some remarks regarding his concerns with the juvenile justice legislation. If cloture is invoked and following the remarks of Senator SMITH, it is hoped the Senate will proceed to the various motions to send the juvenile justice bill to conference.

I understand completely Senator SMITH's concerns. He has been determined, but he has been reasonable and cooperative within the limits of what he felt he had to do to the maximum degree. I thank him for his approach. I certainly share a lot of his concerns. But I believe, all things considered, this is the right thing to do for the Senate and for the country.

The Senate will then begin consideration of the tax relief bill under the reconciliation procedures. As a reminder, by statute, the reconciliation bill is limited to 20 hours of debate. I really would like to have more time for discussion on this bill so that we could cut out some of the discussion on all these other bills that come up. Therefore, it is hoped that Senators will have their amendments ready and will offer their amendments during the 20 hours. Debate time on amendments is included, but the actual vote time is not included in the 20 hours.

So we can expect to go well into the evening today and again on Thursday in order to finish. If we do not, we will go over until Friday. But we have enough time and we certainly should finish this bill no later than sometime during the day Friday.

We do expect opening statements this morning. It may be that there will be several hours needed for the opening statements, but I hope we can quickly turn to the amendment process and give Senators an opportunity to offer amendments about which they feel strongly.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

JUVENILE JUSTICE REFORM ACT OF 1999

The Senate resumed consideration of the bill.

Pending:

Lott amendment No. 1344, in the nature of a substitute.

Lott amendment No. 1345 (to amendment No. 1344), to provide that the bill will become effective one day after enactment.

Lott amendment No. 1346 (to amendment No. 1345), to provide that the bill will bcome effective two days after enactment.

Lott amendment No. 1347 (to the language proposed to be stricken), to provide that the bill will become effective three days after enactment.

Lott amendment No. 1348 (to amendment No. 1347), to provide that the bill will become effective four days after enactment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I see the minority leader coming on the floor. I was just going to try to get about 3 minutes before the vote. Would that be agreeable with the minority leader?

Mr. DASCHLE. Mr. President, it would be entirely agreeable. I would just ask that prior to the time we have a vote, I be able to use some of my leader time for a couple of comments. But I would be happy to yield the floor so that the Senator from New Hampshire can speak.

Mr. SMITH of New Hampshire. I very much appreciate the minority leader's consideration.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I want to make a point on the legislation before the cloture vote we are going to have shortly because, according to the rules, I am not going to be able to debate this until after the vote, which is really not the best process in the world. But I want my colleagues to know what we will be voting cloture on in a very few moments is the Senate substitute for the underlying House bill. So when we go to cloture on that, what we are doing is substituting gun control for the House bill.

I want all of my colleagues to understand that H.R. 1501 is a return to traditional values.

This bill brings morals back into the school. It brings values back into the school. It focuses on the cultural problems that are facing us. It allows a display of the Ten Commandments. It allows individual religious expression. It allows prayer at school memorial services. It allows faith-based groups to compete for Government juvenile justice grants. That is the underlying provision. That is what I wanted to vote on, and that is what I did not have the opportunity to vote on.

What is being substituted is gun control. It imposes strict limits on gun shows. It requires the sale of trigger locks with guns, and it puts new limits on juvenile gun possession, even juveniles who are law-abiding citizens who might like to have hunting licenses.

The bottom line is, the bill passed by the Senate is a good cultural bill. Gun control is being substituted. If my colleagues vote for cloture, they are voting to substitute gun control for a very good bill that focuses on the cultural and moral problems in our schools.

I will close on this point. There is a fictitious story being circulated on the Internet where a Columbine High School student writes a letter to God and says:

Dear God: I'm very angry with you. I don't understand why you allowed 13 of my fellow students to be killed by two of my fellow students. Please answer me as soon as possible. Columbine High School student.

A letter comes back from God:

Dear student: Let me remind you, I'm not allowed in your high school.

We need to think seriously because this is a major decision we are making. If my colleagues vote for cloture, they are substituting gun control for values, prayer in school, the Ten Commandments, religious expression, and prayers at memorial services. That is what they are substituting, one for the other.

Let's make it clear: If you are for gun control, vote for cloture. If you are for values and prayer and the Ten Commandments in school, vote against cloture.

I yield back the remainder of my time. I thank the minority leader for his courtesy.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use a few minutes of my leader time to comment.

We intend to support the effort to move this legislation to conference. In fact, I endorse the actions taken by the majority leader in this case in so-called filling the tree.

For the purpose of record and drawing a distinction on this bill from other bills where our majority leader has filled the tree prior to the time we have had any debate, this bill, S. 254, has been debated now for 8 days, from May 11 through May 20. We conducted 32 rollcall votes. The Senate considered 38 amendments—18 Democratic amendments, 20 Republican amendments. We had 10 Democratic amendments agreed to, 17 Republican amendments agreed to, and then we had 10 Democratic and Republican amendments that were not agreed to, and 1 Republican amendment was withdrawn.

The point I am making is that we have had a very good debate on S. 254. We had that debate. We brought it to conclusion. We had a final vote. Now it is time to move it on to conference. I fully respect the Senator from New Hampshire and his determination to slow this process down because he objects to some of the aspects in this bill, and that is his right. But I will say I support the effort made by the majority leader to move this bill to conference and the method he has employed to do so.

Again, this is not the same as laying a bill down for the first time, filling the tree and precluding Democratic amendments. We have had a very good debate on this bill. We have had an opportunity to offer amendments. I cite S. 254 as the model I wish we would follow on all bills, a model that we historically and traditionally have always followed, which is to lay a bill down, allow it to be subject to amendments, have a good debate on amendments, have the votes, have the final vote, and then go to conference.

I hope we can do more such of this in the future as we consider other authorizing bills. I urge my Democratic colleagues and my Republican colleagues to support the effort this morning to move this legislation forward to conference so we can resolve what differences there are with the House—and there are many very important differences. I am hopeful we can bring

this bill back from conference in time and that we can be as supportive of it as we were of the bill when it passed on May 20.

Mr. President, I encourage my colleagues to be supportive this morning. I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute to Calendar No. 165, H.R. 1501, the juvenile justice bill:

Trent Lott, Frank H. Murkowski, Chuck Hagel, Bill Frist, Jeff Sessions, Rick Santorum, Ben Nighthorse Campbell, C.S. Bond, Orrin G. Hatch, John Ashcroft, R.F. Bennett, Pat Roberts, Jim Jeffords, Arlen Specter, Judd Gregg, Connie Mack.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the substitute amendment No. 1344 to H.R. 1501, the juvenile justice bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 77, nays 22, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—77

Abraham	Feinstein	McCain
Akaka	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gregg	Murray
Biden	Hagel	Reed
Bingaman	Harkin	Reid
Bond	Hatch	Robb
Boxer	Hollings	Roberts
Breaux	Inouye	Rockefeller
Bryan	Jeffords	Roth
Byrd	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Cleland	Kerrey	Sessions
Cochran	Kerry	Smith (OR)
Collins	Kohl	Snowe
Conrad	Landrieu	Specter
Daschle	Lautenberg	Stevens
DeWine	Leahy	Thompson
Dodd	Levin	Thurmond
Domenici	Lieberman	Torricelli
Dorgan	Lincoln	Warner
Durbin	Lott	Wellstone
Edwards	Lugar	Wyden
Feingold	Mack	

NAYS—22

Allard	Campbell	Enzi
Brownback	Coverdell	Gramm
Bunning	Craig	Grams
Burns	Crapo	Grassley
Helms	Kyl	Smith (NH)
Hutchinson	Nickles	Thomas
Hutchison	Santorum	
Inhofe	Shelby	

NOT VOTING—1

Voinovich

The PRESIDING OFFICER. On this vote the yeas are 77, the nays are 22. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 1347

The PRESIDING OFFICER. The question is now on amendment 1347. The Senator from New Hampshire is recognized for up to 1 hour.

