Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Madam President, following leader remarks, if any, the Senate will proceed to executive session to consider the New START treaty. Rollcall votes are expected to occur throughout the day in relation to amendments to the treaty. The managers of this bill, Senator KERRY and Senator LUGAR, are two of our most experienced Members, and they will do an outstanding job of managing this legislation.

The current continuing resolution expires Saturday at midnight, so we need to take action to consider a funding resolution sometime in the next few days.

Just an update on the schedule: The tax package which we passed yesterday is now in the House. They are going to consider that very likely today. We have the omnibus or the continuing resolution we have to deal with in the near future because, as I have indicated, the funding expires at midnight on Saturday.

The DREAM Act is something we need to work on. It is an extremely important piece of legislation allowing young men and women to join the military. If they serve 2 years in the military, they would be eligible to get their green cards. It also allows them to continue their education. It is an extremely important piece of legislation.

We have the 9/11 health matter; we need to reconsider that. We hope we can move forward on that matter. There are thousands of people who are desperately ill who need to be helped as a result of the terrorist attack that took place on 9/11.

Yesterday the House passed don't ask, don't tell, and we are going to have to deal with that in some way.

We have nominations, including that of Jim Cole, the Deputy Attorney General, we have been trying for several months now to get cleared—that second ranking person in the entire Justice Department. It seems to me we are having trouble getting even a vote on this individual. So that is going to have to be resolved before we leave. It is extremely important we do that.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order leadership time is reserved.

## EXECUTIVE SESSION

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following treaty which the clerk will report.

The bill clerk read as follows:

Treaty Calendar No. 7, Treaty with Russia on measures for further reduction and limitation of strategic offensive arms.

### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### OMNIBUS APPROPRIATIONS

Mr. MCCONNELL. Mr. President, I want the American people to see something. This is the bill the majority would have us pass, this Omnibus appropriations bill. It is 2,000 pages long. I think the American people should think back to this time a year ago—last December—when the Democrats did the very same thing. At that point, it was a 2,700-page health care bill because, frankly, they didn't want us to see what was in it. Only afterwards did we find out about the ''Cornhusker kickback,'' the ''Louisiana purchase,'' and all the rest.

This is eerily familiar to anyone who remembers the health care debate. We even have snow in the forecast, which is reminiscent of last year. Last year we voted on health care in a blizzard—the 2,700-page health care bill in the middle of a blizzard.

This bill is so enormous it took the Government Printing Office 2 days to print it. It spends more than $½ billion a page. Let's take a look at it again.

Here is the bill. It spends—right at 2,000 pages in this bill—it spends $½ billion a page. It has more than $½ billion in it for the Democratic health care bill we passed last year, the 2,700-page bill that looked pretty much like this. It has $½ billion in it for that health care bill we passed last year.

An ever-growing number of Americans looking at that health care bill would like for us to repeal it, not fund it. This is exactly the kind of thing the American people voted against last November—just this kind of thing. We had a referendum on November 2 on how the American people felt about what we have been doing for the last 2 years, and right at the top of the list was the 2,700-page health care bill.

Frankly, it is just unbelievable. Just a few weeks after the voters told us they don't want us rushing major pieces of complicated, costly, far-reaching legislation through Congress, we get this 2,000-page bill. They want to ram this gigantic, trillion-dollar bill through Congress, and they are using, once again, the Christmas break as an inducement to vote for it.

Look, we all know this is not the way to legislate. Americans expect more from Congress and they demanded more on election day. That is why today I am introducing this clean, one-page continuing resolution that would operate the government through February 18. So we have a choice. We can pass this 2,000-page bill spending $½ billion a page, or we can do this one-page, clean continuing resolution through February 18 of next year. That is the choice we have.

Once the new Congress is sworn in, we will have a chance to pass a less expensive bill, free of this kind of wasteful spending. Until then, we need to take a step back and respect the will of the voters.

I think the message was pretty clear last November. One pundit referred to it as a restraining order. In other words: Quit doing what you have been doing. Here we are 1 month after the election attempting to pass this 2,000-page bill when we could pass a one-pager that would simply continue the government through February 18.

So we are going to have an opportunity to do this. I hope it makes sense on a bipartisan basis, this one-page continuing resolution until February 18, as an alternative to this 2,000-page monstrosity that spends $½ billion a page. I don't think there is any question it is the right thing to do, and I hope my colleagues decide in the end that is the direction we ought to take. I am going to introduce this, and I just wanted to highlight it for my colleagues.

### TRIBUTES TO RETIRING SENATORS

#### JIM BUNNING

Mr. MCCONNELL. Madam President, I know there are others on the Senate floor seeking to speak, but I wish to bid farewell to one of our colleagues. Few people can say they have had the same range of experience and successes in life as Senator JIM BUNNING. In fact, there isn't even another Major Leaguer who can say he struck out Ted Williams three times in one game. JIM accomplished that notable feat in just his second year in the majors.

Thirty-nine years after that, he had become the only member of the Baseball Hall of Fame to serve in Congress. For the past 12 years, I have been honored to work alongside this remarkable American in the Senate. We followed different paths in life, but we sure have deep love for Kentucky and its people. It has been my honor over the years to work closely with JIM to advance our common goals.

So today I wish to say a few words about my good friend as we honor his remarkable life and his remarkable service.

JIM was born and raised in Southgate, KY, and it wouldn't surprise anybody to learn he excelled in school and in sports growing up. He played baseball as a teenager at St. Xavier High School in Cincinnati, but it was for his skills as a basketball player that would earn him an athletic scholarship to Xavier University.

Baseball interrupted his college education, but at his father's insistence,

JIM would return to Xavier and earn a degree in economics that would serve him well in Congress over the years. He entered the majors in 1955, and over the course of a storied 17-year career he would play for the Detroit Tigers, the Philadelphia Phillies, the Pittsburgh Pirates, and the Los Angeles Dodgers. JIM is a pretty imposing force at committee hearings—just ask Chairman Bernanke—but he was a dominating presence on the mound long before that.

At 6 feet 4 inches, he was a hard-throwing sidearmer who would tumble off the mound with every pitch he threw. By the end of his career, JIM could boast he was the first Major League pitcher to win 100 games, rack up 1,000 strikeouts, and throw no-hitters in both leagues. He finished with an impressive 224 wins, 184 losses, 2,855 strikeouts, and a 3.27 ERA—the career stats that would earn him a spot in the Baseball Hall of Fame.

JIM's two greatest pitching achievements were his no-hitter in 1958 and the perfect game he threw on Father's Day, 1964, a feat that has only been accomplished 20 times in baseball history. Another little known feat was JIMMY's so-called ''immaculate inning'' in 1959 when he struck out three Red Sox on nine pitches, a feat that has only been achieved 43 other times in baseball history.

Around here we joke that JIM likes to throw the high hard ones, but he developed the skill early. Over a 4-year period with the Phillies, JIM hit more opposing batters with pitches than any other pitcher in the league. In fact, over a 17-year career, he plunked 160 batters or nearly 10 batters a year, making him the 13th most dangerous pitcher of all time, ahead of such other well-known head hunters as Roger Clemens, Nolan Ryan, and Don Drysdale.

JIM has never been afraid of a little chin music, and he brought that same competitive mentality to his life in public service. After baseball, public service seemed like a logical choice. It was JIMMY's turn to give back, and give back is exactly what he did.

When JIM walks out of this Chamber for the last time at the end of this session, he will be able to say with justifiable pride that he has given 33 years of his life to public service and to Kentucky.

Over those three decades, JIM has served in all levels of government—from the Fort Thomas City Council to the Kentucky State Senate, to both Chambers in this building—12 years in the House and 12 in the Senate. He has dedicated his life to serving the people of Kentucky, and Kentuckians are grateful for his service.

In the House, he made a name for himself, among other things, by working tirelessly to strengthen and protect Social Security as chairman of the House Ways and Means Subcommittee on Social Security.

And then, in 1998, he decided to make a run at the U.S. Senate seat which at the time was held by Wendell Ford. It turned out to be a pretty close election, but once he arrived in the Senate, JIM set out to become one of the hardest-working and most influential Members of this Chamber.

He has been a staunch social and fiscal conservative, and a budget hawk who for years has sounded the alarm on the kind of concerns about spending and debt that drove so many Americans to the polls this month. JIM spoke for many Americans when he said in a recent statement that, being a grandfather to many he worries that future generations will be saddled by the poor decisions that are being made today. ''For the first time in my life,'' he said, ''I question if my grandchildren will have the same opportunities that I had . . .''

One particular issue that has been close to JIM's heart is the issue of adoption. In 2001, JIM introduced legislation to make adopting more affordable to American families. And in 2007, he introduced legislation to make those tax incentives permanent.

And, of course, if there was ever a controversial issue regarding the national pastime on Capitol Hill, JIM was right at the forefront, including the 2005 hearings related to steroid use in baseball. In one memorable exchange from that hearing, JIM offered the following testimony, from his own experience as a player: ''Mr. Chairman,'' he said, ''maybe I'm old-fashioned,'' [but] I remember players didn't get better as they got older. We all got worse. When I played with Hank Aaron and Willie Mays and Ted Williams, they didn't put on 40 pounds to bulk up in their careers and they didn't hit more homers in their late 30's than they did in their late 20's.'' It was just this kind of straightforward, commonsense approach to the issues that has won JIM a legion of admirers not only on the baseball diamond, but off of it. And on this issue in particular, JIM's passion and personal perspective helped shed light not only on the dangers of steroid use at the professional level, but on the growing steroid epidemic among young athletes at all levels.

Despite his high profile, JIM never forgot about the issues that mattered most to his constituents back home. He's been a staunch supporter of clean coal technologies as an effective, efficient way to use coal, improve our environment, and bring jobs to Kentucky. Another issue that was extremely important to all Kentuckians was the failed clean up of radioactive contamination that was found in the drinking water wells of residences near the Department of Energy's uranium enrichment plant in Paducah, KY, in 1988. In 2004, JIM harshly criticized the DOE's cleanup efforts, as well as called several hearings on Capitol Hill to draw attention to DOE's failure to compensate many workers that had been stricken with radiation-related diseases.

In every issue he has taken on, whether national, statewide or local, JIM has been a man of principle from start to finish. He has stayed true to himself. And in a truly remarkable life, he has got a lot to be proud of. But if you were to ask JIM to list his greatest achievement, I don't think he would say it was his election to the U.S. Senate or his induction to the Hall of Fame. They would both come in a distant second and third to the day he married his high school sweetheart, Mary. JIM and Mary still live in the northern Kentucky town where he grew up. They have been married for nearly 60 years. Together, they have raised nine children. And they enjoy nothing more than spending time with the next generation of Bunnings—which last time I checked included 35 grandchildren and 5 great-grandchildren. JIM will tell you there's no secret to his success. He is happy to give all the credit to Mary. As he put it in his Hall of Fame induction speech, she is his ''rock.''

Today, we honor and pay tribute to our friend and colleague for more than three decades of public service. JIM will be remembered for his two Hall of Fame-worthy careers, for his example of principled leadership, and for his devotion to God, country, and family. On behalf of myself and the entire Senate family, JIM, we thank you for your service, and we wish you the best in the next chapter of your life.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I join Senator MCCONNELL in a tribute to my friend and colleague, JIM BUNNING. JIM and I came into the House of Representatives at the same time as parts of the 100th class. I have enjoyed being with him as well in the Senate. JIM and Mary are counted as among the best friends my wife Carol and I have. I agree with Senator MCCONNELL that while people may disagree with JIM BUNNING, no one has ever doubted his courage, his sincerity, his love for this country, his desire to do what is right, and his commitment to all those efforts. So I will greatly miss JIM when he is no longer part of the Senate. I think it is probably time for JIM and Mary to have a little bit of time to spend with all those children, grandchildren, and great-grandchildren. Obviously, we all wish them both well.

OMNIBUS APPROPRIATIONS

Madam President, I will speak for a few moments about the matter Senator MCCONNELL brought to our attention; namely, this almost 2,000-page Omnibus appropriations bill. I know the majority leader has turned to the START treaty, and I think it is fairly obvious why. The American people are focused like a laser beam on this spending bill. I can't turn on the TV without hearing comments by both the commentators as well as people in public life about what this spending bill will do for this country's future.

I think it is time we devote some attention to this spending bill, rather than put it under the table and talk about the START treaty instead, which, after all, we could accomplish at any time.

As the majority leader said, spending for the U.S. Government runs out at midnight Saturday night. I can hear the cries at that time: We have an emergency on our hands. You don't want to shut down the Federal Government, do you? We have to do something.

Well, the something is apparently this 2,000-page, over $1 trillion bill, which will not have had adequate time for debate or exposure to the American people. Apparently, under the schedule, as it now is, it would not even entitle us to try to amend it. Think about that for a moment. That which is most important to the American people and the subject of the message conveyed in this last election—to stop the wasteful Washington spending—we are not even going to be able to amend the $1 trillion-plus bill that has been laid before us.

I know—and I think most people in this body know—how important international relations and treaties are, including the START treaty. But I also agree with the colorful comment by James Carville, a former adviser to President Clinton, who has a way with words. He said the American people don't give a pig's patooty about the START treaty.

Obviously, those of us in the Senate do. We understand its importance. But at this moment, the most important thing on the minds of the American people is how we are going to fund the Federal Government without continuing to waste billions of dollars of their money. That is what we ought to be focusing on in the last few hours we have.

Let me address a little bit about what we have found so far is in this bill and why so many of us are so concerned about it. The first point I will make is, I don't think ever in the history of the modern Congress that Congress has failed or the Senate has failed to pass a single appropriations bill. The American people should understand that, ordinarily, Congress passes a budget and we each—both bodies—pass about 12, sometimes 13 bills, to fund the different agencies and departments and functions of the U.S. Government. We didn't do that this year. We didn't pass a single one. We didn't pass a budget. So now the emergency that occurs, because we will run out of funding on Saturday, obviously, is laid at the feet of the majority, which didn't do its work earlier in the year, and that forces us into the position of having to act in this emergency way.

As the Republican leader said, ironically, this is at the same time we were considering the health care legislation last year, the week before Christmas, in a situation in which Members have very little time and ability to change the legislation that is before us, a bill that will cost more than $1 trillion. Very few Members will have time to analyze it, let alone read it.

Funding of the government, of course, is one of the most important responsibilities that we as Senators have. But as I said, this bill is going to get short shrift on the floor because it appears we will not even have an opportunity to amend it, if the majority leader's schedule holds.

Let's talk about some of the specifics in it. As I said, it costs more than $1 trillion. There is nearly $18 billion more spending in this legislation than in the temporary continuing resolution that was enacted last September. In other words, at that time, we understood we needed to begin the process of funding the government, even though not a single appropriations bill had been passed. So we passed legislation that, over a 12-month period, was $18 billion less than the bill that comes before us now. I don't think this is responsible, and I think most Americans who have had to trim their budgets would agree it is not responsible.

The bill contains more than 6,700 earmarks. Think about that for a moment. There are only 535 Members of Congress. Most of us don't have earmarks in this bill. So at 6,700 earmarks, you are talking about some legislators in the House and Senate having numerous earmarks. The total is $8 billion worth of earmarks. There is a debate about whether earmarks are good or bad, and some who believe they are OK say it is not that much money. But $8 billion is a lot of money no matter who is doing the counting—even in the Federal Government. It includes things—and I don't like to make fun of these things because they all have some purpose—like $247,000 for virus-free wine grapes in Washington. I am sure it is important to have virus-free wine grapes, but the last time I checked, the people who grow grapes are doing fairly well financially and could probably afford, if all the wine growers pool their resources, to come up with $200,000 to try to make sure their grapes are free of virus.

There is a $100,000 appropriation for the Edgar Allan Poe Visitor Center in New York. Edgar Allan Poe is certainly an iconic American literary figure, but for the Federal Government—I mean the taxpayers in Arizona probably don't appreciate the need to pony up money for the Edgar Allan Poe Visitor Center in New York.

The omnibus bill contains upward of a $1 billion increase in spending for the vastly unpopular health care bill Americans said they didn't want and continue to strongly oppose. Here are a couple of the details on that. There is an allocation of $750 million for the Prevention and Public Health Fund slush fund for a variety of programs—not named; a $175.9 million adjustment in the Centers for Medicare and Medicaid Services program management account to implement the massive Medicaid expansion, as well as cuts to Medicare Advantage—something my constituents strongly objected to; an $80.7 million adjustment for HHS program management, on and on.

There are millions included for implementation of the very controversial Dodd-Frank financial reform bill, including a Securities and Exchange Commission funding increase of $189 million. That is 17 percent more than last year; a Commodity Futures Trading Commission funding increase of $117.2 million or a 69-percent increase over last year's funding; Treasury gets increase of $32.35 million or a 10-percent increase. It goes on and on.

The omnibus also contains $790 million for an increase in education stimulus programs. A thorough examination of those programs reveals that, at least in some cases, they advance the cause of the teachers unions—at least in my view—more than the cause of educating American children.

Some claim that at least you can say this bill's top line—its gross amount of spending is consistent with the budget proposal advocated by Senators SESSIONS, MCCASKILL, and many of the rest of us, including myself. But that is not true, as it turns out. It excludes numerous parts, such as multiyear spending caps, enforcement mechanisms, and limitations on emergency spending designations—something I will talk about in a second. In addition, the majority is using a budgetary sleight of hand to ostensibly meet the spending caps for 2011. This is what I was going to mention. They do this by a trick of retroactively declaring spending in last year's supplemental appropriations bill for Agent Orange claims as an emergency. So that money is spent. It was last year's funding. Now we are going to call that money emergency funding. What is the effect? It doesn't count and reduces the baseline and, like magic, by treating it as an emergency—to the tune of almost $3.5 billion—they have been able to secure a lower CBO score on the bill and, therefore, not exceed the spending caps. Without the gimmick, they obviously would have exceeded the spending caps proposed in the Sessions-McCaskill legislation.

I will mention process briefly. This bill is being considered under a deeply flawed process, as the Republican leader said. Voters made a very clear statement, I think, last month. They do not like wasteful Washington spending. They want it to stop. They didn't like the health care bill. They do not want us—here, a week before Christmas—to rush very complex, very large bills through the Congress without time for their representatives to read them, to study them and have an opportunity, potentially, to amend them. But under the schedule laid out, as I said, an open amendment process for this bill would be impossible.

At the very least, one would think Republicans should be entitled to 1 or 2 amendments to each of the 12 appropriations bills that are included within

this giant Omnibus appropriations package. Under regular order, each of these bills would take at least several days of floor time and we would consider numerous amendments. That is not going to happen with this bill. Instead, we will do the equivalent of more than a month's work of floor time in a couple of days, with no amendments. And some wonder why Congress' approval rating has fallen to 13 percent. Someone said: Who is the 13 percent? And the answer was: Well, it is our staff and our families. Maybe.

Let me conclude here with a little bit about jobs and energy prices. This bill will raise energy prices in the United States and destroy energy jobs through and including some of the following provisions:

There is a ban on shallow water drilling. I thought the whole idea—especially after the gulf, where we had deepwater drilling problems—was to encourage drilling in shallow waters to make up for that other loss of production. The bill changes the law to triple the time for the Department of the Interior to approve exploration plans for offshore operators from 30 to 90 days. This provision could lead to huge financial penalties to the government, breach of contracts, and add further impediments to creating jobs and energy here at home.

The bill reduces the State's share of Federal onshore oil and gas production revenues to 48 percent, down from the 50–50 split required under current law, and it raises fees for onshore and offshore oil and gas production on Federal lands. These fees amount to a tax that will make domestic energy production more expensive to produce, especially for the small businesses that do so.

There is much more—much more the American people should know—but we are supposed to be talking about an arms control treaty with Russia instead. I want to remind everyone that we are in a lameduck Congress, and my view is that trying to enact such a huge and complex bill within the narrow postelection timeframe shows disrespect for the democratic process. For that reason and the others I have discussed, I urge my colleagues to oppose cloture on this bill and to pass a sensible continuing resolution of the kind the Republican leader has introduced.

I want to leave no doubt about this final point. Those who are watching this process carefully and who understand how the process works understand that the important vote here is on cloture. It is the first vote. It is, in effect, the vote to consider this omnibus bill. Our constituents will not be fooled by Senators who vote ''yes'' on cloture to go to this bill—ensuring it will be considered under this rushed process without amendment—but then who vote ''no'' on final passage, after it is too late to stop the flawed process and say, well, I voted ''no'' on the bill. Well, of course, they voted ''no'' on the bill, but then it was too late.

The key vote is on the cloture vote, whenever that might occur, and I am told it might occur at actually 12:01 on Sunday morning—in other words, one minute after midnight. Well, that would be very reminiscent of last year's consideration of the health care bill, where through all the procedural gimmickry this body did not distinguish itself in adopting legislation under a process the American people saw through, objected to, and continue to criticize the legislation adopted as a result of the process as well as its substance.

If we want to do the same thing with this legislation, then it will demonstrate in the very first act relating to spending after the election that this Senate did not get the message sent by the American people.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, are we in morning business at this point?

The ACTING PRESIDENT pro tempore. We are on the treaty.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business for no more than 10 minutes.

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

OMNIBUS APPROPRIATIONS

Mr. DURBIN. Madam President, I want to respond to what has been said by my friend Senator KYL from Arizona, as well as Senator MCCONNELL of Kentucky, about the appropriations bill, which we are going to consider in a very short period of time.

I am a member of this Appropriations Committee. I remember what happened, and I want to put it on the record right now so that some of the things that have been said can be compared to what I think is the reality. This is the reality: The Appropriations subcommittees—each and every subcommittee of that full committee—met with Democrats and Republicans and prepared a bill. I have the Subcommittee on Financial Services and General Government. Senator SUSAN COLLINS of Maine worked long and hard in preparation of that bill. Other subcommittee chairs did the same thing. There was full bipartisan cooperation in the preparation of each of these subcommittee bills—every single one of them. And the appropriations bill that we will vote on is the combination of all of that effort.

Let me also talk about the amount of money we are going to appropriate to continue to fund the operations of our Federal Government.

It is true, it is over $1 trillion. In fact, it is $1.1 trillion in this bill. But what hasn't been said by Senator MCCONNELL and Senator KYL is that is exactly the amount they asked for. Senator MCCONNELL came to the Senate Appropriations Committee and said Republicans will not support this bill unless you bring the spending down to $1.108 trillion. That is exactly what we bring to the floor to be considered.

So to stand back in horror and look at $1.1 trillion and say, where did this figure come from, well, it came from Senator MITCH MCCONNELL in a motion he made before the Senate Appropriations Committee. It reflects the amount that he said was the maximum we should spend in this current calendar year on our appropriations bills. He prevailed. It is the same number as the so-called Sessions-McCaskill figure that has been debated back and forth on this floor, voted repeatedly by the Republicans to be the appropriate total number. So we have a bipartisan agreement on the total number. Yet now the Republican leader comes to the floor, stands in horror at the idea of $1.1 trillion—the very same number he asked for in this bill. You can't have it both ways.

Secondly, they say, well, this is a 2,000-page bill. Well, allow me to explain why.

When you take the work of 12 subcommittees, instead of separate bills and put them in one bill, the total number of pages is going to increase. Maybe the best thing we can give as a Christmas gift to the Senate Republican Caucus is a speed reading course so they can sit down and read these bills. It turns out their fingers get smudgy and their lips get tired if you have more than 100 pages in a bill. Over and over we are told, don't worry about the substance, just count the pages, and if it gets up to a thousand pages, it is clearly a bad bill. Wrong. This 2,000-page bill reflects the work of 12 subcommittees and 12 Republican Senators who helped to assemble and to devise the contents of that bill. It is no surprise that it would reach that number when we put all of the spending bills—the Appropriations subcommittee bills—into one document.

Another point that is raised—what a surprise—we have this thing thrown at us. We have not seen this before. We don't have time to look at this.

This bill was posted 2 days ago, and will be available not only for every Senator and every staff member but for every citizen of this country to look at in detail. The reason Members have been coming to the floor talking about its contents is they have access to it, and have had for almost 48 hours, and will for an even longer period of time before it is finally considered.

I also want to say that the schedule we are facing here now, which is putting us up against some deadlines—deadlines for the funding of government, a lot of personal family deadlines, which trouble all of us, but we accepted this job and its responsibility—many of these deadlines have come to be because of an exercise of the Senate rules. Time and time and time again the Republican minority has forced us to go into a cloture vote, into a filibuster—record-breaking numbers of filibusters over the last several years.

If Members of the Senate were to go back home and ask the cable TV viewers who watch C–SPAN what their impression of the Senate is, their impression is an empty Chamber—an empty

Chamber because day after weary day we have had to put up with cloture votes and filibusters from the Republican side, delaying us time and time and time again while we burned off the hours on the clock instead of rolling up our sleeves and actually getting down to business.

Now they come and tell us, well, we are going to threaten to start reading bills. They have a right to do that under the rules. It is really not needed, since all these bills have been posted and any Senator who wanted to read them has now had 48 hours to read this appropriations bill, if they wanted to. But they may burn off hours on the clock again and then complain we are ruining Christmas for Members of the Senate and their families. Well, unfortunately, their hands are not clean.

When it comes to the things included in this bill, incidentally, I have heard many Republican Senators come down here and talk about specific elements in this Appropriations bill they disagree with, and that is their right. But many of the same Senators who are criticizing congressionally directed spending, or earmarks, have earmarks in the bill. That is the height of hypocrisy—to stand up and request an earmark, have it included in the bill, and then fold your arms and piously announce, I am against earmarks. You ought to be consistent enough to know if you are asking for an earmark one day and criticizing it the next, your credibility is going to be challenged. That is a fact.

As far as some of the things that have been talked about, one of them brought up by Senator KYL relates to drilling, and how quickly drilling permits will be issued by the Federal Government.

Our Department of Interior has asked for 90 days to review applications for drilling permits included in the bill. Why would we want to be careful when it comes to drilling permits? America knows why. We saw what happened in the Gulf of Mexico. We saw the damage done. And we know for many businesses and many families and many people, and for a very fragile environment, things will never be the same. Let us avoid that from happening in the future. Waiting 90 days instead of 30 days is hardly an onerous burden to make sure that what is done is done properly and done in a way that won't come back to haunt us.

Finally, to argue this is disrespectful of the democratic process is to ignore the obvious. Time and time and time again, when we have tried to move the democratic process, we have run into a roadblock with filibusters from the other side of the aisle—obstructionism.

I am glad we passed the tax bill yesterday. It was an amazing day. I think the final vote was 81 to 18, which was an incredibly strong bipartisan showing. Let's end this session on a bipartisan note. Let's get away from lobbing bombs back and forth across the aisle. Let us roll up our sleeves and get down to what we need to do.

Senator KYL should come to the floor and offer his amendment on the START treaty. He has talked about needing time to offer amendments. Let's do it, and let's do it this morning. Let's start the amendment process, let's have votes, let's not filibuster anything. Let's get to the vote, vote on the substance, and let's bring it to an end. Then let us bring up the Omnibus appropriations bill and the CR, let the Senate work its will, and let's vote on it.

We have two or three other items we can complete, and if people don't exercise delay tactics, we can get this done in a few days. I urge my colleagues, in the spirit of what we did with the President's tax package, let's return to a more bipartisan approach to completing our business and going home to our families.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. What is the business before the Senate?

The ACTING PRESIDENT pro tempore. The START treaty.

Mr. LUGAR. I thank the Chair. I wish to work with my colleague, the chairman of our committee, to make time available to Senators. I see the distinguished Senator on the floor.

Are you prepared, sir, to make a statement?

Mr. BARRASSO. Madam President, yes, I am.

Mr. LUGAR. I yield to the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I rise today to express my views on the new Strategic Arms Reduction Treaty, also known as New START. This treaty is an extremely important and serious matter. New START significantly impacts America's national security and nuclear deterrent. As a result, I believe this treaty deserves adequate time in the Senate—time to examine the issues, time to debate the many flawed provisions, and time to vote on all of the amendments offered for consideration.

The majority leader should not be piecemealing together segments of time for debate on an issue as important as nuclear arms control. The treaty should not be shortchanged and rushed through the Senate. The treaty should not be jammed together with consideration of a 1,924-page omnibus Federal spending bill. The treaty should not be considered during a lameduck session.

Consideration of the treaty will require a substantial amount of time in order to sufficiently address its many flaws. Like many of my colleagues, I plan on offering amendments, amendments designed to protect our national security. This debate concerns the national security of the United States. It is critical that the United States maintains a strong nuclear deterrent in order to defend our Nation and provide assurances to our allies. I have major concerns about the impact the New START will have on Wyoming and on national security.

While I have many issues with the New START, I want to address only a few of my major concerns this morning. First, START straitjackets the U.S. missile defense capabilities. Second, START offers no method to make sure a historically noncompliant Russia state will keep its promises. Third, the approach embodied by START is representative of an outdated and simplistic view of the U.S. position on the world stage.

To begin, I wish to specifically discuss the limitations placed on the U.S. missile defense by the New START. The treaty signed by President Obama and Russian President Medvedev on April 8, 2010, places explicit limitations on U.S. missile defense. The preamble of the treaty—the preamble declares an interrelationship between strategic nuclear offensive weapons and strategic nuclear defensive weapons. It implies the right of Russia to withdraw from the treaty based on U.S. missile defenses that are beyond ''current strategic'' capabilities. The treaty preamble, the very preamble of the treaty, gives Russia an opportunity to turn their backs on the treaty at the slightest sign of a shift in American defensive strategy. This language is unacceptable and needs to be removed.

I offered an amendment in the Senate Committee on Foreign Relations to strike this language. The White House resists any attempt to amend the preamble. The administration argues it is a nonbinding concession to Russia. Russia clearly doesn't see it that same way. They have made it quite clear they consider the preamble legally binding. A Russian Foreign Minister stated the treaty contained ''legally binding linkage between strategic offensive and strategic defensive weapons.'' The Russians have wanted this language for a long time in order to have grounds to claim that the U.S. missile defense program violates an international agreement. This type of constraining language is not unique to the preamble.

The treaty also places a legally binding limitation on missile defense in article V of the treaty. Article V prohibits the transforming of offensive strategic missile launchers into defensive strategic missile launchers. As this Nation continues to face threats from around the world, we should not take any action that will hinder our missile defense options. We need to be able to defend ourselves.

Just like the preamble, the administration makes excuses as to why they have made concessions to the Russians on our missile defense. The current administration claims that they have no plans to use the missile defense options

prohibited under the new START treaty. I believe that placing any constraints on future U.S. defense capabilities should not even be up for debate, let alone placed in a treaty on strategic offensive nuclear weapons.

The purpose of New START was to reduce strategic nuclear weapons between the United States and Russia, not limit the ability of the United States to defend ourselves. It is outrageous that the administration would make any concessions to Russia on our national security.

The United States must always remain in charge of our own missile defense—not Russia, not any other country. We should not be tying our hands behind our backs and risking the security of our Nation and our allies. Russia is trying to force the United States to choose between missile defense and the treaty. The clear choice should always be to protect the ability of the United States to defend ourselves. I believe the administration's decision was a serious mistake.

I also have major concerns about the central limits of New START. This treaty is a one-sided agreement aimed at only reducing U.S. strategic nuclear weapons. Russia is currently below the limit for strategic nuclear delivery vehicles under the New START treaty. As a result, Russia will not have to make reductions. The United States will be the only party required to slash its forces.

Due to loopholes in the treaty counting rules, Russia could deploy more than 1,550 warheads, go above that ceiling and still be in compliance with the treaty. Russia may even be able to deploy more than 2,100 warheads under the treaty. Each deployed heavy bomber, regardless of the actual number of warheads on it, only counts as one deployed strategic warhead. If anything, the limits just tell Russia how many weapons they are allowed to add to their strategic nuclear force. Why would the administration enter into a bilateral treaty that only requires the United States to make sacrifices? This is not acceptable.

New START offers us nothing in return, not even a robust verification mechanism that enables us to make sure Russia is keeping its promises. President Ronald Reagan regularly repeated the phrase ''trust, but verify.'' He did it repeatedly regarding nuclear weapons. The verification measures play an important role in analyzing the New START. The New START has a weak verification regime.

Former Secretary of State James Baker made the exact point by indicating the New START verification procedure provisions, he said, were weaker than the original New START. Under New START, the U.S. would be limited to 18 inspections per year as opposed to 28 in the past. Under the original START treaty the United States conducted approximately 600 inspections. Under New START the United States is limited to a maximum of 180 inspections. This further plays into Russia's favor due to there being 35 Russian facilities compared to only 17 U.S. facilities to inspect.

The administration also dropped two key provisions from New START. The United States will no longer have continuous monitoring at the Russian nuclear missile assembly plant. We had it in START I. Why are we giving up this important verification component in New START? The United States also will not have full access to Russian nuclear ballistic missile launch telemetry under New START. Under START I we had unrestricted access. Why are we giving that up?

The treaty does not provide us with the verification mechanisms that enable us to make sure Russia is keeping its promises. Instead, there is a lot of trust and precious little verification.

A weaker verification system is even more dangerous due to Russia's long history of noncompliance on arms control treaties. Russia has a record of noncompliance and violations under the original START treaty. Up until the end of the original START treaty in December of 2009, Russia was continuing to engage in compliance violations. The Department of State compliance reports from 2010 spell out the numerous violations made by the Russians.

Finally, the treaty relies on the false premise that Russia is America's only nuclear rival. This view of the world is outdated and simplistic. Even if we could trust Russia there are numerous other threats such as North Korea and Iran which have repeatedly shown hostility to the United States and to our allies. We should never abandon our defenses and sacrifice our deterrent in the face of increasing international belligerence. It is the equivalent of asking America to stare down the barrel of a gun without knowing whether the gun is loaded, and then to trust the person holding it not to pull the trigger.

In arguing for this treaty the administration has tried to have it both ways. The treaty demands the United States reduce our nuclear strike force by specific numbers. Yet the administration has only offered a vague range of estimates regarding where these cuts would take place. The President's force structure plan provides up to 420 intercontinental ballistic missiles, 14 submarines carrying up to 240 submarine-launched ballistic missiles, and up to 60 nuclear-capable levee bombers.

Even if the administration did cut the absolute maximum number of weapons it has proposed to cut, it would still fail to live up to the reductions demanded by New START. Instead of giving the Senate a specific force structure, the President is repeating his health care playbook and telling us to wait until after the United States ratifies the treaty to find out the details.

It is wrong that the Senate is considering approving this treaty without knowing these details, and these details matter.

The force structure of our nuclear triad is critical to maintaining an effective deterrent. The nuclear triad of the United States spans sea, air, and land. By working together, our nuclear triad complicates and deters any attempt at a successful first strike by anyone on our country. I believe the President's force structure proposal will weaken our nuclear triad.

The American people deserve a full debate on the Senate floor on a treaty of this magnitude. It is my hope that the Senate will take its constitutional responsibility very seriously and provide the New START with the scrutiny it deserves.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Madam President, I understand the distinguished Senator on the floor wishes to speak. I yield for Senator UDALL.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, let me start by thanking my good friend from Indiana, not only for yielding the floor to me but for his strong leadership on this crucial treaty before us here in the Senate.

I rise in strong support of the New START treaty. I want to start by reminding my colleagues that arms control treaties are an integral part of this country's modern history, premised on a shared belief that a world with fewer nuclear weapons is a safer world. Even as the Cold War raged, it was Ronald Reagan who committed America to the ultimate goal of eliminating these weapons from the face of the Earth.

Those are his very words. This goal has animated numerous arms control agreements since then and it underpins the New START treaty, an agreement I believe we cannot fail to ratify. The dangers of nuclear proliferation have grown. As the Senator from Indiana knows well, because this has been a part of his life's work, the threat of global nuclear war has receded but the risk of nuclear attack has increased, enabled by the spread of nuclear technology and the danger of materials falling into the wrong hands.

I believe we cannot be seen as a credible leader of a nation strongly committed to meeting our nonproliferation obligations unless we pursue further nuclear arms reductions ourselves. The United States and Russia have over 90 percent of the world's nuclear arms between us. Thus, we have an obligation to verifiably decrease our nuclear stockpiles and reduce this primary threat to global and national security. That is why the New START treaty matters. It establishes limits for U.S. and Russian nuclear weapons to levels lower than the 1991 START Treaty and the 2002 Moscow treaty.

These limits have been validated by our defense planners and ensure that we have the flexibility to meet our security needs.

The treaty also includes a strong verification regime, which Secretary Gates called the ''key contribution'' of the agreement.

As we debate this agreement today, we should not only consider the consequences of ratification but also the consequences of failure. Because START expired over a year ago, we currently have no treaty and, therefore no constraints on Russia's stockpile or verification of their weapons.

The choice facing U.S. Presidents through the decades has been whether we are better off signing arms agreement with the Russians or pursuing an arms race. Historically, Presidents from both parties and bipartisan majorities in the U.S. Senate have agreed that we are better served by agreements.

Today is no different. As U.S. Strategic Command's General Chilton testified, without a treaty, Russia is not constrained in its development of force structure, and we have no insight into its nuclear program, making this ''the worst of both possible worlds.''

Failure to ratify this treaty would make the broad ''resetting'' of U.S.-Russian relations harder. The distrust it would engender would also reduce or even eliminate the possibility of further bilateral strategic weapons reductions. As former National Security Adviser Brent Scowcroft—I think we would all agree he is one of the wisest Americans about foreign policy—testified earlier this year, ''the principal result of non-ratification would be to throw the whole nuclear negotiating situation into a state of chaos.''

But we need to remember that this treaty is not just about Washington and Moscow, it is also about the world community and our global relationships. Failure to ratify this treaty would signal to the world that America is not willing to constrain its own weapons arsenal, even as we ask other countries to restrict theirs or avoid joining the ''nuclear club'' altogether.

It would discourage multilateral cooperation on nonproliferation goals and hinder our ability to lead by example. It would make global cooperation on dealing with rogue states like Iran and North Korea more challenging, tying our hands at a time when the threat from those two countries is increasing.

Treaty opponents have tried to make the case that the dangers of ratifying the agreement outweigh the advantages of ratification. They are simply wrong.

They argue that the treaty limits our ability to develop missile defense capabilities. The head of the Missile Defense Agency argued, that the treaty actually reduces constraints on missile defense. And countless military and civilian leaders, including the former Secretaries of State for the last five Republican Presidents, have publicly stated that New START preserves our ability to deploy effective missile defenses.

