Shaheen amendment to H.R. 3548, which is the unemployment benefits extension bill.

I very much regret that the majority leader has had to file a cloture motion on a motion to proceed to even consider that issue. To my mind, this should not be a partisan issue. There ought to be agreement in this body that we should proceed to extend unemployment benefits given the circumstances we face.

The job market in my home State of New Mexico is dismal, and there is very little indication of improvement expected in the near future. New Mexico's seasonally adjusted unemployment rate is modest compared to some States. It was only 7.5 percent in August of 2009, but that is up from 7 percent in July and up from 4.3 percent a year ago. The trend is definitely disturbing. The decline in the number of jobs is the worst the State has seen in more than 45 years—with the speed with which we have been losing jobs.

The pain of unemployment is being felt across the country. More than 5 million Americans have been unemployed for 6 months or more, and 2 million of these workers face the end of their unemployment benefits before the end of this year. There are up to 4,000 New Mexicans who will exhaust their unemployment benefits by December 2009. The total number of unemployed and underemployed—including those who are working two or three part-time jobs to try to make ends meet and those who have given up looking for work—approaches 17 percent of our workforce. These are not just numbers, obviously. These are real people who face each day with the dread of not knowing how they are going to pay for the groceries they need that week or their mortgage payment or their rent payment.

The stimulus funding Congress passed earlier this year has helped to slow job losses, and it has created some new jobs, especially in education and in government services more generally. New Mexico's stimulus funding, alone, is expected to create about 22,000 jobs this year. This has had a significantly positive impact on the State's unemployment picture, but it is still not enough to fully address the needs created by the economic situation in which we find ourselves. Nationwide, for every job opening, there are six applicants. I was struck by the article on the front page of the New York Times this morning entitled ''$13 an Hour? 500 Sign Up, 1 Wins a Job.'' This was datelined Burns Harbor, IN. It says:

> As soon as the job opening was posted, on the afternoon of Friday, July 10, the deluge began.
>
> C.R. England, a nationwide trucking company, needed an administrative assistant for its bustling driver training school here [in Indiana]. Responsibilities included data entry, assembling paperwork and making copies.

It goes on to quote the head of corporate recruiting. It says:

> When Stacey Ross, C.R. England's head of corporate recruiting, arrived at her desk at the company's Salt Lake City headquarters the next Monday, she found about 300 applications in the company''s e-mail inbox. And the fax machine had spit out an inch-and-a-half thick stack of resumes before running out of paper.

The article goes on to point out the estimate is there were 500 applications filed for this 1 job, a $13-an-hour job, but they took down the posting of the availability of the job.

We have a very serious problem that needs addressing. The extension of unemployment benefits will not ease the worry of the unemployed. It will not eliminate the dread they have about the need to pay bills each month. But it will make things a little bit easier for some of those individuals. Extension will make it easier, not just for the direct recipients but for the larger economy as well. Economists tell us that for every $1 in unemployment benefits the government provides, $2.15 is generated throughout the economy. These economic benefits are felt most immediately, as benefit recipients use the funds almost immediately to meet their daily needs.

The legislation the majority leader has filed, the petition to proceed to it, takes a responsible approach to providing these additional funds. The extension is paid for with an 18-month extension of the Federal unemployment tax, which has traditionally been used, both by Republicans and by Democratic administrations, for this very purpose. The extension is a responsible, well-thought-out response to the dire circumstances many Americans find themselves in today.

As I said at the beginning, this should not be a partisan issue. Unemployment is affecting everyone, regardless of their political party or their ideology. I urge the Senate to set aside partisan politics and to agree to the majority leader's request that we proceed to this bill so we can quickly provide assistance to the thousands of Americans who depend upon these benefits as they continue to search for jobs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, what is now the floor situation?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2647, which the clerk will report.

The assistant bill clerk read as follows:

> Conference report to accompany H.R. 2647, a bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate, equally divided and controlled between the Senator from Michigan, Mr. LEVIN, and the Senator from Arizona, Mr. MCCAIN.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. Mr. President, the conference report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, would fully fund the fiscal year 2010 budget request of $680 billion for national security activities in the Department of Defense and the Department of Energy. This bill is the product of months of hard work by our committee, culminating in more than 6 weeks of negotiations with our House counterparts. I thank all of the members of the Senate Armed Services Committee for the commitment they have shown to the best interests of our men and women of our Armed Forces. I want to particularly thank Senator MCCAIN, our ranking minority member, for his great work throughout the conference. It has been a real pleasure to work side-by-side with Senator MCCAIN as we worked through issues with our counterparts from the House of Representatives.

I also want to thank the chairman of the House Armed Services Committee, IKE SKELTON, and his ranking minority member, BUCK MCKEON, for the cooperative spirit with which they worked with us throughout the conference.

This conference report contains many important provisions that will improve the quality of life of our men and women in uniform, provide needed support and assistance to our troops on the battlefield in Iraq and Afghanistan, make the investments we need to meet the challenges of the 21st century, and require needed reforms in the management of the Department of Defense.

First and foremost, the bill before us continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, the bill contains provisions that would authorize a 3.4 percent across-the-board pay raise for all uniformed military personnel—a half a percent more than the budget request and the annual rate of inflation; increase the Army's active-duty end strength by nearly 30,000, and authorize an additional

30,000 increase during fiscal years 2011 and 2012, if the Secretary of Defense deems it necessary to increase dwell time and reduce the stress created by repeated deployments; authorize payment of over 25 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel; extend the limitation on charges for inpatient care in a civilian hospital under TRICARE Standard; enhance the ability of military voters to vote by absentee ballot; increase the authorization for the Homeowners Assistance Program by almost $300 million to provide relief to homeowners in the armed forces who are required to relocate because of base closures or change of station orders; and increase the maximum amount of supplemental subsistence allowance from $500 to $1,100 per month to ensure that service members and their families do not have to be dependent on food stamps.

The conference report also includes a number of provisions to support the civilian workforce of the Department of Defense. For example, the bill contains provisions that would: provide for the application of unused sick leave toward length of service for purposes of computing a retirement annuity under the Federal Employee Retirement System; phase in locality comparability pay in place of cost of living allowances for Federal civilian employees working in Hawaii, Alaska, and other nonforeign U.S. territories, so that they are treated the same as federal employees in other States; terminate the National Security Personnel System—NSPS—and replace it with a provision that provides a series of personnel flexibilities applicable to the entire civilian workforce of the Department of Defense and an opportunity for the Secretary to propose additional flexibilities; freeze the Defense Civilian Intelligence Personnel System—DCIPS—until an independent review can be completed; and authorize the Secretary of Defense to establish a new Defense Civilian Leadership Program to help recruit, train, and retain highly qualified civilian employees to help lead the Department of Defense over the next 20 years.

The conference report also includes important funding and authorities needed to provide our troops the equipment and support that they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan. For example, the bill contains provisions that would provide $6.7 billion for the Mine Resistant Ambush Protected—MRAP—Vehicle Fund, including an increase of $1.2 billion above the President's budget request for MRAP All-Terrain Vehicles—M–ATV—which are deploying to Afghanistan; add $100 million for unfunded requirements identified by the Commander of Special Operations Command, including MC–130 airships to provide improved fire support for our ground forces in Afghanistan and Iraq; provide full funding for the Joint Improvised Explosive Device Defeat Organization—JIEDDO—to continue the development and deployment of technologies to defeat these attacks; provide nearly $7.5 billion to train and equip the Afghan National Army and the Afghan National Police, so that they can begin to carry more of the burden of defending their country against the Taliban; and authorize up to $1.3 billion for the Commanders' Emergency Response Program—CERP—in Iraq and Afghanistan for humanitarian relief and reconstruction projects that directly benefit local communities, including up to $50.0 million to support the Afghanistan National Solidarity Program to promote Afghan-led community development.

The bill would implement almost all of the budget recommendations made by the Secretary of Defense to terminate troubled programs and apply the savings to higher priority activities of the Department. For example, the bill would end production of the F–22 fighter after 187 aircraft; terminate the Air Force Combat Search and Rescue X—CSAR–X—helicopter program; terminate the VH–71 Presidential helicopter; end production of the C–17 airlifter program; cancel the manned ground vehicle portion of the Army's Future Combat Systems program, with assurances those funds will be available for the newly designed vehicle portion—ground vehicle portion; terminate the Multiple Kill Vehicle program; cancel the Kinetic Energy Interceptor and we cancel the second Airborne Laser prototype aircraft.

Finally, the bill contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies. For example, the bill contains provisions that would enhance the ability of the DOD inspector general to conduct audits and investigations by authorizing the IG to subpoena witnesses to provide testimony; improve DOD financial management by requiring the Department to engage in business process reengineering before acquiring new information technology systems and submit regular reports on its progress toward auditable financial statements; require the Department to develop a comprehensive plan to address longstanding problems in its inventory management systems, which lead it to acquire and store hundreds of millions of dollars worth of unneeded items; place a moratorium on public-private competitions under OMB Circular A–76 until the Department complies with existing statutory planning and budget requirements relevant to such competitions; and streamline and restructure DOD management positions by eliminating 22 of the 28 current Deputy Under Secretary of Defense positions and requiring the Department to develop a new organizational plan within 6 months.

The conference report incorporates two pieces of legislation from in the Senate-passed bill: the Military Commissions Act of 2009 and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

The Military Commissions Act of 2009 would replace, and dramatically improve, the procedures enacted in the Military Commissions Act of 2006. In its 2006 decision in the Hamdan case, the Supreme Court held that Common Article 3 of the Geneva Conventions applies to the Guantanamo detainees and requires that the trial of those detainees be conducted in a manner consistent with the procedures applicable in trials by courts-martial.

The Supreme Court concluded that this requirement ''is not an inflexible one; it does not preclude all departures from the procedures dictated for use by courts martial. But any departure must be tailored to the exigency that necessitates it.''

The Military Commissions Act of 2006 created a cloud over the use of military commissions because it failed to live up to that standard. The conference report would address this problem by, one, precluding the use of coerced testimony; two, limiting the use of hearsay testimony; three, establishing new procedures for handling classified information similar to procedures applicable in civilian courts; four, providing defendants with fairer access to witnesses and documentary evidence; and five, requiring the defendant to be provided with appropriate representation and adequate resources.

The Military Commissions Act of 2009 is intended to meet the standard imposed by the Supreme Court's ruling in Hamdan and should help ensure that convictions obtained through military commissions will hold up on appeal and will be perceived as fair by the American public and by the rest of the world.

I thank Senators MCCAIN and GRAHAM as well as the lawyers at the White House, the Department of Defense, and the Department of Justice, who worked with us and for the great effort they put into this provision.

The conference report incorporates the Hate Crimes Prevention Act. Similar provisions have been previously adopted by both the Senate and the House of Representatives. This legislation is intended to help deter people from being targeted for violent attacks because of race, religion, disability, gender, or sexual orientation, among other aspects. The Senate adopted the hate crimes legislation when we adopted the Defense Authorization Act, and it was kept in conference. The House of Representatives has now adopted the conference report, and so it is now hopefully going to be before us after a cloture vote.

The hate crimes legislation includes, for the first time, a provision that makes it a Federal crime to attack a member of the U.S. Armed Forces on account of his or her military service—a hate crime that is of particular interest to the armed services.

According to the FBI, the trend is up for hate crimes based on sexual orientation. There has been a 6-percent increase in such crimes in the most recent year for which statistics are available, which is the year 2006. This is a category of hate crimes that would be covered for the first time by this bill.

The language has been written to ensure it does not intrude on first amendment rights, that State and local law enforcement retain the primary jurisdiction over investigations and prosecutions.

We all know Senator Kennedy was long the Senate's leading advocate for hate crimes legislation. As he said when the Senate debated and passed this legislation in 2007:

> America has taken many steps throughout our history on a long road to becoming a more inclusive Nation, and our diversity is one of our greatest strengths. Our tolerance for each other's differences is part of the lamp that can help bring light to a world which is enveloped in bigotry and intolerance.

The enactment of the Hate Crimes Prevention Act through this, which is the last National Defense Authorization Act in which Senator Kennedy participated in his 26 years of service on the Armed Services Committee, would be a fitting tribute to one of the truly great Senators in the history of this body.

Finally, I thank Senator LEAHY for the leadership role he has played on this issue in his capacity as chairman of the Senate Judiciary Committee.

As of today, we have almost 130,000 U.S. soldiers, sailors, airmen, and marines on the ground. Over the course of the next fiscal year, we will undertake the difficult task of drawing down these numbers—these are numbers in Iraq—while maintaining security and stability on the ground. At the same time, we have dramatically increased our forces in Afghanistan, with more than 60,000 engaged in increasingly active combat and combat-support operations, with more on the way.

This conference report includes numerous provisions that need to go into effect immediately to ensure that they benefit our troops immediately. These provisions cannot be implemented before this conference report is enacted but will go into effect, without the need for appropriations, immediately upon enactment.

They include the following in the area of compensation and benefits. The conference report includes provisions that would prevent the implementation of large increases in the copayments military retirees must pay for in-patient care at civilian hospitals under the TRICARE Program; provisions which would authorize new special compensation for caregivers of catastrophically injured servicemembers; and a provision which will increase the maximum amount of supplemental subsistence allowance to ensure servicemembers do not have to rely on food stamps to meet their nutritional needs. Those important provisions and others which I am going to now talk about will not go into effect until this conference report is enacted.

With regard to our efforts in Iraq and Afghanistan, the conference report includes provisions that will immediately go into effect without the need for appropriations.

For instance, there is a provision which would authorize the Secretary of Defense to transfer defense equipment that would otherwise be withdrawn from Iraq and transfer it to the security forces of Iraq and Afghanistan, their national forces. The use of that equipment by those national forces in Iraq and Afghanistan will assist in the transfer of security responsibilities to the Iraqi forces and the growth of the Afghan Army and police forces more quickly.

Another provision which will go into effect immediately upon enactment would allow the Secretary of Defense to use funds from the CERP in Afghanistan to pay for reintegration programs to separate local Taliban fighters from their leaders. This is a new program modeled on the Sons of Iraq Program which was so successful in getting large numbers of young Iraqis who had been attacking us to switch sides and support the government. These are two programs which I think people strongly support regardless of their position on the question of strategy and the troop levels. Those provisions will make it possible, immediately upon enactment, to use funds to support the reintegration of those young Afghans into their civilian life, just the way we did with the Sons of Iraq.

This provision will permit the shipping of equipment that is so important to strengthen the Afghan Army and police from Iraq instead of bringing it home. These are critically urgent provisions, particularly in Afghanistan.

Another provision, as soon as a conference report is enacted, would permit the Secretary of Defense to use up to $500 million in operations and maintenance funds to meet urgent military construction needs of the commander of the Central Command in Iraq and Afghanistan that were not previously forecast. But these new authorities are not there until the conference report is enacted.

As I mentioned earlier, this bill includes the Military Commissions Act of 2009, which is needed to make trial of detainees by military commissions a viable alternative to trial in Federal court. Until it is enacted, any conviction obtained before a military commission will be at serious risk of being overturned on appeal. For that reason, the administration has suspended all military commission trials until this language goes into effect.

We have enacted a defense authorization bill every year for almost 50 years now. We have done so because Members of Congress have understood, on a bipartisan basis, the importance of supporting our troops and making the policy decisions that are necessary to support them. This year is no different.

With almost 200,000 men and women of the Armed Forces currently serving in Iraq and Afghanistan and many more supporting them and engaging in other demanding activities on our behalf and their behalf around the world, we cannot afford not to enact this legislation.

For all these reasons, I would urge our colleagues to vote for cloture on the conference report and then to adopt the conference report itself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

Today, the Senate begins consideration of the conference report to accompany this year's national defense authorization bill providing our soldiers, sailors, airmen, marines, and their families with the support they need and deserve. This is a responsibility I do not take lightly, especially during a time of war. It is a responsibility my good friend and colleague Senator LEVIN understands very well. I thank and commend Senator LEVIN for his skill in shepherding this bill through the conference process in a bipartisan fashion. I thank Senator LEVIN for his leadership. I thank him for his commitment to the men and women who are serving in the military and the long relationship we have enjoyed working together as colleagues in that effort.

The conference report largely supports the defense priorities laid out by Secretary Gates and authorizes over $550 billion in base program funding for the Department of Defense and the national security programs of the Department of Energy.

Additionally, the legislation authorizes over $129 billion in overseas contingency operations funding for ongoing activities in Iraq, Afghanistan, Pakistan, and other regional operations and support of the war on terrorism.

The conference report demonstrates our bipartisan support for the men and women of the Armed Forces and their families and provides them with the pay, benefits, equipment, and training they need and deserve.

The report increases benefits for our wounded warriors and provides an across-the-board pay raise for our military.

The report terminates production of the F–22 aircraft, contains no funding for additional C–17 cargo aircraft, provides full funding for procurement of 30 Joint Strike Fighters, and fully authorizes funding to train and equip the Afghan National Army and police forces.

I am disappointed that we are unable to eliminate funding for the continued development of the alternative engine for the Joint Strike Fighter. As Secretary Gates said, ''This program is unnecessary and could disrupt the overall

JSF Program by diverting resources away from efforts needed for the continuation of that program.''

During the more than 20 years Senator LEVIN and I have worked together, we have had our share of respectful disagreements, and this year is no exception. I strongly disagree with the majority's decision to include hate crimes legislation in the national defense authorization bill. I have consistently opposed attaching hate crimes legislation to the national defense authorization bill in years past. This year, I again objected to the inclusion of this nongermane, nonrelevant language as an amendment to the defense authorization bill when the bill was being considered on the floor of the Senate. Today, I remain strongly opposed to its inclusion in the conference report. The defense authorization bill is not the appropriate vehicle for consideration of hate crimes legislation. It is not germane to the work of the Armed Services Committee. The stand-alone legislation, S. 909, has not even been considered by the Senate Judiciary Committee, where it could have been debated, modified, improved, and brought to the floor of the Senate. What we are doing here is an abuse of the Senate process.

I also object to the language itself because it would create a new Federal crime for willfully causing bodily injury to any person due to the actual or perceived race, national origin, religion, or gender identity, sexual orientation, or disability of any person.

I do not believe an expansion of the Federal criminal code is necessary to cover a certain class of citizens from ''perceived injustices.''

