

working on the next version of the act. This is a collaborative effort. We are listening closely to those on the front lines—police, trial judges, emergency room nurses and many others—and making targeted improvements to existing grant programs and tightening up criminal laws. We are learning about the new challenges and the persistent problems of old. Frankly, there are still far too many women and their children vulnerable to cowardly abusers. As such, the new act may include heightened penalties for repeat Federal domestic violence offenders, and update the Federal stalking statute to incorporate new technologies that can terrorize women.

This past spring, I was in my home State at an event honoring the winners of our high school poster contest. To enter this first-ever "Teens Against Sexual Assault" contest, any Delaware high school student could submit a poster that somehow visually depicted the message "no means no." The two young winners were quite shy, but they both joined me at the podium in front of 200 people. They stunned the audience, admitting that they both had been victims of rape and hoped that through their efforts they could help other young women find the courage to report their attacker and seek help. As I listened to these courageous young women, I was reminded of the essential purpose of the Violence Against Women Act. We simply can't stop now.

Prior to the enactment of the 1994 crime bill, many doubted that the Federal Government could have a measurable impact on crime in the United States. Programs such as COPS and VAWA proved the critics wrong. COPS and VAWA have made Americans safer and changed fundamental societal attitudes about domestic violence and sexual assault.

In this new age of terrorism, we simply cannot lose site of traditional crimes in our neighborhoods and homes. While the threat of terrorism is very real, the likelihood of becoming a victim of a "traditional" crime is exponentially far greater than becoming a victim of a terrorist attack. Last year, there were over one million incidents of violent crime and over 16,000 murders reported to the police. If we are going to continue to progress and make this country safer, we must continue to invest in the programs that have proven successful, and during the last few weeks of this legislative session, I hope Congress and President Bush will do just that.

#### HONORING OUR ARMED FORCES

SPECIALIST DUSTIN S. COLBY

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to SP Dustin S. Colby, a fellow Iowan from the Mason City/Clear Lake area. The Iowa National Guard regrettably announced the death of Specialist Colby when he was killed on August 27, 2004, along with fellow soldier SSG Bruce J. Pollema,

when their military motor vehicle rolled over into a ditch near Camp Dodge. Specialist Dustin Colby was a member of the 2168th Transportation Company based in Sheldon, IA. SP Colby is survived by his mother, Misty L. Thoe, and his father, Jerry L. Colby, as well as numerous siblings. This brave young soldier was only 20 years old.

The family of Dustin Colby issued the following statement in response to the news of their son's death:

Dustin was a dedicated son, grandson, brother, cousin, nephew, boyfriend, friend and Soldier. He loved life, his family, and being a soldier.

My deepest sympathy goes out to his family and friends. Specialist Colby brought happiness to many people, and his memory will never die because of the impact he had on the people he knew. It is fitting that we pay tribute to his life and his service to his country.

SGT. JAMES DANIEL FAULKNER

Mr. BAYH. Mr. President, with a heavy heart and deep sense of gratitude I honor the life of a brave young man who grew up in Clarksville, IN. Sgt. James Daniel Faulkner, 23 years old, died on September 8 when the armored personnel carrier he was driving at the head of a convoy was struck by enemy fire in Baghdad. With his entire life before him, James chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

James graduated from Clarksville High School in 1999. He attended Indiana University Southeast for 1 year before deciding that he wanted to seek different opportunities. Shortly thereafter James, along with a longtime friend from high school, joined the Army in November of 2000. James was a combat engineer who served his country with pride. He was assigned to the 1st Cavalry's 20th Engineer Battalion, based in Fort Hood, TX. Just a few weeks ago, James visited with his family for the last time while on leave before returning to Iraq to fulfill his tour of duty, which started in March of this year.

James was the 34th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his fiancée, Lisa Moreno, whom he was set to marry in July; his mother, Pam Gilkey; his father, James Faulkner; his stepfather; his three sisters; and his two brothers.

Today, I join James' family, his friends and all Americans in mourning his death. While we struggle to bear our sorrow over this tremendous loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of James, a memory that will burn brightly during these continuing days of conflict and grief.

According to Clarksville High School's director of counseling Pat

Hunt, James had enjoyed athletics and was a strong student. James starred on the track and cross-country teams and was a member of the National Honor Society. He was known by all for his dedicated spirit and his love of country. His mother, Pam, recounted a conversation she had with her son to the Louisville Courier-Journal, remembering when she questioned her son's reasons for his recent re-enlistment. She said James replied by simply saying he was "proud to serve his country."

As I search for words to do justice in honoring James' sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of James' actions will live on far longer than any record of these words.

