

It seems to me that we ought not have anybody ever come to the floor of the Senate again to talk about this issue if Members are not willing to take this baby step in the right direction.

I am pleased to join the Senator from South Carolina in offering this amendment today to say we have had a lot of discussion, hundreds of studies, a lot of debate. Now we come to the time where we choose. Don't make excuses. Don't talk about some deal that doesn't exist for most Senators. Vote for this legislation.

Mr. HOLLINGS. I thank the distinguished Senator for his leadership.

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

The PRESIDING OFFICER (Mr. FITZGERALD). 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. 328. 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 Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—60

Allard	Feingold	McCain
Baucus	Fitzgerald	McConnell
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Boxer	Gramm	Murray
Breaux	Grams	Nickles
Brownback	Hagel	Reed
Bunning	Hatch	Robb
Burns	Hutchinson	Roberts
Campbell	Inhofe	Roth
Chafee	Jeffords	Santorum
Cleland	Kennedy	Schumer
Cochran	Kerrey	Shelby
Collins	Kerry	Smith (NH)
Craig	Kyl	Smith (OR)
Crapo	Leahy	Specter
Daschle	Levin	Thomas
Dodd	Lott	Thompson
Domenici	Lugar	Torricelli
Enzi	Mack	Voinovich

NAYS—39

Abraham	Edwards	Lieberman
Akaka	Feinstein	Lincoln
Ashcroft	Graham	Mikulski
Biden	Grassley	Reid
Bingaman	Gregg	Rockefeller
Bond	Harkin	Sarbanes
Bryan	Helms	Sessions
Byrd	Hollings	Snowe
Conrad	Hutchison	Stevens
Coverdell	Johnson	Thurmond
DeWine	Kohl	Warner
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden

NOT VOTING—1

Inouye

The motion 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.

Mr. HATCH. Mr. President, I ask unanimous consent that following the

disposition of amendment No. 335, Senator FEINGOLD be recognized for up to 8 minutes to make a statement on debate, the Senator from Minnesota be recognized for up to 10 minutes, and then Senator ASHCROFT be recognized to offer an amendment regarding guns, and that there be 45 minutes equally divided for debate prior to the vote on or in relation to the amendment, with no amendments in order to the amendment prior to that vote.

I further ask consent that following the debate, the amendment be laid aside and Senator FEINSTEIN be recognized to offer an amendment regarding gun control, with the debate limited to 90 minutes and under the same parameters outlined above.

The PRESIDING OFFICER (Mr. VOINOVICH). Is there objection?

Mr. LEAHY. Reserving the right to object—

Mr. HATCH. Let me finish. Following that debate, the Senate proceed to vote in the order in which the amendments were offered, with 5 minutes prior to each vote for explanation.

Mr. LEAHY. Reserving the right to object, and I will not object, I assume then that 5 minutes would be divided in the usual fashion.

Mr. HATCH. Therefore, for the information of all Senators—do I have the unanimous consent?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Therefore, for the information of all Senators, the next votes will occur at approximately 3:30 p.m. and approximately 4 p.m. today.

Mr. LEAHY. Unless time is yielded back.

Mr. McCAIN. Mr. President, reserving the right to object, following the disposition of those amendments, is it then your intention to move to a Hatch-Craig amendment?

Mr. HATCH. Yes; following that, we intend to move to the Hatch-Craig amendment on firearms.

Mr. LEAHY. That is not part of the unanimous consent request.

Mr. HATCH. That is not part of the unanimous consent request.

Mr. McCAIN. I ask unanimous consent that we move to the Hatch-Craig amendment immediately following the disposition of those amendments.

Mr. LEAHY. Mr. President, at this time I object.

Mr. McCAIN. Then I object to the unanimous consent request.

Mr. LEAHY. We already have that.

Mr. HATCH. Let me ask the Senator—

The PRESIDING OFFICER. The unanimous consent agreement has been agreed to, and the Senator from Wisconsin has 8 minutes.

Mr. HATCH. Would the Senator from Arizona—

The PRESIDING OFFICER. The Senator from Wisconsin has 8 minutes.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 1035 are printed in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

THE CRISIS IN KOSOVO

Mr. WELLSTONE. Mr. President, I have spoken a number of times on the floor of the Senate about the crisis in Kosovo. I think it is important, under the circumstances, that I do so again in order to pose some critical questions that have emerged recently about United States and NATO policy there.

I saw a window of opportunity for diplomacy. I was really optimistic given the direction of the G-8 countries. I thought we were then going to be going to the United Nations, and we had an opportunity perhaps through diplomacy to bring this conflict to an end.

I think that given what has happened over the weekend, and given the very delicate discussions now underway involving NATO, the U.N. Secretary General, Russia, China, and other key players, it is time to reconsider a proposal that I made 10 days ago: a brief, conditional pause in the airstrike campaign to allow for a de-escalation of this military conflict.

Let me be clear. I continue to support the basic military, political and humanitarian goals that NATO has outlined: the safe return of refugees to their homes; the withdrawal of Serb security forces; the presence of robustly armed international forces capable of protecting refugees and monitoring Serb compliance; full access to Kosovo for nongovernmental organizations aiding the refugees; and Serb willingness to participate in meaningful negotiations on Kosovo's status.

These goals must be met. But in the wake of the Chinese Embassy accident, NATO needs to be even more focused on diplomacy, and I think we have to be very careful to not appear to be belligerent in our public statements—to be strong in terms of the goals that have to be met but be creative in our diplomacy.

I don't really know what there is to the withdrawal of some of the Serb military. Secretary Cohen has raised some very important questions. But on the floor of the Senate, I do want to point out that contrary to some published reports of United States and public statements that suggest that we intend to continue the airstrikes even against Serb forces who may actually be beginning to withdraw, I believe we and NATO should reiterate what we have been saying earlier—that NATO will not strike at Serbian troops who are actively pulling out of Kosovo.

How can we expect even the Serbs to withdraw their troops if we have made it clear that we will bomb them on the way out unless they have agreed to full withdrawal and outlined a timetable for it? Is this seeming new emphasis on continuing the airstrikes even if the

troops are withdrawing a change in emphasis, or tone, or is it a substantive change? What precisely would the NATO rules of engagement be if substantial numbers of Serb troops begin to actually withdraw from Kosovo? What did Milosevic's statement on a return to "peacetime troop levels" mean? If he means a return to prewar levels, that is a nonstarter. What small token Serb forces, if any, would NATO allow to stay, as long as an armed international presence was allowed?

While I understand NATO's decision to remain silent, or to leave some ambiguity on some of these questions, it has created an unnecessarily confusing, and sometimes conflicting, set of policy prescriptions from NATO.

Mr. President, while I think a diplomatic solution is the best way to resolve this crisis, I want to make clear that I have no illusions about Milosevic and what he has done. My disgust with his actions was only increased yesterday when I read some of the information in the new State Department report entitled "Erasing History: Ethnic Cleansing in Kosovo."

The report catalogs the horrific events that continue to unfold in Kosovo. Interviews with thousands of refugees have revealed brutalities which boggle the mind and sicken the soul. I shudder to think what else we will learn in the months and years to come after looking at forensic evidence within Kosovo. It is clear that even while the bombing campaign has raged Kosovo has been emptied, and it has been burned.

Mr. President, let me just make it clear that I know why we have been involved, and I think we have launched our military actions with the best intentions and with what I truly believe was sound moral authority. But I am troubled now by some actions by NATO, including the so-called "collateral" damage we have wrought, and the embassy bombing, which I believe may undermine that sense of moral legitimacy.

The embassy incident is only the latest of targeted errors which have caused civilian casualties. We have seen errant strikes on a refugee convoy, a civilian train, a bus and other incidents. While I understand clearly the difference between the brutal, deliberate and systematic attacks of Serb forces, which have resulted in the deaths of thousands and displacement of over a million more, and the accidental death of civilians caused by our wayward missiles, any serious moral reflection requires us to consider the impact of our actions on innocent civilians. Taken together, I fear these incidents are beginning to erode the moral authority of our efforts in Kosovo.

I do not mean to suggest in any way a moral equivalence between the two. But as the number of civilian casualties mounts, it will become increasingly difficult to justify as we try to balance these regrettable losses against whatever progress we are making toward our goal.

One way to put an end to Milosevic's atrocities and to the recurring cycle of collateral damage and NATO apologies may be to pursue a more creative coupling of our military, political and diplomatic goals.

Last week, I called for a brief, conditional and reciprocal pause in our military action. I wish we had done so. On NATO's part, this would entail a bombing pause of perhaps 48 hours. Such a pause—if it can be worked out in a way which would protect NATO troops and would not risk Serb resupply of their war machine—could help to reinvigorate—and I think we need to now—diplomatic efforts and halt the steady movement toward bombing that we have now seen which could lead to a deeper involvement and a wider war. Mr. President, we need to reinvigorate our diplomatic efforts, and we need to halt the steady movement in the bombing. We need to figure out a way that we can involve critical parties and countries in a diplomatic effort.

While my proposal is not the proposal that comes from the Chinese and Russians, it is more qualified. And it would require a more immediate reciprocal response from Milosevic.

I believe we need to take this step. I am not naive about whether we can trust Milosevic. We have seen him break his word too many times with that. We may even be seeing that again now in what NATO leaders have called a "feint" of a partial withdrawal. I am not proposing an open-ended halt in our efforts, but I am talking about a temporary pause of 48 hours or so offered on condition that Milosevic not be allowed to use the period to resupply his troops, or to repair his air defenses, and that he immediately order his forces in Kosovo to halt their attacks and to begin to actually withdraw. It would not require his formal prior assent to each of these conditions. But if our intelligence and other means of verification concludes that he is taking military advantage of such a pause by doing any of these things, we should resume the bombing.

I believe, however, that we need to take this first step, a gesture, in order to move diplomacy forward and bring these horrors to an end.

Let me conclude by saying that as a Senator I have been so impressed by the heroic efforts of nongovernmental organizations to bring humanitarian supplies by convoy to hundreds of thousands of homeless and starving misplaced refugees still wandering in the mountains of Kosovo. I believe a pause might very well serve their interests. It might enable these aid organizations and other neutrals in the conflict to more easily airlift or truck in and then distribute relief supplies to them without the threat of their humanitarian mission being halted by the Serbian military. A Serb guarantee of their safe conduct would be an important reciprocal gesture on the part of Milosevic. These people must be rescued. My hope is that a temporary

bombing pause might help to enable aid organizations to get there.

Mr. President, I intend to press these questions that I have raised with the administration officials later today. I think we have an opportunity still for diplomacy. We must not allow this window of opportunity provided by the Russians and others to close.

I thank my colleagues for their graciousness.

I urge the President and his foreign policy advisers to consider steps to de-escalate this military conflict, and to work with our allies, with the U.N. Secretary General, with the Russians and others to take advantage of whatever opportunities present themselves to forge a just and lasting peace which restores the Kosovar Albanians to their home, provides for their protection and for their secure futures, allows aid groups access to them, and provides for negotiation on their political status.

We must move forward now. I wish that we could have had this pause that I called for 10 days ago. I am extremely worried about the repercussions of the bombing of the embassy in China. I am worried about the events in Russia. I am worried about a window of opportunity for diplomacy closing and more escalation in this military conflict.

I think it is important that we take this step under the conditions that I have outlined.

I am going to continue to press forward with this proposal. I hope that in the Senate next week we will again have a discussion and debate about the events in Kosovo, about our military involvement, about where we are, about where NATO is, and what we need to do to achieve our objective.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 342

(Purpose: To amend chapter 44 of Title 18, United States Code, to enhance penalties for the unlawful use by or transfer to juveniles of a handgun, ammunition, large capacity ammunition feeding devices or semiautomatic assault weapons, and for other purposes)

Mr. ASHCROFT. Mr. President, I thank you for recognizing me. It is my understanding that in accordance with the previous consent that I have the opportunity to present an amendment to the juvenile bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 342.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

To be inserted at the appropriate place:

TITLE . RESTRICTING JUVENILE
ACCESS TO CERTAIN FIREARMS

SECTION 1. PENALTIES FOR UNLAWFUL ACTS BY
JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking "Whoever" at the beginning of the first sentence, and inserting in lieu thereof, "Except as provided in paragraph (6) of this subsection, whoever"; and

(2) in paragraph (6), by amending it to read as follows:

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

"(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, larger capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

"(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

"(C) For purposes of this paragraph a 'violent felony' means conduct as described in section 924(e)(2)(B) of this title.

"(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years."

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

"(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or
"(D) a large capacity ammunition feeding device.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun;
"(B) ammunition that is suitable for use only in a handgun;
"(C) a semiautomatic assault weapon; or
"(D) a large capacity ammunition feeding device.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

"(I) in the course of employment,

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

"(III) for target practice.

"(IV) for hunting, or

"(V) for a course of instruction in the safe and lawful use of a firearm.

"(ii) Clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

"(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(II) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

"(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile.

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

"(D) the possession of a handgun, ammunition, large capacity ammunition feeding de-

vice or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown."

(7) For purposes of this subsection only, the term "large capacity ammunition feeding device" has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control Law Enforcement Act of 1994.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

MR. ASHCROFT. Mr. President, all of us are concerned and deeply so about what we think is a changing landscape in American culture. We are concerned about the fact that young people whom we once felt were the repository for the innocence of the culture are no longer that repository. We find ourselves being outraged and stunned when we find activity in juvenile quarters which are really threatening to all of us. That is why the whole juvenile justice topic is before us. We are amazingly aware, painfully aware, of the fact that we need to take steps to improve the way we deal with young people and to curtail the amount of criminal activity and behavior among those who are the young people of our culture.

It is important that we debate this issue in the Senate. It is important that we offer legislative responses to this serious challenge to the public safety and security of people and their families. But we shouldn't try to telegraph or to communicate the fact that we are addressing this, that we think that we can do everything that is necessary for a safer and saner approach to life by all of our citizens including young people.

There is much that simply can't be done by government. The resources of the State are inadequate to shape the culture totally and completely and to bring the kind of result that we want.

The fact that we are here to talk about things that we can do doesn't

mean we believe that what we can do will totally accommodate or otherwise remediate the problem. We should do what we can do. I believe it is important to look around and ask how can we improve the situation and the legal framework.

One of the aspects of juvenile justice that we are discussing today is the access that juveniles have to firearms. In my hometown of Springfield, MO, and towns and cities across Missouri and across the United States, parents have long played an active and crucial role in teaching children the safe and responsible use of firearms.

However, Federal law already recognizes that certain firearms involve a higher level of responsibility than others. Handguns, for instance, have long been recognized as requiring greater restrictions than other firearms. Of course, any restriction must respect the second amendment rights of American citizens, one of the fundamental rights enjoyed under the Bill of Rights under the U.S. Constitution.

The amendment I propose today does exactly that. It simply extends the recognition of the need for increased responsibility to certain military-style semiautomatic assault weapons such as AK-47s and Uzis. In part, this mirrors a bill which I introduced recently in the Senate, Senate bill 994. The amendment which I have sent to the desk restricts the acquisition and possession of semiautomatic assault rifles and high-capacity ammunition-feeding devices—those holding over 10 rounds of ammunition—by juveniles.

Let me say again what this amendment does. This amendment restricts juveniles from acquiring semiautomatic assault weapon rifles and high-capacity ammunition-feeding devices—meaning those feeding devices which hold over 10 rounds of ammunition. It says juveniles do not have the authority to acquire, to purchase, or to possess those rifles generally.

Let me be clear about what this amendment does not do. This amendment does not affect the lawful ownership or possession of semiautomatic hunting or target rifles or semiautomatic shotguns, the kind of firearms that are routinely used responsibly by young people and American citizens across our country in hunting. It does restrict the possession and purchase of semiautomatic assault weapons and the high-capacity ammunition-feeding devices associated with them.

Current Federal gun law can be awfully complicated, but this amendment is not complicated. It is a straightforward commonsense amendment. Let me refer to a chart which shows the existing law. Already, the law requires elevated levels of responsibility in terms of handguns so that a juvenile individual is prohibited from purchasing a handgun from a federally licensed dealer, prohibited from purchasing a handgun in a private transaction or sale, and must have the permission of a parent in order to possess

or use the handgun. I repeat, cannot buy from a licensed dealer, cannot buy in a private sale, and must have permission to use or possess.

Current Federal law in regard to semiautomatic assault rifles prohibits the sale by a federally licensed dealer to a juvenile, but permits juveniles to purchase semiautomatic assault rifles from individuals in private sales, and does not require a juvenile to have parental permission in order to possess or use such a firearm.

We have a disparity. Handguns have been prohibited for sale both privately and through licensed dealers and require parental permission; semiautomatic assault rifles, or AKs or Uzis, although prohibited for sale by a licensed dealer, juveniles are permitted to purchase at private sales; and juveniles require no parental permission. What we are proposing takes care of this disparity.

It says we will treat semiautomatic assault weapons as we treat handguns, that we will prohibit the acquisition of these weapons and firearms by juveniles from private sales just as they have been prohibited from federally licensed dealers, and we would require any possession by a juvenile of such a firearm to be an acknowledged and permitted possession of that firearm by the adult or the guardian parent of the juvenile.

It is pretty clear that what we have done here is to simplify the law by saying the same basic rules that apply to juveniles on handguns will apply to juveniles in semiautomatic assault weapons or assault rifles.

The law currently says in regard to a handgun you can teach your child to shoot a handgun but he can't shoot it without your permission. Basically, this would harmonize semiautomatic assault rifles with the law regarding handguns.

Now, there are under existing law some permitted uses of handguns by juveniles. If a juvenile is in the military service or if a juvenile is in lawful defense of himself against an intruder into his house, he is allowed to use a handgun—eminently reasonable. Those basic exceptions ought to be transferred or ought to exist for other firearms, as well.

Transfer of title to a firearm like this to a juvenile is permitted by inheritance, though the juvenile may not take possession until age 18, absent the kind of permission which would be required not only for this but for handguns.

My amendment simply treats semiautomatic assault weapons such as the AK-47s and the Uzis, street-sweeper shotguns, and high-capacity ammunition-feeding devices the same way for juveniles that we treat handguns. Private parties can no longer sell them to juveniles, and the juvenile needs parental permission to possess one unless he is in the military or uses it for self-defense.

What kind of weapons are we talking about that have been permitted to be

sold to juveniles but would be prohibited under this amendment? The list includes: the AK-47, the Uzis, the Galil, Beretta AR 70, Colt AR-15, Fabrique Nationale FN or FAL, SWD M 10, M-11, M-11 1/9, the Steyr Aug, the TEC-9, street-sweeper shotgun, Striker-12 shotgun, and other semiautomatic rifles and shotguns with at least two military features, such as folding stocks, pistol grips, bayonet gloves, and grenade launchers.

These are serious firearms. Because they are serious, they create some new serious penalties. This amendment creates a new penalty of up to 20 years' incarceration for possession of handgun ammunition or semiautomatic assault weapon or high-capacity ammunition-feeding device with the intent to possess, carry, or use it in a crime of violence in a school zone. It raises the penalty for transferring a firearm to a juvenile, knowing that it will be used in a crime of violence or drug crime, to 20 years.

Mr. SESSIONS. Will the Senator yield?

Mr. ASHCROFT. I am happy to yield to the Senator.

Mr. SESSIONS. Mr. President, as chairman of the Youth Violence Subcommittee, I very much appreciate Senator ASHCROFT's leadership on this particular issue. But not just this one, on the entire package of legislation we have put together today. He has conducted hearings in Missouri, which I was pleased to be able to attend. We heard from victims of crime. We heard from police officers. We heard from young people. We went out and met with law enforcement officers who were breaking up drug labs. In the course of that, one of the things we dealt with was adult criminals using young people to commit crimes for them. Senator ASHCROFT has prepared that part of our bill in particular, which I think is invaluable, because young people do get treated less severely, and older adults are using them to commit crimes.

Zeroing in on some weapons that young people do not need to be able to receive in any fashion is good legislation. As chairman of that subcommittee, I appreciate Senator ASHCROFT, former attorney general of the State of Missouri, former Governor of the State, for his leadership throughout this process. I have enjoyed working with him and look forward to continuing to do so as we move this bill through to success.

Mr. ASHCROFT. I thank the Senator. I appreciate his work, coming to Missouri to participate in the hearing.

It became clear to us that adults using children to commit crimes—hoping the children would be excused because of their youth and they would all escape penalty—brings children into a criminal environment. It starts them down a path of crime. That is very dangerous, and this proposal which we are considering today obviously would elevate the penalties for that about three-fold. I am delighted.

Again, let me refer to this amendment that really harmonizes the law so the same kinds of prohibitions apply to semiautomatic assault weapons as apply to handguns. There are a few clarifying changes in the existing law. It makes it clear that parental permission allows possession, either with parental supervision or with prior written permission of a parent. Even with this parental permission, juveniles can only possess these weapons for three narrow purposes: For target shooting; for gun safety courses; or if required for their employment in ranching, farming, or lawful hunting. Such a firearm being transported by a juvenile must be unloaded and in a locked case, under this amendment. So for a juvenile, even if he was transporting for one of these lawful purposes—that also relates to handguns, I might add—the law requires the weapon be unloaded and in a locked case.

Likewise, this amendment allows prior written permission to be retained by a parent instead of carried by the juvenile in the case of juvenile possession incident to employment, ranching, or farming activities. In other words, if on a ranch a youngster is carrying a pistol, obviously the written permission can exist in the ranch house while the youngster is doing chores or away from the house with the pistol.

Finally, the amendment clarifies the self-defense provision of the law by permitting possession in lawful defense of self or others in a residence against any threat to the life of the individuals there. I think it is only reasonable to conclude it should not be illegal for a young person to pick up a handgun to defend himself and his family in the event he is in his home and is the victim of a threat to his own life.

If parents want to teach children to use firearms responsibly, the law should not stand in the way. This law encourages parents to play an active role in the lives of their children and respects the judgment of parents. It does not suggest we in Washington know best and are better equipped than parents to make decisions. But it does say, as it relates to semiautomatic assault rifles and weapons, the provisions that relate to handguns ought to be the provisions that relate to semiautomatic rifles. That means this amendment would prohibit the private sale of a semiautomatic assault rifle to a juvenile and the possession of any assault rifle or similar weapon by a juvenile, absent the specific permission of a parent.

With that in mind, I think we take another step forward. We do not cure all the problems attendant to our society related to law-abiding responsibilities of young people. But we do take a step forward to bring the law to a place of rationality and to prohibit possession of semiautomatic assault rifles where pistols or handguns would be prohibited, and to prohibit such possession without the permission of a parent in a similar way to the way in which it has been prohibited for handguns.

I yield the floor and reserve the remainder of my time.

THE PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to comment on the amendment the Senator has just submitted before the body. I believe directly following this amendment, I will be introducing an amendment. Last week, I announced I would be introducing an amendment which had essentially all the parts that Senator ASHCROFT has just introduced, plus one additional part. Let me comment on how his amendment differs from mine in the sense of the parts he has just talked about.

He has added exceptions relating to employment, ranching, farming, hunting, inheritance, target practice, and training. The exceptions in my amendment are military and law enforcement.

He also creates a new penalty of up to 20 years for a juvenile who uses these weapons with the intent to commit a violent felony. I think that is a very positive addition.

He does not make any transfer a felony, so the penalty would still be only up to 1 year. That is, if you transfer an assault weapon to a juvenile, the penalty is only up to 1 year. That is part of the problem. The penalty is so low, it is difficult to sustain or even make prosecutions. But I am very pleased he has seen fit to offer this amendment.

I want for a moment to talk about what is missing from the amendment, which I will talk about more deeply on my own time. What is missing from the amendment is plugging a major loophole in the assault weapons legislation which I presented to this body in 1993 as an amendment to the crime bill and which is now law.

When the amendment came before the body and we were standing down in the well, another Senator approached me and said: Would you mind if there were an amendment which would permit the continued grandfathering of big clips into this country, particularly for those that have bills of lading on them already and are in transit? I said no. The amendment went in and got broadened in the course of what turned out to be a rather cantankerous debate on the subject, back and forth between the two Houses.

This is significant because the failsafe in the assault weapons legislation has to do with clips, in that the domestic manufacture of clips, drums, or strips of more than 10 bullets is prohibited in the United States subsequent to enactment of the assault weapons legislation. That is now the law. The loophole is that these clips are coming in from all around the world.

Let me give a few examples. Between March of 1998 and July of 1998, BATF approved permits for over 8 million of these clips. They came in from countries all over—from Austria to Zimbabwe.

Let me tell you some of the things that come in from Great Britain:

826,000 clips, drums or strips, 250-round magazines, 177-round magazines, 71-round magazines, 50-round magazines; from Germany, 426,300; from Italy, 5,900,000, and on and on.

What is the significance of this? What gives an assault weapon the firepower is, first, you can hold it at your hip with two hands and spray fire; secondly, most of them are capable of having a very light trigger which you can pull very rapidly, and being semiautomatic, each time you pull it, it dispenses a bullet; and the clips are very big. The bigger the clip, the less the opportunity somebody has to disarm you.

Hence, they have become the weapon of choice of grievance killers, of drive-by shooters, of gangs, and of drug dealers. None of these big clips are necessary for hunting.

It always puzzles me why there is an exception. As a matter of fact, overwhelmingly, the great bulk of States prohibit more than seven bullets in a clip for hunting. Therefore, why you need to make an exception for hunting—I used to use a bow and arrow. I was pretty good at it. At least there was some sport in it. If you come along with a spray-fire assault weapon and you are hunting some poor deer, my goodness, I am rooting for the deer, that's for sure.

I really question why we cannot plug this loophole. I tried last year. We received 44 votes. I was told some people did not like the timing of it and, therefore, I am trying at a time now when the juvenile justice bill is before this body.

Unless we close this loophole, we will continue to build a nation that is awash with the kind of equipment that wreaks the devastation that is occurring all over this country.

What the Senator has done is commendable. He has put forward certainly some improvements. I have done the same thing with not as many exceptions and added one other item.

I will probably vote for that amendment. I will also, though, press my amendment because, as one who has lived this assault weapons issue now for the past 6 years, unless we close some of these loopholes, the point of the legislation, which is to dry up the huge supply of assault weapons as well as these big clips, essentially will not happen. This is an important loophole to be closed. That is essentially the difference between our two amendments.

How much time remains on our side, Mr. President?

THE PRESIDING OFFICER. Fourteen minutes, 52 seconds.

Mrs. FEINSTEIN. Mr. President, I want to take this time, if I may, to do something I have never done before, certainly on the floor of the Senate, and share with you my personal experience with guns and why I feel as strongly as I do with what is happening in this Nation with respect to them.

In 1976, I was president of the board of supervisors in San Francisco. There was a terrorist group by the name of

the New World Liberation Front that was operating in the far west. They had blown up power stations throughout the West. They targeted me and placed a bomb in a flower box outside my house. The bomb had a construction-grade explosive which does not detonate below freezing. It never drops below freezing in San Francisco. It was set to detonate at 1:30 in the morning.

It did detonate, but the explosive washed up the side of the building and it did not explode. The timer went out in the street, and the next morning, we found the explosive on the side of the house. It was a very sobering thing because it was right below my daughter's window. Then this same group shot out about 15 windows in a beach house my husband and I owned.

I went to the police department and asked for protection, and I asked if I could learn to carry a weapon. So I received, in 1976, a concealed weapon permit to carry a weapon. I was trained at the police range. The weapon I carried was a chief's special 38, five shots. I practiced regularly.

My husband was going through cancer surgery at this time, and I remember walking back and forth to the hospital feeling safer because I had this small gun in my purse. A year later, arrests were made, and I returned the gun and, as a matter of fact, it was melted down with about eight others into a cross which I was able to present to the Holy Father in Rome in the early 1980s.

Subsequent to that time, a direct contradictory incident changed my life dramatically, when a colleague of mine on the board of supervisors smuggled a gun in, a former police officer, and shot and killed the mayor and shot and killed a colleague.

I spoke about this very briefly on the floor once before, but I was the one who found my colleague's body and put a finger through a bullet hole trying to get a pulse. I became mayor as a product of assassination in a most difficult time in my city's history.

Between those two incidents, I have seen the reassurance, albeit false, that a weapon can give someone under siege. With a terrorist group, one does not know when they will strike. I was very frightened. I decided I would try to fight back, if I could, and did the legal things to be able to do it. So I understand that reassurance.

On the other hand, I have seen the criminal use of weapons. Then I began to see very clearly, between the late seventies and today, the evolution of the gun on the streets of America and seeing these very high-powered weapons striking hard and killing innocent people. I actually walked a block in Los Angeles where, in 6 months, 30 people were mowed down by drive-by shooters carrying these weapons.

I went to 101 California Street and saw the devastation that an aggrieved man brought about when he walked in with assault weapons and mowed down innocent people.

Let me tell you a couple of the characteristics of some of these weapons. I will begin with the weapon that was used in Littleton.

The Intratech TEC-9, TEC-DC9, TEC-22 is a favorite weapon of drug dealers, according to BATF gun data. One out of every five assault weapons traced from a crime is a TEC-9, according to BATF. It comes standard with a 30- to 36-round ammunition magazine capable of being fired as fast as the operator can pull the trigger. It is one of the most inexpensive semiautomatic assault weapons available. The original pistol version, called KG-9, was so easily converted to fully automatic it was reclassified by the BATF in 1982 as a machine gun.

The TEC-22 is very similar to the TEC-9 and TEC-DC9 and fires .22 caliber ammunition, manufactured in the United States.

The other one widely used is the AK-47. It is the most widely used assault weapon in the world, now manufactured in many countries. An estimated 20 to 50 million have been produced. It comes standard with a 30-round ammunition magazine capable of being fired as fast as the operator can pull the trigger. Some models are available with collapsible stock to facilitate accountability, developed in 1947 in the Soviet Union.

These are two of the weapons most used—banned by the assault weapons legislation.

What is the problem? The problem is the gun manufacturers are so craven that whatever you write, they find a way to get around it, to produce a thumb-hole stock or some other device, but to continue the basics of the weapon—that it can be held in two hands, that it can be spray fired. And what enables it to be so lethal and used in grievance killings and used by drive-by shooters and used by gangs is the big clips. No one can get to you to disarm you if you have a 70-round clip, a 90-round clip, or two 30-round clips strapped together.

So the purpose of the assault weapons legislation was to dry up that supply, not to take one away from anybody but over time dry up the supply. Today, no one in this country can manufacture a clip, drum, or strip of more than 10 bullets. No one can sell it legally. No one can possess it legally if it is made postban. The loophole is that they are pouring in from 20 different nations.

I went to the President, and I said: Can you use your executive authority to stop it? Just as he did with the foreign importation of assault weapons. What I was told by Justice was, no, we need legislation to close the loophole.

So I say to the Senator, where my legislation differs from yours is in exceptions and plugging this loophole. I very much hope we can plug the loophole. I very much hope the intent of your legislation isn't to submerge my legislation, isn't to prevent the closure of this loophole, which, as submitted to

me right down there—I will never forget where it happened—was simply a grandfather clause to permit those weapons that had bills of lading on them in transport coming into this country. And I believe it should be closed. I believe the supply should be dried up.

Let me talk about the school killings and how these clips come into it for a moment.

I sent my staff to buy some of these clips. Let's see if it is easy; let's see if it is hard.

On the Internet, no questions asked. It is \$8, \$10 for a clip; no questions asked. Give your mother's credit card and you get it in the mail within a couple of days. We bought a 75-round magazine for an AK-47. And we bought several 30-round clips for \$7.99, \$8. And then if it slips into the weapon, you have a gun that can kill 30 people before you can be disarmed. That is why I so desperately want to plug this loophole.

As I believe the time is up, I yield the floor and will continue this on my own time. I thank the Chair.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ASHCROFT. I am happy to yield such time to the Senator from Idaho as he might consume.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from Missouri for yielding.

I stand in support of what I think is a very needed piece of legislation. While I stand always in defense of the constitutional right of law-abiding citizens to own guns, I also recognize the tremendously valuable linkage between rights and responsibilities and the ability of people to understand what those responsibilities are and to perform them in law-abiding ways.

The Senator from Missouri has recognized that in the laws we currently have, there is the potential, if not the reality, where we say to juveniles they cannot own handguns, up to a certain age, and that in fact we have seen there is a possibility, by definition of "semiauto," that they could own one.

Certainly, in the case of Littleton, CO, the acts were illegal. That does not make the point. The point is, the law needs to be specific. That is what the Senator from Missouri is doing at this moment. He is making it very clear, as it relates to semiauto assault weaponry and the loading devices, that they be appropriately prescribed under the law as it relates to juveniles and that which we prohibit juveniles from possessing.

So I stand certainly in support of this. I encourage my colleagues to vote for it. I think it is the refinement of the laws of our country relating to gun ownership that clearly is deserving and appropriate in this legislation.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I inquire how much time remains.

The PRESIDING OFFICER. The Senator from Missouri has 3½ minutes.

Mr. ASHCROFT. Mr. President, I thank the Senator from California for her kind remarks about the intent that is expressed in making sure we provide the same kind of restrictions for semi-automatic assault weapons that we provide for handguns.

I just say this is an important amendment. This is the subject of legislation I have previously filed in the Senate. I think this is appropriate because this addresses the subject matter of this bill, which is the juvenile justice framework. This is not, obviously, a comprehensive approach to such weapons but it is very clear and specific in terms of its reference to juveniles and their possession of not only the weapons but the kind of expanded or substantial clips or magazines, and it simply says juveniles are ineligible to possess those kinds of expanded clips or magazines.

So I believe this measure is appropriate and it will harmonize the law to say that juveniles do not have greater authority to possess semiautomatic assault rifles than they do to possess handguns. This harmonizes the law and brings it into a place of reasonability.

I am grateful for the opportunity to present this amendment. I appreciate, and will appreciate, the support of colleagues who intend to vote on behalf of this amendment.

I yield the floor and reserve the remainder of my time.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains on both sides, please?

The PRESIDING OFFICER. There is 1 minute 29 seconds for Senator ASHCROFT; and 4 minutes 27 seconds in opposition.

