

Mr. MCCAIN. Mr. President, along with Senators SCHUMER, CRAIG, and KENNEDY, I rise today to introduce the "Our Lady of Peace Act" that has the strong support of major organizations across the political spectrum.

This legislation fixes a huge hole in our system—a hole that delays legitimate firearms purchases and allows criminals and other prohibited buyers to obtain guns. The hole is the faulty records in the National Instant Criminal Background Check System, NICS. Based on a report released by Americans for Gun Safety Foundation in January 2002, Congress has learned that millions of records are missing from the NICS database. Over a 30-month period, 10,000 criminals obtained a firearm despite a background check because the records couldn't be checked properly within the 3 days allowed by federal law. In addition, thousands of other prohibited buyers will never be stopped because very few restraining orders, drug abuse or mental disability records are kept at all. This report makes it clear that if we are to be serious about stopping criminals, wife-beaters and illegal aliens from slipping through a background check, we had better fix this broken system.

Better records mean more accurate background checks—checks which stop prohibited buyers while allowing legitimate buyers to be approved. And better records put the "instant" back into instant check, because delays occur when records have to be searched manually. In fact, the only reason why criminal background checks sometime take several days is because records have to be checked by hand instead of computer.

The figure is astonishing. There are over 30 million missing records.

For felony records, the typical state has automated only 58 percent of its felony conviction records. The FBI estimates that out of 39 million felony arrest records, 16 million of them lack final disposition information. Without final disposition records, background checks must rely on time consuming manual searches of courthouse files to approve or deny firearms purchases.

On the issue of mental health, 33 States keep no mental health disqualifying records and no state supplies mental health disqualifying records to NICS. The General Accounting Office, GAO, estimates that 2.7 million mental illness records should be in the NICS databases, but less than 100,000 records are available, nearly all from VA mental hospitals. States have supplied only 41 mental health records to NICS. Combined with the federal records, the GAO estimates that only 8.6 percent of the records of those disqualified from buying a firearm for mental health reasons are accessible on the NICS database.

In the case of drug abusers, the GAO estimates that only 3 percent of the 14 million records of drug abusers are automated, not including felons and wanted fugitives. States have supplied only 97 of those records to NICS which the GAO estimates as representing less

than 0.1 percent of the total records of those with drug records that would deny them a firearm.

On the issue of domestic violence, 20 States lack a database for either domestic violence misdemeanors or temporary restraining orders or both, 42 percent of all NICS denials based on restraining orders come from one State—Kentucky—which does the best job of automating TRO's from the bench. The Department of Justice estimates that nearly 2 million restraining order records are missing from the database.

In the case of illegal aliens/non-immigrant status records, the GAO estimates that over 2 million illegal alien records are absent from the NICS database. Through 2001, NICS had no records of non-immigrants in the United States making it impossible to stop visitors to the U.S. on tourist or student visas from purchasing firearms.

The benefits of better records are simple and important. They lead to accurate and instant background checks. Better records mean we would be able to stop far more prohibited buyers from obtaining a gun than we do now. When a restraining order, drug abuse or mental health record is missing, nothing in the NICS system indicates a reason to delay the sale and search records. NICS simply approves the transaction usually within 3 minutes.

Poor records are why and this legislation will fix the system. This bill requires Federal agencies such as the Immigration and Naturalization Service, INS, and the VA to provide all records of those disqualified from purchasing a firearm to NICS. For INS, it would mean sending millions of records of those here on tourist visas, student visas, and all other non-immigrant visas to NICS. Each State would be allowed to receive a waiver for up to 5 years of the 10 percent matching requirement for the National Criminal History Improvement Grants, NCHIP, when that state automates and makes available to NICS at least 95 percent of records of those disqualified from purchasing a firearm. This bill also requires states to automate and send to NICS all disqualifying records under Federal and State law, including domestic violence misdemeanors, restraining orders, criminal conviction misdemeanors, drug abuse and other relevant records to NICS.

We also provides grants of \$250 million per year for 3 years to States to improve background check records, automate systems, enhance states capacities to perform background checks, supply mental health records and domestic violence records to NICS. We also give grants of \$125 million per year for 3 years to States to assess their systems for rapidly getting criminal conviction, domestic violence records and other records from the courtroom into the NICS database and for improving those systems so as to eliminate the lag time between conviction and entry into NICS.

