

Senate Environment and Public Works Transportation Subcommittee in co-sponsoring legislation extending the highway program another 4 years.

During the past year, the subcommittee held extensive hearings and staff discussions with interested parties on the direction of the program. Writing the reauthorization bill was difficult because of past budget constraints placed on the highway trust fund by Congress. Just 4 years ago, Congress agreed to a 5-cent gas tax increase and the highest program levels ever set for a national highway program.

However, it has created a program imbalance by placing the obligational limitation far below authorizations. This imbalance may trigger the Byrd amendment criterion of unfunded authorizations not exceeding 2 years' worth of revenues, even though the highway trust fund has a \$9 to \$10 billion cash balance.

According to CBO, there are two basic ways to redress this imbalance. First, future authorizations could be set below future obligation ceilings until the current backlog is reduced. A difference of about \$800 million a year for the next 4 years would be necessary just to offset the gap that has developed over the past 4 years. Second, selected authorizations from previous years could be rescinded. This second option may not be popular with States because many might be forced to adjust construction plans made on the promise that such Federal funds would be made available.

The bill introduced today selects the first option of reducing authorization levels. On May 1, the Senate agreed to a resolution that a reasonable portion of the trust fund balance should be expended over fiscal years 1987, 1988, and 1989. By the end of fiscal year 1989, obligations from the trust fund would be required to equal revenues (\$12.8 billion plus interest) deposited in the highway trust fund. The obligation ceiling set by the reauthorization bill would have to be increased by \$650 million to \$1 billion each year in order to implement the Senate resolution.

This bill creates a system of highways of national significance by combining the existing categories of interstate construction, 4R, and primary. The interstate-primary category retains existing formulas and matching requirements, but allows State highway agencies flexibility in using these funds.

Because the current Federal aid highway system serves 80 percent of the total national travels and contributes to our economic well-being and national defense, it is clearly within our interest to encourage States to protect and preserve these roads. Hopefully, an added benefit of this program structure would be higher levels of service and safety in handling

heavy, large trucks. Federal highway and State engineers should concentrate their efforts on improving safety and local access, upgrading existing highway design and geometry, and repairing deficient pavement and bridges.

Uniform road and traffic conditions and eventual elimination of State size and weight grandfathering clauses would benefit commerce. Additional benefits might be the reduction of accident rates and State/local maintenance costs if more truck traffic could be shifted from lower level roadways to major roadways built to accommodate larger weights.

According to the Federal Highway Administration, the following amounts per annum would be required to keep our infrastructure needs current over the next 15 years:

Interstate—\$3.4 billion.

Primary roads—\$4 billion to \$5 billion.

Urban-secondary roads—between \$6 billion and \$7 billion.

Bridges—\$48.3 billion for repair and replacement of deficient structures.

The average State gas tax is 12.2 cents. At that rate, many State and local transportation programs are hard-pressed to meet immediate road maintenance needs, let alone catch up on the growing backlog of repairs. While the reauthorization bill cannot meet all of those needs, it should provide some relief. The measure of its success will depend upon Congress to provide State highway agencies with enough contracting authority to actually spend down the backlog of authorizations and provide new money without budgetary restrictions.

I would encourage my colleagues to support the major components of this bill. In addition, I am relying on your support to set the highest level feasible for an obligation ceiling over the next 4 years.

Mr. STAFFORD. Mr. President, whatever time remains I ask unanimous consent that I be allowed to yield to the distinguished Senator from South Carolina (Mr. THURMOND).

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

Mr. THURMOND. I thank the able Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

#### S. 2406—INTERSTATE TRANSPORTATION OF FIREARMS

Mr. THURMOND. Mr. President, last year on July 9, 1985, the Senate passed S. 49, the McClure-Volkmer bill, by a vote of 79 yeas to 15 nays.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. THURMOND. I yield.

Mr. BYRD. Is the distinguished President pro tempore delivering an

opening statement on the gun bill; the House message, that is?

Mr. THURMOND. This is not an opening statement. I am just going to introduce something.

Mr. BYRD. I beg the Senator's pardon. I have no objection.

Mr. THURMOND. On April 10, 1986, the House adopted the Volkmer substitute patterned after H.R. 945 with amendments and substituted the House language for the text of S. 49 and passed it overwhelmingly and returned it to the Senate.

The administration continues to support S. 49 in the form as passed by the House.

Mr. President, I send to the desk some amendments; I send to the desk a bill which I am introducing.

I shall vote for S. 49 as passed by the House and as passed by the Senate. When that bill comes here I am going to vote for it without amendments.

But a great many people feel that certain amendments are desirable. There are some I think that would be helpful. Therefore, I am introducing some of those amendments.

For instance, one is to clarify what is required of a firearms owner who transports a firearm between States by making it clear that during such transport the gun must be unloaded and in a secured compartment.

Another, clarify what is meant by the terms "engaged in the business" of dealing in firearms; in order to cover the situation where a person provides, rather than sells for a profit, guns to those who advocate violence.

Another mandates that a gun dealer keep records of all sales from the person who collects them.

Mr. President, these amendments are worthy of consideration and I am introducing a bill to contain them and ask that this bill be referred to the Judiciary Committee for hearings after the passage of S. 49 in the Senate.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

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

S. 2406

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Section 926A, Title 18, United States Code, is amended by striking the text in its entirety and inserting in lieu thereof the following:

"INTERSTATE TRANSPORTATION OF FIREARMS

"Any person not prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport as unloaded, not readily accessible firearm, enclosed in one or more locked compartments in interstate commerce notwithstanding any provision of any legislation enacted or any rule or regulation prescribed by any state or political subdivision thereof.

Section 921(a)(21)(c) of Title 18, United States Code, is amended by striking the ex-

isting language and inserting in lieu thereof the following: applied to a dealer in firearms, as defined in section 921(a)(11)(a), a person who devotes time, attention, and labor to dealing in firearms as a regular cause of trade or business with the objective of livelihood or profit, including disposition of firearms to an individual or individuals who advocate violence for ideological or political reasons whether for profit or not, through the repetitive purchase and resale or distribution of firearms. The term shall not include a person who makes occasional sales, exchanges, or purchase of firearms for the enhancement of a personal collection or hobby, or who sells all or part of his personal collection of firearms. Section 923(c) of Title 18, United States Code, is amended as follows:

By striking out all language after "Nothing in this chapter shall be construed" through "business inventory" at the end of this subsection.

#### ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m., with statements therein limited to 5 minutes each.

The Senator from Utah.

#### INTERSTATE TRANSPORTATION OF FIREARMS

Mr. HATCH. Mr. President, I am going to compliment the distinguished Senator from South Carolina, the chairman of the Judiciary Committee, for putting in this bill today. There is much merit in what he is saying. I think he is doing the Senate a singular service in putting this bill into the RECORD and sponsoring it.

On these particular amendments there needs to be hearings, and I intend to fully cooperate with the distinguished chairman of the Judiciary Committee in holding those hearings and doing what has to be done.

