

AMENDMENT No. 1169

(Purpose: To amend section 922 (d) and (g) of title 18, United States Code, to prohibit possession of a firearm by a person subject to a restraining order)

At the appropriate place insert the following:

TITLE—FIREARMS

SEC. 01. PERSONS SUBJECT TO RESTRAINING ORDERS.

Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by adding "or" at the end of paragraph (7); and

(3) by adding after paragraph (7) the following new paragraph:

"(8)(A) is subject to an order, issued by a Federal or State court after a hearing about which that person received actual notice and at which that person had the opportunity to participate, restraining that person from harassing, stalking, threatening, or engaging in other such conduct that would place another person in fear of bodily injury or the effect of which conduct would be to place a reasonable person in fear of bodily injury; and

(B) whom the court issuing the order finds under this subsection to represent a credible threat to the physical safety of that other person;"

Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by adding "or" at the end of paragraph (7); and

(3) by adding after paragraph (7) the following new paragraph:

"(8)(A) who is subject to an order, issued by a Federal or State court after a hearing about which that person received actual notice and at which that person had the opportunity to participate, restraining that person from harassing, stalking, threatening, or engaging in other such conduct that would place another person in fear of bodily injury or the effect of which conduct would be to place a reasonable person in fear of bodily injury; and

(B) whom the court issuing the order finds under this subsection to represent a credible threat to the physical safety of that other person;"

Section 926(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by replacing "." with "; and" at the end of paragraph (2); and

(3) by adding after paragraph (a)(2) the following new paragraph:

"(3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in sections 922(d)(8) or 922(g)(8)."

Section 924(d)(1) of title 18, United States Code, is amended—

(1) by striking all between "trial," and "firearms" and inserting the following:

"or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished."

AMENDMENT No. 1170

(Purpose: To direct the United States Sentencing Commission to amend the sentencing guidelines to provide a sentence enhancement for soliciting a minor to commit a crime)

At the appropriate place add the following:

SEC. . SOLICITATION OF MINOR TO COMMIT CRIME.

(a) DIRECTIVE TO SENTENCING COMMISSION.—

(1) The United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that a defendant 18 years of age or older who has been convicted of an offense shall receive an appropriate sentence enhancement if the defendant involved a minor in the commission of the offense. (2) The Commission shall provide that the guideline enhancement promulgate pursuant to paragraph (1) shall apply for any offense in relation to which the defendant has solicited, procured, recruited, counseled, encouraged, trained, directed, commanded, intimidated, or otherwise used or attempted to use any person less than 18 years of age with the intent that the minor would commit a Federal offense.

(b) RELEVANT CONSIDERATIONS.—In implementing the directive in subsection (a), the Sentencing Commission shall consider

(1) the severity of the crime that the defendant intended the minor to commit;

(2) the number of minors that the defendant used or attempted to use in relation to the offense;

(3) the fact that involving a minor in a crime of violence is frequently of even greater seriousness than involving a minor in a drug trafficking offense, for which the guidelines already provide a two-level enhancement; and

(4) the possible relevance of the proximity in age between the offender and the minor(s) involved in the offense.

USE A KID, GO TO PRISON

Mr. PRESSLER. Mr. President, as a member of the Judiciary Subcommittee on Juvenile Justice, I am concerned, as we all are, about the rising wave of juvenile violence. My amendment deals with the particularly heinous circumstance of an adult criminal using children to commit their crimes. My amendment is simple and straightforward. It sends a strong message to dangerous criminals: If you use a kid, you will go to prison.

That is it.

If an adult uses a child under 18 years of age to commit a Federal offense—either on the adult's behalf or together with him—my amendment would increase the penalty he would normally receive. Specifically, the bill directs the Sentencing Commission to establish higher penalties—beyond the penalty levels that would have applied—if a defendant intentionally uses or attempts to use a minor in any Federal offense.

The sentencing guidelines already require an increase in the sentence of about 25 percent if a convicted felon uses a minor in a drug-trafficking offense. My amendment uses this same general approach across the board on all Federal offenses in which the defendant used a minor. Moreover, this amendment would direct the Commission to account for two crucial factors to make certain that tough penalties are handed down. First, the Commission is to account for the fact that using minors to commit serious crimes, such as bank robbery, should probably result in a greater than 25 percent sen-

tence increase. Second, the Commission is to write guidelines ensuring that the use of multiple minors to commit an offense represents especially serious conduct.

What does this mean? A typical bank robbery case serves as a useful illustration. If a typical armed bank robber with an average criminal record holds up a bank for a few thousand dollars, this felon would receive a sentence of about 8 years in prison with no parole.

Now, assume the bank robber used one minor to assist in this bank robbery. Under my amendment, the bank robber's sentence would be in the vicinity of 11 years in prison, real-time, no parole, and could be as high as about 13 years. This is an increase of some 3 to 5 years in actual prison time for this single instance of using a minor.

Finally, let us assume that the bank robber used more than one minor to perpetuate his robbery—let us say he used four. My proposal would ensure that this felon would receive a sentence for a single bank robbery that I expect would not be less than 20 years in prison, with no parole. The Sentencing Commission could well set this sentence even higher. Of course, if the bank robber used minors to commit more than one bank robbery, the sentence would go up even more under the current guideline structure. In short, if you use more kids to commit more crimes, you will do more time.

My amendment is aimed at two types of crime, both of which are spreading across our Nation. Both need to be stopped.

The first type is gang crimes. Gang violence is rising as fast as the age of gang members is declining. Gang crime is becoming more organized and sophisticated. Clearly, young gang members do not have the knowledge and experience to pull off sophisticated crimes, such as illegal gambling, money laundering, and extortion. They must be taught—and they are—by adults.

The second type of crime this amendment targets is something out of a Charles Dickens novel. The October 31 edition of the New York Times carried an article which detailed how some adults recruit vulnerable young kids, mostly drug addicts, and train them in the ways of crime. But instead of teaching them how to pick pockets as in Dickens' "Oliver Twist," these modern-day Fagans teach kids how to rob banks and knock off jewelry stores.

Bank robbery, in particular, has become the in vogue crime among these youth terrorist teams. Teams of kids, some as young as 13, are taught to commit take-down robberies, which are high profile, shoot-'em-up style crimes. Instead of quietly handing a bank teller a note, these youths charge into a bank with guns blazing. Meanwhile, outside the bank, a safe distance away, the adult supervisor sits, ready to abandon the team if things go wrong.

Mr. President, I ask unanimous consent that the New York Times article be printed in the RECORD.

Mr. President, something must be done. Today, instead of being recruited for the football or debating teams, many of our Nation's youth are encouraged by adults to join another kind of team—criminal gangs. Sometimes the inducement to join a gang is voluntary. Sometimes it is coerced by threats against the child or the child's family.

I should make an important point here. This new provision is not dependent on a crime actually being committed by the child. Any young person who has been solicited or encouraged by an adult to commit a crime should know that the law is on his side. With my amendment, the law will be.

Adults who use our children to commit crimes should be made to pay—and pay dearly. They must be punished not just because of the crime itself. They must be punished for attempting to recruit and train the next generation of criminals.

Once children are turned down the path of crime and violence, it becomes difficult, if not impossible, to turn them away.

Our young people are this country's most valuable human resource. However, they are our most vulnerable resource. If we do not act, the promising futures of many kids could be lost.

This amendment represents our resolve to honor our promise to our kids, to our families, to our communities. It sends an equally strong message to the criminals of this Nation: If you use a kid, you will go to prison—for a long time. I urge my colleagues to join with me to send that message to these thugs and keep our promise to our kids.

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

[From the New York Times, Oct. 31, 1993]
MODERN-DAY "FAGINS" ADMIT TO SERIES OF BANK ROBBERIES
 (By Robert Reinhold)

LOS ANGELES, October 30.—They were modern-day Fagins, training young boys not to pick pockets, as in Dickens' "Oliver Twist," but to invade banks with automatic weapons, terrorize patrons and tellers and flee with money in high-speed freeway getaways in stolen cars.

There was never any physical evidence to implicate these Fagins, Robert Sheldon Brown, better known as "Cas" on the streets of South-Central Los Angeles, and Donzell Lamar Thompson, or "C-Dog." For they stayed several blocks away, supervising sometimes as many as five bank robberies a day over four years, using boys as young as 13.

At just 23 years old, Mr. Brown has been implicated in 175 bank robberies, more than anyone else in American history.

On Monday, the two men will be sentenced in Federal District Court. They pleaded guilty to seven bank robberies; Mr. Brown faces 30 years in prison and Mr. Thompson 25 years.

In their memorandum, two assistant United States attorneys describe the men as "appalling corrupters of youth."

LIFE IMITATES ART

"Boys do not rob banks unless someone shows them how," they write. "Brown and Thompson showed how. They took disadvantaged and miserable teen-agers and turned them into felons of the most serious degree.

"Dickens invented Fagin as the exploiter and debauche of youth to inspire horror and revulsion in his Victorian audience. Brown and Thompson inspire the same horror and revulsion today. The difference is that Fagin was only fiction."

The arrests appear to have put a dent in the alarming rise of brazen "takeover" robberies by armed bands that have helped make Southern California the bank-robbery capital of the United States. According to the Federal Bureau of Investigation, 1992 saw a record of 2,641 bank robberies in this area, 448 of them takeovers. By contrast, there were 537 robberies in the New York area last year.

The takeover differs from old-style robberies, called "note jobs" by the police, in which the robber tries to avoid attention by handing a teller a note and quietly exiting. By contrast, the takeover robbers invade in bands of three or four, some firing weapons, others carrying pillow cases and jumping over teller booths to scoop up cash as customers and tellers cower.

Mr. Brown and Mr. Thompson appear to have applied the technique to mass production. "They go in with a lot of automatic weapons and they are not afraid to use them," said John Hoos, spokesman for the F.B.I. here.

IMPLICATED BY CHARGES

But the trouble with the Brown-Thompson program was that their young charges were so inexperienced or frightened that they often got caught. Ultimately, some of them implicated the two men, members of a street gang called the Rollin' Sixties Crips, and they were arrested last May 28.

The prosecutors, John S. Wiley Jr. and Michael R. Davis, said that the men, like Fagin, kept far away from the scene of the crimes.

The two "trained others to rob banks, let the others take the risk, and split their profit when the coast was clear," they wrote. "Brown and Thompson just added high powered weapons and freeway chases to the mix."

In an interview, Mr. Wiley said: "There was no physical proof linking Brown and Thompson, only the testimony of the people getting caught. They went through many disposable henchmen."

In one robbery to which Mr. Brown pleaded guilty, three teen-agers entered a Wells Fargo Bank branch in Downey, Calif., on Aug. 14, 1992, while a getaway driver waited outside in a stolen car. One of the boys struck a woman with his gun, and then sprayed the ceiling with bullets.

As the boys started to scoop up money, the police arrived. The teen-agers smashed out a window to escape, but two were caught. A third fired at a police officer, who shot him to death; he was 15 years old.

As in other cases, Mr. Brown supervised from a safe distance in his own car and drove away when things went bad.

CHAMPION BANK ROBBER

The police say Mr. Brown was involved in 175 robberies in all, making him by far the champion bank robber in American criminal annals, eclipsing the previous record holder, Edwin Chambers Dotson, the so-called "Yankee Bandit," who robbed 64 banks in Southern California in 1963 and 1964. He was easy

to spot because he usually wore a New York Yankees baseball cap.

According to William J. Rehder, an F.B.I. special agent who is an expert on bank robberies, this is how Mr. Brown and Mr. Thompson recruited and trained their "disposable henchmen":

"The young recruits usually came from the Rollin' Sixties or other gangs, or were young 'wannabees,' the teenagers who aspire to gang membership. They were offered money, thrills and sometimes drugs. In many cases addicts were given drugs in return for driving the getaway car, usually a stolen or carjacked vehicle dubbed the "G-ride," for "gangster ride." The youngest known recruit was 13.

"Brown used up a lot of henchmen," Mr. Rehder wrote in an affidavit. "Police captured his workers on a regular basis. He needed steadily to replenish his supply."

"Robert Brown armed boys with the latest in death technology, coached them in the fine points of bank robbery, and drove them to the scene. Excited boys with loaded guns and no sense of their own mortality created an unbelievable potential for violence."

FIVE IN ONE DAY

Mr. Brown was so brazen, so wholesale, that he directed a team that hit five banks on one day, Aug. 20, 1991. It began in Los Angeles with a First Interstate Bank on La Cienega Boulevard and worked east on the freeways, striking banks in Eagle Rock, Pasadena, Monterey Park and Montebello before calling it a day.

In all, the robbers fired shots in 20 of the robberies during the four-year spree and assaulted 5 customers and 15 bank employees, none fatally. They would usually abandon the G-ride a couple of blocks from the bank and switch to another car.

In all cases, Mr. Brown and Mr. Thompson stayed well clear of the scene. When Mr. Brown suspected he was under surveillance, he began using evasive measures, making abrupt stops and turns.

The prosecutors said Mr. Brown has a long criminal history that began with a conviction for first-degree burglary at age 14.

"He has no legitimate job," they wrote in their sentencing report. "For four years all he has done is to organize and pull off bank robberies with the drive of a fanatic."

They added, "Brown has a loving mother and the rest of his family lives in an intact home."

Since the arrests, bank robberies in this area have declined. According to the F.B.I., as of Friday there were only 1,433 robberies this year, down 28 percent from last year.

The sentencing, said Mr. Hoos of the F.B.I., "will definitely get the word out definitely be a deterrent."

AMENDMENT NO. 1171

(Purpose: To improve certain information and records relating to Indian children)

On page 177, line 13, strike out "1993" and insert in lieu thereof "1993, and the information and records referred to in section 406 of the Indian Child Protection and Family Violence Prevention Act".

Mr. MCCAIN. Mr. President, the following amendment to section 816 entitled, "Funding for Improvement of Child Abuse Crime Information," is proposed to afford tribes which fall under the definition of "units of local governments" for purposes of the above-referenced act access to State and Federal criminal justice records,

including criminal histories and fingerprint records:

On page 177, line 13, strike out "1993" and add the following language:

"1993, and the information and records referred to in section 406 of the Indian Child Protection and Family Violence Prevention Act of 1990."

In preparation for the October 28, 1993 Senate Committee on Indian Affairs Oversight Hearing on child abuse, it was revealed that the Department of Justice was unaware of section 406 of the Indian Child Protection and Family Violence Prevention Act. Section 406 was intended to afford tribes with access to Department of Justice information necessary to investigate and treat child abuse incidents and to conduct background and character investigations on potential tribal employees having access to children. The Federal Bureau of Investigations, however, reported that they currently did not share character and background investigative information to tribes.

The added language would alert the Department of Justice of their obligations to "provide information and records to those agencies of any Indian tribe, any State, or the Federal Government that need to know the information in performance of their duties" as stated in the Indian Child Protection and Family Violence Prevention Act of 1990. Finally, adding broad language may encourage states to share child abuse crime information with tribes.

AMENDMENT NO. 1172

(Purpose: To encourage asylum reforms that would prevent current abuse of the law)

On page . line ., insert the following:

(a) FINDINGS.—The Congress finds that—

(1) in the last decade applications for asylum have greatly exceeded the original 5,000 annual limit provided in the Refugee Act of 1980, with more than 150,000 asylum applications filed in FY93, and the backlog of cases growing to 340,000;

(2) this flood of asylum claims has swamped the system, creating delays in the processing of applications of up to several years;

(3) the delay in processing asylum claims due to the overwhelming numbers has contributed to numerous problems, including:

(A) an abuse of the asylum laws by fraudulent applicants whose primary interest is obtaining work authority in the United States while their claim languishes in the backlogged asylum processing system;

(B) the growth of alien smuggling operations, often involving organized crime;

(C) a drain on limited resources resulting from the high cost of processing frivolous asylum claims through our multi-layered system; and

(D) an erosion of public support for asylum, which is a treaty obligation;

(4) Asylum, a safe haven protection for aliens abroad who cannot return home, has been perverted by some aliens who use asylum claims to circumvent our immigration and refugee laws and procedures;

(5) a comprehensive revision of our asylum law and procedures is required to address these problems.

(b) POLICY.—It is the sense of the Congress that—

(1) asylum is a process intended to protect aliens in the United States who, because of events occurring after their arrival here, cannot safely return home;

(2) persons outside their country of nationality who have a well-founded fear of persecution if they return should apply for refugee status at one of our refugee processing offices abroad;

(3) the immigration, refugee and asylum laws of the United States should be reformed to provide:

(A) a procedure for the expeditious exclusion of any asylum applicant who arrives at a port-of-entry with fraudulent documents, or no documents, and makes a non-credible claim of asylum; and

(B) the immigration, refugee and asylum laws of the United States should be reformed to provide for a streamlined affirmative asylum processing system for asylum applicants who make their application after they have entered the United States.

AMENDMENT NO. 1173

(Purpose: To amend the Family Violence Prevention and Services Act to authorize the Secretary of Health and Human Services to administer a Federal demonstration program to coordinate response and strategy within many sectors of local communities for intervention and prevention of domestic violence)

At the appropriate place, insert the following:

SEC. . . ESTABLISHMENT OF COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 316. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

"(a) IN GENERAL.—The Secretary shall provide grants to nonprofit private organizations to establish projects in local communities involving many sectors of each community to coordinate intervention and prevention of domestic violence.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity—

"(1) shall be a nonprofit organization organized for the purpose of coordinating community projects for the intervention in and prevention of domestic violence;

"(2) shall include representatives of pertinent sectors of the local community, which may include the following—

"(A) health care providers;

"(B) the education community;

"(C) the religious community;

"(D) the justice system;

"(E) domestic violence program advocates;

"(F) human service entities such as State child services divisions;

"(G) business and civic leaders, and

"(H) other pertinent sectors.

"(c) APPLICATIONS.—An organization that desires to receive a grant under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall prescribe through notice in the Federal Register, that—

"(1) demonstrates that the applicant will serve a community leadership function, bringing together opinion leaders from each sector of the community to develop a coordinated community consensus opposing domestic violence;

"(2) demonstrates a community action component to improve and expand current intervention and prevention strategies

through increased communication and coordination among all affected sectors;

"(3) includes a complete description of the applicant's plan for the establishment and operation of the community project, including a description of—

"(A) the method for identification and selection of an administrative committee made up of persons knowledgeable in domestic violence to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

"(B) the method for identification and selection of project staff and a project evaluator;

"(C) the method for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (b)(2);

"(D) the method for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council focusing on each of the sectors; and

"(E) a plan for developing outreach and public education campaigns regarding domestic violence; and

"(4) contains such other information, agreements, and assurances as the Secretary may require.

"(d) TERM.—A grant provided under this section may extend over a period of not more than 3 fiscal years.

"(e) CONDITIONS ON PAYMENT.—Payments under a grant under this section shall be subject to—

"(1) annual approval by the Secretary; and

"(2) availability of appropriations.

"(f) GEOGRAPHICAL DISPERSION.—The Secretary shall award grants under this section to organizations in communities geographically dispersed throughout the country.

"(g) USE OF GRANT MONIES.—

"(1) IN GENERAL.—A grant made under subsection (a) shall be used to establish and operate a community project to coordinate intervention and prevention of domestic violence.

"(2) REQUIREMENTS.—In establishing and operating a project, a nonprofit private organization shall—

"(A) establish protocols to improve and expand domestic violence intervention and prevention strategies among all affected sectors;

"(B) develop action plans to direct responses within each community sector that are in conjunction with development in all other sectors; and

"(C) provide for periodic evaluation of the project with a written report and analysis to assist application of this concept in other communities.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) \$20,000,000 for fiscal year 1995; and

"(2) such sums as are necessary for fiscal years 1996, 1997, and 1998,

to remain available until expended.

AMENDMENT NO. 1174

Section 1(b)(1) of the Hate Crime Statistics Act (Public Law 101-275, 104 Stat. 140) is amended by adding "disability," after "religion."

AMENDMENT NO. 1175

SEC. . (a) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL JUDICIARY.—

(1) There is authorized to be appropriated for the activities of the Federal Judiciary

not to exceed \$20,000,000 for fiscal year 1994, and not to exceed \$70,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998 to help meet the increased demands for judicial activities which will result from enactment into law of this Act.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.—

(1) There is authorized to be appropriated for the activities and agencies of the Department of Justice, in addition to sums authorized elsewhere in this section, not to exceed \$25,000,000 for fiscal year 1994, not to exceed \$125,000,000 for fiscal year 1995, and not to exceed \$150,000,000 for each of the fiscal years 1996, 1997, and 1998 to help meet the increased demands for Department of Justice activities which will result from enactment into law of this Act.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL BUREAU OF INVESTIGATION.—

(1) There is authorized to be appropriated for the activities of the Federal Bureau of Investigation not to exceed \$20,000,000 for fiscal year 1994, not to exceed \$30,000,000 for fiscal year 1995, and not to exceed \$60,000,000 for each of the fiscal years 1996, 1997, and 1998 to help meet the increased demands for Federal Bureau of Investigation activities which will result from enactment into law of this Act.

(d) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR UNITED STATES ATTORNEYS.—

(1) There is authorized to be appropriated for the account Department of Justice, Legal Activities, "Salaries and expenses, United States Attorneys" not to exceed \$10,000,000 for fiscal year 1994, and not to exceed \$35,000,000 for each of the fiscal years 1995, 1996, 1997, and 1998 to help meet the increased demands for litigation and related activities which will result from enactment into law of this Act.

(e) Funds appropriated pursuant to this section are authorized to remain available for obligation until expended.

(f) Funds authorized under this section may be appropriated from the Trust Fund established by section 1321C of this Act.

Mr. BYRD. Mr. President, the Senate has deliberated at some length the merits of this bill, the Violent Crime Control and Law Enforcement Act of 1993. Earlier, the Senate adopted an amendment, which I offered, to make it possible to fund the new initiatives authorized in this bill, such as joint regional prisons, 100,000 State and local police officers, expanded gang prevention grants, and a number of other important new initiatives to combat the rising tide of violent crime throughout the Nation.

Nevertheless, I believe that the bill so far has not provided adequate resources to the key Federal law-enforcement entities which provide support to and work hand-in-hand with State and local governments in administering existing programs, as well as the new initiatives authorized in this bill.

Under the tight budgetary constraints that we have faced in the past several years and will continue to face in the coming 5 years under the discretionary caps, we have been unable to provide adequate resources to these Federal law enforcement agencies to enable them to carry out, to the fullest

extent possible, their existing responsibilities. To expect these same agencies to be able to take on the additional responsibilities that they will be required to undertake under this very important legislation, without providing any additional resources to them, would be short-sighted to say the least.

Therefore, I am pleased to cosponsor this amendment, along with Senators DOMENICI and D'AMATO, to authorize these additional appropriations over the coming 5 years for Federal law enforcement personnel for the Justice Department and for the Federal judiciary.

More specifically, the amendment would authorize up to \$20 million for fiscal year 1994, and up to \$70 million in each of the subsequent 4 years for the Federal judiciary.

With regard to the Department of Justice, Senator DOMENICI, Senator D'AMATO, and I originally proposed an authorization of up to \$80 million for fiscal year 1994 and \$230 million for each of the subsequent 4 years. We believed that such an approach would provide the President and the Attorney General the maximum flexibility in formulating their recommendations for the distribution of the funds throughout the constituent agencies of the Department of Justice. This approach appeared to be acceptable.

However, some Senators expressed concern that the amendment, as so drafted, would be too general. Consequently, the amendment was modified to authorize up to \$25 million for fiscal year 1994, up to \$125 million for fiscal year 1995, and up to \$150 million for each of the subsequent 3 fiscal years for Department of Justice activities resulting from enactment of the crime bill; up to \$20 million for fiscal year 1994, up to \$50 million for fiscal year 1995 and up to \$60 million for each of the subsequent 3 fiscal years for crime bill activities of the Federal Bureau of Investigation; and up to \$10 million for fiscal year 1994 and up to \$35 million for each of the subsequent 4 fiscal years for United States' attorneys to help meet the increased demands for litigation and related activities which will result from enactment of the crime bill.

These modifications were made to the original amendment to meet the concerns expressed by some Senators. Now that the modifications have been made, I believe the amendment is acceptable to both the distinguished chairman, Mr. BIDEN, and the able ranking minority member, Mr. HATCH, of the Judiciary Committee.

I urge the adoption of this amendment.

Mr. DOMENICI. Mr. President, I rise today to offer an amendment to authorize additional appropriations for the Federal judiciary and the Department of Justice. The amendment would authorize additional appropriations of \$300 million over 5 years for the judi-

ary, and a total of \$1 billion over the next 5 years for the operations of the Department of Justice.

Mr. President, this crime bill would authorize dozens of new programs, most of them grants to State and local governments. In addition, it would authorize billions of dollars for boot camps and other prisons. However, it does not address the increased demands that will be placed on the Justice Department and the Federal judiciary.

The reason for the amendment is simple; in this act we establish a number of penalties and crimes which cannot help but lead to increased requirements for law enforcement, litigation, and adjudication. We must recognize that in providing additional criminal penalties, laws, and procedures, we are placing increased demands on the operations of the Justice Department and the Federal judiciary.

Compared to the budgets of these organizations, the authorizations are relatively modest; the judiciary would receive authority to expend an additional \$20 million in fiscal year 1994, and \$70 million annually thereafter through 1998 to help meet increased expenses due to passage of this act. This compares to a fiscal year 1994 appropriation level of \$2.7 billion for the Federal judiciary.

Within the Department of Justice, the FBI would receive a total of \$250 million over the next 5 years, and the U.S. attorneys would receive \$150 million. The Department of Justice would also receive a total of \$600 million for its various activities, including the U.S. Marshals Service, Support of U.S. Prisoners, the Immigration and Naturalization Service, and so forth.

Frankly, I'm not sure these sums are sufficient to fund all the increases in judicial and Justice Department activity that will result from passage of this act. In addition, I can't claim to know for certain how much in additional funding will be needed in each part of the Justice Department and the judiciary. I would prefer that we merely authorize such sums as necessary until we have accurate cost estimates, but the managers are uncomfortable with that approach. Therefore this amendment provides specific amounts for the U.S. attorneys and the FBI, and generic but specific dollar authorizations for the justice Department and the Judiciary.

As ranking Republican on the Appropriations Subcommittee on Commerce-Justice-State, I believe it is important we recognize that passage of this crime bill will require increased resources for Federal law enforcement, litigation, and adjudication.

Mr. President, this is a noncontroversial amendment, and I urge its adoption.

I ask unanimous request that a letter from the Honorable John F. Gerry, chairman of the executive committee

of the Judicial Conference, be included in the RECORD at this point.

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

JUDICIAL CONFERENCE
OF THE UNITED STATES,
Washington, DC, November 9, 1993.

Hon. JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is apparent in tracking the progress of the "Violent Crime Control and Law Enforcement Act of 1993" (S. 1607) that the bill as it will emerge from the Senate will place a substantially increased burden on the federal courts. The proponents of amendments to create a new and augmented federal participation in the national effort against violence, drugs, guns, gangs, and repeat offenders invoke the obligation of government to ensure the safety of its citizens, and note that the resources to do the job should be provided. A major increase in federal investigative and prosecutorial resources will have a direct impact on the Judiciary.

I simply urge you at this critical juncture of considering the bill to ensure that the resources made available to the federal courts are commensurate with the increase in federal jurisdiction which will occur as a result of the passage of this legislation.

Sincerely,

JOHN F. GERRY.

AMENDMENT No. 1176

(Purpose: To authorize the National Institute of Corrections to make grants to States to carry out family unity demonstration projects, and for other purposes)

At the end of the bill add the following:

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This Act may be cited as the "Family Unity Demonstration Project Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

- (1) an increasing number of children are becoming separated from their primary caretaker parents due to the incarceration of the parents in prisons and jails;

- (2) such separation of children from their primary caretaker parents can cause harm to children's psychological well-being and hinder their growth and development;

- (3) a significant number of children are born shortly before or during the incarceration of their mothers and are then quickly separated from their mothers, preventing the parent-child bonding that is crucial to developing in children a sense of security and trust;

- (4) maintaining close relationships with their children provides a powerful incentive for prisoners to participate in and successfully benefit from rehabilitative programs; and

- (5) maintaining strong family ties during imprisonment has been shown to decrease recidivism, thereby reducing prison costs.

(b) PURPOSE.—The purpose of this Act is to evaluate the effectiveness of certain demonstration projects in helping to—

- (1) alleviate the harm to children and primary caretaker parents caused by separation due to the incarceration of the parents;

- (2) reduce recidivism rates of prisoners by encouraging strong and supportive family relationships; and

- (3) explore the cost effectiveness of community correctional facilities.

SEC. 103. DEFINITIONS.

In this Act—

"child" means a person who is less than 6 years of age.

"community correctional facility" means a residential facility that—

- (A) is used only for eligible offenders and their children under 6 years of age;

- (B) is not within the confines of a jail or prison;

- (C) has a maximum capacity of 50 prisoners in addition to their children; and

- (D) provides to inmates and their children—

- (i) a safe, stable environment for children;

- (ii) pediatric and adult medical care consistent with medical standards for correctional facilities;

- (iii) programs to improve the stability of the parent-child relationship, including educating parents regarding—

- (I) child development; and

- (II) household management;

- (iv) alcoholism and drug addiction treatment for prisoners; and

- (v) programs and support services to help inmates—

- (I) to improve and maintain mental and physical health, including access to counseling;

- (II) to obtain adequate housing upon release from State incarceration;

- (III) to obtain suitable education, employment, or training for employment; and

- (IV) to obtain suitable child care.

"Director" means the Director of the Federal Bureau of Prisons.

"eligible offender" means a primary caretaker parent who—

- (A) is sentenced to a term of imprisonment of not more than 7 years or is awaiting sentencing for a conviction punishable by such a term of imprisonment;

- (B) except in the case of an offender awaiting sentencing, is incarcerated currently to serve that sentence;

- (C) is not eligible currently for probation or parole until the expiration of a period exceeding 180 days; and

- (D) has not engaged in conduct which—

- (i) knowingly resulted in death or serious bodily injury;

- (ii) is a felony for a crime of violence against the person;

- (iii) constitutes child neglect or mental, physical, or sexual abuse of a child.

"primary caretaker parent" means—

- (A) a parent who has consistently assumed responsibility for the housing, health, and safety of a child prior to incarceration; or

- (B) a woman who has given birth to a child after or while awaiting her sentencing hearing and who expresses a willingness to assume responsibility for the housing, health, and safety of that child,

A parent who, in the best interest of a child, has arranged for the temporary care of the child in the home of a relative or other responsible adult shall not for that reason be excluded from the category "primary caretaker".

"State" means 1 of the States or the District of Columbia.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this Act \$3,000,000 for each of fiscal years 1995, 1996, 1997, 1998 and 1999.

(b) AVAILABILITY OF APPROPRIATIONS.—Of the amount appropriated under subsection (a) for any fiscal year—

- (1) 90 percent shall be available to carry out title II; and

- (2) 10 percent shall be available to carry out title III.

TITLE II—GRANTS TO STATES

SEC. 201. AUTHORITY TO MAKE GRANTS.

(a) GENERAL AUTHORITY.—The Director may make grants, on a competitive basis, to States to carry out in accordance with this title family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children.

(b) PREFERENCES.—For the purpose of making grants under subsection (a), the Director shall give preference to a State that includes in the application required by section 202 assurances that if the State receives a grant—

- (1) both the State corrections agency and the State health and human services agency will participate substantially in, and cooperate closely in all aspects of, the development and operation of the family unity demonstration project for which such a grant is requested;

- (2) boards made up of community residents, local businesses, corrections officials, former prisoners, child development professionals, educators, and maternal and child health professionals will be established to advise the State regarding the operation of such project;

- (3) the State has in effect a policy that provides for the placement of all prisoners, whenever possible, in correctional facilities for which they qualify that are located closest to their respective family homes;

- (4) unless the Director determines that a longer timeline is appropriate in a particular case and notifies the Attorney General in writing of the length and reason for such extension, the State will implement the project not later than 180 days after receiving a grant under subsection (a) and will expend all of the grant during a 1-year period;

- (5) the State demonstrates that it has the capacity to continue implementing a community correctional facility beyond the funding period to ensure the continuity of the work;

- (6) for the purpose of selecting eligible offenders to participate in the project, the State will—

- (A) give written notice to a prisoner, not later than 30 days after the State first receives a grant under subsection (a) or 30 days after the prisoner is sentenced to a term of imprisonment of not more than 7 years (whichever is later), of the proposed or current operation of the project;

- (B) accept at any time at which the project is in operation an application by a prisoner to participate in the project if, at the time of application, the remainder of the prisoner's sentence exceeds 180 days;

- (C) review applications by prisoners in the sequence in which the State receives such applications;

- (D) not more than 50 days after reviewing such applications approve or disapprove the application; and

- (E) for the purposes of selecting eligible offenders to participate in such project, the State authorizes State courts to sentence an eligible offender directly to a correctional facility, provided that the court gives assurances that the offender would have otherwise served a term of imprisonment.

(c) SELECTION OF GRANTEES.—The Director shall make grants under subsection (a) on a competitive basis, based on such criteria as the Director shall issue by rule and taking into account the priorities described in subsection (b).

(d) NUMBER OF GRANTS.—In any fiscal year for which funds are available to carry out this title, the Director shall make grants to no fewer than 4 and no greater than 8 eligible

States geographically dispersed throughout the United States.

SEC. 202. ELIGIBILITY TO RECEIVE GRANTS.

To be eligible to receive a grant under section 201(a), a State shall submit to the Director an application at such time, in such form, and containing such information as the Director reasonably may require by rule.

SEC. 203. REPORT.

(a) **IN GENERAL.**—A State that receives a grant under this title shall, not later than 90 days after the 1-year period in which the grant is required to be expended, submit a report to the Director regarding the family unity demonstration project for which the grant was expended.

(b) **CONTENTS.**—A report under subsection (a) shall—

(1) state the number of prisoners who submitted applications to participate in the project and the number of prisoners who were placed in community correctional facilities;

(2) state, with respect to prisoners placed in the project, the number of prisoners who are returned to that jurisdiction and custody and the reasons for such return;

(3) describe the nature and scope of educational and training activities provided to prisoners participating in the project;

(4) state the number, and describe the scope of, contracts made with public and nonprofit private community-based organizations to carry out such project; and

(5) evaluate the effectiveness of the project in accomplishing the purposes described in section 102(b).

TITLE III—FAMILY UNITY DEMONSTRATION PROJECT FOR FEDERAL PRISONERS

SEC. 301. AUTHORITY OF THE ATTORNEY GENERAL.

(a) **IN GENERAL.**—Ten percent of the funds authorized under this Act shall be used for defendants convicted of Federal offenses.

(b) **GENERAL CONTRACTING AUTHORITY.**—In implementing this title, the Bureau of Prisons may enter into contracts with appropriate public or private agencies to provide housing, sustenance, services, and supervision of inmates eligible for placement in community correctional facilities under this title.

(c) **USE OF STATE FACILITIES.**—At the discretion of the Attorney General, Federal participants may be placed in State projects, as defined in title II. For such participants, the Attorney General shall, with funds available under section 104(b)(2), reimburse the State for all project costs related to the Federal participant's placement, including administrative costs.

SEC. 302. REQUIREMENTS.

For the purpose of placing Federal participants in a family unity demonstration project under section 301, the Attorney General shall—

(1) consult with the Secretary of Health and Human Services regarding the development and operation of the project; and

(2) submit to the Director a report containing the information described in section 203(b).

AMENDMENTS NOS. 1177-1189 EN BLOC

Mr. BIDEN. Mr. President, I send 13 amendments to the desk which I will now identify.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

Mr. BIDEN. An Inouye amendment on Indian nations eligible for grants in

this legislation; a Metzenbaum amendment on the RTC; A Wellstone amendment relating to guns and domestic violence; a Simon-Bennett amendment relating to gun dealers; a DeConcini amendment relating to Indian nations and missing children—two separate amendments; one Boxer amendment relating to immigration document forgery; and a Lieberman amendment relating to antiloitering; a Moseley-Braun amendment relating to racial bias; a Leahy amendment relating to rural domestic violence; a Biden amendment relating to child abuse; a Hollings amendment relating to gratitude to law enforcement personnel; and one last amendment a Dodd amendment to prevent crime.

I ask their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes amendments en bloc numbered 1177-1189.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments en bloc.

The en bloc amendments (Nos. 1177-1189) were agreed to as follows:

AMENDMENT NO. 1177

(Purpose: To provide for the inclusion of Indian tribal governments as eligible units of government in programs for the control and prevention of crime)

At the appropriate place in subtitle G of title XXIX, insert the following:

"SEC. . CONTROL AND PREVENTION OF CRIME IN INDIAN COUNTRY.

"(a) **DEFINITION.**—As used in this Act, the term 'Indian tribal government' means the governing body of a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601, 35 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(b) **CONFORMING DEFINITION.**—As used in this Act, the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands and Indian tribal governments.

"(c) **MATCHING REQUIREMENTS.**—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the United States Government performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this title.

"(d) **NONSUPPLANTING REQUIREMENT.**—Funds made available to Indian tribal governments shall not be used to supplant funds supplied by the Department of the Interior, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this Act, be made available from funds supplied by the Department of the Interior."

AMENDMENT NO. 1178

At the appropriate place in the bill, insert the following new section:

SEC. . CIVIL STATUTE OF LIMITATIONS FOR TORT ACTIONS BROUGHT BY THE RTC.

