefings on the status of and issues discussed during negotiations.

It is now time for the Senate to provide its consent to ratification. As Admiral Mullen, the Chairman of the Joint Chiefs of Staff, said about the START treaty on December 12, ''this is a national security issue of great significance and the sooner we get it done the better.'' The Director of National Intelligence is also eager to get this treaty finished and restore the insight into Russian nuclear forces that this treaty will provide and that is so important for the intelligence community. Director Clapper said, ''the sooner, the better. From an intelligence perspective, we are better off with the Treaty than without it.'' Retired General Brent Scowcroft, the National Security Adviser for both Presidents Gerald Ford and George H.W. Bush, and a supporter of the Treaty, said, ''to play politics with what is the fundamental national interest is pretty scary stuff.''

Some have suggested that this new treaty should not be taken up in this lameduck session of the 111th Congress. I couldn't disagree more. Almost as soon as this session of Congress began, the President announced his intent to complete negotiations on the new strategic arms agreement to replace the START I treaty. Various Senate committees of this Congress and the Senate National Security Working Group of this Congress were briefed on numerous occasions by the negotiating team on the new treaty. This Congress got the updates on the progress and the issues and this Congress provided guidance along the way. The committees of this Congress held 20 hearings and briefings on this new treaty. This Congress hosted several all-Member briefings including one such session with the Director of National Intelligence, James Clapper, to get his views on the importance of the treaty. The next Congress will not have the benefit of all that work and insight. It is in fact the obligation and the duty of this Congress to take up this treaty.

When President Obama submitted the START treaty to the Senate for consideration he made six key points.

The treaty will enhance the national security of the United States.

The treaty mandates mutual reductions and limitations on the world's two largest nuclear arsenals.

The treaty will promote transparency and predictability in the future strategic relationships of Russia and the United States.

The treaty will enable each party to the treaty to verify that the other party is complying with its obligations through a regime of onsite inspections, notifications, comprehensive and continuing data exchanges, and provisions for unimpeded use of national technical means.

The treaty includes detailed procedures for elimination or conversion of treaty accountable items, and

The treaty provides for the exchange of certain telemetric information on ballistic missile launches.

Equally important to this discussion is what the START treaty does not cover.

It does not limit U.S. missile defense plans and programs.

It does not limit U.S. conventional prompt global strike programs.

It does not provide authority within the treaty to modify the terms and conditions of the treaty without the advice and consent of the Senate.

It does not constrain in any way the ability of the United States to modernize the nuclear weapons complex, modernize, maintain, or replace strategic delivery systems, or the ability to ensure that the stockpile of U.S. nuclear weapons remains safe, secure, and reliable.

It also does not cover nonstrategic nuclear weapons—often referred to as tactical nuclear weapons. The START treaty covers, as have all previous nuclear arms reduction treaties, strategic offensive nuclear arms. Dealing with tactical nuclear weapons is certainly an area of arms control that needs to be addressed but has proved elusive to previous administrations, Democratic and Republican. It remains to be addressed.

The START III treaty was to have covered these weapons but when the START II treaty, which was signed by President George H.W. Bush and Russian President Boris Yeltsin in 1993, was not ratified, any hope of addressing tactical nuclear weapons in a START III treaty died along with the START II treaty. 17 years later President Obama is trying to get nuclear

arms reductions back on track, by resuming discussions with Russia and signing the START treaty. Hopefully, entry into force of this START treaty will allow the United States and Russia to discuss an agreement on tactical nuclear weapons. While getting an agreement to limit tactical nuclear weapons will be very difficult, without ratification of the New START treaty, it will be impossible.

Because this treaty does not require any significant reductions in either U.S. nuclear weapons or delivery systems, it is a fairly modest treaty.

The so-called Moscow Treaty, which was signed in 2002 by President George W. Bush and Russian President Boris Yeltsin, limited both Russia and the United States to a range of operationally deployed nuclear warheads by the year 2012. Under the Moscow Treaty, each side could have between 1700 and 2200 total operationally deployed nuclear weapons. Russia has already met this goal and the United States is very close. Under the START treaty, each side will have no more than 1550 deployed nuclear weapons, a reduction of just 150 weapons below the Moscow Treaty. The START treaty does not limit the number of nondeployed nuclear weapons, an issue of importance to the Commander of the U.S. Strategic Command, GEN. Kevin Chilton.

The limits in this treaty were agreed to after careful analysis by U.S. military leadership, particularly GEN Kevin Chilton, the Commander of the U.S. Strategic Command and the man responsible for these strategic systems.

At a hearing before the Armed Services Committee on July 20, 2010, GEN Chilton stated that the force levels in the treaty meet the current guidance for deterrence for the United States. That guidance was laid out by President George W. Bush

> The options we provided in this process focused on ensuring America's ability to continue to deter potential adversaries, assure our allies, and sustain strategic stability for as long as nuclear weapons exist. This rigorous approach, rooted in deterrence strategy and assessment of potential adversary capabilities, supports both the agreed-upon limits in New START and recommendations in the Nuclear Posture Review (NPR).

The strategic deployed forces allowed under the treaty will ensure the retention of the nuclear triad—all three delivery legs of the triad, bombers, SLBMs, and ICBMs. On that point GEN Chilton was very clear, saying ''We will retain a triad of strategic nuclear delivery systems.''

Secretary of Defense Gates has also been very clear that the nuclear triad will be maintained. In an op-ed in May in the Wall Street Journal, Secretary Gates said the New START treaty ''preserves the U.S. nuclear arsenal as a vital pillar of our nation's and our allies' security posture. Under this treaty the U.S. will maintain our powerful nuclear triad . . . and we retain the ability to change our force mix as we see fit.''

Some have said that the United States will have to make significant reductions to reach the force levels under the treaty and that the Russians will have to make no reductions. According to GEN Chilton this argument is a distraction. At an Armed Services Committee hearing GEN Chilton commented on the lower level of Russian forces and said:

> New START limits the number of Russian ballistic missile warheads that can target the United States, missiles that pose the most prompt threat to our forces and our nation. Regardless of whether Russia would have kept its missile force levels within those limits without a New START Treaty, upon ratification they would now be required to do so.

While the START treaty will also not require significant reductions in the number of U.S. strategic delivery systems, there will be some reductions but not for 7 years. More importantly the START treaty will provide certainty for both Russia and the United States as to the size of the deployed nuclear force of the other. This is particularly important to the United States because Russia is now below the proposed delivery system limits of the START treaty, but has plans to build the number of strategic delivery systems. It is very much in the interest of the United States to have a cap on that build-up. An unrestrained build up would quickly bring back the ghosts and burdensome costs of the Cold War.

Under this new treaty, Russia and the United States will each have a total of 800 deployed and nondeployed ICBM launchers, SLBM launchers, and heavy bombers equipped for nuclear armaments, and 700 deployed ICBMs, deployed SLBMs and deployed heavy bombers equipped for nuclear armaments. The treaty does not limit nondeployed nuclear warheads, nondeployed ICBMs, nondeployed SLBMs, or heavy bombers that are not equipped for nuclear armaments. This is particularly important for the B–1B bomber fleet, as those airframes have not been in nuclear service for many years and will not be counted under the START treaty when simple modifications are completed.

This START treaty brings a practical approach to strategic systems and counts real delivery systems and real warheads. Over the years, the old START I treaty had resulted in exaggerated nuclear force numbers. For instance, under the old START I treaty, the four *Ohio* class submarines that have been converted to conventional use, were still counted as 96 deployed SLBMs and 768 deployed nuclear warheads. These exaggerated force structure levels have led to uncertainties for military planners and increased costs for the United States. Under this treaty they will not be counted.

One of the additional benefits of this START treaty is that the treaty provides a clear mechanism to remove systems from being counted under the treaty. The ability to clearly and easily remove systems, such as heavy bombers from under the treaty, is also of great importance to General Chilton, the Commander of the U.S. Strategic Command.

For example the United States currently has 76 B–52 bombers and 18 B–2 bombers, a total of 94 nuclear capable bombers. Under the current plan for implementing the treaty there will be up to 60 nuclear capable bombers. The remaining 34 can be converted to conventional only capability and will no longer count under the treaty. They do not have to be destroyed. I think this fact is often misunderstood and there may be an impression that the 34 bombers will have to be destroyed under the treaty. That is not the case.

This past May, Secretary of Defense Gates wrote an op-ed in the Wall Street Journal. Drawing on his long history and involvement with strategic arms control agreements, which dates back to 1970, Secretary Gates said that the question is always the same for each treaty: ''Is the United States better off with an agreement or without it?'' With respect to the START Treaty Secretary Gates' answer to the question is unequivocal: ''The United States is far better off with this Treaty than without it.''

That is also the issue now before the Senate. Is the United States better off with this START treaty? The 20 hearings and 4 briefings have clearly demonstrated that it is.

In that same op-ed, Secretary Gates emphasized the current state of affairs that has existed since the end of December 2009 when the START I treaty expired. Since that time, there has been no verification and inspection regime, no visibility into the Russian strategic programs, and no limits on delivery vehicles. As the Secretary said:

> Since the expiration of the old START Treaty in December 2009, the U.S. has had none of these safeguards. The new treaty will put them back in place, strengthen many of them, and create a verification regime that will provide for greater transparency and predictability between our two countries, to include substantial visibility into the development of Russian nuclear forces.

This rigorous inspection and verification regime, which when coupled with our national technical means, will allow this treaty to be monitored and verified. Nevertheless there has been an argument made that Russia cheated on the START I treaty and therefore we shouldn't ratify the new treaty. According to the State Department that is simply not the case.

In testimony before the Armed Services Committee in July, Assistant Secretary of State Rose Gottemoeller said, regarding the State Department's 2010 Treaty Compliance Report:

> I want to point out that Russia was in compliance with START's central limits during the Treaty's life span. Moreover, the majority of compliance issues raised under START were satisfactorily resolved. Most reflected differing interpretations on how to implement START's complex inspection and verification regime.

The old START I treaty was a complicated and complex treaty, many of

the lessons learned from the inspections during the course of that treaty have been incorporated into the new treaty. There were issues on both sides. According to the 2010 Treaty Compliance Report:

The United States stated on several occasions to our Treaty partners that the United States was compliant with the Treaty; however as might be expected under a verification regime as complex as START, the United States and Russia developed a difference of views with regard to how the sides implemented certain Treaty requirements.

This is not the same as cheating.