Mr. SMITH. Mr. President, I yield whatever time he may consume to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague for yielding. It is obvious from the Senate vote we just had that we could only have delayed this process for several days, but we could not have stopped the ultimate result, which would be sending a flawed Senate bill to a conference with the House. Since that is the case, I see no reason to burn up good will by forcing the Senate to vote again and again with the same result on the various procedural steps that lie before us.

If this is where the Senate will ultimately make its stand, I am willing to let the process move forward.

However, some may be asking why we even made the attempt to stop this action.

Sometimes it can be unclear why a Senator cast the vote he or she did.

That's especially true for procedural votes like the cloture vote we just had.

So let me be clear why I voted the way I did—against cloture, against cutting off the debate on this measure, against moving this version of S. 254 to a conference with the House.

It's not because I oppose the juvenile justice bill. Quite the opposite: it's because I support good juvenile justice reform.

I support the many provisions of this legislation that truly address criminal violence, such as: Making sure violent juveniles are held accountable for their criminal actions; providing resources to states and localities to combat juvenile crime; toughening enforcement of the laws already on the books; helping communities promote school safety; helping parents and the media do more to limit the exposure of children to violence in the entertainment industry.

I support these reforms, and I could support the version of juvenile justice reform passed by the House.

However, the reason I opposed the Senate bill, and why I voted against cloture just now is because this is not a juvenile justice reform measure. It's also a gun control measure.

Gun control has nothing to do with stopping youth violence and crime.

Gun control of the kind proposed in this bill is not just ineffective—it is counterproductive because it would cut off lawful and beneficial uses of firearms.

And what may be the most important thing for anyone watching this debate to understand: gun control is something the House of Representatives has already said—with a bipartisan vote—it will not accept.

This is a set-up, folks. The House has said it will not accept gun control, and the Clinton-Gore Administration, along with its cronies in Congress, have said they won't accept a juvenile justice bill without gun control.

Does anybody else see a problem here? The problem is obvious. I don't see how the conference committee will fashion a version of juvenile justice that both the House and Senate can live with—but I can tell you one thing: whatever comes out of this conference won't have enough gun control in it for the Clinton-Gore administration.

In fact, I'm going to make a prediction here and now that whatever emerges from the conference committee will instantly be criticized—and maybe even threatened with a veto—because it doesn't have enough gun control in it for Bill Clinton and AL GORE, and the folks who work with him. That is because they need gun control as a political issue, and they are not interested in juvenile crime unless they have their political issue along with it.

I said, folks, that is ''politics,'' and I mean it, plain and simple.

Since the day the Senate took its vote, and since the day the House has taken its votes, we have watched the political maneuvering down at the White House and with the Vice President on this issue. Their debate isn't about controlling violence and violent youth. It is about a narrow political agenda of the far left.

It was a campaign kicked off by the President when he blamed the Littleton, Colorado killings on—and I quote from the speech that was later released by the White House and printed on its web page—''the huge hunting and sport shooting culture in America.''

What did the hunting culture and the sport-shooting culture in America have to do with the killings in Littleton, CO? In the mind of this President and this Vice President, it was politics. It was their entry once again into this debate.

That's right—the President wasn't talking about the cultural crisis that distresses all of us on all sides of this issue and the breakdown of families, the powerlessness of communities, the alienation of young people, the violence and brutality promoted by the entertainment industry.

It was all politics narrowly focused. No, what the President chose to blame was American hunters and spot shooters.

According to the Clinton-Gore administration, those who lawfully exercise a right protected by the United States Constitution—those people are responsible for the brutal, senseless killings at Columbine High School.

Shame on you, Mr. President. If you are one of the tens of thousands of adult volunteers who have helped train Boy Scouts and other young people in marksmanship, in one of the most successful youth sporting programs in history—according to the President, you're part of the problem.

If you take your family on an annual hunting trip, a ''bonding experience'' for yourself and your kids—according to the Clinton-Gore administration, you're part of the problem.

If you represented the United States of America in the Olympic shooting events, the gun control community wants you to know that you're part of the problem.

If you hunt for food to put on your table for your family, according to the Clinton and Gore administration, because of Littleton, CO, you are part of the problem.

But it wasn't enough to insult millions of law-abiding Americans by accusing them of responsibility for what happened in Littleton. The President went a step further to suggest that if these law-abiding citizens don't go along with his gun control agenda and give up more of their liberty, then they don't care about the lives of children.

I find that unbelievable. But that is what was implied very clearly by this President—the leader of the free world accusing those who uphold the law of being responsible for those who break the law, accusing those who would passionately defend their civil liberties as being bad citizens, accusing those who may have a firearm for the sole purpose of recreation or defending themselves and their families, accusing these people of not wanting to save children's lives.

And since that kickoff back in April, what have we seen?

We have seen an all-out public relations campaign headed by the White House against lawful firearm use.

We have seen political candidates of the left trying to outdo each other on gun control ideas. It is called have a gun control idea a week and somehow it may elect you in November of 2000.

Maybe this political campaign is scoring points with the gun control community. But I can tell you the people who I have been hearing from—the people outside the Capital Beltway who really have to deal with youth violence in their communities and in their schools—are saying gun control misses the point entirely.

They are saying the solution to youth violence is far more complicated than adding one more layer to the 40,000 gun control laws—40,000, that is right—that are already on the books.

They are saying they need real help and real ideas from Washington, DC, and not a political placebo for the 2000 election.

They are saying it is time to stop pushing political agendas and start pushing a law enforcement crime control agenda.

The Senate had a choice today between a bill that focused on juvenile justice reform and a bill that serves a political agenda.

I think the Senate's vote today has made the job of the conference committee harder and perhaps impossible.

My choice would have been a clean bill that prioritized law enforcement and focused on solving the problem of youth violence.

That is the kind of bill I hope to see coming out of the conference. That is the kind of bill I will work for coming out of the conference—the kind of bill that I could support and I believe that America wants.

They don't want politics in this issue. They want safer schools and safer streets and they want to know their children are safe from violent juveniles who would otherwise make these environments unsafe.

I thank my colleague from New Hampshire for yielding.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague from Idaho for his remarks.

I say for the RECORD that I agree with everything he said.

Mr. President, we have had a very unusual set of circumstances this morning.

We had a vote on an issue involving gun control, yet we don't get to speak until after the vote. Knowing what the result is, it does take out a little bit of the steam.

As most of my colleagues know, and I think most American people know, I have filibustered this bill now for about a week by asking for this cloture vote. As Senator CRAIG said, to simply have dilatory motions between now and the time this goes to conference makes no sense because the result of this bill going to conference has already been decided by the vote of the Senate.

Under this rule, each Senator, myself now being the one on the floor, has an hour to discuss the reason for their vote on this issue. I think it is important to discuss it, even though the vote has occurred, because the American people need to understand what we did. I tried in a very few brief minutes, thanks to the consideration of the minority leader who was kind enough to allow me 3 minutes of his time to do this prior to 9:45 when we had the vote, to point out what we were about to do. Apparently not too many people were listening. I will point out again what we did.

The House passed H.R. 1501 and sent it here. That is a cultural bill that allows the display of the Ten Commandments in schools. It allows individual religious expression. It allows prayer in school memorial services. It allows faith-based groups to compete for Government juvenile justice grants. A good bill.

