

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

rights as a condition of entering into a franchise agreement. These franchise contracts are presented by the automobile manufacturers as a "take it or leave it" proposition, without any room for good faith negotiations. It is wrong for one party to take advantage of its raw negotiating power to limit the legal rights of another party.

This bipartisan bill amends the Federal Arbitration Act to right this wrong by simply reserving voluntary arbitration to resolve disputes between the dealers and manufacturers.

Senator JOHNSON and I have heard from many automobile dealers in South Dakota who agree with us that this is an important piece of legislation. They have had enough of being forced into accepting mandatory binding arbitration clauses as part of their franchise contracts. They are just small business owners trying to keep their legal rights and make a living. South Dakota automobile dealers tell me they just want to be treated fairly, and they should be treated fairly.

I hope the minority will soon allow the Senate to consider the bipartisan act. This matter is a matter of basic fairness for thousands of small business owners across the country. The time has come for the majority of the Senate to be heard on this important issue.

Mr. President, I see no one who is seeking recognition, so I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

Mrs. HUTCHISON. Mr. President, I ask the pending amendment be set aside for the purpose of introducing an amendment.

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

AMENDMENT NO. 3441 TO AMENDMENT NO. 3401

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 3441 to amendment No. 3401.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit a country that has not taken steps to support the United States efforts to combat terrorism from receiving certain trade benefits, and for other purposes)

Section 204(b)(5)(B) of the Andean Trade Preference Act, as amended by section 3102, is amended by adding the following new clause:

"(viii) The extent to which the country has taken steps to support the efforts of the United States to combat terrorism.

"Section 4102 is amended by striking the matter preceding paragraph (1) and inserting the following:

"(a) ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended by striking the period at the end and inserting "or such country has not taken steps to support the efforts of the United States to combat terrorism."

"(b) DEFINITION OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—"

Mrs. HUTCHISON. Mr. President, I am introducing an amendment to the trade package that is currently before us. I strongly support the intent of both the Andean Trade Preference Act and the Generalized System of Preferences. These programs seek to help the Andean countries of Bolivia, Colombia, Ecuador, Peru, and other developing nations, by applying preferential treatment to their exports. We agree to reduce or eliminate tariffs on imports from these countries in order to help them develop a stronger economy.

These programs benefit both sides. They improve the lives of the exporting countries' citizens through improved economic opportunities that result from open access to the U.S. market—the best market in the world.

For example, since the Andean Trade Preference Act went into effect in 1991, the Andean nations have experienced \$3.2 billion in new output and \$1.7 billion in new exports. This has led to the creation of more than 140,000 legitimate jobs in the region.

But this act expires, and we must renew it. These programs help the United States by developing better markets for our exports. If we can help developing countries increase economic growth and prosperity, they, inevitably, will demand more imports, which provide U.S. manufacturers with more consumers for our products. This, of course, is good for the U.S. economy.

Another important benefit from the Andean Trade Preference Act is that by providing people of these regions with employment opportunities in legitimate businesses, they will, hopefully, not participate in the narcotic business that is rampant in parts of those areas. This will contribute to the stability of their region and the stability of our hemisphere.

It is clear that the Andean Trade Preference Act and the Generalized System of Preferences help both sides. Since we are giving a benefit to these countries, we are also asking something in return, to ensure that we do

not help any country that works against our interests in other ways.

For this reason, we have established, in the underlying bill, conditions that a country must meet in order to qualify as a beneficiary. Conditions we have required in the past include that a beneficiary not be a Communist-controlled country. We have insisted that a country not be one that has or will expropriate the property of U.S. citizens. There must be a rule of law so that if an investment is made in that country, they will be safe from having it expropriated.

In the Andean trade bill before us, we add several new conditions. For example, we require that the President consider the extent to which countries are committed to the World Trade Organization and are participating in negotiations for a Free Trade Area of the Americas. This will ensure their commitment to free trade.

The President also must consider the extent to which they have helped us in our counter-narcotics efforts and anti-corruption efforts before providing these trade benefits. These and other conditions play an important role in ensuring we do not help countries that may turn around and work against us or our citizens in the future.

As I reviewed the list of criteria we have established, I noticed a glaring omission. We are in the middle of a war on terrorism, yet there is no requirement that a country support our efforts in this battle for freedom. It is clear we cannot win this war alone. We need the help of our friends around the world to track down terrorists and cut off funds. More than \$100 million in assets of terrorists and their supporters have been frozen around the world. The United States has frozen about \$30 million of this money. The rest has been cut off by various allies.

We need cooperation like this to defeat this enemy. Therefore, I am offering an amendment to the trade package that establishes a requirement that a country support our efforts in the war on terrorism in order to receive beneficiary status under the Andean Trade Preference Agreement or Generalized System of Preferences.

The kind of help each country can give to us will vary, and it may depend on the circumstances a particular country faces and the opportunities presented to that country. Some will help us militarily. Some will help cut off funds. Others will share intelligence. Some may do so publicly, others privately. It is even possible that a country might not have the opportunity to provide us with anything but moral support. So I do not think it is appropriate to specify the kind of help a country must give. But I do believe we must make it clear that we expect any country receiving these preferences to do what they can, and what they are requested to do, and that the President take that into consideration when determining these preferences.

I hope my colleagues will support this effort to ensure that we are able to