There are a number of these amendments that I feel I can support right off the bat, and perhaps all of them, and I will certainly cooperate and work with the distinguished chairman of the Judiciary Committee, Senator THURMOND, in seeing that this bill is given expedited treatment in the Judiciary Committee.

I personally compliment him for his leadership in this area and especially in these particular amendments and this particular bill this day.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Will the distinguished Senator from South Carolina be good enough to bear with me for a minute?

Mr. THURMOND. I will be very pleased.

Mr. METZENBAUM. In regard to the amendments he just offered, I have not seen the amendments, but I only know what I have heard about

them. But I understand that there is an effort made to correct some of the problems that many of us have found with respect to the McClure-Volkmer bill. Is the Senator from Ohio correct in that? I just walked on the floor.

Mr. THURMOND. Yes. I am introducing certain amendments here. I just stated what they were. I will be glad to quickly run over those with the Senator.

This bill clarifies what is required of a firearms owner who transports a firearm between States, by making it clear that during such transport the gun must be unloaded and in a secured compartment.

Another provision is to clarify what is meant by the term "engaged in the business" of dealing in firearms, in order to cover the situation where a person provides, rather than sells for a profit, guns to those who advocate violence.

Another provision is to mandate that a gun dealer keep records of all sales from his personal collection.

I am introducing a bill to cover those points. I intend to vote for S. 49 as it is. This bill has been worked on for a year or two and I am convinced that the strong majority of this body favor the bill as it is. I do not think that S. 49 could be defeated. I think it is going to be passed and I intend to vote for it like it is. But I am offering my bill, asking that it go to the Judiciary Committee. I hope we can have hearings on this bill soon so we can get something back to the Senate for consideration.

□ 1050

Mr. METZENBAUM. Am I correct that these are the amendments that are described in the letter dated April 21 to all Senators and signed by the Law Enforcement Steering Committee? That letter says that the "Law Enforcement Steering Committee Against S. 49, made up of the Nation's 12 principal law enforcement organizations, urges you to support amendments to the pending legislation," and goes on to describe it.

Mr. THURMOND. Senator, there are amendments similar to those. I do not know whether it is the exact wording or not, but it is similar to that.

Mr. METZENBAUM. First of all, let me commend the Senator from South Carolina for offering that package of amendments. To the best of my knowledge, the Senator from Ohio approves of them, although I obviously have not had a chance to read that.

I do not think there is any secret about the fact that if and when we get on to the McClure-Volkmer bill, there will be considerable debate in connection with that measure, as well as a number of amendments. By "considerable debate," I do not mean to suggest a filibuster. I do not mean to suggest

that at all. But it will tie up the Senate for a number of days.

There have been many discussions going on with respect to trying to put together a package, which I believe is pretty much along the line of the proposal of the Senator from South Carolina.

I would just ask the Senator from South Carolina if it would be possible that he could work out getting these or very similar amendments attached to the present bill, which possibly then might provide a means by which we could move the gun bill forward without further debate on the subject. Would he look favorably on that procedure and, therefore, we would not have to go through the Judiciary Committee but we would achieve the ultimate objective?

Mr. THURMOND. Mr. President, I have thought about that, but I am convinced we should not offer these as amendments. It is my judgment that the only way we are going to get these amendments is to offer a separate bill.

As I have indicated, the majority of the Senate is strongly in favor of S. 49. The House has passed it. I do not think you can stop this bill. I really think the only hope of getting these provisions law enforcement wants is in a separate bill, and that is what I have introduced. I would be pleased for the Senator from Ohio to join me on this bill and help me get it through the Judiciary Committee and bring it back to the Senate as soon as possible.

Mr. METZENBAUM. I want to say to the Senator from South Carolina that I am not as despondent or discouraged about the possibility of getting the amendments on the bill before it leaves the Senate. I think that it does merit some further discussion. I think, as a matter of fact, those who were the strongest advocates, the National Rifle Association, had indicated that these amendments were acceptable to them, as I understand it. And I am not speaking for them, I am only speaking from hearsay. But they had one other amendment that they wanted which I think would provide some difficulty and would not be acceptable.

However, let me say that we are prepared to move on to the bill. We are prepared to do that.

But, it is my understanding that the Senator from California, with my support, I might say, will be shortly moving to move on to the resolution having to do with the Saudi Arabian arms sale. Maybe during that period, perhaps, in some way we can work together to negotiate a result that I am sure the Senator from South Carolina would like to see attained.

Mr. THURMOND. Mr. President, I want to say, in response, that I think the National Rifle Association, as I understand it, would not oppose these

amendments if contained in a separate bill, but they would strongly oppose them being attached to this bill. S. 49 has been under consideration so long, it has been fought over so long, and the Senate passed it 79 to 15 and the House overwhelmingly passed it. I am convinced you cannot stop this bill and the best hope is to follow this procedure. I think it is a waste of time to do anything else. So I now intend to vote for S. 49 as it has passed the House and to work hard on a separate bill to try to accomplish something which I think can be a reality. I think to do it now is futile, a waste of time, and will not become a reality.

Mr. CRANSTON. Will the Senator from Ohio yield?

Mr. METZENBAUM. I do, indeed.

Mr. CRANSTON. I would simply like to ask the Senator from Ohio how long he feels debate on the gun bill will take, in view of our concerns about getting the Saudi measure up sometime very soon.

Mr. METZENBAUM. If I had to guess—and I am not certain—but I would guess 3 or 4 days, maybe into the first of next week. But I would say 3 or 4 days anyhow. I know that there are a number of Senators who have indicated that they want to offer amendments. If they do, I am sure that each of those will involve a considerable amount of debate.

Mr. HATCH. Will the Senator yield on that point?

Mr. CRANSTON. In view of that—if I may just continue.

Mr. HATCH. Would the Senator yield on that point?

We only know of three amendments to the bill. As a matter of fact, we feel that the McClure-Volkmer bill will, at most, take only 2 hours today. We will accommodate Senators who want to bring up amendments, to offer those and have votes on each of those. So there is no reason for this bill to go on for 3 or 4 days, unless there is a filibuster. If there is, it seems to me the leader would have to consider filing a cloture motion today, which means there will be a vote on this come Thursday. Should cloture be invoked, since it has passed both Houses, it would be fruitless to delay the Senate just because certain Senators do not like the McClure-Volkmer bill.

But, literally, there is no reason for this bill to go more than 2 hours today. Therefore, there is no reason for any delay in going to the Saudi arms package. Also, I think there are some of us who are still on the fence with regard to that package. I have to admit, if we are going to displace that, which the majority leader has said we are to do it today, I think we will be in an awful traffic jam here and maybe in danger of losing some votes that you might otherwise have, which I think are very important on that issue. Literally, I do not know what

the distinguished Senator from Ohio was talking about when he says it would take 3 or 4 days.

Mr. METZENBAUM. I am prepared to respond.

