

orders from higher headquarters. George was awarded a Silver Star for heroism during the action.

After Korea, George had assignments literally around the world but not surprisingly, fate found George, now a full Colonel, in Vietnam during 1963–4 assigned initially as a deputy Corps Advisor in the Mekong Delta, and later as the Inspector General of Military Assistance Command, Vietnam, working directly under General William Westmoreland. George was subsequently assigned as the Deputy Chief of Staff for Operations and Training for the Military District of Washington and retired on 30 April 1967. George's awards include: the Silver Star with Oak Leaf Cluster, the Legion of Merit, the Bronze Star Medal with three Oak Leaf Clusters, the Air Medal, the Army Commendation Medal, the POW Medal, numerous campaign medals; the Combat Infantryman Badge with star, the War Department General Staff Device, and the Parachutist Badge.

Following retirement, George did volunteer work with numerous benevolent and veterans groups. From 1974–80, George was the Director of Graduate Admissions at Southeastern University while he concurrently studied for his Masters in Business and Public Administration. He served a three year appointment to the Veterans Administration Advisory Committee for Former Prisoners of War. He was active with the scouts and served in Armenian community relief and religious organizations and was most recently the Commander of the local chapter of American Ex-Prisoners of War.

In 1838 a young Abraham Lincoln spoke of "the generation just gone to rest," and the War for Independence by saying:

"At the close of that struggle, nearly every adult male had been a participator in some of its scenes. The consequence was, that of those scenes, in the form of a husband, a father, a son or a brother, a living history was to be found in every family—a history bearing the indubitable testimonies of its own authenticity, in the limbs mangled, in the scars of wounds received, in the midst of the very scenes related—a history, too, that could be read and understood alike by all, the wise and the ignorant, the learned and the unlearned. But those histories are gone. They can be read no more forever. They were a fortress of strength; but what invading foemen could never do the silent artillery of time has done; the leveling of its walls. They are gone. . . ."

Thousands of our World War II heroes are leaving us every day. Centreville needs a lasting reminder of their service and sacrifice for all the generations to come. Please lend your support to designate the United States Post Office at 5003 Westfields Blvd, Centreville, VA as the "Colonel George Juskalian Post Office." Thank you for your consideration.

Very respectfully submitted,

FLOYD D. HOUSTON,  
Commander.

#### RECOGNIZING THE WORK AND IMPORTANCE OF SPECIAL EDUCATION TEACHERS

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 702 which was submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 702) recognizing the work and importance of special education teachers.

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

Mr. DORGAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The resolution (S. Res. 702) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, read as follows:

#### S. RES. 702

Whereas, in 1972, the Supreme Court ruled that children with disabilities have the same right to receive a quality education in the public schools as their nondisabled peers and, in 1975, the Congress passed Public Law 94-142 guaranteeing students with disabilities the right to a free appropriate public education;

Whereas, according to the Department of Education, approximately 6,600,000 children (roughly 13 percent of all school-aged children) receive special education services;

Whereas there are over 370,000 highly qualified special education teachers in the United States;

Whereas the work of special education teachers requires special education teachers to be able to interact and teach students with specific learning disabilities, hearing impairments, speech or language impairments, orthopedic impairments, visual impairments, autism, combined deafness and blindness, traumatic brain injury, and other health impairments;

Whereas special education teachers—

- (1) are dedicated;
- (2) possess the ability to understand the needs of a diverse group of students;
- (3) have the capacity to use innovative teaching methods tailored to a unique group of students; and
- (4) understand the differences of the children in their care;

Whereas special education teachers must have the ability to interact and coordinate with a child's parents or legal guardians, social workers, school psychologists, occupational and physical therapists, and school administrators, as well as other educators to provide the best quality education for their students;

Whereas special education teachers help to develop an individualized education program for every special education student based on the needs and abilities of the student; and

Whereas special education teachers dedicate themselves to preparing special education students for success in school and beyond: Now, therefore, be it

Resolved, That Congress—

- (1) recognizes the amount of work required to be a special education teacher; and
- (2) commends special education teachers for their sacrifices and dedication to preparing individuals with special needs for high school graduation, college success, and rewarding careers.

#### MEASURE READ FIRST TIME—S.J. RES. 42

Mr. DORGAN. Madam President, I understand there is a joint resolution at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the joint resolution for the first time.

The bill clerk read as follows:

A joint resolution (S.J. Res. 42) to extend the continuing resolution until February 18, 2011.

Mr. DORGAN. Madam President, I now ask for its second reading, and in order to place the joint resolution on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The joint resolution will receive its second reading on the next legislative day.

Mr. DORGAN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

#### EXECUTIVE SESSION

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

Mr. WICKER. Madam President, America had an election on November 2. Let me begin by reminding my colleagues that the American people spoke loudly and clearly in November and chose a far different team to serve in Washington. A vastly different leadership will soon take over in the House of Representatives, and a substantially different group of Senators was chosen by the American people in the election on November 2.

It seems the leadership of this lame-duck Senate is determined, in the waning days of 2010, to pack quite a bit of legislation that normally is debated over a considerable amount of time into just a few days—not only the START treaty that we are on now but also don't ask, don't tell and supposedly the majority leader has not given up on the DREAM Act, which would provide amnesty to many illegal immigrants, and also there is the massive Omnibus appropriations bill with 2,000-plus pages.

So we are here at this time, realizing that if the Congress doesn't act, the government will run out of money on Saturday. I assume a short-term CR will be done to address that. But certainly, it would be much easier if we passed what the minority leader suggested today; that is, a reasonable short-term resolution, so the government can be funded and the lights can stay on until mid-February, and the newly elected Congress—the people's choice—can best decide these great issues that are facing our country.

