

SACRIFICES OF OUR MILITARY MEN AND WOMEN

Mr. FRIST. Mr. President, I want to very briefly comment on an observation that when I got home last night a lot of the media networks were talking about; that is, yesterday the U.S. military deaths in Operation Iraqi Freedom surpassed 1,000. Each one of these deaths is a sacrifice for the freedom and liberty we enjoy each and every day, and it really has focused on the importance of what the war on terror is all about, as we see what is depicted in Russia and as we see what has happened in Afghanistan and Iraq and really throughout the world and throughout the Middle East.

I wish to make the point again that we all think—we all know it, but really it does need to be said; we think it every day, but it does need to be said—that these brave men and women in uniform sacrificed their lives for the cause of freedom—freedom in this country and throughout the world—and for the security and safety of their fellow Americans. We owe them a deep debt of gratitude for their courage and for their valor and their strength and their commitment to our country and to these ideals of which we every day take advantage.

As President Bush has reiterated time and time again, and as he mentioned in an early morning meeting we had—a bicameral, bipartisan meeting that finished 15, 20 minutes ago—our cause is to fight the enemy on his soil before he can strike us here at home.

Because of our bold action, and, yes, the sacrifices this country has made, terrorists will no longer find safe harbor in Iraq. Because of our determination, Saddam Hussein now sits in a prison where his only plotting and planning is to defend himself before a war crimes tribunal. Because of our resolve, Saddam's two sadistic sons, Uday and Qusay, are dead, and many of his top lieutenants are dead or in custody. Because of America and her many allies, no longer will the civilized world be threatened by Saddam and his murderous ambitions.

From the very beginning, since President Bush launched Operation Iraqi Freedom roughly a year and a half ago, our Armed Forces have performed valiantly—from that first dramatic 3-week campaign that led to the fall of Baghdad, to the fighting that goes on right now in specific regions where the insurgents are attempting to thwart Iraq's path to self-government.

The enemies of freedom will not prevail. The President, our Commander in Chief, has made it clear they will not prevail. This body has made it clear, our U.S. Government has made it clear, the enemy will not prevail. The enemies of freedom are going to fall. The people of Iraq want democracy. Polls show over and over again that the majority of Iraqis are optimistic about their future. Now they are finally free to realize their dreams.

Our hearts do go out to the families who have lost loved ones in battle, as

well as to the thousands of men and women who have been injured. The valor and courage of our young women and men in the armed services are a shining example to all of the world, and we owe them and their families our deepest respect. They now belong to America's pantheon of heroes who have given their lives for the cause of liberty.

Mr. President, I yield the floor, and we will now have an hour of morning business, with 30 minutes to each side.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for statements only of 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from California.

Mrs. FEINSTEIN. I believe I have 18 minutes of that time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California has 19 minutes.

Mrs. FEINSTEIN. I thank the Chair.

ASSAULT WEAPONS BAN TO EXPIRE

Mrs. FEINSTEIN. Mr. President, some of us have come to the Chamber today: Senator SCHUMER, who handled the assault weapons legislation 10 years ago in the House of Representatives as a member of the Judiciary Committee; Senator KENNEDY, who has been steadfast in support of this legislation for literally decades; and myself, as the Senate author of the bill. Ten years ago, the Senate, the House of Representatives, and the President of the United States stood up for the safety of the American people and against the National Rifle Association, and we passed one of the most important public safety measures this country has seen, the Federal ban on assault weapons.

That legislation was designed to dry up the supply of assault weapons over time. That legislation was designed so that no legitimate gun owner would lose their gun, nor have any.

The assault weapons ban, although not perfect, represented the best we could do to stem the growth and spread of these weapons throughout our cities and our States. That legislation is going to expire in 5 days.

A couple of months ago the Senate took a vote. We know we have 52 votes for its reauthorization for another 10-

year period. Senator WARNER of Virginia joined me in sponsoring that legislation on the floor of the Senate. We also know that the legislation has been effective because gun traces to crimes committed with assault weapons have declined by two-thirds in these past 10 years.

The American people have supported the ban and their support has never wavered. Today almost three-fourths of the American public supports the ban, as do more than two-thirds of gun owners.

Law enforcement supported the ban in 1994, and their support has never wavered either. Every major law enforcement organization in the country supports renewing this ban, and countless individual chiefs of police, sheriffs, and line officers have put themselves on the line to express their support, too. In fact, many of these same officers are in town today to let Congress know how important the assault weapons ban is to the safety of those who face these guns in the line of duty day in and day out.

This chart illustrates the percentage of banned assault weapons used in crimes, down by nearly two-thirds since passage of the 1994 act.

The NRA will say: The bill is cosmetic. It hasn't done anything. It has been ineffective.

