

proper for a school to hold a memorial service when a student or teacher is killed on school grounds. And it is fitting and proper to include religious references, songs, and readings in such a service. Memorial services help the grieving process of students and faculty, bring a school together in the face of tragedy, and meet a need deeply felt by so many to see their friend given recognition in a dignified and solemn manner. My amendment allows students and faculty of a public school to hold a memorial service that includes prayer, reading of scripture, or the performance of religious music at a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus.

As a part of my proposed amendment there is a section that allows for the construction of a memorial that includes religious symbols or reference to God on school property. In either case, if a lawsuit is brought forth, parties are required to pay their own fees and costs and the Attorney General is authorized to provide legal assistance to defenders.

This is not the equivalent of a daily school prayer. A memorial service is a very specific response to an unusual circumstance, a circumstance I hope we will not have to revisit again. The amendments specifically mention that religious songs may be sung at such memorials without violating the Constitution. The two federal appeals courts that have taken up this issue both have ruled that school choirs may sing religious music. And the Fifth Circuit Court of Appeals held that it was constitutional for a public high school choir to have "The Lord Bless You and Keep You" as its signature song.

In the same way, erecting a memorial that contained religious references, such as a quote from scripture, or a religious symbol from the deceased's religious tradition, would not violate the establishment clause of the Constitution.

In any community visited by such a tragedy, a person who views such a memorial with religious symbols or references that were important to the deceased would certainly not see some sort of covert attempt to establish an official religion. Rather, they would see a fitting and proper memorial to a departed friend.

I urge my colleagues to support my modest proposal. This legislation does two things. It requires that if a school holds memorial services or puts up a memorial in response to a killing on school grounds, and the school is sued, then all parties will bear their own costs and attorneys fees. A school that has experienced a tragedy of this kind should not have to worry about someone bringing a suit and winning thousands and thousands of dollars in attorney fee awards just because the school decides to hold a memorial service or put up a memorial. Second, this legislation permits—but does not require—

the Attorney General to aid a school in defending against these suits.

This is one small thing we can do to help our schools respond in a humane, compassionate, and constitutional way to the violence that has become far too common in our schools. If the people of Colorado believe that religious speech is necessary to memorialize the heroism and tragedy at Columbine High School, then let them express themselves with the most profound and durable expressions of the human heart. Let us adopt this amendment today, hoping an occasion for its use may never happen again.

I yield the floor.

#### Y2K ACT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of S. 96 regarding the Y2K liability legislation.

Mr. REID. Mr. President, I object.

Mr. LOTT. Mr. President, I regret the objection has been heard from our Democratic friends. This is an important issue all over America. The clock is running.

#### CLOTURE MOTION

I move to proceed to S. 96, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 34, S. 96, the Y2K legislation.:

Trent Lott, John McCain, Jesse Helms, Rod Grams, Connie Mack, John H. Chafee, R. F. Bennett, Larry E. Craig, Craig Thomas, Pete Domenici, Richard G. Lugar, Sam Brownback, Ben Nighthorse Campbell, Pat Roberts, Chuck Hagel, and Spencer Abraham.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Tuesday, May 18.

I ask consent the vote occur at 9:45 a.m. on Tuesday, and the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Nevada is recognized.

#### ORDER OF PROCEDURE

Mr. REID. Will the Chair explain to the Senator what the parliamentary status is in the Senate today?

The PRESIDING OFFICER. The question before the Senate is a motion to proceed to S. 96, the Y2K legislation.

Mr. REID. I ask unanimous consent that we be allowed to offer amendments to S. 254, the bill we have been working on all week.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Mr. President, I object.

The PRESIDING OFFICER. An objection is heard.

Mr. REID. Mr. President, I really think that is unfortunate. We have worked all week trying to resolve this issue. I have worked personally with Senator DORGAN trying to whittle down these amendments. I have worked many hours these last couple of days.

We have now on our side and on the majority side worked to bring down the amendments to a fairly good number. For the life of me, I cannot understand why we cannot proceed working all day today offering amendments. We have people who are waiting to offer amendments. I have an amendment I will be happy to offer.

We have Senators who will talk into the night offering amendments. There is no effort on behalf of the minority to delay this matter. We have worked very hard to even get time limits on our amendments. We can complete this legislation very quickly. I have had the opportunity to look through some of the amendments the majority has locked in under a previous unanimous consent agreement. We can work today, all day Monday, and then Tuesday there would not be much left to do.

It is tremendously unfortunate that we are unable to proceed on this. I will tell you why, for a couple of reasons.

