

AMENDMENT NO. 3035

I would like to make this point on the hate crime amendment, and then I will defer to my colleagues, who may be speaking on the same subject.

Mr. President, the Senate is about to consider a bipartisan amendment to the Defense Department authorization bill dealing with hate crimes which broadens the scope of the Federal hate crime law in significant ways. It is one of the most important pieces of civil rights legislation in our time, and I am proud to cosponsor it.

Some people might ask: Haven't we moved beyond the need for this in this modern age of the 21st century? Do we still really need a hate crime law? Unfortunately, the answer is yes.

As Senator KENNEDY said on the Senate floor:

At a time when our ideals are under attack by terrorists in other lands, it is more important than ever to demonstrate that we practice what we preach and that we are doing all we can to root out bigotry and prejudice in our own country that leads to violence here at home.

Sadly, there is no shortage of bigotry and violence here at home. In the past week, there has been a national spotlight on Jena, LA, where White high school students put up nooses in a tree to intimidate African-American students—nooses—the ancient symbol of hatred and lynching.

The problems with hate crimes and racial tension are not confined to the South. Take a look at today's Washington Post. An article entitled "Colleges See Flare in Racial Incidents" said that a noose was found a few weeks ago at the University of Maryland outside the campus's African-American cultural center. This past weekend, a swastika was spray-painted onto a car parked on that same campus.

My home State of Illinois is not immune to this same problem. Last month, a judge in Chicago awarded \$1.3 million to two victims of vicious hate crimes that were committed a few months after September 11 in Chicago's West Loop. The victims—Amer Zaveri and Toby Paulose are American-born citizens of Indian descent. The perpetrators yelled, "Are you Taliban?" and "Go back to your country" before punching them, assaulting them, kicking them, and smashing a beer bottle on one of their heads, causing facial fractures and lacerations.

Now, according to statistics compiled by the FBI, nearly 10,000 hate crimes are committed in America each year. Other estimates put the number closer to 50,000. An increasing number are committed against gays and lesbians, representing nearly 15 percent of all hate crimes.

The response from some Republicans, not from all—Senator GORDON SMITH of Oregon is a prominent cosponsor of the Kennedy bill on hate crimes—but from some others, is that we need to study this issue. The studies have been done over and over again. Sad to report,

hate crimes are a reality in America today.

The existing Federal hate crime law was enacted 40 years ago, in 1968. It was passed at the time of Martin Luther King's assassination. It is an important law, but it is outdated. Its coverage is too narrow. Unless the hate crime falls within one of six very narrow areas, prosecutors can't use the law. For example, if it takes place in a public school, the Government can prosecute, but not in a private school.

This hate crime law we are considering would expand the categories of people who would be covered and the incidents covered as well. The current Federal law provides no coverage for hate crimes based on a victim's sexual orientation, gender or disability. Sadly, hate crimes data suggest that hate crimes based on sexual orientation are the third most prevalent, after race and religion. Our laws should not ignore reality.

Some people have suggested that banning hate crimes is a violation of the first amendment and the right to free speech. The Supreme Court has been very clear that is not the case. In 2003, in the case of *Virginia v. Black*, the Supreme Court upheld the validity of laws banning cross burning, one of the ultimate hate crimes. In her opinion, Justice Sandra Day O'Connor wrote:

To this day, regardless of whether the message is a political one or whether the message is also meant to intimidate, the burning of a cross is a symbol of hate.

This week we celebrate the 50th anniversary of the integration of Little Rock Central High School. Arkansas at that time was the crucible, the laboratory for us to test whether America was an accepting, diverse nation. Those nine students and those who stood behind them had the courage to step through those classroom doors and face the intimidation on the way. It is important the Senate have the courage to confront the injustice of our time and pass the bipartisan Kennedy-Smith hate crime amendment.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I have been working with the majority leader in the hopes of helping us complete all these various items he and I would like to complete in short order. To us get to the end of the trail on the underlying bill, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative 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, do hereby move to bring to a close debate on the pending substitute amendment to Calendar No. 189, H.R.