Let me tell you one of the biggest problems I have here. We have now seen a virtual disappearance of authorization bills for various functions of government from Senate consideration. We have done that because extraneous and nongermane issues have been raised on those authorization bills. I don't remember the last time we had authorization bills for foreign operations out of the Foreign Relations Committee. I don't know when we have had authorization for other branches of government. The reason is because they always get bogged down in extraneous amendments on both sides. I am not placing the blame on the other side. I am placing the blame on both sides. This then bogs down the legislation which then, because of the exigencies of time, means we are not able to address the proper authorizing process for many functions of government. That, then, throws it all into the appropriations process. Of course, that is now an enormous shift of power and authority and responsibility from the authorizing committees, in whom the responsibility should lie, to the appropriating committees which are simply only supposed to appropriate money for previously authorized functions of government. I worry a great deal about that.

The only bill that has been consistently passed for many years through the Senate and into law is the Defense authorization bill. The Defense authorization bill is vital. We are now starting a very dangerous precedent by adding a very large and controversial provision, which is nongermane and nonrelated to defense, to a Defense authorization bill.

As my friend Senator LEVIN will point out, there have been other times where provisions have been added to this bill which were nongermane. Nothing of this magnitude, nothing of the controversy that is associated with the hate crimes legislation which was tacked on to this bill without any consideration in the committee itself. There was no committee consideration. When the bill came to the floor, bang, the first amendment out of the box was the hate crimes legislation which, of course, tied up the legislation for some days.

I understand the realities around here. I know what majority votes are. I know what majority membership in this body means. It was jammed through. I want to tell my colleagues, if we allow hate crimes to be added to this Defense authorization bill, what is next? What pet project or legislation on the part of the majority leader or the majority will be included in the next authorization bill?

If this legislation is signed into law, it will force police and prosecutors to treat identical crimes differently depending on a police officer or prosecutor's determination of the political, gender, philosophical, or even religious beliefs of the offender. Our legal system is based on identifying, capturing, and punishing criminals, not on using the power of government to divine biases. Crimes motivated by hate deserve vigorous prosecution, and I strongly support punishing those who commit such heinous acts under existing laws. Moreover, I am committed to a full and transparent debate on the issue. But I strongly oppose using the men and women of the military as the vehicle to pass this controversial and partisan legislation.

The Detroit News editorialized:

> Certainly, threats of violence or violence against individuals for any reason should be prosecuted to the full extent of the law. Not, however, because the victims are members of a particular race or sex, adherents of a particular religion or are gay. These crimes should be punished because the victims are uniquely valuable individuals who deserve the protection of the law solely on that basis. The idea of special prosecutions for ''hate crimes'' is inherently divisive.

I am pleased the conference report does retain some legislative language offered by Senator BROWNBACK during Senate debate on the bill. The Brownback language clarifies that nothing in the hate crimes legislation language shall be construed as an infringement on Americans' first amendment rights. Additionally, his amendment ensures that nothing in the hate crimes language should be construed to overturn ''the Religious Freedom Restoration Act of 1993'' that ensures our laws do not substantially burden Americans' free exercise of their religion.

The majority had the votes in July to add hate crimes to the Senate bill, and I am sure the majority will again have the votes today to invoke cloture on the conference report containing hate crimes language. It is indeed, unfortunate, that we are using the brave men and women in uniform as leverage to pass hate crimes legislation.

This legislation should have gone through the Judiciary Committee. That is the oversight committee. That is the committee of jurisdiction. I know my colleagues who are here on the floor will be justifying this legislation on the grounds of how badly it is needed. I say to the majority, who controls the legislative schedule here, they could have had this bill through the Judiciary Committee and on the floor of the Senate and passed in the Senate in the proper fashion and not put hate crimes on a bill that cares for the men and women serving in the military today. I worry a great deal about the precedent we will be setting by including an incredibly controversial piece of legislation in the Defense authorization bill which provides for our first and foremost obligation, and that is to secure the safety and welfare of our fellow citizens.

Finally, I believe it is important to note that the Defense authorization bill has been the only authorization bill that the U.S. Congress has consistently passed every year. Other authorization bills have often fallen under the weight of provisions inserted into must-pass bills that are not relevant to the legislation and highly controversial. The lives of our men and men serving abroad literally depend on our ability to consistently and reliably pass this authorization bill every year. I am not willing to take a gamble with our troops. For these reasons I cannot in good conscience vote to support the motion to invoke cloture on this bill, and I encourage my colleagues to do the same.

Prior to the final vote on passage of the conference report, I plan to speak in more detail about the overall bill and the commitment we have made in this conference report to do everything possible to ensure our soldiers, sailors, airmen, and marines receive the support they deserve and need, as well as a message we need to send those brave men and women and their families whom we support and stand behind.

I will vote against cloture. I will vote for final passage of the legislation in deference to our need to care for the men and women who are serving. I also would point out that if cloture is not invoked, we could immediately pass a resolution reconvening the conference and get this bill done today. But that is not going to happen, unfortunately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to speak for 10 minutes.

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

Mr. INHOFE. Mr. President, I did not sign the conference report on this legislation. I did not do it for a number of the same reasons articulated by the Senator from Arizona.

There are some good provisions in this bill. It does increase the size of our military, the Army, Marines, Air Force, and the Navy. Specifically, it authorizes 30,000 new additional Army troops through fiscal years 2011 and 2012 but provides no funding, which means the Army is going to have to take it out of its hide somewhere else. This concerns me.

It does provide a pay raise. That is good. It improves TRICARE eligibility. It adds eight congressionally appointed members to the independent panel that will consider the Quadrennial Defense Review. That was a program of Senator THUNE's. It does do that. That is good.

It provides $350 million to train and equip. Train and equip has been one of my favorite programs for a long period. It is one that we are getting the most out of right now. I am pleased that is in there. It also adds some funding for the new AFRICOM, African Command. It used to be divided into three different commands—the European command, the Pacific command and Central Command—but now it is in one. However, even though AFRICOM is good, and General Ward is doing a great job, it was not adequately funded in terms of resources. Now it is much better. We have extra funding in there.

Having said that, I would have to say that on modernization and the things I have been trying to do since I have been serving in this body and on the Armed Services Committee, military modernization has been kicked down the road. It seems all we ever do around here is take care of what is on fire at any given time.

President Obama said, in his February 2009 speech to a joint session, that he would push for removal of Cold War era equipment we do not need. I agree with that statement. That is not what this legislation does though. We are still using the Bradley fighting vehicle and the M1 Abrams tank, both developed in the 1970s and 1980s. The Army's Paladin howitzer was developed in the 1950s back when I was in the Army. We do have the Paladin Integrated Management, P.I.M., program to upgrade it but, nonetheless, there is no current modernization plan to replace that cannon. It terminates the C–17 program. Fortunately, we were able to get some things in Defense appropriations to correct that and add funding for additional C–17s. It terminates the F–22 program. I can remember when that program was first introduced. We were going to have some 900 aircraft. As it turned out, that was dropped down to 750 and has now been reduced to purchasing only the 187 aircraft already produced. Let's keep in mind that the F–22 is the only fifth-generation fighter we have, and other countries—China and Russia—are cranking theirs out now.

I think the worst part of this, though, was what they did to our missile defense system. The chart is complicated but it shows that during the boost phase, we have two capabilities—the airborne laser and the kinetic energy interceptor. Those were, for all practical purposes, terminated with this bill. That is the easiest and earliest phase to knock down an incoming missile, if you can get it during the boost phase. It cut down the number of missile interceptors in Alaska and California from 40 to 33. But to me the worst part is—and we have talked about this on the floor over and over—it eliminated our ground-based interceptor capability that was ongoing in Poland and the Czech Republic. I was there when this European plan was first being discussed.. I talked to the Polish Parliament as well as the Czech Parliament to encourage them to let us have that capability. I remember a member of the Parliament asked me: Are you sure that if we do this and take a controversial position in allowing an interceptor capability to take place, that America won't back down? I said: I am absolutely certain we won't. Obviously, we did back down. I am very much concerned about that. I wish there were time to go into it. There is not.

I will say this: We are pretty well protected with our capability, even though they decreased the number of interceptor missiles in Alaska and California in this legislation. But the interceptor missiles based in Alaska and California are intended to protect against missile threats from the west of the United States from Asia. Something coming from the East is a different situation. We needed this added capability and protection. I know the administration says that we already have the capability of knocking down a short and medium-range hostile missiles with our PATRIOT missiles, our THAAD system and our SM–3. The problem with that is, those systems do not adequately address the long-range missile threats from nations like Iran. Our intelligence says Iran is going to have a long-range missile capability by around 2015. If we had stayed with our program to have this capability in Poland and the Czech Republic in advance of that, we would have the capability of knocking down an ICBM coming toward the United States.

As it is now, we will not have until around 2020. If our intelligence estimate is right, that means we have a 5-year period, between 2015 and 2020, where we are pretty much naked on the east coast and Europe against long-range missile threats.

Let me ask, because I know there is another Senator who wants part of this time, how much time remains on our side?

The PRESIDING OFFICER. There is 11½ minutes.

Mr. INHOFE. I am very much concerned about some of the other things that have been approached in this legislation. One is the lack of testing capability for our existing stockpile of nuclear capability.

I am concerned about the additional money, some $560 million, to continue development and procurement of the alternate engine for the F–25 Joint Strike Fighter. We debated this over and over again. The end result would be, if this continues in the way it is right now, it would eventually knock us down by about 50 F–35 aircraft. This is something that should not take place.

While this authorization bill does prohibit the Gitmo detainees coming into the United States, it does allow for detainees to be transferred into the United States 45 days after the President has submitted a plan to Congress. It does not say that Congress has to approve the plan, just that they must submit the plan to Congress. Anytime I look at what has happened and the capability we have there at Gitmo—and to think we would shut it down for no reason I have ever been able to determine—that is concerning.

The last thing I would mention is, if we look at our responsibility of defending America, we are down now to a very small percentage of GDP compared to where we have been in the past. During the gulf war, our defense spending was 4.6 percent. It was 6 percent during the buildup of the Reagan years. If this trend continues on the road we are on now, it would be at 3 percent of GDP by 2019.

I would only remind you, Mr. President, we went through this same thing back at the beginning of the Clinton administration. As this chart shows, this line right here is a baseline. The Clinton budget is the red line down there. So we are talking about a degradation of some $412 billion in that period of time.

On the heels of that—I remember so well the jubilant cries that: The cold war is over. We don't need a strong defense anymore. I see that same sentiment coming on the horizon. I am very much concerned about that.

For that reason, I will be opposing the vote we will be facing in a short period of time. There still is time to send this back to conference and get some of those things taken care of. I would encourage our colleagues to give us the opportunity to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, I yield myself just 1 minute. There is no conference to send this back to. The conference, by rules, has been disbanded.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am frustrated and disappointed that I would be in a position to vote against

cloture on this legislation. I have been a member of the Armed Services Committee now for 12 years. I have voted in favor of passing the National Defense Authorization Act each of those 12 years. I am particularly concerned that I would feel compelled to oppose the passage of this conference report this year.

I will vote against cloture because I am deeply troubled that we are moving away from the longstanding tradition of passing bipartisan legislation that sets aside partisan politics in favor of providing funding for our men and women in uniform. I am sad to say that in this case the desires of a few have overridden that tradition. The result of that decision is before us in the conference report.

The inclusion of the controversial language of the hate crimes legislation, which is unrelated to our national defense, is deeply troubling. I think we will be setting a dangerous precedent by including such extraneous legislation on a most important authorization bill the body passes every year.

I count myself as an ally of our men and women in uniform. I work for them, feel compelled to support them in every way possible. I certainly do not mean to disrespect them and all the good things that are in this bill. But let me just say, one reason we have had such good support for the Defense authorization bill and are able to pass it every year, when bills like the foreign relations authorization bill almost never pass because that bill and so many other authorization bills get larded up with all kinds of pork and special interest, extraneous legislation, and they become so controversial they do not pass—our unwritten but firm principle has been: Let's keep the Defense bill a clean bill that focuses on our men and women in uniform. And just because you or some Senator in the body has a piece of legislation they strongly favor, that does not mean it should be added to the Defense bill, because others may feel just as strongly in opposition. So it creates a real problem for us.

I will just say that the train on which this Defense bill annually moves forward is a powerful engine. It has always been known that if you are able to get your legislation on the Defense bill, then few Senators are going to vote against it even if they do not agree with that particular piece of legislation. They want to vote for the Defense bill.

In a bipartisan way, we have recognized—and not perfectly—if we want to make sure this bipartisan strength and support for our men and women in uniform and our national defense is maintained, we do not need to load up that train with extraneous, controversial pieces of legislation. That is a great disappointment to me.

I hope by raising this objection clearly—and I appreciate Senator MCCAIN doing so—we will begin to send a message that: Let's not do this again because it can endanger the success we have had over the years.

This legislation was included despite the opposition of both the chairman and the ranking member of the House Armed Services Committee and certainly the ranking member of the Senate committee, Senator MCCAIN. It is my understanding that the leadership—I guess the Speaker and the majority leader are the ones who insisted this legislation, this hate crimes bill, be added to it. Specifically, Chairman IKE SKELTON, the Democratic chairman in the House, on October 8, said:

> Finally, regarding the Hate Crimes Prevention Act, I have said several times that I would have preferred it to have been enacted as a stand-alone bill.

Well, I think that is certainly what we all felt. But somehow that did not happen. It has been added to the legislation.

On July 20 of this year, I gave a lengthy statement I am sure few listened to and even fewer read discussing hate crimes legislation and the constitutionality of it, the need for it or lack of need for it. I pointed out a number of things that I think were very important to considering the legislation. One of them I will just note is a report by the U.S. Commission on Civil Rights.

I oppose the legislation. I do not think there was any showing—as a matter of fact, there was no showing—of a failure of State and local prosecutors to prosecute these cases. I asked the Attorney General himself, Mr. Eric Holder, to list the cases he named, and he listed five. We checked all those cases in the last 5 years, and they were all prosecuted, and most resulted in conviction and jail time. So it is not as if these cases were not being prosecuted.

This has a political dimension to it, frankly, more than a legal dimension. Six of the eight members of the U.S. Commission on Civil Rights signed a strong letter to the President and to the Judiciary Committee opposing this legislation. They went on to say in their letter that:

> While the title [of this legislation] suggests that it will apply only to ''hate crimes,'' the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts ''because of'' someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

The letter goes on to say:

> Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen ''because of'' their gender.
>
> A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen ''because of'' their gender or disability.

The letter goes on to say that this piece of legislation would make every rape in America be declared a crime under this bill because it is an act against someone because of their gender.

So on the merits, I am concerned about the legislation. I am concerned about its constitutionality. There is a lack of interstate nexus. Unlike the 1968 Civil Rights Act—which was needed and did fill a gap because there was clear proof that serious crimes committed against African Americans and other minorities were not being prosecuted. They had proof of that and could show that. So the Federal legislature, through narrowly crafted legislation to protect the movement and free exercise of civil rights by minorities in this country, passed a civil rights bill that I think has been upheld as constitutional. But this bill is much broader, much less narrowly tailored, and much less defensible.

So I will just say, Mr. President, I am proud we have a good pay raise in the legislation. I am proud there are some good things in it. I am disappointed, as Senator INHOFE said, about the missile defense issue and the lack of funding to update our nuclear stockpiles, which is becoming a critical issue. Overall, I am supportive of the legislation, want to be supportive of it, but I want to be crystal clear that we should not head down this road where we allow the addition, through a defense bill, of controversial legislation such as this.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The minority's time has expired.

The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. LEVIN. How much on the other side?

The PRESIDING OFFICER. The minority's time has expired.

Mr. LEVIN. Mr. President, I am going to be very brief and will not use the 10 minutes, unless there is somebody else who wishes to speak in support of the motion to invoke cloture.

I yield myself, Mr. President, 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. Just very briefly, let me say that the Senate has adopted hate crimes legislation on a defense authorization bill, I believe, three times. This is not the first time we would do this. It is not the second time we would do this. So it is not unique. It is not unusual. It is not unprecedented.

It is important that we provide the same kind of protection for the additional groups who are being protected under this legislation, including groups who would be attacked physically based on sexual orientation.

It would protect men and women in uniform for the first time from these kinds of hate crimes. That is something in which the Armed Services Committee has a special interest. The language has been written to ensure that it does not intrude on first amendment rights, that State and local law enforcement retain primary jurisdiction over investigations and prosecutions. It would punish violent acts

only, not beliefs. No Federal prosecution could take place under the provision unless the Justice Department certifies that the State in which the hate crime occurred either does not have the jurisdiction, has asked the Federal Government to assume jurisdiction, or has failed to vindicate the Federal interest against hate crime motivated violence or that a Federal prosecution is necessary to secure substantial justice. Senator Kennedy was the champion of this provision. Over and over again, he attempted successfully in the Senate to get this kind of language adopted. He pointed out, and I think with eloquence that is unmatched, that the values men and women in uniform fight for are these kinds of values: the value of diversity, the value of nondiscrimination. To say this has no place on this bill, it seems to me, is wrong for that reason as well as a number of other reasons.

We have had strong support for this provision from the Department of Justice and from law enforcement groups across the country that want this kind of support. The Senate, again, has authorized this legislation on the Defense authorization bill and has supported it twice before. This is at least the third time now that it is part of this bill. There are good reasons for it being part of Defense authorization, one of which is the values that are reflected here that when the men and women put on the uniform of our country, they fight to protect.

This would be a real tribute to Senator Kennedy for this language to be included. I remember going over with him to urge the House to adopt this language a couple years ago. The House did not do it then, although we in the Senate did do it. But now the House has adopted it. The Senate voted on this language just a few weeks ago with, I believe, 63 votes to incorporate this language into the Defense authorization bill. So we have already voted to do this. There is nothing unique or unprecedented about doing it again.

I hope we will invoke cloture. The stakes are huge. When I spoke before, I was quoting some of the things this bill will provide which are essential.

Now, some of the things in this bill required an appropriation. The Appropriations Committee hasn't acted on—excuse me—we haven't adopted an appropriations bill yet. Those things are not going to be held up if we don't pass this bill today, but there are a few things that will be held up. Our veterans are going to have to pay more for prescriptions and copays if we don't act on this bill, and acting on this bill will prevent that increase in copays without an appropriation.

