historic rules of warfare are, it is what we have always done, and we need not be confused in this war and start treating it as if it were some sort of criminal activity. Doing so would compromise our ability to be effective and place at greater risk those individuals whom we send in harm's way, such as the 217th Military Police troop from Prattville, AL, which is going to Iraq. We don't need to be confused about what this is. It is not a law enforcement operation.

We also adopted an amendment last night that prohibited the intelligence communities of the United States, our agencies or our military, from giving Miranda warnings to people captured on the battlefield. Giving Miranda warnings to unlawful enemy combatants is unthinkable. It is a confusing thing. What you are basically telling these people that we capture is: Don't talk, we will give you a lawyer.

In fact, some of the NGOs, were telling Americans not to talk to them and ask for lawyers, because we were beginning to give Miranda warnings.

The premise of this amendment is not an overreach. It is consistent with our law.

Make no mistake, al-Qaida has announced it is and continues to be at war with the United States. We are at war with them. We cannot mince words. We cannot lead the world to believe that we have softened our resolve to defeat this enemy that threatens us.

According to a CNN report from July 15, 2009, al Zawahiri, bin Laden's deputy, called on Muslims to join in a jihad against the United States. I wish that were not so but that is what it is. Last week a terrorist group affiliated with al-Qaida targeted two American-owned hotels in Jakarta, Indonesia. On July 21, just a few days ago, a Wall Street Journal article pointed out last week's hotel bombings were not some isolated event:

> In the 19 months leading up to the Jakarta attacks, Islamic terrorists have brought their holy war to upscale properties in Kabul, Afghanistan; Islamabad, Pakistan; Mumbai, India; and Peshawar, Pakistan. The casualties thus far number 116 people killed and hundreds more injured.

I ask my colleagues, in the middle of the war against al-Qaida, is it wise to remove al-Qaida from the definition of unlawful enemy combatant, or even the new form ''unprivileged enemy belligerent''? That is the new word we are using and perhaps it is all right. I don't know why we changed. But we have to be careful the words we use.

Can anyone imagine the Congress removing ''Nazi'' from the wartime definitions in the middle of the Second World War? What do we hope to achieve by taking al-Qaida's name out?

Fortunately, last night it was put back in. But what would have been achieved by removing their name from that list of organizations against which we are at war?

The original Military Commissions Act passed in 2006 made it clear that the unlawful enemy combatant definition covered hostile groups ''including a person who is part of . . . al-Qaida, or associated forces.''

Let's be clear about what removing al-Qaida from the definition would have meant in the legal proceedings related to detainees. It will cloud them under uncertainty and ambiguity. Judges, whether military or civilian, will have to second guess whether al-Qaida members are truly eligible to be held as enemy combatants.

This is not an unjustified concern. Let me tell you about one case where a Federal judge questioned whether an al-Qaida member who fought in the jihad could still be held as an enemy combatant. On April 15 of this year, Judge Huvelle of the U.S. District Court for the District of Columbia granted the habeas corpus petition of Yasin Muhammed Basardh, over the objections of the Obama administration.

Habeas corpus petition is a right of a person in the United States who is held by the Government to ask why they are being held. It is referred to in the Constitution. Many of my colleagues have said you are denying these prisoners habeas corpus petitions—denying them, taking away something to which they are entitled.

I would point out that is not correct. Nobody ever understood habeas corpus, as referred to at the founding of our Republic, as something applied to people captured in war against the United States. That was never what it meant. It is only a most recent incorrect definition of habeas that applied it to people who are trying to kill Americans and are at war against Americans. Some of the courts are confused on this, in my view. Congress has been a bit confused about it also.

But Judge Huvelle, unwisely, I think, concluded that the United States could no longer hold Mr. Basardh because he no longer posed a realistic risk of joining the enemy—in his opinion. Judge Huvelle is not involved in the war. He is sitting safe and comfortable here in the District of Columbia. The execution of a war is placed in the hands of the men and women in the military to protect our country, whose lives are on the line.

So this judge reached this conclusion because Basardh was cooperative while in custody at Guantanamo Bay. In her decision in 2009, Judge Huvelle failed to mention the many salient facts that showed why the Obama administration and the Bush administration before it opposed this man's release. According to unclassified Administrative Review Board records, Basardh was closely associated with al-Qaida, and directly linked to Osama bin Laden. He admitted to:

No. 1, traveling from Yemen to Afghanistan to join the jihad, saying, ''Yes, I did go to Afghanistan for the Jihad.''