Our senior military leaders believe the new treaty can be monitored and verified and that if Russia did cheat there is high confidence that any cheating could be detected before such cheating rose to a level of military significance. General Chilton said during testimony before the Armed Services Committee, ''New START will reestablish a strategic nuclear arms control verification regime that provides access to Russian nuclear forces and a measure of predictability in Russian force deployments over the life of the treaty.''

In a discussion on the ability to detect cheating I asked General Chilton, ''In other words, the verification provisions give you confidence that Russia cannot achieve a militarily significant advantage undetected?'' General Chilton said: ''Yes, that's correct.''

Assistant Secretary of State Rose Gottemoeller, in her July testimony before the Armed Services Committee, made it clear that any cheating could be detected before it became militarily significant. She also believes that the United States is well positioned to deter cheating as well. In that regard she said:

Deterrence of cheating is a key part of the assessment of verifiability, and is strongest when the probability of detecting significant violations is high, the benefits to cheating are low, and the potential costs are high. We assess that this is the case for Russia cheating under the New START Treaty.

One of the areas on which we have had substantial discussion is missile defense. The U.S. missile defense program isn't covered or limited by the New START treaty. It—the missile defense program—has nevertheless become a major focus of the debate on the treaty. Our missile defense programs and policies are based on developing and fielding the missile defense capabilities we need to meet the missile threats we face, not on any of these treaty matters. The New START treaty does not limit the missile defense capabilities we need.

Secretary of Defense Gates, in testimony before the Armed Services Committee on June 17, said:

The Treaty will not constrain the United States from deploying the most effective missile defenses possible, nor impose additional costs or barriers on those defenses. I remain confident in the U.S. missile defense program, which has made considerable advancements, including the testing and development of the SM–3 missile, which we will deploy in Europe.

Secretary of State Clinton, in testimony before the Armed Services Committee on June 17 said:

This Treaty does not constrain our missile defense efforts. I want to underscore this because I know there have been a lot of concerns about it and I anticipate a lot of questions.

During that same hearing Secretary Clinton went on to say:

The Treaty's preamble does include language acknowledging the relationship between strategic offensive and defensive forces, but that's simply a statement of fact. It too does not in any way constrain our missile defense programs.

In a July 20 hearing before the Armed Services Committee, GEN Kevin Chilton, the Commander of the U.S. Strategic Command said:

As the combatant command(er) also responsible for synchronizing global missile defense plans, operations, and advocacy, I can say with confidence that this treaty does not constrain any current or future missile defense plans.

Assistant Secretary of State, Rose Gottemoeller, the lead negotiator of the Treaty, in testimony before the Senate Foreign Relations hearing on June 10, said:

The Treaty does not constrain our current or planned missile defense and, in fact, contains no meaningful restrictions on missile defenses of any kind.

Later, on July 29, in testimony before the Armed Services Committee, Assistant Secretary Gottemoeller said:

There were no—and I repeat—no secret deals made in connection with the New START Treaty, not on missile defense nor on any other issue.

As the Ballistic Missile Defense Review report made clear, the administration is pursuing a variety of systems and capabilities to defend the homeland and different regions of the world against missile threats from nations such as North Korea and Iran. A good example of that is the phased adaptive approach to missile defense in Europe. The Secretary of Defense and the Joint Chiefs of Staff recommended it unanimously. It is strongly supported by our NATO allies. The November 20, NATO Lisbon Summit Declaration says that ''the United States European Phased Adaptive Approach is welcomed as a valuable national contribution to the NATO missile defense architecture.''

During the NATO Lisbon Summit NATO announced its own decision to build a missile defense system to protect European populations and territory against missile attack, consistent with the phased adaptive approach. The phased adaptive approach is designed to provide effective missile defense capabilities in a timely manner against existing or emerging Iranian missile threats. Those are the missile threats faced by our military personnel, allies, and partners in Europe.

As the Secretary of Defense and numerous other officials have made clear, the treaty does not limit our missile defense plans or programs. The Armed Services Committee also knows that, and our authorization bill stated that fact. Section 221(b)(8) of the Ike Skelton national Defense authorization bill for fiscal year 2011 that we passed this morning in the Senate states, ''there are no constraints contained in the New START Treaty on the development or deployment of effective missile defenses, including all phases of the Phased Adaptive Approach to missile defense in Europe and further enhancements to the Ground-based Midcourse Defense system, as well as future missile defenses.''

To be very clear there is one provision in the treaty that prohibits each side from using ICBM silos or SLBM launchers for missile defense interceptors, and vice versa. But using these silos and launchers are not in our missile defense plan and should not be in our plan because it would be very much against our interest to use strategic missile interceptor silos for ballistic defense purposes. It would be more expensive than building new silos, the strategic missile silos aren't in the right locations to defend against missiles from North Korea, and most importantly, it would be destabilizing to launch ballistic missile interceptors from ICBM silos or SLBM launchers.

Lieutenant General O'Reilly, the Director of the Missile Defense Agency, has made clear, we don't want, need, or plan to use such silos for missile defense purposes. In a June 16 hearing before the Senate Foreign Relations Committee, Lieutenant General O'Reilly made it very clear saying ''replacing ICBMs with ground-based interceptors or adapting the submarine-launched ballistic missiles to be an interceptor would actually be a setback—a major setback—to the development of our missile defenses.''

That one limitation has no impact on our plans for missile defense, plans that are more effective and less expensive than converting ICBM or SLBM silos to missile defense use.

There is one other area of the many that have been discussed in connection with the START treaty that I would like to raise, and that is modernization of the nuclear weapons complex and maintaining the ability to certify annually that our stockpile remains safe, secure and reliable.

Shortly before Congress instituted a moratorium on nuclear weapons testing in the early 1990s, the United States established a stockpile stewardship program to design and build advanced scientific, experimental, and computational capabilities to enable the annual certification process for the nuclear weapons. This program has been very successful. Beginning in 2005, however, support for the program started to wane and the budgets for nuclear activities started to go down. Without enough money the weapons complex was forced to have layoffs at the nuclear weapons laboratories and the production facilities, to defer

maintenance on many important buildings and facilities, to delay key acquisitions, and to delay design and construction of the last two major new production facilities. President Obama, in his fiscal year 2011 budget request and in the plans for the future years, has turned this situation around by providing $4.1 billion more over the next five years than previously planned. This level of funding is unprecedented since the end of the Cold War.

President Obama laid out his funding plan for the nuclear enterprise in the November Section 1251 report, a report that would provide an additional $1.2 billion over 2 years, a 15 percent increase and a total of $41.6 billion for fiscal years 2012–2016 for the National Nuclear Security Administration.

With these amounts has the administration committed enough to modernization and sustainment of the complex and the life extension programs for the nuclear stockpile? The directors of three nuclear weapons laboratories all say yes. In a joint December 1, 2010, letter to Senators KERRY and LUGAR, the three Directors of the nuclear weapons laboratories said that the finding level proposed in the section 1251 report '' would enable the laboratories to execute our requirements for ensuring a safe, secure, reliable, and effective stockpile under the Stockpile Stewardship and Management Plan.''

The Administrator of the National Nuclear Security Administration, under both President George W. Bush and President Obama, Tom D'Agostino, said, in testimony before the Armed Services Committee in July:

> Our plans for investment in and modernization of the Nuclear Security Enterprise—the collection of NNSA laboratories, production sites, and experimental facilities that support our stockpile stewardship program, our nuclear nonproliferation agenda, our Naval nuclear propulsion programs, and a host of other nuclear security missions—are essential irrespective of whether or not New START is ratified.

The Senate Foreign Relations Committee took the right approach on this issue in its resolution of ratification by not making entry into force contingent on a certain funding level, but by including a sense of the Senate that the United States is committed to a robust stockpile stewardship program.

The list of both Republican and Democratic supporters of this Treaty is broad and strongly bipartisan, including eight former Secretaries of State—Madeleine Albright, Warren Christopher, Colin Powell, Condoleezza Rice, James Baker, Lawrence Eagleburger, George Schultz, Henry Kissinger—four former Secretaries of Defense—Harold Brown, Frank Carlucci, Bill Cohen, Bill Perry, and Jim Schlesinger—seven former commanders of the U.S. Strategic Command, President George H.W. Bush, President Clinton and a long list of national security experts.

Our NATO allies support this treaty and have urged us to ratify it without delay. NATO Secretary General Anders Fogh Rassmussen said at the NATO summit in Lisbon in November:

> A ratification of the START Treaty will contribute strongly to an improvement of the overall security environment in the Euro-Atlantic area, and all members of the NATO-Russia Council share the view that an early ratification of the START Treaty would be to the benefit of security in the Euro-Atlantic area. I'd also have to say that it is a matter of concern that a delayed ratification of the START Treaty will be damaging to the overall security environment in Europe. So we strongly urge both parties to ratify the START Treaty as early as possible.

I believe that the Senate should consent to ratification of the New START treaty and that ratification of this treaty is in the national security interest of the United States. Ratification of the New START treaty will provide predictability, confidence, transparency and stability in the United States-Russian relationship. The New START treaty will make us safer today, and leave a safer world for our children and grandchildren. The Senate should ratify the New START treaty now.

Mrs. FEINSTEIN. Madam President, I am very pleased that the Senate is about to ratify the New START treaty—I hope and believe with a very solid bipartisan vote.

This really is a historic moment. This is the biggest arms control treaty in 20 years, and the most important foreign policy action the Senate will take this Congress.

This is absolutely the right thing to do. It is important to our national security and it is critical to uphold America's place in the world community.

As I have said many times, the arms reductions in this treaty are modest. New START requires a 30 percent reduction in warheads from the limits set out in the Moscow Treaty in 2002 to 1,550 on each side, but both the United States and Russia have been reducing their strategic stockpiles since then.

The real importance of this treaty comes from the monitoring provisions, confidence-building measures, and the strengthened relationship between two of the world's major powers.

We have not had inspectors at Russian nuclear facilities for 13 months. We have not had data exchanges on the size and deployment of Russian forces. Russia has had the freedom to block our national technical means to monitor their forces. Apart from our national technical means, we are now blind.

With this treaty, we will benefit from these measures and others. The Senate has discussed the monitoring and verification provisions at length during this debate—in open and closed session—and it has been made very clear that this treaty greatly strengthens our intelligence community's ability to monitor and assess Russian strategic forces.

As Director of National Intelligence Clapper has said, the sooner we ratify this treaty, the better. I am very pleased that the Senate is acting now, before the end of the year and the congressional session, to give the executive branch these tools.