I did find it interesting, a few moments ago, to hear the chairman of the Foreign Relations Committee scold the Senate about the number of filibusters we have supposedly had in this term of Congress. I believe the statement was made that we have had more filibusters in the last 2 years than we have had in decades or since World War II or words to that effect. Here is why that statement is only true in a very technical sense.

It has been the practice of the majority, during the 3 years I have been in the Senate—and from what I understand much longer before that—to

bring a bill to the floor of the Senate. He immediately fills the amendment tree; that is, he offers all the amendments that are allowed under the parliamentary rules of the Senate. That is called filling the tree. It is so nobody else has an opportunity to file an amendment. Then, the majority leader files cloture on that bill. Technically, yes, that is considered a filibuster. But I do not believe that is what most of the American people consider a filibuster and a delaying tactic, with excessive speechifying, when they hear the term "filibuster."

So let's be clear that there has been an unusual practice—at least in the last 3 or 4 years—of calling up a bill, filling the tree, filing for cloture, and then that goes down in history as a filibuster. With all we have to do and all our leadership has determined we must consider during these waning days of December 2010, we must divide our attention between an expensive 2,000-page omnibus bill and the consideration of a very complicated arms control agreement. It is that agreement I will discuss.

It is hard to imagine a more important, more serious issue than our nuclear weapons stockpile. In my view, such a debate deserves our undivided attention. But we will pivot in a few moments and move to the omnibus bill.

I wish to take what time I have at this point to begin sharing my concerns over this treaty and the effect it might have on national security.

Article II of the Constitution requires that the Senate ratify any treaty the President signs with a two-thirds vote. I take this responsibility very seriously, as I am sure all my colleagues do. This responsibility requires us to review any proposed treaty to ensure it is in the national interest of the United States of America.

As a member of the Senate Armed Services Committee and a member of the Foreign Relations Committee, I have participated in the review of this treaty to date. While I appreciate the efforts of my chairman and my ranking member, I am not convinced that the treaty, in its current form, is in the national interests of the United States of America.

I might add I am not alone in this view. To hear debate on the floor from time to time today, one would think all the learned authorities, all the collective wisdom of the United States of America, present and past, are in favor of the hasty ratification of this treaty. I simply point out that there is a wide variety of information and opinion out there that should be brought to the attention of Members of the Senate and the American people.

First of all, I point out to my colleagues an op-ed by former Secretary of State Condoleezza Rice, which appeared in the December 7, 2010, issue of the Wall Street Journal, entitled "New Start: Ratify, with Caveats." Secretary Rice is generally in favor of the direction we are headed in the ratification

of the START treaty. But she does say we need two caveats before ratification takes place. First, she states that smaller forces make the modernization of our nuclear infrastructure even more urgent. She commends the valiant efforts of Members of the Senate, including Senator JON KYL, to gain more robust modernization of our nuclear weapons. Secondly, the former Secretary of State says the Senate must make absolutely clear that in ratifying this treaty, the United States is not reestablishing the Cold War link between offensive forces and missile defenses. She says it is troubling that New START's preamble is unclear in this respect.

I wonder, if we do decide as a Senate to move toward consideration of this treaty, if we will be allowed to offer amendments to the preamble to address the concerns of our immediate past Secretary of State.

Further, I commend to my colleagues a Wall Street Journal op-ed, dated November 15, 2010, by R. James Woolsey. As my colleagues know, and many Americans know, Mr. Woolsey has a distinguished record as a delegate at large to the START and defense-based negotiations, back during the mid-1980s, as ambassador and chief negotiator for the Conventional Armed Forces of Europe Treaty from 1989 to 1991, and was President Clinton's Director of Central Intelligence from 1993 to 1995. So this bipartisan, experienced, former government official lists four concerns that he has with regard to the New START treaty. No. 1, he wonders about this administration's commitment to modernization. No. 2, he says it needs to be made clear that the United States, in ratifying New START, will not be limited at all in its missile defense, and he does not believe that has been taken care of. No. 3, Director Woolsey, President Clinton's Director of Central Intelligence, says this treaty represents a step backward in the verification process between the United States and Russia. Finally, Mr. Woolsey cites the need for a binding resolution on Russian submarine-launched cruise missiles. So I think there is information Members of the Senate need to hear about and need to consider.

Further, I will mention two opinion pieces. One is by Stephen Rademaker, an Assistant Secretary of State from 2002 to 2006. It is a Washington Post op-ed on Friday, August 20, 2010. Secretary Rademaker authored an opinion piece saying this is no way to approve the New START treaty. In his opinion piece, Mr. Rademaker said Senate critics of New START have largely been cut out of the process.

I know this from personal experience as a member of the Foreign Relations Committee. He goes on to say that all but two Republicans on the Foreign Relations Committee formally asked the administration to share with them the negotiating record of the treaty. They were told no, even though there

is precedent for accommodating such requests.

A simple request—had it been accommodated—perhaps could have allayed some of the concerns we have.

In another op-ed, Mr. Rademaker, on December 10 of this year, said START will not stop nuclear proliferation. He points out that the claim that progress in United States-Russian arms control will help stop countries such as Iran from getting nuclear weapons isn't just an argument offered in support of New START, it is also one of the key premises underlying President Obama's embrace of global nuclear disarmament. There is just one problem. He said the notion that faster disarmament will lead to greater progress against nuclear proliferation has never added up.

Then, further, I will quote from a September 8, 2010, Wall Street Journal piece by John Bolton, a senior fellow at the American Enterprise Institute and former Under Secretary of State for Arms Control and International Security from 2001 to 2005. Secretary Bolton observes that the treaty's return to outmoded Cold War limits on weapons launchers, which will require the United States but not Russia to dismantle existing delivery systems, is a problem. He goes on to say this could cripple America's long-range conventional warhead delivery capabilities, while also severely constraining our nuclear flexibility. He said: "We will pay for this mistake in future conflicts entirely unrelated to Russia."

