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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God our Father, we pause in the midst of the changes and challenges of life to receive a fresh experience of Your goodness. You are always consistent, never changing, constantly fulfilling Your plans and purposes, and totally reliable. There is no shadow of turning with You; as You have been, You will be forever. All Your attributes are summed up in Your goodness. It is the password for Your presence, the metonym for Your majesty and the synonym for Your strength. Your goodness is generosity that You define. It is Your outrushing, unqualified love poured out in graciousness and compassion. You are good when circumstances seem bad. When we ask for Your help, Your goodness can bring what is best out of the most complicated problems.

Thank You for Your goodness given so lavishly to our Nation throughout history. Today, again we turn to You for Your guidance for what is good for our country. Keep us grounded in Your sovereignty, rooted in Your commandments, and nurtured by the absolutes of Your truth and righteousness. May Your goodness always be the source of our Nation's greatness. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, today the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. to accommodate the weekly party conference meetings. When the Senate reconvenes, there will be 10 minutes equally divided prior to the vote on invoking cloture on S. 2285, the Federal fuels tax holiday. Therefore, Senators can expect that the vote will occur at 2:25 p.m.

By previous consent, all second-degree amendments must be filed by 2:20 p.m. today. If cloture is not invoked, it is hoped the Senate can begin consideration of the marriage tax penalty bill.

As announced by the majority leader, the Senate will consider the budget conference report as soon as it becomes available later this week.

It is also possible for the Senate to consider executive nominations before the Senate adjourns for the Easter recess.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 5 minutes each.

Under the previous order, the Democratic leader, or his designee, is recognized to speak for up to 75 minutes.

The Senator from Illinois is recognized.

SCHOOL SHOOTINGS

Mr. DURBIN. Mr. President, this week is the last week the Senate will be in session before we take a break for the Easter holiday. During the period of that break, on April 20, we will remember an anniversary. It is a sad remembrance. It is the 1-year anniversary of the shooting at Columbine High School in Colorado.

Most of us can remember the scenes from television played and replayed so often. The scenes of children, not unlike our own children, racing out of the school away from other kids who were shooting away with weapons. You can remember, I am sure—I will always remember—a young man who dragged himself, having already been shot, out of a window, trying to fall to the ground and get away from danger. We saw that terrible scene on television.

We watched as the funerals unfolded one after another; 12 innocent students were killed and 23 were injured.

We finally came to realize as a nation that the tragedy which struck in Colorado could touch any one of us anywhere and at any school. Columbine was not the most predictable place for this to occur. Columbine was a place where you would have thought that would never occur. But sadly, this is the reality of America where too many guns are used in crimes of violence.

If you look through the chronology of school shootings since 1997, Bethel in the State of Alaska; Pearl, MI; West Paducah, KY; Jonesboro, AK; Edinboro, PA; Fayetteville, TN; Springfield, OR; Littleton, CO; Conyers, GA; Deming, NM; Fort Gibson, OK; Mount Morris Township, MI—you will remember that episode in Michigan. It wasn't that long ago. On February 29, a 6-year-old boy went to his first-grade classroom, pulled out a 32-caliber Davis Industries

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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semiautomatic pistol, pointed it at his classmates, and then turned the gun on Kayla Rolland, 6 years old, and fatally shot her in the neck.

This sad reality is on the minds of American families. The obvious question of the Senate and the Congress is: Is there anything you can do? What can you do? What will you do?

The first anniversary of Columbine will come and go next week, and sadly Congress will have done nothing—absolutely nothing.

We passed a bill last year on the floor of the Senate which at least moved us closer to the possibility of keeping guns out of the hands of criminals and children.

There was an idea behind this law that was not an unreasonable or radical idea, which was the suggestion that if a person bought a gun at a gun show, that person would be subject to the same background checks as a person who bought one from a licensed gun dealer. We don't want to sell guns to criminals. We don't want to sell them to people with a history of violent mental illness. We certainly don't want to sell guns to children. Why wouldn't we check at a gun show to make certain that we are keeping guns away from those people? That is what the law said. That was what was passed here in the Senate.