The purpose of that bill was to make a statement about juveniles that perhaps the issue is not guns but, rather, a cultural problem in our schools that we need to address. It was a well-thought-out bill. When that bill came to the Senate, I tried to get a vote up or down on it. Because of procedures by those who felt the bill should not be passed, I could not do it. I was shut out by the so-called legislative tree, a parliamentary tree, so I could not offer the bill and get a vote on it.

Next comes gun control, the Senate provisions. We have a House bill and a Senate bill. The Senate bill imposes strict limits on gun shows. It requires the sale of trigger locks with guns. It puts new limits on juvenile gun possession, the kinds of juveniles that Senator CRAIG spoke about, young teenagers who perhaps might go hunting or sports shooting. These are needless restrictions on law-abiding American citizens, young and old.

I think it is important to understand what has happened. This was substituted for this as a result of the vote we just had. This bill will go to conference. Someone said quite some time ago: If you saw how laws and sausage were made, you would probably get sick and wouldn't want a part of either.

There is a lot of truth to that. I have never had a lot of confidence in those who say: We will clean this up in conference, or we will get a good bill out of conference, or let the conferees work their will.

We will see what kind of will is worked when this comes back. This is gun control, a violation of the second amendment. We voted by 77–22 to put more gun control on the American people. Call it what it is. When this comes out of conference, it will have gun control.

During the Senate's consideration of S. 254, I was very upset that the gun control lobby in this country took advantage of a terrible tragedy. They did a good job of it. This was a very emotional time, a horrible tragedy, and the gun control people used it to the hilt and scared off a lot of people.

What happened at Littleton was a terrible tragedy. People used this on the Senate floor and mounted an unprecedented assault on the second amendment rights of law-abiding American gun owners. Not one law-abiding American citizen had anything to do with Columbine, not one. Not one law-abiding American citizen, not one gun owner or juvenile who is a law-abiding citizen had anything to do with Columbine. They were law breakers who did that at Columbine. They cast the blame, though, on the law-abiding gun owner, while leaving the movie moguls and video gamemakers who promote violence to children unscathed, with no mention. The problem is guns, they said, not the culture.

It is interesting that we take prayer and values out of the schools. What comes in? Violence, drugs, condoms. Hello, America, wake up.

It was well done; it was well orchestrated. It scared off enough people. It

scared off the 19 or so votes we needed to block cloture on this bill. The House did the right thing; we did the wrong thing.

We need to take a hard, introspective look at our Nation's culture. That bill did that. This bill does not do that. We see video games designed for young people that glorify violence. I say to the American people taking a few moments to listen, look at those video games your kids are watching. Take a look at what they are watching on the Internet. Take a look at some of the movies they are bringing home from Erol's and watching after you go to bed. Parents might want to take a look and see what is going on in their children's lives.

They glorify violence. They invite children to engage in fantasy killings. They never show the opposite. When somebody is shot in one of the video games, they don't mention the fact that the person who was killed may have a family. They don't talk about that. The only thing shown is the glorification of violence.

We see unconscionably violent movies such as ''The Basketball Diaries'' in which killings bear a striking resemblance to the Littleton massacre. It doesn't mean every kid who watches that kind of a movie would do that. Of course it doesn't. Some kids can handle it, but some can't. Why expose children to this?

We see music such as that of the so-called Marilyn Manson character that glorifies murder, suicide, sodomy. As a matter of fact, Platinum Records has big sales on those records glorifying murder, suicide, and sodomy. Our kids are listening to this in America and we blame guns. We blame guns with this vote.

We see the marketing of violence in many forms over the Internet. As I said, every child is not going to go to school and murder his classmates or his teacher because he watches or plays some video game or listens to violent music. Some will be influenced by that culture.

I had a shotgun next to my bed for as long as I can remember. At 8 or 9 years old, I knew how to use it. I was trained to use it in the proper way. I never thought about going to school and using it on anybody, and neither did my classmates who also had shotguns. I remember hearing it said when I grew up that if you read good books, good things might happen. By the same token, if a young person watches a bad film or plays an evil video game, bad things may happen. Why take a chance? But it is easier to blame the gun. Blame the gun; blame somebody else. Don't look at what is going on in America. Wake up, America, before it is too late.

This is the second amendment to the Constitution that we just violated. It is not guns that caused this violence.

The first gun came over on a ship probably in 1607. Most likely somebody had a gun coming into Jamestown. For 375 years we had no school shootings, not one. Now we have gun control. In America, we have 40,000 laws, according to Senator CRAIG, and now we have school shootings. Hello. Anybody listening? What is going on here? Is it guns? If it is, how come we didn't have school shootings for 375 years when everybody had a gun?

I believe we should take a look at the news media. The news media has a distressing tendency to engage in sensationalism, the mindless pursuit of greater ratings. On April 20 this year when the children came tumbling out of Columbine High School with blood on their clothes, some children wounded and crying, what happened? With microphones in their face, they were asked: What was it like to witness your classmate's death? Did he say anything as he died?

What they needed when they came out of that high school, my fellow Americans, was a hug.

Do you know what would have really made me feel good? If one of those in the news media had laid down the microphone and laid down the camera and walked up to one of those kids and put his arms around them or her arms around them and said, ''I'm sorry. We love you.''

But, oh, no, we cannot do that. We have to get right in the face with the microphone and the camera and sensationalize this kind of violence. And then we blame guns.

When are we going to wake up, America, before it is too late? This bill addressed this—tried to. You cannot address these kinds of things with laws, but you can at least make an attempt. You take these things out of the schools and the kids don't have any choice. They can't pray; they can't talk about values. If somebody gets killed and the teachers try to comfort their kids by saying a prayer, the teacher gets fired. And we take away guns and blame guns.

H.R. 1301 declares that State and local governments have the power to display the Ten Commandments on public property. This would allow the public schools to post those Ten Commandments. Does anyone seriously argue that the display of the Ten Commandments in a public school wouldn't help kids at least think a little bit? They do represent the moral foundation of our entire civilization. Does anybody have a problem with, ''Thou shall not kill?'' Does anybody have a problem with, ''Thou shalt not steal?'' ''Thou shalt not bear false witness?'' ''Honor thy father and mother?'' Does anybody have a problem with those? Is that going to threaten Western civilization, to put those up on the wall of the school? Really? Come on.

H.R. 1501, this bill, declares that the expression of religious faith by individual persons is protected by the Constitution of the United States. This provision would allow greater freedom for individual students to express their religious faith, whatever it is, as well as to organize and participate in student-led religious activities in public school.

Does anyone seriously believe that greater religious freedom in the public schools would not improve the cultural environment in these schools? We spend more time trying to deny religion and values in our schools than we spend with our own kids. Think about it. If we spent as much time with our kids, loving our kids, as we do trying to deny them these kinds of things, we might have a better America. But let's go back and blame guns. That is what we did here; we just blamed guns. We put in gun control and substituted it for this.

Faith-based organizations can compete for Government grants under this bill. Does anyone doubt that involving faith-based organizations in juvenile justice would improve our Nation's juvenile justice system? These cultural approaches to solving the problem of youth violence offer great promise. This bill offers great promise. This bill offers gun control. This is the coward's way out. This is the ostrich vote. Put your head in the sand. Blame the gun. Don't deal with this issue. We wouldn't want to have to do anything as controversial as perhaps posting the Ten Commandments in a school.

I was disappointed during the Senate's consideration of this bill. I was disappointed, frankly, in some of my conservative colleagues in the Senate, some of my pro-gun conservative colleagues in the Senate. I am disappointed. We had a chance to stop this. I spent a great deal of time over the past 2 weeks as we debated S. 254, arguing privately with these colleagues, trying to persuade them to hold the line against this onslaught of more gun control.

