

LOCAL LAW ENFORCEMENT  
ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress, I have come to the floor to highlight a separate hate crime that has occurred in our country.

On February 1, 2006, in New Bedford, MA, a man walked into Puzzles Lounge and asked someone at the bar if it was a gay bar. The man then opened fire with a handgun, wounding at least three people. Two of the victims were flown to Boston hospitals for treatment, while the third person was taken to St. Luke's hospital in New Bedford.

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

FAIRNESS IN ASBESTOS INJURY  
RESOLUTION ACT

Mr. ALEXANDER. Mr. President, I rise today to express my support for the Fairness in Asbestos Injury Resolution Act sponsored by Senators SPECTER and LEAHY. The FAIR Act is a bill about American jobs. It will have a substantial effect on a number of jobs at Tennessee manufacturers such as Nissan, Saturn, and Eastman as well as hundreds of their Tennessee suppliers. That is because while it means faster, more efficient resolution of claims for those harmed by asbestos exposure, it also means certainty for manufacturers so that they can spend more of their money investing in their businesses and creating more American jobs.

Americans injured by asbestos are waiting too long and paying too much to adjudicate these claims. According to estimates from the RAND Institute, of the \$70 billion expended on asbestos litigation through 2002, nearly 60 percent was spent on attorneys' fees and other transaction costs. Put another way, asbestos victims are only getting a little more than 40 cents of every dollar that is being paid out on asbestos claims. In addition, in many cases, these claimants are waiting more 3 years to collect this compensation as their cases wind their way through the tort system. As a result, many of these victims are not able to cover the costs of medical treatments that cannot be delayed. The FAIR Act will help claimants by capping attorneys' fees at 5 percent—and thereby putting 95 percent of the compensation paid out into the pockets of the victims. It will also

ensure that victims get a ruling on their claim within 90 to 180 days from the Department of Labor—not 3 years or more.

Since the 1980s, the number of companies defending themselves from asbestos claims has risen from 300 to more than 8,400. More than 70 companies have gone bankrupt, resulting in more than 60,000 workers losing their jobs and retirees seeing their retirement funds shrink. In Tennessee, according to the 2002 Economic Census, more than 400,000 jobs are in the manufacturing sector. Without this bill, tens of thousands of those jobs may be shipped overseas as companies struggle to afford the enormous payouts that result under the current system.

The Senate Judiciary Committee has considered this issue for more than 20 years. Senator SPECTER and Senator HATCH before him held numerous meetings with stakeholders and members of the Judiciary Committee. The bill has gone through numerous revisions to accommodate issues raised by parties on all sides. Senator SPECTER and Senator LEAHY have been cooperative, accommodating, flexible, and generous with their time. And they have produced a bill that has garnered support from a broad spectrum of manufacturers, insurers, and claimants.

The FAIR Act may not be perfect, but it will start us on the road toward achieving two critical goals: it allow people injured by asbestos to receive compensation quickly and efficiently, without spending years tied up in the courts and losing a large chunk of their award to attorneys' fees; and it will save jobs by giving American companies certainty with regard to the costs of compensating claimants.

I urge my colleagues to support this important legislation.

ILLEGAL EXPORT OF DANGEROUS  
FIREARMS TO MEXICO

Mr. LEVIN. Mr. President, several recent published reports indicate that lax gun safety laws here in the United States may be resulting in the trafficking of thousands of firearms across the border into Mexico and contributing to a surge in violence and crime in that country.

Many firearms are illegal in Mexico. In fact, there are apparently less than 2,500 licensed gun owners in the entire country. This is because such licenses take a year or more to process, cost nearly \$2,000, and must be renewed every 2 years. In addition, Mexican authorities say they confiscate more than 250 illegal firearms every day from crime suspects. U.S. and Mexican law enforcement officials estimate that as much as 95 percent of these guns can be traced back to the United States.

Mexican law enforcement officials have made several major illegal weapons seizures in the last few months alone. In December, 20 assault rifles were seized in Tijuana, just across the border from California. In another sei-

zure, police recovered a cache of weapons that included seven assault rifles and several semiautomatic handguns in the Mexican border town of Nuevo Laredo. It also should be noted that in the last year alone more than 100 people were shot to death by suspected drug cartel members in Nuevo Laredo. According to Mexican and U.S. officials, these drug smuggling operations are frequently the end users of guns illegally trafficked from the United States.

