GBI is—well, A, we are not told whether the GBI is a contingent backup plan; and, B, we are not told whether it will be ready before 2017, which I find strange. Because I think we already have 24 GBIs in Alaska and California, and I don't know why we can't build some more to deploy in Europe.

So I don't know what to make of this letter. Obviously, it comes at the last minute and hasn't been sent to us, and I don't see how we can base a vote on such a letter.

The PRESIDING OFFICER. I believe all time has expired. The Senator from Tennessee.

Mr. CORKER. Mr. President, I would like to just interject, with tremendous respect for my friend from Arizona, this letter is something that actually I have been seeking too. I know a number of us have asked the President to send this letter. I am glad he sent it.

I am going to support the McCain amendment and wish this was not in the preamble. I talked to General Cartwright yesterday who, by the way, has reiterated about what was said about the missile defense system. The preamble in no way limits it. But I wish to say this letter is something I am glad was sent. I asked for this letter, as numbers of people on our side have asked for.

Mr. LUGAR. If the Senator will yield, let me respond. The President sent a copy of the letter to Senator MCCONNELL, our leader. Both leaders got the letter.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired and the motion to concur with amendment No. 4827 is withdrawn.

The question now is on agreeing to motion to concur in the House amendment to the Senate amendment to H.R. 2965.

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

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from New Hampshire (Mr. GREGG), and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''nay,'' and the Senator from Kentucky (Mr. BUNNING) would have voted ''nay.''

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

The Chair will remind the galleries that expressions of approval or disapproval are not in order.

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—65

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (NE)
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Kirk	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lincoln	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Ensign	Mikulski	Wyden
Feingold	Murkowski	

NAYS—31

Alexander	DeMint	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NOT VOTING—4

Bunning	Hatch
Gregg	Manchin

The motion was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. Mr. President, I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I have spoken to the Republican leader. We are going to come in tomorrow around noon. I have spoken to Senator RISCH, who has an important amendment to offer on the START treaty. He has indicated he would need about 2 hours of debate. We would hope at or near 2 o'clock to have a series of at least three votes. And today, as we indicated earlier, we are basically through except for the wrap-up. We do have another vote.

EXECUTIVE SESSION

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

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume debate on the START treaty, which the clerk will report.

The bill clerk read as follows:

Treaty with Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms.

Pending:

McCain/Barrasso amendment No. 4814, to amend the preamble to strike language regarding the interrelationship between strategic offensive arms and strategic defensive arms.

The PRESIDING OFFICER. There will be 4 minutes of debate equally divided on the McCain amendment.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, currently the New START treaty establishes limits on missile defense. Placing constraints on future U.S. defense capabilities should not be up for debate and should not be placed in a treaty on strategic offensive nuclear weapons. Russia is trying to force the United States to choose between missile defense and the treaty. If that is the case, I choose missile defense. We cannot tie our hands behind our back and risk the national security of our Nation and our allies.

This treaty is a bilateral agreement between Russia and the United States. It is clear that there is a disagreement about the actual agreement made. Russia continues to claim that the treaty successfully limits our ability to defend ourselves. Supporters of the treaty claim the limitation on missile defense in the preamble is not binding and that it is legally insignificant and a throwaway provision.

We are talking about the preamble. Like the preamble to the Constitution, ''we the people,'' this is meaningful. Some things we hold dear. The safe and the smart decision would be to eliminate the disagreement by getting rid of that provision entirely.

I urge all colleagues to support the McCain-Barrasso amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, this amendment is unnecessary because, as General Chilton, who is the commander of U.S Strategic Command, said:

> I can say with confidence that this treaty does not constrain any current or future missile defense.
>
> Secretary Gates has said that what the Russians wanted to achieve was a restraint. He said this treaty doesn't accomplish that for them.

Even though the language is completely nonbinding, has no requirement in it whatsoever, this amendment requires us to go back to Russia, renegotiate the treaty, open whatever advantages or disadvantages they may perceive since the negotiation exists, and we would go through a prolonged negotiation. We have no verification whatsoever today because that ceased on December 5 of last year. We need to hold this treaty intact and pass it.

I yield whatever remaining time I have to the chairman of the Armed Services Committee.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, every one of our military leaders has said to the Armed Services Committee and I believe they have reiterated to the Foreign Relations Committee that there

are no constraints in this treaty on missile defense, period, end of quote. These are our top military leaders. They are in charge of missile defense. They say there are no constraints.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 4814.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from New Hampshire (Mr. GREGG), and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea'' and the Senator from Kentucky (Mr. BUNNING) would have voted ''yea.''

The result was announced—yeas 37, nays 59, as follows:

[Rollcall Vote No. 282 Ex.]

