

American people to seriously analyze the consequences to the United States of a major civil upheaval on the island of Cuba and to devise a policy that minimizes the possibility of such an event occurring.

Does anyone believe for one moment that a sea of humanity would not stream from the island toward U.S. shores if civil conflict erupts there?

Two years have passed since Pope John Paul II made a historic visit to Cuba that called upon that country to open up to the world and for the world to open up to Cuba.

Even after such an unprecedented event, the centerpiece of our policy remains the same—an embargo which seeks to restrict trade, travel, and a low flow of information to Cuba and thereby strangle Cuba economically.

This hard-line stance continues to hold sway in Washington today in large measure because successive administrations have been hamstrung by domestic political considerations and have been fearful of provoking the ire of those who are obsessed with the island of Cuba and its personification in the person of Fidel Castro.

We have just entered a new millennium. Surely it is time to break with the policy that is largely centered on the fate of one individual and replace it with one that is more future oriented—one that focuses on the other 11 million individuals who also reside on the island of Cuba, and on the millions of Cuban-Americans. Many of them believe we ought to think differently today. They do not speak out on the issue but would welcome the opportunity to see a commission created which would give us a chance to look at other policy options.

The time has come to have a reasoned conversation regarding Cuba and U.S. policy, and about the effectiveness of our policy. I think the establishment of a bipartisan commission would be the starting point for just such a conversation and just such a debate. Hopefully, the end point of that conversation would be the development of a national consensus around a new Cuba policy—one that is compatible with America's values and beliefs, one that truly serves our own national interests.

I hope my colleagues will agree with this analysis. If so, I urge them to support this amendment when it is voted on next Tuesday.

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.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. We are under a time agreement?

The PRESIDING OFFICER. Under the previous order, the Senator has 15 minutes.

#### HATE CRIMES PREVENTION ACT AMENDMENT

Mr. KENNEDY. Mr. President, at an appropriate time, I intend to offer the Hate Crimes Prevention Act as an amendment to the Department of Defense Authorization Act. It is essential for the Senate to deal with this important issue.

Hate crimes are modern day lynchings, and this is the time and the United States Senate is the place to take a stand against them. We must firmly and unequivocally say "no" to those who injure or murder because of hate. Every day that Congress fails to act, people across the Nation continue to be victimized by acts of bigotry based on race, religion, sexual orientation, gender, or disability.

Hate crimes are a national disgrace and an attack on everything this country stands for. These crimes send a poisonous message that minorities are second class citizens with fewer rights. And, sadly, the number of hate crimes continues to rise.

70,000 hate crime offenses have been reported in the United States since 1991. In 1991 there were 4,500 hate crimes; 7,500 in 1993; 7,900 in 1995, and over 8,000 in 1997. There were 7,700 hate crimes reported in 1998, and although the numbers dropped slightly, the number and severity of offenses increased in the categories of religion, sexual orientation, and disability.

This is a serious and persistent problem—an epidemic that must be stopped.

All of us are aware of the most highly-publicized hate crimes, 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:

On January 28 in Boston, a group of high school teenagers sexually assaulted and attacked a 16-year-old high school student on the subway because she was holding hands with another young girl, a common custom from her native African country. Thinking the victim was a lesbian, the group began groping the girl, ripping her clothes and pointing at their own genitals, while shouting "Do you like this? Do you like this? Is this what you like?" When the girl resisted, officials said, a teenage boy who was with the group pulled a knife on the girl, held it to her throat and threatened to slash her if she didn't obey her attackers. The girl was left unconscious from the beating. Three high school students were arrested in the attack and charged with civil rights violations, assault with a dangerous weapon, assault and battery, and indecent assault and battery.

On February 6 Tuscon, Arizona, a 20-year-old gay University of Arizona student was sitting at a cafe when a man came up behind him and punched and stabbed him with a large knife. Witnesses heard the perpetrator using vicious anti-gay epithets. The victim was

treated at a local hospital and survived. The attack spurred an anti-hate rally on the campus a few days later, drawing over 1,000 people.

March 1 in Wilkinsburg, Pennsylvania, a black man was charged with a hate crime after going on a shooting rampage killing three white men and leaving two others critically wounded. Prior to the attack, he told a black woman that he wouldn't hurt her because he was "out to get all white people." The perpetrator was shouting racial epithets at white maintenance workers, and shot only white men on his rampage. Authorities found anti-white and anti-Jewish writings in his home.

