

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 closure 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.

Mr. MENENDEZ. Mr. President, in recent years, our country has seen a major shift in the way that our National Guard has been used. Traditionally, our Guard units have supplemented our active duty troops during a major war or conflict. But as America faces ever-increasing military challenges, we see these citizen soldiers now replacing active duty troops in operations around the world. Since September 11, many Guard members have been called to active duty for multiple tours, and this is likely to continue in the foreseeable future.

The National Guard has played a critical role in Operation Iraqi Freedom and Operation Enduring Freedom. Currently, almost 15,000 guardsmen and women are deployed in Iraq and Afghanistan and 242,271 have been deployed since the beginning of Operations in Iraq and Afghanistan. These tours have stretched our National Guard to the limit, and have severely depleted our Guard's equipment. In reality, much of the equipment that is sent into theater never returns with the Guard units when their tour of duty is complete. This exacerbates the issue of equipment reset.

While we consider the strain that our current operations in Iraq and Afghanistan are placing on our National Guard, we must also remember that the Guard has another important responsibility: providing security at home. In the past few years, we have seen the valuable role that the Army and Air National Guard play in providing support during domestic emergencies. I know that in my State of New Jersey, the National Guard came to the rescue during the 9/11 terrorist attacks, and was also instrumental in helping during the aftermath of the flooding that wracked New Jersey last year. The guardsmen and women also provided critical support in response to the hurricanes that severely damaged the gulf coast in 2005. Unfortunately, our current military operations abroad have left our National Guard without much of the equipment it needs to respond to some of the domestic emergencies I have just mentioned.

In February of this year, the National Guard Bureau released a report entitled "National Guard Equipment Requirements," which detailed the "Essential 10" equipment needs to support domestic missions. The shortfalls in equipment total \$4 billion, and cover areas including logistics, security, transportation, communications, medical, engineering, aviation, maintenance, civil support teams and force protection, and joint force headquarters and command and control. Without the proper equipment, the National Guard will not be able to respond as quickly and effectively in missions here at home.

We saw an example of this in May when tornadoes ripped through Kansas. Although the Kansas National Guard was able to respond to the disaster, Governor Sebelius spoke out about the

challenges her State faces due to the severe equipment shortages. National Guard units throughout the country are facing such equipment shortfalls, and with tornadoes, floods, hurricanes, and forest fires affecting our nation annually, it is imperative that the National Guard have the equipment it needs to respond accordingly in the face of these emergencies.

That is why I introduced the recently passed amendment that expresses the sense of Congress that the Army and Air National Guard should have sufficient equipment available to achieve their missions inside the United States and to protect the homeland.

This Congress always talks about supporting our troops—well we need to remember that supporting our troops means supporting the National Guard and providing them with the equipment they need not only for missions abroad but here at home. In the coming months, I will be working with my colleagues to see that this Congress provides the necessary funding to address these severe equipment shortages. In the meantime, I hope that the entire Senate will support this amendment.

Mr. CONRAD. Mr. President, our Nation's bomber fleet is a vital national asset. Bombers today offer global reach, operational responsiveness, and close air support for troops on the ground in ways that their designers could never have imagined. While our bomber fleet is currently aging, there is virtually no chance that new long-range bombers will enter service before 2020.

If we remove bombers from our active force and do not furnish them with critical upgrade programs, they will be irretrievably lost. This will create a "bathtub" in bomber capabilities that will last over a decade.

Over the last 2 years, the administration has proposed dramatically downsizing our bomber force, particularly by cutting the B-52 force from 94 aircraft to 56. Neither the House nor the Senate found the administration's arguments for cutting the bomber fleet persuasive. They both concluded that making deep B-52 retirements would put at risk our military's ability to carry out the national security strategy. Let me quote from the House Armed Services Committee's report:

Committee also understands that the current B-52 combat coded force structure is insufficient to meet combatant commander requirements for conventional long range strike, if the need should arise to conduct simultaneous operations in two major regional conflicts.

The Senate Armed Services Committee had similar concerns:

The Committee is concerned that any further reduction in the B-52H total aircraft inventory will create unacceptable risk to national security and may prevent our ability to strike the required conventional target set during times of war.

