

being made to switch just enough votes to assure the amendment's passage.

Mr. President, I was absent from the Senate today in order to be a pall-bearer at a funeral in Tahlequah, Okla. Had I been present, I would have voted "yes" on the vote to table the Shumer amendment.

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

Mr. INHOFE. Mr. President, I yield the floor.

#### Y2K

Mr. BYRD. Mr. President, I regret that, earlier today, I was compelled to vote against the Majority Leader's cloture motion with respect to S. 96, the Y2K litigation reform bill. I did so, however, for the simple reason that I believe it is vitally important that the Senate first complete its business on the juvenile justice bill before moving on to other business. We are on the verge of finishing our work on this much-needed legislation, and it would have been, in my opinion, a grotesque waste of time and effort to simply throw that away in some artificial rush to proceed to the Y2K bill. Despite my vote, I look forward to having the opportunity to turn our attention to the Y2K litigation problem as soon as we have finished our work on the issue of youth crime and violence.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

#### WILLIAM SAFIRE'S ARTICLE ON CHINA

Mr. LEAHY. Mr. President, yesterday, in the New York Times, William Safire had an essay called "Cut the Apologies." I am shortly going to ask unanimous consent that it be printed in the RECORD. It perhaps says some things beyond what I might, but I am concerned. I have watched what has happened and the reactions of China to the accidental bombing of their Embassy in Belgrade. I hold no brief for the totally negligent—I might even say stupid—mistake made in the bombing of that Embassy. It is as inexcusable and unexplainable as the maps that brought about the death of the people in the cable car in northern Italy.

Having said that, however, for the Chinese, who will not allow any kind of demonstrations—and haven't since Tiananmen Square—criticizing their own government, to whip people into a frenzy and let them go and destroy much of our Embassy and the British Embassy in Beijing, and to say how shocked they are that this is going on, and that we have done that, demanding all kinds of apologies, frankly, is irresponsible and unimaginable. I can't accept it. I don't know how many people would.

If the Chinese think that by doing this somehow we are now going to jump in and let them join the WTO and everything else, that is a sad mistake.

Their conduct is incomprehensible. We have apologized for bombing the Embassy, which we would expect somebody to do with a similar mistake damaging ours. This is a war going on, and things happen, as General Schwarzkopf said, in the fog of war.

China is not the one to lecture the world on free and open demonstrations. China is not the one to lecture us on how we should conduct our economy. China has a great deal to explain on everything from their attempt to steal our secrets, spying on our country, and human rights violations in their own country and their own repression.

Mr. President, I ask unanimous consent that Mr. Safire's column be printed in the RECORD.

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

[From the New York Times, May 17, 1999]

#### CUT THE APOLOGIES

(By William Safire)

WASHINGTON.—After a week of whipping hatred of Americans by accusing us of deliberately murdering Chinese journalists in Belgrade, President Jiang Zemin Deigned to accept a call from The Great Apologizer.

For the fifth time, President Clinton apologized, expressed regrets, sent condolences, kowtowed and groveled, begging to be believed that we did not bomb China's embassy on purpose.

But it is America that is owed an apology. After an accident of war, we have been falsely accused of killing Chinese with malice aforethought. That is a great insult, compounded by the calculated trashing of our embassy by a bused-in mob encouraged by police.

The truth is that Beijing's leaders, worried about demonstrations on the 10th anniversary next month of the Tiananmen massacre, are milking this mistake for all it is worth.

By lying about our intent and suppressing coverage of our prompt admission of error, the nervous rulers are diverting their people's anger toward us and away from themselves.

By demanding we investigate the accident, they seek to water down the current Congressional investigations of their nuclear spying—a series of penetrations of our laboratories and political campaigns that was no accident.

By making Clinton beg forgiveness, they are able to cancel human rights talks while extracting new trade concessions. The deal: they will accept Clinton's apologies when he caves in on their application to the World Trade Organizations.

No wonder that no reputable diplomat would accept the President's pleas to replace our fed-up ambassador in Beijing. Clinton is now trying to appoint an admiral whose amiable association with the Chinese military and U.S. arms contractors will be closely examined by the Senate.

Though Clinton is softer than ever on China, he's taken a hard line in resisting Congress's investigations into Beijing's penetration of our nuclear labs and our political process. His latest trick: the improper use of documents submitted for intelligence declassification to prepare advance refutations of evidence of security lapses.

The White House has delayed for four months the three-volume report on security laxity by the House select committee headed by Representative Chris Cox. Clinton spinners are already distributing a packet of reprints of derogations by offended scientists, China-defenders and favorite journalists.

Cox has used the "clearance" delay to rewrite the turgid prose and to enliven the report with photographs and diagrams showing what missiles and satellites were stolen; that might even awaken television interest.

The Senate Intelligence Committee, headed by Richard Shelby and Robert Kerrey, is not about to hold still for the abuse of clearance. After it submitted one of its reports on nuclear lab laxity for review to protect intelligence sources, it learned of a refutation of that bipartisan report in work by the National security Council response machine.

The White House was told that the submission of documents was for security clearance only. It was not to be used for (a) advance policy review so that "rapid response" would occur in the same news cycle as the reports' release, or for (b) leakage of portions to the press for "inoculation" to later reduce its impact as "old news."

The intelligence business is not the publicity business. National security reports are not to be equated with the Starr report about hanky-panky. The Shelby committee made plain to the Berger Rapid-Apology Center that if this undermining of inter-branch comity did not stop forthwith, "we're going to zero out the N.S.C. staff budget." (By withholding some \$15 million, Congress could force the spinners onto the Department of Defense payroll or cause agonizing layoffs in the White House basement).

In both House and Senate, bipartisan committees are discovering serious intelligence weaknesses: too little analysis of too much collection. "If there's a flare-up in Iraq, North Korea or the Andes," worries an investigator, "we could not handle it and Kosovo, too."

The most troubling breakdown is in counterespionage. The F.B.I. and C.I.A., which are not blameless, are telling Congress the weakest link is the Department of Justice. What began as corrupt political protection became dangerous national security laxity. Who will apologize for that?

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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.

#### VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate resumed consideration of the bill.

Pending:

Lott (for Allard) amendment No. 351, to allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and to allow students, faculty, and administrative staff of a public school to hold an appropriate and constitutional memorial service on their campus to honor students and teachers who have been murdered at their school.

Kohl/Hatch/Chafee amendment No. 352, to amend chapter 44 of title 18, United States Code, to require the provision of a secure gun storage or safety device in connection with the transfer of a handgun.

Hatch/Feinstein amendment No. 353, authorizing funds for programs to combat gang violence.

Byrd/Kohl amendment No. 339, to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

Feinstein modified amendment No. 354, to modify the laws relating to interstate shipment of intoxicating liquors.

Frist amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms.

Wellstone amendment No. 356, to improve the juvenile delinquency prevention challenge grant program.

Sessions/Inhofe amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act.

Wellstone amendment No. 358, to provide for additional mental health and student service providers.

Sessions (for Ashcroft) amendment No. 348, to encourage States to prosecute violent juveniles as adults for certain offenses involving firearms.

Wellstone amendment No. 359, to limit the effects of domestic violence on the lives of children.

Hatch (for Santorum) amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation.

Ashcroft amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures.

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now resume S. 254, and that the first five amendments previously debated to the pending juvenile justice bill now be the pending question in the order in which they were offered, with up to 5 minutes for each side for additional debate prior to a vote on or in relation to those amendments.

I further ask that following the disposition of debate on each amendment, the amendment be laid aside, and at the hour of 3:50 p.m. today the Senate proceed to vote on or in relation to the amendments in the order in which they were offered, with 2 minutes prior to each vote for explanation.

Mr. LEAHY. Reserving the right to object—and I will not object because the distinguished Senator from Utah and I have been trying to move this forward—is the Senator from Vermont correct in understanding that we would do 10-minute votes? The 2 minutes is in addition to the 5 minutes? The reason I ask is that I think the Senator from Utah will have to adjust the time of the first vote.

I want to make sure I understand. Are we talking about 5 minutes on each side, but then an additional 2 minutes between the votes, so, in effect, 7 minutes on each side?

Mr. HATCH. The 2 minutes would be after the first vote.

Mr. LEAHY. Mr. President, I ask that the unanimous consent request be modified only to this extent: The distinguished Senator from Utah gave an opening time, and I think, because we had some time slip from when this was written, the Chair be allowed to start that initial vote at the time the various 5 minutes would run out.

Mr. HATCH. Mr. President, Let me modify my request to make it no later than 4 o'clock.

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

Mr. HATCH. The five amendments that are going to come up in this order, and I hope people will not use their 5 minutes, are: the Allard amendment on school memorials; the Kohl-Hatch amendment on safety trigger locks; the Hatch-Feinstein amendment on gangs; the Byrd amendment on interstate transportation of intoxicating liquor; and the Feinstein amendment to modify the laws pertaining to interstate shipment of liquor.

Senator KOHL, why don't we begin with the Kohl-Hatch amendment and we will use our 5 minutes.

#### AMENDMENT NO. 352

Mr. KOHL. Mr. President, our amendment is a reasonable, bipartisan measure that will help protect children from the countless accidental deaths, suicides and violent crimes that result from improperly stored handguns. Simply put, it would require that every handgun be sold with a child safety device, but leaves the decision about whether to use a safety device to individual gun owners. Here's why we believe you should support it.

First, we've added a section that extends limited liability protection to gun owners who lock up their handguns properly. This liability protection is very narrow—it does not extend any immunity to manufacturers, and it does not apply if the gun owner acted negligently. We believe that this provision actually improves the bill by creating incentives to use child safety locks.

Second, the American people overwhelmingly support it. According to a recent Newsweek poll, 85 percent of the American public backs legislation requiring the sale of child safety locks with new handguns.

Third, despite the pledges of some of the largest manufacturers to sell safety locks with every handgun, most manufacturers are still not including safety locks. In fact, the Los Angeles Times reported, "only a handful of the arms makers who eventually signed on are complying, according to industry insiders."

Fourth, and most importantly, child safety locks will help save lives. Each year, nearly 500 children and teenagers are killed in gun-related accidents, thousands are injured, and approximately 1,500 children and teenagers commit suicide with guns. Perhaps as disturbing, nearly 7,000 violent crimes each year are committed by juveniles using guns they found in their own homes.