On April 29 in Pittsburgh, Pennsylvania, Richard Scott Baumhammers, 34, a white man was charged with murder and hate crimes in a shooting rampage targeting minorities that left five people dead and one critically wounded. The first victim was a Jewish neighbor who was shot half a dozen times before her house was set on fire. The perpetrator then went from shopping mall to shopping mall, shooting and killing two Asian Americans at a Chinese restaurant, an African American at a karate school, and a man from India at an Indian grocery. He also fired shots at two synagogues, and the word "Jew" and two swastikas were painted in red on one of the buildings. According to press reports, attorney of the accused is raising an insanity defense.

On June 4 in Rapid City, South Dakota, press reports indicate that police are baffled by a series of eight inexplicable drowning deaths among mostly Native Americans along Rapid Creek that have occurred over the course of 14 months. Law enforcement officials initially thought that the severely intoxicated men had drowned by accident. But local Native Americans believe an "Indian-hater" is waiting for the victims to become drunk and then dragging, rolling or pushing them into the water. These incidents come on the heels of a March 2000 report from the U.S. Civil Rights Commission that shows that racial tensions in South Dakota are high, and that Native Americans in the state feel that the justice they received is unfair.

The most brutal and shocking hate crimes continue to make national headlines. Yet this list highlights just a few of the many hate crimes that afflict communities throughout the nation. This problem cannot and should not be ignored.

We know that hate groups have increased in number in recent years. A study by the Southern Poverty Law Center reported last year that 474 hate groups exist nationwide. Clearly, the Internet has given them a larger megaphone. In earlier years, hate groups would spread their messages of hate by using bulletin boards, newsletters, cable television, and occasional rallies. Now, the Internet gives them a vastly increased audience that can be reached

with little effort. Hate sites have proliferated at distressing rates, and recruitment by hate groups has increased substantially. No minority is safe. African-Americans, Hispanics, Jews, gays, lesbians, Arab-Americans, Native Americans—all are targeted by these hate groups, which hide behind the first amendment as they spread their hateful messages. Unless we find better antidotes to the poison of high-tech hate, the problem of hate crimes in our free society will become increasingly severe.

The federal government has a special role in protecting civil rights and preventing discrimination. We need to take two major steps. We need to strengthen current federal laws against hate crimes based on race, religion or national origin. We also need to add gender, sexual orientation, and disability to the types of hate crimes where federal prosecution is available.

Our goal is to make the Justice Department a full partner with state and local governments in investigating and prosecuting these vicious crimes. We must find a way to act on this important issue and now is the time to do it. The silence of Congress on this basic issue has been deafening, and it is unacceptable. We must stop acting like we don't care—that somehow this fundamental issue is just a state problem. It isn't. It's a national problem, and it's an outrage that Congress continues to be A.W.O.L. in the national battle against hate crimes.

Recent incidents of hate crimes have shocked the conscience of the country. It is clear that tolerance in America faces a serious challenge. We cannot hide behind the nation's record economic prosperity or its tremendous technological advances, when issues that go to the heart of the nation's founding ideals and basic values are at stake. When bigotry exists in America, we have to root it out.

Current federal laws are clearly inadequate. It's an embarrassment that we haven't already acted to close the glaring gaps. For too long, the federal government has been forced to fight hate crimes with one hand tied behind its back. Federal participation in civil rights prosecutions in nothing new. In fact, it is Federalism 101. Federal involvement in the prosecution of racial bigotry dates back to the Reconstruction Era following the Civil War. These fundamental civil rights laws were updated in the 1960's, but now they are no longer adequate to meet the current challenge. Civil rights is still the unfinished business of America, and action we propose is in the best tradition of responsible federal legislation.

Our amendment addresses two serious deficiencies in the principal federal hate crimes statute, 18 U.S.C. §245, which currently applies to hate crimes committed on the basis of race, color, religion, or national origin.

First, in these cases, the statutes requires the government to prove that the defendant committed an offense

not only because of the victims race, color, religion, or national origin, but also because of the victim's participation in one of six narrowly defined "federally protected activities" listed in the statute. These activities are:

(1) Enrolling in or attending a public school or public college;

(2) Participating in a service or activity provided by a state or local government;

(3) Applying for employment or actually working;

(4) Service on a jury in a state or local court;

(5) Traveling in interstate commerce; or using a facility in interstate commerce; or

(6) enjoying the goods or services of certain places of public accommodation.

