

its generosity to some very special inner-city children.

As many of my colleagues may recall, the Philadelphia Flyers recently faced the Detroit Red Wings in the Stanley Cup Finals. To make the game a bit more interesting, Senator ABRAHAM and I placed a friendly wager on the outcome. Unlike most interests in this series, the junior Senator from Michigan and I each picked a food donor and an inner-city school that would receive a complimentary party. If the Flyers lost, the Tasty Bakery agreed to donate 800 Tastykakes—400 to Warren G. Harding Elementary School in Detroit and 400 to William Penn High School in Philadelphia. If the Red Wings lost, Little Caesars Pizza would give a pizza party to both schools. Regardless of the outcome, the children stood to win.

Mr. President, I'm sorry to say that the Flyers did not bring the Stanley Cup back home to Pennsylvania. So, on June 16, the students of William Penn enjoyed their complimentary Tastykakes and Crazy Bread—which Little Caesars graciously donated despite the Red Wings' victory. Recently, the children of Warren G. Harding Elementary celebrated their victory party.

In closing, I would like to thank Little Caesars and the men and women at the Tasty Bakery for making these parties possible. I would particularly like to thank Kathleen Grim, Tasty Bakery's manager of community affairs, for coordinating this effort. I ask my colleagues to join me in extending the Senate's best wishes for continued success to the Tasty Bakery in Philadelphia, PA. ●

SAFER SCHOOLS ACT OF 1997

● Mrs. FEINSTEIN. Mr. President, I rise today to urge my colleagues to support legislation introduced by Senator BYRON DORGAN and myself—the Safer Schools Act of 1997—which will ensure that students who bring guns to school can be suspended.

This legislation was originally introduced late last session in reaction to a startling ruling by an appellate court in New York that said a student should not have been suspended from school because the weapon he was carrying was uncovered during a search without a warrant.

We have reached a crisis in this country—a crisis which makes it difficult for parents to see their children off to school in the morning, for fear they will never see them again.

Each day in America, it is estimated that 100,000 guns are brought into American schools. According to the Centers for Disease Control, 2 in 25 high school students, or 7.9 percent, report having carried a gun in the last 30 days. In Los Angeles, according to an ACLU survey conducted earlier this year, 49 percent of high school students said they have seen a weapon in school, many of them guns.

In response to these types of alarming figures, Senator DORGAN and I introduced the Gun Free Schools Act in 1994 to set a zero-tolerance policy to keep America's schools gun-free. The goal of this legislation was to remove firearms from all public schools in the United States.

Although we still have a way to go to make all schools gun-free, this zero-tolerance policy is working to make our schools safer. A preliminary report recently released from the U.S. Department of Education provides irrefutable proof that this law is well on its way toward meeting this important goal. I am told that a full report on all the States will be due out sometime later this summer.

The Gun Free Schools Act has been responsible for the expulsions of more than 6,276 students in 29 States caught during the 1995-96 school year for trying to carry guns to school. This means there were 6,276 fewer opportunities for a child to be killed or injured by gunfire at school in the United States. According to the California Department of Education, there were 1,039 firearms-related expulsions in public schools in California during this same period. The entire State of California has 1,043 school districts. Amazingly, this translates into an average of one expulsion for every district in my State.

Today, each and every one of the 50 States and the District of Columbia have complied with the Gun Free Schools Act by passing laws requiring schools to expel—for at least 1 year—students who are caught carrying a gun.

But the ruling of an appellate court in New York threatens to undermine the progress we have made in setting a zero-tolerance policy for guns in schools.

The appellate court in this particular case applied the same evidentiary standards that apply to criminal proceedings in what was a school disciplinary action. The school, however, refused to lift the student's suspension and as a result, their action was upheld by the State Court of Appeals.

Mr. President, I believe that common sense was cast aside with the appellate court ruling. Incredibly, what the appellate court's decision said was that this student should not have been expelled from school and that his record should be expunged from any wrongdoing in the case.

Our legislation states very clearly that the exclusionary rule should not be applied in school disciplinary proceedings. What the legislation says is that you cannot exclude a gun as evidence in a disciplinary action in school.

This common-sense legislation does not violate the constitutional rights of children. This bill does not exonerate school officials who conduct unreasonable or unlawful searches and persons who have been aggrieved will have every right to pursue judicial or statutory remedies available.

The Safer Schools Act of 1997 will prevent kids who do bring a gun to school from slipping through a school's reasonable disciplinary process.

Fortunately, last September's court ruling that a gun can be excluded from use as evidence in an internal school disciplinary proceeding was ultimately reversed. But a similar ruling could be made in another State.

This legislation would send a clear signal that guns have no place in the hands of our children or in the hallways and classrooms of their schools. All children should be able to go to school without fearing for their safety.

This legislation also would say to school administrators throughout the Nation that it is perfectly legitimate to conduct a disciplinary proceeding in cases where a student has brought a gun to school. The schools can conduct a fair and reasonable proceeding that allows them to ensure the safety of their school grounds.

The bottom line is that the Gun Free Schools Act has helped reduce the threat of guns from our Nation's schools. With the Safer Schools Act of 1997, we give school officials and teachers much needed flexibility to ensure that America's schools are safe havens so that children can escape the violence that engulfs so many of their lives.

I urge my colleagues to support this legislation. ●

TRIBUTE TO NEW HAMPSHIRE'S 368TH ENGINEER BATTALION ON THEIR 50TH ANNIVERSARY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to New Hampshire's 368th Engineer Battalion as they celebrate their 50th anniversary at a gala celebration in Manchester on July 19th.

Mr. President, I wish to honor the nearly 1,000 men and women of New Hampshire's 368th Engineer Battalion who are known as much for their efforts in international peace building campaigns as their wartime readiness. They have earned an enviable reputation from their community action projects that include building roads, bridges, schools, hospitals to disaster relief projects.

The 368th Engineer Battalion was formed in 1947 from engineer and heavy maintenance units. The battalion has been headquartered in Concord and Manchester and they have also had units in Laconia, Rochester, Gilford, West Lebanon, NH, as well as White River Junction, VT, and Attleboro and Danvers, MA.

The 368th Battalion has made a substantial contribution to the quality of life for residents of the Granite State. The Engineer Battalion has developed disaster relief models for such disasters as the recent Alton, NH dam breach where the unit played a critical role in clearing flood debris, stabilizing erosion and restoring local transportation facilities for the residents of the small