Mr. DURBIN. I thank the Chair.

Mr. President, I rise in support of the amendment to be offered by the Senator from California, Mrs. FEINSTEIN.

Let me tell you two things that happened yesterday on Capitol Hill which most people across America would find nothing short of incredible. We had a chance on the floor of the Senate to say that if you went to a gun show and bought a gun, you would be subject to the same law as anyone who walked into a gun dealer. In other words, we would check your background. Are you a felon; do you have a criminal record; do you have a history of violent mental illness?

Before we sell a gun at a gun show, we wanted to make sure there was less likelihood that people would walk in with those problems and walk out with a gun. We were defeated. The National Rifle Association defeated that amendment. Despite the best efforts of Senator FRANK LAUTENBERG of New Jersey and many of us, we were defeated.

Instead, this Senate passed an amendment by the Senator from Idaho which went in the opposite direction and made it easier for people to buy guns without background checks. In fact, the amendment offered by the Senator from Idaho, adopted by this Senate, said you could walk into a pawn shop and buy your gun back without any background check.

What is wrong with that? Five times as many criminal felons put their guns in pawn shops as regular citizens. So what the National Rifle Association did with this amendment by the Senator from Idaho was make it easier for those who use guns in crime to get those guns without a background check.

America has to be standing back and saying: Did the Senate learn anything from what happened in Littleton, CO? Can we do anything to deal with gun violence?

Then, last night, I went to a conference committee on the emergency supplemental bill, and I said to the gathered members of the House and Senate, please, we are considering a bill worth billions of dollars. Can we put some money in to help our schools—\$265 million so we can hire more counselors in schools to help troubled children; \$100 million for more afterschool programs so that kids can be in a constructive, positive, safe environment. They said no, not a penny. In this emergency supplemental bill, not one penny for America's schools, but \$6 billion more for military spending than President Clinton asked for, billions of dollars to be spent around the world for problems which the United States is involved in, but not a penny to be spent on safety in schools.

What a message. What a message coming out of Capitol Hill yesterday. If these are truly representative bodies in the Senate and the House of Representatives, to whom have they been listening? They haven't been listening to the families across America who want us to stand up and do something about gun violence. They have been listening to the National Rifle Association. They haven't been listening to the kids that we met with this morning from all across the United States, who came in and talked about their worries and their concerns about safety in schools. And they sure haven't been listening to the parents, worried to death about another school year and more violence.

If this Senate is going to be truly representative of the people who sent us here, if we are going to do something to show leadership instead of powerlessness to groups like the National Rifle Association, we should pass the amendment of Senator DIANNE FEINSTEIN.

Stop these ammunition clips. Who on God's green Earth needs an ammunition clip with 250 bullets in it? If you need that kind of ammunition to go out and shoot a deer, you ought to stick to fishing.

The bottom line is, this amendment is sensible. She is trying to stop those

who are buying ammunition clips that are designed to do one thing—kill human beings. Yet, the National Rifle Association says it is our constitutional right to buy these. Ridiculous.

Ask the families across America whether the Dianne Feinstein amendment makes sense and they will say yes. Ask them whether Senator FRANK LAUTENBERG's amendment, to make sure that we check the backgrounds of people before they buy these guns at gun shows, is the sort of thing we want to make certain it is safe for all Americans. They will say yes; that makes sense.

Time and again, we are going to give our colleagues, Democrats and Republicans, on the Senate floor a chance to stand up and decide whether they are going to be for the families across America who want safety in schools or whether they are going to shrink away in cowardice because of the National Rifle Association. Let us do the right thing. Let us adopt Senator FEINSTEIN's amendment.

The PRESIDING OFFICER. All time in opposition has expired. The Senator from Missouri has a minute and a half.

Mr. ASHCROFT. Mr. President, this is a simple amendment. It simply says that what we ought to do in regard to semiautomatic assault weapons in our schools, for young people, is to require them to have the same kind of rules we have for handguns. Most people think that a semiautomatic assault weapon is much more dangerous than a handgun. Yet, under current law, you are permitted to buy one as a juvenile. You don't have to have your parents' permission like you do with a handgun, where you are prohibited and you do have to have your parents' permission.

So what we are talking about in this law is, for semiautomatic weapons, you are prohibited from buying them as a juvenile. And you cannot even possess one unless you have a clear indication of your parents' permission.

We have also dealt with juveniles in these clips that are being spoken of and simply said that they are not eligible to possess these clips, that this kind of automatic ammunition-feeding device is not appropriate for and, therefore, is prohibited, in terms of selling to, in the same way that we would prohibit the sales to young people of semiautomatic assault weapons. It does not include traditional hunting weapons, and we are not talking about these kind of things that are mentioned as spray-firing weapons. As a matter of fact, semiautomatic is not spray firing. Spray firing is a machine gun.

We are simply making the rules for semiautomatic assault weapons the same as they are for handguns. It a change that ought to be made. I urge my colleagues to vote in favor of the amendment.

The PRESIDING OFFICER. All time has expired.

The Senator from California is recognized to offer an amendment.

AMENDMENT NO. 343

(Purpose: Relating to assault weapons)

Mrs. FEINSTEIN. I thank the Chair. I send an amendment to the desk on behalf of myself and Senators CHAFEE, KENNEDY, SCHUMER, TORRICELLI, DURBIN, LEVIN, LANDRIEU, MURRAY, and INOUE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mrs. FEINSTEIN), for herself, Mr. CHAFEE, Mr. KENNEDY, Mr. SCHUMER, Mr. TORRICELLI, Mr. LEVIN, Mr. DURBIN, Ms. LANDRIEU, Mrs. MURRAY, and Mr. INOUE, proposes an amendment numbered 343.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 276, below the matter following line 3, add the following:

TITLE V—ASSAULT WEAPONS

SEC. 501. SHORT TITLE.

This Act may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999".

SEC. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.;" and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 503. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.;"

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.;" and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting "semiautomatic assault weapon, or large capacity ammunition feeding device" after "handgun"; and

(B) in subparagraph (D), by striking "or ammunition" and inserting "ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device".

SEC. 504. ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

Section 924(a)(6)(B) of title 18, United States Code, is amended—

(1) in clause (i), by striking "1 year" and inserting "5 years"; and

(2) in clause (ii)—

(A) by inserting "semiautomatic assault weapon, large capacity ammunition feeding device, or" after "handgun" both places it appears; and

(B) by striking "10 years" and inserting "20 years".

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, this amendment is designed to close several loopholes in laws that allow juveniles to obtain big guns. The amendment will ban juvenile possession of semiautomatic assault weapons. It will ban juvenile possession of large-capacity ammunition magazines. It will ban future importation of large-capacity ammunition magazines, and it makes the transfer of a handgun, semiautomatic assault weapon or high-capacity clip to a juvenile a felony, punishable by up to 5 years in prison.

It increases the maximum penalty for transferring a handgun to a juvenile, with knowledge that it will be used to commit a crime, from 10 to 20 years. It does that same thing for transfer of a semiautomatic assault weapon to a juvenile.

I think we have had a good discussion on the first part of the amendment with Senator ASHCROFT's legislation; that is, the amendment banning juvenile possession of a semiautomatic assault weapon. Current law already prohibits any person under the age of 18 from owning or possessing a handgun, with certain very limited exceptions. Yet, the law does nothing to prevent a juvenile from possessing the deadliest of assault weapons, those banned by our legislation of 1994. This would close that loophole.

Secondly, the amendment bans juvenile possession of large-capacity ammunition-feeding devices.

Now, what is a large-capacity ammunition-feeding device? It is something like this, where 30 rounds go into this clip. The clip goes up into the weapon, and you can use the weapon and spray fire, having a large number of bullets. Most assault weapons come standard with 20- or 30-round clips. These big drums or clips are the tools that allow a person to rapidly fire shot after shot after shot with no opportunity to be disarmed.

As I said earlier, they have no sporting purpose. Anybody who sees somebody deer hunting with one of these,

root for the deer because you don't have much of a hunter if it takes 30 bullets in an assault weapon to take down a deer.

For both of these two provisions, the ban on juvenile possession of assault weapons and high-capacity clips, there are two exceptions. A juvenile may still use or possess a handgun, assault weapon, or high-capacity ammunition magazine if he or she is a member of the Armed Forces or the National Guard, and the use of such items is in the line of duty. Secondly, a juvenile may still use or possess a handgun, assault weapon, or high-capacity ammunition if these items are temporarily being used to defend a home. So, in other words, if there is one in the home and the home is invaded by a number of masked gunmen, the youth can certainly legally pick up that weapon to defend himself or herself. Throughout my amendment, a juvenile is defined as a person under the age of 18.

The third provision I have offered would finally stop the importation of large-capacity ammunition-feeding devices, and that is what the other side of the aisle wants to permit to continue to happen. As I mentioned earlier when we passed the legislation in 1994, a grandfather clause was in it to permit those shipments that have bills of lading on them to come into the country. What a mistake I made at that time. I should have fought it tooth and nail. It was then expanded, and you have the loophole that exists today. It has now been more than 4 years, and I believe anybody who has made pre-1994 assault weapons and clips has had an opportunity to import them into this Nation. My goodness, BATF, in 6 months, approves permits for 8.6 million of them. Now, look at the number of years that have gone by already. If you multiply every 6 months by 8.6 million, you will get a sense of the number that are coming in.

Let me say, once again, it is illegal to manufacture them domestically, sell them domestically, and possess them domestically, if they were made after the ban. The problem is, BATF has no way of knowing whether the clip, once it is in, was made before or after the ban because BATF can't go to Austria, or Great Britain, or Italy, or Zimbabwe, or Czechoslovakia, or East Germany, or any of these other places where these big clips are made and brought into this country.

Last year, the President stopped the importation of most copycat assault weapons into this country with an executive order. The Justice Department has advised that the President doesn't have the authority to ban the big clips and close the loophole. That is why the legislation is before us today.

Mr. President, I ask unanimous consent that a document entitled "Firearms and Explosives Import Branch, High-Capacity Magazine Import Totals, 3/98 to 7/98" be printed in the RECORD.

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

FIREARMS AND EXPLOSIVES IMPORTS BRANCH, HIGH CAPACITY MAGAZINE IMPORT TOTALS, BY COUNTRY OF EXPORT, 3/98-7/98

[This does not reflect the country of manufacture]

	No. of magazines per country	Total rounds approved
Austria:		
20 round magazines	300,000	6,000,000
Totals	300,000	6,000,000
Belgium:		
15 round magazines	3200	48,000
30 round magazines	500	15,000
Totals	3700	63,000
Chile:		
15 round magazines	30,700	460,500
20 round magazines	2,234	44,680
30 round magazines	35,482	1,064,460
32 round magazines	1,008	32,256
Totals	69,424	1,601,896
Costa Rica:		
15 round magazines	6,000	90,000
Totals	6,000	90,000
Czech Republic:		
15 round magazines	20,000	300,000
20 round magazines	25,000	500,000
70 round magazines	5,000	350,000
Totals	50,000	1,150,000
Denmark:		
32 round magazines	238	7,616
36 round magazines	840	30,240
Totals	1,078	37,856
England:		
20 round magazines	644,800	12,896,000
25 round magazines	27,500	687,500
30 round magazines	101,650	3,049,500
32 round magazines	28,490	911,680
50 round magazines	500	25,000
71 round magazines	3000	213,000
177 round magazines	200	35,400
250 round magazines	20,000	5,000,000
Totals	826,140	22,818,080
Germany:		
15 round magazines	10,000	150,000
16 round magazines	800	12,800
20 round magazines	34,500	690,000
30 round magazines	230,000	6,900,000
40 round magazines	100,000	4,000,000
75 round magazines	50,000	3,750,000
100 round magazines	1,000	100,000
Totals	426,300	15,602,800
Greece:		
30 round magazines	6,062	181,860
32 round magazines	55,900	1,788,800
Totals	61,962	1,970,660
Hungary:		
20 round magazines	20,800	416,000
30 round magazines	20,800	624,000
70 round magazines	500	35,000
71 round magazines	200	14,200
Totals	42,300	1,089,200
Indonesia:		
30 round magazines	100,000	3,000,000
Totals	100,000	3,000,000
Israel:		
20 round magazines	65,900	1,318,000
25 round magazines	17,000	425,000
30 round magazines	80,000	2,400,000
32 round magazines	2,000	64,000
35 round magazines	7,000	245,000
50 round magazines	65,900	1,318,000
Totals	172,900	4,502,000
Italy:		
11 round magazines	20,000	220,000
12 round magazines	506,318	6,075,816
13 round magazines	1,151,264	3,049,500
15 round magazines	1,940,556	14,966,432
17 round magazines	1,308,696	22,247,832
20 round magazines	1,000,000	20,000,000
Totals	5,962,834	46,559,580
Nicaragua:		
20 round magazines	10,000	200,000
50 round magazines	500	25,000
Totals	10,500	225,000
South Africa:		
20 round magazines	54,360	1,087,200
25 round magazines	23,500	587,500
Totals	77,860	1,674,700
Switzerland:		
20 round magazines	300	9,000

FIREARMS AND EXPLOSIVES IMPORTS BRANCH, HIGH CAPACITY MAGAZINE IMPORT TOTALS, BY COUNTRY OF EXPORT, 3/98-7/98—Continued

[This does not reflect the country of manufacture]

	No. of magazines per country	Total rounds approved
Totals	300	9,000
Taiwan:		
30 round magazines	1,000	30,000
Totals	1,000	30,000
Zimbabwe:		
30 round magazines	32,000	960,000
32 round magazines	42,874	1,307,968

Angry 5-year-old Took Gun to School. Memphis. Five-year-old kindergartner was arrested after bringing a loaded pistol to school because he wanted to kill his teacher for punishing him with a "time out," according to police records. The .25 caliber semi-automatic pistol in the child's backpack was confiscated by teacher Maggie Foster on Friday after another pupil brought her a bullet. "He said he wanted to shoot and kill several pupils as well as a teacher," the arrest ticket said. He stated he was going to shoot Ms. Foster for putting him in "time out," a form of discipline for young children.

The boy was charged with carrying a weapon. It was unclear if he would be prosecuted. "A five-year-old is not capable of forming criminal intent," juvenile court Judge Kenneth Turner said. "The boy got the gun from atop his grandfather's bedroom dresser," said Jerry Manassas, juvenile director of court services. The boy and his mother live with the grandfather. "The State's Department of Children Services will investigate the boy's home situation," officials said.

And that's that.

Doesn't that frighten you? Doesn't it make you think that this Nation is so awash with guns that it has even trickled down to a five-year-old who knows enough to pick up a gun and take it to school? It frightens me, and I believe it concerns the dominant majority of American people. We have a chance to do something about it.

We can't entirely change the culture. We can pass, as we have, certain pieces of legislation. We can use the bully pulpit. We can talk about parents keeping their guns safe. We can use trigger locks. We can make parents responsible—all of which I think we should do. But the one thing we can and we must do is keep large firepower out of the hands of juveniles. The more you proliferate these weapons and make it easy for youngsters to obtain the ammunition feeding devices, just by using their computer, just by punching in their family's credit card, we create the situation where more lives can be taken.

Almost 1 in 12 high school students report having carried a gun in the last 30 days. This is despite Senator DORGAN and my gun-free schools bill. In 1996, 2,866 children and teenagers were murdered with guns, 1,309 committed suicide with guns, and 468 died in unintentional shootings. Gunshot wounds are now the second leading cause of death among people aged 10 to 34. What a commentary on this Nation. The firearm epidemic in this country is now 10 times larger than the polio epidemic of earlier this century.

In the 1996-1997 school year alone, more than 6,000 students across this Nation were caught with firearms in school. Is there a Member of this body who saw guns in their classrooms as they were growing up? I don't think so. I sure didn't. But I will tell you this: I addressed the fourth grade class in Hollywood and I said: What is your greatest fear? And that fourth grade said being shot. I said: How many of you have heard shots? And every single hand in the class went up in Hollywood, CA, as having heard shots. What kind of a nation are we becoming when

So what has happened? I believe that what happened is we have seen the foreshadowing of a culture of violence surrounding youngsters. I have used this before and I will use it again. I would like to read directly from the Washington Post article dated Monday, May 11:

our youngsters have to be reared in this kind of environment?

I notice the distinguished Senator, my cosponsor of this amendment, Senator CHAFEE of Rhode Island, is on the floor. If I might, I would like to yield time to him, as much time as he requires.

MR. CHAFEE. I thank the distinguished Senator from California.

THE PRESIDING OFFICER. The Senator from Rhode Island.

MR. CHAFEE. I thank the Chair.

Mr. President, I am pleased to cosponsor Senator FEINSTEIN's amendment, which is designed to keep assault weapons and large capacity ammunition feeding devices out of the hands of children. Also, I am grateful to Chairman HATCH for the opportunity to discuss this important matter.

For years, Senator FEINSTEIN has been an ardent proponent of banning assault weapons and large capacity ammunition clips. In 1994, Congress wisely enacted legislation to prohibit domestic production of assault weapons and large capacity ammunition feeding devices. Regrettably, it took a terrible tragedy to give us that wisdom.

In January 1989, our nation was stunned when Patrick Purdy murdered 5 children and injured 30 others in a schoolyard in Stockton, CA. With the horror of that slaughter fresh in our minds and hearts, Congress enacted the assault weapons ban as part of the Violent Crime Control and Law Enforcement Act of 1994.

That legislation, principally proposed and fought for by the distinguished Senator from California, Mrs. FEINSTEIN, prohibits the manufacture, possession, and transfer of semiautomatic weapons and large-capacity ammunition clips that were not lawfully owned prior to enactment of the 1994 act. Regrettably, there are gaping loopholes in that law.

The amendment Senator FEINSTEIN and I have offered today is designed to close the loophole in the law that enables children to gain access to assault weapons and large capacity ammunition clips. It is intended to close the loophole that allows large capacity ammunition clips, which are manufactured abroad, to flood the United States. And it is designed to increase penalties on adults who provide children with handguns, deadly assault weapons, and large capacity clips.

This amendment is a matter of common sense. Common sense led us to prohibit possession of handguns by children. Nevertheless, we permit children to possess assault weapons and large clips. These are not weapons intended for hunting or recreational purposes. These are lethal weapons designed to make it easy to kill. Yet, the law says it's just fine for children to possess them.

There is a lot of discussion on the floor of this Chamber about the culture of violence.

We are asked to blame the "culture of violence" for the rash shootings that

have rocked our nation and our schools. Children watch too much TV, therefore they are violent. Children go to violent movies, therefore they act out what they see. Children play video and computer games with violent themes, therefore they become killers. Perhaps there is truth in these conclusions, but there is a much simpler truth. It is foolhardy and irresponsible to allow children to possess assault weapons.

In America, a 15-year-old child can't drive a car, but he can own an assault weapon. An 18-year-old can't buy a beer, but he can own an assault weapon. There are age requirements for buying cigarettes or attending certain movies, but there are no age limits when it comes to assault weapons. The age requirements for certain activities are meant to keep children out of harm's way. That's what this amendment is meant to do, too.

We have an opportunity today to say enough is enough. We have an opportunity to use our common sense and take assault weapons and large capacity clips away from children. We have an opportunity to learn from the horror that all of America has witnessed in our nation's schools.

Assault weapons and large capacity magazines were used in two of the horrific shootings we all watched on the evening news. At Thurston High School in Springfield, OR, a 15-year-old, who was suspended for bringing a gun to school, returned the next day and opened fire in a crowded cafeteria. He killed two students and wounded 22 others, using a large capacity ammunition clip. Most recently, two boys in Littleton, CO, devastated their community by storming their school, murdering 12 schoolmates and a teacher, and finally killing themselves. One of the weapons the boys used was a Tec-9 assault pistol.

It's time to end the madness. It's time to take common sense steps to keep guns, particularly assault weapons and large capacity clips, out of the hands of children. We teach our children not to play with matches; to look both ways before crossing the street; we tell them not to talk to strangers. We teach them lessons to keep them safe, but we allow them access to the deadliest of weapons. It doesn't make sense. It is unjustifiable.

We have a chance today to close the loophole in the assault weapons ban that permits what our common sense tells us is insane.

Mr. President, clearly, it will be argued on the floor of this Senate that we have a host of laws on the books—I think somebody said 40,000 laws. I don't know whether that is accurate or not. But if it is, there is a mass of laws on the books, and all we have to do is enforce these laws and we wouldn't have these troubles.

There is no law dealing with assault weapons in the hands of children—certainly no Federal law. There ought to be one along with passage of these laws

on the floor of this Chamber. Certainly, there should be greater enforcement than there is.

But, first of all, let's have the law making it illegal, not only to own one of these weapons—for a minor to or for a child to—but also the clip that goes with it.

It should not be lawful for children to possess assault weapons and large capacity ammunition clips. It should not be possible for foreign manufacturers to flood the United States with a product domestic manufacturers are forbidden to produce. Adults who provide these deadly weapons to children should be punished.

That is part of the legislation for which the distinguished Senator from California has pushed. Senator FEINSTEIN's amendment is about children and safety.

I urge my colleagues to rely on their common sense and vote to take assault weapons away from children.

I thank the Chair. I thank the distinguished proponent of this amendment.

MRS. FEINSTEIN. Mr. President, I think the distinguished Senator from Rhode Island knows I hold him in very high regard, but I want him to know that my fondness for him has just increased exponentially.

Thank you very much for that very compelling statement.

MR. CHAFEE. I am delighted to be associated with her. I want to say, regrettably, we haven't passed much gun control legislation on the floor of this Senate, but because the Senator from California was so dogged and determined in, I believe, 1994, some 5 years ago, we were able to take a big step forward. Now she has come up with legislation to eliminate some of the loopholes in that bill.

I thank the Chair and I thank the distinguished Senator from California.

MRS. FEINSTEIN. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan.

MR. LEVIN. I thank my good friend from California, and I commend her and the Senator from Rhode Island and others who are actively pursuing this very important amendment.

Mr. President, I believe that the tragedy in Littleton, Colorado struck a chord with every American. Three weeks ago, we watched in disbelief as children turned violent against other children, and we asked ourselves why. There is no single answer to that question. The violence in movies, on television, and in video games alarms us all. Our culture is surely far too violent. But, in these school shootings, we see one crucial common denominator: guns.

Guns kill some 35,000 people in the United States each year. We've grown so accustomed to the carnage that guns cause that only the most horrific acts of violence are capable of shaking us from our slumber. We paused in the Senate to observe a moment of silence to pay tribute to those who died at Columbine High School and to express our

sympathy for their loved ones. But now with this latest tribute for the victims in Littleton behind us, we need to be anything but silent.

There is no one cause of youth violence, the causes are many. But among them there is one that cannot be ignored or denied: the easy access our young people have to deadly weapons.

Violence in television shows, video games and movies horrifies us as parents and grandparents. But these same programs and those same games are the predominant entertainment in many other countries, as well, which have a small fraction of our gun murder rate. Look at our border with Canada. In 1997, the U.S. death rate involving firearms was about 14 per 100,000 people. The rate for Canada was less than one-third of that, about 4. Canadian towns on our border watch exactly the same T.V. and movies we do. Their kids play the same video games as ours. In 1997, there were 354 firearm homicides in Detroit; across the river in Windsor, Ontario, one fifth its population, there were only 4. The crucial difference is the easy availability of firearms in the U.S. If we equate the populations, that would mean that on an apples and apples basis, Windsor would have had 20 firearm homicides. They watch the same television, they watch the same movies, and they play the same video games. We had 354 firearm homicides in Detroit; Windsor has 20 on a comparable basis.

The crucial difference isn't, then, the atmosphere of violence which pervades too much of our environment; the critical, crucial difference is the easy availability of firearms in the United States.

No matter how severe this plague of gun violence is for society as a whole, for the young it is far worse. For young males, the firearm death rate is nearly twice that of all diseases combined. One hundred and thirty-five thousand guns are brought into U.S. schools every day, according to an estimate by the National School Board Association—135,000 guns every day brought into our schools. Guns are not the cause of violent emotion, but guns are the predominant cause of violent killings and murders when such violent emotions are acted out.

There are numerous loopholes in the Federal gun laws which I think would surprise most Americans. The Feinstein amendment before the Senate addresses loopholes which allow youth access to, for instance, the assault weapons which have been discussed. Most of these are commonsense proposals.

Ten years ago, maybe now a little longer than that, former Senator Barry Goldwater first heard that a madman walked into a schoolyard in Stockton, CA, with a rapid-firing AK-47 and shot off 100 rounds in 2 minutes, killing 5 children and wounding 30. Senator Goldwater said, "I'm completely opposed to selling automatic rifles, and I have been a member of the NRA. I col-

lect, make, and shoot guns. I've never used an automatic or semiautomatic for hunting. There is no need to. They have no place in anybody's arsenal."

Senator Goldwater was right when he said that assault weapons have no sporting purpose. How many more tragedies will it take before, at a bare minimum, we take assault weapons and large ammunition clips out of the hands of children?

This amendment does that. I hope this Senate will give its support. I commend the Senators from California and Rhode Island.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Michigan. A while back, a former Vice President said he is one of the great minds of the Senate. I certainly agree with that. I think you know that.

Thank you very much.

I see the distinguished Senator from New Jersey on the floor. I yield 5 minutes of my time to Senator TORRICElli.

Mr. TORRICElli. I thank the Senator from California for yielding.

Mr. President, all of us, after Littleton, grieved together. I believe all of those prayers and condolences were sincere. But we also pledged to finally take the issue of gun violence and young people in America seriously. Those pledges may not have been as sincere.

It was my hope in this debate that we would deal with some very fundamental issues—restricting the ability to buy handguns to one a month; stopping the wholesale transfer of these guns into our cities and small towns in States like my own of New Jersey.

I hoped we would extend the Brady period to give a cooling off period to people who buy these weapons. I hoped to regulate firearms like any other consumer product.

We decided not to do these things because we wanted to meet our opponents, those who are advocates for the gun lobby, halfway. So we restricted ourselves to the most reasonable, the least controversial. It might have been a mistake, because even those commonsense initiatives, which I think most Americans would subscribe to, are not succeeding.

Yesterday, this Senate failed in an effort to restrict sales at gun shows without background checks—4,000 gun shows that operate outside of the current checks for mental illness and previous legal convictions. Now we return again with another provision that should be equally noncontroversial. Most people in America wouldn't believe this provision is necessary. I would have a hard time convincing most people in New Jersey that this amendment is required, because most people would believe it was already law: That an 18- or 19-year-old can buy an assault rifle; that any child can buy a rifle or shotgun, including assault rifles such as the infamous street-sweeper; that any youth 18 to 21 can privately buy an assault pistol such as the TEC-9 used in Littleton.

Our country has recognized that there is an age of maturity to drive an automobile. We recognize there is an appropriate age of maturity to consume alcohol, to exercise the right to vote—the basic sovereignty of our people. Yet, with the power to take a human life by the exercise of the extraordinary power in these weapons, young people like those in Littleton who consumed so many lives operate without restrictions.

I believe those who responded to the massacre in Littleton were sincere in wanting to deal with this problem. But it requires more than words. It requires the one area of political life that I most admire and is in the shortest supply in our country—courage—the courage to go to those few advocates who believe they are so right and their privileges are so important that the larger good of the public must be compromised. I suggest to them they must compromise for the sake of the Nation.

That is the moment in which we now find ourselves. Senator FEINSTEIN has offered an amendment that would interfere with the rights of no parents who want to teach their child to use a firearm responsibly or want to have a firearm in their home. It deals only with that class of weapons for which there is no hunting purpose, no legitimate function for which any teenager in any school of America should want to own an assault rifle or a multibullet clip. That is all we deal with. Inexplicably, I do not know if we will succeed.

Last year, we lost over 3,500 young people to gunfire; 3,500 deaths. This is no perfect answer. It will not eliminate all of those deaths. It may not eliminate a majority of those deaths. But no one on this Senate floor can credibly argue that with the adoption of the Feinstein amendment some lives will not be saved; that the chances of a Littleton are not measurably reduced.

The Senate has a choice. Senator ASHCROFT has also offered an amendment and it would also restrict to minors access to some of these weapons.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes.

Mrs. FEINSTEIN. Mr. President, I yield the Senator an additional minute.

Mr. TORRICElli. I thank the Senator for yielding an additional minute.

But only the Feinstein amendment offers not only restricting this class of weapon to young people, but also closes the loophole that allows these multibullet clips that allow the rage of a child who would take a single life to destroy a school, an entire group of people—to commit a mass murder.

I do not argue this alone will stop these tragedies. No one here can argue that any one formula, any one idea will eliminate this problem. But I will tell you this, Senator FEINSTEIN has the one proposal that can address the rage, the inexplicable rage that must be dealt with—by families and schools and churches and synagogues, exploding on

such a level—by taking both these weapons of mass destruction and these multibullet clips out of circulation.

I congratulate her for her amendment. I ask the Senate, with all the rage you felt after Littleton, with all the conviction you felt to solve this problem, and all the compassion you felt for those children, have that strength, that courage and that conviction now. For once, at long last, let's take a stand and cast a vote so, as the years pass, we will have real pride that we made some contribution. Just as we ask those parents, those schools, those churches, those synagogues to play their role and be part of this solution, let the Senate be part of this solution, too.

I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from New Jersey for his thinking. I very much appreciate it. It seems to me, those of us who have big cities in our States really understand what a lot of this is about. I think it is very important. When we get back here I think we forget what it is like out there, the ease with which youngsters can obtain these high-powered implements which are capable of killing so many people at one time. So I thank the Senator very much for his support in this.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 6 minutes 50 seconds.

Mrs. FEINSTEIN. Mr. President, let me once again state what is the fundamental difference between the amendment proposed by the distinguished Senator from Missouri and my amendment. My amendment has one thing that his does not. It closes the loophole in the 1994 assault weapons legislation.

Today, it is illegal for anyone, domestically, to manufacture these big clips. It is illegal for them to sell them. It is illegal for people to possess them. But it is not illegal to bring them in from abroad. So why wouldn't we straighten this out? Why would we disadvantage our domestic manufacturers and allow all of this stuff, these big clips, up to 250 rounds, to come in from abroad? It makes no sense. What is sauce for the goose is sauce for the gander. In a simple equity argument, we have closed the supply off domestically. Why permit these clips to come in from foreign countries?

Mr. President, I believe as soon as Senator SCHUMER comes he would like some time on this amendment as well. But I think we have an opportunity today for both parties to come together and do something important for our Nation. I deeply believe this legislation is supported by 80 percent to 90 percent of the American people. Why would we not enact it? Both of us want the same thing. We want to keep these weapons out of the hands of juveniles and we want to keep these big clips out of the hands of juveniles.

Does it make sense, then, to continue to increase the supply? I do not believe it does.

I suggest the absence of a quorum and reserve the remainder of my time.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask that the Senator from New York be recognized for the remainder of my time.

Also, I ask unanimous consent the junior Senator from Rhode Island, Mr. JACK REED, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mr. SCHUMER. I thank the Chair, and I thank the Senator from California, not only for the time but, far more important, for her leadership on this issue.

We were the coauthors of the assault weapons ban of 1994. She carried it bravely in the Senate, and then I followed in the House.

We still have unfinished work to do. That is what this amendment is all about. The Senator from California has well documented the need for this legislation. But let me say that this is such a simple, carefully drawn, and modest measure that to take half a loaf or a quarter of a loaf is not good enough, particularly in light of the tragedy in Littleton and the tragedies which have occurred throughout America.

The Senator from Missouri has tried to deal with a part of the Feinstein amendment, but it still leaves a giant exception for young people to get these clips for hunting, for employment, for a group of other exceptions.

I say, if we believe these clips are unnecessary—unnecessary for hunting, unnecessary for self-defense—because they kill far too many people, then why are we making such an exception? So I ask my colleagues, if you really believe in rational laws on guns, if you really believe that young people should not have the kinds of clips—30-round—from all across the world sent to this country for no other purpose than to harm and maim—no legitimate purpose—then how can you believe it is OK half of the time or a quarter of the time or three-quarters of the time?

So I urge my colleagues to pass this amendment, not to shy away from it with a modification that does not really do the job, but to take this well-thought-out and modest step.

Let me say something else about the climate around here as it relates to this amendment and all of the amendments that are here.

What a bitter disappointment it is that the response to Littleton is that a

loophole which allows criminals to get guns just gets wider. The American people are scratching their collective heads and saying, What is going on in this Senate of the United States? There is the blood of young children on our schoolhouse floors, and not only do we fail to take the modest step of closing the gun show loophole, we actually make it wider. I don't get it. I am new in the Senate, but I just don't get it.

As the entire Nation turns its eyes towards the Senate to do something to keep guns out of the hands of criminals, we give criminals a new special pawnshop exemption, one that did not exist even in the months before Littleton. Shame on us.

On the amendment of the Senator from Idaho, there was some discussion between him and me about it yesterday, but now it seems that all of the provisions I mentioned that were in that amendment seem to be true. And, frankly, the Senator from Idaho was gracious enough to admit that to me in the well of this Chamber this morning.

Let me tell you what we passed into law yesterday.

A violent felon gets out of jail and has little cash, so he pawns some of his guns. At this point, he is not even allowed to own a gun by law. Later, he raises money—maybe through a job, maybe through a crime; who knows—and he goes to redeem his gun. And now there will be no background check because of the amendment of the Senator from Idaho.

In 1994, of the 5,405 people who redeemed their own gun at a pawnshop, 294 were caught in the Brady net. When America begged the Senate to do something about guns, they were not asking us to bring back the pawnshop loophole. Why are we back-peddling? And other places, too.

The PRESIDING OFFICER. The Senator from Utah controls 45 minutes.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I ask unanimous consent for 20 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Will the Senator from California yield for a question?

Mrs. FEINSTEIN. Of course.

Mr. SCHUMER. Will the Senator from California ask unanimous consent that I be recognized for an additional minute, just to finish my point?

Mrs. FEINSTEIN. I ask unanimous consent the Senator from New York be recognized for an additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, we yield a minute to each, if it is all right. Do you want more?

