

Midwest instead of the oil cartels of the Mideast.

My colleagues talk about how we need to let the free market solve our dependence on foreign energy. Well, I wholly support free markets, but I say: Let's have a level playing field and let the best ideas succeed. I would like to know if my colleagues truly think there is a level playing field for those trying to compete with the oil industry. We have an oil industry that has received decades of government support. Yet we have an emerging biofuels industry, powered by American farmers, that is starting to grow the crops, to improve the ethanol that is finally displacing our demand for oil. Over the last few decades, more than \$360 billion worth of taxpayer subsidies and loopholes have lined the pockets of oil companies. This is nearly 10 times greater than the investments we have made in homegrown biofuels. Meanwhile, in just the last 5 years, the top five oil companies recorded \$560 billion in profits.

Since the ethanol tax credit was first adopted, it has helped the renewable fuels industry grow and grow not just with the same kind of renewable fuel but to begin to expand—as you know, from our home State of Minnesota—into cellulosic ethanol, into using water and, a better part of the process, into conserving water and into using all kinds of new ideas. But to pull the rug out from under this new growing industry, when it is competing against the big guys—against big oil—is the wrong thing to do. In our State alone, employment and economic output from the ethanol biofuels industry has doubled. This year's biofuels production in Minnesota is expected to exceed 1 billion gallons, employing nearly 8,400 people and creating an economic impact of more than \$3 billion. Instead, do we want to give all those jobs to the Mideast, to give them to countries we don't even want to be doing business with?

Nationally, homegrown ethanol displaces about 5 percent of our oil consumption or about 350 million barrels. The ethanol industry employed nearly half a million Americans to produce the ethanol right here in our country. Letting this tax credit expire would almost certainly put thousands of jobs in jeopardy and would also increase our dependence on foreign oil, thereby hurting our national security. The oil spill in the gulf was a poignant reminder. Our addiction to oil comes with serious cost and it is time our Nation gets serious about investing in alternatives.

We didn't see a windmill blow up in the middle of a corn field. We didn't see an ethanol plant blowing up in the middle of a corn field.

Senators CONRAD and GRASSLEY have called for a 5-year extension of the ethanol tax credit, and I support their bipartisan legislation. Senator JOHNSON and I have introduced the Securing America's Future with Energy and

Sustainable Technologies—the SAFEST Act—with similar provisions calling for an extension of the tax credit, but it also includes a strong renewable energy standard—something we need in this country and something Senator SNOWE and I have worked on.

I see Senator KERRY of Massachusetts is here. I was devoted last year to focusing on alternative energy and ways to focus on our homegrown energy industry. I know this ethanol tax credit will not always be necessary. That is why I have also been working to develop a new more cost-effective tax credit that would replace the existing VEETC credit and would more directly benefit and focus on the farmers who are growing our transportation fuel.

No one is denying we can improve the tax credit to make it even more effective with investments in alternative fuels, but the ethanol industry, the biofuels industry, and private investors with billions of dollars in capital need to know our Nation is serious about supporting alternative fuels. Are we going to pull the rug out from under them? Are we going to put our heads in the sand and send all that money instead to the Mideast?

Allowing this tax credit to expire before we can come up with a long-term agreement about how to continue to invest in homegrown energy would send the wrong signal to investors. Letting this tax credit expire with no replacement would say America is not serious about finding alternatives to oil and we are not serious about reducing our dependence on foreign energy.

Our Nation has an unemployment rate of 9.6 percent. To meet our basic fuel needs, we continue to send \$730 million a day to foreign countries, many of which have been known to funnel money to terrorists. Now is not the time to pull that rug out from underneath the largest, most established domestic alternative to petroleum fuel. Now is not the time to put in jeopardy tens of thousands of jobs. Now is the time to extend the biofuels tax credit and invest in those farmers in the Midwest instead of those oil cartels in the Mideast. Now is the time to increase our support for alternative energy. These investments will help us to lower the unemployment rate, reduce the amount of money we send overseas to meet our energy needs, and these investments will help make our Nation less reliant on unfriendly nations—on those we don't want to be doing business with.

I hope my colleagues will listen to this argument and look at these numbers—at how much money the oil industry is getting.

I note the Senator from Massachusetts is here, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent to speak as in morning business for such time as I will consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEW START TREATY

Mr. KERRY. Mr. President, we are in what we all understand are very difficult times—challenging in every respect and certainly with respect to the national security concerns of the country. As we speak, American soldiers are fighting a war in Afghanistan, winding down a war in Iraq, and our Nation has young men and women in harm's way in many parts of the world, engaged in a persistent challenge against global terrorism. Iran's nuclear program continues to advance, and North Korea is building a uranium enrichment facility and provoking the south on a regular basis with its military aggression.

