CONTROLLING THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the proliferation of small arms around the world and specifically, the remarks made by John Bolton, the Under Secretary of State for Arms Control and International Security Affairs before the United Nations this past July 9 at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

I begin by saying what I sincerely believe: I think it is right and necessary to limit the illicit sale of small arms and light weapons on a worldwide basis. In order to do that, however, one also has to address transparency and legal transfers of small arms and light weapons because so much of the illicit proliferation problem has its roots in legal sales. I was therefore very surprised that Under Secretary Bolton said the United States may well be opposed to having the conference that are aimed at curtailing the international proliferation of small arms and light weapons.

Before I address Mr. Bolton’s speech, and the question it raises about the direction of the administration’s policy in this area, I would like to briefly sketch out the scope and scale of this problem:

The worldwide proliferation of small arms—this includes shoulder-mounted missiles, assault weapons, grenade launchers, and high-powered sniper rifles—is a staggering problem today. Right now there are an estimated 500 million illicit small arms and light weapons in circulation around the globe.

In the last decade alone, an estimated 4 million people have been killed in civil war and bloody fighting, many of them with small arms. As a matter of fact, 9 out of 10 of these deaths are attributed to small arms and light weapons. According to the International Committee of the Red Cross, more than 50 percent of the 4 million people killed—that is 2 million people—are believed to be civilians. The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Nicaragua, Somalia, Sri Lanka, and Afghanistan, as well as the sort of violence endemic to narcotrafficking in Colombia and Mexico. These conflicts undermine the regional stability, and they endanger the spread of weaponry and free markets around the world.

The United Nations and the Red Cross estimate that more than 10 million small arms and light weapons, ranging from pistols to AK-47’s to hand grenades to shoulder-launched missiles, are today in circulation in Afghanistan where the terrorist organization of Osama bin Laden is based.

The United Nations estimates that over 650,000 weapons disappeared from government depots in Albania in the 3 years preceding the killing of 20,000 tons of explosives.

NATO peacekeepers and U.S. soldiers in the region are under threat and in danger from these weapons. In fact, the increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to all U.S. participants in peacekeeping operations and U.S. forces based overseas.

Clearly, this is a substantial problem, and it has profound implications for U.S. security interests. It is because of the scope and scale of the problem that the United Nations conference on the illicit trade in small arms and light weapons, I believe, is so important.

Unfortunately, as the Washington Post editorial on July 10 put it, Mr. Bolton’s opening address “appeared designed to cater to the most extreme domestic opponents of gun control”.

As the Post’s editorial points out, “No such measures appear in the draft documents before the conference.”

Why, exactly, did he do that? Why, exactly, believe not only Mr. Bolton wrong in his assertion about the connection between the Second Amendment and the work of conference, but in any case Mr. Bolton’s position on the Second Amendment is in direct contradiction to decades of Supreme Court precedent.

Not one single gun control law has ever been overturned by the Court on Second Amendment grounds.

Contrary to the constant claims of the NRA, the meaning of the Second Amendment has been well-settled for more than 60 years—and since the 1939 U.S. Supreme Court ruling in United States v. Miller. In that case, the defendant was charged with transporting an unregistered sawed-off shotgun across state lines.

In rejecting a motion to dismiss the case on Second Amendment grounds, the Court held that the “obvious purpose” of the Second Amendment was “to assure the continuation and render possible the effectiveness” of the “state Militia.” Because a sawed-off shotgun was not a weapon that would be used by a “state Militia”, like the...
National Guard, the Second Amendment was in no way applicable to that case, said the Court.

If a sawed-off shotgun is not protected by the Second Amendment, why does the Administration seem to be taking the position that the Second Amendment protects the international trafficking of shoulder-launched missiles?

If an American citizen cannot freely transport a sawed-off shotgun across state lines, why can’t we work to stop the international transportation of grenade launchers and high powered, military sniper rifles?

This second amendment argument simply makes no sense, and has no place in this debate.

Second, Mr. Bolton’s opening statement attacked language that calls on governments to “seriously consider” curtailing “unrestricted sales and ownership” of arms specifically designed for military purposes.

So Mr. Bolton essentially objected to even considering merely curtailing the “unrestricted sales and ownership” of military weapons.