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

Mr. SCHUMER. I thank the Senator for his generosity.

Mrs. FEINSTEIN. You finish, and then I will go.

Mr. SCHUMER. I thank the Senator from California.

There were two other exceptions in the Craig amendment, two other loopholes that, again, made it easier for people—children, criminals—to get guns. One is an exemption from liability for certain gun dealers; another would allow gun dealers to actually set up shop out of State, something unheard of since 1968. I would caution my colleagues in the Senate, evidently the Craig amendment had other loopholes as well, which we will talk more about later.

So please, let us, everyone, if we are afraid to take a step forward—and I pray that we are not—not take three steps backwards, which up to now the Senate has done.

I yield back.

AMENDMENT NO. 343, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to submit a small technical correction to my amendment at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 343), as modified, is as follows:

On page 276, below the matter following line 3, add the following:

TITLE V—ASSAULT WEAPONS

SEC. 501. SHORT TITLE.

This Act may be cited as the “Juvenile Assault Weapon Loophole Closure Act of 1999”.

SEC. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “(1) Except as provided in paragraph (2)” and inserting “(1)(A) Except as provided in subparagraph (B)”;

(2) in paragraph (2), by striking “(2) Paragraph (1)” and inserting “(B) Subparagraph (A)”;

(3) by inserting before paragraph (3) the following new paragraph (2):

“(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.”; and

(4) in paragraph (4)—

(A) by striking “(1)” each place it appears and inserting “(1)(A)”; and

(B) by striking “(2)” and inserting “(1)(B)”.

SEC. 503. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(C) a semiautomatic assault weapon; or

“(D) a large capacity ammunition feeding device.”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(C) a semiautomatic assault weapon; or

“(D) a large capacity ammunition feeding device.”; and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting “, semiautomatic assault weapon, or large capacity ammunition feeding device” after “handgun”; and

(B) in subparagraph (D), by striking “or ammunition” and inserting “, ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device”.

SEC. 504. ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

Section 924(a)(6)(B) of title 18, United States Code, is amended—

(1) in clause (i), by striking “1 year” and inserting “5 years”; and

(2) in clause (ii)—

(A) by inserting “, semiautomatic assault weapon, large capacity ammunition feeding device, or” after “handgun” both places it appears; and

(B) by striking “10 years” and inserting “20 years”.

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking “manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994”.

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act except sections 502 and 505 shall take effect 180 days after the date of enactment of this Act.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield myself such time as I might consume in opposition to the Feinstein amendment.

Mr. President, the Senator from California and I over our years together here in the Senate have remained good friends even though we find ourselves on occasion in disagreement. This is one of those occasions.

I wish I could join with the Senator from California and the Senator from Michigan and those who have spoken on the floor, in the most sincere of ways, in creating a magic wand that would take violence out of our schools and violence off our streets, and proclaim that our Nation is a violence-free nation. If we could do that together, then we would not be here debating this and our Nation would react differently than it is at this moment.

All of us have mourned the loss of those marvelous young people in Littleton, CO. But it would be unfair for anybody to stand on this floor and portray that passage of the Feinstein amendment will solve that problem. It will not. It will not solve the problem of violence in our youth today or the feeling of disillusionment or the frustration which has produced these episodes of extreme violence in juveniles that this society has never seen in its history.

I stand in opposition to the Feinstein amendment today because it would undo a provision of the law that was created in an interest of fairness, because in July of last year, when the Senator brought this to the floor, we

argued it and 55 Senators said we ought not change this provision of the law. That is because, in 1994, Congress debated banning the future importation and manufacturing of high-capacity clips with more than 10 rounds of ammunition. Frankly, I was one of those who opposed banning this ammunition because I felt it had nothing whatsoever to do with controlling crime.

Enforcement controls crime: Cops on the street with the ability to make sure, when they arrest somebody who uses a gun in the commission of a crime, that some attorney will not plea bargain them back to the street. Adult crime is going down today because we are locking people up, in part. And yet we are going to have a bill on the floor in the next few minutes which is going to make it even tougher for Federal prosecutors to walk away from their responsibility under the law; and that is to put people away who use guns in the commission of a crime. That is how you make the streets safer.

Well, at least that is how you make the streets safer in relation to also protecting a private citizen's right to own and to collect.

I think, however, even the sponsor has acknowledged it would be unfair to outlaw existing clips or some clips. She did in 1994. In all fairness to her, she has honestly said on the floor she made a mistake. I do not think she made a mistake at that time. I supported her in that, and we voted on it, and it became the law of the land. The ATF proceeded to do everything in its power to frustrate the law we had created. Specifically, it held up imports of legal clips for years, claiming that Congress only intended to grandfather domestic clips. This reading of the statute was obviously so wrong that even the Justice Department went to ATF and said: Sorry, it is unenforceable. So ATF had to give in; they couldn't jawbone their way outside the law.

As a result of that, that importation was allowed as the law had designed. Consequently, the legal magazines finally were allowed to be imported years after the ban went into effect.

Today, those who wrote the law are now trying to undo it. Of course, that is the right of Congress—I do not dispute that—to change the law if they wish. But I hope they would have good grounds to do so.

I think the first provision of the Senator's law is the right thing to do. It is what the Senator from Missouri is doing, to tighten up on juvenile ownership and therefore force a greater level of juvenile responsibility. But hers is much broader than that, and I simply have to oppose it.

History is not the only reason that this amendment is unfair, however. It also is unfair because it would overnight make certain legal, lawfully owned firearms obsolete. These magazines are still being imported because there is a market for them, yes. She has spoken to that market. I think that is fair and responsible because of

the character in which we have tried to shape this particular market.

It was unfair in 1994 to ban these magazines, I believe. It is unfair today. Again, I hope the Senator and I can find that magic wand. Congress is struggling mightily at this moment, and this Senate is, with the juvenile crime bill, to change the definition of how we treat juveniles in our society and to change the law, to treat them more like adults, to look at other dimensions that we believe are causing these levels of frustration and violent outbursts, from movies to videos.

I wish we could even take our magic wand, if we found it, and make the parents of our society more responsible, but that won't happen either. We will try. In the end, I hope we can succeed.

It is my judgment, I believe a fair judgment, to suggest that the Feinstein amendment will not make the Littletons go away, or any other act of violence in this country, unless we bring a whole combination of things and change the way our culture thinks and reacts, as it relates to its children and its future.

I hope my colleagues will join with me this afternoon in opposing the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as I understand it, for the benefit of our colleagues, these next two votes will begin at about 3:45. We anticipate having a vote at 3:45, but that may be delayed in order to accommodate our Appropriations Committee conference. We will know within the next 10 minutes. If we don't begin voting at 3:45, then, if we can get the time yielded back from the distinguished Senator from Idaho and the distinguished Senator from California, we would then move to the Hatch-Craig amendment with the debate to continue for an hour evenly divided.

I ask unanimous consent that—

Mr. KOHL. Reserving the right to object—

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

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. As I understand it, all time has been yielded back on the part of the minority. Can we get the majority, Senator CRAIG—

Mr. CRAIG. Mr. President, I yield back the remainder of my time.

AMENDMENT NO. 344

(Purpose: To make an amendment with respect to effective gun law enforcement, enhanced penalties, and facilitation of background checks at gun shows)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. All time having been yielded back, the clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. CRAIG and Mr. McCAIN, proposes an amendment numbered 344.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATCH. Mr. President, for the benefit of our colleagues, it appears as though we don't know whether there will be a vote at 3:45 or not. It doesn't look like there will be, in my opinion. Those votes may be deferred for approximately an hour and 15 or 20 minutes. We will announce if we do have votes beginning at that time.

We are going to move ahead, keep moving on these amendments. This is the Hatch-Craig amendment. We would like to limit debate to an hour, but the minority needs to examine the amendment. We will certainly wait until they do before we ask for a limited period of time.

Mr. President, I ask unanimous consent that the previously scheduled votes now occur at 5:00 p.m. under the same conditions as stated earlier.

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

Mr. HATCH. I also ask that no second-degree amendments be in order prior to the scheduled votes.

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

Mr. HATCH. Mr. President, I ask unanimous consent that Senator McCAIN be placed as a cosponsor of the Hatch-Craig amendment.

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

Mr. HATCH. Mr. President, in discussing several proposals with my colleagues over the last 2 days and nights, I am offering a package of amendments that will increase the effectiveness of S. 254 by sharpening the bill's focus on punishing criminals who use guns illegally, while protecting law-abiding people who use guns lawfully for traditional sporting and self-defense purposes. We want to punish the criminal without burdening law-abiding people.

Our amendment package has four parts: one, more aggressive prosecution; two, enhanced targeted penalties; three, expanded protection for children; and, four, enhanced background checks.

First, we propose an improved version of a program for the aggressive prosecution of the criminal use of firearms by felons or a program that is commonly known as CUFF, C-U-F-F. It is one thing to talk about putting criminals behind bars, and it is another thing to actually do it. We in the Senate must recognize that all the gun laws we could ever pass mean absolutely nothing if the Attorney General does not enforce them.

The Clinton administration talked about the Brady bill and stopping criminals from obtaining and using guns. The Attorney General talked about being tough on criminals, but the record shows otherwise. The chart that we are going to show to you shows that in the last 3 years the Democratic Department of Justice has had a dismal record in protecting the very crimes that the Democratic administration and Democrats in Congress said were an essential part of their program.

This chart shows the prosecutions of Federal firearms laws, cases reported, Executive Office, U.S. Attorney, requested firearms sections, counts charged, calendar years 1996-1998.

Now, for example, between 1992 and 1997, gun prosecutions under Operation Triggerlock—a proven gun crime prosecution program, started under President Bush—dropped nearly 50 percent, from 7,045 to 3,765. Now, these are prosecutions of defendants who use a firearm in the commission of a felony. They had been cut by 50 percent between the years 1992 and 1997. The Executive Office of the U.S. Attorney reports that between 1996 and 1998 the Clinton Justice Department prosecuted a grand total of one criminal who illegally attempted to purchase a handgun, but was stopped by the instant check system.

It is a Federal crime to possess a firearm on school grounds. However, the Clinton Justice Department prosecuted only eight cases under this law in 1998, even though they admit that more than 6,000 students illegally brought guns to school last year.

The Clinton administration had prosecuted only five such cases in 1997. Many believe that the actual number of kids who bring guns to school is much higher than the 6,000, but I think it is pretty pathetic when you stop and think that, in 1998, there were only eight cases prosecuted and in 1997 only five.

It is a Federal crime to transfer a firearm to a juvenile. However, the Clinton Justice Department prosecuted only six cases under this law in 1998, and only five in 1997. Think about it. It is illegal—illegal—to transfer a firearm to a juvenile yet only six cases were prosecuted in 1998 and only five in 1997.

Now, it is a Federal crime to transfer or possess a semiautomatic assault weapon. However, the Clinton Justice Department prosecuted only four cases under this law in 1998 and only four in 1997. Think about it.

In addition, the Clinton administration has requested only \$5 million to prosecute gun crimes. We have a lot of rhetoric from this administration about gun crimes and how effective the Brady law has been. They claim hundreds of thousands of people are stopped from purchasing guns, many of whom they believed were felons. Please note that it costs \$1.5 million to fund an effective project in the city of Philadelphia alone—just one city, \$1.5

million—and they only requested \$5 million for prosecuting gun crimes. Thus, not only has the Clinton administration failed to prosecute gun crimes in the past; it apparently has no plan to do better in the future.

This chart lists the prosecuted cases reported by the Executive Office of the U.S. Attorney.

Providing firearm to a prohibited person, unspecified category: 17 in 1996, 20 in 1997, and 10 in 1998.

Providing a firearm to a felon: 20 in 1996, 13 in 1997, and 24 in 1998.

Possession of a firearm by a fugitive: 30 in 1996, 30 in 1997, and 23 in 1998. That is an important category.

Possession of a firearm by a drug addict or illegal drug user: 46 in 1996, 69 in 1997, 129 in 1998.

Possession of a firearm by a person committed to a mental institution, or an adjudicated mental incompetent: 1 in 1996, 4 in 1997, 5 in 1998.

Possession of a firearm by an illegal alien, and we have millions of them coming into this country: 72 in 1996, 96 in 1997, and 107 in 1998.

Possession of a firearm by a person dishonorably discharged from the Armed Forces: 0 in 1996, 0 in 1997, 2 in 1998.

Possession of a firearm by a person under a certain kind of restraining order provision: 3 in 1996, 18 in 1997, 22 in 1998. Even though this administration has been complaining about domestic violence and the use of handguns and guns in domestic violence. Just think about it. This is the whole country. This is all the Justice Department has done. OK.

Possession of a firearm by a person convicted of a domestic violence misdemeanor: 0 in 1996, 21 in 1997, 56 in 1998.

Look at this.

Possession or discharge of a firearm in a school zone: 4.

Look at that. We have 6,000 kids that they admit came into schools with firearms in this country, and we know it is many more thousands than that; they know it, too. But there were only 4 in 1996, 5 in 1997, and 8 in 1998.

Now, we have heard a lot of mouthing off about the Brady bill and 100,000 cops in the streets. Let's talk about the Brady bill. According to them, hundreds of thousands of people have been prohibited from getting guns because of the Brady Act. Really, it is the check system that we insisted on that is causing these people to be caught.

Look at this: All violations under the Brady Act, first phase: 0 in 1996, 0 in 1996, and 1 in 1998.

Think about that, OK.

All violations under the Brady Act, instant check phase: 0 in 1996, 0 in 1997, 0 in 1998.

How about the hundreds of thousands of people they claim violated the law that they have caught:

Theft of a firearm from a Federal firearms licensee: 52 in 1996, 51 in 1997, and 25 in 1998.

Manufacturing, transferring, or possessing a nongrandfathered assault

weapon: 16 in 1996, 4 in 1997, and 4 in 1998.

Transfer of a handgun, or handgun ammunition to a juvenile. We have thousands of cases like this: 9 in 1996, 5 in 1997, 6 in 1998.

Possession of a handgun, or handgun ammunition, by a juvenile: 27 in 1996, 3 in 1997, and only 8 in 1998. Think about that.

Unspecified violations: 46 in 1996, 26 in 1997, and 21 in 1998.

Enhanced penalty use of a firearm or destructive device during a crime of violence or drug-related crime prosecutable in Federal Court: 1,987 in 1996, 1,885 in 1997, and 1,763 in 1998. Those are very small numbers compared to the number of people who they claim are misusing firearms.

Possession of a firearm by a prohibited person, unspecified category: 683 in 1996, 752 in 1997, 603 in 1998.

Possession of a firearm by a felon. Think about all these complaints about firearms causing everything in our society. They prosecuted 1,213 in 1996, 1,366 in 1997, 1,550 in 1998.

Who is kidding whom here? The fact of the matter is, this administration hasn't been serious about prosecuting gun cases, and now they want a lot more gun laws. Well, we are going to give them some on this bill, and we are going to give them some that some gun owners don't particularly care for. We are going to see if they do a better job in the future. We have to turn this around.

The CUFF amendment would fund—and we offer it in this amendment—an aggressive firearms prosecution program modeled after Operation Triggerlock, which was so successful during the Bush administration. It focuses on prosecuting gun criminals and obtaining tough sentences on the use of firearms in the commission of crimes of violence.

Mr. LEAHY. Will the distinguished Senator yield for a question?

Mr. HATCH. I am happy to yield for a question.

Mr. LEAHY. The distinguished Senator said the Republican package will offer some things gun owners won't like. Anything that I have seen in the Republican package, including a whole lot of things that were in legislation I had introduced, have been supported by virtually all gun owners. What were the ones the gun owners aren't going to like?

Mr. HATCH. Let me get to that.

Mr. LEAHY. I just didn't see any.

Mr. HATCH. The CUFF amendment, of course, they would like. Anybody who wants to do anything about crime would like that. In contrast to the \$5 million requested by the Clinton administration to fund gun crimes, our plan provides \$50 million to hire additional Federal prosecutors to prosecute gun crimes. This is just in the area of juvenile justice.

Our program expands to other cities a successful Richmond, Virginia program in which federal prosecutors pros-

ecute as many local gun-related crimes as possible in federal court. Homicides have fallen 50 percent in Richmond since the program was implemented. This program works.

In addition to encouraging aggressive prosecution, our plan requires the Attorney General to report to Congress on the number of possible gun crimes and, if the crimes are not prosecuted, to explain why. I initially hesitated to support such a statute. However, after years of little enforcement of existing laws and after years of holding hearings at which the Attorney General consistently provides no satisfactory explanation, we have no choice.

If Congress passes a law to make an act a crime, it is the duty of the Attorney General to enforce that law. This reporting provision is a necessary step to ensure that the Clinton Justice Department does its duty and prosecutes the illegal use of guns by criminals.

Second, this package of amendments includes several penalty enhancements that I, Senator ASHCROFT, Senator McCAIN, and Senator CAMPBELL have worked on. These enhancements target the illegal use of guns by criminals.

This proposal would impose the following mandatory minimum sentences:

Five years for the transfer of a firearm to another who the transferor knows will use the firearm in the commission of a crime of violence or a drug trafficking offense.

Ten years for criminals, including straw purchasers, that illegally transfer a firearm to a juvenile who they have reasonable cause to know will use the firearm to commit a violent felony.

Twelve years for discharging a firearm during the commission of a crime of violence or a drug trafficking crime.

Fifteen years for injuring a person in the commission of a crime of violence or a drug trafficking crime.

The proposal would also increase the mandatory minimums for distributing drugs to minors and for selling drugs in or near a school to 3 years for the first offense and 5 years for repeat offenders.

Our proposal would also increase the maximum penalty for knowingly transporting or transacting in stolen firearms, stealing a firearm from a dealer, and stealing a firearm that has moved in interstate commerce to 15 years.

This is strong medicine for the worst criminals that illegally use guns and drugs to harm elderly people, women, and children.

Third, our proposal would protect our children.

After reviewing Senator LEAHY's proposal, I must give the good Senator from Vermont and his colleagues on the Democratic side of the aisle credit. His proposal to expand the Youth Crime Gun Interdiction Initiative is a proposal that we can agree on.

This proposal would facilitate the identification and prosecution of gun traffickers that illegally peddle guns to our children.

The proposal would also facilitate the sharing of information between federal and State law enforcement authorities to stop gun trafficking.

The proposal would also provide grants to State and local governments to assist them in tracing firearms and hiring personnel to stop illegal gun trafficking.

I am glad that on this provision, we can reach a bipartisan agreement to protect our youth from illegal gun trafficking.

This proposal would also prohibit possession of firearms by violent juvenile offenders. This is the juvenile Brady provision, another provision they weren't particularly happy of in the eyes of some people in our society. But it is in this bill, and in this amendment.

It extends the current ban on firearm ownership by certain felons to certain juvenile offenders.

Under this proposal, juveniles who are adjudicated delinquent for serious crimes will not be able to own a firearm—ever.

When they reach maturity, they will not be able to own a firearm.

To ensure that this law will be enforceable, however, we make it effective only after records of such offenses are made available on the Instant Check System.

Finally, this proposal would aid in the overall enhancement of the Instant Check System. Senator DEWINE has played an instrumental role in drafting this provision that will help bring the Instant Check System into the 21st century, something that all on our side have been for from the beginning, and it is the only thing that really is working.

This amendment will fund a feasibility study on the development of a single-fingerprint computer system and database for identifying convicted felons who attempt to purchase handguns.

Under this system, a person will be able to voluntarily put his thumb or index finger onto a scanner at a gun store and a computer would instantly compare his finger print to a national digital database of finger prints for convicted felons. This would provide a truly accurate and truly instant check of a potential purchaser. This would prevent criminals with false identification credentials from purchasing a handgun.

The amendment would also close a loophole in current law. It would require the Attorney General to establish procedures to provide the Instant Check system with access to records not currently on the database. This would include records of domestic violence restraining orders. This will help protect vulnerable women from abusive spouses.

After the shooting at the library in Utah by a mentally disturbed person, I have been in contact with the representatives of mental health organizations to discuss this important problem. My constituents in Utah are very concerned about this issue and so am I, and everybody else is as well who reflects on this matter.

This proposal takes a small but important step on this issue. It directs the Attorney General to establish procedures for including public records of adjudications of mental incompetence and involuntary commitments to mental institution in the Instant Check database. This provision would protect the public, but would also respect the legitimate privacy interests and treatment needs of those with mental health problems.

Mr. President, this package of amendments will increase the prosecution of firearm crimes, increase penalties on criminals that illegally use guns and drugs, protect our children from gun trafficking, and expand the availability of background checks to stop convicted felons from illegally purchasing guns. The package accomplishes this without overburdening the lawful and traditional use of firearms by law abiding citizens for sporting purposes and by our most vulnerable citizens for self-defense purposes. Mr. President, I strongly support this package of amendments as an excellent addition to S. 254.

In addition, Mr. President, this amendment would also punish the solicitation of the violation of federal gun laws over the Internet. It would not require advertisers who do not actually sell a firearm over the Internet to become federally licensed firearms dealers.

The amendment provides that if a person knows or has reason to know that his Internet advertisement offering to transfer a firearm or explosives in violation of existing federal criminal statutes, he will be punished severely.

The amendment imposes fines and prison sentences that escalate for repeat offenders.

The amendment also provides an affirmative defense. If the advertiser is a licensed dealer, he can avoid the penalty imposed by this statute by posting a notice stating that sales of the firearm will be in accordance with federal law and will be made through a licensed dealer.

If the advertiser is a non-licensed individual, he can avoid the penalty imposed by this statute by:

(1) Sending a notice to the solicited party stating that the sale will be made in accordance with federal law; and

(2) Providing that as a term of the sale, the sale will be consummated through a licensed federal firearms dealer. Thus, there will be a background check before the firearm is transferred.

Mr. President, this amendment solves the problem of a non-licensee soliciting an illegal transfer of a firearm over the Internet. It punishes the knowing solicitation of a criminal transaction, and it allows an affirmative defense if the ultimate transaction includes an agreement to transfer the firearm through a licensed firearms dealer. Under current law, a licensed firearms dealer is required to run the

buyer's name through the Instant Check system before transferring the firearm. This is a far superior alternative to requiring advertisers who do not sell firearms to become federally licensed firearms dealers and to act as middlemen in the sale of firearms.

This amendment would punish those who solicit violations of federal law, but would not over burden law abiding citizens who lawfully advertise legal products.

Yesterday the Senate did two things related to background checks at gun shows. First, it rejected, on a bipartisan basis, the Lautenberg amendment. This proposal was unacceptable to many Members because of the incredible regulatory burden it would have imposed and because of the privacy implications for lawful citizens. Specifically, members were concerned with:

(1) excessive costs of the proposed background check system;

(2) centralized record keeping of lawful gun transactions; and

(3) a new bureaucracy for regulating gun shows designed to do far more than perform background checks.

Second, the Senate passed, on a bipartisan basis, the Craig amendment which represents a great step forward for gun safety while protecting the rights of lawful gun owners: It gave access for the first time to the instant check system, the NICS system, to nonlicensed individuals who want to sell their firearms; ensured there will be no unlawful recordkeeping by the FBI; established means for people to become licensed dealers of firearms if they want to sell them at a gun show; and provided liability protection when the instant check system tells a seller that a perspective purchaser is eligible to purchase.

Today, we include in our omnibus gun prosecution control package improvements to the Hatch amendment which will ensure that all gun sales at gun shows pass the muster of an instant check background check. This is due to the efforts of the distinguished Senator from Oregon, Mr. SMITH; the distinguished Senator from Arizona, Mr. McCAIN; Senator CRAIG, and myself.

We want all gun sellers to have the peace of mind that they are selling their firearm to a lawful purchaser. We want gun shows to be a place for legitimate business transactions and for collectors to enjoy their hobby, but never at the expense of public safety.

I ask unanimous consent that Senator SMITH of Oregon be added as an original cosponsor of this amendment.

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

Mr. HATCH. I yield to my colleague from Arizona, Senator McCAIN.

Mr. McCAIN. Mr. President, I thank the distinguished Senator from Utah, Mr. HATCH, for his stewardship and his incredible efforts today on this issue. This package and this amendment that I intend to address briefly would not

have been possible without his effort. I thank also Senator CRAIG and my colleagues, Senators SMITH, COLLINS, SNOWE, ABRAHAM and many others who have taken an active role in this legislation today that would establish background checks in a manner which is fair and workable.

To start with, I want to point out that this amendment closes a loophole, and it requires instant background checks at all events at which at least 10 exhibitors are selling firearms, or at least 20 percent of the exhibitors are selling guns. This prevents any sale of a gun or a weapon at one of these shows without an instant background check. That is the effect of this amendment.

Specific language says a person not licensed under this section desiring to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State and not licensed under this section:

Shall only make such a transfer through a licensee who can conduct an instant background check at the gun show or directly to the perspective transferee if an instant background check is first conducted by a special registrant at the gun show on a perspective transferee.

These background checks must be completed within 24 hours. This is not an overly burdensome requirement in the face of the Columbine High School tragedy; rather, it is a responsible means of lessening the likelihood of unlawful gun purchases. I believe this is something every Member of the Senate should be able to support.

It is my understanding this amendment has been cleared by every Member on this side of the aisle. I hope it will be cleared by Members on the other side. If they desire a rollcall vote on this, that would be fine. I think it should receive the unanimous support that it deserves.

I repeat one more time: This now provides for instant background checks at gun shows, and it effectively closes a loophole that was created. I am very appreciative of the Senator from Idaho for his cooperation in closing this loophole. It is a very strongly held belief on his part. I think he showed great statesmanship today.

I thank so many of my colleagues under the leadership of Senator HATCH, Senator COLLINS, Senator SNOWE, and especially my friend from Oregon, Senator GORDON SMITH.

Mr. SMITH of Oregon. Mr. President, I join in thanking those who have submitted this amendment today. I especially thank Senator HATCH for his indulgence and his leadership; Senator CRAIG, for allowing this to go forward; Senator McCAIN, for his doggedness and determination to help a number of Members to make sure that what we began yesterday to close this loophole, we, in fact, closed today.

I am proud to stand on the floor of the Senate and proclaim myself a defender of the second amendment. I say that and also qualify it only in this re-

spect: I defend the second amendment for law-abiding citizens to bear arms—not for nuts and crooks. I think it is possible to defend this constitutional right and also defend kids in the school cafeteria. But to do that, we need to make this technical amendment today.

I am proud to stand with my colleagues. I hope the other side will allow this to clear. This is something our country needs. It is something I am proud to be a part of.

I yield the floor.

Mr. CRAIG. Mr. President, the Hatch-Craig amendment package is a very broad-based package bringing greater enforcement, aggressive prosecution that this administration has been very reluctant in pursuing. It enhances penalties across a broad cross section of illegal activities to assure that the criminal simply is not going to fall through the cracks.

As my colleagues from Arizona and Oregon indicated, once we were able to defeat the Lautenberg amendment and establish some very clear parameters for creating the permanency of the national instant check system and the funding of that check system and assuring that we were not creating extraordinary liability for private citizens who wish to involve themselves in sales, then I thought it was right and appropriate that we begin to move to clarify and define gun shows and how guns are sold at those gun shows.

That is exactly what we have done this afternoon. I think it is a major step on an issue that has brought a great expression of concern across our country.

What is important to understand is that there is no placebo. Many would rush to the floor hoping we can pass a myriad of laws. As I said with the Senator from California a few moments ago, the world would become instantly and dramatically safer. We hope what we do today will change the thinking in America. Law-abiding citizens have and will always have constitutional rights to own and bear arms for a variety of reasons. What we don't want to do is create a huge Federal bureaucracy that has so many tentacles in its webs that private law-abiding citizens get caught up in them.

That is what would have happened in the Lautenberg amendment. Along with that was the fear that a promoter could be almost anyone who said they were in support of a gun show. They would have to become a licensed Federal firearms dealer. That is not the case nor should it be the case.

Like many people know, when you go to the local drug store today and you want to charge it, you bring out your Visa card, they pass it through the machine and tell you nearly instantly if your credit is good, if you can charge against the card.

What we want to be able to do to free up law-abiding citizens and to catch the criminal in the web, is to make sure that this instant background check is embodied in the law, and that

the Justice Department and the politics of any Justice Department—be it Janet Reno or someone else, cannot manipulate the law. That is to assure an instant computerized check system which assures that felons are on it and adjudicated others are on it, those who find themselves defined by the law as being not sufficiently responsible for the ownership of guns. That is what it is all about. That is what we are about here today—in the area of gun shows, that this be done.

Somehow, gun shows have been cast as some bazaar in which illegal criminal activity goes on. That is not true and everybody but a few politicians knows it is not true. Less than 2 percent of the guns sold through gun shows find themselves in criminal activity. We would argue that is too much. We are now asking law-abiding citizens to become involved with us in making sure that guns at gun shows, now that law-abiding citizen is protected, will not be sold to a criminal or to a juvenile. So we do that and I think we strengthen the provisions by doing so.

We also deal with another area my colleague from New York will be dealing with, potentially, later, and that is Internet sales. We are suggesting Internet transactions that are known to be legal activities or that could be legal activities are against the law. What we are not saying is you cannot advertise on the Internet. That is a first amendment right and I do not think the Senator from New York would want to infringe on the right of commerce, to speak out.

Let me correct for the RECORD a dialog that the Senator from New York, who is now on the floor, and I had yesterday. He felt, reading my amendment that was agreed to yesterday, there was a problem. That problem dealt with the potential of interstate transactions, that are now prohibited, being opened up. In all fairness—I said he was wrong. As he read my bill, he was reasonably accurate, because the bill had been mishandled in its typing. What we were trying to define was the temporary situation of a gun show, because when we do tracking and when we do background checks and records, we are dealing with addresses, permanent locations—permanent locations of a business, a dealer of guns. A gun show is not permanent, it is temporary. It is at the convention hall or the fairgrounds. In doing the typing, legislative counsel misquoted the wrong paragraph.

I must say, in all fairness, the Senator from New York was right. He found it. I agreed with him. We corrected it. We are now clearly back to Federal law being absolutely as it is. Interstate sales of guns are banned. Only under certain conditions of the Federal law can that happen. So we have corrected that also in this omnibus amendment, the Hatch-Craig amendment, that we think is right and responsible to do.

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

Mr. CRAIG. I will be happy to yield for a brief explanation by the Senator from New York.

Mr. SCHUMER. I thank the Senator from Idaho for yielding.

First, I thank him for his graciousness in correcting the RECORD of yesterday, which I very much appreciate.

Second, I say to the Senator, we have received this new amendment about 45 minutes ago. My copy is a little warm, but I think that is because of our Xerox machine, not because of his. We are in the process of analyzing it and hope to very shortly be able to either agree or disagree. But given what happened yesterday, we want to make sure we know what is in the bill and that it is the same thing the Senator from Idaho thinks is in the bill. I appreciate his indulgence.

But I do appreciate his words. They are meaningful to me, and I am glad we can conduct this debate, where we disagree so strongly, in a civil and fine tone.

Mr. CRAIG. I thank my colleague from New York.

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

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

Mr. CRAIG. I will not yield for a moment. Let me correct another area the Senator from New York and I had a disagreement on, but that is a gentlemanly disagreement. We still disagree. That deals with pawnshops.

In the Brady environment—that was the period of time in which we were building the national background check—a 3-day period was instituted, not to keep the gun from a person, but to check a person's background for the purpose of finding out whether it was legal for that person to own a firearm, whether the person was a felon or not. If, during that period of time, you pawned your gun at a pawnshop and then you went back to retrieve it, the pawnshop owner gave it back to you, no questions asked. It was your gun, your name was on it, you had the pawnshop ticket; as long as you could show ID, you got your gun back.

ATF and this administration are now interpreting this differently through instant check. They are saying you have to go through a background check again, and there are lawsuits out there in the marketplace today because of that.

It is very important for the RECORD to show what happens. If I am the person who takes a gun to a pawnshop and I pawn my gun, if I have my pawn ticket, within 24 hours the pawnshop owner must not only report the pawning of that gun to the local law enforcement authority with the serial numbers of the gun and my name—that is what goes on today in the law. So there is a background check, *per se*, because if my name happens to come up the name of a felon, I will never get that gun back; the law enforcement can go and collect it.

But what is happening now is that I go in 3 months later to get my gun. I

have my money and my ticket and my record is clear. The ATF, and this administration, are saying: Foul. You have to go through a background check.

We are saying that is wrong. We are reinstating the Brady environment during the period of the 3-day waiting period.

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

Mr. CRAIG. I am happy to yield to my colleague from New York.

Mr. SCHUMER. Again, I want to go over the language. I agree with much of what the Senator said on the factual situation, but I would make one correction. The pawnshop exception was not part of Brady; it was added in. I remember this because I fought with then Chairman Brooks of the Judiciary Committee about it. It was added in the 1994 crime bill. Brady would have required the background check as is required today. The Brooks amendment exempted pawnshops from that check. And now, with the Craig amendment, we would go back to where the Brooks amendment was. Am I correct in that?

Mr. CRAIG. To the Brooks amendment, yes. I was not in the House at that time. Of course, I knew Jack Brooks was a strong defender of second amendment rights. That sounds like a pretty reasonable rendition.

Mr. SCHUMER. Just one point on the pawnshop exception. The reason it was put in Brady, no exception, the closing of the exception—the reason the administration went ahead and said that instant check required it was that, without the recheck, many people who were felons would get guns.

Of the 5,000-some-odd people who went to pawnshops in this period between the Brooks amendment and the ATF's regulation, over 300 were found to be felons. In other words, they were missed in the first check and the second check found them.

So I say to the Senator—and on this one we do not have to wait for the language because the Senator from Idaho has said the pawnshop exception in the language of yesterday will stay in the bill. I think that is a serious mistake. It will take us, in my judgment at least, a step back because many, many, many—in this case, close to 300; 294 people who were missed in the first check—were stopped in the second check. These are felons. These are not people whom the Senator from Idaho or I generally bend over backwards to help get guns.

So what is wrong with the second check when it is working? I urge the Senator from Idaho to reconsider and take the pawnshop exception out of this amendment.

