[2]After this briefing, the Commander of OPM–SANG, General Nash, approached the same intelligence official to express concern for physical security at the OPM–SANG facility and to specifically ask the official to pass along his concern to U.S. and Saudi intelligence and security officials, which he did.

[3]Between May 31 (the date of the execution of the alleged OPM–SANG co-conspirators) and the date of the Khobar bombing on June 25, a primary focus of intelligence was on the threat of associates of the executed individuals seeking revenge against U.S. persons.

[4]Senator Specter and staff found the distance to be slightly less than 60 feet from the perimeter fence to the front of Building 131. This is significant because (a) the Defense Department had previously placed the distance at 80 feet; (b) according to the House National Security Committee in a recent study, the AFOSI report makes clear that targets closest to perimeter most vulnerable; and (c) the AFOSI report concluded that ''every effort should be made to maximize the distance between a given structure and a potential threat.'' It is also significant because the military commanders apparently never asked the Saudis to move the fence back 400 feet, as DoD had previously claimed. The request was instead to move the fence back 10 feet, which the Saudis quite correctly deemed a purely cosmetic and *de minimus* action and did not take seriously.

[5]Accordingly to tests conducted by military experts since the Khobar attack, even if a bomb the size of OPM–SANG had been used (250 pounds) rather than the 3000–5000 pound device that a House National Security Committee report said was used at Khobar Towers, there would still have been 12 fatalities because the glass on the windows of Building 131 were not treated with Mylar to prevent shattering (as had been recommended by the OSI report).

[6]The Secretary of Defense has recently testified that the military was not prepared for a bomb the size of the Khobar device because an explosive that large was unheard of in the region. This testimony is inconsistent with the fact that the U.S. Marine barracks in Beirut was destroyed by a 12,000 pound bomb in 1983, killing 241 U.S. Marines.

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The Senate continued with the consideration of the bill.

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

Mr. LAUTENBERG. I thank the Chair. I ask unanimous consent that the pending Kassebaum amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 5241 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 16 LINE 16, THROUGH PAGE 17 LINE 2

(Purpose: To prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms)

Mr. LAUTENBERG. 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 New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 5241 to excepted committee amendment on Page 16, line 16 through page 17, line 2.

Mr. LAUTENBERG. 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 end of the Committee amendment insert the following:

SEC. ___. GUN BAN FOR INDIVIDUALS COMMITTING DOMESTIC VIOLENCE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

''(33) The term 'crime involving domestic violence' means a felony or misdemeanor crime of violence, regardless of length, term, or manner of punishment, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim under the domestic or family violence laws of the jurisdiction in which such felony or misdemeanor was committed.''.

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by striking ''or'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting ''; or''; and

(C) by inserting after paragraph (8) the following new paragraph:

''(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel.'';

(2) in subsection (g)—

(A) by striking ''or'' at the end of paragraph (7);

(B) in paragraph (8), by striking the comma and inserting ''; or''; and

(C) by inserting after paragraph (8) the following new paragraph:

''(9) has been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel,''; and

(3) in subsection (s)(3)(B)(i), by inserting before the semicolon the following: ''and has not been convicted in any court of any crime involving domestic violence, if the individual has been represented by counsel or knowingly and intelligently waived the right to counsel''.

(c) RULES AND REGULATIONS.—Section 926(a) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) regulations providing for the effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(9) or (g)(9) of section 922.''.

Mr. LAUTENBERG. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. LAUTENBERG. Mr. President, I will proceed as planned. We will wait for the manager to be represented here.

This amendment, very simply, would establish a policy of zero tolerance when it comes to guns and domestic violence. The amendment would prohibit any person convicted of domestic violence from possessing a firearm. In the simplest words, the amendment says that a spouse abuser, wife beater, or child abuser should not have a gun.

Mr. President, the amendment probably sounds familiar. In fact, the Senate adopted this exact proposal as an amendment to the antistalking bill in late July. Unfortunately, when it got to the House of Representatives they, despite a commitment of support, let it be known that they will not let this ''no guns for domestic abuser'' amendment survive. They will not act on the antistalking bill, and there is no indication that they intended to do so at any time soon. Since the stalking bill may not become law, we, therefore, need to pursue another vehicle that has a realistic chance of being enacted, and this is one of the few such vehicles remaining.

Mr. President, this amendment ought not to be controversial. As I said, it passed unanimously before as an amendment to the stalking bill. That happened only after Senators, like Senator LOTT, Senator DASCHLE, Senator CRAIG, Senator HUTCHISON, and I, got together and reached an agreement on changes to my original proposal. The compromise that we reached was acceptable to all involved, even if none of us was entirely happy. That is the way it usually has to be with any compromise.