Every single one of these is a complex challenge without any easy solution. But in the middle of all these challenges, the Senate has been given an opportunity to actually reduce the dangers our country faces. We have been given an opportunity set an example for the world. We have been given an opportunity to make the decision that would help to put greater pressure on Iran, on North Korea or on any other country that might be contemplating the notion of moving toward nuclear weapons. The Senate has been given the opportunity in the next days to express the leadership of our country with respect to moving in the opposite direction—away from nuclear weapons to greater controls, greater accountability, greater security and safety for our people.

With one simple vote before we leave here in the next days, we could approve the New START treaty and make America and the world more secure and take an important step forward in leadership as we express to the world our sense of responsibility with respect to the challenge of nuclear weapons. That is the opportunity we have. The question before every Senator is going to be whether we come here in these next days to do the business of the American people, to do our constitutional responsibility to advise and consent to a treaty negotiated by the executive department of the country.

New START is, quite simply, a commonsense agreement to control the world's most dangerous weapons and enhance stability between the two countries that possess over 90 percent of them. Just think of the statement it makes to those countries contemplating where Iran may be going when the countries that possess 90 percent of these weapons begin to dismantle these weapons and provide intrusive verification steps between us for how we will both behave. What an important statement at this moment in time with respect to Iranian behavior, with respect to North Korean behavior, and what a completely opposite, irresponsible decision it would be if the Senate just got bogged down in politics and walked

away from this moment, unwilling to make that kind of decision that offers the leadership that I think the world and certainly the American people expect us to make.

This treaty will limit the number of nuclear weapons Russia can deploy to 1,550 warheads. What American who contemplates the nature of nuclear war and conflict and the potential damage of 1 weapon, 10 weapons, 20 weapons—what American does not understand the common sense of limiting Russia to 1,550 weapons pointing at the United States of America, some of them directly pointing at us even as I stand here and speak today?

This treaty will give us flexibility in deploying our own arsenal so we do not have to live by a strict restraint with respect to land or sea or air. We have flexibility in which weapons we want to put into which modality, and the verification provisions will significantly deepen our understanding of Russian forces. It has been almost a full year now since the original START treaty and its verification procedures expired. Every day since then, insight that treaty provided has been degrading.

New START does more than just restrain the weapons. It does more than just provide verification. It actually strengthens the relationship between the United States and Russia, and it enhances the global nonproliferation regime we signed up to years and years ago during the Cold War. It will improve our efforts to constrain Iran and, most important, to contain the loose nuclear materials we all fear could one day fall into the hands of terrorists and, if not result in a nuclear explosion, result in what we call a dirty bomb explosion where nuclear material is, in fact, scattered for want of the ability to create a nuclear weapon itself but with grave consequences of radioactive material doing enormous injury to large populations as a result. Already in the 7 months since we signed the New START, Russia has shown greater dedication to this renewed relationship. They have supported harsher sanctions against Iran. They have suspended the sale of the S-300 air defense system to Tehran.

The original START agreement which was the bedrock of the Nunn-Lugar Cooperative Threat Reduction Program, a program whereby we are currently reducing nuclear warheads with Russia and containing the nuclear material—one of the great contributions to nonproliferation of modern times—that is the most successful nonproliferation effort to date in which any country has engaged. That would be threatened if this START agreement does not pass. It is strengthened if the START agreement does pass.

Without the START treaty, the New START treaty—I think nobody expresses concern greater than Senator LUGAR. Senator LUGAR, a Republican Senator, has shown enormous leadership on this issue for years and years

now. He is respected all across the globe by those people who follow these issues. He has expressed the urgency of passing this treaty now, in this Senate, in this Congress, in this session.

In summary, the New START helps the United States to lead other countries so we help each other to address the lingering dangers of the old nuclear age, and it gives us a very important set of tools in order to combat the threats of the new nuclear age. Indeed, the single most significant question being raised at this point in time is not about the substance of the treaty within the four corners of the treaty; it is about language external to the treaty with respect to whether it somehow might limit our missile defenses. All of us acknowledge that those missile defense investments we have made to date will go a long way toward helping us to be able to address the threat of rogue states.

Let me just say as unequivocally as I know how that there is nothing in this treaty—there is no way this treaty—there is no way the policies of this administration—there is no way any language that is formal or binding between our nations or any other language, in fact, binds the United States or restrains us from pursuing missile defense. The answer with respect to any question on missile defense in this treaty is, no, it unequivocally does not restrain America's ability to develop and deploy missile defense. What is more, the evidence of that was very clear in Lisbon just the other day where the President of the United States, together with European countries, publicly announced the procedure by which we are going forward to deploy a missile defense in Europe in order to deal with the rogue threat problem.

