Yugoslav vessels received on April 17, 1997; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRAMS (for himself and Mr. WELLSTONE):

S. 651. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Finance.

By Mr. GRAMS (for himself and Mr. JOHNSON):

S. 652. A bill to facilitate recovery from the recent flooding of the Red River of the North and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE:

S. 653. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 654. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

S. 655. A bill to amend title XIX of the Social Security Act to require States to adopt and enforce certain guardianship laws providing protection and rights to wards and individuals subject to guardianship proceedings as a condition of eligibility for receiving funds under the Medicaid program, and for other purposes; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. THOMAS, Mr. COCHRAN, Mr. ENZI, Mr. HELMS, Mr. HUTCHINSON, Mr. ROTH, and Mr. SESSIONS):

S. 656. A bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself and Mr. JEFFORDS):

S. 657. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on Armed Services.

By Mr. TORRICELLI (for himself and Mr. DURBIN):

S. 658. A bill to amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. LEVIN, Mr. MOYNIHAN, Mr. DEWINE, Ms. MOSELEY-BRAUN, and Mr. KOHL):

S. 659. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS (for himself and Mr. WELLSTONE):

S. 651. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Finance.

THE UNRELATED BUSINESS INCOME TAX CHARITABLE GAMBLING EXEMPTION ACT OF 1997

Mr. GRAMS. Mr. President, I rise today to introduce S. 651, a bill to amend the Internal Revenue Code to exempt charitable gambling activities from Federal unrelated business income tax [UBIT].

Charitable gambling consists mostly of games such as pull tabs and raffles. The difference between charitable and regular gambling is where and how the profit is spent. Most of the income derived from charitable gambling games are spent in communities to fund activities such as Boy and Girl Scouts, Head Start, and city and school programs.

In fact, charitable gambling and bingo games have become one of the most important sources to provide funding for many activities in communities for people of all ages. In my home State, Minnesota, charitable gambling pumped up $77.5 million in profits into a variety of community and charitable causes in 1995. The beneficiaries include youth recreation and eduction, as well as organizations serving the sick, handicapped, retarded and disabled and many other community programs.

Many charitable gambling games are set up solely for the purpose of raising money for public projects, thus reducing the burden on taxpayers. For example, Minnesota Belle Plaine Friends of the Library charitable gambling was started 4 years ago for the purpose of helping fund a new library in town. Today, they have donated more than $105,000 to the library project.

In 1978, President Carter signed into law a bill that classified bingo income as related business income. As a result, this charitable game is not subject to the Federal UBIT. But the law did not include other forms of charitable gambling. Consequently, the income of these charitable gambling games is taxed under the UBIT.

Taxes take a big bite out of charitable gambling income. It has seriously undermined nonprofit organizations' ability to provide financial assistance for local activities. Here is an example of the revenue loss. Last year, the Minnesota American Legion donated $103,000 to the Cancer Research Center at the University of Minnesota. However, under current law, the income is subject to the UBIT. Only $5,150 of the $103,000 was a deductible contribution, and $97,850 was taxed at rates up to 38 percent.

This is simply not fair. Charitable donations should be encouraged, not penalized, to fund more local initiatives, projects and programs that benefit our communities. That's what the bill is all about.

By Mr. GRAMS (for himself and Mr. JOHNSON):

S. 652. A bill to facilitate recovery from the recent flooding of the Red River of the North and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE DEPOSITORY INSTITUTION DISASTER RELIEF ACT OF 1997

Mr. GRAMS. Mr. President, I want to speak about a subject this morning dealing with the flood situations back in Minnesota, and North Dakota and South Dakota as well.

Mr. President, as you know, over the past several weeks, towns and farms in Minnesota, North Dakota, and South Dakota have been battered by the flood waters of the Red River and Minnesota River. It is impossible to describe the devastation the floods are causing in Minnesota and North Dakota because the enormity of the damage is far, far beyond what anyone has ever had to put into words.

As I made my third trip into the flood disaster area this week, traveling with President Clinton and my colleagues in the Minnesota and North Dakota congressional delegations, I found myself searching for adjectives but finding none that could reflect the loss and heartache inflicted upon our neighbors. Their lives have been shattered. Entire communities—homes, schools, churches, hospitals, libraries—have literally been washed away. Thousands of residents have no home to go home to, so they crowd into shelters, unsure what the river will leave behind when it finally releases its hold. Many cannot sleep because there is so much uncertainty. They cannot bathe because there is no running water. They cannot make plans because there are so many unanswered questions.

At the moment, it does not seem like much of a life. By nature, Minnesotans are a stoic people. In a land where the temperatures can plunge to 30 degrees below zero in mid-winter and soar past a hundred in the summer, we have learned how to get on with life without too much complaining. But for many, the veneer is wearing a little thin. It is hard to be stoic when you have lost your home and your job. It is hard to look forward to tomorrow when all you have got is a cot on the floor of an airplane hanger, where you may be living for weeks.

Mr. President, I am working with the Governor of Minnesota and my fellow Senators in the flood area to assess

how to address the needs of these deserving people. Part of our effort will be to get the funds and assistance to rebuild through the supplemental appropriations bill that we will pass next week. Part of it will be the efforts of myself and my staff to listen to the concerns of our constituents, and to make sure they get speedy assistance from the agencies that are administering the State and Federal relief efforts.

I would like to announce this morning that I am opening a new, temporary office in Crookston, with FEMA and other members of our delegation, and my staff will be immediately available to help out in the flood relief projects that are currently underway.

While I will be involved in many efforts to ease the suffering of my constituents, I am here today to introduce—with my colleague from South Dakota, Senator JOHNSON—the Depository Institution Disaster Relief Act. This bill will complement the other relief efforts by making it easier for farmers, homeowners, small businesses, and local governments to rebuild from the devastation brought by the floods.

The Depository Institution Disaster Relief Act will help speed up the pace of recovery for the flooded farms and towns. Our legislation will permit homeowners, farmers, and small businesses to have faster access to a larger pool of credit from the banks and credit unions that serve their communities, by ensuring that there will be no regulatory roadblocks to local lending. It will permit Federal banking and credit union regulators to make temporary exceptions to current laws that act to reduce access to banks and credit unions in disaster areas. It will also permit Federal regulators to provide temporary relief from regulations so that it is easier for flood victims to get loans.

The temporary regulatory relief offered by this bill is strictly limited to those counties in Minnesota, North Dakota, and South Dakota that have been declared Federal disaster areas. Because of its targeted scope and limited duration, it will permit flood victims to rebuild their homes, farms, and businesses without compromising the integrity of our banking system.

When I served in the House of Representatives, I authored similar legislation in 1993 during the Mississippi River flooding. My legislation received bipartisan support, and was signed into law by President Clinton as part of the supplemental appropriations bill for disaster relief. Since this legislation worked well to help flooded communities rebuild in 1993, I will ask Chairman STEVENS to include this bill as part of the emergency supplemental that the Senate will likely be considering next week. I urge my colleagues to support my effort.

Mr. President, I ask unanimous consent that a summary of the bill's provisions be printed in the RECORD.

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

DEPOSITORY INSTITUTION DISASTER RELIEF ACT OF 1997

PURPOSE

Over the past several weeks, towns and farms in Minnesota, North Dakota and South Dakota have been demolished by the flood waters of the Red River of the North. Because of the extreme level of flood damage, President Clinton has declared these areas to be eligible for federal disaster relief pursuant to Section 401 of the Disaster Relief and Emergency Assistance Act.

The Depository Institution Disaster Relief Act (''DIDRA'') will significantly speed up the pace of recovery for the flooded farms and towns. DIDRA will permit homeowners, farmers, small-businesses and local governments in the flood disaster areas to have faster access to a larger pool of credit from the banks, thrifts and credit unions that serve their communities. DIDRA will do this by permitting federal financial institution regulators to make temporary exceptions to current laws that (1) hamper the ability of banks, thrifts and credit unions to reopen their doors to depositors, (2) slow down the lending process and (3) reduce the availability of credit.

SUMMARY OF PROVISIONS

Section 1—Title of statute

The bill is called the ''Depository Institution Disaster Relief Act of 1997'' (DIDRA). This bill contains provisions that are substantially identical to temporary emergency relief legislation that was signed into law in 1992 and 1993.

