

follows the horrible tragedy of the bombing of the federal office building in Oklahoma City in 1995. In my home state during the summer of 1997, a Vermont border patrol officer, John Pfeiffer, was seriously wounded by Carl Drega, during a shootout with Vermont and New Hampshire law enforcement officers in which Drega lost his life. Earlier that day, Drega shot and killed two state troopers and a local judge in New Hampshire. Apparently, Drega was bent on settling a grudge against the judge who had ruled against him in a land dispute.

I had a chance to visit John Pfeiffer in the hospital and met his wife and young daughter. Thankfully, Agent Pfeiffer has returned to work along the Vermont border. As a federal law enforcement officer, Agent Pfeiffer and his family will receive greater protection under our bill.

There is, of course, no excuse or justification for someone taking the law into their own hands and attacking or threatening a judge or law enforcement officer. Still, the U.S. Marshal Service is concerned with more and more threats of harm to our judges and law enforcement officers.

The extreme rhetoric that some have used in the past to attack the judiciary only feeds into this hysteria. For example, one of the Republican leaders in the House of Representatives has been quoted as saying: "The judges need to be intimidated," and if they do not behave, "we're going to go after them in a big way." I know that this official did not intend to encourage violence against any Federal official, but this extreme rhetoric only serves to degrade Federal judges in the eyes of the public.

Let none of us in the Congress contribute to the atmosphere of hate and violence. Let us treat the judicial branch and those who serve within it with the respect that is essential to preserving its public standing.

We have the greatest judicial system in the world, the envy of people around the globe who are struggling for freedom. It is the independence of our third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds of the moment.

We are fortunate to have dedicated women and men throughout the Federal Judiciary and law enforcement in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes acts or threats of violence to put a human face on the Federal Judiciary and other law enforcement officials, to remind everyone that these are people with children and par-

ents and cousins and friends. They deserve our respect and our protection.

I urge the House of Representatives to pass the Federal Judiciary Protection Act and look forward to its swift enactment into law.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 113) was read the third time and passed, as follows:

S. 113

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Judiciary Protection Act of 1999".

**SEC. 2. ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.**

Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "three" and inserting "8"; and

(2) in subsection (b), by striking "ten" and inserting "20".

**SEC. 3. INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.**

Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "10"; and

(2) by striking "three" and inserting "6".

**SEC. 4. MAILING THREATENING COMMUNICATIONS.**

Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 114, the individual shall be fined under this title, imprisoned not more than 10 years, or both."; and

(3) in subsection (d), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.".

**SEC. 5. AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.**

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(b) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in subsection (a)—

(1) any expression of congressional intent regarding the appropriate penalties for the offense;

(2) the range of conduct covered by the offense;

(3) the existing sentences for the offense;

(4) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(5) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(6) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(7) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(8) any other factors that the Commission considers to be appropriate.

**COMMENDING THE LATE ERNEST BURGESS, MD, FOR HIS SERVICE TO THE NATION**

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 363, submitted earlier today by Senator KERREY of Nebraska.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 363) commending the late Ernest Burgess, MD, for his service to the Nation and the international community, and expressing the condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 363) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 363

Whereas Dr. Ernest Burgess practiced medicine for over 50 years;

Whereas Dr. Burgess was a pioneer in the field of prosthetic medicine, spearheading groundbreaking advances in hip replacement surgery and new techniques in amputation surgery;

Whereas in 1964, recognizing his work in prosthetic medicine, the United States Veterans' Administration chose Dr. Burgess to establish the Prosthetic Research Study, a leading center for postoperative amputee treatment;

Whereas Dr. Burgess was the recipient of the 1985 United States Veterans' Administration Olin E. League Award and honored as the United States Veterans' Administration Distinguished Physician;

Whereas Dr. Burgess' work on behalf of disabled veterans has allowed thousands of veterans to lead full and healthy lives;

Whereas Dr. Burgess was internationally recognized for his humanitarian work;

Whereas Dr. Burgess established the Prosthetics Outreach Foundation, which since 1988, has enabled over 10,000 children and adults in the developing world to receive quality prostheses;

Whereas Dr. Burgess' lifelong commitment to humanitarian causes led him to establish a demonstration clinic in Vietnam to provide free limbs to thousands of amputees;

Whereas Dr. Burgess received numerous professional and educational distinctions recognizing his efforts on behalf of those in need of care;

Whereas Dr. Burgess' exceptional service and his unflinching dedication to improving the lives of thousands of individuals merit high esteem and admiration; and

Whereas the Senate learned with sorrow of the death of Dr. Burgess on September 26, 2000: Now, therefore, be it

*Resolved*, That the Senate—

(1) extends its deepest condolences to the family of Ernest Burgess, M.D.;

(2) commends and expresses its gratitude to Ernest Burgess, M.D. and his family for a life devoted to providing care and service to his fellow man; and

(3) directs the Secretary of the Senate to communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

#### NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 664, S. 1438.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1438) to establish the National Law Enforcement Museum on Federal lands in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert the part printed in italic.

