

It would be an incredible strategic blunder to sever our START relationship with Russia when that country still possesses thousands of nuclear weapons. We would be distancing ourselves from a historic rival in the area where our national security is most affected and where cooperation already has delivered successes. When it comes to our nuclear arsenals we want to keep Russia close. There are enough centripetal forces at work without abandoning a START process that has prevented surprises and miscalculations for 15 years.

The New START agreement came about because the United States and Russia, despite differences on many geopolitical issues, do have coincident interests on specific matters of nuclear security. We share an interest in limiting competition on expensive weapons systems that do little to enhance the productivity of our respective societies. We share an interest in achieving predictability with regard to each other's nuclear forces so we are not left guessing about equal potential vulnerabilities. We share an interest in cooperating broadly on keeping weapons of mass destruction out of the hands of terrorists. And we share an interest in maintaining lines of communication between our political and military establishments that are based on the original START agreement.

Over the last 7 months the Senate has performed due diligence on the New START treaty. Most importantly, we have gathered and probed military opinion about what the treaty would mean for our national defense. We have heard from the top military leadership, as well as the commanders who oversee our nuclear weapons and our missile defense. We have heard from former Secretaries of Defense and STRATCOM commanders who have confirmed the judgment of current military leaders. Their answers have demonstrated a carefully-reasoned military consensus in favor of ratifying the treaty. Rejection of such a consensus on a treaty that affects fundamental questions of nuclear deterrence would be an extraordinary action for the Senate to take.

Moreover, the treaty review process has produced a much stronger American political consensus in favor of modernization of our nuclear forces and implementation of our missile defense plans. This includes explicit commitments by the President and congressional appropriators. In the absence of the New START treaty, I believe this consensus would be more difficult to maintain. We have the chance today not only to approve the New START treaty, but also to solidify our domestic determination to achieve these national security goals.

I began the Senate debate on this treaty last week by citing a long list of the national security threats that currently occupy our nation and our military. Our troops are heavily engaged in Afghanistan and Iraq. We are fighting a global terrorist threat. And we are seeking to resolve the dangerous circumstances surrounding nuclear weapons programs in Iran and North Korea. We are attempting to address these and many other national security questions at a time of growing resource constraints reflected in a \$14 trillion debt.

In this context the U.S. Senate has a chance today to constrain expensive arms competition with Russia. We have chance to guarantee transparency and confidence-building procedures that contribute to our fundamental national security. We have a chance to frustrate rogue nations who would prefer as much distance as possible between the United States and Russia on nuclear questions. And we have a chance to strike a blow against nuclear proliferation that deeply threatens American citizens and our interests in the world.

I am hopeful that the Senate will embrace this opportunity to bolster U.S. national security by voting to approve the New START treaty.

I thank the Chair.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

The majority leader is recognized.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010

Mr. REID. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010; further, that the Gillibrand-Schumer substitute amendment, which is at the desk, be agreed to, the Senate proceed to a vote on the bill immediately, as amended, with no intervening action or debate, further, that if the bill is passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The VICE PRESIDENT. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

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

The VICE PRESIDENT. Under the previous order, the substitute amendment is agreed to.

The amendment (No. 4923) was agreed to.

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

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 847, as amended.

Total Budgetary Effects of H.R. 847 for the 5-year Statutory PAYGO Scorecard: net decrease in the deficit of \$101 million.

Total Budgetary Effects of H.R. 847 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of \$443 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 847, THE JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010 (VERSION BAI10697), AS ADOPTED BY THE SENATE ON DECEMBER 22, 2010

[By fiscal year, in millions of dollars]

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011- 2015	2011- 2020
Net Increase or Decrease (—) in the Deficit												
Statutory Pay-As-You-Go Impact .....	—242	106	170	56	—191	1,398	—346	—466	—461	—457	—101	—433

Note: Components may not sum to totals because of rounding.

The amendment would establish a program for health care benefits for eligible emergency personnel who responded to the September 11, 2001, terrorist attacks and eligible residents and others present in the area of New York City near the World Trade Center. The legislation also would provide compensation payments to certain individuals for death and physical injury claims resulting from the attacks. The amendment would extend for one year certain fees on L and H-1B nonimmigrants that currently expire after fiscal year, 2014, and would impose a 2 percent excise tax on payments made to certain foreign persons by federal agencies to obtain certain goods or services.

