

Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mrs. SHAHEEN 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. Madam President, following leader remarks, Senator ALEXANDER will be recognized to speak in morning business for up to 10 minutes. Following his remarks, the Senate will resume consideration of the House message with respect to H.R. 3082, the continuing resolution. There will be 10 minutes of debate for Senator INOUE and 15 minutes for Senator MCCAIN prior to that vote. Therefore, Senators should expect a vote to begin about 10:15 on the motion to invoke cloture on the motion to concur to the House amendment to the Senate amendment to H.R. 3082, with amendment No. 4885, which is the text of the continuing resolution that funds the government through March 4, 2011.

If cloture is invoked, I will work with the Republican leader on a time to complete action on the CR. It is important to send it over to the House very quickly so they have sufficient time to pass it before funding runs out this evening at midnight.

Upon disposition of the CR, the Senate will proceed to vote on the motion to invoke cloture on the New START treaty.

Last week, we were able to lock in a time agreement to consider two district judge nominations. It is my hope we will be able to debate and vote on those judges this afternoon.

Senators will be notified when any votes are scheduled.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Tennessee is recognized in morning business for up to 10 minutes.

#### NEW START TREATY

Mr. ALEXANDER. Madam President, I will vote to ratify the New START treaty between the United States and Russia because it leaves our country with enough nuclear warheads to blow any attacker to kingdom come and be-

cause the President has committed to an \$85 billion 10-year plan to make sure those weapons work. I will vote for the treaty because it allows for inspection of Russian warheads and because our military leaders say it does nothing to interfere with the development of a missile defense system.

I will vote for the treaty because the last six Republican Secretaries of State support its ratification. In short, I am convinced that Americans are safer and more secure with the New START treaty than without it. Last week, I joined Senators INOUE, COCHRAN, and FEINSTEIN in a letter to the President stating that we will vote to ratify the treaty and to appropriate funds to modernize our outdated nuclear weapons facilities and that he, the President, requests those funds in his budget.

Last night, I received a response to the President saying he would do so. I ask unanimous consent to have printed both letters in the RECORD.

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

U.S. SENATE,  
Washington, DC, December 16, 2010.  
THE WHITE HOUSE,  
1600 Pennsylvania Avenue, NW,  
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our support for ratification of the New START Treaty and full funding for the modernization of our nuclear weapons arsenal, as outlined by your updated report that was mandated by Section 1251 of the Defense Authorization Act for Fiscal Year 2010.

We also ask that, in your future budget requests to Congress, you include the funding identified in that report on nuclear weapons modernization. Should you choose to limit non-defense discretionary spending in any future budget requests to Congress, funding for nuclear modernization in the National Nuclear Security Agency's proposed budgets should be considered defense spending, as it is critical to national security and, therefore, not subject to such limitations. Further, we ask that an updated 1251 report be submitted with your budget request to Congress each year.

We look forward to working with you on the ratification of the New START Treaty and modernization of the National Nuclear Security Agency's nuclear weapons facilities. This represents a long-term commitment by each of us, as modernization of our nuclear arsenal will require a sustained effort.

Sincerely,

DANIEL INOUE.  
DIANNE FEINSTEIN.  
THAD COCHRAN.  
LAMAR ALEXANDER.

THE WHITE HOUSE,  
Washington DC, December 20, 2010.  
Hon. LAMAR ALEXANDER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR ALEXANDER: Thank you for your letter regarding funding for the modernization of the nuclear weapons complex and for your expression of support for ratification of the New START Treaty.

As you know, in the Fiscal Year 2011 budget, I requested a nearly 10 percent increase in the budget for weapons activities at the National Nuclear Security Administration (NNSA). In May, in the report required by

Section 1251 of the National Defense Authorization Act for Fiscal Year 2010, I laid out a 10 year, \$80 billion spending plan for NNSA. The Administration submitted an update to that report last month, and we now project over \$85 billion in spending over the next decade.

I recognize that nuclear modernization requires investment for the long-term, in addition to this one-year budget increase. That is my commitment to the Congress—that my Administration will pursue these programs and capabilities for as long as I am President.

