The bill was read the third time.

Mrs. MURRAY. I yield back our time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, shall the bill as amended pass:

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—73

Akaka	Franken	Nelson (NE)
Alexander	Gillibrand	Nelson (FL)
Baucus	Gregg	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Hatch	Roberts
Bingaman	Hutchison	Rockefeller
Bond	Inouye	Sanders
Boxer	Johanns	Schumer
Brown	Johnson	Shaheen
Brownback	Kaufman	Shelby
Burris	Kerry	Snowe
Byrd	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Lugar	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wicker
Durbin	Mikulski	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NAYS—25

Barrasso	DeMint	McCain
Bayh	Ensign	McCaskill
Bunning	Enzi	McConnell
Burr	Graham	Risch
Chambliss	Grassley	Sessions
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	
Crapo	LeMieux	

NOT VOTING—1

Landrieu

The bill, H.R. 3288, as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. Madam President, I move to reconsider the vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses.

The chair appointed Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, Mr. LEAHY, Mr. HARKIN, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. LAUTENBERG, Mr. SPECTER, Mr. INOUYE, Mr. BOND, Mr. SHELBY, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Mr. COCHRAN, conferees on the part of the Senate.

EXECUTIVE SESSION

NOMINATION OF GERARD E. LYNCH TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to vote on the nomination of Gerard E. Lynch, of New York, to be U.S. circuit judge for the Second Circuit.

There is 2 minutes of debate equally divided.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, it is Constitution Day. Two hundred twenty-two years ago today, the Constitutional Convention finished its work and proposed our fundamental charter.

With this vote, the Senate will finally begin fulfilling one of its most important constitutional duties by granting consent to the President's lifetime appointment to the Federal judiciary. This is the first Federal circuit court judge the Senate has confirmed all year. The Senate has yet to confirm a single district court judge. Judicial vacancies have spiked and could approach 120 soon.

We all know Judge Lynch is an outstanding judge and will make an excellent circuit judge. His nomination has been on the calendar awaiting Senate action for more than 3 months. I am glad his wait is finally over. The President made a good nomination, and the Senate should grant consent so that Judge Lynch's appointment may finally proceed.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, this nominee is a brilliant lawyer and an excellent, hard-working judge. He has made a number of speeches in the past which evidenced an activist philosophy. I voted against him in 1997 when he came up. And absent one or two opinions since then, it seems he has done an excellent job on the bench.

I remain concerned that we are seeing a pattern of nominees who believe they have the power to amend the Constitution. One—not this one—has said he can make footnotes to the Constitution. But this nominee is a man of good integrity, a proven record on the bench, and I will support the nomination.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gerard E. Lynch, of New York to be U.S. Circuit Judge for the Second Circuit?

Mr. SESSIONS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 288 Ex.]

YEAS—94

Akaka	Feingold	Mikulski
Alexander	Feinstein	Murkowski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Graham	Nelson (FL)
Begich	Grassley	Pryor
Bennet	Gregg	Reed
Bennett	Hagan	Reid
Bingaman	Harkin	Risch
Bond	Hatch	Roberts
Boxer	Hutchison	Rockefeller
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Burr	Johanns	Sessions
Burris	Johnson	Shaheen
Byrd	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Tester
Chambliss	Lautenberg	Thune
Cochran	LeMieux	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	McCain	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	McConnell	Wyden
Durbin	Menendez	
Ensign	Merkley	

NAYS—3

Bunning	Coburn	Inhofe

NOT VOTING—2

Enzi	Landrieu

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 2394

The PRESIDING OFFICER. There are now 2 minutes of debate prior to a vote in relation to amendment No. 2394 offered by the Senator from Nebraska, Mr. JOHANNS.

The Senator from Nebraska.

Mr. JOHANNS. Madam President, this morning I presented the argument on this amendment to the Senate. The question was raised: We don't think there is money that comes out of this budget relative to this organization, ACORN. I went back to the office and did some research. This is a bill that controls hundreds of grant programs. After studying that, it appears I was right. ACORN gets money out of this appropriations.

