

The treaty will not affect our ability to improve our missile defenses either qualitatively or quantitatively, to defend our homeland against missile attacks, and to protect our deployed forces, allies, and partners from growing regional missile threats. Secretary of State Clinton and Secretary of Defense Gates have testified that our phased adaptive approach to overseas missile defense is not constrained by the treaty.

Senate ratification of New START will demonstrate that the United States is committed to reducing nuclear weapons, which is important as we advance our nonproliferation goals. This will assist us in obtaining international consensus regarding nuclear weapons proliferation challenges from rogue states, such as Iran and North Korea. It will also send a positive message in achieving consensus with other countries on nuclear issues.

It is important to keep in mind that the United States and Russia hold over 95 percent of the world's nuclear weapons. If the two nations that possess the most nuclear weapons agree on verification and compliance and are committed to nonproliferation, it will improve our ability to achieve consensus with other countries.

Failure to ratify the treaty will have a detrimental effect on our ability to influence other nations with regard to nonproliferation of weapons of mass destruction. It will also send conflicting messages about the administration's emphasis and commitment to the nonproliferation treaty.

Additionally, failure to ratify New START would send a negative signal to Russia that may cause them to not support our objectives with respect to dealing with the Iranian nuclear program. As Secretary of Defense Gates has said, without ratification, we put at risk the coalition and momentum we have built to pressure Iran.

The debate over New START has facilitated a consensus to modernize our nuclear deterrent. The Administrator of the National Nuclear Security Administration, Mr. Thomas D'Agostino, indicated that for the first time since the end of the Cold War, there is broad national consensus on the role nuclear weapons play in our defense and the requirements to maintain our nuclear deterrent. The NNSA and the three National Laboratories support Senate ratification of New START and congressional approval of the President's budget to invest in nuclear security and modernization. Our nuclear enterprise and stockpile have been neglected for too long.

Consistent with recommendations in the Nuclear Posture Review, we need to move forward with a number of nuclear enterprise sustainment projects, including strengthening our nuclear command and control structure, continuing development and deployment of our triad of delivery systems, maintaining a safe, secure, and effective stockpile, and revitalizing our aging infrastructure.

On December 1, the Directors of the three nuclear national laboratories signed a letter to the Senate emphasizing that they were very pleased with the administration's plan to spend \$85 billion over the next decade to upgrade the nuclear weapons complex. They believe the requested amount will further a balanced program that sustains the science, technology, and engineering base. They also believe that the proposed budget will support the ability to sustain the safety, security, reliability, and effectiveness of our nuclear deterrent within the limit of 1,550 deployed strategic warheads established by New START.

The Nuclear Posture Review also recognizes the importance of supporting a highly capable workforce with specialized skills to sustain the nuclear deterrent. It emphasizes three key elements of stockpile stewardship: hands-on work on the stockpile; the science, technology, and engineering base; and the infrastructure at the laboratories and plants.

I share the concerns expressed by Secretary Chu regarding our ability to recruit the best and brightest nuclear scientists and engineers. We need to infuse a sense of importance and financial stability to the stockpile stewardship and life extension programs. Nuclear scientists and engineers need to believe the U.S. Government cares about nuclear life extension. An effective science, technology, and engineering human capital base is needed to conduct effective nuclear weapons system lifetime extension programs, increase nuclear weapons reliability, certify nuclear weapons without the need to undergo nuclear testing, and provide annual stockpile assessments through weapons surveillance.

I hope my colleagues on both sides of the aisle will join me in voting to ratify New START.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I rise for a few moments to comment on the amendment our colleague from Florida spoke about a few moments ago. Tactical nuclear weapons and how that is addressed was the subject of a long debate yesterday. I wish to reiterate some of those arguments because we had this debate yesterday. It is an important debate.

First of all, if we listen to a couple of folks who have not only experience but have a real interest in our urgent priority of addressing tactical nuclear weapons, it becomes clear that the best way to address that issue is, in fact, to ratify this treaty. By way of example, if you want to highlight a country that has much at stake when the question is raised about Russian tactical nuclear weapons, you can point to few if any countries that have more at stake than Poland.

