in a year—without giving the Nation's lowest paid workers any increase at all.

Nearly 7 million workers would directly benefit from the proposed minimum wage increase, and many of them are parents and the sole breadwinners in their families.

The minimum wage is an economic issue, but it is also a woman's issue. Sixty-three percent of the workers who would benefit from minimum wage increase are women and one-third of those women are mothers.

The minimum wage is also a civil rights issue. An increase in the minimum wage boosts the wage levels of people of color—who are often segregated into low-paying jobs. Millions of African American and Hispanic workers will benefit from an increase in the minimum wage.

Raising the minimum wage is a family issue, too. It is so low that many workers must work long hours to make ends meet. The increase in work hours has a damaging impact on every aspect of life: on families, on personal time, and on employers. At least one in five workers has a work week that exceeds 50 hours.

According to the Families and Work Institute, three out of the top four things that children would most like to change about their working parents are these: They wish their parents were less stressed out by work; they wish they were less tired because of their work; and they wish they could spend more time with them.

Employers as well pay a high price for overworked employees. Productivity suffers, and so does turnover. Overworked employees are more susceptible to illness. They need more sick days, and they are less productive on the job.

Raising the minimum wage obviously will not solve all these problems. But a higher minimum wage may mean that employees can work a little less, and have a few more hours a week of family time and personal time.

Minimum wage earners are forced to make impossible choices—between paying the rent and buying groceries or between paying the heating bill and buying new clothes.

It has been too long since Congress last acted. History clearly shows that raising the minimum wage has not had a negative impact on jobs, employment, or inflation. In the four years after the last minimum wage increase, the economy had its strongest growth in three decades. Nearly 11 million new jobs were added, at a rate of more than 200,000 per month.

A fair increase in the minimum wage is long overdue. How can Congress keep saying no, when more and more workers cannot make ends meet? Can't we all at least agree on this basic principle—that no one who works for a living should have to live in poverty?

HATE CRIMES LEGISLATION

Mr. SMITH. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. SMITH. I ask the Senator, on the other issue he raised, to put a bipartisan cast to the conversation, is it not true that the Senator and I are the cosponsors——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. If I could have 30 more seconds on this. I ask unanimous consent for an additional 30 seconds.

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

Mr. KENNEDY. I see my friend and colleague, Senator SMITH, who hopefully will address another issue of hate crimes legislation, for which we have had support and we are also very hopeful of getting a vote on as well.

I see my friend and colleague from New Jersey, Senator CORZINE, and my friend and colleague from Louisiana, as well. I understand my time on morning business has expired.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. I will not be long. I was mindful Senator KENNEDY was speaking to the issue of hate crimes. I was going to ask him the question that I think he would agree with. We acknowledge at a surface level the argument could be made that hate crimes do not belong on a State Department authorization bill. That is the case at a surface level, but it is also true that our foreign policy should reflect the values of the American people. The values of the American people say the war on terrorism is waged not just abroad but here at home.

Our country is plagued with hate crimes. Some people will say all crimes are hateful, but what Senator KENNEDY and I are focusing on are those crimes which target a community of vulnerable people—whether race, religion, gender, disabled, and additionally those whose sexual orientation is different from the majority.

It is an incredible tragedy that the Federal Government has not been allowed to participate in the hate crimes prosecution in places where sometimes local police departments are overwhelmed by national media, or places where the prosecutions do not occur as they ought to.

Senator KENNEDY and I are proposing as part of this bill we take up the issue of hate crimes. This institution has passed this issue before by large majorities. We ought to do so again.

Many in this country have strong feelings on the issue of gay and lesbian rights—some for, some against—but it is my position that we all ought to be opposed to hate crimes and be prepared to do something about it. I will never forget the enormous tragedy of the murder of Matthew Shepherd and the impact that had on me when I considered the Federal Government was not permitted to help the Laramie police department that was overwhelmed by national media; the Federal Government had to be silent because we had no statutory authority—not to take over State or local effort—to help them in this effort. As a moral principle the Federal Government ought to show up in the prosecution and pursuit of those who commit hate crimes. These are happening far too often.

Sometimes those on my side will say: This is not consistent with a family value. There is nothing about hate crimes that represents a legitimate family value. Some of the things that are held up as family values are phony values. Marriage is one of those that is a very real family value. We ought to have a debate on that, too. But when it comes to hate crimes, public protection for all of our citizens, we need to act.

Senator KENNEDY and I have both said to the managers of this bill we would rather not bring it up on this bill. It is a fact this authorization is probably one of the few that will make it through in the balance of this session of Congress. We do not think this should wait any longer. We think terrorism abroad, our foreign policy opposing terrorism, ought to be reflected by the values of the American people who oppose terrorism at home. Hate crimes are a very real form of terrorism. We ought to do something about it. The Federal Government ought to show up to work and we ought to come together around a real family value which is the opposition to hate crimes.

