proliferate and to conform to fundamental standards of civility and decency of the international community of nations.

Mr. President, I ask unanimous consent that a press release I issued yesterday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR SPECTER OPPOSES PERMANENT NORMAL TRADE RELATIONS WITH CHINA

In a Senate floor statement scheduled for May 17, 2000, Senator Arlen Specter announced his intention to vote against Permanent Normal Trade Relations (PNTR) with the People's Republic of China (PRC) and urged his Congressional colleagues to do the same.

Senator Specter based his opposition to PNTR on China's flagrant proliferation of weapons of mass destruction and the Clinton Administration's (1) refusing to impose mandated sanctions and (2) granting a waiver to enhance China's missile capabilities, plus the PRC's deplorable record on human rights.

Senator Specter cited:

(1) The PRC's sales of weapons of mass destruction to Pakistan, North Korea, Iran and Libya.

(2) The PRC's sale of M–11 missiles to Pakistan, which are now pointed at India threatening nuclear war on the sub-continent, was a Category 1 infraction mandating sanctions to preclude licensing of technology such as that transferred by Loral and Hughes to the PRC.

(3) Without obtaining the required license from the State Department, Loral and Hughes provided information to the PRC on a missile explosion which the Department of Defense concluded significantly enhanced the PRC's nuclear ballistic missiles.

(4) After the Department of Justice initiated a criminal investigation of Loral and Hughes for those disclosures to the PRC, Loral applied for a Presidential waiver to launch another satellite from a Chinese rocket.

(5) Notwithstanding a DoJ objection that a presidential waiver would have a ''significant adverse impact on any prosecution'', President Clinton granted the waiver.

Noting President Clinton's close relationship to CEOs from Loral and Hughes and the President's admission that there was ''enormous pressure * * * to fudge the facts * * *'' on sanction laws, Senator Specter concluded that Congress should assert its Constitutional oversight and checks & balances on Executive Branch excesses by retaining annual review of trade with China.

Senator Specter served eight years on the Senate Intelligence Committee including the chairmanship in 1995–96 and currently chairs the Judiciary Subcommittee on Department of Justice.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mrs. MURRAY. I yield 15 minutes to the Senator from California to speak on the Daschle amendment that is before the body this morning.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I want to use my 15 minutes to do three things. The first two are to debunk certain myths that the National Rifle Association has developed. The first is the myth they have developed with respect to the second amendment to the Constitution. Second is the myth that the gun laws are not being enforced. The third item I would like to discuss is the juvenile justice bill that has been awaiting conference now for about a year.

Let me begin by talking about the NRA claim that the second amendment to the Constitution gives every individual the right to own any kind of weapon, no matter how powerful or deadly:

From the Derringer to a Bazooka. From the .22 to .50 caliber weapon. From a revolver that holds 5 bullets to weapons of war with drums of 250 rounds. From the copper jacketed bullets to the black talon that rips apart organs as it passes through a body.

The fact of the matter is that the Supreme Court has never struck down a single gun control law on second amendment grounds. Let me just quickly read to you the second amendment. It says:

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.

Contrary to the constant claims of the NRA, the meaning of the second amendment has been well-settled for more than 60 years —ever since the 1939 U.S. Supreme Court ruling in United States v. Miller. In that case, the defendant was charged with transporting an unregistered sawed-off shotgun across state lines.

In rejecting a motion to dismiss the case on second amendment grounds, the Court held that the ''obvious purpose'' of the second amendment was ''to assure the continuation and render possible the effectiveness'' of the State militia. Because a sawed-off shotgun was not a weapon that would be used by a state militia—like the National Guard—the second amendment was in no way applicable to that case, said the Court.

More than 40 years after the 1939 Miller case, in the 1980 case of Lewis v. United States, the Supreme Court again held that ''the Second Amendment guarantees no right to keep and bear a firearm that does not have 'some reasonable relationship to the preservation or efficiency of a well regulated militia.'''' Again, the Court pointed to the militia as the key to the right to keep and bear arms.

Since Miller, the Supreme Court has addressed the second amendment twice more, upholding New Jersey's strict gun control law in 1969 and upholding the Federal law banning felons from possessing guns in 1980.

Furthermore, twice—in 1965 and 1990—the Supreme Court has held that the term ''well-regulated militia'' refers to the National Guard.

And in the early 1980s, the Supreme Court even refused to take up a Second Amendment challenge, leaving established precedent in place. After the town of Morton Grove, Illinois, passed an ordinance banning handguns—making certain reasonable exceptions for law enforcement, the military, and collectors—the town was sued on second amendment grounds.

The Illinois Supreme Court and the U.S. Seventh Circuit Court of Appeals ruled that not only was the ordinance valid, but went further to say—explicitly—that there was no individual right to keep and bear arms under the second amendment. In October 1983, the U.S. Supreme Court declined to hear an appeal of this ruling, allowing the lower court rulings to stand.

I was mayor of San Francisco when this took place, and I put forward legislation in the early 1980s to ban possession of handguns in San Francisco since at that time the homicide rate was soaring. The legislation passed. It was subsequently preempted by State law in a case brought and carried up to the State supreme court on the basis that the State of California had preempted the areas of licensing, of registration, and of possession, but it was not struck down on second amendment rights grounds.