With the ratification of this treaty, the Senate also makes clear that the United States is willing and able to make good on its foreign policy promises and to act in the best interests of our country and of the world.

Following ratification in the Russian Duma, the United States and Russia will begin the next round of arms control and transparency.

I hope and I believe many Senators have expressed their desire, that this will lead to further arms control negotiations to reduce further the level of strategic arms and to address tactical nuclear weapons and other delivery mechanisms.

The ratification also maintains, and hopefully will build on, the improving relationship between our two countries and our two young Presidents.

We have enjoyed strong cooperation this year, over Afghanistan, over Iran, and—according to a letter I received from President Obama on Monday—over the tense situation on the Korean Peninsula.

In a world of asymmetric threats, we need friends and allies more than ever. This treaty moves us in this direction—with Russia and with the Eastern European nations that are strongly in support of the treaty.

Before closing, I want to congratulate and thank my good friend from Massachusetts. He has spent an incredible amount of time considering this treaty in the Foreign Relations Committee, preparing the resolution of ratification and in managing this floor debate.

He has done a fabulous job, and I really want to thank him for all his effort and his cooperation with me through this entire process.

I would also like to thank the many administration officials for their assistance in my consideration of this treaty, all of whom have spent time in my office over the past year. They include:

> Assistant Secretary Rose Gottemoeller, our lead negotiator; Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff; General James Cartwright, Vice Chairman of the Joint Chiefs; Tom D'Agostino, Administrator of the National Nuclear Security Administration; and Director of National Intelligence Jim Clapper.

Mrs. SHAHEEN. Madam President, today, the Senate has a historic opportunity to follow in a long history of strong, bipartisan support for reducing the threat posed by nuclear weapons around the globe. We have a chance to strengthen American national security and restore American leadership on the nuclear agenda. I am hopeful that the Senate will choose the right path and vote in favor of ratification of the New START treaty.

I want to thank Senators KERRY and LUGAR for their tireless, impressive work on the New START treaty.

Former Secretary of State Dr. Henry Kissinger, in explaining his support for the New START Treaty, told our committee earlier this year that the Senate's decision on New START ''will affect the prospects for peace for a decade or more. It is, by definition, not a bipartisan, but a nonpartisan, challenge.'' Senators KERRY and LUGAR have done everything in their power to make this a nonpartisan effort, and I commend them and their staff for their excellent work.

I want to also take a moment to thank the negotiators, Rose Gottemoeller, Ted Warner, their colleagues at the White House, and all the civil servants responsible for negotiating this agreement. Each of them has a lifetime of experience and impressive expertise on nuclear issues, and they all worked hard to navigate this difficult treaty process. America was well-served by your efforts, and we thank you for your leadership.

At the very beginning of this long process, Secretary of Defense Robert Gates asked the Senate a very important question: Is the United States better off with an agreement or without it? Today, the Senate has to answer this specific question.

We have had a very long, thorough, and vigorous debate, and some Senators may not agree with everything in the treaty text before us, and some may have problems with the process by which we are here today, but let's be clear. The vote today is not about what each of us might have done differently. The vote today is not about abstract numbers or theoretical point scoring. The historic vote today is simple: Do you believe the United States and the world are better off with an agreement or without one?

The Senate—led in a bipartisan fashion by Senators KERRY and LUGAR has done an impressive job of meeting its constitutional responsibilities, and I am proud of the work we have done in giving our advice and consent to the New START treaty. The involvement of the Senate over the last year and a half and the debate we have undertaken have been worthy of the world's greatest deliberative body.

I have heard from many of my colleagues that the Senate should not be a rubber stamp in ratifying the New START Treaty—as if to suggest we have not taken our constitutional responsibilities seriously during this process. This could not be further from the truth.

First, the Senate's influence can be seen throughout the treaty document. A number of Senators met with negotiators numerous times prior to the treaty's completion, and some even traveled to Geneva during the negotiations. In many respects, from the very beginning, our negotiators were operating within a framework and boundaries as set by Senators involved in the process. The treaty itself is really a product of collective input from both the executive and congressional branches. The unique insight and input this Congress has provided throughout the negotiation process could not be replicated in any future consideration.

In addition, since we received the treaty, the Senate has done its job and has thoroughly considered this agreement. The Senate Foreign Relations Committee held 12 hearings and heard testimony from 21 expert witnesses. The administration has answered over 900 questions for the record. We have also had more floor time for amendments and consideration than any other treaty of its kind. Our vigorous debate on the floor has added nuance and depth to this already thorough body of work.

It is also important to note that the Senate, in providing its advice and consent, actually writes and approves the resolution of ratification to go along with the treaty. This is not an insignificant document. This is the Senate's opportunity to influence the treaty's future interpretation and implementation and our chance to provide the declarations, understandings, and conditions to the treaty. The resolution succinctly and explicitly expresses the Senate's views on New START, and our resolution actually provides some strong statements with respect to many of the concerns raised by critics of the treaty.

For example, on missile defense, the resolution reads very clearly that the United States remains committed to missile defense, and the New START treaty does not constrain that commitment:

> The New START Treaty and the . . . unilateral statement of the Russian Federation on missile defense do not limit in any way, and shall not be interpreted as limiting, activities that the U.S. currently plans or that might be required . . . to protect U.S. Armed Forces and U.S. allies from limited ballistic missile attack.

In addition, the DeMint amendment on missile defense in the resolution reads:

> The United States is and will remain free to reduce the vulnerability to attack by constructing a layered missile defense capable of countering missiles of all ranges The United States is committed to improving U.S. strategic defensive capabilities both quantitatively . . . and qualitatively and such improvements are consistent with the Treaty.

On tactical nuclear weapons, the resolution reads:

> The Senate calls upon the President to pursue . . . an agreement with Russia that would address the disparity between tactical nuclear weapons stockpiles . . . and would secure and reduce tactical nuclear weapons in a verifiable manner.

Finally, on strategic-range, non-nuclear weapon systems:

> Nothing in the New START Treaty restricts U.S. research, development, testing, and evaluation of strategic-range, non-nuclear weapons . . . [or] prohibits deployments of strategic-range, non-nuclear weapon systems.

The fact is that the Senate has done its constitutional duty and has thoroughly debated and considered this important agreement.

Adding to our extensive internal debate, countless outside experts and former officials have also weighed in on this treaty. New START has the unanimous backing of our Nation's military and its leadership, including Secretary Gates, the Chairman of the Joint Chiefs, the commander of America's Strategic Command, and the Director of the Missile Defense Agency. America's military establishment is joined by the support of every living Secretary of State—from Secretary Jim Baker to Secretary Condoleezza Rice—as well as five former Secretaries of Defense, nine former national security advisors, and former Presidents Clinton and George H.W. Bush. The overwhelming consensus from these foreign policy and national security heavyweights has been clear: New START is in America's national security interests.

I think it is important to take a step back and remember the broader picture of the decision before us today. We are no longer talking about abstract numbers, intangible ideas or questions of process. We are talking about real nuclear weapons. We are talking about thousands of the most dangerous weapons in the history of mankind—weapons actually aimed directly at American cities.

Our arsenals are composed primarily of nuclear weapons each yielding between 100 and 1,200 kilotons of power. To give you a sense of the power of these weapons, the nuclear weapon dropped on Hiroshima yielded around 13 kilotons of power. After New START, the United States and Russia will still be allowed an arsenal of 1,550 warheads capable of leveling cities more than five times the size of New Hampshire's largest city of Manchester.

Now, I am under no illusions that the ratification of the New START treaty will somehow by itself meet the threats posed by nuclear weapons around the globe. President Kennedy told us that attainable peace will be ''based not on a sudden revolution in human nature but on a gradual evolution in human institutions'' and ''peace must be the product of many nations, the sum of many acts.'' He said:

> No treaty, however much it may be to the advantage of . . . all can provide absolute security . . . But it can . . . offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

New START is a step away from this ''unabated, uncontrolled, unpredictable'' environment.

As the first Nation to invent and then use nuclear weapons, the United States has spent the majority of the last half century trying to reduce the risk they pose. Over five decades ago, President Eisenhower committed the United States to meeting its special responsibilities on the nuclear threat. He said:

The United States pledges before you—and therefore before the world—its determination to help solve the fearful atomic dilemma—to devote its entire heart and mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life.

Eisenhower's early commitment and America's special responsibility have led to unbroken U.S. leadership in the world on the nuclear agenda. The Nuclear Non-Proliferation Treaty—the cornerstone of global nonproliferation efforts—was born out of President Eisenhower's ''Atoms for Peace'' vision. The original START treaty was a culmination of President Reagan's entreaty to ''trust, but verify'' Russia and its actions. The U.S. Cooperative Threat Reduction Program, which has led to the deactivation of over 7,500 Russian nuclear warheads, was the result of two visionary and farsighted Senators named Nunn and LUGAR.

American leadership on the nuclear agenda makes the world safer. Period.

As Secretaries Kissinger, Schultz, Perry, and Senator Nunn told us in their seminal 2007 opinion piece:

The world is now on the precipice of a new and dangerous nuclear era . . . Nuclear weapons today present tremendous dangers but also a historic opportunity. U.S. leadership will be required to take the world to the next stage—to a solid consensus for reversing reliance on nuclear weapons globally as a vital contribution to preventing their proliferation into potentially dangerous hands.

The New START treaty should be the next step on the path of American leadership on the nuclear agenda. If we turn our back on this treaty at this time, we are turning our back on a generation of bipartisan, American leadership in this field, and we cede the field to a more dangerous and more uncertain world.

The debate over New START is now over, and the only choice left before us is this treaty or nothing. Each of us today will decide—yes or no—whether we think we are better off with a treaty or without one.

I hope we will vote on the side of the overwhelming majority of foreign policy and national security experts who have called on us to support this treaty. I hope we will vote on the side of our unanimous military and intelligence communities. I hope we will vote on the side of a legacy of American leadership on the nuclear agenda.

I am hopeful we will follow in the footsteps of the Senate's strong bipartisan history and ratify the New START treaty today.

Mr. KOHL. Madam President, I rise today to support ratification of the New Strategic Arms Reduction Treaty, or New START. This treaty continues the bipartisan arms control framework first proposed by President Ronald Reagan and implemented by President George H.W. Bush with the START I and START II treaties. President George W. Bush continued this work with the Moscow Treaty. Now President Obama has taken another important step to address the dangers of nuclear weapons with the New START treaty.

