

Maybe we should hold all of the cattle growers responsible for producing hamburger. Maybe we should hold the people who work in the meat packing plants accountable. Where is the individual personal responsibility and accountability?

This is a discriminatory piece of legislation. Again, I regret it is here. The gun industry is selling a legitimate and lawful product. If it is banned, at least that is an honest amendment. I wouldn't agree with it, but at least it would be more honest than it is to say what we are saying, that we are going to exempt you from bankruptcy laws. It is, in fact, a product that is constitutionally protected and specifically mentioned in the second amendment. Everybody knows what it says. There is no secret. It is No. 2 on the amendment list, the Bill of Rights. The right of the people to keep and bear arms shall not be infringed, period. No qualifiers in there. It doesn't say what kind of gun; doesn't say how many guns; doesn't say manufacturer, no exceptions. It just simply says the right of the people—we are people—to keep and bear arms shall not be infringed. That is all it says. And if you have that right under the Constitution to have that weapon to protect yourself, as many do, then you ought to have the right to manufacture it.

This amendment encourages litigation against gun manufacturers and should be called the legislation through litigation amendment. This amendment will have the effect, as follows: If someone sues a gun manufacturer, the manufacturer's bankruptcy will not stop the lawsuit. Outrageous. Gunmakers are already being forced out of business by frivolous, illegitimate, and unconstitutional government-sponsored lawsuits against them. How much more do they have to take? This is a constitutional amendment that specifically says you have the right to keep and bear arms and that right would not be infringed. There is no gray area. It is not as if there is something we have to interpret. There is nothing to interpret. It is right there. When the founders put the ten amendments, the Bill of Rights, onto the Constitution, they made it No. 2.

This amendment singles out a legal industry for unfavorable treatment in bankruptcy proceedings. If successful, it is only going to hasten the demise of the gun industry. That is the purpose of it. That is what is behind this. It is the Bill Clinton agenda. It is being carried out in the Senate. Shut down gun shows. Shut down gun manufacturers. Stop the production of guns in America. Blame the gun manufacturers. Blame everybody except the person behind the gun who commits the crime. For goodness' sake, we wouldn't want to punish that person. Somebody else has to bear the blame. Maybe he had a bad childhood. It must be his father's fault, his mother's fault, the gun manufacturer's fault, the gun seller's fault—everybody but the fault of the person who uses the weapon.

This is what we have come to in America. It is not going to stop here. If legislation such as this slips through, it will be a whole lot of things—hamburger, cars, cigarettes. How about a desk, a chair? You could hurt somebody with that chair if you hit them with it. Well, maybe we ought to sue the manufacturer of the chair. That is what it is coming to. That is how ridiculous it is. Right here in the Senate, we allow it to happen. We debate it day after day trying to stop this stuff as it comes at us in waves, unconstitutional laws. Somebody has to stand up—and some of us do—to stop it because it is outrageous.

Gun controllers cannot win legislatively so they litigate. That is the way to do it. They can't get the American people on their side so they get a few unelected judges on their side. There are many industries that can be considered dangerous, as I said: Carmakers, alcohol, tobacco, fast food, whatever—legal businesses. Are they being singled out in this bankruptcy bill? No, not this one, but maybe next year or next week. Who knows? Just wait. It is going to happen sooner or later. These government-sponsored lawsuits against gun manufacturers and tobacco companies are just the beginning because we have now opened the Pandora's box. We have said defendants should be held liable for damage caused by others even if the damage was totally beyond the defendant's control.

It goes against common sense, and that is what has served our Nation so well, common sense and individual responsibility. That is what America is about. It is not about this kind of nonsensical legislation that puts the blame and the burden on people who shouldn't have the blame and the burden.

I had a shotgun next to my bed as a young man, probably 7 or 8 years old. I used it. I shot it frequently. I didn't shoot at anybody. I didn't take it to school and kill anybody, nor did any of my friends who also had shotguns. Why is that? Why is it that suddenly now all this is a big issue? Because we are trying to pass the burden of responsibility on to somebody else other than ourselves.

We have a cultural problem in this country of the highest magnitude. It isn't about exempting the gun industry from bankruptcy laws. That is not going to get it right. Believe me, what is going to get it right is when we start exercising responsibility in this country again.

The Founding Fathers would turn over in their graves if they could hear this stuff. I can't imagine what Daniel Webster, who wasn't a founder, but he was sitting at the desk that I sit at right over there about 150 years ago, I can't imagine what he would think to be on this floor and debating, blaming the gun manufacturer for somebody else's crime, exempting them from bankruptcy laws. I can't imagine what he would think or Washington or Jefferson or Adams or Madison or Ham-

ilton or any of the great founders who wrote that Constitution, what they would think. In many ways, I am glad they are not here to see it.