Perhaps this history is what led former Supreme Court Chief Justice Warren Burger in 1991 to refer to the second amendment as ''the subject of one of the greatest pieces of fraud, I repeat the word 'fraud,' on the American public by special interest groups that I have ever seen in my lifetime. . .[the NRA] ha(s) misled the American people and they, I regret to say, they have had far too much influence on the Congress of the United States than as a citizen I would like to see—and I am a gun man.'' This was Warren Burger—a Nixon appointee to the Court.

Burger also wrote,

The very language of the Second Amendment refutes any argument that it was intended to guarantee every citizen an unfettered right to any kind of weapon. . .[S]urely the Second Amendment does not remotely guarantee every person the constitutional right to have a 'Saturday Night Special' or a machine gun without any regulation whatever. There is no support in the Constitution for the argument that federal and state governments are powerless to regulate the purchase of such firearms . . .

Erwin Griswold, former dean of Harvard Law School and Solicitor General in the Nixon Administration said in 1990 that ''It is time for the NRA and its followers in Congress to stop trying to twist the Second Amendment from a reasoned (if antiquated) empowerment for a militia into a bulletproof personal right for anyone to wield deadly weaponry beyond legislative control.''

All told, since the Miller decision, lower Federal and State courts have addressed the meaning of the second amendment in more than thirty cases. In every case, up until March of 1999, the courts decided that the second amendment refers to the right to keep and bear arms only in connection with a State militia—in other words, the National Guard, not an individual.

And the NRA is clearly aware of this history. Despite all of the NRA's rhetoric and posturing on this issue, they

know that the second amendment does nothing whatsoever to limit reasonable gun control measures. In fact, in its legal challenges to federal firearms laws like the Brady law and my assault weapons ban, the National Rifle Association has made no mention of the second amendment.

When the Ninth Circuit expressly rejected a second amendment challenge to California's 1989 assault weapons ban, the NRA elected to not even appeal that ruling to the Supreme Court, because they knew they would lose.

In fact, even when part of the Brady law was struck down as unconstitutional, that decision was not based on the second amendment, but on a narrow States' rights issue.

Another suit against the 1994 assault weapons ban was based on a ''bill of attainder'' argument, that Congress illegally targeted gun manufacturers—again, the suit is not based on the second amendment.

Elsewhere around the country, the NRA has argued that various gun control laws violate the first amendment, or the privacy rights of gun owners, or even the equal protection clause because NRA members are treated differently than others. The second amendment is never even brought up.

Nonetheless, many on the other side of the aisle may point to the one, single, lone exception to the long history of second amendment jurisprudence.

On March 30, 1999, a United States District Judge in Texas struck down a federal law making it a felony to possess a firearm while under a domestic restraining order.

In the Texas case, a man in the midst of a divorce proceeding was accused of threatening to kill his wife's lover. Although put under a restraining order and therefore barred from possessing a firearm under federal law, the man was subsequently caught with a gun and indicted for violating the ban. U.S. District Court Judge Sam Cummings dismissed the indictment, in part because the federal law, he said, had the effect of ''criminalizing'' a ''law-abiding citizen's Second Amendment rights.''

This was the first time such a decision was made by a federal judge, but it is important to note that this decision has been appealed. There is absolutely no reason to believe that the Supreme Court, if it ever got to that level, would uphold this decision.

The Texas decision clearly flies in the face of 60 years of second amendment precedent and, as Handgun Control has said, ''can only be viewed as a renegade decision.''

In fact, in his opinion, Judge Cummings was unable to follow usual judicial practice and cite legal precedent supporting his decision, because no such precedent exists.

This ruling is, as I have said, being appealed and since that decision, two federal courts, including a higher circuit court, have ruled that the second amendment does not guarantee an individual right to keep and bear arms.

That is the first myth.

Now let me talk about the second myth being perpetrated by the National Rifle Association. That is that our current gun laws are not being enforced. Members have heard over and over again: We have the gun laws; now go out and enforce them.

Of course we should be enforcing our gun laws. And of course we are. And the evidence clearly shows that gun prosecutions are up. In fact, since the passage of the Brady Bill just seven years ago, more than 500,000 felons, fugitives, mentally ill individuals, and stalkers have walked into a gun dealer and walked right back out again without a gun because of a background check.

The NRA argues that prosecutions are down, but they fail to correctly interpret the statistics to recognize that state and federal cooperation have actually led to an increase in combined prosecutions during the Clinton administration.

In fact, since 1992 the total number of federal and state prosecutions combined has increased sharply, and about 25 percent more criminals are sent to prison for state and federal weapons offenses than in 1992—from 20,300 prosecutions to 25,100.

Federal numbers may be down, but there is a reason for it. The federal government is now focusing its prosecutions on higher level offenders, and turning the lower level offenders over to the states for prosecution. In fact, the number of prosecutions of higher level offenders—those sentenced to 5 or more years in jail—has gone up nearly 41 percent in 7 years. And the number of inmates in federal prison on firearm or arson charges have increased 51 percent from 1993 to 1998.

Just last month, Senator KOHL of Wisconsin and I introduced an amendment which would expand Project Exile to 50 cities and provide law enforcement with ballistics technology that will make it far easier to identify and punish the perpetrators of gun violence. And I also support the President's request to fund at least 500 additional ATF agents and 1000 new prosecutors to focus on guns.

