

trade-negotiating authority for President Clinton, did the opposite—it caved in to the special pleaders. Washington insiders will measure the defeat in its impact on Mr. Clinton—whether it spells the beginning of his lame-duckhood, and all the rest. But the more serious damage is to U.S. economic leadership—America's ability to help shape the global rule book—and, potentially, to global economic prosperity.

The post mortems will find no shortage of culprits. Mr. Clinton overpromised on NAFTA and underdelivered on the promises he made to Congress to win NAI approval. He waited too long to push for renewed negotiating authority—known as “fast track,” because it allows him to negotiate treaties that Congress can reject but not amend—and then don't even have legislation ready when he finally, this fall, began the campaign for what he called his most important legislative priority. More broadly, his inconstancy over the years left many members of Congress unwilling to put faith in his promises and assurances. Businesses, which generally support free trade, jumped into the fight too late and too half-heartedly. And 25 Republicans congressmen who could have provided the margin of victory but who withheld their backing in a failed effort to extort support from Mr. Clinton for an unrelated (and unjustified) proposal to gut America's family-planning assistance overseas, also bear responsibility.

But of course the lion's share of blame—or credit, as they would have it—goes to Mr. Clinton's fellow Democrats and their backers in organized labor. In the end, fewer than 45 of 205 House Democrats were ready to stand by their president. In part, this reflects the growing importance of union contributions to political campaigns. Since the Democrats lost control of the House, businesses have shifted their giving heavily to Republicans; total Democratic receipts from political action committees have gone down, and the union share has gone up—to 46 percent in 1996.

Of course, most Democrats said they were voting on the merits, not the dollars. But while fast track's defeat may be good news for a few unions, such as in the textile trades—though even that is arguable—it certainly doesn't help the majority of American workers. With the president less able to knock down trade barriers overseas, U.S. manufacturing firms will have more, no less, incentive to relocate, to get footholds inside closed markets. With exports growing more slowly, or not at all, fewer new jobs will be created. Less trade certainly won't help improve the standards of overseas workers, for whose welfare many Democrats claimed concern. And with U.S. government hamstrung Japan, the European Union and developing countries will have a greater influence in shaping world trade policies. How hard do you think they'll push for improved labor and environments standards?

Mr. Clinton yesterday withdrew his proposal before it could go down to defeat, and he said he intends to try again in this Congress. The signs are not auspicious, but you never know. Maybe next time the greater good will prevail.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

# CONFERENCE REPORT ON COMMERCE, STATE, JUSTICE APPROPRIATIONS

Mr. LAUTENBERG. Mr. President, I want to discuss the report pending that should come over from the House of Representatives in the next while on the appropriations bill that relates to the Commerce, State, Justice Departments. And part of what is in this report that we expect to see relates to the importation of surplus military weapons that were manufactured in the United States and, many years ago, were sent abroad as part of our military assistance program.

Now, although there was initially no bill or report language on the issue in either the House or the Senate bills before conference, the issue has nevertheless consumed an enormous amount of time over the past few weeks, and it has generated some significant controversy. I have had a deep interest in this subject because I believe that when we load this society of ours up with more guns, we ought to know why we are doing it.

It has been the policy of three administrations—Reagan, Bush, and now the current Clinton administration—to ban foreign governments from exporting to our shores and selling these American-made military weapons that we gave or sold them at sharp discounts to help us fight common enemies, and sell these weapons to the U.S. commercial markets.

Nonetheless, the National Rifle Association and the gun importers supported an attempt—in the dark of night, I point out—to slip a provision into the conference agreement on this bill to overturn this longstanding policy and allow military weapons made for military use to flood America's streets.

The administration strongly opposed this attempt. In fact, the President's senior advisers, at one point, said they would recommend that the President veto the bill—this important bill—to finance our Justice Department, our State Department, and our Commerce Department—if it included an amendment to allow foreign governments to export large quantities of military weapons for commercial sale in America's cities and towns. They don't restrict whose hands these fall into.

I ask unanimous consent that a copy of the letter from the OMB director, Franklin Raines, on this issue be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, November 6, 1997.

Hon. FRANK LAUTENBERG,  
Committee on Appropriations, U.S. Senate,  
Washington, DC.

DEAR SENATOR LAUTENBERG: The Administration strongly objects to the inclusion of any provision in the FY 1998 Commerce, Justice and State Appropriations Conference Report to allow for the importation of surplus military weapons. We have repeatedly opposed such provisions, and the President's senior advisers would recommend that he veto the bill if it includes language that would allow large quantities of surplus military weapons to be imported.

The Administration finds it unacceptable that—in the same appropriations bill that funds the nation's law enforcement priorities, such as putting more police on our streets—the Committee is considering language that could flood our streets with millions of military surplus weapons. These weapons, including M-1 Garands and M-1911 .45 caliber pistols, were designed for military purposes and provided to foreign governments as a form of military aid. Moreover, hundreds of these guns have already been recovered by law enforcement officers throughout the United States. Opening the door to more of these weapons would only serve to further undermine public safety.

We strongly urge the Committee to reject this provision.

Sincerely,

FRANKLIN D. RAINES,  
Director.

Mr. LAUTENBERG. The Washington Post and the New York Times also editorialized against this dark-of-night assault just this past week.

I ask unanimous consent that the text of these and previous editorials be printed in the RECORD.