Mr. HATCH. Because we have had a number of days on this bill in the past. The House has had days on this bill. Both Houses have passed this bill by overwhelming majorities.

We only know of three amendments. If there are others, we will accommodate those, there is no question about it, and we will have appropriate debate on them. But there is no reason why we cannot get to both of these issues if we are willing to work together and not delay the Senate in its work.

But if there is going to be delay, and deliberate delay at that, then do not blame those of us who are supporting the rights of hunters and fishermen all over this country for wanting to get this bill disposed of, because we do.

Mr. METZENBAUM. I want to respond to the Senator from Utah and the Senator from California. There will be no deliberate delay, as far as this Senator knows. But, having said that, it is impossible—impossible—to hope for this bill to be disposed of today or within a couple of hours.

Mr. HATCH. Mr. President—

Mr. METZENBAUM. The Senator from Ohio has the floor, if you please. The Senator from Ohio has four separate amendments. The Senator from Illinois, Senator SIMON, has an amendment. The Senator from Illinois, Senator DIXON, has an amendment. I am not certain what amendments, if any, the Senator from Massachusetts, Senator KENNEDY, has. But, suffice it to say that we recognize that the bill passed by a large margin. We also recognize that there were some mistakes made, and that is one of the reasons why Senator THURMOND has offered his package of amendments to try to correct that situation. We want to correct the matter. We know that the pending bill is not nearly as good as an amendment to the bill and it becoming a part of the law.

So I can say categorically to the Senator from California, who posed the question, that you may anticipate 2, 3, 4, or 5 days of debate. I am in no position to determine that. But I would say that, regardless of whether there were cloture motions filed, which I believe would be highly inadvisable, it is my understanding that all of the amendments about which we are speaking would be in order post-cloture and that would not solve the problem.

As I understand the concern of the Senator from California, it is that the Senate must conclude its action with respect to the time provided in the law no later than tomorrow, and it was his inclination to be able to move this matter having to do with the Saudi arms sale through the Senate today in

order that the House might act on it tomorrow.

□ 1100

The PRESIDING OFFICER. The 5 minutes in morning business of the Senator from Ohio has expired.

Mr. CRANSTON. I ask unanimous consent that 2 more minutes be extended.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Ohio is recognized for 2 additional minutes.

Mr. METZENBAUM. I do not think anybody is trying to play any games. We are trying to move the procedures of the Senate forward properly. The motion of the Senator from California, which I previously stated I join him in to get on with the resolution of disapproval having to do with the Saudi Arabian arms sale, is a privileged matter. I hope Members of this body will not be placed in the position of having to vote in some way that might be interpreted as being with or against the gun lobby, or with or against those concerned about the Saudi Arabian arms sale.

There is not anything under the Sun that requires the arms bill to be concluded within 24 or 48 or 72 hours, or whatever. There is something with respect to the Saudi Arabian arms sale that requires the matter to be disposed of by tomorrow night if it is to have any impact whatsoever.

Mr. HATCH. Will the Senator yield at that point?

Mr. METZENBAUM. I ask unanimous consent that I have an additional 5 minutes so that I may respond to the Senator from Utah.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. Let us just be honest about it. The Firearm Owners Protection Act passed the Senate, has gone to the House, has had extensive debate there, and both bodies have passed it overwhelmingly. There is no question that there are a small number of Senators in this body who are against the bill. The distinguished Senator from Ohio is one of the most notable of that small number.

There is also no question that the distinguished Senator from Ohio and his colleagues in the House who are against the bill are also members of a small minority who would like to amend the Firearm Owners Protection Act here, again delay it, throw it into conference, and hopefully in the interest of defeating it.

If I may make just a couple more points, the distinguished Senator from South Carolina, Senator THURMOND, chairman of the Judiciary Committee, filed a bill today to correct what he considers to be matters within the

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Firearm Owners Protection Act that might make it a better bill. He thinks in the end, after hearings, after a thorough examination, which is what his committee should do, and we feel that the McClure-Volkmer bill has been thoroughly examined. But nevertheless, he has done that in the interest of those who have some concerns.

Everybody here knows the Senator mentioned six amendments plus whatever the distinguished Senator from Massachusetts wants to bring up, and I presume there will not be many beyond the six. We can dispose of all of those amendments today within a reasonable time, and I think everybody understands fully the nature of each amendment, and fully the nature of the bill, which I might add is a privileged matter itself before this Senate.

The majority leader has called up this bill. I think to now try to displace this privileged bill with any other bill when we can do that in 1 day really would be an attack on the leadership of the majority leader of the Senate.

I believe we can do both of these bills, and we can do them expeditiously this week. There is no reason for all of this delay. There should be no delay in trying to bring up the Saudi arrangement because frankly that is not going to happen.

Mr. METZENBAUM. Does the Senator from Utah seriously question the fact that the law provides that the action of the Senator from California and myself has to be completed by Wednesday in order to have efficacy?

Mr. HATCH. No. But I also understand literally we can get that done if we just dispose of this bill in 2 or 3 hours.

Mr. METZENBAUM. There is a very big "if."

Mr. HATCH. It is not. It is within the power of the Senator from Ohio to do that. But he would prefer to delay it for 4 or 5 days.

Mr. METZENBAUM. The Senator from Ohio is not attempting to delay.

Mr. HATCH. What else could it be?

Mr. METZENBAUM. When the Senator from Ohio is trying to delay a matter, I never hesitate to indicate publicly what my intentions are. I have said to the Senator from Utah unequivocally I do not intend to delay this bill for delay's purpose only.

Mr. HATCH. Beyond 4 or 5 days.

Mr. METZENBAUM. Just a moment. Now I have the floor.

Mr. HATCH. That is fine.

Mr. METZENBAUM. Now I have the floor. The Senator from Utah knows also that I have been engaged in negotiations indicating a willingness to try to work out these amendments about which we are speaking, very similar to the amendment the Senator from South Carolina has proposed, and have indicated a willingness that they be handled as technical amendments so that they would not have to

go to conference. All of those agreements or representations have been already made.

So the Senator from Utah cannot in any way suggest there is any effort on the part of us who have concerns about the gun control bill, or S. 49, to have any ideas at all about trying to defeat it or anything of the kind. What we are talking about is whether or not we are going to be able to deal with the action on the Saudi Arabian arms sale within the time limits prescribed by law.

I yield to the Senator from California.

Mr. CRANSTON. I would like to say this. I have no interest in delaying the gun bill. I have an interest in getting timely action under expedited procedures on the Saudi arms package. It is quite clear from the discussion that has been going on between the Senator from Utah and the Senator from Ohio that we are not going to dispose of the gun bill in 1 day although there is not going to be a filibuster, according to the Senator from Ohio.

The matter that I wish to bring up, the Saudi arms sale resolution of disapproval, has a time necessary for coming up swiftly whereas there is no such time necessary on the gun control bill, as I understand it. This is not an attack on the leadership. It is simply seeking to bring up the bill in a timely fashion under the laws to provide for that action. It is not a partisan matter. I am joined in this effort, and will be joined in the effort when it is made, if we have to come to that, by Senator PACKWOOD, by Senator D'AMATO, and I know many other Republicans will be supporting the motion.

