Mr. KERRY. I move to lay that motion on the table. The motion to lay on the table was agreed to.

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

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that there be no other amendments, motions, or points of order in order in relation to the treaty or the resolution of ratification; that the Senate immediately proceed with no intervening action or debate to a vote on the Resolution of Advise and Consent to Ratification, as amended, to the New START Treaty, Treaty Document No. 111–5, that if the resolution is adopted, the motion to reconsider be laid upon the table and the President be immediately notified of the Senate’s action; that upon disposition of the New START treaty the Senate proceed to a vote on confirmation of the nomination of Calendar No. 1089, Mary Helen Murgula, of Arizona, to be a U.S. circuit judge for the Ninth Circuit; that if the nomination is confirmed, the motion to reconsider be laid upon the table and the President be immediately notified of the Senate’s action; further, that upon disposition of the Matheson nomination, the Senate immediately proceed to a vote on Calendar No. 934, Scott M. Matheson, Jr., of Utah, to be a U.S. circuit judge for the Tenth Circuit; that if the nomination is confirmed, the motion to reconsider be laid upon the table and the President be immediately notified of the Senate’s action; further, that the Senate immediately proceed to the consideration of the following judicial nominations en bloc: Calendar Nos. 1119, 1120, and 1139, that is, Kathleen M. O’Malley, Beryl Alaine Howell, and Robert Leon Wilkins, that the nomination be confirmed en bloc, the motion to reconsider be considered made and laid upon the table en bloc, the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The VICE PRESIDENT. Is there objection?

Without objection, it is so ordered.

The question is on the adoption of the resolution of ratification, as amended, to the treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol.

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

The VICE PRESIDENT. Is there a sufficient second?

The Yeas and Nays are agreed to.

The following Senators are agreeing to vote on the Murgula nomination: Arizona, Mr. MCCAIN; Arkansas, Mr. BARRASSO; Hawaii, Mr. BURT; Idaho, Mr. CRUZ; Iowa, Mr. GRASSLEY; Kentucky, Mr. BUNKER; Louisiana, Mr. LOYD; Maine, Mr. COLLINS; Maryland, Mr. BOND; Massachusetts, Mr. REED; Michigan, Mr. ROY; Missouri, Mr. BOND; Montana, Mr. REED; Nebraska, Mr. NEELY; New Hampshire, Mr. BROWN (NH); New Mexico, Mr. BYRD; North Carolina, Mr. COCHRAN; Ohio, Mr. PORTMAN; Oklahoma, Mr. BRITT; Oregon, Mr. WINTER; Pennsylvania, Mr. RILEY; South Carolina, Mr. SCOTT; South Dakota, Mr. THUNE; Tennessee, Mr. HUTCHISON; Texas, Mr. ENZI; Utah, Mr. HAWLEY; Virginia, Mr. AXELROD; Washington, Mr. BROWNSTEIN; West Virginia, Mr. BROWN (WV); Wisconsin, Mr. ROSENTHAL; and Wyoming, Mr. BROWN (WY).

The VICE PRESIDENT. On this vote, the yeas are 71, the nays are 26. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification, as amended, is agreed to.

The resolution of ratification agreed to is as follows:

TREATY APPROVED

Treaty with Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms (Treaty Doc. 111–5)

Resolution of ratification as amended: Resolved, (two-thirds of the Senators present concurring therein),

That the Senate advises and consents to the ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol, including Annex on Inspection Activities to the Protocol, Annex on Notifications to the Protocol, and Annex on Telemetric Information to the Protocol, all such documents being integral parts of and collectively referred to in this resolution as the “New START Treaty” (Treaty Document 111–5), subject to the conditions of subsection (a), the understandings of subsection (b), and the declarations of subsection (c).