Section 2(a)—Exceptions to Truth in Lending Act

The Federal Reserve Board may make exceptions to the Truth In Lending Act (TILA) for loans given by a bank, thrift or credit union that is in the disaster area. The exceptions must be made within 180 days of enactment of DIDRA, and may only last a maximum of one year. For example, this permits the Federal Reserve Board to permit consumers to receive the proceeds from their loans 3 days faster by permitting them to sign preprinted forms that waive their 3 day right of rescission period pursuant to Section 125 of TILA (15 U.S.C. 1635).

Section 2(b)—Exceptions to Expedited Funds Availability Act

The Federal Reserve Board may make exceptions to the Expedited Funds Availability Act (EFAA) to any bank, thrift or credit union in the disaster areas, so that they may restart their check processing operations sooner. The exception must be made within 180 days of enactment of DIDRA, and may only last for a maximum of one year. For example, this permits the Federal Reserve Board to let a bank, thrift or credit union restart serving its customers even though the disruption from the flooding makes it need more than one business day to process cash deposits and government checks as required by Section 603 of EFAA (12 U.S.C. 4002).

Section 3—Exception to the Federal Deposit Insurance Act to Permit the Deposit of Insurance Proceeds in Bank Accounts

Farms, businesses and local governments in the flood disaster areas will be receiving large amounts of insurance proceeds. This money will invariably be deposited in banks, thrifts and credit unions for a short duration until the money is used for rebuilding. Unfortunately, the depositing of large amounts of insurance proceeds may cause banks and thrifts to be deemed undercapitalized pursuant to Section 38 of the Federal Deposit Insurance Act (FDIA) (12 U.S.C. 1831o). This could cause credit to dry up in the disaster areas, as Section 38 would automatically require a depository institution to file a capital restoration plan with the FDIC, even if the insurance proceeds were invested in assets creating little additional risk to the depository institution. Section 38 of the FDIA would compel a depository institution to obtain formal approval from the FDIC in order not to be restricted in its lending policies. Section 3 of DIDRA permits the OCC, the Federal Reserve Board, the FDIC and the OTS to subtract insurance proceeds from the depository institution's assets when they calculate whether the depository institution meets the FDIA's minimum leverage standards (i.e., equity capitalization requirements). Any exception that the regulators make to Section 38 of FDIA will expire after 18 months.

Section 4—Authority of Regulators to Act Quickly to Facilitate Recovery in Disaster Areas

Within 180 days after the enactment of DIDRA, a qualifying regulatory agency is given the flexibility to take any actions permitted under its existing statutory authority to facilitate recovery in the disaster area without being delayed or impeded by (1) having to provide a general notice of proposed rule-making in the Federal Register, (2) having to hold a hearing, (3) being restricted by time limits with respect to agency action or (4) having to meet certain publication requirements. However, within 90 days of taking an action, the qualifying regulatory agency must publish in the Federal Register a statement that (1) describes what it did and (2) explains the need for the action.

Section 5—Sense of Congress re: Exceptions to Appraisal Requirements

The Depository Institutions Disaster Relief Act of 1992 (PL 102–485, Oct. 23, 1992) amended the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) to give regulators the authority to waive certain appraisal standards in disaster areas. The waiver of certain appraisal standards for real estate loans in disaster areas will (1) permit homes to be rebuilt faster by expediting the lending process and (2) lower the cost of receiving loans to rebuild such homes. Section 1123 of FIRREA (12 U.S.C. 3353) currently permits the OCC, OTS, FDIC, Federal Reserve Board and NCUA to waive such appraisal standards for 3 years in disaster areas.

Section 5 of DIDRA states that it is the sense of the Congress that these federal regulators should exercise their authority under Section 1123 of FIRREA to temporarily waive such standards.

Section 6—Limitation of DIDRA

DIDRA shall not limit the authority of any federal agency under any other provision of law.

Section 7—Definitions

This section defines certain terms used in DIDRA: (1) appropriate federal banking agency, (2) Board, (3) Federal financial institutions regulatory agency, (4) insured depository institution, (5) leverage limit, and (6) qualifying amount attributable to insurance proceeds.

Mr. GRAMS. Mr. President, we need to assure the people of Minnesota and North Dakota that the Senate stands behind them,. . . . and that the entire Congress and the President stand behind them as well.

I urge swift action on my legislation and the emergency supplemental appropriations, which I expect will have the overwhelming, bipartisan support of my colleagues when it comes to the floor.

Minnesota Governor Arne Carlson and his staff have been here in Washington these past two days, working

with my staff and that of my colleagues to ensure Federal officials are doing everything in their power to help our residents put their lives back together.

Director James Witt and his team at FEMA have been outstanding. I can say with confidence that everyone here understands the gravity of the situation and the magnitude of the work that remains.

Mr. JOHNSON. Mr. President, today I am proud to be an original sponsor, along with my colleague from Minnesota, Senator GRAMS, of the Depository Institution Relief Act of 1997. This act represents a small measure that we in Congress can undertake to help alleviate some of the suffering caused in South Dakota, North Dakota, and Minnesota by the natural disasters of this past winter and spring.

South Dakotans are a hearty stock, and during my years serving the people of South Dakota, I have repeatedly witnessed their ability to overcome any obstacle Mother Nature throws their way. However, I don't believe I have ever seen South Dakotans rise to the occasion in quite the manner they are right now. I recently toured the disaster areas of South Dakota, North Dakota, and Minnesota with both President Clinton and Vice-President GORE and viewed terrible scenes of cattle stranded in fields, dead cattle across the area, flooded highways, communities lining up to pile sandbags, and people forced to stay in motels because their homes are in such danger. The devastation caused to Grand Forks, ND will not soon be forgotten by those who witnessed nature's awesome fury first-hand. The situation in South Dakota also was far worse than I expected. During my recent tour, I saw a compelling combination of the furor of Mother Nature and the determination of South Dakotans, North Dakotans, and Minnesotans to survive yet another battle with this awesome force. Mother Nature—as only she can do—had changed the rules of the game and given the residents of our region more water than initially anticipated and more than we could safely handle.

But, through it all—through all the heart-wrenching, indiscriminate loss of property, possessions, and livestock—folks in our South Dakota communities have pulled together. The scene in my home State, and across the region, is something that nearly defies description, but clearly will not be forgotten for many years to come. As the flood waters begin to recede, and these hard-working folks begin to rebuild shattered lives, I rise to seek the support of my colleagues in providing certain regulatory relief that will greatly enable this process. As we did in response to previous tragic flooding along the Mississippi River in 1992 and 1993, let us now undertake to do for the residents of South Dakota, North Dakota, and Minnesota through the Depository Institution Disaster Relief Act of 1997.

This act will enable lending institutions—banks, credit unions, and thrifts—to help the people most severely affected by this disaster to begin the arduous process of recovery. The bill permits the regulatory agencies to waive some of the regulations which delay the procedures for helping these people. The major provisions will allow consumers to receive loan proceeds 3 days faster than they ordinarily would, helps lending institutions reopen for business quicker even though the disruption from the flooding may require more than 1 day to process cash deposits and government checks, and loosens capitalization requirements that will be buffeted by the large amounts of insurance deposits that will shortly be flowing through the region. We also call upon Federal regulators to use their ability to waive certain appraisal standards for real estate loans in the disaster areas. These actions will enable the regulating agencies to work with the primary lending institutions to make it easier for the impacted citizens to begin the strenuous and extremely difficult process of recovery.

Mr. President, my region has just suffered a 500-year flood right on the heels of the worst winter in memory. As the valiant residents of South Dakota, North Dakota, and Minnesota begin to rebuild their lives and homes, I urge the Congress to take these minimal steps to help that process.

The Depository Institution Disaster Relief Act of 1997 represents an immediate, concrete step we can and should take in that direction. I urge my colleagues to support our efforts to attach this important disaster relief bill to the supplemental appropriations bill which will be considered by the Senate in the near future.

By Ms. SNOWE:

S. 653. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

ALZHEIMER'S LEGISLATION

By Ms. SNOWE:

S. 654. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

DEPENDENT CARE TAX CREDIT LEGISLATION

By Ms. SNOWE:

S. 655. A bill to amend title XIX of the Social Security Act to require States to adopt and enforce certain guardianship laws providing protection and rights to wards and individuals subject to guardianship proceedings as a condition of eligibility for receiving funds under the Medicaid Program, and for other purposes; to the Committee on Finance.