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

[From the Washington Post, Nov. 12, 1997]

## HILL ALERT: A BAD OLD GUN BILL

We're down to the dangerous mad-dash time in Congress when truly bad ideas can sneak into law—and today the gun lobbyists are poised with a flood-the-market firearms scheme disguised as an innocent “curios and relics” proposal. Once again, certain members of Congress who are semiautomatic hawkers of the National Rifle Association's line, linked with lobbyists for gun importers, are seeking to slip language into an appropriations bill that would allow an arsenal of some 2.5 million weapons from abroad to go on the U.S. market.

This stockpile has made the rounds globally: The weapons were originally paid for by U.S. taxpayers. Then as U.S. Army surplus the firearms were given or sold to foreign governments years ago. But they are more than quaint relics for the walls of collectors; many of these firearms can be converted easily into illegal automatic weapons for domestic crimes such as holdups, assaults and murder. The weapons could pile into the U.S. market from supplies in the Philippines, Morocco, India, Turkey, Vietnam, Iran, and other countries. Estimated value of these deadly weapons on legal or illegal markets? Approximately \$1 billion.

It has been for the safety of the public that the Reagan, Bush and Clinton administrations all enforced a policy of keeping such overseas stockpiles out of the country and thus off the streets. Letting them in would

risk driving down the price of firearms generally and making weapons more easily obtainable by street criminals.

Law enforcement officials around the country warn that there has been an increased use of these weapons against police officers. More than 1,800 M1 rifles and M1911 pistols were traced to crime scenes in 1995-96 and in 1997, about 1,000 more have been traced. According to the Bureau of Alcohol, Tobacco and Firearms, 13 law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990.

Clinton administration officials have advised Sen. Frank Lautenberg and others seeking to block the gun-lobby scheme that senior advisers would recommend a veto if this proposal comes to the president's desk. But it shouldn't come to that, just as it shouldn't be slipped into any appropriations bill at the eleventh hour of a congressional session. The provision should be removed and if not, rejected.

[From the New York Times, Nov. 12, 1997]

#### AVOIDING ADJOURNMENT BLUNDERS

The final hours before Congress takes a long recess are usually dangerous. It is a time when bad riders are attached to blameless appropriations bills, and complex legislation is denied the measured debate it deserves. With these cautionary notes, we urge Congress to avoid the following pitfalls as it stumbles toward the door.

**National Forests.** The so-called "Quincy Library Group" bill passed the House with only one dissenting vote and now awaits action on the Senate floor. The Senate should delay and use its vacation to rethink a measure that was marketed to the House under false pretenses.

The bill would require at least 40,000 acres of logging each year in a 2.5-million-acre stretch of national forest in California's Sierra Nevada. It was advertised as an experimental fire-control program and touted as a consensus measure devised by local and timber industry officials who met at the Quincy, Calif., town library in 1993. Yet this is not a pilot program—it would double logging in the area and threaten valuable watersheds. Further, the Forest Service, by law the custodian of the national forests, had no real input. This bill sets bad precedents and requires major revisions.

**Family Planning.** Both the House and Senate have attached to their foreign aid appropriations bill a provision that would deny Federal funds to any overseas family planning organization that performs abortions or lobbies to change foreign abortion laws—even though the groups in question use their own money to further objectives. President Clinton does not like this provision. Congress could avoid a nasty veto fight by removing the objectionable language in conference.

**Gun Control.** Some House members want to attach to an appropriations bill a dangerous amendment that would allow the importation of some two million surplus military rifles and handguns from countries that originally got them as a form of military assistance. The N.R.A. and its supporters—including dealers who would buy and re-sell the weapons—say they are merely relics. But they can still kill people. This attempt to overturn current law, which bans such imports, deserves a crushing defeat.

Congress could more profitably use its final hours to rectify an oversight. It granted itself a modest 2.3 percent pay raise last month but failed to award the same increase to Federal judges, whose pay is linked to Congressional pay. The remedy is to attach an amendment to one of the appropriations bills granting the raise. That is one last-minute rider we would applaud.

[From the New York Times, Sept. 9, 1997]

#### THE SURPLUS GUN INVASION

Gun dealers, with the enthusiastic support of the National Rifle Association, are once again trying to sneak through Congress a measure that could put 2.5 million more rifles and pistols onto American streets and provide a handsome subsidy for weapons importers and a few foreign governments. This bill, introduced with disgraceful stealth, should be pounced on by the Clinton Administration and all in Congress who are concerned about crime.

The bill is an amendment to the Treasury Department's appropriation, which may come to a vote in the House this week. It would allow countries that received American military surplus M-1 rifles, M-1 carbines and M1911 pistols to sell them to weapons dealers in the United States. The countries—allies and former allies such as the Philippines, South Korea, Iran and Turkey—got the guns free or at a discount or simply kept them after World War II, or the Korean and Vietnam wars. Current law requires them to pay the Pentagon if they sell the guns and bars Americans from importing them. The new bill would change both provisions.

The N.R.A. argues that the guns are merely relics. But they are not too old to kill. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sites. Senator Frank Lautenberg, the bill's main opponent, says these guns have killed at least 10 police officers since 1990. M-1 carbines can be converted to automatic firing, and all the M-1's are easily converted into illegal assault weapons.