When I came home last night—I worked late on the emergency supplemental. I got home around 9:30 or 10 o'clock last night and looked through my mail. I was surprised to get a letter from a longtime friend.

As some of my friends know, I was born and raised in Searchlight, NV, a very small town. There are not a lot of people from Searchlight. But I received a letter from someone who was raised in Searchlight just like me, someone older than I am but someone I have known literally all my life.

I can remember when I was a 13-year-old boy. I moved from Searchlight to Henderson, NV, where there was a high school and I was living with an aunt.

Early one morning, we were all awakened because one of my uncles from Searchlight came to give us the very bad news that his stepdaughter had been shot while working at one of the hotels in Las Vegas by this crazed man who shot her for no reason. He did not know her. She was very, very attractive, and this man who should not have had a pistol shot her.

Much of what is in the letter is personal in nature—and not that this isn't personal in nature—but the other relates to my family. But, let me read the last paragraph. She closed this letter with:

Hope you can feel free to support all legislation knocking down the strong gun lobby. I would like to personally shoot the crotch out of Moses, also known as Charlton Heston. I have 46 years of anger built up on this issue.

She is a paraplegic.

I know it can be political suicide to go up against them, but they are rotten to the core

and selfish in their interests. While I have the best of friends and have managed to live (have not really had a life) I dare them to follow me in my wheelchair tracks.

She closes by saying:

Stay well, sweet boy [talking to me].

This legislation we are attempting to resolve needs to be resolved. People may disagree with my friend from Searchlight now living in Las Vegas, Jean McColl, who has spent 46 years in a wheelchair as a result of being shot by somebody that shouldn't have had a gun. But that is what we are debating in this Chamber.

We should have the opportunity to offer amendments. There is no reason in the world that we should not be able to offer the amendments. We have 30-plus amendments on this side. By Tuesday I bet we could get rid of 25 of them, leaving on Tuesday just a handful of amendments to work on.

I also not only indicate what was written by my friend, Jeannie McColl, a beautiful, wonderful woman, who shortly after she was injured by this crazed man, was divorced and has raised this little boy by herself; in addition to the letter from Jeannie, I received another letter from a man who was complaining about something he felt was somewhat improper. He lives in Reno.

Dear Senator REID:

I am writing in regards to the enclosed National Rifle Association membership that was mailed to my 13 year-old daughter. I am not a gun advocate and have never voiced an opinion and I certainly believe in our constitution and the right to bear arms but I am rather astonished that the membership application is addressed to my 13 year-old daughter.

As we strive in our community to ensure that our schools are safe for our children, one of the biggest fears that parents have is a gun at school. We have been able to turn her particular school around from a very violent and non-academic oriented institution to one that we are all very proud and where the students are doing extremely well.

I am absolutely amazed that the National Rifle Association would have the audacity to mail membership applications to children. At some point, I believe this must be part of our government regulations. Will my youngest 11-year-old daughter be contacted next with another outrageous suggestion that is only supporting violence?

It is signed: "David L. Brody, Registered Voter"—that is how he lists his signature—Reno, NV.

Mr. President, Jeannie McColl, David Brody—we need to move forward with this legislation.

I see the majority leader. I certainly want to yield the floor to the majority leader.

Mr. Leader, what I have said here is that we have some amendments. We have people standing by to offer amendments. We really would like to do that. One of the Senators on the majority side objected to the offering of amendments.

I will be very brief. As I said, we want to work our way through these, as I indicated before the leader got here. We have 30-plus amendments. I

think we could get rid of 20 of these amendments by Tuesday morning if we had the opportunity to offer these amendments today and Monday.

Mr. LOTT. Mr. President, if I could respond.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. First of all, Senator HATCH and Senator LEAHY, the managers of the bill, are not on the floor at this time. I assume they are still in the area. And I have a call in to Senator HATCH so he will come back. And we can discuss how we might proceed and see what amendments we are talking about. Because you can certainly understand, it is hard to have the debate go forward without the managers knowing what amendments we are talking about, and that they are sort of in an order.

I understand the Kohl amendment, for instance, was next in order, and maybe even pretty much has been worked out. But I need to make sure that that is the case. And then, secondly, there may still be somebody opposed to it and have indicated they want to be able to be heard on the other side. So we have to make sure that Senators both for and against bills are protected in their desire to speak on an amendment. And that is basically it.

Senator KOHL is here. If there is no particular problem, then maybe we could go to that one and have him present it and make his statement. If there is a Senator opposed to it, he or she could come over. If not, we could go on. But there is a need to make sure that everybody knows what is happening. And both sides are aware that they should come to the floor and express themselves if they desire to.