Source: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Mr. LEAHY. Mr. President, I have heard complaints over the past few days about why we in the Senate are still working so close to the Christmas holiday. All of us would rather be home with our families, but of course we were sent here to serve the American

people. We were sent here to the Senate to do the work of the American people, and we have been trying to complete our work for the past several weeks. One remaining issue demands our attention: taking care of the Americans who responded to the terrorist

attacks on September 11th. We cannot turn our backs on these injured and ailing first responders. This is a defining issue of our American values—how we serve those who have sacrificed for our Nation.

Almost a decade ago, in the aftermath of attack, I visited the Fresh Kills Landfill on Staten Island, NY. There, I witnessed detectives and medical professionals conduct the heart-breaking work to sort debris from the World Trade Center Towers in order to recover the remains and personal effects of those killed in the 9/11 attacks. It is difficult to describe how moving and powerful this was. It affirmed my faith in the goodness of America and its citizens.

These Americans were doing everything they could to bring what little comfort and closure they could to the survivors of those killed. They were acting not for themselves but for their fellow citizens. These men and women were driven by the same sense of patriotism and compassion that drove so many brave Americans to rush from across the United States to respond at Ground Zero. Their acts of heroism, selflessness, and patriotism were emblematic of how Americans came together for one another.

The legislation we consider today is the least we can do for these men and women who answered the call of their Nation in our moment of crisis. It is for the 30 New York City police officers who have died since September 11, 2001, as the result of illnesses brought on by exposure to the toxic dust and debris. It is for the 13,000 first responders who are sick as a result of their brave actions at Ground Zero. It is for the thousands of men and women who came from across the United States to help the people of New York and our country. And it is for the thousands more who will need medical care in the future. They deserve the continuing support and assistance of their government, on behalf of all Americans.

It is deeply disappointing that passing this legislation has been so difficult. It should not be. If there is one thing on which we should find unanimity, it is fulfilling our obligation to the men and women who gave so much to help others on 9/11. These men and women asked nothing before they acted. They did what they thought was right. It is long past time for the Senate to do what is right by them.

I applaud the Senators from New York. They have worked tirelessly and in the end agreed to compromise with a few of Senators on the other side of the aisle who were blocking action on this bill to help these first responders. The legislation we will pass today does not go as far as many of us hoped and believe appropriate, but it will go a long way to help the dedicated police officers, firefighters, construction workers, and medical personnel who were injured because of their service at a time of great national need. I cannot think of a better measure to end our work on in this Chamber than the message that we honor their service by taking care of the injuries they sustained while serving.

Mr. BROWN of Massachusetts. Mr. President, I come to the floor today to

congratulate my colleagues on their leadership and their willingness to come to the table to find a workable solution to ensure that we do not forget those who risked their lives on September 11, 2001.

Today, the Senate reached an agreement to move forward on legislation that would create a program dedicated exclusively to provide screening and treatment to the first responders and other men and women who participated in rescue efforts at the World Trade Center.

As I have said repeatedly, the work of my colleagues, Ms. GILLIBRAND and Mr. SCHUMER, are honorable and good. As I have said in every meeting that I have held—whether meeting with firefighters and police officers in Massachusetts, whether it be with Mayor Bloomberg of New York City or New York City Police Commissioner Kelly—I support their efforts and their good work and dedication to make sure that none of the heroes from September 11, 2001 are left behind or forgotten.

I support this agreement because it represents what the Senate should be about: coming together, working together, and finding common ground and workable solutions. Today, in the final hours of the 111th Congress, we did just that by providing benefits to the first responders in a realistic and pragmatic way.

But, Mr. President, I continue to have reservations regarding the offsets that are used to provide these benefits. As I have said to my colleagues, I am concerned because I am not 100 percent confident that the suggested offsets will materialize because of potential legal challenges or questionable trade implications.

We should not forget the lives that were lost on September 11, 2001. The lives that were risked that day. And those who continue to live with scars from that day. And I can assure you, we won't.