It is my sad duty to enter the name of James Daniel Faulkner in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like James' can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with James.

#### OUT OF TIME

Mr. LEVIN. Mr. President, in a matter of hours, the assault weapons ban will expire. That moment will mark a turning point—to the wrong direction—in our effort to reduce gun violence. Criminals, and potentially terrorists, will once again have easy access to 19 of the highest powered and most lethal firearms produced. I am disappointed that, despite broad bipartisan support for the ban, the Republican congressional leadership opposes it and President Bush has done little or nothing to support this important legislation.

At midnight tonight, 19 currently banned assault weapons will become legal once again, as well as firearms that can accept detachable magazines and have more than one of several specific military features, such as a folding/telescoping stock, protruding pistol grip, bayonet mount, threaded muzzle or flash suppressor, barrel shroud or grenade launcher. Common sense tells us that there is no reason for civilians

to have easy access to guns with these features.

Over the past year, I have repeatedly urged the Congress to act. I believe that allowing gun manufacturers to restart production of these dangerous weapons will increase their number and availability on our streets and lead to a rise in gun crimes committed with assault weapons.

Many in the law enforcement community have called the currently banned assault weapons "the weapons of choice for criminals." This is what the Michigan Association of Chiefs of Police has said about the expiration of the assault weapons ban:

We are disappointed in the lack of political will to extend a ban that has apparently worked. In the ten years of the ban's life, there has been a 66% reduction in assault weapons traced to crime.

The MACP has informed me that 14 police officers have been killed in the U.S. by assault weapons already this year. Unfortunately, that the number will likely rise as the assault weapons ban is allowed to expire.

Last week, Police Chief Ervin Portis of Jackson, MI, came to Washington, DC in support of reauthorizing the assault weapons ban. Accompanying him on this trip was David Harvey, retired chief of police of Garden City, MI. Chief Harvey was chief of police on December 31, 2002, when an armed assailant set out to execute a police officer from Garden City. His intended victim was Officer Rodney Donald. Officer Donald was shot 7 times with a semi-automatic rifle that contained a magazine with a capacity of 100 rounds. Officer Donald is now permanently disabled and unable to perform duties as a police officer. The clip used in this attack is currently banned, but, like many of the assault weapons it was designed for, the clip will again become legal at midnight.

As many of my colleagues know, law enforcement support for the assault weapons ban is broad. Supporters include the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Police Foundation, the Police Executive Research Forum, the International Brotherhood of Police Officers, the National Association of School Resource Officers, the National Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, the Hispanic American Police Command Officers Association, and the National Black Police Association.

On the other side are lobbyists of the National Rifle Association and their allies in Congress and the White House. The NRA has said that the ban is ineffective and unnecessary. But this assertion is not supported by the facts. According to statistics reported by the Brady Campaign to Prevent Gun Violence, from 1990 to 1994, assault weapons named in the ban constituted 4.82 percent of guns traced in criminal investigations. However, since the ban's enactment, these assault weapons have

made up only 1.61 percent of the crime-related guns traced. It is disturbing that the President has sat back rather than standing up with our Nation's law enforcement community in support of this critical piece of gun safety legislation.

The Senate majority leader was quoted in a New York Times article on September 9 as saying, "I think the will of the American people is consistent with letting it expire, so it will expire." I am aware of no facts to support that statement. In fact, numerous polls have found that large majorities of adults support a reauthorization of the ban. In the very same New York Times article, the House majority leader is quoted referring to the Assault weapons ban as "a feel-good piece of legislation."

On March 2 of this year, I joined with the majority of my colleagues in passing an amendment to reauthorize the assault weapons ban for another 10 years. The bill to which it was attached, however, was later derailed.

Despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, bipartisan support in the Senate, and the pleas of Americans who have already lost loved ones to assault weapons tragedies, it appears the ban will expire at midnight tonight, as neither the President nor the Republican congressional leadership is willing to act. Unfortunately, tomorrow morning Americans will wake up less secure than they are today.

I ask unanimous consent that the New York Times article titled "Effort to Renew Weapons Ban Falters on Hill" be printed in the RECORD.

There being no objection, the following material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 9, 2004]

#### EFFORT TO RENEW WEAPONS BAN FALTERS ON HILL

(By Sheryl Gay Stolberg)

WASHINGTON, Sept. 8—Despite widespread popular support, the federal law banning the sale of 19 kinds of semiautomatic assault weapons is almost certain to expire on Monday, the result of intense lobbying by the National Rifle Association and the complicated election-year politics of Washington.

While President Bush has expressed support for legislation extending the ban and has said he would sign it into law, he has not pressured lawmakers to act, leading critics to accuse him of trying to have it both ways.