Republicans attached a similar bill to an emergency spending measure last year but took it out under pressure from the White House. President Clinton should threaten to veto the Treasury appropriation if the measure remains.

[From the Washington Post, Aug. 4, 1997]

#### SURPLUS WEAPONS, SURPLUS DANGER

Gun sales are flat, so the nation's gun importers are looking to shake up the market. Once again they want permission to bring into the country an arsenal of as many as 2.5 million U.S. Army surplus weapons that were given or sold to foreign governments decades ago.

The industry classifies the guns as obsolete "curios and relics" of interest mostly to collectors and sports shooters. But they're not talking about a gentleman officer's pearl-handled revolvers. These are soldiers' M1 Garand rifles, M1 carbines and .45-caliber M1911 pistols; some can be converted to automatic or illegal assault weapons with parts that cost as little as \$100. For public safety reasons, the Pentagon declines to transfer such surplus to commercial gun vendors, which is why the Clinton, Bush and Reagan administrations have enforced a policy of keeping the overseas weapons out.

This week, the gun importers, cheered on by the National Rifle Association, quietly persuaded a House appropriations panel to approve language to prevent the State, Justice and Treasury departments from denying the importers' applications. It's a slap at the country's efforts to reduce gun violence.

To introduce a flood of these historical weapons is to risk driving down the price of firearms and putting more within the reach of street criminals. It isn't simply gun-control groups but the Bureau of Alcohol, Tobacco and Firearms that warns of an increased use of these kinds of weapons against police around the country. In 1995-96 alone, 304 U.S. military surplus M1 rifles and 99 surplus pistols were traced to crime scenes. At least nine law enforcement officers have

been killed by M1 rifles or M1911 pistols since 1990, according to Sen. Frank Lautenberg (D-N.J.), who has introduced legislation to cement the import ban in law by reconciling some contradictory statutes.

The State Department says that weapons transfers—even for outdated guns—should remain an executive branch prerogative to be handled country by country. Why should the governments of Turkey, Italy or Pakistan collect a windfall from U.S. gun importers when the products they are trading originally were supplied by the U.S. government? Why should Vietnam and Iran be allowed to earn currency from U.S.-made weaponry they took as "spoils of war." President Clinton last year headed off a similar effort to allow in the surplus weapons and should be counted on to do so again.

#### GUNS—AND THE M-1 BOOMERANG

The people who bring you America's Gross National Arsenal—the weapons-pushers who keep the firearms flowing to the streets of neighborhoods near you—are poised to go global with sales of weapons that you already bought with your taxes years ago. The U.S. gun industry hopes to make a fortune by importing millions of M-1 Garand rifles, M-1 carbines and .45-caliber M1911 pistols—surplus American military firearms that the Pentagon originally gave away or sold at a discount to various countries over the years. Many of these weapons are especially handy because they can be converted easily into (illegal) automatic weapons for domestic uses such as committing crimes and killing people.

That's not how this deadly deal is characterized by the industry, of course, or by John Sununu, former chief of staff under President Bush, or others working with the gun industry who are pushing the import plan in Congress. These groups prefer to talk about the weapons that would go to collectors and describe the legislation they keep trying to slip quietly through Congress as a harmless move to offer a new supply of "curio and relic" guns for collectors and other souvenir-seekers.

But as reported by Post staff writer John Mintz this week, the firearms would be coming back to the United States from supplies in the Philippines, Morocco, India, Turkey and other countries. Gun industry lobbyists helped persuade Sen. Ted Stevens of Alaska to introduce measure allowing the weapons into the country—and specifically forbidding federal officials from blocking their entry. In July, with no debate, Sen. Stevens got the provisions slipped into the appropriations continuing resolution; it wasn't until the White House objected that the provision was removed. Now, the senator's office and industry representative say they hope to get the provision enacted soon.

Backers of the plan argue that the weapons at issue are obsolete and pose no threat to anyone. It's true that the M-1 rifle is bulky and not a great item for street crimes. But the M-1 carbine and the pistols are another lethal matter. The carbine can be converted easily to automatic fire. The concern is not with single sales to individual collectors but with supplies getting into the wrong hands. Legislation to allow imports only of rifles that are, say, World War II vintage or earlier could serve the collector market. But Congress should consider any such proposal carefully—and openly, with hearings—instead of blessing a new domestic flood of weapons designed for war.

Mr. LAUTENBERG. Finally, a coalition of 50 organizations including Handgun Control, the Violence Policy Center, and the Coalition to Stop Gun

Violence, opposed this effort to overturn the policy of three administrations on this issue.

I ask unanimous consent to have printed in the RECORD a copy of their letter on the issue.

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

SEPTEMBER 8, 1997.

DEAR REPRESENTATIVE: In late-July, during mark-up of the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill, the Appropriations Committee accepted an amendment that would allow foreign governments to export to the United States for commercial sale, millions of military weapons the United States previously made available to foreign countries through military assistance programs.

For a range of public health and safety, national security, and taxpayer reasons, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Supporters of this amendment describe it as an innocuous measure which simply allows the importation of some obsolete "curios and relics." In reality, the amendment would allow the import of an estimated 2.5 million weapons of war, including 1.2 million M1 carbines. The M1 carbine is a semi-automatic weapon that can be easily converted into automatic fire equipped with a 15-30 round detachable magazine.