Because of these concerns, last year Congress enacted defense legislation allowing the retirement of only 18 B-52s, reducing the fleet to 76. But the

law required that the savings from those retirements be devoted to modernizing the remaining bombers, and the law prohibited any further retirements until a next generation bomber was available—probably around 2018.

I will ask that section 131 of the John Warner National Defense Authorization Act for Fiscal Year 2007 be printed in the RECORD, along with the relevant sections of the House and Senate Armed Services Committees' reports on that law.

Unfortunately, there have been some efforts to try to find a way around that law. For a while, it looked like there might be an effort to play games with the assignments of the B-52 fleet, by doubling up the assignments of aircraft that we now use for training and calling them "dual coded" training and combat aircraft. Then, instead of retiring B-52s, they would simply mothball them. But mothballed aircraft will do nothing to preserve our ability to fight and win two wars.

Based on the analysis of the Armed Services Committee and my own staff's analysis, it is clear that slashing the size of our B-52 force would significantly increase the risks we face in fighting and winning two nearly simultaneous contingencies. If we retired 38 B-52s, it would be impossible for the Air Force to deploy a bomber force comparable to the one we used during the initial days of the war in Iraq. During the initial 30 days of combat in Iraq, the Air Force used more than 80 B-52s so it could sustain a deployed force of 42 B-52s at forward operating locations overseas. Obviously, the Air Force could not repeat that feat with just 56 B-52s.

Moreover, the war in Iraq has tied down a large share of our land forces and increased our dependence on the Air Force for dealing with any additional crises. Chairman of the Joint Chiefs General Peter Pace has made the situation very clear. He said, "If another, [conflict] popped up tomorrow, regardless of where, . . . you would have the Navy and the Air Force being able to get there very quickly."

Because we were concerned about the risks to our warfighting ability, last year Congress barred the Pentagon from retiring B-52s until the submission of a comprehensive Bomber Roadmap study by an independent research institution. That study still has not been completed.

Some people have tried to tie the B-52 issue to an altogether different question: whether the Air Force will be allowed to retire a long list of old aircraft in its inventory that currently have restrictions on their operation or are even grounded. Let me be clear. As chairman of the Budget Committee, I strongly agree that we need to retire unserviceable aircraft. There is no point in paying to maintain aircraft that we cannot fly.

The B-52 is not part of that problem. While it has flown for many years, the B-52 is still a young aircraft in flying

hour terms. The Air Force has said that today's H-model B-52 is flyable for another 30 to 40 years. Most commercial airliners have several times as many cycles per aircraft and airframe hours as the B-52, which spent most of the Cold War sitting alert on the ground.

In fact, the B-52 is in many ways the most valuable aircraft in our inventory. Today's B-52 has been modernized and can carry the widest range of weapons of any aircraft we own. It has the highest mission capable rate in the bomber force, and it costs the least to operate of any bomber. The FY 2006 reimbursement rate for the B-52 is \$10,000 per flying hour less than the B-1B and \$4,000 per flying hour less than the B-2.

Does it make sense to try to save money by cutting the portion of the bomber force that is by far the least expensive to operate and has the highest utilization and mission capable rates? I don't think so.

The B-52 is an indispensable tool for our nation's military, being used in combat overseas on a daily basis. It is crucial that we maintain a sizeable bomber force and that each plane is outfitted with the most technologically advanced equipment.

The Conrad-Dorgan-Landrieu-Vitter amendment reinforces the law we passed last year requiring a B-52 force of no less than 76 aircraft. This amendment requires that the 76 aircraft B-52 force include 63 active aircraft, 11 backup aircraft and two reserve aircraft, just as it did in 2006. It will prohibit the Pentagon from reducing the maintenance status of some B-52s and creating "hangar queens" that are not regularly flown.

The Conrad amendment also requires technological upgrades to the entire B-52 fleet, ensuring the planes are using the latest in defense technology. It states that the entire fleet must be kept in a "common configuration." The Senate and House Armed Services Committees have already authorized additional funding for B-52s to ensure that the full 76 aircraft fleet is upgraded.

It makes absolutely no sense to try to save money by cutting the cheapest bombers to operate. With ongoing conflicts in Iraq, Afghanistan and elsewhere around the world, our Nation should accelerate the modernization of our bomber force rather than shrinking it.

