

response, the bipartisan tax relief legislation includes a package of educational tax relief measures.

Fourth, on a bipartisan basis, there was concern about declining savings rates and the need for more secure retirement plan benefits for more workers to help baby boomers who are saving less. As a response, the bipartisan tax relief legislation included significant enhancements to individual retirement accounts and retirement plans. This package was then perhaps the greatest improvement in our individual IRAs and retirement plans in a generation.

Finally, there was a bipartisan concern about the confiscatory impact of the death tax, especially for family farmers and small businesses. As a response, the bipartisan tax relief legislation includes death tax relief, including repeal.

Today I have talked about the three most important reasons from my perspective why we were able to pass the largest bipartisan tax relief measure in a generation.

The first reason is to correct the policy of overtaxation that stemmed from the heavy tax hike of 1993.

The second is to respond with an economic stimulus against the current economic slowdown.

The third is there are sufficient budgetary resources to address tax fairness problems.

It is important to realize that the major tax legislation just enacted rests on a very sound foundation. It should not be dismissed, it should not be obfuscated, and it should not otherwise be distorted by budgetary demagoguery. Let us not forget that revenue is not an abstract notion. Revenue reflects the sum total payments to Washington by hard-working men and women. It is not abstract when paid and should not be treated as an entitlement by those of us fortunate enough to be sent here to make policy decisions to represent the folks back home.

We have a very good tax bill. Our challenge is to make sure that those in Congress who want to spend more money and do not like giving the people back their money—we are intent upon keeping this reduction of revenue coming into the Federal Treasury, not because we are concerned about the taxpayers, but because if those taxpayers spend that money, it is going to do more economic good and turn over the economy, create more jobs and more wealth than if I spend it as a Member of the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak for approximately 20 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONTROLLING THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the proliferation of small arms around the world and, specifically, the remarks made by John Bolton, the Under Secretary of State for Arms Control and International Security Affairs before the United Nations this past July 9 at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

I begin by saying what I sincerely believe: I think it is right and necessary to limit the illicit sale of small arms and light weapons on a worldwide basis. In order to do that, however, one also has to address transparency and legal transfers of small arms and light weapons because so much of the illicit proliferation problem has its roots in legal sales. I was therefore very surprised that Under Secretary Bolton said the United States may well be opposed to measures being considered by the conference that are aimed at curbing the international proliferation of small arms and light weapons.

Before I address Mr. Bolton's speech, and the question it raises about the direction of the administration's policy in this area, I would like to briefly sketch out the scope and scale of this problem:

The worldwide proliferation of small arms—this includes shoulder-mounted missiles, assault weapons, grenade launchers, and high-powered sniper rifles—is a staggering problem today. Right now there are an estimated 500 million illicit small arms and light weapons in circulation around the globe.

In the past decade alone, an estimated 4 million people have been killed in civil war and bloody fighting, many of them with these same small arms.

As a matter of fact, 9 out of 10 of these deaths are attributed to small arms and light weapons. According to the International Committee of the Red Cross, more than 50 percent of the 4 million people killed—that is 2 million people—are believed to be civilians. The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Afghanistan, as well as the sort of violence endemic to narco-trafficking in Colombia and Mexico. These conflicts undermine the regional stability, and they endanger the spread of democracy and free markets around the world.

The United Nations and the Red Cross estimate that more than 10 million small arms and light weapons, ranging from pistols to AK-47's to hand grenades to shoulder-launched missiles, are today in circulation in Afghanistan where the terrorist organization of Osama bin Laden is based.

The United Nations estimates that over 650,000 weapons disappeared from

government depots in Albania in the 3 years leading up to the outbreak of violence in the Balkans, including 20,000 tons of explosives.

NATO peacekeepers and U.S. soldiers in the region are under threat and in danger from these weapons. In fact, the increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to all U.S. participants in peacekeeping operations and U.S. forces based overseas.