Moments ago my staff brought me information that would suggest that

ACORN has, in fact, received funding. The EPA is a part of this bill. If Members go to this bill at page 182, they will see the EPA is there. We went to the EPA Web site. Here is what the Web site says, referencing a grant program, that it is a collaboration of nonprofit organizations led by Ellis Hamilton.

Mr. LEAHY. Madam President, these videotapes that are the excuse for this amendment understandably have offended most who have heard about them, including me. I detest the stupidity and crassness that they depict. If people have acted improperly, they should be fired, and if they have acted illegally, they should be prosecuted. Period. The Obama administration has been equally critical.

ACORN is not the reason for my vote. There is not even an ACORN office in my entire State. Nor, for that matter, is there any reason to believe that this group ever has or ever would have any interest or expertise in applying for competitive grants under the programs funded in this Interior appropriations bill.

Everyone—except perhaps many of the casual observers who are the target audience of the orchestrated anti-ACORN frenzy—knows that score-at-any-price partisanship is being mixed in an unseemly way with public policy.

For more than a year—since long before these videotapes were made—it has been well known that a partisan project has been launched to demonize ACORN. ACORN in several ways has made easy work of that.

To me, this knee-jerk injection of politics into the competitive grant process is the real issue here. Congress should not compound the wrongful and stupid actions depicted on these videos by deciding to set political standards for competitive Federal grants. Federal agencies use a nonpartisan review process to award grants to the most competitive applicants. Just as I would be against banning other specific organizations on the right or on the left from applying for competitive grants, I believe it is harmful, even though popular, to approve an amendment such as this.

It is unseemly to allow use of a partisan playbook to run roughshod over long-established competitive grant procedure. The admittedly few votes that were cast against this amendment, against the tide of popular opinion, have at least made it more likely that in calmer moments months or years from now, there may at least be some thought invested before Congress again acts to inject raw political partisanship from the left or from the right—into the competitive grant mechanisms of Federal agencies.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, as chairman of the committee, I urge a ''no'' vote on this amendment. We voted on this yesterday. The vote was compelling, 87 to 7. To the best of our knowledge—and the staff has scrubbed the bill—there is no money for ACORN in the Interior appropriations bill. To do this is to set a precedent to do this on every single appropriations bill. This morning I said to the distinguished Senator from the great State of Nebraska: We will take this amendment. He refused. I guess all of this is really to show people. It is unnecessary. It delays. This is an important bill. We would like to get it passed. Please vote no.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JOHANNS. I ask unanimous consent for an additional 30 seconds.

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Madam President, I wish to inform all Members, this will be the last vote today. Tomorrow is a Jewish holiday. We will not be in session tomorrow. We will be in session Monday for Senators to offer amendments on the Interior appropriations bill. There will be no votes on Monday. There will be a vote or two prior to the caucus on Tuesday. Members with a pent-up desire to offer amendments, the floor will be theirs all day Monday. We will come in as early as they want to start offering amendments. We need to move forward on these appropriations bills. I appreciate everyone's cooperation getting this Transportation bill done. This is the fifth one we have completed. We have seven more to go.

Mr. JOHANNS. I ask for the yeas and nays on amendment No. 2394.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 11, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—85

Alexander	Cardin	Franken
Barrasso	Carper	Graham
Baucus	Chambliss	Grassley
Bayh	Coburn	Gregg
Begich	Cochran	Hagan
Bennet	Collins	Hatch
Bennett	Conrad	Hutchison
Bond	Corker	Inhofe
Boxer	Cornyn	Inouye
Brown	Crapo	Isakson
Brownback	DeMint	Johanns
Bunning	Dodd	Johnson
Burr	Dorgan	Kaufman
Byrd	Ensign	Kerry
Cantwell	Feingold	Klobuchar
Kohl	Murkowski	Specter
Kyl	Nelson (NE)	Stabenow
Lautenberg	Nelson (FL)	Tester
LeMieux	Pryor	Thune
Levin	Reed	Udall (CO)
Lieberman	Reid	Udall (NM)
Lincoln	Risch	Vitter
Lugar	Roberts	Voinovich
McCain	Rockefeller	Warner
McCaskill	Schumer	Webb
McConnell	Sessions	Wicker
Menendez	Shaheen	Wyden
Merkley	Shelby	
Mikulski	Snowe	

