

HATE CRIMES

Mr. DASCHLE. Mr. President, I rise to commend the passage of the bipartisan Kennedy-Smith Amendment—the Local Law Enforcement Act of 2000. The Senate's consideration of this important measure was long overdue and its passage is one of the major civil rights victories of this century.

We are all aware of the tragic deaths of James Byrd in Texas and Matthew Shepard in Wyoming. James Byrd was murdered because of the color of his skin. Matthew Shepard was murdered because of his sexual orientation.

In the Byrd killing, the federal government could help.

In the Shepard killing, the federal government could not help local law enforcement. Why? Because our current hate crimes statute is full of holes and desperately needs to be updated.

Right now the federal hate crimes law does not cover disability, gender or sexual orientation. In addition, the federal government can prosecute only those crimes where the victim was chosen because he or she was engaged in a "federally protected activity," such as attending public school or serving as a juror. That is a very narrow basis on which to bring a lawsuit.

Because Matthew Shepard was killed because he was gay, the federal government could not provide the resources Laramie, Wyoming's law enforcement so desperately needed. This is why our federal hate crimes law ought to apply whenever a hate crime occurs.

Last year Dennis and Judy Shepard, Matthew's parents, came to Capitol Hill to plead with us to broaden the hate crimes law. I suspect that no Senator who met them will ever forget their words or the anguish in their eyes. It was an anguish that probably only a parent who has lost a child can possibly understand.

During their visit to Capitol Hill, and all across America, the Shepards have found the strength to talk about their own tragic experience to help prevent other parents from experiencing their nightmare. Had we not passed the Kennedy-Smith Amendment we would have been ignoring their pleas, and the pleas of so many others.

The Kennedy-Smith Amendment will end, once and for all, the contortions that federal prosecutors must undertake to exercise jurisdiction over hate crimes. The Hatch Amendment will not.

The Kennedy-Smith Amendment will allow federal authorities to assist in state and local prosecutions of hate crimes on the basis of disability, gender and sexual orientation. The Hatch Amendment will not.

We don't need to collect more data on hate crimes. We don't need to analyze the problem. We need to solve it.

We already collect information on hate crimes and the statistics are grim. In the last year for which we have statistics, 1998, almost 8,000 hate crime incidents were reported.

And we already know that state and local law enforcement needs our help

because they have told us so. The National Sheriff's Association has told us so. The International Association of Police Chiefs has told us so. Both the Sheriff and Police Commander of Laramie, Wyoming have urged us to pass the Kennedy-Smith Amendment. The Laramie Sheriff and Police Commander came with Dennis and Judy Shepard to Capitol Hill. They told us what it meant for their departments to be without the assistance of the federal government in investigating and prosecuting Matthew Shepard's murder. It meant that they had to lay off 5 law enforcement officials as a result of the financial strain of the prosecution of Matthew Shepard's killers.

If the Kennedy-Smith Amendment had been law, those officers would not have been laid off.

We all know that only the Kennedy-Smith Amendment will bring about substantial change. We all know that only the Kennedy-Smith Amendment will provide law enforcement, in places like Laramie, Wyoming, the tools they need to investigate and prosecute hate crimes wherever they occur. We all know that only the Kennedy-Smith Amendment will send a strong message that the federal government will prosecute every hate crime with vigor.

I am proud that this Senate has now stood with Dennis and Judy Shepard. I am proud this Senate did not let the politics of misunderstanding keep us from enacting a bill that would enable prosecutions of crimes motivated by hatred of gays and lesbians—the motivation for some of the most vicious hate crimes.

There are those who argued that this amendment was not needed because it only affects a small percentage of Americans. I am troubled by this suggestion. Hate crimes diminish us all. Did this Congress say, in 1965, that we didn't need a Civil Rights Act because racial discrimination "only" affected a small percentage of Americans? No. We are talking about basic protections that all Americans should be afforded. If they are denied to any of us, we are all affected.

We must make sure that the federal government leaves no American unprotected. The Kennedy-Smith Amendment is a bipartisan, reasonable, measured response to a serious problem. Now we must ensure that it becomes law.

FLOOD DISASTER

Mr. CONRAD. Mr. President, I rise today to alert my colleagues that another series of national disasters have hit my home State of North Dakota. This newspaper headline from the largest paper in our State says it best with the headline on the front page, "Swamped." The newspaper goes on to say NDSU, the State university, suffered millions in damage. In fact, I talked to the president of the university hours ago. He believes the damage is in excess of \$20 million just at North

Dakota State University. This newspaper indicated that the flood filled the Fargo dome where NDSU plays the football games. The dome was filled with over 8 feet of water.

This monsoon that hit Fargo, ND, on the night of June 19, absolutely flooded the entire town. It was an incredible series of circumstances. This is a picture that shows cars under water. We saw this all over the city of Fargo. Basements are flooded. Every kind of structure is flooded with 2 to 3 feet of water in the streets of the city of Fargo, the biggest city in my State.

We also saw massive flooding on the outskirts of town. This is the interstate. This is I-94 that connects Fargo to the rest of North Dakota. It is a major east-west highway in North Dakota. It was under water. Every part of town saw massive flooding. Homes and trailers are under water all across the city of Fargo.

North Dakota State University is one of the two major universities in our State. They suffered millions in damage, with very little flood insurance. The president of the university told me their insurance carrier tells them for this kind of event they only had \$10,000 of insurance coverage—with losses of over \$20 million. Even the president's house was wet. The newspaper says the president of the university was among many people dealing with the soggy conditions after fighting battles throughout the night, with 2 inches of sewage that entered the basement of the president's house through the failure of the sewer system.

This disaster was not confined to the city of Fargo, unfortunately. It spread throughout the area. Probably one of the great ironies is that until June 11 we were in a drought in much of eastern North Dakota. On June 12, 13, and 14, we had heavy rains in the northeastern part of the State.

I was there last week with FEMA officials assessing the damage. In that part of the State, they received 20 inches of rain in 2 days—absolutely Biblical. I have never seen anything like it—20 inches of rain in 2 days. The entire annual precipitation we receive in the State of North Dakota came in 2 days.

Over 150,000 acres of prime farmland flooded in that series of incidents. Of course, that was followed a week later, last Monday night, by this devastation hitting Fargo, ND, the largest city in the State. The mayor of Fargo said it perhaps best: "It's the worst rain flood we've ever had."

This is an event unparalleled in North Dakota history. There is something very odd going on with the weather pattern. I can only say in my State we have had eight Presidential disaster declarations in the last 7 years. We fully anticipate we will have number nine as a result of this series of incidents in northeastern North Dakota and then in southeastern North Dakota. Hundreds of thousands of acres of farmland were flooded. The major

city of my State was very badly hurt by this massive flooding.

I have come before with requests for disaster assistance. I was very hopeful we weren't going to have a disaster this year. Until these devastating events, the worst thing happening was that we appeared to have a drought in part of the State. It is truly stunning to get 20 inches of rain in 2 days.

The damage is incalculable. In North Dakota State University, there wasn't a building on the campus that was not flooded. The president informed me today that the basement of the library was badly flooded where some of the archives were kept. They were in the basement because that is the safest place in a tornado. Fargo is a town that has previously been hit by tornadoes—not frequently, but on occasion. So the most valuable materials were stored in the basement. Then we get hit by these massive monsoon rains that flooded every building on that campus, including devastating and destroying some of the archives of the State.

This is, again, a disaster of stunning proportion. Tomorrow, top officials of FEMA and I will be going to North Dakota, accompanied by top officials of the USDA, to further assess the damage. I talked to the Governor today. He tells me he is readying a request for disaster assistance. Without question, we will be coming to this body once again to ask for assistance for a remarkable set of what can only be described as almost unimaginable occurrences. It does make me wonder if there is something going on with global climate change that we don't fully understand, to have these extraordinary sets of circumstances 8 years in a row. That is the fact. That is the circumstance that we face.

I wanted to draw my colleagues' attention to it. We in North Dakota have expressed our thanks to our colleagues on repeated occasions for the assistance provided North Dakota in the face of these remarkable natural disasters. I regret very much standing here today again drawing my colleagues' attention to what has occurred in my home State. I think it is important for colleagues to know this has occurred, and that, once again, we will be asking for assistance.

I yield the floor.

HEADSTONES AND GRAVE MARKERS AMENDMENT TO DEFENSE BILL

Mr. DODD. Mr. President, I rise today to express my appreciation to the bill managers, Chairman WARNER and Senator LEVIN, for accepting my amendment (No. 3549) regarding headstones and grave markers for veterans.

This amendment entitles each deceased veteran to an official headstone or grave marker in recognition of that veteran's contribution to this nation.