Clearly, this is a substantial problem, and it has profound implications for U.S. security interests. It is because of the scope and scale of the problem that the United Nations conference on the illicit trade in small arms and light weapons, I believe, is so important.

Unfortunately, as the Washington Post editorial on July 10 put it, Mr. Bolton's opening address "appeared designed to cater to the most extreme domestic opponents of gun control". Although I do not disagree with all that Mr. Bolton said, I want to ask that we examine more closely the implications of some of his statements, and how they conflict with both settled Supreme Court precedent and the goals of stemming the tide of illicit arms into the hands of terrorists, drug cartels, and violent rebellions.

First, Mr. Bolton stated that "The United States will not join consensus on a final document that contains measures contrary to our constitutional right to keep and bear arms."

As the Post's editorial points out, "No such measures appear in the draft documents before the conference." Why, exactly, did he do that?

I believe not only is Mr. Bolton wrong in his assertion about the connection between the Second Amendment and the work of conference, but in any case Mr. Bolton's position on the Second Amendment is in direct contradiction to decades of Supreme Court precedent.

Not one single gun control law has ever been overturned by the Court on Second Amendment grounds.

Contrary to the constant claims of the NRA, the meaning of the Second Amendment has been well-settled for more than 60 years—ever since the 1939 U.S. Supreme Court ruling in *United States v. Miller*. In that case, the defendant was charged with transporting an unregistered sawed-off shotgun across state lines.

In rejecting a motion to dismiss the case on Second Amendment grounds, the Court held that the "obvious purpose" of the Second Amendment was "to assure the continuation and render possible the effectiveness" of the "state Militia." Because a sawed-off shotgun was not a weapon that would be used by a "state Militia", like the National Guard, the Second Amendment was in no way applicable to that case, said the Court.

If a sawed-off shotgun is not protected by the Second Amendment, why

does the Administration seem to be taking the position that the Second Amendment protects the international trafficking of shoulder-launched missiles?

If an American citizen cannot freely transport a sawed-off shotgun across state lines, why can't we work to stop the international transportation of grenade launchers and high powered, military sniper rifles?

This second amendment argument simply makes no sense, and has no place in this debate.

Second, Mr. Bolton's opening statement attacked language that calls on governments to "seriously consider" curtailing "unrestricted sales and ownership" of arms specifically designed for military purposes.

So Mr. Bolton essentially objected to even considering merely curtailing the "unrestricted sales and ownership" of military weapons.

In point of fact the United States already curtails the sale and ownership of many of these guns.

The National Firearms Act, for instance, places severe restrictions on the manufacture and possession of machine guns, sawed-off shotguns, grenades, bombs, rockets, missiles, and mines.

We also passed the 1994 assault weapons ban, which stopped the production of semi-automatic, military-style assault weapons.

These firearms have no sporting purpose, and our laws recognize that fact. Yet these guns contribute enormously to terrorist threats, drug cartel violence, and civil strife throughout the world.

Congress has already recognized that curtailing the use of military-style weapons is reasonable, appropriate, and even life-saving. To now object to a clause that would call upon other governments around the world to do the same is nonsensical at best, and undermines U.S. security interests—and the lives of U.S. military personnel—at worst.

Next, Mr. Bolton stated that the United States would "not support measures that would constrain legal trade and legal manufacturing of small arms and light weapons." That may be legitimate read on its face. People can understand that.

Although it is my belief that the United States is not the biggest contributor to the problem of the global proliferation of small arms and light weapons—the United Nations has found that almost 300 companies in 50 countries now manufacture small arms and related equipment—in 1999 the U.S. licensed for export more than \$470 million in light military weapons.

With the average price of \$100–\$300 per weapon, this represents a huge volume of weapons.

The problem is that in addressing the issue of the international proliferation of small arms and light weapons one cannot simply address the illicit side of the equation without also looking at

the interactions between the legal trade and the illegal trade.

In fact, there is good evidence of an increased incidence of U.S. manufactured weapons—legally manufactured and legally traded or transferred—flowing into the international black market.