Just last weekend, a 7-year-old Milwaukee boy named Brian Welch killed himself accidentally with a gun he found in his father's drawer. What do we say to Brian's family, if we cannot take steps as reasonable as this one?

You know, Mr. President, in the past few weeks there's been a lot of discus-

sion about Republicans and "gun control." Hardly a talk show goes by without a pundit opining on whether it's a true epiphany or a "poll-driven ploy." Well, cynics can believe whatever they want. But my sense is that, in the wake of Littleton, both sides have grown up a bit: Democrats in acknowledging that culture has something to do with juvenile violence today; and Republicans in endorsing reasonable measures to take handguns out of the hands of kids who shouldn't have them.

So I applaud all of those on both sides of the aisle who have "converted" on safety locks. I appreciate those who have been with us from the beginning, including our cosponsor Senator CHAFEE, who has been so resolute in support of reasonable gun control measures. And I credit Chairman HATCH, Senator LEAHY, and Senator CRAIG for their work in making this a better amendment. And one that we all believe will shortly become law.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this child safety device amendment will, first, provide qualified immunity to law-abiding gun owners who use a trigger lock or gun storage device, and two, it will require the sale of a child safety device lock or gun storage device with the sale of every handgun sold by a licensee.

In the past week it has been clear that some on the other side of the aisle believe that playing politics is more important than taking action. Some—but not all. So I am pleased to say that Senators KOHL, CHAFEE, and I have joined forces to produce a compromise on child safety locks that lays aside partisan rhetoric and demonstrates the positive steps that can result from putting aside such rhetoric and focusing on protecting our children.

Under the Kohl-Hatch-Chafee amendment, for the first time every handgun purchased from a manufacturer, importer, or licensed dealer will have to be sold with a storage or child safety lock device.

This amendment will not change the fundamental principle that governmental action cannot be used to micro-manage specific methods of parental responsibility. We do not expect parents to let their small children drive a car or play with matches, and we do not expect them to permit their children to have unsupervised access to firearms. This amendment will provide parents with a tool to help prevent such access.

Last year the Senate overwhelmingly agreed to an amendment that funded gun safety education by State and local entities. It also required gun dealers to stock safety devices. These efforts encouraged people to lock up their guns and to act safely and responsibly. This amendment is another step in enhancing this successful effort.

I should add that no child safety lock or gun safe will ever make our society safe from gun violence if criminals who

use firearms are not aggressively prosecuted and punished. No safety device will stop a felon, but jail will. So once again I call upon the Attorney General to start prosecuting criminals who use guns. Only then will we truly be able to create a safer environment for our children.

This amendment gives law-abiding gun owners the peace of mind of knowing their children are protected. Further, it will give law-abiding gun owners qualified immunity from civil suit if they use the child safety device or child safety lock.

This amendment is a good idea for gun owners and a good idea for children. I am pleased we have bipartisan support in the Senate for this amendment. I hope it will be agreed to.

Mr. CHAFEE. Mr. President, I am pleased to join with Senator KOHL in support of the commonsense child safety lock amendment. The amendment we had offered last Friday addresses a shameful—and uniquely American—tragedy: that of children finding handguns, and accidentally causing great harm to themselves or others.

Most of these terrible shootings occur in the home, when a curious youngster finds a parent's loaded handgun in the closet, under the couch cushions, or in a bedside table drawer. The child then shoots a sibling, a friend, or him- or herself. And all too often the result is death, or permanent injury.

One of the most tragic examples of children accidentally shooting other children occurred last year in Greensboro, North Carolina. A 4-year-old who was attending the sixth birthday party of a friend, found a loaded gun in a purse in the house where the party was taking place. The 4-year-old shot and killed the 6-year-old.

The National Center for Health Statistics tells us that every day in America 13 children are shot and killed, and every day at least one of those deaths is accidental. Every year in America, approximately 1,500 children and teens commit suicide with guns. The Bureau of Alcohol, Tobacco and Firearms estimates that about 7,000 violent crimes are committed by juveniles each year with guns they found in their own homes. Today, in few other countries are children so affected by gun violence, accidental or otherwise: CDC tells us that the rate of death among children under age 15 from guns in this country is 12 times that of the other 26 major industrialized nations combined.

A 1995 study by the Journal of the American Medical Association found that there is a gun in approximately half of all U.S. households. Another 1995 study by the SAFE KIDS Campaign found that 59 percent of parents with guns admitted that they don't lock-up their guns.

The statistics about children who are harmed accidentally by handguns are appalling. They are a national shame. And to grieving parents, siblings, and friends, they are not just statistics.

For them, the loss or serious injury of a child is absolutely devastating. Yet these accidents are wholly preventable.

That is why we are taking action today. The child safety lock amendment, No. 352, that we are proposing would require that all future sales of handguns be accompanied by a locking device—a mechanism that prevents the guns from being discharged without a key or combination lock.

Earlier in the debate on S. 254, the Senate voted overwhelmingly to approve an amendment offered by Senators HATCH and LEAHY that requires internet services providers to give parents a tool to filter violent material their children could be exposed to on the internet. It was an amendment to provide parents with a tool to help keep their children safe. The amendment Senator KOHL and I are offering with Senator HATCH is identical in its purpose. It is meant to provide parents with a tool—the trigger lock for a handgun—to keep their children safe.

I appreciate the support of the Judiciary Committee chairman and urge my colleagues to show the same level of support for this amendment as they showed for the internet filtering amendment last week.

Mr. KYL. Mr. President, I rise for the purpose of entering into a colloquy with the Senator from Wisconsin, Senator KOHL, regarding his Safe Handgun Storage and Child Handgun Safety Amendment (#352) to S. 254, the juvenile crime bill.

The amendment makes it unlawful for any licensed manufacturer, importer or dealer to sell, deliver or transfer any handgun to any person (other than under certain exceptions) unless the transferee is provided with a secure gun storage or safety device. I am interested in clarifying the intent of the amendment with regard to gun safety devices.

Senator KOHL, as you know, a company in my home state of Arizona has developed a handgun safety device called Saf-T-Hammer. It is a removable hammer which can be incorporated into new guns or retrofit most handguns now in circulation. When the top of the hammer is removed, the gun cannot be fired. Parents can take off the hammerhead and carry it with them when they leave home, secure in the knowledge that no unauthorized user—including children—will be able to fire the gun.

Because Saf-T-Hammer is a removable safety device, is it your intent, Senator KOHL, that Saf-T-Hammer would still qualify as a gun safety device for purposes of your amendment?

Mr. KOHL. Mr. President, I thank the Senator from Arizona for his question. I am indeed familiar with Saf-T-Hammer and share the Senator's enthusiasm for the promise of handgun safety that this device offers. I commend the intent of the developers of the device to safeguard the lives of innocent children and others who might otherwise be killed or injured by handguns.

I can assure the Senator from Arizona that it is indeed the intention of the amendment that devices such as Saf-T-Hammer, an easily removable hammer, are included within the purview of the amendment. I also believe that on its face the definition of a safety device in 18 U.S.C. 921(34) would include a device such as Saf-T-Hammer. Accordingly, when a handgun is manufactured or retrofitted with Saf-T-Hammer, it would be, under the terms of the amendment, exempt from the amendment's prohibitions on transfer. Handguns so equipped with a Saf-T-Hammer may be freely transferred under the amendment.

I hope this answers your question and clarifies the legislative intent of the amendment.

Mr. KYL. I thank the distinguished Senator from Wisconsin for his time and clarification of the amendment regarding this important issue.

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. LEAHY. Mr. President, I know the distinguished Senator from Wisconsin and distinguished Senator from Utah have worked in good faith on this amendment. My one concern is that the immunity provision does not define the term "person," so it could include not only individual gun owners but also dealers, manufacturers, possibly even governments. I mention that not to in any way deter this from being agreed to, but I say to the distinguished Senator from Utah and the distinguished Senator from Wisconsin, we will all be on the conference if this bill passes. That provision I suggest we may want to define more narrowly in a conference.

The PRESIDING OFFICER. The time on the amendment has expired.

The Senate will move to the next amendment.

The Senator from Colorado.

AMENDMENT NO. 351

Mr. ALLARD. Mr. President, I understand I have 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLARD. I will be talking about amendment No. 351, which is the Allard amendment.

Mr. HATCH. Will the Senator yield?

Mr. ALLARD. I yield to the Senator.

Mr. HATCH. The Senator will have 2½ minutes and the other side will have 2½ minutes.

Mr. ALLARD. I stand corrected. I thank the Senator from Utah.

Basically, there are two parts to this amendment. There is a part which we refer to as the "findings" part, and another part which deals with the actual statutory change.

The first part, in findings, just says the local school district, working with the school board and the administration and the parents and the students

in a school, if they decide to hold a memorial service or to erect a memorial, if they reach a local consensus, there is a finding by the Senate and by the Congress that it is OK for them to go ahead and do that. It is just a finding. It is not a change in law.

There is a second part that does deal with statutory changes where there is a change in law, and that says if there happens to be a lawsuit based on the first amendment or one of the other amendments, then on the first amendment it says the school district would pay for its own legal expenses and then the litigants would then pay for their own; whoever is suing would pay for their own legal expenses.

The second part of it says the U.S. Attorney General may defend the school district in the lawsuit. It is a very straightforward amendment.

The parents of Cassie Bernall recently contacted me about the difficulty they have encountered in establishing a memorial for their daughter. This is in relation to the Columbine High School tragedy. To quote Cassie's father:

Our Cassie was the young woman who boldly answered to a gunman "yes" when he asked if she believed in God, prompting him to pull the trigger. Cassie's response did not surprise us. . . . It was from her strong faith in [Jesus Christ] and His promise of eternal life that she was empowered to make her stand.

My wife . . . and I both believe any Columbine incident memorial should memorialize each individual in a personal way. Everyone knows . . . that Cassie was a very strong Christian. To leave this facet of her persona out would be to mis-memorialize her and others.

Mr. and Mrs. Bernall strongly support the amendment that I am proposing today because they have experienced already a threat to their first amendment rights.

I urge the Senate to vote yes for the Allard amendment.

I yield back the remainder of my time.

Mr. President, reclaiming my time, I have been informed that I have another 2½ minutes.

Mr. HATCH. I am sorry, I misstated.

