

In general, as most Americans know, ignorance of the law is no excuse. But, here, there is another out for the wife beater. For some reason or other, under this amendment, wife beaters would not be subjected to this rule. This amendment says that a wife beater must explicitly be given notice of the firearm ban at the time he is charged or notified of the complaint. Otherwise, if the notice is not given at the time of complaint or charging, the wife beater will be entirely free to have the gun. In other words, "Aha, I wasn't told that if I beat my wife, I might lose my gun, so therefore, it is my gun and my wife, and if I want to beat her, I will beat her." That is what they are saying.

Now, Mr. President, I am all for telling wife beaters they can't have a gun at any time. That is the best way, and it ought to be. It should not be a prerequisite for a ban. After all, it is not a prerequisite for anyone also. Felons are prohibited from having guns, regardless of whether they have ever been officially given notice. For them, ignorance of the law is no excuse. But under this amendment, it would be an excuse for a wife beater.

In fact, this amendment is constructed so poorly, that it would even allow wife beaters to get guns if they did get notice, if the notice wasn't at the time of the complaint or charging. In other words, if someone is only given notice about the ban when they're convicted, they could still possess guns.

Another effect of this language, Mr. President, is that it would completely exempt from the ban anyone who beat their wife, and was convicted, before the CR gets enacted, if they want to make it easy for these wife beaters to escape. This means that huge numbers of battered wives and abused children will remain vulnerable to firearm violence.

Mr. President, the bottom line is that the provision apparently to be included in the CR is not serious legislation even though Speaker GINGRICH said on a Sunday show that was witnessed by millions of Americans when he said he would accept this proposition, this legislation that I put forward. He promised he would do it. But once the NRA got hold of him and pulled on his coat a little bit he said, "Well, OK. Maybe we will just water it down a little bit." The same thing happened on the floor of this body.

It's little more than a sham. It claims to establish a gun ban for those committing domestic violence. But it's been drafted cleverly by the gun lobby. And, not surprisingly, it's got loopholes large enough to drive a truck of wife beaters through.

Mr. President, the problems with this amendment go on and on. And that's because this is not a serious amendment. It's a sham. It is a dodge. It is a shame.

It's a desperate attempt to let wife beaters and child abusers keep their

guns. And nobody should be fooled into believing otherwise.

Mr. President, I know the NRA has a lot of power around here. We see it exhibited all the time—raw power. I do not know how many members they have. It is estimated, as I understand it, at 3 million but they have 260 million other Americans in the grip of their hands. But isn't there some point at which we draw the line? Isn't their some point at which we draw the line? Isn't their some point where we say enough is enough? Isn't their some point where they want to protect their own wives, or their own children? Isn't there some point when we can stand behind a 97 to 2 amendment approved in the U.S. Senate and say, "Yes, we meant it?" Or did we say in some cases we meant it until we got into the darkness of a closed room and then we made our deal, and in the light before the public? Oh, no. We are good guys. We do not want those wife beaters to have guns, those child abusers to have guns. But in the secret of a dark room they said "Yes. The guy ought to have a gun. What the heck. He only beat his wife." If he beat the wife next door he would be in jail for 5 years; or, if he abused the child next door he would be in jail 5 years, or maybe in some States they want child abusers to be in jail for life. But if it is your own kid, if it is your own wife, it is like that is chattel property, you know. Just do as you please.

Mr. President, I hope my colleagues will keep something in mind when they think about this provision. This is nothing short of a matter of life and death.

Somewhere out there, there are thousands of battered wives and abused children. Thousands of innocent Americans who are virtually helpless against their abusers.

Mr. President, every year, there are about 2 million reported cases of domestic violence. Very few of them get prosecuted because they are convinced or frightened by the abuser that it would be tough. He wants to be forgiven. In approximately 100,000 of these cases a gun is involved—some put this figure at 150,000. In other words, an argument ensues, a gun is held, aimed and pointed to the head of the woman, and he says, "If you do not do this I am going to blow your head off." And the child witnessing that carries that trauma for life.

There is no question that the presence of a gun dramatically increases the likelihood that domestic violence will escalate into murder. According to one study, for example, in households with a history of battering, the presence of a gun increases the likelihood that a woman will be killed threefold.