No. 2, training at the al-Qaida-run al Farouq camp near Kandahar in Afghanistan;

No. 3, staying at Osama bin Laden's house in Kabul when the U.S. bombing began. ''It was Osama bin Laden's private house,'' he said.

No. 4, meeting with bin Laden himself on numerous occasions.

No. 5, responding to Osama bin Laden's call for all fighters to retreat and assemble at Tora Bora and,

No. 6, being in the cave with Osama bin Laden at Tora Bora.

If Federal courts are going to second guess the military on cases like Basardh under the current Military Commissions Act, Congress certainly should not weaken this act any more and give them any more ability to undermine our efforts.

To the contrary, Congress should be crystal clear that membership in al-Qaida qualifies a detainee for unprivileged enemy belligerent status. My amendment removed any doubt over the detention of anyone who is a member of al-Qaida or served in its aid. My amendment will make clear that cases like this should not happen again. Simply put, if you are a member of al-Qaida you are going to be detained and held until the war is over, in the same way Nazi army prisoners of war treated during World War II.

I urge my colleagues to think about this, to make sure we are fully cognizant of the dangers our country faces, and retain this language that was initially omitted, keeping al-Qaida by name as a group which we are at war against. It is important that doesn't get removed by the conference committee. I am going to be watching. I think it is a big deal.

Oftentimes when the conference committee meets, they make substantive changes in the bill. Following conference, it will come back to the floor, and at that time we will be unable to amend it. I am going to watch. I think the American people need to know we are not confused in our thinking. We know against whom we are at war and we are committed to this effort and we are supporting our fabulous men and women who place their lives at risk for us. We must not undermine their efforts by creating circumstances in which Federal judges can treat military captives as ordinary criminals with all the rights pertaining thereto.

I yield the floor.

DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I rise today to discuss an amendment I submitted with 12 cosponsors that the Senate adopted yesterday by voice vote. My amendment, No. 1760, as modified by a second-degree amendment I offered, No. 1807, sets some important benchmarks for the President to meet as his administration negotiates and prepares for Senate ratification of a follow-on to the 1991 START agreement, which expires this December 5.

As my colleagues know, the Constitution entrusts the Senate with the responsibility of advice and consent on treaties.

It is entirely within the Senate's prerogative—in fact, it is the Senate's responsibility—to consult with the administration at the beginning of a treaty negotiation, during the process, and at the end. I have said before, if the administration wants to have the Senate on board at the end of the treaty process—at ratification—it must listen to Senators throughout that negotiation. That is why the National Security Working Group which I co-chair with my friend Senator BYRD is so important.

It is also why this amendment is so important. The amendment is simple and straightforward so that there should not be any confusion about what the Senate expects in this treaty process.

First, the amendment requires the President to submit a report on the plan to modernize the U.S. nuclear deterrent, including the nuclear weapons stockpile, the infrastructure and the delivery systems. This report must be put together in consultation with the experts: the directors of the national weapons labs, the Administrator of NNSA, the Secretary of Defense and the Commander of the United States Strategic Command. And it must be accompanied by a plan to pay for the modernization of the deterrent over the next decade.

This report is due within 30 days of enactment of S. 1390 or at the same time the President sends the START follow-on treaty to the Senate, whichever occurs earlier.

And to make sure there is no confusion about what the Senate expects, I joined my colleagues Senators LEVIN, MCCAIN, KERRY, LUGAR, and BYRD in sending a letter to the President to make clear that this plan must be in place, and funded in fiscal year 2011 and the outyears, at the same time the START follow-on treaty is sent to the Senate. I will ask to have this letter printed in the RECORD at the conclusion of my statement.

Let there be no mistake about what we mean: if the administration does not submit to Congress a plan for the modernization of the U.S. nuclear deterrent, with funding to implement that plan, at the same time it submits a START follow on agreement, that treaty will not be ratified by the Senate until it does.

I know modernization is a dirty word to some arms controllers who believe that our nuclear weapons will simply go away if we neglect them enough. It should now be clear that that plan of nuclear disarmament through neglect and atrophy is dead.