Let me be even more clear. With respect to the question of any limitation of missile defense, the Secretary of Defense, appointed by President George W. Bush, says no, there is no limitation on missile defense; the Chairman of the Joint Chiefs of Staff says no, there is no limitation on missile defense; the commander of our nuclear forces says no, no limitation on missile defense; the Director of the Missile Defense Agency says no, there is no limitation on missile defense. Again and again, senior military leaders have said unambiguously that this treaty does not limit our missile defense plans. So, in my judgment and the judgment of most people I know who reasonably approach this treaty, there is no issue of missile defense with respect to this treaty.

Now we are beginning to hear people say that maybe we do not have time, in the context of the lameduck session, to deal with this question of American leadership, this constitutional responsibility that ought properly to be executed by the Senate that has done all of the work on this treaty. There is in that statement about lack of time, to some degree, a sort of question: Maybe there are a whole bunch of issues out

there that just have not been resolved. Let me try to deal with that for a moment because I wish to make it very clear that the New START treaty's inspection and evaluation and analysis process by the Senate and appropriate committees has been extensive and exhaustive.

I wish to make clear what the record says about the time we have to consider this treaty. The Senate has been working on this treaty for the past year and a half, ever since the negotiations first began.

Starting in June of 2009, the Foreign Relations Committee was briefed at least five times during the talks with the Russians. Senators from the Armed Services Committee, the Select Committee on Intelligence, the Senate's National Security Working Group—all of them took part in those briefings. That was an obligation of this Congress. This Congress was present during the briefings with the negotiators, this Congress was privy to those negotiations as they went along—something a future Congress could not be because the negotiations are over. That underscores even more why this is the Congress that is the appropriate Congress to deal with this treaty. Roughly 60 U.S. Senators, through those committees I named, were able to follow the negotiations in detail, and individual Senators had additional opportunities to meet with our negotiating team, and a delegation of Senators even traveled to Geneva in the fall of 2009 to meet with the negotiators. I might add that included Senator KYL, who has been one of the leading Senators on the other side involved in our discussions on this treaty. In other words, by the time the New START treaty was formally submitted to the Senate in May, the 111th Congress was already steeped in this, deeply steeped in this. No other Senate can now replicate the input we had into these negotiations.

Over the next 6 months after the Senate treaty was submitted, the Senate became even more immersed in the treaty's details through hearings, briefings, documents, and hundreds upon hundreds of questions that were submitted to the administration. Something like 900 questions were submitted to the administration, and all of them have been answered in full.

This Senate has done its homework on the New START treaty, and it is this Senate that has an obligation to complete the advice and consent on that treaty.

The fact is, there are also very important security reasons for us not to wait. Next Sunday, December 5, it will have been 1 year since the original START treaty expired—a whole year without on-the-ground inspections in Russia. Some people say it doesn't really make a difference whether it be a month or 2 months or whatever. I have to tell you something: When it comes to nuclear arsenals, every day matters. Without this treaty, we know

too little about the only arsenal in the world that has the potential to destroy the United States.

As James Clapper, the Director of National Intelligence, said—and he does not come to us with an opinion that is clouded by politics; he doesn't come to us as a Democrat or a Republican; he comes to us as a professional whose task it is to defend the security of our country and who has a lifetime career wearing the uniform of our Nation, defending our country—he says of ratifying New START, “I think the earlier, the sooner, the better.”

One of our most solemn responsibilities is this responsibility of advice and consent. We have been through a tough political year. The American people, we all understand—Senators keep coming to the floor and referring to the anger. It is real. It is there. We know the American people are angry. But they are angry because the business of the country does not seem to get done. They are angry because they see a partisan food fight, a political food fight taking place instead of the serious business of our Nation.

I believe other countries are watching us to see whether we can fulfill our constitutional responsibilities. Just how well does this democracy we sell all over the world actually work? If we can't make it work here at home and we can't deliver now, what kind of a message does it send about the power of the United States to leverage its values and its interests in the challenging world we face today?

Every Senator has an obligation to ask that question of themselves over the course of these next days: Are we a credible partner? Can other nations rely on us? What happens when the President of the United States negotiates a treaty, and he comes back here and the rest of the world sees that treaty bogged down, not in the substance of the treaty but in the politics of the day?

With this vote we can demonstrate our resolve and our leadership, and we can demonstrate something about the quality of our democracy. I think the schedule of the Foreign Relations Committee shows good-faith efforts which we have applied to live up to the Senate's responsibility.