THE GUARDIANSHIP RIGHTS AND RESPONSIBILITIES ACT OF 1997

● Ms. SNOWE. Mr. President, today I introduce a package of three bills which will have a significant impact on the lives of American families.

The first bill I am reintroducing today provides a tax credit for families caring for a relative who suffers from Alzheimer's disease. Today, ''Alzheimer's'' is a household term. But it was not always so. For many years, victims of Alzheimer's disease and their families struggled in isolation against this illness. However, President Reagan's poignant disclosure in 1994 that Alzheimer's disease was attacking him as he entered the ''twilight years'' of his life captured the collective heart of our Nation, and brought new attention to this devastating disease. We have come a long way from when I first came to Congress over 18 years ago, when there was not a single piece of legislation devoted to Alzheimer's disease. Thankfully, that has changed.

Alzheimer's disease is now the most expensive uninsured illness in America. The financial costs are staggering. Alzheimer's will consume more of our national wealth—approximately $1.75 trillion—than all other illnesses except cancer and heart disease. The number of Americans affected by Alzheimer's is rising and will continue to rise dramatically, from 4 million today to over 14 million by the middle of the 21st century.

In addition to the significant financial costs related to caring for a family member with Alzheimer's disease, there is also a tremendous emotional cost as well. It is a cost born by the millions of spouses, children, relatives, and friends of Alzheimer's victims who see their loved ones slowly overwhelmed by the disease.

We can, however, lessen both the emotional and financial costs of this disease by passing the bill I am reintroducing today which will provide some relief to Alzheimer's patients and their families. My bill would allow families to deduct the cost of home care and adult day and respite care provided to a dependent suffering from Alzheimer's disease.

The second bill I am reintroducing today will strengthen the dependent care tax credit and restore Congress' original intent to provide the greatest benefit of tax credit to low-income taxpayers. My legislation expands the dependent care tax credit, makes it applicable for respite care expenses, and makes it refundable.

The increase in women entering the work force and the aging population have brought a corresponding increase in the need for both child and elder care. Expenses incurred for such care can significantly strain a family's budget. In 1993, full-time child care costs averaged approximately $4,000. Managing these costs is difficult for many families, but is exceptionally burdensome for those in lower income brackets.

In 1976, Congress enacted the dependent care tax credit to help low- and moderate-income families alleviate the burden of employment-related dependent care. Over the years, the DCTC has provided significant Federal assistance to millions of families with child and adult dependent care expenses.

Under current law, parents can deduct up to $2,400 annually for employment-related child care expenses for one children, and up to $4,800 for two or more children. Parents can deduct an amount equal to 30 percent of their child care expenditures if they have earnings below $10,000, with the percentage decreasing on a sliding scale to 20 percent if their income is above $28,000. The credit is nonrefundable, meaning that an individual can only receive the credit if he or she pays taxes.

Unfortunately, the value of the dependent care tax credit for low- and moderate-income families has eroded in recent years. This is largely due to the lack of inflationary indexing and refundability.

The Tax Reform Act of 1986 provided for inflationary indexing of all the basic provisions of the Internal Revenue Code that determine tax liability except for DCTC. As a result, fewer and fewer families with incomes low enough to take advantage of the maximum credit amount, 30 percent, have any tax liability.

The result is a shift in DCTC benefits away from low-income families and toward moderate-income families. Fewer and fewer low-income family's annual income reach the tax threshold necessary to receive the tax credit; and those low-income individuals who do reach the threshold lose out on the maximum credit available. Therefore, rather than helping low-income families with dependent care expenses, which was Congress' original intent, the DCTC is evolving into assistance for less needy middle-income families.

I believe it is critical to get the DCTC back on track helping those families most in need in our country. If we do not address these issues now, each year increasing tax thresholds will prevent more and more low-income individuals from benefiting from the DCTC.

The legislation I am reintroducing would make the adjustments necessary to restore this important benefit to low-income individuals and families. It indexes the DCTC to inflation, and makes it refundable so that those who do not reach the tax thresholds still receive Federal assistance for their dependent care expenses.

My legislation, however, goes even further to help families struggling with dependent care expenses. Recognizing the realistic costs of dependent care, my bill raises the DCTC sliding scale from 30 to 50 percent of work-related dependent care expenditures for families earning $15,000 or less. The scale would then be reduced by 1 percentage point for each additional $1,000 more of income, down to a credit of 20 percent for persons earning $45,000 or more.

Finally, this legislation expands the definition of dependent care to include respite care, thereby offering relief from this additional expense. A respite care credit would be allowed for up to $1,200 for one qualifying dependent care and $2,400 for two qualifying dependents. The credit for respite care expenses would be available regardless of the caregiver's employment status.

Congress intended the dependent care tax credit to help low- and moderate-income families manage the costs of dependent care assistance which is vital to so many families' economic livelihood. However, each year that we do not address the issues of inflationary indexing and refundability, we deny those very families assistance, and, instead, help families with greater financial means.

The third bill I am reintroducing today is the Guardianship Rights and Responsibilities Act of 1997, which establishes a bill of rights for adults who, because of physical or mental incapacity, become wards of the courts.

Wards are individuals whose legal rights, decisionmaking authority, and possessions have been transferred to the control of a guardian or conservator based on a judgment that the person is no longer capable of handling these affairs. This legal system severely limits an individual's personal autonomy and has considerable problems and widespread abuses. Horror stories abound about guardians who force unnecessary nursing home care, embezzle assets or otherwise abuse their wards.

The Guardianship Rights and Responsibilities Act of 1997 would require States to adopt and enforce laws to provide basic protection and rights to wards as a condition of receiving Federal Medicaid funds. It would assure due process protections such as counsel, the right to be present at their proceedings, and to appeal decisions. Also required would be: Clear and convincing evidence to determine the need for a guardianship; adequate court monitoring; and standards, training, and oversight for guardians.

This legislation will help to protect the most vulnerable elderly and disabled from exploitation, and will help to assure them the highest possible autonomy. I hope my colleagues will join me in supporting these important bills.

By Mr. WARNER (for himself, Mr. THOMAS, Mr. COCHRAN, Mr. ENZI, Mr. HELMS, Mr. HUTCHINSON, Mr. ROTH, and Mr. SESSIONS):

S. 656. A bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes; to the Committee on Labor and Human Resources.

THE VOLUNTEER FIREFIGHTER AND RESCUE SQUAD WORKER ACT

Mr. WARNER. Mr. President, I rise today to once again introduce the Volunteer Firefighter and Rescue Squad Worker Act.

The purposes of this legislation, which was S. 324 in the 104th Congress, are to preserve the spirit of volunteerism in our communities and to assist our volunteer firefighters and rescue squad workers in their mission to provide vital life-saving and property protection services in their communities.

Under current law, it is illegal for a firefighter or rescue squad worker to work on a volunteer basis for the same community which employs him or her during the workweek. My bill would amend the Fair Labor Standards Act of 1938 to reflect the realities of the work force of the 1990's by excluding from the definition of ''employee'' firefighters and rescue squad workers who are performing volunteer services, thus removing the need to pay these volunteers overtime pay for those hours volunteered.

The need for this legislation stems from a 1993 U.S. Department of Labor ruling that a career firefighter cannot serve as a volunteer firefighter within the same county in which he or she is employed. My legislation would allow professional firefighters and rescue squad workers to volunteer their services during off-duty hours and to waive overtime pay. The bill specifically prohibits employers from requiring firefighters and rescue squad workers to volunteer when they would otherwise be entitled to receive overtime compensation, and it requires that any agreement by such employees to waive their right to overtime compensation be put in writing. I have also added new anticoercion language to the bill to specifically define behavior that would be considered coercive.

Historically, volunteer fire and rescue services have played an important role in our communities. Millions of people, at some point in their lives, have depended upon the services of such volunteers to protect life and property. In many cases, it is the professional firefighters and rescue workers who volunteered their expertise and training to their communities as a way of giving something back to their friends and neighbors. The current law, in comparison, does not even allow a firefighter or rescue worker to respond to an emergency without FLSA regulation.

Moreover, many municipalities and counties rely upon volunteer services because they lack the funds to operate a full-time professional and rescue service. I am concerned that until this bill is passed, many of our citizens will lack the level of protection that would voluntarily be provided by these professionals. This problem is especially

acute for rural areas where fire and rescue units are less common and more remote.