In other words, even in these types of hate crimes, the prosecution must prove that in addition to the bigotry, the attack was also made because the victim was engaged in one of these six specific activities. Too often, federal prosecutions are not possible, because this additional burden of proof is too great.

Second, the federal statute provides no coverage at all for hate crimes based on the victim's sexual orientation, gender, or disability. In the Matthew Shepard case in Wyoming, for example, no federal prosecution was possible because of this unacceptable gap in federal law.

Together, these limitations prevent the federal government from working with state and local law enforcement agencies in the investigation and prosecution of many of the most vicious hate crimes.

Our legislation adds new provisions to Title 18 to remedy each of these limitations.

In cases involving racial, religious, or ethnic violence, the amendment prohibits the intentional infliction of bodily injury, without regard to the victim's participation in one of the six "federally protected activities."

In cases involving hate crimes based on the victim's sexual orientation, gender, or disability, the amendment prohibits the intentional infliction of bodily injury whenever the act has a connection to interstate commerce.

In addition, when state and local officials request federal assistance, our amendment authorizes the federal government to lend its personnel and its technical resources to local officials, and to award grants of up to \$100,000 to assist in the local investigation and prosecution of hate crimes. These provisions will permit the federal government to work in partnership with state and local officials in all aspects of the investigation and prosecution of hate crimes.

This amendment has the support of the Department of Justice, constitutional scholars, law enforcement officials, and many organizations with a long and distinguished history of involvement in combating hate crimes,

including the Leadership Conference on Civil Rights, the Anti-Defamation League, the Human Rights Campaign, the National Gay and Lesbian Task Force, the National Organization for Women's Legal Defense and Education Fund, the National Coalition Against Domestic Violence, and the Consortium for Citizens with Disabilities Rights Task Force.

This hate crimes amendment is not a full answer, but it will send a strong signal from the President and Congress that violence against individuals because of their membership in certain groups will not be tolerated, and that the federal government will now be a full partner in meeting this threat in the years ahead. It is time to stop abdicating our federal responsibility and start doing more to win this all-important battle against hate crimes. If we fail, America is not America.

Mr. President, to review for the Senate quickly, this chart indicates the number of incidents, by bias motivation: Red being the race ethnicity and national origin, green being religion, blue being sexual orientation, and yellow being disability.

As you can see from these numbers, they have been virtually flat over the period of these last couple of years. We have seen the increased numbers that have taken place on the basis of sexual orientation and increased numbers with regard to disability. The fact is, in examining these cases, particularly in 1997 and 1998, we find that the incidence of violence has intensified dramatically and the viciousness in manifestations of hatred has increased significantly, reflecting itself in these acts of violence against individuals.

One of our great leaders in this cause was our former colleague, Paul Simon of Illinois, who was a strong advocate on this legislation many years ago. We settled at that time for just collecting information. Prior to a few years ago, we did not have accurate information. Now we have the accurate information and it cries out for action. There is no justification for delay, given that we have the information and we do know the cases that are taking place. We do not have to just rely on the various ad hoc cases that all of us read about, tragically almost every single day. We have accumulated these instances. We know from the direct testimony and comments from local law enforcement officials of the value and help and assistance that can be provided and that is needed in the prosecution of these cases.

I will take the time of the Senate on Monday to go through a greater description of exactly what we are doing and what we are not doing; the limitations that we have placed upon the prosecution. We will have a chance to review for the Senate what the other amendment, the Hatch amendment that will be before the Senate will do, what it will do and also what it will not do. We will have that opportunity on Tuesday next in the middle of the

afternoon. It is imperative to take a vote on whether we are going to be serious here, with the Federal Government participating with States and local communities, trying to do something about the odious aspects of hate crimes.

Finally, as we know, these incidents of crime are not just acts against individuals. These acts really impact and affect a whole community because they are based on such bigotry and hatred and reflect that kind of hatred and viciousness, that the whole community is tainted by these kinds of activities. It cries out for appropriate involvement by the Federal Government to be a partner with local and State law enforcement officials. That is what this legislation does. Nothing more, nothing less. It is a partnership using the full force of the National Government to address these crimes.