Stopping the spread of nuclear weapons and reducing existing nuclear stockpiles is critical to our national security. New START helps accomplish this goal by placing responsible limits on nuclear warheads and delivery vehicles, while still enabling the United States to maintain a credible nuclear deterrent.

New START also reestablishes regular onsite inspections of Russian nuclear facilities, which ended more than a year ago when the previous START treaty expired. The potential lack of safety, security, and controls of Russian nuclear weapons is a grave security risk, and there is no substitute for onsite inspections to address this threat.

I carefully considered the views of our military and diplomatic leaders in evaluating New START, and I am impressed by the breadth of bipartisan support for this treaty. The Secretaries of State, Defense, and Energy support New START. Our senior uniformed military leaders support New START, including the head of the Missile Defense Agency. Every living former Secretary of State, Republican or Democrat, supports New START.

I commend my colleagues on the Senate Foreign Relations Committee for the extensive work they have done to consider the New START treaty. They have produced a thorough record on the merits of this treaty, which enables every Senator to cast an informed vote. After reviewing this record, I am proud to cast my vote in favor of ratifying New START.

Mr. GRASSLEY. Madam President, before I begin my remarks on the New START treaty, I would like to point out to my colleagues that in 2002, I voted in favor of the Moscow Treaty. I was also one of 93 Senators who voted in favor of START I in 1992.

I recognize the importance of maintaining a positive and cooperative relationship with Russia. The proponents of the New START treaty argue that this treaty is necessary to continue the goodwill between our countries and the much-touted ''reset'' in our relations. More importantly to me, however, are the merits of the treaty itself. The Senate should not simply ratify this treaty to appease Russia or as a signal of cooperation with them. The treaty should be considered based on its impact on our national security and the security of our allies.

A nuclear arms control treaty can be evaluated based on the level of parity it brings to the two parties. In this regard, I believe this treaty falls short. The fact is, while this treaty places new limits on warheads, as well as deployed and nondeployed delivery vehicles, Russia is already below the limit on delivery vehicles. The treaty primarily imposes new limits on the U.S., while requiring modest, if any, reductions on the Russian side. Also alarming is that this treaty is silent on the matter of tactical nuclear weapons. It is believed that Russia has a 10-to-1 advantage over the U.S. in terms of tactical nuclear weapons.

The administration has argued that this treaty is necessary to provide strategic stability. However, if we are reducing our strategic weapons without regard to Russia's overwhelming advantage on tactical nuclear weapons, I question whether this reduction isn't weakening strategic stability. It should also be mentioned that some proponents of the New START treaty were critical of the 2002 Moscow Treaty for failing to reduce Russian tactical nuclear weapons. I believe our leverage with the Russians to begin placing meaningful limits on tactical nuclear weapons existed with this treaty. Now, I see no clear path to negotiating reductions in tactical nuclear weapons.

Like many of my colleagues, I have serious concerns about the inclusion of references to and limitations on U.S. plans for missile defense. I don't believe there should be a connection between strategic nuclear weapons reductions and our plans for missile defense. I am equally troubled that Russia issued a unilateral statement at the treaty's signing stating that the treaty ''may be effective and viable only in conditions where there is no qualitative or quantitative build-up in the missile defense system capabilities of the United States of America.''

It is positive that the Resolution of Ratification makes a strong statement that the treaty does not limit the deployment of U.S. missile defense systems, other than those contained in article V. It also says that the Russian statement on missile defense does not impose a legal obligation on the United States. While I would have preferred that this treaty not contain any language on missile defense, I appreciate the work of the Foreign Relations chairman and ranking member to include this language in the ratification resolution. But the fact remains, this language is simply our opinion and is nonbinding.

This treaty reverses the gains made in the Moscow Treaty which de-linked offensive and defensive capabilities. Although a modified amendment on missile defense to the resolution of ratification was agreed to today, I am disappointed that the Senate could not agree to the amendment offered by Senator MCCAIN which would have stricken the language in the treaty's preamble that arguably gives Russia a say on our future missile defense plans.

Finally, I also share the serious concerns related to the issue of verification. It has been the subject of much debate, and deservedly so. I agree with the sentiment that as our deployed strategic nuclear weapons are reduced, it becomes more and more critical that the remaining weapons can be relied upon. As the number of weapons is reduced, it becomes more important that we know that the Russians are abiding by the limits of the treaty.

After reviewing the classified material presented by Senator BOND, ranking member of the Senate Intelligence Committee, I have serious reservations about the new verification regime contained in the treaty. Although former Secretary of State James Baker supports ratification of the treaty, he stated that the verification mechanism in the New START treaty ''does not appear as rigorous or extensive as the one that verified the numerous and diverse treaty obligations and prohibitions under START I.''

I do regret that without a treaty in place that there is no verification regime, and no U.S. inspectors monitoring Russia's nuclear arms activities. It's important to point out, however, that the Obama administration had the ability to extend the verification regime for 5 years, as provided for in START I. But the Obama administration failed to act. The administration also insisted there would be a ''bridging agreement'' to continue verification until the entry into force of a successor agreement. This agreement was never completed either.

I am deeply disappointed that in these areas of concern, the Senate is simply being asked to be a ''rubberstamp'' rather than fulfill our constitutional obligation to provide our advice on these important matters. Had the advice of the Senate on these important issues been incorporated into the treaty, I believe it would have gained overwhelming bipartisan support. Without addressing these areas in a meaningful way, I am reluctantly unable to support it.

Mr. COONS. Madam President, I am pleased to join my colleagues in voicing my strong and unequivocal support for New START. I want to thank Senators KERRY and LUGAR for their leadership on this issue, and join them in urging the Senate to support ratification. New START will make America stronger and more secure by building on 30 years of U.S. global leadership on nuclear arms control and reduction. This is why it has been endorsed by national security leaders on both sides of the aisle, including every living Republican Secretary of State, 5 former Secretaries of Defense, 7 former commanders of the U.S. Strategic Command, the entire Joint Chiefs of Staff, 3 former Presidents, and all 27 of our NATO allies.

We simply cannot afford to postpone the vote until the 112th Congress and delay ratification any further. Military planners have confirmed that ratification is essential to U.S. security in an increasingly dangerous environment, and 73 percent of Americans support ratification according to one recent poll.

As the newest member of the Foreign Relations and Armed Services Committees, I did not have the luxury of receiving the wealth of information and perspective offered in the 18 public hearings and Senate deliberations on this issue. I have, however, received enough information from classified briefings to know this is a pressing national security matter of the highest order. As we approach a vote, I plan on following the strong advice of our military and national security leadership, as well as the will of the American people, in supporting New START.

New START will enhance U.S. intelligence gathering and restore inspections needed to monitor the Russian nuclear force. For more than a year, we have been deprived of such inspections due the expiration of the original treaty. While opponents of New START have highlighted the reduction in the total number of inspections, those which remain comprise the most robust strategic arms inspections regime in history. By increasing transparency between the United States and Russia, New START will enhance our mutual nuclear deterrent. This is just one example of why ratification is in America's best security interest.

In addition to reducing the total number of both American and Russian deployed strategic nuclear weapons to 1550, New START will limit the number of deployed delivery vehicles for nuclear warheads to 700. As we consider investing more than $85 billion over the next decade into modernizing our current nuclear arsenal, we must also consider the practical benefit of maintaining a smaller number of strategic nuclear weapons. These limits have been endorsed by our military planners because they are commensurate with our current and future defense needs. Moreover, reducing the number of deployed strategic warheads and delivery vehicles better positions us to invest the savings in nuclear modernization.

The United States and Russia share common threats and common interests, and, in the words of Vice President BIDEN, New START is a ''cornerstone of our efforts to reset relations with Russia.'' Over the past 2 years, cooperation between the United States and Russia has grown in areas such as supporting sanctions to thwart Iran's nuclear development and transferring essential supplies into Afghanistan. At this juncture, the Senate's failure to ratify New START could have far-reaching implications on such progress, including jeopardizing future cooperation in these critical areas.

As some of my colleagues propose altering the treaty, I want to voice my strong opposition to all amendments, as they would effectively kill the agreement by requiring renegotiation with Russia. In the future, we can address some of the issues raised during the amendment process—including Russia's extensive stockpile of tactical nuclear weapons—but these matters exceed the breadth of the treaty before us today. I also believe that we can achieve a missile defense cooperation agreement with Russia, but reaching an understanding on missile defense will be easier once we have established an agreed-upon limit to the number of deployed strategic nuclear weapons.

America must maintain its global leadership on nuclear arms control and nonproliferation, and it is our obligation as Senators to act now. It is time to look beyond politics and vote on principle, and I urge all Senators to join me in supporting ratification of New START because it is a domestic and global security imperative.

Ms. SNOWE. Madam President, I rise today to express my support for the New Strategic Arms Reduction Treaty, known as New START, which was signed by the United States and Russia on April 8 and transmitted for the advice and consent of the Senate on May 13. Since then, Chairman KERRY, with the unwavering support of Ranking Member LUGAR, has navigated the treaty through 18 hearings before the Senate Foreign Relations, Armed Services, and Intelligence Committees—and I commend the chairman for his determination to see this paramount accomplishment through to the finish.

Without equivocation, since his election to the U.S. Senate in 1976, Ranking Member LUGAR has been an overriding force of nature in reducing the threat of nuclear, chemical, and biological weapons—and his work with then-Senate Armed Services Chairman Sam Nunn to lay the groundwork for the deactivation of more than 7,500 of these dangerous weapons in the former Soviet Union is legendary. Throughout the negotiations and consideration of New START, Ranking Member LUGAR has once again demonstrated his incredible depth of knowledge and expertise on these issues, which has been of the utmost benefit to the Senate.

President George H.W. Bush and Soviet leader Mikhail Gorbachev signed the original START Treaty on July 31, 1991—5 months before the collapse of the Soviet Union. The agreement represented the culmination of more than 20 years of bilateral arms control agreements between our two nations.

Much has changed over what is almost two decades since the original START agreement was signed in Moscow. The world has witnessed the disintegration of the Soviet Union, the rise of terrorist organizations with nuclear weapons ambitions, and growing threats from hostile regimes in such locations as Tehran and Pyongyang. As a result, when START expired 1 year ago this month, we found ourselves at a crossroads—without the ability to inspect Russian missile silos, which, frankly, is unfortunate given that last year Senator LUGAR suggested that the administration obtain a short-term ''bridging agreement'' with the Russians to ensure there was not a verification gap between the expiration of START and approval of New START.

