



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

SENATE—Wednesday, April 26, 2000

The Senate met at 10:02 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:

Dear God, so often in our prayers, we present You with our own agendas. We ask for guidance and strength and courage to do what we have already decided. Usually, what we have in mind is to receive from You what we think we need to get on with our prearranged plans. Often we present our shopping list of blessings that we have in mind for our projects, many of which we may not have checked out with You. Sometimes we have little time to talk with You or listen to You. The blessings we receive are empty unless we also receive a deeper fellowship with You. Help us to think of prayer throughout this day as simply reporting in for duty and asking for fresh marching orders. We want to be all that You want us to be, and we want to do what You have planned for us. May this opening prayer be the beginning of a conversation with You that lasts all through the day. Help us to attempt something we could not do without Your power. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, a Senator from the State of Ohio, led the Senate in 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 distinguished Senator from Ohio.

MORNING BUSINESS

Mr. DEWINE. Mr. President, on behalf of Majority Leader LOTT, I ask unanimous consent that the Senate be

in a period for morning business until 12 noon today, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator LOTT, or his designee, 40 minutes; Senator HELMS, 20 minutes; Senator DASCHLE, or his designee, 60 minutes.

Mr. REID. Reserving the right to object.

The PRESIDENT pro tempore. The able Senator from Nevada.

Mr. REID. Reserving the right to object, I want Senator DEWINE to go through the rest of the schedule.

SCHEDULE

Mr. DEWINE. Mr. President, following morning business, it is expected the Senate will receive the veto message on the nuclear waste bill from the White House. Under the rule, when that message is received, the Senate will immediately begin debate on overriding the President's veto. It is hoped an agreement can be made with regard to debate time so that a vote will be scheduled.

As a reminder, the cloture motion on the substitute amendment to the marriage tax penalty bill is still pending. That vote will occur immediately following the adoption of the motion to proceed to the victims' rights resolution. Therefore, votes are possible during this afternoon's session of the Senate. Senators will be notified as those votes are scheduled.

I thank my colleagues for their attention.

Mr. REID. Mr. President, I say to my friend that the veto message from the President will not arrive here until this evening sometime. So I do not think we can plan on doing anything with that today.

I also say to the majority, as soon as a determination is made as to how much time the majority wants, I assume through Senator MURKOWSKI, we will be willing to enter into a time agreement with the proponents of this veto override. I hope it will be the majority leader's wish that we can do this sometime tomorrow. As I indicated earlier, the veto will not arrive until sometime this evening.

Having said that, I withdraw my objection to the unanimous-consent request allowing morning business until 12 o'clock today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

THE EPIDEMIC OF GUN VIOLENCE

Mr. TORRICELLI. Mr. President, 2 weeks ago it was a Michigan nursing home and Monday night it was a shoot-out at the National Zoo here in Washington, D.C. The epidemic of gun violence has become something that affects all Americans, not only those living in our inner cities.

Whenever we open our morning newspapers and read about these tragedies, we are left to wonder whether our loved ones might be the next victims and whether our own community, our own neighborhood, and our own home could be tomorrow's headlines.

The devastation that guns have brought to our families and to our communities has been well documented, but the statistics bear repeating. Only with an understanding of the dimensions of the problem will we ever bring real change.

In 1997 alone, more than 32,000 Americans were shot and killed, including 4,000 children.

The American Academy of Pediatrics estimates by the year 2006 firearms will become the largest single killer of our own children in the United States.

The economic cost of every shooting death in society—if it is necessary to measure it in these cold terms—is \$1 million per victim in medical care, police services, and lost productivity.

The American public has grown tired of hearing of these appalling statistics.

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

And so have I. More importantly, they have grown tired of a Congress that does nothing about it, with no real efforts to stop this bloodshed.

Last April, it seemed that the senseless death of 12 students at Columbine High School had finally brought the Nation to a point of judgment. It even appeared to me that this Congress had finally had enough. The shocking and heartbreaking nature of the tragedy, which was really unlike anything in its dimensions that the Nation had faced before, appeared to convince the Congress that it could no longer ignore the problem.

Indeed, this Senate, in one of its finer moments since I became a Member of this institution, courageously passed a juvenile justice bill that included three basic gun safety measures: It banned the possession of assault weapons by minors; it closed the gun show loophole; and it mandated safety locks on all firearms.

Originally, we had sought a more comprehensive solution that would restrict gun sales to one per month, a reasonable proposal; reinstate the Brady waiting period, proven to be an effective proposal; and regulate guns as consumer products, certainly a worthwhile proposal.

But we limited ourselves to those other basic provisions in the interests of a consensus, with a belief that they were so sensible and so necessary that there could be no reasonable opposition. So before the debate even began, the proposals had been limited to what should have represented a consensus view, leaving the more ambitious but still reasonable proposals for another day.