The PRESIDING OFFICER (Mr. RUDMAN). The time for the transaction of morning business has expired.

The clerk will report the pending business.

Mr. METZENBAUM addressed the Chair.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The clerk will suspend.

For what purpose does the Senator from Ohio seek recognition?

Mr. METZENBAUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1110

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed the call of the roll.

□ 1120

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Utah is recognized.

#### FIREARMS OWNERS' PROTECTION ACT

Mr. HATCH. Mr. President, there is a great desire on the part of all people on the floor at this time to try to resolve these difficulties. But let us be honest about it: The firearms owners' protection bill has had days on the floor of the U.S. Senate, days on the floor of the House. It has been thoroughly scrutinized. It has been 8 years in coming, at least as far as I know. These issues have been fought ever since the 1968 gun control bill. Sports people all over this country have been abused by interpretations of that gun control bill of 1968.

This is not some inconsequential bill, Mr. President; this is an important bill and it has preference on the calendar.

The majority leader has called it up. This is the reason for that preference. That is because an overwhelming number of Members of Congress in both the Senate and the House have approved this bill. It has come back here after House amendments which are acceptable to the managers of the bill in the Senate. We are trying to work out this other matter as well. There will be a good-faith effort to do so.

I shall be absolutely honest about it, Mr. President: We are going to fight any attempt to amend the Firearms Owners' Protection Act on the floor at this time. The reason we are going to fight is that we know that those who want to amend it at this time, though there is sincerity behind some of their amendments, want to do so to delay it further in the hope that they can kill it either in conference or through further amendments or through any other type of delay, filibuster or otherwise. We know this is a critical time. There has been a massive effort by everybody concerned on both sides of this issue and we are going to resolve it.

I also recognize that the other issue is extremely important as well and there is no reason why we cannot get to that if we spend a reasonable time on this firearms bill at this time. We are going to make an effort to see if we can resolve these matters. The distinguished Senator from South Carolina, the chairman of the Judiciary Committee, Mr. THURMOND, has filed another bill today that may resolve some of the problems in the minds of some of our colleagues with regard to gun control, gun ownership, interstate

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transportation, and so forth. We are willing to work on that language, willing to see what can be done, but not before the Firearms Owners' Protection Act which is before the Senate at this time. There will be a good-faith effort made and let us understand it: There is no reason in this world for this particular bill at this time to take 4 or 5 days or even 2 days. This is a bill that can be disposed of in a matter of 2 hours, at the most 6 hours, if we take all amendments that the Senator from Ohio has mentioned.

It is tough to get these bills to the floor, tough to resolve these matters. This is the time to resolve this very, very important matter.

Mr. President, on July 9 of last year, the Senate approved, by the decisive margin of 79-15 the Federal Firearms Owners' Protection Act. This bill simultaneously strengthens Federal law against violent firearms crimes and strengthens protections for the rights of law-abiding gun owners. The chairman of the House Judiciary Committee greeted the bill with the prediction that it would be dead on arrival when it arrived in the House. These were the identical words used last Congress by another House leader to predict that the Comprehensive Crime Control Act of 1984 that we worked so hard on in the Senate would be buried. The 1984 Crime Act was resurrected to become Public Law 98-473 and is the most sweeping crime control bill of this century. That was because some of us just would not be bullied or pushed around with regard to passing that bill. It is already doing much to deter criminal activities throughout our country. It is my hope that my colleagues will acknowledge the House's approval of S. 49 by helping to make it a public law as well. This approval of S. 49 would send a signal that America has become more serious about fighting violent crime.

Reminiscent of the 1984 crime control bill, opponents have undertaken to manufacture objections to this gun crime control bill. S. 49 has been accused of making it easier for escaping criminals, felons, and even terrorists to get a gun. In fact, S. 49 strengthens the Federal law banning dangerous persons from getting firearms. This bill makes it a felony for any person, not just a licensed firearm dealer, to

sell knowingly a firearm to a fugitive, felon, drug abuser, or mental incompetent.

Critics of this anticrime legislation have also accused S. 49 of encouraging circumvention of State restrictions on firearms by permitting interstate firearm sales. Once again, the accusation does not match the provisions of the bill. S. 49 expressly states that a licensed dealer may sell no firearm whatsoever to an out-of-State buyer unless the sale complies with the law of both the buyer's and seller's State. Moreover any sale must take place face-to-face at the dealers business premises and records must be kept to ensure that law enforcement officers can trace weapons. State restrictions on gun sales are expressly preserved by the Senate bill; a violation of this rule is a Federal felony. Moreover, an amendment adopted in the House has retained current law on interstate sales of handguns.

Finally, critics stoop to suggesting the bill will allow mail-order sales of firearms. At least three provisions of current law prohibit mail-order sales. None of these provisions is altered by the bill, which in fact reaffirms the bans on purchase of firearms through the mail.

What the bill establishes are strict additional penalties for felonious use of a firearm. S. 49 even rules out probation, suspended sentences, paroles, or furloughs for offenders who employ a firearm in the commission of a violent crime. The Senate bill also consolidates and clarifies conflicting provisions of Federal law prohibiting felons, fugitives, drug abusers, mental incompetents, and other potentially dangerous individuals from obtaining firearms. S. 49 bans the importation of handgun frames, receivers, and barrels that are not suitable for sporting purposes, which amounts to a limit on importation of handgun barrels of 3 inches or less. The Senate bill explicitly codifies regulations permitting tracing of firearms used in crimes.

A primary benefit of the Senate antigun crime bill focuses Federal law enforcement efforts on violent crime, rather than on minor technical violations or infractions of the regulatory aspects of Federal law. Unfortunately, Federal enforcement has become mired down in enforcing inadvertent

recordkeeping mistakes, rather than significant violent crime. An occasional firearm sale from a dealer's private collection has given rise to major felony prosecutions. Warrantless searches have unnecessarily harassed law-abiding firearms owners and honest dealers. The absence of legal definitions for terms like engaging in the business has subjected casual hobbyists or collectors to Federal prosecutions for dealing in firearms without a license. The lack of any criminal state of mind requirements or scienter as we refer to it in the law, has resulted in severe penalties for unintentional missteps.

In short, Federal officers have spent more time checking confusing paperwork than chasing murderers, thugs, and gun runners. S. 49 corrects those problems and frees the Federal officer to go after the violent criminal, which explains why the Nation's leading law enforcement agencies—the Departments of Justice and Treasury—were joined by the American Federation of Police, the AFL-CIO Police union, and other law enforcement groups in endorsing the Senate bill.

Indeed S. 49 will ensure that the 1968 Gun Control Act better meets its two primary intents: "To provide support to . . . law enforcement officials in their fight against crime and violence" and to avoid "Any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms." S. 49's success in reinforcing those principles is the reason for its resounding victory in the Senate of the United States. For this same reason, not only America's sportsmen, hobbyists, collectors, honest firearm dealers, and over 65 million firearm owners, but also every other American interested in furthering our fight against violent crime will welcome approval of S. 49.