We all talk about the importance of getting to Afghanistan equipment that is in Iraq. This bill has language which will permit that to happen. There is great disagreement as to what the right policy is in Afghanistan, but there seems to be no disagreement that we ought to strengthen the Afghan Army. One of the key ways to strengthen the Afghan Army is to get them equipment that is currently in Iraq which, if we don't pass this bill, is going to have to be shipped back here not only at great expense but also denying to the Afghan Army that we are trying to build up the kind of equipment that will make it possible for them to assert greater control for the security of their own country. That equipment cannot be transferred until this bill passes because that is nonexcess equipment. The moment this bill passes and is signed by the President, that equipment can be shipped to Afghanistan. That will protect our troops.

To try to pass another bill—have the House pass another bill, have another conference created if we can get one, have the conference, go through the process of conferees—is going to deny and delay an essential item going to Afghanistan to help protect our troops and our interests.

We talk a lot about: Why can't we do in Afghanistan what they did in Iraq? Why can't we have the Sons of Iraq be the Sons of Afghanistan? Why can't we put a policy in place which will attract those young Afghans who are on the payroll of the Taliban not because they believe in the extreme religious fanatic position the Taliban takes, but because it is a check or, more importantly, more accurately, cash they can put in their pockets?

With the Sons of Iraq we were able to wean away from the attackers, the people who hated us, 100,000 young Iraqis because we had a program which would help to fund that. This bill contains the authorization for our commanders to use CERP funding for that purpose. That is going to support our troops. Those funds can't be used until the President puts his name on this bill. Delaying that jeopardizes our troops, jeopardizes our interests, and it is one of the many essential provisions in this bill, and until they become law cannot be put into effect. But the moment it does become law, if and when it does, it can be placed into effect.

So the stakes on this first vote are great. If we delay adopting this bill by not adopting cloture, we are going to be taking a step backwards in terms of the support of our troops and our interests in Afghanistan and Iraq. The delay is unacceptable. I hope our colleagues will vote for cloture.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Conference Report to accompany H.R. 2647, the Department of Defense Authorization Act for Fiscal Year 2010.

Harry Reid, Ben Nelson, Benjamin L. Cardin, Byron L. Dorgan, Robert Menendez, Richard J. Durbin, Charles E. Schumer, Tom Harkin, Evan Bayh, Patrick J. Leahy, Jack Reed, Robert P. Casey, Jr., Roland W. Burris, Edward E. Kaufman, Paul G. Kirk, Jr., Barbara Boxer, Sheldon Whitehouse, Carl Levin.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''nay.''

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

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—64

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Kirk	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murray	

NAYS—35

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Feingold	Risch
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker
Cornyn	Johanns	

NOT VOTING—1

Hatch

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 35.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

HONORING SENATOR DANIEL INOUYE

Mr. REID. Mr. President, our colleague, Senator DAN INOUYE, has earned, on the field of battle, the Bronze Star, the Purple Heart, and the Congressional Medal of Honor. The man we work with on a daily basis is an American hero. He has earned the admiration, respect, and trust of the people of Hawaii and the entire Nation.

Today he has reached another milestone. He becomes the third longest serving Senator in American history.

(Applause.)

Every day since January 3, 1963—46 years, 9 months, and 20 days—Hawaii has been proud to call DAN INOUYE their Senator. There has certainly never been a Senator such as DAN INOUYE. He holds many distinctions no one else can claim or will claim: He has represented the people of Hawaii since Hawaii became a State. He was Hawaii's first Congressman and is its longest serving Senator. He was the first Japanese American to serve in the House and the first Japanese American to serve in the Senate and first chairman of the Senate Select Committee on Intelligence.

Just as he today becomes the third longest serving Senator, he also ranks third all-time in the number of votes cast in the Senate, behind only Senators BYRD and Thurmond. That means the senior senator from Hawaii has cast more votes than any Senator west of the Mississippi.

Today's vote by Senator INOUYE, which was the last vote cast—one of America's most accomplished veterans, and that is an understatement—was on the Department of Defense authorization bill. It was his 15,507th vote.

The good people of the great State of Hawaii thank Senator INOUYE for his continued service. The American people thank him for his courage and his leadership. I thank him—from the day I entered this body, there is no one who has been more cordial, more of a gentleman than the man we know who has a Congressional Medal of Honor, DAN INOUYE.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I say to my good friend from Hawaii, I addressed this issue we are discussing now in my opening remarks this morning. I congratulate him for achieving this milestone. He has been an inspiration not only to Members of the Senate but to many Americans throughout his life, beginning, obviously, with his extraordinary service for our country during World War II.

As I indicated to my good friend, I addressed this earlier today. I wish to join with others in congratulating him on this important milestone he has achieved today.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I also add my voice, support, and praise for our colleague, Senator INOUYE of Hawaii, who now becomes the third longest serving Member of this great body. DAN INOUYE has spent his life fighting for freedom, democracy, and equality in uniform, as a Member of Congress and the Senate.

Senator DANIEL INOUYE may be the only American who saw with his own eyes the smoke from Pearl Harbor and the black smoke that rose from the Pentagon on 9/11. On both of those terrible days, when the Nation he loved was under attack, DAN INOUYE stood ready to protect and serve this great country. I am honored to call him a colleague.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise to congratulate and bring my aloha to my good friend, brother, and colleague, Senator INOUYE, on reaching this impressive milestone today, becoming the third longest serving Senator in U.S. history. His dedication to public service and to this great country is an inspiration to me and to many others.

Senator INOUYE has been in Congress ever since Hawaii became a State in 1959. He has been here for 46 years, 9 months, and 20 days. He was in the House and then joined the Senate 3 years later.

This historic milestone would be impressive on its own, but it is truly amazing when one considers Senator INOUYE's background: a Medal of Honor recipient who lost his arm fighting for America in World War II. He fought for our country while fellow Japanese Americans were being interred in our country.

He then became the first Japanese American in Congress. He has fought for our country in battle and in the Congress as well.

Senator INOUYE will continue working for Hawaii and the United States for many more years to come. It has been a pleasure serving with him in these years representing Hawaii.

I, again, extend my aloha, my congratulations to Senator DAN INOUYE, and ask for God's blessing upon him and God bless America.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, one thing Senator INOUYE has established is that you do not have to be a Democrat to love DANNY INOUYE. He is not only revered here for his knowledge and for his leadership but for his affection and to all things we care about, and people on the other side of the aisle confirm that in their respect for DANNY INOUYE.

DANNY, as we affectionately know him, and I and Senator AKAKA are the three remaining veterans of World War II in this place. We treasure every moment we have together. I particularly am in debt to DANNY INOUYE for his unique capacity to listen, to think quickly on his feet and come up with the right answers.

DANNY, we congratulate you. We look forward to your ascension to even higher standing with longevity in this body and, quite frankly, I hope to be here with you. Congratulations.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, this day I am reminded how grateful I am to the people of Hawaii for honoring me all these years. I just hope my work here has returned this great favor they have given me.

I can think of many good things that have happened, but the thing I will always cherish is the friendship of my colleagues—friendship that extends on both sides of the aisle. I think that is the way we should look upon the Congress and the Senate. Therefore, I am pleased that as chairman of the Appropriations Committee, I can tell one and all that out of the 12 bills, 10 were reported out unanimously, 2 with 1 opposition. That is bipartisanship, and we intend to keep it that way.

Once again, I thank my colleagues for their many courtesies and today they have honored me greatly. Aloha.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, may I inquire, what is the business before the Senate?

The PRESIDING OFFICER. The conference report to accompany H.R. 2467.

Mr. CHAMBLISS. Mr. President I rise, regrettably, to oppose the conference report for the fiscal year 2010 National Defense Authorization Act. For the record, this will be the first Defense authorization bill I have voted against in my 15 years in Congress.

There are many provisions in this bill with which I agree and strongly agree that represent major steps forward in support of our men and women in uniform and the national security responsibilities of the United States. For example, the bill includes a significant pay raise for our troops, re-authorizes numerous bonuses and special pays, authorizes billions of dollars of much needed military construction, both in the United States as well as overseas, and authorizes $6.7 billion for Mine Resistant Ambush Protected Vehicles or MRAPs.

Also, the bill includes the Military and Overseas Voting Empowerment Act, which I worked on in conjunction with Senators SCHUMER, BEN NELSON, CORNYN and BENNETT and which was cosponsored by over half this body. The MOVE Act is one of the most substantive and comprehensive military and overseas voting reforms we have seen in years. It will fix a significant problem we have had in this country, that of the men and women of our military; who are putting their lives in

harm's way being denied the ability to, No. 1, have the opportunity to vote, and No. 2, to have their vote counted.

However, the bill includes at least three provisions which I strongly oppose, and for those reasons I cannot support this final bill.

First, the bill includes hate crimes legislation, which I firmly believe is unnecessary, irresponsible, and certainly not germane to this bill. There is little evidence that indicates that violent crimes, motivated by hate, go unpunished in the United States. Every single State has criminal laws that prohibit the antisocial behavior addressed by hate crimes legislation, including laws against murder, rape, arson, assault, and battery.

I oppose the creation of Federal hate crimes legislation for several reasons. First, I do not believe the Federal Government should interfere with the criminal laws already on the books in our States.

Second, this hate crimes legislation would establish a protected class of crime victims who would receive special protection under the law.

Finally, we already have laws to prosecute individuals who commit violent crimes. Those people guilty of violent crimes against anyone should and will be prosecuted under existing law and should be punished to the hilt when found guilty. For all these reasons, I strongly oppose the hate crimes legislation in this bill.

Secondly, the bill contains no funding for the procurement of additional F–22s. On May 19, 2009, the Chief of Staff of the Air Force, General Schwartz, affirmed under oath that 243 is the right number of F–22s to have in our inventory. Nevertheless, inclusion of additional F–22 funding received a veto threat from the administration and funding was stripped out of the Senate bill after an unbelievable lobbying effort coming out of the Pentagon and the White House.

I readily acknowledge there is a difference of opinion on this issue and that others do not necessarily share my views on this subject. However, what I will not acknowledge is that support for additional F–22s is simply an example of doing business as usual and the influence of special interests. Congress is entitled to disagree with the executive branch on significant procurement and policy decisions, and there are countless examples of where we have done so and history has proven Congress to be right. Time will tell, but the F–22 may very well be an example of where the supporters of the program were, without question, correct.

I hope we are never put in a position as a country where we once again must fight to maintain air dominance, but there is not a single weapon in our inventory that ensures that we will maintain air dominance other than the F–22. The F–35 is a great weapon system, but we now know it is going to be delayed by 2 years.

It was kind of interesting that the announcement on the 2-year delay on the F–35 came out about 3 or 4 days after the final vote on the Defense authorization bill on this floor. But the F–35 is an air-to-ground weapon system that will not guarantee us the air superiority the F–22 will. If we are going to rely on 187 F–22s from an air dominance standpoint in every potential sector of the world, against every potential adversary, it is simply not enough. General Schwartz was right when he said 243 is a more correct number. I believe stopping production at 187 puts our Nation at high risk in the near to midterm, and there is no reason our Nation should accept that amount of risk given our global responsibilities.

Third, section 1041 of the bill provides for the transfer of Guantanamo detainees to the United States. While the bill specifies conditions for transfer as well as requiring a plan for each detainee who is transferred; the bill nevertheless allows for the transfer of those detainees. The conditions for the transfer of those detainees are similar to those that are present in the fiscal year 2010 Department of Homeland Security appropriations bill which I voted against earlier this week.

I made a much more detailed statement at that time about my reasons why I was voting against that bill relative to this issue of the transfer of Guantanamo detainees to the United States, but that bill authorized the transfer of detainees to the United States for the purpose of prosecuting the detainees or for detaining them during legal proceedings. This bill allows the transfer of detainees not just for that purpose but for any purpose. This will allow those detainees to have access to U.S. criminal courts, which I strongly oppose, because these are individuals who were arrested on the battlefield, not by the FBI or local police or any other law enforcement agency inside the United States. These are battlefield combatants. This also goes against the will of the American people and opens up the possibility that these detainees may one day be released in the United States. Therefore, I cannot support this provision in the underlying bill.

Mr. President, I strongly support our troops, and I support the missions we have asked them to carry out. Shortly, I will be going back to Afghanistan for my third trip. I also have been to Iraq on eight different occasions, and I get very emotional and excited about the opportunity to look our men and women in the eye, with their boots on the ground, and tell them how much we Americans appreciate the great job they are doing. I am going to continue to support them in every way possible. But the fact is, here we have provisions in a Defense authorization bill that go against the will of the American people and that, frankly, don't have much of anything to do with our troops in theater as well as our troops here.

So, Mr. President, regrettably, I am going to be opposing this bill on the grounds of the issues I have outlined.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I am a student of history and a firm believer in applying the lessons of history to present planning and to future planning. There is no profit—none—in making the same mistakes over and over. There is no future—none—in building on a foundation of shifting sand. Our military planners and our Afghanistan policy analysts, as well as Members of this Senate, would do well to spend some time considering the history, the geography, and the cultures of Afghanistan.

Throughout the long centuries, Afghanistan's geopolitical value has been its location along the great Silk Road that carried both trade goods and armies between Europe and Asia through the forbidding Hindu Kush mountains. Afghanistan has limited natural resources. Afghanistan has a climate and a geography that produces very little for export. So the fiercely—and I say fiercely—independent tribes that populate this harsh and barren land have long earned a living instead from the goods and the armies that travel across it.

Tribesmen have used the dry rocky plains and the steep, bare, cavern-riddled mountains to great advantage—to extort both armies and traders for security and shelter or as a base from which to raid.

In weary succession, rulers and nations have witnessed their dreams of conquest and their dreams of empire in Afghanistan dashed. From Alexander the Great in 326 BC, to Genghis Kahn in the 13th century, to the British in the 19th century, to the Russians in the 20th century, no invading army has ever conquered Afghanistan, earning it the sobriquet ''Graveyard of Empires,'' the graveyard of empires or, to say it another way, graveyard of foreigners.

In one horrific example, in 1842, the British lost more than 16,000 troops and civilians in a single 110-mile retreat from Kabul to Jalalabad. History tells us—and we had better listen to history—that Afghanistan does not take kindly to foreign intervention. Yet—now, get this—here we are discussing a proposed counterinsurgency strategy that would vastly increase the U.S. presence in Afghanistan in the vain hope of spawning the establishment of a Western-style, modern democracy and economy in a land that in many areas and in many ways is still frozen in the time of Alexander the Great.

As a junior United States Senator I traveled to Afghanistan in the 1960s—way back there in the 1960s. Yes, I went to Afghanistan in the 1960s and, let me say to you, it was an eye-opening experience. Men, human beings, were treated like beasts of burden, actually pulling carts like oxen. Yes, I saw it. Living conditions were primitive. Corruption was widespread. While life in Afghanistan's cities has changed somewhat in the intervening decades, many

of the scenes that I see in the news still look very familiar to me. The fundamental changes that are wished for by some NATO and U.S. planners, particularly in the least developed rural areas where the tribal theocratic Taliban rule is most entrenched, would certainly be a long shot—and I mean that, a long shot—and likely will be a long shot and quite unwelcome.

What is really at stake for the United States in Afghanistan? We all know that Afghanistan is not a threat to us militarily. The Taliban is not a threat to us militarily. Al-Qaida, however, is a demonstrated threat to us, with ambitions and a philosophy that must—must—keep us vigilant. But the link between al-Qaida and Afghanistan is a tenuous link, one based only on the temporary expediency of location, an expediency that has already been replaced as the al-Qaida leadership has moved and may move again. Building a western style Democratic state in an Afghanistan that is equipped with a large military and police force and a functioning economy based on something other than opium poppies may or may not deny al-Qaida a safe haven there again. It will, however, guarantee that the United States—that is us—must invest large numbers—not just a few, large numbers—of troops and many billions of dollars in Afghanistan for many—not just a few, many—years to come, energy and funds that might otherwise go toward fueling—in other words building and strengthening—our own economic recovery, better educating our children or expanding access to health care for more of our own people, and yet there are many here in this body, many here in the Senate who believe that we should proceed with such a folly in Afghanistan.

I am not one of them. But there are many, I say, here in the Senate, who believe that we should proceed with such a folly in Afghanistan. During a time of record deficits, some actually continue to suggest that the United States should sink hundreds of billions of borrowed dollars into Afghanistan, effectively turning our backs on our own substantial domestic needs, all the while deferring the costs and deferring the problems for future generations to address. Our national security interests lie in defeating—no, I go further, in destroying al-Qaida. Until we take that and only that mission seriously, we risk adding the United States to the long, long list of nations whose best laid plans have died on the cold, barren, rocky slopes of that far off country, Afghanistan.

I yield the floor. 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. BENNET. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BENNET. Mr. President, it was a great privilege to be here on the floor to hear the remarks of the senior Senator from West Virginia. I congratulate him on his remarks and thank him for giving us the privilege of hearing his views on Afghanistan.

One of the most import duties we have as Members of this Chamber is to ensure that our troops have the tools and equipment they need to succeed. It is an obligation we all take very seriously. I thank the chairman and ranking member of the Senate Armed Services Committee, Senators LEVIN and MCCAIN, for producing such a balanced and bipartisan bill that invests in our Nation's defense and provides, as President Obama has said, ''for the few who have borne the overwhelming burden of our security.'' Making sure our troops have the very best America can offer is absolutely essential to our defense and keeps our military second to none.

I rise today to discuss a provision in this conference report that reflects a different source of pride, a source of pride that projects another characteristic of America and defines us as a model of freedom and equality under the law. These values form a foundation of America's strength that is our most enduring asset, both in times of war and peace. I rise today in strong support of the Matthew Shepard Hate Crimes Prevention Act. With the bipartisan passage of the Defense authorization conference report, we will have taken another substantial step forward for our values as Americans.

It has been 10 years since the Matthew Shepard Hate Crimes Prevention Act was first introduced in the Senate. During this period we have seen a marked increase in hate crimes. In my home State of Colorado there were 156 hate crime incidents reported to the FBI in 2007; 75 of those were on account of the victims' race and 32 on account of his or her sexual orientation.