Gun shows, do you know what the goal is here? It is not instant background checks. It is the elimination of gun shows—eliminate the shows, don't allow any gun shows. After all, punish the law-abiding American who comes to a gun show, as millions do all across America every year. Punish them. That is the easy thing to do. Do not deal with this. Do not deal with the criminal. Punish the people who go to gun shows, the law-abiding American citizens.

You say, what if somebody, a bad person, gets a gun? Bad people are not going to come and get a gun there; they can get it easier somewhere else. Even if they do, if they commit a crime with it, we put them in jail and put them away as we do anybody else who commits a crime.

I am very disappointed about what the Senate did with respect to these gun shows. It seems evident to me, the practical effect of the Lautenberg amendment, adopted when Vice President GORE sat in the chair and proudly cast the tie-breaking vote: This will ruin the gun shows, put them out of business. That is the aim of the amendment, and that is the aim of this legislation that we just substituted in order

to send it to conference. Everybody says we will get it out in conference. We will see about that. Don't hold your breath.

I am very concerned about the effects of this so-called trigger lock amendment. Even though the amendment appears only to require trigger locks to be sold with guns, the legal effect may well do great damage to the second amendment rights of law-abiding gun owners because courts may construe the amendment as creating a new civil negligence standard under which gun owners will be seen as having a legal obligation to use their trigger locks or face legal liability if their gun is misused by some third party. What are we going to create now, a trigger lock inspector? ''Knock, knock, knock. Hello, I'm the Government trigger lock inspector. I want to see if you have your trigger lock on your weapon.''

Some people say, no, it doesn't require they put it on their weapon; it just requires they buy it. Where is individual and personal accountability and responsibility? If you are dumb enough to leave a weapon without a trigger lock lying around where a kid can reach it, then you ought not own the gun. But that is personal responsibility and accountability. It is not the Government's responsibility. It is certainly not even workable. But maybe it will come to that. We have Government bureaucrats who do just about everything in America. We might as well have 400,000 or 500,000 trigger lock inspectors, and they can knock on the door, ''Mr. SMITH, do you have a gun?'' ''Yes, but I'm not going to give it to you.'' ''Well, I wanted to see whether you have a trigger lock on your gun.'' It may come to that. Don't laugh.

If the law develops such that gun owners have a legal obligation to use these trigger locks, they may be forced to put their safety and that of their families at risk. It is not unreasonable to imagine a single mother of a small child, depending on her gun for safety, panic stricken, struggling unsuccessfully with her trigger lock, at night, after hearing a burglar in the house. If she has no trigger lock, and she has that thing up on a 10-foot shelf, that is her choice. The Government tells her she has to use a trigger lock—or buy a trigger lock she doesn't even need.

What in the world is happening to this country, to the second amendment, to the Constitution? It is amazing how we pick some amendments, such as the first amendment, and say we must protect that amendment at all costs, but when it comes to the second amendment, no, we can skip that one.

These are two examples of the grave harm gun control amendments adopted by the Senate would do to second amendment rights. When the heat of the moment is gone and the passions so shamelessly stirred up by the gun control lobby have subsided, many of those who have supported these amendments will realize they have done the second amendment serious and lasting harm. But I don't want to see any tears; I don't want to hear any whining; I don't want to hear any, ''I'm sorry''; I don't want to hear any, ''My gosh, why did I do that? What happened? Where was I when they took the second amendment rights away? Where was I when they took the Constitution?'' I don't want to hear it. It is too late.

Great experts have repeatedly shown that criminals do not go to gun stores, complete the necessary forms, and leave with legally purchased weapons. ''Hello, I'm a criminal. I am going to use my gun tonight in an armed robbery. I would like to purchase it, please. Where do I fill out the forms?'' Criminals are going to buy their guns on the black market or they are going to steal them. I have had people tell me flat out: I might as well buy the guns on the black market. It is a lot safer to me. The Government doesn't know I have it.

That is pretty scary. Gun control has not been shown to reduce crime. Washington, DC, where we are now, has the most crime in all America. The only people who own guns in Washington are the criminals. They have them. You cannot have one. You are an honest citizen. But they have them. Crime has really gone down dramatically in Washington, hasn't it? Gun control has really worked here. Gun control attacks a serious problem from the wrong angle. Sixty million Americans own 200 million firearms. That is a very interesting statistic. Sixty million Americans own 200 million firearms, including 60 million handguns.

Yet four-tenths of 1 percent of those handguns will be used to commit a crime. So 99.6 percent of all handguns are used legally; 99.6 percent, the good folks; four-tenths of 1 percent, the bad guys. We substituted S. 254 for H.R. 1501, right here on the floor of the Senate.

Some argue the crime problem is the result of too much personal freedom. It is not personal freedom that is the problem. It is moral decadence. This bill tries to at least help us deal with it. It is moral decadence. It is a cultural, moral problem and it is getting worse by the day.

We look, in this body, for any excuse—guns, whatever—to look the other way. Maybe we will have a bill tomorrow to ban knives and then baseball bats, maybe cars. They kill about 45 million people a year. Maybe we ought to ban them.

It is a revolving door criminal system. That is what the problem is, moral decadence and a revolving door criminal justice system that puts the average murderer on the street in 7 years. That is right. The average murderer walks out of prison, if he goes to prison—some like Mr. Simpson never go to prison when they should. Yes, that is right, some like Mr. Simpson never go to prison when they should. But the average murderer in this country, if he goes to jail, serves 7 years for murder. But it is the gun's fault, isn't it? We cannot blame the judges, cannot blame the prosecutors, cannot blame the court system. We have to blame guns; blame the peaceful citizen who has the right to own a gun to protect himself.

I am proud I voted the way I did against cloture. I am proud I voted for H.R. 1501 and against S. 254. I am proud to stand up for the second amendment in the Chamber of the Senate, and I will stand up here again and again, year after year, month after month, whatever it takes to make this case because I know I am right, and I am going to continue to do it.

When this bill comes out of conference, I am going to filibuster it again for as long as I can. I am going to do everything I can to kill it, whatever I can do. I am only one person.

In the movie ''Mr. Smith Goes to Washington,'' another Mr. Smith, Jimmy Stewart, dropped on the floor of the Senate after several hours, 23 I think. I think he even beat STROM THURMOND, if I am not mistaken, in the filibuster. He dropped on the floor of the Senate amongst a pile of newspapers. Maybe that is what I have to do. Maybe I will do that. I don't know.

I know one thing, S. 254 is wrong and H.R. 1501 is right. I am going to fight to preserve, protect, and defend the constitutional right, all of the Constitution and all of the constitutional rights of Americans, including the right to keep and bear arms. Many of us who are veterans in the fight to protect the second amendment know the bold and clear words of the second amendment by heart. We cannot say them often enough if we are to educate our fellow citizens about the unmistakable meaning and intent behind those words of that most besieged provision of the Bill of Rights.

It is pretty clear:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Tell me where there is anything in that amendment that allows us to do this under the Constitution of the United States of America? I stood right there where the pages are sitting and took the oath twice when I came to the Senate to protect and defend the Constitution of the United States, and that is what I am doing now, and that is what I will continue to do.

There is nothing in those words about background checks. There is nothing in there about the people having a right to keep and bear certain kinds of arms. There is nothing in there that says handguns can be kept or not kept where shotguns can. Nothing. I sure do not see anything in there that gives Congress any leeway whatsoever to infringe second amendment rights whenever some group of anti-gun zealots think what they like to call the ''public interest'' requires it. The public interest is to preserve and protect the Constitution of the United

States of America. That is what the public interest is and nothing else. You trample on the Constitution; you trample on the public interest.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 30 minutes remaining.

