

The PRESIDING OFFICER. The right of the Vice President is in the Constitution. The question is on confirmation of the nominations.

Mr. SESSIONS. Mr. President, may the Vice President exercise his discretion and recuse himself?

Mr. LEAHY. Mr. President, regular order.

The PRESIDING OFFICER. Debate is not in order. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

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

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 38 Ex.]

YEAS—64

Akaka	Fitzgerald	Mikulski
Baucus	Frist	Moynihan
Bayh	Graham	Murray
Bennett	Harkin	Reed
Biden	Hatch	Reid
Bingaman	Hollings	Robb
Boxer	Inouye	Rockefeller
Breaux	Jeffords	Roth
Bryan	Johnson	Santorum
Burns	Kennedy	Sarbanes
Byrd	Kerrey	Schumer
Chafee, L.	Kerry	Smith (OR)
Cleland	Kohl	Snowe
Collins	Kyl	Specter
Conrad	Landrieu	Stevens
Daschle	Lautenberg	Thompson
Dodd	Leahy	Torricelli
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden
Feingold	Lugar	
Feinstein	Mack	

NAYS—34

Abraham	Enzi	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Cochran	Hagel	Smith (NH)
Coverdell	Helms	Thomas
Craig	Hutchinson	Thurmond
Crapo	Hutchison	Voinovich
DeWine	Inhofe	
Domenici	Lott	

NOT VOTING—2

Campbell McCain

The nomination was confirmed.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. FITZGERALD). The question is on agreeing to the motion to indefinitely postpone. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 39 Ex.]

YEAS—31

Allard	Frist	Murkowski
Ashcroft	Gramm	Nickles
Bond	Grams	Santorum
Brownback	Grassley	Sessions
Burns	Gregg	Shelby
Cochran	Helms	Smith (NH)
Coverdell	Hutchinson	Thomas
Craig	Inhofe	Thurmond
Crapo	Kyl	Warner
DeWine	Lott	
Fitzgerald	McConnell	

NAYS—67

Abraham	Feingold	Mack
Akaka	Feinstein	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murray
Bennett	Hagel	Reed
Biden	Harkin	Reid
Bingaman	Hatch	Robb
Boxer	Hollings	Roberts
Breaux	Hutchison	Rockefeller
Bryan	Inouye	Roth
Bunning	Jeffords	Sarbanes
Byrd	Johnson	Schumer
Chafee, L.	Kennedy	Smith (OR)
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stevens
Daschle	Landrieu	Thompson
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	
Enzi	Lugar	

NOT VOTING—2

Campbell McCain

The motion was rejected.

Mr. LEAHY. 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.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays on the Paez nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 59, nays 39, as follows:

[Rollcall Vote No. 40 Ex.]

YEAS—59

Akaka	Dodd	Kennedy
Baucus	Domenici	Kerrey
Bayh	Dorgan	Kerry
Bennett	Durbin	Kohl
Biden	Edwards	Landrieu
Bingaman	Feingold	Lautenberg
Boxer	Feinstein	Leahy
Breaux	Gorton	Levin
Bryan	Graham	Lieberman
Byrd	Harkin	Lincoln
Chafee, L.	Hatch	Lugar
Cleland	Hollings	Mack
Collins	Inouye	Mikulski
Conrad	Jeffords	Moynihan
Daschle	Johnson	Murray

Reed	Sarbanes	Stevens
Reid	Schumer	Torricelli
Robb	Smith (OR)	Wellstone
Rockefeller	Snowe	Wyden
Roth	Specter	

NAYS—39

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Cochran	Helms	Smith (NH)
Coverdell	Hutchinson	Thomas
Craig	Hutchison	Thompson
Crapo	Inhofe	Thurmond
DeWine	Kyl	Voinovich
Enzi	Lott	Warner

NOT VOTING—2

Campbell McCain

The nomination was confirmed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad the Senate has done the right thing. Maybe we should say in this Lenten season that Judge Paez has now moved out of purgatory into the reward he justly deserves. The Senate has done the right thing today but did the wrong thing for 4 years in holding this good jurist hostage. Marsha Berzon, another nominee who I predict will be a stellar judge, was held far too long.

I thank my colleagues who voted to right this injustice and voted for both of them. I thank those who worked hard to bring this on to the floor for a vote.

Also, just a footnote, the Senate did the right thing in its second vote in rejecting the cockamammy idea of having a motion to suspend indefinitely a judicial nominee following a cloture vote. That may sound like inside baseball, but that would have been a terrible precedent. I applaud the distinguished Democratic leader for speaking out so strongly against that motion, and I compliment the chairman of our Senate Judiciary Committee, Senator HATCH, for sticking with these nominees, both of whom passed our committee.

We have done the right thing. We have righted a wrong of 4 years. I think now the Senate should go on, set aside partisanship, and let us look at those nominees who are still pending.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session. The Senator from West Virginia.

ENDING THE DELAY ON JUVENILE JUSTICE LEGISLATION

Mr. BYRD. Mr. President, is it any wonder why the approval ratings of the Congress go up every time we go into

recess? The American people are watching us, and they are wondering if we are really paying attention to the issues important to them. I fear that we are not paying enough attention, certainly.

Next month, the nation will observe the 1-year anniversary of the tragic shooting at Columbine High School in Colorado, in which fifteen people, including the two student gunmen, were killed. But this tragedy is not unique.

In May 1992, a 20-year-old killed four people and wounded ten others in an armed siege at his former high school in California.

In January 1993, a 17-year-old walked into his teacher's seventh-period English class in Kentucky, and shot her in the head. He then shot the janitor in the abdomen.