I yield my time. I appreciate the Senator's courtesy.

Mr. CRAIG. I thank the Senator for his discourse on this. We believe pawnshops are now effectively regulated and their gun pawning activity is fully reported on a 24-hour basis to local law enforcement officers and that check

goes forward. We think that is adequate and appropriate and right. That is the way it ought to be. I am not saying people who pawn guns ought not be checked, because they currently are.

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

Mr. CRAIG. I will yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, yesterday I questioned the Senator from Idaho on his exclusion, which at that time was to "determine qualified civil liability actions should not include an action—" and then there was nothing further until we got down to "immunity."

Now he has added a couple of other sections in there which were not in the bill yesterday.

Mr. CRAIG. Will the Senator yield?

Mr. LEAHY. If I might complete my question, I suggested yesterday, the way it was written we were giving immunity against suits. In fact, the court-stripping part further on would actually include suits against gun manufacturers.

The Senator from Idaho suggested I was wrong in that, but I notice now it has been changed. Is that because I was right?

Mr. CRAIG. No, it is not because you were right. It is because there was a section misqueued that was not included that was intended to be included.

If I can go forward, because you deserve this explanation and you deserve this clarification because you raised the question in all fairness and honesty, all the immunity and exceptions within this section are tied to gun show transactions. It is very important to understand that. We are not talking about an environment outside gun shows; we are talking about an environment inside gun shows.

The pending exceptions that the Senator from Vermont raised in question is a unique situation at a gun show. You and I go to a gun show. You are from Vermont, and I am from Idaho. We wish to transact the sale of a gun, but the gun is not there. It is at home in Vermont. You are selling it to me. You and I cannot do that under the law, because we cannot transact business interstate. So we go to a dealer at the gun show, and we agree that the dealer will handle the transaction. That dealer will do a background check on me, the purchaser, because you are selling it. You send the gun to the dealer, and the dealer sends it to me.

That is the way it is currently being done in a voluntary way so that you and I do not find ourselves astraddle the Federal law on interstate transactions. That is what this section deals with.

Mr. LEAHY. I am aware of that. I have purchased both handguns and long guns that way. I have had them shipped from out of State to a gun dealer in my own State.

What I am concerned about—and the question I raised yesterday and the

Senator from Idaho, apparently by this redrafting, feels I raised a valid question yesterday—at the end of this, you say:

A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

Does this contemplate some cases that are now pending?

Mr. CRAIG. It is possible at the time we get the law enacted that there could be pending litigation within this section of operation.

Mr. LEAHY. Is the Senator aware of litigation now pending?

Mr. CRAIG. I am not.

Mr. LEAHY. But if there is some in any Federal or State court, whether it is Idaho or Vermont or Ohio or anywhere else, does not the Senator's legislation take out, not just Federal court, but even if there is a State court where there is a case pending, it would simply dismiss it?

Mr. CRAIG. In these categories where people have found themselves immune if they do the following things—background check, through the registrant, under the conditions—it is important, do not think beyond the box. Think of the box of a gun show and gun show activities and the definitions therein of a special registrant and a new licensee. I am suggesting that we are trying to encourage people to become active in background checks and become increasingly legal by that.

Mr. LEAHY. I understand this, and I find sometimes I am frustrated, but I accept that any time I purchase a weapon in Vermont, even though I am probably as well known as anybody in Vermont, they have to go through the usual record check. That is fine. I accept that.

Mr. CRAIG. They better.

Mr. LEAHY. They do, I can assure you, just as I accept easily the fact that I have to go through metal detectors and x ray machines when I get on an airplane. I am for that. I think it makes a great deal of sense.

What concerns me, I tell my friend from Idaho, is that what this is saying, in this court-stripping part, this says my State of Vermont is being told, even if they have a case, a qualified civil liability action pending, it will be dismissed by this. We do not even know whether there are such cases pending around the country, but we are telling the 50 States of this country and their legislatures: If you have a case pending, tough, the Senate has just decided it for you.

I am wondering, for example, whether this is covering current city lawsuits that are based, in part, on gun show sales. Some cities have brought some lawsuits based on gun show sales. Are we throwing their suits out?

Mr. CRAIG. Let me reclaim my time to discuss that briefly, and then I will yield the floor because others wish to debate.

Mr. LEAHY. Does the Senator understand my question? I think it is a valid question.

Mr. CRAIG. Here is what we are saying. We are saying in this law that the people who abide by the law have done nothing wrong. If they go through the background check and do all the legal things, they have done nothing wrong; they are within the law. If the gun happens to fall into the hands of a criminal and is used in a crime and somebody wants to trace it back to them and make them liable, we are saying, no, no; you were a law-abiding citizen. You cannot say that they were wrong because their gun at sometime in the future fell into the hands of a criminal and was used. The Senator knows today those kinds of lawsuits are going on out there.

Mr. LEAHY. Do we also dismiss the lawsuit against the manufacturers?

Mr. CRAIG. No.

Mr. LEAHY. It is hard to read it otherwise.

Mr. CRAIG. I read it that way because of the transaction within the gun show. Think inside the box. Everybody likes to find the bogeyman outside the gun show. We are talking about a unique class of operatives inside a gun show. We are encouraging them to become increasingly more legal by using background checks. Legal in this sense: Law abiding citizens like you and me who might own a gun—

Mr. LEAHY. I own a lot of guns.

Mr. CRAIG. Want to make darn sure it does not fall into the hands of criminals. If we go through the background check as we sell it and the guy or gal is pure, we are OK. What if down the road the gun falls into the hands of a criminal and here comes your city or a city that says: You are liable because you are the seller we can trace to because of your record. I can say to you under this: Because you did it in a legal way, you are not liable. That encourages you to pursue legal activities. It does not deal with manufacturer liability. That is another issue for another day, not addressed anywhere in these amendments.

Mr. President, that is as thorough as I can get with the Senator from Vermont. Let me conclude, because there are others who wish to debate.

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

Mr. CRAIG. No, I will not. I will let the Senator seek the floor to debate on his time.

I suggest that the Hatch-Craig amendments are a major step toward the enforcement of gun laws in this Nation, of stopping criminals who use a gun in the commission of a crime, to make sure that the transaction does not result in guns falling into the hands of criminals, and still recognizing that the Internet is a fair and first amendment-protected expression as long as those expressions are not found to be illegal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I see the following people on the floor who want

to speak and want to be factored into this.

On our side is Senator COLLINS, Senator DEWINE, and Senator SESSIONS. Can I ask how much time they want.

Mr. COLLINS. Five minutes.

Mr. SESSIONS. Ten minutes.

Mr. HATCH. Five minutes for Senator COLLINS; 10 minutes for Senator SESSIONS; 10 minutes for Senator DEWINE.

We have Senator DURBIN, Senator SCHUMER, and Senator LAUTENBERG on the other side.

Mr. LEAHY. If I might, I say to the distinguished chairman, if he will yield to me—

Mr. HATCH. Yes.

Mr. LEAHY. Some of these amendments, at this point particularly, that have just arrived—I think the Senator from New York described it as being still warm from the copying machine. We have several Senators in the Cloakroom who are just looking at it, who have just received it. We are getting calls. My beeper is going off here. I am reading: Somebody wants to check this one, wants to check this one. Let's let the debate continue here for a bit while we try to do it.

Mr. HATCH. Yes. But I want to figure out how we do it. I think we should go back and forth.

Mr. LEAHY. I agree with that.

Mr. HATCH. Can I ask the Senators on this side, how much time would you like, at least initially?

Mr. LEAHY. We do not know.

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. Sure. I yield to know how much time.

Mr. SCHUMER. In response to his question, I say to the Senator that probably, when at least my staff's analysis of the proposal is finished, I would like to speak for maybe 10 minutes on it, maybe a little more. But I say to the Senator that I could not agree to any kind of time limit until we analyze the bill.

The Senator from Idaho came over to me early this morning and said that I had been right in some of my complaints, I guess, about his proposal. I said, fine. Get me language and I will analyze it and I will not delay in any way.

Mr. HATCH. We understand.

Mr. SCHUMER. We got the language at 3:30, or maybe a little before that. It takes a little while to analyze. I do not think any of us want to go through the same problems we went through yesterday where we did not understand what was in the bill.

Mr. HATCH. Let me put you down temporarily for 10 minutes, or more if you need it. I want an idea of the time.

Mr. DURBIN. Will the Senator yield?

Mr. HATCH. Yes.

Mr. DURBIN. I really have questions that get down to the basics of whether or not the Craig amendment replaces yesterday's amendment or is added to yesterday's amendment. That is it. He left the floor, I am sorry, because it was a question I had.

Mr. HATCH. I will try to answer those questions if I can. And Senator LAUTENBERG has indicated to me that he will need some extensive time here.

Would you have any objection to allowing Senator COLLINS to go first for her 5 minutes?

Mr. LAUTENBERG. Will the Senator yield?

Mr. HATCH. Yes.

Mr. LAUTENBERG. Is it a gun-related issue?

Mr. HATCH. I am afraid it is.

Mr. LAUTENBERG. It is.

Mr. HATCH. It is on this amendment. She just wants to speak to this amendment for debate only.

Ms. COLLINS. For 5 minutes.

Mr. HATCH. Is there any objection to that?

Mr. LAUTENBERG. I would be happy to yield to the Senator.

Mr. HATCH. We can get some of these shorter remarks over, and then you could have adequate time. Could I then go to Senator SESSIONS for 10 minutes?

Mr. LAUTENBERG. I do think we need some time on this side to respond, but I do not want to close down the debate, very honestly, because we have patiently, or impatiently, listened to a fairly extensive debate.

Mr. LEAHY. Mr. President, let's go back and forth from each side, as the Senator from Utah suggested, without locking down the time. One of the reasons why we have a concern, I say to my friend from Utah, is that yesterday we were trying to rush some of these votes forward. I raised the problem with the distinguished Senator from Idaho. I said: I thought there was a whole part of the bill missing. Basically, my argument was dismissed.

Let's go on with the vote.

This afternoon, they say: Oh, by the way, this part you said was missing, yes, it was. Now we have added it back in.

I did not raise it nonchalantly. I thought it was serious. So I think that we ought to at least, if we have just gotten a hot piece of legislation still warm from the Xerox machine, get a chance to see it. It would be a lot easier to take a few minutes longer and make sure it is done correctly and we know what we are voting on than we go through as we did yesterday when the concerns that Senator SCHUMER and I raised were sort of dismissed, and now we find, yes, we were right, and we are back into the thing.

Let's make sure everybody understands where we are going.

I say to the Senator from Utah, maybe during the votes at 5 o'clock he and I might meet with interested parties to see if we can work times out.

Mr. HATCH. Let me make this suggestion. I hope it will be found acceptable to colleagues on the other side. Since they are studying this amendment—and have had it for over an hour—since they are studying this amendment and need to finish their studies, I ask unanimous consent that Senator

COLLINS be permitted to proceed for 5 minutes and that Senator SESSIONS be permitted to proceed for 10 minutes, and if Senator DEWINE is here, let him get his until 5 o'clock.

Mr. LEAHY. Can anybody on this side speak?

Mr. HATCH. Sure. If they need more time to study it—

Mr. LEAHY. Couldn't we go side to side as we normally do?

Mr. HATCH. That is fine. We would start with Senator COLLINS on our side for 5 minutes, and then on your side, and then back on our side.

Mr. LAUTENBERG. Just to be sure.

Mr. HATCH. Let the Senator go, and then Senator SESSIONS.

Mr. LAUTENBERG. If the distinguished manager would yield, we are talking about a sequence including the Senator from Maine for 5 minutes, then over here?

Mr. HATCH. Sure.

Mr. LAUTENBERG. Then back to the other side? I have no problem with that as long as the time that we get over here is a reasonable slot of time.

Mr. HATCH. I ask unanimous consent that the time between now and 5 o'clock, when the votes start, be divided equally.

The PRESIDING OFFICER (Mr. DEWINE). Is there objection?

Mr. LEAHY. Between the two leaders?

Mr. HATCH. Between the two leaders.

Mr. LAUTENBERG. Reserving the right to object.

Mr. HATCH. There will be more time afterwards.

Mr. LAUTENBERG. If you eat crow, you have to do it when it is warm.

Mr. LEAHY. I yield to you.

Mr. LAUTENBERG. Thank you. Because what happened is we had an extensive delivery by the distinguished Senator from Idaho. And if we are now going to divide up the time, it is a little out of balance. So I say this to the Senator from Utah, that if we agree to give up 10 minutes now, and reserve, perhaps, 15 for our side, just to get a little bit of balance in here, and we are going to continue the debate—

Mr. HATCH. That is fine.

Mr. LAUTENBERG. Let's divide it equally.

Mr. HATCH. OK. And I ask unanimous consent that the first speaker be Senator COLLINS.

The PRESIDING OFFICER. Is there objection to dividing the time equally?

Mr. LEAHY. Between now and 5?

The PRESIDING OFFICER. Between now and 5.

The Chair hears none, and it is so ordered.

The Senator from Maine.

Mr. HATCH. Our first speaker is the Senator from Maine.

Ms. COLLINS. I thank the distinguished chairman for his patience in working this out. And I also thank the Senators from Vermont and New Jersey for agreeing to this arrangement.

Mr. President, I rise to support the provisions in the Hatch-Craig amend-

ment requiring background checks at gun shows. I believe we have very carefully crafted provisions that strike the right balance. I support the requirement that sales of firearms at gun shows pass the muster of an instant background check. Gun shows are a popular mechanism for buying and selling guns, and these legitimate business transactions should be made with the knowledge that the sellers are selling their firearms to lawful purchasers.

What I opposed yesterday is something I will always oppose—and that is the creation of a Federal centralized recordkeeping system of gun owners. That would be a heavy regulatory burden that would seriously infringe on the privacy rights of millions of law-abiding American citizens who own guns. That is why I voted against the amendment offered by the Senator from New Jersey.

I would like to make one brief comment regarding gun shows. I am very concerned that the publicity surrounding this issue has created the false impression that gun shows are somehow gathering places for criminals, anarchists, and mercenaries. Nothing could be further from the truth. In reality, thousands of Americans go to gun shows every weekend in this country. People who attend these shows live in every State in the Union. They come from all walks of life. They share a common interest in a part-time hobby that is deeply ingrained in our American culture. Many are sportsmen or target shooters; many others are collectors who enjoy showing, buying and selling their antique firearms.

These are people who enjoy the tradition of responsible gun ownership in this country. This is a tradition—and a right—that we need to preserve.

Our gun laws should be directed at the illegal misuse of firearms, not the lawful ownership of guns by law-abiding citizens. The first step we should take is to address the concerns the Senator from Alabama will speak on shortly that gun laws are not being strictly enforced. The Senator from Alabama has documented an appalling drop in prosecutions of gun-related offenses, gun control laws under this administration.

That should be our first step.

Second, the Republican package puts together reasonable restrictions that will ensure that guns do not fall into the hands of criminals through the mechanism of a gun show.

I know the people who attend gun shows across America want to make sure they are selling to people who will use firearms in a responsible way that is the American tradition.

This legislation before us strikes the right balance, and I urge support of the amendment. I commend those who have worked on this to respond to the concerns we raised yesterday.

I yield back the remainder of my time to the chairman of the committee.

Ms. SNOWE. Mr. President, I rise today in support of the Hatch-Craig

amendment to S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act. This amendment provides four important components in the efforts of combating juvenile violence and crime.

I also want to thank the Majority Leader, Senator LOTT, Senators HATCH, CRAIG and McCAIN for listening to my concerns and working with me to ensure the National Instant Check System applies to all sales made at gun shows.

This amendment provides for more aggressive prosecution of criminals who use guns to commit crime, enhances penalties on criminals who use guns, increases protection of children from gun violence. Most importantly, this amendment mandates that individuals purchasing weapons at gun shows must undergo a background check through the National Instant Check System. This is the same requirement currently in place for purchases made at gun shows, when buying a weapon from a licensed gun dealer.

Mr. President, gun shows are community events, usually held over a weekend at State Fairgrounds, convention centers, or exhibit halls. These shows have been going on for years and attract a wide cross section of gun owners. At the shows, people not only buy, sell, or trade firearms, they also exchange tips on hunting, gunsmithing, and firearm history.

By implementing an instant check system at gun shows, law abiding gun buyers can receive their background check within minutes and be able to obtain the firearm they wish to add to their collection. On the other hand, criminals and other people who are not allowed to possess firearms can be identified and arrested for trying to purchase a weapon, in violation of the law.

Mr. President, this amendment, of which I am a co-sponsor, provides a good balance between allowing law-abiding citizens to purchase weapons at gun shows without burdensome regulations and preventing criminals from obtaining weapons from individuals at gun shows.

The PRESIDING OFFICER (Mr. THOMAS). Who yields time?

Mr. LEAHY. Mr. President, parliamentary inquiry: What time is the vote scheduled for?

The PRESIDING OFFICER. Five.

Mr. LEAHY. How much time is there for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. LEAHY. I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Vermont, and I thank the Chair.

If the audience here or out there is mystified, I wouldn't be surprised, because I think we, too, are mystified. We are buried under a volume of lan-

guage and words, and we are not addressing the point.

The point is whether or not we are willing to say, if guns are sold, there has to be a measure of identification of the buyer. That is the question. Ask the parents in Littleton, CO, what they think. Should we have identified everybody who walks into a gun show? Describe the gun show as you will, we will talk about that in a minute. Should everybody who buys a gun at a gun show be identified? I think yes.

The shallow arguments about, we have 40,000 laws on the books and therefore why do we need one more—well, you tell me what happened when Terry Nichols and Timothy McVeigh were out at a gun show selling guns to raise money for their terrorist operation. What is the point?

Obviously, the laws that we have do not cover all of the situations. I say this. I just heard the distinguished Senator from Maine say it, I have heard the Senator from Idaho say it and others. There is no blanket accusation here that says everybody who goes to a gun show is a felon, an anarchist, a crook, a thug—not at all. But we want to protect those families who do go to gun shows with an earnest interest in seeing what is around and maybe buying a hunting rifle or what have you. Why should they be ashamed? Why should anybody be ashamed or unwilling to leave their name behind when they take this lethal weapon and stick it in their pocket? That is the problem. No matter how much language is thrown out here, we ought to try to cut through it and see what the mission is.

The mission is to try to protect the NRA, not to protect the people of our country, the innocents who send their kids to school every day of the week and now pray that the children come back not only learned but safe and sound. That is the message we are trying to get across here.

We hear this obfuscational language: Well, if they had this and they had that and they didn't have measles and they had some other condition, then it is all right.

Stop with the loopholes. I offered an amendment yesterday which was clear and concise, which said that everybody who buys a gun ought to be identified and that those dealers who are unlicensed dealers, call them what you will, who can sell guns out of the trunk of their car in any quantity they want, to anybody they want, without getting so much as a name, except the cash on the barrelhead, walk away, someone buys 10 guns, there is not an ounce of suspicion raised about that.

We heard the Senator from Idaho yesterday say, well, a measly 2 percent, that is all, 2 percent of the guns sold in these gun shows, only 2 percent, are unlicensed. Then he was gentleman enough and sincere enough to say, I made a mistake; it wasn't 2 percent; it is 40 percent. Forty percent. Two percent. That is a significant difference.

So he said he realized only too late that 40 percent of the people who bought guns at gun shows bought them from unlicensed dealers—or 40 percent of the guns sold, forgive me, were from unlicensed dealers.

Well, that is pretty significant. That is a lot of guns floating out there that nobody has any record of, unless someone volunteers to leave their name. I do not see a lot of volunteers coming up throwing their photo ID on the counter and saying, hey, give me a dozen guns, will you. You don't see that happening.

We ought to clear the air, clear the language here, tell the American people, as they were told yesterday—I want everybody within earshot to remember this—yesterday there were 47 of us who voted to close a loophole. There were 51 people who voted to leave it open, to make sure that those who want to buy a gun without identifying themselves could still have the liberty to do so.

We hear all kinds of specious arguments—another bureaucratic imposition on free citizens in this country. We have laws in this country. We are a country of laws. It says so in our Constitution. If you have laws, you have to have a structure. You have to have an orderly process by which those laws are developed and enforced. Our job here is to develop them.

So what is wrong with having people enforce laws that we think otherwise might bring harm and injury to innocent people? I do not want my grandchildren going to school with other kids who might be able to get their hands on a gun because a father or a relative left the gun unattended. I think it is terrible. I think they ought to be responsible for the actions that that child who takes the gun brings upon his or her classmates or friends.

So we ought to clean up the language here so the American people know what we are talking about. Some of us are for closing the loophole and some of us are for leaving it open.

The vote yesterday was quite a revelation. It should have been for the American public. Yesterday 51 percent of the people in this room said: Do not close the loophole. Do not take away the rights of someone who wants to be unidentified, anonymous, buying guns out there. Permit them to do it, because otherwise it is an infraction of their rights. If a neighbor wants to sell a gun to a neighbor, why shouldn't he be able to do it without having to go through the trouble of identifying him?

Try to give your neighbor your car and not take note of the transfer. If that neighbor has that car and it still has your name on it, you are responsible for it, whatever it is that happens.

We see immediately now in the presentation today some apologies. The apology is not for the American people. The apology is to those who might be inconvenienced because they have to identify themselves when they buy a

gun. We ought not to be apologizing to them. We ought to apologize to every parent, to every family, to everyone who might be injured by a gun that is bought, 40 percent of those guns that come out of gun shows without any identification. That is what we are talking about. We are clearly divided on the issue.

Now what has happened, there is kind of a fail-safe that has developed, because yesterday not only brought the picture into focus, but it also said to the American people, who are enraged by what is happening in these schools, enraged, pained—87 percent of the people in this country said close the loophole. But in this Senate, 51 percent said: No, don't close the loophole; we want to protect the rights of those who would buy guns as if it was in the dark of night.

So today we see an attempt at a legislative redress for the error that was made yesterday that was caught by the newspapers. It was caught by television. It was caught by the public at large, who are indignant. We hear it couched in flowery phrases—I didn't know there was that exception, or I didn't know there was this exception—when they heard from their constituents and the constituents were angry and mortified by the fact that their representative voted to keep open the loophole.

So now we are trying to figure out what it is exactly that is being proposed. If we are cynical and suspicious, we should be, because yesterday the vote was one way and today it suddenly dawns on them that maybe people who buy guns ought to really leave their name behind, regardless of whether the dealer is a federally licensed dealer or just someone who throws up a table and pays a \$10 fee at a gun show. We are talking about the definition of "gun show" and the definition of "dealer." Nonsense. We ought to talk about the lives that we can save, about the children that we can protect. I hope that the debate is going to get into that area before this discussion is over.

I hope that we look carefully at what is being proposed and study it because it came up all of a sudden—suddenly, to have an agreement that, OK, some people ought to have their names identified with their purchase but not for others.

Mr. President, I yield back my time with the understanding that we are going to be discussing this after the votes we are going to take.

Mr. HATCH. Mr. President, I yield such time as remains to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, all of us agree we need to do a better job of keeping track of guns that might fall into vulnerable young hands. That is why I support the amendment offered by the distinguished chairman of the Judiciary Committee, Senator HATCH, which contains several measures that I

have developed that would help to achieve these goals.

Mr. President, the most effective method to assure that gun sellers and dealers are selling their products to law-abiding citizens is the background check. In 1993, Congress passed the Brady bill, which is designed, in part at least, to move us toward the National Instant Check System for gun sales. Due to this initiative, we have expanded and made more accessible the National Instant Criminal Background Check System, also known as NICS. Now, could this system be improved? The answer is, yes, it could be. For example, today, handgun checks are "name only" checks, which frequently come back inconclusive because a potential purchaser may have a similar name as a convicted offender, or that potential purchaser could be using a false name, or an alias. When this happens, a manual check has to be performed.

Mr. President, one way we can improve the instant check system is through technology that is now available, which can check a purchaser's fingerprint against a single print database. The time has come for this idea; it is an idea worth exploring. Our amendment would direct the Attorney General of the United States to study the feasibility of creating a single print instant check system and database to enable a voluntary, rapid, and accurate search of potential gun purchasers. Currently, there are 40 million fingerprint cards in the master criminal fingerprint file from which convicted offender prints could be placed online for an instant search. With a single print database, firearm dealers could facilitate the completion of a gun sale. A single print system could reduce the potential for felons to obtain firearms through the use of false identification. It would close a major loophole.

Mr. President, we can also improve the system by ensuring that our records are accurate and up to date. I have often said that type of information is absolutely critical and vital to good police work. Information can and does save lives. Mr. President, our background check system is only as good as the information that is in it. The unfortunate fact is that serious record backlogs exist in many States. Many of our State databases are simply incomplete, and many are very inaccurate. We have improved it over the years but we have a long way to go. Since the instant check system became effective last November, over 900 individuals who have been convicted for class one felonies—murder, rape, serious assaults—were able to buy guns because the appropriate records were simply not available.

Mr. President, States desperately need financial help to eliminate this dangerous records gap and to plug this loophole. Our amendment would provide \$25 million to central repository directors to facilitate logging in, dis-

positions, including assistance to courts to automate their current records systems.

Everybody will benefit from this more-thorough criminal history—law enforcement and the public, in general. We can improve our background check system by expanding it to include records of those who have not broken the law, but who are still prohibited under current law from possessing firearms. These people include involuntary commitments to mental health institutions and those subject to domestic restraining orders. Those are the people who, many times, are also falling through the cracks of our current system.

This amendment would direct the Attorney General of the United States to develop procedures by which non-conviction and other data can be available for the instant check system, stopping people who are currently prohibited from possessing a firearm, but who the current system is not watching. This amendment would fully fund the National Instant Check System to pay for the operation costs of background checks. The FBI would be provided operations costs of performing instant checks, and also States serving as point of contact States will be reimbursed by up to \$7 per background check.

Finally, we need to better provide information not just on the lawbreakers, but on the guns they use to commit crimes. To accomplish this goal requires a strong investment in the national integrated ballistic identification network. This system combines the ballistic and forensic capabilities of the FBI and ATF to create one enhanced ballistic system for State and local law enforcement agencies. This amendment before us would provide funds, much-needed funds, to expedite this process.

Mr. President, a greater investment of innovative thinking and resources is urgently needed to improve the National Instant Check System. This amendment would provide that investment. It would make the system more responsive, more accurate and, yes, more thorough. Most important, it would make our efforts to keep guns out of hands of children and criminals more effective. Mr. President, this amendment will save lives.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. The remaining time is 1 minute 46 seconds controlled by the Senator from Utah.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, may I inquire of the state of time?

The PRESIDING OFFICER. There are 15 seconds remaining before the 5 o'clock time for voting, and there will be 5 minutes equally divided between the two sides. At this point, the Senator controls 2½ minutes.

Mr. ASHCROFT. It is my understanding that I am eligible to spend the 2½ minutes in favor of the Ashcroft amendment at this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. ASHCROFT. Thank you, Mr. President.

The Ashcroft amendment is a very simple amendment. It recognizes that in addition to handguns, which require some special responsibility and, therefore, are prohibited for sale to minors, and are even prohibited in private sales to minors, and for them to be in the possession of a minor requiring the permission of parents, that the same kind of rules ought to apply to semiautomatic assault rifles as apply to handguns as it relates to minors.

Right now, where handgun sales to minors are prohibited, semiautomatic assault rifle sales to minors are permitted. Where a minor, in order to have a handgun, has to have parental permission, a minor can own an assault rifle, a semiautomatic assault rifle without parental permission.

The Ashcroft amendment simply wants to remove this disparity, because it expresses a belief that a semiautomatic assault rifle, assault weapon, ought to have the same level of responsibility attendant to it as a handgun.

The Ashcroft amendment would prohibit private sales of semiautomatic assault rifles to minors, and it would require that they have parental permission in order for one even to be in the possession of a minor.

This really makes the rules about handguns and semiautomatic assault weapons identical for all basic intents and purposes. There are some exceptions in the law for purposes of the possession of handguns that relate to employment. There are some minors, for instance, who are required in their employment to be involved with a handgun. Those exceptions would be the same basically as well.

The thrust of this amendment is to say that this situation where semiautomatic assault weapons were not required to have the level of responsibility that we had assigned to handguns for juveniles, that should be changed so that assault rifles and the semiautomatic assault weapons have the same kind of responsibility requirements that had previously been applied to handguns resulting in the requirement that there be parental permission before there can even be possession, and that there would not be a potential for purchase in private sales.

I urge my colleagues to vote in favor of this reasonable and simple change in the law.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator's time has expired. Who yields time in opposition to the amendment?

Mr. LEAHY. Mr. President, I will take this side's time.

I have listened to the debate and read the amendment. It is *deja vu*. It is very

similar to the Leahy law enforcement amendment that the Republican majority voted down yesterday. The Leahy amendment, which was the Democratic consensus position on gun control, included the enhanced parental penalties for the transfer of handguns, assault weapons, and high-capacity ammunition clips to juveniles and the ban on the juvenile possession of handguns, assault weapons and high-capacity ammunition clips. This amendment has a couple of changes. It increases the exceptions for such transfers.

But if imitation is the highest form of flattery, then I guess I should be flattered where all the Democrats signed onto the one amendment that was voted down by the Republicans yesterday. Of course, I am going to support this amendment, because it is so similar to the form of what we had yesterday.

I just wish it had adopted a couple of other consensus positions. I wish it included our gun ban for life for dangerous juvenile offenders. For the life of me, I cannot understand why the other side opposes my proposal, the Democrat proposal, that if you have a juvenile who is convicted of assault with a deadly weapon, is convicted of murder, or attempted murder, why that person should not be banned for life from owning a gun.

I wish it had the money that we put into mine that was dedicated just to Federal prosecution of the firearms violations. I wish it had the resources for firearm tracing that we put under the youth crime interdiction initiative. But perhaps when they look at the rest of my amendment that will be in the next Republican package. I hope it is.

To the extent that this primarily includes a number of the things that I had in my amendment yesterday, of course, I will be consistent enough to vote for it again this time.

Ralph Waldo Emerson once said: "A foolish consistency is the hobgoblin of little minds." There are no hobgoblins on the other side. They don't mind being inconsistent in voting for it today when they voted for it yesterday.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent Ms. COLLINS be added as cosponsor of the Hatch-Craig-McCain-DeWine-Smith amendment that is pending.

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

Mr. HATCH. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. HATCH. I ask for the yeas and nays on both amendments.

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 amendment No. 342. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN), are 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 96, nays 2, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—96

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

NAYS—2

Enzi	Smith (NH)
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NOT VOTING—2

Inouye	Moynihan
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The amendment (No. 342) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I thank the Chair.

Mr. President, I know all the Senators are interested in what the schedule might be. It is that time of the week when we begin to have to make some decisions. I would like for us to finish this bill tonight. There have been a dozen or more amendments that have been considered and others I am sure have been accepted. We still have a large number of amendments, though, that are pending.

I hope Senators will consider either not offering their amendments or agreeing to put them in a package of amendments. We are encouraging Senators on this side of the aisle to do that, and we have at least one that has been done that way.

If we finish the bill tonight, then we will not have any votes tomorrow. If we do not finish it tomorrow, then it is essential we stay in tomorrow. This is important legislation. A lot of amendments have been offered. Others will be offered that are critical amendments and very important to Members on both sides. I have discussed this with

Senator DASCHLE, and I know Senators on both sides and the managers are trying to work through a list of amendments that probably is still in the range of 40 or 50. We have to work very fast and hard to get through those.

With that in mind, I say, again, that we will go as late as we can tonight. I know we have a delegation of eight or so Senators that is supposed to leave for Kosovo at 6:30 in the morning. We will have to ask them to delay that. We can keep going tomorrow and we can keep going, if it is the desire of the Senate, even into Saturday. I have to check with Senator HATCH and Senator LEAHY. They are committed to getting this bill done.

The reason we have to complete it this week is that next week we have to deal with supplemental appropriations, which I hope will be ready then. We hope to have something we can vote on concerning Y2K next week. We have the bankruptcy bill. We also have State Department authorization, defense authorization and defense appropriations and a satellite bill, all of which we would like to consider and get done before the Memorial Day recess.

It is not a question of not wanting to complete this bill. It is just we do not have time next week. So we will either have to work through these amendments quickly or we will have to keep going tonight and over into tomorrow. Please work with the managers. They are trying to do the job and they need your cooperation. I say to those of you who are looking to leave tonight or tomorrow morning, right now it looks as if we will not be able to finish tonight and we will have to be in session tomorrow. We cannot even give you assurances that we will finish by noon. We will just have to keep going until we get it done.

If we really cooperate with these managers, which happens quite often, I believe we can finish tonight. I looked down the list, and I think there are maybe four to six amendments that we really need to have discussion and votes on. I think we can find a way to complete that tonight or early in the morning.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 343, AS FURTHER MODIFIED

Mrs. FEINSTEIN. I thank the Chair. Mr. President, it is my understanding that I have 2½ minutes to wrap up the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. Mr. President, in light of the action the Senate just took in adopting the ban on juvenile possession of assault weapons and large clips, I ask unanimous consent to modify my amendment by striking sections 503 and 504 which will do essentially the same thing.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Can the Senator from California clarify for us—we have all

studied her original amendment, but what are you changing in your amendment that would be subject to a vote?

Mrs. FEINSTEIN. I will be very happy to answer that question. Essentially, a part of my amendment was also Senator ASHCROFT's amendment, with some technical changes, particularly in the exemptions. What we are doing by this is accepting Senator ASHCROFT's amendment and separating out the part of my amendment which would close the loophole in the assault weapons legislation and ban the importation of the big clips, just as these clips are now prohibited from domestic manufacture in this country.

Mr. CRAIG. Will the Senator yield for an additional question?

Mrs. FEINSTEIN. I will be happy to yield.

Mr. CRAIG. In the original amendment, the Senator bans a class of firearm that is used in schools and colleges for professional target shooting and target practice. Has she taken that particular provision out?

Mrs. FEINSTEIN. That is correct.

Mr. CRAIG. All right.

