

drastically altered in an attempt to help Stellers.

With all the costly restrictions that have been placed on fishing it would be logical to ask, "What benefits have sea lions realized over the past decade as a result of the re-designated fishery?"

Unfortunately, NMFS has conducted no studies to determine if any of the restrictions have had a positive effect, a negative effect or no effect. And it is worth noting that there is a body of opinion in the scientific community that argues that the government's actions over the past 10 years have been just as likely to cause more harm to Stellers than to have helped.

The basis for the government's placement of restrictions on fishing is a theory known as "localized depletion." The theory surmises that fishing activity is competing with sea lions for prey and is making it more difficult for Stellers to catch the fish they need. The theory has been rejected by the scientific advisers to the North Pacific Fisheries Management Council. Scientific arguments that run counter to the government's theory have been peer-reviewed and published, but largely ignored.

So why has the estimated sea lion population decreased so dramatically? Some things that leading marine mammal scientists outside the government consider most likely are listed below.

First, the stocks of those fish species which have historically provided Stellers with their greatest dietary benefit are far lower now than in the 1950s and 1960s when Stellers populations were very high. It could be that Stellers populations have declined because the ecosystem cannot support as large a population as it once did.

Also, the greatest population decline of sea lions occurred between the mid-1970s and the late '80s. During much of this time the taking (killing) of sea lions was commonplace and was at times encouraged by the government. Killer whales also prey on sea lions, and mariners have noted that killer-whale populations have increased sharply. Estimates of the impact of these activities in the period of the decline are able to account for a large portion of the overall decline.

NMFS admits in its Nov. 30 Biological Opinion that Alaska's fisheries aren't posing imminent harm to Stellers. There is time to study the effects of the actions that have been taken since 1990 to determine if they are helping sea lions or harming them. NMFS also admits that there is no threat of extinction for the next 100 years, and the agency is receiving more than \$30 million this year alone to work on better understanding the situation. It would be particularly encouraging if the conservation community would participate in the support of scientific research designed to better understand and help the Stellers sea lion.

The legislation passed in December will provide an opportunity for public and scientific review to ensure the right decisions are made. NMFS does not need to take the "ready-shoot-aim" approach. We have time to find the right answers.

How will history judge us if in an attempt to save the Stellers sea lion we take actions that are ultimately responsible for causing them further harm?

#### ONE YEAR LATER

Mr. LEVIN. Mr. President, over the course of the next few weeks, the people of my home state of Michigan will

memorialize the death of a little girl named Kayla Rolland.

Kayla Rolland was killed by a classmate in their own first-grade classroom at Buell Elementary School near Flint, Michigan almost one year ago. This well publicized school shooting sparked outrage across our state and nation and helped lead hundreds of thousands of mothers to march in Washington for safer gun laws.

Over the course of the year, we have learned more details about the shooting of the young girl. Police reports released just a few months ago reveal that the six-year-old boy who shot and killed Kayla had concealed the handgun in his pants pocket. He pulled the gun out of his pocket and pointed it at Kayla, who told the boy, "Jesus doesn't like you to point guns at someone." The young boy responded, "So? I don't like you" and fired the gun that killed the young girl. Just before she collapsed, she turned to her classmate and said, "I'm going to die."

For Kayla's mother and family, the pain from those few moments will last forever. At the Million Mom March, Kayla's mother spoke just a few days after what would have been Kayla's seventh birthday. She said:

These are hard times for me and Kayla's brothers, sisters, and her father, and for the rest of my family. Kayla's death was devastating. There is not a day that goes by that I do not cry as I go on with my life without my daughter. A part of my heart went with her. It is so hard for me to think that I will never see her smile, laugh or play again. I can never hold her and kiss her again. Or see her grow up, get married, and have a happy life. The gun that killed my daughter in her first grade classroom was a gun that could be loaded by a 6-year-old child, concealed by a 6-year-old child, and held and fired by a 6-year-old child. Please, don't ever forget that. This is proof that there is need for gun safety devices and gun control. I come here today, two days after what would have been her seventh birthday. I am a Mom with a terrible tragedy, and I hope it never, ever happens again.

One year after the death of Kayla Rolland, after hundreds of thousands of families marched in Washington at the Million Mom March, and after countless other shooting tragedies, Congress cannot guarantee that it never happens again because one year later Congress has not worked seriously to reduce youth access to guns or to pass legislation that will make our nation's children safer.

#### CONFIRMATION OF JOE ALLBAUGH

Mr. DOMENICI. Mr. President, Mr. Joe Allbaugh is fully qualified to serve as the next FEMA Director, and I will vote to confirm his nomination.

Most recently, Mr. Allbaugh served as the national campaign manager for President Bush. Prior to that Mr. Allbaugh was then-Governor Bush's chief of staff. In that capacity, he was responsible for management of crises

and emergency response. On many occasions, he worked closely with FEMA and the related state agencies. Clearly, Mr. Allbaugh has the management experience needed to run this important federal agency.

The position of FEMA Director is very important to me and the people of New Mexico. Nine months ago the Los Alamos community was devastated by fires accidentally started by the U.S. Park Service. More than 400 homes were destroyed and many businesses were affected. Last summer, we worked hard to pass legislation to compensate the victims.

FEMA was charged with the task of processing the victims' claims, and in part they have tackled this undertaking admirably. However, the number of complaints has been mounting as the February 26 deadline for some final settlements fast approaches. Frankly, I am greatly concerned about the delays and mishandling of some of the claims—a concern shared by Mr. Allbaugh.

Mr. Allbaugh assured me that this issue would be addressed expeditiously. I am confident that he will make it a top priority to resolve these complaints and carry out FEMA's duties under the legislation. I look forward to working with him, and I believe he will be a superb FEMA Director.

#### THE CTBT AND A NATIONAL NON-PROLIFERATION POLICY

Mr. AKAKA. Mr. President, I rise today to discuss the Comprehensive Test Ban Treaty and how it fits into an integrated national non-proliferation policy. We all agree that proliferation of nuclear weapons is a bad thing. Slowing or halting new countries from acquiring nuclear weapons, or keeping current nuclear states from developing new, more powerful weapons is not a Democrat or Republican—it is a necessity. It also is not a new idea.

Since the end of World War II, every president has worked on ways to reduce other countries' access to nuclear weapons and their reasons for trying to acquire them. By mutual security alliances and numerous international agreements, we have succeeded in slowing the development of nuclear weapons. But, the game has changed. A number of smaller states may see nuclear weapons, and other weapons of mass destruction, as the only way to counter the unparalleled superiority of American conventional military power. Therefore, the United States has more reason than ever to lead global efforts to stop proliferation.

A national non-proliferation program needs to include diplomatic, economic, scientific and military tools, all honed and accessible for particular proliferation problems. One such tool should be the Comprehensive Test Ban Treaty, CTBT. It is time for a responsible, calm