(a) **RESOLUTION TRUST CORPORATION.**—Section 11(d)(14) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(14)) is amended—

(1) in subparagraph (A)(ii), by inserting "except as provided in subparagraph (B)," before "in the case of";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) **TORT ACTIONS BROUGHT BY THE RESOLUTION TRUST CORPORATION.**—The applicable statute of limitations with regard to any action in tort brought by the Resolution Trust Corporation in its capacity as conservator or receiver of a failed savings association shall be the longer of—

"(i) the 5-year period beginning on the date the claim accrues; or

"(ii) the period applicable under State law;" and

(4) in subparagraph (C), as redesignated—

(A) by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)"; and

(B) by striking "such subparagraph" and inserting "such subparagraphs".

(b) **EFFECTIVE DATE; TERMINATION; FDIC AS SUCCESSOR.**—

(1) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be construed to have the same effective date as section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) **TERMINATION.**—The amendments made by subsection (a) shall remain in effect only until the termination of the Resolution Trust Corporation.

(3) **FDIC AS SUCCESSOR TO THE RTC.**—The Federal Deposit Insurance Corporation, as successor to the Resolution Trust Corporation, shall have the right to pursue any tort action that was properly brought by the Resolution Trust Corporation prior to the termination of the Resolution Trust Corporation.

AMENDMENT NO. 1179

(Purpose: To amend title 18, United States Code, to prevent persons who have committed domestic abuse from obtaining a firearm)

At the appropriate place insert the following:

TITLE —DOMESTIC VIOLENCE

SEC. 1. SHORT TITLE.

This title may be cited as the "Domestic Violence Firearm Prevention Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) domestic violence is the leading cause of injury to women in the United States between the ages of 15 and 44;

(2) firearms are used by the abuser in 7 percent of domestic violence incidents and produces an adverse effect on interstate commerce; and

(3) individuals with a history of domestic abuse should not have easy access to firearms.

SEC. 3. PROHIBITION AGAINST DISPOSAL OF FIREARMS TO, OR RECEIPT OF FIREARMS BY, PERSONS WHO HAVE COMMITTED DOMESTIC ABUSE.

(a) **PROHIBITION AGAINST DISPOSAL OF FIREARMS.**—Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8)(A) has been convicted in any court of an offense that—

"(i) involves the use, attempted use, or threatened use of physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person; or

"(ii) by its nature, involves a substantial risk that physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person may be used in the course of committing the offense; or

"(B) is required, pursuant to an order issued by any court in a case involving a person described in subparagraph (A), to refrain from any contact with or to maintain a minimum distance from that person, or to refrain from abuse, harassment, or stalking of that person."

(b) **PROHIBITION AGAINST RECEIPT OF FIREARMS.**—Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following new paragraph:

"(8)(A) has been convicted in any court of an offense that—

"(i) involves the use, attempted use, or threatened use of physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person; or

"(ii) by its nature, involves a substantial risk that physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person may be used in the course of committing the offense; or

"(B) is required, pursuant to an order issued by any court in a case involving a person described in subparagraph (A), to refrain from any contact with or to maintain a minimum distance from that person, or to refrain from abuse, harassment, or stalking of that person."

AMENDMENT NO. 1180

(Purpose: To amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes)

At the appropriate place insert the following:

TITLE --FIREARMS

SEC. 01. FIREARMS LICENSURE AND REGISTRATION TO REQUIRE A PHOTOGRAPH AND FINGERPRINTS.

(a) **FIREARMS LICENSURE.**—Section 923(a) of title 18, United States Code, is amended in the second sentence by inserting "and shall include a photograph and fingerprints of the applicant" before the period.

(b) **REGISTRATION.**—Section 5802 of the Internal Revenue Code of 1986 is amended by inserting after the first sentence the following: "An individual required to register under this section shall include a photograph and fingerprints of the individual with the initial application."

SEC. 02. COMPLIANCE WITH STATE AND LOCAL LAW AS A CONDITION TO LICENSE.

Section 923(d)(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) the applicant certifies that—

"(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

"(ii) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

"(iii) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

"(iv) that the applicant has sent or delivered a form to be prescribed by the Secretary, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license."

SEC. 03. ACTION ON FIREARMS LICENSE APPLICATION.

Section 923(d)(2) of title 18, United States Code, is amended by striking "forty-five-day" and inserting "60-day".

SEC. 04. INSPECTION OF FIREARMS LICENSEES' INVENTORY AND RECORDS.

Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended to read as follows:

"(ii) for insuring compliance with the record keeping requirements of this chapter—

"(I) not more than once during any 12-month period; or

"(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee."

SEC. 05. REPORTS OF THEFT OR LOSS OF FIREARMS.

Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities."

SEC. 06. RESPONSES TO REQUESTS FOR INFORMATION.

Section 923(g) of title 18, United States Code, as amended by section 05, is amended by adding at the end the following new paragraph:

"(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require. The Secretary shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information."

SEC. 07. NOTIFICATION OF NAMES AND ADDRESSES OF FIREARMS LICENSEES.

Section 923 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(1) The Secretary of the Treasury shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.

AMENDMENT NO. 1181

(Purpose: To provide for application by Indian tribes under certain grant programs)

On page 22, line 4, insert "(1)" before "Notwithstanding".

On page 22, between lines 8 and 9, insert the following:

"(2) Notwithstanding subsection (a), an applicant that is an Indian tribe or tribal law enforcement agency may submit an application for a grant under this part directly to the Attorney General.

On page 23, strike lines 8 through 13 and insert the following:

"(a) **NONSUPPLANTING REQUIREMENT.**—Funds made available under this part to State or local governments or to Indian tribal governments shall not be used to supplant State or local funds, or, in the case of Indian tribes, funds supplied by the Department of the Interior, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this part, be made available from State or local sources, or in the case of Indian tribes, from funds supplied by the Department of the Interior.

On page 28, line 4, after "part Q." insert "In view of the extraordinary need for law enforcement in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribes or tribal law enforcement agencies."

On page 447, after line 23, add the following:

SEC. 2973. TREATMENT OF INDIAN TRIBES UNDER TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

(a) **MATCHING FUND SOURCE.**—

(1) **IN GENERAL.**—Section 817 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789m) is amended—

(A) by amending the heading to read as follows:

"DISTRICT OF COLUMBIA AND INDIAN TRIBE MATCHING FUND SOURCE";

(B) by inserting "(a) DISTRICT OF COLUMBIA.—" before "Funds"; and

(C) by adding at the end the following new subsection:

"(b) **INDIAN TRIBES.**—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the United States Government performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this title."

"(2) **TECHNICAL AMENDMENT.**—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by amending the item relating to section 817 to read as follows:

"Sec. 817. District of Columbia and Indian tribe matching fund source."

(b) **DEFINITION.**—Section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."

AMENDMENT No. 1182

(Purpose: To establish a Missing and Exploited Children Task Force)

At the appropriate place insert the following:

TITLE —MISSING AND EXPLOITED CHILDREN

SECTION 01. SHORT TITLE.

This title may be cited as the "Morgan P. Hardiman Task Force on Missing and Exploited Children Act".

SEC. 02. FINDINGS.

The Congress finds that—

(1) the victimization of children in our Nation has reached epidemic proportions; recent Department of Justice figures show that—

(A) 4,600 children were abducted by non-family members;

(B) two-thirds of the abductions of children by non-family members involve sexual assault;

(C) more than 354,000 children were abducted by family members; and

(D) 451,000 children ran away;

(2) while some local law enforcement officials have been successful in the investigation and resolution of such crimes, most local agencies lack the personnel and resources necessary to give this problem the full attention it requires;

(3) a majority of the Nation's 17,000 police departments have 10 or fewer officers; and

(4) locating missing children requires a coordinated law enforcement effort; supplementing local law enforcement agencies with a team of assigned active Federal agents will allow Federal agents to pool their resources and expertise in order to assist local agents in the investigation of the Nation's most difficult cases involving missing children.

SEC. 03. PURPOSE.

The purpose of this title is to establish a task force comprised of law enforcement officers from pertinent Federal agencies to work with the National Center for Missing and Exploited Children (referred to as the "Center") and coordinate the provision of Federal law enforcement resources to assist State and local authorities in investigating the most difficult cases of missing and exploited children.

SEC. 04. ESTABLISHMENT OF TASK FORCE.

Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) is amended—

(1) by redesignating sections 407 and 408 as sections 408 and 409, respectively; and

(2) by inserting after section 406 the following new section:

"TASK FORCE

"SEC. 407. (a) ESTABLISHMENT.—There is established a Missing and Exploited Children's Task Force (referred to as the "Task Force").

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Task Force shall include at least 2 members from each of—

"(A) the Federal Bureau of Investigation;

"(B) the Secret Service;

"(C) the Bureau of Alcohol, Tobacco and Firearms;

"(D) the United States Customs Service;

"(E) the Postal Inspection Service;

"(F) the United States Marshals Service; and

"(G) the Drug Enforcement Administration.

"(2) CHIEF.—A representative of the Federal Bureau of Investigation (in addition to the members of the Task Force selected

under paragraph (1)(A)) shall act as chief of the Task Force.

"(3) SELECTION.—(A) The Director of the Federal Bureau of Investigation shall select the chief of the Task Force.

"(B) The heads of the agencies described in paragraph (1) shall submit to the chief of the Task Force a list of at least 5 prospective Task Force members, and the chief shall select 2, or such greater number as may be agreeable to an agency head, as Task Force members.

"(4) PROFESSIONAL QUALIFICATIONS.—The members of the Task Force shall be law enforcement personnel selected for their expertise that would enable them to assist in the investigation of cases of missing and exploited children.

"(5) STATUS.—A member of the Task Force shall remain an employee of his or her respective agency for all purposes (including the purpose of performance review), and his or her service on the Task Force shall be without interruption or loss of civil service privilege or status and shall be on a non-reimbursable basis.

"(6) PERIOD OF SERVICE.—(A) Subject to subparagraph (B), 1 member from each agency shall initially serve a 1-year term, and the other member from the same agency shall serve a 1-year term, and may be selected to a renewal of service for 1 additional year; thereafter, each new member to serve on the Task Force shall serve for a 2-year period with the member's term of service beginning and ending in alternate years with the other member from the same agency; the period of service for the chief of the Task Force shall be 2 years.

"(B) The chief of the Task Force may at any time request the head of an agency described in paragraph (1) to submit a list of 5 prospective Task Force members to replace a member of the Task Force, for the purpose of maintaining a Task Force membership that will be able to meet the demands of its caseload.

"(C) SUPPORT.—

"(1) IN GENERAL.—The Administrator of the General Services Administration, in coordination with the heads of the agencies described in subsection (b)(1), shall provide the Task Force office space and administrative and support services, such office space to be in close proximity to the office of the Center, so as to enable the Task Force to coordinate its activities with that of the Center on a day-to-day basis.

"(2) LEGAL GUIDANCE.—The Attorney General shall assign a United States Attorney to provide legal guidance, as needed, to members of the Task Force.

"(d) PURPOSE.—

"(1) IN GENERAL.—(A) The purpose of the Task Force shall be to make available the combined resources and expertise of the agencies described in paragraph (1) to assist State and local governments in the most difficult missing and exploited child cases nationwide, as identified by the chief of the Task Force from time to time, in consultation with the Center, and as many additional cases as resources permit, including the provision of assistance to State and local investigators on location in the field.

"(B) TECHNICAL ASSISTANCE.—The role of the Task Force in any investigation shall be to provide advice and technical assistance and to make available the resources of the agencies described in subsection (b)(1); the Task Force shall not take a leadership role in any such investigation.

"(e) TRAINING.—Members of the Task Force shall receive a course of training, provided

by the Center, in matters relating to cases of missing and exploited children.

"(f) CROSS-DESIGNATION OF TASK FORCE MEMBERS.—The Attorney General shall cross-designate the members of the Task Force with jurisdiction to enforce Federal law related to child abduction to the extent necessary to accomplish the purposes of this section."

AMENDMENT No. 1183

(Purpose: To increase penalties for document fraud)

At the appropriate place in the bill, insert the following:

SEC. . PENALTIES FOR DOCUMENT FRAUD.

(a) IN GENERAL.—Section 274C(3) of the Immigration and Nationality Act (8 U.S.C. 1524c(3)) is amended—

(1) in subparagraph (A), by striking "not less than \$250 and not more than \$2,000" and inserting "not less than \$1,000 and not more than \$5,000"; and

(2) in subparagraph (B), by striking "not less than \$2,000 and not more than \$5,000" and inserting "not less than \$5,000 and not more than \$10,000";

(b) FRAUD AND MISUSE OF VISAS, PERMITS, AND OTHER DOCUMENTS.—(1) Section 1546 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "not more than five years" and inserting "not more than ten years"; and

(B) in subsection (b), by striking "not more than two years" and inserting "not more than five years".

(2) Whoever commits an offense under section 1546(a) or 1546(b) of title 18, United States Code, shall be fined, in addition to the fines provided under such section, \$10,000 or \$5,000, respectively.

(c) APPLICABILITY.—This section, and the amendments made by this section, shall apply to offenses committed on or after the date of enactment of this Act.

AMENDMENT No. 1184

At the appropriate place insert the following:

SEC. . USE OF ANTILOITERING LAWS TO FIGHT CRIME.

The Attorney General shall—

(1) study the ways in which anti-loitering laws can be used, without violating the constitutional rights of citizens as enunciated by the Supreme Court, to eradicate open-air drug markets and other blatant criminal activity;

(2) prepare a model anti-loitering statute and guidelines for enforcing the statute in such a manner as to prevent, deter, and punish illegal drug activity and other criminal activity; and

(3) make the results of the study and the model statute and guidelines available to Federal, State, and local law enforcement authorities.

AMENDMENT No. 1185

(Purpose: To require that a study of the role of race in a State's criminal justice system that is funded under section 1021 expressly consider the role of race in procedures for jury selection in the State)

On page 218, line 19, after "States," insert "and whether the State plan expressly considers the role of race in procedures for jury selection in the State."

AMENDMENT No. 1186

(Purpose: To authorize rural domestic violence and child abuse assistance)

On page 312, after line 24, insert the following:

Subtitle C—Rural Domestic Violence and Child Abuse Enforcement

SEC. 1421. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) GRANTS.—The Attorney General may make grants to units of State and local governments of rural States, and to other public or private entities of rural States—

(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse;

(2) to provide treatment and counseling to victims of domestic violence and child abuse; and

(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

(b) DEFINITION.—In this section, "rural State" has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 1995, 1996, and 1997.

(2) ADDITIONAL FUNDING.—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

AMENDMENT NO. 1187

(Purpose: To reauthorize programs added by the Victims of Child Abuse Act of 1990)

At the appropriate place insert the following:

SEC. . VICTIMS OF CHILD ABUSE PROGRAMS.
(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—

(1) REAUTHORIZATION.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

"(1) \$7,000,000 for fiscal year 1995; and
"(2) \$10,000,000 for each of fiscal years 1996, 1997, and 1998."

(2) TECHNICAL AMENDMENT.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking "this chapter" and inserting "this subtitle".

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—

(1) REAUTHORIZATION.—Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended to read as follows:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle—

"(1) \$7,000,000 for fiscal year 1995; and
"(2) \$10,000,000 for each of fiscal years 1996, 1997, and 1998."

(2) TECHNICAL AMENDMENT.—Section 221(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13021(b)) is amended by striking "this chapter" and inserting "this subtitle".

(c) GRANTS FOR 'TELEVISED TESTIMONY.—
Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by amending section 1001(a)(7) (42 U.S.C. 3795(a)(7)) to read as follows:

"(7) There are authorized to be appropriated to carry out part N—

"(A) \$3,500,000 for fiscal year 1995; and
"(B) \$5,000,000 for each of fiscal years 1996, 1997, and 1998."

(2) in section 1401 (42 U.S.C. 3796aa) by striking "and units of local government" and inserting ", units of local government, and other public and private organizations";

(3) in section 1402 (42 U.S.C. 3796aa-1) by striking "to States, for the use of States and units of local government in the States";

(4) in section 1403 (42 U.S.C. 3796aa-2)—
(A) by inserting ", unit of local government, or other public or private organization" after "of a State"; and

(B) in paragraphs (3) and (4) by inserting "in the case of an application by a State," before "an assurance";

(5) by striking section 1405 (42 U.S.C. 3796aa-4); and

(6) in the table of contents by striking the item for section 1405.

AMENDMENT NO. 1188

(Purpose: To express gratitude to law enforcement personnel)

At the appropriate place in the bill, insert the following new section:

SEC. . LAW DAY U.S.A.

(a) FINDINGS.—Congress finds that—

(1) the first day of May of each year has been designated as "Law Day U.S.A." and set aside as a special day to advance equality and justice under law, to encourage citizen support for law enforcement and law observance, and to foster respect for law and an understanding of the essential place of law in the life of every citizen of the United States;

(2) each day, police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation;

(3) each year tens of thousands of law enforcement personnel are injured or assaulted in the course of duty and many are killed;

(4) law enforcement personnel are devoted to their jobs, are underpaid for their efforts, and are tireless in their work; and

(5) law enforcement personnel perform their duties without adequate recognition.

(b) EXPRESSION OF GRATITUDE.—In celebration of "Law Day, U.S.A.", May 1, 1994, the grateful people of this Nation give special emphasis to all law enforcement personnel of the United States, and acknowledge the unflinching and devoted service law enforcement personnel perform as such personnel help preserve domestic tranquility and guarantee the legal rights of all individuals of this Nation.

AMENDMENT NO. 1189

(Purpose: To authorize the use of 6.25 percent of the funds used to prevent violent crime through programs to support healthy child development and substance abuse treatment and prevention)

Insert at the appropriate place the following:

Of the amounts available to be expended for the Violent Crime Reduction Trust Fund \$75 million is authorized to be expended to constitute an Ounce of Prevention Fund, to be administered as follows and for the following purposes:

(i) The Ounce of Prevention Fund shall be for the purpose of encouraging and supporting the healthy development and nurturance of children and youth in order to promote successful transition into adulthood and for preventing violent crime through substance abuse treatment and prevention.

(ii) Activities to be supported by the Ounce of Prevention Fund include—

"(I) after school and summer academic enrichment and recreation conducted in safe and secure settings and coordinated with school curricula and programs, mentoring

and tutoring and other activities involving extensive participation of adult role models, activities directed at facilitating familiarity with the labor market and ultimate successful transition into the labor market; and

"(II) substance abuse treatment and prevention program authorized in the Public Health Service Act including outreach programs for at-risk families.

"(iii) Except for substance abuse treatment and prevention programs, the children and youth to be served by Ounce of Prevention programs shall be of ages appropriate for attendance at elementary and secondary schools. Applications shall be geographically based in particular neighborhoods or sections of municipalities or particular segments of rural areas, and applications shall demonstrate how programs will serve substantial proportions of children and youth resident in the target area with activities designed to have substantial impact on the lives of such children and youth. The Ounce of Prevention Council created herein shall define more precise statistical and numerical parameters for target areas, numbers of children to be served, and substantially of impact of activities to be undertaken.

"(iv) Applicants may be cities, counties, or other municipalities, school boards, colleges and universities, nonprofit corporations, or consortia of eligible applicants. Applicants must show that a planning process has occurred that has involved organizations, institutions, and residents of target areas, including young people, as well as cooperation between neighborhood-based entities, municipality-wide bodies, and local private-sector representatives. Applicants must demonstrate the substantial involvement of neighborhood-based entities in the carrying out of the proposed activities. Proposals must demonstrate that a broad base of collaboration and coordination will occur in the implementation of the proposed activities, involving cooperation among youth-serving organizations, schools, health and social service providers, employers, law enforcement professionals, local government, and residents of target areas, including young people. The Ounce of Prevention Council shall set forth guidelines elaborating these provisions.

"(v) The Ounce of Prevention Council shall be chaired by the Attorney General and the Secretaries of Education and Health and Human Services, and shall include the Secretaries of Agriculture, Housing and Urban Development, and Labor, and the Director of the Office of National Drug Control Policy. Such sums as shall be necessary shall be appropriated for staff of the Ounce of Prevention Council, which will be headed by a Director chosen by the Council. The Council shall make grant awards under this program and develop appropriate guidelines for the grant application process.

"(vi) The portion of the costs of a program, project, or activity provided by a grant under the Ounce of Prevention Fund may not exceed 75 percent, unless the Ounce of Prevention Council waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. Grants may be renewed for up to 4 additional years after the first fiscal year during which a recipient receives an initial grant, provided the Council is satisfied that adequate progress is being made toward fulfillment of proposal goals. The provision of section 1705(a) concerning nonsupplantation, section 1705(b) concerning limits on administrative costs, section 1706

concerning performance evaluation, and section 1707 concerning revocation or suspension of funding shall apply to the program created by this subparagraph."

VICTIMS OF CHILD ABUSE ACT

Mr. REID. Mr. President, I want to commend Senator BIDEN for reauthorizing the Court-Appointed Child Advocate Program and the Child Abuse Training Program under the victims of Child Abuse Act. An act we worked together on back in 1989.

In 1989, I introduced a bill that offered many protections for children both in and outside the Federal court system. The bill allowed children to testify in a room other than the courtroom in order to reduce trauma; allowed the use of a child's recorded deposition; allowed the use of anatomical dolls, puppets, or other toys to help a child describe possible sexual abuse; allowed for the child to be accompanied to a court proceeding by a parent, counselor, or court-appointed guardian; and ensured a speedy trial to minimize the time and length of a child's stress.

Further, protections which extend beyond the courtroom included: mandatory criminal background checks of those who work with children in Federal facilities or on Federal lands; mandatory reporting of suspected child abuse by certain people who work with children in Federal facilities or on Federal lands; a prohibition on the release of a child witness' name and address; and an extension of the statute of limitations so that there is no limit on prosecution if a victim of abuse was under 18 years of age at the time of the crime.

As I said, Senator BIDEN and I worked very hard together on this issue, and I was happy to see that much of my bill was included in the Victims of Child Abuse Act which finally became law.

Today, we are here to reauthorize the Court-Appointed Special Advocate Program and the Child Abuse Training Programs for Judicial Personnel, and I want to again complement my colleague, Senator BIDEN, for taking this up at this time.

This amendment is absolutely necessary to protect children who have been victimized. Children must have special protection as victims or witnesses in the justice system because of their age and vulnerability, and deserve safeguards to assure that their rights to be free from further emotional harm and trauma occasioned by judicial proceedings is protected by the court.

Our treatment of child victims has been a classic case of society showing more concern for alleged criminals than for victims. We have a separate juvenile court system for children accused of committing crimes. We have a separate juvenile court system for children accused of committing crimes. We recognize that these children should be

treated differently than adults. But when children are the victims, how can we throw them into our adult court system without special treatment? Children are special and should be treated that way.

Over the last few years, the Victims of Child Abuse Act has been a great success, and, once again, I am very happy to see that we are taking the time to reauthorize it here today.

Mr. BINGAMAN. Mr. President, before the Senate completes action on S. 1607, the Violent Crime Control and Law Enforcement Act of 1993, I would like to comment on two provisions of the bill. These provisions, which I authored, address the growing problem of youth crime and drug abuse along our country's international borders, a region of the United States that includes my home State of New Mexico.

The 2,000-mile border between the United States and Mexico is one of the fastest growing regions of both countries. Between 1950 and 1980, the population of Mexico's six border states tripled from 3.7 to 10.7 million. During the same 30-year period, our four United States-Mexico border States doubled in population, from 19.8 million in 1950 to 41.9 million in 1980. This rapid population growth has created many economic opportunities for residents of both sides of the border.

Unfortunately, this tremendous growth has also led to an increase in a number of social and family problems, including the serious problems of crime and illegal drug use. Auto theft, illegal immigration, and drug smuggling are among the more well-publicized crimes occurring along our borders. But more and more frequently, evidence is pointing toward a growth in other crimes; and more and more frequently, these crimes, whether robbery, arson, drug trafficking, or illicit drug use, involve young people—our Nation's school-age children.

The provisions I authored are specifically targeted at these children. First, I propose that we add a modest, yet extremely beneficial, grant program to the Antiterrorism Grants Program authorized under title XV of the Youth Violence Act. The grants will help States, local governments, and nonprofit organizations develop and implement effective, innovative programs aimed at addressing the unique problems border communities and their juvenile residents face in dealing with the temptations of crime and illegal drug and alcohol use.

The second provision directs the Commission on Crime and Violence, which this legislation would create, to expand its purpose and responsibilities to include the issue of border crime. I believe this added duty could be a crucial part of the comprehensive and effective crime control plan the Commission is charged with developing. Unless it addresses the growing national prob-

lem of crime along our international borders, the Commission's national blueprint for action in the 1990's will be incomplete.

Mr. President, the House of Representatives is scheduled to vote on the North Atlantic Free-Trade Agreement 1 week from today. If the House approves the NAFTA, the Senate will consider it shortly thereafter. If approved, the NAFTA will increase trade with our neighbor to the south and further boost population expansion on both sides of the border.

Already, we have taken steps to provide for the tremendous growth on the border. We are, for example, increasing our ports of entry along the border. In my home State of New Mexico, a border crossing at Santa Teresa was approved last year by both the governments of Mexico and the United States. This border crossing is the first border crossing in New Mexico near a major metropolitan area and is expected to result in increased trade between my State and Ciudad Juarez in Mexico. I anticipate that a second port in the Las Cruces-El Paso area will soon be established at Sunland Park, NM.

While these ports of entry will allow New Mexico to reap some of the potential benefits of trade with Mexico, they will also provide greater opportunity for criminal activity. I am especially concerned about the increased potential for criminal activity, particularly involving children and teens, that border growth could stimulate.

In addition to providing for increased trade with Mexico and establishing new ports of entry along the border, I believe we must begin to provide for a social infrastructure on the border. We must begin to support the border States like New Mexico in their effort to coordinate law enforcement on the border. This is why I have advocated that two duties be added to the Commission on Crime and Violence's mandate. As part of its development of a comprehensive and effective crime control plan, the Commission should:

Recommend improvements in the coordination of local, State, Federal, and international border crime control efforts; and

Examine the impact of enhanced new international trade agreements, immigration, and increasing numbers of international ports of entry on crime and violence in the United States.

In my opinion, these two additions are essential if the Commission's report is truly to be a blueprint for national action on crime control in the 1990's.

Mr. President, I believe both the provisions I have discussed are important, and I am pleased that they have been included in the Violent Crime Control and Law Enforcement Act of 1993.

Mr. DOLE. Mr. President, I move to reconsider the votes on the amendments I sent to the desk and also the

amendments of the Senator from Delaware.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

ORDERS FOR TUESDAY, NOVEMBER 16, 1993

Mr. BIDEN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8 a.m. Tuesday, November 16; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately following the announcement of the Chair, the previous order relating to S. 636 be executed; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences; further, that with respect to S. 1607, the Hutchison, Helms, and Smith amend-

ments be laid aside to recur upon disposition of the Dole amendment and in the original order as provided for in the previous agreement governing these amendments.

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

RECESS UNTIL TUESDAY, NOVEMBER 16, 1993, AT 8 A.M.

Mr. BIDEN. Mr. President, if there is no further business to come before the Senate, other than to wish Senator BOXER happy birthday, I now move that the Senate stand in recess until 8 a.m., Tuesday, November 16, as provided under the provisions of House Concurrent Resolution 178.

The motion was agreed to, and at 12:25 a.m., the Senate recessed until Tuesday, November 16, 1993, at 8 a.m.

NOMINATIONS

Executive nominations received by the Senate November 10, 1993:

DEPARTMENT OF STATE

MELVYN LEVITSKY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.
DAVID NATHAN MERRILL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

THE JUDICIARY

DANIEL T. K. HURLEY, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE JAMES C. PAINE, RETIRED.

DEPARTMENT OF JUSTICE

BRIAN C. BERG, OF NORTH DAKOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF 4 YEARS VICE ERROL LEE WOOD.
FLOYD A. KIMBROUGH, OF MISSOURI, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS VICE WILLIE GREASON, JR.
CHARLES WILLIAM LOOSDON, OF KENTUCKY, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS VICE RALPH A. BOLING.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 11, 1993:

DEPARTMENT OF ENERGY

MARTHA ANNE KREBS, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF ENERGY RESEARCH, DEPARTMENT OF ENERGY.

ENVIRONMENTAL PROTECTION AGENCY

JONATHAN Z. CANNON, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

RICHARD H. STALLINGS, OF IDAHO, TO BE NUCLEAR WASTE NEGOTIATOR.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT T. WATSON, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

JANE M. WALES, OF NEW YORK, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

MARY RITA COOKE GREENWOOD, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING DOUGLAS H. TRESSON, II, AND ENDING TIMOTHY W. JOSIAH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 14, 1993.

HOUSE OF REPRESENTATIVES—Wednesday, November 10, 1993

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. MAZZOLI].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 10, 1993.

I hereby designate the Honorable ROMANO L. MAZZOLI to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

Dr. Chaim E. Schertz, rabbi, Keshet Israel Congregation, Harrisburg, PA, offered the following prayer:

Our tradition requires that when one is in the presence of august and prominent human beings, he recite the following benediction: “* * * blessed art Thou God our Lord, King of the universe who has bestowed His glory upon flesh and blood * * *.”

This is a fitting benediction on this occasion, for the Members of the House of Representatives of the United States of America represent the people of, not only the most powerful nation in recorded human history, but the most decent as well.

The Almighty is a lawgiver whose laws reflect above all the ability to combine the absolute demands of justice with the grace which is expressed in mercy.

We pray that God grant that clarity of vision to the lawmakers of our country. Without just laws no nation can long prevail. Without merciful human beings, no nation should prevail.

We offer this prayer on the eve of Veterans Day. We remember the men and women who offered their lives so that this Nation may continue to rest on the twin pillars of justice and mercy.

May God grant that the efforts of this House continue to give meaning and significance to their sacrifice.

May God bless the United States of America.

Let us say amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be no 1-minute speeches today, with the exception of one 1-minute requested by the gentleman from Pennsylvania [Mr. GEKAS].

WELCOME TO RABBI CHAIM SCHERTZ

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, in the section of Harrisburg, PA, which is lovingly known as Uptown, there is one of the nicest institutions in the whole area. Keshet Israel Synagogue. The rabbi of that institution was the individual who rendered the opening prayer today.

He is recognized, as were many of his predecessors, as one of the leading citizens in our community. This particular rabbi is recognized for his learning and his teaching in various parts of the Talmud and the Hebrew scriptures, and is recognized not only as a teacher and a learner, but as one who influences others on a regular basis.

He and his wife and children live in that very same area, very close to the synagogue. He is close to the heart of our community.

CONFERENCE REPORT ON H.R. 3116, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That upon adoption of this resolution it shall be in order to consider the

conference report to accompany the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. All time yielded during the debate on this resolution is for the purposes of debate only.

Mr. Speaker, House Resolution 301 is a simple rule facilitating the consideration of the conference report to accompany H.R. 3116, the Department of Defense Appropriations Act for fiscal year 1994. The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read.

As Members are aware, the third continuing resolution expires at midnight tonight and, therefore, it is imperative that the House complete its consideration of this conference report as quickly as possible. The conferees have brought back an agreement which deletes the provision providing for replacement carrier funding, thus satisfying the Committee on Armed Services, which had objected to the inclusion of these funds by the Senate. The conference agreement recommends a total of \$240.6 billion in new budget authority for fiscal year 1994 and falls within the section 602(b) discretionary budget authority allocation.

Mr. Speaker, Chairman MURTHA has brought us a bill which was developed under trying circumstances: the need to cut spending while at the same time preserving the ability of our Armed Forces to provide for our national defense. I congratulate him and his colleagues for a job well done and urge adoption of the resolution so that the House may proceed to the consideration of this vital conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of all former marines, present marines, and on behalf of the gentleman from Pennsylvania [Mr. MURTHA] sitting in back of the gentleman from Texas [Mr. FROST], we thank him for his words.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I will just briefly say that I support the gentleman from Texas [Mr. FROST] in urging all Members to support this rule.

As Members know, Mr. Speaker, time is of the essence.

This conference report for Defense appropriations is the last outstanding general appropriations bill that must be enacted for the new fiscal year.

It must be signed into law before midnight tonight in order to avoid the necessity of enacting another continuing resolution. I think none of us want to do that.

Mr. Speaker, this rule provides for expeditious action by the House.

Mr. Speaker, as the gentleman from Texas [Mr. FROST] has also indicated, this rule waives all points of order against the conference report itself and against its consideration.

The principal reason for the blanket waiver is simply the fact that the House has not yet taken its final action on the Defense authorization bill for fiscal year 1994.

I understand that a conference agreement has been reached for that legislation, and I hope we will be considering that soon.

But as of this moment, in the absence of a completed authorization bill, the waivers contained in this rule are necessary and, in my opinion, they are justified.

Mr. Speaker, I am convinced that the distinguished chairman of the Defense Appropriations Subcommittee, the gentleman from Pennsylvania [Mr. MURTHA], and the ranking Republican, the gentleman from Pennsylvania [Mr. McDABE], have done everything humanly possible to accommodate the concerns of authorizing committees.

Indeed, the Rules Committee did not receive any testimony to the contrary, and I can forego my usual skepticism concerning blanket waivers and urge all Members to support this rule.

I do have to say, Mr. Speaker, that I have substantial reservations about the conference report itself.

My concerns are not in any way a negative reflection on the work of Mr. MURTHA and Mr. McDABE.

Mr. Speaker, I cannot think of any two Members in this House to whom I would be more willing to entrust the security of the country than JOHN MURTHA and JOE McDABE.

They and the other members of the Committee on Appropriations have done the best they could while having to labor under some extraordinary conditions and some extraordinary restrictions.

It is those larger restrictions, outlined by the administration and contained in the budget resolution, that concern me very, very much.

Mr. Speaker, there is not a single Member of Congress who should rest easily in the knowledge that the planned defense expenditures over the

4-year span of the Clinton administration come in far below what the administration's own Bottom-Up Review has defined as the minimum amount necessary to protect the security of the country and defend our vital interests around the globe.

Mr. Speaker, I referred to a 4-year lifespan for the Clinton administration deliberately, and not sarcastically.

Believe me, Mr. Speaker, this administration is going to be sorely tested overseas in the couple of years ahead.

I pray that test does not come in Korea, because the stakes are so high.

With 70 percent of North Korea's total military capability now poised at the 38th parallel, tens of thousands, even hundreds of thousands or more could be killed in a new Korean war, especially if nuclear weapons become involved. And we all know that that nuclear capability is almost there for North Korea.

□ 0940

I just have to express my profound fear that this administration simply is not up to it. It simply does not appear capable of managing an international crisis. And I think that Members on both sides of the aisle had better sit down and had better talk to our President to make sure that we have a coherent foreign policy that is going to be respected around the world.

An administration which announces its defense cuts first, and then tries to figure out what the country actually needs to defend itself, is not on top of the situation. So I must express my great reservations about this conference report.

But I do believe the process must go forward here today, and I urge support for the rule.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

The motion to reconsider was laid on the table.

Mr. MURTHA. Mr. Speaker, pursuant to House Resolution 301, the rule just adopted, I call up the conference report on the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 301, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, November 9, 1993, at page 28000.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MUR-

THA] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. McDABE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the conference report presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring to the House the conference report on the fiscal year 1994 Department of Defense Appropriations Act.

First, I would like to thank all the members of the Subcommittee but especially the three new members of the Defense Subcommittee, Congressmen VISLOSKY, DARDEN, and SKEEN. They all provided valuable assistance to the subcommittee during the hearings, the markup and the conference with the Senate.

Mr. Speaker, regarding the fiscal year 1994 Defense appropriations conference report, I would like to make a few points:

A total of \$240.6 billion in budget authority is provided in this legislation;

The total is \$13.5 billion below the fiscal year 1993 level;

It is over one-half billion dollars below the budget request;

It is below the 602(b) allocation set by the Appropriations Committee; and

It is in agreement with the authorization conference report regarding funding for major systems.

As in any conference with the Senate, there was considerable give and take, and we had to include various provisions and funding levels for programs which were not in compliance with the original House position.

The conference report contains funding in the amount of \$474 million for the technology reinvestment program an addition of \$150 million to the budget request. Realizing the high priority the administration places on this important program to help defense industries convert their technologies for commercial use, the committee encourages the Department to submit a reprogramming or a supplemental budget request for additional funding for the Technology Reinvestment Program which will then be given priority consideration by the committee.

I would like to insert a table outlining the conference recommendations by title at this point in the RECORD.

BUDGET AUTHORITY

	Fiscal year—		Conference
	1993 enacted	1994 estimates	
RECAPITULATION			
Title I—Military personnel	76,275,025,000	70,093,770,000	70,624,044,000
Title II—Operation and maintenance	69,405,963,000	74,232,303,000	76,613,787,000
Title III—Procurement	35,375,931,000	45,067,328,000	44,663,078,000
Title IV—Research, development, test and evaluation	38,234,848,000	38,620,227,000	35,191,491,000
Title V—Revolving and management funds	1,737,200,000	1,951,895,000	2,643,095,000
Title VI—Other Department of Defense Programs	11,027,923,000	11,992,748,000	11,921,820,000
Title VII—Related agencies	246,600,000	312,068,000	343,588,000
Title VIII—Economic conversion	472,000,000		
General provisions	280,925,000		-565,025,000
Additional transfer authority	(1,500,000,000)	(2,000,000,000)	(2,500,000,000)
Total, Department of Defense	253,156,315,000	240,857,464,000	240,534,878,000
Scorekeeping adjustments	956,424,000	724,067,000	35,067,000
Prior year outlays including H.R. 2118			
Grand total	254,112,739,000	241,081,531,000	240,569,945,000

DECLINE IN DEFENSE SPENDING

Mr. Speaker, in the report accompanying the House-passed bill last September, we spelled out the extent of the decline in Defense spending in the past decade. For example:

First, the fiscal year 1994 budget represents the ninth consecutive year of reductions in budget authority for Defense when measured in constant dollars.

