

moved indoors where the limbs were drawn up and secured for the long journey. A 65-foot trailer, designed to look like a historic Conestoga pioneer wagon, hauled the tree. Organizers used an experimental shrink wrap method to keep the tree fresh and secure from weather damage. The tree traveled caravan-style here to our nation's Capitol following the Santa Fe Trail, a historic trade route through Colorado, Kansas and Missouri. My friend and our colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, actually drove the tree carrying truck all the way out here. He told me he had a great time, and I believe him.

Sixty four smaller companion trees, one from each county, traveled with the Millennium Holiday Tree and were placed in various government offices throughout DC.

This entire project was made possible through generous financial and in-kind support from the many sponsors. Volunteers, donations, and sponsorships made it all possible. Unused surpluses from this project will be set aside for a rural endowment fund. The year 2000 will be the 31st year a tree has been provided by the U.S. Forest Service and its partners. And I want to especially thank Dr. Raitano and Bill Nelson for their incredible work on this. They "parented" the project for years and it is due to their efforts it all turned out so well.

"SHALL ISSUE" LEGISLATION IN MICHIGAN

Mr. LEVIN. Mr. President, late Wednesday night, the Michigan Legislature passed a bill that, if signed, will have a negative impact on public safety in my home state. The legislature passed the "shall issue" bill which would require that local licensing authorities "shall" or must issue a concealed handgun license to a person who passes a background check and a safety course. Notably, the legislature waited until after the election to pass the legislation.

The current law in our state now gives local gun boards discretion to issue concealed gun licenses where a need is shown. Current law allows local gun boards—each made up of a local sheriff, a county prosecutor and a designee of the State police—to determine who should be allowed to carry a concealed handgun. The legislation before the state legislature would take discretion away from local law enforcement and allow virtually any applicant to carry a concealed handgun.

In May of 1999, when the State Legislature last took up this bill, a coalition of law enforcement groups led the fight against it. Law enforcement soundly rejects the proliferation of concealed weapons in our communities and have warned that this legislation will move Michigan in a dangerous direction.

The Michigan Law Enforcement Coalition issued the following statement about the bill:

Current law authorizes a local gun board made up of local law enforcement officials to issue CCW [Carry Concealed Weapons] licenses to those citizens who show a demonstrated need to carry a concealed weapon. Legislation that would shift the burden of proof, requiring the board to issue a permit unless it can state a reason, is a state-mandated "shall issue" bill and eliminates local control.

The Michigan Law Enforcement Coalition opposes any legislation which strips local gun boards of their discretion and shifts the burden of proof from the applicant to the gun board.

The Michigan Association of Chiefs of Police issued this statement:

This bill not only puts citizens at risk but will also effect law enforcement officers trying to do a difficult and dangerous job. Officers, already concerned due to the proliferation of handguns, would have even more apprehension knowing that the odds of confronting a concealed weapon have been multiplied. The presence of a gun can make any situation more dangerous. A gun can turn routine arguments into episodes of serious injury or death. During stressful times reasonable people do unreasonable things. The shouting match over a parking space or the fist fight at a sporting event can escalate into a shoot-out when guns are more accessible. Already nearly one-third of all murders committed are the result of an argument according to the FBI's Uniform Crime Report.

The Michigan Association of Chiefs of Police urges the Michigan Legislature to refrain from allowing the proliferation of concealed weapons without adequate safeguards by county licensing authorities. An armed society is a frightened and dangerous society.

Law enforcement groups were joined in their opposition to this bill by religious leaders, child advocates, and community leaders. Groups such as the Michigan Catholic Conference, Michigan PTA, Michigan Municipal League, Michigan's Children, Michigan Library Association, Michigan Association of Elementary and Middle School Principals, Michigan Association of Non-public Schools-Parent Network, Michigan Partnership to Prevent Gun Violence, Michigan Association of Theatre Owners, and National Conference for Community and Justice are unified against the "shall issue" standard.

Mr. President, I am disappointed that the Michigan Legislature passed this bill. I believe "shall issue" is wrong for Michigan and I have urged the Governor to veto the bill. I ask unanimous consent to have printed in the RECORD the letter I sent to the Governor.

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

DECEMBER 13, 2000.

Hon. JOHN ENGLER,
Governor of the State of Michigan,
Lansing, MI.

DEAR GOVERNOR ENGLER: I am writing to urge you to veto the "shall issue" legislation which recently passed the Michigan Legislature.