Mr. ALLARD. I misunderstood.

Mr. HATCH. Will the Senator yield for a comment?

Mr. ALLARD. I will be glad to yield to the chairman.

Mr. HATCH. Mr. President, I commend Senator ALLARD for offering this amendment that conveys the Senate's heartfelt sympathy to the families and friends of all school shootings.

His amendment allows the families and friends of all victims of shootings to grieve and honor the victims at a memorial service held on school grounds. This amendment tells these families and friends that the Senate believes they have a right to congregate at a memorial service on school grounds to mourn the deaths of students and faculty.

Further, this amendment states that the Senate believes it is constitutional

for these memorial services to include spiritual aspects, including the reading of prayers and scripture and the performance of religious music.

This amendment also states that the Senate believes that an appropriate and constitutional permanent memorial can be erected on school grounds, a part of which can include religious symbols, motifs, or sayings.

This amendment will, hopefully, ease some of the pain associated with preparing memorial services for loved ones killed in any act of school violence. I thank the Senator from Colorado for offering this amendment and commend him for it.

Mr. ALLARD. Mr. President, I thank the chairman. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I cannot think of anything that a parent, a community, or a family would want to do more than to join in their expressions of grief if a disaster struck.

In my family, a disaster like Columbine—in fact, it is almost impossible to say how one would even get through it. I suspect we would gather as a family; we would gather with our community; we would go to our church. Expressions are made in schools, of course.

I do not question the concerns of the distinguished author of this amendment, which are heartfelt. I know him as a good and honest man. I worry, though, that we set a precedent involving our first amendment.

Our Constitution says everyone has equal access to the courts to assert constitutional rights. This amendment can be read to promote one constitutional viewpoint while depriving those who hold the opposing viewpoint of their day in court.

If this becomes law, those who complain of free exercise clause violations by public authorities that exclude religious observances from public spaces could do so with the benefit of additional fee-shifting, whereas those who make the opposite claim—that the establishment clause has been violated—will be disadvantaged.

The first amendment's religion clauses are meant to ensure that the Government is neutral in matters of religion. It says you can practice any religion you want or none if you want, but the Government will remain neutral, thus providing the diversity in this Nation of so many religions, a diversity which has greatly promoted our democracy.

This legislation, by offering the Attorney General's assistance to those who take one viewpoint, while depriving those who take the opposite viewpoint of normal civil rights law remedies, violates this most basic principle of neutrality.

The congressional finding paints with far too broad a brush. It could encompass a variety of activities that violate the first amendment.

While I joined in my own State in gatherings to express condolences to

those of the tragedy, I have been in memorial services, I have been in churches and in synagogues where we have prayed for those who have been the victims of tragedies. We have done it knowing that was an appropriate place to do it. I have gathered with families in public gatherings where we have expressed, within the context we do in a public setting, our feelings, and that is appropriate.

As I said, I do not know how the people, not only Columbine but so many communities which have been visited with tragedy, can even get through the tragedy. I do not know how a parent in these tragedies again, without fear, can ever send their child off to school.

Let us not, in our unified intent within this body to show our sympathy, in any way diminish the protections of our first amendment. It is too important to all of us.

I have great respect for the sponsor of this amendment. I have great respect for his honesty and his feelings of sympathy. I have joined with other Senators on the floor of the Senate in expressing my sympathy. I worry this is overly broadly against the first amendment, and because of that, I have to oppose it. I am perfectly willing to yield back time.

Mr. LEVIN. Mr. President, I have great sympathy for the motives and objectives of the Senator from Colorado in offering this amendment. We all want to support the appropriate service and memorial for victims of such tragic events. However, I did not support the Allard amendment because, in my judgement, it too broadly states a view regarding constitutionality under the First Amendment and arbitrarily singles out memorials for victims who are slain on the campus of a public school, excluding memorial services involving victims of slayings during a robbery or other event not on the school's campus or victims of a tragic accident, for example. Also, I do not believe that the Senate should take the step of authorizing the Attorney General to become involved in litigation on one side or the other.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I have a question to ask of the chairman. Is he ready for the yeas and nays on this amendment?

Mr. HATCH. We are going to vote in a stacked sequence.

Mr. ALLARD. I will wait for that.

Mr. HATCH. Why don't we ask for the yeas and nays. I ask unanimous consent that the yeas and nays be ordered on all five amendments.

The PRESIDING OFFICER. Is there objection to it being in order to order the yeas and nays? Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 353

Mr. HATCH. Mr. President, the amendment which I offered with the Senator from California, Mrs. FEINSTEIN, is a much refined version of legislation we offered last Congress to address the serious and troubling issues of interstate and juvenile gangs.

I commend Senator FEINSTEIN for her hard work and dedication to this issue.

Our amendment includes improvements to the current Federal gangs statute, to cover conduct such as alien smuggling, money laundering, and high-value burglary, to the predicate offenses under the penalty enhancement for engaging in gang-related crimes, and enhances penalties for such crimes.

It criminalizes recruiting persons into a gang, with tough penalties, including a 4-year mandatory minimum if the person recruited is a minor.

It amends the Travel Act, of 1952 18 U.S.C., to include typical gang predicate offenses.

It includes the James Guelff Body Armor Act, which provides penalty enhancements for the use of body armor in the commission of a Federal crime. This provision also prohibits the purchase, possession or use of body armor by anyone convicted of a violent felony, but provides an affirmative defense for bona fide business uses. However, our amendment places no duties or restrictions on the sellers of these legitimate personal safety products. Our amendment also enhances the availability of body armor to law enforcement. It includes penalties for teaching, even over the Internet, how to make or use a bomb, with the knowledge or intent that the information will be used to commit a Federal crime.

Finally, our amendment enhances penalties under the Animal Enterprise Terrorism Act (18 U.S.C. 43) to address the growing problem of attacks on businesses and research facilities, as well as establishes a clearinghouse to track such offenses. These crimes are increasingly being committed by some juvenile gangs, particularly in my State of Utah.

Gangs are an increasingly serious and interstate problem, affecting our crime rates and our youth. A 1997 survey of eighth graders in 11 cities found in 1997 that 9 percent were currently gang members, and that 17 percent said they had belonged to a gang at some point in their lives. These gangs and their members are responsible for as many as 68 percent of all violent crimes in some cities.

My home state of Utah continues to have a serious gang problem. In 1997, there were over 7,000 gang offenses reported to the police in Utah. Although we have seen some improvement from the unprecedented high levels of gang crime a couple of years ago, gang membership in the Salt Lake area has increased 209 percent since 1992. There are now about 4,500 gang members in the Salt Lake City area. 770 of these, or 17 percent, are juveniles.

During 1998, there were at least 99 drive by shootings in the Salt Lake City area. Also, drug offenses, liquor offenses, and sexual assaults were all up significantly over the same period in 1997. And in the first 2 months of 1999, there were 14 drive by shootings in the Salt Lake City area.

An emerging gang in Utah is the Straight Edge. These are juveniles who embrace a strict code of no sex, drugs, alcohol or tobacco, and usually no meat or animal products. Normally, of course, these are traits most parents would applaud. But these juveniles take these fine habits to a dangerous extreme, frequently violently attacking those who do not share their purist outlook.

There are 204 documented Straight Edgers in Salt Lake City, with an average age of 19 years old. Like most gangs, they adopt distinctive clothing and tattoos to identify themselves. Although not all Straight Edgers engage in criminal activities, many have become very violent prone. They have engaged in coordinated attacks on college fraternities, and a murder outside the Federal Building in downtown Salt Lake City last Halloween night was Straight Edge related. This crime, in which a 15-year-old youth named Bernardo Repreza occurred during a gang-related fight against the Straight-Edgers. Three Straight Edge gang members, have been charged with the murder.

And these gangs are learning some of their tactics on the Internet, which is why our amendment includes a provision making illegal to teach another how to make or use an explosive device intending or knowing that the instructions will be used to commit a federal crime, has passed the Senate on at least three separate occasions. It is time for Congress to pass it and make the law.

Sites with detailed instructions on how to make a wide variety of destructive devices have proliferated on the Internet. As many of my colleagues know, these sites were a prominent part of the recent tragedy in Littleton, Colorado.

Let me give my colleagues an example of one of these sites. The self-styled Animal Liberation Front has been linked to numerous bombings and arson across the country, including several in my home State of Utah. Posted on their Internet site is the cyber-publication, The Final Nail #2. It is a detailed guide to terrorist activities. This chart shows just one example of the instructions to be found here—in this case, instructions to build an electronically timed incendiary igniter—the timer for a time bomb.

And how do the publishers intend that this information will be used? The suggestion is clear from threats and warnings in the guide. One page in the site shows a picture of an industry spokeswoman, warning her to “take our advice while you still have some time: quit your job and cash in your

frequent flier points for a permanent vacation.” Now, on this chart, which comes from The Final Nail #2, we have redacted the spokeswoman’s address and phone number to protect her privacy. The publishers weren’t so considerate. And this is just the beginning. This same document has a 59 page list of targets, complete with names and addresses from nearly every U.S. State and Canadian province.

Let there be no mistake—the publishers know what they’re doing. For instance, the instructions on how to make milk jug fire bombs come with this caution: “Arson is a big time felony so wear gloves and old clothes you can throw away throughout the entire process and be very careful not to leave a single shred of evidence.”

It is unfortunate that people feel the need to disseminate information and instructions on bombmaking and explosives. Now perhaps we can’t stop people from putting out that information. But if they are doing so with the intent that the information be used to commit a violent federal crime—or if they know that the information will be used for that purpose, then this amendment will serve to hold such persons accountable.

Unfortunately, kids today have unfettered access to a universe of harmful material. By merely clicking a mouse, kids can access pornography, violent video games, and even instructions for making bombs with ingredients that can be found in any household. Why someone feels the need to put such harmful material on the Internet is beyond me—there certainly is no legitimate need for our kids to know how to make a bomb. But if that person crosses the line to advocate the use of that knowledge for violent criminal purposes, or gives it out knowing it will be used for such purposes, then the law needs to cover that conduct.

Mr. President, the Hatch-Feinstein Federal Gang Violence Act incorporated in this amendment is a modest but important in stemming the spread of gangs and violence across the country and among our juveniles. I urge my colleagues to support it.