One of these victims was 18-year-old Angie Zapata, of Greeley, who was beaten to death in her home in July of 2008. Press accounts indicated Angie's attacker said he went after her because he hates transgender and gay people. A jury found that the attacker was motivated by prejudice based on sexual orientation. The jury's verdict marked Colorado's first ever conviction for a hate crime against a transgendered person. The crime was heinous and the attacker will rightly serve his time because of the laws in my State. Our experience in Colorado, which already has strong hate crimes laws on the books, serves as an example of how to protect the civil rights of all Americans, regardless of where they live.

Our laws must reflect our values. Communities are threatened anytime there is a violent crime motivated by racial animus or by bigotry against one's gender or sexual orientation. Hate crimes are serious challenges for our law enforcement personnel. They can lead to additional crimes, and they can raise the level of animosity among communities. These unique challenges have rightly caused Congress to become involved. As we learned in the civil rights era, sometimes communities need assistance and resources from the Federal Government when they have to confront the most emotional and dangerous kinds of crimes. The Matthew Shepard Hate Crimes Prevention Act is designed to help local law enforcement manage these situations and deter hate crimes from ever happening in the first place.

This important law strengthens the current Federal hate crimes statute by protecting would-be targets of violence based on gender, sexual orientation, gender identity, or disability. It closes a significant loophole under current law that prevents hate crime prosecution when a victim is not engaged in a federally protected activity. All victims should be protected, and these crimes should be deterred regardless of where or when an attacker may be planning to commit a violent crime.

This legislation also authorizes the Department of Justice to provide grants to State, local, and tribal authorities to investigate or prosecute hate crimes more effectively. Grants are also made available for programs that combat hate crimes committed by juveniles, including training by local law enforcement to effectively identify, prosecute, and prevent those hate crimes.

I thank all of those who worked so hard over the past 10 years to update our hate crimes laws, particularly the late Senator Ted Kennedy, who long championed this cause. In a speech he gave back in 2007 on this very subject, Senator Kennedy asked how long those living in fear of attack or reprisal would have to wait until Congress did the right thing. How long, he asked, would it take for Washington to show that violence on account of gender, sexual orientation, or gender identity is absolutely inconsistent with our values and as such will not be tolerated in the United States of America.

Today, is Senator Kennedy's answer. Today we send a bill to the President that ensures America's enduring principles apply to all Americans. Today we approve a bill that, as Senator Kennedy predicted, ''sends a message about freedom and equality that will resonate around the world.'' It is a proud amendment. I urge my colleagues to set the right example and pass this important legislation.

Mr. LEAHY. Mr. President, today, if the Senate votes to pass the national defense authorization bill, Congress will at long last pass into law the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009. It is an important and historic step to reaffirm our values as Americans and show that violence against members of any group because of who they are will not be tolerated in this country. I am proud that this Congress and this administration have made this critical measure a top priority.

This is a step that has taken far too long. I have been working hard, as have many others, for more than a decade since the horrific murders of Matthew Shepard and James Byrd, Jr., galvanized the Nation. When Attorney General Holder testified before the Senate Judiciary Committee in June, it was the second time he had testified in support of this important bill. A full decade earlier he had testified as Deputy Attorney General in support of the passage of hate crimes. Since that time, he noted that ''there have been over 77,000 hate crime incidents reported to the FBI, not counting crimes committed in 2008 and 2009. That is nearly one hate crime every hour of every day over a decade.''

I offered the Matthew Shepard Hate Crimes Prevention Act as an amendment to the Defense authorization bill, and I was joined by my fellow New Englander, Senator COLLINS, in the effort. She has taken a leadership role on several important civil rights measures and now can add this to her long list of bipartisan accomplishments.

With the passage of this measure, for the first time our Federal law will protect a segment of Americans who have been under attack for too long. The LGBT community deserves its civil rights just as the rest of Americans do.

I commend Senator LEVIN for working so hard to ensure that this provision would go forward as part of the conference report. I congratulate the Senate majority leader, Senator REID, for his essential role in this matter. Yesterday I noted the steadfast leadership Senator Ted Kennedy provided on this issue, as on so many others, for more than a decade. We think of him as we see his good work go forward.

Earlier this month was the 11th anniversary of the brutal murder of Matthew Shepard, a college student who was beaten and killed solely because of his sexual orientation. Matthew's parents have worked courageously and tirelessly for this legislation, which aims to ensure that this kind of despicable act will never be tolerated in this country. The bill was named for Matthew, as well as for James Byrd, Jr., a Black man who was killed in 1998 because of his race in another awful crime that galvanized the Nation against hateful violence. We appreciate and honor the important contributions of James Byrd's family, as they have worked hard for this legislation.

As I have said many times, the years since these two horrific crimes have made clear that hate crimes remain a serious and growing problem. The recent shooting at the Holocaust Memorial Museum showed that these vicious crimes continue to haunt our country. This bipartisan legislation will help law enforcement respond more effectively to this problem.

I understand that a Senator on the other side indicated that we were considering a fully inclusive hate crimes measure today based solely on ''perceived bias.'' I would note for the record that this measure would punish violent acts that result in bodily injury that were motivated by hate. Each of these elements needs to be proven to a jury beyond a reasonable doubt. So it is just plain wrong to claim that perceived biases will be elevated to a crime.

I understand that some have alleged that this has not gone through the Judiciary Committee. In fact, we did consider this legislation at a hearing in June. The Attorney General of the United States testified in support of the legislation, and we had a thorough debate about the merits of the legislation in committee. I would also note that adding the hate crimes measure to the Defense authorization bill has occurred in the past, as recently as last Congress. Its inclusion this year could not have come as a surprise to anyone here.

This same hate crimes bill also passed the Senate in 2004, 2000, and 1999. The amendment passed this year in July on a bipartisan vote. There has been plenty of consideration and process.

President Obama has worked closely with us to facilitate the quick passage of this vital hate crimes legislation. In his first few months in office, he has already acted to ensure that Federal benefits are awarded more equitably, regardless of sexual orientation, and now to ensure that this hate crimes legislation becomes law. Unlike in previous years, we have a President who understands that crimes motivated by bias are particularly pernicious crimes that affect more than just their victims and those victims' families. I expect the President to sign this legislation without delay.

Hate crimes instill fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. For nearly 150 years, we have responded as a nation to deter and to punish violent denials of civil rights by enacting Federal laws to protect the civil rights of all of our citizens. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 continues that great and honorable tradition. Passage of this legislation, at last, will show once again that America values tolerance and acts to protect all of its people.

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

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

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CASEY. Mr. President, I rise today with regard to the importance of international development efforts in Afghanistan, as well as the role of women in that same country. Much of the public debate around Afghanistan is focused on troop levels, especially in Washington. This is a critical decision on troops, but a focus only on troops ignores so many of the crucial elements that will contribute to our strategy in Afghanistan; namely, what should be done to help promote democratic institutions. That is one question we have to spend more time on. How can we accelerate the training of the Afghan security forces? What impact does Pakistan have on this conflict? I have spoken about these issues in depth. I want to directly address the formidable development challenges before the Afghan people and what this means for the security environment.

Let me be clear. We are not conducting development in Afghanistan for development's sake. Promoting development has a direct national security impact and, if done right, can result in a safer environment for coalition troops, as well as Afghan security forces, and it can ultimately contribute to stability in the region.

Before discussing these issues, I want to applaud the extraordinary efforts of Senator KERRY, the chairman of the Senate Foreign Relations Committee, to seek a resolution to the Afghan election crisis. As we all saw from news reports, his tireless work over the past few days to support the democratic process in Afghanistan renewed the chance for much needed legitimacy in the electoral process. I hope the second round of the elections will be free from violence and the terrible fraud that was seen in August.

I also want to recognize the work of the Electoral Complaints Commission, which meticulously rooted out corruption in the election process. Those guardians of Afghan democracy should be commended for their work, and I trust they will perform equally well on November 7 and the days following.

The development changes facing Afghanistan are formidable. Destroyed by 30 years of war, Afghanistan is the third poorest country in the world. Large swaths of the country don't have access to roads, electricity, water, or prospects for jobs.

As I discussed on the floor last week, there are some positive aspects of the development process already in Afghanistan. There are now 6 million children in school, one-third of whom are girls. Basic health care now reaches more of the country than ever before. The public health care system has made strides in this regard to have organizations such as the Pennsylvania-based Cure International, which is working to train doctors. The economy has grown at 10 percent a year in aggregate terms, and mobile telephones are starting to connect more and more people across the country. When this process began in 2002, we started at zero. We should not be content with the pace of reform in Afghanistan, but we should acknowledge that some progress has been made.

While the debate in Washington revolves around the prospect of a troop

surge, not much has been said about the civilian surge to assist in development and diplomatic efforts. I support this important initiative, but we must encourage the administration to match this international surge with an Afghan surge. We must increase our efforts to build the skills and capacity of Afghans to develop Afghanistan. We must constantly work to instill the idea that Afghanistan's prospects lie not with the efforts of the international community—though we should do our part, and we have and we will—but with the talent and the will of the Afghan people. It is not only the best way to conduct development, it is in fact the only way it has ever been truly successful.

The strong roots of an Afghan-led development process have been years in the making. The Government's National Solidarity Program has worked to develop the ability of Afghan communities to identify, plan, implement, and monitor their own development projects. This model of community-based development is essential to building civic ownership for the country's future. The World Bank reports that more than 20,000 communities now have local government consultative institutions or community development councils. Afghanistan's Ministry of Rural Rehabilitation and Development oversees this effort, which is financed by a consortium of international donors. It employs more than 4,000 Afghan nationals and has developed the skills of 600,000 Community Development Council members across the country in planning and supervising projects and managing finances transparently. More than 80 percent of the labor has been provided by communities themselves, generating wages for the poor and cutting in half the cost of their projects.

While substantial progress has been made, the National Solidarity Plan faces three main challenges: First, the security environment is the biggest hurdle to rapid development. Second, the international community can play a helpful role in supporting the government's efforts to ensure that these structural gains are sustainable. The democratic process has begun to take hold in these communities but will require years to grow strong roots. Finally, the Community Development Councils will need regular assistance in building capacity. As local communities start to work together on multi-village projects, they will need technical help to implement the projects.

Afghanistan's development infrastructure is important and represents an important effort to mesh traditional community-based decisionmaking structures with the official governing structure. In order for these bodies to work properly, there must be an important focus on the provision of basic services, irrigation, access to transportation and the construction of roads, basic health care and education, and access to drinking water and electricity.

Much of the development work on Afghanistan must take place in an environment of extreme insecurity. USAID works in countries all over the world, but its impressive staff doesn't usually contend with the small arms fire, roadside bombs, and the militant attacks that they confront in Afghanistan. In the most crucial regions of Afghanistan, along the Pashtun belt in the east and south, USAID must operate alongside the U.S. military, the State Department, and the U.S. Department of Agriculture in provincial reconstruction teams. The military forces provide protection for the aid workers and diplomats as they seek to implement their projects. This configuration is clearly not ideal but has allowed for some development progress and has also played a critical role in the overall counterinsurgency effort.

While there has been significant funding provided for development efforts, not enough of the funding is actually reaching the Afghan people. Lately, international organizations have been criticized for high consultant fees and overhead costs associated with doing business in Afghanistan. Some nongovernmental organizations, so-called NGOs, and contractors are performing excellent work in extraordinary circumstances in Afghanistan. While much of the cost associated with their efforts is understandable given the high pricetag associated with security and paying quality staff to live in Afghanistan, I do believe that more of an effort should be made and must be made to work directly with the Afghan organizations where possible to implement development programs. This will likely mean an increase in USAID staff to oversee implementation of the programs and assure accountability. This would also serve in rebuilding USAID's capability to implement programs instead of relying upon contractors. Developing the capacity of USAID is long overdue. I want to acknowledge Ambassador Holbrooke's work in this regard and support his efforts to deliver more of our assistance directly to the Afghan people.

International development experts have highlighted the critical role played by women in the security, stability, and development of Afghanistan. We cannot expect progress on any of these fronts if half of the population is ignored. As I have said before, we have seen progress on women's and girls' political participation, education, and health since the fall of the Taliban. However, women are still largely excluded from public life and economic participation, and they remain targets of endemic violence.

We must support the Afghan Government's efforts to empower women and ensure their right to work in both public service and at community levels. Promoting the economic participation of women will pay long-term dividends in terms of education, health, GDP, and even the security and stability of their country.

International development experts in the region have noted that women are more likely than men to invest their extra savings and earnings in their families, specifically toward much needed education and health care, assisting women, whether through small grants, access to credit, or skills training as a potential to improve the lives of the entire household, including those susceptible to be drawn in by the Taliban.

Military strategists have focused on this important nexus of advancing development for women and security. In a society where young men are loathe to make decisions against their mother's wishes, convincing mothers that their children have future prospects beyond joining a militant group is a key part of our strategy. By working with women on a host of development issues, international and Afghan groups can have a clear and convincing impact on the security environment where our soldiers are operating today.

In closing, the security challenges in Afghanistan grow more acute by the day. We are rightly focused on the question of troop deployment and how to stem the tide of militancy across the country. But as we debate the merits of our presence in Afghanistan and our efforts to bring stability, we must fully account for the developmental shortcomings in the country. This, as well as the establishment of durable democratic institutions, will most likely be the ultimate determining factor in resolving this conflict.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARDIN. Mr. President, I rise today to express how pleased I am with the inclusion of the Matthew Shepard Hate Crimes Prevention Act of 2009 within the Department of Defense authorization bill. This day is a long time coming, and I am proud we have successfully stood up against hate crimes in this country. Such acts will not be tolerated in our society. The American public supported this goal. According to a Gallup poll from 2007, 68 percent of Americans support extending hate crimes protection to groups based on sexual orientation and gender identity, including 60 percent of Republicans and 62 percent of individuals who frequently attend church.

Hate crimes continue to occur in our country every day. According to recent FBI data, there were over 7,600 reported hate crimes in the United States in 2007. That is nearly one every hour of every day. Over 150 of those instances occurred in my home State of Maryland.

The passage of the legislation demonstrates that the Congress is fighting for people such as Stephen Johns, who was killed at the U.S. Holocaust Museum; Lawrence King, a 15-year-old student murdered in his high school because he was gay; James Byrd, who was beaten and dragged by a truck for 2 miles because he was Black; and for the 28-year-old California woman who was gang-raped by four men because she was a lesbian. Today, we stand and say: No more. No longer shall we tolerate these types of actions.

During the recent confirmation hearing of Justice Sonia Sotomayor, I spoke about the importance of standing against hate. I expressed the importance of a Justice and a Court that will continue to move forward in protecting civil rights and not turning back the clock. I hope the Court will stand with us against such actions and continue to protect important civil rights laws.

According to the recent Leadership Conference on Civil Rights education fund report entitled ''Confronting the New Faces of Hate,'' hate crimes against Latinos has been increasing steadily since 2003. This marked increase also closely correlates with the increasing heated debate over comprehensive immigration reform. There was also a 5-year high in victimization rates in 2007 toward lesbian, gay, bisexual, and transgendered individuals. That number has increased by almost 6 percent. The number of White supremacy groups has increased by 54 percent, and African Americans continue to experience the largest number of hate crimes, with an annual number essentially unchanged over the past 10 years. While religion-based offenses decreased, the number of reported anti-Jewish crimes increased slightly between 2006 and 2007. The Matthew Shepard Hate Crimes Prevention Act is a necessary and appropriate response to this ongoing threat to our communities.

Currently, 45 States and the District of Columbia have enacted hate crime laws and have taken a stand against hate in their own States. Thirty-one of those States have already included sexual orientation in their definition of what constitutes a hate crime. Twenty-seven States and the District of Columbia prohibit violent crimes based on a victim's gender. States have a patchwork of hate crimes statutes that leaves gaps which need to be filled in order to have an effective response and prosecution of these crimes.

The Federal Government has a clear responsibility to respond to hate crimes. Current Federal hate crime laws are based only on race, color, national origin, and religion. We need to include gender, disability, gender identity, and sexual orientation.

Current law also requires the victim to be participating in a federally protected activity, such as attending school or voting. Those who commit hate crimes are not bound to certain jurisdictions, and neither should the people who prosecute them, which is why this legislation removes the requirement that a victim be participating in a federally protected activity. The Matthew Shepard Hate Crimes Prevention Act will make sure all Americans are equally protected against hate crimes.

The legislation will provide necessary resources to our State and local governments to fight hate crimes. Specifically, it will provide grants for State, local, and tribal law enforcement entities for prosecuting, programming, and education related to hate crimes prosecution and prevention. The bill will assist States and provide them with additional resources, not diminish their role in managing criminal activities within their own States. The bill supplements State and local law enforcement efforts.

Additionally and most importantly, the legislation was carefully drafted to maintain protections for Americans' first amendment rights. Nothing in this legislation diminishes an American's freedom of religion, freedom of speech, freedom of the press, or freedom to assemble. The Supreme Court has already ruled that such laws do not obstruct free speech. Let me be clear: The Matthew Shepard Hate Crimes Prevention Act targets acts, not speech.

Hate crimes affect not just the victims; they victimize the entire community and make residents fearful. We cannot allow our communities to be terrorized by hatred and violence. Today, we hold true to our promise for a better tomorrow.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BURRIS. Mr. President, I ask unanimous consent to speak for the next 7 or 8 minutes in morning business.

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

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, in the election of 1912, Theodore Roosevelt and the Progressive Party laid out an ambitious platform. T.R., as he was referred to, was seeking a third term as President of the United States. During his campaign, he called for a minimum wage. He demanded child labor laws and believed occupational safety should be a priority across America. Today we would take such measures for granted, but at the time, nearly a century ago, they were considered very progressive.

However, there is at least one major part of Roosevelt's platform that was never enacted. He called for ''the protection of home life against hazards of sickness, irregular employment and old age, through the adoption of a system of social insurance adapted to American use.'' Ninety-seven years ago, Teddy Roosevelt was talking about health care reform—but not just any kind of reform, he was talking about a public option. He knew even then that the American people needed to have quality affordable coverage that can only be provided by a ''system of social insurance'' much like the public option we are talking about in the current legislation.

That was the origin of the debate that rages on even today. Since that time, nearly every President and Congress has had to wrestle with a broken health care system; a system in which costs continue to rise even as relative health outcomes keep going down; a system that allows insurance companies to hold American families in a vice grip, squeezing them for exorbitant profits; a system that affords no choice, no competition, and no accountability for the American people. I believe that is fundamentally wrong. I believe fixing our broken system is nothing less than a moral imperative. I would imagine Teddy Roosevelt shared this belief, and since the day he raised this issue in 1912, no fewer than 10 U.S. Presidents of both political parties have also supported meaningful reform.