But here's the rub, and here's the contradiction of the National Rifle Association. On the one hand, they say enforce the law, and then they go out and they oppose any effort to strengthen those laws. The NRA fought the Brady Bill for 10 years. The NRA defeated all attempts to allow the consumer product safety commission to regulate the safety of firearms. The NRA in 1986 got legislation passed which restricts Alcohol, Tobacco and Firearms from inspections of gun dealers to once a year. Even dealers who are the source of hundreds of gun crimes cannot routinely be inspected more than once a year without a special court warrant.

For years, the NRA has even blocked the ATF computerization of gun sale records from gun dealers that have gone out of business. As a result, when a gun is traced as part of a criminal investigation, the files have to be retrieved manually from warehouses where old records are kept. This can add days or even weeks to an investigation. By the time the records are found, the trail may already be cold.

And most importantly, the National Rifle Association fights against funding law enforcement agencies at levels adequate to enforce our current laws.

As former New York City police commissioner William Bratten has said, ''The National Rifle Association has strenuously opposed increased financing for ATF and has successfully lobbied against giving it the authority to investigate the origin of gun sales.''

The result: ATF has been left underfunded, understaffed and unable to adequately enforce all the laws on the books.

And the simple fact is that even if enforced, the current laws aren't enough. There so riddled with NRA induced loopholes, that they are easy to get around. And that's why you see children killing children today. Guns left loaded without safety locks, with no responsibility in the law, civil or otherwise, for parents to keep those guns and weapons in safe storage.

Let me speak as a member of the Judiciary Committee.

Mr. President, this body passed a comprehensive bill to address the problem of juvenile crime almost exactly one year ago. The House followed suit a month later. Both bills passed by wide margins, and this Nation was given hope that some solutions to the problems of gun violence and juvenile crime were close at hand.

Yet simple fact is, the conference committee has met only once—in early August of last year. No real issues have been discussed. No progress has been made. The bills sit in legislative purgatory, apparently never to see the light of day again.

Democrats in both Houses have been ready and willing to debate these issues in conference for months now. But time continues to tick by. It now seems clear that these bills will die a quiet death at the end of this session because the NRA opposes certain targeted gun laws passed by this body to keep the guns out of the hands of children, out of the hands of juveniles, and out of the hands of criminals.

There is no one I have ever spoken to who believes a gun should not be sold without a trigger lock. There is no one I have ever spoken to who believes an assault weapon should be purchased by a juvenile. There is no one I have ever spoken to who believes we should not plug the loophole in my assault weapons legislation which permits the importation of clips, drums, or strips of more than 10 bullets—even the NRA agrees to that. And there is no one I know, outside of the National Rifle Association, who believes that two teenagers from Columbine should be able to go to a gun show and buy two assault

weapons with no questions asked. That is what this is all about. As a result, all of the important issues we debated will go un-addressed: Gang violence, juvenile detention, firearm regulation reform, and a host of other problems will go unsolved.

Mr. President, this demonstrates just how deeply these bodies are dominated by this one special interest group—these people who fervently resist any regulations on weapons, no matter how mild, no matter how targeted, and no matter how much the American people want it.

The Columbine incident shocked this nation to its core and this Congress to action. But since we passed that bill one year ago, we have continued to see tragedy after tragedy, all because we live in a nation awash with guns, and we won't stand up to the NRA.

In Atlanta, we saw a distressed day trader gun down his family and colleagues. In California, a hateful bigot killed a postal worker and then wounded five others at the North Valley Jewish Community Center in Granada Hills. The pictures of those young children being led away from the scene of the tragedy were not only heart-wrenching, but also clearly depicted the trickle-down of gun crimes in this country. Now the victims are young children.

We even saw one six year old child bringing a handgun to school, apparently in retaliation for a slight the day before, and use that gun to kill another 6 year old.

And every day since Columbine, another 12 children have died from gunshot wounds, in incidents of gun violence that go relatively unreported, and with outcomes not so public.

These incidents will never stop until we do something to stop them. The death rate will never be diminished unless we stand up and take action.

The Senate-passed juvenile justice bill is not an over-reaching statement with regards to gun control. Rather, the provisions in the juvenile justice bill are small, reasonable measures to make a difference in the lives of our children. None of those provisions should be controversial. Let me describe just a few of these provisions.

This bill includes four common sense provisions to address gun violence:

A ban on juvenile possession of assault weapons and high capacity ammunition magazines;

Closing the gun show loophole;

Requiring safety locks with every handgun sold in America;

And my provision to ban the importation of large capacity ammunition magazines.

Let me talk just a bit about this last amendment—my amendment to ban the importation of large capacity ammunition feeding devices.

The ''Large Capacity Ammunition Magazine Import Ban Act of 1999'' passed the Senate as an amendment to S. 254 by voice vote, after a motion to table failed 59–39. The same amendment, offered by Judiciary Chairman HENRY HYDE on the House floor, passed by unanimous consent in the House.

This amendment would stop further importation of large-capacity ammunition clips by eliminating the grandfather clause—as to these imported clips—that was included in the 1994 Assault Weapons Ban. Large-capacity ammunition clips are ammunition feeding devices, such as clips, magazines, drums and belts, which hold more than ten rounds of ammunition.

