

meant lost jobs at our American aerospace companies and suppliers and the communities that support them.

I have been speaking out against Europe's market-distorting actions for many years because I understand that these subsidies are not only illegal, they are deeply unfair and anti-competitive.

My home State of Washington is, of course, home to much of our country's aerospace industry, and I know our workers are the best in the world. On a level playing field, they can compete and win against absolutely anybody. But, unfortunately, Airbus and the European Union have refused to allow fair competition. Instead, they use their aerospace industry as a government-funded jobs program, and they use billions in illegal launch aid to fund it.

So let me be clear about one thing. The objective of this bill that was passed overwhelmingly by the House of Representatives yesterday is not to limit competition; it is to make sure everyone can compete on a level playing field. Airbus has made it clear they will go to any lengths to hurt our country's aerospace industry. We need to make it clear we will take every action to stop them because this is not only about the future of aerospace; it is about jobs right now that will help our economy recover. In fact, as we look at ways to stimulate job growth and keep American companies innovating and growing, we shouldn't look any further than this bill.

This bill is a commonsense policy. It makes sure U.S. Government policy translates to Pentagon policy because the fact is that the U.S. Government, through our Trade Representative, has taken the position that Airbus subsidies are illegal and unfair. Yet, on the other hand, the U.S. Department of Defense is ignoring that position as we look to purchase a new tanker fleet, and that does not make any sense—not for our country, not for our military, and certainly not for our workers. The WTO made a fair decision. Airbus subsidies are illegal and anti-competitive. Now the Department of Defense needs to take that ruling into account.

When I go home and talk to our aerospace workers in Washington State, I want to be able to tell them we have evened the stakes. I want them to know their government is not looking the other way as policies continue to undercut their jobs and their opportunities. I want them to know that while they are working to secure our country by producing the best airplane in the world, their government is doing everything it can to make sure fair opportunities are there that will keep them on the job.

It is time to take these job-killing subsidies into account. It is the right thing to do for our workers, for our economy, and the future of our aerospace industry.

UNANIMOUS CONSENT REQUEST—H.R. 6540

So I ask, as if in legislative session and as if in morning business, unani-

mous consent that the Senate proceed to the immediate consideration of H.R. 6540, which was received from the House and is at the desk; that the bill be read three times and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate the loyalty of my colleague from Washington for the Boeing facility that is there. I just want to say that other workers are involved, including 48,000 new jobs that would be created if the plant in Alabama were to be the one selected in this competition.

As a member of the Armed Services Committee, I would note that we voted a number of years ago unanimously to have a competition. There are only two companies in the world that can make this kind of aircraft. It is a commercial aircraft, not a highly sophisticated defense system such as a fighter. The EADS team committed to build that in America—bringing jobs not just to Alabama but jobs all over the Nation, far more around the Nation than just in Alabama—and to create a third major world aircraft facility. Congress asked that the bids be competitively let and that these two competitors be given a chance to submit the best proposal.

I am highly convinced that the EADS aircraft is superior—is larger, it is newer—and more effective in the role it is asked to fulfill.

Mrs. MURRAY. Madam President, I would just ask what the order is at this point.

The PRESIDING OFFICER. The Senator sought recognition after he objected.

Mrs. MURRAY. The unanimous consent agreement was that the Senator from Texas would proceed after I had yielded the floor, which I had not yielded.

The PRESIDING OFFICER. At this time, the Senator from Alabama was the only person who sought recognition.

Mrs. MURRAY. Madam President, I believe there was an agreement that the Senator from Texas follow my remarks.

The PRESIDING OFFICER. There was an order, but there was no objection. There was no one who sought recognition.

Mr. SESSIONS. I will wrap up, briefly, if I could.

Mrs. HUTCHISON addressed the chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. If the Senator from Alabama wants to finish his objection—

Mrs. BOXER. Mr. President, parliamentary inquiry: My understanding

is that the Senator from Washington had 10 minutes. My understanding is she had completed that 10 minutes; am I incorrect on that?

The PRESIDING OFFICER. Her time has expired.

Mrs. BOXER. I didn't hear the Chair say that. I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I ask the Senator from Alabama, I thought he was objecting on Senator MURRAY's time, and I was next in the unanimous consent. My question is, is he finished with his objection?

Mr. SESSIONS. I wish 1 additional minute to wrap up, if I could, and then I will yield the floor.