President Herbert Hoover referred to the health care crisis as ''one of the most vital problems facing our people today'' and called for adequate care for every single American at a reasonable cost.

His successor in the White House, Franklin Delano Roosevelt, said that ''the health of the people is a public concern'' and ''it is clear that there is need for a coordinated national program of action.''

When Harry Truman became President, he also took up this cause but quickly discovered that the special interests were a major threat to reform. He said:

> I usually find that those who are loudest in protesting against medical help by the Federal Government are those who do not need help.

I will repeat that, quoting President Truman. He said:

> I usually find that those who are loudest in protesting against medical help by the Federal Government are those who do not need help.

By the end of his Presidency, his effort had fallen short as well. He was defeated by the same kinds of influential groups that are trying to distract us even today. After Truman left office, he told friends that one of his deepest disappointments was his ''failure to defeat organized opposition to a national compulsory health insurance program.'' But even then, in the face of those who had an interest in maintaining the status quo, reform with a public option was not dead.

The next President to raise the standard was John F. Kennedy, who

said that the strength of a nation ''can be no greater than the health and vitality of its population.'' He believed swift action was necessary. But his time was cut tragically short before he could take action. In the decades to follow, it would be his youngest brother, Ted Kennedy, the lion of this Senate, who would wage the fight that has brought us to this junction in history today.

But in the uncertain days after John Kennedy's tragic loss, the cause of health reform next fell on Lyndon Johnson, who embraced it as strongly as any President ever has. He said:

> For a long time in our country, we have considered public support for education [to be a] basic investment, but today we are declaring that the health of our people is just equally worthy of that support, [and] equally important to our Nation's future.

But the end of Johnson's Presidency was wrapped up in the escalating Vietnam war, and Richard Nixon was swept into office.

President Nixon faced a health crisis not unlike the one we face today. Mr. President, 25 million Americans were without insurance. The number has almost doubled since then. Costs were escalating, and the President knew something had to be done about it. He said:

> Comprehensive health insurance is an idea whose time has come in America. Let us act now to assure all Americans financial access to high quality medical care.

Some of my colleagues across the aisle find it hard to believe that a Republican President made that statement almost 40 years ago. I urge them to consult the record for themselves. Back then, members of both parties agreed at the highest levels that it was time for comprehensive reform.

So surely we can find agreement today, in the face of a problem that has gotten far worse.

In 1977, when President Carter took office, he said the American health care system ''has left us unhealthy and unwell at the same time.'' His reform package included a public option. But, sadly, those efforts were blocked by the political opponents in Congress.

Finally, in the early 1990s, President Clinton thought he had victory within reach. He called for universal, comprehensive health care and said reform must be ''our most urgent priority.'' But, once again, the opposition succeeded in delaying and distracting our efforts, and reform fell by the wayside one last time.

When President George W. Bush took office, he recognized that America's health care system was broken and in need of reform. He even said that ''government has got to take an active role in reform.'' But he stopped short of calling for a public plan, and he left our broken system much as he found it.

This is where we find ourselves today. Despite the leadership of 10 Presidents from both political parties, we are faced with the same broken system that has troubled our elected leaders for almost a century. Now this momentous question has fallen to us: How will we meet this test that so many have failed?

These 10 Presidents were Republicans, Democrats, conservatives, and liberals. If these men had ever met one another, they probably would have found little they could agree upon. These 10 people held our Nation's highest office at very different times in the last century. They faced different challenges, confronted different obstacles, and led our Nation through decades of peace and war, ease and unrest, prosperity and depression.

But although their lives and administrations might have been very different, there was at least one thing they could all agree on. There was one thing all these Presidents agreed on. Every one of them supported comprehensive health care reform. Every one of them knew our system was broken, and almost every one of them knew some form of public option was the right answer. That kind of broad and long-standing bipartisan consensus is not only remarkable, it is almost unheard of in American history.

Let us take up this cause as our own. Let us make good on the promise first articulated by Teddy Roosevelt almost 100 years ago and supported by so many people since then. When President Barack Obama came to office less than a year ago, he vowed to succeed where so many of his predecessors had failed. He became the 11th President in the last 100 years to take up the challenge of health care. Thanks to his leadership, I have faith there will not need to be a 12th President to work on this issue. This time, we will not fail. We will not fall short on this issue.

At long last, it is time to heed this call. The weight of history and of consensus cannot be denied and it can no longer be ignored. We must pass meaningful health care reform that includes a public option. Our Nation has been debating this issue for nearly 100 years. Now is not the time to back down. We have talked for a century. So let us now act with conviction.

Friends, colleagues, fellow Americans, once again, our time has come. We must cast aside the tired constraints of partisanship and work together on behalf of the hardworking Americans we swore to represent. Eleven Presidents have stood up for health care reform, and now, colleagues, it is our turn. Let us succeed where our predecessors have failed, and let us write this history. Let us serve the sacred trust the American people have placed in us, not merely as political leaders but as lawmakers.

Colleagues, let us be statesmen. After 11 Presidents and nearly 100 years, it is time to vote for health care reform that includes a public option. It is time to stand up for the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

DEBT AND DEFICITS

Mr. GREGG. Mr. President, I rise to speak about one of the most significant issues we have confronting us as a nation, our rising deficits and debt. At the end of the last fiscal year, which just concluded at the beginning of October, end of September, we determined we had a $1.4 trillion deficit—$1.4 trillion.

It is projected that we will have trillion-dollar deficits for the next 10 years under the President's budgets as President Obama has brought them forward. Yesterday we had a vote not to do cloture on a bill the administration supported, and which was brought forward here, which would have put another $300 billion onto the Federal debt to pay for what is known as the doctors fix.

The doctors fix is something which should occur. We have done it around here before. We have done it every year for about 8 years; that is, reimbursing doctors at a fair rate rather than having their rates cut. But we have always paid for it.

But yesterday there was an attempt by the leadership on the other side of the aisle to pass a bill which would have not paid for the doctors fix and which would have put $300 billion of new debt onto our children's backs; so that every time somebody walked into a doctor's office and was reimbursed under Medicare, that bill, whether it was for a flu shot or whether it was for serious disease issues, would have been taken and passed directly to our children rather than paid for today, as it should have been. So it was a totally irresponsible act to try to increase the debt by $300 billion in order to take care of the doctors fix. But that was what was attempted. Fortunately that failed. At least as of yesterday it failed.

There was bipartisan appreciation in the Senate. All of the Republicans voted against doing that, and 12 Democrats and 1 Independent voted against doing it, and that was good. That was a good sign to the American people that maybe we are finally taking the deficit and the debt seriously.

The reason I wanted to speak today on this matter is because we are getting some significant warning signs, some flashing yellow lights that are moving from yellow, maybe, to red from the world community that we better do something about our debt and our deficit or the world community is going to react to it.

About 4 months ago now the Chinese, who are the primary owners of our debt—in other words, when we spend $1.4 trillion more than we have in a year like we did last year or we spend $1 trillion more than we have every year for the next 10 years as is being

proposed by the President, we have to get that money from somewhere. We have to borrow it from somebody. Someone has to be willing to lend us that money, that $1 trillion, that $1.4 trillion.

Well, the countries that have that type of money and are willing to lend it to us are countries such as China and Russia and Saudi Arabia. They have surpluses in their economies. They are not running deficits in their governments, so they have surpluses. They have, historically, at least over the last few years, been willing to buy our treasuries, our notes to finance the government operation in the United States.

About 4 months ago the leadership of the Chinese Government said: Well, we are getting a little concerned. We are still going to buy American treasuries. We are still going to help you finance your deficit. But you have to do something about this because we are concerned about the value of what we are buying. We are concerned that those IOUs we are buying from you may not be worth what we are paying for them on face value if you continue to run your deficit that you have.

That was a fairly large warning sign from a country which obviously has not historically been close to us but which is one of our largest trading partners, and which is, whether we like it or not, buying up all of this debt when we run these massive deficits, or a lot of this debt.

Another warning sign came at us when the dollar, which has historically been the reserve currency of the world—in other words, countries hold dollars in order to maintain their own structure of reserves for their countries. The dollar started to be discussed as maybe not the best reserve currency, and there have been a number of rumors and some representations by some Finance Ministers around the world that people might not want to use the dollar any longer as their reserve currency. They may want to use some other currency—maybe the euro or some basket of currencies, maybe the euro, the yen, or maybe just use commodities or maybe use IMF drawing rights, a whole series of different ideas.

What does that reflect? That reflects that people are not too confident in our future ability to maintain and defend the value of the dollar. Why are they not confident about that? Well, they are not confident about it because they are looking at the deficits we are running. They are looking at the debt we are piling up, and they are saying: Hold it. How are you going to pay all of that off? If you put $13, $14, $15, $16 trillion worth of debt on your Nation, if you take your public debt from 38 percent of GDP up to 80 percent of GDP or more, how are you going to pay that off, United States?

That is a legitimate question because there are only a few ways it can be paid off. One of them, unfortunately, is by using inflation, and that devalues the dollar and it devalues all of that debt people have bought. That is why we are hearing more and more that people, first, are worried about using the dollar as their reserve currency because they do not want to see its value drop; and, secondly, they are worried about buying our debt.

So we are getting some serious caution lights from the international community about the fact that we are running these massive deficits and this massive debt. Just yesterday, I think one of the most serious caution lights came out because there are groups in this world, small groups of people—Moody's and Standard & Poor's—who basically look at the currencies and the debt of various nations and they do that also for companies and they rate the debt. The rest of the world's financial activities look at those ratings because they are considered to be of very high caliber and very high standard. They allow people in other places to be able to assess the value of the debt they might want to buy.

So if you want to buy debt from XYZ country, you look at Moody's or Standard, that has taken a hard look at that country's debt, evaluated it, and they will tell you whether it is rated AAA, AA, A. That determines how much it is going to cost a country to lend to you. That will determine the amount of interest rate on that debt because if it is not AAA, which is the best rated debt, then people are going to be less likely to invest in it. If they do invest in it, they are going to want a higher return because they are going to be at bigger risk because they know that debt might not be paid back. If it is paid back, it might be paid back in devalued dollars or devalued currency of that country.

So, historically, American debt, the Treasury note, has been the gold standard for the world. In fact, it is technically the gold standard. Most people use it as the reserve fund. When the world went off the gold standard, the dollar basically became the way people maintained and conserved their assets. They would invest in Treasury notes and know that the treasuries were always safe. It was always determined that Treasury notes were safe because the United States always was going to pay back its debt.

So the United States has always had a AAA rating. That is hugely important to us as a nation. It is hard to appreciate as just an ordinary American going to work every day and trying to make ends meet that the AAA rating of the United States is important to them, but it is. It affects everything in this country that has to do with credit.

If the United States were to lose its AAA rating, all credit would go up, and the costs in this country. It would be much harder to buy a house because the interest rates would be higher. It would be harder to buy a car because the interest rates would be higher. It would be harder to send a child to college because the interest rates would be higher. Everything is tied to the fact that treasuries have AAA ratings. It has always been presumed that they would.

In the post-World War II period, it has always been presumed that the United States, the strongest economy in the world, the most vibrant economy in the world, would always have the gold standard for the debt it issues, that it would always be a AAA-rated event. Well, as a result of our profligate nature as a country and as a Congress, as a result of having run up these massive deficits, we are getting a very large yellow flashing light from the rating agencies.

They are saying this—this was an October 22 news report from Reuters:

> The United States, which posted a record deficit in the last fiscal year, may lose its AAA rating if it does not reduce the gap to a manageable level in the next 3–4 years.

That is according to Moody's Investors Service.

> The AAA rating of the United States is not guaranteed.

Steve Hess, Moody's lead analyst for the United States, said in an interview on Reuters Television:

> So if you do not get the deficit down in the next 3–4 years to a sustainable level, then the rating will be in jeopardy.

Those are words that should make us in the Congress pause because they are directed right at us. The most sophisticated and important evaluator of America's deficit situation and debt, Moody's ratings service, is saying if we as a Congress do not do something within the next 3 to 4 years to bring our debt under control, and our deficits down, we may jeopardize the AAA rating of the United States.

I can think of nothing that would be more irresponsible for a Congress to do to the American people than to jeopardize and put at risk the AAA rating of this country. Maybe only after disarming ourselves in the face of a potential terrorist threat or the use of a weapon of mass destruction, I can think of nothing which would have a larger impact on our populous than for the Congress to put in place fiscal policies which would jeopardize our ability to sell bonds, American debt around the world at a reasonable price, and put at risk the value of the dollar and the status of the dollar as the reserve currency of the world, as a result of putting at risk the AAA rating of our bonds.

That is exactly what we are doing. This gentleman, Mr. Hess, said we have to, within the next 3 or 4 years, put in place a manageable plan, a realistic plan, that will address the deficit and debt of the United States.

Are we doing that now? We are doing just the opposite. Just yesterday this Congress tried to pass $300 billion of new debt for ordinary expenses, for daily expenses of paying doctors. We were going to give an IOU to our children and our grandchildren 5, 10 years from now. Total irresponsibility.

Last week it was the White House suggesting we do the exact same thing in Social Security for $13 billion. A couple of months ago we did the same thing on cash for clunkers for $5 billion. A budget was passed by this Congress, which does it for the whole Nation—it creates $1 trillion of unfunded liability and deficits for the next 10 years every year.

Now we have this health care bill coming at us, which is going to increase the size of the government by $1 to $2 trillion, which is represented that it is paid for, but that is only because they phase in the expenses 4 years after they phase in the income and thus are able to match 10 years of income versus 6 years of expenses. So they claim it is paid for.

When the bill is fully phased in, it will not be paid for. It is going to be a huge cost to the Federal Government, and even if it were paid for, it would be taking massive resources in the area of Medicare by $400 billion and it is going to raise fees by $500 billion. Instead of using those resources to reduce the debt, it will use them to create a brand new major entitlement at a time when we have on the books entitlements which we can't afford today.

Medicare has a $34 trillion unfunded liability. Yet we will add a new major entitlement on top of Medicare and Medicaid, and we will pay for part of it by cutting Medicare. Still, instead of cutting Medicare for the purposes of paying for that, we should be using Medicare savings for the purposes of making Medicare solvent. We should not be growing the government. We are going to do a $1 to $2 trillion increase in the size of government. I will absolutely guarantee that that will not be fully paid for and that a large percentage of that will go to our debt.

On top of having deficits which are already projected to be a trillion dollars a year for the next 10 years, we are seeing a Congress which is being incredibly spendthrift in its approach to all sorts of areas: $300 billion to pay doctors, new debt; and who knows how much out of this health care bill. I am willing to bet the family farm that it will be well over a trillion dollars of new debt when it is fully phased in; new programs in the area of Social Security, which is already bankrupt, unpaid for, added to the debt; new programs for this favorite group, cash for clunkers or whatever the issue is of the day. We are totally out of control on the spending side of the ledger.

It is not a revenue issue. It is a spending issue. Revenues have historically been about 19 percent of GDP. Spending has been about 20 percent of GDP. But under the budget which we have been given, independent of the health care bill, spending goes from 20 percent of GDP up to 23 percent. And when we throw in this health care bill, we are heading toward 24, 25 percent of GDP. Revenues, if they maintain their historic levels once the recession is over, go back to 19 percent of GDP, but we still have a 6 to 7-percent gap because spending has gone up so much.

I appreciate the fact that this administration comes with a philosophy—and they won the election—that we create prosperity by growing the government. The President said that. People around him said that. Members on the other side of the aisle say that. We create prosperity by growing the government. But we don't create prosperity if we let the government grow so fast that it can't be paid for. Government cannot be allowed to grow any faster than it can be paid for. In my opinion, prosperity doesn't come from the government to begin with. Prosperity comes from entrepreneurs who are willing to create risks and create jobs. Independent of that philosophical debate, the simple fact is, if we allow government to grow a lot faster than we have the capacity to pay for it, we create debt. It is that debt and these independent people looking at that debt who are giving us these massive caution lights and saying: Slow down, get your house in order.

People who are buying our debt around the world are saying it. People who use the dollar as reserve currency around the world are saying it. And now Moody's, the clear, independent arbiter of what the value of debt is and what its likelihood of repayment is, is saying it in the most stark way. The AAA rating of the United States is not guaranteed, Steve Hess of Moody's, said. So if they don't get the deficit down in the next 3 to 4 years to a sustainable level, the rating will be in jeopardy.

We need to heed those words. We need to get some discipline around here, and we need to stop having proposals which dramatically increase the size of the government and continue to put us on a path where we pass debt on to our children which will cause them to have a much lower standard of living than we had and which will cause them to be unable to send their children to college, to buy their first home and afford a car, because they will be confronting a nation where the debt is absorbing so much of the productivity of the economy or where inflation has basically priced them out of the markets.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I rise in opposition to the hate crimes provision inserted in the Defense authorization conference report, first, of course, because hate crime legislation has nothing to do with the Defense Department or with national security. Hate crimes actually have nothing to do with crimes or with hate. It is very cynical that this bill that funds our soldiers, who are fighting for our Constitution and our country, actually undermines the very principles they are fighting for.

There are many practical problems with hate crimes legislation. The broad language will unnecessarily overextend Federal law enforcement personnel. It will undermine the effectiveness and confidence of local law enforcement. It will create conditions for arbitrary and politicized prosecutions of certain cases.

I wish to focus on the basic, fundamental problems with any Federal hate crimes legislation. The rule of law requires opposition to this principle or this idea that we treat crimes differently. Let me first state the obvious. Hate crimes are wrong. That is why they are already illegal. That is why they are already prosecuted. That is why the rights of victims are defended by law enforcement authorities at every level of government.

Strictly as a matter of justice, the hate crimes provision in this report is offensive. It suggests that violence committed against certain kinds of victims is worse, more in need of Federal intervention and swift justice. I am sure most parents of a minority, a homosexual or female victim would appreciate the extra concern, but the other side of the coin is the implication that these crimes committed against a nonspecial person should have less punishment. Where does that leave the vast majority of victims' families who, because of the whims of political correctness, are not entitled under this legislation to special status and attention? How can a victim's perceived status or the perpetrator's perceived opinions possibly determine the severity of a crime?

