

LOCAL LAW ENFORCEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 625, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 625) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, with the legislation now before us, I am very happy to see the chairman of the Judiciary Committee in the Chamber today to lead the discussion on this legislation. This is an extremely important piece of legislation. We have waited a long time to get to its consideration.

I have been somewhat disappointed when I read already in this week's newspapers that the minority has indicated they have scores of nonrelevant, nongermane amendments they are going to file on this piece of legislation. This is code word for they are going to do everything they can to stop the legislation from passing.

That is unfortunate because this legislation, which is commonly referred to as the hate crimes bill, has that name because that is what it is about. It is about people with hatred doing criminal acts.

Senate consideration of this legislation is much needed and is long overdue. It demonstrates, once again, the change that has taken place in this body since Senator LEAHY began the chairmanship of the Judiciary Committee.

But for his advocacy, we would not be in this spot; we would not be where we are now.

The chairman of the committee is here, and he has heard me say this on many occasions. We have done such a good job in the Judiciary Committee. I say "we" because the committee doing well reflects on all of us. When I think of what we have gone through in this committee, we had the terrorist acts of September 11, which caused us to focus immediately on antiterrorism legislation, which we passed. People complained because we didn't move that legislation fast enough. Now people are writing that it was one of the best things that happened in this Congress in a long time because the Judiciary Committee slowed us down. We didn't run pell-mell into this legislation but walked deliberately into it. As a result, we have good legislation, not the least of which has a sunset provision in it. If we went too far in any way, it sunsetted.

The work that has been done by the Judiciary Committee has been excellent. Not only do we have the situation with the terrorist acts of September 11 and all the work of the committee as it related thereto, but we had an anthrax attack in Senator DASCHLE's office. Senator LEAHY received anthrax-laden materials. From whom, we do not

know. It was enough that it closed down one of the office buildings where 50 Senators have their offices. That slowed us down.

In spite of that and many other obstacles we have had to overcome, we have moved forward on judges. I don't know the exact number now, but I believe it is 57 confirmed judges. I believe there is half a dozen or so on the calendar, a tremendous amount of work. We are doing the very best we can in that regard.

This hate crimes legislation is another example of the work the Judiciary Committee has done and the Senate has done generally since Senator JEFFORDS joined our caucus.

The present Federal criminal statutes do not respond to hate crimes motivated by a person's gender, sexual orientation, or disability. In fact, one of these characteristics, sexual orientation, is the third leading motivation behind hate crimes. Everyone has heard of some of the most egregious cases of hate crimes: Matthew Shepard, a very frail young man, was a gay student at the University of Wyoming. He was severely beaten, left for dead hanging on a fence post. There is no question this happened because he was gay.

James Byrd, Jr., an African American man, was brutally murdered, hooked up behind a pickup truck and dragged to his death.

These tragedies are not isolated. I indicated on this Senate floor earlier this week some of the incidents that have happened in Nevada because of hatred.

In Carson City, our State capital, somebody set a black family's home on fire and wrote the words "white power" and other racial slurs at the scene of the crime.

Vandals spray-painted a swastika and other graffiti on religious statues at a Roman Catholic Church in Henderson, NV, where I went to high school.

A black family in Las Vegas found a cross burning on their lawn.

Two white men attacked two Muslims with a baseball bat. They beat the Muslims with a baseball bat outside a mosque where they had gone to worship.

Condemning these acts is one thing, but we must legislate against these acts, and that is what this legislation is all about. These types of crimes not only infringe on victims' rights, they erode people's sense of security and self-worth.

Our country was founded on the principle of liberty and justice for all, and that means all. When perpetrators of hate crime target anyone, they really are targeting all of us and the principles that make our diverse Nation what it is.

We must move forward and continue our program of diversity in this country. This legislation will help us do that.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I compliment the assistant majority leader.

Seeing Senator REID on the floor—along with Senator REED of Rhode Island and Senator AKAKA it seems only minutes ago I saw all of them as we were finishing up at 1 o'clock this morning. I appreciate the courtesy of the Senator from Hawaii in letting me speak at this point.

The distinguished senior Senator from Nevada did an enormous job in getting the emergency supplemental appropriations bill passed last night. I have told the distinguished senior Senator from Nevada many times that he has patience this Irish-Italian American probably never could have. But it was his patience, his persistence, and also the great credibility he has on both sides of the aisle, and the great respect of Senators in both parties, that made it possible for him to get that bill passed. Had he not carefully worked with Senator BYRD, Senator STEVENS, and all the others to get that through, we would still be on the floor and we would not be anywhere near passage. I compliment my friend from Nevada.