My friend from Oregon is on the floor. He has been involved in this issue for a very long period of time. He has been indispensable as we have tried to move this legislation in the Senate. He has a long record in this area in the House of Representatives and in the Senate. I value his counsel and strong support. It is a pleasure to see Senator WYDEN on the floor to speak on this issue this morning.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before the Senator from Massachusetts leaves the floor, I want to make clear that, in all the years of Senator KENNEDY's championing the cause of civil rights, we have looked to him for his leadership. I believe this is a particularly important cause he champions today at a particularly important time. I hope my colleagues will reflect carefully on what Senator KENNEDY has said today. He will be leading us in the debate on this issue next week. I am honored to be working with him.

As Senator KENNEDY said so eloquently, this is about one proposition and one proposition alone, and that is we are seeking to deter violent crime borne out of prejudice and hatred. So often we hear discussions about preferences for individuals, advantages that might in some way be bestowed with respect to civil rights statutes. That is not what this legislation does at all.

This legislation is about deterring violence, deterring crime, deterring these extraordinary acts of violence that, in my view, stain our national greatness. We are not going to be able to remove that stain completely. We are not going to be able to stop individuals from having hateful and prejudicial thoughts. Clearly, we can put the Federal Government in a position to be a stronger, more effective partner with local law enforcement officials in fighting this scourge that has affected so many of our communities.

This is not a time for further study. This is not a time to say the Federal

Government's response should only be to collect statistics. This is a time for the Federal Government to work in partnership with State and local law enforcement officials so that we have the strongest, most effective, most coherent mobilization against these acts of violence and prejudice that we possibly can muster.

Our bipartisan amendment, led by Senator KENNEDY, does three things: It removes the restrictions on the types of situations in which the Justice Department can prosecute defendants for violent crimes based on race, color, religion, or national origin.

Second, it will assure that crimes targeted against victims because of disability, gender, or sexual orientation that cause death or bodily injury can be prosecuted if there is a sufficient connection to interstate commerce.

Third, it requires the Attorney General to certify in writing that he or she has reasonable cause to believe that the crime was motivated by bias and that, in fact, the Federal Government had been in close consultation with State and local law enforcement officials and that they did not have any objection to Federal help or that they had asked for Federal assistance.

This is not a question of the Federal Government coming in and saying: We are going to call all the shots, and preempt the local jurisdictions. In fact, we want to support those local jurisdictions. We have 28 States in this country that have no authority to prosecute bias-motivated crimes based on disability or sexual orientation. We have a substantial number of States in this country that lack the legal authority to address these issues that are so important to the fundamental values of this country.

We are not saying that every single crime in America is a hate crime. We certainly know that all crimes are tragic, and we grieve for the families, but not all crimes are based on hate. A hate crime is one where the perpetrator intentionally chooses the victim because of who the victim is. It is our view that a hate crime affects not only the victim, but if it goes unaddressed, it cheapens all of us. It makes our country a little bit less special because it demeans an entire community, it demeans all of us in our Nation.

This is not providing special protection to certain groups. It makes sure we stand up for the rights of those individuals who are singled out solely for reasons borne out of hatred and prejudice and we not allow those in our country who do wish to harm these individuals to perpetrate these brutal acts with no response from our communities.

Some argue that hate crime laws threaten free speech. In the law we are hoping the Senate will adopt, it does not punish beliefs or thoughts. We are not punishing those in this legislation; we are punishing violent acts. I know of no Member of the Senate who is pro-

violence. I do not think there is a single Member of the Senate who wants to be on the cause or in support of violent acts. Here we draw the line in the sand and we say we are not going to get in the way of people's thoughts and beliefs, lawful expression of one's deeply held religious views, but we are saying that causing or attempting to cause bodily injury is not speech protected by the first amendment.

I am very hopeful that in the next few days the Senate will support this legislation. We are not federalizing criminal activity that is better left to the States. I mentioned the fact that so many States in our country lack these laws, and we have gone beyond the time to just study this and collect further statistics. If one looks at what happened in the brutal instance of Matthew Shepard and the horrific murder of James Byrd, Jr., it is awfully hard to say as you look at those brutal acts: We ought to study things a little bit more and collect some statistics before the Federal Government, in effect, acts to be a better partner with State and local authorities in addressing these issues.

It is time to correct the deficiencies in current law. A crime motivated by race, religion, or ethnic origin can be prosecuted by Federal authorities because it occurred on a public sidewalk but not if it took place in a private parking lot across the street. This is just one example of the gaps and the deficiencies in the current hate crimes statute.