I am happy to yield to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

I thank the distinguished chairman of the Judiciary Committee. I want him to know it has been a great pleasure for me to be able to work with him on these three issues, and now on the gang bill, for the past 3 years.

Mr. President, I think the chairman has very accurately and adequately stated what these amendments do. I would like to just provide a little bit of filler material with respect to the need. There are over 23,000 youth gangs in all 50 States in the United States. I think it will come as no surprise for people to learn that California is the No. 1 gang State, with almost 5,000 different gangs, more than three times as

many as the next State. Overall, there are over 600,000 members of gangs. And they have increased tenfold since 1975.

This legislation is a direct result of the importuning of many in local law enforcement who have come to me and others in this body and said: Could the Federal Government give us a hand in fighting gangs?

In Los Angeles alone, over the past 16 years, 7,300 people were murdered from gang warfare—more people than have been killed in all the terrorist fighting in Northern Ireland.

Today, modern gangs are organized. Take, for one, the Bloods and Crips, which began in Los Angeles. They now have a presence in 119 American cities, as you can see on this chart. Take, for instance, Chicago's Gangster Disciples, which have expanded into 34 Midwest and Southern cities, with a board of directors inside prison and a board of directors outside prison.

These gangs operate very often as modern Mafia-type enterprises. They move across State lines. They move drugs. They practice a whole series of crimes. And they do so in a very organized way.

In Los Angeles alone, the 18th Street Gang now deals directly with Mexican and Colombian drug cartels. They have expanded their operations to Oregon, Utah, El Salvador, Honduras and Mexico. And it goes on and on and on; virtually every ethnic and racial group has some gang that is operating in the United States.

The chairman has accurately stated what this amendment would do. It increases sentences for gang members who commit Federal crimes. It enhances the ability of Federal prosecutors to prosecute gangs. It amends the Travel Act to include some offenses which gangs perpetrate. It adds serious juvenile drug offenses to the Armed Career Criminal Act. And it provides a 3-year mandatory minimum sentence to knowingly transferring a firearm for use in a violent crime or drug trafficking crime where the gun is transferred to a minor.

Let me move now to the second part of it. This has to do with bomb making on the Internet. In the Judiciary Committee not too long ago, I remember somebody presenting a manual called "The Terrorist Handbook" that could be pulled up on the Internet. I went back and we downloaded it from the Internet.

What I saw really chilled me, because what I saw was accurate information on how to steal chemicals, how to break into chemistry labs, what to buy in stores, and how to go home and make pipe bombs, telephone bombs, letter bombs, and mailbox bombs. Virtually every use in the manual is illegal. And you have to ask, Why?

The youngsters in Colorado who perpetrated the crime indicated they got the formula for the pipe bombs directly from the Internet. It well could have been from this very volume I hold up today.

Since Littleton, CO, there has been a rash of these. Police arrested five students in Brooklyn for possessing this manual that they found on the Internet.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent just for one additional minute.

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

Mrs. FEINSTEIN. I will ask to print in the RECORD a list of counties and cities where we have had incidents directly following Littleton: Salt Lake; Cobb County in Georgia; Port Aransas, TX; Wichita Falls; Wimberley, TX. More than 50 threats of bombs and other acts of violence have occurred in the last few weeks since Littleton, CO.

This amendment essentially says it will become a Federal crime to teach or distribute information on how to make a bomb or other weapon of mass destruction if the individual intends the information be used to commit a Federal violent crime or knows that the recipient of the information intends to use it to commit a Federal violent crime.

The Justice Department has reviewed the legislation. We believe that it is constitutional. The Fourth Circuit has heard a case and has effectively declared the methodology herein as constitutional.

The final part of this bill is the James Guelff Body Armor Act. It speeds body armor of 10,000 surplus pieces from the FBI and the DEA to local and State governments. It makes body armor more difficult to obtain by felons. And we are very hopeful this will be included.

So we have the gang amendments, we have the lawmaking amendment, and the body armor.

I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, when the predecessor to this bill was introduced in the last Congress, I raised a number of concerns about the bill. I am glad to see that this amendment is much improved from the Hatch-Feinstein gang bill in the last Congress.

This amendment also contains proposals that Senator DEWINE and I have worked on together. For example, this amendment contains new procedures for law enforcement to obtain clone pagers. These are pagers held by law enforcement that duplicate the numeric messages received by a drug dealer or other criminal. This is a useful tool for law enforcement and I have long worked to streamline the procedures for the FBI, the DEA and other law enforcement agencies to obtain legal authorization to use clone pagers.

For including this clone pager proposal in the amendment, along with the other improvements made by the sponsors, they should be commended. I know they worked hard on this amendment.

I remain concerned about some of the penalties in this amendment. The

amendment calls for a new death penalty and new mandatory minimums that should be revised in conference.

Mr. CAMPBELL. Mr. President, I am pleased to see that an important provision that is based on a bill I introduced earlier this year has been included in the pending legislation.

This provision would provide Federal matching grants to help our state and local law enforcement officers acquire life saving bullet resistant equipment. This provision is based on S. 726, the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999. S. 726 is named in memory of Dale Claxton, a Cortez, Colorado, police officer who was fatally shot through the windshield of his patrol car last year. A bullet resistant windshield could have saved his life.

Unfortunately, incidents like this are far from isolated. All across our nation law enforcement officers, whether in hot pursuit, driving through dangerous neighborhoods, or pulled over on the side of the road behind an automobile, are at risk of being shot through their windshields. We must do what we can to prevent these kinds of tragedies as better, lighter and more affordable types of bullet resistant glass and other equipment become available.

While I served as a deputy sheriff in Sacramento County, California, I became personally aware of the inherent dangers law enforcement officers encounter each day on the front lines. Now that I serve as a U.S. Senator here in Washington, DC, I believe we should do what we can to help our law enforcement officers protect themselves as they risk their lives while protecting the American people from violent criminals.

One important way we can do this is to help them acquire bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving bullet resistant equipment. This assistance is especially crucial for small local jurisdictions that often lack the funds needed to provide their officers with the life saving bullet resistant equipment they need.

This Claxton bullet resistant equipment provision builds upon the successes of the Bulletproof Vest Partnership Grant Act, S. 1605, which I introduced in the 105th Congress and the president signed into law last June. This program provides matching grants to state and local law enforcement agencies to help them purchase body armor for their officers. This provision builds upon this worthy program by expanding it to help them acquire additional types of bullet resistant equipment.

The central part of the Claxton provision authorizes a new \$40 million matching grant program to help state, local, tribal and other small law enforcement agencies acquire bullet resistant equipment such as bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving equipment.

This matching grant program is authorized for fiscal years 2000 through 2002 and would be administered by the Bureau of Justice Assistance according to a formula that ensures fair distribution for all states, local communities, tribes and U.S. territories. To help ensure that these matching grants get to the jurisdictions that need them the most the bureau is directed to make at least half of the funds available to those smaller jurisdictions whose budgets are the most financially constrained.

Another key part of the Claxton provision allocates \$3 million over 3 years to the Justice Department's National Institute of Justice (NIJ) to conduct an expedited research and development program to speed up the deployment of new bullet resistant technologies and equipment. The development of new bullet resistant materials in the next few years could be as revolutionary in the next few years as Kevlar was for body armor in the 1970s. Exciting new technologies such as bonded acrylic, polymers, polycarbon, aluminumized material and transparent ceramics promise to provide for lighter, more versatile and hopefully less expensive bullet resistant equipment.

The Officer Dale Claxton provision also directs the NIJ to inventory existing technologies in the private sector, in surplus military property, and in use by other countries and to evaluate, develop standards, establish testing guidelines, and promote technology transfer.

Our nation's state, local and tribal law enforcement officers regularly put their lives in harm's way and deserve to have access to the bullet resistant equipment they need. The Officer Dale Claxton bill will both get life saving bullet resistant equipment deployed into the field where it is needed and accelerate the development of new life-saving bullet resistant technologies.

I urge my colleagues to join me in supporting this provision.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator has 2 minutes 43 seconds.

Mr. HATCH. Mr. President, unless there is opposition, I would yield that 2 minutes to the Senator from California.

Has the Senator from California said all she wants to say on this?

Mrs. FEINSTEIN. I believe so, Mr. President. I thank the Senator.

AMENDMENT NO. 339

Mr. HATCH. Mr. President, the next amendment is that of Senator BYRD.

Mr. LEAHY. Mr. President, if the Senator will yield, I have been advised by the distinguished senior Senator from West Virginia that he will not require his time in favor of the amendment, other than the minute he has reserved just prior to the vote. I was prepared to yield back 5 minutes as a proponent. There may be, however, those who seek time as opponents.

Mr. HATCH. If the Senator will yield, I would like to take about a minute of Senator BYRD's time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. And then protect the right of the Senator from California to speak in opposition.

Mr. President, I am pleased to support this amendment, which is nearly identical to a bill I introduced earlier this year, S. 577, The Twenty-First Amendment Enforcement Act. If nothing else can be said about this issue—it is absolutely imperative that states have the means to prevent unlawful access to alcohol by our children.

If a 13-year-old is capable of ordering beer and having it delivered by merely "borrowing" a credit card and making a few clicks with her mouse, there is something wrong with the level of control that is being exercised over these sales and something must be done to address the problem.

I am a strong supporter of e-commerce. But the sale of alcohol cannot be equated with the sale of a sweater or shirt. We need to foster growth in electronic commerce, but we also need to make sure that alcohol control laws are respected.

The growth of many of our nation's wineries is tied to their ability to achieve name recognition and generate sales nationwide—tasks the Internet is uniquely suited to accomplish. I do not want to preclude them from using the Internet; I want to ensure that they use it responsibly and in accordance with state laws.

If there is a problem with the system, we need to fix the system, not break the laws.

The 21st amendment gives states the right to regulate the importation of alcohol into their states. However, efforts to enforce laws relating to the importation of alcohol have run into significant legal hurdles in both state and Federal courts.

The scope of the 21st amendment is essentially a federal question that must be decided by the federal courts—and ultimately the Supreme Court. For that reason, among others, I believe a federal court forum is appropriate for state enforcement efforts.

Most states do not permit direct shipping of alcohol to consumers. Therefore most Internet sales of alcohol are currently prohibited. If a state wants to set up a system to allow for the direct shipment of alcohol to consumers, such as New Hampshire and Louisiana have already done, then that is their right under the 21st amendment. But the decision to permit direct shipping, and under what conditions, is up to the states, not the purveyors of alcohol.