After the treaty was signed in April, Senator LUGAR and I worked together to set up a bipartisan review of the treaty. Never once did Senator LUGAR or I approach this in a partisan way. I am grateful to Senator LUGAR for his exceptional leadership and his willingness to stand up to some of the currents of the day and act on the interests of the country as he sees them.

Our primary consideration in the scheduling of witnesses before our committee was not whether they would support or oppose the treaty, we looked for expertise and we looked for experience. On April 29, the committee heard from Bill Perry, former Secretary of Defense, and Jim Schlesinger, former Secretary of Defense, Secretary of En-

ergy, and Director of Central Intelligence.

These men recently led the congressionally mandated Strategic Posture Commission. They both said we should approve the New START treaty. Dr. Schlesinger said it is—this is the quote of Dr. Schlesinger, who served a Republican President—“obligatory”—that is his word—“obligatory for the United States to ratify New START.”

Dr. Perry told us this treaty advances American security objectives, particularly with respect to nuclear proliferation and nuclear terrorism. On May 18, the committee held a hearing with Secretary Clinton, Secretary Gates, and Admiral Mullen. Admiral Mullen told us the New START treaty “has the full support of your uniformed military.”

Secretary Gates made clear the treaty will not constrain U.S. missile defense efforts. He said:

From the very beginning of this process more than 40 years ago the Russians have hated missile defense. They do not want to devote the resources to it and so they try and stop us from doing it through political means. This treaty does not accomplish that for them.

That is what Secretary Gates said. The next day, former Secretary of State Jim Baker, who helped negotiate START I and helped negotiate START II, said that the New START “appears to take our country in a direction that can enhance our national security while at the same time reducing the number of nuclear warheads on the planet.”

A week later, on May 25, Henry Kissinger recommended ratification of the treaty. He also cautioned us that rejection of the treaty would, in his words, have an “unsettling impact” on the international environment.

We also heard from two former National Security Advisers; Stephen Hadley, who served under George W. Bush, who told us the treaty is “a modest but nonetheless useful contribution to the security of the United States and to international security”; and Brent Scowcroft, who served under George H.W. Bush, said he supports the treaty and he told us the New START does not restrict our missile defense plans. He said the Russian unilateral statement was simply an issue of “domestic politics for the Russians.”

So we heard from some of the most eminent statesmen this country has produced, Republicans and Democrats, with decades and decades of public service. They said we should approve this treaty. In all, six former Secretaries of State, five former Secretaries of Defense, the Chair and Vice Chair of the 9/11 Commission, and numerous other distinguished Americans have said it is important we approve New START.

On July 14, seven former heads of the U.S. Strategic Command and Strategic Air Command sent the committee a letter urging approval of the treaty. Indeed, some of the strongest support for

this treaty has come from the military, which unanimously supports the treaty. On June 16, I chaired a hearing on the U.S. nuclear posture, modernization of the nuclear weapons complex, and our missile defense plans.

GEN Kevin Chilton, commander of the U.S. Strategic Command, which is responsible for overseeing our nuclear deterrence, explained why the military supports the New START. He said:

If we don't get the treaty, A, the Russians are not constrained in their development of force structure, and, B, we have no insight into what they are doing. So it is the worst of both possible worlds.

Again, the commander of the U.S. Strategic Command says not ratifying this treaty is the worst of both possible worlds. And LTG Patrick O'Reilly, who heads the Missile Defense Agency, told us the New START does not limit our missile defense plans.

I have briefed the Russians, personally in Moscow, on every aspect of our missile defense development. I believe they understand what that is. And that these plans for development are not limited by this Treaty.

In other words, the Russians know what we intend to do and they signed the treaty, nonetheless.

On July 14, the committee had a closed hearing on monitoring and verification of treaty compliance with senior officials from the intelligence community. Obviously, that was a highly classified briefing. But every Senator is welcome to go down to the Office of Senate Security and read the transcript of that hearing, which I suspect will stay there and not appear in WikiLeaks.

If my colleagues want a public statement on verification, I would once again cite what James Clapper, the Director of National Intelligence, said last week about ratifying the New START treaty:

I think the earlier, the sooner, the better. You know the thing is, from an intelligence perspective only—

This is General Clapper's perspective—

are we better off with it or without it? We're better off with it.

The committee also heard testimony from the directors of the Nation's three nuclear laboratories. As we all know, much of the debate on the treaty has focused on the resources that are needed to sustain our nuclear deterrent and modernize our nuclear weapons infrastructure, and it was important for our committee to hear from the responsible officials directly. They praised the Obama administration's budget request for this fiscal year. I suspect my colleague from North Dakota, in a few minutes, will have something to say about that additional funding for the nuclear modernization program and the plan of action that has been outlined.