When we vote on this issue, there will be support from Senators on both sides of the aisle. I commend my friend and colleague from Oregon, Senator GORDON SMITH, who has stood with me again and again on this issue.

When we vote on this, it seems to me, this will be nothing short of a referendum in the Senate on whether this body is going to continue to tolerate violent acts born of prejudice.

As I mentioned, I do not know of any Senator who is in favor of violence. Violent acts, born of prejudice—acts that we all know are wrong—are taking place in too many communities in our country. They are a stain on our national greatness.

The evidence is in, and it is clear. It is time, through Federal legislation, to send a strong and unequivocal message that we will not look the other way in the face of these crimes, that they will not be tolerated, that the full force of Federal law enforcement will be brought, and will be brought in conjunction with State and local authorities, to ensure that these violent acts are prosecuted and we have taken every step to deter them.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The distinguished Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the amendment Senator KENNEDY will offer on Monday, of which I am pleased to be a cosponsor.

One of the things we try to do in this Chamber, as lawmakers, is to adopt laws that express and encode our values as a society, to, in some sense, put into law our aspirations for the kind of people we want to be.

Clearly, one of the bedrock values, one of the fundamental values, of America is equality—equality of treatment before the law, equality of opportunity but, beyond that, a broader notion of tolerance in our society. It is part of what brought generations of immigrants to this country—the idea that they would be judged on their personal merit, not on anything related to their personal status or characteristics.

Tolerance has been a hallmark of American society. I said before, when I talked about the law, that law sometimes tries to express the aspirations we have for ourselves. Sometimes, obviously, we do not achieve those aspirations and we are intolerant toward one another. Then the law has not only the opportunity but the obligation to step in and to try to create incentives or deterrence toward the worst forms of intolerance, even hatred. That is what this amendment is about.

Clearly, over the decades our Nation has built a strong and proud history of protecting the civil rights of Americans who are subject to racial, religious, gender-based, or disability-based discrimination in the workplace, in housing, in life.

In more recent times, there are a group of us here in the Chamber who have worked to try to extend some of those protections to cover bias, discrimination based on sexual orientation.

It seems to me this amendment and the law on which it builds are also right and proper because they take Federal criminal jurisdiction and extend it to the prosecution and punishment of those who are accused of having caused bodily injury or death based on an animus, a personal animus, a hatred that comes from feelings about the victim's race, religion, nationality, gender, disability, or sexual orientation. In other words, this is another way for our society to express our disdain, to put it mildly, at acts of violence committed based on a person's race, religion, nationality, gender, disability, or sexual orientation.

It is also a way, as is traditionally the province of criminal law, not just to speak to the common moral consensus of our society about what is right and what is wrong because that is what the law is all about, but hopefully by pushing those who are proven to have committed the wrongs, to deter

others in the future from committing those same acts that society generally finds abhorrent.

Current law expresses this but in a way that is limited. It permits Federal prosecutions of hate crimes resulting from death or bodily injury if two conditions are met: First, the crime must be motivated by the victim's race, religion, national origin, or color; second, the perpetrator must have intended to prevent the victim from exercising a federally protected right such as voting or traveling interstate. Of course, I support this law and the goals that it embraces: The Federal prosecution of people who inflict serious harm on others because of the color of the victim's skin, the sound of the victim's voice, a foreign accent, or the particular place in which the victim worships God. In short, these are crimes committed because the victim is different in some way from the perpetrator. Such crimes, I conclude, should be federally prosecuted.

As we have had U.S. attorneys invoking these laws, carrying them out, we have discovered some shortcomings and some ways in which we can make them better, which is to say, ways in which we can more fully express some of the principles I talked about at the outset: equality, tolerance, doing everything we can to stop the most abhorrent acts of violence against people based on their characteristics. I think we ought to add to the list of prohibited bases of these crimes, crimes committed against someone because of gender, because of sexual orientation, and because of disability. That is what is provided in the amendment the senior Senator from Massachusetts will offer on Monday and of which I am proud to be a cosponsor.

I suppose some people may hear these categories that I have mentioned and say: People commit crimes based on that basis? The fact is, they do. Sometimes they become quite visible and notorious. Crimes such as that committed against Matthew Shepard, who was killed because he was a gay man, are no less despicable and, of course, therefore no less deserving of Federal protection and prosecution than are those committed against others based on a characteristic, a status of the person, that are currently included in the Federal law. Adding these categories—gender, sexual orientation, disability—seems to me to be an appropriate extension of the basic concept of equal protection under the law. As the law now stands, it also imposes a requirement, a bar to prosecution relating to race, color, religion, and national origin that we ought to change, which is that the law is only triggered if the victim is prevented from exercising a specifically enumerated federally protected activity.