Efforts to renew the ban, which polls show is supported by at least two-thirds of Americans, have faltered this year on Capitol Hill. Democrats are well aware that they lost control of the House of Representatives in 1994, the year President Bill Clinton signed the original legislation, and have shied away from the issue of gun control, while Republican leaders have opposed the ban.

"I think the will of the American people is consistent with letting it expire, so it will expire," Senator Bill Frist of Tennessee, the majority leader, said on Wednesday.

The House majority leader, Representative Tom DeLay of Texas, dismissed the ban as "a feel-good piece of legislation" and said flatly that it would expire Monday, even if Mr. Bush made an effort to renew it.

"If the president asked me, it would still be no," Mr. DeLay said. "He knows, because we don't have the votes to pass the assault weapons ban. It will expire Monday, and that's that."

Democrats decried the influence of the rifle association and said the ban could be renewed if the president wanted it to.

"If you support something, you have a responsibility to advocate for it," said Senator Dianne Feinstein, the California Democrat and chief sponsor of the ban's renewal. Senator Charles E. Schumer, Democrat of New York, who was a lead sponsor of the ban 10 years ago when he was in the House, blamed "a dysfunction of our politics" for what he called "this Alice in Wonderland situation of repealing a law that everyone agrees has been overwhelmingly successful."

The act prohibits, by name, the sale of 19 specific weapons that have the features of guns used by the military, and also outlaws magazines that can hold more than 10 rounds of ammunition. While backers acknowledge that the law is riddled with loopholes, they cite federal statistics showing crimes traceable to assault weapons have declined by two-thirds since the law went into effect.

But the N.R.A., which has made overturning the ban its top legislative priority, says the law bans only "cosmetic accessories" on guns, and does little other than place a burden on gun manufacturers. "We felt from the very start it was bogus legislation," Wayne LaPierre, the association's chief executive, said.

On Wednesday, in a last-ditch effort to persuade lawmakers to renew the law, supporters of the ban—including police chiefs from around the country and victims of gun violence and their relatives—converged on Washington for a news conference.

Tom Mauser, whose 15-year-old son, Daniel, was killed in the 1999 massacre at Columbine High School in Colorado, arrived wearing his son's sneakers and took them off while addressing reporters, a pointed physical reminder of his loss.

James S. Brady, the former White House press secretary who suffered brain damage after being shot in the head by a handgun during the 1981 assassination attempt on President Ronald Reagan, sat, mostly silent, in a wheelchair.

"The assault weapons are coming, they're coming next week," warned Mr. Brady's wife, Sarah, who has been a vocal advocate for restrictions on gun ownership for the past two decades.

Noting that Mr. Reagan had supported the weapons ban in 1994, Mrs. Brady said she felt deserted by the party she and her husband had worked so hard for. "I am angry," she said. "I am angry at our president. I'm so disappointed."

The White House press secretary, Scott McClellan, repeated on Wednesday that "the president supports the reauthorization of the current law." But when asked by reporters what, if anything, Mr. Bush was doing to make that happen, Mr. McClellan replied: "The president doesn't set the Congressional timetable. Congress sets the timetable. And the president's views are very clear."

Democrats hit hard at Mr. Bush. "We cry out for leadership," said Senator Schumer, adding that, "The president talks about flip-flops. Well, flip: I'm for it. Flop: House, don't do anything, don't pass it."

The Democratic presidential nominee, Senator John Kerry of Massachusetts, supports renewing the ban, and took a break from campaigning earlier this year to return to the Senate when it came up for a vote as part of a broader piece of gun legislation. Fifty-two senators voted in favor of renewing the ban, but the underlying measure was defeated.

On Wednesday, a senior adviser to Mr. Kerry, Joe Lockhart, signaled that the ban would become a campaign issue. He said that Mr. Kerry planned to discuss the ban Monday, at an event timed to coincide with its expiration. Mr. Kerry, he said, "believes the cynical deal between the president and the House Republican leadership, hiding behind procedure, is completely unacceptable."

A poll released this week by the Annenberg Public Policy Center of the University of Pennsylvania found that 68 percent of Americans—and 32 percent of N.R.A. members—support renewing the ban. The findings, drawn from interviews with 4,959 adults, had a margin of sampling error of plus or minus one percentage point.

A separate national survey, conducted by Doug Schoen, a Democratic pollster, on behalf of the Brady Campaign to Prevent Gun Violence, found that 74 percent of voters support renewing the ban, but that support is highest—79 percent—among independent voters who are being courted by President Bush and Mr. Kerry. That survey of 800 voters had a margin of error of three percentage points.

