

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 protects all of its people.

#### VOTE EXPLANATION—DOD AUTHORIZATION

Mr. HATCH. Mr. President, I rise today to discuss my decision to vote no for the fiscal year 2010 National Defense Authorization Act.

Throughout my career I have always been a staunch supporter of our men and women that serve our Nation. Their courage in the face of danger to preserve our freedom is inspiring. And my vote on the Defense authorization bill does not change that belief at all. In fact, I was pleased to include legislation in this years bill that will require the Secretary of Defense to review and establish a long-term plan to sustain the solid rocket motor industrial base. This review will be vital to ensure we maintain a robust industrial base and our ultimate strategic defense for decades.

I have always been impressed with the great working relationship I have enjoyed with my esteemed colleagues on the Armed Services Committee and their professional staffs. My vote by no means diminishes my respect for the Armed Forces.

Unfortunately, the congressional majority has decided to needlessly inject controversy into what should have been a bipartisan effort to fund and support our troops in a time of war. I am, of course, speaking of the decision to attach the unrelated hate crimes provisions to this legislation. For one reason or another, the Democrats have once again decided that, even with their overwhelming majorities in the House and Senate, the Federal hate crimes legislation cannot be debated and passed on its own merits and that, instead, this divisive legislation should become part and parcel with our efforts to provide our military with much-needed resources.

I have long been opposed to this approach with regard to hate crimes. Make no mistake, none of us are indifferent to the problems associated with violence motivated by prejudice and violence. However, I believe that the approach provided for in this bill would needlessly expand the powers of the Federal Government at the expense of the traditional police powers of the States. Worst of all, it would do so without a demonstrated need. Indeed, a few months back, I asked the Attorney

General—who supports this legislation, by the way, in a hearing whether there was any evidence of a trend that these crimes were going unpunished at the State level. He stated without reservation that there was no such evidence and that, in fact, the States were, by and large, doing a fine job in this area. If that is the case, what is the purpose of this legislation? Why are we going to expand the law enforcement powers of the Federal Government into what are essential State crimes when these crimes are already being handled adequately by the States? I have yet to hear a decent answer to that question.

Now, some of us may be tempted simply to vote for the Defense authorizations bill with the hate crimes provisions attached simply because the balance of the bill is good and worthy of support. Well, I worry that if we go along with this now, what will they add to so-called “must pass” bills in the future? I believe that when it comes to funding our troops, we should do our best to speak in a unified voice. By taking this path, it seems that the majority would rather make a political statement than offer the military our bipartisan support. For that, I am greatly disappointed.

#### OBJECTION TO S. 1782

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1782, the Federal Judiciary Administrative Improvements Act of 2009. This legislation will increase the Federal outlays for the judicial branch and does not have an offset to the spending increases.

In particular, I object to two provisions in S. 1782. First, this legislation will increase Federal expenditures by allowing senior executives in the Federal courts, the Federal Judicial Center, and the Sentencing Commission to carry over more annual leave days from 1 year to another. The bill would change the current allowance, 240 hours—30 days—to 720 hours—90 days. This provision is a limited benefit to a number of senior executives and will cost Federal taxpayers millions of dollars.

Second, the legislation includes a provision increasing the salaries of the four division directors at the Federal Judicial Center. This provision would increase the salary from Executive Schedule V—\$139,600—to Executive Schedule IV—\$149,000. While this is only a slight increase to the spending outlays, it is the wrong message to send the American taxpayers when nearly 10 percent of the workforce is unemployed.

Americans across the country are tightening their belts and finding ways to save money. Social Security beneficiaries are fighting to stretch their dollars because they will not see a cost-of-living increase for 2010 for the first time in nearly three decades. To

expand benefits in the judicial branch for a chosen group of senior executives is the wrong thing to do when everyone is making sacrifices and millions of Americans are looking for work.

If the Senate majority insists on offering S. 1782 for consideration notwithstanding my objection, at the very least, I will insist on offering S. 657, the Sunshine in the Courtroom Act as an amendment and request a rollcall vote. Unless this amendment is afforded a vote, I will continue to object to any unanimous consent agreement regarding S. 1782. In this time of financial uncertainty, we should not be providing senior executives in the judiciary increased benefits absent legislation that will bring some sunshine to the courts by allowing media coverage of court proceedings.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO NORTH CAROLINA WWII VETERANS

• Mrs. HAGAN. Mr. President, I am proud to recognize a group of 102 World War II veterans from the Triad region of North Carolina who are traveling to Washington, DC, on October 28 to visit the memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

The Triad Flight of Honor sponsored this trip to the Nation's Capital for surviving World War II veterans in the Triad area. Our veterans will visit the World War II, Korean, Vietnam, and Iwo Jima Memorials.