In October of 1999, an Ohio court dismissed a suit against the gun industry stating that the suit "is an improper attempt to have this court substitute its judgment for that of the legislature, something which this court is neither inclined nor empowered to do." That was the City of Cincinnati versus Beretta USA Corporation.

In addition, court decisions in Connecticut and Florida this past December ruled that State lawsuits against gun manufacturers have no legal basis whatsoever. Yet here we are on the floor of the Senate trying to do it. The judges in those cases saw that the actions of criminals cannot be controlled by any industry. They were right. So why are we here? Because people are trying to make something happen that they know the American people don't support. So we try to do it this way.

I am heartened by recent polls which show that an overwhelming majority of Americans believe that gun manufacturers should not be blamed for crimes committed with guns. Even if you think there are too many guns, even if you believe that, you better think very carefully before you vote on this as to what might be next. Should we be responsible for the actions of our adult children if they commit a crime? Where is it going to stop?

If there is even one single successful judgment against the gun industry, those who seek to destroy it, and along with it the second amendment, will have a ready means to do so. That is what will happen. So we have two amendments that propose to violate the constitutional rights of the American people, two politically motivated proposals that target politically incorrect targets for unfair treatment; dump on them while they are down. Let me again remind my colleagues of the oath we all took right there at the desk to defend and support the Constitution and abide by American standards of fairness and democracy that have served our Nation so well. Vote no on these two amendments. No matter how you feel about the two issues in question, vote no on these two amendments.

ELIAN GONZALEZ

Mr. SMITH of New Hampshire. Mr. President, on the case of Elian Gonzalez, the young Cuban boy who is now in Miami, I support Senator MACK's private relief bill to give Elian Gonzalez U.S. citizenship. This is something I believe should be done. It is not necessarily going to stop him from being sent back to Cuba, but it is the right thing to do.

I met Elian Gonzalez personally and the great uncle in Little Havana in Miami on January 8. I took the time to go meet Elian. I wanted to talk with him myself. I wanted to look him in

the eye and find out how he felt about the ordeal he went through. Unfortunately, the Attorney General didn't take the time to do that. Elian wasn't important enough for the Attorney General or any of the Attorney General's representatives to meet with him.

On January 6, Attorney General Reno said:

If there is any information that we are not privy to—I never say I won't reverse myself. I try to be as open minded as I can. But based on all the information we have to date, I see no basis for reversing it.

"It" being the decision to send Elian back to Cuba.

On January 8, after meeting with Elian Gonzalez, I wrote Attorney General Reno to request a meeting to discuss new information I obtained regarding Elian Gonzalez.

In that meeting on January 8, at the request of the Gonzalez family, I sat with Lazaro Gonzalez, Elian's great-uncle, in a relaxed, informal, non-stressful setting. I spent 2 hours speaking with Elian and members of his family there at the home. Based on those discussions, I have concluded that there are four areas that are critical to this case I would like to briefly share with my colleagues before this vote.

One, and most important, Elian does not want to go back to Cuba. He does not want to go back to Cuba. You might say he is 6 years old and he doesn't know what he wants. If his mother had lived, we would not be talking about this case. He would have his right to be here. She died. She can't speak for him. But he spoke. He made it very clear to me. On several occasions, I looked Elian right in the eye and asked him directly, "Do you want to go back to Cuba?" He repeatedly and emotionally said, "No, no, no." In Spanish, he said, "Ayudame, por favor," meaning: Help me, please; I don't want to go back to Cuba.

The second point is very important. Ms. Reno was not interested in hearing it because she never responded to my request. She totally ignored a U.S. Senator's request for a phone conversation, even though I know for a fact she didn't have the information I had to share with her. Elian's father was aware of his son's planned departure from Cuba. Listen carefully to what I am saying. Elian's father is being held in Cuba today against his will. They are not reporting that frequently, but he is. He was aware of his son's departure. Elian's paternal grandfather, who lives in the same household with Elian's father, notified relatives in America that Elian and his mother departed Cuba and to be on the lookout for them.

Third, there is reason to believe that Elian's father intended to defect at a later date with his current wife and child. I was told by Elian's great-uncle that two cousins of Elian's father, now in America, were told directly by Elian's father 5 or 6 months ago that he intended to leave Cuba with his new wife and child.

Fourth, there is reason to believe that intimidation tactics are being used by the Castro government on Elian's father, Juan Gonzalez. Reports from family members say Juan has been removed from his home and is not speaking of his own free will and may even be under psychiatric care.

Let me just say that this is a close-knit family. I am not a family member or a personal friend of the family, but I took the time to sit down and talk with them. I didn't talk with the grandmothers. But the grandmothers, Juan Gonzalez, the uncle, and family members are a family. People say, "Why are you politicians getting into this?" Because the mistake was made by this administration by not insisting that the family come here from Cuba and sit down and talk about this as a family. They can't do it because Fidel Castro won't let Juan Gonzalez out. They won't let him out. Even the appointed nun, the go-between, arbitrator, the impartial person who was sent to set up the meeting between the grandmothers and Elian—she is a friend of Janet Reno's—she said the same thing: They are under pressure and Elian should not go back.

