

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF APRIL 8, 2004

[In millions of dollars]

|   | Budget Authority | Outlays   | Revenues  |
|---|------------------|-----------|-----------|
| Enacted in previous sessions:   |                  |           |           |
| Revenues .....  | n.a.             | n.a.      | 1,330,756 |
| Permanents and other spending legislation <sup>1</sup> .....  | 1,117,131        | 1,077,938 | n.a.      |
| Appropriation legislation .....   | 1,148,942        | 1,179,843 | n.a.      |
| Offset receipts .....   | -365,798         | -365,798  | n.a.      |
| Total, enacted in previous sessions .....   | 1,900,275        | 1,891,983 | 1,330,756 |
| Enacted this session:   |                  |           |           |
| Surface Transportation Extension Act of 2004 (P.L. 108-202) .....   | 1,328            | 0         | 0         |
| Social Security Protection Act of 2004 (P.L. 108-203) .....   | 685              | 685       | 0         |
| Welfare Reform Extension Act of 2004 (P.L. 108-210) .....   | 107              | 58        | 0         |
| An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108-211) .....                                    | 6                | 6         | 0         |
| Pension Funding Equity Act of 2004 (P.L. 108-218) .....   | 0                | 0         | 3,363     |
| Total, enacted this session .....   | 2,126            | 749       | 3,363     |
| Passed, pending signature:  |                  |           |           |
| An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (S. 2057) ..... | 13               | 7         | 0         |
| Entitlements and mandates:  |                  |           |           |
| Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs .....                    | -21,334          | 4,221     | n.a.      |
| Total Current Level <sup>1,2</sup> .....  | 1,881,080        | 1,896,960 | 1,334,119 |
| Total Budget Resolution .....   | 1,873,459        | 1,896,973 | 1,331,000 |
| Current Level Over Budget Resolution .....  | 7,621            | n.a.      | 3,119     |
| Current Level Under Budget Resolution .....   | n.a.             | 13        | n.a.      |

Notes.—n.a. = not applicable; P.L. = Public Law.

<sup>1</sup> Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes \$82,460 million in budget authority and \$36,644 million in outlays from previously enacted bills.<sup>2</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

### 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.

On October 3, 2002, a 17-year-old transgender woman, Gwen Araujo, was viciously killed and buried in a shallow grave near South Lake Tahoe. Gwen was beaten severely—with fists, canned goods and a metal skillet—then strangled to death. Before driving her to a remote location to be buried, the attackers wrapped her body in blankets and hit her in the head with a shovel to make sure she was dead.

After a confession to police by one of Gwen's attackers, her body was finally found 2 weeks later. Currently, three men—Michael Magidson, 23, and Jose Merel and Jason Cazares, both 24—stand trial for her murder. A fourth man was also charged with her murder but pled guilty to manslaughter in exchange for testifying against the others. Despite this confession and eyewitness testimony in this case, defense attorneys have suggested that Gwen's murder was a result of something the victim provoked because of her lifestyle choice. The defense has asserted that Gwen "deceived" her attackers. Once learning of her biological sex, it caused one defendant to become enraged "beyond reason," thereby resulting in her attack. One attorney has even claimed that no hate crime has been committed in this case.

Clearly, the murder of Gwen was motivated by hatred. I believe that the government's first duty is to defend its citizens, and to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become one of

substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

### 1139TH MILITARY POLICE COMPANY OF MOBERLY, MO

Mr. TALENT. Madam President, I rise today to express my appreciation for the service and the sacrifice of the service men and women of the 1139th Military Police Company of Moberly, MO, for their contributions to Operation Iraqi Freedom.

The 1139th was mobilized in January 2003, and served in Iraq from May to December 2003. Their missions included convey security, securing the flow of personnel and material to sustain the U.S. mission in Iraq; ensuring the security of fixed-site locations in Iraq, performing law enforcement and presence missions to maintain law and order, and to train Iraqi police as they prepare to assume an ever-greater share of the day-to-day duties of stabilizing the country.

Their efforts, and their willingness to leave their families and homes, to assist in the larger effort to stabilize and return Iraq to the family of freedom and peace-loving nations, says much regarding their understanding of the word service, and their appreciation for the obligations of citizenship.