This legislation would not ban the sale or possession of clips already in circulation. And the domestic manufacture of these clips is already illegal for most purposes. Under current law, U.S. manufacturers are already prohibited from manufacturing large capacity clips for sale to the general public, but foreign companies continue to do so.

As the author of the 1994 provision, I can assure you that this was not our intent. We intended to ban the future manufacture of all high capacity clips, leaving only a narrow clause allowing for the importation of clips already on their way to this country. Instead, BATF has allowed millions of foreign clips into this country, with no true method of determining date of manufacture.

In fact, from July, 1996 to March, 1998, BATF approved over 2.5 million large-capacity clips for importation into the country. And recently, that number has sky-rocketed even further. Between March of 1998 and March of last year, BATF approved more than 11.4 million large-capacity clips for importation into America. Since that time, there have been millions more as well.

The clips come from at least 20 different countries, from Austria to Zimbabwe.

These clips come in sizes ranging from 15 rounds per clip to 30, 75, 90, or even 250 rounds per clip.

At least 40,000 clips of 250-rounds came from England;

Two million 15-round magazines came from Italy;

10,000 clips of 70-rounds came from the Czech Republic;

156,000 30-round clips came from Bulgaria;

And the list goes on, and on.

Mr. President, 250-round clips have no sporting purpose. They are not used for self defense. They have only one use—the purposeful killing of other men, women and children.

It is both illogical and irresponsible to permit foreign companies to sell items to the American public—particularly items that are so often used for deadly purposes—that U.S. companies are prohibited from selling.

Yet this amendment, along with the rest of the juvenile justice bill, remains stalled in conference.

And the juvenile justice bill being held hostage by the NRA is not just a gun bill. That legislation also contains countless provisions to stem the tide of youth violence in general:

A comprehensive package of measures I authored with Senator HATCH to fight criminal gangs; and

The James Guelff Body Armor Act, which contains reforms to take body armor out of the hands of criminals and put it into the hands of police;

And the Senate bill also provides for:

A new $700 million juvenile justice block grant program for states and localities, representing a significant increase in federal aid to the states for juvenile crime control programs, including:

Additional law enforcement and juvenile court personnel;

Juvenile detention facilities; and

Prevention programs to keep juveniles out of trouble before they turn to crime.

The bill contains provisions regarding the nature and amount of contact allowed between juvenile offenders and adult prisoners. These are important provisions relating to the safety of youth offenders that have been worked out through extensive negotiations for months, yet they, too, remain in limbo.

The bill encourages increased accountability for juveniles, through the implementation of graduated sanctions to ensure that subsequent offenses are treated with increasing severity

The bill reforms juvenile record systems, through improved record keeping and increased access to juvenile records by police, courts, and schools, so that a court or school dealing with a juvenile in California can know if he has committed violent offenses in Arizona; and

And the bill extends federal sentences for juveniles who commit serious violent felonies.

There are some key issues that still need to be resolved, including the issue of who gets to decide whether a young offender is tried as a juvenile or an adult. It is my hope that the conference committee will give judges greater discretion in this area. But if the conference committee never meets, this issue—like so many others—can never be resolved.

Mr. President, all of the commonsense provisions in this bill are now at risk of disappearing without a trace, and I urge the majority to proceed with the conference and come to a compromise.

Let me now turn to more recent events.

Mr. President, this past weekend, we saw a formidable gathering of people united in a common cause—750,000 at the National Mall and tens of thousands in other cities throughout America—marching in support of commonsense gun laws.

These mothers, fathers, sons and daughters gathered together for one purpose—to tell this Congress that enough is enough. These moms and others were saying that we can, should and shall put an end to the violence that is taking 80 lives a day—12 of them children—in our nation. We must pass sensible legislation to prevent gun violence.

There are those who will try to dismiss the Million Mom March as a one-shot affair, a day in the sun on the Mall, but I say such cynics do not know the power of a woman whose child is in jeopardy. Such cynics do not know the power of a million women united on behalf of the safety of their families.

There are those, such as the National Rifle Association, who have even sought to deride the Million Mom March, as ''a political agenda masquerading as motherhood'' in full-page newspaper ads.

While at the same time bragging about working out of the White House after November, the NRA said it was ''shameful to seize a cherished holiday for political advantage.''

But women throughout America have a message for the NRA—your time is up. It's a message so well articulated in a Tapestry on the Million Mom March web site. On this Tapestry, thousands of women have had their say about the senseless violence taking more than 30,000 lives a year.

I'll pick out just a couple of these messages to share with you today. Here's Kerry Foley, Chevy Chase, Maryland: ''I am the mother of three and I am an emergency medicine doctor. I have seen the carnage of gun violence first hand—a high school student shot dead while mowing the lawns by a mentally ill person. A man who shot his brother to death in an argument over the TV remote. We are not safe. Our kids are not safe. I'll be at the march to add my voice to all of yours.''

And Karen Farmer, from Littleton, Colorado, ''The right for my child to live, far outweighs anyone's 'right' to own anything.''

Mr. President, I ask approval to submit this Tapesty as part of the RECORD. It demonstrates the spirit, determination and commitment of women throughout America, the one force that I believe can finally break the gridlock that is keeping even the most common-sense gun laws from passage.

This march was the culmination of a lot of pent up grief and frustration at the inability of Congress to act.