Mrs. MURRAY. Madam President, then I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I have the floor, I believe.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, after this competition has been going on for quite a number of years, and both parties have been very seriously competing for this contract, it is expected to be awarded in March of next year. The Defense Department has considered every one of these issues, including the WTO issue. The lawyers talked about it and we have talked about it in the Senate and the House.

At this very last minute, on the eve of awarding the competition, a House bill was passed without any debate. We have not discussed it or had a hearing on it. It should not be approved. I object.

I yield the floor.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Madam President, we are asking for a level playing field with a bill that passed the House. This is a discussion we have had many times. It says that illegal subsidies from any company should be taken into account on a deal in front of the Pentagon.

I will stand anytime and fight for fairness and competition. I am sorry this has been objected to, because it meant our country would have a fair competition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I rise to speak on the START treaty. I spoke on the floor Saturday stating my concerns about this treaty and the need to address a number of very important issues. I had hoped that amendments that had been offered would be able to clarify the position—the United States position—on this treaty.

I have listened to the debate. I have watched many amendments go down. The treaty supporters have said that these amendments are deal killers,

treaty killers. I disagree. I believe everybody has been sincere, but I am not persuaded that the Senate's role to advise and consent to treaties has successfully finetuned the understanding on our part, if we accept this treaty, nor the Russian positions—have they been clarified with our objections or disagreements with the Russian position.

I understand it would have made it hard for the administration to amend the text. But even amendments that would try to amend the preamble, or even the ratification resolution that would clarify the United States position, have caused me great pause. For instance, when we are talking about missile defense, former Secretary of State Condoleezza Rice, in a Wall Street Journal op-ed, said:

Russians tend to interpret every utterance as binding commitment.

She went on to write:

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.

I am concerned that this treaty still has a lot of misunderstanding about the United States missile defense capability. I am concerned that our capability, with the understanding of Russians, would be restricted. Russia and the United States each have issued unilateral statements when they signed the New START that clarified their position on the relationship between START and missile defense. Russia stated:

The treaty can operate and be viable only if the United States refrains from developing its missile defense capabilities quantitatively or qualitatively.

I think we should state clearly in the resolution to ratify that it is not the position of the United States to place any limitations on missile defense. The President wrote a letter saying he disagreed with the Russian position and, yet, Senator McCain offered an amendment that would have stricken language in the preamble of the treaty that would have made it clear what the United States position was, and that amendment was not adopted by this body.

As we speak, I don't believe Russia is our enemy. This is a 10-year treaty. We don't know 10 years down the road how relationships might change. I believe our relationship with Russia is important, but there are rogue nations in the world that are hostile to the United States, which are working in earnest to get nuclear capability and possibly already have it, plus warheads to put those nuclear weapons on.

With the threat of a nuclear-armed Iran or North Korea, or Pakistan, which is our ally, which has a fragile government, or even Venezuela, which is working with Iran and is certainly within our hemisphere, it would be unthinkable to have any kind of miscommunication about the United States capability to control its own de-

fense capabilities. That is exactly what the Russian statement said we could not do.

U.S. planning and force requirements may have to change in the next 10 years and, frankly, I think they ought to be going forward right now to ensure that we can withstand any kind of warhead, nuclear or otherwise, that would come in from rogue nations.

That in itself is enough for me to say we have not fulfilled our responsibility under the Constitution for advice to the President on treaties. That is our solemn responsibility, and I do not think we have been successfully able to do that because we have been blocked on every amendment, calling them deal killers.

I think a strong New START is in our best interest. But I believe that this treaty does not address other areas of concern I have voiced as well. I believe this treaty could further be improved by increasing the number of type one and type two inspections, as was attempted by the Inhofe amendment that was defeated yesterday.

For instance, we know there are loose nukes that have come from Russian arsenals in the past, because the Russians have not had a clear control, or list of, or don't seem to be totally firm about where all of their arsenal is, and they don't seem to have the accountability. So the loose nukes, it has been reported, have shown up in other places, such as, for instance, North Korea. So I think verification becomes more important, to get a true idea of exactly what the Russians have, so there can be an accountability going forward to assure that whatever number are in whatever place would always stay the same, unless they are part of the drawdown.

I think the verification amendment Senator INHOFE had that was defeated would have improved our capability to understand exactly what was out there that might loosely go to Iran or North Korea, with whom the Russians have relationships, though we do not.