Mr. President, I thank my colleagues, Senators COCHRAN, ENZI, HELMS, HUTCHINSON, ROTH, SESSIONS, and THOMAS, who are cosponsors of this legislation. I hope my other colleagues will support this important legislation to return an important resource to localities to protect the property, and indeed the very lives, of Americans across our great nation.

Mr. President, 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. 656

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

SECTION 2. SHORT TITLE.

This Act may be cited as the ''Volunteer Firefighter and Rescue Squad Worker Act''.

SEC. 2. FIREFIGHTER AND RESCUE SQUAD SERVICES.

Section 3(e)(4) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended by adding at the end the following new subparagraph:

''(C) The term 'employee' does not include a firefighter or a member of a rescue squad during the period in which the firefighter or rescue squad member volunteers to perform firefighting or rescue squad services at a location where the firefighter or member is not then or regularly employed.''.

SEC. 3. WAIVER OF OVERTIME COMPENSATION.

The employer of a firefighter or member of a rescue squad shall not be required to pay the firefighter or member overtime compensation under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) for a period during which the firefighter or member—

(1) volunteered to perform services for the employer; and

(2) signed a legally binding waiver of such compensation.

SEC. 4. LIMITATIONS ON THE PERFORMANCE OF VOLUNTEER SERVICES.

(a) OVERTIME COMPENSATION REQUIREMENT.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

''(r) No employer may require (directly or indirectly) an employee who is a firefighter or member of a rescue squad to volunteer the employee's firefighting or rescue squad services during any period in which the employee would be entitled to receive compensation for overtime employment under subsection (a).''.

(b) PROHIBITION AGAINST COERCION.—

(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, an employee who is a firefighter or member of a rescue squad for the purpose of requiring the employee to volunteer the employee's firefighting or rescue squad services.

(2) DEFINITION.—In this subsection, the term ''intimidate, threaten, or coerce'' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

By Mr. DASCHLE (for himself and Mr. JEFFORDS):

S. 657. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on Armed Services.

THE MILITARY RETIREMENT EQUITY ACT OF 1997

Mr. DASCHLE. Mr. President, current law—grounded in a century-old statute—requires individuals in receipt of disability compensation from the Department of Veterans Affairs, VA, to offset by an equal amount any retired military pay for which they are eligible. The offset requirement discriminates unfairly against disabled career soldiers by requiring them, in effect, to fund their own disability benefits.

To correct this gross inequity, Senator JEFFORDS and I are introducing legislation today that would eliminate the offset on a graduated scale based on the inverse of the retiree's disability rating.

For example, a veteran who is 80 percent disabled would have to offset his retirement pay by the amount equal to 20 percent of his total VA disability. This compromise would establish the right of a disabled military retiree to receive at least a portion of his earned military retirement.

Current law is problematic because it ignores the proper distinction between military retirement and disability compensation entitlements. Whereas the former is paid to recognize a soldier who has dedicated 20 or more of his or her years to our country's defense, the latter is designed to compensate a veteran for injury incurred in the line of duty. Because the two types of compensation serve two entirely different purposes, receipt of one should not displace receipt of the other.

Concurrent receipt is fundamentally a fairness issue. The present law simply discriminates against career military personnel. Career military retirees are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability pay.

The unequal gap between the compensation received by disabled servicemembers who choose different career paths is patently clear.

Disabled veterans who choose careers in military service will see, upon retirement, their earned retirement benefits reduced proportionate to their receipt of VA disability payments. Conversely, disabled veterans who elect to leave military service and go into either other Federal employment or the private sector will, upon retirement, continue to receive their full disability payments, along with any earned retirement benefits.

This inequity needs to be corrected. Over the past several years, the Congress and the Department of Defense have sought to deal with this issue in a variety of ways. In the past, many attempts to rectify this situation have been accompanied by staggering cost estimates. This legislation represents an effort to ease the offset burden on retired disabled servicemembers while avoiding significant deficit expansion.

It is also supported by veterans service organizations, including the Veterans of Foreign Wars, the Disabled American Veterans, the American Legion, and the Paralyzed Veterans of America. Although these organizations would prefer a complete elimination of the offset, they all welcome this effort as a step in the right direction.

We now have an opportunity to show a measure of our gratitude to all those remarkable men and women who have sacrificed in the name of freedom and democracy.

These dedicated servicemembers deserve our special commendation, both for having suffered while serving our country and for continuing to work in the Armed Forces until retirement. It is time for Congress to reverse the law that prohibits career military personnel who are wounded or injured during service to our country from receiving earned retirement benefits. I hope the Senate will consider this legislation expeditiously and end, at long last, this unfairness by finally passing this bill, or something like it, into law in the near future.

Mr. President, this legislation represents an honest attempt to correct an injustice that has existed for too long. By allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently, with an offset that is inversely related to the degree of disability, we can restore some fairness to Federal retirement policy in a cost-effective manner. Common sense tells us that this is the right thing to do.

I ask unanimous consent that the text of the Military Retirement Equity Act of 1997 be printed in the RECORD.

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

S. 657

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Retirement Equity Act of 1997''.

SEC. 2. CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION.

(a) LIMITATION ON DUPLICATION OF BENEFITS.—Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1413. Concurrent payment of retired pay and veterans' disability compensation

''(a) CONCURRENT PAYMENT.—Subject to subsection (b), a person entitled to retired pay may be paid that pay concurrently with the payment of veterans' disability compensation for a service-connected disability if the person's entitlement to retired pay is based solely on—

''(1) the person's age;

''(2) the length of the person's service in the uniformed services; or

''(3) both the person's age and the length of such service.

''(b) OFFSET OF DISABILITY COMPENSATION.—In the case of a person who is receiving both retired pay and veterans' disability

compensation, the amount of retired pay paid such person shall be reduced (but not below zero) based on the rating of the person's disability for veterans' disability compensation purposes as follows:

''(1) If and while the disability is rated 10 percent, by the amount equal to 90 percent of the amount of the disability compensation paid such person.

''(2) If and while the disability is rated 20 percent, by the amount equal to 80 percent of the amount of the disability compensation paid such person.

''(3) If and while the disability is rated 30 percent, by the amount equal to 70 percent of the amount of the disability compensation paid such person.

''(4) If and while the disability is rated 40 percent, by the amount equal to 60 percent of the amount of the disability compensation paid such person.

''(5) If and while the disability is rated 50 percent, by the amount equal to 50 percent of the amount of the disability compensation paid such person.

''(6) If and while the disability is rated 60 percent, by the amount equal to 40 percent of the amount of the disability compensation paid such person.

''(7) If and while the disability is rated 70 percent, by the amount equal to 30 percent of the amount of the disability compensation paid such person.

''(8) If and while the disability is rated 80 percent, by the amount equal to 20 percent of the amount of the disability compensation paid such person.

''(9) If and while the disability is rated 90 percent, by the amount equal to 10 percent of the amount of the disability compensation paid such person.

The retired pay of a person entitled to disability compensation may not be reduced under this subsection if and while the disability of such person is rated as total.

''(c) DEFINITIONS.—In this section:

''(1) RETIRED PAY.—The term 'retired pay' includes retainer pay and emergency officers' retirement pay.

''(2) VETERANS' DISABILITY COMPENSATION.—The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item

''1413. Concurrent payment of retired pay and veterans' disability compensation.''.

SEC. 3. EFFECTIVE DATE AND PROHIBITION ON RETROACTIVE BENEFITS.

(a) IN GENERAL.—The amendments made by this Act shall take effect on October 1, 1997.

(b) RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of this Act for any period before the effective date of this Act.

Mr. JEFFORDS. Mr. President, current law requires retired military personnel individuals in receipt of disability compensation from the Department of Veterans Affairs, VA, to offset any retired military pay for which they become eligible. Today Senator DASCHLE and I are introducing legislation that would gradually eliminate this offset based on the inverse of the retiree's disability rating. This offset requirement unfairly discriminates against career soldiers who become disabled by requiring them to fund their own disability benefits.

As an example, a veteran with 60-percent service-connected disability would have to offset his retirement pay by the amount equal to 60 percent of his total VA disability. This compromise legislation would establish the right of a disabled military retiree to receive at least a portion of his earned military retirement while avoiding an insurmountable cost that, under budget rules, would require an offset in other funding areas of the Department of Defense.