(a) Certification. The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) GENERAL COMPLIANCE.—If the President determines that the Russian Federation is acting or has acted in a manner that is inconsistent with the object and purpose of the New START Treaty, or is in violation of the New START Treaty, so as to threaten the national security interests of the United States, then the President shall—

(A) consult with the Senate regarding the implications of such actions for the viability of the New START Treaty and the national security interests of the United States;

(B) seek on an urgent basis a meeting with the Russian Federation at the highest diplomatic level with the objective of bringing the Russian Federation into full compliance with its obligations under the New START Treaty; and

(C) submit a report to the Senate promptly thereafter, detailing—

(i) The dependence to the New START Treaty remains in the national security interests of the United States; and

(ii) how the United States will reassert the impact of Russian actions on the national security interests of the United States.

(2) PRESIDENTIAL CERTIFICATIONS AND REPORTS ON NATIONAL TECHNICAL MEASURES.—(A) Prior to the entry into force of the New START Treaty, and annually thereafter, the President shall certify to the Senate that the United States National Technical Means, in conjunction with the facilities and instruments provided for in the New START Treaty, are sufficient to ensure effective monitoring of Russian compliance with the provisions of the New START Treaty and timely warning of any Russian preparation to break out of the limits in Article II of the New START Treaty. Following submission of the first such certification, each subsequent certification shall be accompanied by a report to the Senate indicating how United States National Technical Means, including collection, processing, and analysis, actual and expected, will be utilized to ensure effective monitoring. The first such report shall include a long-term plan for the maintenance of New START Treaty monitoring. Each subsequent report shall include an update of the long-term plan. Each such report may be submitted in either classified or unclassified form.

(B) It is the sense of the Senate that monitoring Russian Federation compliance with the New START Treaty is a high priority and that the inability to monitor Russian Federation compliance may constitute a threat to United States national security interests.

(3) Reductions.—(A) The New START Treaty shall not enter into force until the instruments of ratification have been exchanged in accordance with Article XIV of the New START Treaty.

(B) If, prior to the entry into force of the New START Treaty, the President plans to implement reductions of United States strategic nuclear forces below those currently planned and consistent with the Treaty between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (commonly referred to as the Moscow Treaty”), then the President shall—

(i) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(ii) take no such reductions until the President submits to the Senate the President’s determination that such reductions are in the national security interest of the United States.

(4) TIMELY WARNING OF BREAKOUT.—If the President determines, after consultation with the Director of National Intelligence, that the Russian Federation intends to break out of the limits in Article II of the New START Treaty, the President shall immediately inform the Committees on Foreign Relations and Armed Services of the
Senate, with a view to determining whether circumstances exist that jeopardize the supreme interests of the United States, such that withdrawal from the New START Treaty or the implementation of Article IX of the Treaty requiring the advice and consent of the Senate not later than January 31 of each year beginning with January 31, 2012, which will provide—

(A) details on each Party’s reductions in strategic offensive arms between the date mandated in Article IV of the Treaty and December 31, 2011, or, in subsequent reports, during the previous year;

(B) certification that the Russian Federation is in compliance with the terms of the New START Treaty, or a detailed discussion of any noncompliance by the Russian Federation;

(C) a certification that any conversion and elimination procedures adopted pursuant to Article VI of the New START Treaty and Article VIII of the protocol, and the Annex on Telemetric Information to the Protocol for the launch of—

(A) any missile defense interceptor, as defined in paragraph 4 of Part One of the Protocol, or any satellite launches, missile defense sensor targets, and missile defense intercept targets, the launch of which uses the first stage of an existing type of United States ICBM or SLBM listed in paragraph 8 of Article III of the New START Treaty; or

(C) any missile described in clause (a) of paragraph 7 of Article III of the New START Treaty.

(5) UNITED STATES MISSILE DEFENSE TEST TELEMETRY.—Prior to entry into force of the New START Treaty, the President shall provide to the Russian Federation telemetric information under Article IX of the New START Treaty, Part Seven of the Protocol, and the Annex on Telemetric Information to the Protocol for the launch of—

(A) any missile defense interceptor, as defined in paragraph 4 of Part One of the Protocol, or any satellite launches, missile defense sensor targets, and missile defense intercept targets, the launch of which uses the first stage of an existing type of United States ICBM or SLBM listed in paragraph 8 of Article III of the New START Treaty; or

(C) any missile described in clause (a) of paragraph 7 of Article III of the New START Treaty.