NAYS—11

Akaka	Durbin	Leahy
Bingaman	Feinstein	Sanders
Burris	Gillibrand	Whitehouse
Casey	Harkin	

NOT VOTING—3

Enzi	Landrieu	Murray

The amendment (No. 2394) was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. INOUYE. Madam President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies H.R. 2996 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

Mrs. FEINSTEIN. Madam President, before the Senator begins, I wonder if I might simply say that the floor is open for any amendments to the bill. So if Members are in their offices and would like to come down and present an amendment, following Senator BROWN would be a good time.

Thank you, Madam President.

Mr. BROWN. Madam President, I thank the senior Senator from California for her indulgence and her good work on this legislation and for her leadership generally.

HEALTH CARE REFORM

Madam President, I come to the floor almost every day to share letters from constituents in Ohio that tell a story about how they have worked within the health care system. Some of these stories will break your heart. Some of these stories are all too common in my State and around the country. Whether it is in Lima or Toledo or Ravenna or Saint Clairsville, people who oftentimes thought they had good insurance, who had paid their premium month after month, year after year, had gotten very sick, spent a lot of money on biologic drugs and on hospital stays and then their insurance

was canceled so their insurance was not there when they needed it, even though they paid month after month after month.

Let me take 5 minutes to share three or four of these letters from people around Ohio.

The first one comes from Robert and Shirley from Clinton County. Clinton County is Wilmington, OH, just 60, 75 miles or so northeast of Cincinnati. Robert writes:

I recently retired after working 38 years in the same company, where we paid for our medical coverage under the company plans.

After retirement they grouped me and my wife in a retired group and our price plan went up tremendously.

My wife and I are both 57 years of age and until recently we were both really healthy.

Recently I was diagnosed with type 2 Diabetes, and my wife was diagnosed with type 1 Diabetes and [then] developed other medical conditions.

As so often occurs, diabetes, unfortunately, leads to other medical conditions.

Robert writes:

I would like to share some numbers with you:

My retirement income is: $1,680.00 per month.

My medical insurance is: $1,253.00 per month.

My [drug plan] is: $251.00 per month.

My dental is: $45.00 per month.

That means he is paying $1,549 a month for drugs, dental care, and medical insurance. His retirement income is $1,680 a month.

He then writes:

I must say that my wife and I are very disappointed in the way that some Democrats are going to the backing of the ''Party Of NO,'' without taking into consideration the Democratic Party has always been for the working man and woman.

What Robert writes is that too often people in this situation—they retire and, in his case, he had worked for a company for 38 years. They had been relatively healthy. Then they got sick. They have paid into insurance all these years. It sounds like insurance companies have found them pretty profitable over the years because they have not been sick. All of a sudden, when they get sick—they are retired—their insurance costs have gone up so dramatically.

That is not what insurance is supposed to do.

What our legislation will do is give people, particularly those at those ages between 57 and 65—because we are leaving Medicare alone. We are going to actually make Medicare better because we are going to close that doughnut hole so people with expensive drugs can get more assistance from the government from the Medicare plan. So we make Medicare better.

But in this 8 years, for Robert and Shirley, between retirement and Medicare, somebody has to help them a little more. They have paid their dues. They have paid into insurance. He has worked 38 years at the same company.

Our legislation will allow them to go into the exchange, the insurance exchange. They will then be able to choose among an Ohio company such as Medical Mutual or Aetna or CIGNA or the public option. They will have a choice and they then make their decision based on what plan works for them. If their income is only $1,500 a month, $1,600 a month, as Robert's and Shirley's income is, then they will get some assistance for paying for that insurance so they can have much better insurance.

Valorie, from Geauga County, says:

I have always been concerned about the availability for affordable health care for those less fortunate than my husband and myself. But never has this necessity been driven home than this past February when we both lost our jobs due to the economy. Once my severance package runs out, I will not be able to pick up health insurance for my husband and myself. We are both close to 60. We will probably have a difficult time finding jobs. I am grateful the President enabled us to have COBRA benefits we could afford, but they will soon expire. What will we do after that?