Then why do they make this legislation and its demise their No. 1 priority? This chart shows that they are wrong. In a moment, I will cite testimony from a former BATF analyst that says this legislation has, in fact, been effective.

Presidents Clinton, Carter, Ford, and Reagan, and even Bush, have all expressed support for renewing the ban. President Bush stated his firm support in his 2000 campaign. He has never publicly wavered from that stance. But 5 days from today, none of this support will matter. The assault weapons ban will be history, one more victim of the powerful, selfish NRA and its brutal lobbying tactics.

Because the President has steadfastly refused to put his money where his mouth is and help us renew the ban, it is going to expire without so much as even a vote in the House of Representatives. We have asked the President: Please use your leadership to convince the Speaker of the House of Representatives to bring this bill to the floor. Please use your leadership to twist some arms. If you support this, if you know the American people support it, if you believe it makes for a safer America, please help us.

We have cried out in vain. There has been no response from the White House. Instead, the President quietly awaits September 13 and hopes that after he lets the ban expire, he can once again receive the endorsement of the NRA, because the NRA is not going to make their endorsement until the ban expires.

This is truly a dark day in the Senate's history, as we let this ban, which

has worked so well and has saved lives, simply fade away.

I mentioned earlier that what the ban does is prohibit the manufacture of large-capacity ammunition magazines, clips, drums, or strips of more than ten rounds. It prohibits the manufacture and sale of 19 specific types of military-style assault weapons as well as a number of other guns based on a simple test to determine whether the guns were hunting guns or weapons of war.

Come next week, companies will once again begin to churn out large-capacity ammunition devices, and powerful, easily concealed military weapons, all for civilian use. The NRA will try to hail this as a victory for hunters, but the fact is, no hunter has lost their weapon, and no hunter has been limited by the assault weapons ban. The law specifically, by name, exempts 670 hunting guns entirely.

It is also important to note that the ban grandfathered in every gun made before 1994. No innocent gun owner lost their weapon. There was no confiscation component to the bill. But by banning the future manufacture of these guns, prohibiting the sale or transfer of any newly manufactured gun, the bill's intent was to gradually dry up the supply of these guns overtime.

I mentioned I would give you some Department of Justice data. I mentioned the proportion of assault weapons used in crime has fallen more than 65 percent since the ban took effect. Let me give you an analysis that was conducted by Gerald Nunziato, who for 8 years served as the special agent in charge of the Bureau of Alcohol, Tobacco, and Firearms, the BATF's, national tracing center. This is not some fly-by-night study. This is by the one person who knows what these numbers mean better than anyone. He found two things. First, as indicated by this chart, he found that:

Assault weapons banned by name in the Federal Assault Weapons Act have declined significantly as a percentage of guns ATF has traced to crime, and in absolute number of traces, since the Act was passed. Had this decline not occurred, thousands more of those banned assault weapons would likely have been traced to crime over the last 10 years.

He also said:

The gun industry's efforts to evade the Federal Assault Weapons Act through the sale of "copycat" guns has not substantially undercut the positive effect of the statute in reducing the incidence of assault weapons among gun crimes.

In other words, even though craven gun manufacturers tried to evade the ban, those copycat guns did not replace banned guns in equal numbers, at least when traced to crimes.

I want to spend a couple of minutes and explain to you about a shipment that was recently found by Italian customs. Some 8,000 AK-47 assault rifles were on their way from the Romanian port of Constanta to New York City, according to press reports and BATF information, apparently bound for a gun store in Georgia by the name of Century International Arms.

These guns had a value of more than \$7 million—8,000 AK-47s.

It is believed by some that these guns were being shipped to the United States in anticipation of the expiration of the assault weapons legislation. Though this shipment may very well have been illegal in any case under a 1989 Executive Order, think of one gun store buying 8,000 AK-47s in anticipation of 5 days from today. Think of where guns like these are going to go. Some are going to go to legitimate gun owners. Others are going to go to gang bangers. They are going to be sold out of the backseats of automobiles and on street corners to criminals. They have become the weapon of choice for those who go up against the police. Mr. President, that is 8,000 AK-47s in one shipment coming into the United States.

One advertisement now running in gun magazines is from a company called ArmaLite. They make postban rifles. As one can see from this advertisement, ArmaLite is now offering a coupon for a free flash suppressor for anyone who buys one of their guns. A flash suppressor is used to prevent the flash of the gun when it is fired. So if you are using it, no one can see where you are, particularly at night, by the flash of the weapon.

Let me read what this says:

And by the way . . . ArmaLite's rifles are made to be easily retrofitted with your flash suppressor and your other pre-ban features so you don't have to wait if you're choosing an ArmaLite.