Former Secretary of State James Baker described the treaty's verification regime as weaker than its predecessor. I agree with his comment, and I hope we can improve the situation. To be fair, Secretary Baker supports the treaty. But he did recognize its shortcomings, and I think that should have been addressed by the Senate, without fear of what the Russians might say about our capability to defend against threats, not from Russia necessarily, other than the haplessness of not knowing for sure where your nuclear weapons are—I don't think Russia is our enemy. I want a relationship with Russia.

The missile defense we were not able to even clarify in the resolution of ratification causes me great concern. The verification not being as adequate as I think we need, and then the modernization, which we also address in other amendments, I think, are also problematic. I believe we must know our nu-

clear warheads could be used in the worst-case circumstance, because I think that is a deterrent.

Because of these things, I am going to vote no today on the ratification of the treaty. I think the Senate could have improved the understanding of this treaty. I think we could have strengthened it with real amendments that would have strengthened even what the President said in his letter to the Senate, saying that he disagreed with the Russian interpretation. But then when we tried to put that in writing, that didn't pass. So I believe we should not pass this treaty today. I think we can fulfill our responsibility for advice and consent and have a more bipartisan passing of the resolution. I think we need a good relationship with Russia. I think we need to protect, at all costs, the United States unilateral capability for missile defense for our country against other nations. I don't think Russia is a threat, but I do think rogue nations that have nuclear capabilities are. I think the symbiotic relationship between Venezuela and Iran is a very real threat to the United States. I think we need to start preparing more carefully about that.

I know my time is up. I appreciate the time to state my reasons for voting against this and hope that when it passes—which I think it will—we will be more firm in clarifying with the Russians our view of our national security interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. KERRY. Madam President, first, if I can interrupt for a moment before the Senator from North Dakota speaks, according to the prior order. I want to inform Senators that it is now 1:15. We are awaiting language which is forthcoming relatively soon on the 9/11 issue. I think it is the intention of the majority leader to vote very quickly after that unanimous consent agreement comes together. That means we could have a vote, conceivably, on the final passage of the resolution of ratification on the treaty somewhere—this is a guess—within the vicinity of 1:45 to 2 o'clock. That is a guess. Senator KYL I know wanted to speak prior to that taking place. We are trying to preserve that within the order. That said, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we expect to have the necessary papers to complete the consent agreement within the next 15 minutes. It is 1:15 now, so we hope by 1:30. Sometimes Senate time is not exactly right, but we are getting very close to being able to do this consent agreement. It has been typed. We are waiting for the papers to come from the Hart Building.

We want everyone to be patient. We know how anxious everyone is to complete the business of this Congress. Just everyone understand it should be not much longer.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I was not going to speak again, but I was prompted to by my colleague from Alabama, a friend and someone for whom I have great respect. The presentation by my colleague from Alabama suggested that President Obama is moving in the direction of disarming us, the implication is that of injuring our national security by proposing that we have fewer nuclear weapons. Let me make a point that I think is so important for the record.

I hope it is not now or ever considered a source of weakness for this country to aspire to have a planet with fewer nuclear weapons. It ought to be a source of strength that we understand it becomes our burden as a world leader—an economic leader and nuclear power—to try to reduce the number of nuclear weapons on this Earth.

This President has not proposed anything that would injure our national security. He is not proposing anything that is unilateral. He has negotiated and his team has negotiated a very strong arms reduction treaty with the Russians.

I know there has been great discussion about modernization, whether there is enough money, about why tactical nuclear weapons were not included, the issue of whether it limits us with respect to missile defense. All of those issues have been answered. All have been responded to.

The question, it seems to me, for us now and for all Americans, and particularly those who serve in Congress in the future, is will we be a world leader in pushing for a reduction in the number of nuclear weapons on this planet?

There are some 25,000 nuclear weapons on this planet. The loss of just one of those weapons, into the hands of a terrorist or rogue nation who might then explode it in a major city on Earth would change everything.

My colleagues are probably tired of hearing me say it, but in my desk I have kept a piece of a Soviet Union bomber, a very small piece of a wing strut from a Soviet Union bomber. We did not shoot it down. We negotiated that bomber down by paying money to saw the wings off.

Nuclear arms reduction treaties work. We know they work. There are Russian submarines that were not destroyed in battle. We ground them up and took them apart. The wings were sawed off bombers, and they were sold for scrap. Nuclear missiles in silos with nuclear warheads aimed at American cities are gone.

