

the right to do an end run and try and pass a bill through Congress which strips us of our sacred constitutional rights.

I ask my colleagues to vote for my motion.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for the motion to instruct conferees offered by the gentleman from California (Mr. DOOLITTLE) because, like him, I want the conferees on the Juvenile Justice legislation to omit any provisions that would be contrary to the Constitution. However, I do not think that the Constitution prohibits carefully-drawn, measured provisions dealing with access to firearms by minors and criminals or with firearm safety. In particular, I agree with the gentlewoman from California (Ms. LOFGREN) that there is no constitutional impediment to the kind of provisions specified in her motion to instruct, which is why I also will vote for that motion.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. DOOLITTLE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOOLITTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. LOFGREN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed that the committee on the conference recommend a conference substitute that includes provisions within the scope of conference which are consistent with the Second Amendment to the United States Constitution (e.g., (1) requiring unlicensed dealers at gun shows to conduct background checks; (2) banning the juvenile possession of assault weapons; (3) requiring that child safety locks be sold with every handgun; and (4) Juvenile Brady).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XX, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Florida (Mr. MCCOLLUM) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every year, an estimated 2,000 to 5,000 gun shows take place across the Nation in convention centers, school gyms, fairgrounds, and other facilities paid for and maintained often with taxpayer money. These arms bazaars provide a haven for criminals and illegal gun dealers who want to skirt Federal gun laws and buy and sell guns on a cash-and-carry, no-questions-asked basis.

The Brady law background check applies to licensed gun dealers only. The same is true of most State firearm background checks. At gun shows, it is perfectly legal in most States and under Federal law for individuals to sell guns from their private collections without a waiting period or background check on the purchaser. However, licensed Federal firearm dealers operating at these same shows must comply with background checks and waiting periods.

Many unscrupulous gun dealers exploit this loophole to operate full-fledged businesses without following Federal gun laws. Since so many sales that occur at gun shows are essentially unregulated, guns obtained at these shows that are later used in crime are difficult, if not impossible, to trace.

When the United States Senate debated juvenile justice legislation in June of this year, an amendment proposed by Senator FRANK LAUTENBERG to require that background checks be done on all purchases made at gun shows was passed and included in the legislation. However, when this House debated its version of the juvenile justice legislation, no such amendment was included.

It is not clear what the outcome will be in the conference committee, but we believe it is important, and I believe, to instruct the conferees to include this crucial loophole closure on the Brady bill.

The Brady bill has made our country safer. It has proven that criminals do try to buy handguns at many shows and has stopped over 400,000 criminals and other prohibited persons from obtaining weapons in the licensed gun offices.

The second provision in the motion to instruct is the banning of juvenile possession of assault weapons. The assault weapons ban has been effective, but it could be even more effective.

In 1989, when President Bush stopped the importation of certain assault rifles, the number of imported assault rifles traced to crime dropped by 45 percent in 1 year. After the 1994 ban, there were 18 percent fewer assault weapons traced to crime in the first 8 months of 1995 than were traced in the same period in 1994. The wholesale price of grandfathered assault rifles nearly tripled in the post-ban year.

Assault weapons are terrific weapons if one wants to do a lot of damage to innocent people in a hurry. I remember

so well the shooting in the school yard in Stockton, California, in 1989 when a maniac with an AK-47 that held 75 bullets killed five little children on the school ground and wounded 29 others.

In San Francisco, California, just about 40 miles to the north of my home in San Jose, a disturbed person with a TEC-9 holding 50 rounds went into a San Francisco law firm and killed eight people and wounded six others with these assault weapons; to kill four ATF special agents and wound 16 others at the Texas incident.

Although assault weapons comprise only 1 percent of privately owned guns in America, they accounted for 8.4 percent of all guns traced to crime in 1988 and 1991.

Now, although juveniles 18 and younger are prohibited by Federal law from purchasing handguns, neither the Federal Government nor most States restrict the purchase and ownership of these guns. This loophole allows teenagers with rifles and shotguns. It also allows them to possess semi-automatic AK-47s, AR-15s, and other assault rifles manufactured before 1994 and grandfathered under the 1994 assault weapon ban.

