MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4899, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 4174, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Sessions/McCaskill amendment No. 4173, to establish 3-year discretionary spending caps.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have conferred with the distinguished chairman of the Appropriations Committee, Senator INOUYE. There is no objection that I ask unanimous consent to continue for a few minutes as in morning business. I make such a request.

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

ENDING DISCRIMINATION

Mr. LEAHY. Mr. President, I support congressional action to move past the policies that discriminated on the basis of sexual orientation against men and women serving and wanting to serve in our Nation's military.

I commend Admiral Mullen, the Chairman of the Joint Chiefs of Staff, Defense Secretary Gates, and the President for their leadership on this important issue. America is defended by the finest military in the world. There should be no place in America, including in our military, for discrimination.

While the country and Congress work to move the country forward and open the doors of opportunity to all Americans, some still choose to sow division and partisan conflict. How ironic that the policy of nondiscrimination that Elena Kagan sought to encourage while serving as the Dean of Harvard Law School is poised to become the law of the land, while those who oppose her nomination continue to distort her lawful actions to ensure that the school followed its nondiscrimination policy.

I support the reversal of the don't ask, don't tell policy. I hope all Senators will.

Two weeks ago, President Obama nominated Elena Kagan to succeed Justice John Paul Stevens as Associate Justice of the Supreme Court of the United States. Much has been written and said about this nomination during the last 2 weeks and more will be said over the next month, as we prepare for the Judiciary Committee's hearing, which will begin on June 28. So far, there has been far too much talk about the process and too much partisanship surrounding this important matter. Among the most serious constitutional duties entrusted to the Senate is the confirmation of Supreme Court Justices. So let us refocus on the qualifications of this extraordinary nominee, remembering that a Supreme Court Justice is there not to serve a Republican or a Democratic administration but all 300 million Americans.

When the President announced his choice back on May 10, he talked about Solicitor General Kagan's legal mind, her intellect, her record of achievement, her temperament, her fair-mindedness. No one can question the intelligence or the achievements of this woman. She is at the top of the legal profession. She is no stranger to breaking glass ceilings. She was the first woman to be dean of the prestigious Harvard Law School. It was from Harvard Law School that she earned her law degree magna cum laude. Previously, she earned a degree from Oxford University and graduated summa cum laude from Princeton University. She clerked for two leading judicial figures—Judge Abner Mikva on the Court of Appeals for the District of Columbia Circuit and then on the Supreme Court for one of the most extraordinary lawyers and judges in American history, Justice Thurgood Marshall.

As an advocate, Thurgood Marshall helped change America for the better by bringing cases that challenged racial discrimination. He won an extraordinary 29 of the 32 cases he argued before the Court, one of the most outstanding records of advocacy before the Court, including the landmark case of Brown v. Board of Education which helped bring an end to racial segregation in education in America, a blot on our country that was finally removed by that case.

Despite his obvious legal qualifications, when Thurgood Marshall was nominated to the Second Circuit Court of Appeals by President Kennedy in 1961, his nomination was stalled by opponents in the Senate before he was eventually confirmed by a bipartisan vote of 54 to 16. He gave up that lifetime appointment when called upon by President Johnson to serve as Solicitor General of the United States, the top legal advocate for the United States. Now, 40 years later, it is Elena Kagan who is serving as the Solicitor General of the United States, the first woman in America's history to serve as Solicitor General.

Two score and 3 years ago, President Johnson nominated Thurgood Marshall to be the first African American to serve on the U.S. Supreme Court. President Johnson said that it was ''the right thing to do, the right time to do it, the right man and the right place.'' President Johnson was right, and that nomination helped move the country forward. The nomination was confirmed by a bipartisan Senate vote of 69–11.

The American people have now elected our first African-American President, a leader who is committed to the Constitution and rule of law. With his first selection to the Supreme Court, he named Justice Sonia Sotomayor, the first Hispanic to serve on the high Court. She was confirmed last year and has been a welcome addition to the Supreme Court. Now he has nominated only the fourth woman in the Court's history, a nominee who when confirmed will bring the Court to a new high water mark of three women serving as Justices. Yet Senate Republicans seem to want to shift the standard from when the Senate was considering President Bush's nominees to the Supreme Court—John Roberts and Samuel Alito—and to apply a new standard to President Obama's nomination of Elena Kagan.

