

evening, heat all around the house caused the building to issue a cloud of steam.

From about 8 p.m. to 1 a.m., Posey, working frantically and alone, scrambled about his property dousing thumb-sized embers with a bucket.

Flames burned a hole in the wall of a barn about 50 feet from his home before Posey extinguished the flare-up.

Several times during the night, he said, he had to drop to the ground to gulp air. And once during the evening, a wild-eyed doe charged out of the burning forest and crashed into him.

Posey said he refused three requests by local authorities to evacuate but sent his wife and two neighbors off Thursday evening. The goodbye became emotional when Posey told his wife of 47 years, Carol, to take his dog, a blue heeler named Ugly, with her.

"I was just just wondering if I would ever see him alive again," Carol Posey said Sunday, noting that she left her home with nothing but medicine and her pets. "It was a scary time, I tell you what. You didn't have time to think. You didn't have time to do anything."

Alton Posey recounted their goodbye: "I said, 'Don't you fret. This is the kind of hand I can play. I had a good supply of water, a good pressure pump, and my old coat.'"

Meanwhile, the 8,650-acre Cree Fire east of Ruidoso was 94 percent contained as of early Sunday, and a single helicopter doused hot spots. The fire is expected to be under control by Wednesday.

#### EXHIBIT 2

#### TOWN FULL OF STORIES AFTER FIRE (By Chaka Ferguson)

WEED, N.M.—Under a blue sky, with a row of apple trees serving as an outdoor wedding chapel, newlyweds Chris Mydock and Kendra Goss-Mydock proved why this mountain community, population 20, is known to some of its residents as a town of 100 stories.

Two days earlier, a raging wild-fire ripped through the Sacramento Mountains, burning at least two dozen buildings about a mile from where the Mydocks consecrated their wedding Saturday. When they took their vows, an evacuation order was still in effect.

In the background, wisps of white smoke rose from the hills. A helicopter hovered above, prepared to drop water on remaining hot spots. Firefighters milled around, awaiting orders.

But like life in this resilient community, the wedding went on.

"The pastor called us yesterday and asked us if we're still on, and we said, 'Yep, we're still on,'" said Goss-Mydock, 31, a lifelong resident of Weed, as she posed for pictures with her new husband before a sign that read "Weed: pop, 20".

The communities that dot the Southern New Mexico mountains have pulled together since a wild-fire erupted in a nearby canyon Thursday and spread to more than 20,000 acres, rivaling the bigger blaze in the north that scorched Los Alamos.

The Mydocks wanted to share their wedding with the community to help heal some of the pain caused by the fire's destruction.

"The people are really close to each other; it's like one big family here. Everybody cares about everybody else," Goss-Mydock said.

The preacher and his wife, who served as the witness, attended the wedding. The Mydocks then had their reception down a dirt road that bisects the community with patrons of the Weed Cafe, a gathering place for residents seeking news on the fire.

The family-run restaurant which also houses the community's post office, stayed open during the tense days and nights of the fire and the following evacuation, donating food and other provisions to firefighters and

evacuees. Some residents ignored the evacuation and stayed put, others took up residence with friends or relatives.

"I stayed open to supply hot coffee to the people and provide telephones," said Gary Stone, 45, who lives several miles down the road in Miller Flats. "I was making sure the coffee was on and the doors were open."

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:16 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Montana.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mr. DASCHLE. Mr. President, this weekend an estimated 750,000 mothers, fathers, and children united for the Million Mom March here in the District. These women and men took the first step toward ending the epidemic of gun violence in our country.

Certainly, Congress needs to take the next step. It is intolerable that commonsense gun safety legislation is stalled in a conference committee that has not met since August 5 of 1999. Twelve kids die a day from gun violence and we do nothing. We have more safety regulations for toy guns than for real guns, and we do nothing. We have watched children shot in schools and day-care centers, but still we do nothing.

Yesterday, the Democratic Policy Committee held a hearing with mothers from the Million Mom March. At the hearing, I heard stories that I must say will haunt me for a long time. I listened to a kindergarten schoolteacher talk about her horror when one of her seemingly innocent students, a kindergartner, brought a gun to school to kill a classmate. She remains afraid to teach and afraid for her students.