They are giving a coupon for a free flash suppressor with every new weapon to keep in your pocket as a reminder to work with the NRA to get out the vote and to keep writing and calling your legislators. That is what we are up against: flash suppressors for votes in this country. It makes me sick to my stomach.

The ad states:

It is not legal to install this on a post-ban rifle until the assault weapons ban sunsets.

That will happen in 5 days.

A recent study by the Consumer Federation of America discovered that manufacturers are also gearing up to manufacture large-capacity ammunition clips.

This is the danger. Just yesterday in Geneva, OH, somebody stood in the main thoroughfare and fired more than 50 rounds from a big clip. No one could get to him to disarm him. Three people were wounded. He just stood there and fired the weapon indiscriminately.

One manufacturer told a caller from the Consumer Federation of America that there is a pent-up demand for 50-round clips and larger. Who needs a 50-round clip? Hunting laws in every State restrict the number of bullets in a clip to under 10. Who needs a 50-round clip?

It is clear that time has run out. It is clear the President of the United States will not help, and this is truly a sad day for this Nation.

My hope is if the ban expires and these guns and high-capacity clips once

again start to flood our streets, some common sense will return to Washington and we can then put the ban in place. But I want this Senate to know, Mr. President, that I do not intend to give up. Next year, I will put a better law on virtually any bill I can find to do so, and we will come back and back and back, and we will have armor because no doubt tragedy will ensue.

The assault weapons legislation has worked. No legal owner has been denied a weapon. No weapon has been confiscated. Yet the supply of these weapons on the streets have declined. A dominant majority, upwards of 70 percent of the American people, support its reauthorization. We have bipartisan support in the Senate for its reauthorization. President Bush, please, if you care, if you are listening, do something. The House can pass this. We have had the debate in the Senate. It will only take a few minutes for the Senate to cast the same vote again, and then you can sign a piece of legislation that we know makes this Nation safer.

Mr. President, how much time remains of my time?

The ACTING PRESIDENT pro tempore. Four minutes.

Mrs. FEINSTEIN. I thank the Chair. I withhold the remainder of my time and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I again congratulate my friends and colleagues, Senator FEINSTEIN and Senator SCHUMER, for the strong leadership they have shown on this issue and their continued perseverance and persistence in urging the House and Senate and the President to act. Unless the President and Congress act, the current Federal ban on assault weapons will expire in 5 days.

Semiautomatic weapons are killing machines with utterly no redeeming value in any sane community, and lifting this ban will put these weapons of death back in the hands of criminals and will give terrorists a new tool to attack America.

We know terrorists are now exploiting the weaknesses and loopholes in our gun laws. A terrorist training manual discovered by American soldiers in Afghanistan in 2001 advised al-Qaida members to buy assault weapons in the United States and use them against us.

The failure to renew the ban this year will drastically undermine the safety of our streets, our neighborhoods, and our schools, and strengthen terrorists and other criminals. It would be a tragic and senseless blow to the security of our homeland.

Terrorists already here in sleeper cells or coming in from abroad will be able to buy assault weapons without background checks at gun shows and wreak terror throughout the Nation.

How can we possibly allow this essential protection against crime and terrorism to expire? How can we deliberately put the security of our communities in such new and needless jeopardy?

The need for Presidential leadership has never been greater. We know we have the votes for renewing the assault weapons ban in the Senate because we passed such an amendment in March by a bipartisan vote of 52 to 47. The Republican leadership in the Senate, however, refuses to bring the ban back for another vote, and the House Republican leadership refuses to act at all.

In the 2000 campaign, President Bush specifically pledged to renew the ban, but now as the ban is about to expire, the silence from the White House is deafening. It is long past time for President Bush to live up to his commitment.

President Bush has shown that when he wants something from this Republican Congress, he gets it. When he wanted tax breaks for the wealthy, he got it. When he wanted another round of tax breaks, he got them, too. We need that same commitment from President Bush when it comes to protecting our families and securing our communities from deadly assault weapons.

President Bush, the time to act is now. Congress awaits your call.

IRAQ

Mr. KENNEDY. Mr. President, 16 months after President Bush declared "mission accomplished" aboard the USS *Abraham Lincoln*, the fighting in Iraq continues and casualties continue to mount.

Yesterday we reached a mournful milestone that we never thought possible: 1,000 brave Americans have lost their lives in Iraq. Nearly 7,000 more have been injured. The youngest of America's fallen soldiers was just 18 years old. The oldest was 59. More than half had not even celebrated their 30th birthday. They hailed from nearly every State in the Nation. They are the best of America, and we are proud of each one. Although I disagree with the President about Iraq, I honor the service and sacrifice and dedication of each of these brave men and women.

It was wrong for the President to rush to war for such a deeply questionable cause. We all know Saddam Hussein was a brutal dictator, but he did not pose the kind of immediate threat to our national security to justify a unilateral and preventive war.