Mr. REID. Mr. President, will the Senator yield for a couple house-keeping matters? I will finish quickly. I say to my friend, I have never ever corrected my friend on the floor, but I will this morning. We did not finish that last night. We finished it this morning.

Mr. LEAHY. Right. How time flies when you are having fun.

AMENDMENT NO. 3807

(Purpose: To provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator BIDEN.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BIDEN, proposes an amendment numbered 3807.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 103, S. 625, a bill to provide Federal assistance to states and local jurisdictions to prosecute hate crimes:

Hillary Clinton, Harry Reid, Jack Reed, Russell Feingold, Richard Durbin, Edward Kennedy, Evan Bayh, Charles

Schumer, Debbie Stabenow, Maria Cantwell, Daniel Akaka, Ron Wyden, Carl Levin, Daniel Inouye, Joseph Lieberman, E. Benjamin Nelson, Byron Dorgan, Patrick Leahy.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, in the Washington Times there is a report today that says:

A senior Republican leadership aide said there are 40 to 50 Republican ideas under consideration as possible amendments—

To this legislation—

ranging from an alternative hate-crimes bill to tax policy, national security and social issues. Republicans also are considering making permanent tax credits for teachers and relief from the "marriage penalty" in the tax code.

"You might even see an amendment that's a complete substitute to the defense authorization bill."

I am not going to belabor the point other than to say those are, I repeat, code words to kill this bill, and we are going to do everything we can on this side of the aisle to make sure that hate crimes in America are prosecuted and the people against whom there is hatred are not persecuted.

I thank the Senator for yielding.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I agree with the senior Senator from Nevada. Everybody is going to say they are against hate crimes. Nobody is going to say they are for hate crimes. But if we are against them, then let's pass laws that give our law enforcement officers the teeth to go after hate crimes. Let's not go through the fiction of trying to amend this bill to death so nothing comes forward. We cannot let everyone say they are against hate crimes while some do their best to kill the hate crimes legislation.

Violent crimes motivated by prejudice and hate are tragedies that demand our attention. These crimes mar our history, from the lynchings that haunted our race relations for more than a century to the recent well-publicized slayings of Matthew Shepard and James Byrd, Jr.

Since September 11, we have seen a disturbing increase in crimes committed against Arabs, Muslims, and those of South Asian descent. In other words, hate has been a persistent threat to the public safety, especially the safety of minority group members.

I am not naive enough to think we can outlaw hate, but we can make outlaws of those who commit hate crimes. We can do a lot more to protect Americans from these crimes, and to ensure equal rights for all our citizens.

The Local Law Enforcement Enhancement Act will do just that. It will provide a measure of protection for those who fear the violent consequences of prejudice. I am proud to be a cosponsor of this legislation. I am also proud that it is one of the first bills I moved through the Judiciary

Committee after I became chairman. I had the opportunity as a new chairman to set priorities by deciding what would be on the agenda. I made sure this was one of the first bills the Committee considered.

I am grateful to Senators KENNEDY, SPECTER, and SMITH for their bipartisan leadership on this issue. Unfortunately, the bipartisanship surrounding this bill is not universal, as the distinguished Senator from Nevada has already pointed out. Republicans objected before the Memorial Day recess to a unanimous consent request that would have allowed this bill to come to the full Senate for debate. I wish they had allowed it to do that. It could have been passed by now.

I am glad we can now begin debate. I am honored to open the debate. Senator KENNEDY is with his family today following a long-time family commitment, but he will join us on Monday to debate this important bill.

The hate crimes legislation we consider today strengthens current law by making it easier for Federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. Victims will no longer have to be engaged in a narrow range of activities, such as serving as a juror, to be protected under Federal law. In other words, if a criminal commits a hate crime against a juror, he or she can be prosecuted under Federal law. But if a criminal commits the same hate crime against the same victim, while the victim is conducting private business, that criminal is immune from prosecution under Federal hate crimes law.

This bill also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, or their gender, or their disability. That is an important step.