□ 1200

No kid should be allowed to buy or possess an assault weapon. And the gun lobby and the NRA, who has opposed the assault weapon ban and attempted to get the assault weapon ban repealed in an earlier Congress, has actually in some cases said that maybe it would be okay to keep assault weapons out of the hands of teenagers. So I would hope that that small concession might allow us to move ahead on this provision.

Section 3 of the motion would require that child safety locks be sold with every handgun. Every day in America, 13 children under the age of 19 are killed with firearms. Some of those are the result of violent assault, but some of them are easily preventable. They are accidents or suicides. And one of the best ways to prevent and keep children from gaining access to a gun at home is to make sure that it is locked.

Public opinion surveys indicate that, really, the public does not understand why we would not do this simple thing. It has nothing to do with duck hunting, it just would keep children safer throughout our country.

And, finally, the background check that is applied under current law to adult criminals should be applied equally to juveniles who have committed a criminal offense. I think that just makes good common sense.

So I am hopeful that we can support this motion to instruct. It is completely modest. It is consistent with what the Senate was able to achieve. It would give an increased measure of safety to the children of this country. And I believe that it is the least we can do for the mothers and fathers of America.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The gentleman from Florida (Mr. MCCOLLUM) is recognized for 30 minutes.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a conferee on this bill, and the original sponsor of the underlying bill, I claim the time in opposition, but I do not oppose the actual measure here. I support the gentlewoman's motion. It states several provisions that I agree with and that I believe that the majority of the Members of the House agree with.

I believe most of us agree today that there ought to be a background check before somebody can buy a gun at a gun show. And most of us agree today that juveniles should not possess assault weapons, except in the narrowest of circumstances under direct parental supervision. And most of us believe, without much convincing, that it is a good idea to require gun dealers to give customers who buy a gun a gun safety lock, which they can decide whether to use or not. In fact, this idea is so good that 90 percent of gun dealers already do this without the government telling them to do so. And I believe most of us today support the concept of a juvenile Brady law, in other words, a law that will prevent people who commit serious violent acts as juveniles from owning a gun, even after they reach the age of 18.

And so, as written, this motion is not objectionable. But while I will support the motion, I must also say I fear it is so general that some Members may get the wrong impression. This motion may lead other Members to think that these provisions are still in dispute. In fact, most of us working to achieve a compromise between the two bodies on this issue have already agreed to include these provisions. The real problem that remains is that Members on the gentlewoman's side of the aisle will not seem to accept any language other than that which passed in the other body.

The provision they insist on, the so-called Lautenberg provision, would do the following: It would require anyone visiting a gun show, who merely discusses selling a gun, to sign a ledger and provide identifying information even if they do not bring a gun to the gun show to sell.

It would make gun show promoters liable if a person who is not a vendor at the show sells somebody else a gun without first doing a background check.

It would require persons who merely discuss selling a gun during the gun show, but who do not sell the gun for weeks after the show, to nevertheless have a background check performed. Even current law does not require background checks for gun sales by private citizens.

It would require licensed dealers to perform all of the background checks at the gun show, even for purchasers who do not intend to buy a gun from that dealer.

And it could turn estate sales, yard sales, even casual gatherings of friends who collect or trade guns into a gun show by definition, with all of the regulatory requirements and attendant liability for failing to follow these regulations.

In short, the Lautenberg provision goes far beyond simply requiring background checks to be done for the sale of a gun at a gun show. And so I say to the gentlewoman, if she means what she says in her motion, that she wants background checks at gun shows, then I am confident we can produce a bill that will pass and do exactly that. But if what she means is to insist on the language from the other body, then she is seeking to regulate in a manner that goes far beyond what is stated in her motion.

So I support the motion. But I caution Members that this issue is not as simple as this motion might make it seem to look on first appearance. And I urge the gentlewoman and the Members of the other side of the aisle to work with us on a provision that will do what she seeks to instruct today but which does not bring with it all of the other regulatory requirements of the Lautenberg amendment in the other body's bill.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume before yielding to the gentlewoman from California, because I would just like to comment that I would love to work on this supposed compromise.

I know that the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, and the gentleman from Illinois (Mr. HYDE) have had some discussions. I am a conferee. I am a member of the conference committee. And the only time I have ever had an opportunity to discuss this was on August 3. And we did not have an opportunity to discuss it then. We gave speeches to each other and we left town, and there has been no communication. We have asked for these proposed compromises. I would like to see the language. I would like to come up with good, strong legislation. I am willing to work through this so long as it actually achieves something.