In April, 1998, for example, The New York Times reported that the United States had to rescind pending licenses for sale of U.S. firearms to the United Kingdom based on the European Union practice allowing retransfer of guns between EU members without review or oversight.

In 1999 the State Department stopped issuing licenses from the U.S. to dealers in Venezuela because of concern that many of the guns—legally exported and sold—were in fact ending up in the hands of narco-traffickers and guerrillas in Colombia.

In 2000 and to date in 2001, the ATF has processed more than 19,000 trace requests from foreign countries for firearms used in crimes: 8,000 of these guns were sold legally in the United States. So they are sold legally and they get into the black market and they become part of a crime.

In 1994, Mexico reported 3,376 illegally acquired U.S.-origin firearms. Many of these weapons were originally sold legally to legitimate buyers but then transferred illegally, to many Mexican drug cartels. Between 1989 and 1993, the State Department approved 108 licenses for the export of \$34 million in small arms to Mexico, but it performed only three follow-up inspections to ensure that the weapons were delivered to and stayed in the hands of the intended users.

According to the South African Institute for Security Studies, an estimated 30,000 stolen firearms—again, firearms originally manufactured and traded, sold or transferred in a legal manner—enter the illegal marketplace annually in South Africa.

Given this undeniable connection between legal sales and illicit trade, the approach suggested by Mr. Bolton to the Conference—that it should only address one part of the equation while ignoring the other, appears to me to be untenable.

I would also suggest that certain measures which may be seen by some as constraints on legal manufacture and trade—such as international agreements for the marking and tracing small arms and light weapons, or seeing that there are international regulations governing the activities of arms brokers—are in fact wise policy.

Mr. Bolton also stated:

Neither will we, at this time, commit to begin negotiations and reach agreements on legally binding instruments, the feasibility and necessity of which may be in question and in need of review over time.

Yet, as Mr. Bolton himself points out in his statement, the United States has some of the best laws and regulations on the books regarding the sale and transfers of light weapons.

In my view it is clearly in the U.S. interest to see that those standards are replicated by the world community.

Mr. Bolton's statement is fulsome in its praise of U.S. brokering regulations. Why do we not want to see others rise to the same standards?

Mr. Bolton's statement cites U.S. regulations governing the transfer of military articles of U.S. origin and U.S. exports of small arms and light weapons.

Instead of going it alone—with limited success even when it comes to some of our closest allies, like the United Kingdom, as the example I cited above indicates—shouldn't we be working to see to it that the rest of the international community adopts similar standards? I think so.

In approaching the United Nations Conference, the U.S. government should negotiate and support making the trafficking of small arms traceable, strengthen international regulations of transfers, bolster rules governing arms brokers, and eliminate the secrecy that permits thousands of weapons to fuel crime and war without anyone's knowledge of their source.

We should be taking the lead on this issue based on our foreign policy and national security interests, not taking the NRA line based on domestic political considerations.

And U.S. leadership should ensure that the Conference is the first step, not the last, in the international community's efforts to control the spread of small arms and light weapons.

The problem is you cannot look at the illicit trade of small arms and light weapons, which is killing millions upon millions of people, 50 percent of them innocent civilians, without increasing the transparency of the legal market because so many of these weapons go from the legal market into the black market—the illicit market.

I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Arizona.

Mr. KYL. Mr. President, I ask consent to speak in morning business for 5 minutes, and following my remarks, the Senator from Washington speak.

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

Mr. KYL. Mr. President, I first thank the Senator from Washington State for her kindness letting me speak next. I hope to make an appointment in my office. I will cut my remarks short and give a summary and put the remainder in the RECORD. I appreciate her generosity and that of the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Arizona.

CONFIRMATION OF NOMINEES

Mr. KYL. We started this session of Congress, I think, on a fairly high note of bipartisanship. While there have been some recent events that may have detracted from that, I think most of us would like to proceed with as much bipartisanship as possible. Part of this,