(6) CONVENTIONAL PROMPT GLOBAL STRIKE.—

(A) The President may, as an initial step toward clarifying its planning and intent in developing future conventionally armed, strategic-range weapon systems, publish an initial report informing the Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(B) The report under subparagraph (A) may be supplemented by a classified annex.

(C) Not later than one year after the entry into force of the New START Treaty, the President shall submit a report to the Committees on Foreign Relations and Armed Services of the Senate and to the Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

1. The report under subparagraph (A) may be supplemented by a classified annex.

(D) An assessment of the operation of the New START Treaty’s transparency mechanisms, including—

(i) the extent to which either Party encrypted or otherwise impeded the collection of telemetric information; and

(ii) an assessment of whether a strategic imbalance exists that endangers the national security interests of the United States.

(11) STRATEGIC NUCLEAR DELIVERY VEHICLES.—Prior to the entry into force of the New START Treaty, the President shall certify to the Senate that the President intends to—

(A) modernize or replace the triad of strategic nuclear delivery vehicles that include the land-based intercontinental ballistic missile, the US submarine-launched ballistic missile, and the US intercontinental-range cruise missile, and the heavy bomber and air-launched cruise missile, an ICBM, and an SSBN and SLBM; and

(B) maintain the United States rocket motor industrial base.

(12) TACTICAL NUCLEAR WEAPONS.—(A) Prior to the entry into force of the New START Treaty, the President shall certify to the Senate that—

(i) the United States will seek to initiate, following consultation with NATO allies but not necessarily with other Allies, the initiation of a new kind of non-strategic (tactical) nuclear weapon not listed in paragraph 8 of Article II of the New START Treaty or to resolve a question from the Bilateral Consultative Commission to improve the viability or effectiveness of such systems; and

(ii) the President shall consult with the Senate a report—

(A) detailing the steps taken to conclude the agreement cited in subparagraph (A); and

(B) analyzing the reasons why such an agreement has not been concluded.

(C) Recognizing the difficulty the United States has faced in ascertaining with confidence the number of tactical nuclear weapons maintained by the Russian Federation and the security of those weapons, the Senate urges the President to engage the Russian Federation with the objectives of—

(i) establishing cooperative measures to give each Party to the New START Treaty
improved confidence regarding the accurate accounting and security of tactical nuclear weapons maintained by the other Party; and
(ii) providing United States or other international partners to the Russian Federation ensure the accurate accounting and security of its tactical nuclear weapons.

(15) RENEWING CERTAIN FACILITIES.—Prior to the entry into force of the New START Treaty, the President shall certify to the Senate that the President intends to—

(A) accelerate to the extent possible the design and engineering phase for such facilities;
(B) request full funding, including on a multi-year basis as appropriate, for the Chemistry and Metallurgy Research Replacement (CMRR) building and the Uranium Processing and Engineering Facility upon completion of the design and engineering phase for such facilities;

(14) EFFECTIVENESS AND VIABILITY OF NEW START TREATY AND UNITED STATES MISSILE DEFENSE.—Prior to the entry into force of the New START Treaty, the President shall certify to the Senate, and at the time of the exchange of instruments of ratification shall communicate to the Russian Federation, that it is the policy of the United States to continue development and deployment of United States missile defense systems to defend against missile threats from nations such as China, Iran, North Korea, and Russia, and shall not convert and shall not use launchers of missile defense systems, including any weapon that is capable of boosted aerodynamic flight; and

(B) nothing in the New START Treaty prohibits deployments of strategic-range non-nuclear weapon systems, including any weapon that is capable of boosted aerodynamic flight;

(c) DECLARATIONS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following declarations, which express the intent of the Senate—

(1) MISSILE DEFENSE.—(A) It is the sense of the Senate that—

(i) the New START Treaty which may enter into force and the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States;

(ii) pursuant to the National Missile Defense Act of 1999 (Public Law 106–38), it is the policy of the United States “to deploy as soon as is technologically possible an effective, national missile defense system capable of defending the territory of the United States against limited ballistic missile attacks (whether accidental, unauthorized, or deliberate);”

(iii) defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should the New START Treaty be extended and

(iv) further limitations on the missile defense capabilities of the United States are not in the national security interest of the United States.