In future years, we will provide annual updates to the 1251 report. If a decision is made to limit non-defense discretionary spending in any future budget requests, funding for nuclear modernization in the NNSA weapons activities account will be considered on the same basis as defense spending.

In closing, I thought it important for you to know that over the last two days, my Administration has worked closely with officials from the Russian Federation to address our concerns regarding North Korea. Because of important cooperation like this, I continue to hope that the Senate will approve the New START Treaty before the 111th Congress ends.

Sincerely,

BARACK OBAMA.

Mr. ALEXANDER. Madam President, why are these two so necessarily linked—the treaty and the plan for nuclear weapons modernization? The answer is, if we are going to reduce our number of warheads, we want to make sure we are not left with what amounts to a collection of wet matches. Defense Secretary Gates said:

There is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.

In a November 24 statement, Senators KYL and CORKER said they “could not support reductions in U.S. nuclear forces unless there is adequate attention to modernizing those forces and the infrastructure that supports them.”

Senators KYL and CORKER deserve credit for untiring efforts to fund properly nuclear modernization. President Obama deserves credit for updating the nuclear modernization plan in such a significant way.

I have reviewed that so-called “1251 plan” completed November 17 of this year, which calls for spending \$85 billion over the next 10 years. I have visited our outdated nuclear weapons facilities. I am convinced the plan's implementation will make giant steps toward modernization of those facilities so that we—and our allies and adversaries—can be assured that the weapons will work if needed.

The President's statement that he will ask for these funds and the support of senior members of the Appropriations Committee means that the plan is more likely to become a reality. The President agrees that in tight budgets these funds should be considered as defense spending.

I ask unanimous consent to have printed in the RECORD a summary of the appropriations recommended by

the plan mandated by section 1251 of the 2010 Defense authorization bill.

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

### 3. Summary of NNSA Stockpile and Infrastructure Costs

A summary of estimated costs specifically related to the Nuclear Weapons Stockpile, the supporting infrastructure, and critical

science, technology and engineering is provided in Table 1.

TABLE 1—TEN-YEAR PROJECTIONS FOR WEAPONS STOCKPILE AND INFRASTRUCTURE COSTS

\$ Billions	Fiscal Year											
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	
Directed Stockpile .....	1.5	1.9	2.0	2.1	2.3	2.5	2.6	2.6	2.6	2.6	2.6	2.6
Science Technology & Engineering Campaigns .....	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.1	2.2	2.2	2.3
Readiness in Technical Base and Facilities .....	1.8	1.8	2.1	2.3	2.5	2.5	2.5	2.7	2.8-2.9	2.9-3.1	2.9-3.3	
UPF .....	0.1	0.1	0.2	0.2	0.4	0.4	0.4	0.4	0.48-0.5	0.48-0.5	0.48-0.5	0.38-0.5
CMRR .....	0.1	0.2	0.3	0.3	0.4	0.4	0.4	0.4	0.48-0.5	0.4-0.5	0.3-0.5	0.2-0.5
Secure Transportation .....	0.2	0.2	0.3	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Defense Programs Subtotal .....	5.2	5.7	6.1	6.5	6.9	7.1	7.3	7.5-7.6	7.7-7.9	7.9-8.2	8.0-8.4	
Other Weapons .....	1.2	1.3	1.3	1.3	1.3	1.3	1.4	1.4	1.4	1.4	1.4	1.5
Subtotal, Weapons .....	6.4	7.0	7.4	7.8	8.2	8.5	8.7	8.9-9.0	9.2-9.3	9.4-9.6	9.4-9.8	
Contractor Pensions Cost Growth .....			0.2	0.2	0.2	0.2	0.2	*	*	*	*	*
Total, Weapons .....	6.4	7.0	7.6	7.9	8.4	8.7	8.9	8.9-9.0	9.2-9.3	9.4-9.6	9.4-9.8	

Numbers may not add due to rounding.