On August 10, 1999, a hate-filled madman opened fire at a Jewish Community Center in Granada Hills, California, wounding five people, three of them children.

This was but the latest mass shooting across our great country. Who can forget the horrors of Paducah, Kentucky; Jonesboro, Arkansas, and Littleton, Colorado to name just a few. But on that day last August, the dream of the Million Mom March was born.

Mothers from New Jersey to California shared that dream and joined together this past Sunday, urging Congress to pass the four common-sense gun measures held in Conference Committee as part of the Juvenile Justice Bill since last June. And urging this Congress to approve new legislation for firearm licensing and registration.

Mr. President I have been working on this issue for months, with community groups dedicated to preventing gun violence, with law enforcement officials, other Senate offices and even individuals involved in the Million Mom March.

As Donna Dees-Thomases, organizer of the March, said ''licensing and registration is the foundation of sane gun laws. Without these basic measures, even current gun laws cannot be adequately enforced.''

The product of our work is the ''Firearm Licensing and Record of Sale Act of 2000,'' a bill I introduced last week with the support of my colleagues, Senators LAUTENBERG, BOXER and SCHUMER.

I began working on this legislation after the shooting at the Jewish Community Center in Granada Hills, when I became determined to find a better way to ensure that only responsible citizens have access to firearms.

I believe that this legislation will begin to address three key problems facing our nation.

First, too many criminals are finding it easy to obtain firearms. Our system of background checks has been a success—the Brady Law has stopped more than 500,000 felons, fugitives, stalkers and mentally ill applicants from obtaining firearms.

However, under the Brady Law a background check is required only when a gun is purchased through a licensed dealer. Gun shows and private sales have long provided a safe haven for those persons who are not legally entitled to buy a gun.

Only with a comprehensive system of licensing and records of sale can we hope to limit these illegal sales. By requiring that gun owners be licensed, that every transfer be processed through a licensed gun dealer, and that gun dealers record the transfer of guns, we will begin to limit the number of gun sales that fall between the cracks.

Second is the problem of gun tracing. Gun tracing is the process through which law enforcement can take a gun found at the scene of a crime and, as the name suggests, trace it back to its owner. In this way, many crimes have been solved and many dangerous perpetrators caught.

But without a national system of licensing and sale records, and without universal background checks, law enforcement often finds it impossible to track down the perpetrators of these crimes. Guns left behind, even those with serial numbers, turn out to be no more than dead ends for criminal investigators, because they may have been sold many times—even legally—with no background checks, no records kept, and no accountability.

If we begin to record the transfers of these guns, we make it easier for law enforcement to trace a crime gun to the perpetrator of the crime.

For this same reason, Senator KOHL and I recently introduced legislation to further the efforts of law enforcement to establish so-called ''gun fingerprints''—ballistics information that will allow law enforcement to trace those who use guns in crime even when the firearm itself is not found at the crime scene.

Third, and what I believe is the primary benefit of this legislation, we place a greater burden of responsibility on those persons who own dangerous firearms.

As Mike Hennessy, the Sheriff of San Francisco, recently pointed out in a letter to me, ''Most importantly,'' this legislation ''places responsibility for the tragic consequences of children having access to firearms squarely where it belongs, on the adult owner.''

This legislation provides criminal penalties for those adults who knowingly or recklessly allow a child access to a firearm, if the child then uses the firearm to seriously injure or kill another person.

Mr. President, the problem of firearm injury goes beyond just criminal violence. Too many lives are lost every year simply because gun owners do not know how to use or store their firearms—particularly around children.

In fact, according to a study released early last year, in 1996 alone there were more than 1,100 unintentional shooting deaths and more than 18,000 firearm suicides—many of which could have been prevented if the person intent on suicide did not have easy access to a gun owned by somebody else.

And think of this—if a man goes into a barber shop to have his hair cut, the barber is licensed. When we women go to a beauty shop to have our hair done, the cosmetologist is licensed. If we want to fish, we get a license. If we want to hunt, we must get a license. If you're a pest control eradicator, you must have a license. If you want to drive a car—not a lethal weapon in itself—but certainly a lethal weapon if irresponsible people are driving it, you get a license. And as a matter of fact, you register the automobile.

When a 16-year-old boy wants to drive a car, we make him prove that he knows the rules of the road, and that he can operate a car safely and responsibly. But if that 16-year-old uses his hard-won new license to drive to a gun dealer, he faces no written safety test, and no demonstration of proficiency whatsoever. It is time to recognize that a firearm is at least as dangerous as an automobile.

These are the issues—keeping guns out of the hands of criminals, tracking down criminals once they have used a gun in the commission of a crime, and making sure that gun owners know how to safely use and store their weapons.

I know that no single piece of legislation can solve the problems of gun violence in America. But in order to begin addressing these issues, I have introduced a bill that will require that all future transfers of handguns or semi-automatic guns that can take detachable magazines be recorded, and their owners be licensed.

Now let me first discuss why the bill covers the guns that it does.

The bill covers handguns because statistically, these guns are used in more crime than any other. In fact, approximately 85 percent of all firearm homicides involve a handgun.

And the legislation also covers semi-automatic firearms that can accept detachable magazines, because these are the assault weapons that have the potential to destroy the largest number of lives in the shortest period of time. A gun that can take a detachable magazine generally also take a large capacity magazine. Combine that with semi-automatic, rapid fire, and you have a deadly combination—as we have seen time and again in recent years.