(B) The New START Treaty and the April 7, 2010, unilateral statement of the Russian Federation are a paramount obligation of the United States Government to provide for the defense of the American people, deployed members of the United States Armed Forces, and United States allies against nuclear attacks to the best of its ability;

(b) UNDERSTANDINGS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following understandings, which shall be included in the Instrument of Ratification:

(ii) any limitations on the deployment of missile defenses other than the requirements of paragraph 3 of Article V of the New START Treaty, shall not convert and shall not use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein. This provision shall not apply to launchers that were converted prior to signature of this Treaty for placement of missile defense interceptors therein.

(3) STRATEGIC-RANGE, NON-NUCLEAR WEAPON SYSTEMS.—It is the understanding of the United States that—

(A) future, strategic-range non-nuclear weapon systems that meet the definitions of the New START Treaty will be “new kinds of strategic offensive arms” subject to the New START Treaty;

(B) nothing in the New START Treaty restricts United States research, development, testing, and evaluation of strategic-range, non-nuclear weapons, including any weapon that is capable of boosted aerodynamic flight;

(b) UNDERSTANDINGS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following understandings, which shall be included in the Instrument of Ratification:

(i) any limitations on United States research, development, testing, and evaluation of strategic-range, non-nuclear weapons, including any weapon that is capable of boosted aerodynamic flight;

(ii) any prohibition on the deployment of such systems, including any such limitations or prohibitions agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force and the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(1) MISSILE DEFENSE.—(A) It is the sense of the Senate that—

(i) the New START Treaty does not impose any limitations on the deployment of missile defenses beyond those contained in paragraph 3 of Article V of the New START Treaty.

(ii) the United States is committed to improving the United States Armed Forces defensive capabilities both quantitatively and qualitatively during the period that the New
START Treaty is in effect, and such improvements are consistent with the Treaty.

(3) Conventionally armed, strategic-range weapon systems.—Consistent with statements by the United States that such systems are not intended to affect strategic stability with respect to the Russian Federation, the Senate finds that conventionally armed, strategic-range weapon systems not co-located with nuclear-armed systems do not affect strategic stability between the United States and the Russian Federation.

(4) Nunn-Lugar cooperative threat reduction.—It is the sense of the Senate that the Nonproliferation Threat Reduction (CTR) Program has made an invaluable contribution to the security and elimination of weapons of mass destruction, including nuclear materials in Russia and elsewhere, and that the President should continue the global CTR Program and CTR assistance to Russia, including for the purpose of facilitating implementation of the New START Treaty.

(5) Asymmetry in reductions.—It is the sense of the Senate that, in conducting the reductions required by the New START Treaty, the President should regulate reductions in United States strategic offensive arms so that the number of accountable strategic offensive arms possessed by the Russian Federation in any case exceeds the comparable number of accountable strategic offensive arms possessed by the United States, to the extent that a strategic imbalance endangers the national security interests of the United States.

(6) Compliance.—(A) The New START Treaty will remain in the interests of the United States only to the extent that the Russian Federation is in strict compliance with its obligations under the New START Treaty possessed by the Russian Federation in no case exceeds the comparable number of accountable strategic offensive arms possessed by the United States. The President should consult with the Senate prior to taking actions relevant to the lowest possible levels consistent with national security requirements and alliance obligations of the United States, the Senate expects the President to consult with the Senate regarding the paragraphs 2 or 3 of Article XIV of the New START Treaty.

(7) Future strategic arms reductions.—(A) Recognizing the obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, D.C., April 1, 1970 (2 U.S.C. 1231), the President should consult with the Senate prior to taking actions relevant to paragraphs 2 or 3 of Article XIV of the New START Treaty.

(8) Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation in force in the United States at the time of the resolution of advice and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols (commonly referred to as the “INF Treaty”), approved by the Senate on May 27, 1988, and condition (8) of the resolution of advice and consent to the ratification of the Senate's language is agreed to the final version of the document agreed among the states parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990 (commonly referred to as the “CFE Flank Document”), approved by the Senate on May 14, 1997.

