

horse skipper and sparring partner for Team New Zealand. Baird was the 1995 World Champion of Match Race Sailing and placed second at the Worlds in 1997, 1996 and 1993. He is the only American to ever reach No. 1 in the World. The 1995 Rolex U.S. Yachtsman of the Year, Baird is a multiple world champion.

Let me also pay tribute to the several Rhode Islanders that have been named to the Young America team. They include Newport sailors Ed Adams, Tom Burnham, Jamie Gale, Jerry Kirby, Tony Rey and Joan Touchette. The shore support and technical team includes Stewart Wiley of Portsmouth; Ken Bordin, Steve Connett, Matthew Gurl and Bernie Roeder of Newport; Wolfgang Chamberlain of Bristol; and Michael Spiller of Jamestown.

Young America's two boats were built by Bristol, Rhode Island's Eric Goetz shipyard, recognized as one of the world's foremost manufacturers of racing sailboats. I had the pleasure of visiting and touring the Goetz shipyard last April, and was greatly impressed with what I saw.

Goetz has built seven America's Cup contenders for the last two series of America's Cup races—including boats commissioned by competing U.S. racing teams. This year's boats, which cost about \$3 million each, are the product of a first-rate team of technicians and employ the most modern design and technology. Included is a keel developed by one of Rhode Island's most storied companies, Browne & Sharpe Manufacturing. The competitors in New Zealand are no doubt fixated on the technological advancements being introduced by Young America.

Three sets of round robin races begin this week and end on December 14. The challenger semifinals and finals take place next January 2 through February 4 to determine which syndicate will face the defending New Zealanders. The Finals of this grueling competition do not end until March 4.

So I hope all Senators can take a moment today to recognize the commencement of one of the world's most prestigious sporting traditions, the America's Cup. I wish good luck to all eleven competitors, but particularly to the Young America syndicate. For many of my state's enthusiasts, it has been a long sixteen years waiting for this moment.

HATE CRIMES

Mr. KENNEDY. Mr. President, violent acts of bigotry based on race, religion, ethnic background, sexual orientation, gender, and disability continue to plague the nation. These vicious crimes are a national disgrace and an attack on everything this country stands for, and it is essential for Congress to act against them.

Earlier this year, the Senate added important provisions to combat hate crimes to the Commerce-Justice-State

Appropriations Act. This afternoon, Senate-House conferees will meet to vote on a conference report that does not contain the hate crimes provision. Behind closed doors, the conferees have tentatively decided to drop the provision, and I urge them to reconsider. It is essential for Congress to take a stand against bigotry, and do all we can to end these modern-day lynchings that continue to occur in communities across the country.

Many of us are aware of the most highly-publicized incidents, especially the brutal murders of James Byrd in Jasper, Texas, and Matthew Shepard in Laramie, Wyoming. But these two killings are just the tip of the iceberg. Many other gruesome acts of hatred have occurred this year:

January 14, 1999, El Dorado, California—Thomas Gary, 38, died after being run over by a truck and shot with a shotgun. The assailant claimed that Mr. Gary had made a pass at him.

January 17, 1999, Texas City, Texas—Two black gay men, Laaron Morris and Kevin Tryals, were shot to death and one of the men was left inside a burning car.

February 7, 1999, Miami, Florida—Three young women stalked, beat and stabbed a gay man while yelling anti-gay epithets.

February 19, 1999, Sylacauga, Alabama—Billy Jack Gaither, a gay man, was abducted, beaten to death with an ax handle, and set on fire on burning tires in a remote area.

February 24, 1999, Ft. Lauderdale, Fla.—A black woman, Jody-Gaye Bailey, died after being shot in the head by a self-proclaimed skinhead. Minutes before the shooting the perpetrator reportedly boasted of wanting to go out and kill a black person. Bailey and her boyfriend, who is Caucasian, were stopped at a red light when the killer fired at Bailey seven times. The boyfriend was uninjured.