1585, National Defense Authorization Act for fiscal year 2008.

Mitch McConnell, C.S. Bond, David Vitter, Lisa Murkowski, R.F. Bennett, Tom Coburn, Lindsey Graham, Jon Kyl, Wayne Allard, John Thune, Norm Coleman, Richard Burr, Ted Stevens, Jeff Sessions, J.M. Inhofe, Thad Cochran, Michael B. Enzi.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I say to my distinguished counterpart, the senior Senator from Kentucky, we have tried real hard. This is the third time we have taken up this Defense authorization bill. I understand the feelings Senator LEVIN, Senator WARNER, and Senator MCCAIN have regarding this bill. Is this a good time to file cloture? I don't think there is ever a good time. But I think that we have all had a pretty good picture of what is happening on this bill. I would have to acknowledge that at some time, if the distinguished Republican leader had not filed cloture, then we would have filed cloture. Whether it would have been today is something we can talk about later. But I don't feel in any way the Republican leader has surprised me. He has kept me posted about some of his feelings on this.

We have had a number of very complicated issues in this last couple of weeks because of the fiscal year drawing to a close. As a result of that, we have procedural things that seem to always come up with the Senate. But in spite of having said all that, we have been able to accomplish a lot. It would have been much better had we not been interrupted so many different times for various reasons, but that is what happened.

We have spent 15 days on this bill, 15 legislative days on this bill. Other than immigration, I don't think there is anything we have spent this amount of time on during this Congress.

#### CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. REID. Mr. President, I ask the Chair lay before the Senate the message from the House to accompany H.R. 976, the children's health insurance bill.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 976) "an Act to amend the Internal Revenue Code of 1968 to provide tax relief for small businesses, and for other purposes," with amendments.

CLOTURE MOTION

Mr. REID. I move to concur with the House amendment, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative 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, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendments to H.R. 976, SCHIP.

Max Baucus, Ted Kennedy, Jeff Bingaman, Patty Murray, Barbara Boxer, Tom Carper, Patrick J. Leahy, Charles Schumer, Maria Cantwell, Dick Durbin, Blanche L. Lincoln, Robert P. Casey, Jr., Debbie Stabenow, Jack Reed, B.A. Mikulski, Tom Harkin, Harry Reid.

Mr. REID. I ask the mandatory quorum call under rule XXII be waived.

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

AMENDMENT NO. 3071

Mr. REID. I move to concur in the first House amendment, with the amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3071 to the House amendment to the text of H.R. 976.

The amendment is as follows:

AMENDMENT NO. 3071

At the end of the amendment add the following:

This section shall take effect 3 days after date of enactment.

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

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

The yeas and nays were ordered.

AMENDMENT NO. 3072 TO AMENDMENT NO. 3071

Mr. REID. I ask now that the clerk report the second-degree amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3072 to amendment No. 3071.

In the amendment strike 3 and insert 1.

Mr. REID. Mr. President, I think I interrupted my distinguished friend. Did he have more business to conduct?

The PRESIDING OFFICER. The Republican leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

Mr. MCCONNELL. Are we back on the Defense bill?

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

Mr. MCCONNELL. I send a motion to invoke cloture on the underlying bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative 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, do hereby move to bring to a close debate on Calendar No. 189, H.R. 1585, National Defense Authorization Act for fiscal year 2008.

Mitch McConnell, C.S. Bond, David Vitter, Lisa Murkowski, R.F. Bennett, John Coburn, Lindsey Graham, Norm Coleman, Michael B. Enzi, John Thune, Jon Kyl, Richard Burr, Wayne Allard, Ted Stevens, Jeff Sessions, J.M. Inhofe, Thad Cochran.