(9) Treaty modification or reinterpretation.—The Senate declares that any agreement or understanding which in any material way modifies, amends, or reinterprets United States or Russian obligations under the New START Treaty including the time frame for implementation of the New START Treaty, should be submitted to the Senate for its advice and consent to ratification.

(10) Consultations.—Given the continuing interest of the Senate in the New START Treaty and in strategic offensive reductions to the lowest possible levels consistent with national security requirements and alliance obligations of the United States, the Senate expects the President to consult with the Senate in a timely fashion on any changes to the New START Treaty.

(11) Future strategic arms reductions.—(A) Recognizing the obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, D.C., April 1, 1970 (2 U.S.C. 1231), the President should consult with the Senate prior to taking actions relevant to paragraphs 2 or 3 of Article XIV of the New START Treaty.

(12) Modernization and replacement of United States nuclear delivery vehicles.—In accordance with paragraph 1 of Article V of the New START Treaty, which states that, “subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out,” it is the sense of the Senate that United States deterrent and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery systems through the continued flexibility of United States conventional and nuclear delivery systems.

The VICE PRESIDENT. Under the previous order, the President will be immediately notified of the Senate's advice and consent to the resolution of ratification.

Mr. ENZI. Mr. President, I rise today to explain why I voted against the New START treaty. The U.S. Senate is the deliberative body of Congress. Our forefathers recognized that issues of this magnitude are thoroughly considered with all of the facts and with a careful eye on all possible future consequences. With previous treaties of this magnitude, the full Senate has been allowed over a full year to consider what the treaty would require of not only Russia but also the United States. That hasn't happened here, and it is a disconcerting trend. Both the Russian and U.S. governments stated they will not take actions during the negotiations of this treaty that would be contrary to the spirit of the treaty. Both the Russian and U.S. governments recognized the treaty's implementation will take time. The need to get this treaty right is paramount.

I am concerned that I haven't had all of my specific questions answered about the treaty. Although members of the Senate have had the opportunity to consider this treaty and ask many questions, the full Senate has not had the chance to have all of their questions answered. Forcing through a treaty without detailed scrutiny by the full Senate is not how our government should work.

Even with post-Cold War threats and adversaries, the nuclear balance between the United States and Russia remains a cornerstone to global non-proliferation efforts. That's why the majority leader of the Senate must determine if he or she believes this treaty will make our Nation safer. We can only do so if we have all the information about the treaty, and we can only make it better if we have the opportunity to fully amend the treaty.

During debate, we were repeatedly told that amending the treaty would kill it. That's just not true. Going back and forth on treaties is not new. As with the original START, which was signed in 1991, the U.S. Senate did not accept the first version and required that a better treaty be created.

We offered amendments that would have simply required that Russia be more involved in the changes. This treaty will require, stressing the importance to the Russian government to create a safe global atmosphere similar to the United States. Those amendments were rejected. Only two amendments, one about modernization of the nuclear weapons complex and one stating that missile defense will proceed, were accepted by unanimous consent. The other amendments were either not considered or failed. It is now up to the Russian government to suggest changes by the Senate's amendments and approve them or not. Both countries should be willing to work hard on this front and the best treaties, just like legislative bills, are those that are thoroughly considered by all involved with a willingness to comprehensively address all concerns and needs.

Beyond the issues of Senate processes, I have concerns about certain provisions in this treaty. It is impossible to fully consider this treaty without being able to review the full negotiating record, which has not been provided to all senators. Summaries have
As a founding member of the Senate ICBM Coalition, I strongly believe that all three legs of the nuclear triad—missiles, submarines, and bombers—must be maintained in order to retain a highly reliable and credible deterrent nuclear force. This need is even greater as we potentially draw down some of our current forces through the New START treaty. I have worked with other members in the ICBM Coalition and with the administration to encourage them to ensure the treaty does not harm the triad. I appreciated the information provided by the administration on the treaty and the opportunity to meet on this issue during the floor debate. However, I remain deeply concerned about the implications the treaty will have on our country’s national security, particularly its potential effects on the current missile force structure. Without the specific information on how the administration is going to implement the treaty and concrete assurances that the current missile force structure of 450 deployed and non-deployed silos is maintained, I remain skeptical of this agreement.