There are obviously crimes that are committed based on hatred that are triggered in cases other than the simple prevention of the exercise of a federally protected activity, thus, the pro-

vision of this amendment that would eliminate this obstacle and, therefore, broaden the ability of Federal prosecutors to pursue crimes motivated by racial or religious hatred.

The amendment that will be introduced on Monday also includes new language requiring the Justice Department, prior to indicting a defendant in a hate crime based on the categories I have enumerated, including those added under this amendment, a prosecutor of the Justice Department will have to, prior to the indictment, certify either that the State is not going to prosecute a hate crime, therefore avoiding both an overlap and the opportunity for prosecution by those in law enforcement closest to the crime, the alleged crime, and will also have to certify that the State requested or does not object to Justice Department prosecution or that the State has completed prosecution. It seems that you wouldn't have to say that, but just to be sure to avoid a kind of double exposure, double prosecution, that certification should satisfy the concerns some of my colleagues may have who may fear that Federal prosecutors will interfere with State efforts to bring perpetrators of hate crimes to justice. In other words, the State is given the first opportunity and the superior opportunity to prosecute these cases. Only if the State does not will Federal prosecutors be able to proceed.

At a time when so much else is going on here in the Capitol with the high profile issues of this session—the Patients' Bill of Rights, whether we are going to give Medicare coverage or other coverage for prescription drug benefits for seniors, campaign finance reform—this amendment brings us back to America's first principles of equality and tolerance and challenges each of us to think about the appropriate and constructive role that the law can play, understanding that the law can't control the hearts of people in this country.

Ultimately, we have to count on people's own sense of judgment and tolerance and, hopefully, the effect that other forces in their lives will have on them to make them fair and tolerant, such as their families, their schools, their religions, their faith. But here is the law to say in the cases when all of those other sources of good judgment and values in society fail to stifle the hatred that sometimes does live in people's hearts and souls, to say that this is unacceptable in America and to attach to that statement the sanction of law, hoping that we thereby express the higher aspirations we have for this great country of ours as it continues over the generations to try to realize the noble ideals expressed by our founders in the Declaration and the Constitution, but also to put clearly into the force of law the punishment that comes with law when one goes so far over the line to commit an act of violence based on hatred, hoping thereby that we will deter such heinous acts from occurring again in the future.

I hope my colleagues over the week-end will have a chance to take a look at this amendment, will come to the floor and talk about it, and perhaps question those of us who have proposed it. Then I hope a strong bipartisan majority will support it when it comes to a vote next Tuesday.

I thank the distinguished Chair. I yield the floor.

#### BRIDGING THE DIGITAL DIVIDE

Mr. KERRY. Mr. President, I would like to take a few minutes to discuss an issue of considerable importance, one I feel very strongly about and one that I think the Senate should address before the end of this Congressional session, and that is Mr. President, the issue of the digital divide. The digital divide is one of the key issues the Congress is currently facing—and will continue to face—in the foreseeable future. Right now we are wrestling with how to best encourage growth in this new economy, but at the same time, how to ensure that growth is evenly spread, that everyone in our society has an opportunity to participate in this new economy and reap its economic rewards.

Mr. President, these are amazing times in which we live and the new economy is responsible for much of this nation's unprecedented prosperity: the stock market is soaring to unimaginable heights. IPO's are occurring at a record pace and creating literally thousands of millionaires in this country. The innovations of the new technologies are astounding: You can order a Saturn online and the very next day a new car shows up in your drive-way. Each day 25,000 new E-BAY subscribers sign up for the world's largest auction. The NetSchools program provides every child with a kid-proof laptop PC that is connected to teachers and classmates using wireless infrared technology and has had tremendous results improving academic achievement, attendance, and parental involvement in extremely disadvantaged communities. A surgeon in Boston can direct a doctor in the Berkshires to do a biopsy by using telemedicine equipment. These innovations and hundreds more like them are changing how we live.