I say to my colleagues that the jury is still out on this issue. These are experienced public servants, experts, and current observers of the international scene and the nuclear negotiation process. They have given us words that give me pause. It makes me think there is no reason to rush into a hasty ratification of this treaty.

With regard to the process, hearings first started in May of this year. I was one of the Foreign Relations Committee members to request nine witnesses we believed were important and necessary to cover the extent of our concerns.

This request was denied. There is no reason such a request would have been denied. In 12 hearings, there were two witnesses who spoke in opposition to this treaty. Members of the minority party requested others, but it nowhere came anywhere near the normal precedent given to the minority to have at least one witness on each panel. I was concerned that no former National Lab Directors were invited to testify.

It is essential that an appropriate amount of time be spent on the Senate floor considering this treaty. Members who have serious concerns must be permitted the opportunity to offer amendments that would address the full range of problems.

I would simply point out, this is the last quote of this speech today. In endorsing the START treaty, the Washington Post, on November 19, said:

Positive steps had been made and the treaty ought to be approved.

But it went on to say, the Editorial Board of the Washington Post went on to say:

But no calamity will befall the United States if the Senate does not act this year.

I could not agree more with the Washington Post. It will not be a calamity if we are given adequate time to fully discuss, to fully examine, to fully debate all of the ramifications about an issue so profound as our nuclear weapons capability. The worst thing this body could do is shirk our constitutional responsibility by rushing this through in the final days of this lameduck session simply to check the box before the new team, the newly elected team comes to Washington and takes office in January.

I ask unanimous consent that the Wall Street Journal article I referenced be printed in the RECORD.

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

[From the Wall Street Journal, Dec. 7, 2010]

NEW START: RATIFY, WITH CAVEATS

(By Condoleezza Rice)

When U.S. President Bush and Russian President Putin signed the Moscow Treaty in 2002, they addressed the nuclear threat by reducing offensive weapons, as their predecessors had. But the Moscow Treaty was different. It came in the wake of America's 2001 withdrawal from the Anti-Ballistic Missile Treaty of 1972, and for the first time the United States and Russia reduced their offensive nuclear weapons with no agreement in place that constrained missile defenses.

Breaking the link between offensive force reductions and limits on defense marked a key moment in the establishment of a new nuclear agenda no longer focused on the Cold War face-off between the Warsaw Pact and NATO. The real threat was that the world's most dangerous weapons could end up in the hands of the world's most dangerous regimes—or of terrorists who would launch attacks more devastating than 9/11. And since those very rogue states also pursued ballistic missiles, defenses would (alongside offensive weapons) be integral to the security of the United States and our allies.

It is in this context that we should consider the potential contribution of the New Start treaty to U.S. national security. The treaty is modest, reducing offensive nuclear weapons to 1,550 on each side—more than enough for deterrence. While the treaty puts limits on launchers, U.S. military commanders have testified that we will be able to maintain a triad of bombers, submarine-based delivery vehicles and land-based delivery vehicles. Moreover, the treaty helpfully reinstates on-site verification of Russian nuclear forces, which lapsed with the expiration of the original Start treaty last year. Meaningful verification was a significant achievement of Presidents Reagan and George H.W. Bush, and its reinstatement is crucial.

Still, there are legitimate concerns about New Start that must and can be addressed in the ratification process and, if the treaty is ratified, in future monitoring of the Obama administration's commitments.

First, smaller forces make the modernization of our nuclear infrastructure even more urgent. Sen Jon Kyl of Arizona has led a valiant effort in this regard. Thanks to his efforts, roughly \$84 billion is being allocated to the Department of Energy's nuclear weapons complex. Ratifying the treaty will help ce-

ment these commitments, and Congress should fully fund the president's program. Congress should also support the Defense Department in modernizing our launchers as suggested in the recent defense strategy study coauthored by former Secretary of Defense Bill Perry and former National Security Adviser Stephen Hadley.

Second, the Senate must make absolutely clear that in ratifying this treaty, the U.S. is not re-establishing the Cold War link between offensive forces and missile defenses. New Start's preamble is worrying in this regard, as it recognizes the "interrelationship" of the two. Administration officials have testified that there is no link, and that the treaty will not limit U.S. missile defenses. But Congress should ensure that future Defense Department budgets reflect this.

Moscow contends that only current U.S. missile-defense plans are acceptable under the treaty. But the U.S. must remain fully free to explore and then deploy the best defenses—not just those imagined today. That includes pursuing both potential qualitative breakthroughs and quantitative increases.

I have personally witnessed Moscow's tendency to interpret every utterance as a binding commitment. The Russians need to understand that the U.S. will use the full-range of American technology and talent to improve our ability to intercept and destroy the ballistic missiles of hostile countries.

Russia should be reassured by the fact that its nuclear arsenal is far too sophisticated and large to be degraded by our missile defenses. In addition, the welcome agreements on missile-defense cooperation reached in Lisbon recently between NATO and Russia can improve transparency and allow Moscow and Washington to work together in this field. After all, a North Korean or Iranian missile is not a threat only to the United States, but to international stability broadly.

Ratification of the treaty also should not be sold as a way to buy Moscow's cooperation on other issues. The men in the Kremlin know that loose nukes in the hands of terrorists—some who operate in Russia's unstable south—are dangerous. That alone should give our governments a reason to work together beyond New Start and address the threat from tactical nuclear weapons, which are smaller and more dispersed, and therefore harder to monitor and control. Russia knows too that a nuclear Iran in the volatile Middle East or the further development of North Korea's arsenal is not in its interest. Russia lives in those neighborhoods. That helps explain Moscow's toughening stance toward Tehran and its longstanding concern about Pyongyang.