I am supporting this legislation because it provides access to the health care and treatment that our heroes deserve. And I greatly appreciate the input and patience of so many firefighters and first responders from my own state of Massachusetts, for whom I have tremendous respect and gratitude for all that they do.

Thank you, Mr. President. And I yield the floor.

Mr. REID. Mr. President, the horror of September 11 was unforgettable, and so much about that day was unimaginable.

But imagine you had the courage to run into the disaster everyone else was running away from. And because of the toxic fumes and smoke you breathed in while you were working there, you got terribly sick.

And almost a decade later, you are still suffering. You have trouble breathing, or maybe a tumor, or some other lung or heart disease. You knew you would be risking your life, but you probably didn't know it would—like this.

Now imagine the help you need—the health care and compensation you deserve—is within reach. But your Senator is keeping it from you.

That is exactly what is happening right now. The courageous first responders and rescue workers who were the first on the scene at Ground Zero need our help.

It is all so hard to imagine. It is hard to imagine we would have the courage to do what they did that day—and that is why we revere these first responders. And it is hard to imagine their leaders would abandon them like this.

We should all be embarrassed we are still here, at this late date, talking about this bill. This is not controversial—it is common sense. We should never, ever waste a minute before rushing to help the heroes of 9/11. We should never, ever waste a minute before rushing to help the victims of that day. These first responders are both—and this delay is simply inexcusable.

This new program will make sure we do our jobs just as they did theirs. It sets up a program that will monitor the health and treatment of the thousands of rescue workers and survivors of 9/11 and makes sure they get the care they need.

The authors of this bill have written protections into it to ensure the quality of the medical treatment it delivers and to protect it from fraud.

As far as legislation and leadership go, this one is a no-brainer. But opponents have tried every excuse to stand in the way. On each count, they're wrong.

It's not a new entitlement—in fact, it's fiscally responsible and its funding is capped. Checks and balances are in place to make sure all claims are legitimate. And when this program is established, it will be used only as a last resort—only if it's needed after private health insurance and workers' compensation aren't sufficient or fast enough.

None of these men and women thought twice before trying to save the lives of their fellow Americans. Neither should we.

We all know the Capitol might not be standing without the courage of men and women who became heroes that day. How can we stand in this building and vote against helping their fellow heroes—people who were the first to respond when the unimaginable happened?

The VICE PRESIDENT. The question is on the engrossment of the amendment and third reading of the bill.

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

The bill was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The bill (H.R. 847), as amended, was passed.

Mr. REID. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that there be no other amendments, motions, or points of order in order in relation to the treaty or the resolution of ratification; that the Senate immediately proceed with no intervening action or debate to a vote on the Resolution of Advise and Consent to Ratification, as amended, to the New START Treaty, Treaty Document No. 111-5; that if the resolution is adopted, the motion to reconsider be laid upon the table and the President of the United States be immediately notified of the Senate's action; that upon disposition of the New START treaty, the Senate proceed to a vote on confirmation of the nomination of Calendar No. 1089, Mary Helen Murguia, of Arizona, to be a U.S. circuit judge for the Ninth Circuit; that if the nomination is confirmed, the motion to reconsider be laid upon the table and the President be immediately notified of the Senate's action; that following the vote on the Murguia nomination, the Senate immediately proceed to a vote on Calendar No. 934, Scott M. Matheson, Jr., of Utah, to be a U.S. circuit judge for the Tenth Circuit; that if the nomination is confirmed, the motion to reconsider be laid upon the table and the President be immediately notified of the Senate's action; further, that upon disposition of the Matheson nomination, I ask unanimous consent that the Senate proceed to the consideration of the following judicial nominations en bloc: Calendar Nos. 1119, 1120, and 1139, that is, Kathleen M. O'Malley, Beryl Alaine Howell, and Robert Leon Wilkins; that the nominations be confirmed en bloc, the motion to reconsider be considered made and laid upon the table en bloc, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The VICE PRESIDENT. Is there objection?

Without objection, it is so ordered.

The question is on the adoption of the resolution of ratification, as amended, to the treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol.