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "National Law Enforcement Museum Act".*

#### SEC. 2. FINDING.

*Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.*

#### SEC. 3. DEFINITIONS.

*In this Act:*

(1) **MEMORIAL FUND.**—The term "Memorial Fund" means the National Law Enforcement Officers Memorial Fund, Inc.

(2) **MUSEUM.**—The term "Museum" means the National Law Enforcement Museum established under section 4(a).

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

#### SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) **ESTABLISHMENT.**—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property directly south of the National Law Enforcement Officers Memorial, bounded by—

(1) E Street, NW., on the north;

(2) 5th Street, NW., on the west;

(3) 4th Street, NW., on the east; and

(4) Indiana Avenue, NW., on the south.

(b) **DESIGN AND PLANS.**—

(1) **IN GENERAL.**—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) **APPROVAL.**—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) **DESIGN REQUIREMENT.**—The Museum shall be designed so that not more than 35 percent of the volume of the structure is above the floor elevation at the north rear entry of Court Building D, also known as "Old City Hall".

(c) **OPERATION.**—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) **FEDERAL SHARE.**—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) **FUNDING VERIFICATION.**—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) **FAILURE TO CONSTRUCT.**—If the Memorial Fund fails to begin construction on the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

Mr. CAMPBELL. Mr. President, I am pleased that the Senate is about to consider and pass S. 1438, the National Law Enforcement Museum Act of 1999. This legislation will authorize the construction of a National Law Enforcement Museum to be built here in our Nation's Capital.

As a former deputy sheriff, I know first-hand the risks peace officers face in enforcing our laws. Throughout our nation's history, nearly 15,000 federal, state, and local law enforcement officers have lost their lives in the line of duty. Based on FBI statistics, nearly 63,000 officers are assaulted each year in this country, resulting in more than 21,000 injuries. On average, one police officer is killed somewhere in America every 54 hours. Approximately 740,000 law enforcement professionals are continuing to put their lives on the line for the safety and protection of others.

We owe all of those officers a huge debt of gratitude, and it is only fitting that we properly commemorate this outstanding record of service and sacrifice.

My legislation seeks to achieve this important goal by authorizing the National Law Enforcement Officers Memorial Fund, a nonprofit organization, to establish a comprehensive law enforcement museum and research repository on federal land in the District of Columbia. The Fund is the same group that so ably carried out the congressional mandate of 1984 to establish the National Law Enforcement Officers Memorial, which was dedicated in 1991 just a few blocks from the Capitol. Clearly, their record of achievement speaks volumes about their ability to meet this important challenge.

Since 1993, the Fund has efficiently operated a small-scale version of the

National Law Enforcement Museum at a site located about two blocks from the Memorial. The time has come to broaden the scope of this museum and move it in closer proximity to the National Law Enforcement Officers Memorial.

This museum would serve as a repository of information for researchers, practitioners, and the general public. The museum will become the premiere source of information on issues related to law enforcement history and safety, and obviously a popular tourist attraction in Washington, DC, as well.

The ideal location for this museum is directly across from the National Law Enforcement Officers Memorial on a parcel of federal-owned property that now functions as a parking lot.

I introduced this legislation on July 27, 1999, and after committee hearings and extensive testimony, the Senate Committee on Energy and Natural Resources reported the bill in July of this year. Although the bill was pending on the Senate calendar awaiting final action by the Senate, I was pleased to work with my colleagues, Senator THOMPSON, Chairman of the Government Affairs Committee, and Senator DURBIN, the Ranking Member of the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, on a compromise amendment.

After over two months of negotiations, the National Law Enforcement Officers Memorial Fund and the District of Columbia Courts reached an agreement to clarify that the building of this museum will in no way conflict with court expansion and renovation plans. As a result of this agreement, Senators THOMPSON and DURBIN have offered an amendment with my support to reflect this agreement with the courts.

Under my legislation, no federal dollars are being proposed to build this museum. Rather, the Fund would raise all of the money necessary to construct the museum through private donations. The legislation places the responsibility of operating the museum in the hands of the Fund.

Finally, let me add that this legislation is supported by 15 national law enforcement organizations: the Concerns of Police Survivors; the Federal Law Enforcement Officers Association; the Fraternal Order of Police; the Fraternal Order of Police Auxiliary; the International Association of Chiefs of Police; the International Brotherhood of Police Officers; the International Union of Police Associations/AFL-CIO; the National Association of Police Organizations; the National Black Police Association; the National Organization of Black Law Enforcement Executives; the National Sheriffs Association; the National Troopers Coalition; the Police Executive Research Forum; the Police Foundation; the United Federation of Police; and the National Law Enforcement Council. Together, these organizations represent virtually every law