Current law does not take into account the obvious distinction between military retirement and disability compensation entitlements. Military retirement is paid to recognize a soldier who has dedicated 20 or more of his or her years to our country's defense. Disability benefits are intended to compensate a veteran for injury for injury incurred in the lined of duty. Because these two types of compensation serve two different purposes, receipt of one should not prevent a veteran from receiving the other.

Congress has sought to deal with this issue over the years in a number ways—most of these attempts have brought with them unreasonable cost estimates. This legislation would ease the offset burden on retired disabled service members and still avoid significant expansion in the deficit. Also, because career military retirees are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability, the need to change current law is especially pressing. Inversely, disabled veterans who elect to leave military service and go into either other Federal employment or the private sector will, upon retirement, continue to receive their full disability payments, along with any earned retirement benefits.

This bill is supported as a step in the right direction by the Nation's veterans service organizations, including the American Legion, Veterans of Foreign Wars, the Disabled American Veterans, and the Paralyzed Veterans of America.

Congress should move quickly to reverse this law prohibiting career military personnel who are wounded or injured during their service from receiving earned retirement benefits. I hope the Senate will act to end this unfairness once and for all by passing legislation to ease the offset. In allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently, with an offset that is inversely related to the degree of disability, we will restore some fairness to Federal retirement policy cost-effectively. Our veterans have earned that and much more.

By Mr. TORRICELLI (for himself and Mr. DURBIN):

S. 658. A bill to amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

THE GUN KINGPIN PENALTY ACT OF 1997

Mr. TORRICELLI. Mr. President, I rise today, along with my colleague from Illinois Senator DURBIN, to introduce the Gun Kingpin Penalty Act of 1997. In introducing this bill, Senator DURBIN and I hope that our colleagues will soon join us in sending a clear and strong signal to gunrunners—your actions will no longer be tolerated.

Mr. President, recent numbers gathered by the Bureau of Alcohol, Tobacco and Firearms clearly demonstrate what many of us already knew all too well—several key North-South highways in this country have become pipelines for merchants of death who deal in illegal firearms.

My own State of New Jersey is proud to have some of the toughest gun control laws in the Nation. But for far too long, the courageous efforts of New Jersey citizens in enacting these tough laws have been weakened by out of State gunrunners who treat our State like their own personal retail outlet.

We learned from the ATF data that in 1996, New Jersey exported fewer guns used in crimes, per capita, than any other State—less than 1 gun per 100,000 residents, or 75 total guns. In contrast, Mississippi exported 29 of these guns per capita last year.

Meanwhile, an incredible number of guns used to commit crimes in New Jersey last year came from out of State—944 guns were imported and used to commit crimes compared to only 75 exported—a net import of 869 illegal guns used to commit crimes against the people of New Jersey. In fact, the top six exporters of illegal guns used to commit crimes in New Jersey supplied 62 pecent of the guns—585—and only one of those six States—North Carolina—has strong gun control laws.

This represents a one way street—guns come from States with lax gun laws straight to States, like New Jersey, with strong laws.

It is clear that New Jersey's strong gun control laws offer criminals little choice but to import their guns from States with weak laws. We must act on a Federal level to send a clear message that this cannot continue and will not be tolerated.

Mr. President, once again this year Senator LAUTENBERG and I have introduced our one-gun-a-month bill, which would go a long way toward preventing bulk sales and massive trafficking in firearms.

But today's bill is the next logical step—hitting illegal traffickers where it hurts with tough mandatory minimum sentences that will get these gunrunners off our streets.

The Gun Kingpin Penalty Act of 1997 would create a new Federal gunrunning offense for any person who, within a 12-month period, transports more than five guns to another State with the intent of transferring all of the weapons to another person. The act would establish mandatory minimum penalties for gunrunning as follows:

A mandatory 3-year minimum sentence for a first offense involving 5 to 50 guns; a mandatory 5-year minimum

sentence for second offense involving 5 to 50 guns; and a mandatory 15-year minimum sentence for any offense involving more than 50 guns.

Additionally, the bill contains two blood-on-the-hands provisions, which will significantly increase penalties for a gunrunner who transfers a gun subsequently used to seriously injure or kill another person. A mandatory 10-year minimum sentence is required if one of the smuggled guns is used within 3 years to kill or seriously injure another person. And a mandatory 25-year minimum sentence must be imposed if one of the smuggled guns is used within 3 years to kill or seriously injure another person and more than 50 guns were smuggled.

Finally, our bill adds numerous gunrunning crimes as RICO predicates, and authorizes 200 additional Treasury personnel to enforce the act—Congress must provide law enforcement with the resources to enforce the laws we pass.

The fight against gun violence is a long-term, many-staged process. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. Last year, we told domestic violence offenders that they could no longer own a gun.

And these laws have been effective: 186,000 prohibited individuals have already been denied a handgun due to Brady background checks. Some 70 percent of these people were convicted or indicted felons.

Traces of assault weapons have plummeted since the ban, and prices have gone up. And not a single law enforcement officer has been killed with an assault weapon in over a year.

Mr. President, I will soon be introducing a companion piece to this legislation—the Gun Kingpin Death Penalty Act of 1997. That bill, modeled after the drug kingpin legislation passed by Congress several years ago, will allow for the Federal death penalty if a gunrunning kingpin commits murder in the course of his or her operations. As I said before, this is a many-staged fight, and we can never rest when it comes to gun violence.

This problem will not just go away, and we cannot standby and watch as innocent men, women, and children die at the hands of criminals armed with these guns. I urge my colleagues to support this bill, and I ask that the full text of the legislation be printed in the RECORD following this statement. I yield the floor to my friend from Illinois Senator DURBIN.

Mr. DURBIN. Mr. President, I thank the distinguished Senator from New Jersey and join him today in introducing the Gun Kingpin Penalty Act of 1997.

Mr. President, Interstate 55 runs straight through Mississippi to Memphis and St. Louis before veering northeast into Springfield and Chicago. And, in addition to carrying cars with their passengers and trucks with their cargo, I–55 is a firearm freeway into my home State. Gunrunners ship trunkloads of guns up I–55 for use by criminals.

Two years ago, one of those guns—that probably came into Illinois via I–55—was used to shoot Chicago Police Officer Daniel Doffyn in the head. Officer Doffyn was fresh out of the police academy. He was out on a burglary call, and a Tec–9 from Mississippi killed him.

The legislation Senator TORRICELLI and I introduce today lets everyone know that we are committed to closing down the illegal gunrunning operations that put that Tec–9 into the hands of the man who killed Daniel Doffyn.

And let no one underestimate the deadly impact of gunrunning across State lines. My home State of Illinois has tough gun laws. The local firearms dealers, police, and licensing authorities work hard to make sure that felons cannot go into a store and buy guns. They also work hard to keep the illegal gun market under control.

But we have learned that one State alone cannot overpower the illegal gun market. Earlier this year we obtained data from the Bureau of Alcohol, Tobacco and Firearms detailing the results of their efforts to trace guns used in crimes. We analyzed that data and produced a report. That report concluded that:

First, guns used in crimes are most likely to come from just a few States with relatively weak gun control laws. Of the traceable guns used nationwide in crimes, 16,635 of the 47,068, or 35 percent, were out-of-State guns.

Second, in States with strong gun laws, criminals obtain many of their guns from other States with weaker gun laws.

Third, in States with lax gun laws, criminals obtain the majority of their guns from their home State.

Fourth, the trafficking of guns moves primarily in one direction; from States with weak gun laws to States with tough gun laws.

Fifth, when neighboring States have different levels of gun control laws, the State with lax laws floods its stricter neighbor with guns.

In Illinois we can see how these conclusions play out. Illinois is a net traced-guns importer. In 1996, Illinois accounted for a total of 399 crime guns traced in all the other States combined. However, 1,596 guns from out of State were traced to crimes in Illinois. Thirty-five percent of the guns traced from crimes in Illinois were from out of State. And 10 percent of the guns traced from crimes in Illinois were from Alabama, Mississippi, and Texas. Mississippi is the top supplier of out-of-State guns to Illinois, 306, and Wisconsin, 75. In contrast, Illinois exported only two guns traced to crime in Mississippi.