Reportedly, weak U.S. gun regulations are being exploited to help arm criminals in Mexico. One way of doing this is through the use of a "straw purchaser" who buys firearms legally in the United States on behalf of a Mexican gun trafficker. In one reported case last year, a handgun recovered in Reynosa, Mexico, was traced back to a Texas man who had reportedly bought more than 150 guns for criminals in Mexico. In another case, more than 80 guns were traced to a Mexican national who apparently paid Texas residents to purchase them for him. According to Mexican authorities, guns recovered in Mexico are often traced to original buyers in Texas, where "straw purchasers" can buy guns and ammunition in unlimited quantities.

Law enforcement authorities in Mexico say assault rifles are the most sought-after weapons by Mexican criminals. Unfortunately, these dangerous weapons are in plentiful supply here in the United States due to Congress's failure to reauthorize or strengthen the 1994 Assault Weapons Ban. On September 13, 2004, this legislation expired, allowing 19 previously banned assault weapons, 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 to be legally sold again. These dangerous weapons are being bought in the United States and trafficked into Mexico, where they are frequently used in violent crime, conflicts between rival drug cartels, and shootouts with Mexican law enforcement authorities.

Apparently, law enforcement officials are also concerned about the prevalence of .50-caliber firearms, which are turning up more frequently in Mexico in recent years. These high-powered weapons fire thumb-sized bullets that come in armor-piercing, incendiary, and explosive varieties and can easily punch through aircraft fuselages, fuel tanks, and engines. Under current U.S. law, .50-caliber sniper rifles can be purchased by private individuals with only minimal federal regulation. In fact, these dangerous weapons are treated the same as other long rifles including shotguns, hunting rifles, and smaller target rifles.

I am a cosponsor of the Fifty-Caliber Sniper Weapon Regulation Act introduced by Senator FEINSTEIN. This bill

would reclassify .50-caliber rifles under the National Firearms Act, NFA, treating them the same as other high-powered or especially lethal firearms like machineguns and sawed off shotguns. Among other things, reclassification of .50-caliber sniper rifles under the NFA would subject them to new requirements, including registration with federal authorities. These additional requirements would help law enforcement officials identify "straw purchasers" and other sources of illegally trafficked .50-caliber rifles recovered in Mexico more easily.

The United States has a responsibility to do what it can to help prevent the illegal export of dangerous firearms outside of our borders. By enacting commonsense legislation, like the Fifty-Caliber Sniper Weapon Regulation Act and the Assault Weapons Ban, we can improve the security of communities in the United States, as well as those in neighboring countries.

#### FEDERAL DEPOSIT INSURANCE CORPORATION

Mr. JOHNSON. Mr. President, last year, I joined with Senators ENZI, HAGEL and ALLARD to introduce S. 1562, the Safe and Fair Deposit Insurance Act of 2005, legislation to overhaul and reform this country's deposit insurance system. I also wish to thank Senator BEN NELSON for joining us as a cosponsor.

I have been closely tied to deposit insurance reform for many years, and I am pleased to see that my strong commitment to this issue will result in the enactment of critical reforms that will provide tangible benefits to financial institutions and their customers. Many of my colleagues on the Banking Committee will recall when I first introduced the Main Street Act back in 2000. We have come a long way since then. The legislation that is now making its way to President Bush's desk is the result of many years of debate and careful deliberation, and has garnered strong bipartisan support along the way.

The enactment of this legislation will mark a notable milestone in the history of banking and financial services in this country. Deposit insurance is one of the cornerstones of our country's financial system, and it is especially critical to our Nation's smaller financial institutions and community banks.

I am pleased that we are giving the Federal Deposit Insurance Corporation and the National Credit Union Administration the requisite tools to appropriately operate and manage the newly merged deposit insurance fund and assess premiums based on the risks that institutions pose to the system. These reforms were long overdue. It is imperative that the framework of deposit insurance that was established to promote the stability and soundness of our banking system not fall victim to the political process or become static but

rather be appropriately reformed and dynamic enough to keep pace with the evolution of that system.

