

ABRAHAM, Mr. BENNETT, Mr. ROBB, Mr. WARNER, Mrs. MURRAY, Mr. GORTON, Mr. HUTCHINSON, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. REED, Mr. KERRY, and Mr. LUGAR):

S. 2323. A bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act; read the first time.

By Mr. KOHL (for himself and Mrs. FEINSTEIN):

S. 2324. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 2325. A bill to amend title 49, United States Code, to ensure equity in the provision of transportation by limousine services; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. BURNS):

S. 2326. A bill to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Ms. SNOWE, Mr. KERRY, Mr. BREAUX, Mr. INOUE, Mr. CLELAND, Mr. WYDEN, Mr. AKAKA, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. REED, Mr. SARBANES, and Mr. SCHUMER):

S. 2327. A bill to establish a Commission on Ocean Policy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself and Mr. KERREY):

S. Con. Res. 100. A concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2310. A bill to amend chapter 44 of title 18, United States Code, with respect to penalties for licensed firearms dealers; to the Committee on the Judiciary.

FIREARMS DEALER PENALTY FLEXIBILITY ACT OF 2000

• Mrs. FEINSTEIN. Mr. President, today I rise to introduce the first in a series of several bills I will be proposing to provide law enforcement with the tools they need to enforce our current gun laws.

Let me be clear—I do believe that our current laws need to be enhanced. Too many loopholes allow too many criminals to circumvent the laws already in

place. To that end, I will continue to work on legislation to further restrict criminals' access to deadly firearms.

But it is also clear that we can do better in enforcing the laws already on the books. As a result, today I am proposing legislation that will tighten up the enforcement of our current laws. The legislation I have sent to the desk, the Firearms Dealer Penalty Flexibility Act of 2000, will provide the Treasury Department, and the Bureau of Alcohol, Tobacco and Firearms, the ability to punish dealers according to the severity of their crimes.

I urge my colleagues to join me in this effort, and I hope the National Rifle Association is listening, too. It is time for that organization to stop just talking about enforcing our current gun laws, and to start supporting legislation to help in that process. So today I challenge the NRA to support this bill and others like it. For too long, opponents of gun control have talked about enforcement, while at the same time working to tie the hands of those that enforce the laws. It is time to move forward.

Now let me describe just what this legislation would accomplish.

Mr. President, under current law there exists only one penalty for firearms dealers who violate the law—revocation of their license. If a dealer violates the law, the ATF is left with only two options—permanently revoke the dealer's license, or do nothing.

The problem, of course, is that not every violation merits the permanent revocation of a dealer's license. The current law is like having the death penalty for every crime—from jaywalking to murder. We have graduated sanctions in the criminal law because different crimes merit different punishment.

In most instances, the ATF is understandably reluctant to destroy a dealer's livelihood—and the dealers know this. As a result, thousands of violations every year go unpunished.

Last year, ATF conducted 11,234 examinations, and reported 3,863 violations.

Yet only 20 licenses were actually revoked.

Almost 4,000 violations, just 20 revocations.

And this may have actually been the appropriate response. Again, not every violation is deserving of revocation. Many of these dealers are simply businessmen, who may have made one or two simple mistakes. Taking away their livelihood would be inappropriately harsh.

But at the same time, ATF has informed me that there are other dealers out there who are taking advantage of the current system. These dealers know that if they commit a violation, they probably won't even get caught—after all, with more than 100,000 dealers and only a few hundred inspectors, the

odds of catching a dealer in the act are slim. And even worse than that, these dealers know that even if they are caught, and even if ATF does discover a violation or even a pattern of violations, it is very unlikely that anything will be done.

According to ATF, only the most egregious or repeat offenders are punished.

Mr. President, it was clearly not the intent of Congress when passing laws to regulate firearms dealers in this country that dealers would be effectively immune from those laws.

The current situation leaves law enforcement with little choice—if ATF revokes the license of every dealer that commits a minor violation, the NRA would be up in arms. But if they do the right thing under current law and allow dealers to stay in business, they are criticized for failing to enforce the current law.

Well the bill I propose today would put an end to this quandary, and allow the Treasury Department to impose the proper, proportionate penalties for the variety of violations currently on the books.

Specifically, this legislation, supported by the Administration, would do the following:

For willful violations of the law, this legislation would allow the Treasury Department to suspend or revoke a dealer's license, or to assess a fine of up to \$10,000 per violation;

Those same penalties would be available for any dealer who willfully transfers armor piercing ammunition;

The legislation allows the Treasury Department to negotiate a compromise with a dealer at any time;

And the legislation outlines some clear, procedural protections for dealers—

A right to notice and opportunity for a hearing before any action is taken, so that the dealer may be made aware of the charges and seek to avert the action;

A right to written notice of any action taken, including the grounds upon which the action was based;

A right to a prompt hearing after a penalty is assessed, during which time the dealer can contest the outcome. This hearing must even be held at a location convenient to the dealer;

If the second hearing is not fruitful, the dealer has an additional right to appeal the decision of the Department to federal court, during which time any action is stayed.

Mr. President, these procedural safeguards prevent an aggressive agent from pursuing unfair penalties. There are at least three clear opportunities for an aggrieved dealer to make his or her case, including the right to appeal any decision to federal court.

As a result, I believe that this bill gives law abiding firearms dealers every opportunity necessary to protect