The issue before the Senate is the place of New Start in America's future security. Nuclear weapons will be with us for a long time. After this treaty, our focus must be on stopping dangerous proliferators—not on further reductions in the U.S. and Russian strategic arsenals, which are really no threat to each other or to international stability.

A modern but smaller nuclear arsenal and increasingly sophisticated defenses are the right bases for U.S. nuclear security (and that of our allies) going forward. With the right commitments and understandings, ratification of the New Start treaty can contribute to this goal. If the Senate enters those commitments and understandings into a record of ratification, New Start deserves bipartisan support, whether in the lame duck session or next year.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, as we take up the consideration of the New START, we not only have the op-

portunity, but also an obligation to provide consent on the ratification of this treaty. It is long overdue. We need to regain our ability to provide boots-on-the-ground verification of the Russian nuclear complex.

Over the past 8 months, we have all had ample opportunity to review the documents and reports related to the New START. We have conducted 20 hearings, taken over 900 questions. They were questions asked by Members of the Senate, mainly to the administration, in which those answers have been provided; 900 questions, over 900 for the record.

In short, we have given significant consideration to the ratification of New START. I know my colleagues on both sides of the aisle are committed to guaranteeing the security of our country and also recognize the obligation to ratify this arms control agreement immediately.

I want to take you back a little bit because I hear my colleagues talking about not having enough time. I want to take you back to a hot day this summer in the Foreign Relations Committee, where—Madam President, you were at that meeting in which those who are now saying we do not have enough time, asked for just a little bit more time, during the impending recess, so we could orderly consider the ratification process.

That was a hot summer day. It is now a snowy day in December, and they are still saying the same thing: Just give us more time. We have had plenty of time.

I compliment Senator KERRY and Senator LUGAR for the manner in which they have considered this treaty. This is a very important treaty for America, and they have made sure that the Senate has had, and each Senator has had, ample opportunity to get all of the information we need—all of the information we need from administration individuals or from experts or from anyone. They have been very open in this process.

They have also given every Member of the Senate ample time to get every question answered, to get all of the material they need, and it is now time for us to take on our responsibility; that is, to take up this treaty for ratification and vote it up or down.

I certainly hope my colleagues will vote to ratify this treaty. I think it is critically important to our national security. In addition to its contributions to American security, one of the most compelling reasons we should ratify this treaty, and do so before we recess, is to regain our insight into Russia's strategic offensive arms.

Since START I expired over a year ago, we have had no comprehensive verification regime in place in order to help us understand Russia's strategic nuclear force. We need the transparency to know what Russia is doing to provide confidence and stability, and we need that confidence and stability to contribute to a safer world. We will

only regain that transparency by ratifying this treaty, and we are in dangerous territory without it.

Let me repeat. We need this treaty for verification. We need this treaty to know what Russia is doing, so we can verify what Russia tells us, to make sure, in fact, that it is true. Not only will this treaty enhance the national security of the United States, it will serve as a significant step forward in our relationship with Russia, a key partner in the overall U.S. strategy to reduce the spread of nuclear weapons worldwide.

Let's be perfectly clear about this. There are still two nations that have the majority of the nuclear weapon capacity in this world; it is Russia and the United States. Working together, we can make this world safer. Working together, we can move forward with reductions in strategic arms around the world. Working together, we provide the leadership so we can move forward against proliferation of nuclear weapons. In fact, we have done that.

But the failure to ratify this treaty could have a major negative impact on the leadership of the United States in this area. The U.S. relationship with the Russian Federation is key in our efforts to curtail Iran's nuclear ambitions. In June, Russia voted for the latest U.N. Security Council sanctions on Iran and later canceled the sale of an advanced arms defensive missile system.

The ratification of New START is essential in reinitiating verification inspections and, more importantly, for the United States and Russia to lead the way in reducing the world's nuclear arms stockpile. This is for leadership. We all talk about making sure Iran does not become a nuclear weapons state. Ratifying the New START treaty will help us in making sure Iran does not become a nuclear weapons state. It keeps the United States and Russia focused on strategic arms reduction and focused on nonproliferation.

The failure to ratify this treaty is a setback in our ability to effectively stop Iran from becoming a nuclear weapons state. New START, the first treaty with Russia in almost a decade, calls for both sides to reduce their deployed warheads modestly from 2,200 to 1,550. The new treaty would restore verification, inspections, and other exchanges of information about the American and Russian arsenals. New START could pay dividends not only by improving nuclear security but by paving the way to greater cooperation between the two powers in dealing with such hot spots as Iran and Afghanistan.

Let me just point out one other part, if I might; that is, previous arms treaties have been ratified with overwhelming bipartisan support. START I was passed 93 to 6 in 1994. The Moscow Treaty passed 95 to 0 in 2003. Legislators recognized then that arms control agreements between Russia and the United States are not just good for the security of our two nations but can

lead the way to the world to reduce proliferation of nuclear weapons.

During last month's NATO Summit in Lisbon, the NATO Secretary General stated:

The New START treaty would also pave the way for arms control and disarmament initiatives and other areas that are vital to Euro-Atlantic security.

So I think this is a key moment in the history of the Senate. I know there are many important votes that we take in the Senate. There are many votes we take that have very significant consequences. The ratification of this treaty is just one of those moments. It keeps us on path and enhances our credibility to make the world safer, and does it in a way that enhances the security of the people of the United States of America.

This is a treaty that needs to be ratified and needs to be ratified now. I urge my colleagues to vote in the interests of national security, to move swiftly, and pass this treaty.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I understand Senator THUNE is the next to speak on the Republican side. I ask unanimous consent to follow him after he has spoken, and Senator CHAMBLISS would then follow me.