I have said before, if you want to talk to me about sin, come with me to church. If you want to talk with me about public policy for all of us sinners, let's go to the Senate and make sure we provide protection for all of America's children. Hate crimes is the vehicle.

The majority leader is working with Senator KENNEDY and I to get us the opportunity before the August recess to have a period of debate—it need not be long—and a straight up-or-down vote so we can get this moving in the process, consistent with America's values abroad so we are consistent at home fighting terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend my friend from Oregon who has been steadfast in his support on the hate crimes legislation and has really provided extraordinary leadership both in the Senate and nationally in helping us to get to the point where we will have a real opportunity to take action. His involvement and work has been enormously important and added a very significant dimension to the movement of the legislation.

Senator SMITH has just stated very eloquently the fundamental reasons for this legislation and has also talked about why this is related to the current measure before the Senate, the State Department authorization.

The challenge we are facing around the world in terms of terrorism and violence is rooted in hatred and bigotry.

The same kind of hatred and bigotry are rooted in these crimes of hate. You do not go very far between potential terrorists and potential perpetrators of hate crimes. They are brothers and sisters—maybe in different locations physically, but they are very much against everything this Nation stands for and believes in.

As the Senator has pointed out, hate crimes are so particularly objectionable and heinous because they focus on a particular class of people. The reason and the motivation for that is bigotry and hate. The idea that the Federal Government is not putting the full force of its support in rooting out and assaulting these crimes has been a great failure.

The good Senator from Oregon and I believe very deeply that we as a society and as a nation ought to be using the full resources of the Federal Government to attack heinous crimes.

Briefly, this chart shows the FBI hate crime statistics, showing the ever-increasing total incidence of hate crimes taking place in the United States. My next chart demonstrates the FBI hate crimes based on sexual orientation, showing the dramatic escalation and increase in hate crimes based on sexual orientation. The terrible tragedy of Mr. Shepherd in Wyoming still resonates in the minds of all Americans, as well as the other hate crimes that have taken place in our Nation.

We have seen since September 11 the dramatic increase in hate crimes against Muslims; hate crimes against American Arabs have escalated dramatically.

We believe, not unlike the outcome we saw when we brought to bear the full resources of the Federal Government in fighting the church burnings primarily in the South 8 to 10 years ago, once we pass legislation in the House and in the Senate to bring the FBI into these investigations, they virtually halt. People in these local communities who were involved in these church burnings knew this country was serious about church burnings. That had a dramatic impact.

Senator SMITH and I believe we should bring the full resources of the Federal Government to focus on these hate crimes—whether it is on the basis of sexual orientation, gender, religiously motivated, anti-Semitic, the whole range of different activities resulting in hatred against groups in our society.

Even Attorney General Ashcroft has said criminal acts of hate run counter to what is best in America, our belief in the quality of freedom.

This is not a Democratic issue; it is not a Republican issue; it is an American issue. I am very hopeful we can get an opportunity to take action. I think it is completely consistent with the overall objectives, in the highest form and sense, of the State Department authorization and is something that needs to be done.

I again thank my friend from Oregon for all of good work and leadership.

Mr. SMITH. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. SMITH. Senator KENNEDY has heard opponents of this legislation suggest all crime is hateful and this is unnecessary. But isn't it a fact that for 30 years America has had a hate crimes law, most States have hate crime laws? These have been vetted constitutionally, and even William Rehnquist, the Chief Justice, one of the great conservatives who ever served on the Court, was the author of the opinion that said hate crime laws are constitutional because crime always consists of elements, and hatred is one of the motives of determining whether this fits in the category of a hate crime. Aren't they constitutional? And isn't it a great moral principle for America to say, in terms of new categories of Americans who are demonstrably more vulnerable, that they should now be included in these very old statutes of the United States?

Mr. KENNEDY. The Senator is exactly correct in reminding the Senate about the holding of the Supreme Court, the holding 6 to 3, a very powerful statement by the Supreme Court in terms of the support for this legislation.

As the Senator has pointed out, we have had hate crimes but we have had limitations and restrictions, particularly with regard to Federal hate crimes, which has limited the ability of the Federal Government to involve itself unless the actual hate crime occurred on Federal property. Therefore, the Federal Government has been unable, really, to become involved the way it should.