COBRA gives you, after you lose your job, an opportunity to continue your health insurance for a year and a half. You pay the part of the health insurance you were paying when you were employed but, unfortunately, you have to pay the employer's side of the health insurance also, even though your income has dropped to close to nothing. President Obama, in the stimulus package we passed back in February, included assistance for people in COBRA where the government, I believe for a year, paid 60 percent of those COBRA costs, allowing people to keep their health care. But once COBRA expires, as Valorie says, they have problems.

I am worried and I pray that neither of us becomes ill because we cannot now afford our medical visits. I know there are others in the same predicament. It is my hope Congress can work on some reasonable solutions for all who need affordable health insurance.

Valorie is not much different from Robert and Shirley in that she is close to retirement but not yet Medicare age; not for another half decade or so for Valorie, and she doesn't have much income now. She has lost her job. Her husband lost his job. She could benefit greatly from going into either the public option—but it is her choice—or Aetna or CIGNA or Medical Mutual or any of the other private insurance plans, and she would look at which one works for her best. She would get some assistance in paying her premiums, but she would be paying less because those plans would have less cost than certainly she could get in the private market which always charges more money.

The third letter is from Kimberlee from Perrysburg, OH, a Toledo suburb. Perrysburg has more solar energy jobs than any other city in the country. I just add that for a little commercial for Perrysburg and my State. Kimberlee says:

I am a 52-year-old woman and stroke survivor. I am still in the recovery process, but my left side is still paralyzed. I can no longer attend physical therapy because my insurance stopped. I can't afford private medical insurance. I am on Medicaid, but Medicaid doesn't cover all of my needed physical therapy. I now have to do my therapy at home just as I was starting to make real improvement with my physical therapy. In a short time without therapy a person will lose everything they tried so hard to gain. Wouldn't it be better to continue the therapy until recovery is made. In the long run, wouldn't it be less costly to the public?

Kimberlee is right. Most of us in this body are lucky enough to be pretty healthy. We have good insurance. We aren't in jobs that age us quickly like my father-in-law who worked in a utility company plant for years and wore his body out in so many ways. It is hard for us to empathize with somebody like Kimberlee. She is 52 years old, a stroke survivor, needs physical therapy and can't afford to get it. What kind of health care system is this? For somebody who has worked hard, is 52, has had a stroke, wants to do what she needs to do in physical therapy—and that is no fun. Anybody who has had it knows it is not a vacation; it is hard work. She wants to do that. She can't get the treatment. Likely she will get sicker. If we can't pass this health insurance reform—we will pass it, but if we can't, it means her life will be more and more difficult and probably more expensive ultimately for the health care system because she will end up more likely back in the hospital with more physical problems than she had earlier.

The last letter I wish to share, and then turn the floor back to the senior Senator from California, is from Alice from Franklin County in central Ohio. It is the county where the State capitol is located in Columbus. She writes:

When I was between jobs, I purchased individual coverage for my family. It was difficult to navigate and confusing, but COBRA is much too expensive for the average person, including me. I am a woman in my 30s. One insurance company discouraged me from getting a maternity rider for the policy. Without this rider I would not be covered if I became pregnant. I managed to avoid getting pregnant during this period, but consider if I had. How many people must be in this situation? What about for my brother-in-law and his wife? Both are schoolteachers. They decided it was better for her to stay home with their daughter and newborn, but they couldn't afford to put his wife on a health plan. Right after the baby was born, my sister-in-law had a seizure and was diagnosed with a brain tumor. They got most of it. She seems fine, but I can't imagine what that is going to cost. They have two babies and a house they bought a couple of years ago. Now they will probably have hundreds of thousands of dollars in medical bills. The current system is bankrupting families. I don't know why the opposition can't see how this is dragging people down.

