

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. McCONNELL. I announce that the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea".

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 59, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—28

Bingaman	Feinstein	Murray
Byrd	Fitzgerald	Nelson (FL)
Cantwell	Harkin	Reed
Carper	Hollings	Sarbanes
Chafee	Inouye	Schumer
Clinton	Kohl	Stabenow
DeWine	Leahy	Warner
Dodd	Levin	Wyden
Durbin	Lieberman	
Feingold	Mikulski	

NAYS—59

Alexander	Daschle	Lugar
Allard	Dayton	McConnell
Allen	Dole	Miller
Baucus	Domenici	Nelson (NE)
Bayh	Dorgan	Nickles
Bennett	Ensign	Pryor
Bond	Enzi	Reid
Breaux	Frist	Roberts
Brownback	Grassley	Rockefeller
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chambliss	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Jeffords	Specter
Collins	Johnson	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Craig	Lincoln	Thomas
Crapo	Lott	

NOT VOTING—13

Akaka	Graham (FL)	McCain
Biden	Graham (SC)	Murkowski
Boxer	Kennedy	Voinovich
Corzine	Kerry	
Edwards	Lautenberg	

The amendment (No. 2635) was rejected.

Mr. CRAIG. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, S. 1805, which we are in the midst of debating, is good legislation and I am a cosponsor of this bill. It will help curb frivolous litigation against a lawful American industry and the thousands of workers it employs. Imagine if General Motors were to be held liable for every accident caused by a reckless or drunk driver. Likewise, businesses legally engaged in manufacturing, importing or selling firearms should not be liable for the harm caused by people who use that firearm in an unsafe or criminal manner. This legislation does carefully preserve the right of individuals to have their day in court with civil liability actions for injury or danger caused by negligence or defective product, a standard in product liability law.

Adding amendments such as an extension of the assault weapons ban threatens the chances of this important legislation ever becoming law. This bill is too important to be saddled with "poison pill" amendments.

Four years ago, in the midst of the 2000 election, I said that my goal in fighting criminals was to enforce, not repeal, existing laws. And, indeed, in Virginia we have seen that incarcerating violent felons is the best crime reduction policy. I would support reauthorization of the assault weapons ban in its current form if this legislation had proven effective in reducing violent crime. I have reviewed the thoughtful claims and extensive assertions of proponents and opponents of this law. I have concluded, after a review of the evidence, that this symbolic ban of 19 firearms chosen for cosmetic reasons is a meaningless, toothless law that has virtually no impact on crime. I have decided, therefore, to vote against extension of the assault weapons ban.

Police reports and Federal felon surveys have consistently shown that so-called assault weapons are used in only 1 to 2 percent of violent crimes. Crime victim surveys indicate the figure is only one-quarter of 1 percent, 0.25. Murders with knives, clubs and hands outnumber those with assault weapons by over 20-to-1.

Put another way, notwithstanding this 10-year ban of 19 firearms, criminals continue to commit criminal acts, they just do so with other weapons; with other guns, knives or objects.

The simple fact is that the assault weapons ban only attacks the cosmetic features of a gun, banning some guns even though they function exactly the same as hundreds of other semi-automatic firearms.

It is also worth noting that we are not talking about the fully automatic firearms or machine guns that many Americans view as assault weapons—the Uzi and the AK-47—they were already banned by previous laws. Nor are we talking about any firearms that are readily or easily converted to fully automatic firearms. Sale of such fire-

arms is already banned under current federal law.

I recently watched a CNN interview that showed an individual firing a gun that was banned under the 1994 law and a gun that is readily available today. Both guns produced the same results with the same impact. The only difference is that one had a different type of grip, stock or bayonet lock than the other. Therefore, the banning of these accessories is purely cosmetic. The focus should be on criminals not guns, and it should be on programs that work, like Project Exile and the Abolition of Parole.

I am also concerned that by reauthorizing this gun ban legislation, it will serve as a platform inviting added restrictions on Second Amendment rights. The current law, then, only makes sense if the ultimate goal it is to ban more and more guns in the future, something I cannot support. This can be seen in several proposals and amendments now before Congress to expand the current assault weapons ban proposals that permanently ban a large number of guns that citizens lawfully use for competition, hunting or self-defense. I have a long and consistent record of supporting the rights of Virginians and Americans to protect their families and themselves, and I am committed to protecting those rights of law-abiding American citizens.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

COMBATING SEXUAL ASSAULT OF U.S. SERVICEWOMEN IS CRITICAL

Mr. DASCHLE. Mr. President, last week members of the Senate Armed Services Committee heard deeply disturbing testimony about unspeakable acts of violence committed against at least 112 of our military personnel deployed in Afghanistan and the Iraq theater. Unfortunately, the acts of violence discussed in the committee were not committed by the Taliban or terrorists, but by fellow American troops who have sexually assaulted their female counterparts. This egregious situation is unacceptable.

Back home in South Dakota, I have met so many female soldiers who have proudly volunteered to serve this Nation. Like their male colleagues, they demonstrate tremendous patriotism and love for America. They also share the strong sense of duty and pride in being a member of our great military. They deserve the country's and their fellow soldiers' wholehearted respect.

Sadly, the Armed Services Committee testimony suggests that too many of our women soldiers must be concerned not just about combating

enemy soldiers, but also about a soldier who is fighting beside her.

Over 30,000 brave women answered our Nation's call to duty to support Operation Iraqi Freedom. Fourteen of them have given their lives to ensure that democracy flourishes in a country that has only recently been liberated from brutality and repression.