In point of fact the United States already curtails the sale and ownership of many of these guns.

The National Firearms Act, for instance, places severe restrictions on the manufacture and possession of machine guns, sawed-off shotguns, grenades, bombs, rockets, missiles, and mines.

We also passed the 1994 assault weapons ban, which stopped the production of semi-automatic, military-style assault weapons.

These firearms have no sporting purpose, and our laws recognize that fact. Yet these guns contribute enormously to terrorist threats, drug cartel violence, and civil strife throughout the world.

Congress has already recognized that curtailing the use of military-style weapons is reasonable, appropriate, and even life-saving. To now object to a ban on semi-automatic, military-style assault weapons is reasonable, appropriate, and even life-saving. To now object to a ban on semi-automatic, military-style assault weapons is reasonable, appropriate, and even life-saving.

In approaching the United Nations Conference, the U.S. government should negotiate and support making the trafficking of small arms traceable, strengthen international regulations of transfers, bolster rules governing arms brokers, and eliminate the secrecy that permits thousands of weapons to fuel crime and war without anyone’s knowledge of their source.

We should be taking the lead on this issue based on our foreign policy and national security interests, not taking the NRA line based on domestic political considerations.

And U.S. leadership should ensure that the conference is the first step, not the last, in the international community’s efforts to control the spread of small arms and light weapons.

The problem is you cannot just look at the illicit trade of small arms and light weapons, which is killing millions upon millions of people, 50 percent of them innocent civilians, without increasing the transparency of the legal market because so many of these weapons go from the legal market into the black market—the illicit market.

I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes, and following my remarks, the Senator from Washington speak.

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

Mr. KYL. Mr. President, I first thank the Senator from Washington State for her kindness letting me speak next. I hope to make an appointment in my office. I will cut my remarks short and give a summary and put the remainder
in the RECORD. I appreciate her gen-
erosity and that of the Senator from West Virginia.

The PRESIDING OFFICER. The Sen-
ator from Arizona.

CONFIRMATION OF NOMINEES

Mr. KYL. We started this session of Congress, I think, on a fairly high note of bipartisanship. While there have been some recent events that may have detracted from that, I think most of us would like to proceed with as much bi-
partisanship as possible. Part of this, of course, concerns relationships be-
tween the Congress and the President.

Since the majority in the Senate and the President are of different parties, that may be a little more difficult. I have a suggestion today which I hope will enable us to move in that direc-
tion.

The President has a number of nomi-
nees, executive branch nominees, that are a few legislative branch nominees that require our actions, and then there are some judicial nominees. I hope in a real spirit of bipartisanship we can get those nominees cleared; that the Senate can confirm the President’s nominations and the personnel that he needs in the execu-
tive branch to get his work done, and that we can confirm the judges the courts need. These are people who need to be put into place so our country can move forward for all of the American people.

Up until last week, unfortunately, the Senate had been acting at a rel-
atively slow pace. I might also add the change from the majority to the mi-
nority, and vice versa, undoubtedly complicated this, but we were not mak-
ing very good progress.

Last week, I note that 54 nominees were acted upon by the Senate. In fact, 36 were confirmed just last Thursday. So we are finally beginning to make some progress. I urge my colleagues to continue this progress because, by my count, there are 93 executive branch nominees pending as of today. Only 26 have had hearings. But as we know, it does not take too much for the com-
mittee work to follow shortly after a hearing so the nominees can actually come to the Senate for full debate and confirmation by the full Senate.

As of today, according to the admin-
istration’s figures, approximately 347 nominees have come to the Senate, and only 187 have been confirmed. So we still have a fair amount of work to do.

In terms of judicial nominees, my un-
derstanding is that there are 29 nomi-
inations pending, 3 of which have had hearings. Of those, 20 are circuit court nominees, 9 are district court nomi-
nees. The bottom line with regard to the other 29 is that as of today, no cir-
cuit or district court judges have been confirmed this year. We are, of course, now past the midway point of this year.

We are going to have to get going. Again, I do not want to point any fin-
gers at the spirit of bipartisanship which I am involving here today. I am hoping Republicans and Democrats in the Senate and the administration can work very closely together.