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

The amendment, as further modified, is as follows:

On page 276, below the matter following line 3, add the following:

TITLE V—ASSAULT WEAPONS

SEC. 501. SHORT TITLE.

This Act may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999".

SEC. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.;" and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act except Secs. 502 and 505 shall take effect 180 days after the date of enactment of this Act.

Mrs. FEINSTEIN. Mr. President, if I may then discuss what is in the division of the question. When we passed the assault weapons legislation in 1994, there was a grandfather clause which permitted the continued importation of shipments of clips, drums and strips of large size, large size being defined here by more than 10 bullets.

In the legislation passed in 1994, the domestic manufacture of these same

clips and the sale of these same clips and the possession of these same clips was made illegal. The loophole is permitting the importation of foreign clips while we close off the manufacture of them domestically, the sale of the domestic clip. These new clips, manufactured after the ban, the fact of the matter is, are coming in.

I submitted for the record BATF statistics that in 6 months 8.6 million clips are approved for entry from 20 different countries, many of them as big as 250 rounds, 90 rounds, 70 rounds, 50 rounds, by the hundreds of thousands. We are trying to cut off that loophole.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I will be very brief.

I do stand in opposition. Last year, we had the same vote on the floor, and it was to overturn the 1994 law that creates some exceptions. It is the exception that the Senator disagrees with now as it relates to the importation of a form of automatic loading device, better known as a clip.

The vote last year was 54 to 44 in opposition to that amendment on a tabling motion. I hope we can continue to maintain that position. I think it is consistent with the law that we passed in 1994.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as further modified. The yeas and nays have been ordered.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I move to table the Feinstein 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. 343, as further modified. 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 Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN) are 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 39, nays 59, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—39

Allard	Craig	Kyl
Ashcroft	Crapo	Leahy
Baucus	Enzi	Lott
Bingaman	Gorton	Mack
Bond	Gramm	McCain
Breaux	Grams	McConnell
Brownback	Hagel	Murkowski
Bunning	Hatch	Roberts
Burns	Helms	Santorum
Campbell	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)

Snowe
Specter

Stevens
Thomas

Thompson
Thurmond

NAYS—59

Abraham
Akaka
Bayh
Bennett
Biden
Boxer
Bryan
Byrd
Chafee
Cleland
Collins
Conrad
Coverdell
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards

Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Harkin
Hollings
Hutchinson
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman

Lincoln
Lugar
Mikulski
Murray
Nickles
Reed
Robb
Rockefeller
Roth
Sarbanes
Schumer
Sessions
Smith (OR)
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Inouye Moynihan

The motion was rejected.

Mr. LEAHY. I ask unanimous consent that we vitiate the yeas and nays on the underlying amendment.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of Senator FEINSTEIN.

The amendment (No. 343), as further modified, was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator SNOWE be added as a cosponsor to the Hatch-Craig amendment.

Mr. LAUTENBERG. Mr. President, the Chamber is not in order. I was unable to hear the request. I would like to hear it before it is agreed to.

The PRESIDING OFFICER. Will the Senator renew his request?

Members in the well will take their conversations to the cloakroom.

The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator SNOWE be added as a cosponsor to the Hatch-Craig amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I want to call to the attention of the Senate that we have possible Democrat amendments of 51 and possible Republican amendments of 22. We have disposed of 12 or 13.

Look, this is ridiculous. We have been very fair. Both sides have had an opportunity to present what they wanted to present. We have had some terrible amendments here from one side or the other, and we fought them through and we have done what is right.

Let me tell you something. I would like to move through this matter as quickly as we can. I would like to have colleagues on both sides reduce the number of amendments. If you absolutely don't have to have the amendment, let's withdraw it. This is a very, very important bill. We are talking about kids all over this country who are getting away with murder.

We are talking about vicious, violent juveniles who are wrecking our coun-

try and wrecking our schools and creating gangs and doing things that are really causing this country chaotic conditions.

We have a bill here that is bipartisan that really will do something about that. There have been wins on both sides, and I think to the betterment of this bill. I think it is time for us to get down and start working on it and get it done.

I can't imagine why anybody in this body wouldn't want to get this bill done, especially with 2 years of work and all kinds of effort and work here on the floor by both sides.

I want to compliment my Democratic leader on this bill for the good work he has done on this, and the work we have been able to do together. It is clear we can't pass this bill with 77 amendments.

Mr. LEAHY. Mr. President, the Senate is not in order, and the Senator from Utah is going to be heard, especially if he is going to be praising me. I want him to be heard.

The PRESIDING OFFICER (Mr. BROWNBACK). We will please have order in the body.

The Senator from Utah.

Mr. HATCH. We clearly can't pass this bill if we have to have 73 amendments. There is just no way we have time in this legislative session to do it. This bill has virtually everything in it to help us to resolve these problems. We all have pet projects in the amendments that we bring up. It is time to start restraining ourselves and quit delaying this particular bill.

I am getting to the point—we are not there yet, but we are getting to the point where I am going to start moving to table every doggone amendment that will come up. I am going to table them right off the bat, because I think we have gone way too far here. If we had a big partisan thing here where your side or our side was being mistreated, that is another matter, but this has been very fairly conducted, and everybody knows it.

I think it is time to get serious about solving these juvenile justice problems in our society. This bill has been improved to a large degree. Some of us believe it has been hurt a little bit, but that is the process. Now it is time to sit down and get this done.

Look, we have the Hatch-Craig amendment. Admittedly, our side has had more time on that amendment.

I would like to get a time agreement. The minority has had that amendment for well over 2½ hours, maybe 3½ hours. I can't remember, but it has been a long time. We have had major, major amendments from them. But we have taken one-half hour to get it prepared. It is time to argue it. It is time to get it over with. We are willing to grant most of the time to the distinguished Senator from New Jersey, or others on the minority side. But I would suggest we set a time to vote on this amendment. I would like to get that over with, because I believe this is

an amendment that virtually everybody in this body ought to support, because we have made real efforts to try to accommodate people on both sides of the floor. And we have incorporated Democrat ideas in this amendment as well. We have done it to try to bring this matter to an effective and decent conclusion.

I know this: The majority leader means it. We are going to be in here all week, and it is just ridiculous to do that, especially when we have come this far and we have had this kind of an open debate. We have debated some of the more controversial and difficult issues, and both sides have been given every chance to speak on it.

I suggest we come to a time agreement that gives most of the time to the distinguished Senator from New Jersey and those who are on the minority side who deserve a right to debate this amendment. We are willing to go ahead and do that.

I just would like to get a time limit on it and then move on from there, and move to the similar amendment, which we would get a time agreement on.

Mr. LAUTENBERG. Mr. President, if the manager will yield.

Mr. HATCH. I yield for a question only.

Mr. LAUTENBERG. Mr. President, this is a fairly complicated change, as I see it, from the original Lautenberg amendment. But certainly it has to be considered, in all due respect to the Senator from Utah. I know how hard he worked and how serious he is about it. We have great respect and friendship. But I wonder, because we are not able to reach an immediate time agreement, whether or not we could put it aside so that we can discuss our differences and see if we can come any closer together to try to resolve it. I, too, like everyone else, wish to see this bill moved, but I think we have not had enough time to really debate it.

Mr. HATCH. If I could respond to the Senator, we have people on our side who are going to move to table this amendment. I would like to avoid that by having a reasonable time for the Senator from New Jersey to argue this amendment. There is nothing complicated about it. We explained it in detail. It is easy to understand. Frankly, there is not one thing in here that is new and that can't be understood readily.

I would be happy to sit down with the Senator and go over the detail of this amendment. I think he would be pleased with most all of it. But I would like to avoid a motion to table. I would like the Senator to have time to debate this amendment. But the way things are going, he is going to be cut off on his time. I don't want to have that happen, nor do I want this to evolve into a situation—we have been trying to be cooperative and trying to make this thing work. And it is apparent some people around here are trying to delay it.

I am not accusing the distinguished Senator from New Jersey, but I believe

we could get this bill finished tonight if we would sit down and get it finished. I don't see any reason we shouldn't. The sooner we get it finished, the sooner the kids in our society are going to understand what the game is and that we are going to stop some of this violent juvenile crime in this country. We are giving the tools to law enforcement to be able to do it. We have \$50 million in here for additional juvenile prosecutors, just to name one thing out of that \$1.1 billion in this bill. I would like to get a time limit. I am willing to give the Senator all of the time, but let's get a time limit on this and go from here.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. HATCH. I am glad to yield to my friend.

Mr. LEAHY. Mr. President, let's be realistic.

First, I yield to nobody in this body in my support of good strict law enforcement. I would like to see this bill wrapped up and voted up or voted down. There are different suggestions I made to the distinguished Senator from Utah that might do that. But what I would suggest is that we be serious on this. Unfortunately, on something that should be a nonpartisan issue—juvenile crime—there are some things that have delayed us unnecessarily.

Wednesday, Senate Republicans voted against a Democratic package, and then today voted for the exact same thing when it was introduced on the other side.

For example, the Leahy amendment, which proposed stiffer penalties for the transfers to or possession of handguns and assault weapons, or high-capacity ammunition clips to juveniles, was voted down by the Republicans yesterday, and voted up by the Republicans today.

Moreover, the Leahy amendment also proposed the ban of juvenile possession of handguns, assault weapons and high-capacity ammunition clips, which was again voted down by the Republicans yesterday, and voted up by the Republicans today.

Mr. HATCH. Will the Senator yield on that point? The reason is it was part of an overall package that the Republicans couldn't accept. So we can certainly accommodate.

Mr. LEAHY. Almost everything that was in that Leahy package is now being proposed on the Republican side. The \$50 million for more vigorous enforcement of gun laws, "juvenile Brady," the lifetime ban on gun ownership by dangerous juvenile offenders, the youth crime gun initiative on gun tracing, increased number of cities eligible for grants under the YCG-II. All the Democratic proposals of yesterday are now in the Hatch-Craig amendment of today.

Mr. HATCH. Will the Senator yield?

Mr. LEAHY. Let me finish that one sentence, if I might. And I mention this one. I am pleased that when you

voted it down yesterday that you are willing to vote it up today when you bring it up. That is OK. I will support a number of those things that come back. But that is what we have to avoid.

I think, frankly, one way out of this—I just suggest it and I have suggested it to others—is that we debate the Craig-Hatch amendment, and the amendment of the distinguished Senator from New York, Mr. SCHUMER is going to have—we debate those as the Members want, set that vote for an entire hour tomorrow morning, and when that debate is finished, let the Senator from Utah and the Senator from Vermont stay here and try to get through as many amendments either on the Republican or on the Democratic side that can be handled by voice vote, even if we have to stay here all night long to do that, so we then have a very clear shot of finishing.

It is one suggestion.

Mr. HATCH. If the Senator will yield. Mr. LEAHY. Of course, I yield.

Mr. HATCH. First of all, those suggestions you had were in the \$1.4 billion comprehensive amendment you made that had less than 9 percent for accountability. We have 45 percent on this bill on the money for accountability and 55 percent for prevention.

I said at the time, many of those amendments we could accept and that we would present them later, which is what we have done. We have tried to do it in a reasonable, short period of time. It is to the Senator's credit that we all agree on those particular amendments.

What I would like to do is finish the Hatch-Craig amendment. Assuming we do need a little bit more time on that, I suggest we set that aside so the Senator can have a little bit more time, and go to the Schumer amendment, which I believe we can do in 30 minutes equally divided.

Mr. SCHUMER. Or more.

Mr. HATCH. We will try for 30 minutes. If we need more, we will certainly give it every consideration.

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. I am happy to yield to the Senator.

Mr. SCHUMER. Just a couple of points here.

Mr. MCCAIN. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Thirty minutes equally divided on Schumer, and then we can be back with a time agreement on—

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. Of course.

Mr. SCHUMER. First of all, two questions. One, the Hatch-Craig amendment is a major overhaul of the way we license gun dealers in this country. The provision of special registrants, which is brand-new, could create—

Mr. HATCH. That was in the underlying amendment. Hatch-Craig basi-

cally does the four things I discussed, and that is not a major—

Mr. SCHUMER. We did not have any opportunity to address this special registrants issue. As I understand it, Hatch-Craig elaborates on the reporting requirements of special registrants and other important things. Let me say to my good friend from Utah, it is a major new way of dealing with firearm licenses.

I understand the urgency that my friend from Utah places on the \$50 million for more juvenile prosecutors. It is something I share, because lives might be saved.

How can we rush through a whole new way of dealing with firearm dealers, something that we first saw at 3:30, something we are vetting? That is my concern. We could rush it through and find that this type of provision has totally changed things.

For instance, as I understand it—and I want to know about it before giving any permission for time limits—these special registrants don't have to keep any records. Someone could go to a gun show, be a special registrant, sell a gun, and there would be no way to see to whom they sold the gun, why, and where.

That, to me, is extremely serious. I don't think it is fair, given that this is a major change, admittedly, to a gun show provision. I want to move this bill, but I would like to know more about that.

Mr. HATCH. Yesterday, the Senator voted for the special registrant.

Mr. SCHUMER. I voted against it.

Mr. HATCH. You voted aye. We would like to make it mandatory, which we think corrects the problem.

I worked hard to get that done and to resolve that because there was such a conflict between both sides.

Mr. SCHUMER. Will the Senator yield?

Let's rehearse the history. The Craig amendment was added at the last minute. I asked the Senator from Idaho whether it had these provisions in it. He said no. He said I didn't understand the amendment.

It was then voted on with the feeling by many Members, if not most, that those provisions weren't in the bill.

Then this morning we hear—in all consideration, the Senator from Idaho was very gentlemanly, saying he was wrong—those new provisions were in the bill.

So we have never had a serious debate on one of the most fundamental changes in the way we sell guns in this country.

Mr. HATCH. Will the Senator yield?

I am prepared to do that. We argued it on our side. What I am suggesting is that your side has had this amendment now for a lot longer than we have had any amendment of yours and some of your amendments were much more extensive than this.

I suggest we set aside the Hatch-Craig amendment, move to your amendment at this time, with 30 minutes equally divided, and then agree to

a time agreement as soon as we are through with yours.

We can stack the votes. That would be fine with me.

Mr. SCHUMER. I say to the Senator, I have no problems with moving—

Mr. HATCH. Then why don't we do that?

Mr. SCHUMER. Again, I think it is significant. We ought to move. Would we vote on it immediately after the debate?

Mr. HATCH. Let's make that determination then.

Mr. SCHUMER. I would like to get a commitment that we would have a vote immediately after the debate on the Schumer amendment, and then I would like to take a little more time on it.

Mr. HATCH. Mr. President, let me suggest to the Senator we work with the Senator on when the vote should take place. We are talking about protecting some Senators, we are talking about—

Mr. SCHUMER. In all due respect, I cannot set a time limit until I have some assurance as to when we would vote on that amendment.

Mr. HATCH. I will move to table everything that comes up. I am getting sick of it. If we can't get some reasonable time agreements, which we have done time after time after time, this could go into the quagmire that defeats the bill. I am not going to put up with that kind of stuff, after what we have done here for 3 days in a row on a bill that everybody should want.

Look, I am trying to be reasonable. If the Senator insists on having votes when the Senator wants the vote, and I am trying to protect Democrat Senators, I think that is the wrong thing to do. I am prepared to table everything that comes up. I don't care. I will table Republican amendments, too, if that is what it takes. I will be fair to both sides; I will table everything.

Mr. SCHUMER. If the Senator will yield, I am not trying to delay, but I think we should have a vote.

Mr. HATCH. That is what it looks like to me.

Mr. SCHUMER. I spent a lot of time on this amendment. It is a significant vote.

Mr. HATCH. Then give me a vote on my amendment. Go to my amendment. I will give you all the time on your side. We have debated it. We won't even make a point on our side. We will give you the time and vote on mine, bring yours up and vote on yours; or we will stack them together to accommodate Senators here, some of whom are Democrats.

Mr. SCHUMER. The Senator made a proposal to me on my amendment. I think it involves discussion with some of my colleagues. If the Senator would yield on the whole package—

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I yield the floor.

Mr. McCAIN. Mr. President, I move to table the pending amendment, and 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 motion to table amendment No. 344.

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 Hawaii, (Mr. INOUYE), the Senator from Wisconsin, (Mr. KOHL), and the Senator from New York, (Mr. MOYNIHAN) are 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 3, nays 94, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—3

Enzi	Inhofe	Smith (NH)
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NAYS—94

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

NOT VOTING—3

Inouye	Kohl	Moynihan
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The motion was rejected.

Mr. LOTT. Mr. President, 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.

The PRESIDING OFFICER (Mr. HUTCHINSON). The question is on agreeing to the amendment.

Mr. LEAHY. Mr. President, the question is on which amendment? Is it the Hatch-Craig amendment?

The PRESIDING OFFICER. Yes.

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. LOTT. Mr. President, if I could say this so Members will understand how we are going to proceed and how we are going to deal with this issue and others, I regret that we have had that much time on this vote. We had been

trying to work out some way to make progress on this bill tonight and, hopefully, even get some amendments done tonight or complete it. At this point, it is obvious we are not getting enough movement to achieve that tonight. I know there are a lot of Senators who have commitments tomorrow and hoped we could complete it tonight. At this juncture, sufficient progress is not being made and it is unrealistic to attempt that.

I have a unanimous consent request to deal with two of the amendments that are in line now, and we would have the two votes in the morning at 9:30. After that, during the process of the night, hopefully more amendments can be accepted, combined, or even worked out, where we could have more than just the two votes in the morning, or the next couple of amendments would be in order.

What I am saying here is, with this consent request, we would expect two votes at 9:30 a.m., and we would expect to keep going, and we will see where we are in the morning. Something short of that has not been achievable at this point.

Mr. President, I ask unanimous consent that with respect to amendment No. 344—that is the Hatch-Craig amendment—debate be limited to 2 hours equally divided in the usual form with no amendments in order to the amendment prior to the vote, and following that debate the amendment be laid aside.

I ask consent that Senator SCHUMER be recognized to offer an amendment regarding Internet firearms, and that the debate be limited to 1 hour, that following that debate the amendment be laid aside and the Senate proceed to a vote in the order in which the amendments were offered, with 5 minutes prior to each vote for explanation.

So we will come in at 9:30, have 5 minutes of explanation on the amendments, equally divided, and the votes will begin at 9:40 a.m. Friday.

Mr. DASCHLE. Reserving the right to object, and I will not because I think this is a very good proposal, I wish we could actually be asking for more than this. I appreciate the managers' efforts to get us to this point. As I have noted to the majority leader, we started with 89 amendments and we went down from there to about 40 amendments. I thank Senators REID and DORGAN on our side. We are now down to around 20 amendments. But those 20 are amendments where the authors have waited patiently for the opportunity to present them and have a debate. I hope they will do it tonight and tomorrow, and I hope we can do it on Monday. I believe we ought to use those days to have the remaining debate about these amendments. They are good amendments and they ought to be voted on. Senators have waited patiently.

We also have a right to expect Senators to come forward and present their amendments in good faith and have debate. We are going to be here

tomorrow, I assume, and I hope we will continue to conduct ourselves the way we have all week. This has been a good debate. We have had about the same number of amendments on both sides, Republican and Democrat. We have had good votes. Nobody has been playing political games here. We offer the amendments and have the debate in good faith. I hope we can continue to do that. I have no objection to the unanimous consent request.

Mr. REID. Mr. President, reserving the right to object, I say to the two leaders that Senator DORGAN and I have worked very hard. As a suggestion, I think we are to a point on this side where we can lock in the full breadth of all the amendments in numbers and probably, with rare exception, as to time. So that is something the two leaders should look at tomorrow morning.

Mr. LOTT. Mr. President, if I could respond, I encourage Senator REID to continue that effort, and I ask Senators HATCH and NICKLES, who will work with him on that, to continue. I urge the managers, Senator LEAHY and Senator HATCH, during the debate tonight, to sit down and see if we can't squeeze this down. Some of you are thinking that if we just stay with it and keep working tonight, we might actually see this thing concluded at 11, 12, 1, or 2. We have been thinking in those terms, but we have not been able to get an agreement beyond what we have right here. It is going to take, apparently, 3 hours of debate to get through these two amendments, which will put us to 10:15 or 10:30. At that point, it would be physically impossible to complete this action.

So I hope we can complete it tonight, but I think there is no choice other than to be in session on Friday and have votes, which we have told the Members we would do up until at least noon on Friday. In this case, it could actually go beyond noon. The good news is, as we announced some time ago, there will not be recorded votes next Monday or Friday because of conflicts which we identified to the Members 2 months ago. But that also makes it difficult for us to do the other things we have to do next week, including the supplemental appropriations, Y2K liability, and bankruptcy reform. We must conclude this bill either tomorrow or Saturday or sometime before we have to go to these other bills.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not object, as the leader knows, this is a resolution which I and others had suggested earlier this evening. The leaders know that the Senator from Utah and I have talked probably a dozen times every hour on this, trying to get it through. I have worked with the leadership staff and the whip on this side, our leader, and others, as Senator HATCH has with those on the Republican side, trying to get these numbers down. I tell my friend from Mississippi that we have knocked down the num-

bers considerably. The Senator from Utah and I will be here this evening to try to get it down more. It is a difficult bill. The last crime bill took 11 days. We have a number of things on which we are unified, and we have some things that are going to require votes because they do divide us. But with good faith it can be done and should be done.

I support the unanimous consent request.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I wasn't going to say anything—reserving the right to object, and I will not, but listening to this discussion, can I reinforce—I as one Senator don't want to delay tonight and going into tomorrow, but can I reinforce the remarks of Senator DASCHLE?

Some of us have amendments that are on point on this piece of legislation. We have patiently waited for days and were glad to do so. We don't intend to trivialize our amendments. We don't intend to trivialize the debate. We think these are important issues. That is why we are in the Senate, and we intend to go forward.

I will tell you something else. It probably will be hard in the future to get cooperation from Senators who wait, and all of a sudden we find the debate relegated to midnight and on weekends with most Senators gone. That doesn't seem really acceptable to me.

We will see what we agree to tomorrow. But I want to express my reservations about the direction of this. There is a whole lot of substantive debate that needs to take place, that hasn't taken place, and will take place.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. HATCH. Mr. President, one reason I wanted the Hatch-Craig amendment voted on this evening is because all day long the President has been bad-mouthing the Republicans and the Attorney General has been bad-mouthing the Republicans, and I think taking unfair political advantage because of some of the votes we had yesterday. One of the things they are bad-mouthing the Republicans on is because we have closed that loophole with regard to gun shows. Today, the Hatch-Craig amendment does it. Then we find ourselves unable to vote on it.

I am happy we are going to vote in the morning, but I suggest we move on ahead this evening. We have the unanimous consent agreement locked in. I suggest we line up some more votes for tomorrow right after we finish those two votes.

If Senator WELLSTONE has an amendment he would like to bring up tonight, let's do it, and we will see what we can do. We will try to alternate between the two sides.

If you are serious about your amendments, let's go at it tonight. We have

about 3 hours of debate ahead of us right now. We will go from there.

I ask unanimous consent that Senator McCONNELL be the next one to lay his amendment down, following the debate on these two, and then—could I have the minority leader's attention, and also Senator LEAHY?

I ask unanimous consent that we go with the McConnell amendment right after we debate the two that we have the unanimous consent agreement on.

Mr. LEAHY. I want to make sure I understand. What is the Senator from Utah requesting?

Mr. HATCH. We have a unanimous consent to proceed to the debate on these two amendments tonight. As soon as that is completed, I suggest Senator McCONNELL be able to lay down his amendment, and we debate that tonight and schedule that for a vote tomorrow.

Mr. LEAHY. For how long?

Mr. HATCH. I think we can do that in a half hour or less; I ask unanimous consent.

Mr. LEAHY. Why don't we start this debate, and we can interrupt the debate to make that request. Let me see what the amendment is.

Mr. HATCH. All right. Let's just proceed.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I would like to urge the two managers, if you would tonight, to work to get a McConnell and a Kohl—or what other amendments are in order—get those two locked in, and a vote, and do it tonight. The Members would like to know what the timeframe is going to be tomorrow morning. If you could get that locked in tonight during the process of the debate, that will help facilitate moving forward.

Having said that, then, we have had the last vote of the night. The next votes will be the two votes stacked in the morning at 9:40.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The time is under the control of the Senator from Utah and the Senator from Vermont.

Who yields time?

Several Senators addressed the Chair.

Mr. KENNEDY. Will the Senator from Utah yield? Are we under controlled time?

The PRESIDING OFFICER. We are under 2 hours of debate.

Mr. KENNEDY. On which amendment?

The PRESIDING OFFICER. Amendment No. 344.

Mr. KENNEDY. That is fine. I had indicated to the floor manager that after the disposition or the general debate, I would wish to address the Senate on the underlying bill. I am glad to yield an hour, or do it tomorrow afternoon. I am glad to do whatever.

Mr. HATCH. How much time does the Senator desire?

Mr. KENNEDY. I would say 15 minutes. If other Senators have amendments and want to debate them, I will wait until they conclude that. If I can just have the assurance that I do it at the end of the debate on amendments tomorrow, that is fine with me.

Mr. HATCH. That is fine with me.

Mr. KENNEDY. I thank the Senator.

Mr. LEAHY. Mr. President, I yield the time under my control to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Vermont.

Mr. President, just to put some order to the debate, to confirm that there is an hour available on each side, I ask what happens in the event of a quorum call in the debate?

The PRESIDING OFFICER. A quorum call is charged to the side that suggests the quorum call. If no one speaks, the time is charged.

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, if we could have order, we can get this debate started.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. LAUTENBERG. Mr. President, I heard the distinguished Senator from Utah say that the loopholes have been closed in what was initially the Lautenberg amendment request to close the loopholes and now the redesign of the Craig-Hatch response. It says that they closed the loopholes, that they have taken care of the problem.

I submit the problems are not taken care of. Maybe it is viewed by those who would like to just get this out of the way that the problems have been dealt with.

What were the problems initially? Mr. President, the problem was simply around whether or not there were loopholes through which lots of determinations would be made as to who is the purchaser of a gun.

The Senator from Idaho has said his revised amendment is going to close the gun show loophole. But it won't. And I think what we are seeing this evening is a response to what happened yesterday after the public had the chance to see the result of the vote count. It was 51 to 47 against closing the loopholes that derive from gun shows. We had a strong debate. There were six Republicans who joined in with all but two Democrats to say close the loopholes. We don't want people to be able to buy guns. We don't want people to be able to be induced by a so-called dealer at a gun show.

Over 4,000 gun shows a year are held, by the way. We don't want a dealer selling guns, someone selling guns who doesn't ask for your name, doesn't have to ask for your name, doesn't have to ask for your address, doesn't have to talk about anything that identifies this buyer. We are talking about

buyers anonymous. That is what we are talking about—gun buyers anonymous. That is a pretty horrible specter to contemplate—gun buyers anonymous.

Mr. President, I want to make sure everyone understands what is happening here.

Yesterday, we had a vote that was defeated on an amendment that I wrote, a vote of 51–47. The 47 votes included all but two Democrats and did include six Republicans.

The fact of the matter is, when all was said and done, not enough was done because we lost the opportunity to close a loophole that applies especially to gun shows.

Let me take a moment to describe what a gun show is for those who don't know. It is fairly popular across this country. The President, in an address he made a couple of weeks ago, talked about how as a child he would go to gun shows. It was a family event. People would go to see what was being offered. They were curious.

I want to remove any suggestion, innuendo, or insinuation that says that gun shows are the gathering place for the degenerates, the thugs, the criminals. That is not suggested at all.

There are over 4,000 gun shows a year across this country. That is pretty significant. That is 80 a week, on average. There are lots of legitimate hunters, sports persons, et cetera, who go to these shows.

There is, however, an enormous loophole that should scare the life out of everybody in this country. That is the anonymous buyer, the buyer who can go in, step up to an exhibitor's table and say: I want to buy some guns.

The person on the other side of the table says: How many?

Give me 25. What do you have? Some nice sporting models, small ones with a comfortable pistol grip, those that we can trigger off a lot of shells? Because I like to do some target shooting.

The seller doesn't have to say: Who are you? All he has to say is: These 25 guns will cost you \$2,500. The man says: OK, here are 25 fresh, hundred dollar bills, take these.

They shake hands. The guy gathers up his 25 guns and off he goes, we know not where. We don't know who he is; we don't know what town he comes from; we don't know whether he just got out of a mental institution or, worse, a prison. We do not know anything about this man. Why in the world would there be resistance to closing that loophole? I do not understand it, I must tell you.

I come from New Jersey. Maybe we do have different cultural views about how life functions. We do not have much room for hunting and we do not have as many hunters as in our great wide open Western States. But all of us—whether from the East, West, North, South—respect life. I never saw a family whose principal interest was not the safety of their children, the education of their children, the caring for those children. Yet they are will-

ing, in this house of the people, the U.S. Senate, to say: Listen, one thing you have to do is you have to protect citizens' rights to buy guns. Why do we need more bureaucratic interference with that process?

I don't understand, says one. Another says: Why should you have to wait a couple of days to get a gun? If you want to buy a gun, you ought to be able to buy it like a postage stamp—go to the store and buy it and get out of here.

Frankly, I think that is the wrong way to go. I am smart enough to know we are not about to propose legislation to take away everybody's gun. There is a serious debate about how guns should be managed. I think it is an earnest debate that ought to be carried on here. But to simply dismiss it because they say it is a bureaucratic intrusion, it is yet another law? I remind everybody that America, this country of ours, is a nation of laws. That is what makes this society as great as it is. When you have laws, you have to have law enforcers, whether it is police, whether it is drug agents, whether it is the FBI, whether it is the Army; we enforce our laws. To deny that is something that ought to be done because we want to protect the anonymous buyer who walks up and says, "Give me a couple of guns, here is the money" and not think about protecting the well-being of the children is not to look at Littleton, CO.

By the way, that is not a phenomenon that just existed there—Pearl, MS; West Paducah, KY; Oregon; Illinois. It has been throughout our society. School violence—we all tremble at the thought that our children are in a classroom where other kids have a gun, where other students are bent on violence, where they may be deranged, on drugs, psychotic. We all worry about that. I saw one of the parents from Columbine High School who said: This gun-toting society of ours is out of control. The worst thing is the accessibility of guns.

We get into a perennial argument here about whether or not it is the gun or the person who does the killing. It is not just criminals, unfortunately, who do the killing—until sometimes they become criminals for the first time—an enraged husband; a mentally deranged person, young, old, who suddenly, in a fitful moment, takes out a gun and commits his or her first crime with the murder of another person.

So what are we talking about? Frankly, I think at times we are talking gibberish, because the American public will not understand it. In a recent poll, 87 percent said it is necessary to close the loophole of anonymous buying at gun shows. That is what we are talking about. We failed to agree to that yesterday. Honestly, it was a very sorry defeat for us. Not for me personally—the fact that I authored the law. I authored the law with people's faces in mind, with an understanding about how much I love my children, four of

them, and my six grandchildren. Heaven forbid anything ever happens to them.

I know there is not a parent who can hear me who does not feel the same way about his or her children. There is no asset more valuable than our children—money, jewelry, houses—nothing means anything when it comes to our children.

Why do we insist that the buyer, the anonymous buyer of a gun, has to have protected his right or her right to be free from this bureaucratic society, this great country that everybody loves? Everybody wants to move to America, but we call it the great bureaucracy at times, instead of the great democracy. It is foul language, as far as I am concerned.

So we are offered a substitute. It is a substitute produced by two distinguished Senators, one from Utah and one from Idaho, who say they are going to close the loophole. But it does not. It does not require a background check for all gun sales at gun shows. Some licensees, Federal licensees, on a special form, do not require a background check. The provision for people who are not licensed would enable them to sell guns without, again, going through a background check.

There is another loophole. There is a category now called "special licensees," that the Hatch-Craig amendment would create—a new bureaucracy, by the way, strangely enough. They are willing to concede a bureaucracy that would issue these special licenses is OK. But other bureaucracies are dangerous, dangerous to your individual rights. They would not have to conduct background checks. He did not change his original position, which makes background checks voluntary for special licensees. So, if you want to sell a gun and you are a special licensee, you can do it if you feel like it. But you do not do it unless you feel like it. You do not have to go through that nonsense—background check. It could take 10 minutes for a background check. Who wants to waste 10 minutes when you have a hot deal and you have other people there?

What happens at the gun shows, as I understand it—and I have never been, but this is as I hear it—is that there are often discounts by these unlicensed dealers who have acquired their guns—who knows how in many cases. They could say: We are special collectors. It has been established some of these collections are from criminals. Special collector? Hey, we will give you a cheap deal on these guns. Where a legitimate licensed dealer has a price, it is out there, it is public. They do have some expenses in maintaining their license—not a lot, but the unlicensed dealer: Here, I'll give you a real discount. Come here young man. You want to buy some nice guns?

It ought not be that way. These loopholes are still available.

It would not cover a flea market where there are tables with 100 or 200

or even more guns. It would not cover a gun show that had 10 exhibitors or fewer. Ten exhibitors could sell 500 guns, but they would not be covered. That is, if you will forgive me, a nonsensical hurdle. A couple of people could get together and say: You know what, let's put up one table. I have some of these to sell, she has some of those to sell, he has some of these to sell, and we will sell at one table, and that gets rid of two others, and we can reduce ourselves to 10 tables. Then we do not have to worry about those bureaucrats who want our names. Who are they? Imagine, those guys want our names, while we buy these lethal weapons.

Then there is another category. It says that if firearm exhibitors are not more than 20 percent of all exhibitors, they are exempt as well. So you have to have more than 20 percent of the materials being exhibited—it could be sporting materials, could be lifeboats, could be all kinds of things, skis, you name it—but if the firearms people do not have more than 20 percent, they do not have to do anything to get these people registered who are buying these guns.

It creates other loopholes. Even though prohibited persons are five times more likely to pawn their guns at a pawnshop than other citizens, this proposal from that side, those who say they are closing the loopholes, would say that anyone who has a claim ticket—whether they borrowed the money, they borrowed \$200 for the gun—if they have the claim ticket, even if they do not show up for 60 days, if they pay the interest, they say the pawnshop dealer/owner has to just give them their gun without any questions—no questions asked.