Treaty opponents argue it inhibits our ability to maintain an effective and reliable nuclear arsenal. It is true that this administration inherited an underfunded and undervalued nuclear weapons complex. But the President understands that the nuclear experts and infrastructure that maintain our arsenal also help secure loose nuclear materials, verify weapons reductions and develop technologies that underpin our nuclear deterrent.

That is why the President's budget request provides $7 billion for these programs this year, a 10-percent increase over last year. New START would in no way limit these investments. And as treaty opponents know well, the President has offered an even more robust investment in modernization and refurbishment of our nuclear infrastructure over the next 10 years, totaling $84 billion.

The importance of ratifying this treaty goes beyond politics. We know that a lack of demonstrated bipartisan support could poison relations with Russia and our allies. And we cannot risk the loss of American leadership in the world that would ensue if we are perceived as too entangled in our own internal politics to ratify a strategic arms treaty that is clearly beneficial to our own security.

I know that some of my colleagues hope to amend this treaty and, in so doing, kill it, since any changes will require the administration to start from scratch and reopen negotiations with the Russians. I urge them to reconsider and to think about what is at stake.

And I urge them and all my colleagues to listen to our military leadership when they tell us that this treaty is essential to our national security. As Senator LUGAR pointed out yesterday in his eloquent statement, ''Rejecting an unequivocal military opinion on a treaty involving nuclear deterrence would be an extraordinary position for the Senate to take.''

Let us not allow this to be the first time in history that the Senate denies ratification to a treaty with overwhelming bipartisan support and the endorsement of the full breadth of our military and civilian leaders. I urge my colleagues to support this treaty and to support a safer world.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Madam President, I wish to thank the Senator very much for his comments and his support. It is my understanding that Senator ENSIGN was going to speak at this point in time. He is on his way. We are happy to accommodate that.

Let me say to colleagues that we are open for business. We are ready to entertain amendments people may have. We encourage colleagues to come down here. Obviously, some people have raised the question of the press of time, but it does not seem, from both yesterday and today, that anybody is actually in a rush to bring an amendment.

We are prepared to vote on our side of the aisle. I want to make that very clear. There are 58 Democratic Senators and Senator LUGAR who obviously are working to advance this treaty. We do not have any amendments. We are prepared to vote. So if colleagues want to bring an amendment, now is the time to do it, and we encourage them to do so.

Let me just say that I know Senator BARRASSO just spoke with respect to missile defense. I understand the legitimate concerns that have been expressed by a number of colleagues about the question of missile defense. I wish to make it as clear as possible, from all of the record to date, that the treaty's preamble, first of all, requires nothing legally whatsoever. There is no legal, binding effect of the preamble—none whatsoever.

Secondly, Secretary Clinton said this and Secretary Henry Kissinger said this: All it is is a statement of fact about the existence of a relationship. It has no restraint whatsoever on our ability to proceed with missile defense.

Moreover, the resolution of ratification could not be more clear about that. There are pages within the resolution and several different individual references to the fact that the missile defense is not affected.

Let me read from it. This is from ''Understandings,'' and this is the missile defense understanding No. 1:

> It is the understanding of the United States—

This is what we will pass when we pass this, and I am quoting from it—

> that the New START Treaty does not impose any limitations on the deployment of missile defenses other than the requirements of paragraph 3 of Article V of the New START Treaty, which states, ''Each Party shall not convert and shall not use ICBM launchers and SLBM launchers for placement of missile defense interceptors therein. Each Party further shall not convert and shall not use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein.''

It goes on to say that any New START treaty limitations on the deployment of missile defenses beyond those specifically contained—and I will speak to what they are in a moment—would require an amendment to the New START treaty. That would require an entire new process of ratification in order to live up to the requirements of the treaty process itself.

Now, the specific, tiny, little limitation they are talking about in there is one that the Secretary of Defense said: We don't want; that is, the conversion of a current ICBM silo. There are four of them that are grandfathered into existence here, but the military has determined it is more expensive to do that than to simply build a new silo for a ground-based missile, which is what we plan to do in the event we want to—when we deploy.

So there is, in effect, zero limitation. Every single member of the Strategic Command and the current command has said there is no limitation. Secretary Gates has said there is no limitation. And I believe we will be able to have even some further clarification of the absence of any limitation.

The fact is, if you change that preamble now, you are effectively killing the treaty because it requires the President to go back to the Russians, renegotiate the treaty, and then you have to come back and go through months and months of hearings and resubmission and so forth.

The important thing to focus on is the fact that—and let me quote Henry Kissinger about the language Senator BARRASSO has referred to. He said, ''It is a truism, it is not an obligation.''

Secretary Gates also emphasized the fact that it has no impact whatsoever on the United States. Secretary Gates reminded us in May that the Russians have always reacted adversely to our plans for missile defense, so they have tried a number of times to try to interrupt that.

Secretary Gates said in his testimony:

> This treaty does not accomplish any restraint for them at all.

He also said:

> We have a comprehensive missile defense program, and we are going forward with all of it.

In addition to that, General Chilton reported on how he informed the Russians in full about exactly what program we were going forward with, including the recently agreed on deployment at Lisbon for the deployment of missile defense in Europe.

They understand exactly what we are doing, what our plans are, and, notwithstanding that, they signed the treaty. So I think the comfort level of all of our military, of all of those involved with the laboratories, and all of those involved with the Strategic Command ought to speak for itself.

I see Senator ENSIGN is here.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. ENSIGN. Madam President, I rise today to talk about this New START treaty. I have some very serious concerns about it.

I appreciate the work that has been done by my colleagues. This is an incredibly serious issue. I do not question anybody's motives, but I do think there are some serious flaws that lie not only within the four corners of the treaty text but also speak to the manner in which this administration has dealt with Russia. This policy of Russian ''reset'' has meant that the United States is making major concessions, while our Russian counterparts give up virtually nothing.

Further, I have serious reservations about the manner in which the Senate is considering this treaty. This body, the Senate, is supposed to be the most deliberative body in the world. It is supposed to be a chamber that respects the rights of the minority. Senators are supposed to be afforded the right of unlimited debate and the right to have their amendments considered. Rushing a treaty of this magnitude through a lameduck session is not what the Founders had in mind when they gave this body the power of advice and consent in these serious matters.

The American people sent a clear message in November to concentrate on jobs, taxes, and the economy.

While I do not think this lameduck is the time to debate this very important treaty, I do plan on offering multiple amendments to address this treaty's flaws, as well as the resolution of ratification. My colleagues on both sides of the aisle will also offer amendments with topics ranging from how this treaty restrains our missile defense capabilities to ceding the Senate's advice and consent power to the flawed Bilateral Consultative Commission.

For example, there needs to be an amendment which addresses the verification regime in this treaty, or lack thereof. Further, it is astounding to me that tactical nuclear weapons were left out of the treaty, considering that Russia has approximately a 10-to-1 advantage. Additionally, we need to consider how the rail-mobile ICBMs are counted, or not counted, and our Russian policy in a much broader sense.

As the Senate moves forward in examining the intended consequences of this treaty, we also need to pay careful attention to those consequences that are unintended because that is where the danger truly lies. In order to properly examine these, the administration needs to provide the Senate with the full negotiating record which it has yet to do. Only upon examination of this record can we accurately determine how Russia views this accord to ensure that their understanding is the same as ours.

On the topic of missile defense, this is clearly a case of the administration wanting to have its cake and eat it too. There should be zero—zero—mention of missile defense within 100 miles of this treaty. Yet there it is, right in the preamble to New START, which clearly recognizes an interrelationship between offensive nuclear weapons and missile defense. I believe this is unacceptable.

Further, if we examine article 5, paragraph 3, of New START, missile defense is again referenced, plain as day, in a provision prohibiting the United States from converting ICBMs or sea-based launchers for missile defense purposes. Where is the wisdom in removing such an option from our toolkit for the whole life of the treaty? Russia must understand that we will not limit our options for national defense based on current plans, ideas, or technology. Should a breakthrough occur in missile defense technology or launcher development we cannot have already ruled out pursuing new courses of action.

In their attempts to persuade Republicans to support the treaty, proponents have attempted to invoke the name of Ronald Reagan. Let's remember that over two decades ago, President Reagan returned from Iceland and made the following statement:

> While both sides seek reduction in the number of nuclear missiles and warheads threatening the world, the Soviet Union insisted that we sign an agreement that would deny me and future presidents for 10 years the right to develop, test and deploy a defense against nuclear missiles for the people of the free world. This we could not and would not do.

This clearly states, in his own words, where Ronald Reagan would be on this New START treaty. Another especially troublesome facet of the New START is that it would establish a Bilateral Consultative Commission with the authority to agree upon additional measures to increase the effectiveness of the treaty. This seems like a broad and vague purview for a commission, and it is unclear why the Senate would delegate its advice and consent responsibilities to a commission. This leads me to ask the question: Since missile defense has fallen under the purview of this treaty, wouldn't it be logical that this commission could make decisions as to what we can and cannot do with our missile defense assets? We must make it clear this commission, the BCC, cannot have the authority to further handicap our national defense as it could otherwise do under this treaty without further scrutiny of the Senate.

I hope we agree as a body to insist that the workings of the BCC are completely visible and accessible to the Senate and that we explicitly make these changes to the treaty itself, not just the resolution of ratification.

As we move forward in examining this treaty, a colleague of mine will be sorely missed. The senior Senator from Missouri, KIT BOND, as vice chairman of the Senate Select Committee on Intelligence is the foremost expert in the Senate and likely in all of Congress on matters of intelligence. At least that is my opinion. I wish to quote my good friend. The Select Committee on Intelligence has been looking at this issue closely over the past several months.

> As the vice chairman of this committee, I have reviewed the key intelligence on our ability to monitor this treaty and heard from our intelligence professionals. There is no doubt in my mind that the United States cannot reliably verify the treaty's 1,550 limit on deployed warheads. The administration claims that New START is indispensable to reap the ''Reset'' benefits with Russia. If a fatally flawed arms control agreement is the price of admission to the Reset game, our Nation is better off if we sit this one out.

I could not agree more. It is naively optimistic to assume that a world with fewer nuclear weapons is the same thing as a safer world. Our security has long depended on a strong and flexible deterrent. New threats are constantly emerging from every corner of the globe. This has been recently demonstrated by Iran's resistance to denuclearization and North Korea's increasingly violent saber rattling. The United States must be able to rapidly adapt and respond to new threats to our security. Now is the time for more flexible deterrent capability, not less.

New START is riddled with U.S. concessions from which I can see little gain. U.S. leadership in this arena will

be measured by how well we protect our ability to defend ourselves and our friends, not by how quickly we agree to an imperfect treaty.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Madam President, I ask my colleague from Nevada—he mentioned he had some amendments, and we are ready to do amendments. Is he prepared to go forward with his amendments?

Mr. ENSIGN. Let me check.

Mr. KERRY. Madam President, let me speak to a couple points the Senator from Nevada raised. He talked about the article V ban. I discussed this a few minutes ago with respect to the conversion of ICBM silo launchers. There is a one-paragraph restraint in the treaty with respect to the conversion of those missile defense interceptors. The Foreign Relations Committee, in the course of our hearings, pressed the administration on this question very extensively. There were a lot of questions asked by colleagues on both sides of the aisle. The record unequivocally counters the argument just made by the Senator from Nevada. The ban does not prevent us from deploying the most effective missile defenses possible. I will be specific.

We will soon have some 30 missile defense interceptors in silos in California and Alaska. We are going to have an additional eight extra launchers in Alaska, if we need them. If we need more interceptors, the Missile Defense Agency Director, LTG Patrick O'Reilly, who was originally appointed to that post in the administration of President Bush, told the committee: ''For many different reasons,'' they would ''never'' recommend converting either ICBM silos or SLBM launchers into missile defense interceptor launchers.

What we are hearing is a completely red herring argument, sort of throw it out there and say that somehow this is a restraint on missile defense. Why is it not a restraint? One reason is cost. It is intriguing to me to hear a lot of colleagues raise this particular missile defense issue in the treaty, when they also raise the issue of the deficit and how much we are spending and how we should not be spending on things people don't want and the military doesn't want. Here is something the military doesn't want. They don't want it because the conversion cost of the last ICBM launcher at Vandenberg into a missile defense interceptor launcher was about $55 million.

The average cost for a new hardened missile defense interceptor silo in a new missile field is $36 million. The reason for that is because the Missile Defense Agency has developed a smaller, more effective, special purpose silo to meet its needs.

The annual operating cost for a separate converted silo, which is what our colleagues are complaining about, is actually $2 million higher per silo, and it is $2 million higher than a silo which the military thinks is more effective and less expensive to maintain. As Strategic Command General Chilton noted, we also don't want to force Russia to make a split-second guess as to whether a missile that is flying out of a U.S. silo field is either a missile defense interceptor which may be aimed at a rogue missile or a nuclear-tipped missile aimed at Moscow. That confusion is impossible to distinguish unless we have a completely separate silo field. So converting an old ICBM silo in a particular field where we can't distinguish between an interceptor or an ICBM actually increases the potential of confusion and threat and possibly a dangerous mistake and decision.

With regard to putting a missile defense interceptor in a submarine launch tube, Secretary Gates and Admiral Mullen both said this is not a cost-effective step, and it presents very unique operational challenges. We need to take these red herrings off the table. Secretary Gates and Admiral Mullen both noted it would make much more sense to put missile defense interceptors on aegis-capable surface ships, which is what they are doing, and that is not constrained by any treaty. There is no constraint whatsoever in our ability to go out and do what best meets the needs as defined by the military themselves.

The bottom line is, article V, paragraph 3 does not constrain us one iota.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, I plan to speak for about an hour for the benefit of scheduling, although I will only scratch the surface of what I will have to say about this treaty.

Let me begin by talking about 14 or 15 specific things I intend to cover at some point when we have time during this debate and note that there will be amendments proposed that deal with many of the items I am going to be mentioning.

First, I think it is important for us to lay out what some of the concerns are.

This morning when I talked about the fact that the Senate is going to have to deal with the funding of the U.S. Government which expires on midnight on Saturday, I noted the fact that the process the majority leader has invoked, to dual-track or consider the START treaty along with the Omnibus appropriations bill, is not a process that allows adequate consideration of either, and the American people sent a signal in the last election that they didn't want us to continue this wasteful Washington spending spree we have been on. Yet the Omnibus appropriations bill, which I am not sure I could lift, will do exactly that.

We ought to be focused on a process by which that can actually be considered with amendments. Under the way the majority leader has outlined our schedule, that does not appear to be possible.

The first concern I have with respect to going to the START treaty at this time is that we are putting the cart before the horse. Our first job needs to be to ensure that the Federal Government doesn't run out of money at midnight on Saturday. Yet the majority leader has turned to the START treaty. Why? I think the obvious—at least one—answer is to divert attention from this big pile of spending that I am pointing to, 6,700 earmarks. If we are talking about the START treaty, we are not talking about the Omnibus appropriations bill. But the American people are talking about government spending. That is what we should be focusing our attention on.

The problem now is that we are on the START treaty, and those of us who want to talk about this and want to amend it and believe we will be denied the opportunity to do so will be accused of not wanting to talk about the START treaty because that is what the majority leader has put on the Senate floor. And he will say: Gee, you have had all this time to talk about it. Why aren't you talking about it? That is part of what is wrong with the process. That is one of the reasons I have been saying you cannot do all these things and do them right.

In addition, the majority leader said this morning we have other things he wants to consider before Christmas as well. There is no earthly way to do all this within the time we have.

Let me mention some of the concerns I will be discussing with respect to the START treaty. I think one thing you have to talk about, first of all, is whether we are going to have sufficient time in order to do what needs to be done to both amend the treaty as well as the resolution of ratification and debate some of the issues, including the issue that my colleague from Massachusetts was just talking about.

Secondly, what were the benefits of the treaty for the United States vis-a-vis Russia? What were the concessions we made to Russia? What do they get out of it? What do we get out of it? My own view is, they got virtually everything out of it, and I do not know what we got out of it, except for the President to say he made another arms control deal with Russia.

Third, where will this treaty leave our nuclear forces, our delivery vehicles, and our warheads in terms of the deterrent capability not only for the United States but the 31 allies who rely on the U.S. nuclear umbrella? We will have cut our forces to the bone. Yet, interestingly, Russia will not be forced to make any reductions at all in these delivery vehicles for the nuclear warheads.

Fourth—and there has been quite a bit of discussion in the media about my work on modernization—where does the administration's modernization plan end up relative to START? The point here is, if you are going to bring your nuclear warheads down to a bare minimum number or below that you

have to make darn sure every single one of them is safe, secure and reliable and they will do what they are supposed to do and everybody needs to know that. But all the experts agree the facilities we have for taking care of our warheads and maintaining them are inadequate for that purpose, and they have to be modernized.

Is the process and the amount of money that has been set aside for that adequate? I will discuss my views on that and the questions that remain about critical funding for the modernization of both our nuclear weapons and the complex necessary to sustain them.

Fifth is the administration's uncertain commitment to the nuclear triad. This I find troubling because while they have committed to a modernization program, they have not yet committed to a program for the modernization of the three legs of the nuclear triad: the delivery systems, the ICBM force, the bomber force, accompanied by cruise missiles and our submarine force. I will be discussing the areas in which I think the commitments in that regard are insufficient and dangerous.

Probably most interesting to a lot of people in this country, and certainly to a lot of our colleagues, is the question of what has occurred with respect to the relinking of strategic offense and defense capabilities. This is the missile defense concern. There is significantly divergent views between the United States and Russia on this question of what the treaty does or does not do with respect to missile defense. Both explicitly and impliedly, there are limitations on U.S. missile defense activities in the treaty.

On the one hand, the Department of Defense has said the United States has plans for developing and deploying missile defense systems that will have adequate capability against ICBMs coming, for example, from Iran. If they have capability against those missiles, they also have capability against Russian missiles.

On the other hand, the U.S. official policy statement that accompanied the treaty and subsequent briefings from the State Department assures the Russians that the United States will not deploy defenses that are capable of undermining the Russian deterrent. That is important because of the way the Russians interpret the preamble and other features of the treaty.

Misunderstanding and conflict between the parties is thus built into the treaty if the United States intends to deploy more capable missiles either to defend Europe or the United States, which it is our stated policy to do. So are we to believe the administration will ever put this treaty at risk over future missile defense plans? That is a subject we will be exploring in-depth.

Seventh, the Senate gave advice to the administration not to limit missile defense or conventional prompt global strike, which is a capability that would permit us to deliver over long ranges, intercontinental ranges, a warhead that is not a nuclear warhead, something which this administration and I think are very important for our future ability to deal with rogue states, for example. Nevertheless, contrary to Congress's instructions, the administration has subjected advanced U.S. conventional military capabilities to limitations in this treaty, and we will discuss that.

Eight is something else. There are people who say there is nothing that stands between us and a nuclear-free world. It is called zero nuclear, the President's stated goal of a world without nuclear weapons. Some say this treaty needs to be adopted, ratified in order to permit us then to take the next step, which is to achieve that great goal. I submit that goal is neither feasible nor desirable, and that to the extent this treaty is deemed as a stepping stone toward that, it is a bad step to take.

Moreover, it is an unwelcome distraction from addressing the true nuclear dangers the President has made very clear are his top priorities; that is, the dangers of proliferation and terrorism.

Ninth is a question about verification, something Senator BOND has talked a great deal about and I am going to be speaking some about because of issues that arose during my trip with Senator FEINSTEIN to Geneva during the time our negotiators were working on this treaty with their Russian counterparts.

It is very clear that with lower force levels, we need better verification. But this New START treaty has substantially weaker verification provisions than its predecessor, START I. Of course, Russia has a history of cheating on every arms control treaty we have ever entered into with them, which amplifies the concern.

There are some comparisons, and I would suggest they are false comparisons, to the SORT treaty, which is the 2002 treaty. It is called the Moscow Treaty; that is, the treaty that deals with our strategic offensive weapons after the fall of the Berlin Wall, the fall of the Soviet Union, and the determination by the United States and Russia both to simply bring down our nuclear forces. We did not need anymore the nuclear forces that existed during the Cold War.

There are some false comparisons there that I think are very important for us to talk about as it relates to this treaty before us.

I think we also need to talk about the New START and Russian reset. I will talk about that a little bit when I begin discussing the reasons for trying to act so quickly here. But I think it also requires some further discussion because, frankly, Russia is threatening a new arms race if the Senate does not ratify this treaty. Is that the reset the President is so fond of talking about, this new wonderful relationship with the Russian Federation?

Twelfth, I think we need to talk about tactical nuclear weapons. The treaty did not deal with tactical nuclear weapons, and respected Members of this body, including the Vice President of the United States, then a Senator, made clear that after the last treaty the next item on the agenda had to be to deal with tactical nuclear weapons. It should have been, but it was not done here.

Thirteenth—and this deals with some of the amendments that are going to be necessary—there is a Commission in here that somewhat like previous treaty commissions—it is called the Bilateral Consultative Commission—and the treaty delegates to this Commission the ability, even in secret, to modify terms of the treaty—a group of Russians and a group of U.S. negotiators. There is some reference in the committee's resolution of ratification, but, in my view, it is inadequate for the Senate to be able to react in time to notification by that Commission of things it is intending to do in time for the Senate to provide its advice and consent, if those are necessary.

Then, as I mentioned, it is also important for us to determine how this treaty is distracting attention from what the President has said, and I agree, is our top priority; that is, dealing with proliferation and terrorism. This treaty does not do anything to advance our goals in that respect, and I think it would be much better if we could have spent part of the last 2 years better focusing on the illegal nuclear weapons programs of Iran and North Korea and why that should be our top agenda item right now.

Those are some of the things I am going to be talking about. I will not have time to deal with all of them during this first hour. But let me at least briefly talk about the question of adequate time. I do not think Senators are quite aware of some of the procedures that exist with respect to treaty ratification. Because of precedent in the Senate, when cloture is filed, it will close off debate both on amendments to the treaty and the preamble, as well as amendments to the resolution of ratification.

I think it is important to note there are amendments that Members, at least on our side, have that go both to the treaty and preamble and also amendments that deal with the resolution of ratification. In fact, I think there are many more that deal with the latter subject. We are going to have to be able to deal with both of those subject matters. So when Members talk about filing cloture, I think it is important to realize that would cut off debate on every additional change, even if we have not been able to complete work on the amendments to the resolution of ratification.

Also, I think it should be clear that there have been numerous letters sent to our leadership in the Senate and to the committee leadership from Republican Members of the Foreign Relations Committee, other Republican Senators, the 10 Republican Senators-

elect, Representatives from the House Armed Services Committee, and others, indicating this is not the appropriate time or way to deal with this treaty.

Incidentally, I happened to be watching Chris Matthews the other night—a television program—and Lawrence Eagleburger, one of the people who support the treaty, was asked by Matthews what the fuss was about getting it done now and, among other things, this is what Lawrence Eagleburger, former Secretary of State, said:

> They want to do it before these lame duckers are out there. That's not the way to move on this issue.

I agree with that. There are a lot of serious things to consider, and the rush to do all the business this lameduck session has is not the best way to get that done.

The chairman of the Foreign Relations Committee yesterday expressed the view that we had plenty of time to do this, comparing the work we have here to the START I treaty. The START I treaty is the predecessor to this New START treaty, though there was the intervening 2002 Moscow Treaty I mentioned before. But just to make two quick points on this: When we dealt with START I, we did not have all the competing considerations, the dual tracking with an Omnibus appropriations bill and the votes we are going to have to take on that, as well as the other items the majority leader has mentioned. Secondly, if we are to talk about an analogous treaty, the START treaty was not considered by the Senate until September of 1992, and the analogy would be that this treaty before us now would be appropriate to bring to the Senate next May, May of 2011. That is how much time elapsed between the two.

I am not suggesting we need that much more time, but I am simply pointing out the fact that it is not analogous. Probably a better analogy would be the INF Treaty. That is a treaty that took the Senate 9 days of floor time. We had no intervening business of any kind. There were 20 votes on amendments and plenty of time to work out consideration of other amendments.

So the idea that, well, some treaties have not taken that long, therefore, why can't we do this one, is a specious argument, and I think when we see the serious issues that need to be considered, our colleagues will appreciate the need to take adequate time on this agreement.

One of the curious arguments is, we have to do this quickly because the verification provisions of the predecessor START I treaty have lapsed and, as a result, we have a situation that is untenable. As a matter of fact, Robert Gibbs, the Press Secretary, believing that the Senate yesterday was reading the treaty, which did not happen, nevertheless put out a statement, obviously prematurely, and one of the things he said was:

> Every minute that the START Treaty is being read on the Senate floor increases the time that we lack verification of Russia's nuclear arsenal.

Well, apart from the fact that he was wrong about the reading of the treaty, he is also wrong about the urgency because of the lack of verification of the Russians. First of all, I am confused by the two main arguments to support the treaty.

No. 1, we have this wonderful relationship with the Russians that has been reset and we are cooperating on all of these things. By the way, we can't trust those guys so we quickly have to put these verification measures in place. There is something that doesn't quite connect there as far as I am concerned.

But I go back to why we don't have verification right now. This story reminds me a little bit about the trial of a fellow who killed both of his parents and then pled for mercy from the court because he was an orphan. This problem of verification was created by the administration. It has nothing to do with action by the Senate, and they have nothing but themselves to blame for whatever verification procedures are not in place.

How did that come about? Well, the START treaty had perfectly good verification provisions in it that could have been continued for another 5 years if the United States had taken the view with Russia that that is what we should do. But the administration said, no, we are going to deliver the START treaty on time so there won't be any hiatus there, so we don't need to continue the verification provisions of START I.

Here is what was said in a joint statement between President Barack Obama and Dmitry Medvedev, President of the Russian Federation, on April 1 of 2009:

> The United States and the Russian Federation intend to conclude this agreement before the treaty expires in December.

Originally, we had nothing to worry about because the new treaty would be done by then. It soon became evident that wasn't going to happen, the negotiations were dragging, and the treaty would expire. Did this administration decide to try to continue the existing treaty—which it could have done? It just takes the United States and Russia agreeing to do it, no Senate action required. No, it didn't do that.

Several of us began to express concerns about this. The Republican ranking member of the Senate Foreign Relations Committee even introduced legislation to provide the necessary legal framework for verification to continue even though the two treaties had lapsed, and I cosponsored that legislation. The administration said, well, what we are going to do is get a bridging agreement with Russia that will bridge the time between the time START lapses and the time the new treaty is ratified.

Michael McFaul, the NSC adviser for Russia, in a press briefing on November 15 of 2009 made that point. He said:

> It does expire on December 5 and in parallel, we have a bridging agreement that we are also working on with the Russians, so there is no interruption. The key thing here is verification. We just want to preserve the verification.

So that was the intention. Those of us who expressed concerns about this were at least, I think, somewhat mollified, except that when I went to Geneva, what we found was there had been no conversations whatsoever, and it appeared to me—I came back to the floor and actually called it malpractice—that our negotiators and the Russian negotiators had not thought about, let alone begun, to negotiate what kind of agreement would be put in place in the event the treaty expired and nothing else was in place to provide for verification. But at least they promised we would have this bridging agreement.

Then the administration said—when the treaty was signed and the two Presidents spoke to the issue—that we would continue in the spirit of the previous treaty so there would be no difference in action between the two countries in whatever time period it took for the ratification of the treaty to occur by the two countries' bodies. This is a quotation from the statement of Presidents Medvedev and Obama:

> We express our commitment as a matter of principle to continue to work together in the spirit of the START Treaty following its expiration, as well as our firm intention to ensure that a New START Treaty and strategic arms enter into force at the earliest possible date.

It is a complete mystery as to what happened. What happened to the bridging agreement? What happened to this spirit of cooperation we were going to continue in the spirit of the previous treaty? We are now told it is an absolute emergency for the Senate to hurry up and ratify this treaty because the Russians might cheat. Nobody has explained what happened here and nobody has explained why it was important before, but it never got done, and now we have the emergency.

There were documents that trickled in over time, but one of the things we have asked for to try to explain what happened and what this spirit is that the Presidents both talked about was the negotiating record. We have absolutely been denied access to that negotiating record. The Russians know what we said and what they said. The State Department knows what we said and what they said, but Senators who are asked to give their advice and consent can't be trusted, I guess, to know what was said between the Russian and U.S. negotiators.

Numerous officials of the administration have said there is an urgency to ratify the treaty because we lack verification measures with Russia. That was the statement Senator Clinton made back in August and others have said the same thing. Of course, we do have some verification, but I don't want to get into in open session the national technical means we have. We can discuss that in executive session.

But apart from the mystery about this bridging agreement and the commitment of the two Presidents, this urgency is irrational if we are to believe that we really reset this relationship with Russia. In fact, administration officials have actually denied that the emergency exists, a point that has been made by others. Gary Samore, who is special assistant to the President, said:

I am not particularly worried near term, but over time as the Russians are modernizing their systems and starting to deploy new systems, the lack of inspections will create much more uncertainty.

Absolutely true. I agree with that. But he is not worried in the near term; that is to say, within the next few months.

The Washington Post I thought put it well. In an editorial they said:

But no calamity will befall the United States if the Senate does not act this year. The Cold War threat of the nuclear exchange between Washington and Moscow is, for now, almost nonexistent.

So I don't think it is a valid argument to rush this treaty through in the week before Christmas, that somehow this is an urgent need and that our national security is threatened if we don't do that. I also reject the argument that the only choice for us is this treaty or no treaty. Obviously, there are other choices. When it comes to verification, both countries have the ability to have agreements with each other that provide for the kind of inspection regimes that would be appropriate.

Let me conclude at this point. Ian Kelly, who is a State Department spokesman, made a comment that I think sums it up. He said:

Both sides pledge not to take any measures that would undermine the strategic stability that the START has provided during this period between the expiration of the START treaty and entering into the force of the new treaty, which will take some months.

He is right. But I think the argument that the Senate has to act now—right now—or else our national security is going to be jeopardized by lack of verification is specious, and it certainly raises questions if we are to examine what the real basis is and what the result of this new reset relationship with Russia is. That is the argument: We have to do this now, because otherwise we won't be able to verify what the Russians are doing. The other argument is that we reset our relationship with Russia and, therefore, if we don't do this, it will make the Russians mad and they will not continue to cooperate with us on important matters they have cooperated with us on. I think it is important to both examine that allegation as well as the question of what the two countries got out of this treaty.

Let me speak for a moment about what the Russians got out of the treaty and what the United States purportedly gets out of the treaty, most of it characterized in this reset language. Russian politician Sergei Kurginyan said:

Russia could not have an easier partner on the topic of nuclear arms than Obama.

He is referring to President Obama.

What exactly did the Russians get out of this? Some said, Well, even though they are no longer a powerful nation they need the superpower status, and entering into a treaty such as this, such as the kinds of treaties that used to be entered into during the Cold War, gives them a feeling of superpower status along with the United States. So it is important for us to do that. First of all, I am not sure you treat a serious reset partner that way, but apart from that, obviously, the Russians felt that if they could negotiate a good treaty with the United States, it would be to their benefit, and I don't question their intentions in doing that.

But what we got out of this in terms of the primary feature of the treaty is to reduce the nuclear warheads and delivery vehicles. The delivery vehicles are the most important thing, in my view. But only the United States reduces its strategic delivery vehicles under this New START treaty. The Russians don't. They currently have about 560 delivery vehicles. These are ICBMs, bomber capability, and submarine capability. The United States has 856. The treaty takes you down to 700 of deployed delivery vehicles. So even under the treaty, Russia can build up to that level by adding 140 launchers they don't currently have, while the United States must cut our forces by 156. One says, Well, why shouldn't it be exactly equal? The United States has obligations beyond those of Russia. Russia has a need to defend its territory. The United States has 31 other countries relying on the U.S. nuclear umbrella. Therefore, the targets we must hold at risk and the concerns we have about adequate delivery vehicles are much different than Russia's. Nonetheless, we have agreed to a parity number here of 700. So they can build up to that number; we have to build down. That is not exactly a great victory, in my view. In fact, it is the first time since the very disastrous Washington naval treaties with Germany and Japan before World War II that the United States has agreed to one-sided reductions in military might.

I mentioned the bridging agreement before. Where that fell through the cracks, I don't know. The administration was apparently pushing for it. It didn't get it. We still don't know what happened because we haven't been given the record.

On mobile missiles, this is a matter that exercised the Russians when the committee dealt with it in a very modest way in its resolution of ratification. You see, the Russians have had rail mobile missile plans and don't know exactly what they are going to do in the future with rail mobile, but when the committee deigned to speak to this, the Russians reacted like a scalded dog: Well, we recommend the Duma not approve the treaty if we are going to be talking about rail mobile missiles. What about the United States in contention? We shouldn't be talking about U.S. missile defense. No, that is OK, but we don't want to talk about rail mobile missiles. So the Russians successfully prevented any revisions on that and there is maybe a concern now that we made a mistake in not including that. Obviously, the concession makes it much harder to monitor their forces if they go with rail mobile forces.

In addition, we limited the monitors of missile production at Votkinsk. Votkinsk was the missile production facility in Russia that produced many of the missiles the Russians used and this was required by the START I treaty. The Russians didn't want this anymore. I can understand why. If we are going to understand what they are producing in their factory and see what happens when they roll them outside the factory, then we will have a better idea of whether they are cheating. The Russians said from the very beginning, We are not going to let you do that anymore. So they got something very important with regard to verification. Again, the argument is we have to do verification. Understand that verification in this treaty is much weaker than the verification that existed under START I and that could have been continued for another 5 years if the administration had taken that position.

Very troublesome is a reverse in course by the United States and Russia both with regard to MIRVing of ICBMs. We have been working against MIRVing for a long time and finally achieved in the last treaty a recognition of the fact that MIRVed missiles; that is to say, missiles that have numerous warheads on top, are very destabilizing because it creates a situation where you basically have to use them or you lose them. If we attack a missile silo and kill eight warheads all at once with one strike, that is a major loss. So the idea is that strategic offensive weapons with those MIRVs on them need to get off before they are hit by an incoming missile. Very destabilizing.

So both countries agreed we would move toward a single warhead missile. Well, in this treaty, that all goes by the boards. The United States is going to continue to provide for single warheads, but not Russia. In fact, it is believed that 80 percent of the Russian ICBM force in the future will consist of MIRVed ICBMs. I don't know why the administration walked back from that. Again, we don't know because we don't have the negotiating record.

The SLCM is the submerged launch cruise missile. Now, the START I treaty had a side agreement that limited submerged launch cruise missiles. But this new START treaty ends that side agreement and says even though the United States is retiring our submerged launch cruise missiles, as we intended to do under START I, it appears that Russia is developing a new

version of such a missile, with a range of up to approximately 5,000 kilometers, which is a longer range than some ballistic missiles covered by the treaty.

Again, why do we allow a relinkage of a subject as important to us as missile defense with strategic arms limitations and yet not limit rail mobile, SLCMs, and so on? It is a very lopsided result in the negotiations, it seems to me.

I mentioned missile defense. Russia not only achieved a recognition of its position that missile defense is related to strategic offensive systems in the preamble of this treaty, but it negotiated limitations on U.S. missile defense in article V. Importantly, it added some what I will call ''bullying'' language in the unilateral statement accompanying the treaty. These achievements came after the U.S. gave away ground-based European systems and promised the Senate there would be no treaty limitations on defensive missiles.

Missile defense targets is another area in which the U.S. gave ground. There is ambiguous treaty language which I believe will constrain U.S. ability to maximize the affordability of our missile defense targets. We are not going to be able to reuse old targets.

Telemetry is a big issue the U.S. fought hard on but apparently caved on. We don't have the record, so we don't know what kind of quid pro quo could have been gotten for this. Under START I, one of the most valuable collection methods was the unencrypted telemetry from missile tests by the Russians. They got that from our missile tests. We both knew the capability of each other's missiles. In a sense, that is stabilizing. But under New START, which is supposed to be improving the situation with regard to certainty, unencrypted data from almost every ballistic missile flight will be not subject to sharing with the other side. At best, five flights a year will be shared. But Russia can choose to never share flight test data from new missiles they are currently developing and testing. They can say here is data from five tests of old missiles, but they don't have to share data as to any of their new missiles. None of our intelligence people will tell you that is an improvement or a good situation.

Here is another disparity in the treaty: conventional prompt global strike. Remember I mentioned the Russian potential plans for rail mobile or cruise missile submarine launch. I think the United States has a very good idea about moving forward with something we call conventional prompt global strike. It is not even a nuclear program. It is a sensible way to deal with some of the emerging threats around the world today, where we may have a need, in a very quick time and over a long distance, to send a conventional warhead to a country. We may not want to have to send a nuclear warhead—Heaven knows what that would start—but it makes sense to have a conventional capability to do this.

The Russians have fought that. It is a little unclear why, since it would totally be aimed at other countries, certainly not Russia. In a treaty nominally about nuclear weapons, we have a specific limitation on the U.S. plans for conventional prompt global strike. It would limit the capability we are seeking to address WMD and terrorist threats by requiring that any such missiles be counted against the already-too-low limit of 700 missiles for delivery of nuclear warheads.

Let's say we were going to deploy 24 of these missiles—to decide a number. That means you have to reduce the 700 by 24. That provides a huge disincentive to deploying these conventional prompt global strike missiles and a dangerous reduction from a negotiated 700 launcher limit in the treaty.

I am not going to get deeply into inspections and verifications. That will have to be dealt with in executive closed session where we can discuss classified matters. Suffice it to say here, in discussing the disparity between what the Russians got and what we got, in a number of inspections this new treaty cuts the number of inspections by more than half compared to START I.

Part of the problem is that none of the inspections that are permitted will ever enable us to have a good sense of the total number of warheads. So that is different from the START I treaty. We are never going to be able to monitor, under this treaty, whether the Russians are complying with the overall limit on warheads. Again, we will have to get more into that in executive session.

I talked about tactical nukes. I mentioned the fact that when he was a Senator, Vice President BIDEN made remarks during ratification of the 2002 Moscow Treaty. He said:

> After entry into force of the Moscow Treaty, getting a handle on Russian tactical nuclear weapons must be a top arms control and nonproliferation objective of the United States Government.

Well, here it is 8 years later, and not only is there no further progress toward that—and I agree with the Vice President—but this treaty, at the insistence of the Russians, has not one word about tactical nuclear weapons. I will be discussing that in more detail later on. I just mention it here to illustrate yet another area where it seems to me there is a great disparity.

I didn't count up all of these things, but there have to be 10 or 12 areas in which the Russians have gotten very much what they bargained for. The question is, What did we get?