Mr. SMITH of New Hampshire. I thank the Chair. Mr. President, these solemn words that all of us revere in the second amendment could not be more clear. There is no discussion about what those words mean. I am fascinated as the days go by, the more I am in politics, the more I read about constitutional scholars making unconstitutional arguments. Frankly, I am sick of it. The more recognition these constitutional scholars get, the more unconstitutional their arguments get.

How can anybody read the second amendment to the Constitution of the United States and come up with gun control? It is just simply not possible to do in any rational way. Yet many of the self-appointed leading lights of constitutional law continue to try to throw the second amendment into oblivion, to throw it on the trash heap. Boy, they are doing a good job.

There are 40,000 gun laws already. We can pass a few more and stop law-abiding Americans from going to gun shows. Let's just keep sitting back, America, keep sitting back on your hands—I might use another word if I were not on the Senate floor—and let it happen. Don't do anything. Don't stand up.

You need to start voting, my fellow Americans. You need to start looking at who is doing this to you and to the Constitution of the United States of America, and you need to start throwing those people out of here. That is what you need to do. I do not care with what party they are. It is irrelevant.

These are the same legal scholars who find a constitutional right to abortion, to solicitation, to contributions, to expression, to travel, to privacy, and to a wall of separation between church and state, none of which are mentioned anywhere in the text of that hallowed document. Nowhere. But, oh, they find it. Abortion, where is that in the Constitution?

I do not know if the scholars have read what our founders have said, but somehow I think it is reasonable to accept the premise that those who wrote the Constitution might have known what they were talking about; maybe they knew what they intended; maybe they knew what they intended since they wrote the document.

It is interesting to read some of their words on the second amendment. I am not sure the scholars have read them. If they have, they are not listening. I have read them. Let me quote a few.

The father of the Constitution, James Madison, made absolutely clear what the second amendment means. Mr. Madison declared that the Constitution preserves ''the advantage of being armed[,] which Americans possess over the people of almost every other Nation. . . .''

Thomas Jefferson, who wrote the Declaration of Independence, put it this way. Because of the second amendment, Jefferson proclaimed: ''No free man shall ever be debarred the use of arms.''

Another Founding Father, George Mason of Virginia, upon whose Virginia Bill of Rights the Federal Bill of Rights was based, explained that the second amendment means that the militia shall ''consist now of the whole people, except a few public officials.''

The whole people will now have the right in the case of tyranny to go to their homes and pick up their arms and protect themselves. That is the purpose of the second amendment. It is not about sport shooting. It is not about hunting. It is about protection, the right of a person to protect himself or herself from tyranny, from enemies.

Sadly, the modern day enemies of the second amendment choose to ignore what the founders said. I do not think they chose to ignore it. I think they deliberately ignored it. They knew exactly what they were doing.

They are trampling on the Constitution—it is a design—and the American people are going to sit back until it is too late—not if I have anything to do about it; not as long as I have a voice; and as long as I can stand on the Senate floor I am going to stop it.

Today they are unrelenting in their attacks on the second amendment, and they have a big advantage. They have a huge advantage because they have the major news media solidly on their side.

I am not much on polls, but it would be interesting to take a little poll to find out how many of the news media pack a little sidearm somewhere to protect themselves in their homes. Do you want to take any bets?

More than 6 years ago, I was driving to work, coming in here to Washington. I did not have a gun on my person because I am traveling in Washington, DC, where by law I am not allowed to have one. I did not think it would look good for a Senator to break the law. I do not like that law. I witnessed two people murdered in front of my eyes before the CIA.

When I got back to Washington, the press found out I had witnessed the murder, and the first question was not: Is your son OK? I just dropped him off at school 2 minutes before down the road. Not: How is your son? Is he OK? Is he handling it all right? Not: How are you? Are you OK? No. That was not the first question. That was not the second, either.

The first question was: Have you now changed your position on gun control? I witnessed a murder 20 minutes, 30 minutes before. That was the first question: Well, Senator, you're a conservative Republican, pro-gun. Have you now changed your position on the second amendment? I said: No, I have not. I wish I had had a gun. I might have saved two people from being killed by an individual standing in the middle of a highway with an AK–47 weapon, shooting innocent people in their cars.

Time and time again, the media has asked me the same question about that very incident. The obsessive focus of those questions on gun control demonstrates how much the media is in the back pockets of the anti-gun zealots. And they are. They are working together. Frankly, they are winning, if you want my honest opinion. They won here today. They won again. Time and time again—again and again and again—we trample on the Constitution of the United States of America.

You know what I said to the media? We ought to stop worrying about the terrorist's gun and start worrying about tracking him down, trying him, convicting him, and getting rid of him so he can never do it again. Finally, after several years, he was tracked down. He was convicted. He is now on death row.

The man who committed those murders outside the CIA was an alien terrorist who fled overseas. In thinking about the right to keep and bar arms in international terms, I find a certain irony. We live in a time in which nearly all of the totalitarian communist regimes, which kept all of the guns in the hands of the government and out of the hands of the people they tyrannized, have collapsed—almost all but not all. Yet their utterly discredited philosophy of gun control still finds a great number of sympathizers and supporters in the world's oldest democracy.

Two of my close friends escaped Castro's Cuba in the late 1950s, early 1960s. The first thing Castro did when he took over was go door to door, house to house, literally, confiscating every weapon he could get. Because once he did that, his people were defenseless, and he knew it.

It is interesting: Tyrannical governments taking our guns; Members of the Senate and the media taking our guns. A bitter irony, isn't it?

Seen in the light of the second amendment's wording, and the meaning of that provision of the Constitution, as illuminated by the comments of our Nation's founders, it is clear to me that the gun control amendments to S. 254 that were adopted by the Senate are a serious attack on the second amendment rights of all Americans.

The cloture vote we just took bringing debate on this bill to a close—which is what cloture is—shows where the votes are in the Senate. The Senate has sided with gun control, and they went against the cultural approach.

You are not going to cut down a big tree by snipping the leaves off of it. We are not going to solve this problem with gun control. We are going to solve this problem when we understand here in America that we have some severe cultural and moral problems.

We need to put values back in schools. We need to put God back in

schools. We need to allow kids to have the right to pray and the right to talk about these things with their teachers so their teachers do not have to worry about being fired for giving comfort.

A teacher in, I believe, New York was fired. When her children were agonizing over the fact that one of their classmates had died, and she offered to have them say a little prayer to comfort them, she was fired. The same people who advocated her firing support gun control.

I sought an opportunity to offer an amendment. I wanted to have a vote on H.R. 1501. I was not allowed to get it. All I wanted was a vote. I wanted the House bill. I wanted the Senate to be on record as to whether or not they supported this alternative, H.R. 1501, or this alternative, S. 254.

I stand right here at the desk of Daniel Webster. Webster was in many debates at this desk in the Old Senate Chamber. He was born in New Hampshire and represented New Hampshire in the Congress; and in a moment, I guess, when he wasn't thinking properly he moved to Massachusetts, and he represented Massachusetts in the Senate. But this desk now for evermore belongs to the senior Senator from New Hampshire.

I can imagine what Webster would think and say in the great eloquence that he was able to deliver so many times on the floor of the Senate at this desk. I think about it often. But I can imagine what he might have thought had he been here in this debate this morning, after a vote, with a bunch of rules that nobody put in the Constitution, with us getting a chance to say why it was a bad vote. I wonder what Webster would have said. Those are the rules.

I wonder also what he would have said if he knew we took away part of the second amendment rights of law-abiding American citizens—probably the same thing he would have said if we tried to take the first amendment rights away or any other rights away under the Constitution. He would be appalled.