This bird may have been in jail for 60 days, but they are not allowed to ask: Where have you been for the last 60 or 90 days?

Oh, no, that is a bureaucratic imposition; we do not want that. Another loophole. I do not, frankly, understand that.

Why are we protecting those who might be criminals who want to re-deem their guns when the ordinary citizen who goes to buy a gun from a legitimate licensed dealer has to identify himself and undergo a background check?

There have been so many suggestions that the people who man this agency, the Bureau of Alcohol, Tobacco, and Firearms, are some kind of ogres, they are out to rob you of your independence, rob you of your thought. That is not true. They are there because we want them there to enforce the law.

The right to own a gun is one that is often debated, but so far I have not seen anything that confirms the fact that every citizen has a right to bear arms. We are not considering that question now, but the Court has ruled many times since 1939 that in order to have a well-regulated militia, the citizenry shall have the right to bear arms. That is quite a qualification.

In addition to the pawnshop loophole, there is another loophole, and that is, now suddenly federally licensed gun dealers who may be in the State of Massachusetts or the State of New Jersey or the State of Illinois—you name it—now can only sell firearms at a gun show in the same State as that specified on the dealer's license. The Craig amendment will give dealers an out-of-State license. It will broaden the geography of where that license can be used to all across the country without any checking. Without any further discussion, that license now is a lot broader than what was intended.

That is not closing a loophole to me; It is creating another one. It will make it harder for law enforcement people to crack down on shady dealers, and we do have some.

Years ago, there were more gun dealers than there were gas stations in this country. Not too many years ago, there were over 250,000; now it is slightly over 100,000. What we did was change the fee for licensed gun dealers from \$30 for 3 years—\$30 for 3 years, \$10 a year and you never were checked or asked any questions—to \$200 for 3 years, and that includes some kind of a check and some kind of a test you must pass in order to get that license. While we have reduced the number of dealers, the Craig amendment will open it up.

Everyone knows what the NRA response is going to be. That is the National Rifle Association. Their views were represented amply on the floor of the Senate. They say gun laws do not work; otherwise we would not have the kinds of killings that we do.

I do not think it is the gun law. I think it is the accessibility of guns. But I do point out that the number of murders by guns have reduced somewhat, not significantly enough, but they have been reduced. This country of ours, this wonderful democracy in which we live, sees 35,000 people a year die from handguns—35,000; 13,000 of them are murdered. Thirteen kids die every day from handguns, 4,000 a year. In 20 years, over 75,000 children will have died from gunshots. We have 18,000 suicides. We have 3,000 accidents from guns—guns, guns, guns, guns, guns, and people are dying from them.

Yet, I hear this cry through this place: Protect the liberty of the gun owner. I want to hear them say one time: My God, we are sorry about what happened in Littleton, CO. Our hearts bleed for them. When we look at the families, when we look at the children who lost their schoolmates, when we look at those who were so frightened, we have to ask: What kind of protection are they entitled to? I think they are entitled to a lot of protection, but we continue here with loophole heaven.

I thought that Littleton would shock some of our friends into the realization that the public is sick and tired of it. They do not want it, and I do not understand why it is that the NRA insists that this is an encroachment on their

freedom just to say: Put your name down if you want to buy a gun. If you want to buy a car, you better put your name down or you are not going to buy the car.

Yet, that rage, that sense of grief, that sense of anguish has not yet reached this place. Mr. President, 87 percent of the people in America in a poll said they want these loopholes closed. We lost that vote yesterday, and now they come back with this wolf in sheep's clothing wanting to pretend that the loopholes are closed. But they are not.

I hope we will be able to get some control of gun violence in our society. There are a couple of ways we can do it: make parents responsible for what their kids do. If you give your child who is underage a car and he or she goes out and kills somebody, do you know who is responsible? It is the parent. Why then shouldn't a parent be responsible when a child takes a gun and kills his brother or his sister or his friend accidentally? We ought to get ahold of these things. This is an opportunity to show good faith to the American people, but we failed to take advantage of that opportunity to close it down. This will not take away their guns, except those we know do not qualify.

We hear complaints about the Brady bill. The Brady bill stopped over 250,000 unfit persons from fulfilling their desire to buy a gun—250,000. That is a lot to me.

I see my friend and colleague from Illinois is on the floor. If he wants to make some remarks, I will be happy to yield 10 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from New Jersey.

To recount where we are in this arduous debate over gun control in light of the Littleton tragedy, yesterday my colleague from the State of New Jersey, Mr. LAUTENBERG, offered a very clear amendment that said: If you want to purchase a gun at a gun show, you are going to be held to the same standards as a person who buys it from a licensed firearms dealer.

In other words, we will do a background check and make sure that you are not a prohibited person under the law, make certain you do not have a criminal record, a history of violent mental illness or something of that nature.

It was a very good amendment, and I commend my colleague from New Jersey for his leadership. He envisioned this problem long before many of us did and, frankly, put before us a very straightforward option. I was happy to support him.

Unfortunately, it did not receive a majority of support in the Senate. The sad reality is that 6 of the 55 Republican Senators voted for it and 41 of the 45 Democratic Senators voted for it—2 were absent—and it was not enough, so the Lautenberg amendment went down in defeat.

That was a bitter disappointment. But even worse was the fact there was an amendment offered by the Senator from Idaho, Mr. CRAIG, which he purported to offer as an alternative to Senator LAUTENBERG's amendment.

Let me tell you what has happened in the 24 hours since the Senate adopted that amendment. People have seen through it. It is transparent. It not only did not deal with the problem of gun shows and stopping the sale of guns to people who should not own them, it took a step backwards and made it easier for those sales to be made.

So there has been a mad scramble in the last 48 hours from the other side of the aisle. Once the public had an opportunity to look at this Craig amendment, there has been a mad scramble to undo what the Craig amendment sought to accomplish.

The NRA, the National Rifle Association, shot the Republican Senate leadership in the foot yesterday, and they have been hopping around all day today trying to figure out how they are going to salvage this mess. So they have come up with another amendment. It is unclear to me what they are thinking about, because they took a bad amendment, the Craig amendment, and added another bad amendment to it.

In this case, two wrongs will not make a right. What we have now in this so-called Hatch-Craig amendment is an abomination. It doesn't address the gun show problem. Senator LAUTENBERG did that clearly.

Let me tell you how bad this bill is, this Hatch-Craig second bill. This is Senator CRAIG's Thursday bill.

This bill, sadly, sets up at least two, maybe three different categories under the law for sales at gun shows. In his original bill, he had some special licensee category, voluntary category, that you could sell a gun at a gun show under that category. No background check was necessary; it was not necessary, of course, to send the name and address and gun serial number into any group that might check to see if it had any criminal history, if that weapon might have been used in a crime to kill someone or in a drug deal that went bad. No.

Then he came back today, and in this amendment they have created some more categories of how to sell guns at gun shows and they are just as difficult to follow.

One says, licensed gun dealers at gun shows can sell a gun. I do not have a problem with that. That is what we are seeking here. That is what Senator LAUTENBERG is seeking here, so that the background check is accomplished.

Then they had a provision in there that violates the Brady law we have lived under for so many years. Instead of giving law enforcement 3 days to check on the background of a would-be purchaser at a gun show, they give them 24 hours. And if they don't get the completed inquiry back in 24 hours,

they sell the gun. The presumption is on the side of the purchaser. We are saying to those in law enforcement: Take a back seat. We want to keep these guns moving. This is big business.

Is that really what America wants? I do not think so.

So we have these categories of who can sell guns at gun shows. It is a labored attempt by the National Rifle Association to accomplish nothing—nothing—other than to take away from law enforcement their authority to do what American people ask for under the Brady law.

In this country what they said under the Brady law is, do not sell a gun to someone who has a history of having committed a felony or has a violent mental illness. The NRA has never liked that. They have tried to keep this gun show loophole alive. And they do it with this latest Republican amendment.

What a sad, sad situation, where those with serious mental illness, fugitives, stalkers, straw purchasers can still run to these gun shows, and under this Hatch-Craig amendment they can find a way to get their hands on the guns. Is it a problem? There are 4,000 gun shows a year across America. They are in my home State of Illinois, and over 200 in the year 1998.

When they had an investigation into these gun shows to find out who they were selling guns to without background checks, they found out it included a lot of felons prohibited from acquiring firearms who have been able to buy them at gun shows.

In fact, the Department of Treasury and the Department of Justice found that felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows. This is a loophole that is producing guns right and left.

We are still trying to trace the guns used by those two kids in Littleton, CO. At least three, if not all four of them, came out of gun shows. Is it important that we know how they were bought or sold? Of course it is. You go to any police department in America—start with Chicago; pick your hometown—and ask them whether tracing a firearm is an important part of a criminal investigation. They will tell you it is critical. Where did that gun come from? Who sold it to them?

Let's try to establish a chain of purchase here and get down to the root cause of crime in America. The National Rifle Association talks about the second amendment and what they want to protect. And yet they come in with this amendment which literally takes away the power of law enforcement to try to enforce the laws and reduce crime.

That isn't the end of it. One of the most insidious aspects of this amendment was put in that would exempt pawnshops from doing a background check on a gun that is resold to someone who pawns it.

Picture this: A person needs money, picks up a handgun, walks into a pawnshop, hands it to the pawnshop owner, and says: How much are you going to give me? \$20. He takes the ticket and the \$20 and leaves.

That pawnshop owner may, but is not required to, report to law enforcement where that gun came from, the source of it, as well as the serial number. If they do not, under the current law, when the person walks back in and says: Here is the \$20 and the ticket; I want my gun back, they are required to say: First, we have to check and make sure you are qualified under Brady. If you have a criminal history of mental illness, we will not sell it back to you.

The National Rifle Association, in this amendment, takes out that requirement. So the pawnbroker turns around and hands that gun back to the street.

Is it important in a pawnshop? Consider this: It is five times more likely that criminals are going into pawnshops with guns than those who have not committed crimes—five times more likely. And the National Rifle Association, which insists they want to keep guns out of the hands of criminals, puts this provision in the law, which many on that side of the aisle are now lauding as a great improvement. It is not. It is a step backwards.

Then there is the question about all the records of these gun purchases. If these records are not kept, we are basically tying the hands of law enforcement. It is no wonder to me that law enforcement across this country cannot understand the amendment that is being offered on the Republican side of the aisle.

This is a sad situation. We have a national tragedy on our hands—270 million Americans, 200 million guns, more gun crime than any country on Earth. We stiffen the penalties right and left. We are determined to reduce gun violence. Yet, when it comes to the most basic thing, to keep guns out of the hands of people who do not need them and should not have them, to keep them out of the hands of kids, we face amendments such as this.

It is really, in my estimation, unsettling. I cannot understand where a notion like background checks at gun shows—which enjoys the support of 87 percent of the American people—has such a tough time passing. Senator LAUTENBERG deserved 87 votes at a minimum on his amendment, an honest straightforward amendment to deal with gun shows. We could not get half of the Members of the Senate to vote for it.

The best thing for us to do is to defeat the Hatch-Craig amendment. It is a step in the wrong direction. We are going backwards instead of forwards.

The NRA, incidentally, put in one provision which they now put in everything. If you get involved in one of these purchases, and you sell a gun to somebody who kills another person,

the National Rifle Association said, well, you should not be sued for that, should you? Of course you should be liable and accountable for that, as we all are for our actions.

They build immunity into this law from civil prosecution, immunity in the law. Who is immune from prosecution in America? Foreign diplomats and some health insurance companies. That is it. And now the National Rifle Association says, and, of course, the people who sell guns at gun shows, make them immune from liability, too. That is so far over the line it is hard to explain, let alone defend.

I salute my friend from New Jersey for his leadership on this issue. I hope my colleagues in the Senate will not be misled by this new Hatch-Craig amendment. If this is an effort to undo the damage done to those who voted for Mr. CRAIG's original amendment, they did not accomplish it. This second amendment compounds the problem. It makes it that much worse.

Let's get back to the basics. Let's support Senator LAUTENBERG's amendment—a straightforward amendment, supported by law enforcement and families across America who are sick of school violence, sick of gun violence, and expect this Senate to meet its constitutional responsibility to pass laws to accomplish these goals and make America a safer place to live.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. FITZGERALD). Who yields time?

The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield myself such time as I may consume.

A lot of people have had a lot to say since the shooting in Littleton, CO. Much of it was sad, but some of it was thoughtful and even inspirational. So it was particularly unfortunate when a couple of weeks ago President Clinton added some comments to the mix that were not just unfair but outrageous and downright unforgivable. I bring this up this evening because even though his rhetoric and some of the rhetoric here on the floor has changed in the last 2 weeks, his sentiments are alive and well and regrettably evident on the floor of the Senate in this debate.

I am referring to the President's comments on April 27, when he laid the blame for the Columbine High School tragedy on our culture. Except the President was not talking about the same cultural crisis that we are talking about here today and tonight—the breakdown of families, the powerlessness of communities, the alienation of young people, and the violence and brutality promoted by the entertainment industry. No, what the President chose to blame was, and I quote from the speech that was later released by the White House and printed on its web page, “the huge hunting and sport shooting culture of America.”

He proceeded to talk about “Americans' rights to responsible hunting and sport shooting” and said that the:

movement will evaporate [w]hen people from rural Pennsylvania and rural West Virginia and rural Colorado and Idaho start calling their congressmen and saying, hey, man, we can live with this, this is no big deal, you know? . . . We would gladly put up with a little extra hassle, a little wait, a little this, a little that, because we want to save several thousand kids a year.

That was the President's quote. Now, where do you begin to list what is wrong with those comments? Well, let's start with the concept that all gun owners live in rural parts of the country or that the second amendment protects the right of hunting and sport shooting. Excuse me. I misspoke. The President limited it to responsible hunting and shooting. I am not sure what that means, but it probably involves new Federal regulations. What is more clear is the President's suggestion that those who take their individual civil liberties seriously are ignorant rubes who need reeducating in their responsibility to what he calls “the larger community.”

All of this would have been merely insulting to the tens of millions of Americans who own and use firearms for legitimate reasons, but then he gets to the truly unforgivable part. What is truly unforgivable is that he insinuated that law-abiding Americans are somehow responsible for what happened in Littleton and, worse, that if they refuse to tolerate encroachment upon their liberties, they do not care about the lives of children.

It is a sad day in America when a President of the United States speaks to and implies that thought. That is right. The leader of the free world accused those who uphold the law as being responsible for those who flaunt the law. He accused those who would passionately defend their civil liberties as being bad citizens. He accused those who may have a firearm for the sole purpose of defending themselves and their families, accused these people of not wanting to save children's lives. Now, that is what is unbelievable.

I can only say shame on him for attacking decent, law-abiding citizens, and shame on any in this Chamber who would follow his lead. To say that the hunters and sport shooters of America are responsible for what happened in Littleton is to say that safe drivers are responsible for the road-crazed, road-raged killers who drive others off the road. But it is worse than the automobile analogy, because unlike an automobile, a gun has the capacity to save lives as well as take lives. A firearm is a tool. In the hands of a criminal, it is used for evil. But in the hands of a law-abiding citizen, it can save lives. And it does save lives—an estimated 2.1 million times per year, generally without a shot even being fired. Of the 65 million Americans who own firearms, more than a fair number purchase them not for hunting, not for sport shooting purposes, but self-protection.

They live in parts of the country where they really feel they need protection, and they have an American

right of self-defense. They arm themselves for that purpose in a legal, law-abiding way. While hunters may do it for sport or they may do it to put food on their tables still in rural America, there are many Americans who own guns to protect themselves. It is in this area of self-protection that the question of encroachment on second amendment rights becomes not just a political question but one of life and one of death.

Unlike President Clinton, the woman in a crime-ridden inner city does not have a personal security force protecting her night and day. Some choose, and women are choosing in increasing numbers, to obtain a firearm in a legal way to protect themselves. The obstacles to firearm ownership the President talks about—"a little wait, a little this, a little that, a little extra hassle," are to the woman, to the oftentimes single woman of America who chooses to go out and buy a gun for her self-protection.

Think about it. She is doing it to prevent harm to herself and, if she is a single mother in a crime-ridden neighborhood, she may be doing it to protect her children. If you are wondering why law-abiding gun owners think gun control is a big deal, that is why. It is not because they are ignorant, nor have they been duped by the NRA or stampeded into making up horror stories. It is because they understand the purpose, the legitimate purpose, the constitutional right and purpose of the legal and appropriate use of firearms.

A gun is a great equalizer. It enables the feeble, the disabled, the old, the small to defend themselves against a more powerful aggressor. But with the right to keep and bear arms comes a solemn, a very solemn responsibility to use those arms safely and within the law.

Those who do should be celebrated for their exercise of civil liberties in the great tradition of our country—not make the tragedy one of a cowardly cheap shot from the White House and the President.

Let me say this about hunters and sports shooters in America, not to mention the collectors and the skilled crafts people who enjoy the history and artistry of firearms as a hobby: They have already been plundered, in some instances, by gun laws. Again and again in the past, when some effort to grab headlines was made, lawmakers reacted with another restriction, and another and another and another. Yesterday, when the Senator from New Jersey and I were debating an important issue, I talked about 40,000 gun laws. Many of those were the result of an illegal action and a political reaction.

I am not saying that all of them are bad. But 40,000 at the city, county, State, and Federal levels? Do these 40,000 gun laws, stacked one upon another, make America a safer place? Well, in Littleton, CO, tragically enough, 20 of those 40,000 gun laws were

violated by those 2 young men, and some by other people who got guns for them. Some of those people have been arrested. Some of those are working, as they should, and those are the kinds of laws I support; law-abiding citizens support them, and guns rights defender organizations support them. But we haven't stopped violent crime and we have only piled all of these problems one on top of another.

Perhaps it is time for a sea change in our thinking. Instead of forcing law-abiding citizens to put up with inconveniences, as our President might suggest, or outright erosion of their civil liberties, perhaps we should demand that this administration's inconveniences are the armed criminal. By prosecuting them, by going at them, as the juvenile crime bill does, and as the Hatch-Craig amendment does, to strengthen the hands of the law enforcement officers to make sure we enforce at least some of the 40,000 gun laws we have—that is what we should be doing, and that is what the chairman of the Judiciary Committee of the Senate is trying to do—to build on and strengthen the body of law that can be enforced, and to say to our U.S. attorneys: Enforce the law. Get out in the field and put those people behind bars who are breaking the law with the use of a firearm.

So as we move through this debate, let's not follow the President's lead. Judging by the calls and letters and visits I am getting in the wake of the President's speech, the movement to secure the second amendment is not going to evaporate anytime soon. Law-abiding gun owners in America flatly reject the argument that the only way to control crime is through putting more burden on the exercise of their rights.

Any Senator who takes his or her constitutional responsibility seriously should carefully consider what a vote for more gun control is going to do. What is it going to do? Prevent crime? On rare occasions, it might. But it will be a political pill, so that we can go home and say we did the right thing. Yet, Littleton happened. I suggest that we have the opportunity to make changes, and they are here tonight, they are here in the juvenile crime bill. It is outrageous and unforgivable to suggest that anybody in this body needs to vote in favor of more gun control in order to prove that he or she cares.

Why don't we make changes in what our children are doing, in the access they have to violence on television, in the movies, in videos. That is what we are trying to do in ensuring that those who would prey upon others with the use of a gun in the commission of a crime be locked up and put behind bars. That is the message I am told Americans want to hear. That is the message my citizens in Idaho want to hear. They want to know that those who violate the laws will be arrested and, most assuredly, that the criminal

element will be denied access to firearms.

If you vote for the Hatch-Craig amendment, that is what you vote for. If you vote for the juvenile crime bill, as amended, you broaden the entire arena of changing the way we have done business in the past in dealing with violent juveniles and crime in America. We turn to this administration and we turn to the Attorney General and we say: Enforce the law. Go after the criminal. Make this country safe for those who are willing to defend their civil liberties and who believe strongly in their constitutional rights.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield such time as he needs to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Chair and the chairman of the Judiciary Committee, who is managing this bill.

Mr. President, I want to say how much I have admired his skill, ability, and knowledge in moving this important juvenile crime package forward. It makes positive steps in every area that deals with juvenile crime and violence.

We were shocked and saddened by the events in Colorado. It caused us all to rethink and rededicate ourselves to making improvements. We have been working for 2 years to try to get this bill up for a final vote. Maybe now we can have that become a reality.

I hope we can continue to debate the issues and debate the amendments and vote. I just hope we don't have a group of Members who, for one reason or another, would rather not see a bill pass. If that is so, I think some people need to be held accountable for that. I am willing to debate and hear the amendments, vote on them, and put my record on the line and do what we can to pass this legislation. Without any doubt, there is a major step forward in putting additional regulations on gun shows, which has been discussed here today. We have several other amendments and provisions in this bill that crack down on the illegal use of guns, including substantially increasing penalties for a lot of different gun violations.

Mr. President, I had the occasion to be a Federal prosecutor for 12 years, a U.S. attorney. I served, before that, as an assistant U.S. attorney. I also was attorney general of Alabama. What I have been hearing in the last few weeks about what we need to do about law enforcement and what is wrong in this country really frustrates me. The President of the United States, after this tremendous tragedy in Colorado, proposes that we need to do something about it. As I recall, his basic solutions were that we need a juvenile Brady bill, which was already in our juvenile crime bill pending at that time. He said we need to step up liability for parents whose children go out and commit

crimes, which is a very difficult thing to do if you adhere to the traditional rules of American and English criminal law: you have to have criminal intent to be guilty of a crime. We have never made people guilty of crimes unless they had reason to be responsible criminally for somebody else's crime. Maybe we can make progress and the States will make progress, but there is not a lot you can do there. The President proposed a couple of other matters that dealt with guns, and they are minor, not a realistic way to deal with what is happening with crime in America.

I want to say that I have, from my experience, noted a real shortcoming in President Clinton and Attorney General Janet Reno's Department of Justice.

They have not prosecuted the laws effectively. They simply have not done so.

In 1992, before President Clinton took office, President Bush had a program called Project Triggerlock. It enhanced, increased, and intensified the prosecution of criminals who use guns illegally, felons who possess firearms, people who carry firearms in the commission of a drug offense, or other criminal activity, people who traffic in stolen guns, people who have sawed-off shotguns and fully automatic weapons. They were prosecuted intensely.

In 1992, there were 7,048 cases of prosecutions under those laws that existed at that time.

I direct your attention to this chart. It is the Executive Office of U.S. Attorneys' statistical data, which the Department of Justice lives by, which shows the number of prosecutions that have been going on in this country. In 1992, there were 7,048.

I know that number, because I had a trigger lock prosecution team in my office. I was directed by the President and the Attorney General to do that. I was delighted to comply.

I sent out a newsletter to share it with the chiefs of police. It was dedicated solely to laws and information on how to be more productive in prosecuting these criminals who are using guns and killing people, because I knew then and I know today that can save lives.

Since this administration has been in office, look what has happened with those numbers. They have gone down now to 3,807, a 40-percent decline in prosecutions. That is a dramatic number.

It really offends me. I consider it astounding that the President of the United States and the Attorney General of the United States would go around and say, "Oh, we are the toughest people in America about guns; we want to do more about guns, and if you Republicans in Congress won't pass every law that we can think of to make some other event criminal." They do not care about prosecuting criminals. I have a record of it.

In my tenure, we increased dramatically the number of gun prosecutions. I

don't take a backseat to anyone over my commitment to prosecute people who use guns.

This administration wants to prosecute innocent people with guns, people who have no criminal motive whatsoever, while they are allowing the serious cases to erode dramatically.

They have more prosecutors today than they had in 1992, and they have a 40-percent reduction. It is just an offensive thing to me.

I will also pull these charts, because I know how to read the U.S. attorney's manual. I did it for 12 years. They had to have several new laws, and some of them are pretty good. I am supportive of them. These are going to fight crime, they said.

Look at this chart. This is shocking. Here is one:

"Possession of firearms on school grounds"—922(q).

There are a lot of subparts: 922(c), for carrying a firearm in the commission of a crime by a felon carries 5 years without parole, if you are convicted of that.

This is 922(q): "Possession of a firearm on school grounds."

It was reported, I believe, that the First Lady at this press conference, when they wailed about gun laws and gun shows, said there were 6,000 incidents last year of firearms on school grounds.

That is what they said.

In 1997, this Department of Justice—and every U.S. attorney in America is appointed by the President of the United States—prosecuted five cases. In 1998, eight. That is nationwide. That is for the whole country.

How is that stopping crime and making our communities safer? That is what I am saying. Is that making us safer?

"Unlawful transfer of firearms to juveniles"—that is a pretty good law—922(x)(1). That law passed and closed a little problem there, a loophole. It was closed several years ago.

"Unlawful transfer of firearms to juveniles." In 1997, this Department of Justice, which makes guns its priority, only prosecuted five cases; in 1998, six.

Look at this one: "Possession or transfer of a semiautomatic weapon"—that is the assault weapon ban that was allowed. There have been a lot of disputes about it, and a lot of debate about it, because it is really a semiautomatic weapon, but it looks bad. So they banned it.

In 1997, there were 34 prosecutions; and, in 1989, 84.

I think that begins to make a point.

We don't need to be dealing in symbolism or politics. There is a Second Amendment right to bear arms. It is in my Constitution. I don't know. Somebody else may read in certain amendments they like and certain ones that they don't. But it is in the Constitution. And it gives the people the right to keep and bear arms. That is not going to be given away.

We passed a lot of rules that are considered to be reasonable restraints on

that. I prosecuted gun dealers for violation of regulations. So we expect them to adhere to the regulations we passed.

But I will just say with regard to these cases that what we are suggesting: what we are hearing today, or in the last day or so, is an attempt to distract attention from the merits of a good, sound, tough, compassionate juvenile justice bill, and derail it on the basis of whether or not we have a sufficient bureaucracy at a gun show, where I will assure you that probably not more than 1 out of 1,000 guns in America are bought at gun shows, as if that is going to save crime. It is not going to save crime anymore than this law did, or this law did, or that law did.

Next year, we will probably come in here and they will have a half dozen prosecutions under that law, and they want to have that kind of thing.

What we need to do is go back to a serious prosecution, back to the seven, or maybe 10,000 prosecutions under the gun laws that are already in existence, and focus on them.

I would just share this story with you because I think it is revealing.

I have been raising this very issue with this very chart for over a year—this chart which I have been holding up for the Attorney General, the Chief of the Criminal Division, and the Associate Attorney General of the U.S. Department of Justice, and I have been asking why they are not doing their job. They don't have a very good answer, if you want to read the transcript.

What has happened? Early this year we held a hearing. We set it for Monday, March 22, just a few months ago. It had been set for some time. We had asked the administration to come and testify, because we were going to ask them about this failure, this collapse, in Federal efforts on prosecutions.

We had heard that U.S. attorney Helen Fahey, down in Richmond, was doing a triggerlock-type program, and being very successful. The chief of police in Richmond was just delighted. They had a 41-percent reduction in murder and a 21-percent reduction in violent crime. We wanted to highlight this.

So we had a hearing. It made the administration nervous. We said: We are going to ask you about these numbers. We are going to ask you why you quit President Bush's Project Triggerlock, and why aren't you replicating and repeating what you are doing successfully down in Richmond?

That was going to be on a Monday.

On Saturday, March 20, the President of the United States—I guess the word got up to them that they had a little problem.

So he had a radio address to the Nation. He focused it on gun prosecutions. He had the United States attorney Helen Fahey in his office, and the chief of police in his office. She was going to testify on Monday. And he talked about the very thing we talked about.

I thought: Wasn't that interesting. Maybe we have finally gotten through to somebody.

This is what he said:

Today I am directing Treasury Secretary Robert Rubin and Attorney General Janet Reno to use every available tool to increase the prosecution of gun criminals and shut down illegal gun markets. I am asking them to work closely with local, State, and Federal law enforcement officials, and to report back to me with a plan to reduce gun violence by applying proven local strategies to fight gun crime nationwide. My balanced budget—

He always says that—"my balanced budget."

What that has to do with this, I don't know.

My balanced budget will help to hire more Federal prosecutors and ATF agents so we can crack down on even more gun criminals and illegal gun trafficking all across America.

That was his radio address.

On Monday, U.S. Attorney Helen Fahey testified that

Project Exile [what they called the project in Richmond] is essentially triggerlock with steroids.

They basically took the Project Triggerlock activities and enhanced it.

Plus community involvement and advertising . . . Project Exile is simple and straightforward in its execution and requires relatively limited prosecution and law enforcement resources. The program's focus and message is clear, concise and easily understood, and most importantly, unequivocal. The message: An illegal gun gets you 5 years in Federal prison.

That was President Clinton's U.S. attorney in the Eastern District of Virginia.

On May 5 we had oversight hearings with the Department of Justice in the Judiciary Committee. I asked Attorney General Reno if she had gotten this directive, and what she was doing about it. She indicated:

The prosecution by Federal Government of small gun cases that can be better handled by the State court . . . doesn't make such good sense.

I cross-examined her a good bit about that because it was stunning to me. I said: Did you get a directive from the President? Did he send it to you in writing or did he call you on the phone or were you supposed to listen to the radio? How did you get this message? Are you going to do it?

She steadfastly refused to make a commitment to replicate and reproduce the Project Exile in Richmond, VA, and to use that around the country—even though her own people are telling her of the 41-percent reduction in the murder rate and a 20-percent reduction overall of violent crime.

This bill provides money for that. We have a proposal to increase substantially, perhaps as much as \$10 million or \$50 million to the Justice Department to replicate this project. We are going to insist on it. We believe it will save lives.

The chart shows from 7,000 to 3,000 prosecutions, a 40-percent reduction. There are those who talk about caring about innocent victims of crime and doing something about crime. There are innocent people in America who

have died because those cases weren't prosecuted, those criminals using guns were not prosecuted. They have gone on and killed other people. It is a shame and a tragedy.

I believe what we have to do first and foremost is to create a climate and a mentality in this Department of Justice that they are going to use the laws they have been given and not to excuse themselves by discussing some new law that they have little or no intent on prosecuting effectively.

That is the true fact of the matter. We are talking about thousands of cases.

My view is if it is a good law and it is not unconstitutional and it is not too burdensome and we can figure a way to make it work, I am all supportive of it. I voted for and support several.

The real problem is cracking down on the criminals who are using guns. The laws already on the books are the ones that are going to be used 99 percent of the time when those cases are prosecuted. If used effectively, we can remove dangerous criminals from our streets, reduce violent crime and murder, and save the lives of innocent people.

I thank Chairman HATCH for all the work he has done, the leadership he has given, and the patience he has demonstrated in moving this legislation forward.

Mr. HATCH. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 19 minutes 44 seconds and the minority has 22½ minutes.

Mr. HATCH. I yield 8 minutes to the distinguished Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the chairman of the Senate Judiciary Committee, the Senator from Utah.

I rise to address a number of provisions in the Hatch-Craig amendment that I am particularly concerned with, provisions that I have sought to move forward over the last several months and in the last several years, provisions that set or increase mandatory minimum sentences for gun crimes and drug crimes which endanger juveniles.

First, we need to address federal firearms offenses and impose substantial penalties on violent firearms offenses. Those who misuse firearms to commit crimes impose a tremendous cost on American society and on our culture. They destroy lives, they destroy families, they destroy businesses, they destroy neighborhoods. We need to have a Federal policy with a zero tolerance for those who are misusing firearms to perpetrate violent crimes or to traffic in drugs—the kind of criminal activities that are destroying the very fabric of our culture.

An essential part of this zero tolerance policy are mandatory minimum sentences that creates a serious deterrent for those who commit Federal violent and drug crimes, including carjacking and violent crimes on school grounds.

In order for mandatory minimum sentences to provide such a deterrent, they need to be long enough to make the offenders think about committing these crimes. They need to think twice about what they are going to do. Those sentences also need to be long enough to protect our law-abiding citizens from these criminals for a long time, by putting the criminals away for substantial period of time.

Current Federal law provides mandatory minimum sentences for possessing or using a firearm in the commission of a Federal crime of violence or drug trafficking. The current minimum sentence for possessing a firearm during such a crime is 5 years. This is a serious penalty for simply having a gun, not even showing it or firing it; just having it on your person. My amendment doesn't increase this penalty. We think it is sufficient as it is, particularly because there is truth in sentencing in the Federal system.

We do, however, seek in this amendment to change the current minimums for using a firearm during such crimes. The current minimum sentence for brandishing a firearm in a violent Federal crime or drug trafficking crime is 7 years. In this amendment we raise that penalty to 10 years. We would raise the penalty for discharging a firearm and thereby endangering life and limb from a 10 year minimum to 12 years. The law does not presently provide any mandatory minimum for wounding, injuring or maiming with a firearm. We create a minimum 15-year penalty for those who actually cause physical harm with a firearm.

Finally, the law currently provides a maximum penalty of 10 years imprisonment for knowingly transferring a firearm, knowing that it will be used in the commission of a crime. We would impose a mandatory minimum sentence of 5 years for knowingly facilitating gun violence by transferring a firearm to someone whom you knew was going to commit a crime.

These penalties are serious, but the problem is serious. These penalties will help create a real set of incentives to tell criminals they better leave their guns at home.

Let me also address mandatory minimum sentences for federal drug crimes. The current penalties for adults who target vulnerable juveniles by distributing drugs to minors or by selling drugs in or near schools are the same—both of these crimes currently carry a 1-year mandatory minimum for both the initial and subsequent offenses. This amendment raises the mandatory minimum term for each of these crimes from 1 year to 3 years for the initial violation, and 5 years for subsequent offenses.

This amendment is similar to two other provisions in the core bill we are debating, S. 254. One provision already included in S. 254 increases the mandatory minimum penalties for adults who use minors to commit crimes. Adults should not be able to use minors to

commit their crimes for them in order to escape penalty. Another provision in S. 254 increases the penalties on adults who use juveniles to commit crimes of violence. Penalties are doubled for first-time offenders and trebled for repeat offenders.