The wealth creation—for those on the right side of the divide—generated by this New Economy is breathtaking, Mr. President: College students go from the dorm room to the board room as high tech moguls, like Jerry Yang and Michael Dell. Starting salaries for high tech jobs even for students coming out of college can range from \$70,000-\$100,000—even more with stock options. Pick up the San Jose Mercury News job section each day and—literally—you will find advertisements for upwards of 10,000 high tech and information technology jobs. Silicon Valley has created more than 275,000 new jobs since 1992—and median family income has soared to \$87,000 per year—the third highest in the country.

But as we all know Mr. President, the new economy has not evenly spread its wealth to all Americans and income disparity in this nation continues to grow. One of the greatest challenges we currently face is to connect those not participating in the new economy with the skills, resources, and support necessary for them to do so. A January 2000 study by the Center on Budget and Policy Priorities and the Economic Policy Institute found that in two-thirds of the states, the gap in incomes between the top 20 percent of families and the bottom 20 percent of families grew between the late 1980s and the late 1990s. In three-fourths of the states, income gaps between the top fifth and middle fifth of families grew over the last decade. By contrast, inequality declined significantly in only three states. Clearly Mr. President, the digital divide and the economic divide are closely interrelated and must be responded to as such.

Mr. President, the new economy is more than the latest and greatest innovations in information technology and the highest-flying Internet companies. It is a knowledge economy, with a large share of the workforce employed in office jobs requiring some level of higher education. It is a global economy—the sum of U.S. imports and exports rose from 11 percent of gross domestic product in 1970 to 25 percent in 1997. This emerging economy is driven by innovation in every arena from traditional manufacturing to health care, and even farming and fishing.

The new economy is powerful and exciting, but the digital divide is real and cannot afford to be ignored. Let me describe to you what this divide looks like.

#### The Digital Divide:

61.6% of those with college degrees now use the Internet, while only 6.6% of those with an elementary school education or less use the Internet.

At the highest incomes (\$75,000+), the White/Black divide for computer ownership decreased by 76.2% between 1994 and 1998.

Whites are more likely to have access to the Internet from home, than Blacks or Hispanics have from any location.

Black and Hispanic households are 2/5 as likely to have home Internet access as White households.

Forty-four million American adults, roughly 22 percent, do not have the reading and writing skills necessary for functioning in everyday life. And an estimated 87 percent of documents on the Internet are in English. Yet at least 32 million Americans speak a language other than English and they are—again and again—left behind on the Internet.

Those with a college degree or higher are over eight times more likely to have a computer at home than the least educated and nearly sixteen times more likely to have home Internet access.

The “digital divide” for Internet use between those at the highest and low-

est education levels widened by 25% from 1997 to 1998.

Those with college degrees or higher are ten times more likely to have Internet access at work as persons with only some high school education.

Mr. President technology is changing our world. Technology is changing our lives, how we work, and how we learn. But this is not just a new economy, it is our economy. And ours is not a newly divided society. Mr. President, this country has always been a society of haves and have nots, and so although we must respond to the unique challenges presented by the changing economy and the changing world of work, we must also understand that bridging the digital divide is about more than just computers and the Internet. In order to meet the challenge of bridging the digital divide we must assist the have nots with basic necessities, like a good public education system, a safe and clean place to live, and adequate health care. We must recognize what I hear from business leaders, teachers, students, parents—everyone—the biggest technology issue in the United States today is education. And we need to make that connection.

Originally when we talked about technology and education—the earlier days of our awareness that there was a growing digital divide—we were focused on wiring schools and outfitting them with equipment. Now, thanks in large part to the success of the E-Rate program, which we worked hard on in the Commerce Committee and which we pushed through to passage, now technology and education is about so much more. In just a few years most of our schools have gotten on-line. And now the focus is on training teachers to effectively use the technology, to integrate technology into the classroom, and to improve parental involvement through technology.

What we can do and what we must do Mr. President, is work to harness technology to grow our economy and enlarge the winner's circle. What we can do and what we must do is work to communicate this single reality: to keep the economic growth moving ahead, we need to work together to ensure that we have a workforce and a generation of young people capable of working with the best technology and the very best ideas to raise living standards and expand the economy—and that is why we must close the digital divide.

The digital divide goes far beyond technology to encompass basic human needs. Mr. President, if we can ensure that there is a computer in every classroom—for every student—the technology will not be effectively used, learning will continue to be challenged if the child does not have a safe and secure home to go to at the end of the day. If a child attends a school that is falling apart, does it matter how many computers are in the classroom and whether or not the school is wired? If a child lives in a dangerous and violent