The background check has become automated and computerized. Within 2 hours after the name is submitted, some 95 percent of all of the names submitted—they run them through—95 percent of the people who buy a gun at a gun show would be delayed 2 hours from buying a gun. For the 5 percent where questions are raised and they can't give them an immediate answer, that 5 percent is 20 times more likely to be in a prohibited category; that is, they are 20 times more likely to be criminals, people with a history of violent mental illness, or those who should otherwise be disqualified.

The law we proposed was not a radical idea. It said: Can you wait 2 hours at a gun show so we can do a background check and make sure that people who should not buy guns, don't buy them? It is an inconvenience. But you know, we put up with inconvenience every day for the security of ourselves and our families.

When I flew through O'Hare Airport yesterday to come to Washington, I went through a metal detector. They stopped me: Take the change out of your pockets and go back through. That is an inconvenience. That is a delay. I am prepared to accept that. If it means there will be fewer terrorist attacks and fewer threats on people traveling, I accept it.

That is what this law says; it is an inconvenience. At a gun show, wait for the background check to be completed before you are allowed to get your gun. That is what we proposed.

Second, we said if you are going to own a gun, you have a legal responsibility to store it safely. You exercise

your constitutional right under the second amendment to buy a gun, but then when you take it home, for goodness' sake, put it in a place so children can't get their hands on it.

We called for trigger locks, and that is becoming a popular, common suggestion—it is not an unreasonable suggestion, certainly—so children don't get their hands on guns. Every day in America, we lose just as many kids to guns as we lost on April 20, 1999, at that one high school in Colorado—12 kids a day die because of guns. Some are suicides, some are drive-by gangbanger shootings, and others are just accidents where curious kids play with guns and shoot themselves or their playmates.

Our bill said let's require trigger locks on guns, let's make sure they are stored safely and the kids, such as this fellow in Michigan, do not end up with a .32-caliber Davis industries semiautomatic pistol in the first grade where he killed Kayla Rowland. That was the second part of this bill.

The third part said you don't need these high-capacity Ammo clips with hundreds of bullets in them if you are going out to shoot a deer. If you need a semiautomatic weapon to shoot a deer, maybe you ought to stick to fishing. We are saying we don't need to make these clips in the United States nor do we need to import them. These are people killers. These are not guns used in sporting or hunting enterprises. That was the third part of the bill.

We almost lost the gun shows provision I have just described on the Senate floor. The gun shows amendment passed by one vote, the vote of Vice President GORE, who under the Constitution can break a tie. He showed up that day and cast the deciding vote. We passed the gun shows amendment by one vote after Columbine, after this national tragedy. We passed it by one vote. We sent it across the Rotunda to the House of Representatives. Now it is their responsibility. We gave them 2 or 3 weeks to prepare to debate the bill. But we obviously gave the gun lobby at least the same period of time to prepare their campaign against it. And they were successful. They watered down the gun shows amendment. They took the viable parts out of it. They passed a shadow of what we passed in the Senate.

At that point, it goes to the conference committee and the House and Senate sit together and try to work out a compromise. Here we sit, almost a year after Columbine, and we have done absolutely nothing. Families across America who expect this Congress to do the most basic things for gun safety have a right to be angry that this Congress is so insensitive and unwilling to address this critical issue of gun safety, of safety in the classrooms, keeping guns out of the hands of criminals, violently mental ill people, and children.

The other side says, of course, it isn't about new laws. We hear the gun lobby

say we have plenty of laws, it is about enforcing the laws on the books. How many times have we heard Charlton Heston and those folks come up with that argument? I don't disagree with them. I think enforcement is critical and existing laws should be enforced.

So last week while we were debating the budget resolution, I brought a proposal on the floor of the Senate. Many Members, frankly, subscribe to the NRA position that we need more enforcement. I said let's put more agents and inspectors in the Bureau of Alcohol, Tobacco and Firearms so they can find the gun dealers who are breaking the law and selling their guns to criminals; let's put 1,000 more prosecutors across America to enforce those laws, prosecute those laws, and put people in jail who violate those laws.