That is kind of the whole point. These are people who are working, doing things right. Both were schoolteachers. They decided that she would stay home with the two young children. They bought a house. They are going to be faced with hundreds of thousands of dollars in medical bills. How many people in this country—we

know this—how many people in this country end up, because of health care costs, because they had insurance that wasn't quite really insurance, because the insurance got canceled when they got sick or had a really expensive treatment—how many people like that end up in bankruptcy because they don't have enough insurance or they have the wrong kind of insurance and they got unlucky and got sick. It doesn't make sense for us, in a country where people do things right—they are working hard, they are playing by the rules, they are paying their taxes, contributing to society, and they are public schoolteachers, and then somehow their insurance doesn't work well enough for them and they go into bankruptcy. What purpose does that serve for any of us in this great country?

These health care bankruptcies will drop dramatically in number, will almost be eliminated with this health care bill. People occasionally may fall through the cracks, but once we pass our health insurance reform, we are not going to read in the paper anymore that people have had to file for bankruptcy because they got sick and their insurance didn't work. That is reason enough to vote for this legislation.

I ask my colleagues to work together in as bipartisan a way as possible to pass this legislation. The Health, Education, Labor and Pensions Committee, on the bill we wrote this July, accepted 161 Republican amendments. There is a lot of bipartisanship to a lot of this bill. The big question is the very great philosophical differences. Most Democrats support a public option. We think people should have more choice, make insurance companies more honest. Republicans philosophically don't support the public option. They think it is too much government. But most Republicans also didn't support the creation of Medicare. I think in the end, a lot of Republicans will join us because they want to be on the right side of history. They want to be part of something that is going to make a big, positive difference in the lives of tens of millions of Americans.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, it is my understanding that the distinguished ranking member of the Judiciary Committee wishes to speak as in morning business and I certainly have no objection.

The PRESIDING OFFICER. The Senator from Alabama.

MISSILE DEFENSE

Mr. SESSIONS. Madam President, I wish to thank the Senator from California. Her courtesy is legendary in this body and I thank her for that.

I am taken aback and flabbergasted by the Obama administration's decision announced today to cancel the European missile defense site. I ask, what does that mean? What will be the consequences of that decision? I wish to share a few remarks about it and note that this shift is contrary to the sense-of-the-Senate language that we included in the Defense bill passed a few weeks ago by this Senate. It is a very significant decision. I want to give it more thought. I don't want to overstate the problem. However, I wish to be on record today as saying this is a surprising decision, one that I have been involved in the discussion of for quite a number of years, and I feel as if it is a big error.

What happens? We asked our allies in Central Europe, Poland, and the Czech Republic to stand with us and to agree to place a radar in the Czech Republic and to place our defensive missile interceptors in Poland. The heads of those governments agreed to that. There was a lot of opposition here in the United States to the proposal. Likewise, there was opposition expressed in Poland and the Czech Republic from the traditional European left, many of them Marxists or hard-line leftists who have opposed the West's and the world's defense program for many years. However, that opposition was overruled and these nations were proud to be and to stand with the United States of America. It did not bother them that their big neighbor, Russia, objected. They are a sovereign nation of which they are quite proud. They were proud to make a decision and reach an agreement with the United States of America that could defend this country from limited missile attack from a rogue nation such as Iran. If Iran were to launch a missile attack that could reach the United States, its path would take it over Europe, and European nations were not immune to the threat of such an attack on their soil.

So they felt they were participating both in the defense of Europe and in the defense of the United States, and it was a good government public interest decision that they were pleased to participate in and stood up with us. We made a commitment to Poland and the Czech Republic, of course, when we asked them to do this and go through this process to build a system.

For years, we have been moving forward with that plan in mind in the Senate. This year, we had quite a bit of discussion about it in the Senate and we reached an agreement that I think pretty much stated flatly what our position. There were some who objected, and this is how we modified the language to finally state:

It is the sense of the Senate that (1) the United States Government should continue developing and planning for the proposed deployment of elements of a Ground-based Midcourse Defense system, including a midcourse radar in the Czech Republic and Ground-based interceptors in Poland, consistent with the Duncan Hunter National Defense Act of 2009.

Paragraph 2 says:

In conjunction with the continued development of the planned Ground-based Midcourse Defense system, the United States should work with its North Atlantic Treaty Organization allies to explore a range of options and architectures to provide missile defenses for Europe and the United States against current and future Iranian ballistic missile capabilities.