I have long urged Presidents from both political parties to look outside what I have called the judicial monastery and not to feel restricted to considering only Federal appellate judges as potential Supreme Court nominees. When confirmed, Elena Kagan will be the only member of the Supreme Court who did not serve as a Federal appeals court judge. When confirmed, she will be the first nonsitting Federal judge to be confirmed to the Supreme Court in almost 30 years, since the appointment of Justice Sandra Day O'Connor.

When the President introduced Elena Kagan to the country, I was interested in him talking about learning from Justice Marshall that ''behind law, there are stories—stories of people's lives as shaped by the law, stories of people's lives as might be changed by the law.'' The President said that her understanding of law is not merely intellectual or ideological but how it affects the lives of people.

We heard Solicitor General Kagan earlier this month talk about the importance of upholding the rule of law and enabling all Americans to get a fair hearing. She said, ''law matters; because it keeps us safe, because it protects our most fundamental . . . freedoms; and because it is the foundation of our democracy.'' Like her, I believe law matters and matters in people's lives. The Constitution is our protection.

Since her nomination, Solicitor General Kagan has met with dozens of Senators. I understand she will conclude her meetings with the Senators serving on the Judiciary Committee in the coming weeks. We have each had a chance to meet with her, speak with her, ask her questions, and learn more about her. At our Judiciary Committee hearing next month, the American people will have the chance to see her, hear her, and get to know her.

Fourteen months ago, the Senate considered Elena Kagan's impressive legal credentials when we confirmed her in a bipartisan vote to be the Solicitor General of the United States, the Nation's top lawyer. The person filling that vital post is informally referred to as the ''tenth Justice,'' because the Solicitor General works so closely on significant cases before the Supreme Court. Solicitor General Kagan has

now argued a broad range of issues, including her successful defense of Congress's ability to protect children from pedophiles.

With this nomination, Elena Kagan follows in the footsteps of her mentor, Thurgood Marshall, who also was nominated to the Supreme Court from the position of Solicitor General. She broke the glass ceiling when she was appointed as the first woman to serve as Solicitor General, as she did when she was named the first woman to serve as dean of the Harvard Law School. They are historic accomplishments. In fact, as dean, Elena Kagan worked well with all ideological components of the faculty at Harvard. She took action to bring more conservative viewpoints to the institution and encouraged civil discourse. Those are skills that will be useful in what often appears to be a sharply divided Supreme Court.

Having counseled the President to look outside the judicial monastery, a recommendation I have made to every President since I have been here, beginning with President Ford, I was struck that the first wave of attacks by Senate Republicans to this nomination was that she lacked judicial experience. These attacks ignored Senate Republicans' own recent statements praising President Bush's nomination of Harriet Miers for being someone who had not served a judge, calling her a ''wonderful choice'' who would ''fill very important gaps in the Supreme Court.'' Now that a Democratic President is nominating, they reverse themselves to contend that lack of judicial experience is a matter for ''concern,'' is ''troubling,'' and a matter that ''warrants great scrutiny.'' Ralph Waldo Emerson once said that a foolish consistency is the hobgoblin of little minds. They are not suffering hobgoblins, but the Senate Republicans are moving the goalposts, and shifting the standard from when the Senate considered the Roberts and Alito nominations. Republicans should not apply a double standard to the nomination of this qualified woman.

Of course this Republican criticism ignores another key fact: They are themselves responsible for her lack of judicial experience. President Clinton nominated her to the DC Circuit in 1999 and it was Senate Republicans who refused to consider her nomination. Had they done so she would have more than 10 years of judicial experience.

Republican Senate leadership staff was recently quoted as admitting that these early attacks on Solicitor General Kagan's experience were really just a ploy in what they view as a partisan game. '' 'The lack of experience isn't the put-away shot,' the aide said. 'It's the door we use to get into her record.' '' This is from Roll Call, May 12, 2010. I wish Senate Republicans would not approach our constitutional responsibilities with respect to judicial confirmations as a partisan game.