Second, the amendment addresses the Russian Federation's demands that the U.S. place limitations upon its missile defenses, space capabilities, or advanced conventional modernization in order to reach an agreement on the treaty. Any such treaty would be dead on arrival in the Senate.

To strengthen the President's position with the Russian Federation on these matters, the amendment makes clear the Senate expects the administration will not change its position by including any of these limitations in the follow-on treaty, no matter how hard the Russians huff and puff and stomp their feet.

And the Senate has now joined the House of Representatives in unanimously backing my amendment and the similar House amendment offered by Congressman TURNER so the Russians and the Obama administration should have no question about what both Houses of the Congress expect from this treaty process.

I would like to say a few words about why I felt it was necessary to offer these measures.

In recent months, it has become clear that our nuclear deterrent is in need of serious attention. As high an authority as Secretary of Defense Robert Gates warned:

> At a certain point, it will become impossible to keep extending the life of our arsenal, especially in light of our testing moratorium. It also makes it harder to reduce existing stockpiles, because eventually we won't have as much confidence in the efficacy of the weapons we do have.

And:

> To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.

The Perry-Schlesinger Commission, which recently issued its final report, also warned that:

> For the indefinite future, the United States must maintain a viable nuclear deterrent. The other NPT-recognized nuclear-weapon states have put in place comprehensive programs to modernize their forces to meet new international circumstances.

Yet, it is clear that the steps necessary to do that are not being taken. The administration's fiscal year 2010 budget for the nuclear deterrent has been described by its own officials as ''treading water'' and a ''placeholder.''

The physics and chemistry that are causing our nuclear weapons to deteriorate will not wait for the next Nuclear Posture Review—NPR—though.

I make that point because I'm sure there are those who will make the argument that a comprehensive modernization plan should wait for that NPR.

To that I have two points: one, modernization is interrelated with the size of our stockpile this is the point made by the Secretary of Defense.

And, apparently, decisions about the size of our stockpile—which is a significant element of the NPR Congress ordered—are being made right now; in fact, it appears they were made in early July in Moscow. If the cart can be put before the horse, the Senate can and should require the horse be brought along.

I say again, my amendment doesn't say that the treaty or agreement can't be signed until there is a modernization plan put forward. It merely says the DOD can't implement the reductions called for in the treaty until the modernization plan, at least the fiscal year 2011 elements of it, are submitted by the President and funded by the Congress.

My personal belief, consistent with the warnings of the Secretary of Defense, is that we should not ratify the treaty until the long-term modernization plan is submitted by the President and funded by the Congress. But that is not what this amendment would do.

Additionally, it is clear from that Joint Understanding that issues totally unrelated to strategic arms reductions, like missile defense and conventional modernization programs, are at risk of being sewn into the START agreement anyway.

As Dr. Keith Payne, a member of the Perry-Schlesinger Commission, recently noted in testimony before the House Foreign Affairs Committee:

> It would seem self-evidently a mistake to include any limits on U.S. [Ballistic Missile Defense] BMD as a price to be paid for an agreement that requires nothing of the Russians beyond discarding the aged systems they plan to eliminate in any event and will not touch the real problem of Russian tactical nuclear weapons.

Yet, despite the logic of Dr. Payne's statement, and disregarding the photo ops and positive press statements, President Medvedev made clear that little had changed from the especially pugnacious Russian statements before the July summit when he said at the G–8 summit just a few days later: ''If we don't manage to agree on the issues, you know the consequences,'' referring to the deployment of Russian tactical missiles to Kaliningrad.

And his Foreign Minister, Mr. Lavrov, further elaborated that if the Third Site goes forward, ''then that will doubtless place a big question mark over the prospects for further reductions in strategic offensive weapons.''

Congress has a long history of making its views known on arms control negotiations in this fashion, including on the SALT-I negotiations in 1972 and the START II negotiations in 1996.

Given the issues at stake in the follow-on treaty, it is clear that this amendment is necessary.

Mr. President, I also ask unanimous consent to have printed in the RECORD a Dear colleague letter I circulated to Senators concerning my amendment No. 1760, in addition to the letter to President Obama which I referred to earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 23, 2009.

President BARACK OBAMA,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: We believe that when the START treaty is submitted, you should also submit a plan, including a funding estimate for FY11 (and out years across the next decade), to enhance the safety, security and reliability of the nuclear weapons stockpile, to modernize the nuclear weapons

complex (i.e. improve the safety of facilities, modernize the infrastructure, maintain the key capabilities and competencies of the nuclear weapons workforce—the designers and the technicians), and to maintain the delivery platforms.