The 14th amendment explicitly guarantees all citizens equal protection under the law. But these hate crime provisions create a special class of victims whose protection of the law will be, in Orwell's phrase, more equal than others. If some are more equal than others, some must be less equal. It is, then, inevitable that this hate crimes provision will create the very problem it purports to solve.

This provision will also move our Nation a dangerous step closer to another Orwellian concept: thought crimes. It would criminalize certain ideas, and those ideas' involvement in a crime will make the crime more deserving of prosecution. The problem, of course, is that politicians are claiming the power to decide which thoughts are criminal and which are not. Canadians right now live under this kind of regime where so-called human rights commissions, operating outside the normal legal process, prosecute citizens for espousing opinions the commissioners disagree with. Today in the United States only actions are crimes. If we pass this conference report, opinions will become crimes. What is to stop us from following the lead of the European countries and American college campuses where certain speech is criminalized? Can priests, pastors, and rabbis be sure their preaching will not be prosecuted, if it says certain things are right and wrong? Again, in Canada, for instance, Pastor Stephen Boissoin

was so prosecuted by Alberta's Human Rights Commission for publishing letters critical of homosexuality. Or will this provision serve as a warning to people not to speak out too loudly about their religious views, lest Federal agents come knocking at their door? What about the unintended consequences such as pedophiles and sex offenders claiming protected status under this provision as being disabled? There is no such thing as a criminal thought, only criminal acts. Once we endorse the concept of thought crime, where will we draw the line? More importantly, who will draw that line?

Under existing law, if my own children were attacked in a violent crime, justice would demand that their attackers be pursued no more or less than the attackers of any other children. We all say we want a color-blind society, but we cannot have a color-blind society if we continue to write color-conscious laws. Our culture cannot expect to treat people equally if the law—if our ruling class—treats citizens not according to the content of their character but according to their race, sex, ethnic identity, or gender identity.

I urge my colleagues to consider the implications of what we are doing, the raw cynicism of attaching this type of controversial legislation to a bill that funds the defense of the country. What type of legislative extortion will they consider next? I have the choice here to vote for hate crimes legislation that I believe would undermine the very justice system of the country or to vote against the defense of my country. I don't think we could be more cynical.

I urge colleagues to oppose this conference report unless and until the principle of equal justice is upheld and the report's hate crimes provisions are removed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORNYN. Madam President, I would like to make a few comments about the Defense authorization conference report, which we will vote on, presumably, later this afternoon.

First, I wish to express my appreciation to the conferees for fighting for legislation we passed out of the Senate but which was not included in the House version of this bill. This legislation is contained in sections 575 through 589 of the conference report, and it is called the Military and Overseas Voter Empowerment Act—or the MOVE Act—and it addresses a national disgrace.

Our military servicemembers, we know, put their lives on the line for us every day to protect our rights and freedoms. Yet too many of them who are deployed overseas face many stumbling blocks and hurdles as they attempt to cast their votes and participate in our national elections.

In 2008, more than a quarter of the ballots requested by uniformed and overseas voters went either uncollected or uncounted—a quarter of the ballots—according to a recent survey of seven States with high military populations.

Another recent study by the Heritage Foundation documented the problems during the last election cycle. They looked at 20 States with large military populations and concluded that as many as three-quarters of our troops and their family members were ''disenfranchised by their inability to request an absentee ballot'' and that as many as one-third of the ballots that were requested never reached the appropriate election officials to be counted on a timely basis.

Voting has remained a challenge for our troops and their families for many reasons. One is our election laws are varied from State to State and they are very complex. We also know that multiple levels of government bureaucracy are involved—from the local level, to the State level, to the Federal level. We know election challenges and other unforeseen events can delay the finalization of ballots. We know, with the high tempo of military operations, frequent deployments for our troops and their families make it hard for them to exercise their most fundamental civil right, which is the right to vote.

What this legislation does—the MOVE Act—is address several of the biggest roadblocks our troops and their families face when attempting to vote.

First, the MOVE Act reduces the reliance on ''snail mail'' for correspondence between election officials and our troops.

Under current election laws, many troops must, first, mail a request for an absentee ballot. Then they have to wait for the election officials to mail them the blank ballot. Then they must mail the completed ballot in time to be counted.

This legislation requires election officials to create electronic blank ballots and to post them online to cut down on some of these steps. Election officials must allow the use of faxes and e-mails to expedite correspondence with our troops. Together, these reforms will reduce dependence on snail mail—until the servicemember is ready to return the completed ballot to be counted.

Second, the MOVE Act will expedite the return of the completed ballot to elections officials. Under current law, each servicemember is responsible for making sure his or her ballot is postmarked and returned on time. Our legislation—this bipartisan legislation—requires the Department of Defense to take possession of completed ballots and ensure they get to election officials on a timely basis by using express mail, if necessary. This legislation will also require election officials to give our troops at least—at least—45 days in which to return their ballots.

The MOVE Act contains many other commonsense reforms that were suggested by other Senators and which will help end the effective disenfranchisement of our troops and their family members. However, one key provision of the bill we passed out of the Senate was modified in conference, and I believe all Senators should understand why and how that happened.

The provision I am referring to was in the bill I introduced called the Military Voters' Equal Access to Registration Act. It too became part of the MOVE Act and was amended to the Defense authorization bill as it passed out of the Senate. This legislation was designed to provide basic voting assistance services to every servicemember and family member upon transfer to a new military installation, as well as at other significant transition points in their military careers.

As part of in-processing at each base, every servicemember was to be offered an opportunity to fill out a simple form that would, first, register the servicemember or that family member to vote; it would, secondly, update existing registrations; and it would request absentee ballots for the next Federal election cycle. The Department of Defense would have then been responsible for forwarding the completed forms to the appropriate election officials.

This kind of voting assistance may sound familiar because it is nearly identical to the motor voter provisions contained in the National Voter Registration Act. The logic is that military installations can and should offer the same kind of voting assistance that their local department of motor vehicles would offer to them if they lived at home stateside.

This legislation makes practical sense because many of our troops and their families are transferred quickly and without much notice, and it is difficult for them to keep changing the address that local officials have on file.

During the conference process, when we were working with our counterparts in the House of Representatives, this legislation was watered down, unfortunately, and was made optional for the Department of Defense to offer voting assistance to our troops and their families.

I have to say, I was disappointed at this action because when our troops are given orders to deploy elsewhere, obviously, those orders are not optional and neither should the requirement of the Department of Defense when it comes to helping make sure our deployed troops' votes actually count. So it should not be optional for the Department of Defense to offer these services to the troops and their families when they arrive, as ordered, at their new post.

I am particularly concerned this legislation was weakened at the specific

request of the Department of Defense. Furthermore, the Department's objection was based on a misreading of the National Voter Registration Act. In fact, at our request, the Department of Defense's objections were reviewed by subject matter experts at the Department of Justice. These experts at the Department of Justice agreed with us on the clear meaning of the law and that the Department of Defense had made an error in interpreting the Senate bill. Unfortunately, by then the damage was done and House conferees deferred to the Department of Defense interpretation of this legislation and made it optional at their request.

I do not think the Senate should be content to kick a field goal when we could have scored a touchdown for the men and women of our U.S. military—and we will.

First, I expect the Department of Defense to implement this optional program at every applicable military installation. I will request regular updates from the Department on its implementation, as well as any explanation for delays. We will not let up until we make sure this is complied with.

Secondly, I expect the Department of Defense to correct the official record and to make clear to the Members of the House and the Senate who were conferees that its objection to this legislation was based on an erroneous interpretation of the law.

Third, I intend to offer amendments to other legislative vehicles to correct this watering down of this important provision—the language passed out of this Chamber unanimously—and I will continue to make sure it becomes ultimately the law of the land.

The provisions of the MOVE Act that did make it through conference, I do believe, represent a clear win for our troops and their families. Many of my colleagues were instrumental in making this happen, and I thank all of them. Again, this was a bipartisan effort.

However, my colleagues in the conference also included language in the Defense authorization bill which clearly does not belong in this bill and which I do not support. I refer, of course, to language addressing so-called hate crimes in the conference report.

I, in a previous life, was a judge for 13 years and attorney general of my State after that. I believe very firmly in the concept of equal justice under the law, and I believe crime should not be treated differently based on the victim of that crime. I have had the privilege of working with many victims of crime and their families, and I share their determination that those who commit crimes should be delivered swift justice and be held accountable.

But a fair justice system, committed to equal justice under the law, does not distinguish between crimes based on race, gender or whatever the category that is included in a particular list. A fair justice system, committed to equal justice under the law, does not criminalize thoughts or perceptions. It criminalizes behavior. In this country, a fair justice system, committed to equal justice under the law, is based on federalism, one which respects that State and local law enforcement and prosecutors are doing their jobs fairly and responsibly.

Expanding hate crimes legislation should not be part of this conference report. Not withstanding this flaw in the bill, I will vote for the conference report but with this reservation. The hate crimes provision does not belong in the bill and I believe violates our national commitment to equal justice under the law.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

(The remarks of Mr. BROWN are printed in today's RECORD under ''Morning Business.'')

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CHAMBLISS. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

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

COLQUITT REGIONAL MEDICAL CENTER'S 70TH ANNIVERSARY

Mr. CHAMBLISS. Madam President, I rise today to commemorate the 70th anniversary of Colquitt Regional Medical Center in my hometown of Moultrie, GA. For seven decades, residents of southwest Georgia have been fortunate not only to have a state-of-the-art facility but also to be served by a hospital that has boasted visionary leadership.

Back in 1935, the Public Works Administration approved $50,000 for a new hospital in Moultrie, but only if the community could match those funds. That is when Moultrie businessman W.C. Vereen stepped up and pledged $50,000 and, in turn, made his offer contingent on the community matching his funds. Thereafter, a grassroots campaign to build a hospital was born, at a total of $140,500—a very significant amount of money in those days.

On October 17, 1939, the Vereen Memorial Hospital was dedicated, and the first operation was performed a week later.

From those humble beginnings, the now-rechristened Colquitt Regional Medical Center has grown into a comprehensive health care facility, boasting medical services that include dialysis, physician offices, oncology, and a home health care component, among others.

It speaks volumes about the community, the camaraderie, and the success of Colquitt Regional Medical Center to know that in 70 years, this hospital has had only four CEOs, and the first one only served for 2 years.

Its first two CEOs—Pierina Egan and Nora Manning, both of whom obviously were female—in addition to dealing with the day-to-day challenges of managing a hospital, also had to contend with growing the facility and coping with a doctor shortage brought on by World War II.

Ms. Manning was succeeded by Millard Wear, who served as CEO for 14 years and oversaw the creation of a brandnew 126-bed facility.

In 1982, Mr. Wear was succeeded by the very able Jim Lowry, who continues to head the hospital to this day. Under Mr. Lowry's tutelage, Colquitt Regional Medical Center has become a force to be reckoned with in physician and specialist recruitment. It has also undergone four expansion projects and added off-campus facilities, making it a truly regional endeavor.

In 1992, Colquitt Regional Medical Center was named the Georgia Hospital Association Rural Hospital of the Year. In 2007, it received the hospital association's Community Leadership Award. It has consistently performed at the top of Georgia's hospitals in patient satisfaction.

On a personal note, my son Bo was born at Colquitt Regional. I have had the unfortunate situation of needing five surgeries at Colquitt Regional but was very fortunate to be treated by the very finest doctors our country has to offer and a very skilled and excellent group of nurses. All of the employees and operators at Cochran Regional—from the professionals, the administration, as well as the day-to-day personnel, including our pink ladies, who are our volunteers—do an outstanding job of making this hospital a truly fine medical facility serving a very broad area in the rural southwest part of my State.

The folks at Colquitt Regional Medical Center do a tremendous job in serving the community. In fact, they also constitute a large part of our community in southwest Georgia, and we are thankful to have them in our midst. I congratulate Colquitt Regional Medical Center on 70 wonderful years of service.

With that, Madam President, I yield the floor.

Mr. FEINGOLD. Madam President, I oppose this legislation because it does

nothing to bring our open-ended and disproportionate military commitment in Afghanistan to an end and/or to ensure that our troops are safely and expeditiously redeployed from Iraq. I am concerned that our current military strategy in Iraq and Afghanistan may undermine our ability to combat al-Qaida while imposing a tremendous burden on our brave servicemembers and on American taxpayers.

This bill includes several important provisions, including provisions I authored that will help improve care for wounded warriors and the hate crimes legislation that was first introduced over 8 years ago. But I cannot support a bill that does not do enough to protect our country from our top national security threat, al-Qaida.

Mr. SCHUMER. Madam President, I rise today to address the Military and Overseas Voter Empowerment Act of 2009—the MOVE Act. Since its inception, the MOVE Act has garnered strong bipartisan support, and today we celebrate its passage as part of the National Defense Authorization Act.

I want to recognize the importance of this Act and also to acknowledge my partners in this effort especially my friends and colleagues, Senator SAXBY CHAMBLISS, Senator BEN NELSON, Senator BOB BENNETT, and Senator JOHN CORNYN. I would also like to thank Senators LEVIN and MCCAIN and their staffs, as well as the House and Senate conferees for their time, support, and work to ensure that the provisions of the MOVE Act were included in the conference report.

Every now and then an opportunity emerges to work on an important issue with a team of colleagues towards a single goal. This bill provided one such opportunity, and I am extremely pleased to have worked with such a committed team. This legislation is a bipartisan solution to a serious, yet all too familiar problem—the problem of military and other overseas voters not being able to cast their vote and have that vote counted.

Every couple of years there is a great push to improve the process of military and overseas voting. However, as soon as the election is over, Congress too often neglects to push for improved rights for military voters. That neglect is over. The needs of military and overseas voters have been heard, and met, with this legislation.

While the need for Congress to act is now, this is not a new problem and we are not the first to identify the problem and attempt to deal with it. The first revolution in military voting rights occurred not when our soldiers were overseas. It occurred during the Civil War. At that time, the right to vote was provided by the Constitution, and soldiers from both the Union and the Confederacy depended on State law to determine whether they could vote ''in the field'' during wartime.

According to historians, there were two methods of voting then. In the first system, a closed ballot box was taken to the field of battle, the ballots were cast there, and the box returned to the jurisdiction. States at the time questioned whether the act of voting outside their jurisdictions could be authorized by State law.

Other objections to voting ''in the field'' were heard when a State constitution prescribed the place, time and manner of elections; and if military voting was conducted prior to Election Day, whether early voting would violate State constitutions.

The second type of voting was known as ''proxy voting.'' A soldier's completed ballot was mailed to someone, such as a family member, in the soldier's regular place of voting. This completed proxy vote would then be delivered on Election Day. My home State of New York used the proxy vote procedure during the Civil War. While proxy voting avoided the constitutional problems of voting ''in the field,'' it was subject to other problems: the lack of a secret ballot; the transmission of the proxy ballot to the place of voting, and concerns about fraud.

Given the pressure to ensure that soldiers' rights were not diminished by their service, States in both the North and South passed laws to allow for voting for Federal office. President Lincoln, in addition to presiding over the War Department's filing of the first military voting regulations on October 1, 1864, intervened with his generals directly to ensure that those soldiers who could vote be given that right.

In an 1864 letter to GEN William Rosecrans, President Lincoln wrote these stern words: ''I have a report that you incline to deny the soldiers the right of attending the election in Missouri. . . . Wherever the law allows soldiers to vote their officers must also allow it.''

Eighty years later, with the country locked in the crisis of the Second World War, President Franklin Delano Roosevelt sent a very pointed Message to the United States Congress on the same issue. It begins: ''The American people are very much concerned over the fact that the vast majority of the eleven million members of the armed forces of the United States are going to be deprived of their right to vote in the important national election this fall, unless the Congress promptly enacts adequate legislation. . . . The men and women who are in the armed forces are rightfully indignant about it. They have left their homes and jobs and schools to meet and defeat the enemies who would destroy all our democratic institutions, including our right to vote. [They] cannot understand why the fact that they are fighting should disqualify them from voting.''

President Roosevelt foreshadows the issues we are still fighting to fix when he further advised Congress:

By the 1944 elections, there will be than five million Americans outside the limits of the United States in our armed forces and merchant marine. They and the millions more who will be stationed within the US waiting the day to join their comrades on the battle-fronts, will all be subject to frequent, rapid, and unpredictable transfer to other points outside and inside the United States.

He concluded by arguing that ''. . . What is needed is a complete change of machinery for absentee balloting, which will give [the armed forces] all over the world an opportunity to cast their ballots without time-consuming correspondence. . . .''

I am subjecting us all to a bit of a history lesson here because I believe this is a very fundamental—and yet unresolved—issue facing our military and our system of elections. We meet again, 65 years after President Roosevelt's Message to Congress, and 145 years after President Lincoln's directive to let soldiers vote, to again address fundamental improvements to military and overseas voting.

Building on the tools already in law, this legislation creates a system of improved access with multiple fail-safes built into the process. We use new technology to create more options for registration and ballot delivery, and at long last provide enough time for the military service men and women to vote. The lost letter, the late delivery, the ballot not notarized, and the last-minute troop transfer should no longer impede these voters from having their votes counted.

What we did in the Military and Overseas Voter Empowerment Act will have a direct and dramatic impact on the rights of military voters.

In May 2009, I chaired a hearing in the Committee on Rules and Administration on the problems that military and overseas voters face. What we heard was nothing short of shocking.

We learned that during the 2008 general election, our military and overseas voters still faced a complicated and convoluted system that made it impossible for many of them to have their votes counted.

The committee convened a study of last year's election, which revealed that more than one in four ballots requested by military and other overseas voters were never received by local election officials and, thus, never counted. Let me repeat: one in four ballots requested were never counted. We owe our men and women in uniform more. Does it make sense that they are fighting for the very freedoms that we enjoy, yet are unable to choose their Commander in Chief? No, it does not.

If we can deploy tanks, high-tech equipment, and food to the front lines, we can figure out a way to deliver ballots to our troops so that they can be returned and counted.

The MOVE Act does precisely that, correcting many of the flaws that riddle the absentee balloting process for overseas voters.

By modernizing the voting process, increasing accessibility to voter registration and balloting materials, and requiring election officials to send out

ballots to military and overseas voters in time for them to be returned and counted, this legislation—at long last—brings overseas voting into the 21st century.