I thank the distinguished managers of the bill for their support of this amendment and look forward to working with them as the Defense authorization bill moves toward enactment.

I ask unanimous consent that the material to which I referred be printed in the RECORD.

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

H.R. 5122 (NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2007)

SEC. 131. BOMBER FORCE STRUCTURE.

Requirement for B-52 Force Structure—

(1) RETIREMENT LIMITATION.—During the B-52 retirement limitation period, the Secretary of the Air Force—

(A) may not retire more than 18 B-52 aircraft; and

(B) shall maintain not less than 44 such aircraft as combat-coded aircraft.

(2) B-52 RETIREMENT LIMITATION PERIOD.—For purposes of paragraph (1), the B-52 retirement limitation period is the period beginning on the date of the enactment of this Act and ending on the date that is the earlier of—

(A) January 1, 2018

(A); and

(B) the date as of which a long-range strike replacement aircraft with equal or greater capability than the B-52H model aircraft has attained initial operational capability status.

(b) Limitation on Retirement Pending Report on Bomber Force Structure—

(1) LIMITATION.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for retiring any of the 93 B-52H bomber aircraft in service in the Air Force as of the date of the enactment of this Act until 45 days after the date on which the Secretary of the Air Force submits the report specified in paragraph (2).

(2) REPORT.—A report specified in this subsection is a report submitted by the Secretary of the Air Force to the Committees on Armed Services of the Senate and the House of Representatives on the amount and type of bomber force structure of the Air Force, including the matters specified in paragraph (4).

(3) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE DEFINED.—In this subsection, the term "amount and type of bomber force structure" means the number of each of the following types of aircraft that are required to carry out the national security strategy of the United States:

(A) B-2 bomber aircraft.

(B) B-52H bomber aircraft.

(C) B-1 bomber aircraft.

(4) MATTER TO BE INCLUDED.—A report under paragraph (2) shall include the following:

(A) The plan of the Secretary of the Air Force for the modernization of the B-52, B-1, and B-2 bomber aircraft fleets.

(B) The amount and type of bomber force structure for the conventional mission and strategic nuclear mission in executing two overlapping "swift defeat" campaigns.

(C) A justification of the cost and projected savings of any reductions to the B-52H bomber aircraft fleet as a result of the retirement of the B-52H bomber aircraft covered by the report.

(D) The life expectancy of each bomber aircraft to remain in the bomber force structure.

(E) The capabilities of the bomber force structure that would be replaced, augmented, or superseded by any new bomber aircraft.

(5) PREPARATION OF REPORT.—A report under paragraph (2) shall be prepared by the Institute for Defense Analyses and submitted to the Secretary of the Air Force for submittal by the Secretary in accordance with that paragraph.

HOUSE REPORT 109-452 ON H.R. 5122 (NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2007)

B-52 FORCE STRUCTURE

The budget request included a proposal to retire 18 B-52 aircraft in fiscal year 2007, and 20 B-52 aircraft in fiscal year 2008.

The committee understands that the 2006 Quadrennial Defense Review directed the Air Force to reduce the B-52 force to 56 aircraft and use the savings to fully modernize the

remaining B-52s, B-1s, and B-2s to support global strike operations. However, the committee understands that the estimated \$680.0 million savings garnered from the proposed B-52 retirement in the remaining Future Years Defense Program (FYDP) has not been reinvested into modernizing the current bomber force, but has instead been applied towards Air Force transformational activities. The committee also understands that the current B-52 combat coded force structure is insufficient to meet combatant commander requirements for conventional long-range strike, if the need should arise to conduct simultaneous operations in two major regional conflicts.

Additionally, the committee is concerned that the decision to retire 38 B-52 aircraft is primarily based on the nuclear warfighting requirements of the Strategic Integrated Operations Plan, and did not consider the role of the B-52 in meeting combatant commander's conventional long-range strike requirements. The committee disagrees with the decision to reduce the B-52 force structure given that the Air Force has not begun the planned analysis of alternatives to determine what conventional long-range strike capabilities and platforms will be needed to meet future requirements.