Yet despite this missed opportunity to secure a short-term bridging agreement, I believe the debate we have had in this body over the last 12 months has made clear that it is in our vital national interests to, first and foremost, maintain strategic stability between the United States and Russia—

the two countries that hold more than 90 percent of the world's nuclear weapons—and furthermore to upgrade the original START agreement to reflect the new realities of the post-Cold War era.

On the first point, I have supported New START's goal of reinstating a more stable, transparent, and legally binding mechanism based on proven methods for monitoring compliance with treaty provisions and deterring potential violations. For example, New START requires essential data exchanges detailing the numbers, types, and locations of affected weapons, mandates up to 18 short-notice on-site inspections each year to try and confirm information shared during such exchanges, and it calls for the parties to notify each other and to update the database whenever they move such forces between facilities.

Since the early years of nuclear weapons agreements between the United States and the Soviet Union, beginning with Strategic Arms Limitation Talks, known as SALT, in May 1972; to the Intermediate-Range Nuclear Forces, or INF Treaty, in December 1987 and the original START agreement in July 1991; our nations have gained from the structure and degree of transparency that these agreements provide. As former National Security Advisor and Secretary of State Henry Kissinger said in May, New START is ''an evolution of treaties that have been negotiated in previous administrations of both parties'' and ''its principal provisions are an elaboration'' of existing agreements. Secretary Kissinger went on to note that the continued absence of this vital agreement would undoubtedly ''create an element of uncertainty in the calculations of both adversaries and allies'' and have an ''unsettling impact on the international environment.''

In other words, without the comprehensive and overlapping system of inspections, notifications, and data exchanges that both the original START and New START provide, our strategic commanders and civilian leaders may be forced to position their assets in a way that anticipates the worst case scenario, which as we witnessed during many overwrought days of the Cold War is an incredibly precarious—and often more costly—approach in terms of the prioritization of our intelligence and defense resources. Therefore, I believe firmly that, when combined with our Nation's overhead intelligence assets, remote sensing equipment, and other classified methods, the New START agreement will provide our government better insight into the accuracy of Russia's declarations on the numbers and types of deployed and nondeployed strategic offensive arms subject to the treaty, thereby engendering greater confidence in our comprehension of the state of affairs, enhancing global stability and our security here at home.

Still, in addition to maintaining the framework of our nuclear arms reduction program with Russia, it is crucial that this treaty be thoroughly vetted to reflect the reality of the threats we face in the 21st century. Article II, section 2 of the Constitution states that the President ''shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur''—and as such we must make absolutely certain that questions regarding our ability to verify Russian compliance with New START's limits, to develop and deploy effective missile defenses, and to modernize our nuclear weapons complex, have been satisfactorily resolved. Senator KYL, in particular, has brought great value to this process—and I extol all of my colleagues for their dedication to meeting our constitutional responsibilities.

Among the most significant questions that have been raised are those that deal with our ability to monitor Russian compliance with the treaty's limits. As part of its overlapping monitoring and verification regimes, New START permits up to 18 short-notice on-site inspections at ICBM bases, submarine bases, and air bases each year. U.S. inspectors will use these inspections to help verify data on the number of warheads located on deployed ICBMs and deployed submarine launched ballistic missiles and the number of armaments located on deployed heavy bombers.

Over the course of this debate, some of my colleagues have questioned the utility and effectiveness of New START's on-site inspections. As a member of the Senate Select Committee on Intelligence, I have worked with my colleagues to scrutinize this proposed agreement and have closely reviewed the National Intelligence Estimate pertaining to this subject as well as a number of other classified reports. It is important to understand that we do not depend only on the treaty's monitoring and verification provisions to ensure the Russians are complying with the warhead limit and other clauses. To the contrary, the treaty is but one critical instrument which, as with the 1991 START agreement, is intended to augment information collected through our overhead assets, and via other technical tools that leverage the larger U.S. Intelligence system—known as our National Technical Means.

Since the treaty was transmitted to the Senate in May, the Intelligence Committee has conducted a comprehensive review, and my staff and I have questioned key officials, including the Director of National Intelligence Jim Clapper, former Secretary of Defense Bill Cohen, and Secretary Gates' Representative to Post-START Negotiations Dr. Ted Warner. Additionally, my staff has held classified discussions with former START inspection team members and delegates to the START Joint Compliance and Inspection Commission.

Consequently, I would underscore two significant areas of advancement where New START's verification and monitoring provisions will be distinctly different from its predecessor. First, under the original START agreement, the treaty database listed the number of warheads attributed to a type of ballistic missile, and each missile of that type counted as the same number of warheads. Notably, New START advances this standard by enabling our inspectors to in fact count the actual number of reentry vehicles deployed on the missile to confirm that it equals the number designated by the Russians for that particular weapon.

Secondly, New START includes the innovation that unique identifiers—which mean numeric codes—be affixed to all Russian missiles and nuclear-capable heavy bombers. Under the original START agreement, unique identifiers were applied only to Russian road-mobile missiles. As Ranking Member LUGAR has noted, while this does not insure a ''foolproof'' verification system, it will provide enhanced confidence and transparency under the Treaty structure.

Taken as a whole, I believe the treaty's notification requirements, the use of unique identifiers on each ICBM, submarine launched ballistic missile, and heavy bomber, and the 18 annual short-notice on-site inspections, combined with our National Technical Means, will further our critical national security objectives by helping us observe and evaluate Russian activities—an objective that is fundamental to our strategic stability.

Additionally, when it comes to our ballistic missile defense capabilities, former Secretary of State Condoleezza Rice wrote on December 7 that ''The Russians need to understand that the U.S. will use the full-range of American technology and talent to improve our ability to intercept and destroy the ballistic missiles of hostile countries.'' In an effort to make certain that our intentions are unambiguous, the U.S. issued a unilateral statement at the signing of New START, which affirms that our government ''intends to continue improving and deploying its missile defense systems in order to defend itself against limited attack and as part of our collaborative approach to strengthening stability in key regions.''

Furthermore, Ranking Member LUGAR also worked to ensure that the Resolution of Advice and Consent to Ratification that was approved by the Senate Foreign Relations Committee on September 16 addresses this question by declaring that ''it is the policy of the United States to deploy as soon as technically possible an effective National Missile Defense system'' and that nothing in the Treaty limits ''further planned enhancements'' to missile defense programs. President Obama, Secretary Clinton, and Secretary Gates have reaffirmed this commitment and the Administration's Ballistic Missile Defense Review, released in February, outlines a detailed plan to continue to

expand international missile defense efforts to defend the United States, our deployed forces, and our allies and partners around the world.

It is also important for the record to reflect that Russia issued a similar statement when the original START was signed in 1991, saying that the treaty would be viable only under conditions of compliance with the Anti-Ballistic Missile Treaty, which at the time restricted ballistic missile defenses. History clearly shows that following ratification of START the United States did not restrain its missile defense programs or reduce its expenditures on ballistic missile defenses in an effort to ensure that Russia remained committed to the original START Treaty. To the contrary, U.S. spending on ballistic missile defense programs increased dramatically following the signing of the original START agreement—from less than $4 billion for Department of Defense-wide ballistic missile defense funding support in 1991 to nearly $10 billion this year. Moreover, in spite of this threat in 1991, Russia remained a party to START and continued to negotiate further reductions on strategic offensive weapons after the U.S. withdrew from the ABM Treaty in 2002.

Still, despite this precedent and Ranking Member LUGAR's considerable efforts to make certain that the resolution addresses the issue of missile defense, questions have been raised about potential restrictions on our ability to deploy effective missile defenses, and some of my colleagues have rightly criticized the preamble's recognition of an ''interrelationship between strategic offensive arms and strategic defensive arms.'' It has been argued—and I agree—that this language, when combined with Russia's unilateral statement asserting its concern about a United States ''build-up'' in missile defense system capabilities, needlessly gives Russia a leverage point with which to attempt to compel our government to pull back from our missile defense objectives by threatening to withdraw from the Treaty if we seek to increase our capabilities. As a result, I supported Senator MCCAIN's effort to amend the Treaty to strike any reference to the ''interrelationship between strategic offensive arms and strategic defensive arms.''

Finally, when it comes to the modernization of our nuclear forces, meaningful concerns have been raised about the deplorable state of our deteriorating Manhattan Project-era nuclear laboratories and weapons stockpiles. Senators KYL and CORKER should be commended for their diligence in shedding light on the undeniable truth that these facilities are sorely out-dated, and continue to erode as safety and security costs have grown exponentially, maintenance is deferred, and layoffs and hiring freezes deprive our government of highly skilled scientists and technicians needed to maintain our nuclear deterrent.

Credible modernization plans and long-term funding for the U.S. nuclear weapons stockpile and the infrastructure that supports it are central to the effectiveness of our nuclear deterrent, and we have posed serious questions about the veracity of the administration's modernization report that was submitted to Congress with the New START agreement on May 13th, pursuant to section 1251 of the fiscal year 2010 Defense Authorization Act. Specifically, we have sought greater detail and assurances regarding the administration's plans to retool and sustain our national weapons labs—including construction of the vitally important plutonium processing facility, known as the Chemistry and Metallurgy Research Replacement nuclear facility, in Los Alamos, NM, and the Uranium Processing Facility at Oak Ridge, TN. These two projects are essential for meeting our life extension program requirements for existing warheads and certifying the safety and readiness of the current stockpile.

On November 17, due in large part to the unyielding persistence of Senators KYL and CORKER, the administration released an updated 1251 modernization report that directly answered many of our concerns and elaborated on our modernization objectives by providing more detailed 10-year timelines and specific budget projections to sustain funding for stockpile surveillance at over $200 million over the next 10 years, and cost estimates for the plutonium and uranium processing facilities at upwards of $5.8 billion and $6.5 billion respectively. In total, the administration has now committed more than $85 billion to modernize our nuclear weapons complex over the next 10 years—$15 billion more than initially proposed by the administration—and I am confident this undertaking will ensure continued support for these indispensable activities.

It is now the responsibility of President Obama and his administration to, in the months ahead, communicate even more specific details regarding any lingering concerns about our Nation's long-term modernization programs. The Resolution of Advice and Consent, which is currently before the Senate, includes strong language requiring direct notification to Congress if at any moment more resources are required—or if appropriations are enacted that fail to meet our modernization needs—and we as a body must hold this government true to these commitments.