The problem is, it is 12:15; it is Friday afternoon. As you know, it is very hard to work down this list of amendments when—once Senators realize basically the votes are over, they have commitments, and they are gone. But I will talk with Senator HATCH as soon as we get in touch with him and see if there is any problem with going forward with Senator KOHL. Then, of course, we need to go back and see if there is another amendment on this side. We will work through that. But we have to make sure everybody is notified we are going to be trying to do it.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me commend the distinguished assistant Democratic leader for his efforts, again, and for comments he has just made. I am puzzled. I thought we were going to proceed today with additional amendments. We have submitted our list with that intention. We had indicated we were prepared to work this afternoon; we are prepared to work on Monday. But not having our managers here, it makes it difficult.

Senator LEAHY is here. And Senator LEAHY has indicated a willingness to come back and work through these amendments. You know, this points up the very problem our colleagues have raised with us when we talk to them about having the need to offer amendments on Fridays and Mondays.

If the Republican manager leaves, it is awfully hard for us to offer these amendments. We want to make the most of Friday and Monday. The only way we are going to do that is to have the Republican manager here so we can accommodate those Senators who want to cooperate. It is hard to ask for their cooperation if we do not have somebody on the other side to cooperate with.

So I am troubled by that and I hope we can make the most of this afternoon and make the most of Monday. I must say, Mr. President, I am also surprised at the motion to file cloture on the motion to proceed. That is tantamount to pulling this bill. That is what it means. If we get the motion to proceed we are on the Y2K bill. And I thought the majority leader said he wanted to finish this bill on Tuesday.

Mr. LOTT. Would the Senator yield?

Mr. DASCHLE. I would be happy to yield.

Mr. LOTT. On that particular point, I do not know what the vote would be on the cloture on the motion to proceed on Y2K. I suspect it may pass, maybe even pass unanimously. At that point we are on that unless we can get an agreement to come back to the juvenile justice bill, which I assume we could do, but with the understanding we get something worked out as to how we proceed.

I have been signaling all week that we wanted to go back to Y2K especially, and we need to get started early since we had to file a cloture motion on even the motion to proceed. But you know, if we can get a solid, overwhelming vote on that, rather than spending 30 hours on it, hopefully something could be worked out on that as to how we would proceed to that, maybe right after the juvenile justice bill, and that we could get agreement to come back to juvenile justice at that point.

It is just that I had to get that ball rolling. And I assume and I hope maybe that is just one vote in what could be a series of votes. But hopefully we will get something worked out on that. But I wanted to make sure that—I am certainly amenable to trying to work out an agreement to go back to juvenile justice after we have that vote Tuesday morning.

Mr. DASCHLE. I appreciate that clarification and assurance from the majority leader. As he knows, of course, that takes unanimous consent. There may be people who oppose going back to the juvenile justice bill, and so then we are, under regular order, on the Y2K bill. So a vote for cloture on the motion to proceed would be a vote to table, to put back on the calendar the juvenile justice bill.

I have indicated to the majority leader that we would be prepared, based upon the negotiations that have been going on all week, to maybe work some arrangement out with regard to the Y2K bill. We hadn't had any discussion about this. The motion was filed, and so there was no communication at all on that matter—this, ironically, at the same time we were trying to work with the majority leader to try to accommodate his need to move this juvenile justice bill along.

Surprises are never welcomed, and this was a surprise that was disappointing. Nonetheless, we will work through that. We will work to accommodate whatever other legislative schedule there may be this next week.

I will say this: At this point I am very concerned about voting on the motion to proceed under these circumstances. I think we could finish this bill and then perhaps go on to the Y2K bill. I might even be prepared to move to the motion to proceed and support it myself if we can get this juvenile justice bill done. But to put it back on the calendar and then ask unanimous consent to take it back off the calendar, if we vote for cloture on the motion to proceed—and that is what we would have to do—is a matter that is disturbing.

We have a circumstance here that is confusing, to say the least. The majority leader, for good reason, admonished all of us to make the most of Friday, to make the most of Monday, on the juvenile justice bill. Then he files cloture, effectively taking the bill off the calendar and denying the right to offer amendments and to work through these amendments on Friday and Monday. I am hopeful that we can make the most. Let us work on these bills today. Let us work on them Monday. Let us see if we can't work through the rest of the amendments before we divert our attention to other amendments and other bills.

This isn't a very orderly process we find ourselves in right now, unfortunately, because of some of these decisions. I am hopeful that we can figure out a way to accommodate the needs of the schedule but also accommodate the needs of Senators who are very hopeful to have their day in court and their opportunity to offer amendments on the juvenile justice bill.

I yield the floor.