But, on the broader point about aren't all crimes basically hate crimes, the Senator has stated very clearly that every crime is tragic and harmful in its consequences but not all crime is based on hate. Hate crimes are based on bigotry and prejudice, and hate crimes occur when a perpetrator selects a victim because of who the victim is. Like acts of terrorism, the hate crimes have an impact far greater than the impact on individuals and their families. They are crimes against entire communities, the entire Nation, against the fundamental ideals of liberty and justice for all, on which this country was founded.

That is why it is so important we take action.

Mr. President, although there was a significant overall reduction in violent crimes during the 1990's, the number of hate crimes continued to grow. As this chart shows, according to the Federal Bureau of Investigation, 9,730 hate crimes were reported in the United States in 2001. That's over 26 hate crimes a day, every day.

More than 83,000 hate crimes have been reported since 1991. According to the F.B.I., even though overall crime increased by only 2.1 percent from 2000 to 2001, the number of reported hate crimes increased dramatically—by more than 20 percent.

Sadly, these F.B.I. statistics only show part of the problem. A recent Justice Department report confirmed that many hate crimes go unreported. Another report by the Southern Poverty Law Center, a nonprofit organization that monitors hate groups and extremist activity, estimated that the real number of hate crimes committed in the United States each year is closer to 50,000.

Hate crimes based on sexual orientation continue to be a serious danger, constituting 14 percent of all hate crimes reported. As you can see on this next chart, hate crimes based on sexual orientation are increasing at an alarming rate. Hate crimes based on sexual orientation increased by 7.2 percent from 2000 to 2001, with nearly 1,400 reported for the year.

Each person's life is valuable, and even one life lost is too many. It is not the frequency of hate crimes alone that makes these acts of violence so serious. It is the terror and intimidation they inflict on the victims, their families, their communities, and, in some cases, the entire nation.

The need for an effective national response to the problem of hate crimes is as compelling as it has ever been. As is clearly demonstrated in this chart, hate crimes against Arabs and Muslims rose dramatically in 2001, after the terrorist attacks of September 11th. These hate crimes included murder, beatings, arson, attacks on mosques, shootings, and other assaults. In 2001, anti-Islamic incidents were the second highest-reported type of hate crimes based on religion—second only to anti-Jewish hate crimes. Los Angeles and Chicago reported a massive increase in the number of anti-Arab and anti-Muslim crimes after 9/11.

Over 550 hate crimes were committed against Muslims in 2001—that is fifteen times more than in 2000, and almost six times more than 1998, 1999, and 2000 combined. Almost 900 hate crimes against Arab-Americans, or those perceived to be Arab-American, took place in 2001—eight times the number in 2000.

The backlash following the September 11th attacks has been shameful. Congress cannot sit silent while this hatred spreads. It is long past time for us to do more to end hate motivated-violence.

The Local Law Enforcement Enhancement Act will strengthen the ability of Federal, State, and local governments to investigate and prosecute these vicious and senseless crimes. Our legislation is supported by over 175 law enforcement, civil rights, civic, and religious organizations.

The current Federal law on hate crimes was passed soon after the assassination of Dr. Martin Luther King, Jr. Today, however, it is as generation out of date. It has two significant deficiencies. It does not cover hate crimes based on sexual orientation, gender, or

disability. And even in cases of hate crimes based on race, religion, or ethnic background, it contains excessive restrictions requiring proof that the victims were attacked because they were engaged in certain ''federally protected activities.''

This ''federally protected activity'' requirement is outdated, unwise, and unnecessary. There is no reason why the Justice Department should have to prove that someone was engaging in a ''federally protected activity'' before a case can be brought. This requirement severely limits the ability of the Justice Department to respond to hate crimes against Catholics, Jews, Muslims, and other religious groups. And it hamstrings the Department in its effort to respond to hate crimes motivated by the victim's race or ethnic background.

Our bill is designed to close these substantial loopholes. It has six principal provisions:

No. 1, it removes the federally protected activity'' barrier.

No. 2, it adds sexual orientation, gender and disability to the existing categories of race, color, religion, and national origin.

No. 3, it protects State interests with a strict certification procedure that requires the Federal Government to consult with local officials before bringing a Federal case.

No. 4, it offers Federal assistance to State and local law enforcement officials to investigate and prosecute hate crimes in any of the Federal categories.

No. 5, it offers training grants for local law enforcement.

No. 6, it amends the Federal Hate Crime Statistics Act to add gender to the existing categories of race, religion, ethnic background, sexual orientation, and disability.

These much needed changes in current law will help ensure that the Department of Justice has what it needs to combat the growing problem of hate-motivated violence more effectively.

Nothing in the bill protects or punishes speech, expression, or association in any way—even ''hate speech.'' It addresses only violent actions that result in death or injury. The Supreme Court has ruled repeatedly—and as recently as this year, in the cross-burning decision Virginia v. Black—that a hate crimes statute that considers bias motivation directly connected to a defendant's criminal conduct does not violate the First Amendment. No one has a First Amendment right to commit a crime.