Second, by the end of fiscal year 1994, the active force level will be 513,000 below the level in place when the Berlin Wall came down in 1989. This number is higher than all the forces we had stationed overseas in 1989 and equal to the entire force we deployed to the Persian Gulf during the war with Iraq in 1991.

Third, by the end of fiscal year 1994, the number of civilians employed by the DOD will be 198,000 below the level in place when the Berlin Wall came down.

Fourth, the reduction of 711,000 military and civilians since the Berlin Wall came down is approximately equal to the entire population of San Francisco or Baltimore.

Fifth, the projected uniformed strength by 1997 of 1,400,000 would be the lowest number of personnel in the Armed Forces in 57 years.

Sixth, this year's spending level for Defense as a percent of the gross national product is projected to be the lowest it has been since before World War II with the exception of fiscal year 1948.

Seventh, U.S. military presence either has or soon will be ended, reduced or placed on standby at over 800 overseas installations.

Eighth, a rapid reduction in the U.S. base structure is ongoing.

Ninth, millions of jobs are being eliminated in the private sector as a result of these reductions.

Tenth, the procurement account has declined by 64 percent in 9 years.

Eleventh, budget outlays for national defense as a percentage of the Federal budget are the lowest since before World War II.

In historical perspective and in the perspective of America's total wealth,

the funds provided in this budget for Defense are indeed modest.

At this point, I would like to briefly outline some of the highlights of the bill:

TITLE I.—MILITARY PERSONNEL

Bill provides a total of \$70.6 billion for military personnel.

Funds provide \$1.1 billion over the budget for a pay increase of 2.2 percent for uniformed personnel.

Active force structure declines by 105,000 personnel from fiscal year 1993 level.

Increased the personnel level in the Guard and Reserve by 5,300 above the budget request. This increase for the Marine Corps Reserve, provides for the increase recommended in the Secretary of Defense's Bottom-Up Review.

TITLE II.—OPERATION AND MAINTENANCE

The conferees recommend \$76.6 billion, a reduction of \$657 million from the budget for Operation and Maintenance.

The conferees added significant amounts to the budget request to redress readiness and operations shortfalls. These include adds for:

Depot Maintenance	.....	\$236
OPTEMPO	.....	220
Air Force Spare Parts	.....	280
Retrofitting Equipment withdrawn from Europe	.....	154
Maritime and Afloat Prepositioning of War Reserves	.....	65

The conferees fully funded the request of \$400 million to continue the demilitarization program for the former Soviet states.

The conferees denied the Administration's request of \$448 million for a Global Cooperation Initiatives account which would have financed peacekeeping and humanitarian assistance operations.

As a result of savings from foreign currency rates, the conferees adopted \$420 million in savings throughout the O&M accounts.

TITLE III.—PROCUREMENT

Provided \$44.7 billion for procurement, a decrease of \$10.7 billion from the 1993 level. Highlights follow:

Army:
Apache Helicopters: Added \$150 million over the budget for 10 Apache Helicopters, as authorized.

AHHP Helicopters: Added \$123 million over the budget for 18 AHHP helicopters, as authorized.

Navy:
DDG-51 Destroyers: Fully funded request of \$2.6 billion for 3 destroyers;

F/A-18 C/D Attack Fighters: Funded requested level of 36 aircraft (\$1.5 billion);

Trident D-5 Missile: Fully funded request of \$938 million for 24 missiles;

Sealift: Increased budget request by \$1.2 billion, plus added \$50 million for shipbuilding loan guarantees;

Air Force:
C-17 Airlift Aircraft: Funded the request of 6 aircraft at \$1.9 billion;

F-16 Fighter Aircraft: Funded 12 aircraft at \$400 million, as authorized;

Guard and Reserve Equipment: Conferees added \$1.2 billion over budget for a wide variety of equipment for the Guard and Reserve, including \$800 million for aircraft procurement.

TITLE IV.—RESEARCH, DEVELOPMENT, TEST AND EVALUATION (RDT&E)

Provides \$35.2 billion for RDT&E, a decrease of \$3.4 billion from the budget request. Highlights include:

Army:
SADARM: Terminated the SADARM precision submunition.

Comanche Helicopter: Fully funded the RDT&E request of \$367 million.

Navy:
AFX: Terminated the AFX tactical aircraft program at a savings of \$400 million.

New Attack Submarine: Fully funded the budget request of \$476 million.

F/A-18 E/F Attack Fighters: Provided \$1.5 billion for continued development.

Air Force:
F-22 ATF (Advanced Tactical Fighter): Provided \$2.1 billion, a reduction of \$168 million from the budget request.

MILSTAR Communications Satellite: Provided \$932 million for continuing the MILSTAR program.

Defense Agencies: Ballistic Missile Defense (formerly SD1): Provided \$2.6 billion, the authorized level, and a decrease of almost \$1 billion from the budget request.

DEFENSE ECONOMIC CONVERSION

The conferees provided \$2.5 billion for defense economic conversion. These funds assist defense workers, military personnel, defense industries and various communities to transition to non-defense commercial enterprises because of the severe impact of the continuing decline in defense spending.

PEACEKEEPING

The conferees agreed to:
First, the Byrd amendment restricting the mission in Somalia and requiring that United States forces withdraw by March 31, 1994;

Second, sense-of-the-Congress provisions stating that there be prior congressional authorization before deployments to Haiti and Bosnia; and

Third, a new general provision expressing the sense of Congress that the President consult with Congress prior to any new peacekeeping or humanitarian deployment and that such operations be funded through new supplemental appropriations.

In conclusion, Mr. Speaker, I would like to reiterate the points I made earlier. The conference report:

Is \$13.5 billion below the fiscal year 1993 level;

Is below the 602(b) discretionary budget authority allocation;

Is in compliance with the authorization conference in terms of funding for major programs.

I urge adoption of the conference report.

Mr. MURTHA. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. NATCHER], the distinguished chairman of the full Committee on Appropriations.

Mr. NATCHER. Mr. Speaker, I want to thank my friend from Pennsylvania for yielding me this time, and I want you and all of the members to know that I rise in support of the Defense appropriations conference report. Upon adoption of this conference report, the House will have concluded action on all of our 13 regular appropriations bills. Mr. Speaker, yesterday we completed action on the Interior conference report and I understand that the Senate will take up this conference report today, clearing it for the President.

Mr. Speaker, I want to thank everyone for the help they have given me and the committee. I want to thank the 12 other committee chairmen and the 13 ranking members on the subcommittees and especially my good friends, JOE MCDADE, and JOHN MURTHA of Pennsylvania. These are two of the able Members of the House, and I want you to know that I appreciate your help at all times.

My appreciation applies not only to the members of the committee, but also to our excellent staff, Mr. Speaker. When we are at our homes here in Washington at night, our staff is still here on the Hill working on our bills.

Mr. Speaker, on the Appropriations Committee, we try to do it right—we work together—both sides of the aisle—to get our work done. We all work together as a team to do a good job the right way.

Mr. Speaker, the current continuing resolution expires at midnight, tonight. Yesterday, out of an abundance of caution, I introduced House Joint Resolution 288 which was a simple date extension to the current continuing resolution until November 16. I did this in the event the Interior or Defense conference reports were not acted on by midnight today. Because action on these conference reports is expected to be completed today, there is now no reason to extend further the continuing resolution, and therefore I will not

be calling up House Joint Resolution 288.

Again, I want to thank all Members for their cooperation at every step of the way this year as we acted on our fiscal year 1994 regular appropriations bills. On the Committee on Appropriations, we appreciate this cooperation.

Mr. Speaker, we support this conference report.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this conference report and urge its adoption.

I must begin by expressing my deep appreciation to all the members of the conference committee for one of the smoothest and workman-like sessions I've seen in my 29 years as a member of the Appropriations Committee.

We confronted dozens of tough issues, but throughout addressed them forthrightly and without rancor—and for that I must point to the leadership of my colleague from Pennsylvania, as well as that of the senior Senators from Hawaii and Alaska who as always helped guide us to a satisfactory conclusion. And I must recognize the Members on our side—BILL YOUNG, BOB LIVINGSTON, JERRY LEWIS, and the newest member of the Defense Subcommittee, JOE SKREEN, for their contributions in the conference and throughout the year.

Mr. Speaker, it is no secret that I and many Members in this Chamber are gravely concerned about the future of our military and security posture, given the direction that the administration wants to take us in terms of deep defense cuts.

I simply don't believe we can meet our global commitments while maintaining a quality force under the 5-year budget numbers for Defense that we are looking at. In particular, we are running a very real risk of returning back to the days of a hollow force.

That concern has overshadowed each and every decision taken in the Defense Subcommittee this year. And I am pleased that same philosophy carried through to our conference with the Senate. That is why I support this conference report.

Throughout this bill you will find a series of actions targeted toward maintaining a quality military:

Some \$1.1 billion added over the budget for a military pay raise;

Over \$1 billion added to the operating accounts, attacking shortfalls in training and maintenance funding;

And nearly \$300 million over the budget for medical care for military families.

There's many other good decisions, such as robust funding for sea and airlift all targeted to give us a flexible and responsive force.

Regarding major weapons decisions—such as ballistic missile defense, F-16 production, and the like, this agree-

ment incorporates the decisions made by the Defense Authorization conferees.

To sum up, while not perfect, this bill shapes the continuing build-down in a way that keeps our forces flexible and responsive. The real challenges will come next year and beyond—when the Clinton defense cuts really begin to bite. Let me remind all of you, the vast majority of the Clinton cuts—over \$110 billion—have yet to be seen. Mr. Speaker, just wait until next year and beyond.

Then, I fear all of us will be confronted with a hard question: Do we in fact want to keep a quality military, capable of responding to the growing requirements of an increasingly troubled world? If we do, then we will have to pay for it.

In the meantime, we need to do what we can to sustain and support our men and women who continue to go in harm's way, in the midst of so many changes. We have done our best to do just that, in the face of continued cuts and reductions, and as a result I ask for quick and favorable consideration of this conference agreement.

Mr. Speaker, I yield back the balance of my time.

Mr. MURTHA. Mr. Speaker, I want to compliment the gentleman from Pennsylvania, JOE MCDADE, and the whole committee. This was the toughest bill we have had.

Mr. FALCOMAVEGA. Mr. Speaker, I rise in support of section 8137 of the Defense appropriations conference report. This section would do two things.

First, it directs the Department of the Navy to modify and transport a small landing craft to the territory of American Samoa. Second, it authorizes the Department of Defense to transport surplus medical equipment to American Samoa.

Mr. Speaker, American Samoa has been undergoing significant financial problems for the past several years. There is only one hospital in American Samoa, and that hospital is operated by the local government. The government's deficit and cash-flow have gotten so critical in recent years that the local hospital no longer has the basic medical equipment and supplies that are necessary to meet the needs of the Americans living in the territory. Even the territory's pharmaceutical supplies have been depleted at various times over the past months.

Another example of the poor condition at the hospital is with only one sterilizer which at times it is not operable, there are times when surgical tools are boiled in an effort to sterilize them. This eventually leads to the use of unsafe, rusty equipment. Even equipment such as beds and bed sheets are in short supply.

Mr. Speaker, the conditions at the hospital are so serious, that 2 weeks ago, the Governor of American Samoa declared a state of a medical emergency. A copy of that declaration is attached to the end of my statement.

As the Government slowly works its way out of its deficit, the assistance from the Department of Defense in transporting this medical

equipment will ease the pain of the suffering, probably save some lives, and eventually save some taxpayer money by improving the efficiency of the Government's medical operations.

Mr. Speaker, the land portion of American Samoa is comprised of five inhabited islands, which are nearly 200 miles apart. There is an immediate need for a vessel to transport cargo, freight, and passengers among the various islands of the territory. The last operable boat in Samoa capable in transporting heavy cargo among the islands is decades old and on its last legs. Regularly, this vessel is undergoing repairs, and during those times there is no vessel available to transport the diesel oil needed to provide electricity to the outer islands. Even basic items of personal comfort such as stoves and refrigerators cannot be transported without such a vessel.

Finally, Mr. Speaker, each trip to the outer islands costs the government approximately \$2,800 is fuel alone. Currently, because there is no certified vessel, the local government is prohibited by Federal law from charging for the transportation of personnel, cargo, or equipment to the various islands of Samoa. The requirement to provide a certified vessel to meet this need will enable the local government to recover some of its costs in providing transportation among the islands.

DECLARATION OF MEDICAL EMERGENCY

Whereas, there exists a medical emergency which threatens to disrupt the social order and imperil the public health and safety of the residents of American Samoa; and

Whereas, the LBJ Tropical Medical Center has great difficulty meeting even the most basic needs of its patients on a daily basis due to the lack of adequate medical supplies; and

Whereas, the American Samoa Government is in a state of fiscal crisis and is currently unable to purchase medical supplies through the normal channels as its regular suppliers will no longer accept its purchase orders; and

Whereas, there exist a large number of medical supply items which have been identified and set aside in several U.S. mainland locations for the use of American Samoa; and

Whereas, the LBJ Tropical Medical Center is in dire and urgent need of these surplus items; and

Whereas, the American Samoa Government is without the means to pay for the transportation costs of these supplies,

Now, Therefore, by the authority vested in the Governor of American Samoa under Article IV, Section 6 of the Revised Constitution of American Samoa and Title 4, Chapter 01, Section 0111(b) of the American Samoa Code, I, A.P. Lutali, Governor of American Samoa, do declare that a Medical Emergency exists due to a lack of basic medical supplies and the inability to transport the surplus supplies which are available.

Further, I request the full cooperation of the United States government in this time of Medical Emergency.

Mr. BROWN of California. Mr. Speaker, it seems that everywhere we go, as Members of this august institution, we hear critics tell us that we can't get anything done, that we engage in endless debate and disputation, that we are gridlocked. But today we witnessed a shining example of this legislative body moving with a speed that was blinding. What am

I talking about? The passage of H.R. 3116, the Defense appropriations bill. That bill containing more than \$254 billion in spending went through the House in approximately a quarter of an hour. If you had blinked, you would have missed it. Members with offices on the fifth floor of Cannon would not have had time to catch an elevator, walk across the street and participate in the voice vote on final passage. In fact, if they didn't have C-SPAN on, they might not have known a vote was occurring.

The way this bill moved through this body, under the cover of darkness, or, more accurately, wrapped in the protective embrace of the Appropriations Committee, eloquently symbolizes all that is wrong about the old ways in this institution. The process is unfair, it denies nine-tenths of the Members of this body any role in participation, and it leads to a misallocation of our scarce resources based on the directives of a handful of Members of Congress. I want to elaborate on these three themes in the time remaining today.

AN UNFAIR PROCESS

The Defense appropriations conference report went to the Rules Committee just last night, November 9, at 5 p.m. There was no notice or time established for that session. My staff received a call at 4:52 indicating that the Defense conference report had been received, we were welcome to come over and scan a copy, and, by the way, the Rules Committee was meeting at 5 p.m.

We did send a staffer to look at the more than 220 amendments and 312 pages of the statement of managers. While the staffer reviewed the text, the Rules Committee was busy providing a rule that waived all points of order against the bill. Such points of order are the sole guarantee authorizers have that they can act to block elements of appropriations bills that attempt to legislate. My feeling is that points of order should never be waived and I hope that is a position my colleagues will endorse when we move toward reinventing this institution in the next Congress.

In any case, this morning the House came into session a half hour earlier than originally scheduled. Instead of the usual round of 1-minutes by our colleagues, the House moved directly to consideration of the rule for the Defense appropriations bill. That rule was accepted on a voice vote. We then moved directly to consideration of the bill. That bill was then accepted on a voice vote. The entire package moved through the House in approximately 15 minutes. The important point to note is that the bill moved before the amendments and statement of managers were made widely available to Members or staff. The Congressional Record containing the conference report was not available until almost noon—2 hours after we passed the legislation. It is difficult to claim that we engage in informed legislative deliberation when we move legislation before Members have even had a chance to see its contents.

THE MAJORITY OF MEMBERS ARE DENIED A VOICE

The process used to move the Defense appropriation conference report denied 97 percent of the Members of the House any participatory role. Setting aside the process by which the conference report was passed, I would like to focus attention on an activity that

is just as pernicious: the use of legislative reports and statements of managers to earmark appropriated funds.

The Defense appropriations conference report is replete with earmarks. I invite Members to take a moment to flip through the research, development, testing and evaluation section. On the very first page of that section, the second paragraph, the statement of conferees reads: "Items of special congressional interest: Funds for projects noted to be of special interest in either the House or the Senate reports remain so, even if the dollar value of these items has changed in conference or even if not specifically mentioned in this report, unless indicated to the contrary in this report." Throughout the legislative reports and statement of conferees, these items of special congressional interest are noted as requiring a DD 1414 form. What does this mean? It means that any desire by the Department of Defense or the Services to spend those moneys in any other way or to spend less than the designated amount requires the prior approval of the appropriators.

Through this arcane reporting mechanism, the Defense Appropriations Subcommittees seek to force the Department of Defense to spend our scarce national security dollars on the programs, projects and contractors nearest and dearest to the appropriators' hearts. The items are fenced off from reprogramming and the Department of Defense and our Armed Services must spend those moneys in the way directed by the appropriators or simply lose the money.

How many Members of this body were allowed to participate in determining which would be items of special congressional interest? Exactly 14. Fourteen out of 435 Members of Congress—just 3 percent of us—played a role in the conference. We all know the game of musical chairs. Well, the way the appropriators play it, 1 out of every 31 of us gets to sit when the music stops playing and it comes time to earmark money. The rest of us are left to stand around, watching the bill sail past. I do not want to see that process change so that more of us get to sit at the table; what I want to see is a process whereby sitting at the table does not allow someone the ability to earmark huge sums of tax dollars for the benefit of their district without consideration for the Nation's needs and interests.

And what was done when the music stopped and the appropriators sat down, behind closed doors, to divvy up the Defense Department? That is the real outrage because it appears that several billion dollars in earmarks were made—we can find approximately \$2 billion in the research, development, testing and evaluation [RDT&E] section alone.

EARMARKED DOLLARS IN DEFENSE RDT&E ACCOUNTS

The number and extent of earmarks are difficult to accurately count in less than 24 hours, but that is how much time every member of this body—save the lucky few who are on Appropriations—has had to analyze the bill and report. My staff have analyzed several sections of RDT&E and what they find should disturb all the members of the House and the people they represent.

EARMARKS IN DEFENSE CONVERSION

There are two glaring areas of defense conversion moneys that the Defense Appropriations Subcommittees have attempted to earmark: those in operations and maintenance accounts and those in dual use technology.

The O&M conversion funds were appropriated at a level of \$377 million by the conferees. Of this amount, it appears that \$145.6 million has been earmarked—the vast majority of that amount by House conferees. Earmarked funds represent 39 percent of all moneys provided in this account; this is a great improvement over the 63 percent of funds earmarked in the original House legislative report, but it is hardly reassuring.

Dual use funds appropriated by the conferees equal \$474 million—\$150 million less than the House position. Of the \$474 million, at least \$103.3 million, 22 percent of all funds, have been earmarked. My colleagues will recall that I originally objected to House report language earmarks and that the chairman of the House Defense Appropriations Subcommittee gave his support to an amendment offered on the floor that restates that all technology reinvestment program funds will be competitively awarded and require matching funds by the recipients. That language was also adopted in the Senate and will be included in the bill. It reiterates the law of the land on the way in which TRP moneys are to be spent. At the same time, the Defense Appropriations Subcommittee has attempted to fence off their earmarks by indicating in report language that those are items of special congressional interest and tying the dollars to DD 1414 reporting requirements.

I want all of my colleagues to note the creative wizardry involved in this maneuver. The Defense Appropriations Subcommittees have sponsored a bill here today that will require competitive awards and matching dollars as the law of the land. At the same time, they have attached to that bill report language that instructs DOD to spend almost \$104 million on specific projects the Appropriations Committee members desire to see funded. In effect, they have instructed DOD to choose between breaking the law by spending the money or lose the money—money that this Nation's companies and workers desperately need as they negotiate the transition to a post-cold war economy.

This is an intellectually dishonest act. How can Members of this, the highest law-making institution in the Nation, explain that it is their recommendation that DOD break the laws passed by that body? How can we expect the citizens we represent to respect the laws we pass when before the ink is even dry some of our own Members are encouraging executive agencies to violate those laws.

Just as importantly, it violates the trust the American people have put in the Government to administer our defense conversion moneys in a way that is both fair and wise. What signal does it send to the nearly 3,000 consortia who spent time, energy and cash competing for TRP money in the last round of awards to see some of their competitors jumping the line by getting a powerful member of Appropriations to put the fix in for them? I think it tells them there are two systems: one for the politically connected and one for the rest of them.

The politically connected do not have to compete and can skim the cream off the top while the rest of our consortia—people who probably have better ideas, but neglected to hire a high-priced lobbyist or win the ear of an Appropriations member or staffer, have to scramble for the scraps.

Further, the earmarks eat into funding for a program that was probably underfunded even at the higher House appropriation number of \$624 million—much less the lower conference number of \$474 million. The almost 3,000 consortia that were competing for these funds last year applied for a total of more than \$8.5 billion in support. Now we certainly cannot afford to support every good idea, but with so many good ideas competing for support we cannot afford to let a handful of Members choose winners based on such important criteria as whether the consortia is in their district or whether the consortia has a lobbyist that is a former staff member.

I want to remind the Secretary of Defense that these earmarks in report language are not binding. Further, the direction that the Department of Defense treat these as items of congressional interest may not be binding either since that request is contained in report language which does not have the status of law and was not endorsed by the Congress. I hope that the Secretary will resist these instructions to ignore the law. I promise to work with the Department of Defense to help provide some support in this institution.

OTHER EARMARKS IN RDT&E

For my colleagues' information, I want to draw their attention to earmarks in four other areas of the RDT&E: Medical research, Army accounts, Air Force accounts and Defensewide accounts. I want to warn my colleagues that not every item of congressional interest is necessarily an earmark—sometimes it may simply reflect an item that Congress has been wrangling with the Pentagon over and Congress wants to make sure that the Pentagon understands how important the item is. But with less than 24 hours to look at the bill, using such items as a surrogate for earmarks is the most practical step.

MEDICAL RESEARCH EARMARKS

The RDT&E medical research account is replete with items of congressional interest. By my staff's calculation, 38 percent of the total provided for medical research is so designated. That amounts to almost \$196 million out of \$518 million that has been set aside at the direction of the Defense Appropriations Subcommittee members. These items can be broken out by Service: The Army has to set aside \$129.5 million out of its \$359.5 million appropriation; the Navy has been told to set aside \$40 million of its \$93 million appropriation; it is recommended that defense agencies set aside \$26.3 million of their \$59.3 million for purposes specified by the Appropriations Subcommittee members. Only the Air Force escapes unscathed, but their appropriation amounts to a mere \$6.3 million, apparently too little to carry significant earmarks.

DEFENSEWIDE RDT&E

Defensewide RDT&E \$8.8 billion. Of that amount, \$838.7 million—almost 10 percent—is identified as an item of congressional interest. Not all of these moneys may be earmarked.

The fact is that all of the technology reinvestment program dollars are identified as items of interest even though the reports identify only \$145.6 million for specific projects. If we assume that the remaining TRP dollars are recommended by conferees to be competed, that leaves approximately \$468.6 million in items of congressional interest.

Some of the more important DOD initiatives appear to be largely hijacked by earmarks. Two examples: \$17.5 of \$21.8 million in the manufacturing technology account are set aside, \$31.25 million of the \$46.25 million in electric vehicle technology are set aside. This is a very disturbing situation and I hope that the chairman of the Defense Subcommittee can provide some light on this situation.

ARMY RDT&E

The Army received a \$5.4 billion appropriation for RDT&E. Of that amount, \$297.3 million are identified as items of congressional interest. Again, some specific programs seem to be particular targets: Environmental quality technology received \$54.1 million while \$24.9 is set aside; manufacturing technology has \$28.2 million of its \$43.2 million appropriation set aside; \$6 million of the \$17.3 million in materials technology has been set aside.

NAVY RDT&E

The Navy received an \$8.4 billion appropriation for RDT&E. Items of congressional interest in the Navy accounts add up to \$379.4 million. Favorite categories for such interest include: Advanced technology transition, which received \$85.9 million but had \$49.7 million set aside; interest in manufacturing technology is particularly high with \$140.2 million out of the \$142.2 million appropriated identified as an item of interest.

AIR FORCE RDT&E

Appropriations for Air Force RDT&E amount to \$12.3 billion. Items of interest total \$319 million. There is a wider spread of items of interest in the Air Force appropriation. Advanced radiation technology has \$39.3 million of its \$94.7 million set aside as items of interest. Of the \$14.1 million appropriated for computer resource technology transfer, \$7 million is set aside. At the same time, many of the Air Force earmarks are not identified as items of interest, apparently because they were included in the legislation itself. These items amount to \$78 million and were included in amendment No. 100.

A complete analysis of the Defense Appropriations bill will take weeks of work, but this quick check indicates that there are probably several billion in earmarks folded into the bill and accompanying reports. Most of these earmarks are associated with efforts to direct research dollars to favored contractors, bases or universities. This process keeps the taxpayer from getting the best return on their tax dollars and denies the Nation the benefits of letting the best ideas win and the best products move forward.

I continue to be disappointed in the level of report-language earmarks included with the bill. I am also disappointed with the process by which this bill was brought to the floor—there was nothing deliberative or particularly public about it. I know we can do better and I ask my colleagues to join me in working for reforms to our own rules as well as calling on

the White House to issue an Executive order that would help get report-language earmarks under control.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of the conference report on H.R. 3116. While I wish the overall levels in the bill could be higher, I think that given the constraints placed upon them, the distinguished gentlemen from Pennsylvania, Representatives JOHN MURTHA and JOE MCDADE, have done an outstanding job.

I want to specifically address an issue of critical importance to our national security and one which has generated some controversy; namely, the decision to build a new nuclear aircraft carrier. As a former naval aviator and one who has served eight tours on aircraft carriers at sea, I would contend that this is a subject with which I am somewhat familiar. Furthermore, as a member of the Armed Services Committee, I have spent a considerable amount of time reviewing our national security requirements and the deliberations surrounding Secretary Aspin's Bottom-Up Review.

Clearly, the world remains a dangerous place and we will continue to have a need for a strong national defense. The question facing the House is how much defense and what kind of defense.

While I do not agree with all of the conclusions of the Bottom-Up Review, I strongly endorse its recommendations on aircraft carriers. The review concludes that carriers must remain a core element in our military force posture. They provide a highly mobile and capable military force that can be deployed anywhere in the world. Secretary Aspin and his advisors have rediscovered or at least revalidated a conclusion that every president since World War II has known. Aircraft carriers are an essential tool both diplomatically and militarily. Aircraft carriers have been called upon more than 140 times since the end of World War II to go to the scene of a crisis. In more than 90 percent of those instances, the crisis was resolved peacefully. The presence of an aircraft carrier is a stabilizing influence and provides a very tangible indication of American interest and resolve.

In those instances where carriers have been called upon to fight, they have proven their worth overwhelmingly. The most recent example is the Persian Gulf War, where carriers were used not only to prevent Saddam Hussein from invading Saudi Arabia, but were also an integral part of the attacks on Iraq.

Mr. Speaker, the Congress this year is faced with the decision of whether to fund a new aircraft carrier to keep the fleet at the level necessary to protect American interests. The administration has concluded that a minimum of 12 aircraft carriers is necessary to the national security. I personally believe that even that figure may be too low.

President Clinton has found himself with a well-equipped, superbly trained military because of decisions made in the 1980s. We owe it to our future Presidents to decide to fund CVN-76, so they have the resources to protect American interests in the future.

Some have argued that we can live with fewer carriers now that the cold war is over. But we already are moving to fewer carriers, down from 15 over the most of the last decade. Eight carriers are not enough. Even with

12 carriers, we will not be able to keep one carrier deployed in the western Pacific full time. This should alarm us in view of the continuing tension in Korea. Even with this twelfth carrier, there will be gaps of as much as 4 months, because we will not have the ships available for deployment.

Mr. Speaker, I firmly believe that we are already taking far too many risks by cutting back our defenses. CVN-76 is absolutely essential to preserving even a shadow of strength. I remind the House that with 12 carriers, our sailors will be spending at least 6 months at sea on each deployment. Navy families will be suffering great hardships. Morale, recruiting, and reenlistment will all suffer, and we will be back to the problems we faced in the Carter years.

Both the Bush and Clinton administrations support building a new carrier as essential to projecting power around the world. The conference report before us takes the first important steps to insuring that CVN-76 is a reality. I urge the House to support the conference report and support funding for an additional aircraft carrier.

Ms. SHEPHERD. Mr. Speaker, I rise today to express my objection to the \$1.2 billion provided for a new CVN-76 aircraft carrier in the fiscal year 1994 Defense appropriations conference report. My esteemed colleagues may not even be aware that this money was appropriated, since it was hidden so well. If you read through the bill you won't find anything that says "appropriate \$1.2 billion for a new aircraft carrier." What you will find, if you look closely enough, is that the budget for national defense seallift has ballooned from \$400 million in the House-passed bill to \$1.5 billion in the conference report. Apparently, the supporters of this carrier don't feel it could survive any kind of close scrutiny, so they decided to camouflage it the best they could.

Mr. Speaker, I don't think that this is the way we should be doing business. As you know, this carrier was neither authorized by the House or Senate Armed Services Committee, nor requested by either the Navy or the President. The decision to build a carrier has profound implications for our national force structure and for every defense spending decision we make in the years to come. I personally am not convinced that we need a new nuclear carrier at this time, and many others share my concern, such as Senator NUNN, who has testified that a decision to fund the carrier now will worsen future military budget shortfalls. An investment of this magnitude deserves to be debated by the authorizing committees as part of their hearings on the Bottom-Up Review over the next 6 months. This kind of backdoor funding circumvents rational decisionmaking and makes a mockery of the committee process.

Everyone here should keep in mind that \$1.2 billion spend this year will translate into a \$25 billion commitment down the road to complete the carrier and equip it with planes and support vessels. I don't think we should jump blindly into such a huge, expensive project. We should give the authorizing committees a chance to conduct a reasoned debate where all the facts can come out, and we can really decide whether we need another nuclear aircraft carrier. I strenuously object to this attempt to sneak \$1.2 billion into the

budget through the back door under cover of darkness for a project which has not been fully debated in the House. It is precisely this type of closed-door dealmaking that infuriates the American people and erodes their faith in Congress.

Ms. FURSE. Mr. Speaker, I want to take a moment to call attention to an extremely important provision of H.R. 3116, the 1994 Defense appropriations bill regarding the establishment of a marine and environmental research station at South Tongue Point in Oregon.

My predecessor, Congressman Les AuCoin, and Oregon's senior Senator MARK O. HATFIELD worked diligently on opening a new MHC facility in Astoria, OR. In anticipation of this event, State and local agencies expended countless resources in environmental and strategic planning to ensure that the Navy would be well received. Unfortunately, the Navy announced earlier this year that it would implement a countermeasure consolidation plan which would not include Astoria.

I was contacted by local and State officials who were stunned that their investments in land and facilities would go for naught. I immediately voiced my objection to Admiral Kelso that the State has put considerable resources and time working on this project, and the Navy's decision rendered such worthless. Senator HATFIELD and I had numerous meetings with the Navy and eventually, the Navy reevaluated its initial position and decided to provide the State of Oregon \$2 million for the marine and environmental science station at the South Tongue Point site.

The bill before us today provides \$2 million for the establishment of a marine and environmental research station at the former homeport site at South Tongue Point in Astoria. This center will provide assistance to the Navy, Coast Guard, and National Oceanic and Atmospheric Administration in increasingly important environmental study needs.

The Marine and Environmental Research Center at South Tongue Point will serve as a great resource for the entire community, our State, as well as for our country. It has the ability to combine the work of our local educational institutions—Clatsop Community College, the Oregon Graduate Institute, and Portland State University—with educators, trainees, and students to tackle the environmental and maritime issues facing our region and country. Whether it is conducting salmon research, gaining new understanding of healthy estuaries, teaching marine safety, or developing new fishing methods, the Marine and Environmental Research Station will be a model for the country and an important national resource for years to come.

I also want to extend my thanks to Chairman MURTHA of the Defense Appropriations Subcommittee here in the House for his willingness to work with me on this and other issues. The people of northwest Oregon owe a huge debt of gratitude to Senator HATFIELD for his dedication and hard work on this matter. On behalf of the first district of Oregon, I stand before the House today and welcome the Navy's Marine and Environmental Research Station to South Tongue Point.

Mr. GILMAN. Mr. Speaker, I rise today in support of the conference report on H.R.

3116, the Department of Defense Appropriations Act for fiscal year 1994.

I am particularly pleased that the conferees included \$2,500,000 from the Defense Conversion Program for a health care network in New York. These funds will support a unique regional medical information network being developed by New York Medical College [NYMC] in Valhalla, NY.

This network is being designed to link the resources of NYMC, through a computerized telecommunications system, with over 30 affiliated hospitals, including two Veterans Administration facilities, as well as several community-based primary health care centers and individual medical practitioners in the New York metropolitan area, extending from New York City to the Hudson River Valley.

This advanced technology system will build upon the education work being done by NYMC in helping to provide quality and cost-effective health care services in the region. Studies have shown that such a system can significantly improve the quality of health care for patients, relieve unnecessary burdens on primary care physicians, and reduce costs.

I believe that this project will be a model for defense-related medical facilities and demonstrate the value of telemedicine technology in the training of primary care physicians in both hospitals and community-based settings.

Mr. Speaker, I would like to thank the Chairman, Mr. MURTHA, the ranking minority member, Mr. McDADE, and the other conferees for their outstanding work on this important legislation.

Ms. PELOSI. Mr. Speaker, I wish to congratulate my colleagues on the Defense Appropriations Subcommittee for a number of initiatives they have brought forward in the conference report before us.

In particular, I commend the creative manner in which they have employed the expertise and program support in a number of diverse Department of Defense agencies to support defense conversion, worker retraining, and health care initiatives.

I would like to note that as part of its ongoing interest in research, the committee provided explicit direction to the Department of the Army to support medical institutions with dedicated breast cancer centers. This support will prove invaluable in meeting the challenge of the breast cancer epidemic which will affect 1 in 9 American women. This language has been the subject of considerable discussions involving the Appropriations Committee staff and the Armed Services Committee staff.

I want to congratulate my colleague, RON DELLUMS, for his continued personal interest in this initiative, as well as the subcommittee chairman, Mr. MURTHA. The criteria the committee has adopted for the awarding of these grants are designed to provide preferential treatment to institutions that have demonstrated expertise in the treatment of breast cancer and which have already undertaken cost containment initiatives through mergers and consolidations.

In my district of San Francisco, CA, the California Pacific Medical Center is one such institution. California Pacific Medical Center does offer new advances in applied research and model systems of health care delivery for breast cancer, including early detection, pre-

vention, treatment, education, and community outreach. It is an institution that has long had a dedicated breast cancer center providing accessible treatment and timely application of new protocols.

California Pacific Medical Center has prior demonstrated experience serving as a regional magnet facility for doctor education and patient services through the most modern teaching and teleconferencing methods. And, as I have noted, California Pacific Medical Center has demonstrated its commitment to cost containment through the recent merger of Pacific Presbyterian Hospital and Children's Hospital.

I look forward to working with my colleagues in the leadership of the Armed Services and Appropriations Committees to assist California Pacific Medical Center in securing timely approval of a \$5 million grant.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 225

Mr. HOKE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HOBSON] be removed as a cosponsor of H.R. 225.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1025, BRADY HANDGUN VIOLENCE PREVENTION ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 302

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute rec-

ommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment numbered 3 in part 2 of the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 302 is a rule providing for the consideration of H.R. 1025, the Brady handgun violence prevention Act. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Judiciary Committee. The rule waives all points of order against consideration of the bill.

The rule makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill and modified by the amendment printed in part 1 of the report, as an original bill for the purpose of amendment. The substitute shall be considered as read. The rule further waives all points of order against the substitute.

The rule makes in order only those amendments printed in the report to accompany the rule. All points of order against amendment number three—the McCollum amendment—are waived and each amendment shall be considered as read. The amendments shall be considered in the order and manner specified in the report and by the Member designated in the report. Each amendment

shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Finally the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the Brady Handgun Violence Prevention Act was first introduced 6 years ago. Since 1987, more than 150,000 Americans have been killed by handguns. That is more Americans killed than in World War I, the Korean war, and the Vietnam war combined. The numbers continue to mount. Every day, another 60 Americans are killed with handguns and dozens of others are wounded and injured.

In 1980 handguns were used to murder 13 people in Sweden; 91 in Switzerland; 87 in Japan; 68 in Canada; 22 in Great Britain; 10 in Australia; and 10,567 in the United States. Handguns have pushed our Nation's crime rate to an all-time high. Every year handguns are involved in more than 640,000 felonies in America. While the murder rate has soared over the past 6 years, there has actually been a decrease in murders committed by weapons other than handguns. Handguns alone have been responsible for the entire increase in the national murder rate from 1987 to 1992.

Passage of the Brady bill will tilt the balance of law enforcement in favor of the potential victim and against the criminal. Named for the former White House Press Secretary James Brady, who was shot during the 1981 assassination attempt of President Reagan, this legislation will give police officers an additional tool in combating crime.