Sincerely,

JON KYL,
U.S. Senator.
JOHN MCCAIN,
U.S. Senator.
RICHARD LUGAR,
U.S. Senator.
CARL LEVIN,
U.S. Senator.
JOHN KERRY,
U.S. Senator.
ROBERT C. BYRD,
U.S. Senator.

JULY 22, 2009.

DEAR COLLEAGUE, I recommend the attached op-ed, ''Plumage—But at a Price'' by Charles Krauthammer, from the July 9th Washington Post. Mr. Krauthammer makes a number of observations worth understanding and repeating, including, ''the very notion that Kim Jong Il or Mahmoud Ahmadinejad will suddenly abjure nukes because of yet another U.S.-Russian treaty is comical.''

The column also highlights another concern: the Russian insistence that we compromise our missile defense. As Mr. Krauthammer writes, ''since defensive weaponry will be the decisive strategic factor of the 21st century, Russia has striven mightily for a quarter-century to halt its development.'' The July 6th Joint Understanding signed by President Obama and President Medvedev raises concerns that the Administration may be ceding key ground to the Russians on several significant points, including missile defense.

Recently, the House unanimously adopted a provision as a part of its FY10 National Defense Authorization Act that missile defense, space capabilities and advanced conventional modernization (e.g. prompt global strike) should not be a part of the START follow-on, and our nuclear weapons MUST be modernized if further reductions are to be conducted with minimal risk. The operative provisions of the amendment are tied to the implementation of a follow-on treaty or agreement; they DO NOT prevent the Administration from concluding a new treaty or agreement with the Russians.

We should adopt the same amendment to strengthen the Administration's hand with the Russians by making clear that Congress simply WILL NOT provide the funding to implement a START follow-on that in any way limits missile defense, space capabilities, or conventional strike modernization, nor will it allow further strategic arms reductions if the President does not provide a comprehensive modernization program for the U.S. nuclear deterrent (including the weapons stockpile, the infrastructure that supports it, and the weapons delivery systems).

I will, therefore, be offering such an amendment to S. 1390, the FY10 National Defense Authorization Act.

I will also offer an amendment that expresses the Sense of the Senate that the asymmetrical advantage Russia has over U.S. and allied forces due to its 10-to-1 edge in tactical nuclear weapons must be rectified. As the bipartisan Perry-Schlesinger Commission stated in its Final Report: ''The United States should not cede to Russia a posture of superiority in the name of deemphasizing nuclear weapons in U.S. military strategy. There seems no near-term prospect of such a result in the balance of operationally deployed strategic nuclear weapons. But that balance does not exist in non-strategic nuclear forces, where Russia enjoys a sizeable numerical advantage. As noted above, it stores thousands of these weapons in apparent support of possible military operations west of the Urals. The United States deploys a small fraction of that number in support of nuclear sharing agreements in NATO. Precise numbers for the U.S. deployments are classified but their total is only about five percent of the total at the height of the Cold War. Strict U.S.-Russian equivalence in NSNF numbers is unnecessary. But the current imbalance is stark and worrisome to some U.S. allies in Central Europe. If and as reductions continue in the number of operationally deployed strategic nuclear weapons, this imbalance will become more apparent and allies less assured.''

Congress has a long history of making its views known on arms control negotiations in this fashion, including on the SALT-I negotiations in 1972 and the START II negotiations in 1996.

I urge you to support my amendments to the NDAA. It is imperative that we ensure the follow-on treaty is negotiated and implemented in a manner most consistent with the national security of the U.S.

Sincerely,

JON KYL,
United States Senator.

[From the Washington Post, July 9, 2009]

PLUMAGE—BUT AT A PRICE

(By Charles Krauthammer)

The signing ceremony in Moscow was a grand affair. For Barack Obama, foreign policy neophyte and ''reset'' man, the arms reduction agreement had a Kissingerian air. A fine feather in his cap. And our president likes his plumage.

Unfortunately for the United States, the country Obama represents, the prospective treaty is useless at best, detrimental at worst.