I will give an example. One was in Ukraine. Now sunflower seeds adorn that pasture where there was a missile with a nuclear weapon aimed at America.

We know these arms reduction treaties work because we have seen them work. Fewer nuclear weapons, fewer delivery vehicles, bombers, submarines, missiles—we know this works.

My colleague seemed to suggest that it would be a horrible thing if the entire world were rid of nuclear weapons. I hope that every Senator would aspire to have that be the case, a world in which there was not one weapon left, for almost surely every offensive weapon on this planet has always been used. We need to be very concerned about the number of nuclear weapons, the spread of nuclear weapons, the need, the desire for terrorists to acquire nuclear weapons. That is why these treaties and these negotiations on arms reduction are so unbelievably important.

Never has it been more important because now there is a new threat. They do not wear uniforms. They do not belong to one country. It is the terrorist threat. And they strive mightily to acquire nuclear weapons.

This treaty negotiated at the start by the previous President and concluded by this President, in my judgment, strengthens this country, represents our best national security interests.

I ask the question of anyone who believes that it is a threat for us to begin reducing nuclear weapons through arms negotiations with others who have nuclear weapons: Who, if not us, will lead the way to do that? If not us, who? Is there another country they think will aspire to provide leadership to reduce the number of nuclear weapons? If there is, tell us the name because we all know better than that.

This responsibility falls on our shoulders. We are the leading nuclear power on this Earth. It is our responsibility, it is this country's responsibility to lead. I don't ever want anybody to suggest it is some sort of weakness for this President or any President to engage in arms reduction negotiations. That is a source of strength.

This treaty was negotiated carefully. I was on the national security working group. We had briefing after briefing in top-secret venues. This treaty was carefully negotiated. It represents our best interests. It represents a reduction of nuclear weapons, a reduction of delivery vehicles and represents, in my judgment, another step in reducing the nuclear threat. It is not even a giant step, but it certainly is a step in the right direction.

This represents our best national security interests, and this President has demonstrated, yes, he wants a world with fewer nuclear weapons. He wants a world, as would I, with no nuclear weapons at some point. But this President would never allow negotiations or never allow circumstances in which this country is unarmed or unprepared or unable to meet its national security needs. He has not done that, not in this treaty, and will not do it in the future.

I did want to stand up and say that because of the comments earlier by the Senator who suggested there is some sort of weakness for a country that aspires to have a reduction of nuclear weapons on this planet.

Let me finally say, I have spoken at length on this floor about the severity

of losing even just one nuclear weapon. I have told the story about a CIA agent code-named Dragonfire who reported 1 month after 9/11 that a 10-kiloton nuclear weapon had been stolen from Russia and that nuclear weapon had been smuggled into New York City and was to be detonated. There was an apoplectic seizure in this town about it because no one knew what to do about it. They did not even notify the mayor of New York.

They discovered a month later that was probably not a credible piece of information. But as they did the diagnosis of it, they discovered it is plausible someone could have acquired a 10-kiloton nuclear weapon from Russia, it was plausible; if they had done that, they could have smuggled it into an American city and if terrorists did that they could have detonated it. Then we are not talking about 3,000 deaths, we are talking about 100,000, 200,000 deaths.

The work we have done in so many areas, the work in this administration, let me say, to secure loose nuclear materials, circumstances where plutonium or highly enriched uranium in the size of a liter or, in one case, in the size of a small can of soda, enough to kill tens and tens of thousands of people with a nuclear weapon—this is serious business. At a time when we debate a lot of issues—serious and not so serious—this is serious business.

I think the work that has been done by the chairman and ranking member in recent days—I watched a lot of this and watched it over this year—is extraordinary work. But so too is the work by this President, by the negotiators. My colleague described the folks at the State Department who had a significant role as well.

Let us not ever think it is a source of weakness to be negotiating verifiable reductions in nuclear weapons among those who possess them. That is a source of strength, and it is important for our kids and grandchildren who can succeed by continuing to do that with treaties that make the best sense for this country's national security interests.

I see the Senator from Massachusetts does not yet have a unanimous consent request, but I know all my colleagues are anxious to see one.

I yield the floor, and I expect, as the majority leader indicated, within the next half hour or so we will be voting, and I think that is good news. I yield the floor.

I 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. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INTEREST ON LAWYER TRUST ACCOUNTS

Mr. MERKLEY. Madam President, I rise to discuss and ask unanimous consent for consideration of H.R. 6398. I