So, again, this amendment is identical to that proposal and should not be controversial. I would also note that since the Senate approved this proposal in July, both President Clinton and former Senator Bob Dole have endorsed the concept of keeping guns from those convicted of domestic violence. As a matter of fact, the spokesman for Senator Dole said, ''Bob Dole believes that all guns, not just handguns, should be kept out of the hands of domestic abusers.''

Mr. President, I couldn't put it better myself. Our colleague, Senator HUTCHISON, has also praised this proposal. This is what she had to say when the agreement was reached, and the amendment was passed along with the stalking bill. She said: ''Because of Senator LAUTENBERG's amendment, we are also going to be able to keep people who batter their wives or people with whom they live from having handguns. So I think this is going to be a great bill that will give women and children of this country some protection that they do not now have, and I am very pleased to be supportive of this compromise.''

Clearly, Mr. President, this amendment has strong bipartisan support. So I am hopeful that it will again win easy approval. But I want to take a few minutes to explain why it is so important.

Under current Federal law, it is illegal for persons convicted of felonies to possess firearms. Yet, many people who engage in serious spousal or child abuse ultimately are not charged with or convicted of felonies. At the end of the day, due to outdated laws or thinking, perhaps after a plea bargain, they are, at most, convicted of a misdemeanor. In fact, most of those who commit family violence are never even prosecuted. But when they are, one-third

of the cases that would be considered felonies, if committed by strangers, are instead filed as misdemeanors. The fact is that in many places domestic violence is not taken as seriously as other forms of brutal behavior. Often acts of serious spouse abuse are not even considered felonies.

In over 30 States, even today, beating your wife or your child is a misdemeanor. In just the past few years, some judges have demonstrated outrageous callousness and disregard for women's lives. Right up the road in Baltimore County, just 2 years ago a State circuit court judge was hearing a case involving a man who shot his wife in the head and killed her. As he handed down the light sentence, with time to be served weekends only, and not a very long time at that, the judge said that the worst part of his job is, and I quote, ''Sentencing noncriminals as criminals,'' as if shooting your wife in the head was not criminal behavior.

Or take the case of a man who tracked down his wife, shot her five times in the face and killed her. The judge in that case gave the man a minimal sentence to be served on weekends. In explaining why he was being so lenient, the judge said the victim provoked her husband by not telling him that she was leaving their abusive marriage.

These are just two examples of the way that our criminal justice system often treats domestic violence—not as a serious crime. Yet, the scope of the problem is enormous. Every year there are 2 million cases of domestic violence reported. Many of those cases are never finally resolved because the plaintiff withdraws the complaint, or it is dismissed casually. When women are killed in domestic disputes, however, the murderers are holding a gun about 65 percent of the time.

Put another way: Two-thirds of domestic violence murders involve firearms. In 150,000 cases of abuse, spousal abuse, a gun is present. That means that perhaps it is put to a woman's head or put to her face in front of a child, or children, and even though the trigger is not pulled, the trauma is enormous. There is no reason for someone who beats their wives or abuses their children to own a gun. When you combine wife beaters and guns, the end result is more death.

This amendment would close this dangerous loophole and keep guns away from violent individuals who threaten their own families, people who have shown that they cannot control themselves and are prone to fits of violent rage directed, unbelievably enough, against their own loved ones.

The amendment says: Abuse your wife, lose your gun; beat your child, lose your gun; assault your ex-wife, lose your gun; no ifs, ands, or buts. It may sound like a tough policy, but when it comes to domestic violence it is time to get tough. There is no margin of error when it comes to domestic abuse and guns. A firearm in the hands of an abuser all too often means death. By their nature, acts of domestic violence are especially dangerous and require special attention.

These crimes involve people who have a history together, and perhaps share a home or a child. These are not violent acts between strangers, and they do not arise from a chance meeting. Even after a split, the individuals involved, often by necessity, have a continuing relationship of some sort. The people who commit these crimes often have a history of violence or threatening behavior, and, yet, frequently they are permitted to possess firearms with no legal restrictions.

The statistics and the data are clear. Domestic violence, no matter how it is labeled, leads to more domestic violence, and guns in the hands of convicted wife beaters leads to death.

Mr. President, this legislation has been endorsed by over 30 prominent national organizations, including, by way of example, the National Coalition Against Domestic Violence, the National Network to End Domestic Violence, the Family Violence Prevention Fund, the American Academy of Pediatrics, and the YWCA of the United States.