This will be the second Triad Flight of Honor trip. The organization flew their inaugural group of veterans to Washington, DC, on October 3, 2009. I had the honor of visiting with that group of veterans when they returned to Greensboro, NC. I was joined by my father-in-law, MG (Ret) Charles T. Hagan, Jr., U.S. Marine Corps Reserve, a World War II veteran, just before he died. Two more Triad flights for the spring of 2010 have already been scheduled, and hundreds of veterans in the area are hoping to participate.

World War II was the defining period for a generation that bravely answered the call to serve our country. Young men and women, driven to protect America, enlisted in droves. Unfortunately, too many of those brave servicemembers met an untimely death on the battlefields of Europe and the South Pacific. More than 400,000 American servicemembers were slain during the course of the long war, and over 60 million people worldwide were killed, including 40 million civilians. The Allied Forces' ultimate victory is a testament to the brave soldiers, sailors, airmen, and marines who put their lives on the line to fight for liberty and freedom.

This week, 102 Triad veterans will see the memorials dedicated to their service. I thank the Triad Flight of Honor for making these trips a reality.

I ask the Senate to join me in honoring these brave veterans who are true North Carolina heroes.●

TRIBUTE TO DR. JAMES MICHAEL SMITH

● Mr. JOHNSON. Mr. President, today I recognize Dr. James Michael Smith on his inauguration as the 16th President of Northern State University in Aberdeen, SD. Dr. Smith comes to Northern State from Bowling Green State University where he had served as vice president for economic development. He is a veteran organizational leader, with experience leading educational institutions at both the K-12 and postsecondary levels. Prior to joining the senior administrative team at BGSU, Dr. Smith was dean of the School of Education at Indiana University South Bend. Dr. Smith also served in administrative capacities at West Texas A&M and Butler University. He will begin his tenure with the knowledge that Northern State University has been named for the third year in a row to the U.S. News and World Report's Top Public Undergraduate Institutions in the Midwest. Dr. Smith has said NSU is "excited to once again be named to this prestigious list, and will continue to build momentum at Northern State by focusing on new programs, expanded technology and increased graduate offerings." Everyone in the region is excited to help him join in these goals.

At the investiture of Dr. Smith, history will literally be at his fingertips. The pen used in this ceremony will be the same one used to swear in the 15 Northern presidents before him. It was used to sign the bill that created the Northern Normal and Industrial School in 1901 and it went up in the space shuttle Discovery in 1991.

I would like to offer Dr. James Smith the very best as he begins his tenure with one of South Dakota's finest institutions of higher learning.●

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY RELATIVE TO THE ACTIONS AND POLICIES OF THE GOVERNMENT OF SUDAN AS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to

continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Sudan emergency is to continue in effect beyond November 3, 2009.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the sanctions against Sudan to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, October 27, 2009.

MESSAGE FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1471. An act to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes.

H.R. 1641. An act to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail.

H.R. 2806. An act to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 6:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1209. An act to require the Secretary of the Treasury to mint coins in recognition of the celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

H.J. Res. 26. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1641. An act to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; to the Committee on Energy and Natural Resources.

H.R. 2806. An act to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1927. A bill to establish a moratorium on credit card interest rate increases, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*Gladys Commons, of Virginia, to be an Assistant Secretary of the Navy.

\*Christine H. Fox, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense.

Air Force nomination of Lt. Gen. Mark A. Welsh III, to be General.

Army nomination of Colonel Kelly J. Thomas, to be Brigadier General.

Army nomination of Col. David L. Weeks, to be Brigadier General.

Army nomination of Lt. Gen. William B. Caldwell IV, to be Lieutenant General.

Army nomination of Maj. Gen. Keith M. Huber, to be Lieutenant General.

Army nominations beginning with Brigadier General Joseph J. Anderson and ending with Brigadier General Perry L. Wiggins, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009, (minus 1 nominee: Brigadier General Robert M. Brown)

Navy nomination of Vice Adm. David J. Dorsett, to be Vice Admiral.

Navy nomination of Vice Adm. Robert S. Harward, Jr., to be Vice Admiral.

Navy nomination of Vice Adm. Harry B. Harris, Jr., to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Robert B. O. Allen and ending with Ted K. Winright, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Air Force nomination of Christopher J. Ogrady, to be Lieutenant Colonel.

Air Force nomination of Michael R. Spencer, to be Lieutenant Colonel.

Air Force nominations beginning with Scott A. Paffenroth and ending with Robert