Arms Act is an important piece of legislation that will address the growing problem of junk lawsuits filed with the intention of driving the firearms industry out of business. I thank Senator CRAIG and Senator BURNS for their efforts to ensure this legislation is addressed and moved through Congress.

This act does not curtail the legal rights of victims who suffer injuries from the actions of firearm or ammunition manufacturers. The purpose of this legislation is to prevent the multiple lawsuits that have materialized which name the firearms and ammunition industries as defendants and attempt to hold these industries liable for the criminal acts of a third party.

These frivolous lawsuits target the legitimate firearm and ammunition industries in attempts to destroy these industries. If firearm and ammunition manufacturers were forced to pay for the criminal acts of third parties, the concept of fairness would be eliminated. The impact of these suits would also affect this country economically and socially. Any limitation of one's constitutional right to bear arms is not acceptable. The destruction of the firearms and ammunition industries would cause many Americans to lose their jobs. In addition, if the firearms and ammunition industries were destroyed, the right to lawfully bear arms may be curtailed. Many Alaskans depend upon the right to bear firearms for subsistence purposes as well as for self-defense.

Courts across the Nation are wasting valuable time on frivolous lawsuits. At this time, 28 States have enacted legislation to prevent frivolous lawsuits against the firearms and ammunition industries based on the criminal behavior of others. I encourage all of my colleagues to join me and take a stand against the lawsuits that attempt to abuse the legal system of this great country, by supporting the Protection of Lawful Commerce in Arms Act.

THEY'RE TOO SMART FOR THAT

Mr. LEVIN. Mr. President, last month the American Academy of Pediatrics published a survey reporting that most parents believe that their children would not touch a gun they found. Unfortunately, these beliefs are inconsistent with other studies of the way kids actually react around guns, including a July 2002 report by the David and Lucille Packard Foundation.

The American Academy of Pediatrics survey reported that an estimated one third of American homes with children contain at least one firearm and nearly half of all firearms in homes with children are not stored safely. According to the article, 87 percent of respondents predicted that their children would not handle guns they found, whereas 13 percent predicted that there was a chance their children would do so. Researchers grouped parents' responses into three categories. First, 46 percent of respondents said ''my children would not touch guns because they're too smart for that.'' Second, 35 percent said ''my children would not touch guns because I've told them not to.'' And third, 11 percent said, ''my children would probably pick up or play with guns they found, because that's just what kids do.''

However, the earlier David and Lucille Packard Foundation study demonstrated that children often do not behave as their parents might believe. In fact, according to the foundation's report, children and young people are actually likely to handle a gun if they find one.

All parents want to ensure the safety of their children. One thing the Senate can do to help is pass common sense safe storage legislation for firearms. Under Senator DURBIN's Child Access Prevention Act, adults who fail to lock up loaded firearms or an unloaded firearm with ammunition could be held liable if that weapon is taken by a child and used to kill or injure him or herself or another person. The bill would also increase the penalties for selling a gun to a juvenile and create a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. I support this bill, urge my colleagues to support it, and hope the Senate will act on it during the 108th Congress.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement 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.

I would like to describe a terrible crime that occurred September 28, 2001 in New York, NY. A Yemeni man was badly beaten in the Bronx while working at his newsstand. Before dragging him outside and hitting him in the head with a bottle, the assailants, three local men, yelled, ''You Arabs get out of my neighborhood! We hate Arabs! This is war!''

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local 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.

ESTATE TAX REPEAL

Mr. BAUCUS. I support estate tax repeal. But I am forced to vote against Senator KYL's amendment for permanent repeal because of two concerns. First, I am concerned about mounting deficits, and second, I believe that this amendment would result in payment reductions to rural providers under Medicare.

The budget resolution we are debating today includes tax cuts that total $1.3 trillion. The budget also proposes that $725 billion of these tax cuts be enacted immediately, under the reconciliation process.

Two years ago, we passed a $1.3 trillion tax cut. I supported that tax cut. But those were different times. We had a surplus. We did not foresee the significant decline in revenues. Or the deficits that followed.

This is not the time to reduce revenues by $725 billion. It would hurt our budget and our economy.

In order to prevent the passage of tax cuts that would drive up the deficit and hurt our economy, I believe that we must reduce the size of this tax cut.

While Senator KYL has stated that he intends to pay for his amendment, I am concerned that his offset would have a negative impact on rural providers in Montana. The cost of his amendment is estimated to be $46 billion. And when asked how he proposed to offset this cost, he stated that it should come from a general fund for Finance Committee action.

According to the Senate Budget Committee, this amendment would result in a negative allocation to the Finance Committee in 2009 through 2013. More specifically, the committee's allocation for these years would be negative $22 billion. That's minus $22 billion. Quite a deficit to overcome, and those savings would be difficult to find.

Those of us who were here when the Balanced Budget Act of 1997 passed recognize full well that these savings would come from Medicare. An estimated 90 percent of the savings passed by the Finance Committee in the 1997 law came from the Medicare Program, through reductions in payments to providers.

I would hesitate to cut the program a year before the baby boom generation starts to retire to finance a tax cut that we pass in 2003. Providers are currently facing severe reductions in Medicaid payments. They are coping with an uninsured rate that continues to climb, which means that they must shoulder an increasing burden of uncompensated care. These problems may worsen by the time these cuts take effect. They may also improve. But we cannot know for sure. And looking at the current state of our health care system, I am simply not prepared to take the chance that providers can sustain these cuts.

Mr. President, let me reiterate that I support estate tax repeal, and I will continue to support thoughtful and responsible changes to tax policy. But I cannot support this amendment at this time.

CITIZEN SOLDIER WEEK

Mr. ALLEN. Mr. President, I take to the floor today to discuss the importance of acknowledging the tremendous risks and sacrifices our men and