In Mississppi, 268 guns involved in a crime were traced right back to Mississippi. In contrast, 306 Mississippi guns were traced to crimes in Illinois. Overall, Illinois pays a heavier price for Mississippi's lax gun control laws than Mississippi does.

In contrast to the weak gun law States, Illinois has tough gun laws. That's why per capita, Illinois barely plays a role in the gunrunning business. States with laxer gun control laws are acting as exporters to Illinois. Illinois accounted for 2 percent of the gun exports traced in crimes in other States. In contrast, Texas and Florida accounted for almost 14 percent of those gun exports.

Mr. President, I believe that it is time to shut down the firearms freeway to Illinois. That is why I am happy to sponsor this bill. This measure will let everyone know that we are quite serious about this, that the gunrunning black market is not just a harmless little business venture. People who run trunkloads of guns into another State are doing so for the sole purpose of making money off selling guns to people they know intend to use the gun in crime. This bill provides for a 3-year mandatory minimum for gunrunners. And the penalties will go up with the number of guns. If you run 50 guns, the penalty is 15 years. This legislation also makes gunrunning a RICO or racketeering predicate. With this tool in place, we can shut down entire gunrunning syndicates.

I believe that we should all easily support this measure. It is aimed at taking guns out of the hands of criminals.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 658

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gun Kingpin Penalty Act''.

SEC. 2. PROHIBITION AGAINST GUNRUNNING.

Section 922 of title 18, United States Code, is amended by inserting after subsection (x) the following:

''(y) It shall be unlawful for a person not licensed under section 923 to ship or transport, or conspire to ship or transport, 5 or more firearms from a State into another State during any period of 12 consecutive months, with the intent to transfer all of such firearms to another person who is not so licensed.''.

SEC. 3. MANDATORY MINIMUM PENALTIES FOR CRIMES RELATED TO GUNRUNNING.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

''(p)(1)(A)(i) Whoever violates section 922(y) shall, except as otherwise provided in this subsection, be imprisoned not less than 3 years, and may be fined under this title.

''(ii) In the case of a person's second or subsequent violation described in clause (i), the term of imprisonment shall be not less than 5 years.

''(B) If a firearm which is shipped or transported in violation of section 922(y) is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or

suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 10 years.

''(C) If more than 50 firearms are the subject of a violation of section 922(y), the term of imprisonment for the violation shall be not less than 15 years.

''(D) If more than 50 firearms are the subject of a violation of section 922(y) and 1 of the firearms is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 25 years.

''(2) Notwithstanding any other provision of law, the court shall not impose a probationary sentence or suspend the sentence of a person convicted of a violation of this subsection, nor shall any term of imprisonment imposed on a person under this subsection run concurrently with any other term of imprisonment imposed on the person by a court of the United States.''.

SEC. 4. CRIMES RELATED TO GUNRUNNING MADE PREDICATE OFFENSES UNDER RICO.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ''section 922(a)(1)(A) (relating to unlicensed importation, manufacture, or dealing in firearms), section 92(a)(3) (relating to interstate transportation or receipt of firearm), section 922(a)(5) (relating to transfer of firearm to person from another State), or section 922(a)(6) (relating to false statements made in acquisition of firearm or ammunition from licensee), section 922(d) (relating to disposition of firearm of ammunition to a prohibited person), section 922(g) (relating to receipt of firearm or ammunition by a prohibited person), section 922(h) (relating to possession of firearm or ammunition on behalf of a prohibited person), section 922(i) (relating to transportation of stolen firearm or ammunition), section 922(j) (relating to receipt of stolen firearm or ammunition), section 922(k) (relating to transportation or receipt of firearm with altered serial number), section 922(y) (relating to gunrunning), section 924(b) (relating to shipment or receipt of firearm for use in a crime),'' before ''section 1028''.

SEC. 5. ENFORCEMENT.

The Secretary of the Treasury may hire and employ 200 personnel, in addition to any personnel hired and employed by the Department of the Treasury under other law, to enforce the amendments made by this Act, notwithstanding any limitations imposed by or under the Federal Workforce Restructuring Act.

WAR BETWEEN THE STATES: HOW GUNRUNNERS SMUGGLE WEAPONS ACROSS AMERICA

SUMMARY OF ''WAR BETWEEN THE STATES: HOW GUNRUNNERS SMUGGLE WEAPONS ACROSS AMERICA''

This report examines the deadly commerce practiced by interstate gunrunners. These profiteers legally buy weapons in a state with mild gun laws, and then sell them illegally in another state with tough rules.

When these smugglers load up their car trunks with piles of lethal merchandise, they transfer countless weapons from legitimate commerce to the black market—and the guns often end up in criminals' hands.

A handful of states like Mississippi and Florida are typical shopping stops for the nation's gunrunners, who then sell the weapons in states like New York, New Jersey, and Illinois—the losers in this deadly game of firearms smuggling.

The five worst offenders per capita are Mississippi, South Carolina, West Virginia, Nevada, and Kansas.

Several interstate highways are ''firearms freeways''—favorite smuggling routes for gunrunners. Illegally transported guns head north up I–95 from Florida, Georgia and South Carolina to New York, New Jersey and Massachusetts, or north from Mississippi along I–55 to Illinois.

This independent analysis of data on 1996 firearms traces makes several trends crystal clear:

1. Gunrunners' bazaars: Guns used in crimes are most likely to come from just a few states with relatively weak gun control laws. Just the top four states—Florida, Texas, South Carolina, and Georgia—account for a quarter of the traces. This trend is even more stark when analyzed based on population: several small states provide far more than their share of guns to criminals, and these states have particularly weak laws.

2. Home sweet home: In states with strong gun laws, criminals obtain the majority of their guns from other states; in states with weaker gun laws, criminals obtain the majority of their guns locally.

3. One-way streets: Illicit traffic along the ''firearms freeways'' moves only in one direction: from states with less gun control to those with more.

4. Love thy neighbor: When neighboring states have different approaches to firearms regulation, the state with lax laws floods its stricter neighbor with guns that are used in crime.

These clear patterns show the urgent need for a nationwide effort to stop gun smuggling between states. In particular, Congressman Schumer is proposing tough new federal penalties for gunrunning crimes and increased resources for investigations of firearms trafficking.

FINDINGS: GUNRUNNING IS A NATIONAL PROBLEM

The tables that follow this page tell the story of a thriving illegal trade that crisscrosses the nation. The customers for this business are street gangs and murderers, drug dealers and muggers. The salespeople are interstate gunrunners who exploit the discrepancies in different states' gun laws to supply weapons on the black market. And the suppliers are states where gun laws get a failing grade.

Table 1: Guns crossing State lines

Table 1 shows how many guns sold in a particular state were traced to crimes in other states by the federal Bureau of Alcohol, Tobacco, and Firearms in 1996.

The table demonstrates how lopsided these figures are. The two states that provide the most guns to criminals in other states—Florida (1,243) and Texas (1,068)—account for almost 14% of all such traces, and the top four states account for a quarter. A majority of the out-of-state guns (54.2%) come from just the top ten states—more than the other 40 states and Washington, DC combined.

Note that the numbers in Table 1 account for all guns recovered by law enforcement and traced, not all guns used in crimes. In reality, these states are selling far more guns to criminals than indicated on the table.

Table 2: Guns crossing State lines per capita

Table 2 adjusts for population, more clearly demonstrating the link between weak gun laws and the sale of guns used in other states' crimes.

The ''export rate'' shows how many guns were traced from crimes elsewhere per 100,000 state residents. In other words, for every 100,000 Mississippi residents, 29 guns were sold in Mississippi and traced to crimes in another state. For every 100,000 New Yorkers, 1.19 guns were sent to out-of-state criminals.

Each state was rated on how strongly its rules crack down on gunrunners' easy access to weapons. The ratings of state gun laws are explained more fully in an appendix. Overall, 27 of the states are rated ''very weak'' because they have no significant restrictions beyond those required under federal regulation, such as the Brady Law. Four of the states were rated ''weak,'' four ''moderate,'' six ''strong,'' and ten ''very strong.''

By controlling for population, Table 2 underscores the dramatic impact of state gun laws on gun trafficking patterns. None of the top ten states on Table 2 had ''strong'' or ''very strong'' ratings. Six of the ten are ''very weak.''