Better records mean instant checks: 72 percent of background checks are approved and completed within minutes, but 5 percent take days to complete for one reason only faulty records force law enforcement into time consuming searches to locate final disposition records for felony and domestic violence convictions. It is our hope that this legislation will finally make our records system complete and totally stop prohibited buyers from gaining access to firearms while allowing legitimate buyers to be approved.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 311—EX- PRESSING THE SENSE OF THE SENATE REGARDING THE POL- ICY OF THE UNITED STATES AT THE WORLD SUMMIT ON SUS- TAINABLE DEVELOPMENT AND RELATED MATTERS

Mr. KERRY (for himself, Mr. JEFFORDS, Mrs. MURRAY, Mr. LIEBERMAN, Mr. AKAKA, Mr. DURBIN, Mrs. BOXER, Ms. CANTWELL, Mr. TORRICELLI, Mr. LEAHY, Mr. FEINGOLD, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 311

Whereas the Senate recalls the Stockholm Declaration of the United Nations Conference on the Human Environment of 1972, the Rio Declaration on Environment and Development of the United Nations Conference on Environment and Development of 1992, and Agenda 21—which provided the framework for action for achieving sustainable development;

Whereas the pillars of sustainable development—economic development, social development and environmental protection—are interdependent and mutually reinforcing components, and many countries continue to face overwhelming social, environmental and economic challenges;

Whereas global environmental degradation is both affected by and a significant cause of, social and economic problems such as pervasive poverty, unsustainable production and consumption patterns, poor ecosystem management and land use, and the burden of debt;

Whereas, despite the many successful and continuing efforts of the international community, the environment and the natural resource base that supports life on Earth continue to deteriorate at an alarming rate;

Whereas the Senate recognizes the importance of the World Summit on Sustainable Development as a review of progress achieved in implementing the commitments made at the United Nations Conference on Environment and Development, and as an opportunity for the international community to strengthen international cooperation and implement its commitments to achieve sustainable development;

Whereas the Senate recognizes further that the World Summit on Sustainable Development is intended to be a summit of heads of state;

Whereas the United States delegation was represented by the President at the United Nations Conference on Environment and Development of 1992;

Whereas the Senate recognizes further the importance of the United States of America

as a world leader in effectively addressing issues related to the 3 pillars of sustainable development: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) having the President lead the United States delegation would send a strong signal of United States support for the goals of sustainable development;

(2) the United States should at the World Summit on Sustainable Development—

(A) reaffirm its support for the implementation of commitments entered into by the United States and the international community at the United Nations Conference on Environment and Development;

(B) support increased international cooperation to implement the provisions of Agenda 21 and to address the challenges of sustainable development in the twenty-first century, including new specific targets and commitments, in particular with respect to the protection of the oceans and freshwater, combating deforestation, implementation of the United Nations Convention to Combat Desertification, protection of the atmosphere including global climate change, preservation of biological diversity, and reducing the use of persistent bioaccumulative toxic pollutants;

(C) reaffirm the importance of integrating environmental and social considerations into economic decision making, including trade and investment agreements;

(D) support measures to improve compliance with and enforcement of international environmental commitments;

(E) support measures to improve the economic, social, and environmental well-being of developing countries, including the mobilization of domestic and international resources and development assistance beyond current levels;

(F) support the Global Environment Facility, which provides critical financial assistance for environmental improvements in the developing world, at a level which will allow it to adequately fund ongoing and important new priorities;

(G) support good governance within each country and at the international level as essential for sustainable development, including sound environmental, social and economic policies, democratic and transparent institutions responsive to the needs of the people, public access to information, the rule of law, anti-corruption measures, gender equality and an enabling environment for investment;

(H) support efforts to meaningfully improve the institutional structure for implementing the framework created by Agenda 21 and the Rio Declaration on Environment and Development, as well as a more coherent and coordinated approach among international environmental instruments;

(I) remain firmly opposed to commercial whaling and to all efforts to reopen international trade in whale meat or to downlist any whale population in the Convention on International Trade in Endangered Species; and

(J) support measures to increase the use of renewable sources of energy throughout the world—for example, encourage export credit agencies to foster more projects to develop renewable energy resources;

(3) both at the world Summit on Sustainable Development and in other appropriate fora, the United States should re-engage in, provide leadership to, and urgently pursue the negotiation of binding international agreements to address global climate change consistent with—

(A) United States commitments under Article 2 of the United Nations Framework Convention on Climate Change to “achieve . . . stabilization of greenhouse gas con-

centrations at a level that avoids dangerous anthropogenic interference with the climate system . . . within a timeframe sufficient to allow ecosystems to adapt naturally to climate change . . .”;

(B) the findings of the Third Assessment Report of the Intergovernmental Panel on Climate Change, which the Administration should support in its international negotiations; and

(C) the Sense of Congress on Climate Change approved by the Senate as part of the National Energy Policy Act of 2002;

(4) both at the World Summit on Sustainable Development and in other appropriate fora, the United States should support, provide leadership and urgently pursue the negotiation of binding international agreements for the protection of the marine environment, aimed at—

(A) reducing over-capacity of the global fishing fleet to environmentally and economically sustainable levels;

(B) reducing bycatch, and protecting endangered migratory species, such as sea turtles, marine mammals and sea birds;

(C) addressing the international aspects of marine debris;

(D) combating the degradation and destruction of coral reefs; and

(E) reducing land-based pollution such as sewage and other nutrients; and

(5) the President should identify priority international environmental agreements that the United States has signed during and following the United Nations Conference on Environment and Development that the Administration will present to the Senate for ratification.

