

## GUNS AND DOMESTIC VIOLENCE

• Mr. LEVIN. Mr. President, according to the Office of Justice Programs, 40 percent of women killed with firearms are murdered by an intimate partner. In 1996, Congress passed legislation to deny firearms purchases to individuals who were under a domestic violence restraining order or convicted of a domestic violence misdemeanor. Despite the passage of this law many people are slipping through the system. For example, according to a November 1999 Washington Post article, a background check failed to discover that a Maryland man was the subject of a domestic violence restraining order that his wife had obtained. As a result, he was able to purchase a gun and he later shot his 3-year-old daughter and 2-year-old son.

To help prevent such tragedies, Congress established the National Criminal History Improvement Program in 1995 to provide funding to assist States in compiling criminal records and establishing identification systems as well as developing a comprehensive national record system. One of the goals of the NCHIP program is to ensure that accurate records are available to law enforcement to identify ineligible firearm purchasers. The NCHIP program has put special emphasis on ensuring that domestic violence-related offenses are included in criminal records. As the Washington Post article suggests, there is still work to be done. In fact, according to a January 2002 study released by Americans for Gun Safety, only 30 States have automated records of both domestic violence misdemeanors and domestic violence restraining orders. Fifteen States have no automated records of domestic violence misdemeanors and 13 States have no automated records of domestic violence restraining orders.

I have long supported programs that will ensure that guns do not get into the hands of criminals, as well as individuals under domestic violence restraining orders. The NICS system of background checks for gun purchases has already blocked more than 400,000 gun sales to ineligible persons. Continuing the NCHIP grant program will help make America safer by ensuring that the criminal background information is complete, accurate and accessible. This improves our ability to prevent people who commit violent acts against their family from purchasing firearms.●

## LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in September 1997

in Waupaca, WI. A gay man was beaten because of his sexual orientation. The assailants, Jeffery S. Schucknecht, 26, and Robert G. Guyette, 23, were charged with felony battery and a hate crime in connection with the incident. I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Indian Affairs:

Report to accompany S. 1857, A bill to Encourage the Negotiated Settlement of Tribal Claims. (Rept. No. 107-138).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 1957. A bill to amend the Internal Revenue Code of 1986 to provide for additional designations of renewal communities; to the Committee on Finance.

By Mr. MCCAIN:

S. 1958. A bill to provide a restructured and rationalized rail passenger system that provides efficient service on viable routes; to eliminate budget deficits and management inefficiencies at Amtrak through the establishment of an Amtrak Control Board; to allow for the privatization of Amtrak; to increase the role of State and private entities in rail passenger service; and, to promote competition and improve rail passenger service opportunities; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1959. A bill to direct the Secretary of the Interior to conduct a study of the former Eagledale Ferry Dock in the State of Washington for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. FITZGERALD, and Mr. JOHNSON):

S. 1960. A bill to amend the Biomass Research and Development Act of 2000 to en-

courage production of biobased energy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself, Mr. CRAPO, Mr. JEFFORDS, and Mr. SMITH of New Hampshire):

S. 1961. A bill to improve financial and environmental sustainability of the water programs of the United States; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mrs. MURRAY, and Mr. SMITH of Oregon):

S. 1962. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1963. A bill to prohibit the use of arsenic-treated lumber to manufacture playground equipment, children's products, fences, walkways, and decks, and for all other residential purposes, and for other purposes; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. COLLINS (for herself and Mr. REED):

S. Res. 211. A resolution designating March 2, 2002, as "Read Across America Day"; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Con. Res. 98. A concurrent resolution commemorating the 30th anniversary of the inauguration of Sino-American relations and the sale of the first commercial jet aircraft to China; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 77

At the request of Mr. DASCHLE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 969

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 1084

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1084, a bill to prohibit the importation

into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 1957. A bill to amend the Internal Revenue Code of 1986 to provide for additional designations of renewal communities; to the Committee on Finance.

Mr. WARNER. Mr. President, I am pleased today to introduce legislation that will provide for greater economic growth, job creation and improve the availability of affordable housing in some of our Nation's most distressed communities. The legislation calls for the designation of a second round of Renewal Communities.

The Renewal Communities program is an economic development initiative that was included in the Fiscal Year 2001 Consolidated Appropriations Act. The communities designated under the program benefit from a variety of tax incentives designed to attract new companies and enhance business opportunities in an area. Wage credits, a zero capital gains rate on new investments and similar tax breaks for business related expenditures will augment the efforts of State and local governments to promote job growth and restore economic stability in their communities.