The United States is a wealthy and powerful Nation, but it is the willingness of young men and women such as these that makes us great. In a dangerous world, they make the difference, both here and overseas. Their efforts will set men free. Their efforts will break the shackles of despotism. Their efforts will secure the safety of Americans here at home.

To the 65 service men and women of the 1139th, you have my respect and my heartfelt thanks for your service.

May God bless these fine young men and women and their families. And

may God bless the United States of America.

### REAUTHORIZE THE ASSAULT WEAPONS BAN

Mrs. FEINSTEIN. Mr. President, a little before noon 5 years ago today, Dylan Klebold and Eric Harris began a killing spree at Columbine High School that left a dozen of their fellow students and a teacher dead, and more than two dozen others wounded.

The Columbine incident was a wake up call to a nation awash with guns, and showed us all once again what one or two grievance killers or malcontents can do with powerful, semi-automatic assault weapons.

Klebold and Harris were troubled young men who chose, tragically, to take out their angst on fellow students.

Twenty or thirty years ago, that decision might have simply led to a fist fight during recess outside on the playground. But now, with the prevalence of high-capacity, high-powered firearms, that decision quickly led to the deaths of more than a dozen innocents, and then the two shooters themselves.

Using several long guns and a TEC-DC9 semi-automatic assault pistol, Klebold and Harris were able to move through their high school with impunity, firing shot after shot in rapid succession, and quickly ending the hopes and dreams of so many youngsters.

Nobody could take them down, because their weapons made them, for all intents and purposes, invulnerable.

And while Columbine was tragic, it was not unique.

Similar grievance killings have occurred across the nation, in every forum:

In a San Ysidro, CA McDonald's in 1984, when a gunman with an Uzi killed 21 and wounded 15 others.

In Stockton, CA, in 1989, when drifter Patrick Purdy walked into a schoolyard with an AK-47 and killed 5, wounding 30 others.

In Long Island, NY, in 1993, when a gunman killed 6 and wounded 19 others on a commuter train—he was only brought down when he finally stopped to reload.

In Pearl, MS, in 1997 when two students were killed.

In Paducah, KY, in 1998 when three students were killed.

In Jonesboro, AR, in 1998 when five were killed, and ten more wounded.

In Springfield, OR, in 1998 when two were killed, and 22 wounded.

In Atlanta, GA, in 1999 when a troubled day trader killed his wife, two children and several people trading stocks.

At a Granada Hills, CA Jewish Community Center when a gunman wounded three and killed one.

At a Fort Worth, TX Baptist church where seven were killed and seven more wounded at a teen church event, all by a man with two guns and 9 high capacity clips, with a capacity of 15 rounds each.

And the list goes on, and on.

Just last week, I spoke at the funeral of San Francisco Police Officer Isaac Espinoza, who was shot and killed by a gang member armed with an AK-47 and a 30-round clip. Officer Espinoza took three shots in his back as a gunman fired 15 rounds in just seconds, giving Officer Espinoza and his partner, who was also shot, no time to seek refuge.

Officer Espinoza was a bright young star in the San Francisco Police Department, and he had a promising future and loving family. Now, that future is gone. His wife Renata is without a husband. His beautiful three-year-old girl Isabella is without a father.

These are the real consequences of assault weapons. This is not a political debate about a theoretical issue. This is about the death, and tragedy, and loss.

That is why Senator WARNER, Senator SCHUMER and I are seeking to pass legislation to reauthorize the federal assault weapons ban for another 10 years, before it expires on September 13 of this year.

This amendment received 52 votes in this body just last month, but the NRA scuttled the underlying gun immunity bill rather than allow the assault weapons bill to pass.

As a result, we are running out of time. The ban expires on September 13th of this year. We cannot afford to let these weapons back on our streets. We owe the American people more than that. It is just that simple.

This should really be an easy issue.

After all, this amendment already passed the Senate once.

The President has said many times that he supports the current law, and supports renewing the current law.