This feigned criticism of her that somehow she is unqualified because she lacks judicial experience is ignorant of our history and constitutional government. It is very recently that the path to the Supreme Court has become so narrow. Indeed, nearly half of our Supreme Court Justices were nominated to the Court from a position other than a judgeship. Fifty-four of our 110 Supreme Court Justices were not serving as judges when nominated. Forty-one justices had no judicial experience at all. Let me mention a few of the distinguished Justices without prior judicial experience: Chief Justice John Marshall, Justice Louis Brandeis, Justice Felix Frankfurter, Justice Byron White, Justice Robert Jackson, and Justice William Rehnquist.

Chastened after having been reminded of their recent support for President Bush's nomination of Harriet Miers, who had not been a judge, Senate Republicans abandoned this poll-driven line of attack. They are now trying a different tack. They contend that the President should not be nominating someone who has served in the government or his administration.

Of course, Senate Republicans did not voice any such concern before the American people elected President Obama. The most obvious example is, again, that of President Bush's nomination of Harriet Miers. Senate Republicans did not object to Ms. Miers' nomination because she had served in the government or because she was serving as counsel to the President. They did not object that she was too close to the President and could not be independent. To the contrary, they objected and joined with extreme right-wing activists to force the President to withdraw that nomination because they feared they could not count on her enough. She did not pass their ideological litmus test. They could not be certain how she would vote and whether she would carry out their judicial agenda.

Nor did Senate Republicans express any concern when President Bush made other nominations to the Federal courts from his close advisers and team. Senate Republicans supported his nominations of Brett Kavanaugh, who was serving as his Cabinet Secretary, Jim Haynes, the loyal general counsel of the Defense Department, and Jay Bybee from his Office of Legal Counsel. The issue I raised in connection with the nomination of Alberto Gonzales to be Attorney General was his unfettered loyalty to President Bush and his lack of independence. No Republican joined in my concern then, but most soon after had to acknowledge that many of us had been right when we investigated White House influence in the firing of U.S. attorneys for political reasons. I hope that Senate Republicans will not apply a new standard to Elena Kagan's nomination that was not applied when the Senate considered the nominations of those men.

Unlike these Republican critics, I have always championed judicial independence. I think it is important the judicial nominees understand that as judges they are not members of an administration, but they are judicial officers. They should not be political partisans but judges who uphold the Constitution and the rule of law for all Americans. That is what Justice Stevens did in Hamdan, which held the Bush administration's military tribunals unconstitutional, and tried to do in Citizens United, the Supreme Court's recent narrow decision in which five Justices opened the door for massive corporate spending on elections. That is why the Supreme Court's intervention in the 2000 presidential election in Bush v. Gore was so jarring and wrong.

I welcome questions to the Solicitor General about judicial independence. But let us be fair. Let us listen to her answers. Let us set this overheated rhetoric aside. Let us be fair to Solicitor General Kagan, fair to her distinguished record. There is no basis to question her integrity, no reason to presume she would not be independent.

Thurgood Marshall was the Solicitor General of the United States when President Johnson nominated him to the Supreme Court. Does anyone think Justice Marshall lacked independence? Earl Warren had been designated to be Solicitor General when President Eisenhower nominated him to be Chief Justice. Does anyone contend that Chief Justice Warren lacked independence? Robert Jackson was serving as Attorney General when President Franklin Roosevelt nominated him. Does anyone contend that Justice Jackson lacked independence? Justice Byron White was serving as the Deputy Attorney General when President Kennedy nominated him. Does anyone contend that Justice White lacked independence? And, of course, John Marshall was serving as Secretary of State when President Adams nominated him to be Chief Justice. Does anyone contend that Chief Justice Marshall, the person who established the principal of judicial review, lacked independence? Chief Justice Roberts, Justice Alito and Justice Scalia all had significant experience working in the Justice Department but no Republican questioned their independence. In fact, Solicitor General Kagan is the 19th Supreme Court nominee to be named directly from a significant executive branch position.

Before someone questions the independence of this nominee, they should have a basis. I know of none. No one should presume that this intelligent woman who has excelled during every part of her varied and distinguished career lacks independence. I know of no basis for such contention.

I look forward to the beginning of the Judiciary Committee hearings. I was amazed, flabbergasted to hear concerns about the schedule I set for her nomination. I tried to set the same schedule as that I agreed on for Justice Roberts during the Bush administration and

Justice Sotomayor during the Obama administration.