The "shall issue" legislation would make us less safe according to those best in a position to know. That's why it is opposed by a broad coalition of law enforcement groups such as the Michigan Association of Chiefs of Police and the Michigan Police Legislative

Coalition (which includes the Michigan State Police Troopers Association, the Michigan State Police Command Officers Association, the Michigan Association of Police, the Police Officers Labor Council, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association, Warren Police Officers Association, and Flint Police Officers Association).

Law enforcement officers, who undergo an initial 72 hours of firearms training as well as annual re-training, have warned that allowing thousands more private citizens to carry concealed handguns would pose significant threats to public safety. It is unrealistic to expect citizens with a fraction of the training to demonstrate the same precautions and the same judgment as police officers. There is no justification for making the already difficult and dangerous job of an officer even more difficult and dangerous by increasing the number of concealed handguns on the streets.

I am also concerned that an increase in concealed weapons licenses will effectively expand an exception in the Brady background check system. The "Brady Law" provides that licensed gun dealers are not required to initiate criminal background checks if the purchaser presents a state-issued license to carry a firearm which was issued within five years. This would mean that people who have committed crimes after they have received concealed carry licenses would be able to purchase additional guns with no background checks unless and until their licenses are revoked.

Although the "shall issue" legislation allows the State to suspend or revoke a license if the license holder has committed a potentially disqualifying crime, the experiences of other states with such laws show that revocation doesn't happen instantly or always successfully. Some states with "shall issue" laws have acknowledged mistakenly issuing hundreds of licenses to applicants with prior convictions. Once those persons manage to slip through the screening process for concealed gun licenses that one time, they are then able to buy guns without further background checks for five years.

Earlier this year, all eyes turned to Michigan after the tragic shooting death of Kayla Rolland. Now, nearly ten months later, the people of Michigan want all of us to work toward decreasing the amount of gun violence in their schools and community places, not increasing the proliferation of guns in our neighborhoods and on our streets. The people of Michigan reject the notion that they will be unsafe in public places if not armed. I urge you to do the same and to veto the "shall issue" legislation, leaving local gun boards in charge of these often life and death decisions.

Sincerely,

CARL LEVIN.

RECOMMENDATION OF GLENN A. FINE

Mr. KOHL. Mr. President, I want to voice my support today for Glenn Fine, who would truly be an outstanding Inspector General at the Department of Justice. As you know, the Inspector General is charged with investigating waste, fraud, abuse and corruption. As such, it is a position of critical importance that we should have filled before adjourning for the year to ensure accountable and effective oversight of the DOJ.

Mr. Fine has been dealing with corruption ever since the Harvard-Boston

College basketball game on December 16, 1978, in which he scored 19 points and had 14 assists—perhaps his best performance in college—only to discover later that this particular game was part of a notorious point-shaving scandal. No doubt this first-hand experience drove him in his later quest to weed out corruption at the Department of Justice.

More seriously, though, Mr. Fine has served in a variety of professional roles and always in an exemplary fashion. He is currently the Director of the Special Investigations and Review Unit in the Department of Justice's Office of the Inspector General, where he has supervised a variety of sensitive internal investigations, including the FBI's handling of the Aldrich Ames case. He also worked as an Assistant U.S. Attorney for the District of Columbia, where he prosecuted more than 35 criminal jury trials. His academic credentials are stellar as well. He is a Rhodes Scholar and he was graduated magna cum laude from Harvard Law School. Finally, though this is a political appointment, Mr. Fine is non-partisan—exactly the type of appointee that a Republican President might very well consider keeping on. He worked as an Assistant U.S. Attorney during the Reagan and Bush administrations, and has never been involved in a political campaign.

As this session of Congress comes to a close, a position as important as the Inspector General should have been filled. I'm only sorry that an individual as outstanding as Mr. Fine was not confirmed.

COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. HARKIN. Mr. President, I want to thank and commend Chairman LUGAR for all of his hard work and leadership in bringing the Commodity Futures Modernization Act to the point of this final, agreed upon bill, which will be a part of the appropriations measure passed later today. I am pleased to have had the opportunity to work with Chairman LUGAR on this important legislation and to cosponsor it.

This bill will bring much-needed modernization, legal certainty, clarification and reform to the regulation of futures, options and over-the-counter financial derivatives. At the same time, it maintains regulatory oversight of the agricultural futures and options markets and continues and improves protections for investors and the public interest with regard to futures, options and derivatives.