Any alternative system that the United States Government considers deploying in Europe to provide for the defense of Europe and a redundant defense of the United States against future long-range Iranian missile threats should be at least as capable and cost-effective as the proposed European deployment of the Ground-based Midcourse Defense system; and any missile defense capabilities deployed in Europe should, to the extent practical, be interoperable with United States and North Atlantic Treaty Organization.

Indeed, NATO endorsed this program.

For a while, some of our Members said, Well, I am not too sure about this. What does NATO say? NATO did endorse it. This action of backing down from our European-site Missile Defense system sends an overt signal to our allies that we don't fulfill our commitments, and it is bound to make our allies in Central Europe particularly nervous. This decision sends a message from the administration that we reward bad behavior.

The defense of this decision to abandon this program is that we are not doing this to curry favor with Russia, but that clearly is a State Department goal in this process because the Russians have objected to the deployment of this system—although it had virtually no capability with 10 interceptors in Poland to in any way defend against the massive arsenal that the old Soviet Union developed and that Russia now maintains.

So it does appear to be an attempt to placate Russia at the expense of our great allies, the Czech Republic and Poland. And we are walking away from a bipartisan commitment to national missile defense on a European site, as I noted, included in the National Defense Authorization Act for 2010. We accepted the sense-of-the-Senate language unanimously because both parties agreed to this. Senator LIEBERMAN and I were the primary sponsors, along with Senator BEGICH and others on the Democratic side, and a strong contingent of Republicans.

Let me say this about the whole system. I am worried—and I hope my colleagues will take this point under consideration. We have spent approximately $20 billion developing something many people believed would never work; that is, the ability to intercept in space an incoming ICBM missile and hit it bullet to bullet. We don't even deploy or utilize explosives. The kinetic energy is so great that it destroys the target when it hits. Our military experts have said that if North Korea were to be able to successfully launch a missile, they believe they could knock it down. We are improving our system as we have a number of them deployed, and we plan to deploy more. Yet this year's budget was a stunning retrenchment in our missile defense system. Let me summarize the things that occurred.

Even though this language contemplated moving forward in Europe, this is what we did regarding the United States. For quite a number of years, we planned to deploy 44 interceptor missiles—most in Alaska and a number in California. We talked about what to do about the Iranian threat, to provide redundant coverage for those missiles coming over from the east. We agreed that we would seek the agreement of Poland and the Czech Republic to base assets there. Fifty-four interceptors were to be deployed, 10 at the European site and 44 on the West Coast of the United States. What happened in this year's budget was that the 44 to be deployed in Alaska and California have been cut to 30.

The next technological advance to our missile defense system, the MEV—multikill vehicle—would be the warhead which could take out multiple incoming missiles with one missile. We think that was very capable technology that would be developed. That was zeroed out.

We had an additional system of a smaller but very high-speed interceptor, called a kinetic energy interceptor, KEI, that has been on the drawing board for a number of years and is showing a great deal of promise. That was zeroed out after years of funding.

We had plans and were working on the airborne laser, ABL, an amazing technology that our Defense Department believes will work—and we will test it this year. The airborne laser can knock down missiles, particularly in their ascent phase from an airplane. That missile system, after this year, will be zeroed out.

The 10 missiles we intended to base in Central Europe have been eliminated, it appears. At least that has been the President's recommendation and decision that we heard about today.

So I would say this: We believe, looking carefully at the numbers and putting in some extra loose change, for $1 billion, we could fully deploy the full system—with the full compliment of 44 missiles in the United States and 10 in Europe. We have spent over $20 billion to get to this point. So it is unthinkable to me that we would eliminate any future advancements in the system. I think, from a cost point of view, it is an unwise decision.

I am concluding that money is not the problem. I can only conclude that the Obama administration has decided that they agree with the naysayers who opposed President Reagan when he said this could ever be a successful system. They opposed it, and it looks like a political decision to me. Some sort of judgment decision to cancel this is involved here more than a dollars-and-cents issue because in the scheme of a $500 billion-plus defense budget, $1 billion over several years to complete the system as planned is not the kind of budget-breaking number that should cause us to change our policy.

