

Mr. NELSON of Nebraska. Mr. President, I come to the floor to express my disappointment that the Senate failed to take advantage of an opportunity to debunk a false argument against the Matthew Shepard Hate Crimes Prevention Act. If it were up to me, the debate never would have gone in this direction, but since it has I have tried to do my best to address the concern—though I believe it to be unfounded—that this legislation protects “pedophiles.”

Some, including some constituents of mine in Nebraska, are concerned that a term used in this legislation, “sexual orientation,” could be interpreted as including “pedophiles.” This is obviously not the intent of the bill, nor is it possible that any of the categories protected by the bill could be read to include pedophiles. In short, nothing in this legislation is intended, nor can it be construed, to protect pedophiles.

The Attorney General, the chief law enforcement officer in the United States, has rejected the argument that this bill covers pedophiles. In fact, the ranking member of the Judiciary Committee, Senator SESSIONS, explicitly asked Attorney General Eric E. Holder a question for the record of the Judiciary Committee’s hearing on this bill, which makes clear that the bill, as written, could not possibly be read to include pedophiles. As the Attorney General stated:

Proposed U.S.C. § 249(a)(2) would cover violent crimes motivated by bias against the “actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person.” This legislation would only cover groups falling under these categories. The Department [of Justice] does not believe that any group falling under these categories should be excluded. The Department does not believe that any of the listed categories could possibly be read to include pedophiles, and therefore we do not believe an amendment to exclude pedophiles is necessary.

Despite this assurance, my colleague from South Carolina offered just such an amendment, and I signed on as a cosponsor to express sensitivity to the concern he raises, even though I do not believe this legislation protects pedophiles in any way.

Existing Federal law, codified at 28 U.S.C § 534 defines sexual orientation as consensual homosexuality or heterosexuality. A similar definition can be found in any dictionary of the English language. That and nothing more is what we are addressing in this bill.

I might add that in my view to claim that this law could somehow be used to protect pedophiles shows a lack of confidence in and respect for local law enforcement, and the groups, such as the International Association of Chiefs of Police, the National Sheriffs Association, and the National District Attorneys Association, which are strongly supporting this bill and asking us to pass this legislation to help them do their jobs in investigating and prosecuting these heinous crimes.

In order for the hate crimes law to be used in the manner some groups claim

it could, a chief of police or local sheriff would have to decide, in conjunction with the county attorney or district attorney, that it was in their best interest and the best interest of the community to bring such a prosecution, in contravention of existing Federal laws that protect children from predators. Federal law enforcement, which serves as a backstop to local efforts under this bill, would also not use the law in this way because the Department of Justice has already stated their policy that this legislation does not protect pedophiles. As I quoted above, the Attorney General, the Nation’s top law enforcement official, made the Department’s policy crystal clear in Congressional testimony: “the Department does not believe that any of the listed categories could possibly be read to include pedophiles.”

We can have an honest debate about this bill. I have heard several arguments of reasons why this bill should be opposed, and I appreciate and respect the concerns which underlie those arguments. However, I feel the need to reaffirm that in no way is this bill intended to, or can be construed as, protecting pedophiles.

Mr. REID. Mr. President, I ask unanimous consent that the July 15, 2009, letter from Attorney General Holder to Senator MCCONNELL and myself be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, July 15, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: I understand that S. 909, the Matthew Shepard Hate Crimes Prevention Act, is now before the Senate in the form of an amendment to pending legislation. On behalf of the Administration, I strongly urge the Senate to approve this vital legislation.

As I stated in testimony before the Senate Judiciary Committee on June 25, hate crimes victimize not only individuals, but entire communities. Perpetrators of hate crimes seek to deny the humanity we all share, regardless of the color of our skin, the God to whom we pray, or whom we choose to love.

Bias-motivated acts of violence divide our communities, intimidate our most vulnerable citizens, and damage our collective spirit. The FBI reported 7,624 hate crime incidents in 2007, the latest year for which the FBI has compiled such data. Recent numbers also suggest that hate crimes against certain groups, such as individuals of Hispanic national origin, are on the rise. Between 1998 and 2007, more than 77,000 hate crime incidents were reported to the FBI. That is nearly one hate crime every hour of every day over the span of a decade.