As Senator WELLSTONE put it so beautifully and succinctly on the floor one day, all too often, the difference between a battered woman and a dead woman is the presence of a gun.

Mr. President, it is not an exaggeration to say that for many women and

children, we have their lives in our hands.

We can save their lives by enacting the Senate proposal, and keeping guns away from their abusers. Or we can cave in gutlessly to the NRA. And they will die. And they will be buried in their communities. But some of the grief has to extend to this place.

Mr. President, my message is simple. Wife beaters should not have guns, and child abusers should not have guns. And I urge my colleagues to stand up for the victims of domestic violence, to reject this sham legislation, and to enact meaningful law to keep guns away from wife beaters and child abusers.

And if the NRA and their supporters insist on pushing a sham ban, I want to put everyone on notice that I intend to fight this every step of the way with all the tools at my disposal.

I yield the floor.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

VOTE TO OVERRIDE THE PRESIDENT'S VETO OF H.R. 1833

Mr. THURMOND. Mr. President, I rise today to speak on the President's veto of legislation to ban partial-birth abortions.

The President should have signed this legislation and helped us ban the shocking procedure known as partial-birth abortions. Instead, he ignored the overwhelming evidence that compels the need for this legislation to become law. I heard testimony on this matter from doctors before the Judiciary Committee and without any doubt, the availability of this procedure is indefensible.

The former Surgeon General, C. Everett Koop, stated, and I quote, "In no way can I twist my mind to see that partial-birth—and then destruction of the unborn child before the head is born—is a medical necessity for the mother."

Mr. President, one important issue that must be addressed here is the constitutionality of the partial-birth abortion ban. I believe that based on Supreme Court rulings in this area, the Partial-Birth Abortion Ban Act of 1995 would survive a constitutional challenge. In fact, in *Planned Parenthood of Southeastern Pennsylvania versus Casey* the Supreme Court stated, "The woman's liberty is not so unlimited * * * that from the outset the State cannot show its concern for the life of the unborn, and at a later point in fetal development the State's interest in life has sufficient force so that the right of the woman to terminate the pregnancy can be restricted."

The Casey decision established the undue burden test with the threshold question being whether the abortion-related statute imposes an undue burden on a mother's right to choose to have an abortion.

Mr. President, I believe that the Partial-Birth Abortion Ban Act of 1995

would survive constitutional challenge and would be subject to the rational basis scrutiny because it does not impose an undue burden on the mother's right to choose to have an abortion. The legislation is constitutionally sound, serves a legitimate governmental interest, and should become law.

The House recently voted to override the President's veto of this important bill and we should join them when the Senate votes on Thursday. I urge my colleagues to override the President's misguided veto of the Partial-Birth Abortion Ban Act of 1995.

I wish to thank the able Senator from North Dakota for allowing me to speak at this time.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to be allowed to speak in morning business for 8 minutes.

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

ISSUES IMPORTANT TO THE AMERICAN PEOPLE

Mr. DORGAN. Mr. President, earlier this morning, as is often the case, in the Senate we had a number of Senators come to the Senate floor with a message that essentially the folks who sit on the Democratic side of the aisle have not been very constructive in their legislative approach, and the Republican legislators have been carrying the issues that were important to the American people. They take on the President, and they take on the Democratic leader of the Senate. We have to come to the floor occasionally to respond to these, and I do so again today.

It is interesting. Today we were told that the Democratic leader of the Senate, Senator DASCHLE, was wrong in his assessment of the 104th Congress. They said he didn't know what he was talking about with respect to the 104th Congress. Why, this was a wonderful Congress. What a productive Congress it was.

I would like to talk a little about that because at the first part of this Congress I recall seeing someone stand on the other side of the floor and offer a message to the American people, saying we ought to be ashamed of the last 50 years; what an awful place this country has become—50 years downhill for America. Who caused it? The Democrats, of course, according to that speaker. I rose that day, and I said we must be living in different countries.

Let me stand up and say I am proud of the last half century in this country. I am proud of what we have done. In fact, some of the same people who tell us that this country has gone to hell in a handbasket, they would say, are suggesting that we build a fence to keep immigrants out.