\* Anticipated costs for contractor pensions have been calculated only through FY 2016. For FY 2017–2020, uncertainties in market performance, interest rate movement, and portfolio management make prediction of actual additional pension liabilities, assets, and contribution requirements unreliable.

Mr. ALEXANDER. Madam President, I will offer an amendment at the appropriate time to the resolution of ratification to require an annual update of the 1251 report, which the President's letter says he will do.

Under the terms of the treaty, the United States may have 1,550 deployed strategic nuclear weapons, each one up to 30 times more powerful than the one used at Hiroshima to end World War II.

The United States will also gain valuable data, including through inspection operations that should provide a treasure trove of intelligence about Russian activities that we would not have without the treaty, and that we have not had since the START treaty expired on December 9, 2009.

Over the weekend, the President sent a letter to the Senate reaffirming “the continued development and deployment of U.S. missile defense systems.” There is nothing within the treaty itself—I emphasize “nothing in the treaty”—that would hamper the development of missile defense or its deployment. Our military and intelligence leaders all have said that.

Obviously, something could happen down the road involving differences over missile defense systems that could require either country—Russia or the United States—to withdraw from the treaty. That is any sovereign country's right with any treaty. In 2002, President Bush withdrew from the Anti-Ballistic Missile Treaty because of our desire to pursue missile defenses to protect us from an attack by a rogue state.

Madam President, I ask unanimous consent to have printed in the RECORD the President's letter on missile defense.

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

THE WHITE HOUSE,  
Washington, DC, December 18, 2010.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: As the Senate considers the New START Treaty, I want to

share with you my views on the issue of missile defense, which has been the subject of much debate in the Senate's review of the Treaty.

Pursuant to the National Missile Defense Act of 1999 (Public Law 106-38), it has long been the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack, whether accidental, unauthorized, or deliberate. Thirty ground-based interceptors based at Fort Greely, Alaska, and Vandenberg Air Force Base, California, are now defending the Nation. All United States missile defense programs—including all phases of the European Phased Adaptive Approach to missile defense (EPAA) and programs to defend United States deployed forces, allies, and partners against regional threats—are consistent with this policy.

The New START Treaty places no limitations on the development or deployment of our missile defense programs. As the NATO Summit meeting in Lisbon last month underscored, we are proceeding apace with a missile defense system in Europe designed to provide full coverage for NATO members on the continent, as well as deployed U.S. forces, against the growing threat posed by the proliferation of ballistic missiles. The final phase of the system will also augment our current defenses against intercontinental ballistic missiles from Iran targeted against the United States.

All NATO allies agreed in Lisbon that the growing threat of missile proliferation, and our Article 5 commitment of collective defense, requires that the Alliance develop a territorial missile defense capability. The Alliance further agreed that the EPAA, which I announced in September 2009, will be a crucial contribution to this capability. Starting in 2011, we will begin deploying the first phase of the EPAA, to protect large parts of southern Europe from short- and medium-range ballistic missile threats. In subsequent phases, we will deploy longer-range and more effective land-based Standard Missile-3 (SM-3) interceptors in Romania and Poland to protect Europe against medium- and intermediate-range ballistic missiles. In the final phase, planned for the end of the decade, further upgrades of the SM-3 interceptor will provide an ascent-phase intercept capability to augment our defense of NATO European territory, as well as that of the United States, against future threats of ICBMs launched from Iran.

The Lisbon decisions represent an historic achievement, making clear that all NATO

allies believe we need an effective territorial missile defense to defend against the threats we face now and in the future. The EPAA represents the right response. At Lisbon, the Alliance also invited the Russian Federation to cooperate on missile defense, which could lead to adding Russian capabilities to those deployed by NATO to enhance our common security against common threats. The Lisbon Summit thus demonstrated that the Alliance's missile defenses can be strengthened by improving NATO-Russian relations.

This comes even as we have made clear that the system we intend to pursue with Russia will not be a joint system, and it will not in any way limit United States' or NATO's missile defense capabilities. Effective cooperation with Russia could enhance the overall effectiveness and efficiency of our combined territorial missile defenses, and at the same time provide Russia with greater security. Irrespective of how cooperation with Russia develops, the Alliance alone bears responsibility for defending NATO's members, consistent with our Treaty obligations for collective defense. The EPAA and NATO's territorial missile defense capability will allow us to do that.