Now, opponents of this legislation like to say that "all crimes are hate crimes." But everyone in this Chamber agrees that some crimes are more serious—and more deserving of Federal attention—than others. We have repeatedly increased the Federal role in fighting crime over the last decades, from the hijacking of airplanes to carjacking to drug crimes. So the question we face today is whether crimes motivated by prejudice deserve greater Federal attention than the limited amount they receive today. I believe they do, and I know 50 other U.S. Senators from both parties who have sponsored this bill agree with me.

The crimes we are talking about today are particularly pernicious crimes that affect more than just the victims and their families—they inspire fear in those who have no connection to the victim beyond a shared characteristic, such as race or disability or sexual orientation.

Mr. President, when James Byrd, Jr., was dragged behind a pickup truck—dragged—one can only imagine the ter-

ror and horror he felt in the face of his violent death. He was killed by bigots in Texas in 1998. Why? For the sole reason that he was black. Think how many African Americans throughout our Nation felt diminished as citizens to know that another African American was horribly, brutally killed simply because of the color of his skin.

When Matthew Shepard was murdered in Wyoming, he was left hanging on a fence. Why? Because he was gay. Don't you think gays and lesbians in the United States felt less safe on the streets and in their homes? These crimes promote fear and insecurity that are distinct from the reactions to other crimes. They produce a national reaction. We need to take action to enhance their prosecution.

These terrible crimes have also affected my little State of Vermont. In 1996, Julianne Williams and Lollie Winans were murdered in the Shenandoah National Park in Virginia. Ms. Williams lived in Burlington, VT. She and Ms. Winans were planning to move to Huntington, VT, after their hiking trip to Virginia. (Huntington, VT, I must say, is a beautiful little town, one of the most peaceful places you can imagine.) They were murdered.

In April, the Justice Department indicted Darrell Davis Rice for murder. The prosecutors invoked the Hate Crimes Sentencing Enhancement Act, charging that Mr. Rice killed the two women as part of his plan to "assault, intimidate, injure, and kill women because of their gender." Prosecutors said that Rice had stated that he "hates gays." He said he had taken it upon himself to determine that Ms. Williams and Ms. Winans "deserved to die because they were lesbians." What a horrible commentary. This man decided in his mind they deserved to die, so he was going to kill them.

Now, Rice was susceptible to Federal hate crime laws because the murders occurred on Federal land. If he had been indicted for killing these women in Huntington, VT, he would not have been susceptible to this enhancement. So his indictment fell within a narrow window. With passage of this act, we can provide Federal protection to women, gays and lesbians throughout our Nation.

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 nearly 150 years. This law continues that great and honorable tradition.

This bill will strengthen Federal jurisdiction over hate crimes as a backup, but not a substitute, for State and local law enforcement. States will still bear the responsibility for prosecuting most hate crimes. That is important to me as a former State prosecutor.

I have a great deal of respect for the law enforcement officers in my State,

such as David Demag, the Police Chief in Essex, VT, who is now serving on the Medal of Valor Review Board. I want the States to have primary jurisdiction, because they can handle most hate crimes prosecutions. But there are times when Federal assistance is helpful and even necessary. For those cases, we must have this Federal law.

In a sign that this legislation respects the proper balance between Federal and local authority, it has received strong bipartisan support from State and local law enforcement organizations across the country. This support convinces me that we should pass this powerful law enforcement tool without further delay.

Moreover, this bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts and threats of violence motivated by hatred and bigotry. It doesn't target pure speech—even that speech that you and I and everybody finds offensive or disagreeable. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it.

As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it. Indeed, Senator KENNEDY, who has been a leader on civil rights for four decades, has worked carefully and hard to tailor this needed remedy to the narrowing restrictions of the current very activist Supreme Court.

It is long past time to pass this bill. Of course, the Senate has done its part before. In 1999, we passed it as part of the Commerce-Justice-State appropriations bill, but the House insisted on its removal. In 2000, the Senate voted 57 to 42 to include it as an amendment to the Department of Defense authorization bill. That year, the House even voted 232 to 192 to instruct House conferees on the bill to agree to the Senate language on hate crimes.

Nonetheless, the House Republican leadership insisted on its removal and they won. So despite the best efforts of former President Clinton and us all, we were twice unable to overcome the opposition of the other body. I hope we will this time.

I hope the House Republicans will finally allow a vote on this measure. I urge President Bush to ask them to do so. Think about what the President said so eloquently last week at West Point. I think of this because the distinguished Presiding Officer is a well-respected graduate of West Point.