*This is a Public Safety Issue:* Although the backers of the provision claim that these World War II era weapons are now harmless "curios and relics", in reality they remain deadly assault weapons. According to the Bureau of Alcohol, Tobacco, and Firearms, the M1 Carbine can be easily converted into a fully-automatic assault rifle. For this reason, the Department of Defense has refused to sell its surplus stocks of these weapons to civilian gun dealers and collectors in the United States.

According to Raymond W. Kelley, the Treasury Department's Under-Secretary for Enforcement, the inflow of these weapons will drive down the price of similar weapons, making them more accessible to criminals. Already, during 1995-1996, ATF has traced 1,172 M1911 pistols and 639 M1 rifles to crimes committed in the United States.

*This is a Government Oversight Concern:* Nearly 2.5 million of these weapons were given or sold as "security assistance" to allied governments. Under United States law, recipients of American arms and military aid must obtain permission from the United States government before re-transferring those arms to third parties. Setting a dangerous precedent, this amendment fundamentally undercuts the ability of the United States government to exercise its right of refusal on retransfer of United States arms.

The Reagan, Bush, and Clinton Administrations have all barred imports of these military weapons by the American public. The Appropriations bill explicitly overrides this policy, prohibiting the government from denying applications for the importation of "U.S. origin ammunition and curio or relic firearms and parts." In effect, the provision would force the Administration to allow thousands of M1 assault rifles and M1911 pistols into circulation with the civilian population, thereby not only threatening public safety but also undermining governmental oversight and taxpayer accountability.

STOP THE IMPORT OF MILITARY WEAPONS

*This is Also a Taxpayer Concern:* The amendment also presents a windfall of millions of

dollars to foreign governments and United States gun dealers. The amendment effectively terminates a requirement that allies reimburse the United States treasury if they sell United States-supplied weapons. According to ATF, each M1 Carbine, M1 Garand rifle, and M1911 pistol currently sells for about \$300-500 in the United States market. The South Korean, Turkish, and Pakistani governments and militaries stand to make millions from the resale of these weapons. South Korea has 1.3 million M1 Garands and Carbines, while the Turkish military and police have 136,000 M1 Garands and 50,000 M1911 pistols. These weapons were originally given free, or sold at highly subsidized rates, or retrieved as "spoils of war." The United States Department of Defense does not sell these lethal weapons on the commercial market for profit. Why should we allow foreign governments to do so?

Again, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Thank you.

American College of Physicians, American Friends Service Committee, James Matlack, Director, Washington Office; American Jewish Congress, David A. Harris, Director, Washington Office; American Public Health Association, Mohammad Akhter, M.D., Executive Director; Americans for Democratic Action, Amy Isaacs, National Director; British American Security Information Council, Dan Plesch, Director; Ceasefire New Jersey, Bryan Miller, Executive Director; Children's Defense Fund; Church of the Brethren, Washington Office, Heather Nolen, Coordinator; Church Women United, Ann Delorey, Legislative Director.

Coalition to Stop Gun Violence, Michael K. Beard, President; Community Healthcare Association of New York State, Ina Labiner, Executive Director; Concerned Citizens of Bensonhurst, Inc., Adeline Michaels, President; Connecticut Coalition Against Gun Violence, Sue McCalley, Executive Director; Demilitarization for Democracy; Episcopal Peace Fellowship, Mary H. Miller, Executive Secretary; Federation of American Scientists, Jeremy J. Stone, President; Friends Committee on National Legislation, Edward (Ned) W. Stowe, Legislative Secretary; General Federation of Women's Clubs, Laurie Cooper, GFWC Legislative Director; Handgun Control, Inc., Sarah Brady, Chair; Independent Action, Ralph Santora, Political Director; Iowans for the Prevention of Gun Violence, John Johnson, State Coordinator; Legal Community Against Violence, Barrie Becker, Executive Director; Lutheran Office for Government Affairs, ELCA, The Rev. Russ Siler; Mennonite Central Committee, Washington Office, J. Daryl Byler, Director; National Association of Children's Hospitals and Related Institutions, Stacy Collins, Associate Director, Child Health Improvement; National Association of Secondary School Principals, Stephen R. Yurek, General Counsel.

National Black Police Association, Ronald E. Hampton, Executive Director; National Coalition Against Domestic Violence, Rita Smith, Executive Director; National Commission for Economic Conversion and Disarmament, Miriam Pemberton, Director; National Council of the Churches of Christ in the U.S., Albert M. Pennybacker, Director, Washington Office; National League of Cities; New Hampshire

Ceasefire, Alex Herlihy, Co-Chair; New Yorkers Against Gun Violence, Barbara Hohlt, Chair; Orange County Citizens for the Prevention of Gun Violence, Mary Leigh Blek, Chair; Peace Action, Gordon S. Clark, Executive Director; Pennsylvanians Against Handgun Violence, Daniel J. Siegel, President; Physicians for Social Responsibility, Robert K. Musil, PhD., Executive Director; Presbyterian Church (U.S.A.), Washington Office, Elenora Giddings Ivory, Director; Project on Government Oversight, Danielle Brian, Executive Director; Saferworld, Peter J. Davies, U.S. Representative; Texans Against Gun Violence—Houston, Dave Smith, President; Unitarian Universalist Association of Congregations, The Rev. Meg A. Riley, Director, Washington Office for Faith in Action; U.S. Conference of Mayors; Unitarian Universalist Service Committee, Richard S. Scobie, Executive Director; Virginians Against Hanguen Violence, Alice Mountjoy, President; WAND (Women's Action for New Directions), Susan Shaer, Executive Director; Westside Crime Prevention Program, Marjorie Cohen, Executive Director; YWCA of the U.S.A., Prema Mathai-Davis, Chief Executive Officer; 20/20 Vision, Robin Caiola, Executive Director.