At this particular point, Mr. President, I ask unanimous consent to include in the RECORD a comparison of the Senate and House versions of S. 49. We quote existing law. Then we cite the Senate version and then the House version.

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

COMPARISON OF MAJOR PROVISIONS OF 99TH CONGRESS BILLS S. 49, AS PASSED BY THE SENATE, AND AS PASSED BY THE HOUSE, AND EXISTING LAW

Existing law	S. 49 (Senate version)	S. 49 (House version)
<b>I. Interstate Sales:</b>		
<p>Unlawful for any person to sell or deliver a firearm to any person not residing in transferor's State of residence [18 U.S.C. 922(a)(5) and (b)(3)]. A nonlicensee may not receive in his State of residence a firearm obtained outside that State [18 U.S.C. 922(a)(3)]. Major exception: licensee sale of longguns to residents of contiguous States having enabling legislation.</p>	<p>Nonlicensees may acquire firearms outside their State of residence if obtained over-the-counter from a licensee and the transaction is lawful where the transferee resides and the transaction occurs. Interstate transactions between nonlicensees continue to be prohibited, as is interstate shipment by a licensee to a nonlicensee.</p>	<p>Same as Senate, except interstate sale by licensees to nonlicensees is limited to rifles and shotguns.</p>
<b>II. Waiting period:</b>		
<p>7-day waiting period for intrastate mail-order sale of any firearm or contiguous State sale of longgun [18 U.S.C. 922(c) and 922(b)(3)].</p>	<p>Retains 7-day period for intrastate mail-order sale of any firearm. No waiting period for interstate sale of firearms unless required by applicable State law.</p>	<p>Same as S. 49 (Senate).</p>
<b>III. Licensing:</b>		
<p>To qualify for license, applicant must be "engaged in the business" of manufacturing, importing, or dealing in firearms or ammunition. Term not defined by statute [18 U.S.C. 922(a)(1) and 923(a)].</p>	<p>Eliminates ammo dealers. Defines "engaged in the business" as those who regularly import, manufacture and deal with the "principal objective of livelihood and profit" through the "repetitive purchase and resale of firearms." The term "principal objective of livelihood and profit" means that "... the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intentions such as improving or liquidating a personal firearms collection."</p>	<p>Same of S. 49 (Senate).</p>
<b>IV. Place of doing business:</b>		
<p>A licensee may not engage in a firearms business on premises other than that specified on his license [18 U.S.C. 923]; however, regulations allow licensees to do business at gun shows located in the same State as that specified on the license as an extension of their licensed premises. Records of firearms transactions at the show and inventory of firearms subject to inspection.</p>	<p>Incorporates the language of the regulation into the statute, thus allows licensees to do business temporarily at a show or event sponsored by "any national, State, or local organization, or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors events devoted to the collection, competitive use or other sporting use of firearms in the community." Records of firearms transactions at the show subject to inspection.</p>	<p>Same as Senate, except that both records and firearms inventory subject to inspection at the gun show.</p>
<b>V. Records of firearms transactions:</b>		
<p>Licensees are required to maintain records of all firearms and ammunition transactions, including records of the disposition of personal firearms.<sup>1</sup> Disposition records include the name, age and place of residence of the purchaser. Any record information identifying purchasers and obtained by the Secretary may be furnished to State and local officials [18 U.S.C. 922(b)(5) and 923(g)].</p>	<p>No regulation issued after effective date may require that records or their contents be transferred to a Government facility or that any system of firearms registration be established.</p>	<p>Same as S. 49 (Senate).</p>
	<p>No record of the disposition of personal firearms need be kept except where the firearm is disposed of within 1 year of its transfer from business inventory into the personal collection or the transfer is made for the purpose of evading the record-keeping requirements.</p>	<p>Substantially the same as Senate, except that recordkeeping would be required if the firearm acquisition or disposition is made for the purpose of evading record-keeping requirement.</p>
	<p>Licensed collectors need only keep a "bound book" record, i.e., Forms 4473, which establish purchaser's identity and eligibility to acquire firearms, are eliminated.</p>	<p>Same as S. 49 (Senate).</p>
	<p>Ammunition recordkeeping is eliminated .....</p>	<p>Licensed firearms importers, manufacturers and dealers must record information about the purchaser of armor-piercing ammunition.</p>
	<p>Secretary may only disclose to State, local and other Federal officials record information identifying purchasers prohibited from purchasing or receiving firearms.</p>	<p>Same as S. 49 (Senate).</p>

## COMPARISON OF MAJOR PROVISIONS OF 99TH CONGRESS BILLS S. 49, AS PASSED BY THE SENATE, AND AS PASSED BY THE HOUSE, AND EXISTING LAW—Continued

Existing law	S. 49 (Senate version)	S. 49 (House version)
<p>VI. Inspection of licensee records: Secretary authorized to make unannounced, warrantless inspections of licensee records and inventory at all reasonable times [18 U.S.C. 923(g)].</p>	<p>Warrant required to inspect records and inventory of licensed importers, manufacturers and dealers, except (1) in the course of a criminal investigation of a person other than the licensee, (2) 1 annual inspection upon notice or (3) in firearms tracing. Without warrant, licensed collectors subject to 1 annual inspection upon notice and inspection to trace firearms. Secretary may not bring criminal charges against the licensee based upon annual inspection except for willful violations of the recordkeeping requirements or sales to prohibited persons.</p>	<p>Same as Senate, except that annual inspection may be made without prior notice and there is no restriction on the use of evidence of crime discovered.</p>
<p>Interstate Sales:</p>	<p>Out-of-business records may be used only to trace firearms and to make official certifications in court proceedings. Except for records of the manufacture and importation of firearms, records maintained by Treasury/GSA must be disposed of after 20 years. Neither a warrant nor criminal prosecution may be based solely on information from reports of specific firearms transactions. Out-of-business records and reports of specific firearms transactions may not be kept in a central location nor computerized for storage or retrieval.</p>	<p>Same as existing law. Same as existing law. Same as existing law. Same as existing law.</p>
<p>VIII. Administrative sanctions against licensees:</p>	<p>No license could be denied or revoked upon charges in a criminal case if the licensee is acquitted or the criminal case is terminated other than upon Government's motion prior to trial. No revocation action could commence more than 1 year after the filing of indictment or information. Judicial review would be de novo. No license could be denied or revoked upon charges in a criminal case if the licensee is acquitted or the criminal case is terminated other than upon Government's motion prior to trial. No revocation action could commence more than 1 year after the filing of indictment or information. Judicial review would be de novo.</p>	<p>Same as S. 49 (Senate). Same as S. 49 (Senate).</p>
<p>IX. Importation: The Secretary may authorize a firearm or ammunition to be imported if it is generally recognized as particularly suitable for or readily adaptable to sporting purposes, excluding military surplus firearms [18 U.S.C. 925(d)].<sup>2</sup></p>	<p>Alters language of existing statute to remove the Secretary's apparent discretion to deny permits to import firearms and ammunition meeting the statutory criteria for importation. Deletes the language "generally recognized as particularly." Prohibits the importation of barrels for nonimportable firearms.</p>	<p>Same as S. 49 (Senate).</p>
<p>X. Mandatory penalties for carrying or using firearms and ammunition in the commission of Federal Crimes: Prohibits the carrying or use of a firearm during and in relation to a Federal crime of violence. Imposes mandatory sentences of 5 years imprisonment for first offense and 10 years for subsequent offenses—no suspension of sentence, probation or parole [18 U.S.C. 924(c)]. Similar mandatory penalties for the use or carrying of a handgun loaded with armor-piercing ammunition [18 U.S.C. 929].</p>	<p>Adds a further element of proof to section 924(c) that the firearm was carried or used "in furtherance of" the violent Federal crime and allows the court to impose no sentence if the use of the firearm was in self-defense or defense of another person.</p>	<p>Amends both sections 924(c) and 929 to include Federal drug felonies, in addition to violent Federal crimes, as predicate offenses for the purpose of imposing mandatory penalties for the carrying or use of firearms and handguns loaded with armor-piercing ammunition.</p>