I have to admit, I did not hit it exactly. We are taking a day longer to begin hearings for Elena Kagan than for John Roberts or Sonia Sotomayor. To do it exactly on the same day, we would have to start on a Sunday, and I did not think that would be fair. So we are adding a day, and we are starting on a Monday.

I only note that when a Republican President nominated a man to the Supreme Court, the schedule was fine. When a Democratic President nominated women to the Supreme Court with exactly the same schedule, suddenly it is not a fair schedule. Maybe I am old fashioned. Maybe I am influenced by my wife, my daughter, my three granddaughters. But I think the rules ought to be the same for men and for women. That is why her schedule is the same.

Let us stop the crocodile tears on the other side about schedules. They did not complain when it was a Republican man being nominated with that schedule. Do not complain when a Democratic President nominates a woman and it is the same schedule.

I look forward to these hearings. That is when Solicitor General Kagan will finally be given the opportunity to answer questions and will, based on all I know about her, give the American people and open-minded Senators confidence in her legal knowledge and abilities. I expect that after reviewing her record and hearing from her during the Judiciary Committee's hearing, Senators on both sides of the aisle and the American people will conclude that the President has nominated an outstanding future Justice.

Mr. LEAHY. Mr. President, I appreciate the never-ending courtesy of the Senator from Hawaii to a more junior Senator.

Mr. INOUYE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Sessions amendment is the pending question on the Supplemental Appropriations Act.

The Senator from Hawaii.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. 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. 4173

Mr. INOUYE. Mr. President, this will be the fourth time this year the Senate has faced an amendment from the Senator from Alabama which seeks to constrain discretionary spending. Each one of the amendments has been similar.

The Senator from Alabama uses last year's budget resolution as his starting point. He argues that since Congress agreed to this level last year that we should stick with it.

His goal is to mandate that the Congress hold the line on discretionary spending at these levels.

I would remind my colleagues that the Budget Committee had the ability to make these caps binding when they passed this resolution last year, but they chose not to.

Instead they put these notional targets in the resolution.

However, since the last time the Senate defeated the amendment, one important change has occurred. The Budget Committee has now reviewed the President's budget request for fiscal year 2011 and has marked up a new budget resolution. They have changed their recommendation.

Since the committee has determined the levels that it believes should be adhered to, I am not sure what benefit the Senate would have in agreeing to the notional targets in last year's resolution.

Moreover, like the last three times, there simply is no justification for the rest of the amendment.

We all understand that discretionary spending is likely to be frozen this year as the President has proposed. Our Budget Committee recommends it be cut by an additional $4 billion.

This proposal goes way beyond what the President or the Senate Budget Committee recommends.

The President has proposed a modified spending freeze which caps non-security related spending.

The president's proposal allows growth in Homeland Security; this amendment does not assume growth.

The President has requested more than $732 billion in his budget for national defense for fiscal year 2011, including the cost of war. This amendment only allocates $614 billion.

While the proponents of this amendment note that it waives the $50 billion war allowance, why does the amendment not support the full request? Some interpret the provision to mean if we want to support our men and women deployed overseas we would need to get 60 votes.

Does the Senate really want national defense to be hostage to a 60-vote threshold?

This is not the same as President Obama's plan.

Over the three years in the Sessions amendment, the caps he would put into place are $141 billion below President Obama's 3-year plan, $50 billion below defense and $91 billion below non-defense spending. Moreover, this is not the Budget Committee's plan.

The Sessions amendment is $82 billion below the budget resolution which the committee adopted—including a cut of $50 billion from Defense over 3 years.

There can be no argument about this point.

The level in the Sessions amendment will require the Appropriations Committee to cut defense spending in fiscal year 2011 by $9.5 billion and nondefense spending by about $11 billion.

If you vote for this measure while seeking program increases this year, you can forget about such increases. Instead, in a budget that already freezes nondefense spending, we will cut another $20 billion.

If we adopt the Sessions caps we will not be able to fund the priorities of our colleagues, and we will have to gut the President's agenda for discretionary spending, including education, green jobs, and homeland security.