In summary, the original START agreement was signed over 19 years ago, at a time when we still lived in a decidedly bipolar, and some might argue less complicated world. But with the fall of the Soviet Union and the end of the Cold War, we are now facing new threats from volatile governments intent on the proliferation of dangerous weapons, and decentralized terrorist groups focused on launching attacks more devastating even than 9/11.

Confronted with these daunting challenges, America must be prepared to defend our homeland, our forces in theatre, and our allies—and I believe this treaty allows future administrations to meet this responsibility, to maintain a safe and effective deterrent, and at the same time to continue to reduce the number of deployed and ready to launch long-range nuclear weapons. And as former Secretary of State James Baker noted in May, a more stable and cooperative relationship between Washington and Moscow ''will be vital if the two countries are to cooperate in order to stem nuclear proliferation in countries like Iran and North Korea.'' Simply put, the ratification of New START, and the cooperation and transparency it requires, has the potential to set the stage for expanded NATO and Russian collaboration when it comes to confronting terrorists and other dangerous proliferators—so together we may face those who threaten stability in the post-Cold War world.

Mr. President, the New START treaty has the unanimous support of our Nation's military and diplomatic leadership, Director of National Intelligence Jim Clapper, and the endorsement of President George H.W. Bush and prominent former national security officials such as Secretary of Defense Bill Cohen, and every living Secretary of State—including Colin Powell and Condoleezza Rice. As a member of the Senate Intelligence Committee, I am convinced that this agreement, when combined with our intelligence assets, will enhance global stability, and most importantly, our national security. I urge my colleagues to join me in supporting the Resolution of Advice and Consent to Ratification.

Mr. REID. Madam President, we cannot end this historic session of Congress without taking one more important step to protect the national security of the United States. It is time for the Senate to ratify the New START treaty.

This treaty will secure nuclear stockpiles. It will take nearly 1,500 American and Russian nuclear weapons out of commission. These are weapons that, as we speak, are trained on cities like Washington and Moscow, St. Louis and St. Petersburg.

More than a year has passed since American inspectors were on the ground monitoring the Russian nuclear weapons arsenal. The sooner we ratify this treaty, the sooner we can re-open the window into exactly what the Russians are, or are not, doing.

START will also preserve a strong American nuclear arsenal. Our military leaders have analyzed the treaty and determined the number of nuclear weapons we need to retain in order to keep us safe here at home. The director of the Missile Defense Agency has said the treaty will not restrain or limit our missile-defense capacity.

America and Russia control more than 90 percent of the world's nuclear weapons. The transparency this treaty

will provide is critical not just to our two countries but the entire planet.

By ratifying the START treaty, we will also increase our ability to work with other countries to reduce nuclear weapons around the world, and to make sure that those weapons are kept safe and secure. We need to work together with Russia to stop the most dangerous nuclear threats, including those from Iran and North Korea.

One of the greatest and gravest threats we face is the specter of a terrorist getting his hands on a nuclear weapon. We have faced nuclear threats before—but such a threat from a superpower is much different than one from a terrorist.

A nuclear-armed terrorist would not be constrained by doctrines of deterrence or mutually assured destruction. Instead, rogue groups could attack and destroy one of our cities—and millions of our people—without warning. By ratifying the New START treaty, we can help make sure this kind of unprecedented tragedy never happens

We have had a positive, bipartisan process up to this point. That should continue today.

The Senate Foreign Relations Committee overwhelmingly approved the treaty with a bipartisan vote of 14–4.

Our Nation's military leadership unanimously supports it. Secretary of Defense Robert Gates and Chairman of the Joint Chiefs of Staff ADM Michael Mullen testified before the Senate and urged us to ratify it.

Secretaries of State from the last five Republican Presidents support the treaty because they know—in their words—''The world is safer today because of the decades-long effort to reduce its supply of nuclear weapons.''

And an all-star team of Republican and Democratic national security leaders support the treaty, including former President George H.W. Bush, Colin Powell, Madeleine Albright, Brent Scowcroft, James Schlesinger, Stephen Hadley, Senator Sam Nunn, and Senator John Warner.

Republicans have been included and instrumental from the beginning. At Senator KERRY's urging, the resolution was crafted by Senator LUGAR to reflect the views of our Republican colleagues. The Foreign Relations Committee then adopted additional Republican amendments in its mark-up. And we have adopted four additional amendments on the floor.

Senator KYL raised legitimate concerns about the state of our nuclear weapons complex, and the White House responded with an $85 billion commitment to upgrade it over the next 10 years.

We have spent 8 days debating this treaty on the floor—that is longer than we spent on the original START—in a bipartisan and productive debate. I want to thank Chairman KERRY and Senator LUGAR for their tireless leadership on this treaty and thank Senators on both side of the aisle who have worked hard to get this treaty completed.

For many Nevadans, the sights and sounds of a nuclear attack are familiar. Deep in our desert sits the Nevada National Security Site, which until this summer was called the Nevada Test Site.

Today the site is the center of our fight against terrorism and nuclear smuggling. It is on the front lines of our intelligence, arms control and nonproliferation efforts.

But the site was once a critical battlefield of the Cold War, and for decades it served as our Nation's nuclear proving ground. A lot of Nevadans grew up with mushroom clouds in our backyard. We want to make sure the tests that took place in the Nevada desert are the closest we come to a nuclear explosion.

Today we can do that. We can continue our institution's long history of bipartisan support for arms control. We can take 1,500 nuclear weapons off their launch pads. And we can make the future far safer for America and the world.

This is not just a narrow Senate debate. It isn't just a local issue. And it isn't something that can wait another day. The whole world is watching and waiting for us to act.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, let me thank my colleagues for working hard to get this treaty passed and for being able to achieve that as well, people within the administration. I appreciate the cooperation some of us have had with the chairman of the Foreign Relations Committee, the ranking member and others who have worked hard to try to complete, in a very short period of time, what probably should have taken a lot longer period of time. But I appreciate their efforts to work with us in that regard.

I would like to, briefly, speak to three things: the process, the problems, and some positive results of the consideration of this treaty.

For those who are watching, I can tell you right now there is only one thing on the mind of everybody in this Chamber: How quickly are we going to get out of here. One colleague said: I have a plane to catch. How long are you going to talk? Will I be able to catch it?

That is understandable because every one of us wants to get home to our families. I know there were some snide comments expressed about my concern a week or so ago about the fact we were going to be into Christmas week. But now the reality is everybody wants to get out of here immediately so cut short your comments, put them in the RECORD, and so on.

When I predicted a couple weeks ago that I didn't think we had time to do everything the majority leader wanted to do and do it well, I had no idea how many things would be added to the agenda and how difficult that would be. Unfortunately, I think my prediction turned out to be correct.

I remember just 1 year ago when we were on the Senate floor doing the health care bill, one of the primary criticisms of it was the way it was done. I must tell you, with regard to the process of this bill, I am concerned about the precedent we are setting in the Senate, taking a lameduck session to jam so many things through, frequently without an opportunity to provide amendments or, when there are amendments, to simply have them all shot down without, I believe, adequate consideration.

We have done the tax legislation, the continuing resolution to fund the Government, the DOD authorization bill, the DREAM Act, don't ask, don't tell, the 9/11 bill is on the way, some judges, we passed a food safety bill almost in the middle of the night by unanimous consent without Members being adequately notified, and now the START treaty. In many of those situations, there was not adequate time—as I said, no amendments even allowed.

When cloture was filed, I expressed concern we had only dealt with, I believe at that time, four amendments to the treaty itself. But we were told: Don't worry. We will still give you consent to do resolution-of-ratification amendments.

Unfortunately, not all of them were permitted by the majority and, in order to get as many as possible together, we had to consolidate 70 or so amendments down to a very few.

The other side announced at the beginning of the debate there would be no amendments on the treaty itself or the preamble. It turned out the amendments that were offered were all defeated, but we did have some amendments on the resolution of ratification. They, too, would have all been defeated or were defeated, except for the fact that we were willing to water them down and, therefore, had them accepted by the majority.

Now we have very little time to make closing statements because we are going to adjourn sine die, meaning this is the end of the Congress. We will not have time to actually prepare written statements for the RECORD. This is a very brief statement to discuss primarily some positive things because there is not time to lay out all the problems that I think those of us who oppose the treaty still believe are present in the treaty.

I agree with the comments the newest Member of the Senate, MARK KIRK, made just a moment ago. He is very well schooled in these issues, though a new Member of the Senate. I associate myself with a lot of the remarks he made. I think later, when we come back next year, we can chronicle the things that were said in the debates and have a pretty good record of how it all ended. But I fear more for the process because of the precedent set that serious matters, such as the ones we have debated and dealt with, including the treaty, were done in, to some extent, a slipshod way, to some extent in

which there was not adequate time to do what the Senate should have done.

I also fear for the precedent set with respect to treaty ratification. Essentially, on many of the issues that were raised—and I appreciate, I must say, colleagues have been kind to me in their compliments. I appreciate that very much. They were complimentary to me and my colleagues in saying we were raising important issues that needed to be vetted, but in each case this was not the time to do it, this was not the place to do it because if we dare change one comma in this treaty, it would require that it be renegotiated. There were some unspecified horrible results of the fact that we would have to renegotiate the treaty because the Russians wouldn't like what we did.

The precedent we are establishing is that the Senate is a rubberstamp. Whatever a President negotiates with the Russians or somebody else, we dare not change because otherwise it will have to be renegotiated, to some great detriment to humanity, and I don't think that is appropriate. I think our Founders, when they wrote into the Constitution an equal role for the Senate and the President, they meant it. That role is advice and consent. We gave some advice in the last Defense authorization bill. We said, for example, don't negotiate conventional Prompt Global Strike limitations and don't allow limitations on missile defense. Both those things were done against our advice. But we are being asked to consent notwithstanding.

It seems to me, if the Senate is to have a role in the future on these kinds of treaties, we better come to an understanding if we are going to be able to make some changes. I don't think anybody ever said the administration ever got anything 100 percent right. We ought to be able to make some changes or else we might as well avoid the process altogether because it is just a big waste of time. Eleven years ago when we considered the Comprehensive Test Ban Treaty and rejected that treaty, a lot of commentators said the Senate had finally put its mark on the process by conclusively demonstrating it would not be a rubberstamp and that would be a new era for the administration in the future, having to pay some attention to what the Senate said. I hope this new START treaty is an aberration, rather than the beginning of a new precedent.

I will just tell you this. If the Comprehensive Test Ban Treaty is brought forward again, there will be a different process. Rather than the situation which obtained here, in which I did not urge a single colleague to oppose this treaty until the time that cloture was filed on it, I will urge every one of my colleagues to oppose reconsideration of the CTB.