Why would someone suggest we need to build a fence around this country to

keep people out if it is such an awful place? This country is a strong, resourceful, wonderful country that a lot of the people in the rest of the world want to come to because it is a beacon of hope and opportunity.

The fact is this Congress is a very unusual Congress. At the start of this Congress, Republicans were elected to control the House and the Senate. The American people made that choice, and I respect that choice. But they came to town, elected a new Speaker of the House of Representatives, and they had a victory lap like peacocks in full mating season. It was almost like a coronation at the start of this Congress. And full of themselves, they proposed a range of issues. They said, look, the first thing let's do, let's invite the polluters into the U.S. Capitol in something called project relief. We will tell those corporations in America who are disadvantaged by the clean air and the clean water laws: Come in. Help us to rewrite the clean air and clean water laws to make it a little easier for polluters. A couple hundred representatives of industries that pollute in America were told by the majority: We would like to make it easier for you.

Now, the background here is that in the last 20 years our country has doubled its use of energy. But in 20 years, while we doubled the use of energy, we also have cleaner air and cleaner water. Why would that be the case? Because the American people decided and Congress responded to say to those who are polluting: You must stop polluting, and if you do not, there will be severe penalties. Regulations requiring clean air and clean water have cleaned up America's airshed and cleaned America's waters—not perfect, but it is on the road to substantial improvement even though we have doubled our use of energy.

The majority party said, by the way, we will make available some office space for you. You all come in and tell us how we can back away from clean air and clean water regulations. A significant calculation, but that was just the tip of the iceberg. They seemed to think that their mandate was this country would want more pollution and less education and more defense but less health care; proposals that said let us provide a very significant tax break that will provide a \$30,000 tax refund if you happen to be making \$300,000 a year. Smile all the way to the bank. And in order to pay for that, we are going to tell little children in school: If you are a poor kid going to school, in the middle of the day you no longer have entitlement to a hot lunch. Or say to people who are disabled: We are going to make sure that you no longer have an entitlement to health care if you are disabled.

You think that was not the case. It was. One hundred proposals in the first 100 days, some of them so bizarre, so extreme, so far off the chart that I think the American people took a look at this and said: That is not what we

wanted. We want good Government. Not more Government, we want good Government. But we do not want people taking Government apart in circumstances where it is important to help the lives of the American people. We want better schools. We want police protection. We want a good Defense Department. We also want to care about the disabled. We want to care about poor kids in school who are hungry in the middle of the day.

That is what this has been about.

The manifestation of all of this was that some of us said we will not agree to cutting Medicare \$270 billion so that you can have a tax cut of \$245 billion, the majority of which will go to the upper income folks. We will not agree to that. We will not agree to saying to poor kids in school that you no longer can get a hot lunch. We will not agree to stripping the entitlement for health care for the disabled.

What happened as a result of that? As a result of that, we had a pique of anger, a fit of anger, and the Government was closed down twice. We will just close it down, they said. We do not care about Government anyway. Just close it down. And they closed it down.

The American people said: What kind of behavior is this? Do they need adult supervision? What kind of behavior is this in this Congress?

They quickly turned against the majority in this Congress.

It is interesting; the second half of this Congress has been markedly different. It is exactly as the Democratic leader portrayed it. The second half we have accomplished some things which largely represent the agenda of those of us who fought for constructive changes. We have said there are health care changes that we ought to make, and initially it was blocked and then embraced by the majority party, and we passed the health care reform bill. We said we ought to have an adjustment in the minimum wage; it has been 7 years. Initially, it was blocked and then embraced by the majority party, and we passed a bipartisan minimum wage bill.

There are a number of steps which have occurred that represent bipartisan achievements finally in the latter stages of this session. And now this session limps to a close. We have not yet enacted five of the appropriations bills so we will have those put into what is called a continuing resolution.

I think the record of this Congress is going to provide some of the most remarkable reading for historians a century from now. They will look at this and they will scratch their head and say: What on Earth happened in 1995 and 1996? They will see two different Congresses, one confrontational, belligerent, give no quarter, extreme, pushing and pushing and pushing for a philosophy which believes that America is helped if you somehow put something in at the top and let it all drip down and filter down and trickle down to the rest, fought tooth and nail by others