But now, with the 1-year anniversary of the Columbine shootings having passed, it is clear that our confidence, perhaps even our strategy, was misguided. Today, the bill languishes in conference—an unfortunate reminder that no gun law is too important or too responsible that it cannot be opposed by the National Rifle Association.

In place of changes, the Republican leadership and the NRA have offered the American public flimsy rhetoric that blames gun violence on poor enforcement of existing gun laws. The NRA erroneously claims that prosecutions have plummeted under the Clinton administration when, in fact, these prosecutions rose by 25 percent last year.

This campaign provides nothing but further evidence that this agenda is not aimed at protecting our communities, but it is aimed at protecting the status quo—a status quo that most Americans a long time ago decided was unacceptable.

No one disputes the fact that enforcement is a critical element of any response to this problem. That is why, indeed, on this side of the aisle we have supported 1,000 new ATF agents and

1,000 new prosecutors to deal with gun violence.

But as much as we have done, we can always do more; while laws are being enforced, they can be enforced better. But no one can reasonably believe that enforcement alone constitutes a comprehensive or sufficient answer to this national epidemic.

Better enforcement of every gun law ever written will not prevent the 1,500 accidental shootings that are occurring every year. Enforcement of every gun law on the books would not prevent a 6-year-old boy from bringing his father's gun to school and killing a 6-year-old classmate. Nor does it address the fact that 43 percent of parents leave their guns unsecured, and 13 percent have unsecured guns loaded or with ammunition nearby. Enforcing gun laws, vigorous prosecutions, would answer none of those problems.

These realities point to the need for a broad approach to gun control. The provisions contained in the juvenile justice bill are the first steps, but they are important first steps.

The real answer—perhaps the challenge that should have come to this Congress last year—is to bring the entire issue to the Senate, and build upon what is already in the juvenile justice bill by also challenging the Senate to restrict the sale of firearms to one per month, a simple provision which would help eliminate the problem under which my State is suffering, where people go to other States and buy large numbers of firearms and transport them to the cities of New Jersey, selling them, often to children, out of the trunks of cars.

Second, reinstitute the Brady waiting period on handgun purchases to prevent individuals in fits of rage and passion from acting upon their emotions with a gun. Separate the rage of the individual from the purchase of the firearm, giving a cooling off period that can and would save lives. Most important, we must do on the Federal level what Massachusetts recently did on the State level: regulate firearms as consumer products. Firearms remain the only consumer product in America not regulated for safety, a strange, inexplicable, peculiar exception to the law because they are inherently the most dangerous consumer products of them all.

It is, indeed, an absurd, inexplicable contradiction that a toy gun remains regulated but a real gun is not. Consumer regulation would ensure that, as every other product in America, guns are safely designed, built, and distributed, not only for the benefit of the public but also for the people who purchase them. Indeed, who has a greater interest in gun safety by design and construction than the people who buy guns? If the materials are imperfect, if they do not work properly, it is the gun owner who is going to be hurt.

Together these three measures would make a real difference in ending gun violence. Would they end all gun violence? Would they end all crime? Indeed, not. No single provision, no amendment, no law, no single action could eliminate all gun violence or most gun violence. But if we await a perfect solution, we will act upon no solution. Ending the problems of violence and guns in America is not something that will be done by one Congress or one legislative proposal in any one year or probably in any one decade. It is successive ideas in succeeding Congresses where people of goodwill put the public interest first and look for real and serious answers to this epidemic of violence.

As long as the NRA is allowed to dominate the gun debate in place of common sense and compassion, the Columbines of the future are sadly, even tragically, inevitable. It is time for Congress to finally muster the courage to act responsibly on this issue out of concern for our children. Out of respect for the memories of those who have died, we can and should do nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE POWER OF LEADERSHIP

Mr. DURBIN. Mr. President, I thank my colleague from New Jersey for raising this important issue of gun safety.

One of the most important powers of the leadership on Capitol Hill is the power to schedule a hearing, the power to bring a bill to the floor, the power to tell a committee to bring a bill forward so it can be considered.

Currently, the Republicans are in control of the Senate as well as the House of Representatives, and they have this awesome congressional power and responsibility. Over the last several days, there have been calls from the leadership, the Speaker of the House as well as the majority leader of the Senate, that this Senate and House basically drop what they are doing and start gathering information and documentation for an emergency hearing on the question of what occurred in Miami, FL, last Saturday morning. That is to the exclusion of a lot of other things that could be considered by the Congress of the United States.

The Hill newspaper and others have talked about this Republican fervor over investigating Attorney General Janet Reno and others about the Elian Gonzalez controversy. This is an important issue. It has certainly captured the imagination of many Americans and the attention of the press and a lot