So the integrity of American immigration policy rests on due process and fairness. I was shocked to learn that INS Commissioner Doris Meissner never requested a meeting with Elian and never heard his voice.

Now, maybe some of you sitting out there who are going to vote on this and maybe some of my friends out in America across the land can be callous enough to say you don't care what that little boy thinks, he is 6 years old, what does he know. Let me tell you what he knows and what he has experienced. He sat in an inner tube. You know what that is; it is a small tube that is big enough to fit inside of a tire of an automobile. That is an inner tube. He floated around in that inner tube for 2 and a half days in the open sea—sometimes 30-foot seas—and bounced around out there, and he survived. He was picked up by a fisherman. He lived, but he watched his mother die. The last words his mother said to the two other survivors were, "Get Elian to America." That is what he went through.

As an adult, how would you like to go through that—to sit on a tube in 30- or 40-foot seas for 2 and a half days, floating from the north of Cuba to Fort Lauderdale, FL, and go through that when your mother tried to get you here for freedom, and you would send him back without so much as even giving him the opportunity to talk. If we do that, then what has this country come to?

The fisherman who picked him up out of the water gave an emotional comment about it. He said, "I am an American. I was born here. I plucked this kid out of the ocean. If you send him back, you are doing the wrong thing and I don't know what happened to my country." The equivalent would

be, during the Cold War a mother with a child in her arms races to the Berlin Wall, shots are fired, and she tosses her child over the Berlin Wall to freedom. Would we send him back? Apparently so, under this administration.

This isn't about father and son separation; this is about bringing the father and the grandparents and the rest of them here to America where they can decide without the pressure of Fidel Castro. Let's find out what they can say and do without Fidel Castro there. Had Elian's mother lived, right now Elian would be enjoying due process under the Cuban Adjustment Act. Elian Gonzalez, my colleagues, is being punished because his mother died. I don't want to punish Elian Gonzalez for his mother's death. I can't believe any of my colleagues would want to do it either.

This case is about one thing: the best interest of a little boy who sought freedom from Communist Cuba with his family. Sending Elian back to Cuba without due process and allowing Castro to exploit this brave, courageous kid who drifted helplessly at sea for 2 days on an inner tube in a desperate search for survival and freedom would not only be an outrage, it would be the grossest miscarriage of justice I can think of in my lifetime. Yet we have people in this very body who say we should do just that.

I met with the other two survivors, a young married couple. When the boat sank, Nivaldo Fernandez and Arriane Horta were with Elizabet when she was on the boat that made the trip to the Florida coast. She told them, "Please make sure that my son makes America. Save my son. Please see that he gets to the United States." Nivaldo showed me his leg, which was scarred because he was bitten by fish while floating off the coast of Florida. You can still see the effect this had on him, and he is an adult.

Yet this little boy who was so brave—can you imagine, after enduring all of that, when people would come to his house—when I came, and I am a pretty big guy, he wanted to know: "Hombre malo" or "hombre bueno"? Good man or bad man. He wanted to know whether I was a good guy who was going to be nice to him or bad guy coming to take him away.

Can you imagine this poor little boy sitting in that home, when somebody comes to the door, thinking the INS is going to take him out of his home in the dark of night and take him back to Cuba? That is what he is living through now after enduring 2 and a half days in the open sea. This is a child, and he doesn't have any rights? Baloney. Yes, he does have rights. We should be protecting them.

As I said, I met another brave individual, Donato Dalrymple, the fisherman. He was very touched. He asked me personally to help Elian because he told him the same thing: "I don't want to go back to Cuba."

Based on this new information that Elian's father was planning to come,

and some other information, I asked the Attorney General to meet with me or take a phone call. She refused either. Not only did she refuse to do that, she put on an artificial deadline that caused the family more consternation and the Cuban American community more concern by having this arbitrary deadline that says: OK, on January 14 you go back. Then they rolled that back. That is fine. It is very nice to say, OK, we have a deadline; but how would you like to be little Elian, knowing that and wondering what happens on midnight of January 14? Where is the concern for this brave little kid?

I support this private relief bill which grants Elian immediate U.S. citizenship, and I further support allowing the courts to make this decision with the family, without the pressure of Fidel Castro, and I hope the Senate will support me on that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 2021 are located in today's RECORD under "Statements on introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORRIE THOMPSON

Mr. MURKOWSKI. Mr. President, I rise to pay tribute to a very dear friend of mine who was in the Alaska Airlines plane that had the tragic accident yesterday afternoon off the coast of California near Los Angeles.