Put simply, this legislation will cover those firearms that represent the greatest threat to the safety of innocent men, women and children in this nation. Common hunting rifles, shotguns and other firearms that cannot accept detachable magazines will remain exempt.

Now as to those firearms that will be covered by the bill, there are two requirements placed on prospective gun owners.

Regarding the licensing requirement first, this legislation requires that every person wishing to own a firearm covered by this bill must obtain a license—either from the federal government or from a state program that has been certified by the federal government.

In order to obtain a license, a person will have to provide proof of identity, and be legally entitled under federal law to own a gun. This will entail providing several things to federal or local law enforcement:

Provide information as to date and place of birth and name and address;

Submit a thumb print;

Submit a current photograph;

Sign, under penalty of perjury, that all of the submitted information is true and that the applicant is qualified under federal law to possess a firearm;

Pass a written firearms safety test, requiring knowledge of the safe storage and handling of firearms, the legal responsibilities of firearm ownership, and other factors as determined by the state or federal authority;

Sign a pledge to keep any firearm safely stored and out of the hands of juveniles—this pledge will be backed up by criminal penalties for anyone failing to do so;

And undergo state and federal background checks.

Once an individual has received the license from the Treasury Department, that single license entitles the licensee to own or purchase any firearm covered by this bill. Only one license is required, no matter how many firearms are purchased.

Licenses will cost $25 maximum and be renewable every five years. They can be revoked anytime if the licensee becomes disqualified from owning a gun under federal law.

Right now, the United States is one of only two countries—along with the Czech Republic—that does not have a firearm licensing system. Perhaps that is one of the reasons why children under 15 in this country are 12 times more likely to die from gunfire than the children of 25 other industrialized nations combined.

Only America, so advanced in other ways, remains so backward in how we regulate guns and gun owners. I believe that it is time to listen to the American people, and to enact common sense, reasonable legislation to ensure that all gun owners become responsible gun owners, and that guns themselves can be used more effectively to track down perpetrators of gun violence.

The second requirement of this legislation is that all future transfers of firearms covered by this bill be recorded by a licensed gun dealer.

This record of sale provision means that guns that are transferred in the future will, effectively, be registered. Registration is not a complicated issue, and it is one that every American will understand. We register many things in this country that are far less dangerous than firearms.

We register cars and license drivers;

We license barbers and cosmetologists:

We register pesticides;

We register animal carriers and researchers;

We register gambling devices; and

We register a whole host of other goods and activities—even ''international expositions,'' believe it or not, must be registered with the Bureau of International Expositions!

The American people already support national gun registration overwhelmingly, despite a concerted campaign by some to change their minds.

By requiring that firearm sales and transfers be recorded, we will establish some accountability for the use and care of those guns. Law enforcement will be able to track crime guns back to their legal owners, so owners will therefore need to be more careful about storing their guns so they are not stolen and also in reporting gun sales—nobody wants to be responsible for a crime committed by someone else.

As San Francisco Sheriff Mike Hennessy wrote to me, ''By requiring every transfer of handguns and semi-automatic firearms to be made through a licensed dealer, a chain of ownership can be established that can assist law enforcement in identifying firearms used in the commission of crimes.'' This record requirement is not so we can target law abiding citizens, but rather so that law enforcement can quickly apprehend criminals who use guns in crime.

Firearms dealers already keep careful track of gun sales, and submit serial numbers to the ATF for later use in gun tracing. The new record of sale requirement will essentially mean that this same process will be expanded to all covered firearms.

Penalties will vary depending on the severity of the violation:

Those who fail to get a license will face fines of between $500 and $5,000.

Failing to report a change of address or the loss of a firearm will also result in penalties between $500 and $5,000;

Dealers who fail to maintain adequate records will face up to 2 years in prison—dealers know their responsibilities, and this will give law enforcement the tools necessary to root out bad dealers and prevent the straw purchases and other violations of law that allow criminals easy access to a continuing flow of guns;

And adults who recklessly or knowingly allow a child access to a firearm face up to three years in prison if the child uses the gun to kill or seriously injure another person.

Mr. President, the Million Mom March was just the beginning of a powerful movement for sensible gun laws. Like the women activists before them, mothers and others who led the fight to abolish child labor, to establish juvenile courts, to improve child care and broaden health coverage, the participants in this March are now united behind a cause that we cannot afford to ignore: Sane, common-sense gun laws; child-safety locks on handguns; a ban on minors buying assault weapons; closing the gun-show loophole that allows buyers to get around background checks; prohibiting the import of high-capacity ammunition magazines; and finally licensing gun owners and registering firearms. After all, we ask people to get licenses to drive a car and we register automobiles; why not gun-owners and firearms?

I urge the Senate to pass the juvenile justice bill, and to continue the fight against gun violence demanded by those million people this past weekend.

Mrs. MURRAY. Mr. President, I commend my colleague from California, Senator FEINSTEIN, who has done a remarkable job in presenting this issue to the Senate on behalf of not only her constituents but on behalf of many of us across the country. I thank the Senator for her leadership.

I yield myself 10 minutes.