Mr. REID. Before the Senator yields the floor, may I ask a question of the leader?

Mr. DASCHLE. I would be happy to entertain a question from the distinguished Democratic assistant leader.

Mr. REID. The Y2K legislation that has been talked about here today, is it not a fact that there has been significant progress made trying to arrive at a resolution of that issue?

Mr. DASCHLE. There has. Many people on both sides of the aisle have been involved in very intense and, I would say, productive negotiations this week. I am encouraged by the reports I have

been receiving throughout the week on their discussions. I am hopeful that—

Mr. LOTT. Are you referring to the Y2K issue?

Mr. DASCHLE. Yes.

Mr. LOTT. I wasn't sure what you were talking about.

Mr. DASCHLE. The Senator is certainly correct.

Mr. LOTT. I wonder if the Senator would yield. Is there a possibility we could work out some agreement where we wouldn't have to have the vote on the motion to proceed? It is pretty hard to explain to people, when you are facing the threat of a filibuster even to take up a bill. So I wonder if we could maybe get some agreement to skip over that and then go on, if we had to have a cloture vote on the bill itself. I hope you will think about that or talk to the people who are involved to see if that would be a possibility. That would perhaps then vitiate the necessity of having to get this started next Tuesday in order to get it completed within a week's time. If we could get around that vote, that would help.

Mr. DASCHLE. I would be happy to consult with our colleagues and report back to the majority leader.

I yield the floor, Mr. President.

Mr. HATCH. Mr. President, may I ask the parliamentary situation?

The PRESIDING OFFICER. The distinguished Senator is informed that we are on a motion to proceed on S. 96, the Y2K bill.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator KOHL be permitted to present the Hatch-Kohl trigger lock amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I can't hear.

Mr. HATCH. I am asking that Senator KOHL be able to present the Hatch-Kohl trigger lock amendment, and we will proceed. We will have that, followed by the Hatch-Feinstein amendment on gangs.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The distinguished Senator from Wisconsin is recognized.

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

The Senate continued with the consideration of the bill.

##### AMENDMENT NO. 352

(Purpose: To amend chapter 44 of title 18, United States Code, to require the provision of a secure gun storage or safety device in connection with the transfer of a handgun)

Mr. KOHL. Mr. President, we have good news. We seem to have reached a bipartisan consensus on child safety locks, one which will result, we believe, in a lock being sold with every handgun. So I rise now, with my colleague, Senator HATCH, to offer the Safe Hand-

gun Storage and Child Handgun Safety Act of 1999.

This measure is closely modeled on the Child Safety Lock Act which I introduced earlier this year, with Senators CHAFEE, FEINSTEIN, DURBIN, and BOXER. Senator CHAFEE is also a co-sponsor of this amendment.

Briefly, our amendment will bring the entire industry up to the level of those responsible manufacturers who have already started including child safety locks with their handguns. It is a commonsense idea, not an extreme one, that will reduce gun-related accidents, suicides, and homicides by young people.

Don't take my word for it. Ask your own constituents. According to a recent Newsweek poll, 85 percent of the American people support this proposal.

Our amendment is simple, effective, and straightforward. While we want people to use child safety locks, our amendment doesn't mandate it. Instead, our measure simply requires that whenever a handgun is sold, a child safety device must also be sold.

These devices vary in form, and effective ones are available for less than \$10. We have added a new section that gives limited liability to gun owners, but only if they store their handguns properly. This actually creates an incentive for more people to use safety locks.

Let me tell you briefly why this amendment is so much needed. Nearly 2,000 young people are killed each year in firearm accidents and suicides. This is not only wrong, it is unacceptable. While our proposal is certainly not a panacea, it will help prevent many of these tragedies.

Mr. President, safety locks will also reduce violent crime. Juveniles commit nearly 7,000 crimes each year with guns taken from their own homes. That doesn't include incidents like last year's school shooting in Jonesboro, AR, which involved guns taken from the home of one child's grandfather because most of the father's guns actually were locked up.

A few extremists on both sides may not agree, but this is clearly a step forward. It will help make children safer. It will help make mothers and fathers feel more secure leaving their children at a neighbor's home. Senator CRAIG, who worked with me in 1994 to author the ban on juvenile possession of handguns, deserves much credit today. When passed, this law will be a huge victory for our children and a victory for bipartisanship as well. I hope my colleagues can all support this bill.

At this point, Mr. President, I send the Kohl-Hatch-Chafee amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. HATCH and Mr. CHAFEE, proposes an amendment numbered 352.

The amendment is as follows:

At the appropriate place in the bill, in Title—, General Provisions, insert the following new sections: