

they do not lose their homes because they have been displaced by international competition. They are good families, they are hard-working families, they are diligent, and this is the least I think we can do as we enter into these trade agreements.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### UNANIMOUS CONSENT REQUEST— S. 1140

Mr. DASCHLE. Mr. President, I have a couple of unanimous consent requests having to do with the consideration of future legislative items, and I make these requests now.

I ask unanimous consent that the Majority leader, after consultation with the Republican leader, may turn to the consideration of Calendar No. 210, S. 1140, a bill to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts; that it be considered under the following limitation:

Two hours for debate on the bill equally divided between the chairman and the ranking member of the Judiciary Committee; one relevant amendment for each leader or their designee; that there be 1 hour of debate on each amendment equally divided in the usual form; that no other amendments be in order; and that upon the disposition of the amendments and the use or yielding back of time, the bill be read a third time and the Senate vote on final passage, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. ALLEN. On behalf of our leader, I object.

The PRESIDING OFFICER. The objection is heard.

#### UNANIMOUS CONSENT REQUEST— S. 625

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Majority leader, after consultation with the Republican leader, may turn to the consideration of S. 625, the Local Law Enforcement Enhancement Act, and that it be considered under the following limitations:

There be 4 hours of debate on the bill equally divided between the chairman and the ranking member of the Judiciary Committee; that each leader or their designee be permitted to offer two relevant first-degree amendments; that there be a time limitation of 1 hour for debate on each first-degree amendment; that no second-degree amendments be in order prior to a failed motion to table; that if a second-degree amendment is offered, it be relevant to the first-degree and be limited to 30 minutes for debate; that upon the disposition of the amendments and the use or yielding back of time, the bill be read a third time and the Senate vote

on passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. ALLEN. On behalf of our leader, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Massachusetts.

Mr. KENNEDY. I see the majority leader on his feet, so I will wait until he finishes, although I would like to perhaps ask him whether he understands any reason that—as I understand, this is a motion to proceed; is that correct? Was this a motion to proceed to the bill included in the majority leader's request?

Mr. DASCHLE. Mr. President, this is not only a motion to proceed but it would be the circumstances under which we would consider the bill itself.

Mr. KENNEDY. This is the legislation which we have addressed in this body that was passed by a vote of 56 to 42. I believe as an amendment on the Defense authorization bill last year; am I correct?

Mr. DASCHLE. The Senator is correct. We have addressed this legislation in the past. As I will make known for the record, this is identical legislation to what was passed before. It is legislation we will take up either under a unanimous consent agreement or through a motion to proceed at some point in the not too distant future.

My hope was we could work out arrangements whereby we could expedite the consideration of the legislation. As the Senator has accurately noted, we have addressed this successfully in the past and it is critical that we have an opportunity once again to ensure that this time the legislation does not die in conference. That is what happened. The amendment was dropped in the conference committee, even though the Senate had passed on a bipartisan basis this bill as an amendment to the Defense authorization legislation.

Mr. KENNEDY. I stand corrected. The vote was 57 to 42 in the Senate. As the Senator knows, we passed this on a UC in 1999 by 57 to 42. It has been reported out of the Judiciary Committee 12 to 7. In a vote on this issue in the House of Representatives, there were 232 Republicans and Democrats alike who effectively supported it.

I ask the Senator a final question. This past week we had one of the most extraordinary events that we experience annually, when the police officers gather on the westside of the Capitol. The names were read of 233 officers who died in the line of the duty, a good part of those who died in the terrorist acts. No one asked those law enforcement officials what their race was, what their ethnicity was, what their religion or sexual orientation was. They died.

We all take a great sense of pride in their service to this country. We have all taken a great sense of pride in the work of selfless individuals who tried to help the victims during this period:

organized blood drives, organized assistance to the families, without asking about their race or religion or ethnicity or sexual orientation.

Is the Senator perplexed, as we celebrate both the lives that were lost and celebrate the extraordinary heroism and gallantry of the men and women, does the Senator find it somewhat ironic we cannot in this body make sure we are going to protect those individuals from the vicious acts of bigotry and hatred and prejudice taking place in the United States, acts that have actually escalated in recent years?

Does the Senator feel a sense of frustration about why this body cannot come to grips with a reasonable debate and discussion, as we have in the past, and have action, either for or against this?

Does he not share the concern of many families, and the 500 religious leaders from all of the great faiths that urged this body to pass this legislation expeditiously, and share the frustration they are feeling as religious and moral leaders?

Does the Senator feel we have an important responsibility to get to this legislation and consider it and take action and do it in an expedited manner?

Mr. DASCHLE. Mr. President, the Senator from Massachusetts has asked some very good questions.

I share his frustration and his utter dismay that a bill of this importance would have difficulty passing the Senate right now. How can anyone be opposed to a bill that is already supported by 500 organizations? How can anyone be opposed to a bill that has already passed on an overwhelming basis—in one case, unanimously?

How can anyone be opposed to a bill that addresses the fact that almost every day at least three hate crimes on the average are committed? How can anyone be opposed to a bill with the title Local Law Enforcement Enhancement Act? For the life of me, I don't understand.

At the end of the day, whatever day it is, this legislation will pass. It will pass the easy way or the hard way, but it will pass. We will not adjourn without having passed this legislation. It is that critical. The time has come and gone for delay, for explanation, for excuse, for anything else. There is no reason why this legislation should not pass by an overwhelming bipartisan margin.

I appreciate the comments of the Senator from Massachusetts and his extraordinary leadership in this issue. I join in acknowledging the importance of this legislation and asking our colleagues to join in ensuring its passage.

Mr. KENNEDY. Those assurances, Mr. President, are enormously important and a tribute to all Americans, one of the great challenges to free ourselves from all forms of discrimination.

I acknowledge the strong support and leadership of Senator GORDON SMITH, a prime mover on this among our Republican colleagues. Also, Senator SPENCER has been a very strong supporter.

This is a matter of conscience and a defining value for us as a society.

Since the tragedies of September 11, a new spirit has grown across America—one where individuals and communities come together to help those in need. We have praised the brave actions of the firefighters and police officers who gave their lives to save others, and we have done so without inquiring about their sexual orientation, gender, race, or religion. We appropriately call heroes the men and women who, without regard for their own lives, saved the lives of strangers—and we have never asked if they were gay or lesbian; African American, Asian American, White, or Latino. It is important to take this spirit to the next level, to come together as a nation to stop the perpetration of senseless act of violence against individuals because of the religion they practice, the color of their skin or their sexual orientation.

Hate crimes are a national disgrace—an attack on everything this country stands for. Attorney General Ashcroft recently compared the fight against hate crimes to the fight against terrorism, describing hate crimes as “criminal acts that run counter to what is best in America—our belief in equality and freedom.”

Although America experienced a significant drop in violent crime during the 1990s, the number of hate crimes has continued to grow. In fact, according to FBI statistics, in 2000 there were nearly 8,000 reported hate crimes committed in the United States. That's over 20 hate crimes per day, every day.

Hate crimes send a poisonous message that some Americans are second class citizens who deserve to be victimized solely because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. These senseless crimes have a destructive and devastating impact not only on individual victims, but entire communities. If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority.

Yet for too long, the federal government has been forced to stand on the sidelines in the fight against these senseless acts of hate and violence. The hate crimes bill will change that by giving the Justice Department greater ability to investigate and prosecute these crimes, and to help the states do so as well. Now is the time for Congress to speak with one voice, insisting that all Americans will be guaranteed the equal protection of the laws. We must pay more than lip service to this core principle of our democracy. We must give those words practical meaning in our modern society. No Americans should feel that they are second-class citizens because Congress refuses to protect them against hate crimes.

S. 625 is the same bipartisan bill passed two years ago with 57 votes. Over the last 2 years, support for passage of this bill has only grown, as

more and more Senators become aware that hate crimes impact every community, every neighborhood and every family across the nation.

We can and should pass this legislation swiftly. Not another day should pass before we take action to fight and prevent these senseless acts of violence.