As I have said now several times before, the critical flaw in this amendment is it fails to do anything serious about deficits. It fails to address the two principal reasons why our fiscal house is out of balance.

It is a fact that the growth in the debt has resulted primarily from unchecked mandatory spending and massive tax cuts for the rich. This amendment fails to respond to either of those two problems. In short, this amendment is shooting at the wrong target.

Moreover, this amendment also wants to raise the threshold on discretionary spending increases to a 67-vote approval, allowing one-third of the Senate to dictate to the majority.

We already have a threshold of 60 votes required to increase discretionary spending above the budget resolution.

I, for one, cannot believe the Senate wants to let a mere one-third of the Senate dictate to the other two-thirds whether there is a bona fide need for increased spending.

This is the wrong direction for this institution. Mandatory spending has increased substantially the last few years.

Tax cuts for the rich have constrained revenues, but neither tax cuts nor mandatory spending increases would be subject to the 67-vote threshold.

The Senator from Alabama says this approach worked to help balance the budget in the 1990s; Well, that is only partially correct, and here is the difference.

In the 1990s our budget summits produced agreements to cap discretionary spending, but they also decreased mandatory spending and increased revenues at the same time.

It was only by getting an agreement on all three areas of the budget at the same time that we were able to achieve a balanced budget.

Let's be clear. Many of our colleagues on the other side of the aisle are happy to put a cap on discretionary spending, but they do not want to put policies in place to make sure we have enough revenues to reduce the deficit.

Any honest budget analyst can tell you we will never achieve a balanced budget just by freezing discretionary spending. We could eliminate all discretionary spending increases for defense, other security spending, and nondefense spending and still not balance the budget.

Moreover, if we cut discretionary spending without reaching an agreement on mandatory spending and taxes, we will find it very hard to get those who do not want to address revenues to compromise.

I want to remind my colleagues that the deficit reduction commission is tasked with helping us get our financial house in order. They will look at both revenue and spending and find the right balance to restore fiscal discipline.

They will make their recommendations to the Congress, and the Majority Leader has committed to bringing the recommendations of that Commission to the Senate for a vote.

Rather than rushing to address only one small portion of the issue, the Senate should await the judgment of the Deficit Reduction Commission, which will cover all aspects of the problem.

As chairman of the Appropriations Committee, I agree that everyone should tighten their belts.

The problem with this amendment is that all the tightening will be done on a small portion of spending, while revenues and mandatory spending will still be unchecked.

The Senate has already rejected this flawed plan three times this year. This amendment has not gotten any better in the intervening period.

However, we know that it is not only out of step with the administration, but it is also out of step with our Budget Committee.

It is still shooting at the wrong target. It still fails to address the real causes of our deficits and national debt. It would provide far less funding than either the President or the Senate Budget Committee.

I urge my colleagues once again to vote no.

I yield the floor.

APPOINTMENT OF CONFEREES—H.R. 4173

The PRESIDING OFFICER. Pursuant to the order of May 20, 2010, the Chair appoints Mr. DODD, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. SHELBY, Mr. CRAPO, Mr. CORKER, Mr. GREGG; from the Committee on Agriculture, Nutrition and Forestry, Mrs. LINCOLN, Mr. LEAHY, Mr. HARKIN, and Mr. CHAMBLISS, conferees on the part of the Senate.

The Senator from Hawaii.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRANKEN. I ask unanimous consent that the order for the quorum call be rescinded.

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

START TREATY

Mr. FRANKEN. I rise today to speak about the New START treaty that President Obama and President Medvedev signed in Prague on April 8. In fulfilling the Senate's constitutional responsibility to offer our advice and consent on the treaty, we must give it our diligent and timely consideration.

I have previously spoken about the fundamental justification for the New START treaty. It serves our national security interests. What I want to address in this and succeeding statements are some of the more significant specifics of the treaty and the arguments we are likely to hear about them. Today, I am going to focus on the strength of the treaty's monitoring and verification regime, which is established in the treaty itself, given more detail in the Protocol, and even more detail in the annexes.

The verification regime in the New START treaty is extensive, elaborate, and appropriate to the treaty's central limits and today's world. Secretary Gates has testified that when we hear from the intelligence community, they will tell us they are confident they can monitor it. The verification regime speaks strongly for ratification, and sooner rather than later.

Ronald Reagan once said, ''Trust but verify.'' The verification regime established by the treaty is the means for ensuring that Russia is complying with the limits on strategic nuclear arms in the treaty: 800 deployed or nondeployed intercontinental ballistic missile launchers, submarine-launched ballistic missile launchers, and heavy bombers equipped for nuclear weapons.

Within that limit, each side can have 700 deployed ICBM missiles, SLBMs, which are, again, the submarine-launched ballistic missiles, and heavy bombers. We can each have 1,550 total warheads on the deployed delivery vehicles.

The original START treaty, which expired in December, was widely valued for its verification regime. It effectively ensured that military significant violations of the treaty would be detected in a timely way, and therefore be deterred.

It also gave us real insight into the Russians' strategic forces and helped to establish a relationship of greater trust, transparency, cooperation, and confidence between our two nations.

The verification regime established by the New START treaty is modeled on the original one, but it is updated because the central limits of the treaty are different and because we are in different times. Our relationship with Russia is different. We are less suspicious of Russian intentions and much less uncertain about Russian capabilities.

But the bottom line is the same: the verification regime under the new treaty will ensure compliance and sustain a more stable, transparent, and cooperative relationship with the world's other great nuclear power.

A very strong foundation for monitoring and verification of the treaty limits is established by the provision on the use of and non-interference with National Technical Means of Verification, such as satellites and remote sensing equipment. The provision in the New START is virtually identical to that of the original START Treaty. Without the new treaty, we lose a major obstacle to Russian interference with National Technical Means of Verification; without this check, they might attempt to conceal their forces.

The New START treaty also provides for extensive exchanges of data on the numbers, locations, and technical features of weapons systems and facilities—including telemetry on up to five ICBM and SLBM launches per year. The U.S. and Russia will have to share large amounts of information on treaty-limited items, which has to be updated regularly. In addition, the Russians will be obligated to provide us notifications on the movements and production of their long-range missiles and launchers.

For the first time, Russia and the U.S. will also record and share unique identifiers on all ICBMs, SLBMs, and heavy bombers covered by the treaty—not just mobile missiles, as in the original START treaty. These unique identifiers—in effect, serial numbers—will go a long way toward enabling us to track both deployed and nondeployed Russian missiles. They also serve as a deterrent against treaty violation.

All the information we will receive forms the basis for further verification through on-site, short-notice inspections at Russian operating bases, storage facilities, test ranges, and conversion and elimination facilities. The treaty provides for 18 inspections per year.

If the inspections don't match the information that has been shared, that is a violation of the treaty. For instance, if we were to find a deployed missile that had been identified by the Russians as nondeployed, that would be a violation. Thus, the inspections can serve as a deterrent against cheating, as well as providing yet another, continuously updated source of information on Russian forces.

Finally, the Bilateral Consultative Commission set up by the treaty is a forum for the two nations to raise and address issues of compliance as well as implementation.

There can be little question that without these extensive verification measures, we will be less safe. To be sure, thanks to the verification regime of the original START treaty, we have extensive knowledge of Russian nuclear forces, and that will not disappear. We know far more than we did in 1991. But that knowledge will degrade much faster and more completely without the successor treaty's verification regime. Without the new treaty's verification regime in place, a major source of strategic stability, transparency and communication with Russia would be lost.

Some critics, however, have suggested that there are monitoring gaps in the verification regime that call the New START treaty into question. Two

issues in particular have been raised: the limitation on telemetry, and the loss of portal and perimeter monitoring at the Votkinsk missile assembly facility in Russia. I want to say a little about each of these. Both criticisms are, in my mind, misguided, though for different reasons.

The criticism of the treaty's provisions on telemetry appears to neglect relevant differences between the New START treaty and the old START treaty. Telemetry is the information generated and transmitted during missile test flights. In the original START treaty, each side was prohibited from encrypting or otherwise denying access to its telemetry. The telemetric data helped us understand, for verification purposes, the capabilities of the missiles tested. The article-by-article analysis of the original START treaty singled out missiles' throw-weight and the number of reentry vehicles as central items telemetry helped verify.