I am devastated by this vote personally because I have traveled all over America these past 2 years, and I know what is in the hearts of most of the American people out there because I have talked to them one-on-one, literally one-on-one, from California to Maine, to Florida, to Alabama. You name it, I have probably been in the State. And they are disgusted with what we do here. I am a Member of this body. I am not criticizing colleagues, but they get so sick and tired of it, watching the Constitution get trampled on, watching their taxes go up, watching their rights being taken away, watching 35 million of their fellow citizens aborted and murdered.

When we talk about culture, what do we tell the shooters in Columbine and the kids who do these terrible things? We say, go to school today, be good kids, and while you are gone, we will abort your brothers and your sisters—35 million of them since 1973. We just can't continue to do this. It will be business as usual. We will kill another 30 million over the next 25 years. It won't stop.

It is not going to stop, and this isn't going to stop, until the American people understand fully what is happening. When they do, hopefully, they are going to change the Government and get us back to the Constitution of the United States. That is what we swore to uphold, that is what we took the oath to defend, and that is what we ought to do: Defend it and support it. Anything less than that, I don't care if it is the 2nd amendment, the 4th amendment, the 16th amendment, the 22nd amendment, or the body of the Constitution itself, we should defend it all, because that is what we are here for.

It is with great sadness and regret that I have to say to the American people, you lost today. The second amendment today took another hit, and it will continue to take more until we finally realize that enough is enough and we are going to change the people who do this to us time and time again. I hope it happens before it is too late because once we lose the Constitution and respect for it, we lose America.

I had a citizen tell me—I will not mention the name, for obvious reasons—just recently, about a week ago, that he talked to a high-ranking Member in the House of Representatives. I will leave it at that. That high-ranking Member said, in a discussion with that individual: ''The Constitution is nothing but a piece of paper.''

If that is true, there is not much hope. The last hope for America is the American people. It is not the Senate; it is not the House; it is not the White House; it is the American people.

Mr. President, I yield back the remainder of my time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to claim time to speak on this bill.

The PRESIDING OFFICER. The Senator may speak up to 1 hour.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I rise to offer my support to both the majority and the minority leaders in their ongoing efforts to get the juvenile justice bill to conference. I believe it is about time. I was an original cosponsor of the juvenile justice bill and helped write the gang abatement provisions of that bill. These provisions are really designed to provide a helping Federal hand to State and local governments for those gangs, criminal gangs, who are now crossing State lines and illegally conducting criminal activities in various States all across this great country.

Both Houses of Congress passed this legislation weeks ago. There are a few commonsense measures, targeted and precise, that provide some regulation of firearms in this country. They are not sweeping, they are actually rather small, yet they have become the focus of debate and stopped a good bill from moving further. The issue of the bill has remained essentially in legislative purgatory, and the will of the Congress and the American people has so far been denied.

I will speak for a moment about the few so-called gun pieces that are in this bill. The first is a bill by Senator ASHCROFT in the Senate which essentially says that juveniles can't possess or buy an assault weapon, assault weapons which were created for military use to kill large numbers of people in close combat—that is the purpose of these weapons, clearly. They were not made for civilian defensive purposes. It is a no-brainer to say that juveniles shouldn't be able to buy them or possess them.

Secondly, trigger locks should be put on weapons sold to the American public. We know they can be. We know they are not costly, and we know they will save lives in instances such as the one that happened a few weeks ago, when a youngster 8 years old picked up a gun, playing a war game with a 7-year-old, and shot the 7-year-old, not knowing the gun was loaded. Again, a no-brainer. Why not sell a gun with a trigger lock if it is going to save innocent lives?

Thirdly, we would close certain gun show loopholes. Does anyone in America really believe that a juvenile should be able to go to a gun show and, unidentified, surreptitiously, buy a gun and not even have a background check? I don't think so.

Finally, I authored a piece of legislation which to me was another no-brainer. We have in prior legislation prohibited American manufacturers from making the big banana clips, large ammunition-feeding devices, some of them as large as 250 rounds, which are used in the so-called grievance killings, 9 of which have taken place in high schools all across this great country in recent years.

That is the law of the land. You can't make them domestically. You can't sell those that are made domestically, and you can't possess them, if they were made following the assault weapons legislation which became part of the crime bill in 1994.

There is a loophole. The loophole is that they can be imported to this country. Last year alone, from almost 20 different countries, 11.4 million large-capacity, ammunition-feeding devices, over 50,000 of them of more than 250 rounds, came into this country. The President couldn't stop it by executive order; we had to legislate; and, in fact, we did. Twenty Republicans voted for this. We had 59 votes in the Senate. The chairman of the House Judiciary Committee moved it as an amendment on the floor, which was passed by unanimous consent in the House.

I will talk more about that in a moment because something rather dastardly has happened to it.

At Columbine High School earlier this year, 13 innocent children died from gunshot wounds. We were all horrified. Since that time, dozens, if not hundreds, of other children across this Nation have also died from gunshot wounds. Congress has done nothing to solve the problem, no measures to try to prevent this from happening in the future.

On August 16, the children of Columbine will return to the very school that witnessed one of the worst incidents of gun violence this Nation has ever seen. When they return, they are going to be asking themselves, their parents, their teachers, and even us a lot of questions:

What has been done to make our school safer?

Is it harder for kids to get guns today?

What has Congress done to help us?

And who is really trying to make a difference?

Many of those same children came here from Littleton this month, and they asked us those same questions. I believe their questions went largely unanswered.

The children received assurances from leadership on both sides of the aisle that Congress is working hard to reduce or eliminate future school shootings and that Members of Congress sympathized with them and would do anything they could to help. But as one child from Littleton put it bluntly: ''It is one thing for them to say they sympathize with our pain; it is quite another to look down a gun barrel and think that maybe you are going to die.''

This was from a girl just 17 years old, but a girl forced to grow up very quickly after the events of this past year. This is what the issue is all about—the boys and girls out there who fear for their lives every day because of gun violence.

I have asked fourth graders in California schools what is their greatest fear. Do you know what it is? Getting shot on the way to school.

Yet still we wait and we do nothing.

We spent more than a week in this body debating and voting on dozens of provisions to stem the tide of youth violence in this country, and—as much as some would still refuse to accept it—to curb the flood of guns reaching criminals and children.

This debate isn't all about just controlling guns. I think this debate really has three pertinent parts to it: One, improving parenting. Parents need to spend more time with their children. They need to set limits and they need to see that they are observed. They need to spend a lot of time with the young people. This has become less and less in a world that requires two parents to work. That is one thing—better parenting.

There is a second thing. Youngsters left alone are more often more dependent on media than I was when I was raised. In my younger days, there wasn't even television, believe it or not. Today, media is surrounded by a culture of violence—even video games. So youngsters are much more exposed to violence today than I was when I was growing up in this country.

Third, the Nation is awash in guns. These three things make a very combustible mix, and we need to deal with it.

But still we wait and we do nothing.

The delays have come in many forms, as I have said—political maneuvering, parliamentary tactics, and others. Just recently, in a virtually unprecedented move, anti-gun control forces in the House of Representatives raised a last-minute ''blue slip'' challenge to the amendment I just spoke about, which would stop the importation of these big clips—over 11 million of them last year.

It is my understanding this may have been the first time in history that such a challenge was raised to an amendment under Title 18, the criminal code. The first time in history—but that didn't stop the NRA or its supporters in this Congress.

The clear goal of this amendment, and of the overwhelming majority of Members in both Houses of Congress who voted for it, is to keep those foreign-made, high-capacity ammunition clips off our streets and out of the hands of children and criminals. That is the intent. You can't use them for hunting. They are not good for defensive purposes. They are offensive in their use.