Mr. LAUTENBERG. Fortunately, Mr. President, the provision was not included in the conference agreement that the Senate will consider later this evening and these dangerous military weapons will not flood our streets. This is a huge victory for the American people.

Mr. President, the weapons at issue were granted or sold to foreign governments, often at a discount, through military assistance programs, and some were given to or left in foreign countries during wars. They are called curios or relics because they are considered by some to have historic value or are more than 50 years old.

One of them I carried in World War II when I was a soldier in Europe. It was an M-1 carbine. It may be a curiosity now or a relic. But I can tell you it was there to be used for my protecting myself or to kill the enemy. Fortunately, neither happened. But I carried it by my side when I served on the European Continent.

But they are not innocuous antiques or museum pieces. They remain deadly weapons.

Proponents of allowing the importation of these weapons argue that they are historic firearms that are not dangerous. In fact, the amendment would have flooded the market with millions of lethal killing weapons.

Under the amendment that was rejected, 2.5 million, semiautomatic military weapons—including the M-1 carbine, M-1 Garand, and M-1911 pistol—would have flooded the streets. The M-1 carbine can easily be converted into an illegal, fully automatic weapon.

These semiautomatic military weapons may be old, but they are lethal. Thirteen American police officers have recently been murdered with M-1's and M-1911's.

In New Jersey in 1995, Franklin Township Sgt. Lee Gonzalez was killed

by Robert "Mudman" Simon during a routine stop. Simon was a Warlocks motorcycle gang member. Simon, who had just committed a robbery, shot Gonzalez twice, once in the head and once in the neck, using an M-1911 semi-automatic pistol. That's the same weapon that would be imported under the rejected amendment.

In Texas in 1991, Pasadena police officer Jeff Ginn was killed with an M-1 carbine. He was responding to a call about smoke coming from a house in the neighborhood he was patrolling. Ginn found Marvin Harris holding a woman hostage in her own home. When he saw police officer Ginn, Harris shot him in the leg. Ginn hobbled to the front of the house, where he leaned up against a tree, begging not to be shot again. Harris murdered officer Ginn by shooting him in the temple and the abdomen with the M-1 carbine.

In New Hampshire—the home State of the distinguished chairman of the subcommittee, Senator JUDD GREGG, who knows only too well of the impact of the use of that weapon—Sgt. James Noyes of the New Hampshire State Police was killed in the line of duty with an M-1 carbine in 1994.

And there are many innocent civilians who have been threatened and murdered with these weapons as well. In 1995 and 1996, M-1's and M-1911 weapons were traced to more than 1,800 crimes nationwide. Already, nearly 1,000 crimes have been traced to these weapons in 1997.

Allowing the importation of large numbers of these killer weapons would undermine efforts to reduce gun violence in this country. And everybody would like to have that done. I can tell you. It doesn't matter what State or what kind of community—rural or urban. That is the biggest fear that people have; that is, that they will lose a loved one to a violent act, or someone will pick up a gun, or either randomly or directly shoot one of their children, brother, sister, mother or father.

This would also reduce the cost of weapons, because there would be a marketplace filled with 2.5 million—the maximum capacity for exportation—making them more accessible to criminals.

It would also provide a windfall for foreign governments at the expense of the U.S. taxpayer. The weapons were paid for by the American taxpayer and were provided to foreign governments through our assistance program. The market value of the 2.5 million that can be traced to foreign governments exceeds \$1 billion.

That adds insult to injury.

Allowing millions of U.S.-origin military weapons to enter the United States would profit a limited number of arms importers and would not be in the overall interest of the American people. These weapons are not designed for hunting or for shooting competitions; they are designed for war. Foreign countries should not be permitted

to sell these weapons on the commercial market for profit.

There is no doubt foreign governments would make a handsome profit from their sale in the commercial market. Consequently, countries that the United States assisted in times of need, such as South Korea and the Philippines, and even a country like Iran could make a profit out of these sales. Imagine permitting weapons to be imported into this country that would send dollars back to Iran. It is an outrage.

In lieu of approval of an amendment to import these weapons, the administration is being asked to provide a report on the curios or relics issue. The report will provide information about the quantity of applications and articles that have been approved for importation as well as an estimate of the number of firearms available for importation from overseas. It will also explain how an M-1 carbine can be converted into an illegal machinegun or assault weapon.

I have no problem asking the Government to prepare a report for the use of the House or the Senate. But I would like to make sure that this is a balanced report, that it doesn't simply list statistics. But I want to explain why it is important for the President and Secretary of State to retain their authority to retain control over firearms granted or sold by the Government exclusively for foreign military use and never intended for private use.

I would also encourage the administration when it submits a report to include information about applications in the Bush and Reagan administration as well. After all, this administration is upholding a policy that was first established by President Reagan and upheld by the Bush administration.