However, what it has to achieve is a background check that will catch individuals who have restraining orders against them. It cannot define a gun show in a way that would exempt events where thousands of guns are sold. I would hope and absolutely insist that it would not repeal or reopen the question of the Lee Harvey Oswald law that prevents the interstate mailing or

shipment of firearms. Those would not be an advance. That would not be an improvement under current law.

So I am eager to look at this supposed compromise. And if it is, as the gentleman says, an improvement on gun safety laws, I will be eager to support it. I cannot really understand why the members of the conference committee have not yet been afforded the opportunity to see this great proposal that is supposedly a compromise.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPs).

Mrs. CAPPs. Mr. Speaker, I rise in support of the motion to instruct of my colleague, the gentlewoman from California (Ms. LOFGREN), as she has described it. I value the views of my colleagues who are speaking today of protecting our fundamental rights. America's children also have rights. They have the right to be safe from gun violence.

As a school nurse, I feel so strongly that we must keep guns out of our schools and away from our children. These feelings are not unique to Congress. Just last week, the Mayor of Santa Barbara came to Washington, D.C., along with mayors and police chiefs from around this country. Speaking for thousands of people in my hometown, our mayor called for passage of common-sense gun safety legislation.

Mr. Speaker, Americans around the country are shocked by the shootings that are plaguing this Nation, and they are stunned by the inaction and delay of this Congress. With this vote we must take a stand against gun violence and we must do it today.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I would say to my colleagues on this side of the aisle, as we debate these motions to instruct the conferees on the juvenile justice bill, that I would like to just share with them some recent information on the decline of Federal firearm prosecution. I do not ever hear the other side talk about this, and I think this should be something that we should all be concerned about.

Federal firearms prosecutions have dropped by 44 percent since 1992. And we know all too well it is not because criminals have started to obey the law, it is because our government does not enforce the law. We can sit here this afternoon and pass all kinds of gun laws, but if we are not going to prosecute, it does not matter.

The Brady Act prevented 400,000 illegal firearm purchases. Let us take for a moment that those statistics are correct. Two-thirds were attempted by prior felons. Let me repeat that. Two-thirds were attempted by prior felons. But there is barely a prosecution of these 400,000 illegal firearms.

So what I am saying this afternoon is that if we place our entire focus on gun control, which this side of the aisle continues to do, we miss the larger picture of this rampant violence. What is causing the depravity of our young people today? What makes one person's bad day turn into an act of taking another person's life?

Until we focus on the underlying cause of these horrific acts, no Band-Aid gun control laws will prevent another occurrence. And, more importantly, whatever gun laws are on the books, we need the Justice Department to prosecute and not just sit there and talk about more gun control.

So what we need to do is to instruct the Justice Department today to prosecute the laws that already exist on our books.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

It occurs to me that some of the arguments being made about gun control are sort of like when we cook spaghetti at home. When we try to see if it is ready, or one of the techniques, is we can throw it at the wall to see if it sticks. And if it sticks, it is done. We have had now this morning three different things: The Second Amendment does not allow us to do any regulation of weapons. Or, well, we should not do anything about regulating weapons because we are not happy with enforcement. It should be better. Or, we should not have any regulation of assault weapons or other things because the laws do not work. And I think each one of those points is off base and will not stick to the wall.

First, we had a great discussion about the Second Amendment earlier. I will not go on at too great a length about that, but I would note that, clearly, we have the ability to do sensible regulation in this arena.

On the issue of enforcement, I have heard a lot of comments made about this. And, of course, there are darn lies and statistics, and so we all are a victim of that phenomena, but I do want to just lay out some facts.

Since 1992, the total number of Federal and State prosecutions has actually increased. About 25 percent more criminals are sent to prison for State and Federal weapon offenses than in 1992. And the numbers are 20,681 in 1992 to 25,186 currently. The number of high-level offenders, those sentenced to 5 or more years, has gone up nearly 30 percent. That is 1,409 to 1,345 in 5 years. The number of inmates in Federal prison on firearm or arson charges, the two are counted together, increased 51 percent from 1993 to 1998 to a total of 8,979. In 1998, the Bureau of Alcohol, Tobacco and Firearms brought 3,619 criminal cases involving 5,620 defendants to justice.