## COMPARISON OF MAJOR PROVISIONS OF 99TH CONGRESS BILLS S. 49, AS PASSED BY THE SENATE, AND AS PASSED BY THE HOUSE, AND EXISTING LAW—Continued

Existing law	S. 49 (Senate version)	S. 49 (House version)
<p>XI. Firearms transactions involving prohibited categories:</p>	<p>Amends section 924(c) to include Federal drug felonies, in addition to violent Federal crimes, as predicate offenses for the purpose of imposing mandatory penalties for the carrying or use of firearms.</p>	<p>Provides mandatory penalties of 10 years for first offenders and 20 years for subsequent offenders if the firearm carried or used in violation of section 924(c) is a machinegun. The penalty also applies if the firearm carried or used is equipped with a silencer. "Silencer" amended to include any combination of parts designed or redesigned and intended for use in assembling a silencer and any part intended only for use in such assembly.</p>
<p>(a) Possession of firearms by prohibited persons:</p>	<p>Same as existing law, except that Title VII would be substantially repealed and its provisions incorporated into the Gun Control Act.</p>	<p>Repeals Title VII and incorporates its provisions, including Armed Career Criminal Act, into the Gun Control Act.</p>
<p>The Gun Control Act and Title VII of the Omnibus Crime Control and Safe Streets Act prohibit specified categories of persons, e.g., persons convicted of crimes punishable by imprisonment for a term exceeding 1 year, from shipping or transporting firearms in interstate or foreign commerce and from receiving or possessing firearms that previously moved in such commerce [18 U.S.C. 922(g) and (h) and 18 U.S.C. App. 1201-1203].</p>	<p>Unlawful for any person, whether licensed or not, to make such sales or deliveries.</p>	<p>Same as S. 49 (Senate).</p>
<p>(b) Sales to prohibited persons: Licensees may not lawfully sell or deliver firearms or ammunition to specified categories of prohibited persons [18 U.S.C. 922(d)].</p>	<p>A conviction is determined by the law of the jurisdiction in which the proceedings were held. State pardons and expunctions of the conviction would erase the conviction for Federal purposes, unless the person is expressly denied the right to possess or receive firearms. State misdemeanors punishable by imprisonment for 2 years or less, including those involving a firearm or explosive, excluded from the term.</p>	<p>Same as S. 49 (Senate).</p>
<p>(c) Definition of crime punishable by imprisonment for more than one year: Conviction of such crime is deemed to have occurred upon a guilty plea or finding of guilt by the court, regardless of whether the person is considered to have been convicted under State law. Definition excludes State misdemeanors punishable by imprisonment for 2 years or less, unless the crime involved a firearm or explosive. State pardons and expunctions of the conviction do not erase the conviction for Federal purposes [18 U.S.C. 921(a)(20)].</p>	<p>Allows relief for all categories of persons having Federal firearms disabilities and removes the bar to relief for felons whose crimes involved the use of a firearm or other weapon or whose conviction was for a violation of GCA or NFA. Expressly provides for judicial review and the court may hold a trial de novo.</p>	<p>Same as S. 49 (Senate).</p>
<p>(d) Relief from disabilities: Relief from disabilities of conviction of a crime punishable by imprisonment for a term exceeding 1 year may be granted by the Secretary if satisfied that relief would not be contrary to public interest and safety. A person is ineligible to apply if his crime involved the use of a firearm or other weapon or if convicted of a violation of the Gun Control Act or the National Firearms Act [18 U.S.C. 925(c)]. Judicial review is limited to the administrative record to determine if a reason existed for denial of relief.</p>	<p>Where seizure and forfeiture is based upon the involvement of the property in a violation of a provision of the Act, the intent element applicable to a criminal prosecution under that provision must be established.</p>	<p>Same as S. 49 (Senate).</p>
<p>XII. Forfeiture of firearms and ammunition:</p>	<p>Where seizure and forfeiture is based upon the involvement of the property in a violation of a provision of the Act, the intent element applicable to a criminal prosecution under that provision must be established.</p>	<p>Same as S. 49 (Senate).</p>
<p>Any firearm or ammunition involved in, or used or intended to be used in any violation of the act, any regulation thereunder, or any other Federal criminal law is subject to seizure and forfeiture [18 U.S.C. 924(d)].</p>		

COMPARISON OF MAJOR PROVISIONS OF 99TH CONGRESS BILLS S. 49, AS PASSED BY THE SENATE, AND AS PASSED BY THE HOUSE, AND EXISTING LAW—Continued