Unfortunately, I couldn't succeed and I didn't prevail. A Senator came to the floor and offered an alternative which took out all the money for the ATF agents and inspectors. He didn't want to put more enforcement in the gun laws of America. And he prevailed. The argument that this is about enforcement doesn't square with the vote that took place last week.

There are 102,000 gun dealers across America, about 80,000 who actively sell weapons that are used in sport and hunting. When we did a survey, out of those 80,000 federally licensed gun dealers, we found if we narrowed it down to those gun dealers who sell guns that end up being used in crime, traceable guns used in crime, only 1,000 of the 80,000 gun dealers are the culprits, the ones selling guns to people that are ultimately used in crime. Over half the guns used in crime in America come from 1,000 of the gun dealers out of 80,000.

It makes sense to me to go after these 1,000, and it makes sense to me to give resources to the ATF and the Department of the Treasury to go after these gun dealers, close them down if we have to, but enforce the law. Don't let people—whether they are in Illinois, my home State, or any other State—sell guns that are going to be used in a crime.

When I put the amendment on the floor, the other side couldn't accept that. They didn't want to put more enforcement in the gun laws. So they came up with a much weaker alternative.

Here we are at the traditional and historic standoff. This Congress failed to act for 1 year after Columbine. The images are still fresh in our mind of those kids running for their lives out of their own high school; those caskets, one after the other, at funerals; grieving parents, grieving communities, and a grieving nation; and this Congress, unable and unwilling to respond or act. It is shameful. It is disgraceful. And it continues. The school violence, the gun violence that struck Columbine, continues. Look beyond the schools. We see it in the streets and the neighborhoods, and more children will die today

in America, 12 more, the same number killed at Columbine—12 more—because we will not take the initiative for gun safety.

Has this Congress reached such a point that we are under the thumb of the National Rifle Association and the gun lobby? That we would let those well dressed lobbyists down on K Street rule our agenda to the point where American families are being ignored? I hope not.

I hope when we remember in just a few days the anniversary of Columbine, families across America will take just a few minutes, get on the phone, and call their Congressman and their Senator and ask them one simple question: I just heard about Columbine; what have you done with your vote to make my kids safer in school since this tragedy? If citizens will call and ask that question, perhaps we will see a change of sentiment here on Capitol Hill.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Mr. President, I thank once again the Senator from Illinois for his eloquence on the issue of sensible gun laws and add my voice to his plea that the Senate do what it is supposed to do, which is to bring out the juvenile justice bill with five sensible gun control measures, sensible measures that will reduce gun violence.

I thank the Senator from Rhode Island, Mr. REED, who is on the floor as well, for his very important sense-of-the-Senate Amendment to the budget resolution, which actually says it is the opinion of the Senate that we ought to be voting on those gun measures. It passed by a slim majority, but so far we have not seen any results.

GAS TAX REPEAL

Mrs. BOXER. Mr. President, the reason I take to the floor today is not only to underscore what Senator DURBIN has said but to say that while I think we should be doing this juvenile justice bill and passing the gun measures that lie within it, what we are doing today makes no sense at all, in my view, which is to cancel, if you will, the 4.3-cent Federal tax on a gallon of gasoline which, in the case of my State, if carried out over 2 years, would lose my State \$1.7 billion in highway funds and transit moneys.

The people in my State are very smart. We are suffering from the highest gas prices in the United States, but we also understand the answer is not to use this as an excuse to slash highway funds, to begin drilling off the coast of California or to open up the Alaska Wildlife Refuge to drilling. People in my State understand we need an energy policy, not some kind of gimmickry that the other side is using to

lash out at Vice President GORE and say he, in fact, wants higher gas taxes, which is just a made-up story.

What we need in this country is an energy policy. What does that mean? First, it means having a Department of Energy that comes forward with an energy policy for safe ways to produce energy in this Nation and ways to save energy.