Together, these provisions send a clear message to adults who would prey on our children, attempting to ensnare them in the dangerous life of committing crimes, and often in the violent world of illegal drugs.

Last year, I introduced all of these provisions in a package designed to target adults who use and exploit juveniles to commit crimes. It is time for us to send an unmistakably clear message that we will not, as a culture, tolerate those who use juveniles, who lead them or point them in the direction of lives of crime in an effort to avoid penalties for their own criminal action. The system already lets young people off with a slap on the wrist and a clean slate when they turn 18. Why should any adult risk serious jail time by committing the crimes themselves? Instead, have a juvenile commit it for them. I think it is time to make it clear that we will deal harshly with adults who use juveniles in the commission of crimes.

Sadly, our current treatment of juveniles gives adults an incentive to exploit children in this way. We need to make sure it cannot be done. If a store sold candy for \$5 to adults, but \$1 to children, there would be a lot of adults sending kids in to buy candy for them. The same is sadly true with the criminal justice system. Lenient treatment of juveniles has too frequently caused adults to think they can get juveniles to perpetrate the crimes for them. We must make it clear that no adult can escape crime by having a juvenile commit a crime on his or her behalf. It is no wonder that in my home State of Missouri, a 20-year-old in Poplar Bluff had her 16-year-old accomplice take the lead in a recent armed robbery. Why should she risk serious adult time in prison when she could have a juvenile do the crime for her? We cannot continue to encourage this intolerable behavior. Those who would corrupt our children deserve our stiffest sanctions. We need these enhanced penalties on adults who use juveniles to commit federal violent offenses and drug crimes.

The provisions in S. 254 and those in this amendment correct the perverse incentives in the current system by severely punishing adults who endanger our children and attempt to ensnare them in the world of drugs and crime.

Mr. President, I ask how much time is remaining?

The PRESIDING OFFICER. The Senator has 40 seconds remaining.

Mr. ASHCROFT. I thank the Chair. I yield the remainder of my time to the chairman.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield 10 minutes to my colleague from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from New Jersey for the time and for his leadership. I understand there is movement on the other side to try to deal with the gun show loophole. I appreciate that. But I say to all my colleagues, if we pass the amendment sponsored by the Senators from Utah and Idaho, we will not close that loophole and we will be back here hearing about more tragedies from guns emanating from gun shows. There are six reasons for that which we should talk about.

First and most egregious, the amendment creates and deals with someone called a "special licensee," a person who would be licensed to sell in volume at gun shows who would not require background checks. This is overturning 31 years of having federally licensed firearms dealers with a new system that is as weak as a wet noodle. The licensees will not have to—

Mr. HATCH. Will the Senator yield on that? My gosh, they do not have any controls at all on gun shows. This puts controls on it. It actually does what those on your side of the floor wanted to do yesterday, and our side of the floor did not do. Now we are correcting that. But right now there is no limit at all. We put limits on. We do exactly what the President was bad-mouthing Republicans for not doing today.

Mr. SCHUMER. Reclaiming my time—

Mr. HATCH. I will be glad to give you some of ours for this, but, look, that just is not quite accurate.

Mr. SCHUMER. The point I make is this. We have always had the only people who can legitimately sell guns in quantity are federally licensed dealers. We are now creating an exception.

I ask my colleague, the Senator from Utah, why we exempt these people from any reporting requirements? When you talk to our law enforcement people in either the Justice Department or in the Treasury Department, they say if one of these new licensees—because they have no reporting requirements whatsoever—were to simply pass guns out, we would have no way to check.

My friend from Utah and many from the other side have talked about the need to enforce existing laws. This creates such a huge loophole we would never be able to enforce any existing laws.

Mr. HATCH. If the Senator will yield, actually now in intrastate sales they do not have to do anything. There is no gun check at all. There is no instant check at all; there is no requisite check at all. What we do is solve that problem and we do it better than what the Democrat amendment was yesterday. And when we do it—I just want to correct the record.

Mr. SCHUMER. Right now, for interstate, these people could go interstate. That is the basic problem. If these peo-

ple, these federally licensed special licensees had to stay within their State, I would concede to the Senator from Utah that maybe it is nonexistent—but not a step backwards. But they can. So now for the first time we have people who can sell out of State who are not federally licensed dealers and who do not have any reporting requirements.

There is sort of a split, almost a schizophrenia in the logic of the other side, which is we must enforce. We do not need new laws to enforce. But we take away every single tool of enforcement.

Mrs. BOXER. Will the Senator yield on this point?

Mr. SCHUMER. I am happy to yield to the Senator from California.

Mrs. BOXER. I wanted to ask a question about the pawnshop loophole. Before I do, I want to thank my friend from New York because he does something around here that is very important. He reads every word of the bill.

Mr. SCHUMER. Thank you.

Mrs. BOXER. And he finds out some of the fine print. We had a situation on the floor with the Senator from Idaho. I was on the floor at the time. The Senator from New York said to the Senator from Idaho: With great respect, I think you have a problem in your bill—and he pointed it out. The Senator from Idaho at that point argued vociferously with the Senator from New York, who held his ground and happily everyone reached agreement that in fact what the Senator from New York said was true.

But what interests me is one of the loopholes that is not closed. That is this pawnshop loophole. I want to ask my friend from New York a question. Am I right in understanding that under current law, if someone goes back to retrieve a gun in a pawnshop, they must undergo an instant check?

Let's say somebody puts his gun in the pawnshop and then goes out and commits a crime with another weapon and they come back to retrieve their gun. It is my understanding there is no instant check on that person. It is further my understanding that people who retrieve their guns from pawnshops are five times as likely to be criminals as those who would go to an ordinary dealer; is that correct?

Mr. SCHUMER. The Senator from California is exactly correct. What we are doing now is making it easier because we take one of the barriers away for criminals to get their guns back at pawnshops. Why, for the love of God, are we making it easier for felons to get guns? It is an amazing thing. If the American people were all listening to this debate, they would be utterly amazed. Let me yield to the Senator from California.

Mrs. BOXER. I say to my friend, whom I respect so much and I thank so much for his leadership on this, I think what we have created with the Craig bill yesterday is essentially a safe deposit box for criminals to put their guns in—a pawnshop—and never have

to answer to any instant check or anybody looking at them when they come back to get their gun.

Would that not be an accurate description of what the Craig amendment did yesterday, and it is not fixed in this amendment; am I correct in that?

Mr. SCHUMER. I say the Senator is exactly correct. If I were a clever criminal, I would use a pawnshop after this law passes.

Mrs. BOXER. It is very ironic, I say to my friend; we are doing a juvenile justice bill, and we are creating a tremendous injustice here because criminals will have a safe place to leave their guns and never have to undergo an instant check again when they pick their guns up from the pawnshop.

I thank my friend for yielding.

Mr. SCHUMER. I thank the Senator.

I say to my good friend from Utah, who I know is very sincere in this, if the sponsors of this legislation were to accept a provision that says let's have the same reporting requirements for the special licensees as we have for the Federal dealers, he might be making a step in the direction—it would not be as strong as the Lautenberg bill, but it would move in that direction.

I remind him of one other thing. Right now, the only people who can sell guns in large quantities at gun shows are federally licensed dealers. Under this legislation, for the first time—and that is what I was saying—we would have a new group of people allowed to sell guns in large quantities at gun shows. These are people who have not gone under the rigors of the check before becoming a Federal dealer. They are not people who have the licensing requirements. It is a loophole so wide you can drive a Mack truck through it.

Our law enforcement people tell us, again, if we are talking about enforcement, I am sure we want to trace guns that criminals have. Everyone on the other side is saying tougher penalties for the criminals. I agree with that. One of the reasons I believe I befuddled some of the folks on the other side is I am a tough guy on law and order. I believe in tough punishment and have worked for it. But tough punishment and gun laws are not contradictory.

The NRA and others always set up that straw man: Well, we need tough enforcement.

Yes, we do. If the two people who brought the guns into Littleton High had lived, I would have wanted the book thrown at them. But may I say to my friends and my fellow Americans, I would have also wanted them never to have been able to get a gun, because punishing after the crime, while important and necessary, does not save a life.

To say that we need tough laws and tough enforcement is correct. To say that that means we do not need gun laws is incorrect. And that is the basic illogic of the arguments I have heard made on the other side tonight. Tough punishment, yes; tough gun laws, yes.

The Senator from Idaho talked about where the American people are. I will tell you—I agree with you—they are for tough punishment, no question about it. They are also for tougher gun laws. In a recent CNN survey, 4 percent said they did not think the gun laws ought to be toughened. In another survey—I forget who did it—87 percent said close the gun show loophole. They did not say come up with a mechanism by which other people can sell quantities of guns and never report to whom they sold those guns at a gun show. That is what this amendment does.

Let's make no mistake about it. Is this a diluted version of the Lautenberg amendment? It is worse, because it gives the impression we are tightening the loophole.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SCHUMER. I ask the Senator if he will yield me 1 more minute to finish my point.

Mr. LAUTENBERG. One more minute, yes.

Mr. SCHUMER. I thank the Senator from New Jersey.

We are trying to give the impression that we are toughening things up, but, in a sense, not only are we not because of these special licensees—and I still have not heard a single good reason why they should not have reporting requirements—but at the same time, we are creating a new mechanism. And sure as we are sitting here—and I say this to the American people because the Senate seems unable to understand the pleas of the American people—they are going to start using special licensees as opposed to federally licensed dealers all across America.

Violence will increase, and we will be hearing calls for more tough punishment, which we will need because there will be more criminals and more gun deaths.

I urge rejection of the Hatch-Craig amendment. If you want to do something real, pass the Lautenberg amendment. We will have a chance, hopefully, to revote on it next week, and then we will see who wants to close the gun show loophole.

I thank my colleagues for their time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, how much time do the two sides have left?

The PRESIDING OFFICER. The Senator from Utah has 11 minutes 25 seconds. The Senator from New Jersey has 10 minutes 37 seconds.

Mr. HATCH. Mr. President, the Hatch-Craig amendment we offered earlier this afternoon requires every nonlicensed individual who desires to sell a firearm at a gun show to have a background check. They can get a background check through a licensed Federal firearms dealer or through a special registrant, but he must get a background check.

The language in the amendment clearly states that a nonlicensed seller “shall only make” a sale at a gun show

after getting a background check through the instant check system.

“Shall” means “shall.” It does not mean “maybe,” “sometimes,” or “if you want to”; it means “shall.”

The distinguished Senator from New Jersey says we are a nation of laws.

Mr. SCHUMER. Will the Senator from Utah yield for a brief moment?

Mr. HATCH. I will on your time because I only have a limited amount of time and I want to get through these points.

Mr. SCHUMER. I think we are out of time.

Mr. HATCH. Let me see if I have enough time at the end.

Mr. SCHUMER. I yielded a little to the Senator before.

Mr. HATCH. I will be happy to at the end if we have some time, but we are short on time.

The distinguished Senator from New Jersey says we are a nation of laws. He says we must close the loophole that allows nonlicensed individuals to buy a gun at a gun show.

The Senator from New Jersey says the definition of “gun show” used in the amendment would exempt gatherings of fewer than 10 firearms exhibitors and, he said, would exempt gatherings of firearm exhibitors and other exhibitors where the percentage of firearm exhibitors is less than 20 percent of the show. This is untrue. The amendment defines a “gun show” as an event at which we have either, A, 20 percent or more firearms exhibitors out of all the exhibitors at the show or, B, 10 or more firearms exhibitors. The language is “or,” not “and.”

Thus, if there are three exhibitors, one of which is a firearms exhibitor, this would constitute a “gun show” under the 20 percent rule—one out of three naturally being 33 percent, which is greater than 20 percent. The event need not satisfy the “10 or more” tests. It will be a gun show.

If there are 10 firearm exhibitors out of 100 exhibitors, that will be a gun show under the “10 or more” rule. The event need not also satisfy the 20 percent. It would be a gun show.

It is just that simple. There is no question about it. The threshold for what constitutes a gun show is low and it is certain: 20 percent firearms exhibitors or 10 or more firearms exhibitors.

What does that mean? In fact, the definition of “gun show” in the Hatch-Craig amendment is more strict than Senator LAUTENBERG’s original definition. He required 50 firearms and 2 or more firearms sellers. Thus, if 1 of 3 exhibitors at a gathering is a firearms dealer and only brings 49 firearms, Senator LAUTENBERG’s amendment would not classify it as a gun show. The Hatch-Craig amendment would classify it as a gun show.

The Republican amendment closes the loophole that the Democratic amendment left open. To talk about loopholes, we know a little bit about that. The Hatch-Craig amendment slams the door shut on the loophole

and slams it hard. Unfortunately for my Democratic colleagues, however, our amendment slams this door without more regulation, and without more taxes and without much more Government and bureaucracy, which is what would have happened under the Lautenberg amendment.

Next, the Senator from New Jersey says that we on this side of the aisle do not believe that gun laws work. He is absolutely wrong on that. We just know they are not enforced by this administration.

For all the loudmouth talking that this administration does, look at this record of what they have done with regard to prosecutions of guns. I went through this early in the day.

Providing a firearm to a prohibited person, unspecified category—each number will be for 1996, 1997, 1998, in that order—17, 25, 10. It is pitiful.

Look at this. Providing firearms to a felon: 20, 13, 24; for 1996, 1997, 1998.

Possession of a firearm by a fugitive: 30, 30, and 23 for last year.

Possession of a firearm by a drug addict or illegal drug user—we know there are hundreds of thousands, at least, if not millions—46, 69, 129.

Possession of a firearm by a person committed to a mental institution or adjudicated mentally incompetent: 1 in 1996, 4 in 1997, and 5 prosecutions in 1998.

Tell me that this administration is enforcing gun laws that are on the books. And yet all we hear is crying and crying over spilled milk, that we need more gun laws. But they won't enforce them. There are lots of gun laws on the books, but they just will not enforce them.

It is just the phoniest doggone issue I have seen yet, when everybody in this Senate knows that these problems with our teenagers and our young people, what they come down to is a myriad of problems, many of which are caused by broken homes, broken families, single families where the parent has to work and cannot take care of the kids, a breakdown in society, a breakdown in religious values, a breakdown in family values, a breakdown in many other societal values, rotten movies, rotten music, rotten Internet things, rotten video games.

All of this is adding to this. Guns is one small part of it. But look at all these laws. And they are not being enforced by this very administration which continues to pop off every day about, we need more gun laws. Well, enforce the ones we have.

It is incredible to me that they get away with this. Sure, the polls will say that people are concerned about guns. Naturally they are. We all are. But they ought to be concerned about an administration that does nothing about the laws already on the books, that continually calls for more for political advantage. That is what bothers me about this outfit.

Possession of a firearm by a person dishonorably discharged from the

armed services: 0, 0, 2; for 1996, 1997, 1998.

Possession of a firearm by a person under a certain kind of restraining order provision: 3 in 1996, 18 in 1997, 22 in 1998.

Possession of a firearm by a person convicted of a domestic violence misdemeanor: 0 in 1996, 21 in 1997, 56 in 1998.

A country of 250 million people, and this is the record we have?

Possession of a firearm by a person convicted of a domestic violence misdemeanor—think about it—0 in 1996, 21 in 1997, 56 in 1998.

Possession of a firearm or discharge of a firearm in a school zone—thousands of them—we had 4, 5, and 8 in the last 3 years. Think about it.

All violations under the Brady Act—we have heard nothing but Brady Act, Brady Act, Brady Act, and it has not done a thing compared to the instant check system which we insisted on. But look at this. All the violations under the Brady Act, first phase: No prosecutions in either 1996 or 1997; one prosecution under the Brady Act in 1998. And you would have thought the Brady Act was the last panacea for all gun problems on this Earth.

All violations under the Brady Act in the instant check phase—they are not even doing it under the instant check that we have done—0, 0, 0; for 1996, 1997, 1998. There is a point where you call it hypocrisy to continually try to make political points on guns when this administration ignores every law that is on the books and then says we need more laws to solve these problems.

My gosh, we know that the trigger lock cases have dropped an awful lot, from 7,500 under the Bush administration down to 3,500, because this administration does not take it seriously. Yet they go out every day and make these political points that we need more gun laws so that they have an opportunity not to enforce them, I guess.

Look at this. Theft of a firearm from a Federal firearms licensee: 52, 51, 25.

Manufacturing, transferring, or possession of a nongrandfathered assault weapon: 16, 4, 4. We heard how terrible assault weapons are. Hardly anything done about it.

Transfer of a handgun or handgun ammunition to a juvenile: 9, 5, 6, even though we know that is violated all over this country.

The fact of the matter is, these are laws we should be enforcing that are not being enforced. And I have only covered some of them. I do not have enough time to cover all of them.

But the fact is, this administration, for all of its talk about guns, isn't enforcing the laws that exist. Now they are asking for more laws. And they will not enforce those either.

The Hatch-Craig amendment slams the door on these loopholes. And, frankly, when are they going to enforce these laws the way they should be enforced?

It is one thing to talk about punishing the criminal use of firearms; it

is another thing to mean it. It is one thing to talk about protecting innocent schoolchildren from violent juvenile offenders; it is another thing to actually pass a bill that will do it.

This bill will help. Yet we are in such a doggone logjam here, we might have to pull this bill down, because all the amendments that people are coming up with every day really are deterring the passage of this bill.

Republicans want to pass this bill and protect our children now. And I believe my colleague on the other side, who is managing his side, wants to do so as much as I do.

Let's stop talking. Let's start acting. If you really want to protect our schoolchildren, prove it by passing the juvenile crime bill. That is the best way to do it. And let's not just center on guns, which may be a problem, and probably is a whole series of problems, but that is only one small part of this. I am saying, a lot of things are not being done.

Senator SCHUMER criticizes this amendment by saying it would permit, for the first time, transactions of firearms at gun shows by individuals who are not Federal firearms licensees. But the entire justification of the gun show amendment—since the private sales are occurring at gun shows without any background checks whatsoever, we are putting in this bill, the Hatch-Craig amendment, instant checks on all sales. And it shall be done, according to this amendment. Senator SCHUMER's criticism suggests we are trying to address a problem that does not exist. Which is it? Is this a problem? Is there a problem with private sales at gun shows or not?

The PRESIDING OFFICER. All the time of the Senator has expired.

Mr. HATCH. I ask unanimous consent for 1 more minute, and I will finish with that.

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

Mr. HATCH. This amendment does not allow more types of firearms transactions at gun shows. It does provide for a mandatory background check for all transactions at gun shows. Only those transactions where there is currently no check at all will be able to take advantage of a special registrant background check. Right now, we have hardly any protections.

This amendment will bring them to pass. This amendment will do what was asked for yesterday. I think you can criticize anything to do with this area, but this is the right way to go. We are going to solve this problem. That is why people should vote for the Hatch-Craig amendment.

I thank my colleagues for their forbearance.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak for 90 seconds without it coming from anybody's time.

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

Mr. LEAHY. Mr. President, in many ways I feel that if the distinguished

Senator from Utah and I were unconstrained by Senators on either side, we could write a bill that would be very helpful. But I hope we do not get carried away with partisan rhetoric here.

The fact of the matter is that there have been a number of issues the Democratic side of the aisle has brought up that have been voted down by the Republican side—not unanimously, I might say; in fact, I can think of a couple where the distinguished Presiding Officer voted differently than the majority of his party—and then those parts were then put into a Republican bill. That is fine. I am not interested who takes credit; I am interested in stopping juvenile crime.

In fairness, let's point out, when we talk about what the administration might or might not have done, in the past 6 years, the rate of violent crime has come down at a faster and greater level than at any time in my lifetime. I am 59 years old. That means through Republican and Democratic administrations, the rate of violent crime has come down faster than ever before in the 6 years of this administration. The rate of juvenile crime has done the same. We have stopped thousands and thousands of gun sales to those with felony records. Let's stop saying who has done it or who has not done it. Let's do what is best for our children. We are parents. We are grandparents.

The PRESIDING OFFICER. The Senator's 90 seconds have expired.

Mr. LEAHY. I intend that as a compliment to my friend from Utah.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I am managing the time on our side. I yield myself such time as remains for my response to what we have heard.

Mr. President, I listened very carefully to the speeches. If I may say, the rhetoric that was used here—decrying the Federal Government's efforts to curb crime, incriminating crime fighting within the jurisdiction of the Federal Government, and saying that we are not doing our job—it is outrageous to listen to, I must tell you, because these things are concoctions. There are few people who I have more respect for in this place than the distinguished Senator from Utah, but that does not mean that I do not think he is wrong in some of the things he has just said. I am responding with admiration and respect.

When we look at the ATF investigations, I hold here the report that is "Gun Shows," issued January 1999, by the Bureau of Alcohol, Tobacco and Firearms, Department of Justice, Department of the Treasury. It says: Together ATF investigations paint a disturbing picture of gun shows as a venue for criminal activity and a source of firearms used in crimes. Felons, although prohibited from acquiring firearms, have been able to purchase fire-

arms at gun shows. In fact, felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows. Firearms involved in the 314 reviewed investigations numbered more than 54,000. A large number of these firearms were sold or purchased at gun shows.

What I hear here is concern about protecting average citizens from inconvenience. What a terrible thing. Why should they have this big brother looking over their shoulder? Why should we have speed limits? Why should we have laws against drugs? Why should we have laws against alcohol? Because this is a nation of laws. That is what we are about. That is what makes this society so distinctive. Instead, I haven't heard the pleas for the parents of those kids who have been killed by guns purchased, wherever they are. I haven't heard that. What I have heard is a nagging little complaint about, oh, what a pity, the infringement of the person who wants to go buy a gun who needs it in a hurry, sticks it in his pocket, walks out of the place without identifying himself.

Yes, the Hatch-Craig amendment does close some of the avenues for gun purchase, but it does not close them all, because if you are a special licensed purveyor, you don't have to do any checking at all. That is what the amendment says. Perhaps it is careless, perhaps it is deliberate, but it does not protect against that.

Then I hear a challenge to the President and his complaints about gun shows. He doesn't say that. He talks about gun shows with a degree of respect, but he says there are problems that have developed as a result of excesses available through gun shows.

I think we have to look at what is happening. Federal gun prosecutions: Overall violent and property crimes are down more than 20 percent each; the murder rate is down 28 percent, the lowest level in 30 years; homicides, robberies, and aggravated assaults committed with guns are down by an average of 27 percent. And yet, when we go ahead and talk about what we have to do to protect our citizens, we hear, get more enforcement out there, get more of a bureaucracy.

But when it comes to providing the money for ATF agents and Federal prosecutors, we have a heck of a time trying to get it. Despite the rhetoric, the NRA has never supported backing its tough talk with real money for State, local, and Federal law enforcement agencies to investigate, arrest, and prosecute gun criminals.

Well, the reason for the decline in prosecutions is that we work more now with State and local agencies than we ever did before. Overall, the rate of convictions and incarcerations has grown pretty steadily.

We are looking at what I will call straw men, reasons to find ways of not inconveniencing the gun buyer. Heaven forbid the gun buyer should have to obey the same laws that other people

have to when they want to buy an automobile or buy liquor or what have you. There are regulations, and so it should be. That doesn't take away anybody's right to buy a drink or buy a car. You just have to fess up to it. If you want to buy a gun, in my view, you have to be able to say: This is my name; this is where I live; this is what I want to do.

If the audience was not obscured through a television camera or not away from the folks in front of you but, rather, were the parents and the families of the kids in Littleton, they would find that Americans blame the Littleton incident in significant measure on the availability of guns. They do not say there is too little prosecution. They don't say that the gun laws are cumbersome. What they say is there are too darned many guns in our society.

How much are each to blame for Littleton? Percentage responding, a great deal: availability of guns, 60 percent; parents, 51 percent; nearly all Americans support many gun control measures, particularly those aimed at kids; require background checks on explosives and gun show buyers, national poll, 87 percent.

In here we have 51 percent who went the other way just yesterday and today want to, in my view, set up a smoke-screen, pretend we closed all the loopholes. There is nothing malicious in it. They just happen to be wrong in the approach, because if they looked at their own amendment they would see there are loopholes—whether they are requiring Federal agencies to get rid of records so they are not kept for too long a time, leaving the pawnshop opening that we just heard about for someone who is away. I just spoke to the Senator from Idaho. I said: What would happen if the claimant, to retrieve a gun that is in a pawnshop, comes back 4 months later? Are they required to say anything about where they have been during this period?

No. No, there is no requirement. The Senator from Idaho said there is no requirement. The guy could have been in jail for 90 days. But the fact is that he has come back. He has paid his interest. He has paid his \$50 to retrieve his gun. Give him his gun back. Don't ask any questions.

I ask you, is that bordering on the absurd? I think so.

We, again, hear these lame arguments about why we couldn't adopt the Lautenberg amendment as it was originally. And today, shame has filled this place, embarrassment has filled this place, because calls have come in and newspapers have editorialized and said what is the matter with the Senate—87 percent of the people out there think that gun shows are a source of too many weapons.

But not here. Here we worry about not the victim, not the parent, not the brother, the sister, or the child. No, we worry about the inconvenience or the big bureaucracy that may be created to

make it inconvenient or slow down the pace of gun acquisition.

Are there too few guns in this society? I ask anybody, too few guns? I doubt it. Something like over 200 million guns, that is enough to go around pretty well.

They blame our culture. We heard a story the other day from the Senator from Michigan who said that in Windsor, Canada, just across the river, they see the same television, are exposed to the same cultural elements, prefer the same music, everything else, yet they have so far fewer crimes with guns—about 30 or 40 times more in Detroit than they have in Windsor. It has to do with the availability of guns, nothing more and nothing less.

We ought to face up to it and not find different excuses for why it is that the gun wasn't involved. It is not the gun's fault, no; it is the trigger person's fault. But that trigger person would have had a heck of a time knifing the 13 or 15 people in the Columbine High School in the situation they were in. It was easy, however, with their weapons, with their explosives. It is time to face up to it.

I wish we would pay the same attention to the victims: 35,000 victims in a year of handgun death, 13,000 of murder, in rough numbers, 18,000 of suicides, 3,000 of accidents. When you compare us to the other societies with whom we associate and work, there is just no comparison. We are looking at societies that have less than 100 deaths a year from guns—the UK, Japan, and others. It just doesn't happen there. Why? These are similar people with the same kinds of problems we have. They have mixed societies and they have problems adjusting to conditions. But they don't have the guns laying around in every nook and cranny.

So I hope that the American people will watch what happens here and see who voted against the Lautenberg amendment yesterday because there are a couple loopholes that have been covered and yet many opened. I hope when we vote tomorrow, the public will be watching because the answers will have to be given to them.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senator from New York is to be recognized to offer an amendment.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senator from Illinois, Mr. DURBIN, be added as a cosponsor to this legislation.

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

Mr. SCHUMER. Mr. President, I thank the Chair. Before I get into this amendment, I would like to make one final point, which I thought was relevant to the Senator from Utah. I went over to him privately, but I think the RECORD should show it because he mentioned my name in the debate. I will discuss this after I send up my amendment.

AMENDMENT NO. 350

(Purpose: To amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes)

Mr. SCHUMER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. SCHUMER), for himself, Mr. LAUTENBERG, Mr. KOHL, Mrs. FEINSTEIN, Mr. TORRICELLI, and Mr. DURBIN, proposes an amendment numbered 350.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 265, after line 20, insert the following:

SEC. _____. INTERNET GUN TRAFFICKING ACT OF 1999.

(a) **SHORT TITLE.**—This section may be cited as the ‘Internet Gun Trafficking Act of 1999’.

(b) **REGULATION OF INTERNET FIREARMS TRANSFERS.**—

(1) **PROHIBITIONS.**—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

“(z) **REGULATION OF INTERNET FIREARMS TRANSFERS.**—

“(1) **IN GENERAL.**—It shall be unlawful for any person to operate an Internet website, if a clear purpose of the website is to offer 10 or more firearms for sale or exchange at one time, or is to otherwise facilitate the sale or exchange of 10 or more firearms posted or listed on the website at one time, unless—

“(A) the person is licensed as a manufacturer, importer, or dealer under section 923;

“(B) the person notifies the Secretary of the Internet address of the website, and any other information concerning the website as the Secretary may require by regulation; and

“(C) if any firearm posted or listed for sale or exchange on the website is not from the business inventory or personal collection of that person—

“(i) the person, as a term or condition for posting or listing the firearm for sale or exchange on the website on behalf of a prospective transferor, requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition in accordance with clause (iii);

“(ii) the person prohibits the posting or listing on the website of, and does not in any manner disseminate, any information (including any name, nickname, telephone number, address, or electronic mail address) that is reasonably likely to enable the prospective transferor and prospective transferee to contact one another directly prior to the shipment of the firearm to that person under clause (i), except that this clause does not include any information relating solely to the manufacturer, importer, model, caliber, gauge, physical attributes, operation, performance, or price of the firearm; and

“(iii) with respect to each firearm received from a prospective transferor under clause (i), the person—

“(I) enters such information about the firearm as the Secretary may require by regulation into a separate bound record;

“(II) in transferring the firearm to any transferee, complies with the requirements of this chapter as if the firearm were being transferred from the business inventory of that person; and

“(III) if the prospective transferor does not provide the person with a certified copy of a valid firearms license issued to the prospective transferor under this chapter, submits to the Secretary a report of the transfer or other disposition of the firearm on a form specified by the Secretary, which report shall not include the name of, or any other identifying information relating to, the transferor.

“(2) **TRANSFERS BY PERSONS OTHER THAN LICENSEES.**—It shall be unlawful for any person who is not licensed under section 923 to transfer a firearm pursuant to a posting or listing of the firearm for sale or exchange on an Internet website described in paragraph (1) to any person other than the operator of the website.

“(3) **INTERACTIVE COMPUTER SERVICE.**—Nothing in this section may be construed to provide any basis for liability against an interactive computer service which is not engaged in an activity a purpose of which is to—

“(A) originate an offer for sale of one or more firearms on an Internet website; or

“(B) provide a forum that is directed specifically at an audience of potential customers who wish to sell, exchange, or transfer firearms with or to others.”.

(2) **PENALTIES.**—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7) Whoever willfully violates section 922(z)(2) shall be fined under this title, imprisoned not more than 2 years, or both.”.

Mr. SCHUMER. Mr. President, the point I was about to make regarding the Orrin Hatch amendment, before we get into the substance of this debate—I doubt that we will take the whole hour on this one—is this: Under the Hatch-Craig amendment, there is a new category of people called “special licensees” who can sell at a gun show. They can sell guns en masse—lots of guns. Not only are they not required to do the paperwork, they are not required to do a background check. So when the Senator from Utah said before that they are toughening up the law, it is just not so.

It is true that federally licensed dealers would have to do a background check; it is true that the law is a little toughened up so that individuals who sell to one another might have to do a background check. But we create a whole new huge category of special licensees who can come to gun shows, sell en masse, do no background check and no paper recording. What a loophole.

That is why the Hatch-Craig amendment, more than any other reason, is a giant step not forward but backward. That is why the amendment of the Senator from New Jersey, Mr. LAUTENBERG, is what is needed. I ask my colleagues to look at that as part of the other debate.

Mr. President, we are here today to debate an amendment dealing with Internet sales of guns. I want to thank Chairman HATCH and Senator LEAHY for the opportunity to offer this amendment. We have known for a long time that gun shows are a loophole that have allowed people to buy guns without a background check. We know that. Well, there is another loophole that I believe is about to make a quantum change in the gun black market

and is a disaster waiting to happen: At this moment, on your personal computer in your home, in your child's bedroom, there are thousands and thousands of guns available for sale by unlicensed dealers on the Internet.

These guns, including assault weapons, automatic weapons and cheap handguns, are listed for sale on a no-questions-asked, honor system basis, which leaves it up to anonymous buyers and sellers to comply with Brady and State and local firearms laws. Any computer novice can so readily and so easily find gun web sites that owning a personal computer means having a gun show in your home 24 hours a day.

Last month, for instance, a 17-year-old Alabama boy acquired a Taurus 9 millimeter semi-automatic pistol and 50 rounds of ammunition over the Internet. He was caught only because his mother was home and UPS dropped off the package. Who knows what crime may have been committed with that Internet gun.

Since 1968, it has been illegal for a felon to buy a gun. The reason we passed the Brady law is because enforcement had no mechanism to enforce that law. The Internet returns us to the pre-Brady period where disreputable people can get together and evade gun laws with little prospect of detection. Mark my words, if we don't pass an amendment such as this one, within a year or two, the Internet will be the method of choice by which kids, criminals, and mentally incompetents obtain guns. We will rue the day we don't pass this amendment. Passing this amendment now will save lives.

What does it do? My amendment simply requires that any web site that is set up to offer guns for sale on the Internet be a federally licensed firearm dealer who will make certain that criminal background checks occur with each sale. It just makes the Internet Brady compliant—no more, no less.

Let me show you what is available on the web by simply typing in key words like guns for sale, militia and AK-47. This is the Guns America Web site right here on this paper. Anybody can punch into it. Guns America boasts that it sells guns on the honor system, that there is "not an FFL dealer among the bunch of us," and that it will "grow to hundreds of thousands of new listings every month."

Guns America, at this very moment, has 21 AK-47s and AK-47 copies for sale, with no questions asked—not a soul watching, not a stitch of oversight. It is solely up to anonymous buyers and sellers to comply with all gun laws. Let me tell you, the chance of getting caught breaking the law is as likely as mom finding the gun in junior's bedroom.

Now, this one here is the Weapons Rack, another honor system weapons site. Since last week when I made this poster, the Weapons Rack has had 3,300 visitors to its site. We don't know anything about these visitors. Did they buy? Did they sell? Were they kids?

Were they felons? What we do know is that the number of visitors is indicative that sales on the Internet are growing exponentially. Remember, 5 years ago, practically nobody bought stocks on the Internet. Today, 30 percent of all stocks are sold online.

The internet is about to change the entire way guns are bought and sold in America. And if we don't get on top of it now and create and ironclad enforcement mechanism to ensure Brady compliance, I promise you just as sure as I am standing here, it will cost lives and we will sorely regret it.

