

and the other is through aircraft, such as the B-52 and B-2.

The problem with that is we have been talking about our nuclear warheads and how we have not been able to modernize them or even to test them for a matter of decades. So we do not know what we have.

In the way of force structure, we do know we have a declining force structure. This administration put down the new system that would have been the next generation bomber. We are stuck with the B-52. The first variety of that came out in 1964 before a lot of people around here were born, and, of course, the B-2. We are not going to modernize that.

The missile defense system—we saw what happened over in Poland. This President made a determination to stop the construction of a ground system in Poland that would have had the capability by 2012 of knocking down an ICBM from Iran to the eastern United States. That is gone.

There is no verification, very much the same as the verification we talked about with the Law of the Sea Treaty and others.

I hope when this treaty comes up, we can keep talking about it and not let it run through. I am going to make this very clear. I happen to serve on the Foreign Relations Committee, as well as the Armed Services Committee. We will be having hearings. We have three more this week. Not one of these hearings has a witness who is opposed to the New START treaty. They are all witnesses who are right there with the President and part of that program.

#### DON'T ASK, DON'T TELL

The other issue that is coming up—no one is talking about it now, but it is something that did come up in the Senate Armed Services Committee reauthorization hearing and we will be considering that before too long. They made strong statements to do away with don't ask, don't tell. I remind my colleagues, back in 1993, we had this problem of how to deal with gays in the military. The Clinton administration came up with the program don't ask, don't tell. Quite frankly, it has worked very well since 1994, since it went into effect.

For us to unilaterally say we are going to change that and have gays open in the service so that people are really not there to serve but to use the military to advance a personal agenda is wrong.

Here is the interesting thing about it because all the military agrees with what I am saying right now. At least they did until the White House got involved. I am not sure where they are now.

On April 28, both Secretary Gates and Admiral Mullen said in a joint statement:

We believe in the strongest possible terms the department must prior to any legislative action be allowed an opportunity to conduct a thorough, objective and systematic assessment of the impact of such a policy change.

So they did. They decided they would conduct this study and report back this December 1.

To let you know where the military is on this issue—all the chiefs of the military—General Casey of the Army said:

I remain convinced that it is critically important to get a better understanding of where our soldiers and families are on the issue and what the impacts on readiness and unit cohesion might be so that I can provide informed military advice to the President and to the Congress.

He said also:

I also believe that repealing the law—

We are talking about the don't ask, don't tell law—

before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

What he is talking about is he made a commitment—we made a commitment—to all the military that before we repeal this law that has been working well since 1994, we want to get all the inputs. So we set up a mechanism where they—they, I am talking about all the troops that are out there—can evaluate this and make a determination as to how change in that law could impair our readiness situation.

Admiral Roughhead of the U.S. Navy said:

We need this review to fully assess our force and carefully examine potential impacts of a change in the law.

My concern is that legislative changes at this point, regardless of the precise language used, may cause confusion on the status of the law in the Fleet and disrupt the review process itself by leading sailors to question whether their input matters.

We asked for their input, then we declare what the results are, which they have done in the House and actually in the Senate committee with language.

General Conway of the Marines said:

I encourage the Congress to let the process the Secretary of Defense created to run its course.

That is the study that goes to December 1.

Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great nation.

General Schwartz of the Air Force said:

I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the [don't ask, don't tell] law. Such action allows me to provide the best military advice to the President, and sends an important signal to our Airmen—

Of course, he is the Air Force Chief, so he is concerned about airmen—

and their families that their opinion matters. To do otherwise, in my view, would be presumptive and would reflect an intent to act before all relevant factors are assessed, digested and understood.

That is the military. That is what they all agree. I think it is very important that we keep in mind that we

made the request, a preliminary review of some 13,000 service members and families being interviewed. That is 13,000 interviews; 400,000 would undergo a survey. We would get their input through a survey. Our military is not asking for this change.

So that is what it is all about. That is what we are faced with. And I think the only way to stop this if we really believe the military is right and that we are right—and I would say this: I have a letter that is signed by myself and Senator McCain—from all of the Senate Armed Services Committee: Senators BROWN, INHOFE, THUNE, BURR, SESSIONS, WICKER, VITTER, CHAMBLISS, and LEMIEUX, all of us—saying that we need to wait until such time as the results are in before doing something.

I am very concerned about this. The 1993 law states—and I am reading from the 1993 law now—"There is no constitutional right to serve." The military is a "specialized society" that is "fundamentally different from civilian life." In living conditions offering little or no privacy, homosexuality presents an "unacceptable risk" to good order, discipline, morale, and unit cohesion—qualities essential for combat readiness. Making this retroactive is another serious problem with this change they are talking about.

So I think those of us who are on the relevant committees are going to be trying to appeal to this body to consider that those issues, those amendments that were passed right down party lines be reconsidered on the floor and that individuals are going to have to have an up-or-down vote on this very critical issue. It is very interesting that when we had a report that was due December 1, now all of a sudden it has to be done before the election. Obviously, it is all for political reasons.

So I guess I would just say to my colleagues, get ready because we are going to have an open debate on this floor. And I would think that myself and some others might want to make this a major issue for discussion and even require a cloture vote before it is over.

With that, I yield the floor.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:27 p.m., adjourned until Tuesday, June 22, 2010, at 10 a.m.

#### NOMINATIONS

Executive nomination received by the Senate:

#### DEPARTMENT OF STATE

MICHAEL S. OWEN, OF VIRGINIA. A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR. TO BE AMBASSADOR, EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

DISCHARGED NOMINATIONS

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nominations by unanimous consent and the nominations were placed on the Executive Calendar:

\*MALCOLM D. JACKSON, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

\*CHRISTOPHER A. MASINGILL, OF ARKANSAS, TO BE FEDERAL COCHAIRPERSON, DELTA REGIONAL AUTHORITY.

\*RAFAEL MOURE-ERASO, OF MASSACHUSETTS, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

\*MARK A. GRIFFON, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Monday, June 21, 2010:

THE JUDICIARY

MARK A. GOLDSMITH, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

MARC T. TREADWELL, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA.

JOSEPHINE STATON TUCKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.