These soldiers are performing their duties with courage and honor. At a time when the insurgency and unrest continue in Iraq, these women continue to defend Iraqi citizens from senseless violence. They should not have to be concerned about having to defend themselves against the most senseless violence of all—sexual assault perpetrated by their fellow soldiers.

Women make invaluable contributions to our armed forces. In fact, it is safe to say that our military could not perform all that we currently require of it without the service and sacrifices of female soldiers. When we brutalize the very people who are willing to sacrifice their life for the defense of liberty and freedom, we harm the institution that protects us all and undermine the principles upon which this great Nation was founded.

What makes last week's reports on sexual assault more distressing is that this is not the first time female service members have come forward with allegations that they were raped and assaulted by their male compatriots. We have heard these accusations before the Navy's Annual Tailhook Symposium, the Army's Aberdeen Proving Grounds, and the Air Force Academy in Colorado.

I commend the women who have come forward to report these reprehensible acts. Far too often women suffer in silence, too afraid of possible reprisals that may come from reporting a sexual assault. This is true in civilian life and must be doubly so in military life. To help these victims, the military must take immediate and concrete steps to address their needs. We must ensure that victims have access to medical care and confidential counseling. If we fail to create an environment where women feel safe to report their assaults, we risk teaching them that, in order to advance their military careers, they must remain silent.

I am pleased that the Department of Defense has launched an investigation into these allegations, and that my colleagues on the Senate Armed Services Committee recently heard testimony addressing this issue. Still we must do more. It is imperative that we all continue to work together to send to send a clear signal to the entire military that any sexual misconduct will not be tolerated, and offenders will be vigorously prosecuted and punished. It is time to ensure this issue is given the urgency and attention it deserves.

HONORING OUR ARMED FORCES

SGT RANDY S. ROSENBERG

Mr. GREGG. Mr. President, I rise today to pay tribute to a special per-

son, SGT Randy S. Rosenberg of Berlin, NH.

Tragically, on January 24, 2004, this courageous young soldier, only 23 years of age, gave his last full measure for our Nation when a vehicle-based explosive device detonated near his military vehicle in Khalidiyah, Iraq, located in the Sunni Triangle, about 70 miles west of Baghdad. Randy and two of his comrades lost their lives in the explosion and six other American soldiers were wounded in the attack near the Euphrates River. At the time of the hostile action SGT Rosenberg was serving as an infantryman in Company B, 1st Squadron, 9th Cavalry, a component of Task Force "All American" which was supporting Operation Iraqi Freedom.

Randy joined the United States Army in September 1998, after graduating from Berlin High School, where he played hockey and baseball. He completed Basic Training and Advanced Individual Training at Fort Benning, GA, and was assigned to Fort Hood, TX, since March 1999. His awards include the Army Commendation Medal, Good Conduct Medal, National Defense Medal, Noncommissioned Officer Professional Development Ribbon, Army Service Ribbon, Combat Infantry Badge, Purple Heart, posthumous, and Bronze Star, posthumous. This was his second tour of duty in the Middle East, having served previously in Kuwait.

His wife, Misty, is from Goffstown, NH. His mother and stepfather are Rick and Sandy Fournier. Sandy works in the Berlin City Hall. His sister, Tanya, 15, is a student at Berlin High School. SGT Rosenberg also leaves his maternal grandfather, Saul Rosenberg, and his maternal grandmother, Shirley Gemitti, and her husband, William Gemitti, a veteran of the Korean war.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Iraq—and Randy served in that fine tradition. Daniel Webster said:

God grants liberty only to those who love it, and are always ready to guard and defend it.

Randy was one of those proud and dedicated volunteers who chose to serve our Nation, and guard our precious liberty, and for that we will always owe our sincere gratitude.

The sudden death of a young person is especially difficult for family and friends. In November 1864, President Abraham Lincoln was informed by the War Department of a mother who had lost five sons in the Civil War. He wrote the mother:

I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save.

I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Family, friends, and fellow soldiers will no longer be able to enjoy the company of SGT Randy S. Rosenberg. Strangers will never have the opportunity to know his friendship. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. May God bless Randy Rosenberg.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

A horrendous crime occurred 4 years ago today in Richmond, VA. There, a homeless man was killed and his severed head left atop a footbridge in James River Park near a popular meeting place for gay men.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

IN RECOGNITION OF THE PEACE CORPS

Mr. LEVIN. Mr. President, in October 1960, then-U.S. Senator John Fitzgerald Kennedy, visited the University of Michigan in the heat of his successful Presidential campaign. The Presidential aspirant and self-proclaimed graduate "of the Michigan of the East" stood on the steps of the Student Union and called for the creation of a program that would enable college graduates to serve their Nation as part of a "greater purpose" rooted in service.

Forty-three years later, this program, the Peace Corps, has been a resounding success. Seeking to promote world peace and friendship by sending American volunteers to participate in community service in villages and towns across the world, this program addresses the critical shortage in technical capacity that many parts of the world face. Further, it fosters increased cultural understanding. Peace Corps volunteers, witting or not, represent their Nation while abroad and upon returning home help promote increased global awareness here as well.

President Kennedy, in his inaugural address, called for a "grand and global alliance" to fight tyranny, poverty and disease. With over 7,500 current volunteers in 71 nations, the Peace Corps has been a key part of this alliance. Since its inception, over 170,000 volunteers have worked in 137 nations in a variety of programs. An increasing number of Peace Corps volunteers are over 60