

hard-working men and women of our Intelligence Community the tools they need to help prevent such attacks from taking place.

As we reflect on the horrific events that stunned our Nation two and a half years ago, and pay tribute to those who lost their lives, we must recommit ourselves to our responsibility to do everything we can to prevent such events from happening again.

If there is another terrorist attack in our country, the American people will look to their elected leaders and ask us what we learned from September 11, and how that information was used to protect them.

We must be able to tell both those who lived—and those who died—that we did everything we could.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In Dix Hills, NY, in March 2000, a young man's remains were found in a plastic container in a park in Queens. The teen's social security number and racial and anti-homosexual epithets were written on the skull with a marker.

I believe the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### LOWER OIL PRICES

Mr. LEVIN. Mr. President, last night the Senate voted to accept the amendment I offered with Senator COLLINS to the fiscal year 2005 budget resolution to lower oil prices by placing over 50 million barrels of oil on the open market rather than depositing it in the Strategic Petroleum Reserve—SPR—as the administration had planned. I would like to note for the record that this amendment already is accomplishing its objective of lowering oil prices. At 11:30 a.m. this morning, just hours after the news of this amendment reached the markets, oil prices fell. According to Reuters, "NYMEX crude oil futures fell more than \$1 Friday morning after a U.S. Senate vote seeking to bar more shipments of crude oil to the U.S. emergency stockpile."

This amendment is a win-win for the American people. Low supplies of oil in private inventories are a main reason for high prices. With more oil on the open market, prices for gasoline, heating oil, jet fuel and diesel fuel will de-

cline and consumers will benefit. At the same time, our cities and States will gain from additional funds for homeland security.

The amendment directs the Department of Energy—DOE—to cancel delivery of 53 million barrels of crude oil currently planned for deposit into the SPR and to sell this oil on the open market. By selling oil on the open market, the Federal Government would generate over \$1.7 billion in additional revenues. The amendment would allocate a portion of the \$1.7 billion for deficit reduction and place the remainder in a reserve fund to be used for more homeland security funding for the States.

I will continue to work within the Congress to persuade—or require, if necessary—the Administration to suspend shipments of oil to the SPR to lower prices further.

I ask unanimous consent that the attached article on the drop in oil prices due to the Senate's action last night be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Reuters News Service, Mar. 12, 2004]  
NYMEX OIL FALLS OVER \$1 ON POSSIBLE SPR  
SHIPMENTS HALT

NEW YORK.—NYMEX crude oil futures fell more than \$1 Friday morning after a U.S. Senate vote seeking to bar more shipments of crude oil to the U.S. emergency crude stockpile.

The move, which aims to reduce oil prices by keeping more supply in the market, countered, for the moment, fears that oil facilities were once again at risk after Thursday's terror bomb attacks in Madrid killed nearly 200 people and injured more than 1,400 others.

NYMEX crude for April delivery fell as low as \$35.30 a barrel, down \$1.48 on the day, before bouncing back a bit to \$35.40.

#### NOMINATION OF DR. MARK MCCLELLAN TO BE ADMINIS- TRATOR OF CMS

Mr. KENNEDY. I am pleased to support the nomination of Dr. Mark McClellan to be the Administrator of the Center for Medicare and Medicaid Services. There is no more important agency in providing quality health care for the American people, and Dr. McClellan is superbly qualified for this important post.

Dr. McClellan has served with distinction in the Treasury Department during the Clinton administration and as a health policy advisor and commissioner of FDA in the Bush administration. He has immense intellectual gifts, a distinguished background as an economist and physician, and tremendous energy, commitment, and integrity. I am particularly pleased that he is an adopted son of Massachusetts, having received his M.D. from the Harvard Medical School.

Mark and I have worked closely on a number of issues during his tenure at the White House and the FDA. While we certainly don't always agree, I have

always felt that we were working toward the same goals of quality health care. At the FDA, he was committed to modernizing the agency to assure that it brought the best scientific tools of the new century of the life sciences, to regulating the drug development process, and speeding safe and effective products to market. He made a tough call to protect the health of women in his decision on silicone breast implants, and he has been aggressive in his attempts to remove dangerous dietary supplements, most notably Ephedra, from the market. He has been particularly generous with his time in meeting with the Massachusetts device and biotechnology industries, so that he could understand their concerns and that they could gain a deeper appreciation of the most productive way to work with the FDA.

At CMS, Mark will have to implement the deeply flawed Medicare bill—a challenging task under the best of circumstances. I was encouraged by his comments at his confirmation hearing indicating that, unlike others in the Bush administration, he understands the need to maintain Medicaid as an individuals entitlement guaranteeing health care for the poorest of the poor and to end the pernicious policy of overpaying Medicare HMOs because they enroll the healthiest senior citizens.

In summary, I am pleased to support Dr. McClellan's nomination. He is a superb choice to head a critically important agency.

#### PRESIDENT BUSH AND THE ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, last week, the Senate passed a 10-year extension of the assault weapons ban. We passed the assault weapons ban in 1994 because law enforcement agencies asked for it, and we extended it last week at their urging.

Studies have shown that the assault weapons ban works. According to National Institute of Justice statistics reported by the Brady Campaign to Prevent Gun Violence, gun trace requests for assault weapons declined 20 percent in the first calendar year after the ban took effect, dropping from 4,077 in 1994 to 3,268 in 1995. This statistic indicates that fewer of these weapons were making it onto the streets.

As my colleagues know, the 1994 law banned the production of certain semi-automatic assault weapons and high-capacity ammunition magazines. The 1994 law banned a list of 19 specific weapons as well as a number of other weapons incorporating certain design characteristics such as pistol grips, folding stocks, bayonet mounts, and flash suppressors. This law should not be allowed to sunset on September 13, 2004. This law does not need to sunset. Our Nation's law enforcement officers support this legislation, the President even has expressed his support, and the Senate passed an extension.