I will simply say, again and again, the administration has bent over backward to work in good faith openly and accountably with Senator KYL. I have been part of those discussions all

along. I think we have acted in good faith to try to meet the needs—so much so that we put money into the continuing resolution a few months ago, in order to show our good faith for this effort to try to produce the modernization funding as we go forward.

In all, the Foreign Relations Committee conducted 12 open and classified hearings, featuring more than 20 witnesses. The Armed Services and Intelligence Committees held more than eight hearings and classified briefings of their own. We did not stack the deck with Democrats. In fact, most of the former officials who testified were Republicans. Even the executive branch witnesses included several holdovers from the last administration—Secretary Gates, Admiral Mullen, General Chilton, Lieutenant General O'Reilly—all originally appointed to their posts by President Bush.

Overwhelmingly, these witnesses supported timely ratification of the New START treaty. As I have said, some of the strongest endorsements came from America's military leaders. The combined wisdom of our current and former military and civilian leaders, accumulated over decades in service, not to political parties but in service to the Nation as a whole, was clear: All of them said this treaty should be ratified.

Over the summer, the committee also reviewed a number of important documents, including a National Intelligence Estimate, assessing the U.S. capability to monitor compliance with the terms of the New START, a State Department report assessing international compliance with arms control agreements, including Russia's compliance with the original START, the State Department's analysis of the New START's verifiability, a classified summary of discussions during the treaty negotiations on the issue of missile defense.

By the end of July, the Foreign Relations Committee had compiled an extensive record. We could have reported the treaty out of committee then. We had the votes. I was prepared to move forward, but because some Republican Senators knew we were prepared to move forward, they came and asked for more time to review the treaty and to look at the testimony and the documents we had gathered.

So, in August, in direct response to this Republican request, I made a decision as chairman to postpone for 6 weeks, over the course of the August recess, until after that so Members would have more time to review the record, as the Republicans requested. Frankly, the treaty, I have said again and again, is too important to get caught up in partisan politics, so I thought it was very important not to allow anybody to say we were rushing it.

We gave that additional time, even though we had the votes. We came back afterwards and we dealt with each and every one of the concerns that

were raised in good faith. Frankly, it is important to have reciprocal good faith in the workings of the Senate. Over the next 6 weeks, I encouraged Senators to contact Senator LUGAR and me with their comments on a draft resolution of ratification. In discussions with Senator LUGAR, Senator CORKER, Senator ISAKSON, I made it clear we welcomed and needed their input and, indeed, we got their input.

At the same time, the Armed Services and Intelligence Committees were wrapping up their work on the treaty. Senators LEVIN and MCCAIN each wrote to the Foreign Relations Committee with their views on the treaty, as did Senators FEINSTEIN and BOND from the Intelligence Committee.

We received the answers to several outstanding questions Senators had posed to the administration. In all, over the past 7 months, Senators formally submitted some 900 questions to the Obama administration, and they have received thorough responses to every one of them.

By mid-September, our bipartisan work produced a resolution of ratification we should all be able to support. Our review process was not designed to cheerlead for the treaty. It was designed to probe every aspect of the treaty and to come up with a resolution that provided the Senate's input and protected the prerogatives of the Senate and, indeed, of individual Senator's points of views. That is what we have done. At 28 pages, the resolution of ratification—including 13 conditions, 3 understandings, 10 declarations—addresses every serious topic we have discussed over these months. If a Senator was worried about the treaty and missile defense, then condition (5), understanding (1), and declarations (1) and (2) addressed those issues.

If they were worried about modernization of our nuclear weapons complex and strategic delivery vehicles, then condition (9) and declaration (13) addressed those concerns.

If they were worried about conventional prompt global strike capabilities, then conditions (6) and (7), understanding (3) and declaration (3) addressed those.

Worried about tactical nuclear weapons? Well, that is in there. Verifying Russian compliance? It is in there. Even the concern that was raised about rail-mobile missiles was fully addressed in the resolution of ratification.

In short, the resolution is the product of careful, bipartisan deliberation and collaboration intended to address each of the concerns that was raised. That does not mean the resolution is perfect. It does not mean it could not possibly be further improved. But in the past weeks, I have been reaching out to colleagues to get additional ideas. I will be happy to consider any germane amendment that colleagues might propose. But the only way to do that is by having the floor debate on this treaty.

With the Senate now back in session, there are 33 days before the end of the year. All of us would obviously not like to repeat what happened last year and not be here right up until Christmas Eve. But there is plenty of time in the next 3 weeks for debate.