The Brady bill provides for a 5-business-day waiting period for the purchase of a handgun. During the waiting period, local law enforcement authorities would check the background of the purchaser to ensure that the sale would not violate Federal or State law. This year's version of the Brady bill also commits this Nation to the creation of a national instant check system and establishes a timetable for its implementation. The Brady bill will be phased out once a national instant check computer hotline is operational. In addition, the bill authorizes funds to State and local governments to computerize their criminal records.

While the Brady bill is not a panacea that will end all handgun crimes, the waiting period will save lives by providing a cooling off period that will prevent handgun purchases in the heat of passion. Having practiced trial law for years, it was my observation that when a handgun was fired in domestic disputes, its bullets all too often struck innocent victims.

The Brady bill will work because many States across the country have already enacted their own laws impos-

ing waiting periods and background checks which are working. Twenty-two States now have either a waiting period or a licensing requirement that require a background check of the purchaser to ensure that the sale is legal. In California, a 15-day waiting period with background check stopped 16,420 illegal gun purchases from January 1, 1993 to September 1, 1993. In Illinois, 2,896 permits were denied and 3,001 revoked because the purchasers had felony convictions.

While most criminals do not buy guns legitimately, 28 percent of State prison inmates reported that they had bought a gun over the counter from a legitimate gun dealer. Although a criminal will still have access to illegal weapons, the Brady bill will limit his options.

The Brady bill has the support of every major law enforcement group in the Nation including the International Association of Chiefs of Police, Fraternal Order of Police, the Police Foundation, the National Sheriff's Association, the Police Executive Research Forum, the International Brotherhood of Police Officers, and the National Association of Police Organizations.

In addition, organizations representing education, children, the medical community, lawyers, clergy, senior citizens, employees, and government have voiced their support for the Brady bill. The bill has been endorsed by the American Bar Association, the U.S. Conference of Mayors, the National Association of Counties, the U.S. Catholic Conference, the League of Women Voters, the National Education Association, the National League of Cities, the American Federation of State, County and Municipal Employees, the AFL-CIO, and the American Medical Association. And, yes, even gun owners endorse a waiting period and background check for the purchase of handguns.

Mr. Speaker, the American people are demanding an end to the growing epidemic of gun violence. I don't believe anyone will stand in the well of the House today and tell you that the Brady bill alone will stop the mindless and senseless violence caused by handguns. I won't. But, the Brady bill is a commonsense measure that can stand on its own merits. It will help deny handguns to persons who are prevented by law from owning them. This bill is simply good public safety legislation.

Mr. Speaker, the President vowed to sign the Brady bill into law. We cannot afford to wait any longer. Too many lives have been lost to handgun violence already. Passage of the Brady bill is long overdue and this Congress should show the courage to send it to the President before we adjourn for the year.

□ 0950

Mr. Speaker, I think it is a national shame that we do not have this bill on

suspension, that we even have to debate it. It seems to me it is so evident that it is so right for our country, it is so right for our citizens, it is the first major attempt that the Congress has taken in many, many years to deal with the rights of the victim instead of the rights of the perpetrator or the criminal.

So, Mr. Speaker, I would ask all of my colleagues, Members of Congress, to vote for the Brady bill. Let us show the American public that we care for them and we care for their children and we care for future generations.

Mr. Speaker, I reserve the balance of my time.

□ 1000

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is nothing more dangerous than a foot in the door, and these proceedings are a foot in the door.

Mr. Speaker, I rise in the strongest opposition to this rule. There is no good reason why the bill it makes in order should be considered under a restrictive amending process.

Only 17 amendments were submitted to our Rules Committee from this whole body of 435 Members, and two of those had been withdrawn by the time the Rules Committee voted on this rule. The House could have considered every one of those amendments in less than one day.

Mr. Speaker, while I generally oppose the idea of any time limit on the amending process, in this one case I offered to consider one if the Members would not otherwise have been restricted in their ability to offer amendments, but there was no response to my offer. That means all the other Members are going to be gagged in this House again.

Mr. Speaker, a democracy works best when there is an open marketplace of ideas and the ones with the most support win. Just what ideas relating to this bill are so frightening to the other side that they are unwilling to put them to a vote, to let this House work its will.

Even such a respected authority as the Speaker of the House, responding to a question about the Brady bill yesterday in his press conference said, "My commitment has been to see to it that this bill reached the floor, if it was reported by the committee, as it has been, and to let the House work its will on it."

The Speaker then went on to say, "I am just going to let the House make the decision on the specifics of it, rather than intrude myself into the debate."

I agree with the sentiments expressed by our Speaker yesterday, but that is not what is happening today under the provisions of this rule. Members are being prevented from considering and

voting on ideas that should be before this House.

Many of us have made statements back in our districts about the need for Congress to stop directing State and local governments to do things that cost money when we do not provide the funding to pay for them. And yet that is exactly what we are doing today. It is going to cost a lot of money to computerize State and local criminal records and make them readily available to gun sellers.

Yesterday in the Rules Committee when I raised the question about how much this bill was going to cost State and local governments, I was told that no research had been done on the question, and that nobody really knew what it was going to cost.

Mr. Speaker, in my part of the country, local government budgets are already bursting at the seams because of State and Federal mandates. Most of the revenue has to be raised from a tax on real estate, and the taxpayers are already struggling to pay ever increasing school taxes and local government taxes, brought about by these Federal and State mandates.

Several Members, including a Republican from Colorado [Mr. HEFLEY] and a Republican from New Mexico [Mr. SCHIFF] a valuable member of the Judiciary Committee, and a Democrat from California [Mr. CONDIT] all offered amendments in the Rules Committee, which would have prevented additional costs from being dumped on State and local governments, but the House will be denied the opportunity to even vote on those proposals because of this restrictive rule. We will not even be able to debate these proposals, because they are prohibited under this rule.

Mr. Speaker, I am not a supporter of the Brady bill, but it seems to me that the supporters of this legislation are creating unnecessary extra problems for themselves by the use of this heavy handed process.

Another amendment which the House should have had an opportunity to consider is one by the gentleman from Missouri [Mr. VOLKMER], a Democrat from the other side of the aisle, a very good Member. The Volkmer amendment provides that the chief law enforcement officer responsible for providing criminal background checks will not be liable for damages if the officer has diligently searched available records which may indicate that the prospective purchaser may not lawfully receive a handgun, and the prevention is due to reasonable reliance upon such records.

Mr. Speaker, without this amendment we are opening up those officials

on a local level responsible for conducting the criminal checks to a large number of lawsuits. The costs of those lawsuits will also end up being borne by the local taxpayers. That is why this bill could fairly be titled the Brady Lawyer Relief Act of 1993.

Mr. Speaker, this rule also represents a major missed opportunity for the House. The Judiciary Committee was scheduled to mark up a crime bill covering a broad range of subjects a week or so ago, but at the last minute dropped it and instead took up six-crime related grant programs which were not actually funded by their own provisions.

So what does that mean?

These bills provided good press releases for some Members, but will do absolutely nothing to fight the crime wave rolling across this nation today. The only other piece of so-called crime legislation reported to the House this year is the Brady bill, which is likely to have little or no effect on serious criminals, and every one in this House knows that.

The gentleman from Florida [Mr. McCOLLUM] gave the Rules Committee an opportunity to do something that would really make a difference in the fight against crime, but the Democrats on a party line vote turned it down again. They are against doing anything about crime in this Nation.

The McCollum amendment would have given this House a chance to consider a comprehensive, anticrime bill dealing with tough issues such as the death penalty strengthening the rights of crime victims, and stopping the revolving door for repeat offenders.

Mr. Speaker, by adopting this rule in its present form the House will have missed an opportunity to take real steps in the fight against crime.

Mr. Speaker, there are a lot of other problems with this bill, but the one that concerns me most is simply that it is a foot in the door which, without exception and without question, will lead to additional steps to take the right to bear arms away from law-abiding American citizens.

If this trend is carried to an extreme, by people like the senior Senator from New York who wants to tax ammunition to pay for the health care program, the most ridiculous proposal I have ever heard come out of a Senator's mouth, we can end up with the sort of crime-ridden situation that we have now in the District of Columbia, which actually has some of the strictest gun laws in the Nation.

THE SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind the gentleman from New York that charac-

terizations of Members of the other body are not permitted under our rule.

Mr. SOLOMON. The Speaker is absolutely right. I appreciate his observation.

If this trend is carried to an extreme, we can end up with the sort of situation nationally that we have now in the District of Columbia, right here where you and I sit today, which have some of the strictest gun control laws in this Nation. The law-abiding citizens have been disarmed in this town, but the law breakers are armed to the teeth, secure in the knowledge that the law-abiding citizens are not going to be able to defend themselves.

This kind of gun control has resulted in over 400 homicides this year alone, and the year is not even over yet, right here in the Nation's capital. Every Member of this House ought to be ashamed of it, especially for not doing anything about it.

Mr. Speaker, it is too bad that we no longer have a President who is willing to stand up for the right of Americans to bear arms.

I hope all the people out there in America know this. If this bill is not stopped here, they can be certain that it will not be stopped anywhere, especially at the White House.

Mr. Speaker, this bill represents a step in the wrong direction. It opens the door to taking away our guns, and both this rule and the bill should be soundly defeated.

Vote no on this rule that severely restricts open and fair debate on this extremely controversial issue.

Mr. Speaker, I include the following material on open versus restrictive rules:

OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.

Congress (years)	Total rules granted ¹	Open rules		Restrictive rules	
		Number	Percent ²	Number	Percent ³
95th (1977-78)	211	179	85	32	15
96th (1979-80)	214	161	75	53	25
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-89)	115	65	57	59	43
100th (1987-88)	123	65	54	57	46
101st (1989-90)	104	47	45	57	55
102d (1991-92)	109	37	34	72	66
103d (1993-94)	47	12	26	35	74

¹Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

²Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

³Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Source: "Rules Committee Calendars & Surveys of Activities," 95th-102d Cong.; "Rolls of Action Taken," Committee on Rules, 103d Cong., Through Nov. 10, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (0-5; R-25)	3 (0-0; R-3)	PQ: 246-176. A: 259-164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (0-1; R-18)	1 (0-0; R-1)	PQ: 248-171. A: 249-170. (Feb. 4, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Employment competition	7 (0-2; R-5)	0 (0-0; R-0)	PQ: 248-172. A: 237-178. (Feb. 24, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 20: Hatch Act amendments	9 (0-1; R-9)	3 (0-0; R-3)	PQ: 248-165. A: 249-163. (Mar. 3, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 4: NIH Reauthorization Act of 1993	13 (4-4; R-9)	8 (0-3; R-5)	PQ: 247-170. A: 248-170. (Mar. 10, 1993).
H. Res. 133, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (0-8; R-29)	1 (not submitted) (0-1; R-0)	A: 249-165. (Mar. 18, 1993).
H. Res. 138, Mar. 22, 1993	MC	H. Con. Res. 54: Budget resolution	14 (0-2; R-12)	4 (1-0 not submitted) (0-2; R-2)	PQ: 250-172. A: 251-172. (Mar. 18, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 670: Family planning amendments	20 (0-8; R-12)	9 (0-4; R-5)	PQ: 252-164. A: 247-168. (Mar. 24, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1430: Increase Public debt limit	5 (0-1; R-4)	0 (0-0; R-0)	PQ: 244-168. A: 242-170. (Apr. 1, 1993).
H. Res. 154, May 4, 1993	O	H.R. 1578: Expedited Rescission Act of 1993	8 (0-1; R-7)	3 (0-0; R-2)	A: 212-208. (Apr. 28, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 173, May 18, 1993	MC	S. Res. 45: United States forces in Somalia	5 (0-1; R-5)	5 (0-1; R-5)	A: 308-0. (May 24, 1993).
H. Res. 183, May 25, 1993	O	H.R. 224: 2d supplemental appropriations	NA	NA	A: 251-174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2284: Omnibus budget reconciliation	51 (0-19; R-32)	8 (0-7; R-1)	PQ: 252-178. A: 235-194. (May 27, 1993).
H. Res. 192, June 3, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (0-5; R-44)	5 (0-3; R-3)	PQ: 240-177. A: 226-185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NISA authorization	NA	NA	A: Voice Vote. (June 1, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Sinker replacement	7 (0-4; R-3)	2 (0-1; R-1)	A: 244-176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (20-20; R-33)	27 (0-12; R-15)	A: 294-128. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2235: Foreign operations appropriations	33 (0-11; R-22)	5 (0-1; R-4)	A: 253-160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2425: Treasury-Postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401-0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261-164. (July 21, 1993).
H. Res. 218, July 20, 1993	MO	H.R. 2356: RIA authorization, fiscal year 1994-95	NA	NA	PQ: 245-178. R: 205-216. (July 22, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (0-8; R-6)	2 (0-2; R-0)	A: 224-205. (July 27, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (0-8; R-7)	2 (0-2; R-0)	A: Voice Vote. (July 27, 1993).
H. Res. 229, July 28, 1993	O	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 230, July 28, 1993	O	H.R. 2401: Maritime Administration authority	NA	NA	A: 245-172. (Sept. 8, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (0-109; R-40)	1 (0-1; R-0)	PQ: 237-199. A: 234-199. (Sept. 13, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization	12 (0-3; R-9)	1 (0-1; R-0)	A: 213-191-1. (Sept. 14, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1240: R/C Completion Act	12 (0-3; R-9)	91 (0-67; R-24)	A: 241-182. (Sept. 28, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization	NA	NA	A: 238-188. (10/05/93).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	PQ: 240-185. A: 225-195. (Oct. 14, 1993).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (0-0; R-7)	3 (0-0; R-3)	A: 229-160. (Oct. 15, 1993).
H. Res. 265, Sept. 28, 1993	MC	H.R. 2351: Employment competition amendments	3 (0-1; R-2)	2 (0-1; R-1)	A: Voice Vote. (Oct. 17, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	NA	NA	PQ: 235-187. R: 149-254. (Oct. 14, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (0-1; R-2)	2 (0-1; R-1)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (0-7; R-7; 1-1)	10 (0-7; R-3)	A: 252-170. (Oct. 28, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	NA	NA	A: Voice Vote. (Nov. 9, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumber Recognition Act	NA	NA	A: 390-8. (Nov. 8, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (0-0; R-0)	0	A: Voice Vote. (Nov. 9, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	NA	NA	A: Voice Vote. (Nov. 9, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	NA	NA	A: Voice Vote. (Nov. 9, 1993).
H. Res. 299, Nov. 8, 1993	MC	H.R. 1036: Employee Retirement Act-1993	2 (0-1; R-1)	NA	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (0-5; R-11)	4 (0-1; R-3)	
H. Res. 303, Nov. 9, 1993	O	H.R. 323: Mineral exploration	NA	NA	
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	NA	NA	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

ROLLCALL VOTES IN THE RULES COMMITTEE ON H.R. 1025, THE BRADY HANDGUN VIOLENCE PREVENTION ACT

1. Open rule—This amendment to the proposed rule provides for one-hour, open rule and makes the Judiciary Committee amendment in the nature of a substitute in order as an original bill for the purpose of amendment under the five-minute rule.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bellenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

2. Bartlett (MD)—An amendment in the nature of a substitute which accomplishes the stated goals of the Brady bill. Establishes a national computerized list of convicted felons and persons adjudicated mentally incompetent to be used in conjunction with drivers license renewal and status encoded on license. Dealer would simply run license through a read only machine to determine if the gun could be sold. This would all be done without a five day waiting period or a national registry of gun owners.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bellenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

3. Schiff (NM)—This amendment redefines the term "chief law enforcement officer" as the local field director of the Federal Bureau of Investigation, thus transferring the burden of the criminal background check from State and local officials to the federal government.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bellenson,

Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

4. Schiff/Condit—This amendment proposes that the federal government reimburse, at a rate determined in advance by the Attorney General of the United States, the state or local entity responsible for performing the criminal background check.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bellenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

5. Schiff (NM)—This amendment will permit a state or local law enforcement agency to perform the criminal history background check, rather than compel such state to do so.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bellenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

6. Goodiatte (VA)—Exempts those States that have an online instant check system; clarifies language regarding destruction of records.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bellenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

7. Volkmer (MO)—Provides that a chief law enforcement officer responsible for providing criminal background checks, shall not be held liable for damages if the officer has diligently searched available records which may indicate that the person may not lawfully receive a handgun, and the prevention is due to reasonable reliance upon such records.

Vote (Defeated 5-6): Yeas—Solomon, Quillen, Dreier, Goss, Wheat; Nays—Derrick,

Bellenson, Frost, Bonior, Hall, Slaughter. Not voting: Moakley, Gordon

8. McCollum (FL)—Adds the text of H.R. 2872, the Violent Crime Control Act of 1993, at the end of the bill.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bellenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

9. Traficant (OH)—Requires that the Justice Department adhere to the Buy American Act of 1933. The amendment also states a Sense of the Congress that states use American made goods when expanding their federal grants to upgrade their criminal files. Finally, the amendment prohibits anyone to receive funds under H.R. 1025 who knowing affixes "Made in America" labels to foreign made goods.

Traficant (OH)—This amendment prohibits the Attorney General from awarding a contract under H.R. 1025 to a foreign firm unless the country where the firm is based has an open trade policy with the United States.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bellenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

10. Hefley (CO)—An amendment to require full funding of costs to state and local governments.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Derrick, Bellenson, Frost, Bonior, Hall, Wheat, Slaughter. Not voting: Moakley, Gordon

11. Bellenson Motion—To waive germaneness rule against McCollum #13 (see rollcall #8).

Vote (Adopted 6-5): Yeas—Derrick, Bellen-son, Frost, Bonior, Hall, Wheat; Nays—Solomon, Quillen, Dreier, Goss, Slaughter. Not voting: Moakley, Gordon

12. Adoption of Rule—
Vote (Adopted 7-4): Yeas—Derrick, Bellen-son, Frost, Bonior, Hall, Wheat, Slaughter; Nays—Solomon, Quillen, Dreier, Goss. Not voting: Moakley, Gordon

Note: The individual amendments would be printed in the Rules Committee report, would not be subject to amendment, would be debatable for 20 minutes each, and appropriate points of order would be waived.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank him for his very eloquent statement, because he put it right down where it is.

Listen, this is not about putting a foot in the door. This is about restoring your rights. You can have your rights if you take responsibility. Somehow we have lost that in the eighties, and this is very important to get us back on track.

□ 1010

What are your rights to a gun.

You don't have rights to a gun if you're convicted, and that is what this is about, if you are convicted of a crime.

Now we do not let them vote if they are convicted of a crime, but we are going to let people have guns? For crying out loud, explain that to me.

This is long overdue, and I am very, very pleased this is coming to the floor, and I want to thank the gentleman from New York [Mr. SCHUMER] and many others who have worked so hard to get it here.

I must say the biggest oversight I saw was the part where we did not get domestic violence included in here. I think people who have been convicted of domestic violence should also be in this, and I also think people who are under restraining orders should be under this because so many of the gun felonies are against people who are in the same family.

However, Mr. Speaker, I am very pleased that the Committee on the Judiciary is going to move on the Violence Against Women Act, and we can deal with it there, because we have been winking at domestic violence for a very long time in this country, and it is time the Federal Government says, and says strongly, "We want the States to take this much more seriously, we want this beefed up, and we really want these moved up to a felony level across the board so they will be in this thing." I think that is going to start happening, and I am pleased that we are going to try and do that before we adjourn because it really has been much too long in doing it.

It has been much too long in moving the Brady bill, so I encourage people

today to vote for this rule and vote for this bill and finally say that we are coming to our senses in this country. We require people to have certain responsible acts to do anything else, drive a car, go to school, do all sorts of things. But here, oh, no, anyone, any age, anywhere, whether or not they have been convicted of a felony, can go out and do that. That is wrong. We are going to correct it today, and I encourage an aye vote and a move to final passage as rapidly as possible.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Glens Falls for yielding this time to me.

If anyone wants to know what is wrong with this institution, they should look at this process that we have got before us right here. It is a fascinating irony. The goal behind this Brady bill is to impose a 5-day waiting period for the purchase of handguns, and yet look at the process around which we are considering this measure. We are waiving the 3-day waiting period for consideration of the bill itself. We are not allowing Members to have the opportunity to even look at this bill.

Mr. Speaker, we had a litany of amendments that we offered up there in the Committee on Rules, and, as is usually the case, we were denied the opportunity even to have those amendments considered here. But actually the amendments, the three amendments that were made in order by this rule, are contained in the report of the Committee on Rules, and that report is not even available for our Members to see yet.

So, Mr. Speaker, it is incredible when we look at the fact that we are trying to increase the availability of information on people with this 5-day waiting period and yet we are not allowing Members of this House the opportunity to even look at the measure that they are going to be voting on, and I urge a no vote on this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. SOLOMON. Mr. Speaker, I, too, yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Missouri [Mr. VOLKMER] is recognized for 4 minutes.

Mr. VOLKMER. Mr. Speaker, I remain opposed to a federally imposed waiting period prior to the sale of a handgun. There is no evidence that a waiting period of any length, including a 5-business day wait as contained in the interim provision of H.R. 1025, prevents violent crime. As a matter of fact waiting periods of any length have not

been effective. Two-thirds of Americans are already living under some type of waiting period. Twenty of 22 States, as well as the District of Columbia, with waiting and/or permit to purchase laws experienced increases in violent crime rates from 1987 to 1991. Most States that have imposed some type of waiting period on firearms purchases have experienced increases in violent crime or homicide rates greater than the national trend. The 5-business day waiting period as required in H.R. 1025 imposes a burden on those who obey the law, with no benefit in terms of crime control.

If we are going to reduce violent crime in this country, we must first keep young people from turning into violent criminals, and second, we must do something about the violent criminals that regrettably we already have.

In the first, the Judiciary Committee, under the chairmanship of Chairman BROOKS, has taken action. Several bills that provide grants for States that will help them try to dissuade young people from becoming violent criminals were reported from the committee. The full house then debated and passed the majority of these measures with my support. On the second point, what are we doing? Debating the so-called Brady bill. I wish I could convince my colleagues who want to infringe on the rights of law abiding citizens to own and use firearms that the answers to solving the crime problems in America has nothing whatsoever to do with gun control. Getting criminals off the street is the only way to solve the crime problems.

I believe the leading immediate cause of violent crime is the revolving door of violent criminals in our prisons where convicted criminals get a substantial portion off of their sentences from prison, and then are allowed back out on the street, and we all know what happens then. It is ludicrous to think that tougher gun laws will stop criminals from using guns in crime. They don't obtain them legally to begin with and they won't stop obtaining them no matter what law is passed.

Another disturbing provision in H.R. 1025, from a civil liberties perspective, is the granting of absolute immunity from damages to Federal, State, and local government officials, including law enforcement, even if the rights of a law-abiding citizen have been violated in an arbitrary manner. The proponents of a waiting period have long suggested that the purpose of such a wait is to allow time to scrutinize handgun purchasers as a means of stopping only criminals from making purchases through retail outlets. However, H.R. 1025 gives government at all levels virtually unchecked veto power over handgun sales, with no threat of penalty for even bad faith abuse of that power. Regardless of the reason for the denial individuals unlawfully denied

their rights would have to bring suit in Federal court and prove that they are not ineligible to purchase a handgun. I believe this goes beyond the bill's objective. I, of course, believe it is appropriate to shield government officials from the threat of damages in the event that they, in good faith, after a diligent effort to review records, prevent a lawful sale.

Another problem is that H.R. 1025 fails to impose a time certain for the implementation of the national instant check system. I believe that a date for the implementation of a Federal point-of-sale screening system should be set, by law, and adhered to. H.R. 1025 leaves it up to the Attorney General to establish timetables and those timetables could well be unreasonably long thereby delaying establishment of the national system for many years. There is no good reason to delay indefinitely the implementation of a national instant check system.

I object to the fact that, when a national instant check system does begin, H.R. 1025 requires that purchasers of all firearms, including rifles and shotguns, be subject to the check. This is unnecessary because of the minuscule use of long guns in crime—according to the uniform crime report, well under 1 percent of all violent crime—and would impose a burden on individuals, firearms dealers, law enforcement, or the Federal Government. It is an unnecessary expense.

The final point I wish to make regarding H.R. 1025 is that it does not impose a uniform national standard for the purchase of handguns once the Federal point-of-purchase system is implemented. The instant check system is already successfully working in five States and once the Federal system comes on, it is only sensible to preempt State laws requiring a wait following the verification of the eligibility of the purchaser.

In conclusion the provisions of H.R. 1025 are a foundation for far more rigorous measures in the near future. Even Sarah Brady agrees that this legislation, or any waiting period, can do little to curb gun related violence. So I would venture to guess that Congress in trying to control crime with Federal gun control legislation will realize that this measure has not been effective. After this realization Congress will demand that even more sweeping and more effective laws are needed at once.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, this debate today is not about handguns, not about bullets, not about hunters. It is not about victims. It is not even about Mr. Brady. Today's vote in the House of Representatives is about U.S. congressional politicians and their relationship with the National Rifle As-

sociation. This is a litmus test. The Brady bill will not do very much, but, if Congress cannot deal with the politics of this issue by passing this simple measure, nothing will be done to turn the tide. My colleagues, America has turned back into Dodge City, and Congress, as sure as hell, is no Wyatt Earp.

□ 1020

There have been 25,000 murders, we have street gangs, drive-through, drive-by, and drive-in shootings. Americans are not safe in their own homes.

Let me say this to the Members: There will be no national Federal firearms policy until the NRA and the police associations and Congress come together. NRA is not the bad guy, but we have been pitted one against the other, and there will be no policy.

I am voting for the Brady bill for one reason. It is a simple litmus test. If Congress cannot deal with this issue, Congress will deal with no issue, and the great sin of Congress is omission, not commission.

The Brady bill is at best the litmus test by which we can start. The NRA is the big cloud hanging over this House today, and it is time that the politicians meet the test.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for the previous speaker in the well, but for him to deliberately criticize people like me, who belong as lifelong members of the NRA, is something I resent. So do a lot of other law-abiding citizens across this Nation. The NRA represents a broad cross-section of Americans, and it should not be criticized as if it wields some kind of undue influence—it has millions of members who believe in it.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], a distinguished member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise in support of this rule, not because it is a good rule, because it is not. I believe that it is much too restrictive in prohibiting legitimate amendments that should be offered to this bill so the House can reach a consensus. But I am supporting this rule because this is our only shot to bring the Brady bill up as separate legislation during this Congress.

The American public deserves an up-or-down vote on the concept of a waiting period, a concept which most polls indicate the public supports by over 85 percent. I think we owe that to our constituents. I think we owe it to them to stand up and be counted on whether we are for the Brady bill and the waiting period or whether we are against it.

If this rule goes down and the House cannot consider the waiting period on its merits, then the waiting period is

going to be folded into a comprehensive overall omnibus crime bill, and the waiting period is going to die next year just like it did last year because of the other controversial issues that are contained in an omnibus crime bill.

So let us get on with voting for the Brady bill. Let us pass the Brady bill because our constituents want it, and the Brady bill will keep guns out of the hands of people like convicted felons and adjudicated mental incompetents and thus protect the right of the legitimate firearms owner to continue getting access to firearms.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, many of our conscientious colleagues are opposed to the Brady bill, and while I respect their judgment, I cannot agree with their arguments.

One argument, for example, is that the District of Columbia has the toughest gun laws in the Nation and yet it has the most murders. Well, unless the District of Columbia is going to erect a wall around its boundaries, it cannot stop the infusion of guns from all the other States along the east coast, because it is right on Route 95. States that do not have such strict handgun control laws. This is a good argument for why we do need this national legislation.

People suggest that this is going to deprive people of their ability to hunt and to protect themselves. Look at Canada. The majority of adults in Canada hunt, but there were 8 handgun deaths in Canada; there were 23,000 in the United States, 11,000 homicides. What is the difference? There is an enormous difference. Canada has one of the toughest handgun control laws in the world, and it does not interfere with their ability to hunt. It protects their own individual citizens.

People suggest that this is going to deprive them of the ability to protect themselves. What law-abiding citizen is going to worry about giving their name and address and letting the police check it out for 5 days if they have nothing to hide? No one. In fact, more than 80 percent of handgun owners agree with the 5-day waiting period, but a young felon is certainly not going to give his name and address and wait around for 5 days for the police to track him down.

This is a small step. This is not going to make an enormous difference in our objective to reduce the senseless deaths that are occurring as a result of handguns, but it is an important one. Certainly Sarah and Jim Brady deserve the kind of respect that we ought to accord them today, after fighting for years to prevent the kind of catastrophe that occurred to Jim Brady and that occurs to thousands of people every single year in this country.

MAKING IN ORDER IN A MODIFIED FORM THE AMENDMENT NUMBERED 3 IN PART 2 OF HOUSE REPORT 103-341.

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 1025 pursuant to House Resolution 302, it may be in order to consider the amendment numbered 3 in part 2 of House Report 103-341 in the modified form that I have placed at the desk.

The SPEAKER pro tempore (Mr. MAZZOLI). The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment to H.R. 1025, as reported and as modified, offered by Mr. MCCOLLUM: In the matter proposed to be added by section 2(b) of the Committee amendment—

(1) strike the close quotation marks and the following period; and

(2) add at the end the following:

“(6)(A) Notwithstanding any provision of the law of any State or political subdivision thereof that imposes a waiting period before the purchase of a firearm, a licensee may transfer and a person may receive a firearm immediately after compliance with paragraph (1).

“(B) Section 927 shall not apply to subparagraph (A) of this paragraph.”

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we thank the gentleman from South Carolina for making that unanimous-consent request, which affects the McCollum amendment.

Mr. Speaker, I spoke earlier about the gentleman from New Mexico [Mr. SCHIFF], who was denied his right to offer an amendment dealing with the unfunded mandates that appear in this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF], a very valuable member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from New York for yielding this time to me.

Mr. Speaker, H.R. 1045, which is before us today, is not the same Brady bill that the House voted on in the last Congress under the designation of H.R. 7. There was a significant change made in terms of making this bill today an unfunded mandate on the local police departments in this country.

H.R. 7 in the last Congress addressed this issue as follows: “Paragraph 1”—that is the background check—“shall not be interpreted to require any action by a chief law enforcement officer which is not otherwise required.” That is the language in the last bill. The language in this bill has Congress requiring local police departments to take their time and their resources to make a background check without Federal support.

I am asking my colleagues to vote down this rule, and if that occurs, I in-

tend to offer three amendments, any one of which would solve this problem: either an amendment to have the Federal Bureau of Investigation do the check, which I suggest would actually improve the bill, because it would set a common quality standard for this check if it is going to be so valuable. But I believe the Department of Justice would come over here screaming against it if they thought they were actually responsible for enforcing this bill that they have endorsed. Or if that is not acceptable, requiring Federal reimbursement at a rate set by the Attorney General of the United States for the local police agencies to do this check. If the supporters think that this background check is valuable enough, they ought to think that it is worth paying for, and thus far they do not. There is an authorization for the instant background check, but not for the personal background check called for immediately.

Or finally, in the alternative, if the Congress is unwilling to have a Federal agency do this background check, if the Congress is unwilling to pay the local agencies to do the background check, then my third alternative would be to remove the mandate. Keep the 5-day waiting period, but not requiring the local police to do the check. Let them decide if they wish to proceed to do the local check. This is significant, because there is an honest debate about whether there is a net gain or a net loss in terms of law enforcement with a personal background check.

The claim is made that the criminals are kept from getting guns. I wish the time existed to go further into the figures we have heard already this morning. At the very least, I would ask the supporters to say, what happens to anyone denied by a check in those States that do a check? I submit that those individuals are left free on the street, and if they are really criminals, they can get a gun in the next number of hours without any difficulty.

But the argument can be made that since most purchasers of handguns, as it has been accepted today, are honest citizens, how much time and effort is lost by the police checking out the backgrounds of honest citizens? That has to be weighed as a loss to law enforcement.

Now, the point I am making here is, if the supporters have come to the conclusion—and they have—that this is a net plus for law enforcement, let them pay for it. Let them back, with the resources at their disposal, their opinion that this would in fact support law enforcement. If they are not willing to do that, then drop the mandate and drop the unfunded requirement on the local agencies that they have to do it.

□ 1030

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes

to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, the Brady bill is a reasonable first step, and I certainly support the bill and the rule. The United States is far behind other industrialized nations. Only South Africa permits the rampant proliferation of guns in its society as we do. Japan, Great Britain, Germany, and France all had less than 100 homicides last year, while each of our largest cities last year had more than 1,000 homicides with guns.

Unfortunately, this rule does not go far enough. It does not permit the offering of an amendment that would incorporate the provisions of a bill I introduced on September 23, a bill called the Public Health and Safety Act of 1993. My bill is a companion piece to Senator CHAFFEE's bill in the other body. It is H.R. 3132.

Mr. Speaker, my bill prohibits the importation, exportation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition. It establishes a 6-month grace period for the turning in of handguns. It provides many exceptions for gun clubs, hunting clubs, gun collectors, and other people of that kind. It sets a penalty of \$5,000 or 5 years in prison for people who violate it.

Mr. Speaker, the American people are way ahead of the Brady bill at this point. I understand this has to be a very carefully crafted rule in order to move forward. It is important to take the first step with the Brady bill. But the American people realize this is already too little, too late. They demand more.

Mr. Speaker, there are many bills that have been introduced by my colleagues which do go further. This bill, H.R. 3132, the Public Health and Safety Act, will solve the problem in the future of the proliferation of handguns. We must go forward and stop the carnage on our streets, and the Brady bill is a very important first step.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise that the gentleman from South Carolina [Mr. DERRICK] has 10 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 10½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we just heard the previous speaker, the gentleman from New York City [Mr. OWENS], let the cat out of the bag by saying what the real intent of the sponsors of this bill is, “It is a reasonable first step.”

It is a reasonable first step to the taking away of guns from law-abiding citizens.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GEEKAS], a member of the Committee on the Judiciary.

Mr. GEEKAS. Mr. Speaker, I rise today with the proverbial mixed emotions. On one hand I am grateful to the Committee on Rules for making in order the Gekas amendment, about which I will speak in a moment; but I am at the same time chagrined that they did not see fit to permit the amendments offered by my colleagues, such as the ones described by the gentleman from New Mexico [Mr. SCHIFF]. These would go a long way toward making the Brady bill more attractive and, on a political basis, really draw more votes on final passage, if indeed it will pass.

In the meantime, I ask Members on the floor and those who are in their offices watching on TV that when the Gekas amendment comes to the floor, we would ask that they consider it fully and support it.

What happens when the Gekas amendment comes up is it becomes a confirmation of what every single Member of this House really wants in this issue, and that is an instant check to be made available nationwide, at every gun dealer in the country, where a purchaser of a handgun in submitting his name and address and the other information will instantly learn through the dealer's computer capacity as to whether or not that individual has been convicted of a felony or is mentally incompetent or is otherwise flawed as a bona fide purchaser.

Mr. Speaker, this is the ultimate that is required for this type of legislation, the instant check, and everybody agrees. I will tell the Members now, that the primary provisions in the bill, as the proponents themselves have enclosed them, is to create a primary and an instant check. Only secondarily do they recommend the waiting period as a temporary period during which the instant check can come on board.

My amendment would give 5 years to the authorities that we would designate to create the instant check. Five years. My first thought was to allow 30 minutes, because our information is that the instant check can come on board within months literally of this date. But 5 years, we now say, we will allow for the installation nationwide of an instant check.

In the meantime the waiting period, if this bill passes, will take effect, and then fold out of existence when an instant check is operable across our Nation. That is a reasonable way to approach the primary target of even the proponents of a waiting period, namely, the instant check.

If we allow the bill to proceed as it is, with an instant check only being out in the atmosphere somewhere to be hoped for, to come into being perhaps some day in the next century, then we have accomplished nothing, and the proponents of the waiting period will fail in credibility if they do not put a time certain on their desire to have an instant check.

Mr. Speaker, I oppose the rule on the basis of solidarity with those of my colleagues whose amendments were rejected by the Committee on Rules, because they would have added greatly to this debate.

Mr. Speaker, if this rule is defeated, then we will have an opportunity for even more salutary features in this legislation.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of both the rule and the Brady bill. The rule is a reasonable rule. The three major amendments that were offered in the Committee on the Judiciary are made in order by the rule.

Mr. Speaker, let us face it: many of the amendments that were offered in committee and offered to the Committee on Rules were offered by Members who would not vote for the Brady bill under any circumstances unless it was totally gutted.

Even the gentleman just in the well, the gentleman from Pennsylvania [Mr. GEEKAS], would not vote for the Brady bill, even if his amendment were carried, in my judgment. The gentleman is opposed to it.

It say to those Members whose amendments were not made in order, if you do not want to vote for the Brady bill, do not vote for it. Vote against it. But do not try to kill it with amendments that would gut it. It is a good bill; it is a reasonable bill.

Mr. Speaker, it has a 5-day waiting period. In my State of New Jersey it takes roughly 4 months to turn around a permit for a gun. That is too long. Our hunters and our sportsmen in New Jersey would love to have a 5-day waiting period instead of a 4-month waiting period.

The problem in New Jersey, like many States, is that we do screen out those that have criminal records, those that have mental histories, and those that lie on their applications. In fact, to date we have screened out 19,000 folks that were not entitled to a gun. The difficulty is they can come into other States in the Northeast and buy as many guns as they want and transport them to New Jersey, where they are sold on the black market.

The Brady bill will enable us to run a background check. When someone walks to a gun shop they have to fill out a form. One of the questions is, "Do you have a criminal record?" The second question is, "Do you have a mental record?" If they answer that truthfully, if they do have a criminal record, they are probably not very bright anyway, because nobody is going to check it, so why would they tell the truth? They do not have to in these States where they do not run a background check.