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The yeas and nays resulted—yeas 71, nays 26, as follows:

[Rollcall Vote No. 298 Ex.]

## YEAS—71

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Baucus	Gillibrand	Murray
Bayh	Gregg	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bennett	Inouye	Reed
Bingaman	Isakson	Reid
Boxer	Johanns	Rockefeller
Brown (MA)	Johnson	Sanders
Brown (OH)	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lincoln	Voinovich
Corker	Lugar	Warner
Dodd	Manchin	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	

## NAYS—26

Barrasso	Graham	McConnell
Burr	Grassley	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Sessions
Cornyn	Inhofe	Shelby
Crapo	Kirk	Thune
DeMint	Kyl	Vitter
Ensign	LeMieux	Wicker
Enzi	McCain	

## NOT VOTING—3

Bond	Brownback	Bunning
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The VICE PRESIDENT. On this vote, the yeas are 71, the nays are 26. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification, as amended, is agreed to.

The resolution of ratification agreed to is as follows:

## TREATY APPROVED

Treaty with Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms (Treaty Doc. 111-5).

Resolution of ratification as amended:

*Resolved, (two-thirds of the Senators present concurring therein),*

That the Senate advises and consents to the ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol, including Annex on Inspection Activities to the Protocol, Annex on Notifications to the Protocol, and Annex on Telemetric Information to the Protocol, all such documents being integral parts of and collectively referred to in this resolution as the "New START Treaty" (Treaty Document 111-5), subject to the conditions of subsection (a), the understandings of subsection (b), and the declarations of subsection (c).

(a) CONDITIONS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) GENERAL COMPLIANCE.—If the President determines that the Russian Federation is

acting or has acted in a manner that is inconsistent with the object and purpose of the New START Treaty, or is in violation of the New START Treaty, so as to threaten the national security interests of the United States, then the President shall—

(A) consult with the Senate regarding the implications of such actions for the viability of the New START Treaty and for the national security interests of the United States;

(B) seek on an urgent basis a meeting with the Russian Federation at the highest diplomatic level with the objective of bringing the Russian Federation into full compliance with its obligations under the New START Treaty; and

(C) submit a report to the Senate promptly thereafter, detailing—

(i) whether adherence to the New START Treaty remains in the national security interests of the United States; and

(ii) how the United States will redress the impact of Russian actions on the national security interests of the United States.

(2) PRESIDENTIAL CERTIFICATIONS AND REPORTS ON NATIONAL TECHNICAL MEANS.—(A) Prior to the entry into force of the New START Treaty, and annually thereafter, the President shall certify to the Senate that United States National Technical Means, in conjunction with the verification activities provided for in the New START Treaty, are sufficient to ensure effective monitoring of Russian compliance with the provisions of the New START Treaty and timely warning of any Russian preparation to break out of the limits in Article II of the New START Treaty. Following submission of the first such certification, each subsequent certification shall be accompanied by a report to the Senate indicating how United States National Technical Means, including collection, processing, and analytic resources, will be utilized to ensure effective monitoring. The first such report shall include a long-term plan for the maintenance of New START Treaty monitoring. Each subsequent report shall include an update of the long-term plan. Each such report may be submitted in either classified or unclassified form.

(B) It is the sense of the Senate that monitoring Russian Federation compliance with the New START Treaty is a high priority and that the inability to do so would constitute a threat to United States national security interests.

(3) Reductions.—(A) The New START Treaty shall not enter into force until instruments of ratification have been exchanged in accordance with Article XIV of the New START Treaty.

(B) If, prior to the entry into force of the New START Treaty, the President plans to implement reductions of United States strategic nuclear forces below those currently planned and consistent with the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (commonly referred to as "the Moscow Treaty"), then the President shall—

(i) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(ii) take no such reductions until the President submits to the Senate the President's determination that such reductions are in the national security interest of the United States.

(4) TIMELY WARNING OF BREAKOUT.—If the President determines, after consultation with the Director of National Intelligence, that the Russian Federation intends to break out of the limits in Article II of the New START Treaty, the President shall immediately inform the Committees on Foreign Relations and Armed Services of the