Senator LIEBERMAN and I had offered this sense of the Senate amendment, and it passed the Senate just a few weeks ago. I believe it is the right policy. I think the administration is trying to do some, perhaps, good things. They think maybe they are attempting to placate or somehow reach out to Russia and gain some strategic advantage from that—although the Secretary of Defense, I understand, today said it didn't have anything to do with the Russian foreign policy, and I am not sure the administration acknowledges that either. ''The Czech premier, Jan Fischer, said Thursday''—this is in an Associated Press article—''that President Barack Obama told him Washington had decided to scrap the plan that had deeply angered Russia.'' It seems to me that is a part of it.

Let's go to the core of this Russian objection. As I have said on the floor, Russia knows this system poses no threat to their massive arsenal. They know that. Their objection to this system has been, in my view, a political objection, a foreign policy bluster and gambit to try to create a problem with the United States and extract something from us. They consistently oppose it.

Let's note the Reuters news article today by Michael Stott, which is an analysis of this. The headline of the article is ''Demise of U.S. shield may embolden Russia hawks.'' In other words, this weakness, this retreat, this backing down may well encourage them to believe that if they are more confrontational on other matters, they may gain more than by being nice to this administration.

The lead paragraph said:

> Washington hopes that by backing away from an anti-missile system in east Europe, it will get Russian cooperation on everything from nuclear weapons cuts to efforts to curb Iranian and North Korean nuclear ambitions.
>
> But will Moscow keep its side of the bargain?

That is a good question.

Mr. Stott goes on in his perceptive article to say:

> With the shield now on the back burner, both sides believe a deal cutting long-range nuclear arsenals can be inked this year and Russia has already agreed to allow U.S. military cargos to transit across its territory en route to Afghanistan.

That is something we have been asking them for some time, and they have dangled it out there. Apparently, a valuable but not critical ability to transport cargo may have been gained from this.

The author says:

> Russian diplomacy is largely a zero-sum game and relies on projecting hard power to forced gains, as in last year's war with Georgia over the rebel regions of Abkhazia and South Osettia or the gas dispute with Ukraine at the start of the year.
>
> Western concepts of ''win-win'' deals and Obama's drive for 21st century global partnerships are not part of its vocabulary.

The Western idea that if you cut a deal, both sides will benefit—that is not the way the Russians think.

Continuing:

> Diplomats here say Moscow hardliners could read the shield backdown as a sign of Washington's weakness. Far from doing the bidding of the United States, they may instead press for further gain to shore up Russian power in the former Soviet bloc.

That is the Czech Republic, Ukraine, Georgia, Poland, the Baltics, Latvia, Estonia, Lithuania, and Hungary.

The author goes on to say:

> Ukraine, Georgia, and other Kremlin foes in the ex-Soviet Union may be the first to feel the consequences.
>
> Poland and the Czech Republic are also nervous. In Warsaw, the timing of the U.S. move is particularly delicate as it coincides with the 70th anniversary of the Soviet invasion of eastern Poland.
>
> Analysts are particularly concerned about Ukraine, which faces a presidential election next January. Most of Russia's vast gas exports flow through its territory and the country reluctantly hosts a large Russian naval base.

I don't know what the geopolitical goals are here. I think it is a mistake not to deploy this system we committed to deploying. I believe we are not going to be able to rely on the good faith of the Russians, and I think they may misread what we have done. Instead of leading to further accommodation, it may lead to emboldening them to go forward with further demands against the United States.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

MORNING BUSINESS

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

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

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

ENERGY SPRAWL AND THE GREEN ECONOMY

Mr. ALEXANDER. Madam President, Secretary of the Interior Ken Salazar recently announced plans to cover 1,000 square miles of land in Nevada, Arizona, California, Colorado, New Mexico, and Utah with solar collectors to generate electricity. He is also talking about generating 20 percent of our electricity from wind. This would require building about 186,000 50-story wind turbines that would cover an area the size of West Virginia, not to mention 19,000 new miles of high-voltage transmission lines.

Is the Federal Government showing any concern about this massive intrusion into the natural landscape? Not at