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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

How glorious You are, O God! How majestic are Your works. You make

Your judgments known from Heaven and no earthly power can withstand Your might. When we remember Your great deeds in our history, we look to the future with confident hope, for Your indignation is only for a moment, but Your favor is for a lifetime.

Instruct our lawmakers in Your ways. Teach them to number their days that they may have hearts of wis-

dom. Teach them to believe Your goodwill toward them that they may obey You with joy. And teach them to serve others that they may honor You.

Lord, during this holiday season, remind us to strive for peace on Earth and let that peace begin in our hearts.

We pray in Your loving Name. Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman*.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY, a Senator from the State of Oregon, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 17, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will proceed to executive session to resume consideration of the New START treaty. The treaty is open to amendments. Senators are encouraged to come to the floor to offer and debate their amendments or make statements regarding this most important piece of legislation.

I would like to begin today having votes on the amendment that has been filed. As a reminder, last night I filed cloture with respect to the House messages on the DREAM Act and the don't ask, don't tell repeal.

The first cloture vote will occur tomorrow morning fairly early. If cloture is not invoked on the DREAM Act, the Senate will proceed immediately to a cloture vote on the don't ask, don't tell repeal. Senators will be notified when any votes are scheduled.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 42

Mr. REID. Mr. President, I have a matter I believe is at the desk, S.J. Res. 42. I think it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution by title for a second time.

The assistant legislative clerk read as follows:

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

Mr. REID. I object to any further proceedings with respect to this joint resolution.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

FINISHING THE SESSION

Mr. REID. Mr. President, the path is clear that we can finish our work relatively soon. As I indicated earlier, we are going to have two votes in the morning. Even if cloture is invoked on one or both of those matters, there is no reason we couldn't complete that work tomorrow. There is no reason we would have to extend that into Sunday. We will be happy to do that because we

are going to work every day—every day—until we finish this legislative session.

If we get those two things out of the way, we have minimal things left to do. We have to do the health care as it relates to 9/11. Of course, we have to complete the funding for the government. We know what happened last night, so we are looking forward to doing the CR. It is a tremendous disappointment as to what it doesn't do for our country, but that is where we are. The Republicans made that choice, and the American people need to understand that.

I was told 6 or 7 days are needed to debate the START treaty. That is easy to do. We can complete that very quickly. It all depends on our friends on the other side of the aisle, whether they want to continue, as they have this whole Congress, throwing roadblocks in front of everything we do to move forward to a culmination of this debate. We have done some very important things during this Congress, but there is nothing—nothing—more important than the START treaty because it has ramifications far greater than our own country. So I hope everyone will be patient. We know this is the holiday season, but this is something we are going to complete before we leave. I have had conversations with a number of my Republican friends, and they understand the seriousness of this matter.

As I indicated yesterday, the ranking member of the Foreign Relations Committee, RICHARD LUGAR, has been an advocate for this for a long time. We know our chairman, Senator KERRY, believes fervently in this legislation. So I am going to do everything I can to expedite the other matters, and that is the reason cloture was filed on these two issues last night.

I repeat, there is no reason we can't complete everything by tomorrow in the evening. Leaving the days we have spent on this already, which are three in number, we could do Sunday, Monday, Tuesday; that is 6, 7 days. We are set to complete this very quickly. It is all up to people who believe in this to come down and make their statements and to support amendments for the strengthening of this and oppose those that don't. So I hope everyone would understand the importance of the work we have.

The issues dealing with the DREAM Act, I have given many speeches on this floor dealing with the importance of that. It is legislation supported by our Secretary of Defense and the Chairman of the Joint Chiefs. They know how important it is to have quality people in the military. They know we are taking into the military today people who have been convicted of crimes, people who have not graduated from high school, and this would certainly be a way of bringing into the military people who really want to serve their country. So I hope we can get that done.

Don't ask, don't tell is another issue that is certainly ripe for completion. I appreciate the work of the House in completing that. There is no reason, no matter how they may dislike that legislation, to stand in the way of the START treaty. The don't ask, don't tell, as we all have seen from reading the press, we have enough votes to pass that. It passed in the House for the second time. It picked up 45 votes from the first time they voted on it, so it is gaining strength.

The one reason I think it is so important to do that, to complete the repeal of don't ask, don't tell, one of the problems we have had with the issue of abortion around the country is that it has been determined by the courts not the legislature. There have been numerous articles written about how that is one problem that has caused so much consternation with the abortion issue—because it should have been handled by the legislature. I feel the same way about don't ask, don't tell. We can see the courts moving in on this. We should have the courage to do what is right for the American people and do it legislatively, not leave it to the courts.

The only thing I didn't mention is we have a lot of nominations I am working with the Republican leader on to complete. One person we are concerned about is Jim Cole, the Deputy Attorney General. That is the No. 2 person at the Justice Department. It is a shame it has taken so long to complete.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

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

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

The assistant legislative clerk read as follows:

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

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I note the minority leader is here and he may wish to use his leader time now. I understand that.

Mr. MCCONNELL. I would say to my friend from Massachusetts, I was going to make my opening remarks. I believe Senator LEMIEUX is making his farewell address, if you could give us a chance.

Mr. REID. I note the absence of a quorum.