I rise today, as well, in support of the amendment before the Senate. I pose a question to the Members of this body, a question asked by 750,000 mothers, fathers, and children who gathered in our Nation's Capital for the Million Mom March this past weekend. It is a question being asked by tens of thousands of people who took part in rallies across 70 cities in this country this last weekend. It is a question being asked after every school shooting and after every other act of gun violence.

I ask my colleagues: What will it take to get this Congress to pass commonsense gun legislation? Do we have to wait for more innocent people to lose their lives before this Congress will act? Currently, 12 children die every day from gunfire. Do we have to wait for our homes and places of worship to become crime scenes? Lord knows, we have seen enough of that. Do we have to wait for our schools, places

where our children should feel safe and loved, to become war zones?

We have already had school shootings in many cities: Littleton, Deming, Jonesboro, Flint, Conyers, Pearl, Fort Gibson, Springfield, and Moses Lake in my home State of Washington. Do we have to wait for a million people to rally here in D.C. and across the country to get this Congress to act? We just had that this past weekend. Do we have to wait for a shooting to take place right here in the Nation's Capitol Building to act? We have already had that. Do we have to wait until no place is safe for this Congress to pass commonsense legislation? We are getting closer to that every day. It is not getting any better. It seems the accidents are all the more common. It seems the shock and the pain and the loss keep growing, but this Congress has not acted.

What is it going to take for this Congress to pass commonsense gun legislation? I want to give my colleagues a reason to act. I want to share with them a personal story about how gun violence is tearing our country apart. It is a story from a member of my own staff in Washington State. She is a wonderful woman named Mary Glen, who lost her son in a tragic robbery. It is something that has had a tremendous impact on her and on me. I know I cannot convey, or even imagine, the horror she has been through. But I also know that her voice must be heard by this Congress, so I want to read to you what she said in her own words at the Million Mom March in Seattle, WA, this past weekend.

I truly commend her for her courage, telling her story so openly and allowing me to share it with you today. Mary Glen said:

> On Jan. 1st 1994 I awoke to a knock at the door, two police officers were standing there with the news that my 15-year-old son, Shaun was dead. Shot in the back, robbed of his money and his clothes.
>
> As Shaun left a convenience store after purchasing a pizza early New Year's morning of 1994, two young men took him by gun point, forced him into a car, drove him a couple blocks away, made him strip out of his clothes, took his money and then ordered him out of the car. They then shot him in the back! What a cowardly act. My world was torn apart that day but all I could think of is I can't let this happen to anyone else's child.
>
> As a mother, I had been a good parent, but that wasn't enough as I found out. It didn't matter how good of a parent I was, because when Shaun was out of my sight I couldn't protect him from what happened.
>
> Sixteen days later I was speaking to other Moms who had lost loved ones due to guns.
>
> In February of 1994, just 6 weeks after I buried Shaun, I spoke before the Washington State Legislature, telling my story and asking for stricter gun laws, telling them, if they had tears in their eyes after just hearing my story, which they did, imagine how I must feel having to survive it and go on without my son.
>
> This kind of violence is preventable. In April of 1994, Senator Feinstein invited me back to Washington, DC for a press conference on the assault weapons ban, part of the 1994 Crime Bill. . . .
>
> There, I met with others who had lost loved ones and together we spoke out about gun violence to anyone who would give us the time. The effects of gun violence are very brutal and personal for me. . . .
>
> This isn't about being pro or anti gun it's about saving our children who leave our houses and are not coming home. The devastating effects don't magically stop. It's an ongoing struggle. . . .
>
> If I could have one wish answered for Mother's Day this is what it would be: That every person who screams about their 2nd amendment rights and the need to own a gun without wanting to be held accountable for the responsibilities that go with it, feel the pain of losing a child to murder for one day—because then doing the right thing wouldn't even have to be argued.

Those are the words of Mary Glen. She is a member of my staff in Washington State, and I could not agree with Mary more. She is a survivor. She is a strong and loving woman. I got to know her through her work with Mothers Against Violence in America. So, again, after sharing Mary's story with all of you I ask: What will it take for this Congress to pass commonsense gun laws?

Last year, in the juvenile justice bill, the Senate passed commonsense gun restrictions. We closed the gun show loophole; we mandated trigger locks on all handgun sales; we enacted legislation to ensure that violent juveniles cannot buy weapons; and we banned the importation of high-capacity ammunition clips. Unfortunately, this Congress has failed to make that bill law. The juvenile justice bill has languished in the conference committee for nearly a year.

Some opponents of commonsense laws say we are not doing enough to enforce the laws that are already on the books. This administration has done more to protect children from gun violence than any in our Nation's history. Gun prosecutions overall have increased nearly 30 percent in the Clinton-Gore administration. Of course, there is more we can do, and the President has proposed increasing the number of Federal gun prosecutors and helping States with their gun prosecutions and enforcement. But at the end of the day, all of the excuses and all the doubletalk from opponents will not save one life. Sensible gun laws will save lives. But first we have to get this Congress to act.

Today, with this amendment, we are asking this Congress to act in a small and symbolic way. We are asking this Congress to commend those who took part in the Million Mom March. It is the least we can do for a group of people who have suffered losses many of us cannot even imagine. They have asked: What will it take for this Congress to pass commonsense gun legislation? Let's answer them by showing we are ready to protect Americans from gun violence. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I wasn't going to say anything on this subject, but after listening to several of the statements, both last night and again this morning, I am compelled to speak. Everybody is talking about a message that was conveyed to this country last Sunday. There was a message there. I walked through that crowd. There weren't too many television cameras following me because I am not one of the superstars here. I do not take this floor and do a lot of talking. But this time I think I must.