Useless because the level of offensive nuclear weaponry, the subject of the U.S.-Russia ''Joint Understanding,'' is an irrelevance. We could today terminate all such negotiations, invite the Russians to build as many warheads as they want and profitably watch them spend themselves into penury, as did their Soviet predecessors, stockpiling weapons that do nothing more than, as Churchill put it, make the rubble bounce.

Obama says that his START will be a great boon, setting an example to enable us to better pressure North Korea and Iran to give up their nuclear programs. That a man of Obama's intelligence can believe such nonsense is beyond comprehension. There is not a shred of evidence that cuts by the great powers—the INF treaty, START I, the Treaty of Moscow (2002)—induced the curtailment of anyone's programs. Moammar Gaddafi gave up his nukes the week we pulled Saddam Hussein out of his spider hole. No treaty involved. The very notion that Kim Jong Il or Mahmoud Ahmadinejad will suddenly abjure nukes because of yet another U.S.-Russian treaty is comical.

The pursuit of such an offensive weapons treaty could nonetheless be detrimental to us. Why? Because Obama's hunger for a diplomatic success, such as it is, allowed the Russians to exact a price: linkage between offensive and defensive nuclear weapons.

This is important for Russia because of the huge American technological advantage in defensive weaponry. We can reliably shoot down an intercontinental ballistic missile. They cannot. And since defensive weaponry will be the decisive strategic factor of the 21st century, Russia has striven mightily for a quarter-century to halt its development. Gorbachev tried to swindle Reagan out of the Strategic Defense Initiative at Reykjavik in 1986. Reagan refused. As did his successors—Bush I, Clinton, Bush II.

Obama, who seeks to banish nuclear weapons entirely, has little use for such prosaic contrivances. First, the Obama budget actually cuts spending on missile defense, at a time when federal spending is a riot of extravagance and trillion-dollar deficits. Then comes the ''pause'' (as Russia's president appreciatively noted) in the planned establishment of a missile shield in Eastern Europe. And now the ''Joint Understanding'' commits us to a new treaty that includes ''a provision on the interrelationship of strategic offensive and strategic defensive arms.'' Obama further said that the East European missile shield ''will be the subject of extensive negotiations'' between the United States and Russia.

Obama doesn't even seem to understand the ramifications of this concession. Poland and the Czech Republic thought they were regaining their independence when they joined NATO under the protection of the United States. They now see that the shield negotiated with us and subsequently ratified by all of NATO is in limbo. Russia and America will first have to ''come to terms'' on the issue, explained President Dmitry Medvedev. This is precisely the kind of compromised sovereignty that Russia wants to impose on its ex-Soviet colonies—and that U.S. presidents of both parties for the past 20 years have resisted.

Resistance, however, is not part of Obama's repertoire. Hence his eagerness for arcane negotiations over MIRV'd missiles, the perfect distraction from the major issue between the two countries: Vladimir Putin's unapologetic and relentless drive to restore Moscow's hegemony over the sovereign states that used to be Soviet satrapies.

That—not nukes—is the chief cause of the friction between the United States and Russia. You wouldn't know it to hear Obama in Moscow pledging to halt the ''drift'' in U.S.-Russian relations. Drift? The decline in relations came from Putin's desire to undo what he considers ''the greatest geopolitical catastrophe'' of the 20th century—the collapse of the Soviet empire. Hence his squeezing Ukraine's energy supplies. His overt threats against Poland and the Czech Republic for daring to make sovereign agreements with the United States. And finally, less than a year ago, his invading a small neighbor, detaching and then effectively annexing two of Georgia's provinces to Mother Russia.

That's the cause of the collapse of our relations. Not drift, but aggression. Or, as the reset master phrased it with such delicacy in his Kremlin news conference: ''our disagreements on Georgia's borders.''

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Mr. President, I commend the Senate for including the Matthew Shepard Hate Crimes Prevention Act as part of the National Defense Authorization Act, and I am optimistic that at long last, our 12-year effort to enact this legislation into law is finally reaching fruition.

Hate crimes are acts of domestic terrorism. Like all terrorist acts, hate crimes are intended to strike fear into whole communities by crimes against a few. We have committed ourselves to protecting our country from terrorists who strike from abroad, and now we have committed ourselves to protecting Americans from hate-motivated crimes in our own backyards.