The legislation carries out the recommendations of the President's Working Group on Financial Markets. Members and staff of the Working Group, especially the Department of the Treasury, the Commodity Futures Trading Commission and the Securities and Exchange Commission, were instrumental in helping to craft the bill. And it is significant that this final version of the bill is strongly supported

by all members of President's Working Group on Financial Markets. I ask unanimous consent that a letter from the Working Group be printed in the RECORD at the conclusion of this statement.

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

(See Exhibit 1.)

Mr. HARKIN. After many years of effort, this legislation resolves a number of very difficult issues regarding the trading of futures on securities—issues that have caused a great many headaches as well as disparities in the markets over the years. I am pleased that we have been able to arrive at solutions that clear away regulatory impediments to market development, while maintaining and strengthening investor protections and addressing margin and tax issues in order to avoid giving any market an inappropriate competitive advantage over others involved in related transactions.

Clearly, modernizing the regulatory scheme for futures and derivatives must be balanced with maintaining and strengthening protection for individual investors and the public interest. The principal anti-fraud provision of the Commodity Exchange Act is section 4b, which the Commodity Futures Trading Commission has consistently relied upon to combat fraudulent conduct, such as by bucket shops and boiler rooms that enter into transactions directly with their customers, even though such conduct does not involve a traditional broker-client relationship. Reliance on section 4b in such circumstances has been supported in federal courts that have examined the issue, and is fully consistent with the understanding of Congress and with past amendments to Section 4b, which confirmed the applicability of Section 4b to fraudulent actions by parties that enter transactions directly with customers. It is the intent of Congress in retaining Section 4b in this bill that the provision not be limited to fiduciary, broker-client or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce and other markets that will develop under this new statutory framework.

I would also like to discuss my views regarding the substantial regulatory changes for electronic markets in derivatives relating to non-agricultural commodities. Essentially, those commodities are energy and metals. With particular regard to energy, given the recent high volatility in energy markets—with dramatic price increases for gasoline, heating oil, natural gas and electricity—we must take great care in whatever Congress does affecting the way in which markets in energy function. In the Agriculture Committee, I worked to remove an outright exclusion from the bill and basically to continue with the substantial exemption

the Commodity Futures Trading Commission had already granted for energy and metal derivatives. Later, there were further negotiations to arrive at the provisions on this subject that are in this bill.

While I still have certain reservations about the energy and metals markets, I recognize the need for compromise, particularly in considering the overall importance and positive features of this legislation. This bill's language and Congressional intent is clear that the Commodity Futures Trading Commission retains a substantial role in ensuring the honesty, integrity and transparency of these markets. For exempt commodities that are traded on a trading facility, this bill clearly specifies that if the Commission determines that the facility performs a significant cash market price discovery function, the Commission will be able to ensure that price, trading volume and any other appropriate trading data will be disseminated as determined by the Commission. This bill also clearly continues in full effect the Commission's anti-fraud and anti-manipulation authority with regard to exempt transactions in energy and metals derivatives markets.

I also want to mention and express appreciation for the cooperation of Chairman GRAMM and Ranking Member SARBANES of the Banking Committee in completing this bill. With respect to banking products, the language of the bill clarifies what is already the current state of the law. The Commodity Futures Trading Commission does not regulate traditional banking products: deposit accounts, savings accounts, certificates of deposit, banker's acceptances, letters of credit, loans, credit card accounts and loan participations.

The language of Title IV of this bill is very clear and very tightly worded. It requires that to qualify for the exclusion, a bank must first obtain a certification from its regulator that the identified bank product was commonly offered by that bank prior to December 5, 2000. The product must have been actively bought, sold, purchased or offered—and not be just a customized deal that the bank may have done for a handful of clients. The product cannot be one that was either prohibited by the Commodity Exchange Act or regulated by the Commodity Futures Trading Commission. In other words—a bank cannot pull a futures product out of regulation by using this provision.

For new products, Title IV is also abundantly clear: the Commodity Exchange Act does not apply to new bank products that are not indexed to the value of a commodity. Again, the plain language is clear and the intent of Congress is clear that no bank may use this exclusion to remove products from proper regulation under the Commodity Exchange Act.

Lastly, Title IV allows hybrid products to be excluded from the Commodity Exchange Act if, and only if, they pass a "predominance test" that