In signing the New START Treaty, the Russian Federation issued a statement that expressed its view that the extraordinary events referred to in Article XIV of the Treaty include a “build-up in the missile defense capabilities of the United States of America such that it would give rise to a threat to the strategic nuclear potential of the Russian Federation.” Article XIV(3), as you know, gives each Party the right to withdraw from the Treaty if it believes its supreme interests are jeopardized.

The United States did not and does not agree with the Russian statement. We believe that the continued development and deployment of U.S. missile defense systems, including qualitative and quantitative improvements to such systems, do not and will not threaten the strategic balance with the Russian Federation, and have provided policy and technical explanations to Russia on why we believe that to be the case. Although the United States cannot circumscribe Russia's sovereign rights under Article XIV(3), we believe that the continued improvement and deployment of U.S. missile defense systems do not constitute a basis for questioning the effectiveness and viability of the New START Treaty, and therefore would not give rise to circumstances justifying Russia's withdrawal from the Treaty.

Regardless of Russia's actions in this regard, as long as I am President, and as long

as the Congress provides the necessary funding, the United States will continue to develop and deploy effective missile defenses to protect the United States, our deployed forces, and our allies and partners. My Administration plans to deploy all four phases of the EPAA. While advances of technology or future changes in the threat could modify the details or timing of the later phases of the EPAA—one reason this approach is called “adaptive”—I will take every action available to me to support the deployment of all four phases.

Sincerely,

BARACK OBAMA.

Mr. ALEXANDER. Madam President, ratifying this treaty would extend the policies of President Nixon, President Reagan, President George H.W. Bush, President George W. Bush, as well as Democratic Presidents.

I ask unanimous consent to have printed in the RECORD the statements of the last six Republican Secretaries of State, all of whom support ratification of the treaty.

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

[From the Washington Post, Dec. 2, 2010]

THE REPUBLICAN CASE FOR RATIFYING NEW START

(By Henry A. Kissinger, George P. Shultz, James A. Baker III, Lawrence S. Eagleburger, and Colin L. Powell)

Republican presidents have long led the crucial fight to protect the United States against nuclear dangers. That is why Presidents Richard Nixon, Ronald Reagan and George H.W. Bush negotiated the SALT I, START I and START II agreements. It is why President George W. Bush negotiated the Moscow Treaty. All four recognized that reducing the number of nuclear arms in an open, verifiable manner would reduce the risk of nuclear catastrophe and increase the stability of America's relationship with the Soviet Union and, later, the Russian Federation. The world is safer today because of the decades-long effort to reduce its supply of nuclear weapons.

As a result, we urge the Senate to ratify the New START treaty signed by President Obama and Russian President Dmitry Medvedev. It is a modest and appropriate continuation of the START I treaty that expired almost a year ago. It reduces the number of nuclear weapons that each side deploys while enabling the United States to maintain a strong nuclear deterrent and preserving the flexibility to deploy those forces as we see fit. Along with our obligation to protect the homeland, the United States has responsibilities to allies around the world.

The commander of our nuclear forces has testified that the 1,550 warheads allowed under this treaty are sufficient for all our missions—and seven former nuclear commanders agree. The defense secretary, the chairman of the Joint Chiefs of Staff and the head of the Missile Defense Agency—all originally appointed by a Republican president—argue that New START is essential for our national defense.

We do not make a recommendation about the exact timing of a Senate ratification vote. That is a matter for the administration and Senate leaders. The most important thing is to have bipartisan support for the treaty, as previous nuclear arms treaties did.

Although each of us had initial questions about New START, administration officials have provided reasonable answers. We believe there are compelling reasons Republicans should support ratification.