The amendment would save the lives of many innocent Americans, but it would also send a message about our Nation's commitment to ending domestic violence and about our determination to protect the millions of women and children who suffer from this abuse.

Again, I do not expect this to be a controversial amendment since it has already passed this body unanimously.

Once again, I will ask for the yeas and nays, but it is essential that we have someone from the majority side in the Chamber. Otherwise, it is deemed unfair. But I think it is unfair not to have someone from the majority side in the Chamber unless this is a subject that does not matter, killing your wife, if you want to beat her up first.

This is an important piece of legislation. It was a very disappointing experience we had when it went over to the House after being unanimously passed in this body and then casually dropped. But we want to have everybody have a chance to vote on this, and once again, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I come to the floor to speak on behalf of this amendment proposed by my colleague and good friend, Senator LAUTENBERG from New Jersey, and I want to start out in a very direct way and say that from my experiences and the experiences of my wife, Sheila, working in this area of domestic violence, I have learned that, all too often, the only difference between a battered woman and a dead woman is the presence of a gun.

That is what this amendment is all about. The facts, unfortunately, speak for themselves. If you work in the area of domestic abuse or if you just pick up the newspaper in your own State, you will read stories about violence, abuse, and murders within families and among intimates happening all the time, and, colleagues, you will realize that in all too many cases the only difference between a battered woman and a dead woman is the presence of a gun. That is what this amendment that my colleague has introduced speaks to.

In the historic Violence Against Women Act that was enacted into law as a part of the 1994 crime bill, thanks to the tireless efforts of Senator BIDEN and Senator HATCH, there was a provision which was accepted—eventually and after much negotiation—that I offered in the Senate and Representative TORRICELLI, and Representative SCHROEDER sponsored in the House. This provision prohibits anyone who has a restraining order issued against them from owning or possessing a gun, and it also prohibits anyone from selling or giving a gun to someone they know has a restraining order against them for having abused their spouse or their child.

This was a severely modified and much weaker version of what was originally known as the Domestic Violence Firearm Prevention Act, a bill that I introduced. Senator LAUTENBERG now takes the next logical step with this very important piece of legislation, which would prohibit the possession of a firearm by someone who has been convicted of an act of domestic violence.

I imagine my colleague, Senator LAUTENBERG, went through all the statistics. Let me just simply state, again, that: Four women a day are killed at the hands of their batterer; every 15 seconds a woman is battered in our country. The leading single cause of injury among women in America today is violence in the home. It is just unconscionable.

The good news—and it really is, I think, good news—is that no longer in our country, no longer in our States, and no longer in our communities are we saying that this violence in the home is not our business, no longer do we just turn our gaze away from it without doing anything about it. I think we have finally realized that this violence in homes, all too often directed at women and their children, is

really everybody's business. If we do not stop the violence in the homes, it is going to continue to spill out into the streets and into our communities.

The problem which Senator LAUTENBERG speaks to with this amendment, of which I am so proud to be an original cosponsor, is as follows: In all too many cases, unfortunately, if you beat up or batter your neighbor's wife, it is a felony. If you beat up or batter, brutalize your own wife or your own child, it is a misdemeanor.

If the offense is a misdemeanor, then under the current law there is a huge loophole. We do not let people who have been convicted of a felony purchase that firearm. What the Senator from New Jersey is trying to do is plug this loophole and prohibit someone convicted of domestic abuse, whether felony or misdemeanor, of purchasing a firearm. For example, in my State of Minnesota, an act of domestic violence is not characterized as a felony unless there is permanent physical impairment, the use of a weapon, or broken bones.

I just want to simply say one more time to colleagues, because I can rattle off all the statistics, this is no small issue in our country. We are talking about significant violence. For any Senator who says that we do not want to prohibit any law-abiding citizen from purchasing a gun, I respond that we are not talking about law-abiding citizens. We are talking about citizens who have been convicted of an act of violence against a spouse or child and we are saying in those cases, the law should prohibit that person from purchasing gun, from owning a gun. Once again, the reason we support this law is because we know that in all too many cases, the only difference between a battered woman and a dead woman is the presence of a gun.

Mr. President, for a period of time I was coming to the floor to announce the domestic violence hotline number which was set up under a provision of the Violence Against Women Act. Since its opening on February 21, 1996, the hotline has received over 30,000 calls for help from residents in 50 States and the District of Columbia, Puerto Rico, and the Virgin Islands. Let me announce that one more time. The hotline has received since February 21, 30,000 calls for help from 50 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. I want to announce the number one more time. The number is 1–800–799–SAFE.