So the process is not good. I have to hope that the result of the way we handled it this year will not establish a new precedent. The problems of the treaty I wish to discuss in detail, but because my colleagues want to catch airplanes, I will not.

Let me focus then on the third and last element here, which is, some new things we learned from this treaty, and, frankly, some achievements that were obtained as a result of a lot of attention to it—being paid to it by our colleagues, a lot of great debate, particularly with respect to missile defense, modernization, and future arms control agenda.

One of the things I think we have made some progress on is that this may be the last arms control agreement for a while. Maybe we can get back to focusing on the real issues, issues of proliferation, of terrorism dealing with threats from countries such as North Korea and Iran.

It is fine to have yet another Cold War era type agreement with Russia. But the real issue is not between Russia and the United States, it is dealing with these other threats. So I suggest we move away from the distraction of agreements such as this, and on to what is a more contemporary challenge. I think as a result of the debate, that will be possible to do.

I would quote one of our colleagues, Condoleezza Rice, who served with great distinction as Secretary of State, and before that as National Security Adviser, wrote recently in the Wall Street Journal and she said:

> After this treaty, our focus must be on stopping dangerous proliferators, not on further reductions of the U.S. and Russian strategic arsenals, which are really no threats to each other or to international stability.

Presidential Adviser Gary Samore agreed, saying:

> If Iran succeeds in developing a nuclear capability, that would do more damage to the effort of the President to achieve a nuclear free world than anything.

That is the real test of where we are headed. So I would hope the focus in the future will be on the illicit programs of Iran, of Korea, countries such as Syria, and potentially focusing on some of the supporters of these countries such as the country of China. These are the real challenges. I believe there would be bipartisan support in this body to address those challenges next.

But, secondly, I think as a result of focusing on our nuclear arsenal, which we had to do by looking at this treaty, we have also learned that we have a very big challenge in this country. And, fortunately and parallel with the treaty, we worked on this challenge, the issue of how we can modernize our nuclear facilities and nuclear force and the delivery vehicles of the triad that would deliver those vehicles.

I think we have all agreed we made significant improvement in that regard. The administration, I believe, has made a significant commitment to the modernization of our nuclear facilities. And the Senate, in various ways in dealing with this treaty, has done likewise, as well as through an exchange of letters that have been entered into by members of the Appropriations Committee, and we hope to work with our colleagues in the House of Representatives with whom we have not had enough contact on this issue. But hopefully, as a result of everything we have done, we will have an opportunity to fund the modernization, as it becomes clear more precisely what has to be done, to ensure that all of that is accomplished within the appropriate timeframe.

When we started out, we had a pretty woeful amount of money dedicated to the modernization of our nuclear facilities. Now we have a request from the administration of a total of about $85 billion over a decade to operate our facilities. That includes about $15 billion in new modernization spending.

With the 1251 report coming from the administration each year, we anticipate there will be further updates which will demonstrate additional progress we can make in the modernization. In addition, I mentioned the letter from the four key members of the Appropriations Committee in this body. We hope to work with Members in the House of Representatives likewise.

Finally on this matter, one of the last amendments that was adopted is a certification requirement, which is a change to the resolution of ratification that, to the extent possible, the administration will accelerate the planning and design of the two major facilities here and, where appropriate, request multiyear funding, of which my two colleagues from Tennessee who are, as usual, seated right here together, made a very strong point—that we could not only save a lot of money every year but also accelerate the construction of these facilities so we could complete the life extension programs for our nuclear weapons that are so critical.

A third thing I think we did, which is a very positive result, is to focus a little bit also on the other aspect of modernization; that is to say, the triad, our nuclear triad of bombers, submarines, and ICBMs.

The Secretary of Defense had made a decision at the outset of the Obama administration that we would cancel the decision on the next generation of bomber. It was very unclear whether it was the intention of our government to have a nuclear-capable bomber part of the nuclear triad.

Quoting General Chilton, who is the general responsible at Strategic Command on this, ''We need service programs that sustain the long-term viability of our land-based, airborne, and sea-based delivery platforms.''

One of the amendments that was adopted, amendment No. 4864, does require the President to certify that he intends to modernize or replace the triad, a heavy bomber and air-launched cruise missile, nuclear capable, an ICBM, and an SSBN and SLBM—in other words, the submarine leg, which I believe the administration has already begun to move forward on.

Also it would maintain the rocket motor industrial base necessary to support continued production of ballistic missiles. This is very important, because even if you modernize the warheads, if you do not have modern delivery vehicles to deliver them, obviously you do not have a capable deterrent. And, of course, the Russians, who have the most capable system other than ours, are modernizing their delivery vehicles, especially their ICBMs and, as a result, I think we need to do that as well.

I am very pleased we have been able to resolve this question about a nuclear-capable triad. I look forward to clear and unambiguous statements from the administration in the future about this, and eventually getting a replacement for all three legs of the triad that need to be modernized.

Fourth, there was a lot of discussion here about missile defense. I think without the treaty having come up, we probably would not have spent the time and raised the issues with regard to missile defense that were raised. We had a disagreement here about whether—or the extent to which the preamble to the treaty and article V of the treaty and the signing statements created a problem with respect to further development of our missile defenses.

But through this debate, I believe, through commitments of the President in a letter that he wrote, through an amendment to the resolution of ratification and a lot of statements for the record during this debate, we are much further down the road in predicting that we will be able to deploy the kind of missile defense that is necessary to protect not just our allies in Europe, for example, but also the continental United States and the American people.

To conclude this point, any attempt by the Russian Federation now to reestablish a link between missile defense and strategic arms control will not succeed; that any argument that there is a legal right to withdraw from the treaty if we proceed with our deployment plans, as they will be communicated to the Russians, will not stand. So our friends in Russia do need to understand what we have done here. And we are making clear, as President Reagan once did, that U.S. missile defenses are simply not open to a discussion. They will not be part of future negotiations as well.

Finally, with regard to the Conventional Prompt Global Strike, I think we made some progress there. Very few people had ever heard the phrase, knew what it was. The Senate did give its advice in last year's Defense bill not to limit it. But, nevertheless, it was limited in the treaty. I think our debate about it here has helped to educate Members as to the need for this, something both the administration and many of us here in the Senate support. It is simply the capability to deliver not a nuclear warhead but a conventional warhead by an ICBM at a very long distance in a very relatively short period of time, to meet some of the new threats we are going to be facing in the future.

Unfortunately, Prompt Global Strike is limited in the treaty. Notwithstanding that unfortunate linkage, as I said, I think we have had an opportunity to obtain a more secure commitment from the administration on the deployment of the Global Strike capability, because the resolution of ratification now calls for a detailed report on our CPGS objectives prior to entry into the force of the treaty.

It will require the administration to consider treaty limitations, methods of distinguishing nuclear, nonnuclear systems, which are possible and should relieve any concern that the Russians have about the potential for a Prompt Global Strike weapon being confused with a nuclear weapon.

Apart from all of the things I just talked about there are other things in the resolution of ratification that will add some strength to the position that those of us who oppose the treaty have taken, including working through the Bilateral Consultative Commission, not being undercut by that commission, requiring an annual report certifying Russian compliance with the terms of the New START treaty, things of that sort.

I conclude that one of the things we will have to do proactively from here on out, in order to achieve some of the objectives that we have talked about here, is to work with our House colleagues who have not been a part of this process, to share with them the reasons we have concluded these things are important, to work together, the administration, my colleagues on the Democratic side and our side, to convince them each year of the necessary appropriations that will be required, among other things, for modernization of both the triad and—I know my colleagues are anxious to leave. As a result, I will cut my comments short to make this point.

I again close, as I opened, by thanking colleagues for working under what are, frankly, very difficult circumstances, to try to compress everything into a very short period of time, to be on a START treaty at the same time we are parachuting in all manner of other issues and trying to get those resolved. This has not been easy.

For those colleagues who were patient and expressed desire to do things on the floor that we did not have time for, I appreciate their indulgences and appreciate the courtesies that everyone has extended. This has been very contentious, and yet the disagreements between us have never risen to any level beyond that which is totally appropriate for a serious debate in the Senate, proving again that while we can disagree or will disagree, we can certainly do so agreeably. I thank my colleagues for their willingness to do that.

Mr. KERRY. Madam President, I thank the Senator. I know he has curtailed his remarks. I have cut mine. But I do want to say a couple of things as we try to wind down here. I want to thank the Senator from Arizona for helping to get us to a point where we can vote now. I want to thank Senator WYDEN who, 48 hours after surgery, has made himself available to come here and to be able to vote. We are appreciative of that.

As we end our debate on the New START treaty, I believe we can say the Senate has done its duty, and done it with diligence, serious purpose, and honor. And I am confident that our Nation's security—and that of the world—will be enhanced by ratifying this treaty.

When we began this debate 8 days ago, I quoted CHRIS DODD's farewell address, in which he reminded us that the Founding Fathers had designed the Senate with these moments in mind. I think over the past week we have lived up to our moment. Senators have had opportunity to speak and debate. The fact is, we have considered this treaty—a less complicated or far-reaching treaty than START I—for longer than we considered START I and START II combined.

Admiral Mullen summed up our interests in this treaty in a compelling way. He said:

> I continue to believe that ratification of the New START Treaty is vital to U.S. national security. Through the trust it engenders, the cuts it requires, and the flexibility it preserves, this treaty enhances our ability to do that which we in the military have been charged to do: protect and defend the citizens of the United States. I am as confident in its success as I am in its safeguards. The sooner it is ratified, the better.

I think that is exactly right, and it is important to keep our fundamental charge to protect America foremost in our minds.

But I think there is something more to think about now. In the back and forth of debates like this, as we dispute details and draw dividing lines, it is easy to lose sight of the magnitude of the decision we are making.

Because sometimes, when we repeat and repeat and repeat certain words and phrases they become routine and ritual, and their true meaning fades away. When we argue about the difference between 700 delivery vehicles and 720, we may forget that in the final analysis, regardless of where we stand on the START treaty, this is one of

those rare times in the U.S. Senate, one of the only times in all our service here, when we have it in our power to safeguard or endanger human life on this planet. More than any other, this issue should transcend politics. More than any other, this issue should summon our best instincts and our highest sense of responsibility. More than at almost any other time, the people of the world are watching us because they rely on our leadership and because this issue involves not simply our lives and the lives of our children but their lives and the lives of their children as well.