We are told that we benefit for the following reasons: We can resume inspections in Russia. As I said, we could have done that by extending the START I treaty. That is a problem of our own making. By allowing that to expire and not renewing or putting into place a bridging agreement or enforcing the joint statement the two Presidents put together in working together in the spirit of START I, the inspections are significantly weaker, as I said.

I will quote Senator BOND. He said:

> The administration's new START Treaty has been oversold and overhyped. If we cannot verify that the Russians are complying with each of the treaty's three central limits, then we have no way of knowing whether we are more secure or not. There is no doubt in my mind that the United States cannot reliably verify the treaty's 1,550 limit on deployed warheads.

Senator BOND is exactly right. We will discuss some of that in open session and the rest of it in closed session.

I will conclude this point by noting that the Vice President and others have also suggested that this treaty is important for the United States because it is a valuable part of the so-called reset relationship with the Russians.

I have to ask several questions about this. Why have we assumed this has been such a great success?

My colleague, Senator DURBIN, for example, stated a couple of weeks ago that we need Russia's help in dealing with Iran because that nation is about to bring online a new nuclear powerplant. I remind everybody that Russia built and fueled that powerplant for Iran. So that is a great benefit to this reset relationship.

We will have more to say about that as well. I will conclude this part by quoting from Dr. Henry Kissinger, who believes the treaty should be ratified. He said:

> The argument for this treaty is not to placate Russia. That is not the reason to approve this treaty. Under no condition should a treaty be made as a favor to another country, or to make another country feel better. It has to be perceived to be in the American national interest.

So what are the two big arguments for the treaty? We have to get this verification regime in place because the Russians may cheat. Well, I guess they are our new best friends and we have to keep it that way or else they will get mad. Dr. Kissinger wrote before about this matter of what should motivate us to do an arms control treaty. He said every arms control treaty has to be justified within its own four corners. You can never say a reason to do it is to make the other country feel better or to gain some kind of leverage with the other country or to gain its cooperation in some way. A, it is illegitimate; and, B, it doesn't work. He made that point precisely with respect to this. He is saying that is not a reason to endorse this treaty.

I conclude that the two big arguments are not arguments at all, and, in point of fact, the Russians got a lot more out of this treaty than the United States ever would.

I spoke a little bit about the treaty limits because this is the central idea of the treaty—to reduce the number of

warheads and delivery vehicles. I wanted to discuss that in this context because there are a lot of people who believe—and I certainly understand the argument—that it seems like a good idea if both countries are reducing nuclear weapons forces and warheads. That was exactly the theory under the Moscow Treaty of 2002. We didn't need that many warheads and delivery vehicles.

The United States said: We are just going to reduce ours; and Russia said: We have to reduce ours, too, so why don't we have a treaty. The United States said: We can have one, but we don't need one; we are going to do this out of our own best interests because it costs a lot of money. As a favor to Russia, we said: If you want to do a treaty, fine, but we will not make any concessions to do it.

Now we are cutting into the bone and getting the level of delivery vehicles down to 700 could jeopardize our ability to carry out our missions. That is my assertion. There are experts in the administration who have briefed us, who can show exactly where the targets are, where our missiles are, how many we would need, and so on. They say actually we still have enough to do the job.

I am willing to accept their, first of all, patriotic motivations, expertise, and judgment on this issue. But I also note that when you read all of the statements that all of them made, they appreciate that this is it—this is the limit beyond which we don't dare go. It rests upon several assumptions, including the assumptions that the Russians are never going to break out or cheat. It rests on the assumption that we don't have new targets that we have to worry about.

I suggest, especially with respect to the Chinese development and modernization of its nuclear force, and the role it is beginning to play in the world militarily, it is not necessarily a valid assumption that the targets that existed during the Cold War are all that we will ever have to worry about.

Let me talk briefly about this matter of how we have brought down the number of warheads and missiles, and why it is not necessarily the great thing that the proponents are cracking it up to be. The first point I will reiterate: We did all the giving; they did the taking. We have to reduce the number of our delivery vehicles, and they can actually build up theirs.

At the signing of the treaty, Russia had a total of 640 strategic delivery vehicles, with only 571 of them deployed. That is according to the Moscow defense briefing in 2010 about their missiles and delivery vehicles. Aleksey Arbatov, a former deputy chairman of the Duma Defense Committee said:

> The new treaty is an agreement reducing the American and not the Russian strategic nuclear forces. In fact, the latter will be reduced in any case because of the mass removal from the order of battle of obsolete arms and the one-time introduction of new systems.

We believe his statement is correct. I am worried that we have gotten very close to the line. Nothing has changed since 2008 except that the Chinese have been working hard at their modernization. That is when the Bush administration testified that the current level—the levels we have today, not the levels we are going down to—were necessary for deterrence.

I could quote from Secretary Bodman and Secretary Gates who spoke to that issue in September of 2008 to make that point. General Cartwright, Vice Chairman of the Joint Chiefs, who supports the treaty, testified that in 2009 he would be concerned about having fewer than 800 delivery vehicles. I am quoting:

> From about 1,100 down to about 500—500 being principally where the Russians would like to be, and 1,100 being principally where we would like to be, now the negotiation starts. I would be very concerned if we got down below those levels, about midpoint.

Secretary Schlesinger said:

> As to the stated context of strategic nuclear weapons, the numbers specified are adequate, though barely so.

Those are the views of experts.

Dr. Kissinger, who testified in support of the treaty, said this:

> [T]he numbers of American and Russian strategic warheads and delivery systems have been radically reduced and are approaching levels where the arsenals of other countries will bear on a strategic balance, as will tactical nuclear weapons, particularly given the great asymmetry in their numbers in Russia's favor.

There are two things he is talking about. First, as Russia and the United States bring our forces down, there is a certain point—I am not suggesting we are there yet, but there is a certain point that countries, such as China, for example, can say: Wait a minute, there is now not that much difference between where Russia and China are—Russia and the United States are and where we are, and therefore, if we just build ours up somewhat, we can be at virtual parity with Russia and the United States, and, voila, instead of having two powers with a large number of nuclear warheads, you then have three. So there is an incentive for countries like that to build up once we get down to a certain point.

The other point he makes is with respect to tactical weapons. Tactical does not really relate to the amount of boom the weapon makes, its destructive capabilities, so much as the delivery vehicle it is on. The Russians have a significant advantage in that, as Secretary Kissinger pointed out. So there is an asymmetry that exists both with respect to warheads and delivery vehicles.

General Chilton, when he talked about support for New START, predicated it on no Russian cheating or changes in the geopolitical environment. I would like to read his quotation. He said:

> It was decided . . . we would just fix that [Presidential guidance] for our analysis of the force structure for the START negotiations. And so that's how we moved forward. . . . The only assumptions we had to make with regard to the new NPR, which was, of course, in development in parallel at the time [with the START treaty] was that there would be no request for increase in forces. And there was also an assumption that I think is valid, and that is that the Russians in the post-negotiation time period would be compliant with the treaty.

He assumes they are going to be, in other words. But those are the two assumptions on which we had to base a reduction down to this level. I think Senators should ask themselves whether they agree with these assessments in light of the facts that Russia does continue to modernize its force, as does China; that more nuclear forces in those countries necessarily means more potential targets for the United States to hold at risk; and that Russia has violated practically every arms control treaty it signed with the United States; and taking into account what hangs in the balance—the commitment of the United States not only to our 31 allies and the nuclear umbrella we have but also the protection of the United States with our nuclear deterrent. We have little to gain and much to lose if we can't be certain the numbers in New START are adequate.

Let me conclude this point by talking about some counting rules. This is a little esoteric and gets down into the weeds, but it is important to understand in the context of what I am talking about.

Under the treaty, strategic stability may be weakened because there is not a specified loadout of reentry vehicles per missile. That is what we used to have. The counting rules in the treaty present opportunities for allowable cheating that the United States is not likely to pursue—in fact, I would say we will not pursue—but which could give Russia an advantage.

While the United States improves stability in our ICBM force by eliminating the MIRVing I talked about before, Russia will become more reliant on MIRVed ICBMs, and, again, that is destabilizing because it encourages first-strike planning for fixed silo weapons—the ''use it or lose it'' problem.

The Chairman of our Joint Chiefs of Staff, Admiral Mullen, said:

> The United States will ''de-MIRV'' the Minuteman III ICBM force to a single warhead to enhance the stability of the nuclear balance.

So why would we, then, encourage the Russians to go exactly the opposite direction in this treaty?

Let me quote again. This is from a Russian forces blog, November 30, 2010:

> The commander of the Strategic Rocket Forces, Lt.-General Sergei Karakayev, announced today that all new mobile Topol-M missiles will carry multiple warheads. This modification of the missile is officially known as the Yars or RS–24. The first three RS–24 missiles were deployed in Teykovo earlier this year.

That is what I was referring to before, and that promotes strategic instability, not stability.

Finally, due to the bomber accounting rules, at least one Russian military commentator has noted:

Under the treaty, one nuclear warhead will be counted for each deployed heavy bomber which can carry 12 to 234 missiles or bombs depending on its type. Consequently, Russia will retain 2,100 warheads.

Might I inquire how close I am to using the 60 minutes I had intended to speak?

The ACTING PRESIDENT pro tempore. The Senator has about 10 minutes remaining on the hour he asked for, but there is no time limit.

Mr. KYL. I appreciate that there is no time limit on my speaking and I appreciate there is no time limit on my time, but I have an engagement at noon and, second, I did not want to be out here on the floor talking for too long.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. I wish to ask the Senator, if I can—I don't want to interrupt him, but I wanted to inquire, get a sense here—I appreciate a lot of the comments he has made. First of all, let me say that I have appreciated working very closely with Senator KYL on this for months now. We have had an enormous amount of dialog; we have had a lot of meetings; we have gone back and forth. I think he would agree that we have tried very hard and in good faith to address many of the concerns he has raised, notwithstanding the ones he just raised in his speech, many of which I will speak to as we go along.

But I would like to sort of get a sense from him. He mentioned amendments, others have, but we are now almost at lunchtime, and we don't have an amendment. I would like to get a sense of when we might anticipate really being able to do the business on the treaty.

Mr. KYL. I will be happy to respond. Part of the business of the Senate on the treaty is to expose its flaws and to have a robust debate about those flaws, which can provide the foundation for amendments which we intend to offer.

I was struck by the seriousness and importance, at least in my mind, of the two-page list of amendments my staff acquired from colleagues. As my colleague knows, we actually shared a list of 10 or 12 amendments that I had thought about, and actually some of my colleagues—in fact, we had a couple-of-hour conversation about that one morning to see if we could reach agreement on any of them, which we were not able to do. But there are some very serious amendments, most of which go to the resolution of ratification, and a few go to the treaty or the preamble itself.

I note that yesterday my colleague said—I think I am quoting him correctly—''Make no mistake, we will not allow an amendment to the treaty or the preamble.'' Maybe there are the votes to not allow that. But I do think it is important for us, in this discussion, before offering such an amendment, to appreciate why we believe such an amendment would be important.

As my colleague well knows, there is a great deal that can be said about this. I am trying to say it in as succinct a form as I can.

Mr. KERRY. I appreciate it.

Mr. KYL. But there is a great deal of discussion that needs to occur for a predicate for the amendments we intend to offer.

Mr. KERRY. Madam President, I completely respect what the Senator from Arizona has just said, and we obviously want to give him time to lay any predicate to whatever he may perceive to be a flaw. For instance, as he raises the question about the MIRVing, as he just did—and later, I will go through each of these points—but the fact is, the reason the Russians are MIRVing—which we all understand, and there are plenty of letters from the Strategic Command and elsewhere that will articulate the way in which they do not see that as a threat—the reason they MIRV is because they cannot afford to do some of the other things with respect to the numbers of missiles, so they put more warheads on one missile.

We have preserved a very significant breakout capacity here. As General Chilton and others will point out, it is not a flaw at all. It is actually an advantage which is maintained in this treaty for the American strategic posture. I will go into that later. What the Senator describes as a flaw from his point of view I think the record will well state is sort of a preserved American advantage.

That said, I respect, obviously—we want to get this joined. I think what the Senator has just laid out is very helpful. It will help us join the debate. But I do want to impress that the sooner we can get to some of these amendments, the more we can really discover whether something is, in fact, a flaw or is not a flaw and has been adequately answered.

Mr. KYL. I appreciate my colleague's comment. I note that I think the reason the Russians are going to MIRVing is—at least the primary reason is exactly as Senator KERRY has stated. They have financial limitations on what they can do here, but I don't think one can deny that the result of it is strategic instability compared to moving toward a single warhead missile, such as the United States has been doing and will continue to do.

What I wanted to do in this segment of my remarks before I conclude—and I will advise my colleagues that the next thing I intend to be talking about is the administration's commitment to the nuclear triad, but I don't think I am going to have time to get to that. I would like to conclude now with some comments about modernization.

It has been well known that I have been involved in negotiations with the administration regarding modernization. My colleague and friend, Senator KERRY, has been very helpful, I might say, in occasionally restarting those conversations when they got bogged down a little bit and was helpful—and I specifically have complimented him before and will do it again—in ensuring that the President's increase in the budget for our nuclear modernization program that was in his budget this year will actually be carried out in the funding the Congress does. We had to do a continuing resolution back in September, and I think it was largely due to Senator KERRY's efforts that that funding was included.

I just note that we have had a lot of concern back and forth about whether there is a real commitment to get that done over the years. Obviously, both of us appreciate the fact that no one can guarantee anything, but there is a certain amount of good will and commitment involved here, and certainly the administration needs to be very actively involved in ensuring that the funding required for its modernization program actually comes to pass.

I note that the continuing resolution as passed by the House of Representatives unfortunately conditioned this funding Senator KERRY and I were responsible for—conditioned it on the ratification of the START treaty, saying: If you don't ratify the treaty, you are not going to get the money. Thankfully, a couple of administration officials relatively quickly pushed back on that and said: No, that is not right. The treaty stands on its own, and the modernization program stands on its own, and this funding is necessary.

That is the kind of pushback on what might otherwise be rather petty politics that is going to be required by all of us who understand that modernization is critical in the future.

With that belief predicate, let me state what the problem has been and generally how we went about trying to correct or solve the problem.

The United States, believe it or not—and this is the fault of Republican and Democratic administrations and Republican and Democratic Members of Congress—it is a negligence, I would say a gross negligence on all of our parts. I take some of the blame for not having yelled about this more than I have. But at the same time that every other nuclear power is modernizing its forces, both its facilities and its capability to maintain its weapons, its weapons, and, in the case of the Russians and the Chinese, their delivery systems as well—while every one of them has a capacity to do that, to actually produce a warhead to put back into production when one comes out of production, the United States does not. The country that literally invented these weapons with the Manhattan Project is still using Manhattan Project—that is 1942, in case you have forgotten—era buildings to take care of these most sophisticated weapons. If you were to liken it to a car, it would be like a Ferrari race car or Formula 1

race car, highly technical—I don't think you would want to refurbish those in somebody's old backyard garage.

The bottom line is that these facilities have to be brought up to modern standards to be able to modernize our weapons over time. Why do the weapons have to be modernized? Generally speaking, these are weapons that were designed in the 1970s, built in the 1980s, and built to last 10 years. Do the math. We are still relying on those weapons.

What we found, even though we have cut way back on the funding for what we call surveillance—that is to say, taking a look at several of these weapons every year, taking the skin off, looking down inside, seeing what is rusty and what is loose and so on, to use an analogy to a car maybe—what we found is that there are significant issues with these weapons that need to be addressed if our commanders and labs are to continue to be able to secure them as safe, secure, and reliable, as they must.

So we need the facilities in which to bring these sophisticated weapons in, take them apart, make sure they are put back together properly with all the requisite either new parts or reused parts or whatever is necessary to continue to allow them to work and get them back into production.

The timeline on this is more than critical. Suffice it to say in this open session of Congress that we dare not waste any more time at all. I think that is one of the reasons why the President's advisers from the laboratories and the Department of Defense and Energy presented this to the President and his nuclear posture review. In the modernization plan he developed, there is a very firm commitment on his part to move forward with this, because no time can be wasted.

To give you one illustration, when we left one of the facilities we had examined—we have been to each of these facilities and we have talked to the people there, and we were given a little souvenir from one of them. It is encased in plastic, a little vacuum tube. It is a vacuum tube such as those that came out of our black-and-white TVs back in the 1960s, I guess. It is still being used in a component of one of our weapons, and they are replacing it with circuit boards, of course.

That is the kind of thing that needs to be modernized in these weapons. So what is it going to take to do it? Well, the Congress, understanding that we had to get about this, in the last Defense bill put in a requirement that the President prepare a plan. It is named after the section of the bill, which was 1251. That section of the bill now is the nomenclature for the plan, the 1251 plan for modernizing our forces.

This followed a speech Secretary Gates made. Let me quote from the speech and then get into a little bit of the detail here. He said:

> To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.

That was pretty much the genesis, that and the so-called Perry-Schlesinger Commission, which ran the red flag up the flagpole to get this program moving. So in fiscal year 2010, the Obama administration devoted $6.4 billion to nuclear weapon activities, but it has acknowledged that that is a loss of purchasing power of about 20 percent, from 2005—this is by the administration's own calculations. So we knew from the very beginning there was not enough money in the plan to get the job done.

In December, a year ago, 41 Senators—this is before Scott Brown, I might add, joined us—wrote a letter to the President stating:

> Funding for such a modernization program beginning in earnest in your FY 11 budget is needed as the U.S. considers the further nuclear weapon reductions proposed in the START follow-on negotiations.

To make a long story short, the administration had a 10-year plan in place that was becoming pretty apparent would not be adequate. That 10-year plan called for about $7 billion a year over 10 years, to basically operate the facilities. I have said, it is like the money to keep the lights on, but not money for this new modernization of our nuclear warheads or most of it would not have gone to that.

They realized they needed about $10 billion, at least according to their initial calculations. They got about half of that from the Defense Department, the other half they figured they would get from savings from recalculating interest costs in the latter years of the budget. So they added a $10 billion slug onto the $70 billion that was already budgeted for general operation of the system, and said that is our $80 billion modernization program. But based upon work that had done by laboratories earlier, by other study groups and so on, a lot of experts agreed, including all of the former lab directors, that that slug of $10 billion would never be adequate for the costly items that needed to be performed over the next decade. Most of us estimated it to be about double that cost or about $20 billion. I think that is essentially where we are going to end up, by the way.

In any event, the two biggest drivers are two new buildings, facilities that have to be built, one for plutonium work at Los Alamos Lab in New Mexico, the other for uranium work at the so-called Y–12 plant at Oak Ridge, TN. Those two buildings alone could end up costing over $10 billion. As a result, as I said, we went to the administration and said, we appreciate this modernization plan, but you need to update the plan and incorporate a lot of new costs.

We showed them a lot of areas in which there were deficiencies, including deferred maintenance that had to be performed. We even pointed out there was a billion-dollar unfunded pension liability that would have to be dealt with in order for the scientists to continue to work. I will not go into the quotations here. Vice President BIDEN acknowledged the same thing in a statement he made. I appreciate the fact that, by the way, they complimented our work and our staff for pointing out a lot of these things, which were the bases then for the administration coming back and doing an update to the 1251 plan, which at least incorporated funding for some of the items we had talked about.

There has been some talk about an additional $4.1 billion, and I know Senator KERRY will confirm this. It grates on me, and I am sure it does on him as well, to hear people referring to this in negotiation terms: Well, they gave KYL another $4.1 billion. That should be enough.

That is not the point here. This is an ongoing, evolving process. The administration has also identified about another $2 billion likely to have to be spent within 6 years, but they were only looking at a 5-year process, so that $4 billion pertains to 5 years. My guess is, there will be another $6 billion over the last 5 years, and we will ultimately look at about $20 billion, more or less.

The point is, I did not believe the administration had been sufficiently careful in defining the requirements and identifying the amount of money that would be needed. I have said to many people, including my colleague Senator KERRY, we better not underestimate this for the appropriations Members of Congress. We better let them know upfront, this is going to be pretty costly, and get that out on the table.

To their credit, the administration has now put out new figures. As I will discuss in more detail later, but to summarize here, while that is a big step forward and very welcome, and I will support it all, there are other things that need to be done. One of the biggest concerns I have is that it achieves this objective in part by simply extending the date to complete these two big facilities I mentioned by another 2 years. They would not be complete until 2023 for one and 2024 for the other one.

That has the advantage of getting them outside the 10-year budget window, so you do not count any new money, but it extends the time by which these facilities can be done. And every year we were told it is about a $200 million expense to keep the existing facilities operating.

So we are losing a lot of money every year that we do not get these two new buildings constructed so we can move into them and get the modernization done. That is the biggest concern I have. I will talk about some others later.

But let me conclude here with a couple of quotations that I think illustrate the importance of doing what we need to do here.

Tom D'Agostino, who is the Deputy NNSA Administrator said:

Our plans for investment in and modernization of the modern security enterprise are essential, irrespective of whether or not the START treaty is ratified.

He and I think all of us agree, it is even more important if we go down to the lower numbers in the START treaty. But this is important either way. I note that former Energy Secretary Spence Abraham wrote a column in Weekly Standard recently that made the same point, that regardless of what is done on the START treaty, this modernization needs to move forward.

I made the point earlier about how the House Democrats conditioned the funding on ratification of START. I hope in the comments that are made on the floor here, it may be the subject of an—in fact, it probably will be the subject of at least one amendment to the resolution of ratification. But this is a place where the debate we have, the comments we make, may be as important as an amendment, because it is a statement of our intention as Senators. I think you will find that republican Senators who support the START treaty, and I am sure Democratic Senators who support the START treaty, will all say, one of the things that has to happen is the modernization of our facilities, along the lines of this updated 1251 plan, and the statements that the administration, as well as we, have made.

Mr. KERRY. Madam President, would the Senator yield?

Mr. KYL. I will yield.

Mr. KERRY. I want to compliment the Senator, and confirm on the record that Senator KYL indeed brought to the attention of the administration and to all of us several points which the laboratory chiefs agreed were in deficiency. And he is absolutely correct, that while it is not directly within the four corners of the treaty, the modernization, per se, obviously if you contemplate reductions, you have to also be able to understand you are maintaining the capacity of your existing force. Senator KYL has been diligent in pursuing that.

I also applaud the administration for responding, and I think he would too, and acknowledging that. So he is correct, that I think this part of the record is an important one. We have met separately with Senator INOUYE, with Senator FEINSTEIN, and they have agreed with Senator KYL, that they accept the need to continue down to the levels that the administration has put on the table, and they are committed to doing that.

That said, let me also place in the RECORD a letter from our three laboratory leaders, Dr. George Miller at Lawrence Livermore, Dr. Michael Anastasio, who was just referred to at Los Alamos, and Dr. Paul Hommert at Sandia. I will read the relevant portion. I will put the whole thing in the RECORD. But here is what they say:

We are very pleased by the update to the Section 1251 Report, as it would enable the laboratories to execute our requirements for ensuring a safe, secure, reliable and effective stockpile under the Stockpile Stewardship and Management Plan. In particular, we are pleased because it clearly responds to many of the concerns that we and others have voiced in the past about potential future-year funding shortfalls, and it substantially reduces risks to the overall program. We believe that, if enacted, the added funding outlined in the Section 1251 Report update—for enhanced surveillance, pensions, facility construction and Readiness in Technical Base and Facilities among other programs—would establish a workable funding level for a balanced program that sustains the science, technology and engineering base. In summary, we believe the proposed budgets provided adequate support to sustain the safety, security, reliability and effectiveness of America's nuclear deterrent within the limit of 1,550 deployed strategic warheads established by the new START Treaty with adequate confidence and acceptable risk.

I think it is very important to sort of do that. I would think we have adequately addressed it, because there is also language in the resolution of ratification that embraces the modernization component. So I thank the Senator from Arizona. I think that has been a constructive component to helping us to be in a position to be able to ratify the treaty.

Mr. KYL. Madam President, I appreciate my colleague's comments. Rather than read the remainder of this, I ask unanimous consent that at the conclusion of my remarks here there will be additional quotations on the need for modernization by former lab directors Dr. Miller, Secretary Schlesinger, and several others.

I would conclude by emphasizing what the lab directors also emphasized in this correspondence. ''As we emphasized in our testimonies, implementation of the future vision of the nuclear deterrent will require sustained attention and continued refinement.''

The outyears are very important. That is why the record we create in this debate is important to ensuring that those who come after us will appreciate our intentions as we move forward here that we never again take our eye off the ball and allow the deterioration in our nuclear forces to occur, as we have, so we can continue to support them as called for in this modernization plan. I will ask unanimous consent to have those printed in the RECORD at this point, and then make the remainder of the statement at another time when I have not taken up all of my colleagues' time.

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

ADDITIONAL QUOTES ON MODERNIZATION

Former laboratory directors: ''However, we believe there are serious shortfalls in stockpile surveillance activities, personnel, infrastructure, and the basic sciences necessary to recover from the successive budget reductions of the last five years.'' [47]

Dr. Michael Anastasio: ''I fear that some may perceive that the FY11 budget request meets all of the necessary commitments for the program . . . I am concerned that in the Administration's Section 1251 report, much of the planned funding increase for Weapons Activities do not come to fruition until the second half of the ten year period.'' [48]

Dr. George Miller: ''In my opinion, there is no 'fat' in the program of work that has been planned and, in fact, significant risks exist; therefore, there is no room for error.'' [49]

Secretary Schlesinger: ''I believe that it is immensely important for the Senate to ensure, what the Administration has stated as its intent, i.e., that there be a robust plan with a continuation of its support over the full ten years, before it proceeds to ratify this START follow on treaty.'' [50]

Secretary Baker: ''Because our security is based upon the safety and reliability of our nuclear weapons, it is important that our government budget enough money to guarantee that those weapons can carry out their mission.'' [51]

Secretary Kissinger: ''As part of a number of recommendations, my colleagues, Bill Perry, George Shultz, Sam Nunn, and I have called for significant investment in a repaired and modernized nuclear weapons infrastructure and added resources for the three national laboratories.'' [52]

Under Secretary Joseph: ''New START must be assessed in the context of a robust commitment to maintain the necessary nuclear offensive capabilities required to meet today's threats and those that may emerge . . . This is a long-term commitment, not a one-year budget bump-up.'' [53]

Under Secretary Edelman: ''a modernized nuclear force is going to be essential to that. As Secretary Gates suggested in October 2008, it's a sine qua non for maintaining nuclear deterrents.'' [54]

Secretary Gates: ''I see this treaty as a vehicle to finally be able to get what we need in the way of modernization that we have been unable to get otherwise.'' ''We are essentially the only nuclear power in the world that is not carrying out these kinds of modernization programs.'' [55]

Secretary Gates: ''This calls for a reinvigoration of our nuclear weapons complex that is our infrastructure and our science technology and engineering base. And I might just add, I've been up here for the last four springs trying to get money for this and this is the first time I think I've got a fair shot of actually getting money for our nuclear arsenal.'' [56]

NNSA Administrator Thomas D'Agostino: ''The B61 warhead is one of our oldest warheads in the stockpile from a design standpoint. And actually warheads [are] in the stockpile . . . that have vacuum tubes . . . We can't continue to operate in this manner where we're replacing things with vacuum tubes. Neutron generators and power supplies and the radar essentially are components that have to be addressed in this warhead. Also I think importantly this warhead, the work on this warhead, will provide our first real opportunity to actually increase the safety and security of that warhead for 21st century safety and security into that warhead. So when we work on warheads from now on I'd like to be in the position of saying we made it safer, we made it more secure, we increased the reliability to ensure that we would stay very far away from ever having to conduct an underground test.'' [57]

ENDNOTES

[47] ''Harold Agnew et al., Letter from 10 Former National Laboratory Directors to Secretary of Defense Robert Gates and Secretary of Energy Steven Chu. May 19, 2010.

[48] Dr. Michael It Anastasio, Director, Los Alamos National Laboratory, Testimony to the Senate Armed Services Committee, July 15, 2010.

[49] Dr. George Miller, Director, Lawrence Livermore National Laboratory, Testimony

to the Senate Armed Services Committee, Response to QFR, July 15, 2010.

[50] Secretary James Schlesinger, Testimony to the Senate Foreign Relations Committee. April 29, 2010.

[51] Secretary James Baker, Testimony to the Senate Foreign Relations Committee. May 19, 2010.

[52] Secretary Henry Kissinger, Testimony to the Senate Foreign Relations Committee. May 25, 2010.

[53] Under Secretary Robert Joseph, Testimony to the Senate Foreign Relations Committee. June 24, 2010.

[54] Under Secretary Eric Edelman, Testimony to the Senate Foreign Relations Committee. June 24, 2010.

[55] Secretary Robert Gates, Testimony to the Senate Armed Services Committee. June 17, 2010.

[56] Secretary Robert Gates, Testimony to the Senate Armed Services Committee. June 17, 2010.

[57] NNSA Administrator Thomas D'Agostino, Testimony to the Senate Armed Services Subcommittee on Strategic Forces, April 14, 2010.

Mr. KERRY. Madam President, I thank the Senator from Arizona. I look forward with anticipation to when he returns to the floor with an amendment. We look forward to moving on that. I also regret that he will not be here, because I would like to be able to answer some of the concerns he raised, because I think there are answers to them. I think it is important obviously for that part of the record.

Some of the questions that were raised were questions about verification. I will not take a long time, because I know the Senator from Nebraska and the Senator from Georgia are waiting to speak. In a letter from the Secretary of Defense to us regarding this issue of verification—and we may well have a closed session where we will discuss that to some degree. But in the letter, Secretary Gates writes to me, and, through me, to the Senate, saying:

> The Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Commander, U.S. Strategic Command, and I assess that Russia will not be able to achieve militarily significant cheating or breakout under New START, due to both the New START verification regime and the inherent survivability and flexibility of the planned U.S. Strategic force structure.

They have confidence in this verification regime. We need to have confidence in the leadership of our military, national security agencies, the intelligence agencies, and the strategic command, all of whom are confident we have the capacity to verify under this treaty.

I ask unanimous consent to have that printed in the RECORD.

THE SECRETARY OF DEFENSE,
PENTAGON,
*Washington, DC, Jul 30, 2010.*

Hon. JOHN KERRY,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: (U) As the Senate considers the New Strategic Arms Reduction Treaty (New START) with Russia, I would like to share the Department's assessment of the military significance of potential Russian cheating or breakout, based on the recent National Intelligence Estimate (NIE) on monitoring the Treaty. As you know, a key criterion in evaluating whether the Treaty is effectively verifiable is whether the U.S. would be able to detect, and respond to, any Russian attempt to move beyond the Treaty's limits in a way that has military significance, well before such an attempt threatened U.S. national security.

(U) The Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Commander, U.S. Strategic Command, and I assess that Russia will not be able to achieve militarily significant cheating or breakout under New START, due to both the New START verification regime and the inherent survivability and flexibility of the planned U.S. strategic force structure. Additional Russian warheads above the New START limits would have little or no effect on the U.S. assured second-strike capabilities that underwrite stable deterrence. U.S. strategic submarines (SSBNs) at sea, and any alert heavy bombers will remain survivable irrespective of the numbers of Russian warheads, and the survivability of U.S. inter-continental ballistic missiles (ICBMs) would be affected only marginally by additional warheads provided by any Russian cheating or breakout scenario.

(U) If Russia were to attempt to gain political advantage by cheating or breakout, the U.S. will be able to respond rapidly by increasing the alert levels of SSBNs and bombers, and by uploading warheads on SSBNs, bombers, and ICBMs. Therefore, the survivable and flexible U.S. strategic posture planned for New START will help deter any future Russian leaders from cheating or breakout from the Treaty, should they ever have such an inclination.

(U) This assessment does not mean that Russian compliance with the New START Treaty is unimportant. The U.S. expects Russia to fully abide by the Treaty, and the U.S. will use all elements of the verification regime to ensure this is the case. Any Russian cheating could affect the sustainability of the New START Treaty, the viability of future arms control agreements, and the ability of the U.S. and Russia to work together on other issues. Should there be any signs of Russian cheating or preparations to breakout from the Treaty, the Executive branch would immediately raise this matter through diplomatic channels, and if not resolved, raise it immediately to higher levels. We would also keep the Senate informed.

(U) Throughout my testimony on this Treaty, I have highlighted the Treaty's verification regime as one of its most important contributions. Our analysis of the NIE and the potential for Russian cheating or breakout confirms that the Treaty's verification regime is effective, and that our national security is stronger with this Treaty than without it. I look forward to the Senate's final advice and consent of this important Treaty.

Sincerely,

ROBERT M. GATES.

Mr. KERRY. One last quick comment. Senator KYL knows these materials very well. He is an effective advocate for a point of view. But that does not mean that by saying those things, all of them have a factual underpinning or that they are, in fact, the best judgment as to what our military thinks or the national intelligence community thinks about the components of this treaty. Let me give an example. Senator KYL has raised concerns about the conventional prompt global strike capacity. What he didn't say is, Russia very much wanted to ban strategic range conventional weapons systems altogether. We rejected that approach. The Obama administration said: No; we are not going to ban all conventional capacity. In effect, they decided to proceed along the same approach we used in START I.

Ted Warner, the representative of the Secretary of Defense to the negotiation, testified in the Foreign Relations Committee, saying we agreed to a regime whereby conventionally armed ICBMs or SLBMs—for the folks who don't follow this, those are the intercontinental ballistic missiles or submarine-launched ballistic missiles—would be permitted. But, yes, they did agree to count them under the strategic delivery vehicle and strategic warhead ceilings. Senator KYL sees that as a problem. All of our folks who negotiated this treaty and our military and our strategic thinkers see that as an advantage for the United States. That protects us. We are better off that way. Why? Because it would be extraordinarily difficult to verify compliance with a treaty that limited nuclear-tipped ICBMs and SLBMs but didn't count and, therefore, didn't inspect identical conventionally armed ICBMs and SLBMs. We couldn't tell the difference between them. We would be absolutely foolish on our part to allow the Russians to deploy additional ICBMs and SLBMs based exclusively on their assurance that they are not nuclear armed. How would we know? It is only by putting them under the counting that we, in fact, protect the interests of our country rather than creating a whole sidebar arms race which would make everybody less safe. Not counting those missiles would, in fact, create a new risk—the risk of breakout, that we allow the other side, Russia, the opportunity, even if there were no cheating, to simply leave the treaty and arm those missiles with nuclear warheads on very short notice, and we would all be worse off.

In fact, what Senator KYL was complaining about is something that makes us more stable. If we did what he is sort of hinting he might like to do, we could actually create greater instability, and it would be clearly much more likely to kill the treaty altogether.

Some of these things get raised and they sound like there is reasonableness to them. But when we put them in the overall context of strategic analysis and thinking and the balance, the sort of threat analysis that attaches to any treaty of this sort, what we are trying to work through is sort of reaching an equilibrium between both sides' perceptions of the other side's capacity and of what kind of threat that exposes each side to. That is how we sort of arrive at that equilibrium. That is what has driven every arms control agreement since their inception. The Pentagon has made very clear that the global prompt strike is going to be developed, but it is going to be developed as a niche capacity. They think it is too expensive to do in huge numbers. It is

also very clear that under the best circumstances, it is going to be a long time before that is ready to deploy.

We have boost-glide vehicles still in the proof-of-concept test stage. Nobody has any imagination as to whether they will be ready in 10 or 15 years. The life of this treaty is 10 years. So we are looking beyond the life of the treaty for when they might or might not be ready. There are a host of other concepts out there about this. We are going to get a report from the Pentagon next year on what technologies they think are most promising. It is going to be exceedingly difficult to imagine bringing them online within the 10-year life of this treaty. Any concept of sort of revising things that make this treaty subject to some component of that is, in effect, a guise to try to kill the treaty. I say that about this one component of it. There are many others, many other similar kinds of arguments raised in the last hour. As we go forward, if an amendment arises, we will deal with each of them.

I want colleagues to be aware there is more underneath some of these red herrings than may appear to the eye at first blush.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Georgia.

Mr. ISAKSON. May I inquire if there is a scheduled recess at 12:30?

The PRESIDING OFFICER. We are not under that order.

Mr. ISAKSON. Madam President, I was on the floor last night and addressed my significant concerns with the omnibus and the dual-track process we are on right now. That statement has been made. I come this morning to address the START treaty, the New START treaty. I voted for it to come out of the Foreign Relations Committee to the floor. I want to go through my reasons for having done so. I wanted to talk about what the New START treaty is, not what it is not.

First, I want to pay tribute to DICK LUGAR. He has been a bastion of strength on nuclear proliferation and nonproliferation issues for years. I thank Senator KERRY for the time he gave us to go through hour after hour after hour of hearings and hour after hour after hour of secure briefing in the bowels of the new Visitor Center, where we read the summary of the notes of negotiations on the treaty, where we read the threat initiative and the estimate of the terrorism threat initiative and all the classified documentation about which we cannot speak on this floor. These things are critical to our consideration as we debate this treaty.

I wish to talk about two Senators, one a Democrat and one a Republican. With all due respect to the chairman, it is not he. It is a Democrat by the same of Sam Nunn from Georgia, who chaired the Armed Services Committee, who, along with Senator LUGAR, put together Nunn-Lugar and the cooperative threat initiative. I sought out Senator Nunn and Senator LUGAR in my deliberations during the committee debate and my consideration of what I would do in terms of that committee vote and later a vote on the floor. I wish to make a couple notes about the success of the Nunn-Lugar initiative. Nunn-Lugar is a commitment to see to it that nuclear materials are secure. It is a commitment to see to it that loose nukes around the world don't fall in the hands of those who would kill my grandchildren, your grandchildren or all of us in the United States. I don't think it has been mentioned, but as a result of the Nunn-Lugar initiative, since 1991, since its formation, they have reduced the number of loose nukes in the world by 7,599.

Belarus, the Ukraine, Kazakhstan no longer have nuclear arsenals. Through that comprehensive threat initiative, they have destroyed the weapons, and they have turned weapons of mass destruction into plowshares that are powering powerplants. The nuclear threat initiative does not mean we get out of the business of having a nuclear arsenal. It means we get in the business of security for the nukes that are there and establish goals toward nonproliferation which to all of us is critically important.