Look at the record. The original START agreement was a far more dramatic treaty than the New START because its cuts were sharper and because the Soviet Union had just collapsed, leaving tremendous uncertainty in its wake. Yet the full Senate needed only 5 days of floor time before it approved that treaty, by a vote of 93 to 6, a far more complicated and far more provocative, if you will, treaty at that time.

The START II treaty took only 2 days on the floor in the Senate before it was approved by a vote of 87 to 4.

So leave the precedent aside for a moment. When it comes to protecting our national security, the American people expect us to make time. That is exactly what we are prepared to do.

We are prepared to work around the clock. If time is the only concern, then we have no concerns. Given the time that it took to consider past treaties, it is clear we can do this. We are not new to this business. We are not new to this treaty. We could get this done if there is a will to do so. I know some Senators still worry about the administration's plans with respect to modernization of the nuclear weapons complex. That is not directly within the four corners of the treaty, but I understand their concern. So let's review the work very quickly that has been done there.

The Obama administration proposed spending \$80 billion over the next 10 years. That is a 15-percent increase over the baseline budget, even after accounting for inflation. It is much more than was spent during the Bush administration's 8 years. Still some Senators have concerns.

On September 15, the Vice President assured our committee that the 10-year plan would be updated and a revised 2012 budget figure would be provided this fall. In the meantime, because I believed that the nuclear weapons program ought to be adequately funded, I worked with other colleagues—with the leader and Senators DORGAN and INOUE—to guarantee that an anomaly in the continuing resolution that we passed in October provided an additional \$100 million for the past 2 months. It ensured that we would get the updated figures from the administration. The administration has now provided those figures. It is asking for an additional \$5 billion over the next 10 years.

I remind colleagues that according to the resolution of ratification, if any of this funding does not materialize in future years, the President will be required to report to Congress as to how he is going to address the shortfall. But if the Senate does not now approve the ratification of the New START, it will become increasingly difficult without

any requirement for a report, and it will become increasingly difficult to provide that funding. That is a solid reason why we ought to get this done now.

Ultimately, bottom line, we need to approve this treaty because it is critical to the security of our country. It is better to have fewer nuclear weapons aimed at the United States. It is better to have the right to inspect Russian facilities. It is better to have Russia as an ally in our efforts to contain Iran and North Korea and in order to deal with the global proliferation challenge. Our military thinks it is better to have these things. If any of my colleagues disagree, let them make their case to the full Senate. That is the way it is supposed to work around here. Let them make their case to the American people. If the American people said anything in this election year, it is that Congress needs to get down to the real business of our Nation. If the national security of our Nation is not the real business, I don't know what is. They have asked us to protect American interests. By ratifying this treaty, we will do so.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Massachusetts. Senator KERRY, as chairman of the committee, has done an extraordinary job. I also mention Senator LUGAR and others who have worked very hard on the issue of the ratification of the START treaty. I was a member of the Senate National Security Working Group, and the Administration kept us informed all along the way during the negotiations with the Russians. We had meetings in various locations and were briefed by the negotiators who described to us what the negotiations were about, what the progress was, and so on. Some of my colleagues from this Chamber who were a part of that National Security Working Group came to the meetings. We all had an opportunity to ask a lot of questions. It is not as if someone just dropped on the Senate some package called the START treaty. We have been a part of that all along and have been a part of having discussions and descriptions of the work of this treaty for some long while.

I wish to go through a couple of things today. First, some colleagues have decided we should not proceed with the ratification of this new arms reduction treaty that we have negotiated with the Russians. Some have alleged that there are all kinds of difficulties with it. They say it would limit our ability to produce and deploy an antiballistic missile. That is not the case. It is not accurate. They are suggesting that our modernization program of existing nuclear weapons or the lifetime extension programs for existing nuclear weapons is not funded sufficiently, and that is not the case. They indicate it would not meet our

national security requirements to go ahead with this treaty.

Let me describe what some very distinguished Americans who would know about this have said. The Chairman of the Joint Chiefs, Admiral Mike Mullen, said: I, as well as our combatant commanders around the world, stand solidly behind this new treaty.

That is from the Chairman of Joint Chiefs of Staff.

This is General Chilton, commander of the Strategic Command that is in charge of our nuclear weapons. He says:

The United States strategic command was closely consulted throughout the development of the nuclear posture review and during negotiations on the new strategic arms reduction treaty. . . .

What we negotiated is absolutely acceptable to the United States strategic command for what we need to do to provide a deterrent for the country.

This chart pictures former nuclear commanders who support this treaty: Generals Davis, Welch, Chain, and Butler, Admiral Chiles, General Habiger, Admiral Ellis. I have worked with many of these folks, and they are very respected. All of them believe this treaty is the right thing for this country and its security.