That is why 63 Senators from both sides of the aisle voted to include the

Matthew Shepard Hate Crimes Prevention Act as part of the National Defense Authorization Act. The House of Representatives already approved a very similar measure with strong bipartisan support earlier this year. The Matthew Shepard Act strengthens the ability of the Federal Government to investigate and prosecute hate crimes. It removes excessive restrictions in current Federal law that prevent effective hate crimes prosecutions. And it offers Federal assistance to State and local authorities in preventing, investigating, and prosecuting despicable crimes.

I am proud that President Obama is a strong supporter of this bipartisan legislation along with Attorney General Eric Holder. The Attorney General has been with us from the beginning of our efforts to get this done, and it is significant that swift enactment of this legislation would ensure that the measure is implemented under his impressive guidance.

The Attorney General's leadership at the Justice Department is launching a new era of civil rights enforcement. In recent months, we have worked with the Justice Department to improve the Senate-approved hate crimes bill so that it addresses hate crimes in the most effective and meaningful way, and I appreciate the time and expertise of so many at the Department on this matter, especially Mark Kappelhoff, Ron Weich, and Judy Appelbaum. In addition, I must thank the Justice Department for diligently working to provide its recent views letter which concludes that the Matthew Shepard Act would be ''wholly constitutional.''

Passage of the amendment would not have been possible without the skill and dedication of many in the Senate. I commend Majority Leader REID for his leadership and commitment to seeing that the amendment was passed before the August recess. In addition, I commend Serena Hoy of the majority leader's staff for her constant attention to the issue.

I also especially commend Senator LEVIN for working so hard with me on this measure for so many years, and Rick Debobes and Kaye Meier of his staff for their tireless work on the Senate floor. I am also very grateful for the support and leadership of Senator LEAHY and his excellent staff, including Ed Pagano, Bruce Cohen, Kristine Lucius, Noah Bookbinder, and Roscoe Jones.

I appreciate as well the hard work of Senator DURBIN and his staffer Mike Zubrensky, as well as Senator COLLINS and her staff, including Rob Epplin, Amanda Wood, and Nikki McKinney. I also thank Judiciary Committee staffers Lara Flint and Danyelle Solomon, as well as Mike Jones on the Budget Committee, for their contributions as well. I also appreciate the expert and patient assistance of John Henderson and Bill Jensen in the Office of the Legislative Counsel of the Senate.

As is the case with many challenging issues before the Senate, passage of the Matthew Shepard Act would have not been possible without the effective support of the Democratic cloakroom, especially Lula Davis.

Finally, I commend the outstanding work of so many in my own office, including Carey Parker, Christine Leonard, Ty Cobb, and Sara Kingsley—as well as Bethany Bassett, Jorie Feldman, Joe Barresi, Colin Taylor, and Jamie Susskind, who helped us get through the final stretch. For over a decade, we have been working to see this measure become law, and we certainly wouldn't be where we are today without the contributions of so many dedicated and determined staffers along the way.

Inclusion of the Matthew Shepard Act as part of the National Defense Authorization Act sends a strong signal that just as our Nation is concerned about terroristic acts abroad, it is also dedicated to eliminating homegrown terrorism against our Nation's own communities. We will be a stronger and better nation in the years ahead, once our laws recognize that bias-motivated violence has no place in the United States.●

Mr. FEINGOLD. Mr. President, while there are a number of provisions in the Fiscal Year 2010 National Defense Authorization Act that I support, I have some serious concerns about the bill that prevent me from supporting it. In particular, this bill does not contain a binding deadline to end the war in Iraq. While I am pleased that the President has committed to withdrawing our troops by the end of 2011, this redeployment schedule is too long and therefore may undermine our ability to combat al-Qaida and further strain our Armed Forces unnecessarily. In addition, while the President clearly understands that the greatest threat to our Nation resides in Pakistan, I remain concerned that his strategy regarding Afghanistan and Pakistan does not adequately address, and may even exacerbate, the problems we face in Pakistan. This bill authorizes funding that is being used to increase our military presence in Afghanistan, without ensuring that this strategy does not end up pushing militants into neighboring Pakistan and further destabilizing that nuclear-armed nation.

Among the provisions in the bill that I strongly support are a pay raise for those serving in uniform, a task force to review care for wounded warriors, and $20 million in additional funding for the Cooperative Threat Reduction Program.