A strong Federal role in prosecuting hate crimes is essential, because crimes have an impact far greater than their impact on individual victims. Nevertheless, our bill fully respects the primary role of State and local law enforcement in responding to violent crime. The vast majority of hate crimes will continue to be prosecuted at the State and local level. The bill authorizes the Justice Department to assist State and local authorities in hate crimes cases, but it authorizes Federal prosecutions only when a State does not have jurisdiction, or when it asks the Federal Government to take jurisdiction, or when it fails to act against hate-motivated violence. In other words, the bill establishes an appropriate back-up for State and local law enforcement, to deal with hate crimes where states request assistance, or cases that would not otherwise be effectively investigated and prosecuted.

Working cooperatively, State, local and Federal law enforcement officials have the best chance to bring the perpetrators of hate crimes to justice. Federal resources and expertise in the identification and proof of hate crimes can provide invaluable assistance to State and local authorities without undermining the traditional rule of States in prosecuting crimes. As Attorney General Ashcroft has said of current law, ''Cooperation between federal agents and local law enforcement officers and between Justice Department prosecutors and local prosecutors has been outstanding.'' And it will continue to be so, and be even more effective, when this legislation is enacted into law.

Now is the time for Congress to speak with one voice and insist that all Americans will be guaranteed the equal protection of the laws. Now is the time to make combating hate crimes a high national priority. The Local Law Enforcement Enhancement Act is a needed response to a serious problem that continues to plague the nation. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Iowa.

MINIMUM WAGE

Mr. HARKIN. Mr. President, I compliment Senator KENNEDY on the statement he made regarding the minimum wage. I wanted to engage in a colloquy about that, but I was called off the floor on other matters.

I think Senator KENNEDY has made it quite clear that, rather than this being one of the throwaway issues that maybe we will address as we go through the year, increasing the minimum wage for the people of this country ought to be No. 1 on our agenda. We ought to be doing this right now.

We had the medical malpractice bill up earlier this week. We spent a couple of days on it. Everyone knew it was not going to go anywhere. Even by their own admission, some Republicans, in the newspapers at least, said it was a political exercise—according to some, in the newspapers. Whether it was or not, everyone knew it wasn't going to go anywhere. Yet here so many Americans are making the minimum wage which, I am sure was pointed out, is now less than the poverty level. It is about $4,000-some less—I think $4,500 below the poverty level for a family of three.

It is unconscionable that over the last 7 years, the Congress—the Senate and the House together—has raised its own salaries, our salaries, by $21,000 a year. We have done that in the last 7 years. Yet a minimum wage in this country today is $10,500 a year, less than half of what we just increased our own salaries by over the last 7 years. That is what is unconscionable.

These are working people; they are not on welfare. They are working. They are getting the minimum wage. Yet they are earning less than poverty level in this country. If nothing else, at least the minimum wage ought to get you above the poverty level. That is what we ought to be about.

So I compliment Senator KENNEDY for bringing this to the floor. I hope we can have this amendment on a bill here very soon, so we can express ourselves in a realistic way.

Another myth on the minimum wage I hear all the time is that so many of the people making minimum wage are just part-time earners; they are young kids just starting out, on and on. I hear that all the time.

The fact is that 70 percent of those affected by the minimum wage are adults, working adults; 35 percent—one out of three—are their family's sole earner. As Senator KENNEDY pointed out, almost two-thirds of the time these are women. These are single mothers; they are working; they are making the minimum wage; and they are the sole supporter of their family. So these are not just young kids getting a minimum-wage job to supplement the family income. As I said, more than 60 percent are women, one-third are mothers of children.

So I thank Senator KENNEDY for bringing this issue to our attention. I just find it unexplainable. How do you explain to people of this country we took all this time this year, we had this big tax break for the most wealthy in our country, yet we cannot even take a half a day, 2 hours to debate and pass an increase in the minimum wage?

President Bush has spent a lot of time talking about tax breaks, getting his tax break bill through—which helps mostly the most wealthy in this country, yet not one peep from this President in almost 3 years about increasing the minimum wage, not even one peep from this President on it.

So I am hopeful sometime before we break in August we can bring this up and pass it and get it to the President's desk. I know that is probably wishful thinking but hope springs eternal. I think that is what we ought to be doing here in the month of July.

One other thing: I said earlier we had the medical malpractice bill up. Really, what we ought to be talking about is the economic malpractice of this administration. That is what I call it—President Bush's economic malpractice. The victims of this malpractice are working Americans.

I just talked about the minimum wage and the need to increase that.