I listened to the mother of an aspiring high school graduate who was gunned down in front of his girlfriend's home while unloading groceries. As she talked about her loss, and demanded Congress act, she said simply:

I don't want this to happen to any other mother, father, sister or brother. I don't want anyone else to suffer like this.

I listened to a mother whose oldest son was shot and killed by a neighbor in a sleepy town in California. She told us:

I came to the District to protect my son, Brandon, from gun violence because he is the only child that I have left.

I ask my colleagues, what else will it take for us to act to stem this domestic war of violence that is infecting every city and county in our beloved country? We cannot wait any longer for the juvenile justice conference to meet and act.

I was disappointed by comments made by the National Rifle Association when asked whether all of this effort, 750,000 people coming to Washington as peacefully as any group I have ever seen come, organized in a respectful way, telling their stories, as tragic as they are, with the courage that I don't think I personally could muster, the personal stories of lost sons and daughters, mothers and fathers—the NRA was asked the question, Will this translate to political power? Their answer:

It's one thing to say it. It's another thing to do it.

They understand political power. They have it. But I do think that is changing. The landscape is changing, and it is changing dramatically. As a South Dakotan who has been raised with guns all my life, who is proud to be a hunter—I have many guns myself—I will say without equivocation that it, too, is even changing in my home State.

Given the fact it has now been more than a year, given the fact that we have not yet acted, given the fact that we ought to respond to all those people who came to Washington with their courage and with what few pennies they had to pay for their trips, I ask unanimous consent that no rule XVI point of order lie against any gun-related amendment to the military construction appropriations. This would apply to Republican or Democratic amendments.

Mr. BURNS. Objection.

The PRESIDING OFFICER. Objection is heard.

#### AMENDMENT NO. 3148

Mr. DASCHLE. Mr. President, I, therefore, send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3148.

At the appropriate place add the following:

Since Mother's Day, May 14, 2000, an estimated 750,000 mothers, fathers, and children united for the Million Mom March on the National Mall in Washington, D.C. and were joined by tens of thousands of others, in 70 cities across America, in a call for meaningful, common-sense gun policy;

Since 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1977;

Since American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined;

Since gun safety education programs are inadequate to protect children from gun violence;

Since a majority of the Senate resolved that the House-Senate Juvenile Justice Conference should meet, consider and pass by April 20, 2000, a conference report to accompany H.R. 1501, the Juvenile Justice Act, and that the conference report should retain the Senate-passed gun safety provisions to limit access to firearms by juveniles, felons, and other prohibited persons;

Since the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by the Juvenile Justice Conference Committee on the reasonable gun safety measures that were passed by the Senate almost one year ago;

Since continued inaction on this critical threat to public safety undermines confidence in the ability of the Senate to protect our children and raises concerns about the influence of special interests opposed to even the most basic gun safety provisions;

Since this lack of action on the part of the Juvenile Justice Conference Committee and this Congress to stem the flood of gun violence is irresponsible and further delay is unacceptable; and

Since protecting our children from gun violence is a top priority for our families, communities, and nation: Now, therefore, be it

Determined, That it is the sense of the Senate that—

(1) the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation; and

(2) Congress should immediately pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, before the Memorial Day Recess, and include the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I have not had a chance to review this language, so I suggest the absence of a quorum in order to have the opportunity to do that.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mrs. MURRAY. I object.

The PRESIDING OFFICER (Mr. GORTON). The objection is heard.

The clerk will call the roll.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Coverdell	Gorton	Murray
Enzi	Lott	Reid

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Mississippi. 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 Oregon (Mr. SMITH), is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER), are necessarily absent.

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—94

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

NAYS—2

Breaux Thomas

NOT VOTING—4

Biden Schumer  
Moynihan Smith, Oregon

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators who did not answer the quorum call, a quorum is now present.

Mr. LOTT. Mr. President, I raise a point of order that the pending Daschle amendment is not germane to the Military Construction Appropriations bill and ask for the yeas and nays on the question put before the Senate.

The PRESIDING OFFICER (Mr. STEVENS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 3]

Abraham	Allard	Baucus
Akaka	Ashcroft	Bayh

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

The PRESIDING OFFICER. A quorum is present.

The majority leader.

Mr. LOTT. Mr. President, I believe there is a point of order that has been made on germaneness, and the yeas and nays have been ordered. We should proceed to vote.