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

The Senator from South Dakota.

Mr. THUNE. I thank the Senator from Illinois for locking in the time. I want to start by saying here we are, jammed against the Christmas break with the majority using Christmas as a backstop to rush through an arms control treaty with the Russians and a trillion-dollar spending bill on a dual-track basis.

What that means is that we are considering, at the same time, two documents encompassing thousands of pages with very little ability to offer meaningful amendments or devote meaningful time to consider the full impact of these documents that will have a far-reaching and long-term impact on our Nation.

As I wrote recently in an op-ed that appeared in National Review Online:

New START misses one opportunity after another to maintain a stable nuclear relationship between our two countries. To remedy this will require significant time on the floor of the Senate. Trying to force it through without ample time for debate and amendments would amount to a Christmas gift to the Russians.

I ask unanimous consent that the op-ed I wrote for National Review Online entitled "Don't Force New START," dated December 9, 2010, be printed in the RECORD at the end of my remarks.

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

(See exhibit 1)

Mr. THUNE. Madam President, the Nation's attention is fixed firmly on this travesty of an omnibus trillion-dollar appropriations bill which we

should be debating now because the current funding resolution for the government ends tomorrow. We should not be debating a significant arms control treaty at this late date and trying to dual-track what I said earlier are thousands of pages of documents that need appropriate time on the floor of the Senate.

I want to speak, if I might, briefly today to the substance of the START agreement and my concerns about that agreement in its current form. First of all, I want to speak to the issue of missile defense.

The New START treaty not only contains specific limitations on missile defense in article V but also reestablishes an unwise linkage in the preamble to the treaty between offense and defense that was broken when the ABM treaty came to an end.

Moreover, Russia's unilateral statement that the treaty "can operate and be viable only if the United States of America refrains from developing its missile defense capabilities, quantitatively or qualitatively" is extremely troubling.

When viewed together, the New START treaty's preamble and Russia's unilateral statement amount to a Russian attempt to find a leverage point and exert political pressure upon the United States to forestall deploying a robust missile defense capability, by threatening to withdraw from the treaty if we seek to increase our missile defense capabilities.

The remedy for this concern is for the Senate to strike the offensive preamble language. That is why I would wholeheartedly support an effort to strike the preamble as well as an amendment to strike paragraph 3 of article V of the treaty.

Now, with regard to delivery vehicle modernization, and I want to speak specifically in that regard to bombers, nearly 2 years ago I began to have serious concerns about the administration's commitment to developing a follow-on bomber aircraft and its overall commitment to the triad of nuclear delivery vehicles. These concerns were aggravated by the administration's decision to terminate the development program for a new bomber and reexamine the need, the requirement, and the technology.

I was also troubled by Secretary Gates's statement on April 6, 2009, that we will examine all of our strategic requirements in light of post-START arms control negotiations, which leads me to be concerned that this administration would allow the Russians to have a say in whether we would develop a new bomber.

I was gratified to see that the Nuclear Posture Review determined that the United States should sustain the nuclear triad for decades.

However, as the Center for Strategic and Budgetary Assessments recently stated in a report entitled, "Sustaining America's Strategic Advantage in Long-Range Strike," the triad is in

danger of becoming a dyad by default because nearly half of the bomber inventory of the United States, 47 percent, predates the Cuban missile crisis, and the only aircraft the United States possesses today with reach and survivability to have a chance of successfully executing missions more than 1,000 nautical miles into enemy territory from the last air-to-air refueling are 16 combat-ready B-2 bombers.

Madam President, the B-2 was designed in the 1980s and achieved initial operational capability over a decade ago, and they will eventually lose their ability to penetrate advanced air defense systems. The need, the requirement, and the technology for the next-generation bomber is well understood. The need for a new long-range strike capability is urgent because the conflicts of the future will likely feature heavily defended airspace due in large part to the proliferation of relatively inexpensive but extremely sophisticated and deadly air defense systems. We have heard testimony before the Armed Services Committee from intelligence officials that Russia is the developer of most of these advanced air defense systems and is exporting those systems both to China and to other countries in the world.

Various past and present combatant commanders of the Pacific Command, Strategic Command, and Joint Forces Command have each testified in support of the capability the next-generation bomber will provide.

As Senator McCAIN summarized in his letter to the Foreign Relations Committee on the treaty, the 1251 plan and even the updated plan lack critical details about decisions related to the follow-on ICBM, the next-generation bomber, or a follow-on air-launched cruise missile.

General Chilton, the most recent STRATCOM commander, has spoken about how conversations about these matters need to start now.

Development of replacement delivery vehicles for all three legs of the triad need to begin during the life of New START. Decisions need to be made and development needs to begin within the next 10 years or replacement systems will not be available when current systems reach the end of their service lives. There is no assurance that the next long-range bomber will be nuclear capable. Therefore, I plan to offer an amendment which will require the administration to certify that the President has made a commitment to develop a replacement heavy bomber that is both nuclear and conventionally capable.

With regard to delivery vehicle numbers, on July 9, 2009, at an Armed Services Committee hearing, I asked GEN James Cartwright, the Vice Chairman of the Joint Chiefs, about the administration's commitment at that time to reduce our strategic delivery vehicles to somewhere in the range of 500 to 1,100 systems and to specify at what point in this range would he become

concerned that delivery vehicle reductions would necessitate making our nuclear triad into a dyad. General Cartwright responded, "I would be very concerned if we got down below those levels about midpoint," meaning he would be concerned if the negotiated number fell below 800 delivery vehicles. This treaty caps delivery vehicles at 700—substantially below the number General Cartwright stated a year and a half ago.