The committee is deeply concerned that retirement of any B-52 aircraft prior to a replacement long-range strike aircraft reaching initial operational capability status is premature. Further, the committee strongly opposes a strategy to reduce capability in present day conventional long-range strike capability in order to provide funding for a replacement capability that is not projected to achieve initial operational capability until well into the future.

Therefore, the committee included a provision (section 131) in this Act that would prohibit the Air Force from retiring any B-52 aircraft, except for the one B-52 aircraft no longer in use by the National Aeronautics and Space Administration for testing.

Additionally, this section would require the Air Force to maintain a minimum B-52 force structure of 44 combat coded aircraft until the year 2018, or until a long-range strike replacement aircraft with equal or greater capability than the B-52H model has attained initial operational capability status.

SENATE REPORT 109-254 ON S. 2766 (NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2007)
LIMITATION ON RETIREMENT OF B-52H BOMBER AIRCRAFT (SEC. 144)

The committee recommends a provision that would authorize the Secretary of the Air Force to retire up to and including 18 B-52H aircraft of the Air Force. The committee expects the remaining B-52H aircraft inventory to be maintained in a common aircraft configuration that includes the Electronic Countermeasure Improvement, the Avionics Mid-life Improvement, and the Combat Network Communication Technology modification efforts. The committee expects no further reduction in the B-52H total aircraft inventory, including the current inventory levels for combat coded Primary Mission Aircraft Inventory and Primary Training Aircraft Inventory. The committee is concerned that any further reduction in the B-52H total aircraft inventory will create unacceptable risk to our national security and may prevent our ability to strike the required conventional target set during times of war.

RETIREMENT OF B-52H BOMBER AIRCRAFT (SEC. 145)

The committee recommends a provision that would prohibit the use of any funds available to the Department of Defense from being obligated or expended for retiring or dismantling any of the 93 B-52H bomber aircraft in service in the Air Force as of June

1, 2006, until 30 days after the Secretary of the Air Force submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the bomber force structure. The committee directs that the report shall be conducted by the Institute for Defense Analyses and provided to the Secretary of the Air Force for transmittal to Congress. The committee is troubled that the Air Force would reduce the B-52 bomber fleet without a comprehensive analysis of the bomber force structure similar to the last comprehensive long range bomber study, which was conducted in 1999.

CONFERENCE REPORT 109-702 ON H.R. 5122 (NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2007)

BOMBER FORCE STRUCTURE (SEC. 131)

The House bill contained a provision (sec. 131) that would prohibit the Air Force from retiring any B-52 aircraft, except for the one B-52 aircraft no longer in use by the National Aeronautics and Space Administration for testing. The provision would require the Air Force to maintain a minimum of 44 B-52H combat coded aircraft until the year 2018 or until a long-range strike replacement aircraft with equal or greater capability than the B-52H model has attained initial operational capability.

The Senate amendment contained similar provisions (secs. 144–145). Section 144 would allow the Secretary of the Air Force to retire up to 18 B-52H bomber aircraft in fiscal year 2007. Section 145 would prevent the obligation or expenditure of funds for the retirement or dismantling of any of the 93 B-52H bomber aircraft in service in the Air Force as of June 1, 2006, until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the amount and type of bomber force structure required to carry out the National Security Strategy of the United States.

The Senate recedes with an amendment that would authorize the Secretary to retire up to 18 B-52H bomber aircraft, but maintain not less than 44 combat coded B-52H bomber aircraft, beginning 45 days after the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report prepared by the Institute for Defense Analyses on the amount and type of bomber force structure required to carry out the National Security Strategy of the United States. The amendment would also prohibit retirement of more than 18 B-52s until a long-range strike replacement aircraft with equal or greater capability has attained initial operational capability status or until January 1, 2018, whichever occurs first.

The conferees direct the Secretary to include in the report:

- (1) the plans to modernize the Air Force bomber fleets;
- (2) the amount and type of bomber force required in executing two overlapping ‘swift and decisive’ campaigns involving both conventional and strategic nuclear missions;
- (3) a justification of the cost and projected savings associated with any reductions to the B-52H bomber aircraft fleet;
- (4) the life expectancy of each bomber aircraft to remain in the bomber force structure; and
- (5) the capabilities of the bomber force structure that would be replaced, augmented, or superceded by any new bomber aircraft.