Most hate crimes in the United States are investigated and prosecuted by our partners in state, local, and tribal law enforcement, and this legislation will not change that reality. Rather, this bill will give law enforcement authorities at all levels the tools they need to effectively investigate, prosecute and deter bias-motivated violence. First, it will enable the Department of Justice to pro-

vide our non-federal partners with technical, forensic, prosecutorial, and financial assistance to bolster their hate crimes enforcement efforts. Second, it will eliminate the antiquated and burdensome requirement under existing Federal law that prosecutors prove that a hate crime was motivated by a victim’s participation in one of six enumerated federally protected activities. Third, it will expand coverage beyond violent acts motivated by actual or perceived race, color, religion, or national origin to those motivated by actual or perceived gender, disability, sexual orientation and gender identity.

Although local law enforcement agencies will continue to play the primary role in the investigation and prosecution of hate crimes, federal jurisdiction is a necessary backstop. Federal resources may be better suited to address crimes involving multiple jurisdictions, and there may be times when local authorities request Federal involvement.

There also may be rare circumstances in which local officials are unable or unwilling to bring appropriate charges, or when prosecutions, even when successful, do not fully serve the interests of justice. At the same time, there are safeguards, both in the legislation and in the Department’s internal policies, to ensure that crimes will be prosecuted at the Federal level only when necessary to achieve justice in a particular case.

Some have raised concerns that Congress lacks the constitutional authority to enact this legislation, as well as concerns that it could infringe on First Amendment rights. The Department addressed these issues at length in a June 23, 2009, views letter to Senator Edward Kennedy. As we explain in that letter, the legislation is constitutional and would not infringe on First Amendment rights because it would criminalize no speech or association, but only bias-motivated violent acts resulting in bodily injury (or attempts to commit such violent acts). Finally, the legislation is carefully tailored to address violence targeting members of communities that have suffered a long history of bias and prejudice.

This Administration strongly supports S. 909, the Matthew Shepard Hate Crimes Prevention Act, and I urge its passage without further delay. Now is the time to provide justice to victims of bias-motivated violence and to redouble our efforts to protect our communities from heinous acts of violence based on bigotry and prejudice.

Sincerely,

ERIC H. HOLDER, JR.,
Attorney General.

Mrs. HAGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

ORDER FOR COURT OF
IMPEACHMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate convene as a court of impeachment in the trial of Samuel B. Kent on Wednesday, July 22, 2009, and the Secretary of the Senate inform the House of Representatives that the Senate will at that time receive the honorable managers on the part of the House of Representatives.

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

MOON LANDING AND HEALTH
CARE

Mr. REID. Mr. President, when Neil Armstrong and Buzz Aldrin became the first humans to touch the Moon, our Nation rejoiced not just because we were launching a new era of exploration and technology. When the Apollo 11 crew touched down in the Sea of Tranquility, our country cheered more than just a stunning success for science.

When 40 years ago tonight, man first set foot on another world, we celebrated the fact that those first men were Americans.

On the evening of July 20, 1969, millions of Americans watched with Walter Cronkite, who passed away just 3 days ago. As Armstrong leaped off the ladder, the astronaut took care to note that the astronaut was a "38-year-old American." Because he was an American—a boy scout from Ohio and a pilot in our Navy—we all were proud.

We were proud that an American vehicle was the first manned spacecraft to make it to the Moon's surface, that an American's footprint was the first to be pressed upon it, and that our American flag was the first to be planted within it. America was moving mankind forward, and we were proud to be leaders.

But the story of the journey we celebrate today did not begin on the breathtaking night when the Eagle landed.

It began years before: in the imaginations of Americans everywhere, in laboratories and hangars in Florida and Texas, and in a stadium in Houston where President Kennedy told us that we will choose to reach the Moon within the decade and do other great things, "not because they are easy, but because they are hard . . . because that challenge is one that we are willing to accept, one we are unwilling to postpone."

We now must be willing to accept today's challenges. We must be willing to accept the challenge of making it easier to live a healthy life in America. We must be unwilling to postpone our responsibility to fix what is broken.

We now have a chance to be proud once again. We have the chance to lead once again, and for our entire Nation to again achieve dramatic goals, like making health care more affordable, more stable and more secure.

