

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
Stevens Thomas
Smith (NH) Thompson
Snowe Thurmond
Specter 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
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