We in the U.S. Senate, by adopting this amendment, will be saying three things. We will be saying we will not tolerate this violence; we will not ignore this violence; and we will no longer say that it is someone else's responsibility. All of us have a chance to make a difference.

My fellow Senators, someone's safety depends on your vote. My fellow Senators, someone's safety depends on your vote. That is usually the safety of a woman and a child. There is no more important vote than the one that is coming up on this amendment.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Minnesota for his eloquent reminder about what it is we are considering here. The statistics, the data do not have to be reiterated. It is very clear. The underlying problem is, in this country of ours, that domestic violence, no matter how severe the beating, is often dismissed as a squabble.

I have heard reports of judges saying, ''Oh, he didn't really mean it. He didn't intend to hurt you. Can't you go home and settle it between you?'' And very often, of the cases reported, there is so much trauma attached to the recipient of the abuse that she—typically it is a she—is afraid to pursue the case any further because, along with the continuing relationships, inevitably are the threats of further disassociation, which, in many cases, could mean the end of income, support, mean the end of some reassurance that there is a roof over their heads. So they sell their souls. They quit when, if they knew that the State cared more about it, they would continue to pursue it.

The other thing is, they are afraid that the guy, the fellow who first treated them to a fist in the face, may come home with a gun and take their lives.

One can only imagine what kind of rage exists within a man who would beat up a woman, and often in front of the children they have. It is an outrageous condition that exists. And this country has not yet taken it seriously enough.

We hope this amendment will send a loud and clear message that you are not going to get away with this kind of thing, because we are going to take away your gun. We are going to take away that extra chance that the woman might be killed.

You heard it from my friend and colleague, Senator WELLSTONE, the Senator from Minnesota: Four women a day will lose their lives. I can tell you this, from the research that we have done, that is a very conservative estimate. The data are not good in that situation.

With that, Mr. President, I yield the floor. We are ready to vote. I urge the adoption of the amendment.

GUNS AND DOMESTIC ABUSE

Mrs. MURRAY. Mr. President, I rise to speak in favor of the Lautenberg amendment to the Treasury-postal appropriations bill, taking guns away from individuals convicted of domestic violence. I am a cosponsor of his original bill, and want to congratulate Senator LAUTENBERG on offering this important legislation in the form of an amendment today.

Just getting the gun out of the home would make the difference in so many of these horrible stories we hear about domestic violence, in the news, or from people on the street. I don't know how many people on the floor of the Senate have heard the cries of a family in crisis; I don't know if you have ever had to dial 911 out of worry for a neighbor. But, I have.

If this amendment makes a difference for one victim of domestic violence, it will have done its job.

One woman I know told me the story of her abusive ex-husband. He was physically abusive, and had been convicted of misdemeanors. What is more, he knew he was prone to violence against his family, and did not trust himself. He purposely separated the gun and the bullets at two different ends of their house, so he would not be able to shoot her in the heat of the moment.

But the measures he took were not quite enough, when he came home one night, drunk, and yelling that the house wasn't clean enough for him. Because he was able to find the bullets, find the gun, load it, and point it at his wife. That she is alive today is a miracle.

This man was not the sort of law-abiding citizen we so frequently hear about from the NRA. He had a record. He did not even trust himself. This man should not have had a gun.

If he did not have a gun, the man in the story may have used some other weapon. But we know from the research that nearly 65 percent of all murder victims known to have been killed by intimates were shot to death. We have seen that firearms-associated family and intimate assaults are 12 times more likely to be fatal than those not associated with firearms. A California study showed when a domestic violence incident is fatal, 68 percent of the time the homicide was done with a firearm.

Again, the gun is the key ingredient most likely to turn a domestic violence incident into a homicide. But the people this amendment would take guns away from—these people have already broken the law, and in a very relevant way. In the face of the reality of domestic violence and the role guns play in homicides in such situations, the Senate cannot allow convicted abusers to have guns.

Unfortunately, this amendment will not make life better for many women who are abused, even when guns are present in the home. We know that most domestic violence is not even reported, and of the cases that are reported, many do not lead to a conviction. This is a problem associated with the horrible effects of victimization, and has a different set of solutions.

But, for thousands of women and men in this country, this amendment would mean immediate results. To get the gun out of the home will mean the difference between life and death. I urge the Senate to pass the Lautenberg amendment.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Lautenberg