

trivial that 12 children are killed every day by gun violence.

It was mentioned by my colleague that the 8-year-old that shot the 6-year-old girl that a child safety lock would not have prevented this. Well, most likely, it probably would not have. But that does not mean that we should not go forward in trying to have gun safety legislation here.

What might have happened was, if that person bought the gun illegally, maybe if we had stricter laws as far as background checks go that person would not have been able to buy the gun if he did buy it on the black market.

I think that we should honor our agreement with Smith & Wesson. It is good business sense for them; and, hopefully, other gun manufacturers will follow suit with them.

I have to say, when a private individual or company sues the Federal Government and settles, then Congress makes sure that the settlement is upheld. The same standard applies to the HUD-Smith & Wesson agreement. Let this agreement stand as it is.

Mr. Chairman, guns and children do not mix. The Million Mom March showed us that hundreds of thousands of Americans can unite to stop gun violence in this country. The gun lobby does not control this House. We, the citizens that work here representing the people back home, are the ones that are supposed to fight for the issues that we care so much about.

I have to say that every little thing that we try to do to reduce gun violence in this country we seem to be stopped. I think it is time that we all work together. This is gun safety. It is not gun control. Gun control to me is when we try to take away the right of someone owning a gun. We are not doing that. I do not know of any Member that is trying to do that. This is good, common sense gun safety legislation. We defeated this amendment last week. We should again defeat this amendment today.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would address some points that the gentlewoman from New York (Mrs. MCCARTHY) made, and the first is the discussion of the slippery slope.

She brings up a good point about reasonable cause for the Veterans' Administration for drugs from a particular drug company. No one could be opposed to that. But the analogy is not particularly complete in that, if one drug company would make that agreement with the Veterans' Administration, if the same philosophy would govern as does with the Smith & Wesson agreement, then every pharmacist that supplies that one drug would have to sell a similar drug or other drugs at a price dictated by the first drug company and the Veterans' Administration.

That is what this agreement does. It makes not only the sale of Smith &

Wesson firearms applicable to the provisions of this agreement, but this makes other non-signatory gun manufacturers open to this, as well.

Now, the gentleman from New York (Mr. SERRANO), the ranking member, said that the Department of Justice is not a party in this lawsuit, and he is absolutely correct. But, however, it would be the Department of Justice, as the gentlewoman from New York (Mrs. MCCARTHY) pointed out, that would be the instrument that would bring the suit to Federal court on the part of HUD and the Treasury. So he is right. But this amendment is still necessary because it will be Justice that brings this to play.

Now, the gentlewoman from New York (Mrs. MCCARTHY) is right. This agreement would not have done anything to stop the tragedy nor to stop most tragedies dealing with violence against children, violent crimes. Because that is why we call them crimes. When they break the law, they commit a crime. And that is what happened in the first case with the incident that I discussed earlier. The gun was not purchased on the black market.

Not many black market salesmen have guns that do background checks in the first place. But, secondly, even if this one particular black market gun dealer that my colleague points out would have done a background check, it would not have applied because it was stolen and it was reported as such, so this agreement would not have affected that particular situation at any point.

Now, I would simply say that this is an agreement that is going to be carried out in a court of law, according to what has already been stated in *The New York Times*, if Smith & Wesson goes forward with their interpretation of the agreement. The Department of Justice would be the one to bring suit. And, so, if my colleague feels that Smith & Wesson has tried to do the right thing in this agreement, then she must vote for my amendment because she does not, in her own words, want to penalize Smith & Wesson by the Justice Department doing what they have already said they are going to do, and that is sue Smith & Wesson if Smith & Wesson does not do exactly what the Department of Justice, not Congress, says they should do in this.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Chairman, I thank the gentleman from Indiana (Mr. HOSTETTLER) for bringing this very important amendment to the floor.

There is a lot of emphasis around here on the first amendment, and rightfully so. We should defend it. There is a lot of neglect on the second amendment, but there are a lot of Americans that believe that the second amendment is equally as important as the first amendment. So I congratulate the gentleman.