For most people, stopping these big clips from flowing into our country and into the hands of children and criminals is simply common sense. But not for the NRA. They have tried to kill this measure for years. They supported the loophole in the first place. This most recent attempt, the blue slip challenge, popped up at the last minute—after the amendment had passed the Senate, after it had passed the House unanimously, and after we had already waited for weeks for a conference to start the juvenile justice bill.

Essentially, the challenge raised to the bill involves the constitutional prerogatives of the House of Representatives to originate all revenue bills. Several Members of the House argue that because the importation of large-capacity, ammunition-feeding devices creates some revenue for the Treasury, the prohibition of such importation would cost us money, and thus the entire juvenile justice bill becomes a revenue bill. Because no similar measure was in the House bill, it was proclaimed that the Senate had illegally originated a revenue bill. After little debate and much misinformation, the House voted to send the juvenile justice bill back to the Senate so that we could remove the clip provision.

I don't believe such action was warranted, and I would have liked an opportunity to make my case before the vote took place, but there wasn't time. In the end, I had little choice, and I picked up the telephone and called the Speaker of the House of Representatives, who was most gracious. He took my call. He said he did not want to kill the clip ban. He did not believe the House of Representatives—the majority—wanted to kill the clip ban, and he would support its reinstitution. I then called the chairman of the Judiciary Committee, the very distinguished Henry Hyde of Illinois, and he had made the clip ban amendment on the floor, which passed unanimously in separate legislation. He said he was supportive of the clip ban. He said he would move to put it back in conference and that he believed a conference committee that he would appoint on the House side would support its reinstitution into the bill.

Put plainly, we were sideswiped, and we were given no time to recover. But make no mistake, the juvenile justice bill is not a revenue bill, and this challenge, I believe, was simply an attempt to further delay the will of the American people.

I want to explain why I don't believe the clip import ban is a revenue measure, as it is meant by the Constitution, despite what the House Parliamentarian has said. I want to put my views on the record in the hope that this type of cynical maneuver won't happen again in the future.

I am not a constitutional scholar, but to me, this is simple common sense. In my view, the mere fact that a small part of a very large bill may incidentally effect some revenue doesn't make the bill a revenue bill. The Constitution states that all bills for raising revenue shall originate in the House. This has been interpreted to mean all bills affecting revenue, I guess, because although the clip ban does not raise revenue, it does affect revenue in a small way by causing the Treasury to lose the proceeds from a 4.2-percent tariff on ammunition clips that are used in certain types of firearms—I believe, handguns.

I don't believe the intent of this constitutional provision was to prevent the Senate from ever passing a bill that somehow affects revenue. After all, almost everything we do, in some way, affects revenue. We constantly pass bills establishing or eliminating fees. We put new requirements on the executive branch that will clearly lead to increased costs. We establish programs that will bring extra money to the Treasury in ways many people find hard to imagine. Our Founding Fathers wanted the House to originate legislation that raises taxes, and that I understand and concur with. But I don't believe they meant for the House to originate every bill in Congress, which would be the logical extension of the arguments made during this very short debate.

The juvenile justice bill was clearly not a bill for raising revenue, and neither was the clip ban amendment

itself. The juvenile justice bill was a bill to stop crime. The clip ban was an amendment to eliminate large-capacity, ammunition-feeding devices from our streets. Any revenue affect was incidental, and any claim to the contrary is simply mistaken.

In fact, the revenue effect of this bill was so incidental that nobody even realized that tariffs would be lost until a few short weeks ago. Not when the amendment came to the Senate floor and passed. Not when the amendment came to the House floor and passed. Not during the days and weeks that the juvenile justice bills sat on the calendar.

Only when the pressure was finally getting too great—only when the Senate Majority leader and the House Speaker promised conferees that week—only then did this issue come up for the first time, at the very last minute, before a rushed vote.

Mr. President, in at least two Supreme Court cases—U.S. versus Munoz in 1990 and another as far back as 1897—the Court has held that ''revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue.''

Clearly, Mr. President, the juvenile justice bill is not a bill that levies taxes ''in the strict sense of the word,'' but rather it is precisely the type of bill the Supreme Court agrees is not a revenue bill—one that is, and I quote it again, ''for other purposes which may incidentally'' affect revenue.

Unfortunately, the House of Representatives never had a chance to review those Court cases, because this issue came up so quickly.

In the end, whether or not a Senate bill is a revenue bill boils down to the opinion of a majority of House Members, and those Members have spoken by returning the juvenile justice bill to us for correction. But I firmly believe that if the House had been given an opportunity to study the facts and review the precedent, the outcome would have been different. Instead, the issue was rushed, the debate cut off, and the outcome predetermined.

I can only hope that we have now overcome the remaining hurdles and we can quickly move to conference on these bills, because we are running out of time.

With fewer than 8 legislative days left before the children of Columbine High go back to school, the future of this bill rests squarely with the Republican leadership in both the House and Senate. They have said they want to make progress with our gun laws, and they now have it within their power to do so.

I am encouraged that it now appears that the logjam has been broken, but the inventive and imaginative delays we have faced so far leave me wary of future shenanigans.

The question is, Will those who claim to support reasonable gun control finally put their money where their mouths are, or will they continue to use unprecedented parliamentary maneuvering to avoid the issue and give the NRA its very own Christmas in July?

I, for one, certainly hope that the American people win out, and I thank the majority leader for getting this process moving.

I also would like to extend my thanks to the Speaker of the House of Representatives and the chairman of the Judiciary Committee for their support. Chairman HYDE was very supportive of the assault weapons legislation, which was moved as an amendment to the crime bill in 1994, and his integrity has remained strong and unchallenged in that regard.

That is the one confidence that I have that this clip ban has a chance to fly once again. That rests on the integrity of the chairman of the Judiciary Committee, which I believe is unblemished, and also on the Speaker of the House of Representatives, both of whom have given me their firm assurances.

I thank the Chair. I yield the floor.

Mr. LEAHY. Mr. President, today we have another opportunity to proceed to conference on the Hatch-Leahy juvenile justice bill. Or today we can be delayed, again, by those who prefer no action and no conference to moving forward on the issues of juvenile violence and crime.

I came to the floor this Monday and last Wednesday to demonstrate the seriousness with which Senate Democrats take the matters included in S. 254, the Hatch-Leahy juvenile justice bill.

On Monday the majority leader was able to vitiate the cloture vote that had been scheduled and proceed to take up the House juvenile justice bill, H.R. 1501. He then offered amendment number 1344 to insert the text of S. 254, the Hatch-Leahy juvenile justice bill that passed the Senate after two weeks of open debate and after significant improvements on May 20, by a strong bipartisan vote of 73–25. In so doing, he struck Title VII of the Senate bill, which contained the amendment on the import ban for high capacity ammunition clips.

It was this provision that the House used to justify its decision to return S. 254 to the Senate on the ground that it contains what they consider a ''revenue provision'' that did not originate in the House. This, too, is consistent with the unanimous consent request that I first propounded last Wednesday and that the Majority Leader sought last Thursday.

I trust that once we obtain cloture on substituting the Senate bill for the House text, which is standard practice before seeking a conference, that the Majority Leader will move to instruct the conferees to reinsert the language that has been omitted from the Senate text to cure the technical objection of the House. That, too, would be consistent with the unanimous consents previously sought.

We will then be in position to have the Senate request the long-delayed conference and appoint its conferees.

One week ago, I took the extraordinary step of propounding a unanimous consent request to move the Senate to a House-Senate conference. I talked to the Majority Leader and the Chairman of the Judiciary Committee in advance of making the unanimous consent request. I noted the history of this measure and the need to move to conference expeditiously if we are to have these programs in place before school resumes in the fall in the course of my colloquy with the Majority Leader last week.