The Polish Foreign Minister, Mr. Sikorski, said:

Without a [New START] treaty in place, holes will soon appear in the nuclear um-

rella that the United States provides to Poland and other allies under article 5 of the Washington Treaty, the collective security guarantee for NATO members. Moreover, New START is a necessary stepping stone to future negotiations with Russia about reductions in tactical nuclear arsenals and a prerequisite for the successful revival of the Treaty on Conventional Forces in Europe.

That is not a commentator in Washington; that is the Foreign Minister of Poland, whose country has a lot at stake in this debate.

Also, we have had a lot of discussions about the treaty and what is in the treaty or what would come about as a result of the treaty. It is not as if these arguments just landed here when the bill landed on the floor. We had months and months of hearings in the Senate Foreign Relations Committee. Our ranking member, Senator LUGAR, was not just there for those hearings but played a leading role in helping us reach the point where we are now. We have a treaty on the floor because of his good work over many months and, I would argue in his case, many years on this issue. The same is true with the Presiding Officer sitting in on those hearings and asking questions of the relevant parties, many of them military leaders.

I note for the record—and I will close with this—that the vote by the Senate Foreign Relations Committee included a resolution of advice and consent to ratification. Subsection 11 on tactical nuclear weapons says:

The Senate calls upon the President to pursue, following consultation with allies, an agreement with the Russian Federation that would address the disparity between the tactical nuclear weapons stockpiles of the Russian Federation and of the United States and would secure and reduce tactical nuclear weapons in a verifiable manner.

It is right in the resolution, and I argue that addresses squarely this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

FLOOR PRIVILEGES—CLOSED SESSION

Mr. REID. Mr. President, I ask unanimous consent that the following individuals, in addition to those officers and employees referred to in Standing rule XXIX, be granted the privilege of the floor during today's closed session and that the list be printed in the RECORD.

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

The list is as follows:

Randy Devalk, Jessica Lewis, Tommy Ross, David Grannis, Lorenzo Goco, Andrew Grotto, Mike Davidson, Jim Wolfe, Rick DeBobs, Madelyn Creedon, Richard Fieldhouse, Hannah Lloyd, Frank Lowenstein, Anthony Wier, Ed Levine, Charlie Houy, Gary Reese, Betsy Schmid, Mike DiSilvestro, Pamela Garland, Mark Stuart, Jaqui Russell.

Thomas Hawkins, Louis Tucker, Jack Livingston, Bryan Smith, Tom Corcoran, Jennifer Wagner, Christian Brose, Daniel Lerner, Brian Wilson, Stewart Holmes, Bruce Evans, Carolyn Apostolou, Kenneth Myers, Jr., Thomas Moore, James Smythers, Michael Stransky, Timothy Morrison, Robert

Soofer, Joel Breitner, Barry Walker, Deborah Chiarello.

#### SHARK CONSERVATION ACT OF 2009

Mr. REID. Mr. President, as in legislative session and in morning business, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 81 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 81) to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

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

Mr. REID. Mr. President, I ask unanimous consent that the Kerry-Snowe amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

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

The amendment (No. 4914) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 81), as amended, was read the third time and passed.

Mr. REID. Mr. President, it is my understanding that, the hour of 1:30 having arrived or shortly will arrive, we will recess pending the call of the Chair, is that right, until the closed session is completed?

The PRESIDING OFFICER. The Senator is correct.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess.

Thereupon, at 1:28 p.m., the Senate recessed subject to the call of the Chair and reassembled at 5 p.m., when called to order by the Presiding Officer (Mr. MANCHIN).