In addition, my amendment to ensure that wounded members of the Reserve component are not discharged until their disabilities have been evaluated will help ensure a smooth transition back into civilian life for these service members. I am pleased that this amendment was accepted and thank Senator LEVIN and Senator MCCAIN for their cooperation.

I am also pleased that the Senate accepted my amendment to require a report on the adequacy of funding for forces needed to respond to the consequences of a chemical, biological, radiological, or nuclear explosive incident in the United States. Historically, the Defense Department has delayed efforts to stand up these forces and underfunded similar capabilities. This amendment will help ensure that these key civil support forces receive necessary funds.

Unfortunately, the Senate Armed Services Committee rejected my amendment to ensure our troops are not exposed to toxic fumes in Iraq and Afghanistan. This commonsense amendment would have prohibited the burning, in open pits, of waste that produces toxic fumes, including that which produces known carcinogens. I have urged the chairman to accede to the language in the House bill, which I helped to draft, that would prohibit this practice.

I continue to be concerned that foreign military assistance funds authorized by this bill are being awarded in violation of the Foreign Assistance Act. I will continue to work to ensure that the Pentagon complies with Federal law in its administration of these programs. The Foreign Assistance Act ensures that our foreign military assistance is administered in a manner that will promote legitimate governments and the rule of law. Failure to comply with these statutory requirements runs the risk of provoking instability, militancy and anti-Americanism in key regions throughout the world.

The bill contains a provision prohibiting the outsourcing of interrogations ''during or in the aftermath of hostilities.'' I have previously cosponsored similar amendments covering the intelligence community.

I am pleased that the legislation includes changes to the Military Commissions Act to improve the procedures that would be used in military commission trials. The Military Commissions Act violated the basic principles and values of our constitutional system of government, and any improvement to it is welcome. However, I remain concerned that the military commission process is so discredited that it may not be possible to fix it. And I have yet to hear a convincing argument that other options for bringing detainees to justice—the civilian Federal criminal justice system and the military courts martial system—are insufficient or unworkable.

The bill requires a report on the Department's efforts to reduce spending on unneeded spare parts. I have long had concerns about wasteful spending on unnecessary spare parts. I was pleased that early this year, at my urging, the Air Force committed to reducing its on order excess inventory by half, thus saving American taxpayers roughly $50 million.

This bill largely supports the President's efforts to restore fiscal responsibility to the defense budget. I was

pleased to support Senator LEVIN and Senator MCCAIN's amendment stripping funds for the F–22 from the bill. The Defense Department has stated that it does not need any more of these aircraft, and that these funds are urgently needed to meet the real-world threats that we face today. I am also pleased that the President has reduced spending on redundant and unproven missile defense technologies. I am disappointed, however, that this bill contains billions of dollars of earmarks not requested by the Pentagon. This wasteful spending takes money away from our troops and endangers our national security.

Mr. KAUFMAN. Mr. President, today, I wish to speak on the Victims of Iranian Censorship, or VOICE, Act which passed last night as an amendment to the Defense authorization bill.

I was pleased to introduce this bill with Senators MCCAIN, LIEBERMAN, CASEY, and GRAHAM, and I thank the cosponsors for their shared commitment to this issue. I also thank Chairman LEVIN and Ranking Member MCCAIN for helping to secure its passage.

The VOICE Act supports freedom of the press, freedom of speech, and freedom of expression in Iran, and authorizes funding for the Broadcasting Board of Governors to expand transmission capability and programming on Radio Farda and the Persian News Network.

It supports the development of technology to counter ongoing Internet censorship, and promotes online U.S.-Iranian educational and cultural exchanges.

Passage of the VOICE Act is especially timely given the suppression of free flowing information in and out of Iran since the June 12 presidential election.

While the people of Iran enthusiastically participated in these elections, it is painfully clear that the long road to democracy does not end there. A true democracy values fundamental freedoms, such as freedom of expression, which is protected under the International Covenant on Civil and Political Rights.

In fact, in 1976, Iran was one of the first countries to ratify—and it is still a party to—this U.N. treaty, which also protects the right to hold opinions without interference, and affirms the right to receive and impart information in writing, print, or through any other media.

Unfortunately, these international obligations have not been upheld in Iran, where the Internet and text-messaging services are monitored and blocked, and U.S.-funded television and radio broadcasting is increasingly jammed. News reporting has been censored, access for journalists has been restricted, and specific media outlets have been targeted and shutdown. Foreign journalists have had their press credentials cancelled and equipment confiscated.