Two weeks ago, Republican leaders of the House and Senate were talking about appointing conferees by the end of that week. Instead, they took no action to move us toward a House-Senate conference but, instead, were moving us away from one. By propounding the unanimous consent last week, I was trying on behalf of congressional Democrats, to break the logjam. The unanimous consent would have cured the procedural technicality and would have resulted in the Senate requesting a conference and appointing conferees without further delay.

While I regret that Republican objection was made to my request last Wednesday, I thank the majority leader for the steps he is taking. Senate Democrats have been ready to go to conference. Unfortunately, objection from the other side of the aisle has extended the normal process from literally seconds into days and possibly weeks before we can conference this important matter.

Today, the Senate takes the second step outlined in my unanimous request, moving toward substituting the Senate bill for the text sent to us by the House. Senators can cooperate in taking the additional steps outlined in my consent request to get to a conference and the Senate could proceed to appoint its conferees and request a conference without further delay, even today.

Alternatively, Senators can exercise their procedural rights to obstruct each step of the way and require a series of cloture petitions and votes. I hope that in the interests of school safety and enacting the many worthwhile programs in the Hatch-Leahy juvenile justice bill, they will begin to cooperate. The delay is costing us valuable time to get this juvenile justice legislation enacted before school resumes this fall.

I spoke to the Senate before the July 4th recess about the need to press forward without delay on this bill. I regret that it is beginning to look like I will be repeating that speech again as we approach the August recess and maybe even into September.

I have contrasted the inaction on the juvenile justice bill with the swift movement on providing special legal protections to certain business interests. In just a few months, big business

successfully lobbied for the passage of legislation to protect themselves against any accountability for actions or losses their products may cause to consumers. This week the Senate is moving rather briskly on corporate welfare and other proposals.

Some on the other side of the aisle are dragging their feet and now actively obstructing the House and Senate from moving to appoint conferees on the juvenile justice bill that can make a difference in the lives of our children and families. New programs and protections for school children could be in place when school resumes this fall. The Hatch-Leahy juvenile justice bill is a firm and significant step in the right direction. The passage of this bill shows that when this body rolls up its sleeves and gets to work, we can make significant progress. But that progress will amount to naught if the House and Senate do not conference and proceed to final passage on a good bill.

Every parent, teacher and student in this country is concerned this summer about school violence over the last two years and worried about the situation they will confront this fall. Each one of us wants to do something to stop this violence. There is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. It is unfortunate that the Senate is not moving full speed ahead to seize this opportunity to act on balanced, effective juvenile justice legislation.

I want to be assured that after the hard work we all put into crafting a good juvenile justice bill, that we can go to a House-Senate conference that is fair, full, and productive. We have worked too hard in the Senate for a strong bipartisan juvenile justice bill to simply shrug our shoulders when a narrow minority in the Senate would rather we do nothing. I urge all Senators to work to make today the day that we finally can request the overdue House-Senate conference on the Hatch-Leahy juvenile justice bill.

Mr. HATCH. Mr. President, I hope and expect that cloture will be invoked shortly. It is my understanding that we will then proceed to the appointment of conferees for the juvenile crime bill, which is something I have been working on with the majority leader for some time. I commend the leader for his commitment to this bill, and I thank my colleague from New Hampshire for allowing the Senate to work its will.

I appreciate the arguments my colleagues have made and agree with much of what they said. But, in the end, the Senate and House have passed different juvenile crime bills, and it is a conference committee's task to reconcile those differences. It will be a difficult challenge since the Senate has an obligation to advocate for its position. Yet—at the same time—we must recognize that the House passed a bill which contains different cultural reform proposals, less spending, and no gun control provisions. In fact, the House defeated a separate gun control bill.

We must do our best to reconcile these bills. In the end, I hope and trust that this conference committee will produce a vehicle that the House, the Senate, and the President can support. If, however, some in positions of leadership and responsibility are unwilling to search for common ground and are content to simply politicize this issue, the change to do something meaningful for our Nation's children may slip through our hands. I hope that does not happen and I hope that we can come together for the sake of our children.

I want to say yet again that this is one of the most important bills that Congress will consider this year. The Judiciary Committee has worked on juvenile crime legislation for more than two years. The committee marked up the predecessor to S. 254 for nearly two months last Congress. And as you are aware, the Senate spend 2 full weeks this spring debating S. 254.

In 1997, juveniles accounted for nearly one-fifth of all criminal arrests in the United States. Juveniles committed 13.5 percent of all murders, more than 17 percent of all rapes, nearly 30 percent of all robberies, and 50 percent of all arsons. In particular, schools are becoming more and more dangerous. Fifteen percent of students have reported being victimized at school. Additionally, more than half of the Nation's public schools have reported that a crime had been committed on the premises.

Sadly, the killings at Columbine High School last Spring are not an isolated event. Similar shootings have occurred in recent years at schools in Pearl, Mississippi, which left two dead, West Paducah, Kentucky, which left three dead, Jonesboro, Arkansas, which left five dead, Edinboro, Pennsylvania, which left one dead, and Springfield, Oregon, which left two dead.

S. 254 provides an infusion of funds to state and local authorities to combat juvenile crime and youth violence. While juvenile crime is largely a state and local issue, the federal government can play a valuable role in assisting the States fight juvenile crime and violence through flexible block grants. S. 254 provides $1 billion a year to the States to fight juvenile crime and prevent juvenile delinquency. Specifically, S. 254 includes a $450 million juvenile accountability incentive block grant to the States. States can use this grant to implement graduated sentencing sanctions; build detention facilities for juvenile offenders; drug test juvenile offenders upon arrest; and require juvenile offenders to complete school or vocational training, among other reforms. S. 254 also includes the ''juvenile Brady'' provision, which prohibits the possession of a firearm by persons who commit a violent felony as a juvenile and $75 million annually to help States upgrade juvenile felony records and provide school officials access to such juvenile felony records in appropriate circumstances. In addition, S. 254 provides more than $500 million annually to the States for prevention programs, some of which are specifically targeted toward gangs in schools, and it extends the Violent Crime Reduction Trust Fund through 2005 to ensure adequate funding of administration of justice programs.

In closing, I hope that we can proceed to the appointment of conferees. This will give us the opportunity to accomplish a great deal over the August recess, and I believe that it will allow us to approve a conference report the week after Labor Day. It would be fitting for Congress to wrap up this historic juvenile crime legislation when America's children are returning to school from the summer recess.

Mr. LOTT. Mr. President, I ask unanimous consent that the pending amendment be agreed to, the remaining amendments be withdrawn, the bill be advanced to third reading and passage occur, all without intervening action or debate.

I further ask consent that the Senate insist on its amendment, request a conference with the House, the conferees be instructed to include the above described amendment No. 343 in the conference report, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The Amendment (No. 1344) was agreed to.

The Amendment (Nos. 1345, 1346, 1347, and 1348) were withdrawn.

The Amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1501), as amended, was read the third time and passed.

(The text of the amendment No. 1344 was printed in the RECORD of Monday, July 26, 1999.)

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. HATCH, Mr. THURMOND, Mr. SESSIONS, Mr. LEAHY, and Mr. KENNEDY conferees on the part of the Senate.

Mr. LOTT. Before I go to the next unanimous consent request, I again express my appreciation for the patience and for the cooperation of Senator SMITH in working through this process.

Personally, I believe very strongly that we need to have a good juvenile justice bill, which includes a lot of very important provisions with regard to how we try juveniles who commit crime, how we incarcerate them, how we deal with school security, including metal detectors. It also has programs included for alcohol and drug abuse, and it has some values provisions in it.

The House has passed a good bill which did not include the gun provisions. I hope this will be a juvenile justice bill when it comes back from conference.

I do think the right thing to do is to go to conference. I appreciate cooperation in making that happen.