February 1999, Yosemite National Park, California—An individual charged with the murder of four women—one of whom was a 16-year old girl—in Yosemite National Park told police investigators that he had fantasized about killing women for three decades.

March 1, 1999, Richmond, Virginia—A gay, homeless man was killed and his severed head was left atop a footbridge in James River Park near a popular meeting place for gay men.

May 1999, Kenosha, Wisconsin—A 27-year-old man intentionally swerved his car onto a sidewalk to run over two African-American teens. After hitting the two cyclists, he left the scene and kept driving until stopped by police. Eight years earlier the same man rammed his car twice into a stopped van carrying five African-American men and drove away.

June 2, 1999, West Palm Beach, Florida—Two teenagers admitted that they beat a gay man, Steven Goedereis, to death on April 27, 1998 because he called one of them "beautiful."

June/July 1, 1999, Northern California—Three synagogues in the Sacramento area were destroyed by arson. Two brothers, who have links to an organized hate group, are suspects in the arson as well as the shotgun murders of two gay men in Redding, Calif., Winfield Scott Mowder and Gary Matson.

July 4th weekend, 1999, Illinois/Indiana—An individual associated with a racist and anti-Semitic organization, Benjamin Smith, killed an African-American man, Ricky Byrdson, and wounded six orthodox Jews in Chicago before killing a Korean student, Won-Joon Yoon, in Bloomington, Ind.

July 24, 1999, San Diego, California—Hundreds of people were tear-gassed when a military style tear-gas canister was released near the Family Matters group at the San Diego gay pride parade. The 70-person group included small children and babies in strollers.

August 10, 1999, Los Angeles, California—A former security guard for a white supremacist organization, Buford O. Furrow, wounded five individuals, including young children, at a Los Angeles Jewish community center, and later killed a Filipino-American postal worker, Joseph Illeto.

Clearly, the federal government should be doing more to halt these vicious crimes that shock the conscience of the nation.

Dropping the bipartisan Senate provisions from the DJS conference report is a serious mistake. For too long, the federal government has been forced to fight hate crimes with one hand tied behind its back. Congress must speak with a united voice against hate-based violence. All Americans deserve to know that the full force of federal law will be available to punish these atrocities.

Congress has a responsibility to act this year. The continuing silence of Congress on this festering issue is deafening, and it is unacceptable. We must stop acting as if somehow this fundamental issue is just a state and local problem. It isn't. It's a national problem, and it's an outrage that Congress has been missing in action for so long. I urge the conferees to reconsider their action, and include a strong provision on hate crimes in the conference report.

Mr. President, I make these remarks because the timeliness of them is so important. I see my friend and colleague from Oregon, who shares these concerns. Again, we wanted to address this issue, which will be before the conference committee on the State-Justice appropriations this afternoon. We will be faced with this issue in a conference report in these next 2, 3 days. It is regarding the inclusion or exclusion of the hate crimes legislation.

We passed hate crimes legislation as part of the State-Justice-Commerce appropriations. It is in conference at a time when this country has been faced with a series of acts that have been violent on the basis of bigotry—based on race, religion, ethnic background,

sexual orientation, gender, and disability. These challenges continue to plague the Nation. These vicious crimes are a national disgrace and an attack on everything for which this country stands. It is essential for Congress to act against them.

Just in the very recent times, we have seen the brutal murders of James Byrd in Jasper, TX, and Matthew Shepherd in Wyoming. These two killings are the tip of the iceberg. Many other gruesome acts of hatred have occurred this year.

On January 14, Thomas Gary died after being run over by a truck and shot with a shotgun. The assailant claimed that Mr. Gary had made a pass at him.

On January 17, 1999, Texas City, TX, two black gay men, Laaron Morris and Kevin Tryals, were shot to death, and one of the men was left inside a burning car.

On February 7, 1999, three young women, stalked, beat, and stabbed a gay man while yelling antigay epithets.

On February 24, in Fort Lauderdale, a black woman, Jody-Gaye Bailey, died after being shot in the head by a self-proclaimed skinhead. Minutes before the shooting, the perpetrator reportedly boasted of wanting to go out and kill a black person.