YEAS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Kirk	Vitter
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lieberman	

NAYS—59

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bennett	Johnson	Rockefeller
Bingaman	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lincoln	Udall (NM)
Coons	Lugar	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Murray	

NOT VOTING—4

Bunning	Hatch
Gregg	Manchin

The amendment (No. 4814) was rejected.

Mr. KERRY. I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 4839

Mr. RISCH. Mr. President, is amendment No. 4839 at the desk?

The PRESIDING OFFICER. It is.

The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. RISCH] proposes an amendment numbered 4839.

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

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

The amendment is as follows:

(Purpose: To amend the preamble to the Treaty to acknowledge the interrelationship between non-strategic and strategic offensive arms)

In the preamble to the New START Treaty, insert after ''strategic offensive arms of the Parties,'' the following:

Acknowledging there is an interrelationship between non-strategic and strategic offensive arms, that as the number of strategic offensive arms is reduced this relationship becomes more pronounced and requires an even greater need for transparency and accountability, and that the disparity between the Parties' arsenals could undermine predictability and stability,

Mr. RISCH. Mr. President and fellow Senators, what we are going to do is, tomorrow, at noon, we are going to start with amendment No. 4839. Amendment No. 4839 deals with the relationship between strategic weapons, which this treaty deals with, and tactical weapons, which this treaty does not deal with but should. That is essentially the purpose of this amendment.

I think virtually everyone who is involved in this debate has an opinion on this, No. 1. But almost everyone agrees that the issue of tactical weapons, namely, short-range weapons, is a very serious issue and rises to at least the level of the discussion on strategic weapons, and perhaps even more so.

So tomorrow we are going to have a spirited discussion about those issues. There has actually been quite a bit of debate already on this, and for those of you who are like me, and you take the CONGRESSIONAL RECORD home and read it in the evening, if you go back and look at the debates on the various treaties that dealt with nuclear weapons treaties, you will see that some very bright people, some of whom are still Members of this body, have already spoken on this issue.

I am looking forward to having this discussion tomorrow.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

MORNING BUSINESS

Mr. TESTER. Mr. President, I ask unanimous consent to go into morning business.

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

Mr. TESTER. Mr. President, before I talk about the Forest Jobs and Recreation Act, I want to say, you never looked better, Mr. President. So I appreciate you being in the Chair today.

FOREST JOBS AND RECREATION ACT

Mr. TESTER. Mr. President, I want to talk a little bit about the omnibus bill that was pulled down 2 nights ago because there were not the votes from across the aisle to get the bill moving.

In that omnibus bill, there was a number of very important projects for every State in the Union. But there were a lot of very important projects for the State of Montana in that bill that I am afraid now will be put on the back burner.

Nonetheless, there was also some very important language in the omnibus bill. In my particular case, there was language in that bill that was going to help put people back to work, and that language was contained in a bill we call the Forest Jobs and Recreation Act.

What this bill does is create 660,000 acres of new wilderness. It creates 370,000 permanent acres in new recreation areas. It requires forest restoration and logging of 100,000 acres over 15 years.

It is important in Montana for several reasons. The first reason is, we have been attacked by beetles, the bark beetles that have killed a large percentage of our forests, and we need to give the Forest Service the tools they need to be able to treat that.

The second thing is that in the western part of Montana the economy has been hurt pretty badly. The unemployment rate there is the highest in our State. This bill will create jobs. Let me give you an example.

Over the last year, in Montana, 1,700 jobs were lost in the wood products industry alone. This bill would help get those folks back to work. How? Well, it would help the folks running the chain saws, doing the cutting in the woods, the mills that create dimension lumber and plywood, and those kinds of things, get back up running and employing people.

It would help provide the opportunity for biofuels with these trees, to be able to get a dependable supply, to be able to put the investment in to create biofuels, and move that industry along, to make this country more energy independent.

It would help save our timber infrastructure because, quite frankly, if you look at some of the States in the West, that timber infrastructure is gone, and our ability to manage those forests leaves us when that timber structure goes. That is not the case in Montana, but we are getting very close. It is why this bill needs to be passed. Unfortunately, it does not look as though it is going to happen at this point in time.

The other part about this bill—as I said, while there were so many projects in the omnibus, the CBO says this bill is deficit neutral, with no cost to the taxpayers. It is a bipartisan bill. It is a bill we have support for from both sides of the aisle, with Governors and Senators and Congressmen and local county commissioners, from both parties.

It is a bill that the Forest Service, through Secretary Vilsack, supports. It is popular with over 70 percent of Montanans.

As I said earlier, we are in dire need of it because our forest is dying, with