Mr. Schoen, who is not advising the Kerry campaign, also surveyed voters in the swing states of Ohio, Florida and Pennsylvania and concluded that support for the ban was high enough to make it a significant issue. "If Kerry wants to distinguish his position from Bush, this provides a very convenient vehicle," he said.

But over all, Democrats have not talked much about the weapons ban. Senator Patty Murray, the Washington Democrat who is in a tough re-election fight, said voters, unaware that the ban was set to expire, had not made it an issue, and that neither had she.

"There are so many issues, education and health care and jobs and the economy in my state right now," Ms. Murray said. "People are really focused on that."

And over the years the ban has been a losing issue for Democrats. After Republicans took control of the House in 1994, President Clinton remarked that the ban might have cost Democrats 20 seats. Some believe that former Vice President Al Gore lost crucial states, including his home state, Tennessee, in the 2000 election because he came out too strongly for gun control.

Even the ban's chief Democratic backers in Congress, Senator Feinstein and Representative Carolyn McCarthy of New York, acknowledged that Democrats were afraid to be too vocal in their support. "In the small states in particular, and the rural states, the control of the N.R.A. is much greater," said Ms. Feinstein, adding, They will specifically target a member, including a House member, and go after them."

The N.R.A. has also said it will not endorse a candidate for president until after Congress recesses for the fall election, a pronouncement that the ban's backers say is tantamount to a threat not to endorse Mr. Bush until the ban expires. Mr. LaPierre said the claim was "100 percent untrue." But he blamed Democrats for the bill's undoing, saying they had tried, unwisely, to use it to gain political advantage when Mr. Clinton was president.

"I guess you could say politics is what enacted it in the first place," he said. "Politics is going to be the undoing of it."

On Wednesday, as the police chiefs and victims' relatives fanned out across Capitol Hill to lobby lawmakers, a chief target was the House speaker, Representative J. Dennis Hastert of Illinois. In recent weeks, advocates for the ban have been approaching Mr. Hastert at bookstores around the country, where he has been signing copies of his new autobiography, "Speaker."

Several, including Mr. Mauser, said that Mr. Hastert seemed supportive. "He said yes, I support that," said Penny Okamoto, who said she saw Mr. Hastert on Aug. 16 at a Barnes & Noble store in Beaverton, Ore. "I was so surprised, I actually asked him twice."

But on Wednesday, the speaker was non-committal, saying that if the Senate was to adopt the bill, "then we'll take a look at it."

Mr. Mauser said he was not satisfied with that, and would knock on Mr. Hastert's door on Thursday. He said that he had already spoken with an aide to his own congressman, Representative Tom Tancredo, a Republican who opposes the ban, and that the meeting did not go well.

"It ended on a pretty bad note," Mr. Mauser said. "Not even a shake of the hand."

### BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2004 budget through September 8, 2004. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 concurrent resolution on the budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by \$8.0 billion in budget authority and by \$31 million in outlays in 2004. Current level for revenues is \$3.1 billion above the budget resolution in 2004.

Since my last report dated July 12, 2004, the Congress has cleared and the President has signed the following acts which changed budget authority, outlays, or revenues for 2004: the Surface Transportation Extension Act of 2004, Part IV (P.L. 108-280); the Department of Defense Appropriations Act, 2005 (P.L. 108-287); and, the Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (P.L. 108-303).

I ask unanimous consent that the report and accompanying letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 9, 2004.

Hon. DON NICKLES,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2004 budget and are current through September 8, 2004. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted. Pursuant to section 502 of H. Con. Res. 95, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes budget authority of \$2 billion from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act of 2004 (Public Law 108-303).

Since my last letter, dated July 12, 2004, the Congress has cleared and the President has signed the following acts, which changed budget authority, outlays, or revenues for 2004:

The Surface Transportation Extension Act of 2004, Part IV (Public Law 108-280);

The Department of Defense Appropriations Act, 2005 (Public Law 108-287); and

The Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (Public Law 108-303).

The effects of these actions are detailed in Table 2.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
Director.

Enclosures.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF SEPTEMBER 8, 2004

(In billions of dollars)

	Budget resolution	Current level <sup>1</sup>	Current level over/under (-) resolution
On-budget:			
Budget authority .....	1,873.5	1,881.4	8.0
Outlays .....	1,897.0	1,897.0	*
Revenues .....	1,331.0	1,334.1	3.1
Off-budget:			
Social Security outlays .....	380.4	380.4	0
Social Security revenues .....	557.8	557.8	*

<sup>1</sup> Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Note.—\* = less than \$50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF SEPTEMBER 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.
Offsetting receipts .....	-365,798	-365,798	n.a.
Total, enacted in previous sessions: .....	1,900,275	1,891,983	1,330,756