First, the agreement emphasizes verification, providing a valuable window into Russia's nuclear arsenal. Since the original START expired last December, Russia has not been required to provide notifications about changes in its strategic nuclear arsenal, and the United States has been unable to conduct on-site inspections. Each day, America's understanding of Russia's arsenal has been degraded, and resources have been diverted from national security tasks to try to fill the gaps. Our military planners increasingly lack the best possible insight into Russia's activity with its strategic nuclear arsenal, making it more difficult to carry out their nuclear deterrent mission.

Second, New START preserves our ability to deploy effective missile defenses. The testimonies of our military commanders and civilian leaders make clear that the treaty does not limit U.S. missile defense plans. Although the treaty prohibits the conversion of existing launchers for intercontinental and submarine-based ballistic missiles, our military leaders say they do not want to do that because it is more expensive and less effective than building new ones for defense purposes.

Finally, the Obama administration has agreed to provide for modernization of the infrastructure essential to maintaining our nuclear arsenal. Funding these efforts has become part of the negotiations in the ratification process. The administration has put forth a 10-year plan to spend \$84 billion on the Energy Department's nuclear weapons complex. Much of the credit for getting the administration to add \$14 billion to the originally proposed \$70 billion for modernization goes to Sen. Jon Kyl, the Arizona Republican who has been vigilant in this effort. Implementing this modernization program in a timely fashion would be important in ensuring that our nuclear arsenal is maintained appropriately over the next decade and beyond.

Although the United States needs a strong and reliable nuclear force, the chief nuclear danger today comes not from Russia but from rogue states such as Iran and North Korea and the potential for nuclear material to fall into the hands of terrorists. Given those pressing dangers, some question why an arms control treaty with Russia matters. It matters because it is in both parties' interest that there be transparency and stability in their strategic nuclear relationship. It also matters because Russia's cooperation will be needed if we are to make progress in rolling back the Iranian and North Korean programs. Russian help will be needed to continue our work to secure “loose nukes” in Russia and elsewhere. And Russian assistance is needed to improve the situation in Afghanistan, a breeding ground for international terrorism.

Obviously, the United States does not sign arms control agreements just to make friends. Any treaty must be considered on its merits. But we have here an agreement that is clearly in our national interest, and we should consider the ramifications of not ratifying it.

Whenever New START is brought up for debate, we encourage all senators to focus on national security. There are plenty of opportunities to battle on domestic political issues linked to the future of the American economy. With our country facing the dual threats of unemployment and a growing federal debt bomb, we anticipate significant conflict between Democrats and Republicans. It is, however, in the national interest to ratify New START.

Mr. ALEXANDER. Madam President, I will vote to ratify this treaty. The vote we are about to have today is

about whether to end debate. The majority's decision to jam through other matters during this lameduck session has poisoned the well, driven away Republican votes, and jeopardized ratification of this important treaty.

Nevertheless, this treaty was presented in the Senate on May 13, after 12 hearings in two committees and many briefings. The Foreign Relations Committee reported the treaty to the Senate on September 16 in a bipartisan vote of 14 to 4. For several months, there have been intense negotiations to develop a realistic plan and the funding for nuclear modernization. That updated plan was reported on November 17. The Senate voted to proceed to the treaty last Wednesday. I voted no because I thought there should still be more time allowed for amendment and debate.

Despite the flawed process, I believe the treaty and the nuclear modernization plan make our country safer and more secure. It will allow us to resume inspection and verification of disarmament of nuclear weapons in Russia. The head of our missile defense system says the treaty will not hamper our missile development program—and if it does, we can withdraw from the treaty.

All six former Republican Secretaries of State support ratification of this treaty. Therefore, I will vote to ratify the New START treaty and during the next several years vote to fund the nuclear modernization plan.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3082, which the clerk will report.

The bill clerk read as follows:

Motion to concur in the House amendment to the Senate amendment, with an amendment to H.R. 3082, an act making appropriations for military construction, Department of Veteran Affairs and Related Agencies, for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 4885 (to the House amendment to the Senate amendment), of a perfecting nature.

Reid amendment No. 4886 (to amendment No. 4885), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, Reid amendment No. 4887, to provide for a study.

Reid amendment No. 4888 (to (the instructions) amendment No. 4887), of a perfecting nature.