My history as far as this goes back to the 1950s. It goes back to Ms. Hamberger's first grade class, when I remember getting under the school desk once a week to practice what we would do if a nuclear attack hit the United States. My history with this goes back to October of 1962 when, as a freshman at the University of Georgia, I stood in fear with all my colleagues and watched what was happening in Cuba, watched the blockade, watched the strength of John Kennedy, who faced the Russians down and ultimately prevented what would have been a nuclear strike against the United States and ultimately our strike against them in Cuba as well as in Russia.

Then I remember the night in October of 1986, when I had the honor to introduce Ronald Reagan in Atlanta the night before he flew to Iceland to begin negotiations on nuclear treaties at that time. In one speech made today, it has been referenced that Reagan rejected what Gorbachev offered at Reykjavik. That is correct. Reagan rejected not doing research and development and building a nuclear arsenal. But what he did insist on was verification of what both countries were doing so we could never have a situation of not having transparency, not having intelligence, and not knowing what the right and left hand were doing. It was out of that rejection and at his insistence that the beginning of the negotiations for the START treaty began. They were ultimately signed in 1991, under the administration of George H.W. Bush.

Until December 5 of last year, that START treaty had been in place. For those years, the United States had transparency. It had verification. It had cooperative communication back and forth between the two countries that controlled 90 percent of the nuclear weapons in the world. My history with this goes all the way back to climbing under a school desk, to introducing President Ronald Reagan, to 1 year serving on the Foreign Relations Committee of the Senate.

My decision to support the treaty coming out of the committee were based on four principles. The first is inspections. It has been said the inspections have been reduced. What has not been said is the number of sites to inspect have also been greatly reduced. The number of inspections correspond with what is necessary to inspect the Russian arsenal and know whether they are complying with the treaty. Inspections are very important. We learned on 9/11 what happens when we don't have human intelligence on the ground where we need it. What happens is we get surprised. What happened to us on 9/11 is almost 3,000 citizens died at the hands of a heinous attack by radical terrorists because we didn't have as good intelligence as we needed to have. That is why I don't want to turn my back on the opportunity to have human intelligence on the ground in the Russian Federation verifying that they are complying with a mutual pact we have made with them and, correspondingly, the transparency they have to inspect our nuclear arsenal in the United States.

The second point I wish to make that caused me to come to the conclusion it was the right thing to do to support the treaty in committee was the verification process. I have heard some people say this verification process is not as good as the old verification process. I am not going to get into that argument, but this verification process is a heck of a lot better than no verification process at all, which is exactly what we have today.

Since December 5 of last year, we haven't had the human intelligence. We couldn't verify. Verification is critically important because with verification comes communication. With communication comes understanding, and from that understanding and communication comes intelligence. While our inspections are to make sure the quantity of the nuclear arsenal and the warheads and the delivery systems are within compliance, it also gives us interaction to learn what others may know about nuclear weapons around the world that are not covered by this treaty.

That brings me to one other point. It has been said by some that bilateral treaties are no longer useful in terms of nuclear power; we need multilateral treaties. I have to ask this question: If we reject the one bilateral treaty over nuclear power, how will we ever get to a multilateral treaty? We will not do it. I think it is important to have a bilateral treaty between the two countries that controls 90 percent of the weapons so we see to it, as other countries gain nuclear power, we can bring

them into a regimen that requires transparency and accountability too. You will never be able to do that if you reject it between yourself and the Russian Federation.

Now, the third thing I want to talk about for a second—I mentioned Senator Nunn before. He served as Armed Services chairman, and so did John Warner, who is a distinguish retired Republican Member of this Senate. They released a joint statement not too long ago and raised a point I had not thought of. If you will beg my doing this, I will read on the floor of the Senate one of the points they made that was supportive of this treaty. I quote from Senator Nunn and Senator Warner:

. . . Washington and Moscow should expand use of existing Nuclear Risk Reduction Centers—which we—

Meaning Warner and Nunn—

and other members of Congress—

Meaning DICK LUGAR—

established with President Ronald Reagan to further reduce nuclear threats.

For example, to improve both nations' early warning capabilities, the centers could exchange data on global missile launchers. Other nations could be integrated into this system. It could provide the basis for a joint initiative involving Russia, the United States and the North Atlantic Treaty Organization on a missile defense architecture for Europe that would help address other key issues, like tactical nuclear weapons vulnerable to theft by terrorists. Indeed, when the centers were proposed, they were envisioned to help prevent catastrophic nuclear terrorism. These initiatives can go forward with a New START Treaty.

I thought that observation was very telling and looking prospectively into the future about, again, having the two nations—the Russian Federation and the United States—bring in other people, such as NATO, to be a part of a treaty and a missile defense system that is agreeable with all parties. The absence of negotiation, the absence of transparency, the absence of cooperation ensures that cannot happen.

My fourth point is this: The thing I fear the most as a citizen, the thing I fear the most as a Senator, and the thing I fear the most, quite frankly, as the father of three and grandfather of nine is a nuclear fissionable material getting into the hands of a radical terrorist. That is the fear that all of us dread.

It is critical, when we look at what the Nunn-Lugar initiative has done in the destruction of loose nukes—7,599—what the original START treaty, the foundation it gave us, to begin to reduce nuclear weapon proliferation without reducing our ability to defend ourselves and to launch strikes that are necessary to protect the people of the United States of America.

But I worry about one of the radical terrorists getting hold of one of these materials, and I fear in the absence of transparency, verification, and inspection, we run the risk, unwittingly, of playing into their hands and making that type of a material more and more available.

What is known as the Lugar Doctrine is very important to understand at this stage of the debate. In doing my research on the treaty, and the work that DICK LUGAR and others have done on nonproliferation, I came upon what is known as the Lugar Doctrine. I would like to read it because it answers the question I just raised about a loose nuke getting into the hands of a rogue terrorist:

Every nation that has weapons and materials of mass destruction must account for what it has, spend its own money or obtain international technical and financial resources to safely secure what it has, and pledge that no other nation, cell, or cause will be allowed access or use.

That is as clearly and as succinctly as you can state the future fear that all of us have for this country and what might happen with nuclear weapons.

So in closing my remarks, I went through interviews with Sam Nunn, listened to the chairman and the ranking member, listened to the testimony, Ms. Gottemoeller, and all the others, read the documentation, which everybody else can read in the secure briefing room, and I came to the conclusion that verification is better than no verification at all; that inspections and transparency are what prohibit things like what happened on 9/11 from ever happening again, and that you can never expect multilateral negotiations with other countries that have some degree of nuclear power if the two greatest powers refuse to sit down and negotiate and extend the understanding they have had since 1991.

Only through setting the example, without giving in or capitulating a thing, do we hopefully give hope to the future that my grandchildren and yours can live in a world that will not be free of nukes but will be secure; that loose nukes are not in the hands of bad people; and we have transparency and accountability while still having the capability to defend ourselves and execute the security of the people of the United States of America.

It is for those reasons I supported the New START treaty in the committee, and I submit it for the consideration of the Members of the Senate.

I yield back my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I rise to discuss the New START treaty. In the last 40 years, our country has participated in numerous arms control and nonproliferation efforts. They are a critical element of our national security strategy.

If done right, arms control agreements can enhance U.S. national security by promoting transparency and information—sharing that can inform us about the size, makeup, and operations of other military forces.

They also provide other countries with information about our force and capabilities, and that promotes a strategic balance and discourages an attack on the U.S. or its allies.

Transparency and information sharing enable our military planners to better prepare for a real threat. Without such agreements and understandings, our military and the military of countries like Russia must prepare for worst-case scenarios.

That leads to inefficient, runaway defense spending. If that sounds familiar, that is because we have been down that road before—it was called the arms race.

The U.S. and the former Soviet Union poured massive resources into building not only vast stockpiles of nuclear weapons, but also on the expansive systems needed to defend against incoming bombers and missiles.

Since the late 1960s, arms control agreements and other measures have worked to reduce nuclear forces and systems that support them.

I would note that former President Ronald Reagan, who accelerated nuclear modernization and launched the Star Wars missile defense effort, overcame his initial distaste for arms control agreements. Working with Soviet Premier Gorbachev, Reagan laid the foundation for today's START treaty.

In July 1991, Presidents Bush and Gorbachev signed the START I treaty and the Senate later approved it on an overwhelming and bipartisan vote of 93 to 6—a vote which concluded after 4 days of floor debate. Nebraska's Senators at the time, Jim Exon and Bob Kerrey both supported the START 1 treaty.

As we consider New START, it is our constitutional duty to address today's concerns and the treaty's merits.

Now I have heard five main concerns during debate.

They are: No. 1, treaty limitations on missile defense; No. 2, sufficiency of modernization plans for nuclear enterprise; No. 3, adequacy of treaty verification measures; No. 4, force structure changes resulting from treaty reductions; No. 5, and the timing of the Senate's deliberations of the treaty.

First, the New START treaty won't affect any current or planned U.S. missile defense efforts. Some point to language in the treaty's preamble and the inclusion of unilateral statements. But they are not legally binding. And changing the preamble would unravel the treaty.

The only binding restriction on missile defense systems arises in article V. It prevents conversion of ICBM silos into missile defense launchers. That has no practical effect because converting silos is more expensive and less desirable than building new silos.

Second, some have questioned the administration's commitment to modernize our nuclear facilities and forces. As the chairman of the Armed Services' Strategic Forces Subcommittee, I held three hearings this year addressing the health of our nuclear weapons complex.

I would note that the administration asked for $7 billion in Fiscal Year 2011

for stockpile sustainment and infrastructure investments.

That is roughly 10 percent more than 2010 funding.

The administration also plans to invest $80 billion in the next decade to sustain and modernize the nuclear weapons complex. That is the biggest commitment to the nuclear enterprise in more than a decade. On top of that, the administration recently offered an additional $4 billion toward modernization goals.

Third, some argue that verification measures are less rigorous than for START I.

Its verification measures expired last December. So, as of today, we have gone 376 days without onsite monitoring and verification in Russia.

The less we are allowed to see for ourselves the more uncertainty we will feel about Russian forces.

New START includes verification measures allowing 18 onsite inspections annually. We determine where and when to go, with very little advance notice to the Russians.

As many of you know, this treaty counts every warhead and delivery system and tracks them with unique identifiers. That is a tremendous advancement in transparency over the previous system of attribution. And it certainly is better than no verification system, which exists at the present time.

Fourth, some express concern about the treaty's impact on the nuclear triad—our strategic bombers, missiles, and ballistic missile submarines.

In testimony and in direct conversations with me, our military leaders have assured that the New START retains the triad.

Proposed reductions by the Pentagon aim to spread across all systems and minimize impacts to any one system or base, thus retaining a safe, secure, and effective triad.

Finally, some indicate that considering New START now prevents the Senate from spending adequate time to consider the treaty, or that we would be rushing judgment on the treaty.

New START was signed in April of this year, and the Senate has had it for consideration since May.

Together, the Foreign Relations, Intelligence, and Armed Services Committees have held 21 hearings and briefings related to the treaty. The truth is that the Senate has been actively deliberating New START for 7 months.

By comparison the 2002 Moscow Treaty took 9 months to complete and START I took a little more than a year. When it came to floor debate, the 1991 START I treaty required 4 days of debate, while START II, the Chemical Weapons Convention and the 2002 Moscow Treaty each took 2 days.

I am confident that the Senate has fulfilled its responsibility to fully consider and deliberate on New START, and our actions are entirely consistent with the past actions of this body in considering previous arms control agreements.

Those are concerns that have been raised. Now let's look now at the merits.

In recent months, I have spoken about this treaty with key military leaders including Secretary Gates, Admiral Mullen, General Cartwright, and General Chilton.

Each has expressed full support and participation in this treaty. They also fully support the proposed reductions to the nuclear arsenal and the continued sustainment of the nuclear triad.

In addition, Secretary Clinton and every living former Secretary of State—nine in total—have all publically voiced their support. Five former Secretaries of Defense on both sides of the aisle have endorsed the treaty. Seven former Strategic Command commanders have endorsed the treaty. STRATCOM, headquartered in my State in Omaha, NE, in the Bellevue area, oversees America's strategic nuclear, nonnuclear and cyber defenses.

Also, it is important, I believe, that the U.S. Strategic Command actively played a key role in negotiating the treaty. With that experience, the former STRATCOM commander in chief General Chilton who is recently departed, said:

> Our nation will be safer and more secure with this treaty than without it. What we negotiated to is absolutely acceptable to the United States Strategic Command for what we need to do to provide the deterrent for the country.

I wholeheartedly agree.

I am prepared to vote to ratify the New START Treaty because it promotes our national security and can make America and the world safer. It increases transparency between nuclear nations. It promotes cooperation and not suspicion. And it reduces the possibility of a nuclear exchange and still enables America to respond to the terrible threats that continue in the nuclear age.

I would like to elaborate.

America will be stronger if we can continue to look under Russia's hood, and they under ours. Trust but verify still works.

This treaty will help U.S. Strategic Command accomplish its absolutely vital mission for our Nation.

Further, as the chairman of the U.S. Senate—Russia Interparliamentary Group, I have held many meetings with my Russian counterparts about this treaty. It is a step in the right direction to encourage further cooperation between the U.S. and Russia. As we work toward cooperation, the treaty reestablishes verification measures and increases transparency considerably.

That will reduce uncertainty about Russian forces, and increase their predictability. Without this treaty, our understanding of Russian nuclear forces will continue to deteriorate.

We would have a tendency for U.S. forces to overcompensate for what we don't know.

That is a losing strategy in an era of large budget deficits and needed fiscal constraint. Entering into this treaty demonstrates our commitment to modernizing the nuclear stockpile by making the most of what we have to spend and to keep our country safe.

The New START treaty offers the possibility of providing our military with insights needed to efficiently and successfully provide a safe, reliable, and secure nuclear deterrent.

At the end of the day, the New START treaty builds on successes from previous treaties, and paves the way for further bilateral agreements between the United States and Russia.

It moves us further away from a nuclear war no one wants. Even as it does, we will retain a powerful and effective deterrent capability.

And finally, ratification also will send a strong message to those around the world opposed to proliferation and those seeking to proliferate.

For these reasons, I support the New START treaty and I believe the Senate should ratify it as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I would like to speak briefly on the New START treaty and state the reasons I believe the Senate should go ahead and ratify this treaty.

Let me highlight some key points on, first, what the treaty accomplishes. Let me mention four things.

No. 1, it reduces the number of deployed nuclear warheads by a relatively small number; that is, it takes us from 2,200, which is what we were required to reduce to under the Moscow Treaty, down to 1,550.

Second, its counting regime is not based on attributing a number of warheads to a launch system but, instead, like the 2002 Moscow Treaty, this treaty actually requires the counting of deployed warheads.

Third, this treaty reestablishes a verification regime of inspectors on the ground. This is something which lapsed a year ago when START I lapsed.

Fourth, this treaty still maintains a credible nuclear deterrent against Russia, against China, against anyone who might threaten our country.

Before discussing some of these points in detail, let me put the New START treaty in some historical perspective, at least as I see it.

As this chart graphically demonstrates, at the peak of the Cold War some 30 years ago there were about 60,000 nuclear warheads. That is clearly an astounding number given that a single warhead would destroy most major American cities and most major cities anywhere in the world.

From 1991, when the first START treaty was signed, until 2002 when the Moscow Treaty was signed, the number of warheads declined dramatically from about 50,000 to a little over 20,000, or about 10,000 for the United States and 10,000 for Russia. This includes spare and deployed warheads not just those that were deployed. The Moscow

Treaty took this count further down and allowed 2,200 to 1,700 deployed warheads. Additional spares of about 3,300 were included, and the number rises to somewhere between 5,500 and down to 5,000 warheads for each nation. If the New START treaty is ratified as shown on this chart, down here where this arrow is in the right-hand bottom corner, in 2010, it will take the number of deployed warheads to 1,550 from the Moscow lower limit of 1,700 that was in the Moscow Treaty. That is a very modest reduction compared to what has been done in previous arms control agreements.

After the Cold War ended 20 years ago, it was clear we had an astounding and excessive number of nuclear weapons. I believe it was the hope and the expectation of most Americans that there would be deep reductions in nuclear weapons at that time. That reduction, in my view, has been slow in coming. Our government has declassified the number of nuclear warheads we have in our active stockpile, and that number is 5,113. If asked directly, I believe most Americans would be surprised to know at the end of 2010 we still have over 5,000 nuclear warheads, and we have 2,200 that are deployed.

Today we have a treaty before us that achieves a modest reduction from the Moscow level of 2,200 deployed warheads. As I indicated before, this treaty will take us down to 1,550. Quite frankly, I am surprised some are arguing for having a drawn-out debate over the treaty. START I took about 4 days of floor debate and lowered the number of warheads between Russia and the United States from about 50,000 to 20,000, a 60-percent reduction. The Moscow Treaty lowered the total number of U.S. warheads from about 11,000 to today's level of about 5,000. That took 2 days to debate. That involved a 55-percent reduction. Yet with a relatively modest reduction called for in this treaty, we still have people proposing a floor debate that could extend into the next Congress.

Let me turn to a number of substantive issues associated with the New START treaty that I believe weigh in favor of its ratification by the Senate. First, we have been briefed by the military commanders about the 1,550 deployed warheads that will still be in place once this treaty is approved. This total is comprised of about 700 deployed ICBMs and SLBMs and about 800 total heavy bombers and launchers.

I urge my colleagues to obtain the classified briefing on the treaty. I believe it is clear the commander of the U.S. Strategic Command has analyzed in detail the strategic nuclear force structure of each side under this treaty and is confident we can maintain our deterrence against Russia and China, who hold 96 percent of the world's strategic nuclear warheads.

The resolution of approval as reported by the Senate Foreign Relations Committee speaks to this issue, noting in condition 3 that before any reductions in deployed warheads are made below the current Moscow Treaty level, the President must notify Congress that such reductions are in the ''national security interests of the United States.''

The second point is that the intelligence community has judged that we are better off with this treaty and its inspection regime than we are without it. Monitoring and verification under START I, which has now expired, was based on counting strategic launch systems and then attributing a number of warheads to each submarine, each airplane, each missile. This counting rule overestimated the number of warheads carried on U.S. strategic systems. The New START treaty is much more specific than START I. It counts only the actual number of warheads carried by each deployed missile. In fact, this is the same counting rule as in the Moscow Treaty which was developed by the prior administration and subsequently approved in the Senate 95 to 0.

Moreover, under this treaty we have the ability to inspect on the ground, with short notice, to determine whether uniquely coded launchers actually carry the declared numbers of warheads. Contrary to what some have claimed, short notice inspections of uniquely identified launchers combined with other intelligence assets give us a high probability of detecting cheating such as uploading more warheads, which would take days to months for Russia to achieve.

Condition 2 of the resolution of approval out of the committee speaks to the monitoring issue by requiring the President to certify that our National Technical Means or other intelligence assets, combined with our on-the-ground verification capability, is ''sufficient to effective monitoring of Russian compliance with the provisions of the Treaty.''

Third, there is a larger policy issue of strategic stability. This treaty provides a framework of transparency through inspections and accountability of warheads and launchers. If we are worried about unchecked growth of Russia's strategic nuclear forces, not now but 5 years from now, it makes great sense to approve this treaty.

Many have criticized the treaty because it does not deal with Russia's numerical advantage and tactical nuclear weapons, such as gravity bombs or submarine launched cruise missiles. I would point out that none of the previous nuclear arms control treaties have dealt with tactical nuclear weapons. While I agree we should have discussions with Russia on tactical nuclear weapons, we need this treaty to restart the process of negotiations if we are ever going to achieve the goal of reducing tactical nuclear weapons.

This treaty lays the groundwork for a subsequent negotiation to address tactical nuclear weapons, many of which are deployed close to our NATO allies. If we cannot demonstrate we have the ability to enter into binding obligations on strategic nuclear forces, which are the most easily verifiable, how can we advance to the next step with Russia on reducing their tactical nuclear weapons, which number in the thousands and which are the most easily concealed of the weapons?

The fourth point: Let me turn to the issue of modernization of our own nuclear arsenal. Despite our unsustainable budget deficit—and I notice the Senator from Alabama is on the Senate floor today. He and I both voted against the tax bill. I don't know all of his reasons. One of mine was the unsustainable deficits faced by this country today. But despite these unsustainable budget deficits, this administration is committing an additional $14 billion over the next 10 years for a total of $84 billion to modernize our nuclear weapons enterprise to ensure that as we draw that nuclear arsenal down, reduce the numbers in the nuclear arsenal under New START, we will be capable of maintaining those weapons we do rely upon.

Now, this chart shows the 10-year projection for weapons stockpile and infrastructure funding, and my colleagues can see there is a very substantial commitment of funds by this administration to maintain the reliability of our stockpile.

The fifth point I wish to make is that concerns have been raised regarding the nonbinding Russian unilateral missile defense statement. This is separate from the binding provisions of the treaty. This is a nonbinding statement that Russia made that considers the treaty effective only where there is, as they put it, ''no qualitative or quantitative buildup of the missile defense capabilities of the United States of America.''

In testimony before the Armed Services Committee, Secretary of State Clinton stated unequivocally the treaty does not constrain our missile defense efforts. Secretary Clinton went on to say:

> Russia has issued a unilateral statement expressing its view. But we have not agreed to this view and we are not bound by it. In fact, we have issued our own statement making it clear that the United States intends to continue improving and deploying effective missile defense.

In the same hearing, Secretary of Defense Gates said:

> The treaty will not constrain the United States from deploying the most effective missile defense possible, nor impose additional costs or barriers on those defenses.

Secretary Gates then goes on to say in that hearing:

> As the administration's Ballistic Missile Defense Review and budget makes clear, the United States will continue to improve our capability to defend ourselves, our deployed forces and our allies and partners against ballistic missile threats.

From a historical perspective I would note that similar unilateral statements on missile defense were made by Russia in connection with START I and in connection with START II, both of which treaties were approved by the Congress.

Consistent with the statements by Secretaries Clinton and Gates, the Senate Foreign Relations Committee's resolution of approval contains an understanding included in the instrument of ratification that ''it is the understanding that the New START Treaty does not impose any limitations on the deployment of missile defenses other than the requirement of paragraph 3, article V.''

That section of the treaty prohibits the use of existing ICBM and SLBM launchers for missile defense or the conversion of missile defense launchers for ICBMs except for those that have been converted before the treaty was signed.

On the question of whether we should vote on ratification in this Congress or leave this to the next Congress to consider, some Senators claim that we simply need more time and that other treaties have laid before the Congress for much longer periods. This is simply not the case. Arms control treaties since the ABM Treaty in 1972 were either taken up, debated and ratified within the same Congress or, in the cases of START II, the Moscow Treaty and the Chemical Weapons Treaty were taken up, debated and approved within the Congress from which the Foreign Relations Committee reported a resolution of approval. This historical precedent on the ratification of arms control treaties runs counter to what some of my colleagues are advocating. It is this congressional session of the Senate that received the treaty, held 21 hearings and briefings and submitted over 900 questions as part of the advise and consent process and it should be this congressional session of the Senate that should finish the job.

Let me conclude with where I started on the New START treaty, it is a relatively modest treaty in terms of reducing the number of nuclear warheads. Our military commanders have analyzed the force structure under the treaty and have concluded it maintains our nuclear deterrent and that it provides on the ground intelligence through verification that the intelligence community believes we are better off with than without. Finally, it is clear that it does not impede our missile defense programs.

In my opinion there is no credible argument that the ratification of this treaty undermines our national security. I urge my colleagues to vote for the ratification of the New START treaty. I thank the chair and yield back any remaining time.

The PRESIDING OFFICER (Mr. COONS). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, as we begin consideration of the New START treaty, we must understand that the proposal is not made in a vacuum. In one sense, it is an important part of our Nation's strategic policy. I have served as chairman, ranking member, and a member of the Subcommittee on Strategic Forces, subcommittee of the Armed Services Committee, for 12 years in the Senate. Thus, on these matters of nuclear policy and missile defense that have been before us so many times, I have had a front-row seat on it.

Our President, whose work and proposals absolutely deserve fair and just consideration in the Senate, after appropriate debate, has stated that this treaty is a critical part of his approach to strategic issues, repeatedly insisting that it is needed so the United States can set an example and show leadership in moving toward what he has often stated to be his goal—a nuclear-free world.

This treaty now comes at a time when our Nation is the world's only nuclear power. We are the only nuclear power to have no nuclear production facility ongoing at this time. It will have to be reconstituted. That has been a sore spot in this Congress for quite a number of years, but it has not happened.

For over a decade, the Senate's efforts to modernize our aging weapons stockpiles—which our scientists have told us are getting to a point where they have to be fixed—have been blocked by House Democrats, mostly, and some Republicans there. We have gotten bills out of the Senate to do this, but they have failed in the House. It has been an article of faith on the left in America and abroad on the international left that our goal must be to eliminate all nuclear weapons from the world. President Obama and his administration have often used that rhetoric. But our modernization capability hasn't been started, and that is a troubling situation. As Secretary Gates has said about modernization, we cannot continue at this rate.

In 2008, I sponsored legislation to create a bipartisan commission of experienced statesmen to do a study of our nuclear posture. The legislation passed and the Commission on the Strategic Posture of the United States did its work. It was headed by Dr. William J. Perry and James R. Schlesinger, a former Defense Secretary of this country—a Democrat and Republican. They reached a consensus on a number of key issues. They concluded that we could reduce our nuclear stockpile more than the current number, but that ''modernization is essential to the nonproliferation benefits derived from the extended deterrent.'' So they said it was essential to have a modernization program.

I know a lot of the discussion has been ongoing about that. I do believe Senator KYL has done an excellent job in raising this issue, and the administration responded positively in some regards. The Commission also, nicely, in diplomatic language, deflected the administration's goal of zero nuclear weapons by saying:

> It's clear that the goal of zero nuclear weapons is extremely difficult to attain and would require a fundamental transformation of the world political order.

I think that is about as close as you come from a bipartisan commission expressing serious concerns about this policy. Meanwhile, China, Russia, Pakistan, and India continue to expand their stockpile, while rogue, outlaw nations, such as North Korea and Iran, posing great risk to world peace, advance their nuclear weapons programs.

We will need to talk about this more as this debate goes forward. It is quite clear that the greatest threat to world peace and nuclear danger arises from the rogue nations and other nations that have less secure situations than the Russians do. While it could be very beneficial to have a good treaty with the Russians, this is not the core of the danger this Nation faces today.

We have had very little work, very little success, in getting the kind of robust support from Russia and China that we should have regarding North Korea and Iran. It is inexplicable to me why they would jeopardize their reputation as a positive force in the world to curry favor with rogue nations such as Iran and North Korea. But this administration has been unsuccessful in gaining the kind of support to ratchet up the sanctions to get those countries that could perhaps make a difference.

The Russians are steadfast in their nuclear program. They have absolutely no intention of going to zero nuclear weapons. I had an opportunity to talk to some of their people, and it is pretty clear to me they thought it was outside the realm of good judgment to discuss going to zero nuclear weapons. They were never going to zero nuclear weapons. They have a 10-to-1 advantage over the United States in tactical nuclear weapons—more maneuverable—and this treaty does absolutely nothing to deal with that situation. The Russians may make some changes in the future, perhaps, but I don't think they are going to do much on tactical nuclear weapons. It is a critical part of their defense strategy.

We understand Russia is willing and has plans at this time to reduce their strategic nuclear stockpile, which is what this treaty deals with, not the tactical weapons, and that is because it represents a necessary economic move for them. Frankly, I don't think they see the United States or Europe as the kind of strategic threat they used to be, and they are willing to pull down those numbers. It is a good thing, and we should celebrate what gains we can obtain.

Some close observers believe this treaty curtails the U.S. programs, such as missile defense, while not curtailing certain Russian modernization programs of the systems they want to advance. In short, the Russians seem to have negotiated more effectively than the United States in this treaty. That is my observation. We wanted it too desperately. I warned our negotiators that they were too committed, too desperate to get this treaty. It would make more difficult the negotiation also with the Russians. I think that has proven to be true.

Let me be plain about my overall concern. First, the idea that it should be the goal of this country to move toward the total elimination of nuclear weapons is not just a fantasy, a wild chimera or some harmless vision; I think it is dangerous. It can only raise questions about the quality of the judgment that underlies our strategic policy.

The question arises, is the fierce determination of this administration to get a treaty a part of their stated goal of moving to zero nuclear weapons and setting ''an example'' for the world? Is the United States of America, under whose nuclear umbrella resides a host of free and prosperous nations, no longer reliable as a nuclear power? We know many other nations that are part of our nuclear umbrella are worried about our nuclear policy. I can understand that. How far, how low does this world leadership role take us? How few weapons should we go to? Down further from 1,500, as this treaty would have it—and that might be a sustainable number—to 1,000 or 500? Well, not 500, somebody would say. But I note that Mr. Jim Hoagland, writing in the Washington Post on December 10, declared that the treaty fails, in his view, because the numbers are not low enough. He says that ''500 or fewer'' would be sufficient.

Well, will this example of reducing our weapons cause other nations to follow our good example? I think not. If Iran and North Korea risk their security and their financial soundness on building a nuclear arsenal today, will our example cause them to stop? I think not. Rather, I must conclude it will embolden them. As our weapon numbers fall lower and lower, these rogue nations can begin to see clearly their way to being a peer nuclear competitor of what is now the world's greatest military power. Why would we want to encourage them in that fashion? I think it is a risky goal.

Thus, to the extent that the treaty is an effort to advance the stated goals of this administration—a nuclear-free world—the treaty will be counterproductive and dangerous, I think. If that is what it is about, it is counterproductive, and it will enhance and encourage other nations to have nuclear weapons, and any country that has advanced under our nuclear umbrella who does not now have nuclear weapons may decide they have to have their own, further proliferating nuclear weapons.

At the Halifax International Security Forum a few weeks ago, supported by the German Marshall Fund, Under Secretary of Defense for Policy Michele Flournoy repeated the administration's goal of zero nuclear weapons, and further stated, ''It is a vision. It's an aspiration.'' She acknowledged, ''It may not happen in our lifetimes.'' I can tell you it is not happening in our lifetimes, with a high degree of certainty.

The name of the panel, by the way, had a little bit of an irony to it. It was ''A World Without Nukes, Really?'' Good question. So some of my Democratic colleagues may say these statements about ''no nukes'' or, you know, they are just rhetoric, you have to say those things to keep the President's political left in line. The President is not really serious about it. It is not a real goal of his.

Well, I do not know. America leaders usually mean what they say. He has not renounced the policy. Secretary Flournoy was repeating it a few weeks ago at an international conference. I've got to say, a lot of people were not too impressed with that policy, frankly, from our allies around the world.

Even if the President is not telling us accurately what his philosophy is, these words do not mean anything. He is throwing out astonishing visions about what he would like to happen, the lamb lying down with the lion. What else is he not serious about as we consider this treaty? If one is not accurate about matters as significant as nuclear weapons, we have a grave problem of leadership in this country. Does it mean the President favors modernization of our stockpile? He says so. But, in essence, he has conditioned that support on passing of the treaty when we need to modernize the stockpile whether or not we have a treaty.

Does this give me confidence that the President is clearheaded about our nuclear policy when the Secretary of Defense and former Secretary of Defense and the laboratory directors and the top military people have, without exception, said we need to modernize our nuclear forces, and he is only going to support it if this Congress ratifies the treaty? I do not feel good about that. A lot of people have opposed modernization. They think modernization is a step toward more nuclear weapons, in their mind, and we ought to eliminate nuclear weapons, not have more.

That is, frankly, where the President's political ancestry is. That is where he came from politically. So forgive me if I am not real comfortable about this. Does the President mean it when he says he has not compromised and will not compromise our ability to deploy strategic missile defense systems in Europe?

There is a rub here. Some in this relativistic, postmodern world may not have the slightest concerns that our Commander in Chief's words are ambiguous on matters such as this. They do not believe much in the authority of words anyway. But call me old fashioned. I think words are important. These words that I am hearing worry me. So these views that are fantastical place a cloud of unreality over this entire process.

Secondly, I am not persuaded that this administration has not retreated on nuclear missile defense to a significant degree. I am not persuaded that that has not occurred. For example, the latest WikiLeaks reveal that the administration negotiated away President Bush's plan for a forward missile defense site in Poland in exchange for the Russian cooperation. The New York Times summarized these cables on November 29:

> Throughout 2009, the cables show, the Russians vehemently objected to American plans for a ballistic missile defense site in Poland and the Czech Republic. . . . In talks with the United States, the Russians insisted that there would be no cooperation on other issues until the European site was scrapped. . . . Six weeks later, Mr. Obama gave the Russians what they wanted: he abruptly replaced the European site with a ship-borne system.

So it makes me a bit nervous. We had a plan to place that in Europe, a two-stage system instead of the three stage we have in the United States, to give us redundant coverage from Iranian attack, and the Russians did not like it. They did not want a missile defense system on their border, even though, at best, it would have only minimal support against a massive number of missiles that they have. We were only going to put 10, I think, in Poland. But they objected. They objected. The Bush administration stood firm. They got the last treaty by standing firm. Indeed, former Secretary of Defense for Policy Doug Feith wrote an article in one of the major newspapers, an op-ed, I think the Wall Street Journal, saying that they said no, and eventually the Russians agreed to sign.

He raised an important issue. I want to share this with my colleagues whom I know believe so deeply we have to have this treaty or all kinds of bad things will happen. Mr. Feith told the Russians: We do not have to have a treaty with you. We do not have a treaty with other nations that have nuclear weapons. If it is not a good treaty, we are not going to agree to it.

Eventually the Russians agreed. He said the very same insistences, the positions they asserted at that time against the Bush administration that they rejected were demands acquiesced in by this administration in this treaty.

So forgive me if I am a bit dubious about how wonderful this treaty is. I asked the State Department about those cables, and we have not heard any information on them. So there are many more things we need to talk about with regard to the treaty and the overall strategic situation we find ourselves in.

Are we making the world safer? I am worried that we are not. I am worried that this approach may not make us safer. I am well aware that some of our best allies are worried now about the constancy of the United States, the commitment of the United States to a defense, even if, God forbid, nuclear defense of our world allies, that we will not follow through, and so they may have to have their own nuclear weapons.

I know there is a good bit more to discuss in this debate. I encourage this body to be deliberative in its consideration of the treaty. I am not happy that it is being shoved at this point in

time. I was so hopeful and expectant that we would be able to give a firm date to start the debate early next year, and we could have a robust debate, not only about the treaty but how it fits into our overall nuclear strategic posture, what are we going to do about missile defense, what are we going to do about updating our stockpile, and what about our triad and delivery systems, what are we going to do about those. Now it is being jammed in here. I understand why. They have got more votes they think now, and the likelihood of it passing is greater now. I think it has a realistic chance of passing next year.

But, more significantly, I think the administration wishes to avoid a full debate about the strategic nuclear policy of the United States. If that is successful, then I think the American people will be the losers, as will the security of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I wanted to ask the Senator before he leaves, it is now 1:30 in the afternoon, and we have yet to have one amendment presented to us. I recognize there is a value to having some of these comments help frame it, but it also can be done in the context of a specific amendment.

I would ask the Senator if he has an amendment he is prepared to offer that could help us move forward?

Mr. SESSIONS. Well, it is difficult to amend a treaty, as the Senator knows, once it has been signed. There are things that can be done. I think, first and foremost, we need to ask ourselves, is this a good thing for the country? Will it advance our interests? I believe we need a pretty big discussion about that and where we stand.

I know Senator KERRY has been supportive of modernization—I believe you have—at least as this treaty has moved forward, if not in the past. And we need to do that. But I am a bit uneasy that the President is basically saying, if you do not pass my treaty, we are not going to modernize, when I think modernization is critical to the security of our country. I also want to know how it fits into our overall strategic policy.

So that is kind of my biggest concern, I say to Senator KERRY. I do not know that the numbers that the treaty takes us to, the reduced numbers themselves are dangerous. Some people say they think it is a bit dangerous, but most experts do not think so. I am not inclined to oppose a treaty on whether it is 1,550 or 1,700 or 1,800. But I think if it is part of a trend to take our numbers down further—perhaps you saw Mr. Hogan's article saying it ought to be 500 or lower. That would make me very concerned and I think would cause serious ramifications internationally. Would you agree? If this treaty would be, say, for 500, it would definitely create some concern and angst around the world?

Mr. KERRY. Well, let me say to my friend—and I appreciate his desire to try to be thoughtful about what the numbers are and about the treaty as a whole. I appreciate that. A couple of comments I want to make. No. 1, the administration is not linking modernization to the treaty. I think it is clear now to Senator KYL. I read a letter before the Senator started speaking from the directors of the three laboratories expressing their satisfaction and gratitude with the levels of funding that have been put in there.

I acknowledge that Senator KYL was correct in finding some inadequacies in the original funding levels, and the administration, in good faith, has made up for those. What happened over in the House, happened over in the House. It was not instigated by the administration. In fact, the administration has countered that and made it clear that modernization is necessary as a matter of modernizing, in order to keep our arsenal viable.

The second point I wish to make to the Senator, I hope the Senator does not vote against this treaty because he thinks somehow this is a step to some irresponsible slippery slide that takes us to ''zero'' nuclear weapons without all of the other things that very intelligent, thoughtful statesmen have talked about in the context of less nuclear weapons.

But I should point out to the Senator, Dr. Henry Kissinger, who is an advocate for this concept, not as something we are going to do tomorrow or in the next, you know, 10 years perhaps, 20 years, 30 years, but as an organizing principle, as a way of beginning to think differently about how we resolve conflicts—because whatever you do that moves you toward a world of less nuclear weapons, because we have to get 67 votes here, clearly would build the kind of consensus that says we are doing things that make us safer. So it would have to be accompanied by the other country's transparency, by other countries taking part.

It would also, I would say to the Senator, almost necessarily have to be accompanied by something that today is way out of reach, which is a kind of restraint on conventional weapon growth and involvement and the way in which we try to resolve conflicts between countries.

It is no accident that George Shultz, Bill Perry, and Sam Nunn, as well as both of the 2008 Presidential nominees, Senator MCCAIN and President Obama, have all agreed this is a principle worth trying to move toward. One thing is for certain: The road to a reduced number of nuclear weapons in the world, which would reduce the amount of fissionable material potentially available to terrorists, certainly doesn't pass through a nuclear Tehran. So if we are going to have our bona fides to be able to leverage North Korea and Iran, we need to at least prove we can put together a bilateral agreement between the two countries that have 90 percent of the world's nuclear weapons.