TABLE 1.—CRIME GUNS CROSSING STATE LINES—1996

[State-by-State breakdown of guns used in out-of-State crimes by place of origination]

Rank	State	Total exports
1	Florida	1,243
2	Texas	1,068
3	South Carolina	992
4	Georgia	939
5	Virginia	924
6	California	828
7	Ohio	823
8	Mississippi	782
9	North Carolina	752
10	Indiana	665
11	Pennsylvania	532
12	Alabama	516
13	Arizona	487
14	Maryland	457
15	Kentucky	428
16	Illinois	399
17	Kansas	364
18	Louisiana	339
19	Tennessee	317
20	West Virginia	286
21	Arkansas	279
22	Oklahoma	262
23	Nevada	230
24	Wisconsin	224
25	Washington	223
26	Colorado	216
27	New York	215
28	Michigan	200
29	Missouri	155
30	New Mexico	152
31	Connecticut	134
32	Oregon	116
33	Minnesota	106
34	Iowa	99
35	Idaho	94
36	Massachusetts	90
37	New Hampshire	79
38	New Jersey	75
39	Delaware	74
40	Utah	69
41	Alaska	68
42	Maine	62
43	Montana	58
44	Nebraska	54
45	Vermont	46
46	South Dakota	45
47	Wyoming	31
48 (Tie)	District of Columbia	18
	Rhode Island	18
50 (Tie)	North Dakota	15
	Hawaii	15
	U.S. total exports	16,663

Source: Bureau of Alcohol, Tobacco, and Firearms.

TABLE 2.—CRIME GUNS CROSSING STATE LINES—PER CAPITA—1996

[Number of guns used in out-of-State crimes by place of origination per 100,000 residents]

Rank	State	Rating	Export rate
1	Mississippi	VW	29.00
2	South Carolina	M	27.01
3	West Virginia	VW	15.65
4	Nevada	VW	15.03
5	Kansas	VW	14.19
6	Virginia	W	13.96
7	Georgia	VW	13.04
8	Alabama	M	12.13
9	Arizona	VW	11.55
10	Indiana	M	11.45
11	Alaska	VW	11.26
12	Arkansas	VW	11.23
13	Kentucky	VW	11.09
14	North Carolina	VS	10.45
15	Delaware	VW	10.32
16	Maryland	S	9.06
17	New Mexico	VW	9.02
18	Florida	VW	8.65
19	Idaho	VW	8.08
20	Oklahoma	VW	7.99

TABLE 2.—CRIME GUNS CROSSING STATE LINES—PER CAPITA—1996—Continued

[Number of guns used in out-of-State crimes by place of origination per 100,000 residents]

Rank	State	Rating	Export rate
21	Vermont	VW	7.86
22	Louisiana	VW	7.81
23	Ohio	VW	7.38
24	New Hampshire	W	6.88
25	Montana	VW	6.67
26	Wyoming	VW	6.46
27	South Dakota	VW	6.17
28	Tennessee	W	6.03
29	Colorado	VW	5.76
30	Texas	VW	5.70
31	Maine	VW	5.00
32	Pennsylvania	M	4.41
33	Wisconsin	VW	4.37
34	Washington	W	4.11
35	Connecticut	VS	4.09
36	Oregon	VW	3.69
37	Utah	VW	3.54
38	Iowa	S	3.48
39	Illinois	VS	3.37
40	Nebraska	S	3.30
41	District of Columbia	VS	3.25
42	Missouri	S	2.91
43	California	S	2.62
44	North Dakota	VW	2.34
45	Minnesota	VS	2.30
46	Michigan	VS	2.09
47	Rhode Island	S	1.82
48	Massachusetts	VS	1.48
49	Hawaii	VS	1.26
50	New York	VS	1.19
51	New Jersey	VS	0.94
	U.S. Average		6.33

Rating Legend: VS: Very Strong; S: Strong; M: Moderate; W: Weak; VW: Very Weak.

Source: Bureau of Alcohol, Tobacco and Firearms.

TREND 1: GUNRUNNERS' BAZAARS—STATES WITH WEAK LAWS SUPPLY THE BULK OF CRIME GUNS

Many states with weak gun control laws are giant bazaars for gunrunners—and those with tough laws sell very few guns used in other states' crimes. The medium-sized and large states that dominate the top of Table 1 are responsible for a vast proportion of the guns traced to crimes across the country.

The top two states, Florida and Texas, supplied 14% of the guns traced to crime in other states. These two states along with South Carolina and Georgia account for a quarter of the traces.

A majority of the guns traced across state lines in 1996 (54.2%) came from just the top ten states—more than the other 40 states and Washington, DC combined. Five of these states have gun laws rated ''very weak'' (Florida, Texas, Georgia, Ohio, and Mississippi).

In contrast, New York, New Jersey, Michigan and Minnesota, four very large states with strong gun laws, accounted for only 3.6% of those out-of-state guns.

Top-ranked Florida dealers sold about as many guns traced to crime in other states (1,243) as did ten other medium-sized or large states combined: New York (215), Michigan (200), Missouri (155), Connecticut (134), Oregon (116), Minnesota (106), Iowa (99), Massachusetts (90), New Jersey (75), and Nebraska (54).

By controlling the data for population, Table 2 demonstrates how weak gun laws attract gunrunners. Analyzing the data on a per capita basis demonstrates that even quite small states can be mother lodes for gunrunners—if their laws are accommodating.

Adjusted for population, Mississippi supplied the most guns traced to other states' crimes. The explanation: except for some limitations on juveniles, Mississippi has no significant gun control laws of its own. Mississippi was closely followed as a gun-providing state by South Carolina, West Virginia, Nevada, and Kansas. Three of these four states have gun control laws just as weak as Mississippi.

On a per capita basis, the fewest out-of-state guns came from New Jersey, New York, Hawaii, Massachusetts, Rhode Island, Michigan and Minnesota. All these states except Rhode Island were rated ''very strong;'' Rhode Island's laws are ''strong.''

A gun traced to crime is twenty-five times more likely per capita to come from Mississippi or South Carolina than from New York or New Jersey.

Although New York's population is seven times larger than Mississippi, Mississippi had three times more out-of-state traces than New York.

TREND 2: HOME SWEET HOME—IN STATES WITH LAX LAWS, MORE CRIME GUNS COME FROM IN-STATE

In states with weak gun laws, criminals can shop at their neighborhood gun store. By contrast, criminals in states with tough gun control laws must obtain out-of-state guns on the black market to perpetrate violent crimes.

More than three quarters of the gun traces from crimes in South Carolina, Mississippi, Georgia, Florida, Kansas, Ohio and Texas lead back to dealers in the same state.

Less than one quarter of the guns traced from crimes in New York (23.5%), New Jersey (21.2%) were bought in these states, which have strict laws.

A majority (53%) of the crime guns traced to states with ''very strong'' laws were purchased out-of-state. There were 13,760 guns traced to crimes in these 10 states (New Jersey, New York, Hawaii, Massachusetts, Michigan, the District of Columbia, Illinois, Connecticut, and North Carolina).

Less than a quarter (23%) of the crime guns traced to states with ''very weak'' laws were purchased out-of-state. There were 15,046 guns traced to crimes in 26 of these states (data for West Virginia was incomplete and not included in this figure).

TREND 3: ONE-WAY STREETS—''FIREARM FREEWAYS'' MOVE IN ONLY ONE DIRECTION

The data shows how gunrunners use major interstate highways as their smuggling routes. It also shows how those routes move primarily in one direction—from states with less stringent gun control to those with stricter rules.

I-95: The Most Travelled Highway in America Extends from Southern Florida to Northernmost Maine:

North Carolina, South Carolina, Georgia, and Florida—the four southernmost states on I-95—were the source of 1,199 guns traced to crimes in the nine northeast states from Pennsylvania to Maine. These same nine northeastern states accounted for a total of just 64 guns traced to the four southeastern states—95% fewer.

702 guns bought in South Carolina, Georgia, or Florida were traced to crimes in New York or New Jersey. On the other hand, just 11 guns bought in New York or New Jersey were traced to crimes in South Carolina, Georgia, or Florida.

Despite distance of 1,200 miles, Florida was the largest supplier of out-of-state guns traced to crimes in Massachusetts (40 gun traces). In contrast, just three guns from Florida crimes came from Massachusetts. Georgia was the second biggest source for Massachusetts, sending 30 guns to the Bay State, while not a single trace from any Georgia crime led back to Massachusetts.