My colleague from New Mexico argues that in the last Brady bill we did not require a background check. Now he wants to make it permissive for the States to run a background check. Well, that is interesting, because in the last Congress the gun lobby made the argument that it was not mandatory, so there was not a background check.

They cannot have it both ways. The mandatory requirement is the right requirement. It improves the bill. I urge my colleagues to support the rule and support the Brady bill. It is a good bill.

□ 1040

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentleman from New Jersey [Mr. HUGHES] that he knows there were a lot of Democrat Members that had amendments turned down, not allowed. But those Members are going to vote for the Brady bill, so his total argument does not hold water.

The SPEAKER pro tempore. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

Mr. DERRICK. Mr. Speaker, I yield 15 seconds to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I say to the gentleman from New York [Mr. SOLOMON], who is a good friend of mine, but he knows that many of the Democrats who are offering amendments are also opposed to the bill. They would not vote for the Brady bill under any circumstances.

I say to my colleagues that are offering these amendments that are dilatory, in some respects, vote against it, but do not try to gut it.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for the gentleman in the well, but he knows that the gentleman from Ohio [Mr. TRAFICANT] was turned down, and he is going to vote for the bill. If the gentleman would come to the meeting he would understand.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, if a doctor prescribed medicine that had so little to do with a medical problem as this bill has to do with the criminal problem we are talking about, they would be subject to being charged with malpractice. My fear is that people will think they have done something by passing this bill, and I fear they will then not adequately support the legislation we have had underway for 2 or 3 years that will really do something.

Mr. Speaker, violent crimes are not only committed more frequently but also, due to instant communications and television, we are more aware both of the number and how senseless and horrible they are. Law enforcement, paying policemen, prosecutors, judges,

and incarcerating those convicted, is expensive. So, everyone wants a simple inexpensive solution. The current alleged solution to crime is a national waiting period to buy a gun, and a law banning assault weapons. Whether one is for or against those laws, everyone should be aware they will not solve the problems and why much, much more than these laws is needed.

Iowa has a waiting period to buy a handgun. During this waiting period, authorities can probably determine whether or not the applicant has been convicted of a felony in Iowa. The law works well within those limitations. But, most persons who would be ineligible to buy a handgun because of a criminal record can still buy a gun from a dealer (and most acquire them some other way) in a State other than the one in which they have a record. The State of Virginia probably has the most effective instant check handgun law in the country, and they have their felony records available statewide through computers; but a recent survey indicated a high proportion of felons and ex-felons from the New York City area purchased handguns in Virginia. The Virginia records, as would be the case in each State, are limited to crimes which were committed in Virginia.

The Subcommittee on Appropriations which I chair has been actively pursuing an effective solution to this problem as far as buying handguns from a dealer is concerned; but the program we are implementing will take more time. The solution to screening people who buy a gun from a dealer, is to have a national center computerized so that local law enforcement offices can instantly access information from all States. In other words, all States would supply that information to the national center and the national center will have a positive identification system which will identify any applicant for a handgun purchase who has been convicted of an indictable crime no matter which State in the United States the crime was committed.

We have invested \$392 million so far in such a center, about a 4 hour drive from Washington, DC, and we hope to have it completed and equipped in about 2 years. Only the State of Virginia so far has computerized the information which each State would need to supply to the center. When the center is up and running in about 2 years, all those States which have supplied the information and purchased the necessary equipment will be able to access that information from other States in the system. We hope all States will be in the system by 1998 and will supply the information to the center on a continuing basis the way they have automobile licenses. Until it is completed, and all States are in it, it makes little difference whether the waiting period is 5 days or 5 months, it will not be suf-

ficient to answer the problem even for the 17 percent who commit crimes with guns traceable to a purchase from a dealer.

Meanwhile, we will continue to establish the National Identification Center for this and other law enforcement purposes even though it too is one of those projects that some people like to call "pork". Although there is no substitute for the usual expensive law enforcement and punishment efforts, the establishment of this National Identification Center is needed and will be a significant help to local law enforcement.

Washington, DC, which has the strongest gun control laws in the Nation and the highest rate of violent crimes, has discovered that there is no magic or inexpensive way to solve the crime problems. Effective law enforcement still requires financial support of law enforcement agencies and eliminating the causes of criminal behavior. Until that center is completed and operating, the objective of a waiting period law will not be attainable by passing a Federal law; and when it is operating, the identification will become instant and a waiting period law unnecessary.

Mr. Speaker, I am afraid if we pass this bill many States will say, "Well, we have a Federal handgun waiting period. We do not need to cooperate with the records center." I think that what passing this bill will do is misleading people into thinking they are doing something effective when they are just not doing what we need to do.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

If I might add, Mr. Speaker, before I call my next speaker, I think the former speaker gave the best argument I have heard for the Brady bill.

Mr. Speaker, for purposes of debate only I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, we are now here. The Brady bill is finally on the floor, after long waiting. Now we have a chance on this rule to determine whether this Congress, this House, will have a chance to vote on it. We have heard every possible reason for delay. We have had every log, every obstacle thrown in its path. Yet now, by one vote, by voting yes on this rule, we can finally get an up-or-down vote on the Brady bill, something that 85 to 90 percent of the American people want.

Mr. Speaker, we have had too much violence in our neighborhoods and on our streets, and even in our schools, in our churches, in our synagogues, too much. In Washington we have all these political arguments, all these little intricacies, but the guy or gal out there back home on the streets is saying, "What the heck are they arguing about? Get with it. Vote for it. It is time, already." Let us not get beltwayized around here. "Well, this

amendment was allowed, that amendment was not." We all know the purpose of the amendments.

As the gentleman from New Jersey [Mr. HUGHES] brought out, the authors of the amendment are voting no on Brady, whether the amendments pass or not. There are attempts to dilute Brady. The rule in its fairness allowed them to come up. I am willing to take that hit. If the Members of this body want to dilute Brady, a modest first step, so be it, but let us vote. Let us vote. The amendments hurt. Not to vote at all kills, literally and figuratively.

I urge that we support this rule and get on with the people's business, and start understanding that the people are angry and anguished about crime in the streets. Brady, without amendment, is the first step to try and deal with that horrible problem.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to my colleague, the distinguished gentleman from Florida [Mr. McCOLLUM], who is a senior member on the Committee on the Judiciary and a member of the Republican leadership.

Mr. McCOLLUM. Mr. Speaker, today we are about to undertake consideration of the Brady 5-day waiting bill that we have considered on the floor on other occasions. It may well pass today, but my concern about it is, A, that it is unnecessary, as I have always believed, because we can do in 5 minutes as much checking to see if somebody is a violent criminal who is trying to purchase a handgun from a gun dealer as we are going to be able to do in 5 days.

B, more importantly, in a way, this bill is symbolic in nature only. It is not going to reach out in the real way that we have to reach out and solve the violent crime crisis that is facing this Nation.

Mr. Speaker, America is bleeding, and too many of the Democrats on that side of the aisle are dawdling instead of bringing out meaningful criminal legislation.

The chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS] has said, and I believe him, that he is going to do everything in his power to bring out some of these important issues, but it is embarrassing that it is going to be next spring before they are brought out. It is embarrassing to see the other body debating it and bringing a bill out now, when we could also be doing the same thing, and going to conference on a comprehensive crime bill that really will address the problem.

The problem is the revolving door. Too many of the violent felons in this country are going back out on the streets again, instead of being kept in jail. The only answer to violent crime in this country that will work is to take the violent criminals off the streets, lock them up in jail, and throw

away the key. They are only serving an average of 37 percent of their sentences today, the violent criminals. When that occurs, they go back out and commit another violent crime. Eight percent of all the criminals commit 80 percent of the violent crime.

Mr. Speaker, we need to be addressing this from a series of partnerships, regional prisons through relationships with the States, and we need to be making sure that States and others eliminate their parole provisions and require that the violent criminal serve at least 85 percent of their sentences.

We need to restore the Federal death penalty. We need to send a message, put swiftness and certainly of purpose back in the criminal justice system, put deterrents and incapacitation in there. Too many people on that side of the aisle believe crime is a social problem, believe that taking the guns off the streets is going to solve the problem, instead of taking the violent criminals off the streets. It is taking the people who use the guns off the streets that is the critical answer the American public demands.

Today's debate, as important as it is for a lot of people symbolically, is a diversion. The issue is when are we going to get to a major crime bill like the Republicans have produced and we have introduced. We are ready to debate that bill today in every aspect. A comprehensive bill such as the chairman, the gentleman from Texas [Mr. BROOKS], put in ought to be on the floor. If it is not our version, it should be his. Some version should be out here that really gets at the problem, instead of dealing with the issue around the edges that we are dealing with here.

We have a problem with the criminal justice system today. It is not working. We need to fix that justice system throughout this country and put the violent criminals away behind bars and keep them there, and as I said before, throw away the keys.

The Brady bill is not the answer to that. The comprehensive legislation is not here today. I urge a no vote on the rule.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise that the gentleman from Florida [Mr. GOSS] has 1 minute remaining, and the gentleman from South Carolina [Mr. DERRICK] has 6 minutes remaining.

Mr. DERRICK. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I just want to respond to my colleagues from Florida. The problem with the omnibus crime bill, as the gentleman knows, is that unfortunately in the bill there are so many controversial provisions that in the last Congress the omnibus crime bill, which this tracks, died when some members of the Republican Party in the other body filibustered it to death.

What the chairman of the full committee, the gentleman from Texas [Mr.

BROOKS] has done, as the gentleman knows, is pulled those provisions out that are fairly noncontroversial so we can pass what we can. I support many of the initiatives that the gentleman just described, and worked for them in the last Congress. It broke my heart, as it did the gentleman's heart, to see many of those provisions go down the drain because we packaged them in one bill.

Mr. SOLOMON. Will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from New York.

Mr. SOLOMON. The reason the bill did not pass last time is, Members on the gentleman's side of the aisle were irresponsible about things like habeas corpus. That is the only reason.

Mr. HUGHES. Reclaiming my time, the fact of the matter is, it is history. Republican Members in the other body filibustered it to death, ran us out of time. Here we are a year later, and we still do not have a crime bill. They killed it, because it was an omnibus bill. That is why the chairman of the full committee, the gentleman from Texas [Mr. BROOKS] tried for months to try and get a consensus for the entire bill. He could not, and broke it into parts, and sent the parts to the various subcommittees.

□ 1050

That is how this process works around here, I say to my colleague from Florida. He knows it, because he was my ranking Republican on the Subcommittee on Crime when I chaired that for a number of years. And how many bills did we see go down the drain because we could not get a consensus on controversial issues, and we saw good provisions go down with the ones that were controversial.

Mr. GOSS. Mr. Speaker, I yield myself our remaining 1 minute.

Mr. Speaker, as a cosponsor of the Brady bill I am glad this measure is finally coming to the House floor for debate and a vote. I know many colleagues and many people question the effectiveness of a national waiting period in fighting crime—and, frankly, so do I. I think most can support a national system to conduct instant background checks at the point of sale of a handgun. But, even though some States including Florida have an instant check in place, the process for implementing a nationwide check is not yet complete. That is where the Brady bill's 5-day waiting period comes in—it is an interim step that will sunset once the national check is implemented. I think that is reasonable—especially since States that are further along in their technology, like Florida, would not have to change their procedures.

Mr. Speaker, I am dismayed that the majority on the Rules Committee once again decided to shut down this pro-

cess—restricting debate to only 3 of the 13 amendments offered. Sure, the majority will pat themselves on the backs for allowing three Republican amendments. But the debate over open versus restrictive rules is not partisan. There were legitimate Democrat amendments offered in the Rules Committee—including one by Mr. VOLKMER and two by Mr. TRAFICANT—but they too were denied. I am troubled that this rule shuts out amendments designed to tackle the very serious problem of unfunded Government mandates on States and municipalities. As a former local official, I am painfully aware of the enormous problem the Federal Government causes for local governments by heaping one another requirement on them without providing the resources to support the added costs. But perhaps the most embarrassing thing about this rule is the cavalier way in which the Democrat leadership shut out Mr. MCCOLLUM's comprehensive anticrime package. Fact is, the Brady bill is only one very small footnote to the major action desperately needed by this Congress to beef up law enforcement and fight crime. While Americans are demanding tough anticrime measures, while elections are turning on this issue and even the other body is stepping up to the challenge—this House is hiding behind a few powder puff cosmetics and not facing our responsibility. That is a disgrace. Mr. Speaker, the majority cannot seem to understand that the House of Representatives is supposed to be a deliberative body. We are supposed to air a wide range of views, look at a broad scope of options and exercise our collective wisdom to create the best legislative result. But that is not how it works around here—and so today I urge my colleagues to oppose this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. DERRICK. Mr. Speaker, first let us talk about the rule and the fairness of the rule. There was a number of amendments, I think probably 17 or 18, I do not remember exactly, that were brought before the Rules Committee. Many of those amendments were strictly there for one purpose, and that was they were dilatory, they were there to try to weaken the bill, to inflame one segment of the population as opposed to the other, not all, but a large number of them were. There were three I think substantial amendments that the House needs to debate that were presented to the Rules Committee by the minority. These amendments were made in order.

This is a fair rule, a rule that will give us an opportunity to debate the Brady bill, and will give those Members who would like to make adjustments in the Brady bill in its final form an opportunity to debate and to vote on

those amendments. It is one of the fairest rules, quite frankly, and I think most of our rules are probably fair, but I think it is more fair than most.

So I would ask that Members vote for this rule.

As far as the Brady bill is concerned, let me say this: I think it is a national disgrace that this body, together with the other body across the hall, cannot pass the Brady bill. We are talking about the crime bill. I think it is a national disgrace that we do not have a crime bill before this body today, that we are not dealing with assault weapons, that we are not dealing with criminals who take 10 or 15 years for their sentences to be executed, that we cannot deal with habeas corpus. We had a bill that passed this House last year that said that if you are on death row you have one appeal, and it must be done by a qualified lawyer, and it must be done within a year. We could not get it through the Senate. The reason these people stay on death row for as long as they do is because there are a lot of jailhouse lawyers, other inmates that go to the law library and figure out how to file petitions. We put an end to all this. And I think that should be before the House.

I think a comprehensive crime bill should be before the House. America is bleeding on its streets. And let me say, and it was mentioned, it is not just Washington, DC, it is not just Los Angeles, CA, it is not just New York City where all of this is happening. I can remember in my part of the country years ago we thought the drug problem was confined to the major metropolitan areas of this country, but we soon learned, much to our horror, that the drug problem was not a problem of the large metropolitan areas only, it was a problem of the small communities and bylaws throughout this country. And we are going to find out and are finding out that guns are murdering our citizens, handguns are murdering our citizens in our small communities as well as our large communities.

I will agree the Brady bill is a drop in the bucket toward solving this, but it is a step in the right direction. It is a step in the right direction to keeping guns out of the hands of criminals and keeping guns out of the hands of the criminally insane.

We are going to look back, all of us one of these days, and will never be able to explain to our children why we did not have what it took to pass strong crime legislation and to pass the Brady bill in 1993 if we do not do it.

We get upset, as well as we should, when 17 or 18 marines get killed in Somalia, but we do not get upset when 60 people are killed every day in this country by handguns. The Brady bill is a modest step in the right direction. I ask Members to support the bill and to support the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 238, nays 182, not voting 13, as follows:

(Roll No. 557)

YEAS—238

Abercromble
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baechus (FL)
Bassler
Barca
Barlow
Barrett (WI)
Becerra
Bellenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MD)
Conyers
Coppersmith
Costello
Coyne
Cramer
Darden
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans

Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frank (NJ)
Frost
Furse
Gallo
Gelderson
Gephardt
Gibbons
Gihman
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hatman
Hastings
Hayes
Hefner
Hinchoy
Hoagland
Hochbrueckner
Hoyer
Hughes
Inisie
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kiecicka
Klein
Klink
Kopetski
Kreider
LaFalce
Lambert
Lancaster
Lantos
Laughlin
Lehman
Levin
Lewis (GA)
Liptinski
Lloyd
Long

Lowey
Maloney
Mann
Manton
Margolles-
Mezvinsky
Markey
Meehan
Meeke
Mensendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Molohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Oliver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Reed
Reynolds
Richardson
Romner
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Santgelster
Sarpaluis
Sawyer
Saxton

Schenk
Schroeder
Schumer
Scott
Sensebrenner
Serrano
Sharp
Shays
Shepherd
Siskiny
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark

Stenholm
Stokes
Studds
Swett
Swift
Synar
Tauzin
Tejeda
Thompson
Thornton
Torres
Towns
Traficant
Tucker
Unsold

Valentine
Velazquez
Vento
Viscosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Woolsey
Wyden
Wynn
Yates

NAYS—182

Allard
Archer
Armey
Baechus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Barton
Bateman
Bereuter
Billracts
Bliley
Blute
Boehert
Boehner
Bonilla
Bunning
Dutton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
Danner
DeLay
Dicke-Balart
Dicker
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson

Hall (TX)
Hancock
Hanseny
Hastert
Hefley
Herger
Hilliard
Holman
Hoekstra
Hole
Holden
Horn
Houghton
Hurlington
Hutchinson
Hutto
Hyde
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Ingalls
Istook
Johnson (CT)
Johnson, Sam
Kasich
Klin
King
Kington
Klug
Knollenberg
Kolbe
Kyl
LaRocco
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Machley
Manzullo
Martinez
McCandless
McCollum
McCrary
McDade
McHugh
McHinis
McKeon
McMillan
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Obey
Orton
Packard
Paxon

Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Schiff
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrsbacher
Ros-Lehtinen
Roth
Royce
Santorum
Schaefer
Schiff
Shaw
Shuster
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Smyth (TX)
Snowe
Solomon
Spence
Stearns
Strickland
Stump
Stribling
Sundquist
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Tonkildsen
Upton
Volkmer
Vucanovich
Walke
Walsh
Weldon
Williams
Wilson
Wolf
Wise
Myers
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Bartlett
Bentley
de la Garza
Delums
Gingrich

Hunter
McCloskey
Michel
Moakley
Moreha

Rangel
Slattery
Torricelli

□ 1120

Messrs. STRICKLAND, LIGHTFOOT, and WILSON, Ms. DANNER, Mr. HILLIARD, and Mr. LAROCO changed their vote from "yea" to "nay."

Mr. DINGELL changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BARTLETT of Maryland. Mr. Speaker, due to unavoidable circumstances, I was not present for the vote on House Resolution 302, the rule for H.R. 1025, and the vote on the Ramstad amendment.

Had I been here, I would have voted "nay" on House Resolution 302 and "aye" on the Ramstad amendment.

□ 1120

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, NOVEMBER 10, 1993, TO MONDAY, NOVEMBER 15, 1993, AND ADJOURNMENT OR RECESS OF THE SENATE FROM WEDNESDAY, NOVEMBER 10, 1993, UNTIL TUESDAY, NOVEMBER 16, 1993

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 178) and I ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 178

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, November 10, 1993, it stand adjourned until noon on Monday, November 15, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, November 10, 1993, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, November 16, 1993, or at such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the concurrent resolution is agreed to.

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, and I will not object, I would like to ask the majority leader about the schedule for the rest of the afternoon. Some of us have to catch airplanes to go to our districts for Veterans Day. We just cannot be around here much after 4 o'clock in the afternoon.

Mr. Speaker, can the majority leader tell us what the schedule is?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY] for yielding, and I share his concern about the schedule.

Mr. Speaker, we believe that the bill that is in front of us, which is the only piece of business we have today, can be completed in 4½ or 5 hours. Obviously it depends on the length of the debate. We are going to try to hold all of the votes within the 15-minute period, and I urge Members to be here on time to vote so we can process this bill as quickly as possible.

So, we are going to try to get out by 4:30, if at all possible, and, if Members will cooperate in abbreviating their debate and getting here on time, we will get them out on time to be able to get home for Veterans Day events.

Mr. MONTGOMERY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

BRADY HANDGUN VIOLENCE PREVENTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 302 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1025.

□ 1124

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield 15 minutes of my time to the gentleman from Florida [Mr. MCCOLLUM] and I ask unanimous consent that he be permitted to yield blocks of time within that amount.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1025, as reported from committee. H.R. 1025 provides for a 5-day waiting period for prospective handgun purchasers, which will remain in place until such time as a national instant check on firearms purchasers is certified by the Attorney General.

While I believe that H.R. 1025 is motivated by an understandable desire to keep handguns out of the hands of criminals, I have grave doubts about whether the bill achieves that purpose at all, and most serious, whether it infringes on the rights of law-abiding citizens.

It is important to be realistic about the nature of acquiring handguns in this country. The main market for the purchase and sale of such weapons is the illicit market. That is fact, plain and simple. We are deluding ourselves and the citizens of this country if we attempt to paint this bill as the answer to violent crime or even to the proliferation of handguns.

I cannot support the legislation in its present form. For a number of years, the legislation has been considered by its proponents as akin to "Biblical text." That is not my view, and I believe that it would be wise to keep an open mind throughout this debate about the three reasonable amendments being offered if there is a true wish to move the bill to the President's desk. But, if the goal here is simply to hoist up a banner for gun control in order to keep an issue alive, then we can continue to debate the bill endlessly for years to come.

If the House accepts these simple—yet critically important—amendments, I think there might well be wide support for the legislation. I, for one, would reconsider my position; but only if law-abiding citizens are treated with respect and accorded fundamental due process.

One such amendment to be offered by the gentleman from Minnesota [Mr. RAMSTAD] would merely allow a prospective firearm purchaser to inquire as to why he or she was denied that right—by requiring the law enforcement official to provide the reasons for the denial if asked for those reasons. I am happy to report that there appears to be an agreement on both sides to accept this amendment. I certainly hope so.

Another reasonable amendment to be offered by the gentleman from Florida, Mr. MCCOLLUM, would preempt all existing State law waiting periods—including not just those that are shorter than the 5-day period spelled out in the bill, but also those that are longer. Without the amendment, States without any waiting period will have imposed on them a 5-day waiting period; but, States with longer waiting periods get to keep them even after the instant

background check system—which is supposed to be national—is operational. Now, that turns logic and fairness on its head, just a bit.

A third amendment to be offered by the gentleman from Pennsylvania [Mr. GEKAS] would sunset the 5-day waiting period after 5 years. This amendment would create a time certain for implementation of the national instant background check in the bill. Acceptance of this amendment is proof positive that there is a real commitment to implement the instant background check in H.R. 1025. While the national instant check system is touted as a central premise of the bill in its current form, it is a premise with no teeth at all.

In conclusion, the Brady bill is no panacea for the scourge of violent crime in America. It may make a very modest contribution, however, if it targets with specificity that group of dangerous individuals who are the real problem—the criminal elements of our society. If the proponents decide to accept reasonable amendments to further that end, there may be a resolution of this issue, once and for all. If they don't, then they can take their chances here and in the other body.

□ 1130

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in support of the Brady bill, H.R. 1025.

Every day, 65 men, women and children in this country are killed with handguns. The Brady bill is not a cure that will completely halt the use of handguns in the tens of thousands of homicides, suicides, and accidents every year. However, it will help keep handguns out of the hands of people who have no business owning them, and it will help reduce the number of handguns on our streets and in our schools.

I need look no further than my home State of Delaware for evidence to support this. When I was Governor of Delaware, I signed into law the State's instant, computerized background check system for the purchase of a handgun. Since this system was implemented in January, 1991, more than 1,150 people who are legally prohibited from owning a handgun were stopped from purchasing one. Nearly 100 hundred persons wanted for crimes ranging from rape to dealing drugs to bank robbery, have been arrested.

Delaware is one of 5 States with the instant background check, which is a system the Brady bill calls to be implemented nationwide. In the meantime, a 5-day waiting period will give local law enforcement officials the time they need to check a person's background.

Let's put the Brady bill in perspective. Twenty-eight States—more than half of the States—already have waiting periods or instant check systems in place and would be exempt from the Brady bill.

For the vast majority of law-abiding citizens who want to buy a handgun, another 5 days, in the overall scheme of things, will not make a difference. In other circumstances, it will allow cooler heads to prevail before someone becomes armed with a lethal weapon. And, just as Delaware's instant background check has demonstrated, the Brady bill will stop convicted criminals from buying a handgun.

I urge my colleagues to pass the Brady bill today—and then, let's get to work on another important measure that I have introduced with my colleague DAN GLICKMAN from Kansas. H.R. 3098 will update this country's 25-year gun control law by closing the loophole that allows children to possess handguns. How many more school shootings by students do we need to wake up to the fact that it's too easy for minors under the age of 18 to get guns? And there's no Federal law to deter them from openly brandishing guns on our streets and in our classrooms.

And passing laws is only one part of the equation. There must also be tougher sentences, increased prevention efforts, and more treatment centers. We need to attack the underlying social problems that lead to gun-related violence by youths and adults.

But we must start somewhere, and the Brady bill is that much-needed first step.

Mr. PICKLE. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. SCHUMER], and I ask unanimous consent that he be allowed to delegate blocks of time within that 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I rise in strong support of the Brady bill and in opposition to these amendments that will be offered.

Mr. Chairman, I rise today in strong support of H.R. 1025, the Brady Handgun Violence Protection Act. The Brady bill is a vital part of the overall crime prevention package.

My home State of Maryland has a mandatory 7-day waiting period on the purchase of handguns. Since 1966, when the waiting period was implemented, over 16,000 handgun purchases have been disapproved. On average, 1 to 2 percent of all gun purchase attempts in Maryland are denied because the potential purchaser has a criminal record. For example, from January 1, 1993, through September 30, 1993, 24,704 people had applied

to buy a gun and 264 of those people were disapproved. Clearly, this Maryland law has been very successful.

A mandatory waiting period on a national level would be successful as well and dramatically increase the effectiveness of local efforts like those made in Maryland. A large number of criminals do buy their guns from gun stores. A Bureau of Justice study found that 27 percent of State inmates purchased their guns from retail stores. An additional 28 percent of the State inmates got their handguns from the black market, a drug dealer, or a fence. Gun traces have shown that many of the guns that are being sold on the black market are originally purchased in gun stores in States that do not have waiting periods and/or background checks.

A national mandatory waiting period would stop cross-State purchases. Presently, many teenagers obtain guns through straw purchasers who cross State lines. Earlier this year the National Education Association estimated that more than 135,000 children bring guns to school every day. The growing impact of gun violence on our young people is devastating. A national waiting period on handgun purchases would help curtail the proliferation of weapons among the young in our society.

I am an original cosponsor of the Brady bill and a strong advocate of curbing the use, illegal use, of guns in our society. Since the Brady bill was introduced in 1987, over 150,000 Americans have died in incidents involving handguns. It is time to reduce the avenues through which criminals can obtain handguns. I urge my colleagues to follow the example of Maryland and impose a national waiting period on the purchase of a handgun.

Mr. PICKLE. Mr. Chairman, I yield such time as she may consume to the gentleman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Brady bill and against the amendments. I wish to commend the gentleman from New York [Mr. SCHUMER] for his leadership in bringing the Brady bill to the floor, which I hope will be a small comfort to those who died in the 101 California street tragedy and all others who have been victims of violence in our country.

Mr. PICKLE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise in strong support of the Brady bill, and I commend the gentleman from New York [Mr. SCHUMER] for his leadership.

Mr. Chairman, my friends to the right argue that the Brady bill is an abridgment of the second amendment. The Brady bill does not impact the right to have weapons, it merely requires a 5-day wait.

Mr. Chairman, my friends opposing the Brady bill argue that they cannot defend their families and property without a gun. The Brady bill does not impact self-defense.

Mr. Chairman, my friends on the other side argue that if the Brady bill passes, only outlaws will own guns. The Brady bill does not restrict gun ownership.

Mr. Chairman, I support the Brady bill, not because I think it will solve crime, it won't. I support the Brady bill because I want to save one life, and do some good. If requiring people to wait 5 days before purchasing a gun will save a life, we will have done our job.

I urge you to support a bill that attempts to curb an insane proliferation of guns in this Nation.

Mr. SCHUMER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, today is the day for this Chamber to join the American people in saying, "We have had enough." Today is the day to stand up and say enough to the boundless fever for handguns and enough to the senseless killings in every community.

Day after day, night after night, we see the bloody madness. Children kill children. Mothers die trying to protect their families. Parents bury children. Children bury parents. You and I and every one of us in this Chamber know that our neighbors, the American people, are sick and tired of this insanity. My neighbors in Queens and Brooklyn are scared. We are all frightened for our children. We are disgusted with this orgy of handgun slaughter.

Your neighbors, in Ohio and California and Wisconsin and all over America, are just like my neighbors. They want the killings to end. They want it now to end, and they are watching what we do here today.

It is said by the opponents of this bill that "Guns don't kill, people do." People have bad instincts in them, but without guns those instincts often do not result in killing, and with guns those instincts all too often do.

The people of America know there is no magic pill to end violence, but they also have the good common sense to know that waiting periods work, and they want the simple commonsense restraint of the Brady bill. It is well past time. It has been 6½ years during which we have debated this bill. We have been dragged through the thickets of ideological dithering. We have wandered through the forests of delay, and while we have delayed and delayed and delayed, handguns have killed Americans by the tens of thousands. The bullets from those guns have killed people. We must not fail again today.

If we fail to pass the Brady bill again today, our failure will be cast in grief and pain and marked by the waste of more lives needlessly lost.

But there is no reason to fail, there is no reason to delay. The bill is good, solid, well-crafted legislation. It imposes a simple 5-day waiting period on handguns. It will not take a single gun away from law-abiding Americans. It does not offend the second amendment in any way. It does nothing more than give our law enforcement officers, who all support the bill, a modest period of time. They will use that breathing room to keep handguns away from felons and others barred by law from owning firearms. It is that simple.

But there is danger along this last mile. The amendments to be offered today, seemingly innocuous, seemingly offered in the spirit of reason, if adopted, will distort this Brady bill beyond reason. So I urge my colleagues not to support the amendments. They have a common purpose. They are offered by opponents of the Brady bill who seek to eviscerate it.

In conclusion, Mr. Chairman, history is within our grasp today. Let us reach out, lift our hands, and touch it. Let us pass the Brady bill just as it lies before us and reject the mischief of these amendments.

□ 1140

Mr. MCCOLLUM. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am opposed to the Brady bill, the waiting period bill today, for two reasons. One, it is unnecessary; two, it is simply symbolic and a distraction from the real issue we ought to be getting at to address the violent crime crisis in America.

The 5-day waiting period in this bill is unnecessary for the simple reason that you can do in 5 minutes, or certainly in 5 hours, in 1 day, the amount of check that you can do with this waiting period to find out if somebody is a felon going to try to purchase a gun from a gun dealer. We have the ability to check the names today through the NCIC system throughout the Nation, through the police systems that are already set up. We do not have to wait for an instant check to find that out. We do need to improve the records. But there are not going to be half a dozen names in a period of a year that will be turned up by a 5-day waiting period that will not be turned up in 5 minutes. So it is unnecessary.

But worst of all, it is symbolic, in the sense that it is conceded by most people not to be the real answer. Too many people on the other side of the aisle in the Democrat Party believe that taking guns off the street is the answer to violent crime.

Mr. Chairman, that is not the answer. The answer is to take the violent criminal off the street, lock him up, and throw away the key. Unfortunately, we do not have that bill out here today. It is embarrassing that the other body has been addressing the problem while we have not.

We need to have regional partnerships with the States to have prisons that will take violent criminals off the streets and lock them up. We need to have provisions that will provide incentives that people who are violent criminals have to serve at least 85 percent of their sentences. The problem is the revolving door of these violent criminals, who go back out and become repeat offenders, again, and again, and again. That is not out here today because Democrats have been in disarray.

Republicans have a comprehensive crime proposal. We are ready to vote

on it today. It should be out here, not this waiting period bill. We are together on the Republican side.

When the Democrats can get together and get their act together, maybe we can really get meaningful anticrime, antiviolent crime legislation out here, that will stop the bleeding the American people are suffering from today.

Mr. Chairman, this waiting period bill is nothing more than symbolism, and it should be defeated.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the chairman for yielding.

Mr. Chairman, I would like to address my remarks not only to my colleagues, but also to the general public, and especially to the media. Yes, Peter Jennings, Brokaw, and all, this is not a national 5-day waiting period bill. This is a fraud. This bill does not apply to the State of New York, or Washington, DC, or California, or my State of Missouri, or the State of Illinois. This bill does not apply to 24 States. Why does it not? Because we already have such a system, either a background check or a waiting period or a permit system. It does not apply to us. It does not apply to the high crime States.

I want somebody on that side to tell me how, by making it necessary for a resident of Cody, Wyoming, or Butte, Montana, to wait 5 days to get a handgun, how does that stop a person in New York City or Washington, DC, from shooting somebody? It does not. And that is what this bill does, because it does not apply to Washington, DC, to New York City, to Los Angeles, to Miami, to San Francisco, to Chicago, to Detroit, and many other of your high crime areas. So where do you get this idea it is a national 5-day waiting period? It is not. It has exemptions in it, and the only States it applies to are not high crime States.

So how do you stop crime by telling a law abiding citizen in Butte, MT, that he has to wait 5 days to get a handgun? No, it is not that. It is not an anticrime bill. This is an antigun bill, that is all it is. And what is it? It is a first step. Who said so? The proponents will tell you that. If you talk to them confidentially, they will admit this is not going to stop any kid from taking a gun to school in New York City, not one.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I rise in support of H.R. 1025. The stated purpose of the Brady bill is well known to all Members of this House as well as to the American public. Proponents of this legislation sincerely believe that it will have an important and significant impact on reducing handgun crime.

This year's version—H.R. 1025—creates a 5-business-day waiting period before a handgun can be obtained. During this time, law enforcement officials will have an opportunity to do a background check on the prospective purchaser. Should the Brady bill become law, the only persons who will be denied a firearm are those who cannot legally own firearms. That is, persons who have been convicted of crimes punishable by imprisonment for more than one year, persons under indictment, fugitives from justice, drug addicts and abusers, persons adjudicated as mentally ill, illegal aliens, persons dishonorably discharged from the Armed Forces, and persons who have denounced their U.S. citizenship.

Some have criticized this legislation as being ineffectual and misdirected. They characterize the bill as a "mere symbol"—legislation that will only raise false hopes. I readily admit that the Brady bill is no panacea for the serious, pervasive problem of violent crime in our society. There is much more that we can contribute in formulating broad-based crime legislation. It is a travesty that the House has been denied this opportunity.

This legislation does hold open the promise that a national instant check system will be established in the near future, one that will accurately identify individuals who should not be allowed to purchase handguns. To me, this is the most important addition contained in this year's version of the Brady bill. The bill now states that the 5-day waiting period will sunset as soon as a national, instantaneous background check is operational. It will also sunset for any individual state which requires a background check. To achieve this goal, H.R. 1025 would authorize \$100 million per fiscal year for a grant program through the Department of Justice to States for the improvement of their criminal history records.

This focuses on the real problem—the sorry state of our criminal records nationwide. We must have an accurate system in place so that an instant background check can be conducted at the point of sale. Some States—Virginia, Illinois, Florida, Delaware, and Wisconsin—already have such a system in operation. We simply need to commit more resources so that the quality and accuracy of criminal arrest records can be upgraded and made available on a nationwide basis. This is our responsibility.

The Brady bill will have no effect in my state of New York. It will not apply to permit holders. It does not affect the long process my State requires for approval.

Mr. Chairman, I urge its passage.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN], a longtime supporter of the bill and a member of the subcommittee.

Mr. GLICKMAN. Mr. Chairman, as we stand here and again debate about the Brady bill, people are out in our communities and out on the street getting killed. While we talk and talk and talk, people are dying from gunshot wounds and dodging bullets. And many of these bullets are coming from guns bought by people who, by law, cannot purchase them.

Think about how ridiculous this is: Gunshop owners must take the word of criminals that they are not criminals. Right now, to purchase a gun, convicted felons only have to fill out a form and certify that they are not felons. After that they are able to buy a gun. This is absurd. By definition, felons have no regard for the law. They do not care if they lie on a simple form—especially since they know the form will not be reviewed by anyone. We need some way to check to make sure that people who are prohibited from buying guns cannot buy guns. This means that we need to be able to check the records from all States and from the Federal Government. Ideally we would have the ability to immediately punch in a name in a computer and get all the records, and I look forward to the day we can. But we're not there yet.

There has been a great deal of misinformation about this point. So let me reemphasize that, right now, even though some States have the ability to do an instant check, the Federal records are not all computerized and most States aren't either. We do not have the ability to tap into a computer and get information from both Federal and State criminal files. The Brady bill recognizes that someday all of our criminal records will be totally computerized—both Federal and State. And this bill provides that when we get to that day, a Federal waiting period will disappear and an instant check system will take over.

Yet despite the very rational and reasonable approach taken by the Brady bill, in committee and subcommittee there were several amendments offered to immediately institute an instant check system. That will again be offered here on the floor. The simple answer is: We would if we could, but we can't. So until we can, we need to have the waiting period.

Let me step back and say that I support the rights of law-abiding adults to purchase and own guns. I do not support a ban on handguns for adults, and I support the rights of hunters and sportspeople. But I also support the Brady bill because it is entirely consistent with those beliefs and even more, it just makes sense. The Brady bill requires an instant check system to be developed as soon as possible. It is a small price to pay to at least curb, if not stop illegal gun purchases that directly lead to the needless violence and gun deaths we see every day.