I thank the leadership for giving the American people the assurances we will take action on this legislation.

Mr. DASCHLE. I thank the Senator again for his presence on the floor and his strong statement.

I add a couple of additional thoughts. In 1996, two women were found murdered, their hands bound, their throats cut, just off the Appalachian trail in Shenandoah National Park. Their deaths were profound tragedies for those families and their loved ones. They also sparked a wave of fear among women and the gay community, that what happened to those two hikers could just as easily happen to them.

That response, that fear, is exactly what makes hate crimes different from all other crimes. They target individuals, but they intimidate and dehumanize entire groups of people. Last month, Attorney General Ashcroft announced that the defendant in this case will be tried using the Hate Crimes Sentencing Enhancement Act. This is the first time a Federal murder prosecution will use this provision of the law.

At his press conference announcing the indictments, Attorney General Ashcroft said:

Criminal acts of hate run counter to what is best in America—our belief in equality and freedom.

Attorney General Ashcroft is absolutely right. Americans know that hate crimes injure the victim, the community, and the entire Nation. No one should be attacked simply because of his or her race, religion, gender, physical disabilities, or sexual orientation. However, it is ironic to hear the Attorney General say that the Department of Justice will aggressively investigate, prosecute, and punish criminal acts of violence motivated by hate and intolerance. It is ironic because the only reason the Attorney General is able to pursue this case in this manner is because the two women were on Federal property when the crime was committed. Had this tragedy occurred outside the National Park, it would have been up to the State and local authorities, and the sentencing enhancement that the Justice Department is seeking would not have even been a possibility.

As Senator KENNEDY has said, until we pass the hate crimes legislation pending before Congress, the promise to aggressively prosecute hate crimes is an empty promise. For several years now we have attempted to pass the hate crimes legislation that he and others have introduced. I included it as part of our leadership bills introduced at the beginning of this Congress be-

cause I believe it is much more than a Democratic priority. It ought to be a national priority.

The Local Law Enforcement Enhancement Act would assist State and local authorities when a hate crime such as the Shenandoah murders occurs within their jurisdiction. The bill would expand current Federal protections against hate crimes based on race, religion, and national origin. It would amend the criminal code to cover hate crimes based on gender, sexual orientation, and disability. It would authorize grants for State and local programs designed to combat and prevent hate crimes, and help the Federal Government to assist State and local law enforcement officials investigating and prosecuting hate crimes.

I might say, Mr. President, this is directed just as much at those who are the perpetrators of hate for reasons of religion. There is a rising and disconcerting trend in anti-Semitism in this country that also ought to be addressed. Hate crimes are committed in the name of anti-Semitism just as they are committed with other motivations. Those who profess to be concerned about anti-Semitism in this country ought to be concerned about the passage of this legislation. That also is why I am troubled by those who now choose, for whatever reason, to oppose this unanimous consent request and oppose moving this legislation forward.

In the fall of 2000 this same legislation passed the Senate as an amendment to the Department of Defense authorization bill, as we noted just a minute ago. There is no more need to delay. If we could pass it before, we can pass it again. We know the need is clear, the support is there. It is time to finish the job we started 2 years ago. We need to pass the Local Law Enforcement Enhancement Act and pass it quickly.

#### MOTOR VEHICLE FRANCHISE CONTRACT ARBITRATION FAIRNESS ACT

Mr. DASCHLE. Mr. President, I am concerned that there has been a Republican objecting to considering the Motor Vehicle Franchise Contract Arbitration Fairness Act, S. 1140. Senator LOTT and I are cosponsors of this bill to provide basic fairness to many small businesses in Mississippi and South Dakota, and thousands more across the country.

This legislation enjoys exceptional bipartisan support. In fact, more than 60 Senators have cosponsored the Motor Vehicle Franchise Contract Arbitration Fairness Act, including, I might add, the chairman and ranking members of the Judiciary Committee.

It enjoys such exceptional bipartisan support because it restores fundamental fairness to the automobile franchising process.

Today, large automobile manufacturers are forcing small business automobile dealers to sign away their legal