They have been confined to their hotels and told their visas would not be renewed. Foreign press bureaus in Tehran have been closed, and others have been instructed to suspend all their Farsi-language news.

For Iranian journalists, the stakes have been even higher. Numerous Iranian journalists have been detained, imprisoned, assaulted, and intimidated since the elections. And journalists have been instructed to file stories solely from their offices, which has limited their ability to provide timely and accurate news.

Regarding interference of international broadcasting, shortwave and medium wave transmissions of the Farsi-language Radio Free Europe/Radio Liberty's Radio Farda have been partially blocked. And satellite broadcasts, including those of the Voice of America's Persian News Network and the British Broadcasting Corporation, have been intermittently jammed.

These are popular services in Iran, which serve as a vital source of news and entertainment for the Iranian people, especially for those seeking access to credible information and news.

Since the election, efforts to suppress the free flow of information have not focused on the media alone. Blogs and social networking sites have been targeted as well, including popular websites such Facebook and Twitter. Short message service in Iran has been blocked—preventing text messaging and jamming internet sites that utilize such services—and cell phone service has been partially shut-down. These restrictions have prevented the free flow of information, and precluded Iranian citizens from accessing unimpeded means of communication.

Iran did not develop this sophisticated Internet-censorship technology on its own. In fact, reports indicate that numerous companies including some with U.S. subsidiaries—have provided Iran with the software and technological expertise to block the Internet, and monitor online use to gather information about individuals.

Unfortunately, little is known about the specifics surrounding these sales, which likely including ''deep packet inspection'' technology, which, among other things, allows the government to read, block, and censor the Internet. In addition to giving it the capability to spread disinformation by modifying, tampering with, and diverting emails.

This behavior is unconscionable, and unfortunately not enough is known about the sale of Internet-restricting technology to countries including, but not limited to, Iran. That is why the VOICE Act requires a report to Congress examining the sale of technology that has furthered Iran's ability to filter and monitor the Internet, as well as disrupt cell phone and Internet use.

Our bill supports the Iranian people as they take steps to peacefully express their opinions and aspirations, and seek access to means of communication and news. It expresses respect for the sovereignty, proud history, and rich culture of the Iranian people, and recognizes the universal values of freedom of speech and freedom of the press.

Most importantly, it supports the Iranian people as they seek access to unimpeded Internet access, cellular phone communications, and credible news.

I am pleased the Senate has adopted a bipartisan bill that supports the Iranian people as they seek unfettered access to news and other information.

It is critical that we continue to support for free speech, free press, and free expression in Iran and in every country throughout the world.

VIOLENCE AGAINST WOMEN IN AFGHANISTAN

Mr. KERRY. Mr. President, I wish to speak about women in Afghanistan. After months of collaborative discussions between women's advocacy groups and the Government of Afghanistan, the Elimination of Violence Against Women Act was just signed by Executive decree. I applaud the women who pushed for this bill, and those in the government who jointly prepared it. It represents transparency and collaboration between civil society and the government, something we should all congratulate. The bill will head to Parliament for final review when it reconvenes next week. It is my strong hope that Parliament review the law and pass it without delay, ensuring all protections remain intact. This bill provides real criminal sanctions for violence against women, and puts specific responsibilities onto the shoulders of government ministries. When we think of the abuse and repression exercised against women during the Taliban regime, it is hard not to feel encouraged by the very existence of this act, let alone its prospect for enactment.

Many, quite plausibly, will say that this law cannot be fully implemented anywhere in Afghanistan, as access to justice for women in the courts and in traditional councils is all too often out of reach, and because of the societal discrimination that women still suffer. Justice must be accessible to women in Afghanistan on an equal basis to men, or Afghanistan will never tap into the true, vast potential of the women of that country. This law is a giant step for the entire country in rejecting violence against women, but now the Parliament must take the final step to pass the law as it is, with all protections intact.

I must also mention the controversial Shia Personal Status Law that was also signed by Executive decree. It was drafted without transparency, and aimed to codify degrading practices that exist in some households and communities. Unlike the Elimination of Violence Against Women Act, civil society was not included during the drafting and debate of the law in Parliament. While women's civil organizations were able to force some amendments to the bill just before the president's signature, they were not able to