What I would like to do, and I will do at the end of this week, is submit for the RECORD the names of the nominees who are pending. I was going to read the names of the people who are cur-
rently pending, but I do not need to do that. I will submit those for the RECORD. But I would note some of these have been pending going back to the month of April. Clearly the Senate can act on those nominees who have been before us for a long period of time, and we should expedite those who have come before us, even fairly recently. It should be by the time we conclude our work in July and return to our States for the August recess, that all of the nominees who have come to the Senate, except maybe in the last couple of days before that pe-
riod of time, have been cleared; that is to say, they will have had their hearings, come out of committee, and been acted upon by the full Senate. Very few of them are controversial, as I go down the list.

I do note in a couple of cases nomi-
nees are being held up by Senators—ac-
tually in four or five cases. A couple of those are being held up by Republicans, and a few more are being held up by Democrats. I am going to urge my Re-
publican colleagues to cooperate so the concerns they have expressed can be dealt with and the nominees can move forward. I hope my Democratic col-
leagues will do the same on their side of the aisle. I think it is important that any time a Senate committee holds a bill up, there is a technical hold on a nomination, we all appreciate all that means is that they have requested to be notified if the majority leader is going to call that nominee up for a full Senate con-
consideration so that Senator will then have an opportunity to object. Obvi-
ously, we do not want to put Members in that position, but I do think it is im-
portant for the full Senate to be able to work its will on these nominees. That is why I am going to ask both Repub-
licans and Democrats, whenever they have a problem with somebody, to try to work that out with the administration so we can proceed.

Finally, last week I worked with the distinguished majority leader and the assistant majority leader in ensuring we could both bring the appropriations bills that we have to deal with to the Senate floor and to get these nominees done at the same time. There is noth-
ing to prevent us from bringing an ap-
propriations bill to the floor today. Then toward the end of the day, for those nominees that do not require debate and rollock vote, having them consid-
ered in the wrap-up.

I will continue to do that because it is my expectation that we will not have to use the cumbersome parliamentary procedure that we all have available to us to hold up business of the Senate in order to get these nominees done since they are the top priority; that we can actually do both at the same time.

That is my request of the majority leader and of the assistant majority leader—to continue to work in that spirit moving forward both with the appropriations bill and with the nomi-
nees. I will have more to say about this later.

I ask unanimous consent that the names of the nominees who are cur-
rently pending be printed in the RECORD.

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

BUSH ADMINISTRATION NOMINEES PENDING SENATE ACTION

AGRICULTURE

Thomas C. Dorr, Undersecretary for Rural Development.
Hilda Gay Legg, Administrator, Rural Utilities Services.
Mark Edward Rey, Undersecretary for Natural Resources and Environment.

COMMERCE

Samuel W. Bodman, Deputy Secretary of Commerce.
David Sampson, Assistant Secretary for Economic Development.
Michael J. Garcia, Assistant Secretary for Export Enforcement.
William Henry Lash III, Assistant Sec-
retary for Market Access and Compliance.

DEFENSE

Stephen A. Cambone, Principal Deputy Undersecretary for Policy.
Susan Morrissey Livington, Undersec-
retary of the Navy.
Alberto Jose Mora, General Counsel, Navy.
Michael Parker, Assistant Secretary for Civil Works, Army.
John Stenbit, Assistant Secretary for Command, Control, Communications & In-
telligence.
Ronald M. Sega, Director, Defense Re-
search and Engineering.
Joseph E. Schmitz, Inspector General.
Michael L. Dominguez, Assistant Sec-
retary (Air Force) for Manpower, Reserve Af-
fairs.
Neilson P. Gibbs, Assistant Secretary (Air Force) for Installations & Environment.
H.T. Johnson, Assistant Secretary (Navy) for Installations & Environment.
Joseph P. Fiorillo, Assistant Secretary (Army) for Installations & Environment.

EDUCATION

Carol D’Amico, Assistant Secretary for Vo-
cational and Adult Education.
Brian Jones, General Counsel.
Laurie Rich, Assistant Secretary for Inter-
governmental and Intergency Affairs.
Robert Pasternack, Assistant Secretary for Special Education and Rehabilitative Services.
Joanne M. Wilson, Commissioner, Reha-
билitation Services Administration.