I would hope my colleague would not view this—given all of the signoffs that have accompanied it, from our national security establishment, from the Joint Chiefs of Staff, from military leaders, from the national intelligence community, from our laboratory directors, our strategic commanders—all of them have agreed 1,550, the current number of launchers we have, the 800—this is going to permit the United States to maintain the advantages we feel we have today.

I hope my colleague would look hard at sort of how Henry Kissinger and George Shultz and Bill Perry have framed this concept of moving in that direction as an organizing principle. I don't expect it in my lifetime. I doubt the Senator does. But I wouldn't vote against this treaty that provides a window into what the Russians are doing, provides verification, reduces the threat, and creates stability. I wouldn't link the two, and I would hope the Senator would not.

I see the Senator from Arizona has arrived.

Mr. SESSIONS. May I ask, I believe earlier today the Senator made the point:

> Make no mistake, we are not going to amend the treaty itself. We are willing to accept resolutions that don't kill the treaty.

I think I understand that. But I do assert that, as we both know, amending a treaty is not something that is easily done. So we have to deal with whether we think the treaty is helpful. We can do some things through the amendment process to make it more palatable and acceptable to people who have concerns. I do not dispute that. But I do believe that, fundamentally, this day ought to be about discussing the overall strategic impact of the treaty.

I thank the Senator from Massachusetts.

Mr. KERRY. I thank the Senator. We have incorporated into the resolution of ratification some 13 different declarations, understandings, and conditions. We certainly would welcome more if they are constructive and are not duplicitous. We have already addressed the missile defense issue, the rail-mobile issue, the verification issue. All of those have been addressed. But I welcome and look forward to working with the Senator in the next days to see if we can do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. Mr. President, we are discussing the New START treaty at this time. I look forward to continued debate and discussion on this vital and important national security issue. I wish to, however, remind colleagues that, as with any other issue that relates to this treaty and the Russians, it

can't be totally considered in a vacuum. Events that have transpired in the last several years in Russia should bring great concern and pause to all of us.

I will speak about the situation in Russia today and specifically the continued imprisonment of Mikhail Khodorkovsky and his associate, Platon Lebedev, and the imminent verdict by a Russian judge to likely extend that imprisonment which was delayed from yesterday to December 27. If we needed any more reason to know what verdict is coming, this is it.

The Russian Government seems to be trying to bury some inconvenient news by issuing it 2 days after Christmas and after this body will probably be finished debating the possible ratification of a treaty with the Russian Federation. Some may see this as evidence that the Russian Government is accommodating U.S. interests and desires. I would be more inclined to believe that if these prisoners were set free. Until that time, I will continue to believe that when Prime Minister Putin says Khodorkovsky should sit in jail, as he said yesterday, that this is exactly the verdict the Russian court will deliver.

The fact is, the political fix has been in for years on this case. Mr. Khodorkovsky built one of the most successful companies in post-Soviet Russia. And while I am under no illusions that some of these gains may have been ill-gotten, the subsequent crimes committed against him by the Russian State have exceeded the boundaries of human decency, equal and lawful justice, and the God-given rights of man.

I ask unanimous consent to have printed in the RECORD an article in Yahoo from yesterday that says ''Russia's Putin: Khodorkovsky 'should sit in jail'.'' That is what the Prime Minister of Russia said about an ongoing judicial situation.

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

[From Yahoo! News]

RUSSIA'S PUTIN: KHODORKOVSKY 'SHOULD SIT IN JAIL'

(By Lynn Berry, Associated Press)

MOSCOW.—Russian Prime Minister Vladimir Putin declared Thursday that former oil tycoon Mikhail Khodorkovsky is a proven criminal and ''should sit in jail,'' a statement denounced as interference in the trial of a Kremlin foe whose case has come to symbolize the excesses of Putin's rule.

Putin's judgment gave ammunition to government opponents who claim Khodorkovsky is being persecuted by Putin and his allies.

Khodorkovsky is serving an eight-year sentence after being convicted of tax fraud and is awaiting a verdict in a second trial on charges of stealing oil from his own oil company that could keep him in prison for many more years.

Putin was in his first term as president when Khodorkovsky, then Russia's richest man, was arrested in 2003 after funding opposition parties in parliament and challenging Kremlin policies.

Khodorkovsky's lawyers and supporters said Putin's comments during his annual televised call-in show would put undue pressure on the judge as he deliberates and exposed Putin's role as a driving force behind the seven-year legal onslaught.

One of his lawyers, Karinna Moskalenko, said Putin's statements indicate that the judge will find Khodorkovsky guilty.

In addition to saying Khodorkovsky was guilty of economic crimes, Putin once again suggested the former oligarch had ordered the killings of people who stood in his way as he turned Yukos into Russia's largest oil company. Khodorkovsky, whose oil company was taken over by the state, has not been charged with any violent crime.

Putin reminded television viewers that the former Yukos security chief was convicted of involvement in several killings.

''What? Did the security service chief commit all these crimes on his own, at his own discretion?'' he said.

Putin said Khodorkovsky's present punishment was ''more liberal'' than the 150–year prison sentence handed down in the U.S. to disgraced financier Bernard Madoff, who cheated thousands of investors with losses estimated at around $20 billion.

''Everything looks much more liberal here,'' Putin said. ''Nevertheless, we should presume that Mr. Khodorkovsky's crimes have been proven.''

Speaking to reporters afterward, Putin said he had been referring to the conviction in the first case, a distinction he did not make during the televised show.

He insisted the second case would be considered objectively by the court, but said it involved even higher monetary damages than the first case, implying no leniency should be shown.

''I believe that a thief should sit in jail,'' Putin said.

With more than a touch of sarcasm, Khodorkovsky's lead lawyer, Vadim Klyuvgant, thanked Putin for speaking his mind ''because it directly and clearly answers the question of who, with what aims and with what power is putting pressure on the court as the judge is deliberating.''

Judge Viktor Danilkin is scheduled to begin reading the verdict on Dec. 27.

If convicted, Khodorkovsky and his partner Platon Lebedev face prison sentences of up to 14 years, which could keep them in prison until at least 2017.

Putin has not ruled out a return to the presidency in 2012, and critics suspect him of wanting to keep Khodorkovsky incarcerated until after the election.

The case has been seen as a test for President Dmitry Medvedev, who has promised to establish independent courts and strengthen the rule of law in Russia.

Mr. MCCAIN. Quoting:

I believe that a thief should sit in jail.

With more than a touch of sarcasm, Khodorkovsky's lead lawyer, Vadim Klyuvgant, thanked Putin for speaking his mind ''because it directly and clearly answers the question of who, with what aims and with what powers is putting pressure on the court as the judge is deliberating.''

In 2003, when Mr. Khodorkovsky became increasingly outspoken about the Russian Government's abuses of power, its growing authoritarianism, corruption, and disregard for the law, he was arbitrarily arrested and detained under political charges. His company was stolen from him by authorities, and he was thrown in prison through a process that fell far short of the universal standards of due process. Mr. Khodorkovsky was held in those conditions for 7 years, and when his sentence was drawing to a close, new charges were brought against him which were then even more blatantly political than the previous ones.

Mr. Khodorkovsky, along with Mr. Lebedev, was charged with stealing all of the oil of the company that had been so egregiously stolen from them. The trial has now concluded. So what will happen next? It seems rather clear. After spending 7 years in prison, Mr. Khodorkovsky will likely face many more, which I fear is tantamount to a death sentence.

This case is a travesty of justice for one man, but it is also a revealing commentary on the nature of the Russian Government today.

Yesterday, the Senate voted to take up the New START treaty. To be sure, this treaty should be considered on its merits to our national security. But it is only reasonable to ask—and I ask my colleagues this question—if Russian officials demonstrate such a blatant disregard for the rights and legal obligations owed to one of their own citizens, how will they treat us and the legal obligations, be it this treaty or any other, they owe to us?

What is worse, the sad case of Mikhail Khodorkovsky now looks like one of more modest offenses of corrupt officials ruling Russia today.

I would like to quote from a recent article in the Economist dated December 9, 2010, entitled ''Frost at the core,'' which I ask unanimous consent to have printed in the RECORD.

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

[From the Economist, Dec. 9, 2010]

FROST AT THE CORE

DMITRY MEDVEDEV AND VLADIMIR PUTIN ARE PRESIDING OVER A SYSTEM THAT CAN NO LONGER CHANGE

On December 15th, in a small courtroom in central Moscow, Viktor Danilkin, a softly spoken judge, is due to start delivering a verdict. Its symbolism will go far beyond the fate of the two defendants, Mikhail Khodorkovsky and Platon Lebedev, former principal shareholders in the Yukos oil company. Both men have been in jail since 2003 on charges of tax evasion. Their sentences expire next year. In order to keep them in prison, the government has absurdly charged them with stealing all the company's oil.

Neither the first nor the second trial had much to do with the rule of law. But there the similarity ends. In 2003 Mr. Khodorkovsky personified the injustice and inequality of the 1990s, when tycoons wielded enormous power over a state that could not even pay pensions and salaries on time. Seven years on, Mr. Khodorkovsky is a symbol of the injustices perpetrated by corrupt bureaucrats and members of the security services, who epitomise the nexus between power and wealth. As Mr. Khodorkovsky said in his final statement, ''They turned, us, ordinary people, into symbols of a struggle against lawlessness. This is not our achievement. It is theirs.''

The chances that Mr. Khodorkovsky will be found not guilty are slim. If he were, it would be a sign that the system of Vladimir Putin, Russia's former president and current prime minister, was beginning to come

apart. That system, which tolerates corruption and violence, has just received the endorsement of FIFA, which has awarded Russia the prize of hosting the 2018 football World Cup. But its evolution had much to do with Mr. Khodorkovsky's story.

In the 1990s, when businessmen bribed the courts, both parties knew they were in the wrong. After Mr. Khodorkovsky's case, a judge taking instructions from a bureaucrat felt he was in the right. The Russian state not only flagrantly flouted the law for its own interests, but also sent a powerful signal to its bureaucracy that this practice was now okay.

According to Alexander Oslon, a sociologist who heads the Public Opinion Foundation in Moscow, Mr. Putin's rule ushered in a breed of ''bureaucrat-entrepreneurs''. They are not as sharp, competitive or successful as the oligarchs of the 1990s, but they are just as possessed by ''the spirit of money'' in Mr. Olson's phrase, the ideology that has ruled Russia ever since communism collapsed. By the end of the 1990s the commanding heights of the economy had been largely privatised by the oligarchs, so the bureaucrat-entrepreneurs began to privatise an asset which was under-capitalised and weak: the Russian state.

Unlike businessmen of Mr. Khodorkovsky's type, who made their first money in the market, the bureaucrat-entrepreneurs have prospered by dividing up budget revenues and by racketeering. ''Entrepreneurs'' who hire or work for the security services or the police have done especially well, because they have the ultimate competitive advantage: a licence for violence.

No one worries about conflicts of interest; the notion does not exist. (Everyone remembers the special privileges given to party officials for serving the Soviet state.) As American diplomats are now revealed to have said, the line between most important businesses and government officials runs from blurry to non-existent. Putting Mr. Khodorkovsky in jail, or awarding a large contract to one's own affiliated company, could be justified as a public good. Indeed, more people were in favour of locking up Mr. Khodorkovsky, even though they knew it would benefit only a few Kremlin bureaucrats.

In 1999 the oil price started to climb and petrodollars gushed into Russia, changing the mindset of the political class. Mr. Oslon points out that the most frequently used word in Mr. Putin's state-of-the-nation address in 2002 was ''reform'' and its variants. A few years later the most frequently used word was ''billion''. Divvying up those billions has become the main business in Russia. Corruption no longer meant breaking the rules of the game; it was the game.

Unlike private businessmen, who started to invest in their core businesses (Yukos among them) in the late 1990s, bureaucrat-entrepreneurs have little incentive to do so. Their wealth is dependent on their administrative power, rather than newfangled property rights. The profits are often stashed away in foreign bank accounts or quickly spent: on luxury property in European capitals, or on their children's education in British private schools. All this is inevitably accompanied by anti-Western rhetoric and claims of Russia's resurgence.

THE MESSAGE OF KRASNODAR

On November 4th, National Unity Day, in the small town of Kushchevskaya in the Krasnodar region, eight adults and four children were killed in a house. They were the family of a wealthy farmer and his guests.

The youngest child, nine months old, suffocated when the killers set the house alight.

Terrible murders can happen in any country. This one stood out because it was the work not of a maniac but of a well-established criminal gang, which has terrorised the region for nearly 20 years. More than 200 trained thugs do its work, including dozens of murders and rapes. Its boss, Sergei Tsapok, was a deputy in the local council and had links with the chief law-enforcement agencies, the tax police and local government. The gang first emerged in the early 1990s, racketeering and carving up valuable plots of land. In 2002 it began to ''legalise'' and incorporate itself into local state power structures.

Mr. Tsapok's agricultural firm received massive state credits and grants. It employed the head of security of the local prosecution service as its in-house lawyer. In 2008 Mr. Tsapok boasted that he was among the guests at the inauguration of Dmitry Medvedev as Russia's president, according to Novaya Gazeta, an independent Russian newspaper. The gang ran the region not only under the gaze of government, but also in its stead.

When the chief Russian investigator into the murders arrived a few days later from Moscow, he was besieged by complaints from all over the region. Alexander Tkachev, the governor, seemed dismayed by all the fuss: ''Such a crime could have happened in any part of the region. Unfortunately, such gangs exist in every municipality.'' Despite what happened, he remains in his job.

In the past such bespredel (extreme lawlessness) was mostly restricted to Chechnya and a few other parts of the north Caucasus. But violence has spread, and Kushchevskaya has caused horror not only because of the child victims, but because it presented a threatening model of a crumbling state. The government used to mask its problems with a thick layer of money. But as this layer gets thinner, the problems become more obvious.

A SHRINKING PIE

Corruption was also excessive in the 2000s, but it was compensated for by strong economic growth and fast-rising incomes. This, and soothing television pictures, created a sense of stability. But the global financial crisis hit the Russian economy harder than that of any other large industrial country, exposing its structural weakness. As Vladislav Inozemtsev, an economist, argues in a recent article, the improvement in living standards was achieved at the cost of massive under-investment in the country's industry and infrastructure. In the late Soviet era capital investment in Russia was 31% of GDP. In the past ten years Russia's capital investment has been, on average, about 21.3% of GDP. (For comparison, the figure over the same period in China was 41%.)

Despite rising oil prices and a construction boom, Mr. Inozemtsev says, in the post-Soviet period Russia has built only one cement factory and not a single oil refinery. The Soviet Union used to build 700km of railways a year. Last year, it built 60km. ''We have lived by gobbling up our own future,'' he argues. Peter Aven, the head of Alfa Bank, the largest private bank in the country, thinks today is like the late Soviet period: ''Once again the main source of wealth is oil and gas, which is being exchanged for imported goods. The state today is no better than Gosplan was in the Soviet Union.''

Russia's trade surplus is shrinking. As imports grow, so does pressure on the rouble. The government is now running a budget deficit. Mr. Aven says Russia's budget balances at an oil price of $123 a barrel. Three years ago it balanced at $30. For all the talk of stability, only 6% of the population can imagine their future in more than five years' time, which may explain why only 2% have private pension plans.

To keep up his approval rating, particularly among pensioners and state workers, Mr. Putin has had to increase general government spending to nearly 40% of GDP (see chart). To pay for this he has raised taxes on businesses, which are already suffocating from corruption and racketeering. While Russia's peers in the BRIC group of leading emerging economies are coping with an inflow of capital, $21 billion fled out of Russia in the first ten months of the year. Unlike foreign firms such as Pepsi (see article), Russia's private firms are too nervous to invest in their own economy.

That economy is growing by less than 4% a year. This would be respectable in many Western countries, but as Kirill Rogov, an economic and political analyst, argues, it is not enough to sustain the political status quo. When the pie of prosperity was expanding, dissension within the elite made no sense. However, now that money is scarcer and the world is divided into ''Mr. Putin's friends and everyone else'', as one businessman put it, conflicts are inevitable.

A sense of injustice is now growing in many different groups. Private businessmen and even oligarchs complain about the lack of rules and bureaucratic extortion. Middle-class Muscovites moan that officials in their black luxury cars, with their flashing blue lights, push them off the road and occasionally run them over. People in the north Caucasus feel they are treated like aliens rather than Russian citizens. Everyone is fed up with corruption.

The discontent does not register in Mr. Putin and Mr. Medvedev's joint popularity ratings, which remain at 70%. But growing numbers of the elite feel that the present political and economic model has been exhausted and the country is fast approaching a dead end. ''The problem is not that this regime is authoritarian, the problem is that it is unfair, corrupt and ineffective,'' says one leading businessman. ''Corruption will erode and bring down this system.'' The paradox is that few Russian government officials disagree with this.

At a recent government-sponsored conference on Russia's competitiveness, everyone agreed that the system does not work. Russian politicians sometimes sound like opposition leaders, and Mr. Medvedev makes pledges as if he were a presidential candidate. If Mr. Putin has stopped lamenting the level of corruption in Russia, as he used to, it is only because he believes this is futile and that other countries are the same.

In a democracy, such confessions of impotence from top officials would probably prompt their resignations. In Russia it leads to a discussion of how best to preserve the system. Which tactics work better will be the subject of a conversation between Mr. Putin and Mr. Medvedev when they decide, probably next summer, which of them will become Russia's next president. As Mr. Putin said, the decision will be made on the basis of what is best for Russia. (''Think of them as co-heads of a corporation,'' Mr. Oslon suggests.) The aim is the same, but the styles vary.

Mr. Medvedev calls for innovation and technical modernisation to revive growth. He is appealing through the internet to the most enterprising people in Russia, and is inviting Russian and foreign scientists to come and innovate in a specially created zone, called Skolkovo, which would be protected against the rest of the country by a high security wall and honest police.

The president, who is keen to keep his job after 2012, will try to persuade Mr. Putin that it is in the interests of the corporation, and of Mr. Putin as one of its main stakeholders, for his predecessor not to return to the Kremlin. He could cite the need for better relations with the West to legitimise the

financial interests of the Russian elite, and the inefficiency of the security services as a support base. But even if Mr. Putin would like to retire, can he afford to?

The two men may belong to the same system and want the same thing, but they are formed by different experiences. Mr. Putin, despite his belligerence about the 1990s, is the very epitome of that period. He operates by informal rules and agreements rather than laws and institutions. He became president at the end of a revolutionary decade, when the job carried more risks than rewards. He is cautious, dislikes making decisions and rarely fires anyone, putting loyalty and stability above all else.

Mr. Medvedev, on the other hand, was installed as president after nearly a decade of stability, when the political landscape was cleared of opposition and the coffers were full of money. He is a stickler for formality, though he is a lot less careful, and makes decisions that can destabilise the system—such as firing the previous mayor of Moscow, Yuri Luzhkov. But he is also weaker than Mr. Putin, and may not be able to hang on to power.

The likeliest outcome is that the two will try to preserve their tandem one way or another. Kremlin officials dismiss talk of dead ends as pointless whining and alarmism from liberals. The prevailing view is that the system works and everything will carry on as usual. That may be wrong, however. ''Mr. Putin can return to the Kremlin technically, but he cannot do so historically,'' Mr. Rogov argues. His popularity may be buoyant, but the historic period of stabilisation and restoration which he initiated is coming to an end. Mr. Putin always took great care over symbols, marking the beginning of his rule with the restoration of the Soviet anthem. At the time, it was a symbol of continuity and greatness. Today it sounds increasingly archaic.

As stability turns into stagnation, Mr. Putin is becoming a symbol of the bygone 2000s. Mr. Medvedev, on the other hand, with his tweets and his iPad, has absorbed hopes of change among the younger, more restless set. He has done nothing to justify this; as a recent editorial in Vedomosti, a Russian business daily, argued, ''Medvedev is strong not because of his deeds, but because he rides an illusion.'' Nonetheless, the wish for change is real.

DISSENTING VOICES

This is reflected in the media. Glossy lifestyle magazines are becoming politicised; one has even put Lyudmila Alexeeva, an 83-year-old human-rights activist, on its cover. The beating-up of Oleg Kashin, a journalist from Kommersant, a mainstream newspaper, troubled the well-heeled more than the murder of Anna Politkovskaya did three years ago, precisely because Mr. Kashin—unlike her—did not oppose the regime or write about Chechnya. And recently Leonid Parfenov, a stylish Russian TV presenter, caused a scandal when, at an awards ceremony attended by Russia's most powerful media executives, he said that Russian television reporters have turned into servile bureaucrats. ''Our television'', he said, ''can hardly be called a civic or public political institution.''

It was not what Mr. Parfenov said that was news, but the fact that he said it at all. He used to steer clear of words like ''civic'' or ''duty'', and argue that Russian liberalism was not found in politics, but in fashion boutiques and Moscow coffee shops. Many young, successful Russians shared his view. Mr. Parfenov's speech reflects a change of mood among them, as well as a growing interest in politics. Although state television has enormous sway over older Russians, the young, urban and educated get their news and views from the internet, which remains largely free of Kremlin propaganda.

Stanislav Belkovsky, a political commentator, sees a similarity between Russia's situation and the period of Perestroika reform under Mikhail Gorbachev in the mid-1980s. As then, a large part of the elite has realised that the system is ineffective and is no longer willing to defend it. When ordinary people come to share this view, the system is in grave danger.

That moment may be some time away: the Russian economy is more flexible than the Soviet one, the elite is more diverse, the borders are open and there are safety valves to release dissatisfaction. But as Mr. Khodorkovsky said in a recent interview from jail, the tensions between the declining performance of the Russian economy, the expectations of the population and the corruption of the bureaucracy will erode the system, whoever is president.

With Mr. Putin in power, Russia may suffer deep stagnation, but a collapse of the system would be all the more dramatic. With Mr. Medvedev stagnation may be shorter, but his grip on power would be weaker. This may matter little in the long run, but it makes a big difference for Russians living now—not least for Mr. Khodorkovsky himself.

Mr. McCAIN. Mr. Khodorkovsky, the Economist writes, is a symbol of the injustices perpetrated by corrupt bureaucrats and members of the security services who epitomize the nexus between power and wealth.

The article goes on to describe the staggering scale of corruption in Russia today.

Shortly before his arrest Mr. Khodorkovsky estimated state corruption at around $30 billion, or 10% of the country's [gross domestic product]. By 2005 the bribes market, according to INDEM, a think-tank, had risen to $300 billion, or 20% of GDP. As Mr. Khodorkovsky said in a recent interview, most of this was not the bribes paid to traffic police or doctors, but contracts awarded by bureaucrats to their affiliated companies.

I go on to quote from the Economist:

Their wealth is dependent on their administrative power, rather than newfangled property rights. The profits are often stashed away in foreign bank accounts or quickly spent: on luxury property in European capitals, or on their children's education in British private schools.

Unsurprisingly, surveys now show that the young would rather have a job in the government or a state firm than in private business. Over the past 10 years, the number of bureaucrats has gone up by 66%, from 527,000 to 878,000, and the cost of maintaining such a state machine has risen from 15% to 20% of GDP.

Other figures point to the same conclusion as the Economist. In its annual index of perceptions of corruption, Transparency International ranked Russia 154 out of 178 countries—perceived as more corrupt than Pakistan, Yemen, and Zimbabwe. The World Bank considers 122 countries to be better places to do business than Russia. One of those countries is Georgia, which the World Bank ranks as the 12th best country to do business with.

President Medvedev speaks often and at times eloquently about the need for Russia to be governed by the rule of law. Considering the likely outcome of Mr. Khodorkovsky's show trial, it is not surprising that President Medvedev himself has lamented that his anticorruption campaign has produced, in his words, ''no results.''

Russians who want better for their country and dare to challenge the corrupt bureaucrats who govern it are often targeted with impunity.

One case that has garnered enormous attention both within Russia and around the world is that of Sergei Magnitsky, a tax attorney for an American investor who uncovered the theft by Russian officials of $230 million from the Russian treasury. Because of Mr. Magnitsky's relentless investigation into this corruption, the Russian Interior Ministry threw him in prison to silence him. He was deprived of clean water, left in a freezing cell for days, and denied medical care. After 358 days of this abuse, Sergei Magnitsky died. He was 37. Not only has the Russian Government held no one accountable for his death, several officials connected to Mr. Magnitsky's imprisonment and murder have actually received commendations.

Then there is the tragic case of Russia's last remaining independent journalist. Last month, Russian journalist Oleg Kashin, who had written critically of a violent youth movement associated with the Kremlin, was beaten by attackers who broke his jaw, both his legs, and many of his fingers—a clear political message to other writers.

No one has been charged for this crime, and writing in the New York Times this Sunday, Mr. Kashin suggests that no one ever will.

''[I]t seems indubitable,'' he writes, ''that the atmosphere of hatred and aggression, artificially fomented by the Kremlin, has become the dominant fact in Russian politics, the reset in relations with the United States and talk of economic modernization notwithstanding. . . . A man with a steel rod is standing behind the smiling politicians who speak of democracy. That man is the real defender of the Kremlin and its order. I got to feel that man with my own head.''

Mr. President, I ask unanimous consent this entire article be printed in the RECORD.

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

[From the New York Times, Dec. 11, 2010]

A BEATING ON MY BEAT

(By Oleg Kashin)

On the night of Nov. 6, I was attacked by two young men armed with steel rods. The assault occurred a few feet from the entrance to my house, which is just a 10-minute walk from the Kremlin.

A month later, I am still in the hospital. One of my fingers has been amputated, one of my legs and both halves of my jaw have been broken, and I have several cranial wounds. According to my doctors, I won't be able to go back to my job as a reporter and columnist at Kommersant, an independent newspaper, until spring.

A few hours after the attack, President Dmitri Medvedev went on Twitter to declare

his outrage, and he instructed Russia's law enforcement agencies to make every effort to investigate this crime. But no one has been apprehended, and I do not expect that the two young men will ever be identified or caught.

Three theories quickly emerged about who was behind the attack—which was, I believe, an assassination attempt. The first holds that it was the municipal authorities of Khimki, a town between Moscow and St. Petersburg. I had written several articles criticizing a proposed highway between the two cities that would run through the town, something the local authorities want but many residents oppose.

The second theory is that it was Andrei Turchak, the governor of the Pskov region, who was upset by a blog posting of mine arguing that he had his position only because of his ties to the Kremlin.

And the third theory is that the perpetrators came from Nashi, a youth movement I have criticized. The group's appearance on the public scene has accompanied a new level, and acceptance, of violence in Russian politics; members are called ''Nashists'' by their opponents, as a pun on ''fascists,'' for good reason.

Nashi is closely tied to the Kremlin, which founded the group five years ago in response to fears that Ukraine's Orange Revolution could inspire similar uprisings in Russia. When newspapers reported that Vasily Yakemenko, its former leader and now the minister for youth affairs, might have been involved in the attack on me, he was granted an unscheduled meeting with Prime Minister Vladimir Putin. Was this meant to show that the authorities didn't share such a suspicion—or that they didn't care whether the accusation was true?

What strikes me about the theories is that, in each case, the ultimate perpetrator is the state. And for some reason that seems acceptable to most Russians: practically no one here has questioned the right of the state to resort to extra-legal violence to maintain power, even against journalists.

I don't mean to compare myself to Anna Politkovskaya or Paul Klebnikov, journalists who were killed probably because of their investigative work. But in a way the attack against me is more disturbing. Unlike most of the reporters who have been attacked in Russia in recent years, I have not engaged in any serious investigations into corruption or human rights abuses. I have not revealed any secret documents or irritated influential figures with embarrassing material.

What I have done, though, is criticize Nashi. Indeed, all this year I have called attention to the violence that accompanies the group's every public activity. Even at their legally sanctioned events the members trample—and this is no exaggeration; they literally stomp with their feet—portraits of Russia's ''enemies,'' including human rights activists, politicians and journalists.

I also believe they were the organizers of anonymous acts aimed at the opposition: fabricated video clips, hacker attacks and physical assaults. Some of them were symbolic; for example, an unidentified man once hit Garry Kasparov, the former world chess champion who is an opposition leader, on the head with a chess board.

But even when there is strong evidence of official Nashi involvement, members have gone unpunished. In the summer of 2005 a group of hooligans with baseball bats invaded an opposition meeting and savagely beat the participants. The police detained the attackers, and a list of their names, including some ''Nashists,'' appeared in the papers. But all of the detainees were immediately released, and the case has never gone to court.

Nobody knows for certain whether there is a direct link between the flourishing of Nashi and the increased violence against critics of the state. But it seems indubitable that the atmosphere of hatred and aggression, artificially fomented by the Kremlin, has become the dominant fact in Russian politics, the ''reset'' in relations with the United States and talk of economic modernization notwithstanding.

A man with a steel rod is standing behind the smiling politicians who speak of democracy. That man is the real defender of the Kremlin and its order. I got to feel that man with my own head.

Mr. MCCAIN. An earlier New York Times news story, dated May 17 of this year, and entitled ''Russian Journalists, Fighting Graft, Pay in Blood,'' describes the fate of other independent journalists in Russia. One is Mikhail Beketov, who exposed corruption in a Moscow suburb. This is what happened to him.

''Last spring, I called for the resignation of the city's leadership,'' Mr. Beketov said in one of his final editorials. ''A few days later, my automobile was blown up. What is next for me?'' Not long after, he was savagely beaten outside his home and left to bleed in the snow. His fingers were bashed, and three later had to be amputated, as if his assailants had sought to make sure he would never write another word. He lost a leg. Now 52, he is in a wheelchair, his brain so damaged that he cannot utter a simple sentence.

No one has been charged or held responsible for this crime either.

The same article mentions another journalist, Pyotr Lipatov, who was attacked while covering an opposition rally. As he was leaving, the article says:

[T]hree men pushed him to the ground and punched him repeatedly on the head. ''Even when I was unconscious, they didn't let me go,'' Mr. Lipatov said. This beating was recorded on video by protesters. Mr. Lipatov's colleagues used the video to track down the men who beat him. They were police officers. While Mr. Lipatov, 28, was recovering in the hospital, he said two other police officers visited and urged him to sign a statement saying that he had provoked the attack. . . .

Officials later acknowledged that police officers had been involved in the attack, but they still brought no charges. Instead, they raided Mr. Lipatov's offices, seized computers and brought a criminal extremism suit against him. They asserted that he had sought to foment ''negative stereotypes and negative images of members of the security forces.'' Fearing for his safety and more criminal charges, he quit.

Sadly, I could go on and on like this, to say nothing of the many unsolved murders. So I ask unanimous consent that the entire article be printed in the RECORD.

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

[From the New York Times, May 17, 2010]

RUSSIAN JOURNALISTS, FIGHTING GRAFT, PAY IN BLOOD

(By Clifford J. Levy)

KHIMKI, RUSSIA.—Mikhail Beketov had been warned, but would not stop writing. About dubious land deals. Crooked loans. Under-the-table hush money. All evidence, he argued in his newspaper, of rampant corruption in this Moscow suburb.

''Last spring, I called for the resignation of the city's leadership,'' Mr. Beketov said in one of his final editorials. ''A few days later, my automobile was blown up. What is next for me?''

Not long after, he was savagely beaten outside his home and left to bleed in the snow. His fingers were bashed, and three later had to be amputated, as if his assailants had sought to make sure that he would never write another word. He lost a leg. Now 52, he is in a wheelchair, his brain so damaged that he cannot utter a simple sentence.

The police promised a thorough investigation, but barely looked up from their desks. Surveillance videos were ignored. Neighbors were not interviewed. Information about politicians' displeasure with Mr. Beketov was deemed ''unconfirmed,'' according to interviews with officials and residents.

Prosecutors, who had repeatedly rejected Mr. Beketov's pleas for protection, took over the case, but did not seem to accomplish much more. Mr. Beketov's close colleagues said they were eager to offer insights about who in the government had been stung by his exposés. But no one asked.

Eighteen months later, there have been no arrests.

In retrospect, the violence was an omen, beginning a wave of unsolved attacks and official harassment against journalists, human rights activists and opposition politicians around the region, which includes the Moscow suburbs, but not the city itself. Rarely, if ever, is anyone held responsible.

One editor was beaten in front of his home, and the assailants seized only copies of his articles and other material for the next day's issue, not his wallet or cellphone. Local officials insisted that he sustained his injuries while drunk.

Another journalist was pummeled by plainclothes police officers after a demonstration. It was all captured on video. Even so, the police released a statement saying that he had hurt himself when he was accidentally pushed by the crowd.

These types of attacks or other means of intimidation, including aggressive efforts by prosecutors to shut down news media outlets or nonprofit groups, serve as an unnerving deterrent. And in a few cases in recent years, the violence in the country has escalated into contract killings. Corruption is widespread in Russia, and government often functions poorly. But most journalists and nonprofit groups shy away from delving deeply into these problems.

The culture of impunity in Russia represents the most glaring example of the country's inability to establish real laws in the two decades since the collapse of the Soviet Union. And this failure radiates throughout society, touching upon ordinary men and women who are trying to carve out lives in the new Russia, but are wary of questioning authority.

Russia's president, Dmitri A. Medvedev, has bemoaned the country's ''legal nihilism.'' Yet under Mr. Medvedev and Prime Minister Vladimir V. Putin, it has persisted. And among the major beneficiaries have been the governing party's politicians.

THREATS, THEN A BEATING

Boris Gromov, the governor of the Moscow region, commanded the 40th Army during the Soviet war in Afghanistan, and his opponents believe that he governs with a general's sense of order. Mr. Gromov, appointed by Mr. Putin, has in turn seeded local government with fellow Afghanistan veterans, including the Khimki mayor, Vladimir Strelchenko.

Mikhail Beketov often referred to Mr. Gromov and Mr. Strelchenko as ''army boots,'' and did not think much of their honesty.

Mr. Beketov was brawny like a boxer, fast-talking, perpetually late and prone to latching onto causes. He himself had been an officer in the army paratroops, but then switched to journalism, working as a war correspondent in Afghanistan and Chechnya. His experiences left him with a distaste for overbearing military officials.

He established his newspaper, Khimkinskaya Pravda (Khimki Truth), in 2006. He wrote regularly about what he considered corruption among local officials, who were often members of Mr. Putin's governing party, United Russia.

He financed the newspaper himself. It had a circulation of only about 10,000 copies, but it garnered a large following in Khimki, which has a population of 185,000, and the surrounding cities, especially after Mr. Beketov grabbed hold of two topics.

His articles resonated nationally when he questioned why the city had demolished a monument that contained the remains of Soviet fighter pilots. The work was done to widen a road.

And he relentlessly focused on the fate of the Khimki forest, a pristine expanse of old-growth oaks and wild animals, including elk and boars, improbably close to Moscow. With little public notice, the government had planned to build a major highway to St. Petersburg through the forest. Mr. Beketov suspected that officials were secretly profiting from the project.

Local officials, unaccustomed to such criticism, lashed out publicly. Privately, Mr. Beketov received phone threats. He asked the authorities for help, but was rebuffed, his colleagues said. He returned home one day to discover his dog dead on his doorstep. Then his car was blown up.

Instead of investigating the explosion, prosecutors opened a criminal inquiry into his newspaper. His friends said that Mr. Beketov told them that one city official had warned him about his articles.

But he did not relent. ''You can imagine what kind of money the authorities plan to fleece from this so-called infrastructure,'' he wrote about the highway plan.

''For four years, I have observed our authorities,'' he said. ''I have closely interacted with many senior officials, including Strelchenko himself. Given how the authorities have collected scandals with frightening regularity, I have come to a regrettable conclusion: They are shameless.''

On a November evening in 2008, Mr. Beketov was assaulted, most likely by several people, outside his home. He was discovered by a neighbor the next day.

Even as Mr. Beketov later lay in a coma at the hospital, he was not safe. A threat was phoned in: We will finish him off.

His friends and colleagues grew so alarmed that they moved him out of the Khimki hospital to a better, more secure one in neighboring Moscow.

Both the police and prosecutors found the case tough to crack.

Yuliya Zhukova, a spokeswoman in the Moscow region for the investigative committee of the prosecutor general's office, said the office had conducted a thorough inquiry, but ultimately had to suspend it for lack of evidence. She said that investigators needed to interview Mr. Beketov to make progress, but that his doctors would not allow that. (Mr. Beketov has been unable to communicate since the attack.)

Yevgenia Chirikova, a leader of a local environmental group who worked closely with Mr. Beketov on his articles about the highway, said that she was eager to help, but that investigators did not contact her.

''I waited and waited and waited,'' Ms. Chirikova said. ''I knew that according to the rules, they are supposed to question those closest to the victim.''

She said she decided to approach the investigators herself. They questioned her for several hours, asking her about her motivations for getting involved in the case, she said.

Ms. Zhukova criticized allies of Mr. Beketov and some journalists for assuming that the attack was related to Mr. Beketov's work.

''Very often, unfortunately, they have presented erroneous information, and misled people regarding the course of the investigation,'' she said.

Governor Gromov and Mayor Strelchenko declined to be interviewed for this article. After the attack, Mr. Strelchenko said he had played no role in it, but also complained that it was getting too much attention.

''I don't want to say that it was good what happened to Mikhail,'' he said. ''But I want you to separate truth from untruth.''

ATTACKS ON TWO EDITORS

To the north on the M–10 highway from Khimki is a city called Solnechnogorsk, where a newspaper, Solnechnogorsk Forum, was publishing exposés about how local politicians were seeking to do away with elections to maintain power.

The newspaper's editor, Yuri Grachev, is 73. In February 2009, several men assaulted him as he left his home, putting him in intensive care for a month with a severe concussion, a broken nose and other wounds.

Police officials first said he was drunk and fell down. Then they said he had been the victim of a random robbery, though all that was taken was a folder with material for the newspaper's next issue. The muggers have not been found, and politicians from the governing party, United Russia, said the attack had nothing to do with Mr. Grachev's work.

''Maybe it was hooligans or maybe it was by chance,'' said Nikolai Bozhko, the local party leader, who is also an Afghanistan war veteran. ''The idea that it was ordered—I don't believe that.''

Prosecutors had better luck finding evidence that Solnechnogorsk Forum had committed libel. They have brought charges against the paper, aiming to shut it down.

''The system will stop at nothing to break you,'' Mr. Grachev said.

Farther up the M–10 Highway is Klin, where an opposition rally was held in March 2009 to protest corruption and increases in utility rates.

As Pyotr Lipatov, editor of an opposition newspaper called Consensus and Truth, was leaving the rally, three men pushed him to the ground and punched him repeatedly on the head. ''Even when I was unconscious, they didn't let me go,'' Mr. Lipatov said.