In February 1996, a 14-year-old student took an assault rifle to his school in Washington state and opened fire on his algebra class, killing two classmates and a teacher.

One year later, in February 1997, a 16-year-old student opened fire with a shotgun at a school in Alaska, killing a classmate and the school principal and wounding two other students.

In October 1997, a 16-year-old student, after shooting his mother, went to school with a gun and shot nine students, killing two of them.

In December 1997, a student opened fire on a student prayer circle at a Kentucky school, killing three students and wounding five others.

In March 1998, a pair of boys took rifles to school and turned them on classmates and teachers when they exited the building in response to a false fire alarm at their Arkansas school. Four girls and a teacher were killed, and 11 people were wounded.

In April 1998, at a Pennsylvania school, a 14-year-old-boy fatally shot a teacher and wounded two students at an eighth-grade dance.

The following month, in May 1998, a high school senior shot and killed another student in the school parking lot in Tennessee, and then turned the gun on himself.

Two days later, a freshman student in Oregon opened fire with a semi-automatic rifle in a high school cafeteria, killing two students and wounding 22 others. The teen's parents were later found shot to death in their home. This freshman student did not heed the admonition of the Scriptures which says: Honor thy father and thy mother. He preceeded to kill his father and his mother.

Then, a month after last year's massacre at Columbine High School, in May 1999, a 15-year-old gunman—I suppose you could call a 15-year-old a gunman—opened fire on fellow students in Georgia, injuring six students, including one critically.

Most recently, last week in Flint, Michigan, a six-year-old boy took a gun to school and killed a six-year-old girl in front of their shocked classmates. Six-year-olds killing six-year-

olds—what have we come to? And yet, the Congress fails to act. Are we blind? Are we numb to these killings? Even in the city in which we work, the tragedies are mounting. In the District of Columbia, since the school year began in September, 18 juveniles have been killed. Of those, police say that half of them started as arguments at school and ended in death in nearby neighborhood streets.

Isn't this enough? Can't this Congress hear the cry of the American students, and their parents, to step up to the plate and at least debate ways to help break this cycle of violence? I know that Congress cannot solve this problem on its own, just as an individual school board or PTA cannot resolve this crisis acting as a single institution. But we, the elected leaders of this nation who are very quick to point to problems in other nations, are not even talking about ways to end this horrific record of children killing children.

Day after day, we criticize one nation for human rights violations or another nation for failing to meet the needs of its people. But who are we to look across the waters and criticize others if we remain silent, if we remain numb, if we remain mute, dumb about our own problems?

I am told that the current gridlock on this issue is because of partisanship. I hear that the reason the conference committee on the juvenile justice bill has only met once—last August—is that Members are at opposite ends of the spectrum on the gun-related provisions in the legislation.

This legislation does not take any dramatic steps toward weapons. It simply would put in place some common-sense provisions to balance public safety and private gun owners' rights. Requiring trigger locks would not jeopardize anyone's second amendment rights, but it might prevent children from using the guns at school—where the parents are at fault for letting those weapons lie around where they are within the reach, within the sight, of children. And improving background checks is not a monumental change either. These checks would only serve to prevent those people who should not have access to weapons from getting them. I hope responsible parents and gun owners will be able to support these commonsense provisions.

So I do not understand why this has to be a partisan issue in the U.S. Capitol Building or in the adjacent Senate and House Office Buildings when it is not a partisan issue in the rest of the country.

I note that earlier the Republican Governor of Colorado signed into law a new background check initiative that is even more rigorous than the one overseen by the Federal Bureau of Investigation. Governor Owens said this effort is a balance between "the public's need to try to keep firearms out of the hands of criminals with the private right to purchase a firearm."

Let me read what the Governor said again: " * * the public's need to try to keep firearms out of the hands of criminals with the private right to purchase a firearm." It is a balance between the two. He was talking about a balance between the two.

If there can be bipartisan legislation in Colorado, why can't there be bipartisan legislation here in Congress? Even in this Chamber, Senators were able to put partisanship aside when we passed the juvenile justice bill last May. The legislation was approved overwhelmingly, by a vote of 73-25. Yet the conference committee still cannot reach an agreement.

Is that the problem? The conference committee between the two Houses cannot reach an agreement. The time for delay is over. Our Nation is yearning for leadership. I express my hope, as one Senator, to the conferees to move ahead on the juvenile justice bill. Craft a commonsense bill that would help to break this cycle of youth violence. Show the Nation that the Congress can see what is happening outside the Capitol Building and that we are capable of working in partnership with all Americans to bring some modicum of calm to our classrooms.

Mr. President, I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I ask to speak for 10 minutes as in morning business.

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

COMPLIMENTING SENATOR BYRD

Mr. SCHUMER. Mr. President, I compliment my colleague from West Virginia for his, as usual, eloquent, intelligent, and thoughtful words. I always consider myself lucky when I happen to be on the floor when the Senator from West Virginia speaks. He is a great leader and a great role model for some of us newer Members.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York. I pride myself on being surrounded by very fine men and women who chose to give their time and tolerance and service to the Senate—the only Senate of its kind that has ever been created. Among those Senators is the distinguished junior Senator from New York. He has not been in this body long. He was in the House for a considerable time, so he comes here with a wealth of experience. He is one of the most articulate Members of this body, and I am extremely grateful for the kinds of things he says so many times about me.

I think it was Mark Twain who said he could live for 2 weeks on a good compliment. The distinguished Senator from New York has equipped me to keep on going for at least another 6 months. I thank him.

Mr. SCHUMER. Mr. President, I will try harder, because if it is only 6 months, I have failed in my duty. I will