Consider a letter one soldier sent to the Overseas Vote Foundation after the 2008 election, in which that solider said: ''I hate that because of my military service overseas, I was precluded from voting.'' That solider continued, ''Of all people, deployed servicemembers should have a guaranteed ability to vote.''

I say here on the floor of the Senate that I absolutely agree.

The MOVE Act will ensure that military and other overseas voters know how to register to vote and how to request an absentee ballot. They will receive their ballot in a timely manner, and have that ballot counted on election day.

How did we accomplish that goal? Through a number of simple, straightforward fixes to the overseas voting process:

First, this legislation gives the right to military and overseas voters to request—and requires States to send—registration materials, absentee ballot requests, and blank absentee ballots electronically. In the computer age, it is long past time we used technology to speed up the voting process. For many troops, this quick transmission of ballots will give them for the first time a sufficient number of days to vote.

Second, this legislation ensures that overseas voters have at least 45 days to complete their absentee ballots and return them to election officials. For those voters who have no access to electronic delivery of ballots, this should provide the time for a ballot to travel to Iraq or Afghanistan, and back to the local election official. This need was exposed by a 2009 Pew Charitable Trusts study aptly named ''No Time to Vote.''

This legislation also requires that military absentee ballots be sent through expedited mail procedures, further reducing the transmission time for voted ballots to make it back to local election officials.

In the Rules Committee hearing, we listened to the concerns of Air Force LTC Joseph DeCaro. One major concern he described was that there was no way to ensure that the ballots had been properly received by the election office. This legislation will allow military and overseas voters to determine whether their ballot has been received by the local election official. That way, if their ballots are not received, the voters can take steps to ensure a replacement vote is cast.

If a ballot is lost, or cannot be resent in time, we require the Department of Defense to create an online tool that allows military and overseas voters to identify all the races they are qualified to vote for, and submit a replacement ballot immediately. This ensures that troops can complete a full Federal ballot in time for the election.

The legislation prevents election officials from rejecting overseas absentee ballots for reasons not related to voter eligibility, like paper weight or notarization requirements. I ask you, how can a marine in Fallujah find a notary?

The legislation has the Department of Defense work with election officials to define and improve election data related to military and overseas voters. More accurate election data will reduce future problems and speed fixes to the voting process.

Finally, this legislation expands resources for overseas voters through the Federal Voting Assistance Program.

As a result of this new legislation, the Department of Defense will use online tools to train and inform its staff on crucial voting information. And all military servicemembers will receive uniform notices and information via e-mail prior to registration or election deadlines.

Finally, this legislation directs that every military installation have a place where soldiers can register to vote, update their registration information, and request an absentee ballot. Military voters, as they are transferred or reassigned to different bases, will be provided the opportunity to change their election information.

We also know that that there are improvements still to make. A pilot project included in the legislation will promote research into new technology to help assist future voters with absentee balloting. The tools and mandates set forth in this legislation are minimum requirements. And if technology can improve secure ballot transmission, we want that work done.

Again, it is simply unacceptable that those who fight to defend our freedom often face the greatest obstacles in exercising their right to vote.

While good work has been done in the past to improve military voting, I firmly believe that the MOVE Act has incorporated the best and strongest ideas on how to ensure a modern military receives every opportunity to cast their ballot. Working with States and local election officials, we must encourage prompt implementation of the MOVE Act so that the benefits of the act will impact voters in the 2010 elections.

In our Rules Committee hearing this May, I made the public commitment that we would not have another Federal election without these tools in place for our military voters, and I am very pleased that this act was agreed to by the House and Senate. I again thank our colleagues in this truly bipartisan effort, and I look forward to President Obama's signature on this important piece of legislation.

Mr. LIEBERMAN. Madam President, I rise today to speak on the conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

As a member of the Senate Armed Services Committee and the chairman of its Subcommittee on Airland, I had the honor and pleasure again this year of working with Chairman LEVIN and Senator MCCAIN on this bill. I congratulate them for working with their House counterparts, Chairman SKELTON and Representative MCKEON, to deliver a bill that will help keep our Nation safe and provide our troops with the support they deserve.

I also wish to thank Senator THUNE, who is my ranking member on the Airland Subcommittee, and Chairman ABERCROMBIE and Representative BARTLETT of the House's Air and Land Forces Subcommittee, for the close cooperation we achieved this year on the areas that fall under our shared jurisdiction.

There are several accomplishments in this bill of which I am especially proud.

This bill will increase the authorized size, known as end strength, of our active duty Army from 532,400 to 562,400 for fiscal year 2010, and further authorized the Secretary of Defense to increase the Army by an additional 30,000 soldiers in fiscal years 2011 and 2012. This growth in the Army is essential—our soldiers are under incredible strain from multiple tours in Iraq and Afghanistan, oftentimes with little more than a year at home to rest and train for every year that they spend in theater.

I applaud the President's decision this July to add 22,000 soldiers to the Army, and call upon him to use the authority provided in this bill to do more. We must ensure that our Army is large enough for all the missions we ask of it, and also give our soldiers the time they need at home to rest, train, and be with their friends and families.

With regard to missile defense, this bill includes an amendment that Senator SESSIONS and I, along with a bipartisan group of cosponsors, introduced to ensure that the administration's new architecture for missile defenses in Europe will be as capable as the previous plan that was set aside. I believe that this section of the final bill, paired with section 8121 of the Senate version of the Defense Appropriations Act, which protects funding for the continued development of the two-stage ground based interceptor, will help to keep our Nation safe against Iran's aggressive missile programs.

This bill also makes critical investments in our Nation's sea power. It authorizes $4.2 billion for Virginia-class submarines, which will be procured at the rate of two per year from 2011, and $495 million for the research and development of a replacement to our aging Ohio-class strategic deterrence submarines. I am very proud of the skilled workers of my home State of Connecticut who build these essential submarines.

Turning to the Army's modernization programs, the final version of this bill supports the decision by the Secretary of Defense and the Army's leadership to restructure the FCS program. This

bill will provide full funding for the ''Spin Out'' portions of that program and the continued development of the network. I look forward to working with Senator THUNE in the coming year to evaluate the Army's revamped strategy for developing and procuring ground combat vehicles for our soldiers.

There is one element of this bill with which I must express my deep disappointment—the inclusion of $560 million in funds for the continued development and procurement of an alternate engine for the F–35 Joint Strike Fighter.

When the President introduced his plans for reducing spending in the budget this May, he specifically pointed out the alternate engine as the singular example of programs that ''do nothing to keep us safe—but rather prevent us from spending money on what does keep us safe.'' He continued to say ''the pentagon does not want—and does not plan to use—the alternative version'' to the engine that it already has for the Joint Strike Fighter.

Since the President's initial comments on this unnecessary and wasteful program, the Secretary of Defense and the uniformed military leadership have explained exactly why they do not want this unnecessary, alternate engine. It is because they know the danger this earmark poses to the Joint Strike Fighter, which is planned to be the cornerstone of American air power for decades to come.

If Congress forced the Defense Department to continue paying for an alternate engine, it would cost an additional $4 to $6 billion over just the next 5 years—billions of dollars that the Department has not planned for, and that would either have to come from the Joint Strike Fighter or other critical programs to keep our country safe.

If Congress forced the Defense Department to procure the alternate engine that it does not want, it would prevent the Joint Strike Fighter program from achieving economies of scale for years to come, as it split its procurement to maintain two manufacturing lines. The costs of the program would rise, along with the risk that it will never deliver the aircraft that our Nation requires.

When he testified before the Senate Armed Services Committee in June, Air Force LTG Mark Shackelford explained that these added costs would mean that the Air Force would be able to afford some 53 fewer of the Joint Strike Fighter aircraft that it needs to support our airmen.

In response to the President's strong arguments and the concerns of our military leadership, the Senate put this question to a vote in on July 23, deciding by a vote of 59–38 to end the unnecessary, alternate engine. Although the House never took similar action on this topic, the Senate receded to its position in conference.

I call upon President Obama to send a clear message to our colleagues on the Appropriations committee—that he will veto an appropriations bill that includes funds for this unnecessary program. Fifty-nine Members of this body stood by the President when he first called upon us to end this program, and I am sure that we will stand by him again.

Despite this strong reservation, I call upon my colleagues to vote for the adoption this conference report and again thank my colleagues on the Armed Services Committee for their hard work on behalf of our service men and women.

Mr. DODD. Madam President, I rise to speak about the fiscal year 2010 National Defense authorization bill. Although I believe this to be a flawed piece of legislation, I will support it because it provides critical resources, training, and equipment to our troops serving overseas. It adds 30,000 soldiers to our Army, lightening the strain of rigorous deployment cycles. And it provides a 3.4-percent pay raise for our men and women in uniform—not enough, in my view, but welcomed nonetheless. It also authorizes various facility upgrades for our troops, including $9 million to begin construction of an Air Operations Command Center at Bradley International Airport in my State of Connecticut. I commend my colleagues from Michigan and Arizona for their hard work on this bill.

I would also like to take a moment to offer my strong support to the hate crimes prevention amendment. I am also proud to be an original cosponsor of the underlying legislation, the Mathew Sheppard Local Law Enforcement Hate Crimes Prevention Act of 2007, and I only wish that my dear friend, the late Senator Kennedy, could be here with us today to see this topic that was so important to him, finally be considered for final passage. This legislation is truly historic and is long overdue. Hate crimes sow discord and threaten entire communities. They are a particularly virulent form of violence, and that is why a broad consensus supports reacting to crimes motivated by bias with swift investigations and strong penalties. However, the special nature of hate crimes often makes those investigations particularly difficult, especially for small, local police departments. Passage of the bill before us will bring more criminals to justice by making it easier for the federal government to assist the investigations of more crimes. I am extremely proud to support this provision.

Despite my strong support for this important provision and many others in this bill, I also have to note some serious reservations I have with some portions of the bill. First, this bill effectively kills our Nation's most advanced tactical aircraft program, the F–22 Raptor, without any plans for replacing it. Furthermore, it fails to authorize funding for any additional C–17 cargo aircraft, though these planes are critical for transporting troops and equipment. Worse, the bill restricts the Air Force from retiring the aging C–5 cargo fleet, planes that are now some 40 years old. Over the President's objection, this bill forces the Pentagon to maintain aging aircraft, imposing an unnecessary burden on our taxpayers and an unacceptable risk on our troops.

I am also disappointed by the inclusion of $560 million for the continued development of the F–136 Joint Strike Fighter alternate engine. This is wasted money, pure and simple. We are already developing an engine that our military supports—one build by the skilled workers at Pratt & Whitney. The Pratt engine has now accumulated more than 140 hours of flight tests without failure. Developing a second engine wastes billions of taxpayer dollars, money that could be better spent on things our troops actually need.

So this is not a perfect bill. But there will be an opportunity to address these issues in the upcoming Defense appropriations bill, during whose consideration the critical priorities I have outlined attained bipartisan support. I am optimistic that we will soon be considering legislation that invest in strategic airlift platforms like the C–17, as well as other important military needs. And I remain optimistic that my colleagues share my commitment to our critical aerospace priorities. This bill includes $2.5 billion to build 125 Blackhawk helicopters for the Army and Navy, aircraft that have proven invaluable in operations in Iraq and Afghanistan. In addition, $92 million is authorized for a highly advanced wide area surveillance radar system, which will be built in Norwalk, CT, and which will prove critical for our forces' future ability to have precise and up-to-date intelligence of the battlefield. Similarly, $250 million is authorized to build new Pratt & Whitney engines for the Joint STARS radar aircraft that are widely used in Iraq and Afghanistan. The bill also authorizes 18 F/A–18 fighter aircraft and 30 F–35 Joint Strike Fighters, which marks the beginning of a long production run of these sophisticated jets.

This is good news for our military and good news for our economy. According to the Department of Labor, ''The aerospace industry is a powerful force within the U.S. economy and one of the nation's most competitive industries in the global marketplace. It contributes over 15 percent to our Gross Domestic Product and supports over 15 million high-quality American jobs.'' And, as I have stated before, my small State of Connecticut, which ranks 29th in the Nation in terms of total population, is 6th in aerospace employment. The workers at companies such as Pratt & Whitney, Hamilton Sundstrand, Sikorsky Aircraft, Goodrich, Norden Systems, Kaman, Aerogear, and hundreds of others work day in and day out to provide our troops with the highest quality equipment in the world. The billions of dollars of funding authorized in this bill is

proof of our military's appreciation for their hard work.

Just as important as protecting our troops from the skies is protecting them when they are at sea. That is why funding authorized in this bill for the Virginia class submarine program is so important. The bill includes $4 billion to procure one submarine next year and to prepare to begin building two submarines per year in 2011. This boost in production will better equip our Navy to deliver Special Forces such as the SEALs without detection, launch precision missiles on a moment's notice, and intercept enemy signals unseen and unaffected by weather. This bill also authorizes $495 million to design the Ohio class replacement submarine, our next generation ballistic missile submarine. This bill confirms that submarines have and will continue to stealthily protect our country for decades to come.

There is no higher priority than our national defense. And the brave men and women who serve us overseas must have the resources they need to do their jobs. I will support this legislation because it does that. But I look forward to working with my colleagues to strengthen our approach to defense policy so that we can address some of the shortcomings of this bill as we consider further legislation in the weeks ahead.

Mr. KIRK. Madam President, Congress will pass an exceptional bill today. I know that Senator Kennedy would have been proud of this responsible legislation and the ways in which it benefits our Armed Forces and our country.

The bill specifically honors the sacrifice of our men and women in uniform, and it includes provisions to put mechanisms in place to strengthen our current defense operations and our national security. I commend my colleagues on the Armed Services Committee for their leadership on these issues, and I am honored to serve on the committee in Senator Kennedy's place.

I wanted to spend a moment praising our colleagues for agreeing to include another important provision in the bill, the Matthew Shepard Hate Crimes Prevention Act. I know Senator Kennedy would have been especially pleased by its inclusion. It is an extremely important bill and was especially important to Senator Kennedy.

He worked on it for years to close the loopholes that have prevented effective prosecution of these flagrant crimes that terrorize entire groups of communities across America.

As Senator Kennedy said so well:

> We want to be able to have a value system that is worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is that we should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this nation over a considerable period of time.

The statistics about hate crimes are shocking and shameful. For far too long, law enforcement has been forced to investigate these vicious crimes with one hand tied behind its back. The Matthew Shepard Hate Crimes Prevention Act gives Federal, State, and local law enforcement agencies the real power and authority they need to combat these brutal acts of domestic terrorism.

The bill makes it clear that the time is now to stand up for all victims of hate crimes across America. It would not have advanced this far without the dedication of Senator Kennedy and other key colleagues, especially Senator REID, Senator LEAHY and Senator LEVIN. I also praise the incredible and tireless advocacy of Matthew Shepard's mother, Judy. She educated all of us about the immense impact of such crimes, and I know how much Senator Kennedy admired her for all she's done to make sure that no other families have to endure the horror she faced in the loss of her son.

I know that it is unusual to include such a measure in the defense bill. But the rule of law will be stronger in America because of the inclusion of the Matthew Shepard Hate Crimes Prevention Act in this year's National Defense Authorization Act. I look forward to it becoming law as soon as possible.

Mr. KYL. Madam President, I am voting no on the conference report to the fiscal year 2010 DOD Authorization Act.

This was not an easy decision. This is a very important bill in view of the important policies it puts in place for our men and women uniform and I commend the leadership of the committee's chairman and ranking member for their commitment to the well being of our nation's armed forces. This conference report also contains several important provisions I authored or coauthored.

However, I believe is unconscionable that this bill has been taken hostage by the far Left to advance its hate crimes agenda. I cannot provide my vote for a bill that uses our military in this way if we permit it this time, where will it end?

Because of this, while this is an important conference report, and mostly a good one, I cannot vote in favor of it today.

The Defense Authorization Act authorizes more than $680 billion for national defense programs; this figure includes authorization for funding for ongoing operations in Iraq, Afghanistan, and the war on terror. It also authorizes funding for such crucial programs as Department of Defense military assistance to for Afghanistan and Pakistan. And it includes $7.5 billion to train and equip Afghan security forces and $1.3 billion for the Commanders' Emergency Response Program, which provides funds for commanders in Iraq and Afghanistan to spur local security and reconstruction projects.

The bill appropriately caps F–22 production at 187 aircraft—which the Pentagon requested—and it includes $6.7 billion for armored vehicles including the new M-ATVs, $600 million for equipment shortfalls in the National Guard, and more funding for defense health and family support programs. It also includes a 3.4 percent across-the-board pay raise for the men and women in the military

I am also pleased that the conference report contains several provisions I authored or coauthored, including an amendment requiring a comprehensive review by the Government Accountability Office on the successes, failures and unmet objectives of the Stockpile Stewardship Program. This is an important report for future debates on START and other matters, a provision I coauthored, section 1254, with Senators BAYH and LIEBERMAN on imposing sanctions on Iran if it continues its illegal nuclear weapons program. I am disappointed that this provision was watered down in conference, as it passed the Senate with its unanimous endorsement that the Iranian Central Bank should be sanctioned if Iran continues to defy the world on uranium enrichment. However, I am pleased that it continues to state the strong support of the Congress for the proposition that Iran must comply with the U.N. Security Council Resolutions directing it to halt uranium enrichment a provision I authored, Section 1251, with several of my colleagues, including the Republican leader and the ranking member of the Armed Services Committee, regarding the START follow-on.

I am pleased that the conference report enshrines in law that the President must deliver to the Congress a report on the plan to modernize the nuclear weapons stockpile and complex, as well as the delivery vehicles.

The Perry-Schlesinger Commission was clear that further reductions in the U.S. nuclear weapons force are only prudent if the weapons that remain are highly reliable and credible. This is only possible with a robust modernization program, which has to include full and timely Lifetime Extension Programs for the B61 and W76 warheads consistent with military needs; funding for a modern warhead that includes new approaches to life extension involving replacement, or, possibly, component reuse; full funding for stockpile surveillance work through the nuclear weapons complex, as well as the science and engineering campaigns at the national laboratories; and full funding for the timely replacement of the Los Alamos plutonium research and development and analytical chemistry facility, the uranium facilities at the Oak Ridge Y–12 plant, and a modern pit facility.