Mr. Chairman, I rise in strong support of the Hostettler amendment. The Founding Fathers fought to break away from a tyrannical government. Part of the problem was that the King of England was making laws without any accountability. When they set up this Government, they saw the dire need to have several checks and balances, thus creating the three-fold system of Government: the executive branch, the judicial branch, and the legislative branch.

It is this legislative branch that is responsible for making laws and the judicial branch for interpreting them, period.

A serious act of misconduct on the administration occurred when the Smith & Wesson agreement was settled. The executive branch acted as the legislative branch when they bypassed Congress through 22 pages of litigation. The egregious agreement will require all authorized Smith & Wesson dealers to limit handgun sales to one handgun every 14 days regardless of make, require all authorized Smith & Wesson dealers to require customers to pass a certified test before completing a sale of any firearm, mandate that the BATF participate on an oversight commission created by the settlement agreement, and does not allow unaccompanied minors into areas where firearms are present.

It seems now that the administration sees fit, acting on no authority given it by the Constitution, to dictate to a company who they can sell their products to and in what manner their product can be sold. This forces law-abiding citizens to jump through Government-ordained hoops before they exercise their rights to purchase as many firearms as they choose and to purchase them whenever they choose.

The BATF, which has never been known for its fair treatment of gun owners, will play an integral part on the oversight commission of gun owners by the agreement.

The BATF will require all employees of dealers to attend annual training courses. In these training courses, the BATF gives the final say as to what can be taught and what will be excluded. Each employee must also complete an examination of which its contents will be closely reviewed by the oversight commission and make its own changes as it sees fit. In essence, they are acting as the "thought-control" police. This sounds very Orwellian to me and far from what Patrick Henry had in mind when he said, "The great objective is that every man be armed . . . Everyone who is able may have a gun."

Let us not forget past calamities against U.S. citizens from over zealous federal agents in trying to enforce unconstitutional gun laws. Again, too much power is being given to these unconstitutional agencies and even worse, it is being done without the consent of Congress. Members of the House, you must remember the oath that you swore to uphold and not relinquish your authority any longer. By what authority does the administration set up this new commission, what check will be placed on this agency in making their new regulations that

will affect all Americans without giving them a chance to vote or have a say in these changes. Why should we hand over our authority to another branch of the government and then let it take more freedoms away from our citizens?

These requirements have been voted on in the past in the House and Senate and thus far have not passed either house. It is all too clear that the agenda of the Clinton Administration has always been anti-second amendment, and thus, they have found a way to implement their policies by forcing a gun manufacturer to comply regardless of their legal legitimacy. The Federal government and executive branch have no business—and have no authority—to mandate how a company runs its business.

Let us not allow our authority to be usurped from us any longer. Please stop the funding for this anti-constitutional settlement and vote for the Hostettler Amendment and support H.R. 2655, the Separation of Powers Restoration Act.

I strongly support this amendment. I compliment the gentleman from Indiana (Mr. HOSTETTLER) for bringing this to the floor, and I hope that we can pass this overwhelmingly.

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Mr. SERRANO. Mr. Chairman, I yield myself 1 minute.

The more I hear the gentleman speak about his amendment and the more I hear people support the amendment, I cannot believe what I am hearing. It is like we are going crazy in this Chamber. Here we have for the first time a major manufacturer of guns in this country not saying gun control, not saying stop the sale of guns but saying, yes, you were right all along, I can make safety locks; I can bring out smart gun technology; I can make my guns child safety-trigger resistant; I can have chamber load indicators; I can do a lot of things that will make this situation a safer one for people who should not be either using guns or be near a gun in any way. In no way, shape or form does Smith & Wesson want to put themselves out of business by saying gun control.

This is a perfect thing to agree on. In fact, if one is for the use of guns in this country, they should be for this. So the more I listen to these arguments I say I do not know, maybe I am listening to another Chamber somewhere else.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman from New York (Mr. SERRANO).

I listened to the gentleman from Texas (Mr. PAUL) talk about a lack of accountability that inspired the American Revolution. Well, I think there is a revolution today in this country of thinking about how we deal with gun violence, and the lack of accountability today is on the floor of this Chamber where the American public overwhelmingly supports simple, common sense approaches to reduced gun violence but this Chamber is still in the thralls of apologists for gun vio-

lence and refuses to do what the American public would support.