The bill is supported by a host of interests including, *inter alia*, Utah interests (Governor Leavitt, Attorney General Graham, Utah's Department of Alcoholic Beverage Control, the Utah Hospitality Association, numerous Utah Congressional Representatives

and Senator Bennett), SADD, the National Licensed Beverage Association, the National Beer Wholesalers Association, the Wine and Spirits Wholesalers, Geerlings and Wade (leading direct marketer of fine wines to 27 states and more than 81 percent of the wine consuming public), Americans for Responsible Alcohol Access, the National Association of Beverage Retailers, the National Alcohol Beverage Control Association, and the National Conference of State Liquor Administrators.

Having said that, I will yield back the remainder of any time the proponents have.

Mr. LEAHY. Mr. President, I commend the Senior Senator from West Virginia for his dedication to enforcing state liquor laws. But I must disagree with his approach. The Byrd amendment would permit the enforcement of state liquor laws in Federal court. This expansion of the jurisdiction of the Federal courts is not warranted and raises constitutional problems because one state may impose its laws on the citizens of another state under this amendment.

In the Judiciary Committee, we recently held a hearing on this issue of direct sales of alcohol products over the Internet and via mail order. In our hearing, several expert witnesses raised questions about a similar bill by Senator HATCH, S. 577. I would like to work with Senator BYRD, Senator HATCH and others on the Judiciary Committee to see if we can refine this legislation to make sure it will pass constitutional muster. I have my doubts about constitutionality of the language before us today and will have to vote against the Byrd amendment as currently drafted.

If the full Senate is to pass an amendment today on the interstate shipment of alcohol, I believe the amendment by Senator FEINSTEIN is a more targeted and sounder approach.

Her amendment would require clear labeling of alcoholic beverages shipped interstate and require the signature of an adult upon delivery of the alcoholic beverages.

The Feinstein amendment does not raise constitutional issues and is targeted at preventing any underage purchase of alcoholic beverages over the Internet or through other direct sales.

I will vote against the Byrd amendment and for the Feinstein amendment, because I believe that hers is constitutionally far more acceptable but also hits the problem far better.

Mr. HATCH. Mr. President, before I relinquish the floor to Senator FEINSTEIN, let me say that I think States need the ability to take action on their own to enforce their State liquor laws. Senator BYRD's amendment provides States with a Federal court forum to enjoin violations of their alcohol laws, denying violators the ability to hide behind a jurisdictional curtain.

Mr. President, this is a summary of the Byrd amendment:

First, it permits the chief law enforcement officer of a state to seek an

injunction in federal court to prevent the violation of any of its laws regulating the importation or transportation of alcohol;

Second, allows for venue for the suit where the defendant resides and were the violations occur;

Third, no injunctions issued without prior notice to the opposing party;

Fourth, requires that injunctions be specific as to the parties, the conduct and the rationale underlying the issuance of the injunction;

Fifth, allows for quick consideration of the application for an injunction; conserves court resources by avoiding redundant proceedings; and

Sixth, mandates a bench trial.

Having said that, I probably will support both the Byrd amendment and the next amendment from the distinguished Senator from California, Mrs. FEINSTEIN.

Mrs. FEINSTEIN. I thank the ranking member for his comments. My views parallel his. I think the Byrd method is very well intentioned. I happened to be on the floor when the Senator presented it. However, I must say I believe it is overly broad. It would essentially permit States to deputize the Federal courts which exist to enforce Federal laws, not State laws. I believe it would have the unintended consequence of dramatically expanding the power of any one State in a matter which would diminish consumer choice and really harm legitimate businesses.

This is more or less an intra-industry fight. California is home to 90 percent of the domestic wine industry. The vast majority of these wineries are small family farms. The wine industry is certainly vital. Many of these small wineries essentially have wine tastings. Individuals come in, taste the wine. They do not have shelf space. The wine is expensive, and they will use the Internet to be able to ship this wine.

The problem which has been presented for remedy is children obtaining this kind of alcoholic beverage through the Internet. I happen to doubt that children would buy \$90 bottles of wine, but, nonetheless, the second amendment I will present in essence tackles the question at hand by saying that any of these shipments must be clearly labeled, and they must be received by someone who has the qualification to receive them, identification showing that that individual is entitled to receive them and is in fact an adult.

Therefore, I do not believe this throwing of State alcohol law into the Federal courts is necessary to solve the problem at hand.

I urge a no vote on the Byrd amendment and an aye vote on the Feinstein amendment.

The PRESIDING OFFICER. All time on the amendment has expired.

AMENDMENT NO. 354, AS MODIFIED

The PRESIDING OFFICER. The Senator will now move to the debate on the Feinstein amendment.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I may, I ask unanimous consent to modify my amendment No. 354.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 354), as modified, is as follows:

At the appropriate place, add the following:

**SEC. \_\_\_\_ INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.**

(a) IN GENERAL.—Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting “a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a” after “accompanied by”; and

(B) by inserting “and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,” after “contained therein,”; and

(2) in section 1264, by inserting “or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made,” after “consignee.”

Mrs. FEINSTEIN. Mr. President, the modification I have sent to the desk changes the penalty, and I will explain that in a moment.

The amendment, as I have just described it, would require persons who ship alcoholic beverages across State lines to: First, clearly and prominently label the contents as alcoholic beverages; second, state the full name of the person causing the package to be shipped; i.e., the seller; and third, state that an adult’s signature is required. It would require the shippers—for example, Federal Express—to not deliver a package so labeled unless they can: One, verify that the person receiving the delivery is of legal age for purchasing alcoholic beverages; and, two, obtain that person’s signature.

Mr. President, the amendment I sent to the desk to modify would simply provide that existing penalties would apply to this bill. Those are criminal penalties of up to 1 year imprisonment and fines of up to \$200,000 for organizations or \$100,000 for individuals. A seller who violates this requirement on three or more occasions may have their ATF basic permit revoked. That is the effect of the law today, and we would repeat that penalty in this particular instance.

I thank the Chair.

The PRESIDING OFFICER. Does any Senator wish to speak in opposition?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am prepared to yield back all the time in opposition to this amendment on our side. We are prepared to vote.

VOTE ON AMENDMENT NO. 351

The PRESIDING OFFICER. The question is on agreeing to amendment No. 351. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote “no.”

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 121 Leg.]

**YEAS—85**

Abraham	Enzi	McCain
Akaka	Feinstein	McConnell
Allard	Fitzgerald	Mikulski
Ashcroft	Frist	Murkowski
Baucus	Gorton	Nickles
Bayh	Graham	Reid
Bennett	Gramm	Robb
Biden	Grams	Roberts
Bond	Grassley	Rockefeller
Breaux	Gregg	Roth
Bryan	Hagel	Santorum
Bunning	Hatch	Sarbanes
Burns	Helms	Schumer
Byrd	Hutchinson	Sessions
Campbell	Hutchison	Shelby
Chafee	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stevens
Coverdell	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lieberman	Voinovich
Dodd	Lincoln	Warner
Domenici	Lott	Wyden
Dorgan	Lugar	
Edwards	Mack	

**NAYS—13**

Bingaman	Hollings	Murray
Boxer	Kerrey	Reed
Durbin	Lautenberg	Wellstone
Feingold	Leahy	
Harkin	Levin	

**NOT VOTING—2**

Brownback	Moynihan
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The amendment (No. 351) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator will withhold. The Senate will be in order. The Senator from Utah.

Mr. HATCH. Mr. President, we are making headway. I ask unanimous consent that the remaining votes in this series be limited to 10 minutes in length.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, just a point of clarification before we start to vote. Each side gets 1 minute before these votes. I urge Senators on both sides to give attention to both proponents and opponents so they can be heard. Senator HATCH and I have worked very hard to get it down to this list, so we should make sure both sides are protected and can be heard.

AMENDMENT NO. 352

The PRESIDING OFFICER. There are 2 minutes equally divided on the Kohl-Hatch amendment. Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, let me just make one quick comment and then yield to Senator KOHL.



The Kohl-Hatch amendment provides qualified immunity to law-abiding gun owners who use a child safety lock or gun storage unit and requires that all handguns be sold with a child safety lock or gun storage unit.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, none of us is naive enough to believe today's vote signals a bipartisan consensus on all gun control issues, or even most of them. But after a week of back-and-forth—and forth-and-back—over firearms, it is good to see a consensus developing on at least this commonsense measure to keep handguns away from children. Simply put, the Kohl-Hatch-Chafee amendment will ensure that a child safety device—or trigger lock—is sold with every handgun.

This proposal will move us forward today, and it will help save lives. I hope we can all support it.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. HATCH. We yield back the time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the Hatch-Kohl amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announced that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 78, nays 20, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—78

Abraham	Fitzgerald	Lott
Akaka	Frist	Lugar
Baucus	Gorton	McCain
Bayh	Graham	McConnell
Bennett	Grassley	Mikulski
Biden	Gregg	Murkowski
Bingaman	Hagel	Murray
Boxer	Harkin	Reed
Breaux	Hatch	Reid
Bryan	Hollings	Robb
Byrd	Hutchinson	Roberts
Campbell	Hutchison	Rockefeller
Chafee	Inouye	Roth
Cleland	Jeffords	Santorum
Cochran	Johnson	Sarbanes
Collins	Kennedy	Schumer
Conrad	Kerrey	Smith (OR)
Daschle	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Voinovich
Edwards	Levin	Warner
Feingold	Lieberman	Wellstone
Feinstein	Lincoln	Wyden

NAYS—20

Allard	Crapo	Nickles
Ashcroft	Enzi	Sessions
Bond	Gramm	Shelby
Bunning	Grams	Smith (NH)
Burns	Helms	Thomas
Coverdell	Inhofe	Thompson
Craig	Mack	

NOT VOTING—2

Brownback Moynihan

The amendment (No. 352) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 353

Mr. HATCH. Mr. President, this next amendment is the Hatch-Feinstein amendment. It is an amendment to give enhanced authority to combat gang violence. In addition to combating gang violence, this also is an amendment that bans bombmaking information on the Internet or information on the Internet with intent to injure.

I described this rather fully in my opening remarks earlier in the day. I give the rest of my time to the distinguished Senator from California.