This beating was recorded on video by protesters. Mr. Lipatov's colleagues used the video to track down the men who beat him. They were police officers.

While Mr. Lipatov, 28, was recovering in the hospital, he said two other police officers visited and urged him to sign a statement saying that he had provoked the attack. He refused. The police then issued a statement.

''According to Lipatov, filming the meeting with his camera, he found himself in the middle of a reactionary crowd, was pushed and fell to the ground,'' the statement said. Two videos of the demonstration show a different sequence of events.

Officials later acknowledged that police officers had been involved in the attack, but they still brought no charges. Instead, they raided Mr. Lipatov's offices, seized computers and brought a criminal extremism suit against him. They asserted that he had sought to foment ''negative stereotypes and negative images of members of the security forces.''

Fearing for his safety and more criminal charges, he quit.

''Everyone was against me—the judges, the police, the prosecutors, everyone,'' he said. ''I took over Consensus and Truth because I supported Prime Minister Putin's call to fight corruption. But look what happened. The machine here did everything possible to defeat us.''

PROMISES, BUT NO ARRESTS

After the attacks in Khimki, Solnechnogorsk, Klin and elsewhere, the authorities, apparently concerned that the region had developed a reputation as a danger zone for journalists, vowed to protect them.

''Attacks on journalists, naturally, create a special resonance,'' Governor Gromov's office said. ''The regional government believes that every case of an attack on journalists must be thoroughly investigated.'' Even so, no arrests have been made in any of the cases.

And the harassment has not let up.

On March 31, The New York Times interviewed Ms. Zhukova, the spokeswoman for the investigators, about Mr. Lipatov. The next day, investigators approached him in the central market of Klin and said they urgently wanted to question him about the beating, he said.

The session lasted more than six hours. Mr. Lipatov said they tried to pressure him to sign a statement saying that he had wanted to lead a mob to storm city buildings, thereby justifying the police beating. He said he declined to do so.

Back in Khimki, a new opposition newspaper, Khimki Our Home, was established to help continue Mr. Beketov's work.

The editor, Igor Belousov, 50, is a deeply religious man. He publishes the Russian Orthodox calendar in his newspaper. Before turning to journalism, he was a senior city official, but he resigned because of what he described as pervasive corruption.

Not long after the publication got started, Mr. Belousov was accused of criminal libel by prosecutors and civil libel by Mayor Strelchenko. In February, the police, without any notice, arrested him on charges of selling cocaine. Court documents show that the case is based exclusively on the testimony of a drug dealer from another city who could not recall basic details of the alleged crime.

''We used to have so many journalists here, but they have all suffered and have all given up,'' Mr. Belousov said. ''Only I remained, and now I am giving up.''

Mr. McCAIN. Russia's beleaguered political opposition, unfortunately, fares no better than its journalists. I have met a few times this year with former Deputy Prime Minister Boris Nemtsov, who organizes peaceful political rallies to protest a lack of democracy in Russia, a right granted under the Russian Constitution. But these rallies are often targeted and violently broken up by Russian authorities.

Considering that this is how Russian officials treat their fellow citizens, it is not hard to see a profound connection between the Russian Government's authoritarian actions at home and its aggressive behavior abroad. The most glaring example of this remains in Georgia. Over 2 years after its invasion, Russia not only continues to occupy 20 percent of Georgia's sovereign territory, it is building military bases there, permitting the ethnic cleansing of Georgians in South Ossetia, and denying access to humanitarian missions—all in violation of Russia's obligations under the cease-fire agreement

negotiated by President Sarkozy. In a major recent step, President Saakashvili even renounced the use of force to end Russia's occupation, pledging only to defend nonoccupied Georgia in the event of a Russian attack. And yet Russian officials responded hostilely and dismissively.

I ask my colleagues, when the Russians illegally, in violation of all international law, occupy a sovereign nation—a sovereign nation—and have recognized these two provinces within the international boundaries of Georgia as independent nations, how in the world are we going to trust them to adhere to a treaty?

I have met with the people in Georgia who have been displaced from their homes—the sorrow and the misery inflicted on them. President Sarkozy of France flew in and arranged for a cease-fire. The Russians agreed to it. They are in total violation of it. They are occupying 20 percent of the country of Georgia. I think Nicaragua and one other country have also recognized these two ''independent'' states in which the Russians are now carrying out ethnic cleansing and stationing Russian military. But not to worry, we can trust the Russians to adhere to solemn treaties and abide by international law.

When we consider the various crimes and abuses of this Russian Government, it is hard to believe that this government shares our deepest values. This does not mean that we cannot or should not work with the Russian Federation where possible. The world does not work that way. What it does mean is that we need a national debate about the real nature of this Russian Government, about what kind of a relationship is possible with this government, and about the place that Russia should realistically occupy in U.S. foreign policy. The Senate's consideration of the New START treaty offers a chance to have this debate, as does Russian accession to the WTO. Some may want to avoid it, but we cannot.

I believe we need a greater sense of realism about Russia, but that is not the same as pessimism or cynicism or demonization. I am an optimist, even about Russia. I often find sources for hope in the most hopeless of places. Mikhail Khordokovsky has languished in prison for 7 years, and on December 27, he will likely be forced to endure many more. Yet, in a final appeal to the judge in his case, Mr. Khordokovsky gave one of the more moving speeches I have heard in a long time.

Mr. President, I ask unanimous consent that it be printed in the RECORD.

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

MIKHAIL KHODORKOVSKY: FULL TRANSCRIPT OF HIS FINAL WORDS

I can recall October 2003. My last day as a free man. Several weeks after my arrest, I was informed that president Putin had decided: I was going to have to ''slurp gruel'' for 8 years. It was hard to believe that back then.

Seven years have gone by already since that day. Seven years—quite a long stretch of time, and all the more so—when you've spent it in jail. All of us have had time to reassess and rethink many things.

Judging by the prosecutors' presentation: ''give them 14 years'' and ''spit on previous court decisions'', over these years they have begun to fear me more, and to respect the law—even less.

The first time around, they at least went through the effort of first repealing the judicial acts that stood in their way. Now—they'll just leave them be; especially since they would need to repeal not two, but more than 60 decisions.

I do not want to return to the legal side of the case at this time. Everybody who wanted to understand something—has long since understood everything. Nobody is seriously waiting for an admission of guilt from me. It is hardly likely that somebody today would believe me if I were to say that I really did steal all the oil produced by my company.

But neither does anybody believe that an acquittal in the YUKOS case is possible in a Moscow court.

Notwithstanding, I want to talk to you about hope. Hope—the main thing in life.

I remember the end of the '80s of the last century. I was 25 then. Our country was living on hope of freedom, hope that we would be able to achieve happiness for ourselves and for our children.

We lived on this hope. In some ways, it did materialise, in others—it did not. The responsibility for why this hope was not realized all the way, and not for everybody, probably lies on our entire generation, myself included.

I remember too the end of the last decade and the beginning of the present, current one. By then I was 35. We were building the best oil company in Russia. We were putting up sports complexes and cultural centres, laying roads, and resurveying and developing dozens of new fields; we started development of the East Siberian reserves and were introducing new technologies. In short,—we were doing all those things that Rosneft, which has taken possession of Yukos, is so proud of today.

Thanks to a significant increase in oil production, including as the result of our successes, the country was able to take advantage of a favourable oil situation. We felt hope that the period of convulsions and unrest—was behind us at last, and that, in the conditions of stability that had been achieved with great effort and sacrifice, we would be able to peacefully build ourselves a new life, a great country.

Alas, this hope too has yet to be justified. Stability has come to look like stagnation. Society has stopped in its tracks. Although hope still lives. It lives on even here, in the Khamovnichesky courtroom, when I am already just this side of 50 years old.

With the coming of a new President (and more than two years have already passed since that time), hope appeared once again for many of my fellow citizens too. Hope that Russia would yet become a modern country with a developed civil society. Free from the arbitrary behaviour of officials, free from corruption, free from unfairness and lawlessness.

It is clear that this can not happen all by itself; or in one day. But to pretend that we are developing, while in actuality,—we are merely standing in one place or sliding backwards, even if it is behind the cloak of noble conservatism,—is no longer possible. Impossible and simply dangerous for the country.

It is not possible to reconcile oneself with the notion that people who call themselves patriots so tenaciously resist any change that impacts their feeding trough or ability to get away with anything. It is enough to recall art. 108 of the Code of Criminal Procedure of the Russian Federation—arresting businessmen for filing of tax returns by bureaucrats. And yet it is precisely the sabotage of reforms that is depriving our country of prospects. This is not patriotism, but rather hypocrisy.

I am ashamed to see how certain persons—in the past, respected by me—are attempting to justify unchecked bureaucratic behaviour and lawlessness. They exchange their reputation for a life of ease, privileges and sops.

Luckily, not all are like that, and there are ever more of the other kind.

It makes me proud to know that even after 7 years of persecutions, not a single one of the thousands of YUKOS employees has agreed to become a false witness, to sell their soul and conscience.

Dozens of people have personally experienced threats, have been cut off from family, and have been thrown in jail. Some have been tortured. But, even after losing their health and years of their lives, people have still kept the thing they deemed to be most important, human dignity.

Those who started this shameful case, Biryukov, Karimov and others, have contemptuously called us ''entrepreneurs'' [<<*kommersanty*>>], regarding us as low-lifes, capable of anything just to protect our prosperity and avoid prison.

The years have passed. So who are the low-lifes now? Who is it that have lied, tortured, and taken hostages, all for the sake of money and out of cowardice before their bosses?

And this they called ''the sovereign's business'' [<<*gosudarevoye delo*>>]!

Shameful. I am ashamed for my country.

I think all of us understand perfectly well—the significance of our trial extends far beyond the scope of my fate and Platon's, and even the fates of all those who have guiltlessly suffered in the course of the sweeping massacre of YUKOS, those I found myself unable to protect, but about whom I remember every day.

Let us ask ourselves: what must be going through the head of the entrepreneur, the high-level organiser of production, or simply any ordinary educated, creative person, looking today at our trial and knowing that its result is absolutely predictable?

The obvious conclusion a thinking person can make is chilling in its stark simplicity: the siloviki bureaucracy can do anything. There is no right of private property ownership. A person who collides with ''the system'' has no rights whatsoever.

Even though they are enshrined in the law, rights are not protected by the courts. Because the courts are either also afraid, or are themselves a part of ''the system''. Should it come as a surprise to anyone then that thinking people do not aspire to self-realisation here, in Russia?

Who is going to modernise the economy? Prosecutors? Policemen? Chekists? We already tried such a modernization—it did not work. We were able to build a hydrogen bomb, and even a missile, but we still can not build—our own good, modern television, our own inexpensive, competitive, modern automobile, our own modern mobile phone and a whole pile of other modern goods as well.

But then we have learnt how to beautifully display others' obsolete models produced in our country and an occasional creation of Russian inventors, which, if they ever do find a use, it will certainly be in some other country.

Whatever happened with last year's presidential initiatives in the realm of industrial policy? Have they been buried? They offer the real chance to kick the oil addiction.

Why? Because what the country needs is not one Korolev, and not one Sakharov under the protective wing of the all-powerful Beria and his million-strong armed host, but hundreds of thousands of ''korolevs'' and ''sakharovs'', under the protection of fair and comprehensible laws and independent courts, which will give these laws life, and not just a place on a dusty shelf, as they did in their day—with the Constitution of 1937.

Where are these ''korolevs'' and ''sakharovs'' today? Have they left the country? Are they preparing to leave? Have they once again gone off into internal emigration? Or taken cover amongst the grey bureaucrats in order not to fall under the steamroller of ''the system''?

We can and must change this.

How is Moscow going to become the financial centre of Eurasia if our prosecutors, ''just like'' 20 and 50 years ago, are directly and unambiguously calling in a public trial for the desire to increase the production and market capitalisation of a private company—to be ruled a criminally mercenary objective, for which a person ought to be locked up for 14 years? Under one sentence a company that paid more tax than anyone else, except Gazprom, but still underpaid taxes; and with the second sentence it's obvious that there's nothing to tax since the taxable item was stolen.

A country that tolerates a situation where the siloviki bureaucracy holds tens and even hundreds of thousands of talented entrepreneurs, managers, and ordinary people in jail in its own interests, instead of and together with criminals, this is a sick country.

A state that destroys its best companies, which are ready to become global champions; a country that holds its own citizens in contempt, trusting only the bureaucracy and the special services—is a sick state.

Hope—the main engine of big reforms and transformations, the guarantor of their success. If hope fades, if it comes to be supplanted by profound disillusionment—who and what will be able to lead our Russia out of the new stagnation?

I will not be exaggerating if I say that millions of eyes throughout all of Russia and throughout the whole world are watching for the outcome of this trial.

They are watching with the hope that Russia will after all become a country of freedom and of the law, where the law will be above the bureaucratic official.

Where supporting opposition parties will cease being a cause for reprisals.

Where the special services will protect the people and the law, and not the bureaucracy from the people and the law.

Where human rights will no longer depend on the mood of the tsar. Good or evil.

Where, on the contrary, the power will truly be dependent on the citizens, and the court—only on law and God. Call this conscience if you prefer.

I believe, this—is how it will be.

I am not at all an ideal person, but I am a person with an idea. For me, as for anybody, it is hard to live in jail, and I do not want to die there.

But if I have to I will not hesitate. The things I believe in are worth dying for. I think I have proven this.

And you opponents? What do you believe in? That the bosses are always right? Do you believe in money? In the impunity of ''the system''?

Your Honour!

There is much more than just the fates of two people in your hands. Right here and right now, the fate of every citizen of our country is being decided. Those who, on the streets of Moscow and Chita, Peter and Tomsk, and other cities and settlements, are not counting on becoming victims of police lawlessness, who have set up a business, built a house, achieved success and want to pass it on to their children, not to raiders in uniform, and finally, those who want to honourably carry out their duty for a fair wage, not expecting that they can be fired at any moment by corrupt bosses under just about any pretext.

This is not about me and Platon—at any rate, not only about us. It is about hope for many citizens of Russia. About hope that tomorrow, the court will be able to protect their rights, if yet some other bureaucrats-officials get it into their head to brazenly and demonstratively violate these rights.

I know, there are people, I have named them in the trial, who want to keep us in jail. To keep us there forever! Indeed, they do not even conceal this, publicly reminding everyone about the existence of a ''bottomless'' case file.

They want to show: they are above the law, they will always accomplish whatever they might ''think up''. So far they have achieved the opposite: out of ordinary people they have created a symbol of the struggle with arbitrariness. But for them, a conviction is essential, so they would not become ''scapegoats''.

I want to hope that the court will stand up to their psychological pressure. We all know through whom it will come.

I want an independent judiciary to become a reality and the norm in my country, I want the phrase from the Soviet times about ''the most just court in the world'' to stop sounding just as ironic today as they did back then. I want us not to leave the dangerous symbols of a totalitarian system as an inheritance for our children and grandchildren.

Everybody understands that your verdict in this case—whatever it will be—is going to become part of the history of Russia. Furthermore, it is going to form it for the future generation. All the names—those of the prosecutors, and of the judges—will remain in history, just like they have remained in history after the infamous Soviet trials.

Your Honour, I can imagine perfectly well that this must not be very easy at all for you—perhaps even frightening—and I wish you courage!

Mr. MCCAIN. This is how Mr. Khordokovsky saw the broader implications of his trial:

I will not be exaggerating if I say that millions of eyes throughout all of Russia and throughout the whole world are watching for the outcome of this trial. They are watching with the hope that Russia will after all become a country of freedom and of the law. . . . Where supporting opposition parties will cease being a cause for reprisals. Where the special services will protect the people and the law, and not the bureaucracy from the people and the law. Where human rights will no longer depend on the mood of the tsar—good or evil. Where, on the contrary, the power will truly be dependent on the citizens and the court, only on law and God. For me, as for anybody, it is hard to live in jail, and I do not want to die there. But if I have to I will not hesitate. The things I believe in are worth dying for.

That there are still men and women of such spirit in Russia is a cause for hope. Eventually maybe not this year, or next year, or the year after that, but eventually these Russians will occupy their rightful place as the leaders of their nation—for equal justice can be delayed, and human dignity can be denied, but not forever.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I want to thank and congratulate the Senator from Arizona for his important and impassioned comments about the situation in Russia regarding the rights of Mr. Khordokovsky, and I would associate myself with those comments.

I would say to him, though, one thing. He asked the question, how do you trust Russia? That is precisely why this treaty is so important. A treaty is not built on trust. No one taught us that more than in those famous words of President Reagan: Trust, but verify. We do not have verification today. We are sitting here with no verification. We are in a forced position of ''trust,'' where we do not necessarily. So the sooner we get this treaty ratified, the sooner we provide a foundation underneath the important questions Senator MCCAIN asked; which is, if you cannot trust them, you have to have verification. The whole point is, you build a relationship even in the worst of times so your country—our country—is more stable and more protected.

During the worst of the Soviet Union, during the worst years of confrontation, we still built up a series of treaties of arms agreements and various other kinds of agreements in order to try to tamp down the potential for hostility. Our hope is, obviously, that we can do that as soon as possible here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KERRY. Mr. President, I wish to address a couple of points raised by Senator KYL earlier, and I will address a good number more as the debate goes forward. Let me be very clear for the record ahead of time, because he opened his floor remarks this morning by asserting we don't have time to be able to consider this treaty before the end of the year. Then he said that even though the START I treaty—which I referred to yesterday and he specifically referred to my comments—he said even though it was completed in 4 days—maybe 4 plus, slightly—he said it wasn't done under the same circumstances. It didn't have to compete with other legislation and so forth. Well, that is incorrect. So let's set the record straight.

On the same day the Senate held a cloture vote on the START I treaty and votes on two amendments related to the treaty, on that same day, it voted on the final passage of a tax bill. The following day, when the Senate voted on another amendment related to the treaty, it also agreed to the conference report on Interior appropriations, passed the DC appropriations bill, and debated and held two rollcall votes on the Foreign Operations appropriations bill. The following day, it

completed the final passage vote on the START treaty. So if our predecessor Senate had the ability to do START I while it passed three or four other bills and held four or five separate votes on those other items, I think it is very clear we have the ability here to be able to do this treaty in the next days.

More importantly, the Senate has been considering this treaty not just for the day and a half we have now been on it. We went on this treaty yesterday and some people chose to not even come to the floor and talk about it. Now we are back here waiting for amendments and no one has yet chosen on the other side to come and bring an amendment. We are ready to vote on the treaty. Fifty-eight Democratic Senators are ready to vote on the treaty. The only thing we are waiting for is the people who say we don't have time, who haven't brought an amendment to the floor. I clearly smell a sort of self-fulfilling prophecy strategy going on here. But they have to know that when flights are disrupted next week or people can't get home, we are here to do business, and I think it will be clear why we are not able to. So we are going to stay here. We have made that clear. The majority leader has made it clear, and the President and the Vice President made it clear. We are prepared to proceed forward on any amendment with respect to understandings, declarations, or conditions they wish to bring, and certainly to have a robust debate.

I will also reiterate that starting in June of last year, the Foreign Relations Committee was briefed at least five times during the talks with the Russians. That is while the talks were going on. So we have a group of Senators almost 60 strong who at one time or another over a year and a half have been following these negotiations very closely. They have been briefed down in the secure facilities. They have been briefed by the negotiators, by the military, by the intelligence community. The Intelligence Committee has weighed in. The Armed Services Committee has weighed in. The National Security Group has had an opportunity to work on this. Since the treaty was submitted, there have been 12 open and classified hearings with more than 20 witnesses. The Secretary of Defense, the Secretary of State, the Joint Chiefs of Staff Chairman, the Commander of the Strategic Command, and the Director of the Missile Defense Agency have all urged us to pass this treaty.

The question is beginning to be asked not why should we do it now; the question is why aren't we doing it now. I hope we can get some amendments and begin to proceed.

At this point I might share a couple of other thoughts while we are waiting for a couple of other colleagues who requested time to speak. Senator KYL asked the question: What do we get out of this treaty? He juxtaposed what he said the Russians get versus what we get and seemed to imply we are not getting very much. Well, I can assure the Senator from Arizona that the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, the leaders of our Strategic Command, and others don't come before the Congress willy-nilly just to say, Hey, do this, because we don't get anything out of it. Every single one of them has articulated very clearly how they believe this treaty strengthens America's national security, advantages our leadership in the world, and positions us to be able to deal more effectively with Iran and North Korea.

I have to say to my colleagues, you cede the right to come to the floor of the Senate and talk seriously about Iran and North Korea if you can't talk seriously about the ways in which this treaty enhances our ability to be able to put leverage on those countries. Before we pushed the so-called reset button with Russia, we didn't have their cooperation with respect to Iran. In fact, the Russians were very skeptical about the intelligence we were offering and putting on the table. It wasn't until we sat down with them face to face and went through that that they became alarmed and they began to see, indeed, this question of how we respond to Iran is deadly serious. As a consequence of that, Russia joined with the United States.

I agree with my colleagues, the mere fact they are joining us is not a reason to embrace a treaty if the treaty doesn't do all the other things you need to provide stability and enhance your security. But when it does all those other things and you know the consequences of turning your back on all of those achievements is going to create a negative relationship, you ought to try to weigh that a little bit. It seems to me when someone's point of view comes specifically from the economic engagement, business world, somebody such as Steve Forbes writes that this is important to the economic component of our relationship and to that component of the reset button, I think we can see the breadth of impact a treaty such as this can have.

Let me say a few more words about what we do get out of this. First of all—and this is as significant as any reason there is to be considering this—we get nuclear stability. The fact is that nuclear stability enhances the relationship between the countries so we can do a lot of other things that assist in stabilizing this important relationship in a time of crisis. The fact is, as I mentioned earlier—we all know this—the United States and Russia possess 90 percent of the world's nuclear weapons. Any single one of those weapons accidentally released, stolen, or the materials in them, has the ability to be able to destroy any American city. That is a reality today. So both countries have decided it is in both countries' interests to reduce the dangers that arise when you have misunderstandings or mistrust without the verification that builds the trust, and it is important to establish limits on those weapons in order to achieve that.

Predictability is what comes with this treaty. Transparency is what comes with this treaty. Accountability comes with this treaty. Without this treaty, we don't have the right to count their warheads. With this treaty, we have a specific counting and identifying mechanism which will provide for greater accountability and greater stability.

Secretary Gates said very clearly: ''Russia is currently above the treaty limits in terms of its numbers.'' So they are going to have to take down warheads. How could it not be in the interests of the United States to have Russia reduce the number of warheads it has today?

There are many other reasons. I see my colleague from North Dakota has arrived. I will go through a number of these others as the opportunity presents itself later. But I think there are a host of reasons that are very clear, and they are part of the record already and we will highlight them as we go forward, as to what we get out of this treaty and why this is directly in the interests of our country, and that is the only reason the President of the United States is submitting this treaty to the Senate. We need to pay close attention to the rationale our military and intelligence community has laid out to us of why they would like this treaty—as Jim Clapper, the head of the intelligence community has said, the sooner the better, the quicker, the sooner, the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I come to the floor today to speak in favor of the New START treaty and to do so strongly.

First let me say I have been listening to Chairman KERRY and Senator LUGAR discuss this treaty. I think they have been clear and compelling with respect to the arguments they have advanced. I think Senator KERRY has made abundantly clear why this treaty is entirely in the interests of the United States.

This treaty simultaneously takes real steps toward reducing the number of nuclear arms in the world while also recognizing the important role these weapons play in our national defense. Above all else, I believe this treaty is stabilizing, which should be the goal of any action related to nuclear weapons.

I currently serve as chairman of the Senate ICBM Coalition. North Dakota proudly hosts the only Air Force base in the country that has two nuclear missions. Minot Air Force Base houses both ICBMs and nuclear bombers. As a result, North Dakotans have a special appreciation for the awesome power of these weapons and their critical role in our national security. While most people approach the existence of these weapons purely from an academic standpoint, we in North Dakota are confronted with their reality on a daily

basis. Still, we as North Dakotans are only observers. I assure my colleagues there is nothing more sobering than visiting a missile facility and talking with the young men and women who stand every day as the sentinels of our security, or talking with bomber pilots as they prepare to fly halfway around the world to patrol the skies for our protection, which I was fortunate to do this summer. Let me say parenthetically, these young people are extraordinary. We can be incredibly proud of the young men and women of our military. The quality of these young people is extraordinary. These brave men and women live the reality of nuclear deterrence and the stability and the security it brings to our Nation.

As we approach this treaty, our first consideration must be its implications for our ability to maintain deterrence and stability and our overall national security. My colleagues on the ICBM Coalition and I watched closely throughout the negotiation of this treaty. We attended dozens of meetings and briefings to understand the impacts this treaty would have on our national security. I even visited Russia shortly after the treaty was presented to the world and met with many of their top military leadership. After careful and thorough analysis of this treaty, I can say with confidence that this treaty will strengthen our national security. I have no doubt about that fact. There is no question the treaty will reduce the number of launchers that deliver nuclear weapons. This treaty has real cuts to those forces—cuts that perhaps go even deeper than the ICBM Coalition initially would have liked. But after speaking at length with our military leaders, the men and women responsible for developing the plans for the use of these weapons, it is clear to me the numbers contained in this treaty remain sufficient to ensure the success of the nuclear deterrence mission.

They tell me that while absolute numbers are important, there is no precise number that assures our security and enhances our nuclear stability. The bottom line is that we must maintain enough launchers to have a credible and secure deterrent that promotes stability in times of crisis. This treaty does that. It not only maintains our nuclear deterrent, but enshrines it for coming decades.

Beyond protecting a sufficient, credible, nuclear deterrent, this treaty advances our national security in other ways as well. President Ronald Reagan famously said: ''Trust, but verify.'' However, for over a year, we have been unable to inspect Russia's weapons. That is not in our interests. It risks developments that harm our national security going undetected or even misunderstandings that could lead to a national security crisis. This treaty allows us to resume the extensive and intrusive inspections that began under the first START treaty signed by the first President Bush and ratified by this body on a vote of 93 to 6.

This treaty also moves our nuclear security forward at a more advanced level. Although I doubt we can ever rid the world of all nuclear weapons, we are no longer in the midst of a nuclear arms race, and thank God for that. By signaling our commitment to reducing our nuclear arsenal while still maintaining a sufficient and credible deterrent, this treaty will advance our interests in halting nuclear proliferation.

The single biggest threat to our Nation would be a terrorist organization with a nuclear weapon. This treaty will enhance our ability to deter the development of nuclear weapons by rogue states, and it will reduce the risk that nuclear arms races around the globe destabilize regions of the world or create opportunities for terrorists to acquire nuclear weapons.

Many treaty opponents argue this treaty may weaken our national security. After closely reviewing their concerns and consulting with experts, I do not find their arguments persuasive. Let's look at those arguments in turn.

First, some opponents greatly inflate the importance of a short phrase in the nonbinding preamble of the treaty to argue that it would somehow constrain our missile defense abilities. This ignores the remaining 17 pages of treaty text and 165 pages of protocol text. Let me say, I have long favored missile defense. I have at many times been in the minority on my own side on that question. If I believed this prevented our creating a stable and secure missile defense, I would not favor the treaty.

This treaty doesn't do that. I think it is as clear as it can be. Other than limiting the conversion of existing ICBM launchers to missile defense interceptors, which our military leaders have already said would be more expensive than building new launchers—and more important, in my view—would degrade our ICBM capability, there are no restrictions on our missile defense—none.

Others argue the treaty will restrict future conventional missile capabilities. That is simply not accurate. The treaty fully allows for the use of conventional missiles. We as a nation are free to unilaterally decide what conventional capability we want. We also hear that Russia's tactical weapons should be included in the treaty. I have also been one who has long favored restrictions on tactical nuclear weapons. While I recognize the importance of addressing that threat, a strategic arms treaty, by definition, is not the place to debate them. Never in history have tactical weapons been included in treaties aimed at strategic weapons. That hasn't stopped this Senate from ratifying those agreements, nor has it stopped them for serving our national security interests for decades.

I am quick to recognize that tactical weapons, at some point, can become a strategic issue. The problem we confront is never before in the context of a strategic agreement have we included tactical systems. That is the reality.

Frankly, I would very much like to have tactical weapons included in this treaty. That would be my preference. But that is not the reality of the history of these negotiations.

Mr. President, some argue the number of total warheads goes too low. However, the treaty allows nearly twice as many warheads as launchers. More important, the number of total launchers available is a far more important deterrence for our national security than the number of warheads.

This treaty shows the administration understands the critical need to maintain a sufficient number of launchers to assure continued nuclear stability. With that said, like many other military and civilian experts on our nuclear forces, I would be extremely wary of any efforts to further decrease the number of our launchers. I have argued repeatedly, as chairman of the ICBM caucus, against further reductions at this stage. I believe that is a prudent position.

Finally, opponents argue that the administration has not committed to an investment in the modernization of our nuclear weapons and infrastructure. This argument completely ignores the dramatic increase in the modernization funding the President proposed in his budget. As chairman of the Senate Budget Committee, I can attest to the fact that this increase is unprecedented. This commitment ensures that the remaining launchers and warheads will be reliable and effective in the event we ever need to launch them.

In short, the arguments advanced by those who claim this treaty would hurt our national security are not convincing. That is not just my conclusion; that is the conclusion of former Secretaries of Defense and former Secretaries of State from both the Republican Party and the Democratic Party and previous administrations, as well as current and former military officers who have all publicly stated that this treaty will advance, not harm, our national security.

Let me say I have two major Air Force bases in my State: Grand Forks Air Force Base and Minot Air Force Base. I spend a significant amount of time talking to our top Air Force leadership. I have consulted with them closely on this matter, as chairman of the ICBM caucus. I am absolutely persuaded by the best military thinking available to me that this treaty is entirely in the national security interests of the United States. I believe that is clear.

Mr. President, I am proud of my record in the Senate on national security over the past 23 years, especially when it comes to our nuclear arsenal. For generations, the young men and women who have served at Minot and Grand Forks Air Force Bases have declared peace as their profession, as they defended the United States from global threats through nuclear deterrence. Though they may not be recognized as publicly today as they were 50 years ago, the airmen who stand guard at Minot remain at the vanguard of our

Nation's most important military mission. I would never do anything to undermine the mission they carry out every day.

After a careful review and discussions with our Nation's best nuclear experts, both those in uniform and those who do not wear the uniform, I am confident this treaty makes our Nation safer and more secure.

Mr. President, I will strongly support approving this treaty, and I call on my colleagues to join me in that effort.

I want to conclude as I began, by thanking the chairman and the ranking member for their leadership on this matter. It is in the highest tradition of the United States Senate. Working together in a bipartisan—really nonpartisan—way, Senator LUGAR and Senator KERRY have provided vital leadership to this body and this country. We are all very deeply in their debt. I express my gratitude to them both for the statesmanlike quality they have brought to this discussion and debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, as we are waiting for other Senators coming to the floor, hopefully, to offer amendments to the new START Treaty, I have some interesting information that I think is relevant to our discussion today.

As has been suggested by other Senators, the so-called Nunn-Lugar cooperative threat reduction program, in operation for the last 19 years, has made possible, through operations of U.S. military and U.S. contractors, working with their counterparts in Russia, the destruction of very sizable amounts of nuclear weapons—threats that we took very seriously in 1991, and that I hope Americans take very seriously currently.

I have just received a report that, since October—and that is specifically during the month of November—we have eliminated eight more SLBMs in Russia. We have secured 10 more nuclear weapon transport trains and neutralized 100-plus more metric tons of chemical weapons agent.

I mention this because I have been fortunate enough to receive monthly, at least for the last 15 years, similar reports. I have a scoreboard in my office that, in fact, illustrates, first of all, that 7,599 strategic nuclear warheads aimed at the United States have been deactivated through the cooperative threat reduction program. Each one of those warheads, as I have pointed out, without being melodramatic, may have been sufficient to completely eliminate my home city of Indianapolis.

I take seriously the treaty we are looking at now, not so much in terms of the numbers of reductions the treaty calls for, but simply even if 1,550 warheads are left on both sides, it is an existential problem to both of our countries that we need to take seriously.

In any event, in addition to the 7,599 strategic nuclear warheads deactivated, 791 ICBMs have been destroyed. These were the missiles on which the strategic nuclear warheads were located. So by taking the warheads off of the missiles, then taking down the 791 intercontinental ballistic missiles and destroying them—and then 498 ICBM silos in which these missiles were located were destroyed; 180 ICBM mobile launchers were destroyed; 659 submarine launched ballistic missiles were eliminated, SLBMs; 492 SLBM launchers were eliminated; 32 nuclear submarines capable of carrying and launching ballistic missiles have been destroyed; and 155 bombers were eliminated.

We are talking about so-called carriers. We talk in the treaty about maybe 1,550 warheads left, 700 carriers on both sides. For those who have not followed closely these arguments over the years, these are the elements that have been aimed at us, and these are the vehicles that would have made possible what they were doing.

Anecdotally, without taking the time of other Senators, I will say that during one of my visits with former Senator Sam Nunn, from Georgia, we went to a site in Siberia where, in fact, a missile had been taken out of the ground. This was a missile that we were told had 10 warheads—the multiple reentry vehicle, where you could put multiple missiles on one vehicle. We were in the silo. It was like a large tube that had an elevator going down. I don't know on which floor we finally arrived, but it was a floor in the silo where the Russians stayed as guards or as watch officers. What authority they had was not clear in terms of actually launching the missile or following the orders, wherever they may have come from. But the impression I had from that visit to the silo, before it was destroyed that very day—and we have pictures of it being destroyed in the office. I explain that this is not a nuclear weapon being destroyed, it was just a silo in the ground. But around a table at which the Russians who were on duty sat were pictures of American cities. These were ostensibly the targets of the 10 warheads. It has a chilling effect as you go around to discover which cities they are.

Are they cities that I represent on the chart? The fact is, that was the intent.

It was made known to us in the United States that our total population—not the occasional nuclear terrorist attack—was at risk. I mention all of this once again not as a melodramatic presentation on a very serious treaty, but we are talking about something that is very fundamental. During the course of the debate I have heard several of my colleagues say—and I think they are mistaken—that right now the American people are focused, as we all are, on how to create jobs, how to make a difference in the economy, and how to bring new hope into the lives of people whose confidence has been destroyed or badly shaken. That is our paramount objective. But at the same time, these problems occur in a world that does not necessarily wish us well and is prepared to leave us in our domestic economy to work our problems out while the rest of the world necessarily takes time out.

I am not one who envisions, after all of this time, a nuclear attack using ICBMs and the carriers that we are talking about. I accept the fact, as a practical matter, that by and large these weapons are maintained for the security of the countries involved. But at the same time, it seems to me to have been prudent throughout the years to have taken the steps we could to take the warheads off of the missiles, destroy the missiles, destroy the silos, and take up the cable in the fields around them and, in essence, to eliminate a lot of the threat.

My scoreboard starts out with 13,300 nuclear warheads. Whether that was the precise number, we are not sure. How did we arrive at that number? We literally had boots on the ground. The subject was discussed frequently today.

The dilemma I foresee, and I am not trying to borrow trouble, is that the boots on the ground, in terms of specifics of the START treaty, ended, as we now know, December 5, 2009. Most of us in the Senate knew of that date. We lamented the fact that was occurring. But the fact is, we have not been able to take action until today's debate to remedy that. We must do so.

This is not a question of a discretionary treaty that somehow might be held over to a more convenient time. The facts of life are that even the program I have discovered, the Cooperative Threat Reduction Program, has diminishing results because the Russians are waiting for work on this fundamental treaty.

In due course, even though we may appropriate in our Defense budget, as I hope we will, substantial moneys for the Nunn-Lugar program next year, our ability to continue to work with the Russian military, Russian contractors outside a situation in which there is no START treaty, and which the Russians may feel there is no expectation of a new START treaty, could mean the monthly reports I have cited today, and most specifically the one for November of this year, may cease coming to my office. The number of warheads removed, the number of missiles destroyed and so forth may simply either stop or we may have no idea what, in fact, the Russians have decided to do.

I appreciate in past debates some of my colleagues have said—and I think they were mistaken, but I understand their point of view—this is Russia's problem. Why were American taxpayer funds ever involved in helping Russians take warheads off missiles, destroying missiles, destroying submarines, in other words to destroy weapons that were aimed at us?

Phrased in those terms, that does not seem to be a sensible bargain; that if you have cooperative threat reduction, and Russians now for 19 years have allowed us to work in their country on their sites where these weapons were located, with not only transparency, an actual feel of the hardware—the silo I was in was real. It was not by electronic means that we found it or surveillance of leaks from diplomacy. It was very real. So was the submarine base I was invited to visit at Sevmash entirely out of the blue during one occasion in a visit to Russia.

Why was I asked to go there? Because they had a feeling, and correctly, that if they presented to me the fact that there were in existence then six Typhoon submarines, that each one of them had 200 missiles, small missiles on them, that even though Tom Clancy finally discovered the Typhoons in the ''Hunt for Red October'' story, the Russians may have been operating these submarines up and down our eastern coast for as long as 20 years, whether we knew about it or not—if you saw the submarines, the largest ever produced by any country, and with the 200 warheads, there were chip shots into New York or Philadelphia or any of our large eastern coast metropolitan areas—whether citizens there ever knew there was a threat or not is immaterial. There was—and a very substantial one. Yet the Russians were inviting us to consider the destruction of these huge submarines because the work is very complex, extraordinarily expensive, and it was beyond their abilities at that point.

We could take a choice, to leave six Typhoons in the world that might begin to cruise again, maybe someplace else, or work with them to destroy them. I am here to say that even after several years, only three of the six have been destroyed. It is an extremely complex operation.

This is why we need to have treaty arrangements with the Russians. So there are formal reasons why their government and our government might be prepared to send our military personnel, our civilian contractors, others who might wish to work with us on projects that we believe mutually are important because—and I will give just one more illustration—this is very subjective.

But on one occasion, I was surprised, although I should not have been, that many nuclear warheads, when they are removed from missiles, are not destroyed. It is difficult to destroy a warhead, very expensive and complex, dangerous for the personnel involved in it.

The Russians did not have very many facilities to do this. So they put many of these warheads into caves or caverns. I was invited into one of these caverns on one occasion. I saw warheads lying there almost like corpses in a morgue, which is what it reminded me of. There were small captions at the top of each of those corpses, in essence, which at least gave—and the Russians told me in translating what was on there—a history of that warhead: when it had been created, what sort of servicing it had received over the years.