But in the end, this political debate is just talk. You don't need to listen to it. But you do need to listen to people like my constituent Jeff Jones. His fiancée Kim was shot, with a gun purchased on the day of the shooting, by an ex-boyfriend who had been convicted several times, in several States. Yet despite his record, on the very day he was scheduled to appear in court on yet another assault charge, this convicted felon was able to walk into a gun dealer, buy a gun and shoot Kim to death. This is not rhetoric, it is cold, hard, deadly facts. We need the Brady bill and we need it now.

I want to commend my colleague Mr. SCHUMER for pushing on with this bill year after year in the face of so much opposition. And I'd like to commend the chairman of our committee, Mr. BROOKS who moved expeditiously to allow this bill to come to the floor. But most of all I'd like to commend Sarah and Jim Brady who have been tireless in their efforts over these past years to get this bill to this stage.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. CRANE].

□ 1150

Mr. CRANE. Mr. Chairman, I rise to oppose H.R. 1025. Although proponents of this legislation are well intentioned, the sad reality is that H.R. 1025 will do nothing to reduce violent crime in the United States. The most disturbing irony of the "Brady bill" is that it would not have prevented John Hinckley from purchasing the gun he used in the heinous crime against President Reagan and Jim Brady.

We have seen time and time again States enact waiting periods expecting violent crime and homicides to go away. In almost every instance, the homicide and violent crime rates increased. In my home State of Illinois, we witnessed an increase of 31 percent in violent crime and a 36 percent jump in our homicide rate. Alabama witnessed a 51-percent explosion in their violent crime rate and Massachusetts was helpless as the waiting period led to a 40-percent jump in the homicide rate.

The way to control gun violence is to send a message to criminals that if they do the crime, they do the time. We need to pass increased mandatory minimum sentences for criminals who use guns to commit crimes. We need to enact a comprehensive crime proposal sooner rather than later.

I would like to concur with my colleague, the gentleman from New York, Mr. SOLOMON, who, during debate on the rule, correctly noted that passage of the Brady bill is merely the first step in a series of gun control measures that groups like Handgun Control, Inc. want to see enacted.

If the Brady bill is passed, law abiding Americans will see their second

amendment rights eroded, but the criminals will still obtain guns. The black market is the hottest place for felons in search of firearms, and they need not wait for a background check in a dark alley.

Mr. Chairman, I urge my colleagues to oppose this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 1025, the Brady bill. This Brady bill is much better than the Brady bill that was passed by the House of Representatives 2½ years ago in May of 1991. It is better in two respects.

First, this year's version of the Brady bill includes the instant check system, which was used by opponents of the Brady bill on two separate occasions as a better alternative to the 5-day or 7-day waiting period that was originally proposed.

Second, this Brady bill sunsets the waiting period when the national instant check system is ready, on line, and so certified by the U.S. Attorney General. That means that once the instant check system is operational, there will be no more national waiting period, because both the police and gun dealers will be able to find out instantly whether or not someone who wishes to purchase a firearm is legally prohibited from doing so.

Classes of people who are prohibited from owning firearms under existing law, which is not changed by this legislation, include convicted felons, adjudicated mental incompetents, minors, illegal aliens, those who have been dishonorably discharged from the Armed Forces, as well as those who are under indictment.

Mr. Chairman, no person who does not fall under these categories will be denied a firearm if this legislation goes through, so this is not gun control for honest people. This is gun control for those who have lost their civil rights based upon a conviction or something else that they have done, and these people presently cannot legally possess a firearm. In doing so, there would be a felony committed on their part.

This piece of legislation is eminently reasonable. I am very, very disappointed that those who have said that the instant check system is better than the Brady bill will not support this legislation that includes instant check. I do not know why they will not support it, but the fact of the matter is that after we, who have supported Brady, have accepted their ideas and have terminated the 5-day waiting period, we still do not pick up their support.

The situation in criminal justice records in this country is a disgrace. This bill will automate those criminal justice records, which will be of benefit to law enforcement and to law-abiding citizens far beyond the whole issue of who should have access to a firearm.

I would urge strong support for this legislation, which is carefully crafted, and hope that it is passed overwhelmingly.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], a strong supporter of the legislation and a member of the committee.

Mr. SCOTT. Mr. Chairman, I appreciate this opportunity to participate in what should be the final passage of the Brady bill by this Chamber. I applaud the work of the chairman, the gentleman from New York [Mr. SCHUMER] in promptly bringing this bill to the committee, and, above all, I commend Jim and Sarah Brady for their dedication and commitment to reducing handgun violence.

Mr. Chairman, in 1991 handguns killed 22 people in Great Britain and 12,000 people in the United States, so it does not take a rocket scientist to acknowledge that there is a problem of epidemic proportions that needs to be addressed.

Those opposed to the Brady bill will simply recommend stiffer sentences for those involved in gun crimes. I feel compelled to challenge my colleagues to take a more preventive approach. We are faced with a choice of preventing violent crime before it occurs or reacting to crime after someone has already been raped, robbed, or murdered.

Mr. Speaker, the Brady bill will not end all crime or prevent all criminals from getting firearms, but it is one step toward stemming the tide of handgun violence. Despite the theories by some in this body, convicted felons do attempt to purchase firearms. Hundreds have been stopped in California, and in Virginia we have denied over 5,000 requests of firearm purchasers who have been convicted of crimes.

Mr. Chairman, in addition, 319 persons who were wanted on crimes were attempting to buy firearms, so for anyone that says that the Brady bill is not effective, I ask them whether or not our communities are safer because wanted individuals are able to drop by their neighborhood shop to pick up their weapons of choice.

Mr. Chairman, I urge my colleagues to support this bill and to oppose amendments No. 2 and 3. We cannot afford any longer to go without the Brady bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, today we face a crisis in this country that threatens both individuals and families. There isn't one American who doesn't fear for their own safety, or the security of a friend or family member at one time or another. The pervasive and intrusive problems violent crime has brought to nearly every community in the country cannot be ignored. However, as a husband, father, former

businessowner, and Representative in the First District of Utah, I do not believe that passage of H.R. 1025 will take one step toward alleviating this fear.

A 5-day waiting period will not protect the innocent or disarm the criminals roaming our streets.

In the history of State and Federal gun control legislation, waiting periods, licensing systems, and registration strategies have never showed any discernible impact on reducing crime. There are currently 16 States which have some type of mandated waiting period when purchasing a firearm. None of these States can readily show that a waiting period has effectively reduced the rate of crime. In fact, many of them have experienced various problems, complaints, and unfortunate deaths related to the delay in legally purchasing a firearm.

During the riots in Los Angeles, Californians who wanted to protect their homes and businesses were told to come back in 15 days. Many of these law-abiding citizens admitted to illegally buying a gun off the street. Fifteen days is a long time when your world is in chaos and everything you worked for is being threatened. A waiting period isn't going to alleviate fear, it isn't going to protect honest citizens, it merely forces dealers to contend with more paperwork and mandates that local police provide an expensive service that will take valuable time and dollars away from the job that they do best—protecting a community.

Criminals are not honest and legitimate. They are sneaking around, making deals under the table, and terrorizing innocent people. Offenders are not buying their handguns from the local dealer. They don't mess with the paperwork and certainly are not going to check back after 5 days to see if their purchase has been approved. Whoever believes a waiting period will deter an offender is very naive. Those who have previously committed a crime, or are contemplating it, will either steal from homes and businesses, send a friend with no record to get the gun, or buy right off the street.

Every American who owns a home generally purchases homeowners insurance. Theft is covered under section I of a homeowners policy and I know from personal experience that firearms rank high in paid claims to homeowners who have been robbed. Guns are small, lightweight, very easy to resell, and worth a small profit on the street. In a study conducted by the National Institute of Justice, 84 percent of imprisoned felons admitted that they had never even attempted to purchase firearms legally. Their weapons were either stolen or obtained through an illegal source. They laugh at gun control laws because they know there are easier ways to have their own gun.

Gun ownership plays an important role in preventing crime. Let me offer

an example close to home: In my home State of Utah, I recently met with local officials in Wayne County. They explained to me that statistically, Wayne County residents own more firearms than any other county in the Nation. But, what's interesting is that in the history of Wayne County, there has only been one homicide since the turn of the century. And, this homicide occurred when a man caught his wife with someone else and stabbed the man with a knife. No one has ever used a gun against another person in Wayne County.

Criminals admit that they would not attack a potential victim if they knew that person was armed. Thieves avoid houses when people are at home, they bypass areas that are known to have protection, and they fear being shot during a crime. In most cases, gun owners who have used a gun in self-defense have been successful in preventing the violent attack. There are lawful and legitimate rights which should be upheld to allow citizens to own a weapon. Where I come from, people feel very strongly about their right to protect themselves and their families rights which should be upheld to allow citizens to own a weapon. Where I come from, people feel very strongly about their right to protect themselves and their families from anything that may intend to bring harm. This country was founded on freedoms which allow men and women to rightfully protect what is theirs.

After a gun is legally purchased, the owner may decide to sell it through the classified ads. The original owner can sell a gun at any time. In Utah, the Desert News runs column after column; listing the handguns and rifles for sale. Papers like the Desert News run ads all over the country, auctions are held and people generally don't know who is buying, selling, or trading the gun. By and large, these people are honest, upstanding citizens who collect guns as a hobby, but what is going to stop someone from purchasing a gun out of the paper, then turn around and rob a bank with it? Nothing. A waiting period is not the answer—gun control measures miss the mark, the crazies are always going to know where to find a weapon.

Violent crime is by far the largest problem facing American communities today, however, less than 1 percent of America's population are committing these heinous acts. This 1 percent equals about 2.5 million people who engage in violent acts. These people threaten security and erode our peace of mind. A waiting period is not going to deter them. H.R. 1025 is merely an attempt to place a Band-Aid over a problem that requires complete surgery.

Our system is not tough enough on criminals. The first time a violent crime is committed, we slap the offender's hand, deliver a light sentence, and

put them back on the street as soon as good behavior has been exhibited. It is our responsibility to focus on toughening the law.

Congress needs to enact a real crime reform bill which protects the victims of crime, not the perpetrators. We should place a stiffer penalty on fencing a gun that is known to be stolen; increase fines and mandatory minimums for criminals using a firearm when committing any crime; build more prisons so the revolving door doesn't keep turning; and support capital punishment.

The American public would like to feel safe on their own streets—criminals should not be ruling our neighborhoods. But, H.R. 1025 is not the answer.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI], a member of the committee.

Mr. MAZZOLLI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Brady bill, and a proper tribute here ought to be given to several people, but, of course, premier among them would be Jim and Sarah Brady. Just a moment ago I was out in the House triangle, and Jim was out there, as he always does, charming the people with whom he was speaking.

The two of them, Jim and Sarah Brady, have taken tragedy and turned it into a national crusade for a good thing. Many people in their situation could very well have gone off in a corner and pretty much cried against fate for having dealt them this tough hand, but they took that hand and they have, with their spirit and zeal and charm and good humor and absolute perseverance, have reached this day, which is very historic, on which we will have a vote on a bill named after them, which takes a very simple step in the direction of bringing down violence in our communities.

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I agree with people who say that this bill will not solve all of the problems. Indeed it will not. It has been praised perhaps too highly. It has perhaps even been lionized.

But, in fact, it is one element of a series of elements that go into a multifaceted anticrime package. And I would salute the gentleman from New York [Mr. SCHUMER], and his predecessor in that role, the gentleman from New Jersey [Mr. HUGHES], for having very stalwartly led the legislative fight.

But I think it is a good bill, Mr. Chairman. I believe that it will, if passed, enable the law enforcement authorities in our communities to keep guns out of at least some wrong hands, and in that setting save some lives.

So where we have an opportunity to vote for a bill that will save some lives,

and will be one part of an overall comprehensive anticrime program, then I think we ought to vote for that bill. I hope the Brady bill passes unamended.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, this is a commonsense approach. I do not stand here and say that my support for the Brady bill is going to bring some kind of a nirvana in law enforcement. We need a lot more in the criminal realm in reforming habeas corpus, in providing capital punishment in various cases. But indeed this is a commonsense approach.

Essentially, what we have today is sale of handguns on the honor system. You walk into the store, you want to buy a handgun. You are presented with a questionnaire. It says are you a convicted felon. And essentially that is how we sell it.

That seems to me to be violative of our commonsense tradition in this country. How else essentially can we determine whether that person that walks in and buys the handgun is under a legal disability to do so? It seems to me at least to do a background check, and by the way, it is a maximum of 5 days, not a minimum, whereby individuals can purchase a handgun.

But the point-of-sale check is clearly the best procedure. And what this Brady bill does is get us one step closer to what everybody wants, and that is a point-of-sale instant check, and it works in a very effective manner in getting the States tseao bring their records up to date and do exactly that.

We do not need an artificial time limit for that, but it can happen because of the creativity of the committee in putting this bill together.

Mr. Chairman, a couple of years ago I had the honor to attend the opening of the Peace Officers Memorial, just a few short blocks from the Capitol. And it is very much like the Vietnam Veterans Memorial and it lists all of the peace officers who have been killed in the line of duty. And believe me, that list is getting longer every day. And I for one, who have a background in law enforcement, am tired of seeing on the news police officers killed in the line of duty.

Support the Brady bill. It makes common sense. It gets us off the honor system in terms of sales to convicted felons.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK. Mr. Chairman, I rise in support of the Brady Handgun Violence Prevention Act, and in opposition of any weakening amendments.

Like many of my colleagues, I come from an area where guns are everywhere. The escalation of violence has been frightening. Not even little children are safe. Whether a shooting is deliberate, criminal, done in anger, or accidental, it doesn't matter at all to the

victim, and today there are too many victims.

The leading cause of death in young people is firearms, whether it be homicide or suicide. Among African-American teenagers and young men, homicide is the leading cause of death. We can no longer sit around just wringing our hands about this. It is time to do something. The Brady Bill by itself is not going to solve the problem of violence in our society, but it is a statement that we are at a minimum going to make the attempt to prevent the sale of handguns to felons, illegal aliens, drug addicts, and those adjudicated as mentally ill. If we prevent only a few deaths, this legislation will be worth it.

This bill is named after Jim Brady, who suffered terrible injuries because of a mentally unstable person with a handgun. Perhaps John Hinckley would not have obtained his gun had there been a waiting period or background check. Perhaps the life of someone we know can be saved by a waiting period and background check.

A criminal may find another way to obtain weapons, but why should we make it easy for him? Keeping guns out of the hands of the mentally ill can save lives. Making an angry spouse wait a few days before purchasing a gun could save the life of a husband or wife.

This legislation is common sense legislation, yet there are those who would weaken even this modest bill. I am especially concerned about the McCollum amendment which would preempt State and local laws requiring waiting periods. This would affect my own State of Florida, where a waiting period was adopted by referendum, by a overwhelming 84 percent of the voters. The people of Florida are tired of the violence. The people of America are tired of the violence. Vote for the Brady bill and against weakening amendments.

Mr. MCCOLLUM. Madam Chairman, I yield 1½ minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Chairman, I rise today to voice my opposition to the Brady bill. I have thought a great deal about this question, as I suspect most of us have. Some answers come fairly simply and fairly easily, and some do not. This one is not an easy one.

All of us are opposed to crime and crimes committed by people with guns. On the other hand, all of us are opposed to placing unneeded restrictions on the liberties of law-abiding citizens.

We certainly read every day that America is under siege and the Congress has a chance to do something about it, and we are all interested in that. I say "something" is the operative word, and I suspect that is what this is, a chance to do something. Whether or not it is effective is really the question, and is it a solution?

I have concluded that whether it is 5 days or 5 months, it probably does not make much difference. Criminals will still have access to weaponry that they need. They will purchase it from friends, they will get it illicitly, and certainly all we will do is put an obstacle in place for people who buy guns for legitimate purposes and cause criminals to get them in a way that is illegitimate.

One size does not fit all, and that is an issue that we have here. I come from Wyoming, quite a different situation than New York City. And I think to try to attempt to have a blanket system that works for everyone simply is beyond the realm of possibility.

So Madam Chairman, I rise in opposition to this bill which I think simply diverts attention from the real problem, and that is the problem of doing something with criminals.

Mr. BROOKS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Madam Chairman, this amendment has bothered me, the Brady bill, for quite some time because I feel very strongly that it goes against the very belief of the second amendment. And I contacted the Archives, and I asked for some research work on the debate that was said at that time when Samuel Adams made the motion for that particular amendment.

During that debate it was made clear that every American citizen should have the right to own and bear their own arms, to protect themselves.

Now we can pass tough gun control laws. Look at which city has the toughest gun control laws in the country. It is this one, Washington, DC. But what city has more murders than any other city? It is this one, Washington, DC.

If we are going to pass tough gun control laws to prevent people from killing people, why do we not look at passing laws to outlaw knives, or hammers or other weapons?

I think it is important that all of us as American citizens and as Members of this body should do everything we can to help protect that precious amendment that our forefathers gave us in the right of protecting ourselves.

Mr. SENSENBRENNER. Madam Chairman, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Madam Chairman, I rise to participate in a colloquy with the gentleman from New York [Mr. SCHUMER] to affirm the legislative intent of H.R. 1025. Would handgun purchases in Michigan be exempt from operation of the Brady 5-day waiting period?

Mr. HOEKSTRA. Madam Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chairman, I would like to associate myself with the

remarks of my colleague from Michigan and join in the colloquy on this important issue in terms of its impact on the State of Michigan.

Mr. SCHUMER. Madam Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from New York.

Mr. SCHUMER. Madam Chairman, I thank the gentleman for yielding. What I would say to the gentleman is that while H.R. 1025 exempts handgun transfers if the law of the State provides that a handgun transferee must have a permit to purchase and the permit is issued only after an authorized government official has verified that the information available to that official does not indicate that possession by the transferee would violate the law. Because Michigan law prohibits the issuance by the police of a license to purchase a handgun to anyone prohibited by law from receiving such a gun, the issuance of such a license would itself be a verification that the transferee would not violate the law.

The CHAIRMAN pro tempore (Mrs. LOWERY). The time of the gentleman from Michigan [Mr. UPTON] has expired.

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Mr. SCHUMER. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. I thank the chairman for yielding this time to me.

Madam Chairman, I strongly support House passage of H.R. 1025, the Brady Handgun Violence Prevention Act.

The American people have a right to demand that Congress take action to prevent handgun violence in the streets of our Nation. They know that since the Brady bill was first introduced 6 years ago over 150,000 Americans have been killed by handguns. They know that there is something wrong when a convicted murderer can too easily purchase a handgun in violation of existing Federal law. They know that the Brady bill may not be the complete answer to preventing handgun violence, but Americans have expressed by overwhelming majorities their belief that the Brady bill can help.

There is nothing complicated about the Brady bill.

This bill provides law enforcement officials a 5-day waiting period to review handgun purchase applications and screen out convicted felons and other individuals who are not permitted by law to purchase a handgun. If law enforcement officials do not notify a gun dealer that a sale would violate Federal, State or local law, then that sale would proceed 5 business days after the date of the purchase application.

The Brady bill is just that simple. This bill applies at the Federal level the lessons learned in over 22 States, including Pennsylvania, which show

that waiting periods can stop murderers and other felons from purchasing a handgun. The experience of California offers one of the best examples of how effective a waiting period can be. Between January 1991, and September 1993, when a 15-day waiting period become effective in California, 16,420 illegal gun purchases were stopped, and of these, over 8,000 attempted illegal gun purchases involved individuals who were convicted for crimes of homicide or assault.

As an original cosponsor of the Brady bill, I know that a 5-day waiting period will not eliminate all crime in America, but it seems that saving even one life is worth this effort. President Clinton has stated his strong support for congressional action on the Brady bill. In addition, support for the Brady bill is widespread among many organizations representing members of the law enforcement community, such as the Fraternal Order of Police, the International Brotherhood of Police Officers, the National Association of Police Organizations, the National Sheriffs' Association, the Police Foundation and many others. This bill has also been endorsed by the U.S. Conference of Mayors, the American Medical Association, the National Congress of Parents and Teachers, and former President Ronald Reagan. The Brady bill is a sound proposal and its enactment into law is long overdue.

Madam Chairman, today the House can reaffirm its support for this legislation with the confidence that President Clinton will sign this bill into law. I urge my colleagues to support this bill.

Mr. SCHUMER. Madam Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. TUCKER].

Mr. TUCKER. I thank the distinguished chairman.

Madam Chairman, I rise in strong support of the Brady bill, H.R. 1025.

This is a historic day in the House of Representatives. We expect to pass the bill.

Madam Chairman, we have Jim and Sarah Brady outside in the triangle. It reminds me that just a couple of weeks ago when I was on an airplane with Jim Brady and I saw him walking and writhing in pain, now having been incapacitated by the gunshot wound that he suffered while serving the highest office in this land, the Presidency of the United States.

Madam Chairman, it is unfortunate that it took Mr. Brady and his wife Sarah to have to bring this issue to the American public. But on today we can make their labor one that is not in vain.

Very quickly to my colleagues on the other side of the aisle and those who believe that this bill would do nothing, that it should not be nationalized, I would say, yes, there are States that

have a waiting period and others do not, but all of the States that have waiting periods, because of the natural tendency to buy guns in the States that do not have a waiting period and then go to other States in order to use them, it is time we nationalized this. I am in strong support of the Brady bill without any of the amendments.

Mr. MCGOLLUM. Madam Chairman, I yield 1½ minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, this bill says America will spend \$100 million a year—this year and again next year, and the year after that, and so on, until every State has a vast new network of computerized criminal records, accessible at computer terminals at every gun store, gun show, sporting goods stores, and everyplace else that sells firearms.

It is time to ask, will this system work? Will it be worth these untold billions of dollars?

It is silly to spend taxpayers' money on a system that can easily be defeated. It can be thwarted the same way that teenagers get around the alcohol laws, illegal aliens get forged documents, and others disguise their identity. It is called false ID. It does no good to run a criminal check on John Jones, when the person buying a gun is really Sam Smith.

And then this bill also has the 5-day waiting period to buy a handgun. But that is only for those who buy a handgun from a licensed dealer. Check out our prisons. Seventy-three percent of those people did not buy their guns through dealers. They bought them on the street. No waiting period, and no instant-check system is going to stop them. This bill will spend billions of taxpayer's dollars, it will make it harder for honest, law-abiding citizens to protect themselves, it will add another huge layer of redtape and Big Brother government. And all to do what? Just to try to catch the dumbest of the dumb—the poor souls who have a criminal record, and do not know they will be checked. And what happens, when they're turned down? They leave the store, and buy their gun anyway, there on the street, where there is no flashy, chrome-plated computer terminal looking over their shoulder.

If a waiting period works, why do you not propose a waiting period on knives? They are used to kill people. And so are cars. And so is rat poison. Why do you not put a waiting period on those, since they are used to kill people?

Let us not throw away our money for a high-tech plan that solves nothing. With this \$100 million a year, we could instead put more cops on the street, build more prisons, hire more judges and prosecutors so they won't be overworked and turn crooks loose through

pleabargains. Instead, they could crack down to lock away the robbers, and the rapists, the muggers, and the killers.

Let us defeat the Brady bill.

Mr. SENSENBRENNER. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Chairman, I thank the gentleman for yielding this time to me.

Madam Chairman, I rise in the strongest support of this legislation, and urge my colleagues to do what their constituents expect and demand: Pass the Brady bill.

Make no mistake, my colleagues, and let no one tell you otherwise: This bill represents a crucial step in moving to curb handgun crime, and one that our law enforcement officials are calling on us to pass. How much more handgun violence must we endure—how many more lives do we have to lose—before we adopt a minimum Federal standard for handgun purchase?

Let me say to my colleagues that the Brady bill is a matter of simple common sense. Don't be fooled or misled: There can be no substitute for a federal, minimum waiting period. Indeed, this whole debate can be summarized in one sentence: Anyone who needs a gun right now needs a waiting period.

The waiting period afforded by the Brady bill allows local law enforcement 5 days in which to make reasonable efforts to conduct a background check on a prospective handgun purchaser. In this way, we act to stop the ex-convict, or the mentally incompetent, from simply crossing a State line, putting his cash on the table, and walking away with a handgun.

Even more crucial, only this Brady bill allows the waiting period necessary to stop a flash of temper or moment of heated passion from driving a person over the edge, to handgun violence.

This cooling off period is absolutely critical, and the data here are clear: The number of gun-related accidents, and domestic violence incidents committed with handguns, continues to increase! Every piece of evidence demonstrates that crimes of passion and heat of the moment gun-violence continues to rise!

Each one of us—and more important, the police officers and law enforcement officials in each of our districts—can attest to this fact.

It is important for the record to examine objectively the provisions of the Brady bill and dispel some of the myths that the gun lobby would have us believe.

First, the Brady bill in no way provides for a system of national gun registration—quite the opposite. In every instance where a handgun sale is approved under Brady, law enforcement officers must destroy the information they've been provided within 20 days.

Second, there is no case to be made for unreasonable delay. The Brady bill is clear and explicit: After transmitting the name and address of the purchaser to local law enforcement officials, if the dealer has not heard back from law enforcement after 5 days, positively disallowing the sale, the buyer gets his gun. There is no room for delay—it's that precise.

Finally, this bill has no new restrictions on gun purchasers. No one who today is legally entitled to purchase a handgun will be ineligible under Brady. This bill just checks, and reaffirms, existing law.

I need not remind my colleagues that support for this bill is almost universal. From the State attorneys general to the cop on the beat, the men and women who have made crime control their lives' calling are united in their support for Brady. Every legitimate law enforcement organization has endorsed this commonsense, 5-day, waiting period.

More impressive, however, is the grassroots enthusiasm for this bill from our men and women in the field. I have yet to visit a police station in my district where officers did not commend me for my support of the Brady bill. This is the testimony of the front-line troops in the war on crime: How can you my colleagues turn your backs on law enforcement and in support of the gun dealers?

I would take this opportunity to make one point perfectly clear: We must defeat the weakening killer amendments that will be offered on the floor this afternoon. Among the most dangerous is the State preemption amendment, which would require our minimum Federal standard to preempt and prohibit tougher State laws.

This is absolutely ludicrous. The Brady bill is designed to represent a minimum, Federal standard. The idea that we would eliminate all other restrictions would be laughable were it not so offensive.

This is without question the most blatantly irresponsible amendment I have ever heard considered, and a reprehensible cave in to scare tactics of the gun lobby.

I stress gun lobby, because every one of us knows that support for this ill-conceived plan doesn't come from our constituents, the upstanding hunters, sportsmen, and collectors. This is pure political sell out to the NRA and their inside-the-beltway scare tactics.

In my own State of New Jersey, a background check has stopped more than 18,000 purchases, and resulted in more than 10,000 arrests. This law has been in effect for 20 years, and I have seen no evidence that it has led to infringement of constitutional guarantees. The Constitution stands, and sportsmen are still getting their guns.

But under the State preemption amendment we will debate this after-

noon, New Jersey's 20 years of strong, fair, and effective anti-gun-violence protections would be thrown out of the window for political expediency and special-interest payback.

When we even consider an amendment like this, it's no wonder why the American people hold our institution in such disregard. My colleagues, we can not let this reckless amendment stand.

It is unfortunate that any legislative effort to restrict firearms is painted by gun control opponents as an affront to—if not abrogation of—the Constitution. In fact, nothing could be further from the truth. The Supreme court of the United States holds that the second amendment does not allow free or unrestricted ownership of any weapon. Rather, the second amendment allows regulation of firearms so long as the regulation does not impair the maintenance of the active, organized militia of the States—*Miller versus United States, 1939*. The Supreme Court has consistently upheld this reasoning for more than 60 years, across a broad ideological spectrum.

There can be no substitute for the Brady bill, which will start saving lives the day after it becomes law. In contrast, an instant check alternative offers no such guarantee. Even the ambitious timetable established for the Justice Department indicates that the records on which this hotline is based cannot be up and running for years. I would remind my colleagues that when we last addressed this issue, the Attorney General of the United States report to Congress estimates indicates that it would take at least 3 to 5 years for the necessary information to be updated; the Office of Technology Assessment estimated up to 10.

I would add, however, that when the Justice Department certifies that such a system is fully operative, the Brady bill, and the national waiting period, sunsets. Frankly, I would rather that were not the case. The time it takes to bring a national, instant check system on line is but one of the failings of this alternative. Even when criminal records are updated to provide complete and accurate information, and instant check cannot and will not screen out the mentally incompetent, or drug abusers; and most important, as I discussed, this alternative allows no cooling off period for crimes of passion.

Again, my colleagues, this debate comes down to common sense, and simple logic: anyone who needs a gun right now needs a waiting period. Period.

I urge my colleagues stand up to the gun dealers lobby, follow President Ronald Reagan's example, support law enforcement, and do the right thing for the people.

Pass the Brady bill, today.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I think in this debate you have to come to two compelling questions. First of all, do my colleagues believe criminals will be affected by waiting periods or other gun control laws?

Secondly, do my colleagues believe crime rates will go down with waiting periods?

I think you have got to look at the facts and you have to look at where waiting periods have been deployed because this is an emotional debate but it is also a debate that could infringe the right of our citizens under our Constitution, the second amendment.

Let us look at California: When California went from a 2-day waiting period to a 15-day waiting period, the homicide rate rose 126 percent, more than twice the national average. Or you can look at Washington, DC: People have already talked about this particular jurisdiction, the toughest gun control jurisdiction in the world, and yet it has the highest homicide rate in this country.

Waiting periods do not work. This is symbolic, but it is an infringement upon the second amendment rights of every citizen. The problem is not with an inanimate object, which is what a gun is; the problem is with the criminal justice system. There must be a punishment that fits the crime.

If we had strong punishment in this country, crime rates would go down. I think that is important and it is compelling to all my colleagues to separate the emotion and look strictly at the facts.

Mr. MCCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM].

□ 1220

Mr. CUNNINGHAM. Mr. Chairman, some Members on the other side of the aisle said they did not want to support anything that would weaken this bill.

The Brady bill itself recognizes the importance of an instant check system. This amendment merely states, one of the amendments merely states that we should implement that system within 5 years. Most of us agree on both sides of the aisle that we have got too many weapons on the streets. There are too many senseless killings.

How do we stop that? Right now, under the Brady bill, you take paperwork that goes into local law enforcement which is not funded, and it ties up the cops with administrative burdens. The instant check would free that up. An instant check, if you would be a cop on the beat and stop and arrest someone, that could go into a computer right in the car or at the time of arraignment at the local station. If that persons gets out on a waiver or bail and goes to another State, they could not buy a weapon under the instant check because that data would be entered automatically.

If that is the case and it is a better system, then the State should implement it and that takes care of the second amendment. So this actually strengthens the Brady bill.

In my district, one of the things that has been recommended is if you commit a crime with a weapon—first of all, if you commit a crime, there is a penalty. If you commit it with a weapon, you take the next level of penalty. If you fire that weapon, the next level. If you hit somebody, the next level, and if you kill somebody, you die.

The "three strikes you are out" which is going around this House floor for no parole, life imprisonment, I think we ought to adopt that.

Mr. Chairman, I ask for support for both amendments to the Brady bill.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I rise in opposition to the Brady bill because I think it is a sham. The bill does not do what it is supposed to do. It nibbles away at gun owners' rights. But it does not accomplish anything else.

We all know that this country has a problem with crime—that is no secret, and I want to put an end to the crime problem as much as anyone else in this Chamber, but the Brady bill does nothing to stop criminals from getting guns.

Supposedly, the goal of the Brady bill is to delay the sale of a handgun by 5 business days to allow the local law enforcement officials time to do a background check on the potential gun purchasers. However, the bill does not ever require that the background check be done. The local chief of police has the option to do a check, but he does not have to do one. In this bill, the wait is mandated—the background check is not. It means the whole idea is an empty promise.

Then you have the fact that the vast, overwhelming majority of people who buy guns from gun dealers are law-abiding citizens. They are not going to use their guns to commit a crime; it is for self-protection or sports.

This means that even if the local law enforcement agencies do decide to use the waiting period for background checks, it accomplishes nothing. They are going to spend a lot of time and a lot of manpower doing background checks on citizens without criminal records. This is a total waste of limited law enforcement resources. I think we need those police officers on the streets battling crime, not behind a desk pushing papers.

Just think about it: What kind of criminal is going to try to buy a gun from a dealer knowing the police is going to do a criminal background check? Only a very stupid criminal. Criminals will keep buying guns where they always have—on the streets, illegally.

Mr. Chairman, this bill will do nothing to reduce crime. Instead, it punishes those who respect and obey the law by not allowing them to purchase a gun when they have the need for one. This just isn't right. Let us focus our efforts on the criminals, not our law-abiding citizens.

Waiting periods have not proven themselves to be of any value in the past and will continue

to be unsuccessful. Waiting period or not, a criminal will find a way to get a gun.

In some States, where waiting periods have been employed, the crime rate has actually increased. In fact, a 1989 FBI crime report shows that of violent crimes committed in the United States, 74 percent were committed in States with mandatory waiting periods, while only 26 percent occurred in States with no waiting period.

The District of Columbia, which has an outright ban on ownership of any firearms, remains the murder capital of the country. In fact, just the past weekend, four victims were gunned down on Saturday night on the streets of D.C. As of Monday, the District of Columbia has reported over 400 murders in 1993.

If gun control does not work, why should we believe a waiting period will do anything? My colleagues who are supporting this bill are looking for a quick fix for our crime problem. Unfortunately, crime control will not come so quickly or easily. All this bill really does is delay law-abiding citizens from purchasing a handgun. It does nothing to curb crime.

If we want to keep criminals from committing violent crimes with handguns, then let us do it with a crime bill, not a gun-control bill. Guns do not kill—people do.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Brady Handgun Violence Prevention Act, as it was reported from the chairman's Judiciary Committee.

I urge my colleagues to oppose the Gekas and McCollum amendments offered today, which I believe serve to weaken states' rights and dilute the intent of the Brady bill.

The McCollum amendment to preempt State and local gun laws upon implementation of a national instant check system would undermine State gun laws, such as waiting periods and fingerprint identification systems.

Mr. Chairman, in my own State of California, mental health records are checked to stop those who have been involuntarily committed from purchasing handguns.

I mentioned earlier our tragedy at 101 California Street in which eight people were killed and six wounded.

Mr. Chairman, the problem is that even though we have gun laws in California, the guns in that 101 California tragedy were purchased in Arizona. Our colleagues have mentioned the number of murders in the District of Columbia where there are strong gun laws. Even if a State has strong control laws, all one would have to do is cross over a State line to buy a gun. That necessitates a national gun law.

Mr. Chairman, let us take our children out of the crossfire. Let us pass this Brady bill unamended.

Mr. ZIMMER. Mr. Chairman, I rise in support of H.R. 1025.

Two years ago, I voted against an earlier version of the Brady bill, which required a 7-day waiting period for handgun purchases with only an optional background check. I voted instead for alternative legislation that provided for an instant, mandatory background check because it would have been more likely to keep guns out of the hands of criminals while minimizing inconvenience to law-abiding gun purchasers.

The legislation we are voting on today addresses my principal objections to the 1991 Brady bill. The background check is no longer optional and the waiting period will be eliminated as soon as a national instant check system can be implemented. Unlike the 1991 Brady bill, today's legislation authorizes up to \$100 million in Federal grants for State and local governments to computerize their criminal records so the instant check system can actually work.

States that do not follow the Justice Department timetable for implementation of an instant check system will lose a portion of their Federal law enforcement grant money. The Justice Department also has a stake in getting this system on-line. Its budget will be cut if States don't meet their deadlines for implementation.

Even the most ardent supporters of this legislation agree that a background check of persons buying guns from licensed dealers will have only a modest effect on the criminal use of handguns, since the vast majority of firearms used in crimes are obtained illegally.

That is why we need to take stronger measures to convince criminals that it is not worth the risk for them to possess a gun. I have introduced the Felon Gun Penalty Act, which would impose a 5-year mandatory prison term without probation or suspended sentence for unlawful possession of a firearm by convicted felons, illegal drug users, fugitives from justice and buyers and sellers of stolen firearms. Simply put, if a criminal gets caught with a gun, he or she will go to jail for 5 years. No excuses and no time off for good behavior.

My bill would double the penalties for criminals convicted of possessing or using a firearm in the commission of a violent crime or drug trafficking. It would also double the penalties to 10 years in prison for those people who lie to obtain firearms, who illegally sell firearms or illegally transport firearms.

Persons who use guns to commit crimes should receive the harshest possible treatment.

I intend to continue pressing for passage of the Felon Gun Penalty Act, which would appropriately focus law enforcement resources on deterring the illegal use of firearms rather than imposing unnecessary restrictions on the rights of law-abiding citizens.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise today in support of the Brady bill and in opposition to weakening amendments, which could ultimately preempt State laws, including State law in Florida.

In November 1990, by an 84-percent majority, Florida's voters supported the establishment of a 3-day waiting

period for the purchase of handguns, augmenting a statewide instant check system for other weapons.

The entire Florida system has been a model for the rest of the Nation. Between February 1, 1991, and October 31, 1993, Florida authorities conducted 739,157 background checks for individuals seeking to buy firearms. These checks resulted in 18,789 individuals—convicted felons and those adjudicated to be mentally ill—being denied firearms. That is a staggering number of denials.

An unencumbered Brady bill would support Florida law. My district in Florida borders another State without a waiting period, and an individual who is denied a firearm in my district need simply cross the border to obtain one. This is not acceptable to my constituents or to me.

I urge my colleagues to oppose weakening amendments, and to support the passage of this much-needed bill.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mrs. LOWEY] who has been a strong advocate of the bill.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Brady bill. I congratulate the subcommittee chairman, the gentleman from New York [Mr. SCHUMER], and I urge my colleagues to vote against any weakening amendments.