This amendment is identical to a bill I introduced last year, S. 1215, which

has the support of veterans groups such as The American Legion, The Retired Enlisted Association and the Veterans of Foreign Wars. It is cosponsored by Senators BYRD, KENNEDY, SANTORUM, CONRAD, LEAHY, KOHL, FEINGOLD and LIEBERMAN.

There is no more appropriate time for this amendment. Last month, we commemorated Memorial Day. In just a few days our nation will observe Independence Day. Each of these holidays reminds us of the sacrifices made by our veterans. Today our nation is losing one thousand World War II veterans each day. And although they do not boast or brag much, we are all well aware of their monumental contribution to America's remarkable history of freedom, prosperity and political stability.

This amendment would enable their country and their families to recognize that contribution.

As anyone who has made burial arrangements for a deceased veteran knows, the Department of Veterans Affairs must provide a headstone or grave marker in recognition of that veteran's service.

What some may not know, and what this amendment would change, is that once a family places a private headstone on their veteran's grave, they forfeit their veteran's entitlement to the official VA headstone or marker.

This law has its origins in the period following the Civil War when our nation wanted to ensure that no veteran's grave went unmarked. Today, however, when virtually no one is buried in an unmarked grave, the VA headstone or grave marker serves to officially recognize a person's service in the U.S. armed forces.

The present policy generates more complaints to the VA than any other burial-related issue. About twenty thousand veterans' families contact the VA each year to register their belief that their family member is due some official recognition for his or her military service regardless of whether a private headstone has been placed on the grave.

A constituent of mine, Mr. Thomas Guzzo, first brought this matter to my attention. His father, Agostino, a U.S. army veteran, passed away in 1998.

Agostino Guzzo is interred in a mausoleum at Cedar Hill Cemetery in Hartford, but his final resting place does not bear any official military reference to his service in the U.S. Army. Agostino Guzzo's family wants an official VA marker, but, because of the policy I have described, they cannot receive one.

Faced with this predicament, Thomas Guzzo contacted me, and I attempted to straighten out what I thought to be a bureaucratic mix-up. I was surprised to realize that Thomas Guzzo's difficulties resulted not from some glitch in the system, but rather from the law itself.

I wrote to the Secretary of Veterans Affairs regarding Thomas Guzzo's very

reasonable request. The Secretary responded that his hands were tied as a result of the obscure law to which I have just referred.

This amendment is a modest means of solving an ongoing problem that continues to be a source of irritation to the families of our veterans. The Congressional Budget Office has estimated that it would cost three million dollars during the first year it is in effect, and about two million dollars per year thereafter. That is a small price to pay to recognize our deceased veterans and put their families at ease.

Prior to November 1, 1990, when a veteran passed away, the VA was required to provide a headstone or grave marker unless a family bought a private headstone. For those families, the VA provided a check for the amount, about \$77, it would have spent on a headstone. This amendment will not reenact that policy, which was discontinued due to cost considerations. It simply says that an official VA marker or headstone will be provided for those families that ask for one, and may be placed at a site that they deem to be appropriate. In most cases, families that have placed a private headstone will request a marker—a \$20 brass plate—that would be mounted to the headstone. Surely we can do that much for our veterans in this time of budget surpluses.

This amendment allows the Department of Veterans Affairs to better serve veterans and their families, and I encourage my colleagues to listen to the thousands of veterans' families who simply hope to recognize a family member's military service.

The Greatest Generation gave so much to this country in life, this is the least we can do for them when that life comes to an end.

They did their duty and answered the call to serve. It is up to us to give them the modest recognition that they deserve.

Again, I want to thank the managers for their support and the Senate for adopting the amendment. I am hopeful that this provision will be maintained in the conference report.

COPING WITH A CHANGING KOREAN PENINSULA: AVOIDING RIGIDITY AND IRRATIONAL EXUBERANCE

Mr. BIDEN. Mr. President, I rise to begin a discussion of the tremendous strategic consequences which may flow from events now underway on the Korean Peninsula.

As we debate spending on non-proliferation programs—including support for the Korean Energy Development Organization created by the 1994 Agreed Framework, which was significantly reduced in the Foreign Operations Appropriations Bill just passed by the Senate—it is important to keep the big picture in mind. We need to remain flexible in the face of a changing world, avoiding the twin pitfalls of rigidity and what Fed Chairman Alan