Every major law enforcement organization in the country supports renew-

ing the ban, as do countless civic organizations, including: Fraternal Order of Police, National League of Cities, United States Conference of Mayors, National Association of Counties, International Association of Chiefs of Police, International Brotherhood of Police Officers, U.S. Conference of Catholic Bishops, National Education Association, NAACP, and the American Bar Association.

And the list goes on, and on.

More than three-fourths of the American people, and two-thirds of gun owners, support renewing the ban.

In a poll conducted by Mark Penn and Associates October 1-6 of last year: 77 percent of all likely voters supported renewing the assault weapons ban; Only 21 percent opposed renewal; 72 percent of Republicans supported renewing the ban, as did 71 percent of those describing themselves as "conservatives"; 66 percent of gun owners supported renewal, and only 32 percent of gun owners opposed it.

So one might wonder, why don't we just pass the ban by unanimous consent, get it through the House and have it signed into law tomorrow?

But an interesting dynamic is at work here. An interesting dynamic that relates to one, very powerful interest group that has violated the trust of its members and has used threats, distortions and bullying tactics to fight against common sense gun control at every level, and at all costs.

That group, of course, is the National Rifle Association.

But it is my hope that in the coming weeks, this body will stand up to the NRA and instead listen to the President of the United States, who supports the ban.

Listen to law enforcement all across the nation who know that this ban makes sense, and saves lives.

Listen to the studies that show that crime with assault weapons of all kinds has decreased by 50 to 66 percent since the ban took effect almost ten years ago.

A 1999 National Institute of Justice Study found that crime gun traces of assault weapons fell 20 percent in just the first year following enactment of the ban, from 4,077 traces in 1994 to just 3,268 in 1995.

Murder rates that year dropped 6.7 percent below what they had been projected to be before the ban, once researchers had isolated for other factors.

Murders of police officers with assault weapons also dropped from about 16 percent of gun murders of police in 1994 and early 1995 to 0 percent in the latter half of 1995 and 1996.

A recent study released by the Brady Center shows that the proportion of assault weapons used in crimes fell from a high of 6.15 percent in the year before the ban, to just 2.57 percent by 2001. This is a 58 percent decrease in just 8 years, and includes not only the banned guns, but copycat guns, as well.

The analysis in this study was performed by Gerald Nunziato, who for 8

years served as the Special Agent in Charge of ATF's National Tracing Center. So this is not some fly-by-night study. This is by the one person who perhaps knows what these numbers mean better than anybody.

This follows a statistical analysis by the Department of Justice indicating that banned assault weapons used in crime fell by an even greater percentage—almost 66 percent—between 1995 and 2001.

The bottom line is that this ban has worked.

If we let these guns back on the streets, we open the door to more and more killings.

If we let these guns back on the streets, we tell Steve Sposato, whose wife Jody was killed in the 101 California shooting more than ten years ago, that we have forgotten his pain.

If we let these guns back on the streets, we send an invitation to terrorists to come to America and arm themselves, as recommended in an Al Qaeda training manual. Is now the time to do this?

If we let these guns back on the streets, we ignore ten years of success.

What is the argument for letting these banned guns back on the streets?

Who is clamoring for newly manufactured AK-47s?

Who is clamoring for new TEC-9s?

These are guns that are never used for hunting. They are not used for self defense, and if they are it is more likely that they will kill innocents than intruders.

These guns—and everyone knows it—have but one purpose, and that purpose is to kill other human beings. Why would we want to open the floodgates again and let them back on our streets? There is simply no good reason.

So in the coming weeks I will again offer my amendment to extend the assault weapons ban, and I urge the President to come forward and "put his money where his mouth is" in terms of helping us get this legislation passed.

The families of the students killed at Columbine five years ago, Officer Espinoza's wife, and so many other victims of gun violence demand that we act.

#### NOMINATION OF EPA DEPUTY ADMINISTRATOR STEPHEN JOHNSON

Mr. WYDEN. Mr. President, on March 10, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Stephen Johnson to be Deputy Administrator of the Environmental Protection Agency, EPA. I did this because I had been trying to obtain information concerning EPA's decision to become involved with the City of Portland combined sewer overflow program since last August. Despite numerous requests, EPA failed to answer my questions and failed to provide me with the documents I had requested, with the exception of a limited number of documents that EPA