Existing law	S. 49 (Senate version)	S. 49 (House version)
	<p>Where the grounds for seizure and forfeiture is that the property is "intended to be used" in a violation, "clear and convincing evidence" of such intent must be shown. Also, this ground would be limited to certain specified crimes, i.e., crimes of violence, drug-related offenses, illegal exportation and certain violations of the Gun Control Act. The GCA offenses include 18 U.S.C. 922(a)(1), (a)(3), (a)(5) and (b)(3) where the property is involved in a "pattern of activities" including an actual violation of the statute; 18 U.S.C. 922(d) where the intent is that of the seller making an illegal sale to a prohibited person; and any violation of 18 U.S.C. 922(i), (j), (l), (n), or 924(b).</p> <p>If owner or possessor of the property is acquitted of criminal charges upon which the seizure was based, property must be returned unless he would be placed in violation of the law. Forfeiture proceeding must be commenced within 120 days of seizure.</p>	
<p><b>XIII. Criminal penalties:</b>                      "Willingness" is not an element of proof of any GCA offense [18 U.S.C. 924(a)]. Offenses punishable by 5 years imprisonment or \$5,000 fine, or both.</p>	<p>Requires proof of "willful" violation for certain prosecutions and proof of a "knowing" violation for remainder of prosecutions. Section 924 would provide that whoever knowingly violates subsections (a)(4), (a)(6), (f), (g), (h), (i), (j) or (k) of section 922, or knowingly imports or brings into the United States any firearm or ammunition in violation of section 922(i), or knowingly violates any provision of section 924, or willfully violates any other provision shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both. Note: section 929 would require "willful" element.</p>	<p>Same as Senate except violations of section 922(h) would require proof of willfulness and violations of section 929 would require "knowing" intent.</p>
<p><b>XIV. Effect on State law (interstate transportation of firearms):</b>                      No provision of the GCA excludes any State law on the same subject matter, unless there is a direct and positive conflict so that the two cannot be reconciled [18 U.S.C. 927], e.g., since the GCA does not convey any right to transport a firearm interstate, the States may prohibit such transportation.</p>	<p>Reduces to a misdemeanor any licensee recordkeeping violation.</p> <p>A person is entitled to transport an unloaded, not readily accessible firearm interstate notwithstanding any provision of State or local law to the contrary; thus, any such provision is preempted.</p>	<p>Same as S. 49 (Senate).</p> <p>Same as S. 49 (Senate).</p>
<p><b>XV. Provisions relating to National Firearms Act weapons:</b>                      (a) Silencers:                      The NFA imposes making and transfer taxes on silencers and occupational taxes on those engaged in business in such items. It also requires the registration of silencers upon their making, manufacture and transfer [26 U.S.C. Chapter 53]. Silencer means any device for diminishing the report of a firearm or a combination of all the parts of an unassembled silencer. The GCA defines firearm to include silencer [18 U.S.C. 921(a)(3)(C)].</p>	<p>No change in existing law .....</p>	<p>See X above on silencers.</p>

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COMPARISON OF MAJOR PROVISIONS OF 99TH CONGRESS BILLS S. 49, AS PASSED BY THE SENATE, AND AS PASSED BY THE HOUSE, AND EXISTING LAW—Continued

Existing law	S. 49 (Senate version)	S. 49 (House version)
<p>(b) Machineguns: The NFA definition of machinegun includes, among other things, any combination of parts designed and intended for use in converting a weapon into a machinegun, i.e., conversion kits [26 U.S.C. 5845(b)].</p>	<p>No change in existing law .....</p>	<p>Prohibits the possession or transfer of machineguns, except (1) for a transfer to or by, or possession by or under the authority of Federal or State agencies, and (2) any lawful transfer or lawful possession of a machinegun lawfully possessed before the date the President signs the bill. This prohibition becomes effective when the bill is signed. Machinegun conversion kit definition is, for purposes of GCA and NFA amended to mean "any part designed and intended solely and exclusively, or combination of parts designed and intended for use in converting a weapon into a machinegun."</p>
<p>XVI. Attorneys fees: No provision for attorneys fees .....</p>	<p>Allows a court to award a reasonable attorneys fee to the prevailing party, other than the United States, in a forfeiture proceeding. In any other proceeding under the Act, the court may award such fee where the action is determined to be without foundation, frivolous or in bad faith.</p>	<p>Same as Senate, except that the Government is liable for attorneys fees only as appropriated.</p>

<sup>1</sup> These requirements were nullified with regard to ammunition suitable for use only in shotguns and rifles by Public Law 91-128 (Nov. 26, 1969), amending 26 U.S.C. 4182. They were also nullified with regard to .22 caliber rimfire ammunition by Public Law 97-377 (Dec. 21, 1982), amending 18 U.S.C. 922(b)(5) and 923(g).  
<sup>2</sup> To make the determination with respect to handguns, the Secretary relies on "factoring criteria" developed by a panel of experts. In addition to satisfying certain prerequisites, a handgun must be awarded a specified number of points for such features as weight, size, construction, and safety features. Furthermore, Public Law 98-573 (Oct. 30, 1984) added a new section 925(e) permitting licensed importers to import surplus military firearms classified as curios or relics, however, handguns must still be particularly suitable for sporting purposes and meet the "factoring criteria."

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we will have an opportunity to speak at greater length on the gun control bill which is before us now, S. 49, but I for one cannot permit the general description of the legislation that has been made by my good friend from Utah to remain unresponded to here on the floor of the Senate.

I think all Americans are very much aware of the tragedies which have taken place, not only in this country but abroad, because of the acts of terrorism. All Americans are very aware that this phenomenon that has developed in recent times, and something that we have heard about from Tokyo the past several hours, may very well be focused on the United States in a very dramatic and important and significant way.

But, Mr. President, we already have terrorists in the cities of this country. The inner cities of this country are free fire zones, because of the massive proliferation of the small, concealable handguns which are used time and time again in crimes of violence.

There were important changes made in the House of Representatives to the legislation that passed here last July. They addressed some of the most egregious aspects of the bill that we passed. I was one of the 15 or so who voted against the Senate bill. Many of us applaud the work that was done by the House of Representatives.

The fact remains, Mr. President, that this legislation is still a retreat from necessary handgun control. It is not really going to help hunters. It is going to help dealers. What it is going to do is make it more complex, more difficult for law enforcement officials, who are attempting to deal with one of the great cancers of our society, and that is handgun violence in our country, perhaps even around the world. It is going to make their job more difficult. That is why the representatives of the 10 police associations, those men and women who are on the front line of violence every single day, in the inner cities, in rural communities—trying to ensure that our homes are going to be safe and secure—they believe this bill is seriously flawed and that some amendments ought to be accepted. They are not unreasonable amendments, and we shouldn't allow this bill to move forward without them. Evidently, we will have the opportunity to address those issues this afternoon.

Mr. President, it is tragic that at the very time when many are making statements and pronouncements and issuing press releases about violence in our society, about crime in our communities, about how we are going to face new threats of terrorism, we are seeing, by the various provisions of this bill, a pattern of weakening of legitimate law enforcement officials to deal with handgun violence and the proliferation of handguns in our society.

That is why virtually all the law enforcement organizations that, as I said, are doing such an outstanding job for the citizens of this Nation feel that several amendments are essential and why they basically oppose this bill.

I look forward to having an opportunity to talk about this at greater length and to review them in greater detail with our colleagues later in the afternoon. But I wanted to make these remarks at this time, and to ask unanimous consent that the text of the letter to all Senators from leaders of every major law enforcement and police group in this Nation be printed at this point in the RECORD.

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

LAW ENFORCEMENT STEERING  
COMMITTEE AGAINST S. 49,  
April 21, 1986.

DEAR SENATOR: At a time when our nation is fighting terrorists overseas, Congress now may greatly increase the opportunities at home for terrorists and other criminals to obtain untraceable firearms, including concealable handguns, and transport them across state lines.

But the Senate can prevent the potential escalation in gun violence and thus help to safeguard the lives of law enforcement officers and the citizens they are sworn to protect.