I believe the administration should include in the report a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M-1 or M1911 firearms. A grand jury previously investigated one attempt to import these weapons by a company with a peculiar name called Blue Sky. There were serious allegations that the law was manipulated for personal gain, and the investigation ended when the lead witness mysteriously died in a plane crash. The American people have the right to understand what happened in this inquiry.

The report I believe also—this is an expansion on what is in the report requested of the administration. It is something I didn't agree with. But we are at a very late point in time when these bills have to be considered. So we have accepted this report against, frankly, my best judgment.

The report also should provide an analysis of the number and types of weapons that have been added to the curios or relics list since 1980, the process by which those weapons are added to the list, and the entities that have petitioned to have weapons added to

the list. The American people have the right to understand more about the way military weapons are designated as curios and relics.

Finally, I believe it should include a comprehensive overview of the number of homicides and violent crimes committed against police officers and against civilians with M1's or M1911's, regardless of the manufacturer, or any other firearm on the curios or relics list. Though curios and relics may have some historical interest for collectors, many of these firearms remain of concern due to crime.

Mr. President, I am delighted that this effort to overturn U.S. policy behind closed doors in the dark of night was defeated. And just to clarify, for the information of those who might not understand our arcane way of operation, there is a bill, and in the bill there is a mandate that certain things be done. Report language is suggested on top of that bill but does not have the effect of law. That is what I am talking about here—this report language, not the bill itself.

I am delighted, again, that this effort to overturn U.S. policy behind closed doors was defeated. It would have been an insult to the American people to overturn a longstanding policy behind the closed doors of the Appropriations Committee.

I have introduced legislation, S. 723, to repeal a loophole in the Arms Export Control Act that could enable these weapons to enter the country under a future administration. I hope that my colleagues will support this bill.

In the meantime, Mr. President, this is a victory for the American taxpayer and a victory for all concerned about safety.

I hope we reject the notion that we ought to take back and pay for things that we gave away, or that we sold at sharp discounts.

I yield the floor.

Mr. CRAIG. Mr. President, I would like to respond to remarks made by the Senator from New Jersey, Senator LAUTENBERG, concerning the "curio or relics" U.S. origin historic firearms issue. I believe it's important for the Senate to be aware of this information in evaluating the actions taken today on the Commerce, Justice, State and Judiciary appropriations bill.

The amendment that the Senator from New Jersey refers to, which has been under consideration in both the fiscal year 1997 and fiscal year 1998 appropriations processes, is intended to correct a serious injustice in the way that our nation's firearms import laws are being administered. The amendment stops the Administration from ignoring Congress' intent that historic firearms be allowed to return to U.S. soil. Despite the fact the amendment was not added to the Commerce, Justice, and State spending bill, I am confident, based on the bipartisan support enjoyed by the amendment, that it will be passed in this Congress. A brief review of the history behind this issue is

in order. In 1984, Congress first enacted a statute, 18 U.S.C. 925(e), specifically permitting the importation of military surplus curio or relic imports. At the time of enactment, however, the statute only benefited foreign collectibles, since other acts interfered with U.S. origin curio or relics from returning to the United States.

In 1987, Congress remedied the inconsistency by enacting a provision for the importation of certain U.S. origin ammunition and curio or relic firearms and parts into the United States at 22 U.S.C. 2778(b)(1)(B). The Treasury Department issued implementation regulations after the passage of both laws. The Department of State, which in certain cases consults with the Treasury Department on firearms imports, frustrated the purpose of the 1988 law by refusing to consent to U.S. origin applications, ostensibly on the basis of foreign policy interests. The Department of State for years has frustrated the efforts of importers to bring historic curio or relic firearms into the United States.

In addition to fully assembled U.S. origin curio and relic firearms being denied entry into the United States, curio or relic U.S. origin military surplus parts and U.S. origin military surplus ammunition applications that used to be approved by ATF directly, are now being denied. Many hobbyists and collectors are being denied access to these historic arms. Many millions of dollars in business will now be lost on rifle parts sales and rifle ammunition, severely hurting an import industry that has already been very adversely affected by President Clinton's policies.

With regard to the criticism that has been leveled against the amendment, and these arms, several important facts are in order. First of all, this amendment was not inserted in any bill "in the dark of night", it was part of an open mark-up over a year ago in the Commerce, Justice, State Subcommittee in the Senate for the appropriations bill for fiscal year 1997, and this year, for fiscal year 1998, it was added on the House side in an open full committee mark-up on the Treasury, Postal Service appropriations bill. This is a well-known issue and one that has been widely publicized; in fact, Senator LAUTENBERG and other opponents of this provision have certainly ensured that it has been given attention.

I realize that opponents of this amendment have been using the media to sensationalize the subject and to scare the general public into believing that there is something nefarious about these fine old arms. However, allegations concerning or implying a special crime threat that "curio or relic" M1 Garands, M-1 Carbines and M-1911A1 pistols pose to police officers or innocent civilians is simply false. Similarly, allegations that Iran will profit from the sale of these firearms is also wrong. In addition, the characterization of what the Bureau of Alcohol,

Tobacco and Firearms trace data indicates is misleading at best, as even ATF acknowledges that ATF gun trace data may not be used to make statistical assumptions about the use of firearms.