In February 1999, Yosemite National Park, California, an individual charged with the murder of four women—one of whom was a 16-year-old girl—in Yosemite National Park, told police investigators that he had fantasized about killing women for three decades.

The list goes on and on, and that is happening in communities all across the country. This legislation has been taken into consideration. A number of the points have been raised by Members over the last 3, 4 years. The statistics are very clear. This kind of problem is escalating, not decreasing. All we are asking is, in the very selected cases that would qualify under this legislation, that we not deny the Federal Government from participating with the State and local prosecutors in order to be able to solve these problems. These crimes are not just crimes against individuals, they are rooted in bigotry and hatred so deep that they have an important and dramatic and horrific affect upon a community.

We will see the opportunity, hopefully, for that Commerce Committee conference this afternoon to vote on these issues. We should at least have a vote on these matters and, hopefully, the Commerce Committee will not disappoint America's march toward justice.

Mr. WYDEN. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I am happy to.

Mr. WYDEN. Mr. President, I think the distinguished Senator has made a very eloquent statement on this matter of hate crimes. As we have seen so often on these issues of justice for gay folks, and when we are talking about

issues relating to race, the issue always is brought out that in some way we are advocating "special rights," or "preferences," or something of this nature. I think what the Senator from Massachusetts is asking for—and perhaps he can speak to this—is simply to make it clear the U.S. Congress is going to draw a line in the sand against violence borne out of bigotry and prejudice.

We are not talking about special rights. We are not talking about preferences for one group because of their sexual orientation or race; we are talking about Americans' right to be free from violence borne out of prejudice and hatred. Is that what the Senator from Massachusetts is talking about?

Mr. KENNEDY. The Senator has stated it well and accurately. These kinds of crimes, as I mentioned very briefly, rip at the heart and soul of all Americans. No one could read about these extraordinary acts of violence directed toward specified groups, such as those that took place in Yosemite, where that individual had in his mind one purpose and one purpose only, and that was to kill women. That was it. It wasn't against someone with whom he had a difference. That is the kind of vicious intent we have seen. We have seen that regarding race, religion, and sexual orientation.

All we are saying is, in the prosecution of those crimes, we are not going to fight it with one hand behind our backs. We are not going to deny it in the very selective numbers that will be in—I think you are looking at each group, and there are something like maybe 20, 30 cases a year—probably even less—in the testimony of those who represent the Justice Department in any of these areas. But they are so vicious and so horrific that we are going to say we are not going to permit that to take place in this country.

We have the opportunity to make a positive commitment in that area in our conference before we leave this year, and we don't want to lose that opportunity. The Senator from Oregon has been a leader on this issue, and our friend and colleague from New York, Senator SCHUMER, and Senator SPECTER have been strong leaders. This has been a bipartisan effort for a long period of time. We don't want to deny the chance of having success.

Mr. WYDEN. Will the Senator yield for one last point?

Mr. KENNEDY. Yes, I am happy to.

Mr. WYDEN. Mr. President, I think what the Senator from Massachusetts said is very important for our colleagues to focus on as we go to this conference, which I think will be starting in a few minutes.

My understanding is that the bipartisan proposal of the Senator from Massachusetts and Senator SPECTER does not, in any way, preempt State and local authority in this area. My understanding is that it is only if and when State and local authorities don't act against these morally repugnant

crimes that the Senator from Massachusetts has described—that only then would the Federal Government come in. I will say, from my standpoint, what the Senator from Massachusetts is talking about certainly meets my definition of what ought to constitute compassionate conservatism.

I am very pleased that my colleague from Oregon, Senator SMITH, has joined with Senator SPECTER and others on the other side of the aisle. I so appreciate the leadership of the Senator from Massachusetts. I want him to know that I plan to stand shoulder to shoulder with him until we get this law passed. This is unacceptable. It is grotesque that this Congress would not take up this issue, and we cannot allow this issue to be ducked any further.