Dr. Henry Kissinger says:

It should be noted I come from the hawkish side of this debate so I'm not here advocating these measures in the abstract. I try to build them into my perception of the national interest. I recommend ratification of this treaty.

This chart shows America's most prominent national security experts who support this New START treaty, Republicans and Democrats, the most significant thinkers about foreign policy in this country today. They say they support this treaty and what it means to the country.

Some have said there is not enough funding for our modernization program for existing nuclear weapons or for the lifetime extension program for existing nuclear weapons, and that would be a problem. They are wrong about that. Let me describe what Linton Brooks, the former NNSA administrator in charge of these areas, nuclear weapons and the modernization and the lifetime extension programs, says, someone who served under the Bush administration in that role:

As I understand it, it is a good idea on its own merits, but I think for those who think it is only a good idea if you only have a strong weapons program, this budget ought to take care of that. Coupled with the out-year projections, it takes care of the concerns about the complex and it does very good things about the stockpile. And it should keep the labs healthy.

Then he said:

I would have killed for this budget.

This is from the man who headed NNSA during the Bush administration.

Let me go through the issue of spending because one of the principal concerns has been we are not spending enough money on the existing nuclear weapons stockpile. There are roughly

25,000 nuclear weapons in this world. With respect to our portion of those nuclear weapons, we modernize them. We have life extension programs to make certain they can be certified as workable nuclear weapons, notwithstanding the fact that we don't ever want to have to see that one works because it seems to me the explosion of a nuclear weapon in a major city will change everything in the future. But, nonetheless, we have a certification program. We spend a great deal of money modernizing and keeping up to date with lifetime extension programs, the existing stock of nuclear weapons.

I chair the appropriations subcommittee that funds the nuclear weapons stockpile among other things. The Appropriations Committee considered a request from the President this year for \$7 billion for these weapons programs. In my subcommittee, which does a lot of things—energy and water programs and nuclear weapons—almost everything else was either flatlined or reduced. But nuclear weapons was increased substantially. The \$7 billion the President requested was a 10-percent increase over the previous year. Some of my colleagues have said that leaves us way short of what we need.

That \$7 billion was put into the continuing resolution in November. There wasn't much discussion of that. So while virtually all other functions of government will continue to function at last year's appropriations level, the nuclear NNSA, nuclear weapons function, will be able to spend at the new funding level of \$7 billion, up 10 percent from the previous year.

Let me also describe what has happened with respect to fiscal years 2011 to 2015. The President's budget plan for those years provided \$5.4 billion above the previous plan. So this President has proposed generous appropriations to make certain that modernization and the life extension programs of existing nuclear weapons is funded well. I mentioned it went to \$7 billion.

Now, in November, the President sent a report to Congress which reported that he plans to request \$7.6 billion for the year 2012. That is a \$600 million increase over 2011 which was a \$600 million increase over 2010. Overall, the request in this new report is a \$4.1 billion increase over the baseline during 2012 to 2016. So then we will be spending \$85 billion in the 10-year period, \$85 billion on modernization of our current nuclear stockpile and the life extension program in our current nuclear stockpile, and even that is not enough. We are told that is not nearly enough money.

How much is enough? If we can certify the stockpile works and the stockpile provides a deterrent, how much is enough? This President has robustly funded the requests that were needed. Now we are told not nearly enough money has been appropriated.

By the way, those who are saying this are saying we need to substantially cut Federal spending and reduce

the Federal budget deficit. Very interesting.

Let me relate, as I have in the past, something that happened over 9 years ago to describe the importance of this subject. On 9/11/2001, this country was attacked. One month later, October 11, 2001, there was a report by a CIA agent code named Dragonfire. One of our agents had a report that said there was a nuclear weapon smuggled into New York, a 10-kiloton Russian nuclear weapon stolen and smuggled into New York by terrorists to be detonated. That was 1 month to the day after 9/11. That report from the CIA agent caused apoplexy among the entire national security community. It was not public at that point. It was not made public.

After about a month, they decided that it was perhaps not a credible piece of intelligence. But when they did the post mortem, they discovered that clearly someone could have stolen a Russian nuclear weapon, perhaps a 10-kiloton weapon, and could have smuggled it into New York City. A terrorist group could have detonated it, and a couple hundred thousand people could have perished—one stolen nuclear weapon. There are 25,000 of them on the planet—25,000.

The question is, Do these agreements matter? Do they make a difference? Of course, they do. The fact is, nuclear arms agreements have made a very big difference.

I have had in the drawer of my desk for a long period a couple of things I would like unanimous consent to show.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. This is a piece of metal from a Soviet Backfire bomber. We didn't shoot this bomber down. It was sawed off. They sawed the wings off this bomber. They did it because we paid for it under the Nunn-Lugar agreement in which we have actually reduced nuclear weapons, both delivery vehicles and nuclear weapons.