The conferees expect the Secretary to maintain all retired B-52H bomber aircraft, retired in fiscal year 2007 or later, in a condition known as ‘Type-1000 storage’ at the Aircraft Maintenance and Regeneration Center.

THE PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

MR. REID. I ask unanimous consent we now proceed to a period for morning business with Senators permitted to speak therein for a period of up to 10 minutes each.

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

The Senator from New York is recognized.

MR. SCHUMER. Mr. President, I rise today in strong support of the Matthew Shepard Act as an amendment to the DOD authorization bill.

Federal hate crimes legislation is a much-needed and long missing piece of the civil rights and criminal law puzzle.

First, I would like to thank my friend and colleague, Senator KENNEDY, for his determination and leadership on this bipartisan amendment.

I would also like to thank my friends and colleagues—Majority Leader REID and Chairman LEVIN—for their support of hate crimes legislation and this amendment. Many people had amendments they wanted on this bill, but Senator LEVIN and Senator REID understood the importance of this legislation.

Dr. King once said “In order to answer the question, ‘where do we go from here?’ . . . we must first honestly recognize where we are now.”

We are still in a time where racism and other hatreds are ever-present.

We are still in a time when our old scars and wounds from times past have not healed.

Yes, we have made progress, but all of us know we have a long way to go. And the only way we can get there is if we travel together, as one Nation.

And if our Federal Government can say with one strong, unified voice that crimes based on hatred will not be tolerated, then that is a step forward.

And we can also say that those hatemongers who commit these crimes will not get off lightly; but rather will pay the consequences of committing a crime against a larger community.

We can all say this together by voting for the Matthew Shepard Act before us today. The act is named for a brave and courageous individual, who was killed simply because of who he was. This act deserves a quick and strong passage.

We have been here before. In 2004, this body passed hate crimes legislation, only to see it stripped away in conference. And I stand before my colleagues today to say—it is time to pass this legislation once again.

Current Federal hate crime laws are inadequate to deal with the rising tide of hate crimes that are tearing at the very fabric of our communities.

This legislation would remove the “federally protected activity” requirement that currently exists, and also expand the groups of individuals that

are covered by Federal law including sexual orientation.

In addition, this legislation gives much needed resources and assistance to State and local law enforcement officials in investigating and prosecuting these crimes.

Let me clear, this legislation allows the Federal Government to act only with the consent of State or local law enforcement officials.

This law can be seen as a backstop—in case State hate crime laws do not cover a particular crime, or if State or local officials need the resources of Federal law enforcement.

This should assuage any federalism concerns that some of my colleagues may have.

Additionally, Congress has the clear mandate to act in this arena, based on both our authority under the commerce clause and the 13th amendment.

This type of crime—violence based on a person’s skin color, religion, ethnicity, or other traits and characteristics, are as old as slavery itself. It is unconscionable. Matthew Shepard was killed because of his sexual orientation. Who can defend that? Who can say we should not increase the strength of the laws to deal with that hatred, bigotry and nastiness?

Hate crimes differ from other crimes because the criminals target groups of individuals who have been traditionally marginalized or stigmatized in our society.

This violence directly affects an individual’s ability to feel safe and secure in a particular location, and has the effect of forcing people from their homes, or impeding their ability to travel.

Additionally, hate crimes are greater crimes. These crimes affect an entire community. They are not aimed at one individual. In fact, they are often not aimed at the individual upon whom they are committed but, rather, a much broader group. In that sense, these crimes are anti-American. They fly in the face of American pluralism, “E Pluribus Unum” that is on every dollar bill we see. Yes, out of many, one. Those who commit hate crimes are saying: No, there are certain groups of people who should not become part of the American fabric.

What could be more un-American than that?

Hate crimes must stop. The violence directly affects an individual’s ability to feel safe and secure in a particular location and has the effect of forcing people from their homes or impeding their ability to travel. But, additionally, they are greater crimes because they affect an entire community, not just one individual. In that way, these crimes hurt all of us—the American community.

Because of that, the perpetrators of these crimes should be punished for their actions; both Federal and local law enforcement working together to punish the perpetrator is an important and sometimes necessary signal showing that violence motivated by hatred