This is because you will be able to vote with law enforcement on several key amendments to S. 49, gun legislation that is pending in the Senate after having been modified and passed by the House of Representatives.

The Law Enforcement Steering Committee Against S. 49, made up of the nation's 12 principal law enforcement organizations, urges you to support amendments to the pending legislation that will:

Maintain the right of states to control the transport of firearms within their borders, without interfering with the ability of individuals to transport across state lines unloaded, inaccessible firearms for sporting purposes;

Close a loophole in House-passed legislation that would facilitate unrecorded distribution of weapons by and to terrorists and other criminals;

Retain current law that requires gun dealers to keep records on all firearms sales, thus preserving law enforcement's ability to trace firearms used in crime.

These amendments represent bottom-line needs of law enforcement in its fight to forestall gun crimes and deal with violent offenders.

I. The gun lobby says that current federal gun legislation needlessly obstructs the legitimate interests of sportsmen by keeping them from transporting firearms across state lines for hunting, shooting competitions, and other sporting events. The Law Enforcement Steering Committee proposes to respond to that problem while retaining the rights of the states to regulate the transport of firearms across their lines. The Steering Committee's amendment would permit a resident of a state who lawfully possesses and carries a firearm in his home state to transport that firearm to another state here he may lawfully possess and carry it if:

The transport of the firearm is for a lawful sporting purpose;

The firearm is consistently transported in a way that it is not readily accessible (hand-guns must be in locked containers); and

Ammunition being transported for the firearm is kept in locked compartment.

In sum, the Steering Committee's amendment would keep intact the states' ability to enforce concealed weapons laws with respect to their own residents and to control the flow of firearms within their borders, except when those firearms were transported interstate for clearly defined, legitimate sporting purposes.

II. The second LESC amendment would close a loophole in the House bill that would facilitate unrecorded distribution of weapons by terrorists. According to a February 10, 1986 memo prepared by the director of the Bureau of Alcohol, Tobacco and Firearms, S.49 contains too narrow a definition of persons "engaged in the business" of dealing in firearms. "Consequently," according to the BATF memo, "some criminal activity that may be prosecuted under existing law for engaging in firearms business without a license may not be prosecutable under S.49. For example, an individual who on several occasions disposed of firearms at cost to terrorists for the purpose of facilitating their crimes may not be held to be 'engaging in the business.'"

The Steering Committee amendment makes clarifying changes in the House bill's definition of a dealer to make certain that the definition of a dealer covers individuals who dispose of firearms to terrorist groups.

III. A final LESC amendment would retain current law that requires that dealers keep records of all sales. Without such requirements, law enforcement would face a flood of untraceable firearms used in crimes. The amendment simply assures that firearms dealers continue to be required to

take a few minutes to record sales of firearms.

We urge your support for law enforcement's amendments and for public safety when S.49 comes up for a vote on the Senate floor.

Sincerely,

Robert E. Van Etten, President, Federal Law Enforcement Officers Association; Richard A. Boyd, National President, Grand Lodge, Fraternal Order of Police; Jerald R. Vaughn, Executive Director, International Association of Chiefs of Police; Kenneth T. Lyons, National President, International Brotherhood of Police Officers; William Kolender, President, Major Cities Police Chiefs; Robert T. Scully, President, National Association of Police Organizations; Marty M. Tapscott, President, National Organization of Black Law Enforcement Executives; L. Cary Bittick, Executive Director, National Sheriffs' Association; Thomas J. Iskrzycki, Chairman, National Troopers' Coalition; Cornelius J. Behan, President, Police Executive Research Forum; Hubert Williams, President, Police Foundation; E. Roberta Lesh, Executive Director, Police Management Association.

Mr. HATCH. Mr. President, I have heard the remarks of the distinguished Senator from Massachusetts, but let us be honest about it. All these matters have been discussed; all of them have been debated ad infinitum.

The purpose of this reconsideration by the Senate at this time is because the House has passed our bill, added amendments to it, and we intend to pass the House bill.

There is no question that there will always be some discontent with any bill passed here that has any controversy to it. This is a law and order bill. It protects sportsmen from the type of officious meddling that has come from overbureaucratization in our society, and it has been long overdue. It is almost 20 years overdue. I think it is time we start doing what is right for the sports people and at the same time tighten up our criminal laws.

#### THE NOMINATION OF DR. JAMES C. FLETCHER TO BE ADMINISTRATOR OF NASA

Mr. HEFLIN. Mr. President, I rise to express my support for the nomination of Dr. James Fletcher to be the Administrator of NASA. Dr. Fletcher has an outstanding reputation and his long experience in space issues makes him well qualified to head the space agency.

It is vitally important that we get strong leadership at NASA. It has been more than 5 months since NASA has had a permanent Administrator. Since that time the agency has suffered the tragic loss of the shuttle *Challenger*, and, most recently, the loss of a Delta rocket. Morale is lower at the agency than at any time in recent memory and the public has lost confidence in our Space Program. We

must move with haste to fill the void in leadership at NASA and get the Space Program moving in a positive direction once again. I believe Dr. Fletcher would bring to NASA the integrity and decisive leadership ability the agency so sorely needs at this time.

Dr. Fletcher served as the Administrator of NASA on a previous occasion, from 1971-77. He came to NASA from the University of Utah where he had served as president since 1964. Prior to that he had a distinguished career in the aerospace industry.

Dr. Fletcher took over at NASA in 1971 when public enthusiasm for the Space Program was very high. Just 2 months prior to his swearing in ceremony, Apollo 14 had successfully completed the third manned lunar landing. Apollo 15, which carried the lunar roving vehicle, completed its spectacular success during this third month. This was followed by two more Apollo flights, completing the Apollo Program. Along with these came the unmanned visits to Mars in the Mariner series, the visits to Jupiter in the Pioneer series, the launching and triple visits to Skylab the last of which lasted 3 months.

Dr. Fletcher's administration was distinguished as the longest sustained period of manned and unmanned exploratory adventures in space. His administration was also significant in that the actual design and construction of the space shuttle began. Therefore Dr. Fletcher presided over the culmination of NASA's initial space effort, the era of expendable boosters, as well as the planning and start of the transition to a reusable space transportation system. When he resigned in May 1977 the first shuttle orbiter was completing the captive phase of its test flights, being carried on the back of a Boeing 747.

In recent weeks articles have appeared in the New York Times portraying waste and mismanagement at NASA over the last 15 years, a part of which was during Dr. Fletcher's term as Administrator. These articles cited Federal audits which referred to problems of cost overruns, contract mismanagement, and technical difficulties at NASA, particularly in the Shuttle Program. In my judgment, while these deficiencies point out the immense problems of running an agency the size and character of NASA, it also indicates that Congress has not exercised its oversight responsibilities to the degree it should. We must also remember that the development of the shuttle was one of the most difficult and technically demanding programs ever undertaken by the agency. In the future NASA and Congress should discharge their responsibilities more thoroughly, but we should not attempt to attribute all of NASA's prob-