This provision greatly strengthens the DOD authorization bill, and, I think, makes it more likely the Senate will be able to ratify a follow-on treaty to START, especially if the President heeds the Senate's advice, in this section, that missile defense, space systems, and advanced conventional modernization, which includes nonnuclear

global strike capability are not subjects for this follow-on agreement.

I would have been proud to cast my vote for legislation providing these policies for our men and women in uniform; and I am grateful for the leadership of the chairman and ranking member on these issues.

I am, however, concerned by several provisions of the bill. First, I opposed the inclusion of funding for an alternate engine for the F–35, or Joint Strike Fighter. At a time when we are fighting two wars, the $560 million authorized in this bill for the development and procurement of an alternate engine could be better spent to support our troops. The Secretary of Defense opposes this program, and the administration so strongly opposes the alternate engine that the President's advisers have recommended he veto the bill over this provision.

Our national debt is spiraling out of control. Critical defense programs, like missile defense, are underfunded. The F–35 alternate engine is a prime example of an unnecessary program that should not be authorized in this bill.

I am also greatly concerned about the manner in which missile defense is addressed in the conference report. I joined Senators LIEBERMAN and SESSIONS in offering an amendment to the Senate version of the NDAA that would require the administration to certify that any proposed alternative to the planned missile defense sites in Poland and the Czech Republic be at least as cost effective and operationally effective as the original plan. In particular, I wanted to ensure that any alternative proposal was capable of protecting the United States as well as our European allies against long-range Iranian ballistic missiles. This amendment was adopted unanimously on the floor of the Senate, while a similar version was also included in the House-passed version of the NDAA.

Unfortunately, the conference report only authorizes funding for the alternative proposal and eliminates entirely the certification requirement that the alternative be as least as effective as the planned deployments in Poland and the Czech Republic. As such, I believe the administration is moving forward with a plan for missile defenses in Europe that will leave most of Europe and the United States more vulnerable to the threat of long-range Iranian ballistic missiles than the previous plan.

I would also note that this authorization bill endorses an approach to missile defense that emphasizes theater missile defense over the protection of the U.S. homeland. Under the previous plan, protection for the United States against future Iranian and North Korean intercontinental ballistic missiles was to be guaranteed by 54 ground-based interceptors: 40 deployed in Alaska, 4 in California, and 10 in Poland. The Obama administration has curtailed this to deployment to 30 ground-based interceptors in Alaska. Attempts by the minority to restore funding for the deployment of additional ground-based interceptors were rejected by the majority in both the House and the Senate. America will be less secure as a consequence.

Finally, the so-called hate crimes bill should not have been attached to the defense authorization act. Adding this left-wing priority onto the legislation that authorizes funding for our troops in battle is not in our troops' best interest.

A hate crimes bill should have been considered by this Chamber as a stand-alone bill that would pass or fail on its own merits. By attaching it to the unrelated, and must-pass, NDAA, the sponsors of this legislation clearly indicated that they anticipated they would encounter trouble in successfully getting a hate crimes bill through the regular legislative process on its own. And with good reason the hate crimes legislation is unnecessary Federal Government interference in an issue that is adequately handled by the States.

Forty-five States and the District of Columbia already have hate crimes laws. To my knowledge, States have a track record of aggressively prosecuting hate crimes, making a Federal hate crimes prevention act an unnecessary imposition on state jurisdiction. After all, State, rather than Federal, courts exist to adjudicate local crimes. Matters that can be handled adequately by the States, like hate crimes prosecution, should be left to them.

Everyone in this Chamber undoubtedly wants to ensure that all Americans are protected from crime. But flawed legislation that unnecessarily takes responsibility away from States and further taxes the Department of Justice's resources does not enhance the protection of people from these crimes.

The chairman and ranking member worked hard to complete a conference report that I would have been able to support absent the so-called hate crimes bill. However, I cannot support using our men and women in uniform as pawns to satisfy the liberal base of the Democratic Party. For that reason, I must oppose the conference report.

Mr. MCCONNELL. Madam President, today I will cast my vote against the fiscal year 2010 Defense authorization bill. It is a step I take with some reluctance, as there are programs of merit authorized in this conference report.

I take this position because the majority has seen fit to attach unrelated hate crimes legislation. This controversial social policy has nothing to do with defense policy or our global war on terror. Instead, the majority has chosen to evade open committee hearings and debate on controversial social policy by pairing it with this legislation. In my view, all violent crime is malicious or hateful, and all victims suffer regardless of the motive of the criminal. I am also mindful of the concerns of the many Kentuckians who contacted me with their views that hate-crimes laws will lead to an expansion of Federal authority that could chill many forms of speech, including religious expression, that are protected by the first amendment to the U.S. Constitution.

There is much that is good in this year's Defense authorization bill, reflecting policies that I strongly support. For example, the bill authorizes a 3.4 percent pay increase for our military personnel; includes a number of bonuses and special pay provisions; contains favorable TRICARE provisions; and continues support for the alternate engine for the Joint Strike Fighter. It also includes a measure to make it easier for members of the military to vote. Further, it authorizes many worthwhile Kentucky appropriations projects that I have been proud to support.

Were the conference report not burdened with the unnecessary and ill-advised hate crimes legislation I would have supported it as I have consistently done in prior years. I am hopeful that the majority's effort with regard to hate crimes does not presage future legislative shortcuts on matters of national importance.

Mr. GRAHAM. Madam President, I rise today to state for the record that Congress has spoken on the major issues and concerns that have been raised about the Military Commissions Act of 2006. As one of the principal authors, I worked closely with the Chairman and Ranking Member to amend the language of the Military Commissions Act to address the concerns of the new administration, the judiciary, and other respected groups who have voiced concerns about military commissions. I would like to thank Chairman LEVIN and Ranking Member MCCAIN and their respective staffs for their hard work and many hours they dedicated to this bill. A common understanding for all as we move forward is that our country is at war and we are fighting a vicious, dedicated enemy who preys upon civilians and has no respect for the rule of law and human life. There are three key areas in which Congress has clarified the law, and I would like to briefly address these.

First, this legislation raises the bar to provide an even higher level of protection and process than enemy combatants—or enemy belligerents—have ever had in the history of war, much less since the Geneva Conventions were adopted. Common Article 3 of the Geneva Conventions prohibits the passing of sentences and the carrying out of executions without judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. The detainees who are subject to MCA jurisdiction are not qualified for the privileged status of Prisoner of War. However, because we have such deep respect for due process in this country, Congress constituted a court under the MCA of 2006, in accordance with our Constitution, to

provide appropriate due process to those who conducted themselves outside the law of armed conflict. In the current legislation, we now add additional due process within this court.

Second, in the legal history of these commissions there has always been robust debate about how to handle sensitive classified information. The commissions by definition discuss the most sensitive elements of our national security and process cases against the most dangerous and committed enemies of our country. In the current legislation we have carefully drafted new protections to ensure our Nation's intelligence is protected, while also allowing the defendants to see the information presented against them. These procedures were modeled on the Classified Information Procedures Act and will therefore allow the judiciary to look to the developed case law of our Federal courts when issues arise that may not be entirely answered by the plain text of the statute. We intend that this case law be instructive but not necessarily binding on the military commissions. We have also included language to clarify that the national security privilege may be invoked by the government at any time in order to protect our national security.

Thirdly, the MCA of 2009 offers even more protections for the defendants. The new administration came to office voicing a number of concerns about the MCA of 2006. With their party also in control of both houses of Congress, there has been ample discussion and opportunity to draft new text addressing those concerns. During hearings before our committees, administration officials expressed both their official and personal concerns with respect to various aspects of the commissions. As an equal branch of government, Congress considered all those issues and addressed them in this new legislation. Among those concerns was the question of whether Congress had created an ex post facto issue in the MCA of 2006. Congress has modified the language on this issue in the current legislation, but has not changed its position. As the branch of government empowered to write the laws under our Constitution, Congress has codified offenses which have traditionally been tried by military commissions under customary international law. There is no need to go into a detailed history of military commissions and war crimes trials here, but it should be noted that Congress clearly states in this act that those who aid unlawful combatants are subject to the Commission's jurisdiction to the same extent as those who directly commit the crimes. Further, we understand that there will always be a debate about when the war with al-Qaida and violent extremists first began. Osama bin Laden formally declared war against the United States in a fatwa in 1996, but, of course, the first World Trade Center bombing was in February of 1993. Understanding the ambiguity of this issue, Congress has deliberately stated that the military commissions may exercise jurisdiction over offenses that occurred before the date of enactment.

In closing, I would like to note that in passing these reforms to the MCA of 2006, Congress has once again affirmed the legitimacy of the commissions, their sufficiency of due process, and their rightful place in our juris prudence. Our country is at war with an enemy that has clearly stated they will continue to disregard the law of war and commit war crimes. The military commissions are the most appropriate judicial forum in which to try those individuals.

Mr. SCHUMER. Madam President, I rise today in support of the Matthew Shepard Hate Crimes Prevention Act. Matthew Shepard was brutally murdered more than 11 years ago, and yet the bill that bears his name it still not law. Today, we will finally send this historic bill to President Obama for his signature.

Many of us here in Congress have fought for this day for years—my dear friend, the late Ted Kennedy, fought for this day for decades. It is a bittersweet day. For as much as this is a victory for all who stand for civil rights, it brings to mind those horrible crimes committed simply because an individual is gay, or black, or Latino, or Muslim, or because of any other aspect of their being.

These crimes must not be met with silence, but rather, with our loudest voices.

In an era in which we elected our first African-American president, we must condemn crimes based on racism, homophobia, anti-Semitism, or any other small-minded and intolerant angst. We must act, as these are crimes inflicted not merely on individuals, but on entire communities. They are attacks meant to not only break bones, but to break spirits. These crimes know no state boundaries—they are a national problem.

And today we will present the President with a national response. But let me be clear: this legislation does not criminalize speech or hateful thoughts. It seeks only to punish action—violent action that undermines the core values of our Nation.

One particularly chilling hate crime occurred in my home state of New York less than two weeks ago. The victim, Jack Prince, was leaving a deli in College Point, Queens late at night when two men started yelling anti-gay slurs at him. Suddenly, the perpetrators began beating him, savagely breaking Jack's jaw, his ribs, and causing both of his lungs to collapse. This crime, which was caught on video, shook the entire gay community.

This legislation sends a clear message to Jack's perpetrators and to all others: In America, we do not tolerate acts of violence motivated by hatred. In America, you are free to be yourself, and you should never be attacked for being so.

The time for waiting is over. The time for silence is over.

With the Matthew Shepard Act, we are helping local law enforcement stamp out crimes like the one committed earlier this month and punish its perpetrators. With the Matthew Shepard Act, we are saying, ''Enough!''

And, with the Matthew Shepard Act, we are honoring a brave soul. I personally want to thank Judy Shepard and all who continue to fight alongside her to make sure that we not only remember her son's life, but that we continue to strive for a better America.

For one last time, let me say: I urge my colleagues to support the Matthew Shepard Hate Crimes Prevention Act.

Mr. President, I yield the floor.

Mr. DURBIN. Madam President, I ask unanimous consent that at 4:40 p.m. today, all postcloture time be yielded back and the Senate then proceed to vote on the adoption of the conference report to accompany H.R. 2647, the Department of Defense Authorization Act; that no points of order be in order to the conference report; further that the vote on the motion to proceed to H.R. 3548 occur at 2:30 p.m., Tuesday, October 27.

Mr. REID. Madam President, reserving the right to object, I ask the distinguished assistant leader if he would agree to allow the vote to start immediately and that we make sure that 5 minutes is counted toward the end.

Mr. DURBIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

All time having been yielded back, the question is on agreeing to the conference report.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''no.''

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

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—68

Akaka	Cardin	Franken
Baucus	Carper	Gillibrand
Bayh	Casey	Gregg
Begich	Collins	Hagan
Bennet	Conrad	Harkin
Bingaman	Cornyn	Hutchison
Bond	Dodd	Inouye
Boxer	Dorgan	Johnson
Brown	Durbin	Kaufman
Burris	Ensign	Kerry
Cantwell	Feinstein	Kirk

Klobuchar	Merkley	Snowe
Kohl	Mikulski	Specter
Landrieu	Murray	Stabenow
Lautenberg	Nelson (NE)	Tester
Leahy	Nelson (FL)	Udall (CO)
Levin	Pryor	Udall (NM)
Lieberman	Reed	Voinovich
Lincoln	Reid	Warner
Lugar	Rockefeller	Webb
McCain	Sanders	Whitehouse
McCaskill	Schumer	Wyden
Menendez	Shaheen	

NAYS—29

Alexander	Crapo	LeMieux
Barrasso	DeMint	McConnell
Bennett	Enzi	Risch
Brownback	Feingold	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Wicker
Corker	Kyl	

NOT VOTING—3

Byrd	Hatch	Murkowski

The conference report was agreed to.

Mr. LEVIN. Mr. President, we have just adopted a landmark Defense authorization bill. We are sending to the President the 48th consecutive Defense authorization bill—I move to reconsider the vote on that bill and lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. LEVIN. Mr. President, we have an unbroken tradition on our committee, 48 consecutive national Defense authorization bills. It is never easy to get this bill through the legislative process. But with perseverance, a lot of good-faith work has never let us down.

We maintain our focus because we are acting on behalf of our true heroes, the men and women of our Armed Forces and their families. The enactment of this conference report is going to provide the men and women of our Armed Forces, both Active and Reserve, and their families with the pay and benefits they deserve, the equipment and training they need.

The conference report includes $164 billion for military personnel, including costs of pay, allowances, bonuses, survivor benefits, and military health care. It would authorize a 3.4 percent across-the-board pay raise for our troops, a half a percent above the budget request and the annual increase in the employment cost Index.

The conference report would authorize $130 billion in funding for our ongoing military operations in Iraq and Afghanistan. It would provide more than $2.0 billion for the Joint Improvised Explosive Device Defeat Fund, to help take on the threat that has claimed so many American lives in Iraq and Afghanistan. It would fully fund the President's request for $7.5 billion to train and equip the Afghan National Army and the Afghan National Police.

This legislation sends a vital message to our men and women in uniform that we, as a nation, stand behind them and appreciate their service.

We are at this point because all our dedicated Members and all our dedicated staff members—on both sides of the Capitol—were all willing to hit on all cylinders and keep this bill rolling along.

Of course, I want to start by thanking my partner and my friend, Senator MCCAIN, as well as all committee members, for their active roles in getting us to this point. Our counterparts on the House side, Congressmen IKE SKELTON and BUCK MCKEON and the House Armed Services Committee staff lead by Erin Conaton and Bob Simmons, also have our gratitude. Senator MCCAIN and I are extremely grateful to our own committee staff members who so willingly put all their legislative expertise into this bill. Not only is there a tremendous amount of legislative craftsmanship involved, but there is a mind-boggling number of administrative details that have to be meticulously tracked in this massive bill.

I again thank my partner and my friend, Senator MCCAIN, as well as all committee members for their active roles in getting us to this very historic moment when there is much in this bill that is so important to our troops, as well as a number of other provisions which are critically important to success in Afghanistan and Iraq.

Our dedicated, hard-working staff assistants in particular deserve a special mention for their extraordinary efforts in this regard. As a visible sign of the high regard in which we hold our staff, I ask unanimous consent to have all staff members' names printed in the RECORD. I offer here a list of the staff of the Armed Services Committee for that purpose.

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

STAFF OF THE COMMITTEE ON ARMED SERVICES

Adam J. Barker, June M. Borawski, Joseph W. Bowab, Leah C. Brewer, Christian D. Brose, Joseph M. Bryan, Pablo E. Carrillo, Jonathan D. Clark, Ilona R. Cohen, Christine E. Cowart, Madelyn R. Creedon, Kevin A. Cronin, Richard D. DeBobes, Gabriella Eisen, Richard W. Fieldhouse, Creighton Greene, Howard H. Hoege III, Gary J. Howard, Paul J. Hubbard, Paul C. Hutton IV, Jessica L. Kingston, Jennifer R. Knowles, Michael V. Kostiw, Michael J. Kuiken, Mary J. Kyle, Christine G. Lang, and Terence K. Laughlin.

Gerald J. Leeling, Daniel A. Lerner, Peter K. Levine, Gregory R. Lilly, Hannah I. Lloyd, Jason W. Maroney, Thomas K. McConnell, William G. P. Monahan, David M. Morriss, Lucian L. Niemeyer, Michael J. Noblet, Christopher J. Paul, Cindy Pearson, Roy F. Phillips, John H. Quirk V, Brian F. Sebold, Arun A. Seraphin, Russell L. Shaffer, Travis E. Smith, Jennifer L. Stoker, William K. Sutey, Diana G. Tabler, Mary Louise Wagner, Richard F. Walsh, Breon N. Wells, and Dana W. White.

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

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

MORNING BUSINESS

Mr. LEVIN. Mr. 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; that during morning business, Senator BROWN control up to 1 hour; and that during that time, he be permitted to enter into colloquies.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

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

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

HEALTH CARE REFORM

Mr. DORGAN. Mr. President, as the Senate continues to discuss in various ways the issue of health care, I wanted to comment once again on the need, when the health care bill is finally brought to the floor, open for debate and amendment, to offer an amendment, which I and others will do, to address the cost of prescription drugs. One of the significant areas of cost increases for medicine is in prescription drugs.

Prescription drugs are unbelievably important. Many people manage their diseases with prescription drugs that were not available years or decades ago. Those people who are able to access prescription drugs for disease management are able to keep out of the hospital and avoid being in an acute-care bed, which is the costliest form of health care.

I understand the importance of prescription drugs in the health care system. I want us to continue to incentivize the development of new drugs, research and development. We do a lot of that through the National Institutes of Health, and so, too, do the pharmaceutical companies engage in research and development. But even as we do all of that to try to incentivize development of additional drugs and make them available for disease management, it is important to understand that part of the process of trying to put some downward pressure on health care costs is to put some downward pressure on the price of prescription drugs. It is a fact that we pay the highest prices in the world for brand-name prescription drugs. That is just a fact. In my judgment, it is not fair.

When a bill does come to the floor, I and a number of my colleagues—there are over 30 who have cosponsored legislation on prescription drugs—will offer as an amendment the legislation we have drafted together. It has significant safety provisions in it. It would