I thank my friend for yielding.

Mr. LEAHY. Mr. President, one of the most significant amendments that the Senate adopted as part of the Commerce-Justice-State appropriations bill is the Hate Crimes Prevention Act. This legislation amends the federal hate crimes statute to make it easier for federal law enforcement officials to investigate and prosecute cases of racial and religious violence. It also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability. I commend Senator KENNEDY for his leadership on this bill, and I am proud to have been an original cosponsor.

It is time to pass this important legislation. It has been over a year since the fatal beating of Matthew Shepard in Laramie, Wyoming, and the dragging death of James Byrd in Jasper, Texas—brutal attacks that stunned the Nation.

Since those incidents, we have seen other acts of violence motivated by hate and bigotry, including the horrific incident two months ago in Los Angeles, when a gunman burst into a Jewish community center and opened fire on a room full of young children. When the gunman surrendered, he said that his rampage had been motivated by his hatred of Jews. The month before, a murderous string of drive-by shootings in Illinois and Indiana left two people dead and nine wounded. Again, the motivation was racial and religious hate.

These are sensational crimes, the ones that focus public attention. But there also is a toll we are paying each year in other hate crimes that find less notoriety, but with no less suffering for the victims and their families.

All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to protect the civil rights of all of our citizens for more than 100 years. The Hate Crimes Prevention Act continues that great and honorable tradition.

When the Senate passed the Commerce-State-Justice appropriations bill

last month, there seemed to be general agreement about the need to strengthen our national hate crimes laws. Both the Hate Crimes Prevention Act and a more limited hate crimes bill sponsored by Senator HATCH were included in the managers' amendment by unanimous consent. These bills complement and do not conflict with each other, and Senator KENNEDY and I have been working hard to address Senator HATCH's concerns about our legislation.

I had hoped that a consensus provision would be worked out in time for us to report as part of this appropriations bill, and I am disappointed that we have been unable to meet this deadline.

Five months ago, Matthew Shepard's mother testified before the Senate Judiciary Committee and called upon Congress to pass the Hate Crimes Prevention Act without delay. Let me echo her eloquent words:

Today, we have it within our power to send a very different message than the one received by the people who killed my son. It is time to stop living in denial and to address a real problem that is destroying families like mine, James Byrd Jr.'s, Billy Jack Gaither's and many others across America. . . . We need to decide what kind of nation we want to be. One that treats all people with dignity and respect, or one that allows some people and their family members to be marginalized.

There are still a few weeks left in this session; we should pass the Hate Crimes Prevention Act this year.

FAIR TRADE LAW ENFORCEMENT ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I join my colleagues, Senators DURBIN, HATCH, SANTORUM, BYRD and HOLLINGS in introducing the Fair Trade Law Enforcement Act of 1999. Unfortunately, because of the long and important debate on campaign finance reform last Friday, I was unable to make a statement with the rest of my colleagues when the bill was introduced. However, I stand today to praise this legislation which will take significant steps to update and enhance critical U.S. trade laws. It has been far too long, well over a decade in fact, since the last general reform of our trade laws, and current circumstances—including global recessions, economic turmoil and our surging trade deficit—necessitate the prompt action of Congress.

The trade laws in question, particularly the safeguard, countervailing duty and anti-dumping laws, are vital to the manufacturing sector of our economy. They are often the first and last line of defense for U.S. industries injured by unfairly or illegally traded imports. Companies, workers, families and communities rely heavily on these laws to prevent the ill-effects of unfair trading by our trading partners. Unfortunately, recent events like the steel import crisis have demonstrated how painfully inadequate our current trade laws are in responding to rapid import surges. The flooding of U.S. markets with unfairly or illegally traded goods

causes severe and often irreparable harm to our workers and domestic injury, and it is high time we revisit our trade laws in an effort to make our laws more responsive to the changing landscape of the global economy and international trade.