Mr. Chairman, the issue today is who should we trust for advice when it comes to fighting crime? On one side of this debate—urging us to approve the Brady bill without weakening amendments—are the Fraternal Order of Police, the National Sheriffs' Association, the National Association of Police Organizations, the National State Troopers Coalition, the Major Cities Police Chiefs, the Federal Law Enforcement Officers Association, the Police Foundation, the National Organization of Black Law Enforcement Executives, and the Police Executive Research Forum. These groups together represent 465,047 police officers—from the chiefs of our Nation's largest cities to the regular cops on the beat. These cops want to see guns kept out of the hands of criminals.

On the other side of the debate we have the gun lobby. The National Rifle Association represents the eighth largest PAC in the Nation. They have an army of well-paid lobbyists who are trying to convince people that a waiting period and background check for handgun purchases are unreasonable measures.

I ask my colleagues—whom do you trust on crime? The police or the gun lobby.

Who do you trust on crime? Those who fight crime—or those who fight anticrime legislation?

Who do you trust? Those who safeguard our communities—or those who safeguard their contributions?

Who do you trust? Those who lock up criminals—or those who lock up legislation by promoting gridlock?

I for one will vote along with the vast majority of those who are fighting crime on the streets every day rather than those who sit in their lobbyist offices crafting new ways to block the will of the American people—95 percent of them—for the Brady bill.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, if there is any question still remaining about whether a background check and a waiting period actually reduces crime or in fact reduces law enforcement by taking resources away from agencies, checking out backgrounds of honest citizens, I think the key evidence is the position of the Department of Justice in this debate.

The Department of Justice in this administration speaks very much in favor of this bill; however, how are they doing with gun control laws that they now have the responsibility to enforce, that are on the books today?

One of the most effective laws we have is the current Federal law that makes it a crime for a convicted felon to be in possession of a firearm. That is a law that can be used very effectively to prevent a crime before it occurs.

For weeks on end I have contacted the Justice Department and asked them to say how many cases under this law have you prosecuted? How many have you refused to prosecute? And questions like that.

Until a few days ago, I did not get an answer at all. A few days ago I got an answer, "We're trying to get that information for you, Congressman."

Trying to get that information? If gun control laws were really the priority of the Department of Justice, why is there no one in the Department of Justice today monitoring how well the U.S. attorneys are doing in enforcing gun control laws?

This relates back to the fact that H.R. 1045 as written is an unfunded mandate on local law enforcement. If we pass this bill, we are saying that a background check is valuable, but only if the local governments do it at their expense. There is no way that the Justice Department would support this bill if they were responsible for doing the background check.

I think it is the height of inconsistency for the Department of Justice to be over here lobbying for this bill which puts a mandate on local law enforcement at local law enforcement expense, while not saying they can enforce the laws they are responsible for today.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the distin-

guished gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, few Members supporting this legislation today would dispute opponents' claims that gun control is no cure-all for eliminating criminal activity. However, available reports indicate that not only do nearly 90 percent of Americans, and more than 80 percent of gun owners, support the Brady bill mandating a national 5-working day waiting period for the purchase of a handgun. The facts also indicate that such legislation can be of assistance in fighting crime.

The arguments made by Brady bill opponents that it will have no effect on crime, since criminals do not buy guns from dealers, is not true. The facts clearly demonstrate that criminals do indeed get guns from authorized gun dealers. The Bureau of Justice statistics reported earlier this year that 27 percent of State prison inmates who had owned handguns had purchased them from legitimate gun dealers. In addition, gun traces have shown that many guns bought by criminals on the black market were also originally purchased from retail stores. Furthermore, reports from several States with waiting periods show that waiting periods work. In my own State of Maryland, a stateside 7-day waiting period prevented more than 1,300 illegal purchases in 1990. In New Jersey, which has required a background check for more than 20 years, more than 10,000 convicted felons have been caught attempting to purchase handguns. A 1985 study by the Department of Justice found that 21 percent of criminals got their guns from dealers.

The Brady bill requires that the waiting period eventually be supplanted by an instant check system. But in the meantime, a 5-working day waiting period will assure that handguns are sold only to those legally eligible to possess them. I urge Members to support H.R. 1025 without any weakening amendments.

Mr. SANGMEISTER. Mr. Chairman, I believe it is important that we bring forth statistics from States, of course, that have already had a waiting period—and I am obviously from Illinois, and we have had one there—and I just recently got the 1992 figures, which are the most recent figures that they have, which shows that out of 171,000—in round figures—the people that asked for permits to purchase a gun, 1,234 of those requests were denied because of felony convictions and mental illness with the particular individual.

Now I cannot give my colleagues the figures here of how many people's lives might have been saved, but I will tell my colleagues that out of every 1,234 that were denied, no one can tell me that some lives were not saved.

I think the other question we need to ask here is: "What's the big deal about

waiting a maximum of 5 days to receive the permit for a handgun?"

I say, if you got to have a handgun within less than 5 days, maybe you ought to be talking to law enforcement. Is there some kind of a problem? Is somebody trying to assault you? Does your family need some protection? If so, maybe you ought to be looking to law enforcement rather than being worried about not being able to get the gun within the 5-day period.

As everyone has said here, Mr. Chairman, this bill is no panacea, but I believe it is a step in the right direction, and I think probably that is part of the problem with this bill and one of the questions we all have to resolve in our own minds.

There are people here who cannot disagree that this is good legislation but are afraid of opening the door. Yes, this will open the door. This will be the first step forward at a time when it is one this Nation should take.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise today in support of the Brady Handgun Violence Protection Act. Passage of this important legislation is long overdue.

Most of us are familiar with the tragedy of increasing violence that plagues our cities. New York is only one of the many areas around the country that has been particularly hard hit by the proliferation of handgun use. Gun-related crimes have become so prevalent in our society that no place is safe, nor is anyone immune to the escalating violence. The increasing incidence of handgun-related violence in our schools and among our Nation's youth is just one disturbing example. The Brady bill is an important preventive measure addressing the rise of handgun-related violence. How can we not seize this opportunity to stop violence before it has the chance to happen.

Contrary to claims by the opposition, waiting periods and background checks do work. Twenty-two States have enacted some form of legislation similar to the provisions included in the Brady bill. In those States, thousands of illegal purchases have been stopped. However, a national waiting period is crucial to ensuring that these efforts are not in vain. Currently, guns bought in States without waiting periods and background checks show up in the black markets of States that have labored to pass gun control legislation, such as my State of New York.

This is not a definitive solution to crime, but it is an important measure that can potentially save many lives. Ninety-two of Americans support the Brady bill. In addition, all major law enforcement organizations support this legislation. Pass the Brady bill. The Brady bill was introduced in 1987. We

cannot afford to wait any longer for its passage, too many lives are at stake. I strongly urge all of my colleagues to vote in favor of H.R. 1025.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE], a strong supporter of the bill.

Ms. FURSE. Mr. Chairman, I rise today in strong support of H.R. 1025, the Brady Handgun Violence Protection Act, and in opposition to any weakening amendments offered. I want to thank all the members of the Judiciary Committee for their hard work on this bill, particularly the chair of the Crime and Criminal Justice Subcommittee, Mr. SCHUMER. I am a proud cosponsor of H.R. 1025 because I believe that it is an important first step in the ever-growing problem of crime in the United States.

While there are many arguments for and against the Brady bill, the truth is 92 percent of citizens in the United States fully support this bill. Even an overwhelming 87 percent of gun owners support it. We cannot allow a small minority to mislead us and say that the people of the United States are against this bill.

Those opposed to the Brady bill claim that criminals do not purchase hand guns from legitimate gun stores. That is simply not true. The Bureau of Justice found that 27 percent of inmates surveyed said they bought their guns at a retail store. The Brady bill will stop criminals from purchasing guns. In my home State of Oregon, where there is currently a 15-day waiting period in place, local law enforcement agencies disqualified 223 handgun purchases in 1991. This could translate into lives saved. If the Brady bill is passed, it is estimated that in one year, a minimum of 188,000 criminals will be denied the right to buy firearms.

The Brady bill must be passed now. The long delay in its passage has cost lives. Since it was first introduced 6 long years ago, more than 150,000 Americans have been killed by handguns—over 13,000 were murdered with handguns last year. Any amendments which would weaken this bill could cost a life.

There are two amendments before us today which concern me. The first is the sunset amendment which would force States to implement an instant check system in 5 years, regardless if they are ready. Under the Brady bill there is a reasonable timetable for an instant check to be implemented. The second amendment I strongly oppose would preempt all State and local gun purchase laws, including all waiting periods and licensing requirements, once a national instant check system goes into effect. This would mean that in my home State of Oregon, our existing

15-day waiting period to screen purchasers using an automated fingerprint identification system would be overturned. Federal preemption would also prohibit State or local background checks designed to stop the sale of guns to noncriminals who are prohibited under Federal or State law from purchasing a gun, including drug addicts, illegal immigrants, persons with a history of mental illness, spouse abusers, and minors using false identification.

Despite the opposition's concerns, I do not believe that this bill is an infringement on the second amendment's right to bear arms. I believe that the Brady bill is simply a way to keep firearms out of the hands of our criminals. If this bill stops even one criminal from buying a gun and using it on an innocent victim, then I say it is worth it.

Let me end, Mr. Chairman, with a statement made by the chief of police in my district of Portland, OR:

The Brady bill * * * should be passed immediately. It is a national disgrace that we continue this unacceptable level of violence and, in effect, condone it through our inaction. We must join together to ensure that the Brady Bill be passed in Congress and passed now.

I urge my colleagues to support H.R. 1025, the Brady Handgun Violence Protection Act, and oppose any weakening amendments.

Mr. SCHUMER. Mr. Chairman, I yield the balance of my time to the gentlewoman from California [Ms. SCHENK].

The CHAIRMAN. The gentlewoman from California [Ms. SCHENK] is recognized for 1½ minutes.

Ms. SCHENK. Mr. Chairman, I have heard a lot of arguments for supporting a waiting period for handgun purchases, but perhaps the most powerful was made by one of my constituents. She wrote the following:

Last year, on August 29 in Wellesley, MA, my 30 year old brother died. The cause of his death was a self-inflicted gunshot wound to his head—a wound which was caused by a gun he purchased just a couple of hours before he left this life, and left my sister, mother, father, brother-in-law, and three young nieces to grieve for him.

If the Brady bill had already been passed, my family and I might still have this beautiful young man in our lives. As it is now, we have only pictures and memories.

The waiting period is not just a time to run a background check. It is also a cooling off period that can prevent individuals from taking impulsive actions with deadly consequences. I implore my colleagues to think about the individual life each of us may be responsible for saving by voting for the Brady bill without amendments.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of my time to close just for a minute or so. I would

like to respond, in a way, to some of the things I have heard said about this waiting period today.

Many of the examples, not all, but most of the examples I would say that have been given today about the horror stories that happen when a gun is used, are probably connected with people who are repeat offenders, with violent felons that we all want to take off the streets, and, by passing this bill today, we are not going to take them off the streets. Taking the guns off the streets is not going to keep this type of person from getting hold of a weapon, and that is why I said at the opening of this whole debate that I oppose this bill for two reasons.

One, because it is unnecessary; and, two, because it is primarily symbolic. It is unnecessary because we can do the check required, that is asked for here, a name check, which is all the record system allows right now in a matter of 5 minutes, or certainly no more than 5 hours in a single day. We do not need a 5-day waiting period to find out if somebody trying to purchase a gun from a gun dealer is a felon. And it is symbolic and distracting in the sense it does not get at the real problem. It does not get at the true, violent felon.

I have also heard people talk about my preemption amendment I am going to offer shortly, and I want to assure anybody who might be listening at this point that I am not preempting any State law. Any disability somebody has, if they are under 18, under a State law or if there is any restriction whatsoever on the purchase of a gun by State after the instant check period in this bill, if it passes, goes into effect, would not be preempted. The only thing that would be preempted is the waiting period per se. Since that would no longer be necessary and the purpose of it is to check violent felons to see if they have a record, once we have instant check we do not need it. But my bottom line point out of all of this in the general debate is that the bill is unnecessary and it is symbolic. What we really need out here is what the folks on the other side of the aisle generally have not been able to get together on, and I hope they do next spring. That is a comprehensive bill that is going to address the real problem, the revolving door of felons who commit these violent crimes. We need to lock them up and throw away the key. We need to take away the parole system and amend it, and reform the criminal justice system that puts swiftness and certainty of punishment back into the system again, to put deterrence into the system, to put incapacitation of the really bad folks in there by locking them up.

□ 1240

We can only do that when we get a comprehensive crime bill out here. We are not going to do it with a waiting period.

Mr. TOWNS. Mr. Chairman, our society is self-destructing as a consequence of violence that engulfs families, neighborhoods and communities. Many Americans are paralyzed with fear about the prospect of becoming a victim of violence or having to live or work in close proximity to potential violence.

In a November 1 hearing of violence as a public health issue, which I chaired in my Subcommittee of Human Resources and Intergovernmental Relations, we received testimony that the increase in violence was directly attributable to the use of guns. Surgeon General Joycelny Elders pointed out that firearm injuries cost the health care system almost \$3 billion a year. Our own President has talked about how violence crowds our emergency rooms and drains our health resources. Additionally, gun sales are spiraling as evidenced by the number of Americans arming themselves against an anticipated but unknown assailant. Firearms have accounted for more than 90 percent of the upturn in homicides in young Americans since the mid-80's. Ninety-five percent of the increase in the homicide rate can be directly traced to guns. And in some States, teenagers are even more likely to die from a bullet than they are a traffic accident.

From a public health perspective, prevention of violence is the key. We heard from witnesses who themselves were the victims of violence. All of them stressed that we need to take the guns off the streets of America. But no one expressed this more eloquently than a young promising student-athlete from my district, Ralph Green, whose leg was amputated because of a random shooting. As Ralph stated, "if you want to save the future generations of this country, you take the guns off the street." We should listen to the voices of the Ralph Greens in our community and pass the Brady bill today—without delay and without weakening amendments.

Mr. EWING. Mr. Chairman, I rise in opposition to the Brady bill. After careful consideration, I feel that this bill will do nothing to reduce crime, and by focusing on it we are being distracted from consideration of legislation which would have a real impact on crime.

Crime is a major problem in this country today. Even in my largely rural district crime is becoming a serious problem. We see gangs forming in smaller towns and increased levels of all types of violence. Instead of addressing the problems of criminals and the effects on victims, this legislation is a feel good bill that may make us feel like we are doing something about crime. In reality, it will do very little or nothing at all to reduce the amount of crime on the streets. One need look no further than Washington, DC, which has the strictest gun control in the country as well as the highest crime rates, to see that this policy will not work. Illinois has had a waiting period for several years, but gun violence continues to grow.

Instead of debating a feel good bill, we should be voting on a real crime bill with tough penalties for criminals. For example, Congress should pass the three-time-loser law which imposes a mandatory life sentence on anyone convicted of a Federal violent felony if that person has two or more prior violent felonies on his or her record. We should pass laws to require that criminals who commit crimes with

weapons go directly to jail with no option to plea bargain the weapons offense away. We must reform the appeals process so convicted violent criminals do not tie up the courts or have the chance to get out of prison before their debt to society is paid. Congress should also find ways to keep weapons out of the hands of teenagers and pass laws to hold parents responsible for the actions of their unsupervised teenagers who commit crimes with guns. This is real crime control.

I have several additional concerns about this legislation. First, there is not a guaranteed timetable for implementation of the instant check provisions. In addition, the bill opens the door to corrupting influences where local officials could deny any individual the right to purchase a firearm or decide to ban firearms within the whole community for virtually any reason.

Finally, Mr. Chairman, gun control provisions like this one will only keep guns out of the hands of law-abiding Americans and leave the criminals armed. I am submitting for the RECORD an article from today's edition of USA Today about Ms. Bessie Jones, a 92-year-old woman from Chicago who saved her own life because she was armed when two teenager hoodlums entered her home. Innocent Americans like Bessie Jones should be allowed to defend themselves. In this case, due to Chicago laws outlawing ownership by law-abiding citizens, she is considered the criminal and the thugs are considered victims.

This Congress needs to address the escalating violent crime that is plaguing our country. However, infringing upon the Second Amendment rights of law-abiding citizens is not an effective solution.

[From USA Today, Nov. 10, 1993]

NO "EASY MARK": WOMAN, 92, SHOOTS TEEN ROBBER

(By Kevin Johnson)

CHICAGO.—Bessie Jones is 92 and, by most accounts, a sweet old lady who lives alone, owns a revolver and had the gumption to pull the trigger.

Now she's the talk of this town—two days after fatally shooting Muhammed Abdul-Rahmann, 16, who police say forced his way into her tidy brick bungalow Monday and rolled her in her wheelchair around her home in search of valuables to steal.

"If she hadn't got him, he could have got her," says neighbor Lueneal Smith, 86. "We're senior citizens. We don't need this."

Police call it self-defense; Jones won't be charged.

Police say Jones retrieved the .38-caliber, blue-steel revolver she called "Bessie" when Abdul-Rahmann went to confer with another youth standing watch.

"When he went back into the house, she told him to leave. When he came near her, that's when she shot him," police Sgt. Ronald Palmer says.

Abdul-Rahmann was shot once in the throat. The lookout fled; no arrest has been made.

Jones was with a relative and not talking Tuesday. But Rosa Bryant, a retired schoolteacher who helps care for her, says Jones phoned immediately after the shooting.

"She felt pretty bad. When she looked at him, she said, 'Oh, a mere baby,'" Bryant says. "I suppose compared to her, he looked like a baby."

Other neighbors in the tightly knit South Shore neighborhood stand by Jones, too.

"I'm happy. . . . Why should she die so some boy could get her money for drugs?" neighbor Maewatha Williams says. "You can . . . bet your boots that all the older people here have guns."

Around Chicago, "the consensus was, 'Good for the lady for defending herself,'" says Karen Lincoln of a WLUP-FM talk show.

Neighbors say Jones has lived alone since 1945, when her husband died of cancer. Two years ago, a slight stroke put her in a wheelchair. Since then, a senior citizens' group and neighbors have provided meals and helped her with housekeeping and chores.

Parties and lawn maintenance—not crime—are usual topics of monthly block club meetings here, neighbors say.

Yet Jones was worried.

"She was afraid of being robbed," neighbor Nathaniel Bryant says. "There were several incidents—windows broken, noises at strange hours—where she called the police."

Some knew she had a gun. Before she used a wheelchair, "She would sometimes pat her apron pocket and say, 'I got Bessie here,'" Williams says.

Neighbor Smith arrived at Jones' house shortly after the 2:25 p.m. shooting: "She was just sitting there in her wheelchair. She said, 'Oh, Miss Smith, I feel like crying.'"

The teen she shot probably didn't expect a gun, says police officer Gerald Susarski.

"They just thought she was an easy mark. It's survival of the fittest, you know. But they grabbed the wrong tail."

Mr. HOEKSTRA. Mr. Speaker, I support the Brady bill, with the Ramstad amendment that will guarantee the second amendment rights of citizens by requiring law enforcement officials to provide written documentation for any denials that might be rendered. Such a guarantee is essential so that individuals who are denied permission to purchase a gun might be given a written explanation which they may use in the event that they appeal the decision in Federal court.

I am disappointed, however, that the Brady bill was voted on separately from the larger, omnibus crime bill. This is sending a misleading message to American people, and to my constituents, that the Brady bill alone is the answer to our Nation's violent crime problem. I do not believe gun control is the answer, and I will not support additional efforts to place even more burdens and restrictions upon law-abiding citizens.

The Brady bill is a modest proposal. Michigan law is exempted because it is already tougher than the Brady bill. Liz Welton, supervisor of firearms records for the Michigan State Police, has confirmed that Michigan's permit to purchase and computerized criminal history check fall within the guidelines established by the Brady bill.

It is important to state, in no uncertain terms, my firm philosophical and intellectual belief, that gun control is not a comprehensive deterrent to violent crime in this country.

Many of my colleagues believe that the Brady bill is just a first step, with more antigun laws on the way. I strongly disagree with this view and in no way subscribe to it. When we treat gun control as the be all and end all for crime prevention, we are making an enemy out of law-abiding citizens. Law-abiding citizens are not the problem. Too many violent criminals on the street are the problem. Guns are merely an easy target for liberals who need a scapegoat for lax criminal justice standards that they have supported for years.

I will be criticized for my decision to support the Brady bill. To my critics, let me state once again, that I do not buy into gun control. I will fight against the slippery slope. I am well aware of it, I have spent many hours talking with my constituents about it, and I will keep an eye on my antigun colleagues who will continue to push for more restrictive laws.

Let me reiterate, I do not believe the Brady bill is a comprehensive deterrent to violent crime. I simply believe that checking the background of handgun purchasers is a common sense step toward making sure that criminals and people who are mentally incompetent are not able to walk into gun shops around the country and simply purchase a handgun, or several handguns, without even a raised eyebrow.

It is important to understand the fact that the overwhelming majority of Americans support criminal background checks. Scientific surveys have found that 90 percent of Americans support a criminal background check for the purchase of handguns. In fact, over 80 percent of gunowners support criminal background checks, and over 65 percent of members of the National Rifle Association [NRA] support criminal background checks. The national NRA has officially endorsed a nationwide mandatory computerized point-of-sale background check on handgun purchasers.

I must add at this point a major additional consideration. More than 80 percent of the law enforcement officials from my district—the county sheriffs, the chiefs of police, and the county prosecutors—support the Brady bill and the concept of a nationwide criminal background check. They support the Brady bill in the hopes of establishing a national system whereby criminals who are involved in interstate gun running, and other forms of illegal handgun-related activity, will face additional obstacles while pursuing their criminal trade.

Why is a nationwide background check for the purchase of handguns valid? Because many of the illegal guns which are used in committing crimes are purchased in States that do not have criminal background checks. Consider this. According to recent statistics only 80 percent of the handguns used to commit violent crime in the city of Detroit were purchased in Michigan. Compare this with Dallas, where there is no waiting period or criminal background check; 87 percent of the handguns used to commit violent crime in that city were purchased in Texas.

But in spite of this, I firmly believe that a criminal who is intent on getting a gun will find a way to do it. No gun control is going to stop him. However, there are reasonable things we can do to make it more difficult for criminals to obtain guns, and that is why I am voting for the Brady bill.

Let me address the larger issue at hand. Violent crime in America is reaching epidemic proportions. It is affecting all segments of society. Nobody is safe anymore. Something must be done about it, and antigun laws are not the answer. In fact, I believe they are distracting to the overall issue of crime in America, as I stated earlier.

Stronger criminal justice measures are required for a serious effort at reducing crime in America. Crimes and committed by people, not weapons. People use knives, rope, hands,

feet, and drugs, in addition to guns, to carry out their acts of violence.

We must deal with the criminal if we are serious about crime prevention. Seventy percent of violent crime is committed by only 6 percent of the violent criminals. Four out of five State prison inmates are repeat offenders. Two out of three released criminals will be arrested again within 36 months.

We need stiffer penalties, stronger measures to stem the tide of crime. We need mandatory sentences for crimes committed with guns. I support mandatory life imprisonment for third conviction of a violent or serious felony. We need truth in sentencing by requiring every inmate to serve at least 85 percent of the prison sentence imposed. Currently, violent criminals serve an average of only 35 percent of their sentences. Finally, and most important, we need more prison space, so that we can detain the 6 percent of violent criminals who are committing 70 percent of the violent crime in America.

In conclusion, I believe criminal background checks are fair. I have done what I can to make sure that the Brady bill does not place an undue hindrance upon law-abiding gun owners around the country, and I don't think it does. Michigan law is exempt because it is tougher than the Brady bill.

Furthermore, there is a mechanism in place that guarantees that anyone who is denied the right to purchase a handgun after the background check is given written documentation as to why they were denied. They can then use that evidence to make their case before a Federal court if they are still not satisfied with the decision of local law enforcement.

With this safeguard, I can, in good conscience, support the Brady bill. I hope my constituents will understand that I have taken the time to study and balance every side of this issue. I have sought after and received input from concerned citizens from my district, various organizations, and law enforcement officials. This was not an easy decision, but I trust history will prove that it was the right thing to do.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of this new, modified version of the Brady Bill. This legislation provides for a temporary 5-day waiting period for the purchase of a handgun, while requiring that a computerized instant check system be established. The instant check system is an approach supported by the NRA, and this legislation requires the waiting period to terminate as soon as an instant check system can be implemented. The bill authorizes \$100 million for assistance to States so that they can establish a computerized instant check system. The waiting period can be waived where there is a need for immediate self-protection.

My vote must necessarily be based on my own evaluation of the net consequences of this legislation. Nonetheless, it is only appropriate that I acknowledge the overwhelming support for this legislation demonstrated to me by ordinary South Dakota citizens at my hundreds of town meetings, the 80 percent support expressed in scientific polls of South Dakotans, and perhaps most importantly, the strong support expressed by virtually every law enforcement organization in the United States.

This bill is supported by the International Association of Chiefs of Police, the Fraternal Order of Police, the Police Foundation, the National Sheriff's Association, the International Brotherhood of Police Officers, and the National Association of Police Organizations. The legislation is also supported by the American Bar Association, the U.S. Conference of Mayors, the National Association of Counties, the U.S. Catholic Conference, the League of Women Voters, the National Education Association, the National League of Cities, and the American Medical Association, among many others.

It is absolutely true that this new version of the Brady bill will have only a modest impact on gun crime in America—most criminals do not buy their handguns from licensed dealers. It is also true, however, that a temporary 5-day waiting period followed by a national instant check system creates only negligible inconvenience to law-abiding handgun owners. We need to bring this annual debate to an end and move on to the rest of an anticrime agenda that will focus on criminals and the conditions that breed criminality.

This House has already taken up legislation which will put more police on the streets and strengthen penalties against repeat violent offenders. Legislation to assist States with innovative sentencing alternatives such as "boot camp" prisons for youthful offenders will soon pass with my support. There is no one single solution to violent crime—we must aggressively move to put all the pieces of an anticrime strategy together. One small but helpful part of that strategy includes passage of this modified Brady bill. I ask that my colleagues join me in support of H.R. 1025, the Brady Handgun Violence Protection Act.

Mr. SMITH of Michigan. Mr. Chairman, I wish to associate myself with the colloquy between Mr. UPTON of Michigan and Mr. SCHUMER of New York. Mr. SCHUMER has indicated that Michigan's law, which prohibits the sale of handguns to convicted felons, exempts Michigan from the 5-day waiting period provisions of H.R. 1025.

Restrictions on guns will do very little to reduce crime in our country. Our greater energies in our efforts to reduce crime must be more effective apprehension, quicker and stricter judicial review and sentencing, assurances that those convicted will serve their time in prison, and most importantly instilling values and moral responsibility in the minds of our Nation's young people.

More specifically, we need: mandatory prison sentences for the most serious offenders; sentencing laws that will not permit armed and violent felons to avoid prison through plea bargaining; mandatory life imprisonment for a third conviction of violent or serious felony similar to the "3 Strikes-You're Out" initiative; death penalty for first degree murder with aggravating circumstances; tough, determinate sentences coupled with prison release policies that require every inmate to serve no less than 85 percent of the prison sentence imposed; adequate prison capacity with authority to privatize institutions; comprehensive effective juvenile justice reform with early intervention for youth at risk; and comprehensive, enforceable constitutional rights for crime victims.

I would also like to add, Mr. Chairman, that in trying to assure a safer society, the role of

the family cannot be understated. Dedicated parents sustain families and the Nation. As models and guides for their children's values they help solve our crime problems. By teaching respect and hard work, families provide the key to a strong and safe economic future.

Mr. EMERSON. Mr. Chairman, I rise today in strong opposition to H.R. 1025, the Brady Bill. It is a shame when folks cannot walk the streets of their communities without fear of robbery or violence. The fact that folks can no longer leave their homes unlocked when they run to the grocery store is a sad reflection on the society in which we live. I agree wholeheartedly something needs to be done about the crime and violence that runs rampant through our society, unfortunately visible in every dark corner; however, I do not believe that the Brady bill will have a substantial impact on crime.

We need real reform, not wishful thinking. The only people who will be affected by this legislation are law-abiding gun owners. A criminal intent on committing a crime with a gun will not be stopped by the fact that there is a law on the books requiring a 5-day waiting period. Statistics prove that the majority of those States that have imposed some type of waiting period on gun purchases have experienced increases in violent crime or homicide rates—greater than the national trend.

The amendments offered by Mr. RAMSTAD, Mr. GEKAS, and Mr. MCCOLLUM are reasonable amendments that will considerably improve this legislation, particularly in regard to insuring protection for the rights of the law-abiding gun owners and I support these amendments wholeheartedly. While all three amendments are steps in the right direction, we are unfortunately down a road which I feel we never should have gone down in the first place. Impeding the constitutional right of American citizens is not in the first place right-minded legislation. Second, it will not stop the spread of crime.

I respect and have empathy for the man for which this legislation is named, however, we could have implemented 20 Brady bills and the unfortunate and tragic crime which occurred to Jim Brady would not have been prevented. I cannot vote for final passage of the Brady bill. I believe this bill sends the wrong sign in regard to crime control and instead that we should be arguing for real crime legislation which will keep criminals behind bars and makes the streets safe for our children.

Mr. FORD of Michigan. Mr. Chairman, I rise today as a cosponsor of the Brady bill and to urge my colleagues to vote "yes" on this important bill and "no" to any weakening amendments.

I am particularly concerned about the amendment offered by Congressman MCCOLLUM which seeks to preempt strong State and local laws with the national instant-check system once the system is in place. A Federal preemption would stop States which have waiting periods from maintaining their strong controls. One of the primary goals of the waiting period was to provide a "cooling off" time to prevent crimes of passion. This 5-day waiting period has always been a critical part of the Brady bill—attempting to prevent an overheated domestic dispute from resulting in a handgun death.

The McCollum amendment would stop States from checking State mental health records to keep those who have been involuntarily committed to a mental institution from acquiring handguns. It also stops States from using fingerprint identification to prevent felons from acquiring handguns with false identification. These higher standards should not be abolished.

There has also been a lot of misinformation about the intent of this legislation. Constituents have been warned that Brady will take away their second amendment rights, that Brady will be the beginning of a ban on guns, and that Brady will prevent law-abiding Americans the right to own a gun. These allegations are untrue.

I am a hunter and a gun owner; I would never support legislation that abolishes my right, or the rights of my constituents, to own guns. The Brady bill limits the sale of handguns to those who have a record of violence or mental illness. That is good public policy.

The Brady bill provides for a uniform, national system to allow enforcement authorities time in which to confirm a handgun purchaser's residency information and to check whether the buyer has a criminal history or a record of mental illness. This background check applies only to handgun sales through licensed dealers. Unless law enforcement officials notify the dealer that the sale would violate Federal, State, or local law, the sale may proceed 5 business days after the date the purchaser signs the statement. The legislation further provides for the 5-day waiting period to be replaced, once a national background check system is fully operational and certified by the Attorney General.

This legislation would not change the gun purchasing procedure that exists in my home State of Michigan. Because Michigan already has a permit-to-purchase law, the State is exempt under the Brady bill. Other States do not have such permit-to-purchase statutes or waiting periods on the purchase of guns. States with fewer restrictions feed black markets in States with restrictions. That is why I believe national legislation is necessary.

The impact of gun violence is being felt in cities and small towns. Americans do not feel safe. Numerous anticrime measures abound. These require and deserve serious consideration. The Brady bill has already been given serious consideration. It has been fine-tuned over 6½ years. It has received bipartisan support and has once again made its way through the legislative process.

Sarah and Jim Brady have taught us all something about perseverance toward intelligent and reasonable goals. President Clinton will sign this legislation. Let us deliver the goods. The Brady bill is not the whole answer to fighting gun violence, but it is a good beginning.

Mr. ANDREWS of Texas. Mr. Chairman, Congress will vote on the Brady bill today, requiring a 5-day waiting period for persons wanting to purchase a handgun. At a time when my home of Houston—not to mention the rest of our country—worries about violent crime, I want to enhance our law enforcement officers without seriously impairing our constitutional right to bear arms. That means supporting the Brady bill.

I have always opposed gun control. As a Member of Congress, I have long opposed any moves that would restrict the rights of Americans to own firearms for sport or security. As a former prosecutor in Harris County, I am convinced that many criminals will find unlawful means to get weapons, especially handguns. As an avid hunter, I believe gun control laws tend to hamper sportsmen far more than criminals.

The Brady bill calls for a waiting period to end once the instant computer system for background checks is fully operational. I support this approach. According to the Justice Department, establishing the system would require coordinating differences in State record-keeping practices. Some States' systems are more sophisticated than others—that is, some States do not even have criminal records on computer yet. I still support an instant-check system, and will work for its implementation. But, realistically, a complete system is years away. A waiting period is a modest step until this national system is ready.

Tougher criminal laws are the best way to fight crime—complicated and unduly restrictive gun control laws are not. Tougher sentencing procedures and changes in criminal evidence rules will help our local police and prosecutors. I have always believed that waiting-period laws would not assist in apprehending criminals because criminals would simply not attempt to purchase guns from licensed dealers in those circumstances. I was wrong. New Jersey has a mandatory background check for handgun purchases. They have caught over 10,000 convicted felons trying to buy handguns. Evidently, many felons are not very smart.

The Brady bill will not be a panacea to crime control—it will, however, help our local police apprehend criminals. And our police need help. This fact was vividly and tragically underscored in Houston a few years ago by the death of Sgt. Bruno Soboleski, an 8-year veteran of the Houston Police Department, who was shot and mortally wounded while conducting a routine search. One of the suspects in the shooting was a convicted felon currently on probation who had illegally purchased his new handgun just days before the murder. A waiting period would have stopped him from making the purchase. The death of Sgt. Soboleski, and many like him year after year, is a primary reason why we need a waiting-period law.

The 5-day waiting period can help prevent felons, drug addicts, and the mentally disturbed from buying handguns. It also provides a "cooling off" period that will reduce crimes committed in the heat of passion. Again, my city of Houston offers a tragic example of a handgun crime that might have been prevented by the Brady bill. A man, on the day his wife filed for divorce, went out and purchased a .45-caliber pistol and that same evening shot each of his four children in the head before turning the gun on himself. Might this slaughter of innocent children have been avoided if the father had not been able to purchase a handgun on the very day he became distraught at his wife leaving him?

The Brady bill contains several safeguards for honest citizens. There is a specific exemption for people whose lives are being threat-

ened, enabling them to purchase a gun without a waiting period. Also, if a clean report comes back from police before the 5-day period has expired the sale may go through at the time the report is received. In addition, a sale will automatically be approved after 5 days, so police cannot stop gun sales by simply failing to get back to the dealer.

The Brady bill is clearly a moderate measure that will simply help us keep handguns out of the wrong hands. The waiting period will be eliminated once an instant-check system is available.

Gun ownership has a long and proud tradition in Texas—so does law and order. Responsibility is an integral part of our right to own firearms—so is common sense. People are restricted from fishing with dynamite or from falsely yelling "fire" in a crowded theater, and not just anyone can purchase a machine-gun. These are commonsense rules we apply to ourselves.

I am fully convinced that we need a 5-day waiting period. The waiting period makes good sense until a national computer system is ready. Voting for it is the right thing to do.

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 1025, the Brady Handgun Violence Protection Act of 1993. This piece of legislation is long overdue. Over the last several years we have witnessed a precipitous increase in the rate of violent crimes involving handguns. In 1991 there were 21,505 murders in the United States, up 6 percent from 1990. Guns were involved in 66 percent of the murders. In 1992 violent crimes have increased by 1 percent. Firearms were the weapons used in approximately 7 of every 10 murders. A violent crime takes place every 22 seconds in America. In other words, by the time I finish my statement, approximately three violent crimes will have occurred. This is a disgrace and I am absolutely appalled by the increasing lack of respect for human life.

Let it be known that gun violence is not concentrated in the our cities, it is an epidemic that has reached our small towns and rural districts. Many American schools that were once places of learning and sanctuaries from violence have become shooting ranges. Our hospitals have become inundated with gun shot victims, as if they are treating wounded soldiers in a war. I see these violent occurrences and ask my colleagues if this is what our country is experiencing—a war?

H.R. 1025 takes a major step in preventing criminals from purchasing handguns and making our streets safer. It does not take guns away from law abiding citizens. It would simply require a 5-day waiting period before the sale of a handgun in order to give local police time to check the purchaser's background. In many instances, a background check and sale will be completed in a shorter period of time. The bill specifically exempts States which already require law enforcement officials to verify the purchaser's lawful right to possess a handgun. The Brady bill would not apply to my State because Tennessee already has a 15 day waiting period.

Mr. Chairman, I have long held that law abiding citizens have constitutional guarantees to own firearms and that these guarantees shall be upheld. I believe that the Brady bill protects that right and ensures that guns stay in the hands of law abiding citizens.

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Brady bill because I know it will work.

My State of California has had a 15-day waiting period for several years now, and by any measure, it has been an unqualified success. Since January 1991, the California waiting period has prevented over 16,420 illegal gun purchases, including over 8,000 gun purchases by ex-cons who had been convicted of committing an assault or a homicide.

Nevertheless, this bill is merely a first step. We must address the plague of violence that has deprived every American of the peace of mind to walk our streets. Last month, the Los Angeles Times noted that 30 American soldiers died in peace-keeping operations in Somalia, and that is a tragedy that galvanized and horrified the Nation. However, in 1992, an average of 30 people were shot to death every week in the streets of Los Angeles. This is madness, and it must end.

There is no panacea to solve this problem. Last week the House voted for more funds for prison construction, to put additional police on our streets, and to keep our schools free of violence. These are important steps.