Now, on the issue of it would not make a difference, and none of the tragedies that have occurred would

have been prevented had these gun safety measures been adopted, that is just not correct. Michael Fortier, the friend of Timothy McVeigh and Terry Nichols, helped both fence stolen guns at a Midwest gun show. If he had not been able to do that, we might have had a different outcome. We have had the serial murderer in Ohio, Thomas Dillon, who bought his murder weapon at an Ohio gun show so that he would not be detected at a licensed dealer. Gian Ferri, who did the massacre in San Francisco at the law firm, used a pistol, an assault weapon, that he bought at a Nevada gun show. If he had had a background check, that might not have occurred either.

So these many arguments are a little bit of protest here over what most of America knows should occur and would help make our country a safer place.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I commend her for once again sparking this important debate on the House floor.

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Another day has passed and another 13 of our children have been lost to gun violence. But still the majority stalls and stonewalls, ignoring the cries of parents, of siblings, and of friends who continue to lose their loved ones.

Another day has passed. And while we debate gun safety in this room, on the streets of our cities and town, felons with guns threaten American families. While we debate, our constituents are left to fight the daily battle against gun violence alone. Another day has passed, and still handguns in homes where children play remain unsecured, criminals build collections at gun shows, and the numbers of victims mounts.

Passing comprehensive gun safety legislation does not limit the rights of people. The Constitution, the cornerstone of the philosophy of this Nation, is not compromised by protecting children and families from deadly weapons. Freedoms and responsibilities go hand in hand, and it is reasonable to require citizens to exercise their freedoms safely and responsibly.

Ensuring the safety of our schools, streets, and places of worship enables people to enjoy the inalienable right to which they are entitled under the Constitution.

We have simple goals: ensure that unlocked guns do not get into children's hands; ensure that juveniles are prohibited from possessing assault weapons; ensure that all people buying a gun, in any venue, are subject to the same thorough background checks. This is what the American people are asking for, and we have an obligation to respond.

With each passing day, the price of our inaction rises, the human toll of our procrastination increases, the loved ones of victims of gun violence plead with Congress to lead the charge to make our communities safe again. Each day that we turn our backs on the American people, we undermine the freedoms and rights that make the United States a safe and stable place to live.

I urge my colleagues in Congress to join me in showing the American people that their cries have not gone unanswered. Let us not delay one more day in passing comprehensive gun safety legislation. Again, I support the motion of my good colleague.

Ms. LOFGREN. Mr. Speaker, may I ask how much time remains.

The SPEAKER pro tempore (Mr. PETRI). The gentlewoman from California (Ms. LOFGREN) has 14 minutes remaining. The gentleman from Florida (Mr. CANADY) has 24½ minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we come to the floor again to talk about the Republican leadership's failure to enact common sense gun safety measures for one simple reason, children's lives are at stake. We remember the tragedy at Columbine High School, where at the end of the day, 14 students and one teacher were dead because of guns. Columbine captured headlines 5 months ago, but it should not obscure the fact that 13 children die every day due to gunfire.

Many of the 13 children that die each day do so because handguns are not properly secured. This is not a question of whether or not someone should or can own a handgun. They can. This is about properly securing the handgun.

The motion of my colleague from California (Ms. LOFGREN) appropriately calls for child safety locks to be provided with handguns. It is a common sense measure that will stop the heart-wrenching deaths where young children find a gun in the house and they accidentally kill themselves or a friend or a brother or a sister. Providing a lock with a handgun is common sense.

I think that Westbrook, Connecticut's Police Union President Douglas Senn, put it well when he said, "You keep plugs in outlets and medicine up in high cabinets to keep children safe. Why not put a lock on a gun?" He said this during a program to provide free gun locks to Connecticut gun owners.

The Connecticut Police Union and, I might add, in conjunction with a company in Connecticut that, in fact, is a gun company, but they were cooperating in this effort in order to provide free safety locks so that our youngsters can be safe.

The Connecticut Police Union president gets it. The company gets it when

it comes to gun locks. What we are asking is that the Republican leadership get this.