Mr. DASCHLE. Mr. President, I move to table the point of order and ask for the yeas and nays.

I note the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second?

The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

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

The PRESIDING OFFICER. A quorum is now present.

The question is on agreeing to the motion to table.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 100 Leg.]

#### YEAS—42

Akaka	Feingold	Leahy
Bayh	Feinstein	Levin
Bingaman	Fitzgerald	Lieberman
Boxer	Graham	Lincoln
Breaux	Harkin	Mikulski
Bryan	Hollings	Murray
Byrd	Inouye	Reed
Cleland	Johnson	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Torricelli
Durbin	Landrieu	Wellstone
Edwards	Lautenberg	Wyden

#### NAYS—54

Abraham	Enzi	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee, L.	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner

#### NOT VOTING—4

Biden	Schumer
Moynihan	Smith (OR)

The motion was rejected.

The PRESIDING OFFICER. The Democratic leader.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5]

Abraham	Dodd	Kerrey
Akaka	Domenici	Kerry
Allard	Dorgan	Kohl
Ashcroft	Durbin	Kyl
Baucus	Edwards	Landrieu
Bayh	Enzi	Lautenberg
Bennett	Feingold	Leahy
Bingaman	Feinstein	Levin
Bond	Fitzgerald	Lieberman
Boxer	Frist	Lincoln
Breaux	Graham	Lott
Brownback	Gramm	Lugar
Bryan	Grams	Mack
Bunning	Grassley	McCain
Burns	Gregg	McConnell
Byrd	Hagel	Mikulski
Campbell	Harkin	Murkowski
Chafee, L.	Hatch	Murray
Cleland	Helms	Nickles
Cochran	Hollings	Reed
Collins	Hutchinson	Reid
Conrad	Hutchison	Robb
Coverdell	Inhofe	Roberts
Craig	Inouye	Rockefeller
Crapo	Jeffords	Roth
Daschle	Johnson	Santorum
DeWine	Kennedy	Sarbanes

Sessions  
Shelby  
Smith (NH)  
Snowe  
Specter

Stevens  
Thomas  
Thompson  
Thurmond  
Torricelli

Voinovich  
Warner  
Wellstone  
Wyden

The PRESIDING OFFICER. A quorum is present. The Democratic leader.

#### EXECUTIVE SESSION—MOTION TO PROCEED

Mr. DASCHLE. Mr. President, I move to proceed to executive session to consider Calendar No. 504, E. Douglas Hamilton, of Kentucky, to be U.S. Marshal, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 101 Leg.]

#### YEAS—41

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Bayh	Graham	Lincoln
Bingaman	Harkin	Mikulski
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Cleland	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Torricelli
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Edwards	Leahy	

#### NAYS—54

Abraham	Enzi	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Byrd	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee, L.	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner

#### NOT VOTING—5

Biden	Moynihan	Smith (OR)
Gorton	Schumer	

The motion was rejected.

#### MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mr. LOTT. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may send an amendment to the desk. I further ask consent that upon reporting of the

amendment there be 8 hours for debate, equally divided between the two leaders, or their designees, for the purpose of debating both amendments, with 4 hours consumed this evening. I also ask consent that at 1:30 p.m. on Wednesday the Senate proceed to a vote on or in relation to the Lott amendment, to be followed by a vote on or in relation to the Daschle amendment. I finally ask consent that no amendments be in order to either amendment prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that my pending point of order be vitiated.

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

AMENDMENT NO. 3150

Mr. LOTT. 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 Mississippi [Mr. LOTT] proposes an amendment numbered 3150.

Mr. LOTT. 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:

At the appropriate place, insert:

**SEC. . SENSE OF THE SENATE REGARDING THE SECOND AMENDMENT, THE ENFORCEMENT OF FEDERAL FIREARMS LAWS, AND THE JUVENILE CRIME CONFERENCE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Second Amendment to the United States Constitution protects the right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation; and

(2) The Clinton Administration has failed to protect law-abiding citizens by inadequately enforcing Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800, despite the fact that the overall budget of the Department of Justice increased 54 percent during this period; and

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997; and

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997; also

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997; plus

(6) It is a Federal crime for any person "who has been adjudicated as a mental defective or who has been committed to a mental