Mr. KERRY. Mr. President, I rise today to submit a Senate resolution with my good friend and the chairman of the Environment and Public Works Committee, Mr. JEFFORDS of Vermont. We are pleased to be joined by Senators BOXER, LIEBERMAN, AKAKA, MURRAY, DURBIN, CANTWELL, TORRICELLI, FEINGOLD, LEAHY, and BINGAMAN in submitting this resolution.

The World Summit on Sustainable Development, WSSD, will take place August 26–September 4, 2002 in Johannesburg, South Africa. The WSSD will bring together tens of thousands of participants, including governments, environmentalists and business leaders. The WSSD is timed as the tenth anniversary of the groundbreaking United Nations Conference on Environment and Development, UNCED, held in Rio de Janeiro in 1992. The overall goal of the WSSD is to assess the progress of countries in implementing the commitments made at Rio and to reinvigorate the global commitment to sustainable development.

Among the core accomplishments of the Rio conference were “Agenda 21,” which provides a comprehensive framework for achieving sustainable development, including chapters on protecting the atmosphere and the oceans, and the Rio Declaration which sets forth principles such as the need for a precautionary approach in environmental protection. Also at Rio, several important international conventions were opened for signature: the United Nations Framework Convention on Climate Change, UNFCC, and the Convention on Biological Diversity, CBD, both of which were ultimately signed by the

United States, with the UNFCC also ratified by the U.S. Senate.

I cannot emphasize how critical this world summit is. As a planet we need to find a way forward, with countries large and small, rich and poor working together, to agree on steps that protect the environment yet allow our economies to grow sustainable. This resolution that I am offering today urges the administration to make this summit a priority, and to support the goals of sustainable development. This includes supporting specific, concrete targets and timetables for implementing the broad goals of Agenda 21, and a host of other common sense issues that should be addressed at the WSSD. The United States must be a leader in demonstrating its commitments to these goals, and in showing the world that economic growth can occur consistent with improved environmental quality. The resolution also calls on the United States to take a leading role both at the Summit as well as in other appropriate venues in negotiating binding international agreements to address the very real threat of global climate change, as well as agreements to address critical oceans and fisheries issues facing the world today.

This summit is a real opportunity for our Nation. It is my hope that the Bush Administration will recognize it as such and work with the international community to develop a host of measures that will make this planet a better place to live.

Mr. JEFFORDS. Mr. President, I rise today with my colleague and friend Sen. JOHN KERRY and ten other Senators to submit a Sense of the Senate Resolution concerning United States policy at the World Summit on Sustainable Development, WSSD, an international conference to be held in Johannesburg, South Africa from August 24–September 4, 2002. The Kerry-Jeffords Resolution calls on the United States to reaffirm its current environmental and development commitments under and since the 1992 United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, otherwise known as the Earth Summit.

The Kerry-Jeffords Resolution also urges the United States to take its sustainable development commitments further through the full implementation of ratified treaties such as the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification, two treaties of great importance to me. Implementation of these and other treaties should include commitment to real targets and timetables. At a recent joint hearing between the Environment and Public Works and Foreign Relations Committees, we learned that the United States has not maintained the spirit or the letter of its commitment under the Framework Convention. Other provisions in the Resolution call on the United States to be actively engaged in international negotiations that address

the protection of oceans and freshwater, combating deforestation, preservation of biological diversity, increasing the use of renewable energy sources, and reducing the use of persistent toxic pollutants.

The Resolution makes it clear that Presidential leadership of the United States delegation at the WSSD would send a strong signal of our Nation's support for the goals of sustainable development. President Bush's participation at Johannesburg would help rebuild alliances weakened by the Administration's diminished involvement in international climate change negotiations. His participation would also strengthen relationships that are becoming increasingly important in a world where any nation can face serious threats to its national security and its environmental and human security. This Summit is an important opportunity to demonstrate that we will not act unilaterally when our actions can permanently and negatively affect the global commons.

SENATE CONCURRENT RESOLUTION 133—EXPRESSING THE SENSE OF CONGRESS THAT THE UNITED STATES SHOULD NOT USE FORCE AGAINST IRAQ, OUTSIDE OF THE EXISTING RULES OF ENGAGEMENT, WITHOUT SPECIFIC STATUTORY AUTHORIZATION OR A DECLARATION OF WAR UNDER ARTICLE I, SECTION 8, CLAUSE 11 OF THE CONSTITUTION OF THE UNITED STATES

Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

Expressing the sense of Congress that the United States should not use force against Iraq, outside of the existing Rules of Engagement, without specific statutory authorization or a declaration of war under Article I, Section 8, Clause 11 of the Constitution of the United States.