F.E. Warren Air Force Base in Cheyenne, WY, helps the United States maintain one leg of the triad by operating part of the ICBM force. It is my obligation to ensure we have the capability to know what effects this treaty will have on the missile defense missions in my home state. I also respect and watch out for the servicemembers in the 90th Space Command and 20th Missile Command who work hard to ensure our country has a strong missile defense. I have not yet been able to get a firm commitment from my Senate colleagues and the administration on a concrete number of missiles that will be maintained under this treaty.

F.E. Warren Air Force Base will require unilateral reductions from the United States with no similar requirements for Russia. Instead, the Russian government is actually given room to build up its nuclear forces with more modern capabilities.

Regardless of this agreement, the United States has not thoroughly addressed the modernization of our country’s nuclear capabilities. I have spoken extensively in the Senate regarding the modernization of our nuclear weapons and the need to ensure a strong defense. The United States and Russian governments maintain a dialogue is a highly positive fact. We need and want the cooperation of our counterparts in Russia in both bilateral and multilateral efforts. This is highlighted in the United Nations Security Council discussions on nuclear weapons development in Iran, North Korea, and other actors.

We want and need to create a safer world while maintaining our defensive capabilities for ourselves and our allies. By forcing debate on this treaty during the lame duck session, I do not believe we were able to fully address all concerns in the detail that was warranted. We needed to be sure the treaty does what we expect it to do without any surprises. I am not convinced we will not see any surprises in the future.

Thus, I voted against the New START treaty.

Our two nations may approach nuclear agreements with different goals, but the fact that the United States and Russian governments maintain a dialogue is a highly positive fact. We need and want the cooperation of our counterparts in Russia in both bilateral and multilateral efforts. This is highlighted in the United Nations Security Council discussions on nuclear weapons development in Iran, North Korea, and other actors.

The following is a summary of the New START treaty:

The treaty will require unilateral reductions from the United States with no similar requirements for Russia. Instead, the Russian government is actually given room to build up its nuclear forces with more modern capabilities.

Regardless of this agreement, the United States has not thoroughly addressed the modernization of our country’s nuclear capabilities. I have spoken extensively in the Senate regarding the modernization of our nuclear weapons and the need to ensure a strong defense. The United States and Russian governments maintain a dialogue is a highly positive fact. We need and want the cooperation of our counterparts in Russia in both bilateral and multilateral efforts. This is highlighted in the United Nations Security Council discussions on nuclear weapons development in Iran, North Korea, and other actors.

We want and need to create a safer world while maintaining our defensive capabilities for ourselves and our allies. By forcing debate on this treaty during the lame duck session, I do not believe we were able to fully address all concerns in the detail that was warranted. We needed to be sure the treaty does what we expect it to do without any surprises. I am not convinced we will not see any surprises in the future.

Thus, I voted against the New START treaty.

The VICE PRESIDENT. Under the previous order, the question occurs on the following nomination, which the clerk will report.

The assistant legislative clerk reported the nomination of Mary Helen Murguia, of Arizona, to be a U.S. Circuit Judge for the Ninth Circuit. The VICE PRESIDENT. The nomination of Judge Mary Helen Murguia of the Ninth Circuit Court of Appeals has been held.

Mr. KYL. Mr. President, I support the nomination of Judge Mary Murguia to the Ninth Circuit Court of Appeals.

Judge Murguia has served on the Federal district court in Arizona for a decade and has a distinguished record that has earned the respect of the legal community in Arizona.

Perhaps most telling is the high regard in which Judge Murguia is held by her colleagues on the district court; they are absolutely unanimous in their support. She was confirmed by the Senate without final Senate action.

When the Senate is finally allowed to take action, most of his nominations remain blocked by the Senate Rules Committee and have been delayed without explanation or good reason and then confirmed unanimously. The most outrageous examples