Here are just some of the basic facts about this matter:

First, "curio or relics" are defined as firearms which are of special interest to collectors, and are at least fifty years old, or are certified by a curator of a municipal, State or Federal museum to be curios or relics of museum interest, or have some rare, novel or bizarre characteristic because of their association with some historical figure, period or event. They are not the crime gun of choice for criminals.

Second, corrective language is needed to enforce existing import laws and regulations that already permit the importation of U.S. origin curio or relic firearms, parts and ammunition from non-proscribed nations (the Arms Export Control Act, Section 38, 22 U.S.C. 2778 and the Gun Control Act of 1968).

Third, the purpose of the Gun Control Act was to provide "support to Federal, State and local law enforcement officials in their fight against crime and violence," but not to "place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap-shooting, target shooting, personal protection, or any other lawful activity." Additionally, the enactment of the Gun Control Act was "not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes" (i.e., such as gun collecting). The Administration's actions are completely contrary to legitimate collecting and hobby pursuits.

Fourth, these firearms and ammunition were initially supplied to friendly foreign governments by sale or gift to promote the foreign policy interests of the United States. The U.S., under the Foreign Assistance Act, can waive receipt of any proceeds derived from such a sale and request that the proceeds be set aside in a special account. In most cases, the U.S. does so for the purposes of letting the ally nation modernize its military equipment. Since the U.S. usually would have assisted such a nation anyway in some manner with the modernization of their military equipment, the allowance of keeping the sale proceeds actually represents a potential cost savings to the U.S. taxpayer.

Fifth, rifles, which constitute the vast majority of these guns, are not the alleged crime threat that opponents of this provision would like the American people to believe. In ATF's July, 1997 report entitled "ATF, The Youth Crime Gun Interdiction Initiative, Crime Gun Trace Analysis Reports" 8 out of 10 crime guns traced within a 10 month period in 1996/97 were

handguns. Out of an average of the trace data that ATF compiled from 17 major cities across the United States, from July 1, 1997 through April 30, 1997, all rifles comprised only 7.98 percent of the total firearms traced to crimes. In fact, according to ATF's latest data concerning firearms traced to a crime scene in 1995, out of the 70,000 firearms traced to a crime scene, only .331 percent were U.S. origin firearms. In 1996, the percentage decreased: out of the 140,000 firearms traced to a crime scene, only .275 percent were U.S. origin firearms. In 1997, U.S. origin firearms constitute only .303 percent out of the total 200,000 firearms traced. In summary, these firearms are generally not attractive to criminals. They are expensive, heavy, cumbersome and not easily concealable.

Sixth, Senator LAUTENBERG's figure of 2.5 million U.S. origin "curio or relic" firearms that would be imported is incorrect. First of all, we do not import "millions" of guns into this country on an annual basis. Currently, the rough total number of all firearms that are annually imported into this country is in the 800,000 to 900,000 range. Only a relatively modest number of U.S. origin curio or relic firearms are available for importation into the United States in commercially acceptable and safe-to-shoot condition—these will not number in the millions.

Finally, current law—the International Traffic in Arms Regulations, the Arms Export Control Act, the Foreign Assistance Act and the Gun Control Act of 1968—already prohibits U.S. importers from trading with proscribed countries, such as Iran, whose foreign policy threatens world peace and the national security of the U.S. and supports acts of terrorism. The proposed appropriations language made it very clear that importation would only be permitted from non-proscribed nations.

Regarding the report language that has been added to the bill. I would like to point out that Senator LAUTENBERG's statement suggested expansion of the conference report language is contrary to what was accepted in the bill. It is clear that the items Senator LAUTENBERG offered on the floor were specifically rejected by the Conferees, which are as follows:

First, the Conferees did not accept the Administration providing a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M-1 or M1911 firearms.

Second, the Conferees did not accept the Administration reporting on the number and types of weapons that have been added to the "curios or relics" list since 1980, the process by which those weapons are added to the list, and the entities that have petitioned to add weapons added to the list.

Third, the Conferees did not accept the Administration providing a comprehensive overview of the number of homicides and violent crimes committed against police officers and against civilians with M1s or M1911s.

In addition, Mr. President, Senator LAUTENBERG suggested by the use of term "simple" that the Administration should report on how "simple" the conversion of M-1 carbine is from semi-automatic to an illegal fully automatic gun. That is not what the report language calls for—it calls for an explanation of the facts. Converting the M-1 Carbine requires an M2 parts conversion kit; however, that is not readily or easily accomplished, since it is strictly controlled under the National Firearms Act of 1934.

In summary, this amendment is needed, and I regret we could not achieve it this year. With the additional information from the Administration, and an early start on the matter, I believe we will be able to right what has been a wrong to the gun collecting and importing community for many years.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the introduction of S. 1530 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### JUDICIAL CONFIRMATION PROCESS

Mr. HATCH. Mr. President, as we complete the 1st session of the 105th Congress, I would like to update my colleagues on how we have advanced the judicial confirmation process. Let me say from the outset that I believe one of the Senate's most important functions is its constitutional authority, and responsibility, to render advice and consent to the President in his nomination of Federal judges.