Mr. DODD. Mr. President, I want to take a few brief moments to explain my votes this afternoon on two amendments to the Defense authorization bill. The first, a resolution offered by my good friend from Delaware, and chairman of the Foreign Relations Committee, Senator BIDEN, expressed the Senate's support for helping the Iraqis to seek a political solution to the current conflict in that country by supporting three Federal regions in Iraq.

It is still my position that the United States should not impose a political solution on the Iraqis to which Iraqis are opposed. According to recent polling in Iraq, it seems as though Iraqis are not yet ready to divide their country along these lines. However, sectarian divisions are already occurring by huge internal displacements in Iraq which are direct results of the level of carnage and violence in that country. And if Iraqis should decide that they would like to devolve their country into three separate sectarian regions, and if they choose this method as the best means for ending the current conflict in that country, then I would wholeheartedly support that decision. This resolution calls for exploring that option, and if Iraqis decide to do so, then I will strongly support such action.

I am deeply worried by the language contained in the Kyl-Lieberman amendment, and for what purposes this language was introduced. Let me be very clear, the Iranian regime is behaving in deeply troubling ways, in its quest to secretly acquire nuclear weapons, to destabilize Iraq and Lebanon, and by calling for the destruction of the State of Israel. We must deal with the various threats Iran poses in an effective, smart, and multilateral way, and I am prepared to do just that.

But we must also learn the lessons of the runup to the Iraq war, when this body passed seemingly innocuous non-binding language that ended up having profound consequences. Our President must use robust diplomacy to address our concerns with Iran, not turn to the language in the Kyl amendment to justify his action if he decides to draw this country into another disastrous war of choice.

I wholeheartedly agree that we should increase the economic pressure on the Revolutionary Guard, or any other entity of Iran, and that is why as chairman of the Banking Committee, I held a hearing to determine how best to use targeted, robust, and effective sanctions against any elements in the Iranian regime who are supporting and exporting terrorism and extremism.

But this amendment would not increase economic pressure on the Iranian regime—instead it would provide bellicose rhetoric which may serve as the basis of future military action against Iran. For that reason, I staunchly oppose it.

Mr. HATCH. Mr. President, I rise today to speak to an amendment that would increase the maximum Federal age limit at which a member of the military, who has been honorably discharged, may become a Federal law enforcement officer.

Military servicemembers make extraordinary sacrifices on our Nation's behalf. They are the defenders of our freedoms, our liberties, and our security. We owe each of them a great debt, and any appropriate compensation we can offer is a step toward repaying that national obligation.

Many of our brave soldiers joined the world's finest military when they were 18 years of age. Large numbers of them become career soldiers, serving 20 years or more before retiring.

However, current U.S. law states that applicants to Federal law enforcement positions must be between 23 and 37 years old. A servicemember who joins the military at the age of 18 and serves honorably for 20 years falls outside this federally mandated age range. I am sure my Senate colleagues would agree that members of the military, with their training and experience, can be highly suited for positions in Federal law enforcement, and if otherwise qualified should not be prohibited from further serving their country by an arbitrary, maximum age limit.

My amendment would increase the maximum age for Federal law enforcement recruitment to 47 years old for military personnel who receive an honorable discharge. This means that many more honorably discharged military members will be able to seek employment with Federal law enforcement agencies. This amendment is an important tool in both recruiting and retaining fine servicemembers. It is my hope that more would be willing to remain in the military, knowing that after they complete 20 years in uniform, they will still have the opportunity to serve our country as Federal law enforcement officers.

I have heard from several servicemembers who are considering an early departure from the military so that they can become Federal law enforcement officers. It should be remembered that many of these soldiers already have the necessary security clearances for these positions. Furthermore, I believe Federal law enforcement training costs would be largely reduced because of the military training of these individuals. The American people need qualified, competent law enforcement officers, and what greater pool from which to draw than experienced and professional military retirees? I am anxious to see this arbitrary retirement limit changed for military personnel and I encourage my colleagues to support this important amendment.