I mention this because these particular warheads were not inert matter like sporting goods material. For the safety of the Russians who were involved, they require servicing, apparently, from time to time. One of the reasons why Russians always ask U.S. military and contractors to remove the oldest warheads first was that none of us have had that much of a history as to how long these warheads survive without potential ''accidents,'' something that could make a huge difference in this particular case for those who were in proximity to that particular cave.

It is a crucial matter for them and for us that we find solutions to this. This is why, I believe, there is urgency in considering the New START treaty, urgency in doing so right now, as a matter of fact, as rapidly as possible, and reentering Americans onto the scene in Russia and, in reciprocal manner, accepting Russians who will be interested in our situation. Because this is important for our two countries, and it is important for many innocent people who were never a part of the designs of these weapons but could, in fact, be vastly affected in the event that we make a mistake. We will make a mistake if we fail to act promptly, knowing what we do about the situation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I have said a couple times, during the course of our opening comments and subsequently, what a privilege it is to be working with Senator LUGAR on this treaty. I listened to him talk, as I have heard before, about his experiences of traveling over to Russia and going through the process of establishing this extraordinary program. But the country and the world owe him a huge debt of gratitude for his leadership on this issue. His vision, together with Senator Nunn, has made a global difference, and he is properly recognized on a global basis for that.

So I thank him for his comments calling every colleague to focus on this linkage of the threat reduction program to the START agreement and to the relationship that comes out of it. I know Senator INHOFE is here. I want to give him a chance. But I would like to say a few words before he does about the verification.

I think it is important, as we go forward, to be very clear about the verification components of this treaty. A number of colleagues have requested the verification regime, and we may yet have further discussion on it. So let me make as clear as I can, this treaty has fully satisfied our intelligence community and our military community and our stockpile verification folks as to the verifiability of the treaty.

Is it slightly different from what we had before with START I? The answer is yes. But, importantly, I wish to underscore why that difference exists because one colleague sort of raised the issue a little while ago. I think it was Senator KYL who talked about why it was we might not have gotten them to do an extension of the START I treaty. Well, the reality is, it takes all parties to be party to that extension.

The fact is, Kazakhstan, Ukraine, Belarus all dropped out of the nuclear game, and all those weapons were deposited into Russia. They were all party to that original agreement. But Russia made clear to the Bush administration, long before President Obama came to power, that they were not going to proceed with that same system anymore, and the reason was, they saw it as a one-sided structure. They felt they did not get anything out of it. We were the only ones who got something out of it. As long as they were not getting something, they made us—put us on notice, we are not continuing that one.

That said, the new START succeeds in streamlining verification and tracking procedures, and it creates a new system, a state-of-the-art inspection system, and very strict reporting guidelines. The compliance and verification measures that are in the New START build on 20 years of verification experience, and they appropriately reflect the technological advances that have been made since 1991, as well as the difference of relationships between the United States and Russia because of the end of the Cold War.

So colleagues need to look at those changes and measure it against the original benchmark, if you will. The fact is, New START's enhanced verification measures have a five-pronged approach, five different components.

One, invasive, onsite inspections.

Two, national technical means. We have always had that, but our national technical means have improved significantly. Without discussing them on the floor, I think colleagues are aware of the capacity of our national technical means.

Three, unique identifiers that will be placed on each weapon. We did not have that before. Now we are going to have the ability to track each individual weapon, warhead, and count them. That is new. That is increased.

Regular data exchange. We gain a great deal. They gain a great deal. It is a mutual process of exchanging data, which provides stability and assurances for both sides.

Finally, prompt notifications of the movement of any weapons.

The New START permits up to 18 short-notice, onsite inspections each year, in order to determine the accuracy of Russia's data and to verify the compliance. The fact is, this new system is every bit as rigorous as the system that existed previously.

In fact, because of the change I described earlier, the Belarus, Ukraine,

Kazakhstan change—we had about 70 inspection sites previously, and those were the nuclear facilities in each of those different countries. But since three of them have now denuclearized, the result is, all the former Soviet Union's remaining nuclear weapons are centralized in Russia, and they are divided between 35 nuclear facilities.

So we go from 70 facilities that we used to have to inspect down to 35. Thus, the decreasing number of annual inspections from 28 in START I to 18 in the New START is almost exactly the equivalent in terms of those allowed under START I because we are inspecting fewer places, and the inspectors are now allowed to gather more types of data during those inspections. The United States is also allowed to use national technical means, which would be reconnaissance satellites, ground stations, ships, all of them, to verify compliance. The treaty expressly prohibits tampering with the other party's national technical means.

Third, Russia has to assign and inform the United States of the specific unique alphanumeric identifiers that are designating the deployed and nondeployed ICBMs and SLBMs and nuclear-capable heavy bombers. This information gives us a great deal more inside look with respect to the tracking patterns on Russian equipment throughout the full life cycle of any of those specific systems.

Fourth, the treaty requires Russia to regularly provide to the United States the aggregate data on strategic offensive forces, including numbers, locations, and technical characteristics of deployed and nondeployed strategic offensive arms.

Fifth, the New START establishes a comprehensive notification regime allowing us to track the movement of Russia's strategic forces and any changes in the status of their strategic weapons.

The fact is, this agreement employs an enormously aggressive, forward-leaning, and effective verification system, and it has been predicated on decades of our doing this very thing with the same people. This is not new ground we are breaking. We know how to do this. We have built up a certain understanding of each other's capabilities, each other's idiosyncracies and resistances. We know how to do this. The verification system designed for this treaty is specifically designed to be less complicated, less costly, and more effective than the one in the original START treaty.

I have a series of quotes, but I want our colleague to have an opportunity to speak. I will wait and later share with colleagues the number of different distinguished, respected, long-serving personalities within the intelligence community—former LTG Jim Clapper of the Air Force and others—all of whom have affirmed the ability of this verification system to do the job and protect the interests of the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I compliment the Senator from Massachusetts for his endurance. I appreciate that.

I have to say also to the Senator from Indiana, my good friend, I am kind of in a unique position as one who serves on both the Armed Services and the Foreign Relations Committee. I disagree with most of what was just stated by the senior Senator from Massachusetts.

One of the concerns I have had is that we have so many people who want to be in on this, who should be in on this, who have been elected. We have new Senators, one who is occupying the chair right now. We have Senators KIRK and MANCHIN. We also have Senators-elect BLUNT, BOOZMAN, Portman, MORAN, Lee, Johnson, Hoeven, Ayotte, Paul, and Rubio. All of them have signed a letter saying: This is very significant. We really need to be a part of this. This is important.

It is important in a different way to me than it is to others. I am opposed for a number of reasons. I am one of the few bad guys who came out initially and said I opposed it.

We all know what a strategic arms reduction act is. Initially, when we had two superpowers, it made a lot more sense to me. Frankly, I look at this, and I see the concerns I have.

Verification—that sounds good. Yes, we will verify. Yet the number of verifications, inspections, is like 18 per year in the New START as opposed to some 600 over a 15-year period.

Modernization is one thing on which we all agree. We have to modernize. But there has to be a way of doing it. We haven't done it yet.

It was 3 years ago that Secretary Gates said:

> No way can we maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.

That is an area where we all agree. How are we going to do that? Right now, I think the generally agreed upon number that it would cost over a period of 10 years would be $85 billion. We have right now about $600 million that would be coming up in the next budget cycle. We all know how things work around here. We can only commit funds for the next cycle. There is no assurance at all that we would be able to come through with the other $84.5 billion in that period. The modernization is not set up in a way where we are in the current year demonstrating the commitment we have to modernize our fleet.

The fact that we are handling this in a lameduck session—most of the stuff we are trying to cram in right now is what we should have been talking about all year long and have not been. They all fall into a category where it looks as if things are going to change in the Senate. We know the House, after the November election, is now a Republican-dominated House. We know we have gained large numbers in the Senate. We also know there are several of my good colleagues who are up for reelection in 2012. I am not sure they all want to join in all of these issues coming up at the last minute. This is one of them.

I look at the quotes we have—the missile defense issue has not been addressed. I know it would take a lot of discussion. There are probably potentially, with the new Congress coming in in January, 40 or 50 different amendments just addressing the missile defense issue. They say: Well, no, this is not a problem. But anytime you have a unilateral statement that was made—which was made by the Russians early on—that this treaty can only operate and be viable only if the United States of America refrains from developing its missile defense capabilities quantitatively and qualitatively—that has been stated, and it has been stated and reaffirmed more recently when Sergei Lavrov said:

> We have not yet agreed on this [missile defense] issue and we are trying to clarify how the agreements reached by the two presidents. . . . correlate with the actions taken unilaterally by Washington.

The problem is that when the American people look at this, they say that maybe back during the Cold War and maybe back when we had two superpowers, this thing made sense. Frankly, I was not as supportive of this concept back then. But there is certainly justification for it.

Where are we today? Right now, we are probably in the most endangered position we have been in as a nation. I say this from the experience I have had on both of these committees. We have problems. There are certainly problems with North Korea and what they have developed in their capabilities, problems with Syria, certainly problems with Iran. Our intelligence says—and it is not even classified—that Iran would have the capability of sending a missile to Western Europe and the Eastern United States by 2015.

One of the most disturbing things that happened at the beginning of this administration, a year and a half ago, was when the President came out with his budget and did away with our site in Poland which was a ground interceptor site that would have given us the capability of defending the geography I just mentioned. They took a risk. It wasn't easy for Poland or the Czech Republic, in terms of their radar system, to almost defy Russia, but they were willing to do it. I always remember being a part of the negotiation over there when they said: Are you sure, if we take this bold step, we start agreeing to build a ground interceptor in Poland that would protect that area, are you sure you will not pull the rug out from under us? I said: Absolutely. I had no hint that this would happen, but it did. So in February, right after the new President was inaugurated, of

the many things he did that I found objectionable with our defense systems, that was the most egregious.

We are talking about doing a type of strategic arms reduction with Russia. I am not concerned about Russia; I am concerned about these other places. The threat is there. The threat is real. I don't think there are too many people around since 9/11 who don't know that the terrorists would in a heartbeat come after the United States.

When we have something that is written in the preamble—statements have been made over and over again that it would be a violation of this treaty if we were to enhance our missile defense system. Yet we know that Syria is going to have a capability by 2015. To me, that is mind-boggling that people could be sitting around here worrying about this treaty between two countries when I don't look at them as being a threat.

Then we have the issue of force structure. I think we know that not only do we have to have a weapon, we have to have a way of sending it. We all know the triad and how they are not being enhanced by this. That is my major concern.

I was against it from the very beginning. However, this is where we are today. We are in the middle of it. I know I keep hearing on the radio: You are going to be here until Christmas; you shouldn't do that. I will be spending New Year's Eve with our troops in Afghanistan. I am also concerned about what we are doing here in America. Why are we waiting? Last year, we waited until Christmas Eve. I always remember going home Christmas Eve. It happened to fall at the same time. It was the worst snowstorm in the history of Texas and northeastern Oklahoma. I barely made it in time to get home. Yes, I have 20 kids and grandkids. I would kind of like to see them at Christmas. These are things we could have been doing a long time ago. You wait until the last minute. This is when you want to cram things through that the American people don't want and that should take time. We beat up this thing on this treaty for long enough.

But let's look at what we should be talking about now; that is, running government into the next year so we don't have some type of a stoppage, some type of a crisis on our hands. So the liberals have the omnibus bill that they have up, a bill that is $1.3 trillion. Here we are talking about we have come up with $2 trillion—$3 trillion—$2 trillion in the first 2 years. This is unheard of in terms of deficits. Look where we are going right now with $9 billion more in spending than last year, and we thought last year was an absolute disaster.

At the same time, where is the spending going? We have such things as their agenda—$1.4 billion for a variety of climate change programs. They are not going to give up on that. They are going to keep coming forth trying to spend money. They are talking about the money for the Corporation for Public Broadcasting, talking about zeroing out the efforts in Yucca Mountain. These are things that are in this bill.

What it does to the defense system—everything is enhanced except defense. What is this aversion to trying to rebuild America's defense system? Overall, the defense spending cuts in the omnibus bill amount to $10.3 billion. That is from the President's request of 2011. It includes the $450 million to include work on the second engine, the alternate engine. We have already talked about that. We have been discussing that in the Senate Armed Services Committee and the House Armed Services Committee.

We decided, I believe justly—I was on the single engine side of that argument because of the sheer cost. Yet I know the arguments on both sides. We have already done that. We have already debated it. I don't know why we have to come to the floor after we have made these decisions and then look at a bill that cuts the proposed purchase of the F–35s from 42 to 35.

Let's remember what happened a year and a half ago. They talked about doing away with the F–22s, which are the only fifth-generation capability we have. The justification was, look what we are doing with F–35s. That is fine. But so it is going to be 42. This bill would cut it down—further cuts.

So while we are talking about a bill of $1.3 trillion, it throws money at every kind of social engineering, everything you could have except defense.

The CERP—this program used to be called the commander's emergency relief program. It was one that was my program. You talk to the commanders in the field, and they will tell you they have a capability of taking care of some of these needs. Whether it used to be Iraq, now Afghanistan, they can accomplish so much more if they can do it right now. That is called CERP. They are already bringing the funding of that down in this bill. I look at over $1 trillion in funding to implement the very unpopular health care law. If anybody is out there thinking this is going to be an easy lift, I personally think we will be able to defeat this omnibus bill. I think it will be defeated by almost all Republicans and a few of the Democrats, particularly those coming up for reelection in 2012. I would hate to be in a position where I would say: What I am going to run on is the fact that I already voted to put more than $1 trillion into funding this form of socialized medicine.

That is where we are right now. I do think we need to take a deep breath and just figure that we have a new Congress coming in, a new Senate coming in right after January. We will have plenty of time to allow other Senators who were elected to weigh in on this very critical issue of the New START treaty.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Texas.

Mr. CORNYN. Mr. President, I would like to briefly join my colleagues in explaining some of my concerns, first of all, about the process by which we are taking up something as important as a treaty with regard to nuclear arms. Of course, this is the second part of a two-part constitutional process.

The President sent this treaty to the Senate, along with a transmittal letter dated May 13, 2010, and here we are on December 16, shortly before the Christmas holidays and adjournment, taking up a treaty as important as this. Of course, under article II, section 2 of the United States Constitution, a treaty cannot be ratified without the vote of at least two-thirds of the Members of the Senate.

I know everyone—whether they are for this treaty, whether they are against this treaty, whether they are merely questioning some aspects of the treaty and are perhaps seeking to make some modifications—I believe everyone is approaching this issue with the kind of seriousness and gravity that should be required of a Senator approaching something this serious.

But I have to make this observation: Here we are, as I said, on December 16, 2 days—2 days—after having dropped on us a 1,924-page Omnibus appropriations bill which calls for the Federal Government to spend an additional $1.2 trillion. The idea that we would later today take up the issue of funding the Federal Government and consider this Omnibus appropriations bill while we would have to basically detour and lay this treaty by the side—this is, to me, just irresponsible. I do not know any other word to describe it.

We have, in fact, been in session 151 days during 2010. That is right. You heard me correctly. The Senate has actually been in session 151 days this year. I think most people would love to get a paycheck across America and only be expected to show up and do their job 151 days a year.

Now, I know when we go back home, we continue to work with our constituents, to listen to their concerns and otherwise, but my simple point is, when the President sends this treaty over on May 13, 2010, and at the same time, simultaneously, we are being asked to consider this huge Omnibus appropriations bill of $1.2 trillion—some 2,000 pages long—the idea that we would try to jam through or give expedited consideration to the serious, substantive issues being raised by this treaty is, as I said, poor time management, to say the least, and I think irresponsible.

I want to raise some of the substantive concerns I have about the treaty on which I know there will be further discussions.

First of all, I would point out that the treaty does not itself address tactical——

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. CORNYN. Mr. President, I have the floor.

Mr. KERRY. I know. I am just asking if the Senator would yield for a question.

Mr. CORNYN. I would be glad, after I get through my remarks, to yield for some questions.

Mr. KERRY. I appreciate it.

Mr. CORNYN. Mr. President, I would note, as others have noted, that the treaty completely excludes consideration of a limitation on tactical nuclear weapons, even though Russia possesses a significant superiority in terms of numbers over the United States for these types of weapons.

I would just note that some at the Department of Defense have noted that the difference between strategic weapons and tactical weapons has become somewhat muddled and less meaningful in recent decades. I believe a legitimate cause for concern is why we would exclude tactical nuclear weapons, that the Russians have numerical superiority of, and not even seek to regulate or contain those at all, while we are focused strictly on strategic nuclear weapons, of which the United States would have to cut our current numbers and the Russians not at all in order to meet the goals of the treaty.

I would say, secondly, I have concerns about the treaty's provisions on verification. Of course, President Reagan was famous for saying we should trust, but verify when it comes to this type of treaty. I would point out that Brent Scowcroft, in 1997, pointed out the importance of when we are actually reducing the overall number of weapons, verification becomes that much more important. He said, in 1997:

> Current force levels provide a kind of buffer because they are high enough to be relatively insensitive to imperfect intelligence and modest force changes. . . . As force levels go down, the balance of nuclear power can become increasingly delicate and vulnerable to cheating on arms control limits, concerns about nondeployed ''hidden missiles'' and the actions of nuclear third parties.

So we need to be extraordinarily careful, even more careful now than perhaps we have been in the past with regard to the verification measures.

We know the Russians have taken every advantage to cheat on previous treaties and to be untrustworthy. According to the official State Department reports on arms control compliance, the Russians have previously violated—or are still violating, even as we speak—important provisions of most of the key arms control treaties to which they have been a party, including the original START treaty, the Chemical Weapons Convention, the Biological Weapons Convention, the Conventional Forces in Europe Treaty, and Open Skies.

The New START treaty does not close that gap on verification loopholes that the Russians are already exploiting or, in fact, evading.

As my colleague, Senator BOND—who is, notably, the vice chairman of the Senate Select Committee on Intelligence—has told us, the annual 10-warhead limit on inspections allowed under this treaty permit us to sample only 2 to 3 percent of the total Russian deployed force and, therefore, it will be impossible—it will be literally impossible; limited to 10 annual warhead inspections over a 10-year treaty—to inspect all, much less most, of the 1,550 limit on deployed warheads.

So why would we call this a robust verification provision if we are only allowed to see 2 to 3 percent of the total Russian force?

The New START treaty, unlike its predecessor, permits any number of warheads to be loaded on a missile. So even if the Russians fully cooperated—which I do not believe they have in the past, nor can be trusted to do so in the future—even if they do cooperate with all of the provisions in the New START treaty, these inspections cannot provide the sort of conclusive evidence that you would think would be required given the gravity of the potential risk. They cannot provide conclusive evidence that the Russians are, in fact, complying with the warhead limit.

Third, the New START treaty handcuffs the United States from deploying new capabilities we need to defend our Nation and our allies from missile attacks.

I would just point out that this chart I have in the Chamber demonstrates the ballistic missile threat that is presented in a map of Europe and Africa and Asia. You will notice that Russia is not even on this map. But you will notice a number of other ballistic missile threats that could affect not only the United States but most certainly our allies. This map is a compilation from the Missile Defense Agency based on information from several agencies in the intelligence community and shows that more than a dozen nations—more than a dozen nations—have developed or are developing ballistic missile capabilities. Several of these nations are notorious for that—North Korea, Iran, and Libya, just to name a few. But we know others, such as Yemen and Pakistan, have al-Qaida operatives or other extremist groups operating within their borders.

The fact is, we need a robust missile defense capability, not to protect us from Russian ballistic missiles but from ballistic missiles from some of these other nations that have developed them, some of whom have groups such as al-Qaida and other terrorist organizations there that would love to get their hands on some of these weapons and use them against America or our allies. That is why it makes absolutely no sense to constrain our future missile defense options in exchange for reductions in the strategic nuclear weapons of just one country, and that is Russia.

Now, some of my colleagues may be arguing there are no limitations on missile defense in the treaty and that the language in the preamble, which ties our strategic offensive arms to our strategic defensive arms—for the first time ever, by the way—that this preamble language does not mean anything, does not operate as a constraint on our missile defense programs.

But that is not what the Russians have said. That is not how they read it. Of course, the Senate has been denied the negotiating record by which we could actually clarify what was said by American negotiators and Russian negotiators in coming up with this language. Isn't that something you would think the administration would want clarified, if they could clarify it by providing this information? But, no, we have been stonewalled and told: You cannot have it, Senate, even though under article II, section 2 of the Constitution, you have a constitutional duty when it comes to treaty ratification.

I just think it is a very poor way to do business, to say the least, and causes me to question whether there is a uniform understanding of constraints on our missile defense system. Again, you can see that the risk is not just from Russia, it is much more widespread, unfortunately, than that.

Russia has also made a unilateral statement that it claims the right to withdraw from the New START treaty if the United States does, in fact, expand our missile defense capability. Doug Feith shed some light on this issue earlier in an op-ed piece in the Wall Street Journal.

Mr. Feith, of course, as you remember, is a former Under Secretary of Defense under the Bush administration, and he helped negotiate the Strategic Offensive Reductions Treaty, known as the SORT treaty. He says during those negotiations, the Russians were constantly trying to get the Americans to negotiate away our right to defend ourselves from missile attacks. The Bush administration rightly rejected those Russian demands, and they got a good treaty anyway. But the Obama administration, in this treaty, gave Russia what it wanted when it came to our missile defense, among other concessions as well—a very serious concern, I would say.

The New START treaty has other flaws, but even if it was an outstanding treaty, I think the gravity of what we are about here—in considering this treaty, and reductions in nuclear arms, and trying to make the world a more secure and safer place—that it warrants more careful and deliberate consideration of this treaty than we are going to be able to give during this lameduck session.

I have heard people talk about, well, the fact that this is the Christmas season—of course, we would all like to be with our families. But we recognize the fact that we have important obligations to perform in the Senate. I think all of us are willing to perform those. But the problem is, we have had an election on November 2, and there are a lot of people, as the Senator from Oklahoma said, who were just elected by the American people who would be

denied an opportunity to let their voice be heard on such an important issue if this treaty is jammed through during the waning days of the 111th Congress. Now, we know the legitimacy of our government itself rests upon the consent of the governed. The fact is, during the most recent election the American people said they don't like the direction Washington is heading and they want us to change. The idea that we would then—after the election takes place but before the new Senators in Congress are actually sworn in—try to rush through such important matters such as this treaty and deny them an opportunity, and the voices of the people who elected them to be heard, to me, does not speak well of this process, and I think indeed denies us the legitimacy of the consent of the governed, or certainly many of them.

Let's be clear about what is happening. We know the administration wants a vote on this New START treaty because they think they have a better chance of passing it now than when these new Senators are sworn in on January 5. There is no one I have heard who has suggested there is a national security threat to the United States from delaying the ratification of this treaty by a month. No one. I don't think they could plausibly make such a contention.

I think there is a little bit of an attempt to focus our attention away from the $1.2 trillion spending tsunami that was unleashed on Congress just 2 days ago in which we are told Senator REID, the majority leader, is going to insist be voted on in just a few days. I think a better alternative to that, and certainly a better alternative than to go through this unnecessary drama about government shutdowns, is to pass a one-page continuing resolution that would keep the government operating until January or February, at which time these newly elected Senators and House Members would be able to participate. It would be the time when we could certainly take up this treaty and give it thoughtful and careful consideration, the kind of debate and amendment process I think our responsibility requires rather than trying to move it through in this irresponsible manner.

This omnibus bill I mentioned earlier will no doubt be called up later today, perhaps, and be attached to a continuing resolution and then cloture filed, asking 60 Senators to agree to close off debate, denying any opportunity for amendments and the kind of consideration I think the American people would want us to have for a $1.2 trillion spending bill.

We know Christmas is almost here and many Americans look forward to celebrating that important holiday and reflecting on what comes with the new year. I hope our friends on the other side of the aisle will reconsider the tactics they are employing during this lameduck session to try to gloss over or ignore the important substantive concerns many of us have about this very significant treaty and to ram through unpopular legislation just as happened last year on Christmas Eve with the passage of the health care bill. Many Americans remember passing that bill on Christmas Eve in the Senate, and they were outraged by the process, by the back-room negotiations and deals that took place in order to get over the 60-vote threshold.

So this year I would submit that millions of Americans want just one thing from Congress, and that would be a silent night. Let's pray they get it. If the Senator still has a question or two for me, I would be glad to yield for that purpose.

I thank the chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wish to say to my colleague from Texas, I am a little surprised to hear him be quite so harsh about the—I think he used the word ''irresponsible''—about why we are here in this predicament right now. I shouldn't have to remind him, but in this session of Congress there have been more filibusters by his party than at any time from World War I all the way through until the late 1970s.

We have nominees waiting to be passed who have sat there for months who cannot get a vote. When we finally have a cloture vote to get 60 votes to get them out, they get 90, 95 votes in the Senate. They just delay and delay and delay. I am not going to stand here and listen to them come to the floor of the Senate asking why we are trying to do the important business of the country at the last minute because all they have to do is look in the mirror. That is all they have to do, and they will see why we are here.

Then to say we can't do the important business of this treaty in the amount of time we have is totally contradicted by history of every treaty we have worked on. Earlier today we had a Senator say: Well, we can't do that. We have to—we can't dual-track. I pointed out that START I, which was a much more complicated treaty, took 4½ days. On the day they passed it, they passed two or three other pieces of legislation. On the day we went to it, we passed a tax bill and an appropriations bill.

We have reached a new stage in America where we just say something. It doesn't matter if it is based on the truth. Just say it, put it out there, and somebody is going to believe it. Somebody will pick it up.

So I regret that. We have been here for a day. We still haven't had an amendment, and all this talk about serious consideration. I am going to release a breakdown of who has spoken and for how long because it is interesting to take a look at what is going on.

By the way, why would we have to read something? I understand we may have to read the appropriations bill for about a day and a half; have the clerk up here just reading the bill. Now, there is an act of stunning responsibility. Let's just chew up the time of the Senate, keeping everybody up all night reading a bill rather than working on it.

So I have said enough about it. I think what we need to do is do the business of the country, and there is plenty of time to do it and still plenty of time to get home for Christmas if we would spend our time doing that rather than a lot of delay tactics.

Some Senators have also cited an early statement by General Cartwright, the Vice Chairman of the Joint Chiefs of Staff, suggesting he had some concern about the numbers. Let me make clear, here is what General Cartwright said today: ''We need START and we need it badly.''

Now, are you going to listen to General Cartwright or are you going to listen to some of these sort of vague and somewhat similar talking points that keep coming to the floor without an amendment, without any substantive work?

At this point I ask unanimous consent that at 6 p.m. today, the Senate resume legislative session and the majority leader be recognized at that time.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, I rise to object, and I will not. I just want to make sure that at 3:30 I will be allowed to speak.

Mr. KERRY. We are staying on the START agreement at that time.

Mrs. BOXER. So is 3:30 a good time or 3:40?

Mr. KERRY. Mr. President, I intend to yield the floor. I ask unanimous consent that when I yield the floor, the Senator from California be recognized.

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

Mr. KERRY. Mr. President, I ask for your ruling on the unanimous consent request with respect to 6 p.m. today we move to legislative session and the majority leader be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank my chairman of the Foreign Relations Committee, Senator KERRY, with whom I have worked closely. I thank also Senator LUGAR, the ranking member, who at times has been my chair. It does my heart good to see them working closely on this matter. I was also elated to see the test vote we had on this already.

I hope that vote, that test vote, is indicative of where we are going. We were almost at 67. My understanding is that one Member wasn't there to vote. We should be at 67. I hope we can get this done at the earliest opportunity because despite some of the protests of

our colleagues saying there hasn't been enough time, my understanding is that we have been on this for 7 months. And no one could have worked harder than our chairman and our ranking member on making sure that every single objection to the New START treaty, every single problem and challenge was heard and that a lot of this was already worked out in the resolution of ratification. So, hopefully, we can get through this.

I have had opportunities, as a member of the Foreign Relations Committee in particular, to ask national security experts what keeps them up at night, what is the one thing they worry about. Whether it comes from the CIA or any other place within the intelligence community, the answer comes back like this: What keeps them up at night is the possibility that a terrorist could get hold of a nuclear weapon.

I have to say, that worrisome possibility is on the minds of many Americans. The New START treaty makes this less likely. Therefore, ratifying the treaty is in our national interest and, frankly, it is in the interest of the world. The New START treaty requires a 30-percent reduction of deployed strategic weapons on the Russian and American side, with on-the-ground verification. That is key. It reduces delivery systems to 800 per side.

I am not going to speak for very long, I say to my colleagues who have come here, because so much has been said. I can't say it any better. So what I am going to do for most of the remainder of my time is quote from people, Republicans and Democrats, who have been quite eloquent on this issue, in addition to Senators KERRY and LUGAR.

It is clear Democrats and Republicans alike support this treaty. We hear a lot of talk about not labeling each other and coming together. Look, this is an area where we have come together, and all we have to do is put the finishing touches on this ratification and complete this very important work that is in front of us.

In addition to all of our NATO allies supporting this, including those in Eastern Europe—which I think is very important to note—we have the support of all of these American leaders on both sides of the aisle. I will read some of their comments for the RECORD: ''I urge the U.S. Senate to ratify the START treaty.'' This is a statement from a few days ago from President George Herbert Walker Bush.

This is from Colin Powell, Secretary of State for George W. Bush:

> I fully support this treaty and I hope that the Senate will give its advice and consent as soon as possible . . . [T]his treaty is in the best interest of the United States of America, the best interest of the world, and frankly in the best interest of the Russian Federation.

Howard Baker, former Senator, Republican from Tennessee, said just a few days ago:

> A world without a binding U.S.-Russian nuclear arms control treaty is a more dangerous place, less predictable, less stable than the one we live in today. . . . Trust, but verify. Ratify this treaty.

George Shultz, a constituent of mine, Secretary of State for President Reagan, wrote with Sam Nunn, a Democrat and former Senator from Georgia whom we all respect on these issues:

> Noting the full support of the Secretary of State, the Secretary of Defense, and Chairman of the Joint Chiefs of staff, and following our own review of the treaty, we urge the Senate to give its advice and consent to ratification of New START as early as is feasible.

I hope we don't have a lot of delaying, more delaying tactics around here because it is not necessary.

I heard colleagues say, What is the rush? What is the rush? We have had 7 months. Senators KERRY and LUGAR have bent over backwards and done everything possible to accommodate Senators, such as Senator KYL, who wanted certain assurances on the modernization of our nuclear weapons. They did everything to answer every question. By the way, they will continue to do that as we get to any other issues.

This is what James Schlesinger, Secretary of Defense for Presidents Nixon and Ford, said:

> I think it is obligatory for the United States to ratify New START. . . . For the United States, at this juncture, to fail to ratify the treaty in the due course of the Senate's deliberation would have a detrimental effect on our ability to influence others with regard to, particularly, the nonproliferation issue.

So James Schlesinger gets to the point of nonproliferation, the worrisome fact that a terrorist or rogue state could get one of these weapons.

Alan Simpson, an outspoken former Republican Senator from Wyoming, said this:

> Nothing in the treaty constrains our ability to develop and deploy a robust missile defense system as our military planners see fit. The idea that this treaty somehow makes major concessions to the Russians on missile defense is just simply not true.

I will quote Pat Buchanan, former White House Communications Director for President Ronald Reagan:

> Richard Nixon would have supported this treaty. Ronald Reagan would have supported this treaty, as he loathed nuclear weapons and wished to rid the world of them. And simply because this treaty is ''Obama's treaty'' does not mean it is not in America's interest.

I don't think I have ever in my life quoted Pat Buchanan on the floor. I am just proving the point that this particular issue is extremely bipartisan. It unites everybody, except apparently a few of our friends on the other side.

Brent Scowcroft, LTG retired, National Security Adviser to Presidents Ford and George H.W. Bush, said this:

> New START should not be controversial no matter how liberal or conservative you are.

That also makes the point.

Chuck Hagel, a former Republican Senator, made this statement—and I will not read the entire statement. He ends it by saying:

> This would be devastating not just for arms control but for security interests worldwide [if we didn't deal with this issue].

Henry Kissinger has a very long statement. I will not read the entire statement, but he said this:

> . . . for all these reasons, I recommend ratification of this treaty. . . . I do not believe this treaty is an obstacle to a missile defense program or modernization. . . . A rejection of this treaty would indicate that a new period of American policy had started that would have an unsettling impact on the international environment.

So here you have somebody who has been deeply involved in foreign relations for so many years saying, in essence—and I am not quoting him here, but I am summing up what I read, that it would be a radical departure from America's foreign policy if we were not to do this.

James Baker, former Secretary of State for President George H.W. Bush, writes:

> New START appears to take our country in a direction that can enhance our national security. . . . It can also improve Washington's relationship with Moscow regarding nuclear weapons and delivery vehicles, a relationship that will be vital if the two countries are to cooperate in order to stem nuclear proliferation in countries such as Iran and North Korea. I agree with Secretary of Defense Bob Gates when he wrote last week in the Wall Street Journal that the new treaty provides verification that has been needed since START I expired in December. An effective verification regime is a critical component of arms control and I believe that the world is safer when the United States and Russia are abiding by one.

I will close with a couple of Democratic individuals who have also joined their Republican friends in this.

President Bill Clinton said this:

> The START agreement is very important to the future of our national security and it is not a radical agreement. This is something that is profoundly important. This ought to be way beyond party.

He said that a couple days ago. William Perry, we remember well; he was Secretary of Defense for President Clinton. He said:

> The treaty puts no meaningful limits on our antiballistic missile defense program. In fact, it reduces restrictions that existed under the previous START Treaty. I recommend ratification.

Former Senator Sam Nunn said this:

> Delaying ratification of this treaty, or defeating it, would damage United States security interests and United States credibility globally.

He takes the same tack that I am taking. He is someone who supports this. The Joint Chiefs of Staff, former strategic nuclear commanders, and our intelligence community leadership all have stated that the treaty is essential to our Nation's security.

> I am hopeful the Senate will put our Nation's security first by providing its advice and consent to this important treaty.

That was Sam Nunn.

I will close with two more quotes, one from Vice President JOE BIDEN:

> Failure to pass the new START Treaty this year would endanger our national security.

We would have no Americans on the ground to inspect Russia's nuclear activities, no verification regimes to track Russia's nuclear arsenal, less cooperation between two nations that account for 90 percent of the world's nuclear weapons, and no verified nuclear reduction.

We all know Vice President BIDEN was the respected chair of the Foreign Relations Committee, and it was my honor to serve with him.

Finally, Secretary of State Hillary Rodham Clinton said this:

Failing to ratify the treaty would not only undermine our strategic stability, the predictability, and the transparency, but it would severely impact our potential to lead on the important issue of nonproliferation.

I end where I started. What keeps the intelligence community people up at night is the fear that we don't wrap our arms around nuclear proliferation, and that a weapon gets into the hands of a terrorist or rogue nation. New START is—as our chairman has said many times—not a very broad treaty. It is pretty narrow. It is essential, but it doesn't cover that much new ground. It ensures that we are going to have a mutual reduction in these arms that we will be able to verify, and it makes it less likely that we are going to have the type of proliferation that keeps a lot of us up at night, including the American people, I am sure. We need to take steps in this holiday season toward peace. We need to take steps every day to make sure that the threats we face in this difficult world, with all of our challenges, are diminished.

Once again, I say to my chairman, his leadership has been extraordinary on this. I was beginning to give up hope that we would be able to get this done. He constantly said that we don't give up, we keep pursuing this. It is the right thing to do. And he has done it with Senator LUGAR by his side.

This is a good day. I feel good that we are doing this. I feel that the people, particularly at this time of the year, will feel much better when we get this done in a bipartisan way. I know we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, are we working off of already arranged time?

The PRESIDING OFFICER. There is no operating UC for time at this moment.

Mr. BURR. I thank the Chair. I want to make some introductory remarks about the START treaty this afternoon. My real interest lies in the closed session that will take place on a later date. But this is an important debate. I have deep respect for not just the chairman but for the ranking member. But like all Members, I have a passion for this issue. I want to make some general comments at this time about it.

The threat of nuclear engagement between the United States and Russia has diminished greatly since we began arms reduction talks with the Soviets in the 1970s. It is a credit to the agreements of past years that the strategic relationship between the United States and Russia has evolved to a point where Americans and Russians no longer fear a war between NATO and Warsaw powers.

The world has changed in many ways for the better as a result of those bilateral arms reduction efforts. But today, the United States and our allies face emerging and destabilizing nuclear threats from rogue nations and nonstate actors who have shown no willingness to follow or accept international standards or adhere to nonproliferation treaties.

While the new START treaty continues a historic dialog between two great nations, I am concerned that negotiated language in this treaty—especially wording in its preamble about ''existence of the interrelationship between strategic offensive arms and strategic defensive arms''—may in fact signal a subtle yet troubling return to the Cold War linkage between offensive and defensive weapons. Some dismiss this wording as the flowery language of diplomats. But words have meaning. Treaty language is not filler. I can only conclude that this specific commitment reflects the current thinking of the President and his administration, which is a departure from their predecessors in past administrations, and offers the Russians a reason to leverage the treaty to their distinct advantage with respect to our efforts to improve upon our missile defenses.

Even if a treaty such as the New START had a place in today's world, several key issues are lacking in the treaty that this body should and would have to address. One, the treaty does not address Russia's tactical nuclear weapons. Two, this treaty does nothing to address stored warheads. Three, this treaty is silent on rail mobile ICBMs. Four, this treaty allows the Russians to encrypt and hide missile test data for all new nuclear weapons they develop.

This treaty places limits on our nonnuclear conventional global strike weapons—unheard of in the past. This treaty submits and subjects our Nation's objectives in missile defense to the review and approval of the Kremlin. This treaty ignores the nuclear capabilities, desires, ambitions, and plans of nations and non-nation actors who seek to undermine and harm U.S. national security interests.

Many pundits have spoken about the urgent need to get the U.S. inspectors on the ground in Russia to verify the state of their new nuclear weapon systems and verify compliance. But when one examines the inspection protocols within this treaty, it will be clear that we must give such advance notification and jump through so many multiple hoops just to get approval to visit a site, by the time an inspection begins there is a high likelihood we will only see what the Russians want us to see and nothing more.

Other supporters of this treaty contend that by ratifying New START we further enhance our relationship and leverage with the Russians, with respect to the destabilizing threats posed by North Korea and Iran. But the Russians already recognize the problems posed by these two countries, because they are along their borders. The Russians should not require this treaty as an incentive to protect their own regional interests.