Despite the President's claim that Iraq is central to the global war on terror, there was no persuasive pattern of ties or operational links between Iraq and al-Qaida. There were no nuclear weapons.

President Bush has stated that the war in Iraq was a catastrophic success. He is right in one sense. The war has been a catastrophe. The war has been a catastrophe for our fallen soldiers, far too many of whom were sent to war with no plan to win the peace. The war has been a catastrophe for their loved ones. The war has been a catastrophe for our Nation's standing in the world and for the war on terror, for it dis-

tracted us from the real threat of al-Qaida in Afghanistan. It has made the war on terrorism far harder to win and it has made America more hated in the world than at any other time in our history.

We need honest solutions that will end the terror of Osama bin Laden and destroy al-Qaida. We need honest solutions that will bring the war in Iraq to a noble end and bring our troops home with honor. This administration has had its chance and it failed the basic test of competence. It failed to deploy enough troops in Iraq to win the peace. It failed at Abu Ghraib. It failed in issuing sweetheart deals to Halliburton. It has failed the basic test of Presidential leadership.

We need a new administration that will be honest with the American people on national security and propose real solutions to make us safer and stronger.

How much time remains for the Democrats?

The ACTING PRESIDENT pro tempore. There is 8½ minutes.

Mr. KENNEDY. Whatever time remains I yield to the Senator from New York, Mr. SCHUMER.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. FEINSTEIN. Before the Senator from New York begins, I do wish to use my remaining 4 minutes.

The ACTING PRESIDENT pro tempore. There is 8 minutes 7 seconds remaining.

ASSAULT WEAPONS BAN

Mr. SCHUMER. Mr. President, I believe I have 4 minutes, which I very much appreciate and I want to thank my colleague from California for yielding the time and for her tremendous and unstinting leadership on this very important issue.

If nothing happens, AK-47s, Uzis, and TEC-9s are going to be back on the streets next week. That is a giant step backward. It is hard to believe that with all the progress we have made in the fight on crime, with the reduction in crime, with the reduction in the number in law enforcement who are hurt and killed in the line of duty, with the new war on terrorism upon us, that we are going to make it easy for anybody to get an AK-47, provided they have not been convicted of a felony. Someone on a terrorist watch list will be able to walk into a store and get an AK-47.

What is going on in America? This should not be a contest. This bill should have been renewed without a debate. Everyone who studied it has agreed it has been broadly successful. This President and the previous four, from Ronald Reagan and Gerald Ford to Bill Clinton and Jimmy Carter, are on record as being for this, and because of a small band of people who are ideologues, who are extreme, we are not going to see this happen.

This represents the dysfunction of American politics. When a country

cannot deal with an issue in a straightforward, forthright way, when a country that has had success takes a step back because a narrow few have some ideological notion that everyone should be entitled to have any weapon they want—some of them even believe a bazooka or a tank is okay—then something is wrong.

We need some leadership. We need the President of the United States to ask the House of Representatives to vote on the bill. We have not heard a peep out of him. We need some leadership from the leadership of the House to allow the bill to be on the floor. The crime bill of 1994, for all the "sturm und drang," was one of the great governmental successes of the last decade.

As we wrote it, our motto in that bill was tough on punishment and smart on prevention. We brought a grand coalition from the most liberal to the most conservative to deal with the scourge of crime. The only reason there is not much of a fuss on this issue, regrettably, is because we have succeeded, because crime rates are lower and the large impetus to do more has declined because of our success.

When one has success, the answer is not to undo that success. It is to continue what has been done, and we are not. It is a sign, in my judgment, of the weakness of our politics, and even of this Republic, that the Senator from California and I are on the floor today as the gates are closing, pleading with our President and our colleagues to allow a vote to occur. This is not the America of which we should be proud.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from New York. I remember my call to him 10 years ago over in the House saying, "Chuck, would you consider handling this in the House," and he did. It was not easy. After the 1994 vote, the House repealed the assault weapons legislation, under pressure from the NRA. He stood fast—we stood fast—and the law continued. I am very grateful to the Senator and I want him to know that.

Going on at this very time is a press conference of law enforcement from all over the United States. One of the people who journeyed here for this press conference is a man by the name of Lee Guelff. His brother James Guelff was a police officer working out of Northern Station in San Francisco when a call came in that there was a sniper at Pine and California Streets. Officer Guelff responded to the call. What he found was a sniper, clad from head to toe in Kevlar, with military-style semiautomatic assault weapons, as well as over 1,000 rounds of ammunition. He had his service revolver, and the shots were flying.

As he went to speed-load his weapon, he was hit in the head by a bullet of the hundreds of rounds this man fired. It took 150 police officers to bring down this man clad in Kevlar at the corner of Pine and California Streets.