

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

is not tolerated at any level. This legislation enjoys a broad range of support from numerous civil rights organizations to the National District Attorneys Association; rightfully so, since this affects all of us as Americans. I urge my colleague to vote for this important piece of civil rights and criminal law.

I hope we will get an overwhelming vote from both sides of the aisle, a condemnation of hatred, a condemnation of pointing to a particular group and saying: You don't belong. You can be subject to vicious and nasty crimes.

I yield the floor.

Ms. KLOBUCHAR. Mr. President, I ask to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

HATE CRIMES

Ms. KLOBUCHAR. Mr. President, first, I wanted to make some comments about the hate crimes bill. I am proud to be a cosponsor of that bill. Actually, this came out of my work as a prosecutor in Minnesota. We had a number of cases that involved crimes that were motivated by hate. Sometimes they were found to be hate crimes under our law; sometimes they were not. The ones I remember most—the little 14-year-old boy shot in the middle of the day by a guy who said he wanted to go out and kill a Black kid on Martin Luther King Day.

We had a Hispanic young man who could only speak Spanish, working in a factory, and his boss got mad at him because he didn't speak English and he was speaking Spanish and he took a 2 by 4 and hit him over the head.

We had a temple that was desecrated. We had a number of cases, but what I most remember about this was when the hate crimes bill was first introduced in Washington, I had the honor of introducing President Clinton when he announced his support for the hate crimes bill.

Before we went into the event, I got to meet the investigators in the Matthew Shepard case, two burly cops from Wyoming. They talked about the fact that until they had investigated that case, they had not dealt with ideas of what this victim's life was like. They did not want to think what his life was like. And then they got to know the family in that case, they got to know the mom, and they got to know the people surrounding Matthew Shepard, and their own lives were changed forever. I hope that by passing this bill, by doing the right thing, we can change the lives of other Matthew Shepards, and other victims of hate crimes.

SCHIP

I did come tonight, Mr. President, on the eve of what I hope will be a victory for the children and families in Minnesota and the Nation—passage of the children's health insurance reauthorization bill.

I come to remind my colleague of the weight of the situation presented to us. We have the opportunity to better the lives for millions of children, children and low-income families. We can do it by lifting the burden and lessening the struggle that confronts those who are uninsured.

Today, 45 million Americans are living without access to affordable health care. The worst part of it, the saddest part of it, is that 9 million of them are children and they are uninsured. Kids without access to affordable health care are at an enormous risk, an enormous disadvantage as they grow up and start to make their life in this world. Children without health coverage are less likely to get basic preventive care, less likely to see a doctor regularly, and less likely to perform well in school. Children without health coverage are often more likely to show up at the hospital sicker and more likely to develop costly chronic diseases.

I used to represent the biggest emergency health care center in our State, Hennepin County Medical Center, when I was Hennepin County Attorney. I can tell you this, when people do not have health care, when children do not have health care, they do have a doctor. The doctor is the emergency room, and we all pay for it. That is why making sure that people have health insurance, that these children have health insurance, is actually, in the end, better for all of us, better for taxpayers and certainly better for the kids.

The Children's Health Insurance Program was established to reverse the troubling problem of uninsured youth. It is a successful program that deserves to reach even more children. This is important because, first, it is the decent thing to do for American kids, who, through no fault of their own, are growing up in families who simply cannot afford health care. But it is also important because it is something that is good for all of us, and something that is important because it is a smart investment. It is a smart investment to make sure these kids get preventive care. It is a smart investment to help America's children grow up as healthy as they can be.

I was at a senior center the other day, and I told the seniors: The reason you should care about this is you need someone who is going to pay your Social Security in the end. We need kids who grow up who can participate in our economy and can work. It is a smart investment to have America's children in school, focused on learning, rather than distracted by sickness or injury. It is a smart investment to have America's children get medical care through a sensible system of health insurance rather than having them end up in a hospital emergency room at the taxpayers' expense.

When my daughter was born, she was very sick. She couldn't swallow. We did not know how long she was going to be in the hospital. She actually could not swallow for about a year and a half,

and she was fed through a tube. So I saw firsthand the struggle these families go through. She is doing so well today, and it was because she had good, excellent health care at Minneapolis Children's Hospital.

Well, not all families have access to that health care. When I think of what happened to her and how she was able to get stronger and stronger, even though she was this tiny little baby on an x-ray machine, I think all kids should have that right.

Unfortunately, President Bush and his administration continue to fight efforts to expand SCHIP, a popular and effective program. The administration recently put in place a restrictive rule that makes it nearly impossible for States such as Minnesota to expand their program.

I want to remind the President this issue is not about scoring political points or pushing an ideology. It is about bettering the lives of America's future generation. Today we are making a choice, either to support a proven, effective program that has helped children in all States or supporting the status quo which could lead to more kids losing health care coverage as States struggle to make ends meet.

If the Children's Health Insurance Program fails to pass the Senate or the President chooses to veto its reauthorization and deny children access to this vital program, the consequences could prove dire for Minnesota's children and families. It is estimated that an additional 35,000 Minnesotans who would otherwise be uninsured would be enrolled in this program should this bill be signed into law. If the President uses his veto power, he will deny health care to 86,000 uninsured Minnesotan children who may have been enrolled with the passage of this bill. From a fiscal standpoint, our State once again loses out if this bill fails to pass. With changes in the allotment program and the formula, Minnesota would receive an increase of over \$50 million in fiscal year 2008 to fund our children's health insurance and Medicaid Program. If the bill fails, Minnesota would be presented with a funding shortfall leaving low-income families in a frightening situation.

This program is very important to our State. Our Governor, a Republican Governor, supports it, as has the Governors Association. He has written letters asking us to approve this bill.

We are proud to have one of the lowest rates of uninsured in our State in the Nation, partially because of this program, and partly because we have been innovative in bolstering coverage for low-income kids and their parents. Since Minnesota was ahead of the curve in covering kids before this program was created, Minnesota uses a portion of these Federal dollars to provide coverage to their parents. This is because ample evidence proves that when parents get coverage, kids are more likely to have health coverage. I am glad to see that the compromise