For these reasons, I remain concerned that by ratifying New START, the Senate would be allowing an outdated and narrow agenda to constrain our defense flexibilities and capabilities at the very point in history where we need a clear-eyed view of the real threats on the horizon.

There is no urgent need to ratify New START this week, next week, or even next year. Given the numerous flaws in this treaty, to say nothing of the flawed backward-looking process that developed it, it is prudent for the Senate to work on ways to improve upon the treaty and how it has been put forth in order to better ensure the strategic interests of the United States and to make sure it is fully protected.

Mr. President, my colleagues, our Nation does need a new start in our relationship with Russia. It needs a new approach. This treaty represents an old approach, based on Cold War relationships. In my estimation, it should be rejected by this body.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise in support of a treaty that I actually think is of vital importance to our national security, to our national interests, and to our international reputation in the nonproliferation of nuclear weapons.

Let me first start off by recognizing Senator KERRY, the chairman of our Foreign Relations Committee, and Senator LUGAR, the ranking member. They have done an extraordinary job. I smile as I listen to some of my colleagues say it has not been reviewed enough, it has not been vetted enough. We have had an incredible number of sessions on the question of what the treaty contains and flushing out all of its points and points of view. In a very bipartisan way, the committee has worked assiduously to bring us to this point so that Members can make an informed decision. So I wish to salute the chairman for his incredible work in that regard.

The original START treaty expired on December 5 of last year, 2009. So as of today, December 16, 2010, it has been 376 days since the United States lost the ability to conduct onsite inspections—lost it—not knowing what has happened with those weapons. It has been 376 days since we lost our ability to monitor and verify Russia's nuclear arsenal.

Now, I know some say our relationship with Russia has gotten a lot better. Yes, but it is their arsenal that we care about. It is about an arsenal that now has a Russian leadership that we are having better relationships with, but we never know what that relationship will be tomorrow. Good relationships are built on firm understandings, and the treaty creates a firm understanding of our respective obligations. That is why we need to move forward and ratify START.

Now, I agree, I have heard some of my colleagues suggest that there are other nations—namely, Iran and North Korea—that presently present maybe a greater threat to our security and the security of our allies, but that is not the point. The point is that the threat of loose nuclear materials anywhere in the world—anywhere in the world, whether in Russia, Iran, or North Korea—is a major concern. The point is that the severity of the threat from those nations does not diminish the threat presented by the Russian nuclear arsenal. Those threats in no way negate the need to continue our nonproliferation regime and conclude a treaty with Russia and then move on to continuing to address the serious threats presented by Iran and North Korea.

Let me just say that on one of those two, on Iran, since my days in the House of Representatives, I have been pursuing Iran, well before some people looked at Iran as a challenge. When I found out the International Atomic Energy Administration was taking voluntary contributions for the United States to help create operational capacity at the Bushehr nuclear facility, I raised those issues and sought to stem the use of U.S. taxpayer dollars going for that purpose. So I understand about Iran and North Korea, but that does not diminish the importance of knowing about this nuclear arsenal.

It is true that political developments in the past two decades have greatly diminished the probability of nuclear war between our nations. But the fact remains that Russia continues to have more than 600 nuclear launch vehicles and more than 2,700 warheads. It is because of those numbers that this Chamber needs to do what is in our national security interests and ratify START now. We need the ability to track and verify Russia's nuclear arsenal. We need onsite inspections. We need the enhanced flexibility of short-notice inspections of deployed and nondeployed systems. We need to be able to verify the numbers of warheads carried on Russian strategic missiles. We need the ability—provided for the first time in this treaty—to track all accountable strategic nuclear delivery systems.

We need a verification regime. Trust, but verify. Trust, but verify. We know those words well. They have been spoken on this floor many times by many of our Republican colleagues, some who are now willing to turn their back on the truth of those words. The truth is that at the heart of this treaty, the ability for this Nation to verify Russia's nuclear arsenal remains paramount to our security. It remains paramount to continued bilateral cooperation between the United States and Russia.

For these reasons, START has broad bipartisan support, including support from the Secretaries of Defense and State and National Security Advisers for a whole host of Presidents—President Nixon, President Ford, Presidents Reagan, George H.W. Bush, Clinton, and George W. Bush. All of those people have come together regardless of their partisan labels or views, and they all believe this is in our national security interest and necessary if we are to show the world that we demand as much of ourselves as we ask of others.

So as we press the Iranian and North Korean Governments to come into compliance, this treaty demonstrates to all nations that have nuclear aspirations that we are willing to live by the rules; that nonproliferation of nuclear weapons is not an empty wish but a national policy that is in our national interest and the interests of the world; that our willingness to accede to oversight and monitoring of our nuclear weapons and facilities, our willingness to reduce our nuclear arsenal in the interest of global security, and our willingness to cooperate with willing partners is part and parcel of American policy. It is what we believe is right, what we will live by, and what we will demand of all nations.

I hope that with respect to global nuclear security, we can see clear to be able to walk and chew gum at the same time. Some have suggested in this Chamber that we can't do that. We certainly can. We can ratify START and continue to press Iran and North Korea.

You know, this is the one issue I would have hoped we—and we certainly do in some respects, certainly in some of our leadership on the committee, Senator LUGAR and others—it is the one place the Senate has always enjoyed a bipartisan effort. Put the country first in the case of all of those in the world and understand that on this there is no division.

It was Senator Vandenberg, a Republican from Michigan, who once famously said:

> To me, bipartisan foreign policy means a mutual effort to unite our official voice at the water's edge . . .

He went on to say:

> It does not invoke the remotest surrender of free debate in determining our position. In a word, it simply seeks national security ahead of partisan advantage.

But, sadly, I believe the efforts by some to derail START are politically motivated, putting partisan advantage ahead of national security. Nothing that protects us from the spread of nuclear weapons should be politically motivated, not in this brave new world.

Let's be clear. This treaty does not in any way diminish our commitment to keeping this Nation safe and strong. It imposes no limits on current or planned ballistic defense programs by the United States. In fact, the President has committed to a 10-year, $80 billion plan to modernize our nuclear infrastructure, which represents a 15-percent increase over current spending levels.

The truth is that the United States retains overwhelming strike capacity under this treaty. Under this treaty, we will retain 700 deployed launchers and 1,550 deployed warheads. Keep in mind the overwhelming strike capacity this represents to assure any adversary of a devastating response to any attack on the United States or our allies, which is at the heart of our deterrent posture. In real terms, just to give us a sense of what this means, we will retain enough strike capacity to end civilization as we know it and destroy the entire ecosystem of the planet—far beyond the destructive power of the weapons used in Hiroshima and Nagasaki.

Let's keep in mind that one standard nuclear warhead has an explosive force equal to 100,000 tons of conventional high explosives. The use of 1,000 nuclear warheads has a destructive power of 100 million tons of dynamite and the ability to darken this planet in a nightmare nuclear winter beyond our imagination.

So any argument to the contrary, any argument that we do not retain an overwhelming nuclear strike capacity, is, in my view, a political argument, and I believe that some who have come and said that we can't do this—and then, in the midst of this discussion, in the midst of this treaty debate, I hear omnibus discussions. I cannot believe that something that is about the national security of the United States, making sure future generations of Americans never face that nuclear winter, somehow gets lumped in with all of the other political conversations.

I know I have heard the leadership on the other side of the aisle say their Number 1 goal is for this President to fail at all costs and to make him a one-term President. But, my God, I thought this had nothing to do with that. I thought this had nothing to do with that. I would hope that on an occasion such as this where we are talking about the Nation's security, the ability to verify, the ability to understand what Russia's nuclear weaponry is all about goes beyond the success or failure of this President. It is about the Nation being able to succeed.

Finally, I have heard a lot of talk about how late this is and that it is almost Christmas. I certainly want to be with my family as much as anybody else, but I have to be honest with you, I want my family and I want the family of every New Jerseyan I represent, of every American for whom I am part of this Senate to have the security that they will never face that nuclear winter.

I cannot accept the statements I have heard here. I was not going to include this in my remarks, but I have heard now several times that we are here so late. Well, you know, this 2-year session of Congress has been so challenging because, time and time again, colleagues—particularly on the other side of the aisle—have used a procedure in the Senate—a right they have, but it is a right that has clearly been abused—to filibuster. What that means is that which we grew up understanding as Americans from the day we were in a classroom and we were taught about a simple majority rule—well, here in the Senate, that simple majority of representing the people of the United States, the 300 million people, is 51. But under the rules of the Senate, when one Senator wants to object to moving forward, ultimately we don't need that simple majority that Americans have come to understand; we end up needing 60. Of course, since neither party possesses those 60 votes, we often end up in a stalemate and are not able to move forward. That has been used time and time again. I would have to do it over 100 times just for the one session of the Congress, for the 2 years of the Congress, to remind people why it is so late in the process—because, time and time again, that process has been used to delay. Even when that process has been broken and the 60 votes have been accomplished, there have been votes that soar in the 80th or 90th percentile of the Members of this body voting to support the proposition. But the time was killed. It is the time not of the Senate but the time of the American people.

Then I have to hear some of my colleagues, in the midst of a debate about a nuclear treaty—understanding that we are trying to prevent and to verify the possibility that weapons get out of the hands of those who have the authority over them, among other reasons to have this treaty—talk about the omnibus. Well, I just find it beyond my imagination, especially when colleagues who are railing about on that are part of asking for hundreds of millions of dollars in earmarks in the omnibus. Then they come and say: Oh, this is a terrible thing, and the treaty is being brought up at the same time, and somehow we should not be able to move to this treaty because of that issue, even though what they rail against is what they have blatantly participated in. This issue is too important—too important to be wound up in that.

In the end, the purpose of this treaty and of U.S. efforts to thwart other nations from going nuclear is to ensure that future generations will not live with the specter of a nuclear winter and the destruction of civilization as we know it.

We have an opportunity to move—and I would hope move quickly—to do what is right, to ratify START, and lead the world by example. By leading the world by example, then we can also make demands on the rest of the world to make sure they obey and agree and ultimately concur and ultimately live by the same example. That is our opportunity, and that is an opportunity we should not lose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from New Jersey. He is a valuable member of our committee, diligent and articulate on these issues. I appreciate the comments he made, particularly reinforcing the comments about the delay.

I remind colleagues that earlier the Senator from Arizona mentioned it is sort of unfair to be doing this at the same time we are doing something else. I remind colleagues that he said START I was completed sort of on its own, freestanding. I wish to correct the record. START I did not, in fact, go through freestanding. On the same day the Senate held the cloture vote on the treaty on START I, it voted on two amendments related to the treaty, and it also voted on the final passage of a tax bill. They managed to do two things at the same time.

The following day, the Senate voted on another amendment related to the treaty. It also agreed on that day to the conference report on Interior appropriations. It passed the DC appropriations bill. Those are two separate items. And it debated and held two rollcall votes on the Foreign Operations bill. Those are four separate bills and items dealt with at the same time they were dealing with START I. The following day, it had the final passage on the START treaty, in about 4 days-plus-and-a-half, I think.

Also, I remind my colleagues, as I should have reminded the Senator from Texas, 13 times colleagues came on the other side of the aisle to Senator LUGAR and asked him to slow down the process of the legislation piece of the treaty because of the need to work on modernization. We did that. Again, colleagues came to us. Way back last summer, we were prepared to move the treaty out of committee so we wouldn't wind up in this situation. Guess who came to us and said: No, it would be better if we had a little more time. Our friends on the other side of the aisle said: Please don't do that vote. I think it would be better for the treaty if we took our time. So we provided another 6 weeks to file questions, get answers, work on modernization, pull people together. Frankly, it was a constructive process. I am not suggesting it didn't provide some benefits. But we accommodated a request to slow it down to meet the needs of our friends on the other side of the aisle. Then, subsequently, when there were potential complaints that it would be politicizing the Senate and this treaty to have the vote and this debate before the election—we could have done that, but we didn't want the treaty to get caught up in the election process—we voluntarily delayed the process to meet and accommodate some of the concerns of colleagues on the other side of the aisle. Then, when we come back after the election, all of a sudden, we can't do it in a lameduck. We have to do it down the road.

One colleague came to the floor defending the rights of people who are not even sworn in as Senators to somehow weigh in on this treaty. They are not Senators. They may have been elected in this election, but they haven't taken part in the year-and-a-half-long effort of preparing to deal with this treaty. Every Senator here has. All 100 of us walked up to the well, raised our hands, swore to uphold the Constitution of the United States. That Constitution gives us the specific responsibility of advice and consent on a treaty. That is why we are here at this moment. If I had had my druthers, we would have been here weeks ago, but there was always a filibuster, always a delay, always some longer period that some other piece of legislation was taking.

It is important for colleagues to be honest about that. We have had 125 cloture motions since January of 2009. That is as many cloture motions as had been filed between 1919 and 1974, between World War I and the Vietnam war. That is how many cloture motions we had filed since last year alone. In addition, the Republicans came back to the minority in 2007, and we have had to file 264 cloture motions to end a filibuster since 2007. That averages out to 66 per year. In the first 44 years of the existence of this filibuster rule, it was only used about once a year. For 44 years, it was used once a year. In the last few years, it has been used 66 times a year. That is why we are here. That is why we were delayed.

I, personally, look forward, when we return next year, to seeing us adjust that rule. I respect the rights of the minority because I know that is what the Founding Fathers intended. But nobody intended that we have to vote twice to get to a bill, filibuster on the motion to proceed, filibuster on the substance. It simply doesn't make sense, and the American people do not support it. It negates the fundamental concept of majority rule. I am willing to take my lumps, but I think there is a way to not necessarily undo it completely and still create responsible action in the Senate.

Since President Obama took office last year, the Senate has had rollcall votes on 62 nominations. Of those 62, 27 were confirmed with 90 votes or more; 23 were confirmed with 70 votes or more. That means that of the 62 nominations, fully 60 of them were confirmed with more than 70 votes. Over 80 percent of the nominations we have taken votes on have passed with overwhelming support, and almost all of those votes, many of them anyway, took place only after an extraordinarily lengthy delay. Many of these nominations sat on the calendar for

over 100 days while people waited for the Senate to act.

On average, the Senate has taken more than five times longer to confirm a circuit court nomination after it was favorably reported by the Judiciary and so forth.

I don't want to chew up all our time going through that, but the record should be fundamentally clear that nobody is rushing anything here. The START treaty debate, the original START treaty began on September 28, 1992, and amendments were proposed. As early as the first day of the debate, they were debating amendments. There were two votes on amendments on the second day of debate. On the third day, there were three amendments, and they ratified the treaty. We ought to be able to move here.

I wish to add a couple thoughts quickly on the subject of the tactical nukes. A number of Senators have expressed concern about why this treaty doesn't deal with tactical nuclear weapons. All of us would agree, you have to acknowledge upfront there is an asymmetry, an imbalance between the numbers of tactical weapons that the Russians have and have deployed and what we have. Remember, first, we needed to replace the original START agreement in order to get verification measures back into place in order to take the steps then necessary to go to sort of the next tier. Secretary Clinton and Secretary Gates explained for the record:

> A more ambitious treaty that addressed tactical nuclear weapons would have taken a lot longer to complete, adding significantly to the time before a successor agreement, including the verification measures, could enter into force following START'S expiration in December 2009.

Their fundamental judgment was, yes, we want to get there, but START itself helps you get there. If we sit without those verification measures in place that come with START, we make it much harder to actually reach the agreement we are trying to get to on the tactical. The logic said: Get this agreement back into place. Revitalize the cooperation on arms control. That will empower you subsequently to be able to achieve your goal.

That is not something the Obama administration dreamed up. I emphasize that to our colleagues on the other side of the aisle. The very respected former Secretaries of Defense, Secretary Bill Perry and Secretary Jim Schlesinger, were part of a bipartisan commission. They reported that the first step they thought necessary was to deal with this. They knew nuclear tactical weapons were an issue. But they also knew our military leaders made it clear they didn't need actual parity on those weapons. Secretary Gates and Admiral Mullen both stated, in response to a question:

> Because of the limited range of the tactical weapons and very different roles from those played by strategic nuclear forces, the vast majority of Russian tactical nuclear weapons could not directly influence the strategic nuclear balance between the United States and Russia.

Donald Rumsfeld told the Foreign Relations Committee in 2002:

> I don't know that we would ever want to have symmetry between the United States and Russia. Their circumstance is different and their geography's different.

What he is referring to is the vast gulf of the Atlantic Ocean and then Western Europe that is in between Russia and us and the whole original tactical decision of Russia in terms of the Warsaw Pact versus NATO that existed for so many years in the course of the Cold War.

I don't want to be mistaken by my colleagues on the other side. Yes, we want to limit Russia's nuclear tactical weapons. But a desire to limit those tactical weapons is not a reason to reject the START treaty. Frank Miller, who was a senior NSC staffer in the Bush administration, testified to the Arms Services Committee on July 22:

> I believe this Treaty is properly focused on the strategic forces of both sides. . . . The tactical forces are clearly a political and military threat to our allies. . . . But I think throwing this treaty away because we haven't gotten our hands on the tacticals is not the way to approach this. I think we have to go after the tacticals separately.

That is exactly what President Obama, Vice President BIDEN, Secretary Clinton, and the rest of our military establishment want to do, but they want the START treaty as the foundation on which to build that effort to try to secure something in terms of tactical weapons.

We should pursue a treaty on tactical nuclear weapons, one that can give us adequate transparency about how many Russia has and that ultimately reduces that number.

Let me say to my colleagues on the other side, that is precisely why we put into the resolution of ratification declaration 11, which says:

> The Senate calls upon the President to pursue, following consultation with allies, an agreement with the Russian Federation that would address the disparity between the tactical nuclear weapons stockpiles of the Russian Federation and of the United States and would secure and reduce tactical nuclear weapons in a verifiable manner.

We address the issues of tactical nuclear weapons, and it was not an oversight. It was a calculated, tactical decision to lay the foundation, renew the relationship with Russia, renew our arms control understandings, and lay the foundation to be able to reach an agreement. That is what Secretary Gates said when he testified before the Armed Services Committee on June 17. He said:

> We will never get to that step [of reductions] with the Russians on tactical nukes if this treaty on strategic nuclear weapons is not ratified.

Secretary Gates, appointed by President Bush, said clearly: If we do not ratify this treaty, we do not get to the treaty on tactical nuclear weapons.

So I think the imperative could not be more clear.

The Eastern European leaders see this the same way. And they, after all, are the ones more directly threatened by those weapons. Poland's foreign minister wrote, on November 20, our NATO allies see ''New START is a necessary stepping-stone to future negotiations with Russia about reductions in tactical nuclear arsenals, and a prerequisite for the successful revival of the Treaty on Conventional Forces in Europe.'' The Secretary-General of NATO said the same thing. He said that we need ''transparency and reductions of short-range, tactical nuclear weapons in Europe. . . . This is a key concern for allies. . . . But we cannot address this disparity until the New Start treaty is ratified.''

I hope our colleagues will stand with our allies and stand with common sense and ratify this treaty so we can get to the issue of tactical nuclear weapons.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, first of all, let me say that there are big issues and small issues, some of substantial consequence, others that are of minor importance that are debated here on the floor of the Senate.

This is one of those big issues, one of significant importance, not just to us but to the world. While we get involved in a lot of details in this discussion, the question to be resolved in all of the efforts that are made here dealing with nuclear weapons is, Will we be able to find a way to prevent the explosion of a nuclear weapon in a major city on this planet that will kill hundreds of thousands of people?

The answer to that question comes from efforts about whether we are able to stop the spread of nuclear weapons, to keep nuclear weapons out of the hands of terrorists and rogue nations, and then begin to reduce the number of nuclear weapons.

Let me read, for a moment, from Time magazine in 2002. It refers to something that happened exactly 1 month after 9/11, 2001—the terrible attack that occurred in this country by terrorists that murdered over 3,000 Americans.

One month later, October 11, 2001, something happened. It was described in Time magazine because it was not readily known around the rest of the country what had happened. Let me read it:

> For a few harrowing weeks last fall—

Referring to October 2001—

> a group of U.S. officials believed that the worst nightmare of their lives, something even more horrific than 9/11, was about to come true. In October, an intelligence alert went out to a small number of government agencies, including the Energy Department's top secret Nuclear Emergency Search Team based in Nevada. The report said that terrorists were thought to have obtained a 10-kiloton nuclear weapon from the Russian arsenal and planned to smuggle it into New York City. The source of the report was a mercurial agent code named dragonfire, who intelligence officials believed was of ''undetermined'' reliability. But dragonfire's claim

tracked with a report from a Russian general who believed that his forces were missing a 10-kiloton nuclear device.

Detonated in lower Manhattan, a 10-kiloton nuclear bomb would kill about 100,000 civilians and irradiate 700,000 more, flattening everything—everything—for a half a mile in diameter. And so counterterrorist investigators were on their highest alert.

I continue the quote:

''It was brutal,'' a U.S. official told Time magazine. It was also a highly classified and closely guarded secret. Under the aegis of the White House's Counterterrorism Security Group, part of the National Security Council, news of the suspected nuke was kept secret so as to not panic the people of New York. Senior FBI officials were not even in the loop. Former mayor Rudolph Giuliani said he was never told about the threat. In the end, the investigators found nothing and concluded that dragonfire's information was false. But few of them slept better. They had made a chilling realization: If terrorists had, in fact, managed to smuggle a nuclear weapon into a city, there was almost nothing anyone could have done about it.

Here is the number of nuclear weapons on this planet. The story I just read was about one small nuclear weapon, a Russian 10-kiloton nuclear weapon. There are roughly 25,000 nuclear weapons on this Earth. I just described the apoplectic seizure that occurred over the potential of one 10-kiloton nuclear weapon missing, potentially acquired by a terrorist, smuggled to New York City, to be detonated in one of our largest cities.

Russia has about 15,000 nuclear weapons, the United States about 9,000, China a couple hundred, France several hundred, Britain a couple hundred; and the list goes on.

Now the question is, What do we do about all that? Will we just waltz along forever and believe that somehow, some way, we will be lucky enough to make sure nobody ever explodes a nuclear weapon in the middle of a city on this Earth? Because when they do, all life on this planet is going to change. What do we do about that? My colleagues say, let's ratify the START treaty. I fully agree. And there is so much more that needs to be done beyond that. The work that has been done here on the floor of the Senate by my colleagues Senator KERRY and Senator LUGAR is extraordinary work.

Senator LUGAR is here, and I do not know that he has been here previously when I have done this—and people are tired of my doing it, but it is so important—I have always kept in my desk a small piece of the wing of a Backfire bomber that was given to me. Senator LUGAR is responsible for this. This is the piece of a wing of a Backfire bomber. No, we did not shoot it down. Senator LUGAR did not shoot it down, nor did our Air Force. We sawed it up. We sawed the wings off the bomber.

How did that happen? It was done by a the Nunn-Lugar Cooperative Threat Reduction Program in which we actually paid to destroy a Soviet bomber. It makes a whole lot more sense than being engaged in warfare to shoot down this bomber.

I have—and I will not show it—in my desk a hinge from a missile silo that was in the Ukraine that contained a missile with a nuclear weapon on its tip aimed at the United States of America. It is not there anymore. Sunflower seeds grow where a missile once resided. Because of Nunn-Lugar, the American taxpayers and, especially, importantly, arms negotiations that work. We know this works. This is not a theory. We know it works to reduce the number of nuclear weapons by engaging in negotiations and discussions.

I have heard lots of reasons for us not to do this: too soon; not enough information; not enough detail; more need for consideration—all of those things. I have always talked about Mark Twain who said the negative side of a debate never needs any preparation. So I understand it is easy to come to the floor saying: Do not do this. Do not do this. But it is those who decide to do things who always prevail to make this a safer country when you are talking about weapons policies, nuclear weapons, and arms reduction.

Let me describe why we should do this. First of all, this was negotiated over a long period of time with the interests of our country at heart and with substantial negotiation. I was on the National Security Working Group here in the Senate, and we sat down in secret briefings on many occasions, having the negotiators themselves come back and say to us: Here is what we are doing. Let us explain to you where we are in the negotiations. This treaty did not emerge out of thin air. All of us were involved and had the ability to understand what they were doing.

They negotiated a treaty, and we needed to negotiate that treaty because the circumstances that exist now are that we do not have, given the previous treaties' expiration, the capability to know what the other side is doing—the inspection capability.

Let me describe who supports this treaty. Every former Secretary of State now living, Republican and Democrat: Kissinger, Shultz, Baker, Eagleburger, Christopher, Albright, Powell, Rice—all of them support the treaty. They say it is the right thing for this country, it is important for us to do.

Let me put up especially the comment of Henry Kissinger because he said it this way:

I recommend ratification of this treaty. . . . It should be noted I come from the hawkish side of the debate, so I am not here advocating these measures in the abstract.

He said:

I try to build them into my perception of national interest. I recommend ratification of this treaty.

I just mentioned my colleague Senator LUGAR. He had a partnership with our former colleague, Senator Nunn, and it is properly called Nunn-Lugar, and we have talked a lot about it. I have talked about it many times on the floor of this Senate. It is one of the things we should be so proud of having done. I am sure Senator LUGAR—I have not talked to him about this—but I am sure he regards it as one of the significant accomplishments of his career, the Nunn-Lugar program.

As a result of that program, the Ukraine, Kazakhstan, and Belarus are now free of nuclear weapons. Think of that—free of nuclear weapons. Albania has no more chemical weapons. Madam President, 7,500 nuclear warheads have been deactivated as a result of this program. The weapons of mass destruction that have been eliminated: 32 ballistic missile submarines, 1,400 long-range nuclear missiles, 906 nuclear air-to-surface missiles, 155 bombers that carried nuclear weapons.

It is not hard to see the success of this. I have shown before—and will again—the photographs of what Nunn-Lugar means and its success. You can argue with a lot of things on this floor, but not photographic evidence, it seems to me. Shown in this photograph is the explosion of an SS–18 missile silo that held a missile with a nuclear warhead aimed very likely at an American city.

The silo is gone. The missile is gone. The nuclear warhead is gone. There are now sunflower seeds planted. It is such an important symbol of the success of these kinds of agreements.

This next photograph shows the Nunn-Lugar program eliminating a Typhoon class ballistic missile submarine.

We did not track it in the deep waters of some far away ocean and decide to engage it and succeed in the engagement. We did not do that at all. We paid money to destroy this submarine.

I have the ground-up copper wire in a little vial in this desk from a submarine that used to carry missiles aimed at America.

Here is an example of what happened under Nunn-Lugar, dismantling a Blackjack bomber. We paid to have that bomber destroyed. We did not shoot it down. We did not have to.

Now this START agreement. ADM Michael Mullen, the Chairman of the Joint Chiefs of Staff—I want everybody to understand this because there are some people coming to the floor saying: Well, from a military standpoint, this might leave us vulnerable, short of what we should have. The Chairman of the Joint Chiefs of Staff says:

I, the Vice Chairman, and the Joint Chiefs, as well as our combatant commanders around the world, stand solidly behind this new treaty, having had the opportunity to provide our counsel, to make our recommendations, and to help shape the final agreements.

We stand behind this treaty, representing the best strategic interests of this country.

Finally, with respect to the issue of funding, I want to make some points about that because I chair the subcommittee that funds nuclear weapons here in the Congress. There has been some discussion that there is not ample funding here for modernization of our current weapons programs. That is not the case. It is not true.

Let me describe where we are with respect to funding, and let me predicate that by saying Linton Brooks was the former NNSA Administrator; that is, he ran the program dealing with nuclear weapons, the nuclear weapons complex. Here is what he said:

START, as I now understand it, is a good idea on its own merits, but I think for those who think it is only a good idea if you only have a strong weapons program, this budget ought to take care of that.

He said:

Coupled with the out-year projections, it takes care of the concerns about the complex, and it does very good things about the stockpile, and it should keep the labs [the National Laboratories] healthy.

He says: ''I would have killed for this kind of budget.'' I would have killed for this kind of budget. This is the man who understands the money needed to make sure our stockpile of nuclear weapons is a stockpile you can have confidence in.

So this notion that somehow there is an underfunding or a lack of funding for the nuclear weapons life extension programs and modernization programs is sheer nonsense.

Let me describe what we have done. As I said, I chair the subcommittee that funds these programs. The President in his budget proposed robust funding. While most other things were held constant—very little growth, in many cases no growth at all; in some cases, less funding than in the past—the President said for fiscal year 2011, he wanted $7 billion for the life extension programs and modernization for the current nuclear weapons stock, and that is because people are concerned if we were to use our nuclear weapons, are we assured they work. Well, you know what. I don't mean to minimize that, but the fact is we have so many nuclear weapons, as do the Russians and others, that if one works, unfortunately, it would be a catastrophe for this world. In fact, if they are used, it will be a catastrophe. But having said that, the proposal was $7 billion. That was a 10-percent increase over fiscal year 2010.

So then the President came out with a budget for the fiscal year we are now going to be in and he said, All right, in response to the people in the Senate—there were some who were insisting on much more spending—he said, All right, we did a 10-percent increase for that year on the programs to modernize our existing nuclear weapons stock, and we will go to another 10-percent increase for next year, fiscal year 2012. So we have a 10-percent increase, and another 10-percent increase.

I was out in North Dakota traveling down some county highway one day and was listening to the news and they described how money from my Appropriations Committee was going to be increased by another $4 billion for the next 5 years. I am thinking, that is interesting, because nobody has told me about that: $4 billion added to this; first 10 percent, then 10 percent, now $4 billion more. And we have people coming to the floor who have previously talked about the difficulty of the Federal debt, $13 trillion debt, $1.3 trillion annual budget deficit, choking and smothering this country in debt. They are saying, you know what, we don't have enough money. We are getting 10-percent increases, plus $4 billion; still not enough, we want more. And the people who run the place say, I would have killed to get a budget like that.

Someplace somebody has to sober up here in terms of what these numbers mean. I swear, if you play out the numbers for the next 5 years, the commitment this administration has made for the life extension programs and the modernization programs for our existing nuclear weapons stock—there is no question we have the capability to certify that our nuclear weapons program is workable and that we ought to have confidence in it.

I don't understand how this debate has moved forward with the notion that somehow this is underfunded. It is not at all. In fact, there is funding for buildings that have not yet been designed. We don't ever do that. In fact, the money for the nuclear weapons program was the only thing that was stuck in at the last minute in the continuing resolution. All the other government programs are on a continuing resolution which means they are being funded at last year's level, except the nuclear weapons program. That extra money was put in, in the continuing resolution. Why? To try to satisfy those who apparently have an insatiable appetite for more and more and more spending in these areas. We are spending more than at any other time and so much more than anybody in the world has ever spent on these things. So nobody should stand up here with any credibility and suggest this is underfunded. It is not. It is not. The people who understand and run these programs know it is not, yet some here are trying to shove more money into these programs for buildings that haven't even been designed yet. We have never done that before. People know better than that.

Another issue: They say, Well, this is going to limit our ability with respect to antiballistic missile systems. It does not. That has long been discredited. There is nothing here that is going to limit that. They say, Well, but the Russians, they put a provision in that says that they can withdraw because of missile defense—yes, they put that in the last START agreement as well. It doesn't mean anything to us. It is not part of what was agreed to. There is nothing here that is going to limit us with respect to our antiballistic missile programs to protect this country and to protect others.

It is so difficult to think this is some other issue. It is not. One day somebody is going to wake up if we are not smart and if we don't decide that our highest priority is to reduce the number of nuclear weapons and stop the spread of nuclear weapons, one day we will all wake up and we will read a headline that someone has detonated a nuclear weapon somewhere on this planet and killed hundreds of thousands of people in the name of a terrorist act. When that happens, everything about life on this planet is going to change. That is why it is our responsibility. We are the leading nuclear power on Earth. We must lead in this area. I have been distressed for 10 years at what happened in this Senate on the Comprehensive Test Ban Treaty. This country never should have turned that down. We did. We are not testing, but we still should have been the first to ratify the treaty.

The question now is, Will we decide to not be assertive and aggressive on behalf of arms control treaties we have negotiated carefully that have strong bipartisan support? Will we decide that is not important? I hope not. It falls on our shoulders here in the United States of America to lead the world on these issues. We have to try to prevent the issues of Korea and Iran and rogue nations and the spread of others who want nuclear—we have to keep nuclear weapons out of the hands of those who would use them. Then we have to continue to find ways to reduce the number of nuclear weapons on this Earth. My colleague talked about tactical nuclear weapons. This doesn't involve tactical nuclear weapons. I wish it did, but it doesn't. We have to get through this in order to get to limiting tactical nuclear weapons. The Russians have far more of them than we do, and the quicker we get to that point of negotiating tactical weapons, the better off we are.

In conclusion, I was thinking about how easy it is to come to the floor of the Senate and oppose. The negative side never requires any preparation. That is the case. Mark Twain was right. Abe Lincoln once was in a debate with Douglas and Douglas was propounding a rather strange proposal that Abe Lincoln was discarding and he called it ''as thin as the homeopathic soup that was made by boiling the shadow of a pigeon that had starved to death.''

Well, you know, I come here and I listen to some of these debates. I respect everybody. I do. Everybody comes here with a point. But I will tell you this: Those who believe this is not in the interest of this country, those who believe we are not adequately funding our nuclear weapon stock, those who believe this is going to hinder our ability for an antiballistic missile system that would protect our country, that is as thin as the homeopathic soup described by Abraham Lincoln. It is not accurate.

This is bipartisan. It is important for the country. We ought to do this sooner, not later.

Let me conclude by saying, the work done by my two colleagues is strong, assertive, bipartisan work that builds on some very important work for the

last two decades, Senator KERRY and Senator LUGAR—I don't know whether there will be ever be a Kerry-Lugar, but there was a Nunn-Lugar that has been so important to this country and to the safety and security of this world. I hope this is the next chapter in building block by block by block this country's responsibility to be a world leader in saying, We want a world that is safer by keeping nuclear weapons out of the hands of those who don't have them, and then aggressively negotiating to try to reduce the nuclear weapons that do now exist.

Some months ago I was at a place outside of Moscow where my colleague Senator LUGAR has previously visited, and that facility is devoted to the training and the security of nuclear weapons. I suspect Senator LUGAR, because he knows a lot about this and has worked a lot on it for a long time, thinks a lot about those issues, as do I. Are we certain that these 25,000 nuclear weapons spread around the world are always secure, always safe, will never be subject to theft? The answer to that is no, but we are trying very hard. This treaty is one more step in the attempt we must make to exercise our leadership responsibility that is ours. So my compliments to Senator KERRY and Senator LUGAR and to all of the others who are engaged in this discussion and who have worked so hard and have done so for decades on these nuclear weapons issue and arms reduction issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

## LEGISLATIVE SESSION

Mr. DORGAN. Madam President, I ask unanimous consent to proceed as if in legislative session and as if in morning business for the purpose of clearing processed legislative language.

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

Mr. DORGAN. For the information of my colleagues, I will run through these unanimous consent requests and then be completed.

## GPRA MODERNIZATION ACT OF 2010

Mr. DORGAN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 678, H.R. 2142.

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

The bill clerk read as follows:

A bill (H.R. 2142) to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''GPRA Modernization Act of 2010''.*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Strategic planning amendments.*
*Sec. 3. Performance planning amendments.*
*Sec. 4. Performance reporting amendments.*
*Sec. 5. Federal Government and agency priority goals.*
*Sec. 6. Quarterly priority progress reviews and use of performance information.*
*Sec. 7. Transparency of Federal Government programs, priority goals, and results.*
*Sec. 8. Agency Chief Operating Officers.*
*Sec. 9. Agency Performance Improvement Officers and the Performance Improvement Council.*
*Sec. 10. Format of performance plans and reports.*
*Sec. 11. Reducing duplicative and outdated agency reporting.*
*Sec. 12. Performance management skills and competencies.*
*Sec. 13. Technical and conforming amendments.*
*Sec. 14. Implementation of this Act.*
*Sec. 15. Congressional oversight and legislation.*

***SEC. 2. STRATEGIC PLANNING AMENDMENTS.***

*Chapter 3 of title 5, United States Code, is amended by striking section 306 and inserting the following:*

***''§ 306. Agency strategic plans***

*''(a) Not later than the first Monday in February of any year following the year in which the term of the President commences under section 101 of title 3, the head of each agency shall make available on the public website of the agency a strategic plan and notify the President and Congress of its availability. Such plan shall contain—*

*''(1) a comprehensive mission statement covering the major functions and operations of the agency;*

*''(2) general goals and objectives, including outcome-oriented goals, for the major functions and operations of the agency;*

*''(3) a description of how any goals and objectives contribute to the Federal Government priority goals required by section 1120(a) of title 31;*

*''(4) a description of how the goals and objectives are to be achieved, including—*

*''(A) a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and*

*''(B) a description of how the agency is working with other agencies to achieve its goals and objectives as well as relevant Federal Government priority goals;*

*''(5) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations required under subsection (d);*

*''(6) a description of how the performance goals provided in the plan required by section 1115(a) of title 31, including the agency priority goals required by section 1120(b) of title 31, if applicable, contribute to the general goals and objectives in the strategic plan;*

*''(7) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and*

*''(8) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations to be conducted.*

*''(b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted. As needed, the head of the agency may make adjustments to the strategic plan to reflect significant changes in the environment in which the agency is operating, with appropriate notification of Congress.*

*''(c) The performance plan required by section 1115(b) of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.*

*''(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including majority and minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.*

*''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.*

*''(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the Government Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.''.*

***SEC. 3. PERFORMANCE PLANNING AMENDMENTS.***

*Chapter 11 of title 31, United States Code, is amended by striking section 1115 and inserting the following:*

***''§ 1115. Federal Government and agency performance plans***

*''(a) FEDERAL GOVERNMENT PERFORMANCE PLANS.—In carrying out the provisions of section 1105(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—*

*''(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;*

*''(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;*

*''(3) for each Federal Government performance goal, identify a lead Government official who shall be responsible for coordinating the efforts to achieve the goal;*

*''(4) establish common Federal Government performance indicators with quarterly targets to be used in measuring or assessing—*

*''(A) overall progress toward each Federal Government performance goal; and*

*''(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);*

*''(5) establish clearly defined quarterly milestones; and*

*''(6) identify major management challenges that are Governmentwide or crosscutting in nature and describe plans to address such challenges, including relevant performance goals, performance indicators, and milestones.*

*''(b) AGENCY PERFORMANCE PLANS.—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—*