The reforms we are proposing today fall into three categories. The first are improvements to our safeguard laws. Current U.S. safeguard standards are often more strict than the corresponding standards in the WTO Safeguards Agreement. This means U.S. manufacturers are playing at a disadvantage to their foreign trading partners. Whereas a foreign trading partner must prove only that an import surge, like the steel import crisis we have seen since July of 1997, is a cause of injury, domestic producers are hindered by U.S. trade laws which require our domestic industry to prove that the imports are a substantial cause of injury. This inequity hampers the ability of our domestic industry to receive relief from unfairly traded imports, and creates an unequal playing field on which our foreign trading partners have an advantage. It also contributes to making the U.S. the dumping ground for illegal and unfairly traded imports. Our trading partners know the U.S. standard is high, and they exploit that fact. This bill simply brings U.S. safeguard laws with respect to causation standards and injury factors into line with WTO laws, and puts our domestic industries on equal footing with the rest of the world.

Second, this legislation amends our anti-dumping and countervailing duty laws. It establishes a presumption of threat and of critical circumstances when imports surge and prices fall to an extraordinary degree. A critical circumstances determination, which is provided for under WTO standards, allows the ITC and the Department of Commerce to apply relief to imports entering before the preliminary determination in a trade case when investigating authorities find a history of injurious dumping or such a dramatic surge in imports that, absent retroactive relief, the effect of an anti-dumping measure would be severely undermined. One of the proposals in this legislation simply provides for the Department of Commerce and the ITC to apply these rebuttable presumptions when drastic import surges are coupled with sharp domestic price declines. Again, these presumptions are rebuttable, meaning all of our trading partners have the right to appeal the determination of threat or critical circumstances. All this provision suggests is that we give our domestic industry the benefit of the doubt regarding the injury they are suffering when huge spikes in imports are accompanied by a rapid decline in domestic prices. We saw first hand last year how effective the presumption of threat and critical circumstances can be. When the Commerce Department determined critical circumstances existed on numerous

steel trade cases, the decline in imports for the following months was immediately visible. The specter of a retroactive tariff or duty is a powerful deterrent to continuing unfair and illegal trading practices.

This bill makes still other improvements in our anti-dumping and countervailing duty laws. Our legislation will make it tougher for our trading partners to circumvent an anti-dumping or countervailing duty order. No longer will foreign nations be able to skirt around our laws by making slight alterations to the products they are exporting to the U.S. We clarify that these AD/CVD orders include products that have been changed in only minor respects. The captive production clarification is an important provision to ensure fairness as well.

Also, the Fair Trade Law Enforcement Act of 1999 prevents AD/CVD cases from being terminated by suspension agreements against the wishes of the injured U.S. industry. As we saw during the steel crisis, the Administration reached suspension agreements on trade cases that the domestic industry was confident of winning. Those cases would have provided significant relief for the injured U.S. steel industry by imposing tariffs and or duties which would have "priced out" many of our guilty trading partners from the U.S. steel market. Instead, foreign nations which were facing the prospect of having zero or very restricted access to the U.S. market were guaranteed a significant share of our market as a result of negotiated suspension agreements. The reforms in this bill will require the consent of a majority of the injured industry, both companies and workers, in order for the suspension agreement to be finalized. This particular piece of the bill has already been reported out of the Finance Committee, and it is critical to ensuring that any domestic industry injured by unfair or illegal imports is afforded proportional relief.

Finally, this bill also creates a steel import monitoring program designed to act as an early notification system when imports begin flooding the U.S. market. When the steel import surge began in July of 1997 it was many months, even close to a year, before anyone in the Administration would even admit that the spike in imports was occurring and that it was potentially harmful to the domestic industry. During that time businesses went bankrupt and thousands of employees were laid off. The amendment we propose in this bill will make it much easier to track imports and will provide much quicker notification of potentially harmful import surges. Quite simply, the sooner we learn of unfair import surges, the sooner the Administration, Congress and the industry itself can take the necessary steps to provide the industry, companies and workers with the relief they deserve.

This bill being introduced today provides much needed adjustments to our trade laws. Too many of the provisions