So I have in my desk a piece of a Soviet bomber that had its wings sheared off because of a US-Russian agreement, and that delivery system is gone. I have a hinge that was on a silo in Ukraine for a missile that had on it a nuclear weapon aimed at this country. Well, that missile is now gone. I have the hinge in my hand. That missile that held a nuclear warhead aimed at America is gone. In its place on that field are sunflowers—sunflowers—not missiles.

I have in this desk as well some copper wire that was ground up from a Soviet submarine that was dismantled as a result of a US-Russian arms control agreement. These agreements work. We know they work. We have reduced the number of delivery vehicles; yes, submarines, bombers, missiles. We have reduced the number of nuclear weapons. This agreement will further reduce the number of nuclear weapons.

Now, if it is not the responsibility of our country to begin addressing the

ability to stop the spread of nuclear weapons and to reduce the number of nuclear weapons on the face of this Earth, then whose responsibility is it? It is clearly our responsibility to shoulder that leadership. One important element of that is when we negotiate these kinds of treaties, arms reduction treaties, that virtually everyone—Republicans and Democrats who know anything at all about national security and about arms reduction agreements—has said makes sense for our country, when we do that, it seems to me we ought not have the same old thing on the floor of the Senate, and this ought not be a part of gridlock.

This is a negotiation between our country and Russia with respect to reducing delivery vehicles and reducing nuclear weapons. The National Security Working Group, of which I was a member—and a number of my colleagues were members—met in this Capitol Building, and we were briefed and briefed and briefed again by those who were negotiating this treaty. This is not a surprise. There is nothing surprising here. In my judgment, this Senate should, in this month, do what is necessary to have the debate and ratify this treaty.

Again, let my say, this President sent to the Congress a budget request that had ample and robust funding, with a 10-percent increase for modernization and life extension programs for our nuclear weapons. I know that because I chaired the committee that put in the money at the President's request.

Then, because of those who believed you had to have the extra money for the nuclear weapons program, that money was put in a continuing resolution so that program goes ahead with a 10-percent increase, while the rest of the Federal Government goes on at last year's level. I did not object to that. But I do object when they say there is not ample funding here—a 10-percent increase this year, a 10-percent increase next year. Testimony by everyone who knows about these weapons programs, the cost of them and the effectiveness of these treaties, ought to be demonstration enough for us to do our job and to do our job right.

We have a lot of important issues in front of us. I understand that. But all of these issues will pale by comparison if we do not find a way to get our arms around this question of stopping the spread of nuclear weapons and reducing the number of nuclear weapons. If one, God forbid—one nuclear weapon is exploded in a city on this planet, life on this planet will change.

So the question of whether we assume the responsibility of leadership—whether we are willing to assume that responsibility—will determine in large part, it seems to me, about our future and about whether we will have a world in which we systematically and consistently reduce the number of nuclear weapons and therefore reduce the threat of nuclear weapons in the future.

I do hope my colleagues—and, by the way, I do not suggest they are operating in bad faith at all. But some of my colleagues have insisted—insisted—there is not enough funding. It is just not the case. The demonstration is clear. It is the one area that has had consistent, robust increases in funding, requested by this President, and complied with by this Congress, and now even advance funding through the continuing resolution. It seems to me it is time to take yes for an answer on the question of funding, and let's move ahead and debate this treaty and do what this country has a responsibility to do: ratify this treaty, and do it soon.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FDA FOOD SAFETY MODERNIZATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 510, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 510) to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

Pending:

Reid (for Harkin) amendment No. 4715, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNES. Mr. President, I do not see Senator BAUCUS in the Chamber, so I will go ahead and get started. My understanding is we will be going back and forth. So I will finish my opening remarks, and then if he arrives I will yield to him.

In just a few hours Senators are going to have a distinct choice. Two amendments will be offered to repeal what I think we have all come to regard as a very nonsensical tax paperwork mandate that was included in the health care reform bill.

There is broad agreement the 1099 repeal is necessary to remove Federal roadblocks to job creation. But today we have a choice on the two amendments. Today's choice comes down to what I regard as a very straightforward choice, a choice relative to fiscal responsibility, and it is illustrated by the chart I have in the Chamber.

My amendment fully offsets the cost of the 1099 repeal. The alternative Baucus amendment piles \$19 billion of debt onto the backs of future generations. The irony of this is just unmistakable. On one hand, we have a provision in the health care law that we have all come to regard as crazy, foolishness. Even the President has said it does not make any sense—or words to that effect.

On one hand, to repeal it, we are adding to the debt of future generations.