When the President spoke at West Point's commencement about our fight against terrorism, he called it a conflict between good and evil and said that we cannot allow other nations to "tolerate the hatred that leads to terror." He correctly stated that "there

can be no neutrality between justice and cruelty." He promised that "the United States will promote moderation and tolerance and human rights."

I agree with President Bush. And I believe that passage of this legislation will show once again that America values tolerance and protects all of its people. I urge the opponents of this legislation to consider the message it sends to the rest of America when, year after year, we are unable to move this broadly supported bill.

A majority of the people in the Senate support this bill, a majority of the people in the House of Representatives support it, and a majority of Americans support it. Yet a small group blocks it from going forward. What does that say about our American values?

I say to the Republican leadership in the other body and in our own: Listen to what President Bush has so eloquently said at West Point. Let's pass this legislation. The victims of hate deserve our support—the victims do. Those who would impose hateful conduct upon them deserve to know that the United States of America doesn't stand for that. So we need a vote, both in this body and in the House of Representatives. If we have such a vote, Mr. President, we will once again make it very clear: The U.S. Government does not tolerate hate and intolerance, no matter who it is directed against. Making that statement, we make our Nation even stronger.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. DORGAN. Mr. President, will the Senator from Hawaii yield for a unanimous consent request?

Mr. AKAKA. Yes, I certainly yield to my friend from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that following the presentation by the Senator from Hawaii, I be recognized for 20 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Hawaii.

THE BATTLE AGAINST INVASIVE SPECIES

Mr. AKAKA. Mr. President, I rise today to call attention to a very serious problem that burdens not only the State of Hawaii, but also the entire country—the problem of exotic and invasive species. Invasive species are plants, animals, and microbes which are transported from their native environments, and in the absence of natural predators and competitors, proliferate and permanently alter their new "home." Invasive species are potentially one of the largest economic and environmental threats in this century, costing the U.S. an estimated \$100 billion each year and wreaking havoc with the nation's biodiversity. With the rise of global commerce, invasive

species have found it easier to find their way to new lands. They arrive in nearly every possible way, including by vessels in ballast water to our ports, and by planes via cargo, military and commercial shipments of plants and food. Upon arrival, they can have devastating impacts on water quality, agriculture, health, and especially the environment and the economy.

Nowhere is this situation more evident than in Hawaii. Hawaii has suffered the highest rate of species extinction in the United States, and in fact, one of the highest rates of extinction anywhere in the world. The Hawaii State Department of Land and Natural Resources estimates that before the arrival of humans, new species became established in Hawaii once every 70,000 years. Currently, Hawaii becomes home to over 20 new species per year. The Federal interagency Aquatic Nuisance Species Task Force estimates that Hawaii alone has 4,465 nonindigenous species. It is a problem of unbelievable magnitude.

I would like to bring your attention to a few species in particular. Many may have read the recent Washington Post article on the coqui. This small frog is less than two inches long and is beloved in its native home of Puerto Rico. But in Hawaii, we have no native frogs. In fact, we have no native reptiles or terrestrial amphibians, no native snakes, iguanas, toads, or even salamanders. In short, our ecosystems are not prepared to take on the coqui; there are no natural predators, such as snakes. Therefore, the impact of the coqui is immense. These nocturnal frogs, which make beautiful sounds individually, cause quite an uproar when singing in a chorus. Each one can produce a call at 90 decibels. However, at one site on the island of Hawaii, the coqui population is estimated at over 8,000 frogs an acre. It would sound as if 8,000 lawn mowers were running at once. The U.S. Fish and Wildlife Service has documented 260 infested sites on the Big Island, 40 sites on Maui, 20 on Oahu, and two on Kauai. Our tourism industries, especially our hotels which are world-renowned for the promise of restful tranquility, are already feeling the impact.

The coqui consume an average of 46,000 prey items per night per acre. This puts tremendous predation pressure on Hawaii's native arthropods, and provides intense competition for Hawaii's native forest birds, many of which are insect-eating as well as threatened or endangered species. The frogs also serve as an additional food source for non-native rats and mongoose. Increased populations of rats and mongoose then prey on the already impacted forest birds, which intensifies the effects on native ecosystems and disrupts their delicate balance.

The brown tree snake is another example of an invasive species with tremendous potential for affecting Hawaii. This snake was introduced to Guam in World War II probably as a