#### EXECUTIVE SESSION

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

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in opposition to the New Strategic Arms Reduction Treaty that we call New START. I believe New START is deeply flawed and is a dangerous step toward undermining our national security. I

believe it does not strengthen verification or transparency of Russia's nuclear arsenal. We negotiated this treaty with Russia when our time may have been better spent focusing on nuclear threats posed by other nations. I believe the treaty is virtually unverifiable. Simply put, it is the wrong approach to both reducing the arms race and reaching the ideal of living in a nuclear-free world.

Many people have expressed the numerous shortcomings of this treaty. This evening I would like to touch on three.

First, New START restricts the future of our missile defense. President Obama campaigned against missile defense and has systematically cut funding for it. It should not be a surprise to anyone in America that the administration lacks commitment to a robust missile defense system, but that does not mean the Senate needs to support it. New START links offensive reductions with missile defense. I believe these must be decoupled. Why? The treaty limits launch vehicles and restricts the conversion of intercontinental ballistic missiles for missile defense purposes. Converting nuclear intercontinental ballistic missiles to conventional missiles is also restricted in the proposed treaty. Most egregiously, statements made by senior Russian officials insist that the treaty's language prohibits the United States from developing an antiballistic missile defense system without Russian consent. This is completely unacceptable.

Unfortunately, Russia is not the only threat the United States faces in this world. It is inconceivable that the administration would agree to a treaty that imposes such restrictions on our national security.

Secondly, we have reached the point where we cannot make reductions in our nuclear arsenal without viable plans for a strong, long-term strategy for modernization. Again, Russia is not our Nation's only threat. Without modernizing our nuclear arsenal, the cuts necessitated by the New START treaty would likely encourage Iran and other proliferators to build up their own arsenals rather than discouraging them as we would like.

The United States cannot maintain a credible deterrent or reduce the number of weapons in our nuclear stockpile without ensuring that we have reliable warning, command, and control systems, and that we put an emphasis on the land and sea-based delivery vehicles that give us the confidence we need for protecting ourselves should the worst occur. The reduction of our nuclear-capable bombers and land or submarine-based missiles from 1,600 to 700 gives the Russians an immense advantage. Delivery vehicles are just one aspect of our nuclear triad, but they are a critical component to being able to deter adversaries and should not be restricted under the New START treaty.

By some estimates, Russia maintains thousands more small tactical nuclear warheads that can be delivered by way of artillery shells, cruise missiles, and aircraft. Yet the treaty before us, which freezes missiles at 700 for each side, willfully ignores the massive Russian advantage in tactical weapons.

Finally, the most serious and immediate flaw is weakened verification requirements which are vastly less robust than those we had under START I. It is puzzling why they would do this. Under START I, 600 inspections were conducted. New START requires just 180 inspections over the life of the treaty, hardly enough to ensure Russian compliance. The Russians will be able to encrypt telemetry from missile tests. This makes it harder for us to know for certain what new capabilities the Russians are developing.

One might ask why did we agree to such. Under New START, there will no longer be onsite monitoring of mobile missile final assembly facilities. Before the expiration of START I, the United States used this monitoring or verification because satellites do not provide the exact information on mobile weapons systems. Verification requirements are too weak to reliably verify the treaty's 1,550 limit on deployed warheads. These measures will neither give us confidence in the process nor the assurances we need to assess the integrity of it.

Russia has a long history of nuclear duplicity or cheating. Yet New START has substantially weaker verification mechanisms than START I.

Perhaps the clearest reason to suspect the true motivations behind the treaty is the inexplicable rush to ratify it now. The shortcomings of New START are numerous, substantial, and serious. The Senate should have the time to examine the treaty's compliance provisions and ensure that loopholes are closed and deficiencies amended.

I believe the Senate has a responsibility to the American people to ensure that first and foremost our country's negotiations have not unilaterally hampered in any way our national security. I will not support subordinating U.S. national security to an untrustworthy partner, and neither should the Senate as a whole.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 4833

Mr. INHOFE. Mr. President, it is my understanding in 45 minutes we are going to be having a couple votes, one on amendment No. 4833 and one on the Thune amendment No. 4841, having to do with delivery systems; mine having