So it is altogether fitting that we have debated and now we decide not in a campaign season, but in a season that celebrates and summons us to the ideal of peace on Earth. Yes, we have contended about schedules. Yes, the constant chatter on cable speculates about whether we would approve the treaty in time to get out of here for Christmas. But the question is not whether we get out of here for a holiday; the question is whether we move the world a little more out of the dark shadow of nuclear nightmare. For whatever our faith, the right place for us at this time of year, no matter how long it may take, is here in the Senate where we now have a unique capacity to give a priceless gift not just to our friends and family, but to our fellow men and women everywhere. When Robert Oppenheimer left Los Alamos after the atomic bomb was dropped, he said, ''The peoples of this world must unite or they will perish. This war, that has ravaged so much of the earth, has written these words. The atomic bomb has spelled them out for all men to understand. . . . By our works we are committed, committed to a world united, before this common peril, in law and in humanity.'' That is what brings us to this moment.

Last night, a friend called my attention to the meditation of Pope John Paul II when he visited Hiroshima. He said that from the memory of those awesome mushroom clouds over Hiroshima and Nagasaki we must draw the ''conviction that man who wages war can also successfully make peace.'' This month in homes across this land, Americans are honoring moments in the history of faith that enshrine the values that guide us all regardless of faith. We in the Senate, only 100 of us in a world of billions, should be humbled and proud that in this month we have the privilege of reducing the risks of war and advancing the cause of peace.

So think of what is at stake here and of the role we now have to play, not only in the governing of our country but literally in the life of the world. Here more than ever our power to advise and consent is more than some arcane procedural matter. The Framers of the Constitution created the Senate with a vision of statesmanship, that here narrow interests would yield to the national interest, that petty quarrels would be set aside in pursuit of great and common endeavor. The best of our history has proven the wisdom of that vision. There was that defining moment when Senator Daniel Webster stood at his desk in this Chamber to address the fundamental moral issue of slavery. The words with which he started were stark and simple, and they should guide us today and every day. He said: ''I speak not as a Massachusetts man, nor a northern man, but as an American.'' This is the very definition of what it means to be a Senator. To speak not for one State but for one America. To remember that the whole world is watching. So it is now, and so it has been across the decades during which so many Presidents and Senators of both parties, citizens in every part of the country, have struggled and at critical turning points succeeded in pushing back the dark frontier of nuclear conflict. The efforts have not always been perfect; nothing in life or policy ever is. But as we end this debate now, let us take our own step forward for America and for the world. As stewards of enormous destructive power, we too can become the stewards of peace.

The VICE PRESIDENT. The Senator from Indiana.

Mr. LUGAR. Mr. President, as the Senate approaches a point of decision on the New START treaty, I would like to offer a few concluding thoughts.

My attitudes towards the enterprise of arms control have been affected by the time I have spent during the last two decades visiting remote areas of Russia in an effort to bolster Nunn-Lugar dismantlement operations. When one sees Russian SS–18 ballistic missiles being cut up at Surovatikha, or when one witnesses the dismantlement of a Typhoon ballistic missile submarine at the SevMash facility on the approaches to the Barents Sea, one gets a clear picture of the enormity of the problem that confronted us during the Cold War.

With all the destructive power that was created during that era amidst intense suspicion and enmity between the United States and the former Soviet Union, we were extraordinarily fortunate to have avoided a mishap that could have destroyed American civilization. During the last two decades, we have circumscribed the nuclear problem, but we have not eliminated it. Our cities remain vulnerable to accident, miscalculation, and proliferation stemming from the Russian nuclear arsenal. And we still must pay very close attention to the disposition of Russian nuclear forces.

Visiting dismantlement operations in Russia also underscores that arms control is a technically challenging endeavor. In these debates we generally focus on the balance of nuclear forces, deterrence theories, diplomatic maneuvers, and other aspects of high statecraft. But arms control is also a ''nuts and bolts'' enterprise involving thousands of American and Russian technicians, officials, and military personnel. Verification and dismantlement activities require tremendous cooperation on mundane engineering challenges, equipment and supply logistics, and legal frameworks that allow these activities to proceed.

Ironically the exacting nature of arms verification and elimination may be a blessing. The challenges of this work and the amount of information that both sides are required to exchange have improved transparency and forced our countries to build productive partnerships over time.

The Foreign Relations Committee held a hearing on June 24 in which Defense Department officials in charge of verification and dismantlement activities in the former Soviet Union testified. These officials oversee dismantlement work in Russia that occurs every day. Their agencies oversaw verification under START I before the treaty expired on December 5, 2009. They would oversee the verification work required under the New START treaty.

They described in detail how verification operations are conducted and gave Senators a picture of how the United States and Russia cooperate on technically challenging nonproliferation goals. Only five members of the committee attended that hearing. I wish that every Senator could have attended, because the presentation underscored how much the START process links our two defense establishments and how critical the START framework is to nonproliferation activities.

Mr. President, there is a maxim that has been popularized in American cinema, variants of which have sometimes been attributed to early political philosophers such as Sun Tsu or Machiavelli. It is ''Keep your friends close, but your enemies closer.'' I am not suggesting that Russia is an enemy. Our relationship with that country is far more complex. It is a relationship that is both wary and hopeful. We admire the Russian people and their cultural and scientific achievements, while lamenting continuing restrictions on their civil and political liberties. We recognize the potential for U.S.-Russian cooperation based on deep commonalities in our history and geography, even as we are frustrated that Cold War sensibilities are difficult to dislodge.

Although we can and must make situational judgments to engage Russia, such engagement is no guarantee that we will experience a convergence of perceived interests or the elimination of friction.

But one does not have to abandon one's skepticism of the Russian Government or dismiss contentious foreign policy disagreements with Moscow to invest in the practical enterprise of nuclear verification and transparency. In fact, it is precisely the friction in our broader relationship that makes this treaty so important.

It would be an incredible strategic blunder to sever our START relationship with Russia when that country still possesses thousands of nuclear weapons. We would be distancing ourselves from a historic rival in the area where our national security is most affected and where cooperation already has delivered successes. When it comes to our nuclear arsenals we want to keep Russia close. There are enough centripetal forces at work without abandoning a START process that has prevented surprises and miscalculations for 15 years.

The New START agreement came about because the United States and Russia, despite differences on many geopolitical issues, do have coincident interests on specific matters of nuclear security. We share an interest in limiting competition on expensive weapons systems that do little to enhance the productivity of our respective societies. We share an interest in achieving predictability with regard to each other's nuclear forces so we are not left guessing about equal potential vulnerabilities. We share an interest in cooperating broadly on keeping weapons of mass destruction out of the hands of terrorists. And we share an interest in maintaining lines of communication between our political and military establishments that are based on the original START agreement.

Over the last 7 months the Senate has performed due diligence on the New START treaty. Most importantly, we have gathered and probed military opinion about what the treaty would mean for our national defense. We have heard from the top military leadership, as well as the commanders who oversee our nuclear weapons and our missile defense. We have heard from former Secretaries of Defense and STRATCOM commanders who have confirmed the judgment of current military leaders. Their answers have demonstrated a carefully-reasoned military consensus in favor of ratifying the treaty. Rejection of such a consensus on a treaty that affects fundamental questions of nuclear deterrence would be an extraordinary action for the Senate to take.

Moreover, the treaty review process has produced a much stronger American political consensus in favor of modernization of our nuclear forces and implementation of our miile defense plans. This includes explicit commitments by the President and congressional appropriators. In the absence of the New START treaty, I believe this consensus would be more difficult to maintain. We have the chance today not only to approve the New START treaty, but also to solidify our domestic determination to achieve these national security goals.

I began the Senate debate on this treaty last week by citing a long list of the national security threats that currently occupy our nation and our military. Our troops are heavily engaged in Afghanistan and Iraq. We are fighting a global terrorist threat. And we are seeking to resolve the dangerous circumstances surrounding nuclear weapons programs in Iran and North Korea. We are attempting to address these and many other national security questions at a time of growing resource constraints reflected in a $14 trillion debt.

In this context the U.S. Senate has a chance today to constrain expensive arms competition with Russia. We have chance to guarantee transparency and confidence-building procedures that contribute to our fundamental national security. We have a chance to frustrate rogue nations who would prefer as much distance as possible between the United States and Russia on nuclear questions. And we have a chance to strike a blow against nuclear proliferation that deeply threatens American citizens and our interests in the world.

I am hopeful that the Senate will embrace this opportunity to bolster U.S. national security by voting to approve the New START treaty.

I thank the Chair.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

The majority leader is recognized.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010

Mr. REID. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010; further, that the Gillibrand-Schumer substitute amendment, which is at the desk, be agreed to, the Senate proceed to a vote on the bill immediately, as amended, with no intervening action or debate, further, that if the bill is passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The VICE PRESIDENT. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The VICE PRESIDENT. Under the previous order, the substitute amendment is agreed to.

The amendment (No. 4923) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 847, as amended.

Total Budgetary Effects of H.R. 847 for the 5-year Statutory PAYGO Scorecard: net decrease in the deficit of $101 million.

Total Budgetary Effects of H.R. 847 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of $443 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 847, THE JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010 (VERSION BAI10697), AS ADOPTED BY THE SENATE ON DECEMBER 22, 2010

[By fiscal year, in millions of dollars]

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Net Increase or Decrease (−) in the Decifit												
Statutory Pay-As-You-Go Impact	−242	106	170	56	−191	1,398	−346	−466	−461	−457	−101	−433

Note: Components may not sum to totals because of rounding.

The amendment would establish a program for health care benefits for eligible emergency personnel who responded to the September 11, 2001, terrorist attacks and eligible residents and others present in the area of New York City near the World Trade Center. The legislation also would provide compensation payments to certain individuals for death and physical injury claims resulting from the attacks. The amendment would extend for one year certain fees on L and H–1B nonimmigrants that currently expire after fiscal year, 2014, and would impose a 2 percent excise tax on payments made to certain foreign persons by federal agencies to obtain certain goods or services.

Source: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Mr. LEAHY. Mr. President, I have heard complaints over the past few days about why we in the Senate are still working so close to the Christmas holiday. All of us would rather be home with our families, but of course we were sent here to serve the American people. We were sent here to the Senate to do the work of the American people, and we have been trying to complete our work for the past several weeks. One remaining issue demands our attention: taking care of the Americans who responded to the terrorist attacks on September 11th. We cannot turn our backs on these injured and ailing first responders. This is a defining issue of our American values—how we serve those who have sacrificed for our Nation.