Mrs. FEINSTEIN. Thank you very much, I say to the Senator. And thank you, Mr. President.

This amendment essentially has four parts. One relates to gangs that move across interstate lines practicing criminal enterprise, the second is body armor, the third is bombmaking, and the fourth is animal terrorism.

Essentially, with respect to gangs, this bill will increase sentences for gang members who commit Federal crimes. It will enhance the ability of Federal prosecutors to prosecute gangs for this crime. And it will add serious juvenile drug offenses to the Armed Career Criminal Act.

With respect to body armor, there are about 10,000 surplus pieces of body armor that the FBI and DEA have.

The PRESIDING OFFICER. The Senator's time has expired.

Does anyone yield time in opposition to the amendment? The Senator from Vermont.

Mr. LEAHY. Mr. President, it is not in opposition, but I will use that time if nobody else is seeking it.

This is much improved from what it was last year. It has included a proposal that Senator DEWINE and I have worked on together. My one concern is the penalties. It does call for a new death penalty and new mandatory minimum.

I will tell the distinguished Senator from California and the distinguished Senator from Utah, these are issues that will be raised in conference.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 353. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—85

Abraham	Feinstein	McCain
Akaka	Fitzgerald	McConnell
Allard	Frist	Mikulski
Ashcroft	Gorton	Murkowski
Baucus	Graham	Nickles
Bayh	Gramm	Reed
Bennett	Grams	Reid
Bingaman	Grassley	Robb
Bond	Gregg	Roberts
Boxer	Hagel	Rockefeller
Breaux	Hatch	Roth
Bryan	Helms	Santorum
Bunning	Hollings	Sarbanes
Burns	Hutchinson	Schumer
Byrd	Hutchison	Sessions
Campbell	Inhofe	Shelby
Chafee	Jeffords	Smith (NH)
Cleland	Johnson	Smith (OR)
Cochran	Kerrey	Snowe
Collins	Kerry	Specter
Coverdell	Kohl	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
DeWine	Lieberman	Voinovich
Domenici	Lincoln	Warner
Durbin	Lott	Wyden
Edwards	Lugar	
Enzi	Mack	

NAYS—13

Biden	Harkin	Murray
Conrad	Inouye	Thompson
Dodd	Kennedy	Wellstone
Dorgan	Lautenberg	
Feingold	Levin	

NOT VOTING—2

Brownback Moynihan

The amendment (No. 353) was agreed to.

AMENDMENT NO. 339

Mr. BYRD addressed the Chair. The PRESIDING OFFICER (Mr. HAGEL). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, this proposal by Senator KOHL and myself simply authorizes the attorney general of a State to go into Federal district court and seek an injunction against any person importing alcohol into that State in violation of that State's law. Unfortunately, recent Federal court decisions have held that States do not necessarily have the power to seek such an injunction despite the fact that the 21st amendment to the Constitution and the Webb-Kenyon Act give States the power to prohibit alcohol importation. As a consequence, many States are at a loss when it comes to enforcing their own laws.

For those who may have concerns with this proposal, let me state unequivocally that the amendment will not restrict the lawful manufacture, advertisement, sale, transportation, or importation of any alcoholic beverage. As long as a distiller, or a brewer, or a winemaker complies with the laws of the given State, they will have no additional restrictions placed upon them by this amendment. The only ones who need to fear this amendment are those who are conducting their business in an unlawful manner, particularly those who are willing to sell alcohol to our children.

Mr. President, as the Senate considers this juvenile justice bill, designed to reduce the scourge of youth violence and crime, I beseech my colleagues to remember that alcohol use and abuse constitute an important facet of this national problem. Let us not overlook the pernicious effects that alcohol has on our young people. Let us not turn our backs on them by foregoing this opportunity to put a stop to those who choose to evade our laws. I urge my colleagues to support this amendment.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the amendment. The amendment really is developed because of problems with alcohol being shipped to minors, and the amendment has major concern to the California wine industry. We believe it opens the Federal courts to State law. It does not focus on underage drinking, it is not supported by Mothers Against Drunk Driving, and it is opposed by the largest Internet trade group and by the wine industry.

Rather, my amendment would focus directly on underage drinking by requiring that any shipment be clearly marked with a label as to what the contents are and require that the recipient be qualified to receive it—in other words, be able to present identification that that person is, in fact, an adult.

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 339.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCAIN (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—80

Abraham	Dodd	Hollings
Akaka	Domenici	Hutchinson
Ashcroft	Dorgan	Hutchison
Baucus	Durbin	Inhofe
Bennett	Edwards	Inouye
Biden	Enzi	Jeffords
Breaux	Feingold	Johnson
Bryan	Fitzgerald	Kennedy
Bunning	Frist	Kerry
Burns	Gorton	Kohl
Byrd	Graham	Kyl
Cleland	Gramm	Lautenberg
Cochran	Grams	Levin
Conrad	Grassley	Lieberman
Coverdell	Gregg	Lincoln
Craig	Hagel	Lott
Crapo	Harkin	Lugar
Daschle	Hatch	McConnell
DeWine	Helms	Mikulski

Murkowski	Schumer	Thomas
Nickles	Sessions	Thompson
Reid	Shelby	Thurmond
Robb	Smith (NH)	Voinovich
Roberts	Smith (OR)	Warner
Rockefeller	Snowe	Wellstone
Santorum	Specter	Wyden
Sarbanes	Stevens	

NAYS—17

Allard	Chafee	Mack
Bayh	Collins	Murray
Bingaman	Feinstein	Reed
Bond	Kerrey	Roth
Boxer	Landrieu	Torricelli
Campbell	Leahy	

NOT VOTING—2

Brownback	Moynihan
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ANSWERED "PRESENT"—1

McCain
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The amendment (No. 339) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 354, AS MODIFIED

The PRESIDING OFFICER. The question now is on the Feinstein amendment. There are 2 minutes equally divided.

Who seeks recognition?

Mr. HATCH. May I ask the distinguished Senator from California, since everybody understands this, why don't we yield back the time?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. HATCH. If I could ask the distinguished Senator from California—I certainly support this amendment; I believe everyone understands that—why don't we just yield back the time?

Mrs. FEINSTEIN. I will be happy to. Mr. HATCH. I yield back the time on this side.

Mr. GRAMM. Can't we just voice vote it?

The PRESIDING OFFICER. The question now is agreeing to the amendment.

Mr. HATCH. Can we voice vote this amendment? I ask unanimous consent that the yeas and nays be vitiated.

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

Mr. HATCH. I thank the Chair.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 354), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, in just a few minutes we believe we can get consent to have three more votes this evening and we will put over a stacked group of amendments for tomorrow, but we are just a few minutes away

from having that consent. I suggest the absence of a quorum while we get it.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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.

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now resume S. 254, and the amendments, in this order tonight: Amendment No. 358, followed by amendment No. 348; that these will be the next two amendments, previously debated, to the pending juvenile justice bill, which will now be the pending question, in the order in which they were offered, with up to 5 minutes equally divided for additional debate prior to a vote on or in relation to these two amendments.

I further ask that notwithstanding a vote in relation to an amendment, if any amendment is not tabled or skipped in the voting sequence, it then be laid aside for additional votes in the sequence, with the amendments reoccurring at the end of the sequence ending with amendment No. 361.

I further ask that following the disposition of each debate on each amendment, the amendment be laid aside, and at the hour of 5:50 p.m. today the Senate proceed to vote on or in relation to the amendments, in the order in which they were offered, with 2 minutes prior to each vote for explanation.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not—

Mr. HATCH. Will the Senator yield for one other question? I believe I said amendment 358, but the two amendments tonight will be 359 and 348, in that order. I ask unanimous consent.

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As I understand, the Senator has asked for rollcalls on those two votes, but then he asked for consent after that to sequence which amendments and in what order?

Mr. HATCH. To sequence the remaining amendments, the skipped amendments, in the order in which they were following amendment No. 361. In other words, we are putting them at the end of the group of amendments.

Mr. KENNEDY. I have no objection. I understand that Senator HARKIN is not here.

Mr. HARKIN. I am here. I am trying to figure it out myself.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. What this does, I tell Senators on my side of the aisle, is say we will have two votes tonight. They have to go out of the sequence, but then we go back to the sequence. It is my understanding, from the distinguished Senator from Mississippi, that

those will be the only two rollcall votes we will have tonight, and then we will be back on the sequence tomorrow, if I am correct.

Mr. LOTT. That is correct.

If I could get recognition, if the Senator desires to have some debate on his amendment tonight, that will be fine and will be anticipated also. So we will do these two out of sequence, with the last vote occurring probably around 6:15 or so.

Mr. LEAHY. Or earlier.

Mr. LOTT. Or perhaps earlier. That will be the last vote tonight. The next amendment in order will be the amendment the Senator from Iowa is concerned about. And if he would like to debate that tonight, that would be fine.

Mr. HARKIN. Reserving the right to object, it is my understanding that for 359 and 348, we will have those two votes. That will be all tonight?

Mr. LOTT. Right.

Mr. HARKIN. Then what will occur after that? What is the next thing in sequence?

Mr. HATCH. Could I make it clear? After that will occur No. 360, then No. 361, then No. 356, then No. 357, and last will be No. 355, which is the amendment the distinguished Senator is concerned with.

Mr. HARKIN. And your unanimous consent did not put any time limit on that?

Mr. LEAHY. No.

Mr. HATCH. We did not. I ask unanimous consent that they be put in that order, with No. 355, the one with which the distinguished Senator is concerned, last on the list.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, is there a time limit?

Mr. HATCH. There is not.

Mr. HARKIN. On any of these?

Mr. HATCH. No.

Mr. LEAHY. No. It is my understanding that there is a time limit on only the two this evening.

Mr. HARKIN. I see.

Mr. HATCH. We are hoping we can set aside basically the other controversial, but not seriously controversial, amendments to be stacked tomorrow at some time, in accordance with the wishes of the majority and minority leaders, and they will proceed in the same way these have. But we understand on No. 355 there is not a time limit.

Mr. HARKIN. I will not object as long as I understand and the record is clear that on amendment No. 355, the Frist-Ashcroft amendment on IDEA, there is no time limit.

Mr. HATCH. No time limit. It will be the last of the amendments in the order we are listing them.