Whereas, in accordance with United Nations Security Council Resolution 687 (1991), Iraq—

(1) agreed to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(2) agreed to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(3) agreed not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(4) agreed to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance;

Whereas the regime of Saddam Hussein consistently refused to comply with United

Nations Special Commission weapons inspectors in Iraq between 1991 and 1998 by denying them access to crucial sites and documents;

Whereas on October 31, 1998, Iraq banned the United Nations weapons inspectors despite its agreement and obligation to comply with United Nations Security Council Resolution 687 (1991);

Whereas Congress declared in Public Law 105-235 that "the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations";

Whereas, in his State of the Union Address on January 29, 2002, the President of the United States stated that the "Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade";

Whereas it is believed that Iraq continues in its efforts to develop weapons of mass destruction, in violation of United Nations Security Council Resolution 687 (1991) and subsequent resolutions, and that the regime of Saddam Hussein has used weapons of mass destruction against its own people;

Whereas the development of weapons of mass destruction by Iraq is a threat to the United States, and its friends and allies in the Middle East;

Whereas Public Law 107-40 authorizes the President to use United States Armed Forces against "those nations, organizations or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons in order to prevent any future acts on international terrorism against the United States by such nations, organizations, or persons";

Whereas no such evidence has been forthcoming linking Iraq to the September 11, 2001 attacks; and

Whereas Article I, Section 8, Clause 11 of the Constitution of the United States confers upon Congress the sole power to declare war: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of Congress that—

(1) the United States and the United Nations Security Council should insist on a complete program of inspection and monitoring to prevent the development of weapons of mass destruction in Iraq;

(2) Iraq should allow the United Nations weapons inspectors "immediate, unconditional, and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect" as required by United Nations Security Council Resolution 707 of August 15, 1991, and United Nations Security Council Resolution 1284 of December 17, 1999; and

(3) the United States should not use force against Iraq without specific statutory authorization or a declaration of war under Article I, Section 8, Clause 11 of the Constitution of the United States, except as provided in subsection (b).

(b) Subsection (a)(3) does not apply to any use of force in compliance with the existing Rules of Engagement (ROE) used by coalition forces to exercise the right of self-defense or under the National Security Act of 1947.

Mrs. FEINSTEIN. Mr. President, on behalf of Senator LEAHY and myself, I rise today to submit a concurrent resolution. This resolution is aimed to deal with a great deal of the speculation we read about in the public press as to whether there is an intent of the ad-

ministration for use of force against Iraq.

We all know that use of force requires a specific statutory authorization or declaration of war under article I, section 8, clause 11 of the Constitution of the United States. I believe the issue is not a question of whether or not Iraq is a rogue state. It is. It is also not a question of whether Saddam Hussein is a brutal dictator. He is.

The question, however, is what is the best policy for the United States and how to address these issues, and if we are to use force, that we do so only after full debate and consideration of all of the options and with a united Government and with the specific statutory authorization of the Congress.

Under the Constitution, only the Congress can declare war, and I offer this resolution because of the growing sense, both within the United States and abroad, that the Bush administration is poised to launch a major military offensive against the Nation of Iraq.

Thus far, the administration has submitted no evidence of any Iraqi connection to 9/11 to this Congress, and the resolution authorizing the use of force against al-Qaida is specifically worded so that hard evidence of such a connection is needed to justify military action.

Conclusive proof that Saddam Hussein is, indeed, harboring weapons of mass destruction, that he is providing shelter for al-Qaida terrorist cells, or that he is in any way linked to the attacks of September 11 would quickly galvanize support for military action. As of now, however, no such evidence has been substantiated.

At this time, moreover, I know of no formal support for a full-scale military action from any other nation. I know of no formal grant to fly over or landing rights which would be granted by any nation in connection with any invasion plan.

As far as I know at this point, the United States would be alone, unilaterally taking action. To take action without support from our allies or the United Nations would clearly identify the United States as an aggressor and may well prompt a series of potentially catastrophic actions.

Both Turkey and Jordan, two of our most loyal and longstanding allies in the region, have been open about their concern about United States unilateral action at this time, making clear their opposition. They have also pinpointed that the present crisis between the Israelis and the Palestinians should be the world's primary focus in the Middle East.

Until the Israeli-Palestinian conflict is stabilized, until more than a semblance of security and stability has returned to Israel and Palestine, a massive invasion against Iraq could expose the Israeli people to possible missile strikes from Baghdad.

We should also remain focused and stay the course in our war on terror.