What does the Republican Congress want to do? I think we can look over history if we want to find out. First, when they took over in 1994—they got sworn in in 1995—one of the first things they tried to do was eliminate the Department of Energy. That makes a lot of sense. We need an energy policy, so what is the first thing they do? Try to eliminate the Department of Energy? I have to say, Bill Richardson did a masterful job of going around the world convincing the producers of oil to do a better job, to increase their supply. But, if the Republicans had their way, there would be no Cabinet position because there would be no Department of Energy. So that is the first thing they did in order to have an "energy policy."

What else did they try to do? Every year, year in and year out since they took over, they have not provided adequate funding for alternative and renewable energy, which would lessen our dependence on foreign oil. This is shortsighted and it only means our dependence on foreign oil will increase. We need more investment in energy-efficient technologies, not less.

If you think I am just stating something that perhaps I cannot back up, let me give you the facts. On solar and renewable energy research and development, between the years 1996 and 2000, the Republicans have cut President Clinton's requests by 23.6 percent. On energy and conservation R&D, they have cut the President's requests 20.3 percent. Energy conservation grants, which are so important to encourage energy conservation—by the way, that is the best kind of energy policy, conservation; everybody wins. It costs the consumer less, and it destroys our environment less—they cut those grants by 25.4 percent. So the bottom line is they first wanted to do away with the Department of Energy. That was their program. Then they took the funding for energy efficiency and renewable energy and cut it by 22.2 percent.

How about this one? Our Secretary of Energy goes around the world and gets an increased oil supply of about 1.7 million barrels a day, which is excellent work—he did a good job. We could save 1 million barrels of oil a day if we increased the fuel economy of SUVs and light trucks to 27 miles per gallon. Now they are at about 20. We could save 1 million barrels of oil a day from that simple step. What happens around here? The Republicans, in 1995, put a rider on appropriation bills prohibiting the administration from raising fuel economy standards for SUVs and light trucks just to get it to 27 miles per gallon, which it is at now for cars.

This sounds like "and a partridge in a pear tree." We have continual moves here: Eliminating the Department of Energy, providing in adequate funding for alternative and renewable energy, and riders prohibiting raising fuel economy for SUVs and light trucks.

Here is another one. We know when energy prices go up, it is very important that the President have the ability to tap the Strategic Petroleum Reserve. It is there when there is an emergency. It is very important that he have that power. The Republican Congress has failed to reauthorize the Strategic Petroleum Reserve, and without new reauthorization, no funds can be appropriated for the purchase of new oil for the reserve. So the reserve is not going to increase. That is very important.

This is four policies, all of which undermine an energy policy for this country to lead to U.S. independence from foreign oil: Eliminating the Department of Energy, providing inadequate funding for alternative and renewable energy, stopping us from increasing fuel efficiency for SUVs and light trucks, and failing to reauthorize the Strategic Petroleum Reserve.

What do they come up with today? Repealing the gas tax. That is not an energy policy; it is a disaster—\$1.7 billion lost over 2 years to my State. It would hurt my State. The country as a whole would lose \$18.8 billion from the measure that is going to come before us. I hope we will not get cloture so we do not take it up. The Senate, frankly, has expressed itself on the budget resolution against this shortsighted amendment.

This is not, however, the only thing my friends on the other side of the aisle are pushing. I mentioned in my opening statement drilling in the Arctic Wildlife Refuge. There is a big debate over that: Should we allow drilling in a wildlife refuge? I say we give this the commonsense test. When President Eisenhower set up this refuge, do you think he thought about oil drilling in a refuge for the most magnificent wildlife you could find? I do not think so. Just think about it. What kind of refuge is it, if you have oil drilling there, with the risk of spills and all the traffic that comes with it?

Some are again calling for drilling off the coast of California. I have to explain to my friends who think that is an energy policy that that would undermine California's economy because our tourism industry is dependent on a beautiful, magnificent coast. Our recreation industry is dependent on a beautiful, unspoiled coast. We should not use this spike in gas prices as an excuse to destroy the highway fund, to destroy the coast, to destroy a wildlife refuge. I think the American people can see through this. It does not an energy policy make, to repeal a tax which is earmarked for highways. It makes no sense whatsoever.

Here is another fact: Right now in America there are 68,000 barrels a day