Unique in our system of Government, Federal judges serve for life, and are entirely unaccountable to the electorate. When a single Federal judge is confirmed by the U.S. Senate, he or she will exercise enormous power over our people, our States, and our public and private institutions, for years and years to come. As the scope of Federal law—both statutory and constitutional—has exploded to cover virtually all areas of our lives and culture, and as our society has become more litigious, Federal judges have come to wield vast power over countless aspects of our everyday lives. Moreover, the troubling trend toward increased judicial activism has only enhanced the power that judges exercise in our society.

As a result, I have dedicated considerable time and energy to thoroughly review each nominee in an effort to ensure that only individuals of the highest caliber are permitted to serve on the Federal bench. At the same time, of course, I am cognizant that as President, Mr. Clinton is entitled to some deference in his choice of Federal judges, and I have sought to respect the President's decisions.

To date, the Senate has confirmed 239 Clinton judges, of which 35 were confirmed this year alone. Those 239 judges represent nearly one-third of the entire Federal bench. We currently have nine judges pending on the Senate floor. If those judges are confirmed, as I hope they will be, the Senate will have confirmed 44 Federal judges during this session.

I believe that the Judiciary Committee has been proceeding fairly and at reasonable pace. Indeed, I strongly believe that we must do our best to reduce the approximately 80 vacancies that currently exist in the Federal courts. There are, however, limits to what the Judiciary Committee can do. We cannot, no matter how hard we may try, confirm judges who have yet to be nominated. Of the 43 nominees currently pending, 9 were received in the last month.

And 13 of those pending nominees are individuals simply renominated from last Congress. So, of those 80 vacancies, 45 are, in effect, a result of the administration's inaction. Forty-three total pending – 8 incomplete paperwork = 35 real nominees; 80 vacancies – 35 real nominees = 45 White House inaction.

Moreover, of the 79 total judicial nominees sent forward to the committee this year, 47 have now had hearings. Of the 47 nominees that have had hearings, 41 have been reported out of committee. Of those 41 nominees reported out of committee, 35 have been confirmed, and 9 are pending on the Senate floor.

The committee has moved non-controversial nominees at a relatively speedy pace. In fact, I pledge that when the administration sends us qualified, noncontroversial, nominees, they will be processed fairly and promptly. Indeed, in the last few months, the administration has finally begun sending us nominees that I have for the most part found to be quite acceptable. Take Ms. Frank Hull, for example. She was nominated for a very important seat on the Eleventh Circuit. Ms. Hull was nominated June 18, had her hearing July 22, and was confirmed on September 4. This is a remarkably fast turnaround.

Or consider Mr. Alan Gold from Florida. He was nominated in February. We completed his paperwork and our review in March and April, he had a hearing shortly thereafter in May, and he was reported out of committee and confirmed before the July 4 recess.

Two other good examples are Ms. Janet Hall from Connecticut and Mr. Barry Silverman, of Arizona. Ms. Hall was nominated to the U.S. District Court June 5, 1997, the committee had a hearing on July 22, and she was confirmed September 11. Mr. Silverman may have even set the record: The committee received his nomination on November 8, held his hearing on November 12, and reported him out of committee today.

Clearly, when it comes to new, non-controversial nominees, we are, in fact,

proceeding with extraordinary speed and diligence.

More controversial nominees, however, take more time. Indeed, many of the individuals renominated from the 104th Congress have proven difficult to move for a variety of reasons. Unfortunately, of the 79 individuals nominated this Congress, only 56 have been new; the other 23 are individuals who were previously nominated, but have been controversial and proven difficult to move through the committee—much less to confirm. When the administration simply sends back nominees who had problems last Congress, it takes much more time, and is much more difficult, to process them. It is worth pointing out that there was, in virtually every instance, a reason why the Senate confirmed 239 other Clinton nominees but not those 23. And, if all we are left with are judges whom we are not ready to move, I will not compromise our advice and consent function simply because the White House has not sent us qualified nominees. As I said at the outset, the Senate's advice and consent function should not be reduced to a mere numbers game. The confirmation of an individual to serve for life as a Federal judge is a serious matter, and should be treated as such. In fact, we have sat down with the White House and Justice Department and explained the problems with each nominee, and they understand perfectly well why those nominees have not moved.

Many inaccurate accounts have been written charging that this body has unreasonably held up judicial nominations. That claim is simply not true. As of today, we have processed 47 nominees—35 confirmed, 9 on the floor, 2 are pending in committee and 1 withdrawn. Now, not all of these judges have yet been confirmed, but I expect that they will be confirmed fairly promptly. Assuming most of these nominees are confirmed, I think you will see that our efforts compare quite favorably to prior Congresses, in terms of the number of judges confirmed at this point in the 1st session of a Congress. As of today, we have confirmed 35 judges. If we confirm the 9 judges pending on the Senate floor, we will have confirmed 44 Federal judges this year.

Republicans confirmed 55 judges as of the end of the 1st session in the 104th Congress. Indeed, the Democrats confirmed only 28 judges for President Clinton at the end of the 1st session back in the 103d Congress. Although the Democrats confirmed 57 judges as of the end of the first session back in 1991, for a Republican President, they confirmed only 15 judges in 1989 and 42 judges in 1987, both for Republican Presidents. So the plain fact is that we are right on track with, if not ahead of, previous Congresses. And this is particularly significant given the fact that we have more authorized judgeships today than under Presidents Bush or Reagan. In fact, there are more sitting judges today than there were throughout virtually all of the Reagan and