

## 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	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Graham	Mikulski
Bennett	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Rockefeller
Burns	Hollings	Roth
Byrd	Hutchinson	Santorum
Campbell	Hutchison	Sarbanes
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Leahy	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	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 institution” to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this federal law, mental health adjudications are not placed on the national instant criminal background system; also

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm; it is also a Federal crime for convicted felons to possess or purchase a firearm. More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they committed another crime by making a false statement under oath that they were not disqualified from purchasing a firearm; and, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution; and

(8) The juvenile crime conference committee is considering a comprehensive approach to juvenile crime including:

(a) tougher penalties on criminals using guns and illegal gun purchases;

(b) money for states to get tough on truly violent teen criminals;

(c) a provision allowing Hollywood to reach agreements to clean up smut and violence on television, in video games, and in music;

(d) changing federal education mandates to ensure that all students who bring guns to school can be disciplined; and