If there was any question about the effectiveness of child safety locks for guns, that should be answered by a potential tragedy in Florida, a tragedy that was in fact averted because of a gun lock. An obviously troubled young 14-year-old girl planned to kill first her mother and then her father and her sister, too. She was a troubled youngster. She held a gun to her mother's head but could not fire the gun because of the trigger lock.

We must and we can do something about keeping guns out of the hands of children and of criminals. We do not want to prevent law-abiding citizens from their opportunity to own a gun and to do what is right. We want to provide a safety lock to make sure that our kids are safe.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will just make one comment. I commend the gentlewoman for recognizing the Second Amendment rights in her motion.

Mr. Speaker, I yield back the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that this body will approve this motion. But when we convene for the votes that have been postponed, we will have several motions that we will be asked to cast a vote upon.

First, of course, there is the parks measure that is not the heart of the gun safety discussion we have had this morning. Then there will be a vote on the motion to instruct offered by my colleague, the gentlewoman from New York (Mrs. MCCARTHY), that basically says this, conferees, get to work, produce something, work every day until you come up with common sense, reasonable gun safety measures.

We have a motion to instruct offered by my colleague from California (Mr. DOOLITTLE) that distorts, I believe, the meaning of the Second Amendment and, as the Members who listened to the debate well understand, really asserts that we have no ability to do any regulation of guns at all because of the Second Amendment. That is clearly not what the Supreme Court has found. It is not the law in America. And it is also not what the American people want.

Finally, we will have a vote on this motion to instruct that says let us ask and instruct the conferees to adopt meaningful reasonable gun safety measures that are consistent with the Second Amendment.

Now, we have been here several days now engaged in these motions to instruct; and I am mindful that, instead of being here talking about these issues, instructing conferees through

votes, we could have been meeting as conferees. I hope that we will finally have a meeting.

On August 3, when we had our first and only meeting of the conference committee when we gave the speeches to each other, the hope was that the staff, at least we were told by the chairman of the conference committee, that it was necessary for the staff to get together over the August recess and the hope was that we would have something we could get behind as schools started.

Now, I have two teenagers. They are both in high school. School started quite some time ago. As a matter of fact, they are starting to get a little nervous about midterms coming up. And we have not produced a darn thing.

Now, I hear about these compromises and how difficult it is, and I am sure it is not the easiest thing to find that sensible middle ground that really is the genius of the American political system, to find this sensible reasonable measure that we can send to the President that will make the American people safe. But we are not going to find that sensible middle ground if we never talk to each other.

Now, I am mindful that the chairman of the committee and the ranking Democrat on the committee are having discussions, and I commend them for that; but we have not seen the product of their discussions. And I really do believe that, while I am sure their discussions are undertaken in good faith, that if we were to shine the light of public view on what is being done, we would get to a conclusion a little bit faster.

Because some of the things that were said in this chamber today about the inability to do anything to regulate assault weapons, to keep criminals from getting guns is preposterous, it is preposterous, and the American people will have none of it.

So let us have that discussion in open session. Let us have the conference committee meeting. Let us come up with a measure. None of us can be in love with our own words. We need to be flexible and reasonable. But the bottom line is we need a measure that closes the loophole that does not purport to do so and not actually achieve that goal. If we can come together on that, we will end up with a bill that we can send to the President and sign into law. I hope that we can. But we are not going to do so if all next week we have to once again have motions to instruct instead of meetings of the conference committee.

I know that we will be in recess to go home to our districts for the weekend, coming back on Monday. I hope that Members can listen closely to what mothers are telling them in the supermarkets when they are home this weekend. Do the right thing, vote "yes" on the McCarthy motion to in-

struct. Oppose the Doolittle flawed motion and please vote "yes" on this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANADY of Florida. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

Passage of H.R. 1487, de novo; the motion to instruct of H.R. 1501 offered by the gentlewoman from New York (Mrs. MCCARTHY), by the yeas and nays; the motion to instruct on H.R. 1501 offered by the gentleman from California (Mr. DOOLITTLE) by the yeas and nays; and the motion to instruct on H.R. 1501 offered by the gentlewoman from California (Ms. LOFGREN) by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series.

#### NATIONAL MONUMENT NEPA COMPLIANCE ACT

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 1487, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays were ordered.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANADY of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.