It is clear, I hope, from my discussion last week, that it is wrong for this Congress to make it hard for a 2-year-old to open a bottle of aspirin but not make it hard for that 2-year-old to shoot his baby sister.

My point, which the gentleman from Indiana (Mr. HOSTETTLER) somehow confused with regulation of water pistols when they purchase it, was instead that this Congress has made it clear that there are certain core product safety standards which we are afraid to extend to real guns because of the threat of the NRA.

This legislation before us today has two nonsensical approaches. One, it undercuts our efforts to have a cooperative effort with the private sector in solving problems of gun violence and it would be read to prevent the Department of Justice conceivably from even discussing the Smith & Wesson agreement, clearly an illogical result. They are not a party to the legislation. It is not appropriate to be dealing with their budget, but it is clear that their job is to advise government agencies on the legal ramifications of what they enter into. That is absolutely dead wrong that somehow we would undercut their ability to do their job.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Oregon (Mr. BLUMENAUER) pointed out a very important point, and that is that we should be doing what the American people want. The Framers of the Constitution had that very same thing in mind when they said that all legislative powers shall be vested in a Congress; all policymaking power shall be given to a Congress. They did not give that power to make policy to the executive branch. They did not give it to the judicial branch. Here of late, the Supreme Court has forgotten that fact.

They did not give it to bureaucrats, either. They gave it to the legislative branch, being the Congress. So by doing this amendment, we are doing exactly what the American people want. A vote later will determine that on this particular bill.

Let me just remind my colleague from New York, the ranking member, that if he in fact believes that Smith & Wesson is doing the right thing by entering this agreement, and he does not want harm to come to Smith & Wesson, he should support my amendment because the Department of Justice is going to be the arm of the Federal Government that is going to be bringing this suit to court if Smith & Wesson goes against what the Department of Justice or HUD, I should say, or BATF does. It will be them. If one votes for this amendment, they will be saying hooray to Smith & Wesson; but if they do not, if they do not, then they will be saying that Smith & Wesson should be penalized for entering this agreement and not doing what the ex-

ecutive branch and the bureaucrats, that none of the employees of Smith & Wesson ever voted for, they will be doing what they want them to do and not according to what Smith & Wesson would have them to do.

I ask for support of my amendment.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member, the gentleman from New York (Mr. SERRANO), for yielding me this time.

For any of the viewers that are tuned in and listening to this debate, maybe we should pull back and clear the air for a moment and explain to them what this is about, kind of in an unedited way.

This is an amendment that is directed at removing from the books an agreement that Smith & Wesson, gun manufacturer in the United States of America, in my view, stepped up to home plate and struck an agreement, struck an agreement. Now, any major business, corporation in this country, I do not think, steps up to home plate to put themselves out of business. So, number one, this does not hurt their business, but what it is directed toward is protecting children.

I think that is very smart of Smith & Wesson because it is a very effective marketing tool.

Now, this marketing tool of this amendment now comes along and cloaks itself in the Constitution that no Federal agency should be able to enter into an agreement such as this; and so, therefore, constitutionally we need this amendment to undo this agreement.

I think that that is hogwash, I have to say. All of the mothers and fathers that came to Washington, D.C., to march, what were they saying? They were saying that in this country we have had enough. We do not want to bury our own children. Guns are dangerous; and in the hands of little ones, fatalities happen over and over and over again. So let us not dress ourselves up in a constitutional issue here. Let us not try to make ourselves look good. I rise in opposition to this amendment. It is a bad one. It is not what the American people want, and people should vote it down.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would advise Members to address their remarks to the Chair.

Mr. SERRANO. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mrs. MCCARTHY).

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) is recognized for 3½ minutes.

Mrs. MCCARTHY of New York. Mr. Chairman, again let us go through on what this amendment does. It will take away what Smith & Wesson, as far as I am concerned and we heard from my colleague from California, on good business sense. We see unfortunately in