The key reforms embodied in the legislation will promote depositor confidence by ensuring that depositors' hard-earned money, from the funds that cover daily living expenses to funds they are saving for retirement and a rainy day, will continue to be insured against risks over which they have no control.

By merging the bank insurance fund with the savings association insurance fund, we create a stronger and more diversified fund, and eliminate the possibility for disparities in premiums between banks and thrifts. Implementing a system of risk-based insurance premiums will ensure that banks pay based on the risk they pose to the system, and the FDIC will be able to price insurance premiums accordingly. By increasing the level of coverage for retirement accounts to \$250,000, we are adjusting for the real value of coverage, and will promote financial stability for individual retirees. In the current environment, with the uncertainty surrounding Social Security and pension benefits, it is critical that we provide appropriate coverage for the hard-working Americans who have saved for their retirement and long-term needs.

I would again like to recognize the banking community in South Dakota for the invaluable and critical role they have played in this process over the past 5 years. I truly appreciate the input and recommendations that I have received from the industry overall. I would also like to thank Chairman SHELBY, and Ranking Member SARBANES for their leadership, Senators ENZI, HAGEL and ALLARD for the many hours of hard work, and former FDIC Chairman Don Powell for his commitment to deposit insurance reform and tremendous leadership.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE COMMISSION ON INDEPENDENT COLLEGES AND UNIVERSITIES

• Mrs. CLINTON. Mr. President, I want to take this opportunity to recognize a remarkable organization, the Commission on Independent Colleges and Universities, cIcu, with which I have had the pleasure of working closely in the years since I was elected to the U.S. Senate. I am delighted to announce that this year cIcu is celebrating its 50th anniversary. In 50 years of service, cIcu has been at the forefront of every major issue facing postsecondary education in New York. With Abe Lackman's leadership, cIcu has been a powerful champion for college access, helping to increase opportunities for thousands upon thousands of New Yorkers.

cIcu's more than 100 members—private, nonprofit colleges and univer-

sities in New York—offer an exceptional educational experience, with personalized attention, and world-class faculty. New York is home to more of the Nation's top 100 colleges and universities than any other State and a leading destination for students attending college out of State. Because of the hard work and commitment of the people at cIcu and throughout the independent sector, cIcu member campuses have been pioneers in expanding access to higher education in New York, serving more low-income and minority students than many public higher education institutions. New York's independent colleges and universities are also a robust economic engine, generating innovative ideas and sustaining thousands of jobs—a fact that Abe would never allow me to forget.

cIcu schools enroll 452,000 students, including 300,000 New Yorkers, employ 131,000 people with an annual payroll of \$6 billion, and generate \$40 billion of annual economic impact. From major research universities to small faith-based institutions, cIcu's schools are shaping the future of individual students' lives and New York's economy. So happy birthday cIcu. May your second 50 years be as successful and productive as your first 50.●

##### IN MEMORY OF WILLIAM MATTHEW BYRNE, JR.

• Mrs. FEINSTEIN. Mr. President, I would like to offer a few words in observance of the passing of U.S. District Judge William Matthew Byrne, Jr., a great legal mind and ambassador of justice who nobly served our country for over 30 years on the Federal bench.

I extend my deepest sympathy to the family of Judge Byrne, his many friends and colleagues, and the members of the legal community everywhere who had come to know his talent and charm. A giant in his field, Judge Byrne tirelessly traveled the globe teaching and promoting the rule of law. His efforts touched countless individuals and left an immeasurable impact on legal systems on an international scale.

After honorably serving our Nation in the U.S. Air Force and amassing an unparalleled 96 percent conviction record as a U.S. attorney in Los Angeles, Judge Byrne was named head of the Commission on Campus Unrest by President Nixon. As head of the Commission, Judge Byrne sought to bridge the growing cultural divide that had developed as a result of the war in Vietnam.

The Commission's report revealed Judge Byrne's unassailable judgment and great courage. Bravely stepping into the middle of the fray, he found fault with students and police alike. Judge Byrne's work on the Commission played an important role in reuniting the country around our shared values. His contribution was recognized in 1971, when he was confirmed to a Federal judgeship at the age of 40, making