The administration makes this odd distinction between deployed and non-deployed delivery vehicles and points out that the total cap for the treaty is 800 deployed and nondeployed systems. Of course, there is a letter from General Cartwright in the RECORD stating he is comfortable with the distinction between deployed and nondeployed delivery vehicles and the overall limits to delivery vehicles. But the real number we are working with here is 700.

I think it is worth noting that former Defense Secretary Schlesinger testified to the Foreign Relations Committee on April 29, 2010, that, "as to the stated context of strategic nuclear weapons, the numbers specified are adequate, though barely so."

With regard to this limit of 700 deployed delivery vehicles, I find it very troubling that the administration has yet to articulate how it will deploy a nuclear force conforming to the number of 700. The administration has informed the Senate how it might field a force of 720 delivery vehicles, which Secretary Gates and Admiral Mullen acknowledged in a hearing before the Senate Armed Services Committee on June 17, 2010, would still require further reductions to meet the treaty's central limits.

They went on to argue that because the United States will have 7 years to reduce its forces to these limits, they did not find it necessary to identify a final force structure at this point, meaning the Senate will commit the United States to a delivery vehicle force of 700 without knowing how that force will be composed. This problem is compounded by the fact that the treaty was so poorly negotiated, that for every ICBM or SLBM deployed with a conventional warhead, one less nuclear vehicle will be available to the United States.

The treaty essentially requires the United States to make unilateral reductions in delivery vehicles, as Russia is already well below the delivery vehicle limits and would drastically reduce its arsenal with or without this treaty. As the Congressional Research Service writes:

Russia currently has only 620 launchers, and this number may decline to around 400 deployed and 444 total launchers. This would likely be true whether or not the treaty enters into force because Russia is eliminating older missiles as they age and deploying newer missiles at a far slower pace than that needed to retain 700 deployed launchers.

Therefore, in light of all these facts, I will seek to offer an amendment or

two regarding the delivery vehicle numbers in this treaty. I am also working on several other amendments that I may seek to offer regarding prompt global strike and other issues.

Ultimately, this is a very significant treaty that deserves full and fair consideration, and we should not be jamming the consideration of this treaty up against the Christmas break. As I have indicated, there are substantial issues here that need to be fully vetted, and we obviously do not have the time to consider these issues this year. We should wait until next year to fully consider this treaty and have a full, free, and wide-open debate on this matter, with no restrictions on amendments.

#### EXHIBIT 1

[From the National Review, Dec. 9, 2010]

#### DON'T FORCE NEW START

THE TREATY SHOULD NOT BE A CHRISTMAS PRESENT FOR RUSSIA

Twenty-four years ago, Pres. Ronald Reagan traveled to Reykjavik, Iceland, to negotiate an arms control treaty with the Soviet Union. When the Soviets insisted that the treaty must limit America's missile defense program, which was designed to guard against intercontinental ballistic missiles, Reagan walked away. He later explained, "We prefer no agreement than to bring home a bad agreement to the United States."

Apparently times have changed. President Obama wants to jam a deeply flawed arms-control treaty with Russia, known as New START, through a lame-duck session of the Senate just to rack up an accomplishment before the end of the year.

New START misses one opportunity after another to maintain a stable nuclear relationship between our two countries. To remedy this will require significant time on the floor of the Senate. Trying to force it through without ample time for debate and amendments would amount to a Christmas gift to the Russians.

First and foremost, missile defense remains a major point of disagreement between the United States and Russia, and this treaty only makes the situation worse. Russia has threatened to withdraw from the treaty if we expand our missile-defense capabilities. It made a similar threat when the original START was completed under the first President Bush. At that time, President Bush said directly that our missile-defense activities have no bearing on Russia's arms-control obligations. I am concerned that President Obama's response to the Russian threat this time is weaker.

Moreover, the treaty contains a direct limitation on U.S. missile-defense-system deployments. Why does a treaty ostensibly about offensive weapons mention missile defense at all? It appears to have been included only to appease Russia.

Treaty proponents argue that New START furthers the legacy of Ronald Reagan's vision of a world without nuclear weapons. Let's be clear about one thing: President Reagan never would have sacrificed missile defense on the altar of arms control.

Second, Russia has an estimated ten-to-one advantage over the United States in tactical nuclear weapons, a situation that was not addressed at all by New START. These are the kinds of weapons that are most susceptible to theft or diversion to emerging threats, including terrorists and rogue nations such as North Korea and Iran. They are the weapons Russia has reportedly moved closer to our NATO allies. One of our top

goals going into negotiations on this treaty should have been to close that gap, so why wasn't it mentioned? Because the Russians didn't want to talk about it.

Third, treaty proponents argue that the Senate must rush consideration of New START because we now lack the ability to verify what Russia is doing. This would make sense if the verification provisions in the treaty were something to be celebrated and worth rushing into place.

However, New START's verification provisions are much weaker than what we had under the previous treaty. This is a serious concern, because experts say Russia has essentially cheated in one way or another on pretty much every major arms-control treaty to which it is a party.

What's more, as the expiration date of the previous START approached last year, the administration promised it would come up with some sort of "bridging agreement" to keep verification efforts going until the new treaty could be ratified. The parties never finished that agreement, and so any verification gap has been created by the administration.

The Senate has a responsibility to consider treaties thoroughly to ensure they are in our country's best interest. It should not rush its duty now to make up for the Obama administration's mistakes. We lose nothing by postponing consideration of this treaty until the new Congress convenes in a few weeks.

This flawed treaty has too great an impact on America's national security to be taken lightly or rushed for the sake of political pride.