Morrie Thompson and I go back a long way, all the way to Fairbanks, AK, when I first became involved in banking activities in that community. He was a young Native leader. The paths that we took after that time in the early 1970s resulted in numerous meetings and conversations. His temperament and sensitivity to the advancement of the Native people of Alaska are almost as though he came on the scene to be a man of his time. I speak about that in reference to the significant portion of our aboriginal community, our Alaskan Natives, people who were in a transition from a subsistence, nomadic lifestyle into contemporary competition for education, competition for jobs, competition for development.

Morrie and his companion, Thelma, not only were good friends, but the

contribution they made to the community of Alaska as a whole, Native and non-Native alike, was a powerful one. What they leave is a legacy that we can all share with pride and a sense of a job well done by Morrie and Thelma, because what they have left in the formation of the Alaska Native community is a structure where our Native people have an ownership, not only in the village corporations, but the regional corporations from which their traditional geographic association springs and their well being can be secured.

As a consequence of that, if you look at the Native American on the reservation systems throughout the United States and see the comparison with the advancement of the settlement in Alaska, the results speak for themselves—due, in no small measure, to the guidance of Morrie Thompson.

He and I served together when I was running a financial institution in Alaska. We had a large number of branches in smaller communities: Barrow, Tok, Nenana, Koyukuk, Nome. As president of that organization, I found the advice and counsel of Morrie Thompson most valuable as we addressed our responsibility in meeting the needs of Alaska's developing Native community.

A few months ago, Morrie Thompson announced he intended to step down as chairman and chief executive officer of the Doyon Corporation, the regional Native corporation. There was a retirement party for Morrie. There was a great tribute paid to him by the men and women who knew him, loved him, and worked with him. A very substantial fund was established in his name for the benefit of young Native Alaskans.

I think that area, young Native Alaskans, is where the real tribute to Morrie Thompson belongs because he encouraged involvement and education to maintain the attributes of our Native people allowing them to be competitive in job markets and educational opportunities.

As a consequence of the terrible tragedy that took his life and that of his wife and daughter—he leaves two other daughters and he leaves grandchildren—he leaves a legacy for all of us to reflect on: a legacy of leadership, a legacy of inspiration, a legacy of genuine trust.

He was probably one of the nicest and most decent men I have ever met. As we note the passing of Morrie Thompson, I say to his family and friends, he will be deeply missed, but his legacy and contribution will live in Alaska.

#### THE HIGH PRICE OF OIL

Mr. MURKOWSKI. Mr. President, I would like to reflect a little bit on what is happening in our Nation. We got a little snow outside. Snow is not unknown to me or the State I represent. It is part of our livelihood. We live with the cold weather. We know how to handle it.

But there is suddenly a great concern among a number of my colleagues and their constituents about the high price of heating and transportation fuels in the country, particularly in the northeastern part of the Nation. This morning in New Hampshire they said it was cold and clear. People were out to vote, but they were worried about the price of heating oil. I would like to discuss for a moment why some of these price increases are occurring, as well as appropriate and perhaps inappropriate ways we could respond.

In mid-January, spot prices for heating oil spiked by about 50 cents. At one point, they closed at \$1.36 per gallon. Gulf coast prices spiked, but they were pulled up, to a large degree, by the spike in New York State. One of the first places where consumers felt the impact was in home heating oil prices where, on January 21, they were up anywhere from 35 cents to 60 cents per gallon in the Northeast over the prior week. This was also felt in diesel prices, which have also risen dramatically. This is causing our trucking industry to seriously consider steep price increases, or even parking some of their trucks for a while.

If you have not bought an airplane ticket this month, you should try it because you will find there is a \$20 surcharge added to your ticket. This is to offset the increased costs of fuel oil. You cannot run these aircraft on hot air. You run them on kerosene.

What is the cause of this price increase? For the most part, there are short-term causes that have so dramatically impacted the price in the Northeast, but there are also long-term issues that have impacted and will continue to impact the Nation.

If we are looking at a quick fix, we can do that or we can look at the long run and figure out how we are going to take care of this problem.

The short term problems include the combination of relatively low stocks of inventory, forecasts for colder than normal weather through early February, some barges being delayed because of storms, and some unexpected refinery problems.

Additionally, we have refineries that were in transition. We have not built any new refineries in this country for a couple of decades for a very good reason: Nobody wants to invest in them because of the concern over the environmental consequences, the Superfund exposure, and so forth.

Here we are, on the one hand, with an increasing demand for petroleum products, but because of the laws that were made by Congress which are so draconian, the investment community is reluctant to put in new, efficient refineries.

As a consequence of the low stocks, the existing refiners are scurrying to locate immediate supplies, a number of utilities are chasing the limited supply, and we have a peaking cold weather demand. As you walk home tonight you will feel it. In short, it was a basic