America is the last major industrialized nation on the planet that refuses to ensure all of its citizens can get health care. In the greatest country and the largest economy the world has ever seen, hardworking Americans live in fear as they live one accident, one illness, or one pink slip away from losing their health coverage.

How much longer can the country that led the way to space be content to stay in last place? How much longer can we sit this one out? How much longer can we say no?

Our health care system is not healthy. The cost of doing nothing is too high, and not acting is not an option.

The story of the Moon landing did not begin with that one small step for a man, and it did not end there either. President Reagan credited our willingness to reach for new heights with helping our country "recapture its spirit of vitality and confidence." He pointed to the space program as proof that "the pioneer spirit still flourishes in America."

Today that spirit must prevail over partisan passions. If we confront this crisis together, we can once again restore the vitality and confidence of America, and of all Americans.

Forty years ago, no political party had a monopoly on the lunar landing. A conservative who looked to the heavens took no less pride in our achievement than did a liberal. It was not a Republican accomplishment or a Democratic accomplishment. It was an American accomplishment.

As we said at the beginning of this year, our strong preference is to fix health care as one collaborative Congress, not as two competing parties. As we have said throughout this debate, we will continue to work with the other side in good faith and we want to pass a bipartisan bill.

I remain optimistic that both Republicans and Democrats recognize how urgent this is. The health of our citizens and our economy are at stake, and neither will be able to recover if we are unwilling to accept this challenge.

When we make it easier for people to stay healthy—when we make it easier for people to afford to care for their loved ones—when we choose to do what is right, what is necessary and what is overdue—not because it is easy, but because it is hard—we will once again proudly rejoice together, as Americans.

VETERANS VOTING SUPPORT ACT

Mr. LEAHY. Mr. President, I am pleased today to join with Senators Feinstein and Kerr and others to reintroduce the Veterans Voting Support Act. This legislation will enable the Nation to better preserve and protect the fundamental right to vote for veterans in facilities operated by the Department of Veterans Affairs. Our men and women in uniform have risked their lives to serve our country and spread democracy around the globe. We

must do all we can to protect their right to participate in the democratic process when they return home.

When we introduced this legislation last Congress, I had hoped that it could be signed into law before last year's historic election. Millions of Americans went to the polls last November and yet far too many of our wounded warriors were left behind. That is wrong, and I hope the Senate will consider this important legislation to remedy the disenfranchisement of our disabled veterans. Senators FEINSTEIN and KERRY, the respective Chairpersons of the Rules and Foreign Relations Committees, have been leaders on this important issue.

Today, veterans of the armed services who reside in a VA facilities face a voting rights crisis. Far too often in recent years, the Department of Veterans Affairs has neglected to assist veterans with voting, or to allow nonpartisan groups access to VA facilities to register voters. Until last year, for example, the VA's national policy was silent on whether it could provide support to wounded warriors seeking to vote. There have also been reports that the Department of Veterans Affairs may have even prohibited its own staff from providing voter assistance to veterans in VA hospitals. In addition, since 2004, reports indicate that the VA has often sided in Federal court against allowing nonprofit voter registration organizations access to VA run facilities.

I welcome the recent strides the Department of Veterans Affairs has made to correct its flawed policies, but it has not gone far enough. I am glad that last year, the Department changed its policy from a blanket prohibition against voter registration efforts to one that would permit its patients to register to vote. That change, however, was only a first step. We need legislative action to ensure that these changes are permanent and complete. For example, I remain concerned that the VA's voter registration policy stops short of mandating that VA facilities offer disabled veterans a chance to register to vote. To paraphrase Paul Sullivan, the Executive Director of Veterans for Common Sense, the new policy directive only changed the Department from being in active opposition to veterans' voter registration to passively supporting it. It is common sense that the Department of Veteran Affairs should make services available to wounded veterans who reside in VA facilities and yet face hardships in traveling off campus to register to vote. This legislation will ensure that VA facilities have an affirmative duty to provide our wounded warriors with access to, and assistance with, voter registration materials in the same way they help veterans fill out other forms.

The Veterans Voting Support Act we introduce today would also require the Department of Veterans Affairs to provide voter registration forms to veterans whenever they enroll in, or make changes to, their status under the VA