The New START treaty allows for a more limited exchange of telemetry, on no more than five ICBM and SLBM launches each year. Critics have seized on this reduction. The limited telemetric exchanges under the new treaty are an important source of ongoing transparency and confidence-building between our two countries.

However, the simple fact is, as Secretary Gates and Admiral Mullen have both testified, we don't need telemetry to monitor compliance with this treaty. Unlike the original START, the new treaty has no limits on missile throw-weight. Hence, we don't need to verify compliance with such limits. We also don't need telemetry to help attribute a number of warheads to a missile type. The new treaty doesn't use such an attribution rule the way the old treaty did. Instead, we actually count the number of warheads on a missile. This is both more precise and eliminates a problem we had run into with the old treaty's rule, which forced us to overcount the number of warheads that are actually on our missiles.

The other alleged monitoring gap has to do with the loss of the perimeter-portal continuous monitoring system—or PPCMS—at Russia's Votkinsk missile production facility. That loss is unfortunate, but probably inevitable after our previous administration expressed to the Russians its intention to bring the monitoring at Votkinsk to an end.

However, thanks to our existing knowledge of Russian missiles and launchers, the verification measures in the treaty, and our National Technical Means, the treaty makes up for the loss of the Votkinsk portal monitoring. In particular, the new treaty requires the Russians to notify us 48 hours in advance of any missile leaving the Votkinsk facility, which allows us to cue our National Technical Means.

They also must notify us when the missile arrives for deployment or storage. In this way, we can in fact achieve birth-to-death insight into their missiles. The unique identifiers and inspection system will also deter cheating. Finally, the Russians are producing few enough missiles, and their existing ones are few enough in number, that it is hard to envision a realistic breakout scenario.

The loss of the Votkinsk portal monitoring is thus unfortunate, but compensated for by other provisions of the treaty. And if Members are concerned about the loss of Votkinsk, think about how much worse it would be if we didn't ratify the New START treaty—that is, the loss of all monitoring and verification measures and the treaty's central limits themselves.

To sum up, our negotiators got a very good deal on verification, and I commend them. There simply are not monitoring gaps opened up by the treaty. On the contrary, the verification regime established by the treaty is a significant reason to support it. It serves to ensure compliance with the central limits in the treaty. It also will pay off by boosting transparency and confidence in our relationship with Russia and sustaining our insight into Russian forces.

What would open up a significant monitoring gap over time would be the failure to bring this treaty into force. For the same reason, we should move without delay in our consideration of the treaty. The old treaty expired last December. The longer we go before we establish the new verification regime, the more our insight into Russian forces will degrade. We need to diligently consider all the materials the administration has furnished us. We also need to do it without unnecessary delay. There is no question we are better off with the verification regime under the new treaty than without it.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I ask unanimous consent that the order for the quorum call be rescinded.

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

THE CALENDAR

Mr. WYDEN. I ask unanimous consent that the Senate proceed to the following postal naming bills en bloc: Calendar Nos. 380, 384 through 387, and 389 through 395, and 397; S. 2874, S. 3200, H.R. 3250, H.R. 3634, H.R. 3892, H.R. 4017, H.R. 4095, H.R. 4139, H.R. 4214, H.R. 4238, H.R. 4425, H.R. 4547, H.R. 4628.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bills be read the third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements relating to the bills be printed in the RECORD.

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

ROY RONDENO, SR. POST OFFICE BUILDING

The bill (S. 2874) to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building,'' ordered to be engrossed for a third reading, was read the third time, as passed, as follows:

S. 2874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROY RONDENO, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, shall be known and designated as the ''Roy Rondeno, Sr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Roy Rondeno, Sr. Post Office Building''.

ZACHARY SMITH POST OFFICE BUILDING

The bill (S. 3200) to designate the facility of the United States Postal Service located at 23 Genesse Street in Hornell, New York, as the ''Zachary Smith Post Office Building,'' ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3200

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ZACHARY SMITH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, shall be known and designated as the ''Zachary Smith Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Zachary Smith Post Office Building''.

PRIVATE FIRST CLASS GARFIELD M. LANGHORN POST OFFICE BUILDING

The bill (H.R. 3250) to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

GEORGE KELL POST OFFICE

The bill (H.R. 3634) to designate the facility of the United States Postal