Mr. THUNE. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, before the Senate at this moment is the New START treaty, an agreement between the United States and Russia. This is an effort to try to make this a safer world, to make certain that the nuclear weapons that are in this world are carefully monitored, that they are watched and inspected, and that we reduce any urge to expand nuclear weaponry. It is an attempt to make this a safer world.

The President worked long and hard on this. He brought it for consideration months ago, almost 7 months ago, and we have had hundreds—at least 200 hearings. I am sorry, let me restate that. We have had many Senate hearings—I don't have the exact number before me, but I will get it—on this matter. We have had many efforts at every level to bring experts from across America and from around the world to support our effort and bring this matter before us.

What troubles me, Madam President, is the same thing we discussed earlier at a press conference. We brought this matter to the floor of the Senate over 24 hours ago. Yet speaker after speaker on the Republican side has used this time on the floor of the Senate to come and complain that they do not have any time to speak on the floor of the Senate. They can't have it both ways. They can't come and give a speech about the treaty, yet say the reason we shouldn't take it up is they don't have an opportunity to speak on the treaty. They do have an opportunity to speak

on the treaty, and they have had it for more than 24 hours.

I asked Senator KERRY, as he left the floor: I know the Republicans want to offer amendments to this treaty. How many amendments have been filed?

He said: I will check, but I think only one amendment has been filed.

His staff has said that is the current situation—one amendment by Senator MCCAIN. Here we are, 26 hours into this debate, and one amendment has been filed and no amendments have been called. Yet speaker after speaker comes from the Republican side of the aisle and says: The problem with this treaty is we don't have time to speak—as they speak—and we don't have time to offer amendments—as they fail to offer amendments.

So one has to step back and say that maybe the problem is not a problem of time; maybe the problem is they just don't want to see this treaty passed.

Thank goodness for Senator LUGAR of Indiana, who has spoken up in favor of this treaty. I said earlier at the press conference and would say again with him on the floor that there aren't a handful of people in America who are as expert as he is on this issue of nuclear arms and the safety of those that currently exist. There was a time when people across America thought his name was Senator Nunn-Lugar because they kept hearing Nunn-Lugar, Nunn-Lugar. It was a time when Senator Sam Nunn, a Democrat from Georgia, and Senator LUGAR, a Republican from Indiana, really led this Nation and this world in taking an honest look at nuclear weapons to see how we can make sure they are safe and don't threaten our future. Senator LUGAR knows—because he said as much publicly—that this treaty moves us in the direction of a safer world.

During the height of the Cold War, there were enough nuclear weapons on our planet to destroy all life many times over. Thank goodness the Soviet Union is gone and we are in a new era, a more peaceful era. Still, 20 years later, both Russia and the United States have thousands of nuclear weapons in their arsenals—far more than either side needs for maintaining security.

In an era of terrorist threats, we are faced with new challenges, including a nuclear-armed Pakistan with al-Qaida operating within its borders and countries such as Iran and North Korea pursuing their own nuclear programs.

This week, we have a chance to make a difference—to reduce the number of U.S. and Russian nuclear weapons in a way that not only makes us safer but also strengthens America's authority in persuading other nations around the world to halt their destabilizing practices.

Senator LUGAR said:

START would strengthen our nonproliferation diplomacy worldwide, limit potential arms competition, and help us focus our defense resources effectively.

What a succinct description of a critically important measure before us.

Yet day after day—2 days now—hour after hour, Senate Republicans come to the floor and say we just don't have time to do this.

Efforts to reduce the number of nuclear weapons have always been bipartisan in the past, and they should be bipartisan today. As they say, partisanship should end at the water's edge whether the President is a Democrat or a Republican. If it is good for America, if it makes us safer; if it moves us forward in the goal of a more peaceful world, we should stand together with both parties working on it. Unfortunately, the opposition we have heard over and over on the floor has been from the other side.

I thank Senator JOHN KERRY. I tell you, this man is a dogged and determined legislator, and he has been working this issue harder than I have ever seen him work anything in my life, for the last several weeks, to get to this moment where we bring it up on the floor. He understands that last December when the START I treaty expired, it left the United States without key inspectors in Russia and reduced important security transparency.

I would say to Senator KERRY, the modern patron saint of the Republican Party is Ronald Reagan, and Ronald Reagan, in a few words, summarized his view when it came to negotiating: Trust, but verify. For 376 days, we have been unable to verify what is going on in Russia with their nuclear weapons. We don't know if they are being held safely—treaty compliant. We just don't know. How can we be safer as a nation in blissful ignorance of what is happening?

This New START treaty President Obama brings to us will put inspectors on the ground in Russia and in the United States to make certain both sides live up to the treaty obligations. That is essential. It is something Russian President Medvedev called a "truly historic event." President Obama said at the signing that this is "an important milestone for nuclear security and nonproliferation, and for U.S.-Russia relations." I couldn't agree with them more.

Here is the number I was searching for earlier. The Senate has conducted 21 hearings and briefings on the New START treaty—a significant number of opportunities to debate and assess the treaty.

In September, the Senate Committee on Foreign Relations overwhelmingly approved the treaty on a bipartisan basis. The people supporting this treaty across the board, Democrats and Republicans, represent the best minds in America in recent history on the subject. They include current administration officials, Secretary of State Hillary Clinton, Secretary of Defense Robert Gates, the Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, as well as Madeleine Albright, former Senator Chuck Hagel, Henry Kissinger, Sam Nunn, Colin Powell, James Schlesinger, George Shultz, Brent



Scowcroft, and John Warner. At least seven generals and admirals who commanded our nuclear forces feel the same way.

This does not restrict the United States when it comes to missile defense. It is very clear it does not. It is one of the things that has been said, but the people who say it ignore the obvious. It was several weeks ago when we had a NATO meeting on missile defense moving forward to make our Nation safer, and the Russians were engaged in that dialog. It was a historic breakthrough. They ignored that when they raised that issue.