However, if we are to make our streets and neighborhoods safe again, we have to take reasonable steps to regulate the use of firearms that have no legitimate use either for the sportsman or for those who seek self-protection. I feel that the only way to safeguard the American public from gun-related crimes is through commonsense firearm regulation. We must pass the Brady bill. We must pass controls on military-style assault weapons that are designed solely to kill both police and civilians with military-type precision. We must pass legislation to keep handguns and bullets from children who are not yet legally old enough to vote. We must look at innovative proposals like Senator MOYNIHAN's proposal to tax certain kinds of ammunition purchases.

These gun regulations are long overdue. They make common sense to my constituents. I urge this Congress to act not only on the Brady bill, but on devising a comprehensive policy to ensure that the criminals who bring terror to our streets do not have access to the guns and ammunition that are designed primarily to kill people rather than protect.

Mr. ROSTENKOWSKI. Mr. Chairman, the legislation we're voting on today is both important and overdue. The proliferation of guns on America's streets is a national scandal. The combination of adolescents and firearms makes our neighborhoods minefields of destruction. It is a sad day when we can travel safely to the moon, but are in jeopardy when we visit the neighborhood grocery store.

This bill won't totally solve the problem, but it is an important step forward. Enactment will send two clear messages. One is that we've got to get the guns off our streets. The other is that Congress is finally ready to confront this troubling problem.

I enthusiastically vote for this measure and today want to reaffirm my commitment to working with my colleagues here to put together even more effective legislation to get the guns off our streets.

Our Declaration of Independence promises our people life, liberty and the pursuit of happiness. The glut of guns in America is a threat

to all three of these goals. It is time to take back our streets and return tranquility to our neighborhoods.

Ms. SNOWE. Mr. Chairman, I rise in opposition to H.R. 1025, the Brady bill, which would impose a national 5 business day waiting period on anyone trying to purchase a handgun. While everyone shares the desire of this bill's proponents to reduce violent crimes, the Brady bill should be defeated because it simply won't be effective in reducing crimes committed by people with guns.

I would like to point out to my colleagues that violent crime is not a function of gun ownership. In Maine, approximately 55 percent of households contain a firearm. And yet, the violent crime rate in 1992 was 130.9 per 100,000 inhabitants. This is the fourth lowest violent crime rate in the country. By contrast, 30 percent of households in New York contain a firearm, and the violent crime rate in New York was 1,122.1 per 100,000 inhabitants. And in Washington, DC, 12 percent of households contained a firearm, yet the district had one of the highest violent crime rates, at 2,332.8 crimes per 100,000 inhabitants.

In fact, I propose to my colleagues that the reason there is so much violent crime is because criminals know that they probably will not be caught, and if they are caught, they know that they will not be imprisoned. The rate of serious crime jumped nearly 500 percent from 1950 to 1990, and expected stays in prison fell nearly 70 percent. In fact, according to a study by economist Morgan Reynolds, a murderer spends an average of 2.3 years in prison, a rapist serves an average of 80.5 days, robbers serve 27 days, arsonists serve 12.5 days, and car thieves serve 3.8 days. The best response to the violent crime epidemic would be a comprehensive crime bill, not the Brady bill.

In recent years, gun control organizations have claimed that the Brady bill will reduce violent crimes by allowing local police departments to conduct background checks on people buying handguns. If the police discover that the prospective purchaser is a felon or is mentally ill, the proponents of H.R. 1025 argue, their legislation will allow the police to prevent them from buying handguns. However, it is unlikely that the Brady bill will have the impact on violent crime that its proponents envision.

For example, a 1986 Justice Department study found that 5 out of 6 convicted felons illegally purchased, on the black market, the handguns they used to commit their crimes. Thus, under the Brady bill, police would be unable to conduct background checks on the vast majority, 83 percent of criminals buying handguns.

Supporters of H.R. 1025 also claim that its enforcement would prevent people with a history of mental illness from buying a handgun, but this claim doesn't withstand scrutiny either.

In our society, an individual's medical records are protected by privacy laws. Only someone who has been adjudicated by a court of law as mentally ill would be prevented from buying a handgun under H.R. 1025.

As an example, even if a national 5-day waiting period had been in effect in 1981, it wouldn't have prevented John Hinckley from buying the gun he used tragically to wound

former President Reagan, White House Press Secretary Jim Brady, a Secret Service agent and a local policeman. It wouldn't have worked because at the time, John Hinckley wasn't a convicted felon and hadn't been ruled mentally ill by a court of law.

Another area of concern is that under H.R. 1025, a background check is not even mandatory. Rather, law enforcement agents must make reasonable efforts to check for criminal records. If the police don't have the time, personnel, or funds to conduct a check, it won't be done.

Congress clearly needs to shift the focus of Federal law enforcement activities away from gun control measures aimed at law-abiding citizens and toward effective law enforcement activities aimed at violent crimes. I urge my colleagues to join me in opposing H.R. 1025.

Mrs. CLAYTON. Mr. Chairman, I rise today as a show of support for H.R. 1025—the Brady Handgun Violence Prevention Act.

Firearm fatalities have become far too common in our world today. In the State of North Carolina alone, 6,000 people died as a result of injuries inflicted by firearms from 1988 to 1992. In the same 4 year period, 650 of my constituents were homicide victims—dying at the hands of another wielding a handgun.

The time has come to try to put a stop to these needless and senseless tragedies. The nationwide instant criminal background check, one of the major provisions of this crucial legislation, would block those individuals who should not be in possession of a handgun due to their mental state or from their criminal history from owning one. The second major provision, the 5-day waiting period, would prevent impetuous and impulsive handgun purchases by individuals—fueled by both passion and fury—whose actions most often result in tragedy.

Although I am a firm believer in the rights granted to all Americans by the second amendment—I do not think that either the background check or the 5 day waiting period constitute a punishment for law-abiding citizens. If we lived in an ideal world, there would be no need for this kind of Government intervention—however, I am sorry to report that our world today is far from ideal. My colleagues—your support for the Brady bill will provide a glimmer of hope for the future.

The Brady bill is, however, only a single step in the journey to reduce the amount of crime in our Nation. We must combine this legislation with others, such as H.R. 3355 which authorized \$3.45 billion for the hiring of additional police officers and H.R. 3351, which authorized a total of \$600 million for alternative juvenile punishments programs. Combined together, a difference can be made in the appalling level of crime in our Nation. Your support for H.R. 1025 not only illustrates your commitment to the future of this Nation but also your commitment to the present. The senseless tragedies of handgun violence can be stopped—but only if the Brady bill receives your support.

Mr. SKAGGS. Mr. Chairman, I am pleased that today the House of Representatives will pass the Brady Handgun Violence Prevention Act and in the process will say a resounding no to the National Rifle Association and other organizations that the Washington Post re-

cently described as "handguns-are-great lobbyists." We will be saying no to demagoguery, no to distortions of the truth, no to strong-arm tactics that have bottled up an important and necessary piece of legislation for 6 years, and no to resisting reasonable measures that will save lives.

It is amazing to me that it has taken so long and has been so difficult. The need for this legislation is eminently clear. In the 6 years since this bill was originally introduced, more than 150,000 Americans have died because someone had access to a handgun and decided to use it. A recent survey by the Bureau of Justice Statistics showed that 27 percent of State prison inmates who had owned handguns had purchased them at a retail store.

While I harbor no illusions that passage of this, or any other gun control measure, will eliminate all handgun deaths or stop all would-be criminals from getting guns, I do think that this bill will help significantly to save lives. It is a sensible step to take.

No reasonable person, with a legitimate need for a handgun, should have a problem with waiting 5 business days mandated by the bill. The passions of the moment should not be indulged by immediate access to a deadly weapon. If there is a genuine need—a threat to an individual's safety—local law enforcement officials can provide the necessary waiver to make a handgun available without the waiting period. I do not object to that. But, other than that, the only reason to want a gun immediately is to do harm to oneself or someone else. Why should we make that easier?

Some argue that this law is not needed and won't work. They point to States that have tough gun control laws and high crime rates and say, "See, gun control doesn't work." They are wrong. It does work. The fact that the District of Columbia has tough gun control laws has sent the criminals over the border, into Virginia and Maryland, to get their guns. The tough laws in New York meant gun running from Virginia ran rampant.

Unfortunately, it is not enough to leave it up to the individual States to combat this problem. They cannot do it alone. To stop the flood of guns we must have a uniform national law. Only by stopping illegitimate access to guns all over the country can we make a real difference in how safe we are on our streets, in our homes, and at our schools.

This isn't just my opinion. Every major law enforcement organization in America says we need this law. The Fraternal Order of Police, the National Sheriffs' Association, the Police Executive Research Forum, the Federal Law Enforcement Officers Association, the National Organization of Black Law Enforcement Executives, the National Troopers Coalition, the National Association of Police Organizations, and the Major Cities Chiefs, among others, have written to me asking for my support for this bill.

I support law enforcement efforts to eliminate crime from our streets. Law enforcement supports the Brady bill. Let's support law enforcement. Let's support the Brady bill.

Mr. DE LUGO. Mr. Chairman, today I rise in strong support of H.R. 1025, the Brady Handgun Violence Protection Act.

This important and desperately needed legislation would require a 5-day waiting period

before anyone buying a handgun would be permitted to take possession of it.

My colleagues, this bill is long over due. Had it been passed last year it would have saved thousands of lives. If we pass it today, it will save untold thousands more.

Guns are too readily available in our communities. I am distressed by the horrendous stories we hear and read about in the media due to violent, random criminal activity. It is unfortunate that whole communities are held hostage because too often we do not make the hard decisions.

We must get guns out of the hands of our children. Violence in our schools across the Nation has increased dramatically during the last decade because of guns.

Mr. Chairman, in my district, the Virgin Islands, we have not escaped criminal activity. Innocent victims are suffering needlessly under a State of fear and terror.

Hard-working people should not have to live under these conditions. Despair has become the cry of all of our constituents, communities are pleading for relief from the surge of drugs and random violence.

Mr. Chairman, I urge my colleagues to take a step in the right direction and save our children, our communities, and our law-abiding citizenry. We must begin to take practical measures to address crime, and this bill is an ounce of prevention.

Ms. WOOLSEY. Mr. Chairman, California has a 15-day waiting period for the purchase of guns. But on July 1, 1993, a man entered a San Francisco law firm with an automatic weapon and opened fire. We don't know exactly what made this man do what he did. We do know, however, how he was able to do it. This man drove to Nevada, where there is no waiting period. He walked into a store, gave them a false driver's license, and walked out with an automatic machine gun. Eight people, Mr. Speaker, are dead. Eight people, with jobs, families, and friends, are now dead.

While the Brady bill will not eliminate gun violence, it must be a part of any comprehensive approach to our Nation's crime problem. We need to put more cops on the street, tougher sentences, work to prevent people from committing crimes in the first place, and keep guns out of the hands of criminals. A national waiting period could have saved the lives of the eight people killed in San Francisco, and it will save many lives in the future.

We have heard all the statistics. We know that the American people overwhelmingly support the Brady bill. We know how many people have died from gun violence in this country. Sometimes I think that opponents of this bill are no longer affected by these statistics, because they have heard them over and over again—but Mr. Chairman, this is not about statistics. This is about lives—the lives of the eight people who were killed in San Francisco because there was no waiting period in Nevada, and the lives of all the people who are going to be killed if we don't pass the Brady bill now. I urge my colleagues to support H.R. 1025.

Mr. ARMEY. Mr. Chairman, I rise in opposition to H.R. 1025. This is not the answer to the problems plaguing our Nation. The American people today are extremely concerned by the level of crime in this country and they

have a right to be. That's one reason why it gravely concerns me that we are considering the one solution endorsed by the ACLU, an organization certainly not known for its hostility to criminals.

According to the Bureau of Justice Statistics, violent crime has increased a staggering sevenfold since the 1950's. Every year, nearly 5 million people are victims of violent crime. In our Nation, a murder is committed every 5 minutes; a robbery, every 46 seconds. A car is stolen every 19 seconds, and a burglary is committed every 10 seconds.

Today, an American is more likely to be injured by violent crime than by an auto accident. Americans all over the country fear violent crime and many don't even feel safe in their own homes.

Sadly, the response that we are considering today, a 5 day waiting period, is lacking. Rather than aggressively locking up violent criminals who prey on the defenseless in our society, we're debating a glorified cooling off period. This is gun control, not crime control. We owe the American people more.

What are we going to say to the senior citizen afraid to cash her Social Security check at the neighborhood grocery store? "It's okay to go out now, we've passed the Brady bill." Are we going to tell residents of public housing that they don't have to worry about drug trafficking because now we've passed the Brady bill? What are we going to tell our children? "It's okay to go school now, it's safe—the Brady bill has passed."

Mr. Speaker, I submit that we won't say any of these things to the victims in our society because waiting 5 days isn't the answer. Waiting 5, 7, or 14 days won't make a difference because the problem in our Nation is the violent criminal. Thus our focus should be crime control, not gun control. This body should be debating solutions to locking up the violent criminals that terrorize our cities. We ought to be encouraging States across the Nation to pass Washington State's three times you're out rule which provides a mandatory life sentence for criminals convicted of three felonies. We ought to be debating new methods for challenging the consent decrees and court orders that force many States to let violent felons go free while serving as little as one-fifth of their sentences. We ought to be coming up with new ways to get funds to States and local governments trying to build new prison facilities. We should be here today talking about truth-in-sentencing laws and ending early-release programs. I submit that changes in these areas will make a difference in the crime problem our Nation faces.

Gun control isn't the solution because 93 percent of the firearms obtained by violent criminals are not obtained through lawful transactions. Less than 15 percent of violent crimes even involve the use of a firearm. In fact, a Texas A&M study demonstrated that firearms are used far more often to prevent crimes than to cause them.

Rather than putting felons behind bars where they belong, gun control amounts to tinkering around the edges. The American people deserve better. H.R. 1025 is not a step in the right direction. It's a wasted step. It won't work because it doesn't address the problem in our country, violent criminals. Let's support

the innocent and the defenseless in our Nation. Vote against ACLU endorsed crime bills, and vote against the Brady bill.

Mr. LEVIN. Mr. Chairman, I rise in support of the Brady bill to require a 5-day waiting period. But, Mr. Chairman, the Brady bill, by itself, won't do the job.

Crime is a problem that is out of control in this country. The rising tide of violent crime touches all Americans. Even if you've never been a victim of crime yourself, every one of us pays a high price for the violent crime around us.

We pay the price in the form of higher insurance costs.

We pay the price in higher taxes needed to pay for the trauma care for the thousands of gunshot wounds every year.

We pay the price in terms of billions of dollars of lost productivity.

Most importantly, we pay the steepest price in the loss of innocent lives and because we are afraid. Our families no longer feel safe walking the streets. Even our children pay the price because schools are no longer a refuge from crime and violence.

Denying criminals easy access to firearms is only one element of a comprehensive anticrime agenda. If we are to stem the rising tide of crime and violence in America, we've got to get serious and get tough.

We should start by putting more police on our streets now. It's only common sense that more police on the streets will mean less crime. The House just approved legislation calling for \$3.5 billion over 5 years to put 50,000 more police on our streets. This is the minimum Federal commitment the Federal Government should make. The Senate has agreed to 100,000 additional police. Between us, we will provide the resources to help local governments make our neighborhoods safer. It's about time.

Second, the Federal Government must do a great deal more to help States build prisons. Like other law-abiding citizens, I am outraged when violent criminals are properly arrested, prosecuted, convicted, and sentenced—only to be released back onto our streets before serving their full sentences. If these criminals are being paroled early because our prisons are too crowded, then we must build new prisons. I strongly support the Byrd amendment to the Senate crime bill that provides \$3 billion for prison construction.

Third, we must crack down on gang activity. Toward that end, we must increase the punishment for repeat offenders who are gang members with a prior drug or violent crime conviction. I also support tripling the penalty for using children to sell drugs.

Youth violence demands a tough and certain response; at the same time, we must do more to deter juvenile crime in the first place.

Finally, we need the Brady bill. Every major law enforcement organization in the country—including the Fraternal Order of Police, the National Association of Police Organizations, and the National Sheriffs Associations—supports the bill. The Brady bill is supported by 92 percent of the American people—even 87 percent of all gunowners support the bill.

A 5-day waiting period is no panacea. The States that have already adopted such waiting periods find that they help. For example, in the

20 years that New Jersey has required a background check for handgun purchasers, more than 10,000 convicted felons have been caught trying to buy handguns. That's why the Nation's law enforcement community supports the Brady bill.

Mr. HASTINGS. Mr. Chairman, I rise today with pride to announce my strong support for H.R. 1025, the Brady bill.

It is rare that the Congress has the opportunity to consider such a clear and simple piece of legislation as the Brady bill, a bill which boasts bipartisan support. The National Rifle Association claims that the Brady bill infringes on the freedom of Americans and restricts the purchasing of guns. But the plain fact is, 92 percent of all Americans support Brady and furthermore, 87 percent of all gun owners support Brady.

The Brady bill works. My home State of Florida has a 3-day waiting period. Since enactment in early 1991, this policy has successfully stopped over 18,000 people, who had previously been convicted of a felony, in their attempts to purchase guns. The Brady bill will establish a national network through the Department of Justice to identify and prevent this acquisition of guns before it is too late.

The Brady bill is a necessary first step in combating the violence that is poisoning our communities nationwide. We have the opportunity to curb the vicious and purposeless crime that robs the youth and old alike of the most sacred gift: life.

Mr. KLECZKA. Mr. Chairman, I rise today in strong support of the Brady bill.

As you know, this bill was named after James Brady, a courageous man who was the victim of senseless handgun violence.

His assailant was a man with a record of mental instability, who was able to walk into a store, and walk out with a gun.

It was with this gun that he fired the shots that hit President Reagan in the side, missing his heart by 1 inch. It was with this gun that he fired the shots that hit James Brady in the skull, sentencing Mr. Brady to a wheelchair for the rest of his life.

Mr. Chairman, how many more times must we hear a story like this before Congress acts to curb the criminal use of firearms?

Mr. Brady was shot in 1981, and while we were all shocked by the pictures then, we are numbed to them now. So many times has this scenario been played out that it is no longer shocking. The story of a mentally distraught or criminal individual getting access to a gun and then slaughtering innocent people is now a regular feature on the evening news. This must stop, and it is the duty of Congress to help stop it.

In spite of the propaganda you may hear, waiting periods do work to keep guns out of the hands of criminals. In my home State of Wisconsin, a waiting period was recently enacted. In this short period of time, over 200 convicted felons tried to buy guns and were denied.

Mr. Chairman, it is time to stop worrying about protecting our guns and instead start acting to protect our constituents. I urge all Members to vote "yes" on the Brady bill.

Ms. ESHOO. Mr. Chairman, as an original cosponsor of the Brady bill, I rise today in strong support of its passage.

Over the past few decades, firearms ownership and violent crime have grown hand-in-hand.

In my district alone, east Palo Alto was labeled the "Murder Capital" of the United States last year because it had the highest number of murders per capita.

It's time for Congress to help make the streets safe again by passing the Brady bill. Waiting periods work.

In California over the past 2 years, our 15-day waiting period helped deny firearms purchases to nearly 12,000 people, including 6,000 people convicted of assaults and 141 people under restraining orders for domestic violence. Instead of children carrying lunch pails to school, they're carrying guns.

Congress needs to take this critical step toward rationality and reject the hue and cry and money of the irrational gun lobby.

In the same spirit, I urge the leadership to bring the Violence Against Women Act to the floor for a vote.

Since 1974, the rate of assaults against women aged 20-24 has increased almost 50 percent and each year, more and more women are victims of weapons in their home.

Let us keep faith with what the people want us to do. I urge my colleagues to cast a courageous vote, a vote which will move our country forward and secure a better, more humane future for us all.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise today as a member of the Sportsman Caucus in strong opposition to H.R. 1025, the so-called Brady bill. I am a firm believer in the second amendment right to keep and bear arms. Many in Congress feel the way to control crime is to eliminate guns. I do not.

In my judgment, eliminating guns will not alleviate the crime epidemic. The cause of the outbreak is the criminal. I believe we can better deter criminals by imposing strict penalties for those who commit crimes. Ultimately, the most effective way to deter crime is to send a message to the criminal that the punishment will be severe and swift.

Mr. Chairman, passage of this legislation is another example of Congress taking the easy way out. Earlier this year I introduced legislation that is cosponsored by the majority of the Republican leadership. My bill would double the Federal mandatory sentences for individuals who commit the most heinous crimes with a firearm in their possession. I believe this is a better approach at tackling the crime problem facing our Nation.

The legislation before us today would establish a 5-day waiting period before gun may be purchased. However, it does not mandate that local law enforcement agencies use this time to carry out a background check on purchasers. Mr. Speaker, I have serious doubts that this bill will reduce our crime problem.

I am pleased that the Gekas amendment establishes a mandatory 5-year timetable for the implementation of a nationwide computer system capable of checking an individual's background instantaneously. This instantaneous check will be conducted before an individual is allowed to purchase a handgun. The State of Virginia and four other States already incorporate such a system with great success. This certainly is not a panacea for our national crime problem, as most criminals procure their

weapons illegally, but I feel this program is a step in the right direction.

Mr. Chairman, I will be unable to support final passage of H.R. 1025 because we failed to pass the McCollum amendment. This sensible amendment would have established a unified Federal policy on waiting periods. Once the national instant background check is implemented, there will be no need for the Brady bill. It is not fair to impose a 5-day waiting period on States that do not have a Brady bill. I believe we have the ability to preempt other State laws when the instant check system is ready. While I am pleased that the Gekas amendment passed, I cannot support the Brady bill without inclusion of the preemption language.

Like most gun control legislation, this bill will do nothing more than impose on the constitutional rights of law-abiding citizens. So, once again, rather than getting tough on the criminal, we will impede the basic rights of our constituents to protect themselves and their families.

Mr. Chairman, H.R. 1025 is a bad bill. Let's defeat this legislation and finally get down to the business of constructing a legitimate anti-crime package.

Mr. VENTO. Mr. Chairman, I rise in strong support of H.R. 1025, the Brady bill, which establishes a 5-working-day waiting period for handgun purchases. During the waiting period, police are required to check available criminal history records to determine whether the potential buyer has a felony conviction. The bill also directs the Attorney General to develop a national instant background check system so that in the future potential handgun buyers will not have to wait for up to 5 working days. Once such an instant system is established, the waiting period will be abolished under a sunset provision in the bill.

An overwhelming majority of Americans, including a majority of my constituents, support the Brady bill as a reasonable and sensible public safety measure which will pose little or no inconvenience to law-abiding citizens.

Three weeks ago, Attorney General Janet Reno visited my congressional district in St. Paul, MN, and participated in a townhall meeting on "Crime in Our Community." Chief William Finney of the St. Paul Police Department also participated in this event which was attended by some 700 people. The Attorney General, Chief Finney, and I heard firsthand about the concerns of the people of St. Paul for the safety of their streets and neighborhoods. People are outraged by the escalating level of violence on the streets of our cities and by the easy access to the guns which are used in these violent crimes.

Our constituents know that the passage of the Brady bill will not stop all crimes involving guns. But they also understand that it is not unreasonable to require a simple background check on a person who wishes to buy a handgun.

Unfortunately, some of my colleagues in the House are attempting to undermine this legislation by amendment. One amendment would terminate the Brady bill at a certain date regardless of whether a national background check system is in place. Experts from the Justice Department have said that even a 5-year deadline for establishing any kind of efficient national background check system is

probably unrealistic. We need to put our collective efforts into expediting the establishment of this system rather than tearing down the Brady bill before it even is in place.

Another amendment would wipe out all existing State waiting periods and other safeguards once any instant background check system is established. It would also prevent States from enacting any background check measure beyond a telephone check system. The effect of this amendment would be to abolish Virginia's one-handgun-per-month limit aimed at gun-runners. It would also abolish waiting periods of up to 15 days in Maryland, California, Oregon, Florida, Indiana, and Connecticut as well as permit-for-purchase systems in New York, North Carolina, New Jersey, and Michigan.

Mr. Chairman, a recent national poll shows that 71 percent of Americans believe the availability of guns is a key factor in causing crimes. Recent data from the FBI shows that from 1987 to 1992, the rate of handgun homicides increased by 52 percent. The American people know and they expect us to act responsibly.

I urge my colleagues to join me in voting for the Brady bill.

Mr. MANZULLO. Mr. Chairman, today we should be addressing the issue of crime. More cops, more prisons, less parole, and tougher sentences for criminals using guns, as opposed to further gun control, are the keys to reducing crime.

I voted against the Brady bill because waiting periods for guns do not keep guns out of the hands of criminals. The Bureau of Justice statistics shows that the vast majority of the violent crimes committed in which a handgun is used involve illegal possession of that weapon, including black-market and theft.

The State of Illinois has much more restrictive gun laws than Brady. In addition, Wisconsin, Iowa, and Indiana all have some form of a waiting period. It is already illegal for a resident of one State to purchase a handgun in another State. Thus, Brady will not keep guns out of the hands of criminals, and that is why I voted against it. Even Sarah Brady herself stated that "it's * * * not a panacea. It's not going to stop crimes of passion or drug-related crimes."

Therefore, the issue is not guns, but criminals, and therefore I supported the following measures:

First, because it is already a Federal crime for a felon to own a firearm, I support a bill that provides for States to put a magnetic strip on the back of all drivers' licenses—or other State I.D.—*encoded to read whether someone is a felon or adjudicated by a court to own or possess a firearm.* This would not be that difficult to implement. But, this alone will not stop crime.

Second, the House voted unanimously to put 50,000 more cops on the beat through Federal grants to States and local communities. The Senate version of the bill makes the figure 100,000, and I'll support that. The presence of cops on the street is a proven deterrent to crime.

Third, the Republican crime proposal provides for Federal grants to States to build combined Federal and State regional prisons, provided States make criminals serve at least

85 percent of their sentence. When California increased its prison capacity, crimes fell by 21 percent.

Fourth, I cosponsored a bill that put behind bars for life any person convicted of three violent felonies, and the Senate just passed another version of that 98 to 1.

Fifth, the House voted overwhelmingly for funds for addressing drug trafficking, gang-related activity and providing drug abuse counseling. The Chemical Dependency Services Network in Illinois demonstrates that alcohol or drugs are involved in three out of four crimes. The Illinois program known as Treatment Alternatives for Special Clients states that substance abuse treatment reduces criminal activity. This is why I voted in favor of these programs, although it is important to keep our focus on the fact that criminals should serve out their sentences.

In addition, the Republican crime proposal provides for nondeficit funding of these tough criminal measures, through a reduction in administration expenses of running the Federal Government.

Still yet, the most basic and primary focus of any successful crime initiative—one that will really deter crime—is prosecuting and locking up the criminals. Mr. Speaker, this alone will have the greatest effect of reducing the crime rate than will the Brady bill.

Mr. HUGHES. Mr. Chairman, today the House has an opportunity to vote on a bill which I believe will make a major contribution to our country's fight against gun-related violence and crime.

H.R. 1025, better known as the Brady bill, would establish a mandatory, 5-day waiting period for the purchase of handguns from licensed dealers. The need for this legislation is clear.

According to the Bureau of Justice statistics, handguns are involved in an average 9,200 murders, 407,000 assaults, 210,000 robberies, and 12,000 rapes every year. Indeed, nearly half the murder victims in our country are killed with a handgun, while thousands more use handguns to commit suicide.

These are not just numbers. There are real people and real tragedies behind each and every one of these statistics.

Some years ago, when I had the privilege of chairing the Subcommittee on Crime, we heard from Jim Brady and others, who eloquently and bravely related just what it means to be a victim of a handgun attack.

Indeed, it was the courage of Jim Brady, his wife Sarah and others in coming forward to tell their stories that helped to focus public attention on the senseless tragedy of handgun-related violence. Through their efforts, we have reached the point today where there is overwhelming support among the American people for a handgun waiting period.

Let me take just a few moments to highlight some of the key provisions of this bill.

Essentially, the bill creates a Federal 5-day waiting period before a licensed dealer may transfer a handgun to a private purchaser.

Each prospective handgun purchaser will be required to give the dealer a sworn statement containing some personal identification information, including a statement that the purchaser is not precluded under Federal law from owning a handgun. The dealer is re-

quired to transmit this information to the chief local law enforcement officer within 1 day of the proposed transfer.

Unless law enforcement finds the purchaser is ineligible to buy a handgun, the sale may proceed 5 business days after the statement is first signed. The sale may proceed even quicker if the local law enforcement notifies the dealer that there is no problem with the purchaser's eligibility. It's that simple.

In other words, the police are given a reasonable opportunity to conduct a background check, but they cannot indefinitely delay the sale by stalling or failing to provide a notice of authorization to the dealer. The onus rests entirely with the law enforcement officer, not the dealer or the prospective purchaser.

The Brady bill has several other important features as well.

To help protect the privacy of legal purchasers, it requires that a copy of the statement and other records of the transaction be destroyed within 20 days.

It also authorizes \$100 million in grants to States to help automate their criminal record-keeping systems, and terminates the waiting period requirement as soon as an instant criminal identification system becomes operational nationwide.

Mr. Chairman, there are some who argue that a waiting period doesn't work. They are wrong. I would urge those who doubt the effectiveness of the waiting period to look at our experience in New Jersey, where applicants are required to undergo a rigorous background check every time they apply for a permit to purchase a firearm.

Over the last two decades, more than 19,000 people who applied for a permit in New Jersey have been turned down, because the background check showed they had a criminal or mental history, they lied on their application form, or they were otherwise disqualified from purchasing a gun.

Unfortunately, New Jersey's waiting period law has been undercut by the fact that other nearby States do not have similar requirements. For instance, anyone can walk into a gun shop in Virginia, show a false identification card, lie on the application form and purchase a gun on the spot. All too often, these guns are carried into New Jersey, where they are used to commit crimes.

There are also those who argue that a waiting period is too much of a burden on law-abiding citizens. Let me say to those critics that we all endure waiting periods of one kind or another in most aspects of our lives, whether it's to get a license to operate a business, get a credit card, or for other purposes.

We fill out forms all the time including background information, ship them off and, if we're lucky, within some reasonable period of time we get the license or credit card or whatever else it was we are seeking. This bill does not create a record check which is any different than the kind we all experience dozens of times during our lives.

And if you really want to know what it's like to be inconvenienced, I suggest you talk to Jim and Sarah Brady. They suffer every minute of their lives as a result of a senseless act of violence which may well have been prevented if a waiting period had been in effect the day John Hinckley walked into a gun shop

in Texas, lied on his application form, and walked out with the handgun he used to shoot President Reagan, Jim Brady and others.

Mr. Chairman, I am a gun owner myself, and I value the privilege of owning firearms. I would not support legislation which would prohibit the private ownership of firearms. At the same time, however, I believe that society has every right to protect itself from those who would abuse the privilege of owning firearms.

The Brady bill is a very modest effort to provide a reasonable waiting period, which will help the police keep handguns out of the hands of criminals and mentally deranged persons. It's not the total solution but it's a start.

I urge my colleagues to support this bill, and to let the American people know that we are finally serious about doing something to halt the carnage which is taking place every day in neighborhoods and schoolyards across our Nation.

The American people overwhelmingly support the Brady bill. The time to pass it is now. Thank you.

Mr. NADLER. Mr. Chairman, I rise to express my strong support for H.R. 1025, known as the Brady bill. On behalf of my constituents in New York City, where over 1,500 handgun murders occurred last year, I want to say that it is high time this simple but important piece of legislation became law.

The Brady bill will not deprive any person otherwise entitled under State or Federal law to own a handgun of that right. It will simply ensure effective enforcement of existing laws governing who may and may not purchase a handgun.

Existing statutes place various restrictions on handgun ownership, notably with respect to convicted felons and individuals with histories indicating potential danger. And some States already have in place instant-check systems that make it possible to determine whether a prospective handgun purchaser is legally ineligible. But many States do not have such a system in place.

The Brady bill puts us on the road to having, within 5 years, a nationwide system of checking the background of prospective handgun purchasers. Until that goal is reached, the Brady bill requires a waiting period of 5 business days before a handgun sale is completed, providing time for a background check within the constraints of existing information systems.

Much more is necessary. As Brady bill opponents point out, most criminals do not obtain their handguns legally. Guns are just too easy to come by in this country. But the Brady bill is an elementary first step, providing us with the ability to give meaning to existing laws prohibiting the sale of handguns to convicted felons and to those whose personal histories point to danger. A wait of 5 business days is precious little imposition on the rights of those legally entitled to own a handgun.

I urge my colleagues to give their overwhelming support to the Brady bill, and to vote "no" on the weakening amendments backed by the National Rifle Association. The road to a restoration of safety on the streets of our cities begins with adoption of the Brady bill.

Mr. REED. Mr. Chairman, as an original cosponsor of the Brady bill, I am very pleased to see that this legislation is on the road to pas-

sage this year. This legislation is long overdue. The Brady bill was first introduced in 1987, and the gun lobby has used every tactic in the book to prevent its passage. From arguments about the right to privacy to the second amendment, we have heard it all.

And yet one thing that we have consistently heard is that the American people want the Brady bill. An overwhelming majority of Americans, including a majority of gunowners, support a waiting period. What the American people do not want is more stalling tactics by gun lobbyists.

The Brady bill is not a panacea for the violence that plagues our country, but the Brady bill will go a long way toward keeping guns out of the hands of criminals. Twenty-three States, including my home State of Rhode Island, have waiting periods that do in fact stop criminals.

It is time to stand up to the gun lobby and pass the Brady bill.

Mr. GRAMS. Mr. Chairman, I rise in opposition to H.R. 1025, also known as the Brady bill.

Citizens across America are rightly demanding that we here in Congress take real action to fight violent crime. Unfortunately, that's not what this legislation does. Even supporters of the Brady bill concede that it will do little to stop gun violence in this country.

Instead: what the Brady bill does do is give citizens a false sense of security while providing Congress cover for its failure to genuinely get tough on crime. At the same time, it forces honest citizens to go through needless bureaucracy at taxpayer expense, takes cops off the streets in order to process paperwork and creates a potentially dangerous delay for citizens who feel a need to exercise their right to self-defense.

History clearly demonstrates that this bill will not put an end to violent crime. In many States which have enacted waiting periods on firearms, the violent crime rate has dramatically increased. For instance, California's 15-day waiting period for all firearms has failed to stem a 178-percent increase in violent crime despite the State's waiting period. And in Minnesota, violent crime has increased 118 percent despite a 7-day waiting period for handguns.

In addition, the Brady bill will do little to keep guns out of the hands of violent criminals. Recent studies have indicated that over 75 percent of State inmates who had ever possessed a gun had obtained it by illegal means. Clearly, the most dangerous criminals will not be deterred by a waiting period.

Finally, Brady supporters give citizens the false impression that this bill requires a criminal background check at the time of purchase of a handgun. In fact, Brady makes no such requirements. If no background check is made in 5 days, none will occur.

I believe criminal background checks must be made. Therefore, instead of passing Brady, I believe Congress should enact legislation requiring the establishment of a national system to provide for instantaneous, point of purchase criminal background checks. Such a system would be more effective in screening out criminals, and unlike Brady would not inconvenience law-abiding gun purchasers.

That's why I've cosponsored legislation to provide for this, and wish we had the opportunity to vote on such a proposal today.

Mr. Chairman, the American people deserve real protection from crime, not political cover for politicians. Let's reject the Brady bill today and begin concentrating on meaningful crime control which focuses on punishing criminals and not law-abiding citizens. Let's reform our judicial system, let's put three-time felons away for life, let's build more prisons, and let's make sure prisoners serve their full sentences. In short, let's get tougher on criminals, not lawful citizens.

Mr. STOKES. Mr. Chairman, I rise today in support of H.R. 1025, the Brady Handgun Violence Protection Act. I wish to commend my distinguished colleague from New York, Representative Chuck Schumer on his efforts in bringing this bill to the floor and addressing the critical issue of gun control. I am certain my colleagues would agree that Americans from all walks of life are looking for action on this problem.

H.R. 1025 mandates a 5-day waiting period prior to the purchase of a handgun. During this waiting period, law enforcement officials would be furnished with the opportunity to investigate the background of the purchaser to ensure that the sale would not violate Federal, State, or local law. Moreover, this waiting period would establish a timetable for putting the national instant-check system in place, and authorize funds for State and local government to computerize criminal records.

In the last several years, we have witnessed handgun violence take a devastating toll on our Nation. While we are experiencing what appears to be increased handgun violence in different population groups and in certain areas of the country, the reality of handgun violence is that it occurs throughout America, and not exclusively in the inner-city communities like Washington, DC, New York, or Los Angeles.

Daily, we hear accounts of innocent children wounded by drive-by shootings, schools overrun by gangs with weapons, and other atrocities destroying human life. In 1990, no nation had a higher murder rate than ours. The United States murder rate was quadruple that of the entire continent of Europe and was 11 times higher than Japan. Americans are dying from unnecessary violent deaths in unprecedented terms and there is no doubt that the unrestricted acquisition and use of handguns contributes to this violence. Handguns are involved in an average of 9,200 murders, 12,100 rapes, 210,000 robberies, and 407,600 assaults each year.

These startling statistics should move Congress to enact the Brady bill. While it is not realistic to expect the bill to end all handgun crimes, the waiting period would prevent purchases made in the heat of passion and in the end save many lives. Nearly 92 percent of all Americans and 87 percent of all gunowners are in support of the Brady bill. We all agree that there needs to be an immediate response to this dilemma.

Mr. Chairman, 22 States currently require either a waiting period or a license prior to obtaining a handgun. Last year alone, through California's waiting period, 5,763 purchases were stopped. The Brady bill will allow for protection of States' rights by providing these 22 States with the option of either adopting the