

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 20, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. PRYOR 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, the Senate will proceed to executive session and resume consideration of the New START treaty. We have two amendments now pending to the treaty—the Thune amendment regarding delivery vehicles and the Inhofe amendment regarding inspections. We hope to vote in relation to the Thune amendment between 12 and 1 p.m. today and dispose of the Inhofe amendment later this afternoon.

At 1:30, the Senate will recess and reconvene at 2 p.m. in closed session in the Old Senate Chamber. Following the closed session, the Senate will reconvene in open session in the Senate Chamber. We are going to be out of session for that one-half hour period of time to allow the final sweeps to be completed.

As a reminder, last night cloture was filed on the continuing resolution and the START treaty. The cloture vote on the continuing resolution will occur at a time to be determined tomorrow morning. We need to act as quickly as possible; the current CR expires tomorrow at midnight. The filing deadline for first-degree amendments to the START treaty is 1 p.m. today. Senators will be notified if any votes are scheduled today.

Mr. President, I would also say that, to my friends on the other side of the aisle, we could advance these votes not necessarily on the START treaty, but we certainly could on the CR and get

that out of the way later today. We have two issues we are going to have to vote on. One is the START treaty, we have to complete work on that, and we have to complete work on the 9/11 bill for the emergency workers who have been devastated with illnesses as a result of all the toxins they inhaled during the time they were working there. Some are really ill. So I hope we can get that done quickly.

I am working with the Republican leader on nominations. We have made a little progress on that. I hope to do better. I look forward to cooperation to finish this work. Last year, we were here at this time up until Christmas Eve. I hope we don't have to do that this year. It certainly wouldn't be to the liking of everyone here. We don't need to be. I hope everyone will cooperate and let us move forward.

RECOGNITION OF THE MINORITY LEADER

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

START TREATY

Mr. MCCONNELL. Mr. President, over the weekend, I indicated that I would be voting against the START treaty. This morning, I would like to explain my decision in a little more detail. And I will begin with the most obvious objection.

First and foremost, a decision of this magnitude should not be decided under the pressure of a deadline. The American people don't want us to squeeze our most important work into the final days of a session. They want us to take the time we need to make informed, responsible decisions. The Senate can do better than to have the consideration of a treaty interrupted by a series of controversial political items.

So leaving aside for a moment any substantive concerns, and we have many, this is reason enough to delay a vote. No Senator should be forced to make decisions like this so we can tick off another item on someone's political check list before the end of the year.

Yet looking back over the past 2 years, it becomes apparent why the administration would attempt to rush this treaty. And it is in this context that we discover another important reason to oppose it. I am referring, of course, to the administration's pattern of rushing to a policy judgment, and then subsequently studying the problem that the policy decision was intended to address, a pattern that again and again created more problems and complications than we started out with.

First there was the Executive Order to close Guantanamo Bay without any plan for dealing with the detainee population there. As we now know, the administration had no plan for returning terrorists who were held at Guantanamo to Yemen, and it is still grap-

pling with questions of how best to prosecute Khalid Sheikh Mohammed.

Next was the President's rush to remove the intelligence community from interrogating captured terrorists, without any consideration as to how to deal with them, whether they were captured on the battlefield or at an airport in Detroit. This became all the more concerning when the President announced his surge strategy in Afghanistan, which predictably led to more prisoners. And even in announcing the strategy itself, the President decided to set a date for withdrawal without any sense at the time of what the state of the conflict would be in July 2011.

Then there was the administration's approach on don't ask, don't tell. The President announced his determination to repeal this policy during his campaign, before the military had the time to study whether this change in policy was in the best interest of combat readiness, before senior enlisted staff and noncommissioned officers of the military had testified, and before those who are currently serving had told us whether, in their expert opinion, the policy should be repealed. Moreover, when the Commandant of the Marine Corps suggested the change would harm unit cohesion, he was ignored.

The administration has taken the same cart-before-the-horse approach on the treaty before us. In this case, the President came to office with a long-term plan to reduce the Nation's arsenal of nuclear weapons and their role in our national security policy. The plan envisioned a quick agreement to replace the START treaty that was allowed to expire, with no bridging agreement for arms inspections, followed by efforts to strengthen international commitments to the Non-Proliferation Treaty, reconsideration of the Comprehensive Test Ban Treaty, and further reductions in nuclear arms over time. And he spoke of ultimately reducing nuclear weapons to "global zero."

In other words, the New START treaty was just a first step, and it needed to be done quickly. Leave aside for a moment the fact that the New START treaty does nothing to significantly reduce the Russian Federation's stockpile of strategic arms, ignores the thousands of tactical weapons in the Russian arsenal, and contains an important concession linking missile defense to the strategic arms. We had to rush this treaty, according to the logic of the administration, because it had become an important component in the effort to "reset" the bilateral relationship with the Russian Federation. It was brought up for debate prematurely because it was the first step in a predetermined arms control agenda. The Senate's constitutional role of advice and consent became an inconvenient impediment.

The debate over the McCain amendment to strike the language in the preamble of the treaty was instructive. The language in the preamble concerning missile defense is harmful to

our foreign policy because of how it will be viewed not by our President, but how it will be viewed by our allies in Europe and by the Russians. The Russian government opposed the Bush administration plan to place 10 silo-based missiles in Poland and a fixed radar installation in the Czech Republic. Although the Bush administration had reached agreement with the governments of our two allies, and the proposed ballistic missile defense plan posed no threat to Russia's overwhelming ability to strike Europe and the United States, Russia sought to coerce our eastern European allies.