As Secretary of Defense Bob Gates has said, the new treaty will impose "no limits on us" when it comes to missile defense.

There is a concern, as well, expressed that the treaty does nothing to address the issue of tactical nuclear weapons, where the Russians apparently outnumber us. I agree it is a serious issue that needs to be addressed, especially from a nonproliferation viewpoint, since many of these weapons are deployed in undisclosed locations. However, this treaty, like the Moscow Treaty and the original START agreement, deliberately and rightly focuses on strategic nuclear weapons.

Bipartisanship on issues of national security has been the hallmark of our Nation. Even in the toughest of times and in the most desperate political circumstances we have come together.

For example, in 1992, just after the Cold War came to an end, the Senate ratified the first strategic arms reduction treaty by an overwhelming vote of 93 to 6. Of my Republican Senators who are still here today who were in attendance for the vote—Senators BOND, COCHRAN, GRASSLEY, HATCH, LUGAR, MCCAIN, MCCONNELL, and SHELBY—all voted in support.

In 1996, the Senate voted 87 to 4 in support of START II, including the votes of Republican Senators BENNETT, BOND, COCHRAN, GRASSLEY, GREGG, HATCH, HUTCHISON, LUGAR, MCCAIN, MCCONNELL, and SNOWE.

In 2002, the Senate voted 95 to 0—that is right, 95 to 0—in support of the Moscow Treaty, and 26 of the 27 Republicans there at the time are still here today and they voted in support of that treaty.

At the peak of the Cold War, the stockpile of nuclear weapons held by all nuclear weapons states was some 70,000 warheads, 1.6 million times the power of the bomb at Hiroshima. We have reduced the number of those weapons by more than two-thirds. Yet today the combined nuclear weapon capability is still equal to 150,000 of the nuclear bombs used in World War II.

Today we have an opportunity to further reduce this threat in a responsible bipartisan way. I do not know when this session will end tonight, but I will say to my colleagues on the other side of the aisle: You have ample opportunity to debate. You have ample opportunity to offer amendments.

Time is not a good excuse. We have been in session now, this day and yesterday—we started at about 3:30. Only one amendment has been filed on the Republican side. If they truly want to engage us in an important debate about this treaty issue, do it now. Don't put it off. We have to reach the point where we can verify what is being done in Russia to make this a safer nation and to move us toward a more peaceful world.

#### EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed en bloc to Executive Calendar Nos. 885, 886, 917, and 935; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table; that any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

#### THE JUDICIARY

Catherine C. Eagles, of North Carolina, to be United States District Judge for the Middle District of North Carolina, vice Norwood Carlton Tilley, Jr., retired.

Kimberly J. Mueller, of California, to be United States District Judge for the Eastern District of California, vice Frank C. Damrell, Jr., retired.

John A. Gibney, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia, vice Robert E. Payne, retired.

James Kelleher Bredar, of Maryland, to be United States District Judge for the District of Maryland, vice J. Frederick Motz, retiring.

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

The PRESIDING OFFICER. The Senator from Georgia.

#### THE OMNIBUS

Mr. CHAMBLISS. Madam President, I want to speak for a few minutes about the START treaty. Before I do, there is another issue that has been debated on this floor that we are going to continue debating over the next several days, and that is the issue of the funding of the Federal Government. There is an omnibus bill that has been laid out there now, which is something that happens from time to time that is simply not the way business ought to be done in this body.

As we move into the debate on the omnibus bill, there are a lot of us who want to see, obviously, the government remaining open and running at full speed. All of us within this body want to make sure as we do that, we do it the right way.

Frankly, to run in an omnibus bill at the last minute out here that has thousands of earmarks—some of which

folks like me requested months and months ago, and until 2 or 3 days ago had no idea those requests would be honored and are now included in there, amounting to billions of dollars. With the issues we have now, including the election that took place on November 2 where the American people spoke loudly and clearly about the way Washington spends money, this is not the way to do business.

I intend to vote against the omnibus bill. I will speak more about that at a later date.

#### THE NEW START TREATY

I want to speak for a minute on the START treaty, and I want to start off by commending both Senator KERRY and Senator LUGAR who, as the chairman and ranking member on the Foreign Relations Committee, have worked long and hard on this particular measure.

This treaty was signed by the President after negotiations were completed back in the spring. By the time we got the text, and then the additions to the text, I would say it was probably into April or May, whenever it was.

Since that time, I know both Senator KERRY and Senator LUGAR have worked very hard. They have been open for discussion. I have had several discussions with Senator LUGAR about it and have explained my problems with it early on to him. He has been very receptive. I received another letter from him today further explaining some of the issues that are out there.

But that is an indication of how complex this issue is. As a member of the Armed Services Committee and the Intelligence Committee, I have had the opportunity to have any number of briefings. I have been in hearing after hearing. I have been in meeting after meeting with members of the administration as well as outside experts who believe this is right, and those who believe it is wrong. I have been involved in phone calls. I have traveled abroad to visit with our friends in both France and Great Britain to learn about what they are doing with respect to their nuclear inventory.

It is not like folks like me who have to make a decision whether to support this have not been working on it and trying to understand the complexities of this treaty. Gosh, those Members of the Senate who do not serve on Foreign Relations, Armed Services, or Intelligence do not have the benefit of the extensive briefings those who serve on those committees have had, and they have been trying to understand the operatives that are involved in this treaty also.

My concerns were laid out to Senator LUGAR early on in a letter. I have been very clear in conversations and hearings, including in an extensive conversation that I had with my longtime good friend, Senator Sam Nunn, who, along with Senator LUGAR, in my mind are the two godfathers of the Russia-United States nuclear issue.