I ask unanimous consent that that be so.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I hope we can move to these two amendments. We have 5 minutes to debate them.

## AMENDMENT NO. 359

Mr. HATCH. The first amendment coming up will be Senator WELLSTONE's on domestic violence for 2½ minutes.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Might I ask a question first? I am sorry. I do not intend to take a lot of time.

Is there a time limit on this amendment tonight?

Mr. HATCH. The time limit of 5 minutes equally divided.

Mr. LEAHY. Could we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, this amendment goes right to the heart of this legislation. If we are serious about youth violence, one of the things we want to do is help kids before they get into trouble.

This amendment would authorize grant money which would go to the community level for counselors and courts and schools and health care providers and teachers and battered women programs to provide support and help to those children who witness violence in their homes.

We have focused on the violence against the adult—usually the woman, I am very sorry to say. But one of the things I found around the country, I say to my colleagues, is that we have not provided the support for kids. If you care about this issue of family violence, and if you care about trying to get more support for children who witness this and see it all the time and then cannot do well in school and are in trouble, then you need to support this amendment.

In the bill right now, the language is not specific; it is very weak. It just simply talks about kids at risk, but it does not focus specifically on the problem of violence in homes and the effects on children who witness this violence. This is one of the best amendments we could support.

For those of you who have done this work dealing with the issues of family violence, for those of you who care about reducing violence in families and supporting children, this is really an important amendment. I hope it will have strong support.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HATCH. Mr. President, I yield back the remainder of my time on this amendment, except let me just say this: I very much appreciate the efforts of the Senator from Minnesota. As I read it, it provides for six new grant programs totaling \$170 million.

Mr. President, as you know, the issue of domestic violence, including its impact on children, is one that has been of paramount concern to me over the past 10 years. Working with Senator BIDEN, and the Senate, the Senate acted decisively in 1994 by passing the

Violence Against Women Act. Moreover, in the years following passage of this landmark legislation, this Senate has consistently funded programs authorized by that legislation.

I do agree with my colleague; we probably could do more. We certainly can do better. For that reason, Senator BIDEN and I have begun working on a significant and thorough review of the act.

In 1994, we created many new programs, and we have spent hundreds of millions of dollars to fund them. I think it is time to examine what works and what doesn't as we look to reauthorizing this Act. Further, I think we need to examine carefully whether and what kind of additional programs are necessary and appropriate.

The Senator's amendment raises an important issue—the impact of domestic violence on children and what can be done to alleviate this problem. I am not prepared, however, at this time, to endorse his solutions.

I understand why the Senator would try to use this bill as a vehicle for his amendment, but I disagree. Rather, these suggestions, along with others, ought to be considered in the context of reauthorizing the Violence Against Women Act. For example, several of the NEW grant programs proposed sound to me as if they ought to be considered as a discretionary use of funds in existing VAWA programs. Further, whereas we have a major Act on the books that deals with domestic violence, the new Wellston grant programs contain a new and different definition of domestic violence. Mr. President, these are not the kind of changes we should be making in the context of a juvenile crime bill.

Let me close by commending the Senator from Minnesota. But for the reasons stated, I will at the appropriate time move to table his amendment because I think we are going to work this out in the future. And let's work it out in the appropriate bill.

I yield back any further time we have.

## AMENDMENT NO. 348

Mr. HATCH. Mr. President, we now move to the Ashcroft amendment No. 348.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, thank you very much.

Mr. President, 50 percent of all arson, 37 percent of all burglaries are committed by juveniles, 17 percent of all forcible rapes.

Our juvenile justice system is no longer being asked to deal with chewing gum and spitballs in the hall but real violent crime.

This amendment is very straightforward and simple. It says that while juveniles are committing adult crimes with firearms, they should be treated as adults; that if juveniles are going to be involved in rapes, murders, armed robberies, armed assaults, that kind of violent crime, using firearms, that we

want to provide the encouragement, incentive, and resources from the Federal level for States to treat those individuals as adults. So this amendment provides States with incentives to try juveniles as adults when they commit armed violent crimes.

Specifically, this amendment encourages States to try juveniles as adults when youth over 14 use firearms. This is not just any kind of crime, but when youth over 14 use firearms to commit murder, forcible rape, armed robbery, armed assault, and use firearms in major drug crimes. We have a real serious situation where young people are committing crimes that we once thought were reserved to adults.

Juveniles should understand that we will not consider this to be some sort of status offense or delinquency, that the commission of real violent crime by juveniles will be treated as adult crime. The unpleasant fact is that all too many juveniles commit serious armed crime. The answer is to prosecute these crimes vigorously to the full extent of the law.

This amendment provides States with substantial incentives to give adult time to juveniles who commit adult crimes. The purpose and thrust of this amendment, thus, is very narrow. For a narrow range of crimes—murder, rape, robbery, assault, major drug crimes—committed with a firearm, we provide Federal incentives and resources to try those criminals as adults with adult penalties.

It is with that in mind that this amendment obviously is one which I believe merits the support of all the Members of the Senate.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ASHCROFT. Yes.

Mr. DURBIN. How many States presently have laws on the books which impose the penalty of add-ons for children, those under the age of 14, for these crimes?

Mr. ASHCROFT. First of all, this amendment refers to children 14 or over, not under the age of 14.

Mr. DURBIN. How many States?

Mr. ASHCROFT. I don't know the exact number of States, but a number of States do.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I will tell the Senator from Illinois, there are only two States, Kentucky and Mississippi, that would be in compliance with this amendment's mandate, only two States in the whole country. Basically, the amendment would tell all the other States, your legislatures are irrelevant. We know better here.

Mr. DURBIN. Will the Senator yield for a question?

Mr. LEAHY. Surely.

Mr. DURBIN. Do I understand, then, that 48 other States would be disqualified from Federal grants?

Mr. LEAHY. That is right. In fact, the National Governors' Association

wrote to both the Republican and Democratic leaders of the Senate last year and asked them to oppose this kind of intrusion into the domain of State legislatures.

Mr. DURBIN. So under the provision of this amendment, only two States, Mississippi and Kentucky, could receive Federal funds to try to deter juvenile crime?

Mr. LEAHY. That is right. The other 48 States would be cut out.

Mr. DURBIN. This is a good idea for Mississippi and Kentucky. I don't know about the rest of us.

Mr. LEAHY. It kind of hurts the rest of us.

Mr. President, how much time remains?

The PRESIDING OFFICER. One minute 27 seconds.

Mr. LEAHY. Mr. President, I have to oppose this. I have to oppose this, because, one, it would help only two States in the country, Kentucky and Mississippi. It conditions the juvenile accountability block grant in the bill to the other 48 States only if their legislatures did something that they have all refused to do.

We are telling these other States that their legislatures are totally irrelevant; they must change their law because we know better here. I really don't think that is the way to go. I come from a State that has probably the toughest juvenile laws in the country, but I am not going to tell my State how they must do. Frankly, Mr. President, I oppose the amendment. I hope the 48 States that would be cut out by this would listen to what the National Governors' Association said when they, Republicans and Democrats alike, urged the Senate not to go forward with this.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I made a mistake in the sequence. Number 358 should follow immediately after No. 357, so I ask unanimous consent that that be so.

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

The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Hlavacek, a fellow on my staff, be granted the privilege of the floor for the pendency of this matter.

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

The Senator from Utah.

VOTE ON AMENDMENT NO. 359

Mr. HATCH. Mr. President, I move to table the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 359. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 125 Leg.]		
YEAS—55		
Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee	Hollings	Smith (OR)
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voivovich
Domenici	Lugar	Warner
Enzi	Mack	
Fitzgerald	McCain	
NAYS—44		
Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Murray
Bingaman	Harkin	Reed
Boxer	Inouye	Reid
Breaux	Johnson	Robb
Bryan	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Snowe
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	

NOT VOTING—1

Moynihan

The motion was agreed to. Several Senators addressed the Chair.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that at 12:20 p.m. on Wednesday the Senate resume the following amendments previously debated to the pending juvenile justice bill: No. 357, No. 358, No. 360, and No. 361, with 10 minutes equally divided for additional debate prior to the vote on or in relation to these amendments.

I further ask following disposition of debate on each amendment, the amendment be laid aside and at the hour of 1 p.m. Wednesday, the Senate proceed to vote on or in relation to the amendments in the order in which they were offered, with 2 minutes prior to each vote for explanation.

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

Mr. HATCH. Mr. President, for the information of all Senators, the Senate will resume the juvenile justice bill at 10 a.m. on Wednesday, with Members offering new amendments from the list

of amendments. However, votes will occur on previously offered amendments, beginning at 1 p.m. on Wednesday, so I urge my colleagues to offer their amendments in the morning for swift passage of the juvenile justice bill.

Mr. LEAHY. If the Senator will yield, if there are things we can do on the bill tonight we will still do them but without recorded votes, is that correct?

Mr. HATCH. We are going to be working on the managers' amendment this evening.

## AMENDMENT NO. 348

The PRESIDING OFFICER. There is to be 2 minutes equally divided on the Ashcroft amendment No. 348. Who yields time?

Mr. HATCH. Could I ask the Senator to yield back his time?

Mr. ASHCROFT. Mr. President, I am prepared to yield back my time if the other side is prepared to yield back theirs.

Mr. LEAHY. In fairness to the Senator from Missouri, I will speak for 30 seconds on this.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, violent crime by juveniles is a major problem: forcible rape, murder, armed robbery, armed assault. This amendment simply says if you are going to commit armed robbery, forcible rape with the use of a firearm, murder using a firearm, assault using a firearm, or major drug crimes using a firearm, you should be tried as an adult. This is a way of sending the clearest message that adult crime deserves adult time and that use of a firearm is unacceptable. Chapter 44 in the code addresses the use of a firearm over and over again. Use of firearms is something we care about federally. We spend a lot of time debating it.

The question is, are we serious about curtailing the use of firearms, especially among young people? I think we should be. This amendment provides for trying those as adults and provides access to resources in return for so doing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, the reason the Governors of these States, all of them, wrote to the Democratic and Republican leaders in opposition to this is it would knock out the juvenile accountability block grant in the bill to 48 of the States—48 of the States. The only two that would get anything would be Kentucky and Mississippi. It would tell the other 48 States that their legislatures are irrelevant, their laws are irrelevant. We know better. That is true even in some States that have tougher laws than this would propose.