It is worth noting that neither Poland nor the Czech Republic ratified the agreements to go forward with the plan, which the Obama administration cancelled. The McCain amendment would have removed any strategic ambiguity that the Russian Federation will exploit to intimidate NATO members. Many of our NATO partners have been slow to accept the concept of territorial missile defense, and rest assured that they will be slower to fund the program. It is a certainty that if the language in the preamble survives, and this treaty is ratified, the Russians will mount a campaign to obstruct missile defense in Europe. There is no good argument for having voted against the McCain Amendment, which would have significantly improved this treaty.

The principal argument raised against the McCain amendment was that any amendment to the treaty would result in the State Department having to return to a negotiation with the Russian Federation. That may be true, or the amended treaty could be considered by the Russian Duma. In either case, the argument brings into question the Senate's role in providing advice and consent to ratification. If it is the position of the majority that the treaty cannot be amended, as the Senate was unable to amend so many other matters before us these last weeks of this session, why have any debate at all?

This leads us to the subject of verification—a second matter of serious concern. Although the Senate will meet today in closed session to discuss the flawed nature of the verification procedures envisioned by the New START treaty, the majority has filed cloture and stated that the treaty cannot be amended. The senior Senator from Missouri, the vice chairman of the Intelligence Committee, has provided his views to the Senate on this matter, and I join him in his concerns.

Senator BOND has provided a classified assessment of the details related to verification and chances of Russian breakout of the treaty's warhead limits which is available for all Senators to review. To quote the vice chairman of the Intelligence Committee.

I have reviewed the key intelligence on our ability to monitor this treaty and heard from our intelligence professionals. There is no doubt in my mind that the United States

cannot reliably verify the treaty's 1,550 limit on deployed warheads.

I agree with the conclusion that the New START treaty central warhead limit of 1,550 cannot be conclusively verified. The New Start treaty allows the Russians to deploy missiles without a standard or uniform number of warheads. The limited number of warhead inspections provided for under this treaty also limits the access of our inspectors to an upper limit of three percent of the Russian force. It can thus be said that this treaty places higher confidence in trust than on verification.

Compounding these concerns is the history of Russian treaty violations. As the State Department's recent reports on arms control compliance make clear, the Russians have previously violated provisions of the START treaty, the Chemical Weapons Convention, the Conventional Forces in Europe treaty and the Biological Weapons Convention.

This is a not a track record to be rewarded with greater trust. It is a reason to take our verification duties even more seriously.

Despite my opposition to this treaty, I hope the President remains committed to modernizing the nuclear triad. The war on terror has required an expansion of our nation's ground forces, the Marine Corps, the Army, and our Special Operations Forces, and our near-term readiness. As we continue the effort to dismantle, defeat and disrupt al-Qaida, we must also plan for the threats that our country will face in the coming decades.

We must invest not only in the delivery systems and platforms that will preserve our nuclear delivery capability, such as the next generation bomber, nuclear submarines and a new intercontinental ballistic missile, but also in the strike aircraft and naval forces required to control the Pacific rim as economic growth and the military capabilities of China increase.

Although the President has decided there is value in pursuing a disarmament agenda, this country may determine in the coming years to place a greater reliance upon the role of strategic arms, and we must remain committed to defense modernization. Our Nation faces many challenges in the coming decades, some economic, some strategic. It would seem short-sighted to think that as North Korea, Iran and others work to acquire nuclear weapons capabilities we could draw our arsenal down to zero.

So I will oppose this treaty. I thank the chairman and ranking members of the Foreign Relations, Armed Services and Intelligence Committees for the service that they have provided the Senate in reviewing it. It is unfortunate that something as important as the Senate's consideration of a treaty like this one was truncated in order to meet another arbitrary deadline or the wish list of the liberal base. And it is deeply troubling to think that a legis-

lative body charged with the solemn responsibility of advice and consent would be deprived of this role because it would inconvenience our negotiating partners.

As debate over this treaty has intensified over the past few days, these and other concerns have become increasingly apparent to a number of Senators and to the American people. We should wait until every one of them is addressed. Our top concern should be the safety and security of our Nation, not some politician's desire to declare a political victory and host a press conference before the first of the year. Americans have had more than enough of artificial timelines set by politicians eager for attention. They want us to focus on their concerns, not ours, and never more so than on matters of national security.

Mr. President, I yield the floor.

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 bill clerk read as follows:

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

Pending:

Inhofe amendment No. 4833, to increase the number of Type One and Type Two inspections allowed under the Treaty.

Thune amendment No. 4841, to modify the deployed delivery vehicle limits of the Treaty.

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

Mr. KERRY. Mr. President, I am delighted to be able to say a few words in response to the minority leader. I have great respect for the minority leader. He and I came to the Senate together in the same class, and I appreciate the difficulties of his job and certainly the difficulties of corralling any number of the different personalities. The same is true for the majority leader. These are tough jobs.

But I say to my friend from Kentucky that just because you say something doesn't make it true. Our friends on the other side of the aisle seem to have a habit of repeating things that have been completely refuted by every fact there is. Our old friend Patrick Moynihan used to remind all of us in the Senate and in the country that everybody is entitled to their own opinion, but they are not entitled to their