I-55: Beginning in New Orleans, I-55 Runs Alongside the Mississippi River to Jackson, Memphis and St. Louis before Veering East to Springfield and Chicago:

Mississippi is the top supplier of out-of-state guns to Illinois (306) and Wisconsin (75). Illinois and Wisconsin are home to only four guns traced to crime in Mississippi.

Of all the guns traced to Mississippi, there were more linked to crimes hundreds of miles away in Illinois (306) than at home in Mississippi (268).

Louisiana sold 89 guns traced to crimes in Illinois, Michigan, Missouri, and Wisconsin. These four states combined sent just six guns down to Louisiana.

TREND 4: LOVE THY NEIGHBOR—THE BORDERS BETWEEN SOME STATES ARE HOT ZONES FOR GUNRUNNERS

When a state with loose gun laws borders on one with stricter rules, the lax state floods the tough neighbor with firearms.

Kansas: Dealers in Kansas sold 238 guns that were traced to crime in Missouri. Missouri, which has a gun permit requirement rated ''strong,'' sent only three crime guns back across the border to Kansas.

South Carolina: Dealers in South Carolina sold 430 guns that were traced to crimes in North Carolina. North Carolina, which has much stricter gun control laws, is home to only two guns traced to crimes in South Carolina.

Ohio: Ohio is perhaps the gunrunners' favorite northern state, spreading firearms to criminals throughout the region. Ohio sold 235 guns that went north to Michigan criminals, but only 26 traces went the other way from Michigan dealers to Ohio criminals. Similarly, Ohio was the source of 226 guns traced to crimes in Pennsylvania, Maryland, New York, New Jersey and the District. These five jurisdictions were the source of just 24 guns traced to crimes in Ohio.

Indiana: While 306 guns from Indiana were traced to crimes in Illinois, only 41 Illinois guns were traced to crimes in Indiana. Hoosier gun dealers also sold 50 guns traced from Wisconsin (which sent 22 to Indiana) and 77 to Michigan (which sent 17 to Indiana).

NOTES ON SOURCES

This study analyzes the 47,068 guns which the federal Bureau of Alcohol, Tobacco and Firearms (ATF) traced to a final retail purchaser in 1996. ATF traces firearms at the request of law enforcement agencies; not all firearms seized in crimes are traced, and some are traced by local authorities rather than by ATF. ATF supplied raw data at Congressman Charles Schumer's request and did not contribute to the analysis contained in this report.

Of all the traces, 16,663—35%—were used in crimes outside of the state where they were bought. This subset was used for analysis on ''out-of-state'' guns.

Handgun Control, Inc. provided summaries of state laws on gun control, but bears no responsibility for the rankings. Supplementary information was obtained from law enforcement authorities or government offices in various states.

Population data was based on the 1995 Census as reported in the ''Statistical Abstract of the United States.''

By Mr. GLENN (for himself, Mr. LEVIN, Mr. MOYNIHAN, Mr. DEWINE, Ms. MOSELEY-BRAUN, and Mr. KOHL):

S. 659. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the U.S. Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; to the Committee on Environment and Public Works.

THE GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1997

Mr. GLENN. Mr. President, this week our nation celebrates the 27th anniversary of Earth Day. In 1970, the inaugural year of Earth Day, the Nation's consciousness was raised about the plight of our environment. The Great

Lakes were held up as some of the worst examples of human abuse; Lake Erie was given up for dead, the victim of unrestrained pollution and the misuse of its precious natural resources. The Cuyahoga River caught fire and phosphate-based soap suds washed up on shorelines throughout the Nation. The Great Lakes region responded to the alarm with unprecedented vigor.

In 1971 I headed the Governor's Task Force on Environmental Protection in Ohio, a forerunner to today's Ohio EPA. In a spirit of regional cooperation, the surrounding States, Native American Tribes, and Canada entered into collective agreements that recognized the Great Lakes as a set of shared resources within a single ecosystem. Important environmental legislation was designed and implemented to combat pollution and clean up the environment.

Since that time, water quality has improved dramatically and fisheries scientists are witnessing recovery of fish populations in each of the lakes. Lake Erie is experiencing rebounds in lake whitefish populations thought impossible just 10 years ago. This past summer, the Fish and Wildlife Service announced that lake trout populations in Lake Superior are now self-sustaining, needing no further stocking. There are many success stories in the Great Lakes, suggesting the ecological health of our lakes is on the mend, but the job is not yet complete. Degraded habitats, reduced fish and wildlife populations, and the threat from nonindigenous species still imperil the well being of our lakes.

Today my colleague from the House of Representatives, Congressman LA TOURETTE of Ohio, and I will introduce a bill into the House and Senate that will continue the recovery process of the Great Lakes and their associated natural resources. This bill, the Great Lakes Fish and Wildlife Restoration Act of 1997 builds upon the Great Lakes Fish and Wildlife Restoration Act of 1990. The 1990 act authorized the U.S. Fish and Wildlife Service to undertake a comprehensive study to first, assess the status of fishery resources and their habitats and second, to gauge the effectiveness of management strategies used to protect these resources. The study's findings recommend a definite course of action for the continued restoration of the region's natural resources. The full implementation of the strategic plan for management of Great Lakes fisheries and the institution of a comprehensive and standardized ecological monitoring system for all lakes are just 2 of 32 specific recommendations set forth by the study.

The Great Lakes Fish and Wildlife Restoration Act represents a new generation of environmental legislation, one that recognizes the complexity and interrelatedness of ecosystems. This act seeks to address natural resource management in a comprehensive and conscientious manner by building partnerships among the Great Lakes States, United States and Canadian Governments, and Native American tribes. Through regional cooperation, I believe we can address the environmental and economic concerns of the Great Lakes basin and continue the recovery that began some 27 years ago. By supporting this legislation, we in the Congress will be taking the right next step toward responsible stewardship of the Great Lakes as we venture into the new millenium.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 146, a bill to permit Medicare beneficiaries to enroll with qualified provider-sponsored organizations under title XVIII of the Social Security Act, and for other purposes.

S. 347

At the request of Mr. CLELAND, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 347, a bill to designate the Federal building located at 100 Alabama Street NW, in Altanta, GA, as the ''Sam Nunn Federal Center.''

S. 460

At the request of Mr. BOND, the names of the Senator from Texas [Mr. GRAMM], the Senator from Kansas [Mr. ROBERTS], and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 527

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 527, a bill to prescribe labels for packages and advertising for tobacco products, to provide for the disclosure of certain information relating to tobacco products, and for other purposes.

S. 528

At the request of Mr. CAMPBELL, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 561

At the request of Mr. SHELBY, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 561, a bill to require States receiving prison construction grants to implement requirements for inmates to perform work and engage in educational activities, to eliminate certain sentencing inequities for drug offenders, and for other purposes.

S. 562

At the request of Mr. D'AMATO, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from New Mexico [Mr. DOMENICI], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 562, a bill to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 562, supra.

S. 620

At the request of Mr. GREGG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 620, a bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes.

S. 627

At the request of Mr. JEFFORDS, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 627, a bill to reauthorize the African Elephant Conservation Act.

SENATE RESOLUTION 64

At the request of Mr. ROBB, the names of the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. BOXER], the Senator from Nevada [Mr. BRYAN], the Senator from West Virginia [Mr. BYRD], the Senator from Louisiana [Mr. BREAUX], the Senator from South Dakota [Mr. DASCHLE], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. DURBIN], the Senator from Georgia [Mr. CLELAND], the Senator from Kentucky [Mr. FORD], the Senator from Florida [Mr. GRAHAM], the Senator from Nebraska [Mr. KERREY], the Senator from Louisiana [Ms. LANDRIEU], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Washington [Mrs. MURRAY], the Senator from Rhode Island [Mr. REED], the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Colorado [Mr. ALLARD], the Senator from Utah [Mr. BENNETT], the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. BROWNBACK], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Maine [Ms. COLLINS], the Senator from Wyoming [Mr. ENZI], the Senator from Tennessee [Mr. FRIST], the Senator from Minnesota [Mr. GRAMS], the Senator from Iowa [Mr. GRASSLEY], the Senator from New Hampshire [Mr. GREGG], the Senator