Because of that, I agree with the Governors, Republican and Democrat; we should not override our States this way. I oppose it.

The PRESIDING OFFICER. The question is on agreeing to the Ashcroft

Amendment No. 348. The yeas and nays have not been ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN), is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote "no."

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 126 Leg.]

## YEAS—26

Abraham	Craig	Johnson
Allard	Domenici	Lott
Ashcroft	Fitzgerald	Lugar
Bond	Frist	McConnell
Bunning	Gramm	Murkowski
Byrd	Helms	Smith (NH)
Campbell	Hutchinson	Thurmond
Cochran	Hutchison	Warner
Coverdell	Inhofe	

## NAYS—73

Akaka	Gorton	Murray
Baucus	Graham	Nickles
Bayh	Grams	Reed
Bennett	Grassley	Reid
Biden	Gregg	Robb
Bingaman	Hagel	Roberts
Boxer	Harkin	Rockefeller
Breaux	Hatch	Roth
Brownback	Hollings	Santorum
Bryan	Inouye	Sarbanes
Burns	Jeffords	Schumer
Chafee	Kennedy	Sessions
Cleland	Kerrey	Shelby
Collins	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Crapo	Kyl	Specter
Daschle	Landrieu	Stevens
DeWine	Lautenberg	Thomas
Dodd	Leahy	Thompson
Dorgan	Levin	Torricelli
Durbin	Lieberman	Voinovich
Edwards	Lincoln	Wellstone
Enzi	Mack	Wyden
Feingold	McCain	
Feinstein	Mikulski	

## NOT VOTING—1

Moynihan

The amendment (No. 348) was rejected.

Mr. LEAHY. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CLELAND. Mr. President, Winston Churchill once said that we build our homes, then our homes build us. I can say happily that my home built me! I was fortunate to have had a great childhood—with two wonderful parents, a great church, and more than a few wise and supportive teachers throughout my school years. I grew up in Lithonia, Georgia, in a community that cared. Unfortunately, not all children growing up in America today are so blessed. Not all children have homes that shape and prepare them to deal with the culture of violence in the world today.

Back in the 50s, my action heroes were Roy Rogers, the Lone Ranger, and Gene Autry. They were the good guys, who righted wrong and always got the girl. A witness at a Commerce Committee hearing 2 weeks ago described today's action heroes: Teenage Mutant Ninja Turtles and Mighty Morphin Power Rangers, whose TV show, we were told, averaged 100 acts of violence every single episode.

When I was in school, the strongest drug around was aspirin, and the most lethal weapon was a sling shot. Last year, over 6,000 students were expelled for carrying a weapon to school—and most said they carried the weapon "out of a need for protection." So far this year—and the year is only 5 months old—19 young people have met a violent death while in school. Our schools were once safe havens in this country, and there is something very wrong, as President Clinton points out, "when kids are more worried about guns and violence than math and science."

The underlying fear of Littleton is that it is symptomatic of a broader pattern of youth violence in this country. Events at Columbine High echo the school shootings in Springfield, OR, when a student invaded the cafeteria, killed a fellow student, and wounded 22 others. It echoes events in Jonesboro, AR, where two Middle School students opened fire, killing five students all under the age of 13 and wounding 10 others. One of the young killers was reportedly angry over the breakup with his girlfriend. It echoes the West Paducah, KY murders in which a fourteen-year-old student stormed a prayer group meeting before school, killed three teenaged girls, and wounded five more students. It was reported that the teen killer may have been teased by members of the prayer group as well as members of the school's football team.

In interviews with the neighbors of the Littleton killers, each one—almost without exception—saw little sign of the tragedy that lay ahead. These are the words of one of those neighbors:

I turn on the news and I see their house, and I think, "That's my house! . . . It's the exact same house, the same windows, same driveway, same trim, everything except the color. I lie in bed thinking: 200 feet from my bedroom is where the guy conceived this idea to destroy everything we thought we had. Everything you thought you knew about your neighborhood, your schools, your churches—all just shattered. Vaporized. We feel like we are at ground zero."

What causes two seemingly "normal" teenagers to go on a killing rampage? Is it a change in our culture? Is it our marketing of violent movies like "The Basketball Diaries" and gory video games like "Doom"? Is it access to Internet recipes for building bombs? Is it the plight of "latchkey" kids who come home every day after school to an empty house? What is the WHY of Littleton? What are the toxic factors that are producing the alarming trend in this country where young people settle their grievances with mass murders?

I am proud to be a cosponsor of the amendment by Senator LIEBERMAN which would create a National Commission on Youth Violence. It will bring together religious leaders, educators, Cabinet heads, experts in parenting, in law enforcement, and psychology all focused on a single mission: To understand what factors conspire to create a Littleton and what actions we can take to address the possible causes of youth violence. The task will not be easy and the answers will not be simple. But this amendment is a critically important step in addressing the culture of violence that is pervading every segment of our society.

It is obvious to me that we are in a cultural war in this country for the hearts and minds of our young people. And in anything and everything we can do to help and strengthen our children through safe schools, through smaller classrooms, through greater adult interaction and support, we should absolutely do. This Congress has a role. And one of the things we can—and should do—is to adopt the Lieberman amendment. The national commission will seek answers to the perplexing questions of how we deal with the hearts and minds of our youngsters in this cultural war. And, sadly enough, like real war, there are casualties. Littleton, CO is an example of that. Our hope is that we can take some positive action that mitigates the death and destruction of the Columbine tragedy.

What is at stake is no less than this Nation's most precious resource, our number one asset—our children. As the writer James Agee said, "In every child who is born, under no matter what circumstances, and of no matter what parents, the potentiality of the human race is born again." Mr. President, on behalf of America's children, I am very pleased that the Lieberman amendment has been accepted by both sides and is part of this important legislation.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 17, 1999, the federal debt stood at \$5,587,730,041,115.05 (Five trillion, five hundred eighty-seven billion, seven hundred thirty million, forty-one thousand, one hundred fifteen dollars and five cents).

Five years ago, May 17, 1994, the federal debt stood at \$4,588,709,000,000 (Four trillion, five hundred eighty-eight billion, seven hundred nine million).

Ten years ago, May 17, 1989, the federal debt stood at \$2,781,561,000,000 (Two trillion, seven hundred eighty-one billion, five hundred sixty-one million).

Fifteen years ago, May 17, 1984, the federal debt stood at \$1,486,043,000,000 (One trillion, four hundred eighty-six billion, forty-three million).

Twenty-five years ago, May 17, 1974, the federal debt stood at \$469,577,000,000 (Four hundred sixty-nine billion, five hundred seventy-seven million) which reflects a debt increase of more than \$5 trillion—\$5,118,153,041,115.05 (Five trillion, one hundred eighteen billion, one hundred fifty-three million, forty-one thousand, one hundred fifteen dollars and five cents) during the past 25 years.

BUDGET SCOREKEEPING REPORT

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

This report, my first for fiscal year 1999, shows the effects of congressional action on the budget through May 7, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. The estimates show that current level spending is above the budget resolution by \$0.6 billion in budget authority and above the budget resolution by \$0.2 billion in outlays. Current level is \$0.2 billion above the revenue floor in 1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$52.4 billion, less than \$50 million above the maximum deficit amount for 1999 of \$52.4 billion.

I ask unanimous consent that the report and transmittal letter dated May 12, 1999, be printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, May 12, 1999.

Hon. PETE V. DOMENICI,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report, my first for fiscal year 1999, shows the effects of Congressional action on the 1999 budget and is current through May 7, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

Sincerely,

DAN L. CRIPPEN,  
Director.

Enclosures.

TABLE 1.—FISCAL YEAR 1999 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MAY 7, 1999  
(In billions of dollars)

	Budget resolution S. Res. 312	Current level	Current level over/under resolution
<b>ON-BUDGET</b>			
Budget Authority .....	1,452.5	1,453.1	0.6
Outlays .....	1,411.3	1,411.5	0.2
Revenues:			
1999 .....	1,358.9	1,359.1	0.2
1999-2003 .....	7,187.0	7,187.7	0.7
Deficit .....	52.4	52.4	( <sup>1</sup> )
Debt Subject to Limit .....	( <sup>2</sup> )	5,620.2	NA
<b>OFF-BUDGET</b>			
Social Security Outlays:			
1999 .....	321.3	321.3	0.0
1999-2003 .....	1,720.7	1,720.7	0.0
Social Security Revenues:			
1999 .....	441.7	441.7	( <sup>1</sup> )
1999-2003 .....	2,395.6	2,395.5	-0.1

<sup>1</sup> Less than \$50 million.  
<sup>2</sup> Not included in S. Res. 312.  
NA = Not applicable.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 1999 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MAY 7, 1999  
(In millions of dollars)

	Budget authority	Outlays	Revenues
<b>Enacted in Previous Sessions:</b>			
Revenues .....			1,359,099
Permanents and other .....			
spending legislation .....	919,197	880,664	
Appropriation legislation .....	820,578	813,989	
Offsetting receipts .....	-296,825	-296,827	
Total previously enacted .....	1,442,950	1,397,826	1,359,099
Entitlements and Mandatories:			
Budget resolution baseline .....			
estimates of appropriated .....			
entitlements and other .....			
mandatory programs not .....	10,143	13,661	
yet enacted .....			
<b>Totals:</b>			
Total Current Level .....	1,453,093	1,411,487	1,359,099
Total Budget Resolution .....	1,452,512	1,411,334	1,358,919
Amount remaining:			
Under Budget Resolution .....			
Over Budget Resolution .....	581	153	180

Source: Congressional Budget Office.

DAIRY POLICY REFORM

Mr. LUGAR. Mr. President, Secretary of Agriculture Glickman recently announced reforms for the Federal milk marketing order system. These reforms were authorized by the 1996 farm bill in an effort to modernize and streamline an out-dated and arcane structure for pricing the nation's milk. As was the case with other commodities, the farm bill intended that Federal dairy policy be more modern and market-oriented to reflect innovations in the milk industry and to position the United States to become a major trader in world markets. In announcing the reforms, Secretary Glickman said, "These reforms will help make sure that America's dairy farmers receive a fair price and that American consumers continue to enjoy an abundant, affordable supply of milk. Our changes will also simplify the wholesale milk pricing system, making it more market-oriented and more equitable." The changes are positive