The Consolidated Appropriations Act signed into law on December 21, 2000, provided for the designation of 40 Renewal Communities. The Department of Housing and Urban Development was responsible for the selection and designation of the new RCs. The Department announced the list of 40 communities, which will share over \$17 billion in tax incentives, on January 24, 2002.

The designations are based on poverty rates, median income, and unemployment rates in the community. The most recent Department of Commerce census data available during the application process was from 1990. This was an issue of timing as passage of the legislation overlapped with the compilation of new census data in 2000.

The use of the 1990 census data, however, severely limited the ability of many cities and localities which may be eligible based on the most recent data. The 1990 data does not reflect the economic shifts which have taken place over the last decade throughout the country.

In the Commonwealth of Virginia, many communities have been devastated economically by plant closings since the census in 1990. The unemployment figures continue to rise when more businesses are forced to close down as the adverse financial effects begin to filter through the community.

My legislation would provide for the designation of an additional twenty renewal communities with the requirement that the most recent 2000 census data would be used. I believe that a second round of Renewal Community designations would be appropriate and fair to those communities excluded by the limits of timing out of their control.

We cannot move forward as a Nation when the gap in the economy stability of our local communities grows deeper and they are left behind. This is something the Federal Government can do to stimulate the economy from the ground up and at the same time help those who need it most.

I encourage my colleagues to support this initiative. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1957

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADDITIONAL DESIGNATIONS OF RENEWAL COMMUNITIES.

(a) IN GENERAL.—Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) ADDITIONAL DESIGNATIONS PERMITTED.—

“(1) IN GENERAL.—In addition to the areas designated under subsection (a), the Secretary of Housing and Urban Development may designate in the aggregate an additional 20 nominated areas as renewal communities under this section, subject to the availability of eligible nominated areas. Of that number, not less than 5 shall be designated in areas described in subsection (a)(2)(B).

“(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before January 1, 2003. Subject to subparagraphs (B) and (C) of subsection (b)(1), such designations shall remain in effect during the period beginning on January 1, 2003, and ending on December 31, 2010.

“(3) MODIFICATIONS TO ELIGIBILITY DETERMINATIONS.—The rules of this section shall apply to designations under this subsection, except that population and poverty rate shall be determined by using the most recent census data available.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. MCCAIN:

S. 1958. A bill to provide a restructured and rationalized rail passenger system that provides efficient service on viable routes; to eliminate budget deficits and management inefficiencies at Amtrak through the establishment of an Amtrak Control Board; to allow for the privatization of Amtrak; to increase the role of State and private entities in rail passenger service; and, to promote competition and improve rail passenger service opportunities; to the Committee on Commerce, Science, and Transportation.

● Mr. MCCAIN. Mr. President, the time has come for us to have an open debate to consider the future of rail passenger service in this Nation. Given Amtrak's financial situation, which is extremely precarious, I strongly believe we must work together to pass legislation this year that will provide for a restructured, revitalized, and streamlined rail passenger network. This will be no easy task. It will take commitments by all parties, including the Administration, Congress, Amtrak, states and municipalities, and the private sector.

No one can argue with the fact that Amtrak is in a financial crisis, with growing and substantial debt obligations already totaling over \$3.3 billion. The Department of Transportation Inspector General, DOT-IG, issued a report just two weeks ago which found that Amtrak experienced its largest losses in history in Fiscal Year 2002. Specifically, the DOT-IG found “Amtrak lost \$1.1 billion last year” and “Amtrak is no closer to operating self-sufficiency now than it was in 1997.”

The Amtrak Reform and Accountability Act of 1997, provided Amtrak with the statutory reforms Amtrak said were needed to enable it to address its financial and operational problems existing at the time. In turn, the Act directed Amtrak to reach operational self-sufficiency five years after enactment, which is December 2, 2002. The Act also established the Amtrak Reform Council, ARC, to oversee Amtrak and notify the Congress if it found Amtrak would not be able to meet its statutory obligations.

Despite repeated press statements and testimony by Amtrak officials over the past four years that Amtrak was well on its way to fulfilling its statutory directives, on November 9, 2001, the ARC issued a finding that Amtrak will not be operationally self-sufficient as required by law. The ARC found there are major inherent flaws and weaknesses in Amtrak's institutional design and that it must be restructured. The recent DOT-IG report confirmed the ARC's finding that Amtrak would not meet its statutory mandate.

Finally, two weeks ago, even Amtrak officials admitted it cannot live up to the claims they had been making. At a recent press conference Amtrak's President stated, “Everybody knows that you can't make a profit while running a network of unprofitable trains”. Unfortunately, Amtrak officials are