This is the Weapons Rack disclaimer: "It is the sole responsibility of the seller and buyer to conform to [firearms] regulations."

Not exactly a confidence booster, is it?

If either the seller or buyer don't want to comply, they go right through.

GunSource.com has 3,600 guns for sale. Their disclaimer says, "Because user authentication on the Internet is difficult, we cannot confirm that each user is who they claim to be."

Isn't that amazing?

Let me read that again. This is right on the Internet. "Because user authentication on the Internet is difficult, we cannot confirm that each user is who they claim to be."

This is a chilling admission. It is also an invitation to those who cannot buy a gun from a licensed dealer to use the cloak of the Internet to find illicit sellers and arms sellers.

Earlier this year eBay, the Nation's largest Internet auction site, put out this statement in conjunction with a directive banning the listing of guns on this web site. This is what eBay said. They said:

The current laws governing the sale of firearms were created for the non-internet sale of firearms. These laws may work well in the real world, but they work less well for the online trading of firearms, where the seller and the buyer rarely meet face-to-face. The online seller cannot readily guarantee that the buyer meets all the qualifications and complies with the laws governing the sale of firearms.

Listen to the experts. eBay said selling guns on the web is too dangerous because they had no idea who was buying and who was selling; no way to find out; no way to ask; no way to verify—the guns are sold purely on faith.

My amendment is balanced, reasonable, and modest.

It replaces blind internet faith with fully Brady compliance, no more, no less.

It bans the unlicensed sale of guns on the internet by requiring websites clearly designed to sell guns to be federally licensed firearms dealers. It won't affect chat rooms. It won't affect newspaper want ads. It won't affect licensed firearms dealers.

It requires internet gun sites to become "middlemen" and act as conduits for all sales by forwarding all gun sales to the appropriate firearms dealer in the buyer's state who will perform the Brady background check. In this way,

it is just like a mail-order sale. You have an intermediary. When the gun is sold, it is sent to a gun dealer who then does the background check and gives the gun to the buyer.

To prevent buyers and sellers from circumventing the website operator and from carrying out transactions which violate federal law—the amendment prohibits sites from listing information like an e-mail address or phone number that allows buyers and sellers to independently contact each other.

Sellguns.com does this already. They are an FFL. This is an auction site where buyers e-mail bids for a particular gun through the website operator. The seller sends the firearm, the shipper pays, and the buyer sends the bid, plus fees and shipping, and SellGuns.com makes the match and identifies the seller's item with the buyer's request. It works well. It is happening now. We would require this to happen in every sale. It doesn't interfere with the transaction of guns; it just makes sure that kids and criminals can't get them.

When a final bid is accepted, the buyer sends a check to SellGuns.com. The seller sends the gun to SellGuns.com. They trade, the check and the gun cross, and everybody is happy.

That is the model for how all internet gun sales will proceed if this amendment passes.

This amendment is also easy to enforce.

Since these websites operate on a volume basis they have to make their sites easily accessible. Most sites are linked to common words like "guns," "AK-47," and "militia." So gun sites are actually easy to find and easy to put into compliance or put out of business if they refuse to comply.

Some members have asked me about the difference between a gun ad in say, Guns and Ammo magazines or a newspaper want ad and gun sites on the internet.

Number one: volume. The number of guns for sale right now on the internet—20,000, 50,000, 100,000 guns—dwarfs anything available in any publication.

Number two: secrecy. Magazines are static publications. If the same individual keeps showing up selling guns, law enforcement can look at back issues and investigate. The internet is ephemeral. Sellers come and go. Ads appear and disappear.

Number three: access. Gun sellers are in my home and your home. They're in the bedrooms of my ten year old and my fourteen year old daughters. Owning a personal computer means having a gun show in your home.

All it takes is a curious and troubled teenager to cruise the web until they find someone willing to sell. At least with Guns and Ammo a kid has got to know the magazine exists and go to a magazine shop and buy it. This gun store is in your home whether you like it or not.

Number four: anonymity. The web allows kids and criminals to use e-mail

to rapidly probe on-line sellers to see who is willing to bypass gun laws. And since it is impossible to monitor any transaction there is only the slimmest of chances that anyone would get caught.

In a magazine ad it would be enormously time consuming and frankly involve luck to figure out who is willing to sell under the table.

Number five: distance. The local want ads, are just that—local. The internet moves the transaction from a neighborhood market to a national market.

Commerce on the internet is in its infancy. I agree with those who say that we ought to be very careful before we prohibit certain activities on the net.

I believe that the internet is one of the reasons that American productivity is at an all-time high and growing at a remarkable pace.

But this is an area that cries out for common sense regulation. It is rare that Congress is ahead of the curve. We usually have to be prodded by crisis to act.

If we fail to close the internet loophole today—I promise you—it will not be the last time that we hear about this issue. A child, a criminal, a disturbed individual will exploit this loophole, evade a background check and commit a crime that will leave America in mourning.

In Alabama, where a juvenile succeeded in buying a gun on the internet an ATF agent said:

The sale of guns on the internet is part of the growing cottage gun industry, replacing face-to-face firearms sales between dealers and individuals at local shops with e-mail messages and shipping orders.

On the internet, the dealers don't know who they're dealing with on the other end. You could be dealing with a career criminal, a drug dealer or a high school student.

Do we really want to leave the sale of guns over the internet completely unregulated?

This bill I am presenting is a balanced, constitutionally sound bill which requires web sites that are clearly designed to offer guns for sale to be federally licensed firearm dealers—no more, no less.

We learned from the Brady bill that the honor system doesn't work for guns. It might for most people. It doesn't for criminals. And it doesn't for kids who want to buy them and to do something terrible.

Pass this amendment and we solve the major problem. Let it fail and we open a firearms cyberhighway that has no exit.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me clear up a point the Senator from New York made this evening before I discuss the amendment that is before us.

He has made the allegation that the special licensee we have created in our amendment for dealing with gun shows

is somehow not going to have to do background checks. Language in the bill says, referring to the special licensee, "shall conduct his activities in accordance with all dealer record keeping required under this chapter for a dealer."

We go to that chapter, 18922, and he falls within that chapter, and that is the requirement of the background check.

So it is our intent. We believe we have covered that intent.

Let the record show that is what we believe the law to be as we proposed it in this form.

I am happy to sit down with the Senator tonight or tomorrow, but I believe we have covered it adequately. There is no question of our intent here. It is not a loophole. The special licensee is a dealer. We put him into the dealer section with all other gun dealers. We will leave it at that for the evening.

Very briefly; I want to get out of here.

Mr. SCHUMER. I don't blame the Senator. I appreciate the courtesy.

As I understand the special licensees, a background check would not be required; rather, the section of the law would require only certification.

Mr. CRAIG. That is not true. The licensee would become a dealer and falls under the dealer section of the law, 922 paragraph T(1). Check it out, read it tonight, see if you don't agree with us. If you don't, we will be happy to discuss it tomorrow.

Mr. SCHUMER. I appreciate that.

Mr. CRAIG. Let me talk about the Internet for a moment.

Somehow in the last day and a half we have heard this marvelous new word "loophole." Everything has a loophole in it. Somehow through a loophole we are cramming everything today. It is a great mantra. I think Bill Clinton coined it in one of his phrases lately—handgun control loophole. Tonight we have a loophole in the Internet. It is called "beam me up a gun, Scotty," except the Senator from New York, being the remarkable fellow he is, has not pioneered Star Trek technology to deal with guns.

The Internet is an advertising medium. It is not a medium of exchange. You advertise on the Internet.

Now, I am not a very good Internet surfer, but I know I can't push a button and see a gun come out from the screen. The Senator from New York knows it, too. In fact, he refers to Guns America Web Site. We pulled it up while he was talking. This is what it said:

Please note, as a buyer you must first call the seller of the gun, confirm price and availability, and arrange for an FFL dealer in your State to receive shipment. Your FFL dealer must send a copy of their license to the seller.

My point is quite simple: If you buy a gun on the Internet, it somehow has to make contact with you.

He referenced a young fellow who acquired a gun on the Internet and his

mother intercepted it because a common carrier had brought it to their home. The common carrier violated the law. It is against the law in America today to send a gun through the U.S. mail or to allow one to be transferred by common carrier to be delivered to a recipient.

I guess that is my point. He may not like the style of advertising or the rhetoric around the advertising, but there has to be a point of contact. How do you make the contact? How does the gun move from the seller to the buyer? Therein lies the issue here.

If I believed what is being said were true, I would be alarmed. I don't think any of us want a gun show in our kiddie's bedrooms. It is great rhetoric tonight. The gun show isn't in the kiddie's bedroom. There is advertising on the Internet. The child can access the Internet. The child can't touch the gun. He cannot receive the gun. And the example that he applied was a violation of the Federal law. Again, one of those laws that we stacked on the books and somehow somebody slipped through it. That is what happens with laws some of the time unless we have this huge web of law enforcement.

My guess is the common carrier is liable in this instance. I don't know the total story, but I do know the gun got delivered to the home and it had to come through some form of common carrier. We believe that to be a violation of the law.

The impact of this amendment is to simply restrict gun sellers to 19th century advertising technology. That is, newspapers and fliers.

On a more serious note, the amendment would be an extraordinary and unprecedented restriction on commercial speech. That is called a violation of the first amendment.

I am not a constitutional lawyer and I am not going to debate that this is a constitutional violation. But my guess, if it were to become law, it would rapidly get tested in the courts because I believe it could be that.

Our laws have never required an advertising medium to become part of the business that it advertises. For example, we don't require a newspaper to get a State liquor license before carrying alcohol ads. But in any event, that would be well beyond anything this Congress ever contemplated.

In fact, Federal law confirms exactly the opposite: The Firearms Owners Protection Act, which became law in 1986, specifically confirms the right of individuals to make occasional sales, exchanges, and/or purchases of firearms for the enhancement of a personal collection, for a hobby, or to sell all or part of a personal collection of firearms within their State or their residence.

I do not quite understand what the Senator from New York is talking about tonight about expanding beyond the boundary of a State. Yes, the Internet is national; it is international. But for a gun owner in New York to buy a

gun out of California would be interstate activity, and that would be against the current law. I think the Senator from New York knows that.

What we are suggesting in our amendment, because we do address the issue of Internet activities, this Congress would not want anything illegal going on in the Internet. If you use the Internet to offer a firearm to a felon, and you know it, you broke the law. That is what we are saying. If your intent is to sell to anybody on the Internet and not require the checking, you are breaking the law. That is what we would say.

The Hatch-Craig amendment makes it a crime to knowingly solicit—that is what you are doing on the Internet, you are soliciting. You are not transporting guns, you are not putting them in the hands of kids, you are soliciting—to knowingly solicit an illegal firearm transaction through the Internet. That is what we do.

We go a step forward and talk about explosive materials. There is a very real concern on the Internet today about bombs—not material, because you can't transport it, again, but the diagrams to build a bomb. I am opposed to that, too. But at least you have to go out and acquire the material to build one because the Internet doesn't "beam it through to your home, Scotty," nor does it beam the gun.

That is the reality. Our amendment is simple. We think it addresses the issue. I hope our colleagues tomorrow would vote for the Hatch-Craig amendment that covers all of these issues very clearly, very succinctly.

I yield back the remainder of my time.

Mr. SCHUMER. Mr. President, I will answer a few points of the Senator from Idaho and maybe we can engage in a dialog.

The Senator is wrong in one sense. The Internet does not just do advertising. Some sites just do advertising, and if there were no efforts to transfer guns, we would agree.

How about when a web site offers guns and earns a fee when there is a sale? That is not an advertisement, it is a business. The more guns they sell, the more the web site makes.

The second point I make, and this is the most important point, the Senator from Idaho got up and he said they give each other the name and address, and it is their responsibility to contact a firearms dealer.

Say I am a 15-year-old and I want a gun, but I don't tell the seller that I want it, and I don't contact the firearms dealer. What is to stop me from doing that? That is the point here.

Sure, in a perfect world, the Senator from Idaho would be right. But then we wouldn't be debating a juvenile crime bill. The fact that there are criminals, young and old, means there are people who won't obey the law. All we are trying to do is make it easy for law enforcement or even possible for law enforcement to make sure people obey the law.

I guess I would ask my friend from Idaho if the 15-year-old has no intention of going through a licensed dealer, which is the law for an out-of-State sale, how do we stop him under present law? How do we stop him from getting the gun? That is the problem.

Mr. CRAIG. I will respond briefly. The hour is late.

Mr. SCHUMER. I appreciate that.

Mr. CRAIG. We can conduct more dialog on this tomorrow.

Under current law—in other words, we are talking about "the law," not a vacuum but the law, let me read what Guns America says: "As a buyer, you must first call a dealer."

The reason you have to do that is the gun is transferred through the dealer, not through the mail. Because the 15-year-old cannot—

Mr. SCHUMER. I ask the Senator, what if he doesn't call the dealer?

Mr. CRAIG. Then he will not get the gun.

Mr. SCHUMER. They will still mail him the gun. They don't know he is 15.

Mr. CRAIG. The U.S. Postal Service says it is illegal.

Mr. SCHUMER. But the U.S. Postal Service doesn't open every package.

Mr. CRAIG. I can't dispute that. In other words, he broke a law.

Mr. SCHUMER. He got the gun.

Mr. CRAIG. But he broke a law. You are going to create another law to be broken. Why don't we enforce the law we have?

Mr. SCHUMER. Reclaiming my time—

Mr. CRAIG. You have it.

Mr. SCHUMER. The point is, the two gentlemen from Columbine High School broke the law. If we want to allow every kid to get a gun and we can then, after they create havoc, say they broke the law, we are in pretty sad shape.

What we want to do here is prevent them from getting guns. To simply say a 15-year-old who purchases a gun on the Internet broke the law is not very satisfying to most Americans. They want to stop them from getting the gun, prevent him from getting the gun.

So I suggest there in a nutshell is the whole argument. The Senator from Idaho says, since the law prohibits interstate gun sales, we should allow a 15-year-old who wants to violate the law to use the exact mechanism we have talked about, the Internet, to get that gun and then after he gets the gun we go after him.

Mr. CRAIG. I am going to have to ask the Senator to yield because that is a very improper portrayal of what I just said. Be accurate, please.

Mr. SCHUMER. Let me just finish my point and then I will be delighted to allow the Senator to respond.

The 15-year-old wants to break the law, sends for the gun, gets the gun, and because the Postal Service is not going to open every package ahead of time, there is nothing that prevents the 15-year-old from getting the gun. In fact, the Postal Service has no way of

knowing that gun is being shipped to an underage person. So they cannot even—there is not even a suspicion. Then, after that person gets the gun, we say that person broke the law.

In fact, the only way we are going to know they broke the law is if they use that gun for a bad purpose. If there was ever a situation of closing the barn door after the cows got out of the barn, this is it.

I simply ask my colleague to rethink his opposition to this legislation based on his own statement. He broke the law. How do we know it? The only human way we can know it, that is humanly possible, is after the gun is used in a crime. If the Senator would like me to yield, I will. I do not have to if he does not want to respond. Please. It is on my time.

Mr. CRAIG. I will only comment this much further and then I am through for the evening. I have been sitting here adding up the laws that your description broke. The seller has broken the law tonight by your definition.

Mr. SCHUMER. No.

Mr. CRAIG. Absolutely, if he sold to a juvenile.

Mr. SCHUMER. The seller has no knowledge that the child is 15.

Mr. CRAIG. I think he says he wants the knowledge here.

Mr. SCHUMER. But the point is, if the child writes in "25," there is no way the seller knows.

Mr. CRAIG. If he doesn't check it out, he broke the law.

Mr. SCHUMER. How is he going to check it out?

Mr. CRAIG. Because it is his responsibility as a dealer.

Mr. SCHUMER. I submit, none of the dealers and none of the advertisers on the Internet actually go check. If someone says they are above 25—

Mr. CRAIG. It sounds like ATF isn't doing their job.

Mr. SCHUMER. It doesn't sound like that to me.

Mr. CRAIG. I counted that breaking the law. The juvenile is breaking the law.

Mr. SCHUMER. Clearly.

Mr. CRAIG. And the common carrier is probably breaking the law.

Mr. SCHUMER. I don't think the common carrier did.

But, again, my point is a simple one. They are all breaking the law, and there is no way to find out. This is not a question for the ATF. This is a question because the Senator would be one of the first if the ATF started opening every package to see if there were guns and knocking on the door of every person who ordered a gun to see what age they were, which is of course an absurd situation, we would all be in an outcry. So, to say that three people broke the law is not very satisfying. To say that Klebold and Harris broke the law in Littleton is not very satisfying to the parents who are grieving their children.

By this simple piece of legislation, we might have stopped it. Without impinging on anyone's rights, without

changing anything else, we might have stopped it.

With that, I yield the remainder of my time.

THE PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Has all time been yielded back?

THE PRESIDING OFFICER. It has.

Mr. LEAHY. Mr. President, Amendment No. 329 more than any other we have seen so far cobbles together a number of proposals that have been around for a long time. Let me start with the NIH study, the \$2 million study required by the amendment.

I am concerned that this amendment singles out only a few potential influences on teen behavior. A better approach, in my view, would be to study all factors—the role of parents and schools, the existence of counseling and guidance efforts, the alienation of young from their peers, and media influences, among other things.

The President has called on the Surgeon General to conduct just that type of review. Perhaps we should include the NIH and other experts in the Surgeon General study which is now underway.

In our rush to respond to very real tragedies, we should take care to study all the factors, and to seek solutions that won't trample the First Amendment. To artificially limit the NIH study to only media influences may not be proper scientific design. The role of parents must be considered. Bad parenting can have devastating effects on the behavior of children. Just ask the child in an alcoholic family, or in a family where there is spouse abuse, or worse.

I am also concerned about the two sets of antitrust exemptions being proposed in this amendment.

I have spent a good deal of effort over the past several years working to eliminate unjustified antitrust exemptions from the law. The baseball antitrust amendment comes to mind as one that the Chairman of the Judiciary Committee and I worked on together for years until we finally succeeded last year.

Do we have the views of the Department of Justice Antitrust Division on either of these proposed antitrust exemptions?

Last time I examined this issue was when the Assistant Attorney General for Antitrust clarified that it would not violate the antitrust laws of television stations to agree on guidelines and viewer advisories to reduce the negative impact of violence on television. That was 1994. It was not illegal now. So, I do not understand the need for antitrust exemptions.

My fear is that any such exemption might be abused and used to immunize anti-competitive conduct to the detriment of consumers viewers and other companies in and around the entertainment industries.

I note that one of the exemptions at least to protect against legal-

izing group boycotts. Whether that language succeeds, I cannot tell as I read it here on the floor. But I do know that the language applies to only one of the two exemptions and does not reach all anticompetitive conduct.

Does that create the implication that boycotts are an acceptable way to “enforce” rules or act anti-competitively? The language mandates enforcement but does not say how.

Senators BROWNBACK and HATCH had initially provided me with two very different amendments, and I assumed that the fight would have been over which amendment would win over the other—since they are inconsistent.

It never occurred to me that they would simply slap them together into one inconsistent mass which will be impossible to interpret.

The combined amendment that passed yesterday has major flaws. It defines the Internet in a way that could have major unintended effects on other laws.

It hugely denigrates the role of parents—essentially the amendment considers parents almost irrelevant to the development of children into young adults. It blames most of the social problems of children on television, movies and music—an easy target even in the face of falling national crime statistics.

Television programming and movie content is a tempting subject for demagoguery. It is much harder to deal with issues such as bad parenting and lack of parental supervision because then we can only blame ourselves.

Contrary to the findings in the amendment, there is no substitute for parental involvement in the raising of our children.

I am also very nervous about involving government in the day-to-day regulation of the content of television shows or movies and other forms of speech. I do not see how the government can step into the shoes of parents.

The Supreme Court has noted that “laws regulating speech for the protection of children have no limiting principle, and a well-intentioned law restricting protected speech on the basis of content is, nevertheless, state-sponsored censorship.”

Movies such as “Saving Private Ryan” or “Schindler’s List” are violent. I admit it. But I do not think that such films should be discouraged because of any government enforced content standards.

If this amendment were voluntary we, of course, would not need to pass it since the entertainment industry leaders can already work together to develop guidelines, standards, ratings and label warnings. That is why I worked out a deal, and signed a dear colleague letter, with Senators HATCH, LOTT, DASCHLE, McCAIN and others in July of 1997.

We agreed, based on clear guidance from the Justice Department, that entertainment industry leaders could

meet to work out these guidelines and standards and that there would be no antitrust concerns.

Antitrust laws permit meeting to work out voluntary guidelines.

This slapped-together amendment goes way beyond that understanding.

Letters dated January 25, 1994, January 7, 1994, and November 29, 1993, from the Justice Department make it clear that industry leaders can work together to establish guidelines regarding violence in programming and movies.

One bedrock principle of our democratic government and one of the basic protections of freedoms to enjoy as Americans is the First Amendment’s guarantee that the government will keep itself out of the regulation of speech.

When the Constitution says that “Congress shall make no law *** abridging the freedom of speech,” I believe it means what it says. That provision ought to be respected until it is repealed which I hope never, never, happens.

For years there have been crusades against the content of books and movies but government enforcement is not the answer—where do you draw the line?

This goes back to the old joke about a conference of ministers of different faiths getting together and trying to start the meetings. They could never agree on the opening prayer so that had to cancel the conference.

I know that some have fond memories of the days of content regulation when only separate beds could be shown on shows like Dick Van Dyke. One of the findings fondly looks back at these standards stating from page 6 of the amendment that “The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.” What is “essential to the plot” and who decides that question? What is “tasteful” and should the government decide that?

National crime statistics show crime has declined in recent years. I know that Mayor Giuliani keeps talking about that reduction in crime. What does this drop in crime statistics mean in terms of this amendment?

Section 505 of the amendment allows for the “enforcement” of guidelines “designed to ensure compliance” with ratings and labeling systems. When you use words such as “enforcement” and “designed to ensure compliance” that does not sound voluntary to me. I hope that we take more time in conference to read this amendment and consider the possible problems posed by its language.

I know some want to permit government enforcement of vague standards on the content of TV shows and movies. No one will know what is allowed and what isn’t allowed. That is chilling, it violates the Constitution, and it relegates the role of parents to mere observers.

Mr. GORTON. Mr. President, on April 20, 1999 two Columbine High School students in Littleton, Colorado, swept into that school with sawed-off shot-guns, one pistol, one semiautomatic rifle, and as many as 60 homemade pipe bombs. Before they turned their guns on themselves, they killed 12 fellow students and 1 teacher and wounded 21 others. In doing so, they violated 17 separate federal and Colorado state Statutes relating to guns and explosive devices, not to mention a host of criminal laws criminalizing their assaults and murders.

In a justified aftermath of horror and revulsion, wide-ranging public opinions across the United States demands that the federal government do SOMETHING, anything, to make this violence go away. The most prominent call is for more gun laws, many of which raise serious constitutional questions under the 2nd Amendment.

Other attack Hollywood and the Internet for the pervasive violence in movies, music and the Internet, all easily available to the most impressionable of our teenagers. Any controls of this nature clearly run afoul of the 1st Amendment.

Others blame parents, the lax law enforcement and the schools themselves. Few, curiously enough, recognize the reality of an evil that lurks in the minds of at least a handful of human beings and is clearly beyond the ability of any law to control.

It would be wonderful if we could just pass a law through Congress, another gun control measure or another limitation on free speech that could prevent another Littleton, Colorado, or Jonesboro, Arkansas. But who, in the calm aftermath of this tragedy, believes that two or three more gun laws, in addition to the dozen and a half violated by the two Colorado teenagers, would have made the slightest difference in Littleton?

The perpetrators of this violence were far beyond caring about adhering to human laws. They were bent on killing. The arena in which to reach and stop this evil is not Congress. It is in those places where the human heart can be touched; the home, the community and the church, and in the humility to recognize that no human efforts will ever eliminate all evil from human hearts.

My children were in high school 25 years ago and I am struck by the thought that this kind of extreme violence involving school kids did not happen in America then and in my own high school years more people may have owned guns than do so today. I can't help but ask: What has changed? Why does this happen now?

The Senate has begun a debate of a Juvenile Justice bill that will serve as a vehicle for a number of amendments relating to guns and explosives. At least eight different such proposals were submitted to Congress by President Clinton in the wake of the Littleton tragedy. This is the same President

whose budget, bloated in so many other respects, makes drastic cuts in the field of effective law enforcement assistance. This year, for example, over President Clinton's objection, Congress will continue to fund a Byrne Grant program—a program that encourages cooperative drug enforcement and treatment mechanisms across the country and in my State of Washington. Last year Washington State received \$10 million in Byrne Grants, without which our law enforcement officials would find it next to impossible to combat the biggest drug problem in our state—meth labs. Despite this success, the President proposes drastic cuts in this successful program.

Clinton's budget also zeroes out funding for a huge law enforcement program—the Local Law Enforcement Block Grant and the Violent Offender Incarceration and Truth in Sentencing Incentive Grants, which Washington state uses to help fund prison construction, was gutted in Clinton's budget—from \$772.5 million in FY 1999 to \$75 million in FY 2000.

Far better to fund anti-crime programs that have proven to be successful than to ignore those successes and substitute new statutes on the backs of statutes that have been unsuccessful in attaining their own goals. Why not enforce the gun laws we already have than add new ones to those the Administration ignores?

Let me make a point clearly here—I thrive on working as an elected official because I believe that sensible actions by government can have a positive impact on the lives of families and communities across America.

One positive role for government is in promoting a safer society. As Washington State Attorney General and now as Senator, I have supported laws to make safer products for consumers including safe food, clothes, cars and highways. I have worked nearly every day in the last three years on the issue of school safety to change federal rules to give more flexibility to local school districts to expel violent students. Individuals in our society cannot assure a safe food supply or safe products or safe roads, so taking sensible steps to make lives safer is a proper function of government.

Still, I am convince that more laws would not have prevented what happened in Littleton and, what is more important as we look forward—I believe that it is dangerous to promote legislation as a solution. What is wrong with the President's gun law proposal and any other legislation promoted under the banner of stopping violence? They are wrong because they are a mirage. We are repulsed by violence and the mirage of a federal government's answer to violence raises false hopes. The false hope that violence will be stopped by new federal laws is also wrong because it detracts attention from the need to fix what is wrong in individual families and communities the need to concentrate on those sick

elements in our nation that promote violence and disrespect for life. This violence stemmed from an evil that found fertile ground in the hearts of two impressionable boys in Colorado and another federal law will not eradicate that evil.

There are things that government can do to make our society safer, including making our schools safer, and we have already passed one amendment to just that end, but the scope of evil which showed its face in Littleton is beyond the reach of government action. Controlling violence of this scope will come when people care more for each other and I, for one, will not join in any chorus of politicians promising that government will make that happen.

I know that there are people of goodwill who disagree with me. They want so desperately to do something about this horrible event. I understand that desire. If I agreed, I would have already introduced legislation. But I believe that actions closer to home are far more likely to be successful. I know that this is a radical concept, but most of what is good about America is not made so by federal legislation. People across our country are searching their hearts and their communities for answers. In hundreds of local papers you can see that nearly every school district in America has already called together teachers, parents and community members to see what can be done locally. Local people in their churches of all denominations are getting together to see how they can do more to reach kids in trouble. And every parent in America has considered carefully whether his or her children are at risk of committing violence.

We should allow this process of national soul searching to continue. If out of this process positive actions for the federal government emerge we should respond, but we should not hold not immediate federal action as false hope in place of the real actions and changes that will take place in communities, homes and schools across America.

It is difficult in this body to face the fact that we don't really need new laws as much as we need the enforcement of the laws we already have. Even more important than that, however, is a thorough examination of the culture of violence in our society and a broad base societal demand that those who profit from that violence, in the media and elsewhere, be brought to show more responsibility and more restraint.

I am concerned that the underlying Juvenile Justice bill suffers from the same defects. While it includes a few good ideas, it is another example of Washington, DC knows best. It spends money we don't have and tells every state and local government that we here in Washington, DC, know more about juvenile justice than those who spend their lives on the subject do.

Mr. LEAHY. Mr. President, my friend from Utah attacked the motion picture

theater industry yesterday for not enforcing their voluntary rating system. Though no system, voluntary or mandatory, can every be perfect, the fact is that the exhibition industry is doing an increasingly better job enforcing those movie ratings.

The National Association of Theater Owners, the industry trade association, and its members have made ratings enforcement a top priority. The association has developed a videotape training series on the ratings and their enforcement for theater managers and employees.

It has distributed hundreds of thousands of brochures through theaters to the public which explains the rating system.

It has published weekly bulletins to its members and newspapers on new ratings.

It has published educational articles for its members, and it has held industry-wide meetings twice a year in which code enforcement is emphasized.

Recently, the Motion Picture Association and the National Association of Theater Owners began developing slide presentations for display during intermissions about the ratings.

The motion picture theater industry may be the only industry in the country which voluntarily turns down millions of dollars in ticket sales to enforce a voluntary rating system. We should all encourage the industry to do more. But in our rush to judgement, let us remember to consider the facts.

Mr. BURNS. Mr. President, I rise today to lend my voice in support of the juvenile justice bill currently before the Senate. This is an extensive, thoughtful approach to try to decrease the juvenile crime rate and to try to intervene in today's high-risk youth.

I stand before you to tell you that this is not only an urban problem. In our largest city, Billings, we have about 80,000 people, small by most States' standards. However, we also have gangs. Size and closeness of community doesn't inoculate us from the effects of our society. Even our tribal population is affected by juvenile crime. Youth on our reservations are being solicited for gang enrollment at increasingly earlier ages. From Billings to Fort Belknap, from Helena to Havre, from Gallatin to Glasgow to Great Falls, no area of the state is immune from the problem of juvenile delinquency. This bill finally tries to provide a focused approach to both reach today's youth and to prosecute violent criminals.

I would like to say that I agree and support all provisions of this bill. However, like most major legislation, there are some minor issues that cause me concern. But what we are really trying to do here is to intervene early in a youth's criminal career. By stopping the spree early, we prevent a lifetime of crime and create a contributing member of society.

Let me highlight why this bill is so drastically different from any previous

juvenile justice legislation. First and foremost, this bill establishes a \$450 million block grant program for state and local governments to establish youth violence programs. This almost doubles the FY 99 spending in equivalent programs. These funds can be used for record keeping, detention facilities, restitution programs, anti-truancy programs, gang intervention, crime training programs, and vocational training. In addition, it encourages the establishment of programs that will punish adults who knowingly use juveniles to help commit crimes. This is a key provision, since often adults will use kids in crime specifically because they are exempt from some of the stiffer penalties that apply to adults.

I have long been a proponent of enforcing existing laws. Right now, there is little additional penalty for repeat juvenile offenders. This law provides for graduated penalties to put some real teeth into law enforcement. There is also a juvenile version of the "Brady bill," which prevents a person convicted of a violent felon of possessing a firearm.

Overall, this bill provides \$1 billion specifically for juvenile crime programs. It covers everything from education to intervention. This comprehensive package will make significant strides in trying to keep our most precious commodity, our youth, out of harms way. I will be casting my vote in favor of this bill, and I encourage my colleagues to do the same.

MORNING BUSINESS

Mr. CRAIG. 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 PASSING OF REAR ADMIRAL JAMES "BUD" NANCE

Mr. THURMOND. Mr. President, Admiral Bud Nance, the Staff Director of the Senate Foreign Relations Committee, passed away earlier this week and I rise to pay tribute to him and the service he rendered the nation.

Few others amassed the impressive record of public service that Bud did. He served the United States during times of war and during times of peace, and none can challenge that he was a man who loved the nation and who worked to protect her interests, security, and most importantly, citizens.

Born 77-years-ago in the "Tarheel State", Bud Nance became involved in public service at an early age, attending and graduating from the United States Naval Academy. It was 1944 when Bud Nance became an ensign, and World War II was still a year away from ending, so the young officer was posted to the Battleship North Carolina where he began what was to be a long and illustrious career. Though

many would point to his achieving the rank of Rear Admiral as a demonstration of his abilities as an officer, I would counter that it was his command of the aircraft carrier USS *Forrestal* that serves as the best illustration of his professionalism and abilities as a sailor and leader. Simply put, there are few more coveted or more selectively assigned duties than that of captain of a carrier.

I am sure that when Bud stowed his seabag at the end of his final tour and retired from the Navy, he thought his days of hard work, low pay, and government service were behind him. Nothing could be further from the truth. As is common with all those who enter public service, even more so with the World War II generation, devotion to duty and a desire to make a difference was at the core of what made Bud Nance "tick". I doubt that he hesitated for a moment when Senator HELMS called him in 1991 and asked him to become the "skipper" of the Senate Foreign Relations Committee.

For the past eight-years, Bud Nance has worked tirelessly to promote American foreign policy and he made many important and significant contributions to international relations during his tenure as the staff director of the Foreign Relations Committee. Bud, more than most, understood that the policy and directives that emanate from Congress can have a powerful impact on the world beyond the Beltway. He knew from firsthand experience that there is a tremendous difference in how the world looks from the Senate Chamber and a foxhole in some remote part of the world. The advice and guidance that Bud gave Senator HELMS and other members of the Foreign Relations Committee was based on a lifetime of experience and a world view that was unique and insightful.

Bud leaves behind many who cared for and admired this man, not the least of whom is his widow, Mary. I know that each of us sends our deepest condolences to her, as well as the children and grandchildren of the Nances, for their loss.

Mr. President, with the passing of Admiral Bud Nance, the Senate has lost a dedicated and selfless staffer, the nation has lost a true patriot, and many of us—especially JESSE HELMS—have lost a good friend. I join my friend from North Carolina in mourning this man, and I wish Admiral James "Bud" Nance fair winds and following seas on his final voyage.

IN MEMORY OF MEG GREENFIELD

Mr. DASCHLE. Mr. President, Meg Greenfield has just passed away.

On behalf of all colleagues in the Senate, our hearts go out to the family, to all of those who were so close to Meg over these years. There are few giants in journalism who have the standing stature and the extraordinary influence that Meg Greenfield has had through the years.