If you listened to them, there was a message. Common sense? Yes, that message was there: Do some commonsense things that will really reduce our exposure to crimes committed using firearms and enhance safety around children. They were not only talking to Congress; they were talking to America. They were saying: Americans, if you have children and young adults in your home and you also own firearms, then you have some responsibility. You, as the adult of that home, have a responsibility. You have a responsibility to your community as well as to this Nation that that child or young person or young adult knows and respects the weapon. The message was: Come to your senses, America.

We can pass laws in here. We can pass this sense-of-the-Senate measure. We can pass the juvenile crime bill. But if we as adults in our own homes and with our own neighbors do not take responsibility, it will not change a thing —not one thing.

There is a reason the second amendment was put in the Constitution. All we have to do is look around the world. We are a different society. We are a free society. Those men who shaped the Constitution and fought over it and bled over it, who walked, not the Halls of this building but in Philadelphia and New York, probably did not know exactly what they wanted in the Constitution, but they knew exactly what they did not want —tyranny by government.

We are no different from the roots from which we sprang. I go back to the words of Benjamin Franklin. I will never forget them. I think they are very true today, just as they were then:

> Those who think we can pass laws that make us feel good and warm and fuzzy, who say look what we have done but do not change the circumstance any, they will say we are more secure now, but it is a false security. Those who would sacrifice freedom for security deserve neither.

Those are the words of Benjamin Franklin. They are words that ring through these Halls today. If there is no responsibility, nothing happens, and the message from the Million Mom March is for naught. Pass the laws. Those who obey the laws become the prey, and those who are willing to break the law have no fear of it and become the predator and therefore rule by fear.

Common sense, America; common sense. That is what they said. No matter what the law, the bottom line is responsibility—adult responsibility—not

given to the Government, not given to the schoolteacher, not given to the babysitter; it is part of what we call parental responsibility. We should not be lulled into a false sense of security because we have passed a law that basically changes nothing.

Those who have lost children in any way, in any fashion, understand that down in their gut. How can they tell the story? Because they believe it deep down.

When I drive across this great country of ours—Washington is not the center of the universe—when I drive on the other side of the mountains and out across the prairies of America into the West and clear to the coast, I see people who are willing to take responsibility. They built a great nation, and they did not build it on false security.

Last night I played a tape called ''Touch Tones in Valor.'' It is a 10-minute tape on the Battle of Iwo Jima in World War II. I started wondering: Why did these men and women of great courage think so much of freedom that they were willing to pay the supreme cost? Yet we cannot seem to teach that in our schools.

During this debate, there have been numbers quoted, stats quoted, and there are politics involved. Why don't we say to the organizations that have the ear of people who shoot for sport and to hunt: Instead of this adversity, why aren't we working with those folks and their programs of education and responsibility and do something to raise awareness to make communities safe?

We can do that, America. We can do that. We can work with parents, and we can work with schools, but we have to get involved. We cannot pass a law, walk away, and say look what we have done, and all at once believe that we are safer. We have to get involved with the young people. It is about time we remind ourselves to teach right from wrong and that there are consequences for wrong.

It boils down to the message I got on Sunday, which is to help us; help us, but for Heaven's sake, when you go into groups, talk about parental responsibility, talk about the way to raise our children, talk about the way to teach our young adults. Do not go through this process of pretense and then say, ''Look what I have done.'' Do not be afraid to teach.

My good friend from Washington comes out of the education community, and I bet she was a good teacher. We all teach every day. Every one of us, every adult, teaches every day. That is where it starts. That was the message of this past Sunday: Be a leader; be a role model.

For Heaven's sake, don't do something with a paintbrush and think we have a new barn because we still have the same old one. We have to change from the inside.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, of the 10 minutes, I yield myself 8½ minutes.

I hope the American people are beginning to understand the difficulty those of us who want sensible and responsible opportunities are having in putting before the Senate proposals which we think can reduce youth violence and the availability of weapons to children in this country. We were stalled yesterday, and we have been stalled again to the point where we are acting only on a sense-of-the-Senate resolution. We are, because of what I consider an abuse of the rules of the Senate, denied an opportunity for accountability by the Members.

I hear a great deal about responsibility. I hear the speeches about how we ought to be responsible and parents ought to be responsible. I say the Senate ought to be responsible. The Senate of the United States ought to be responsible, the House of Representatives ought to be responsible, and at least have a debate about these issues rather than relying on the gymnastics of parliamentary procedures to deny us that opportunity.

When our good friends talk about responsibility, let's start right where it should begin, and that is right in the Senate.

It ought to be self-evident that children in the United States of America have the easiest access to guns of any country in the world.

We know we have more youth deaths than the next 25 industrial nations combined. Easy access to weapons has been demonstrated.

The argument is: Why aren't we doing more in terms of prosecutions? Or, Why aren't we doing more in terms of helping children? I daresay, that those of us who are in strong support of the Daschle amendment take a back seat to no one in trying to find ways to help and assist parents, schools, local communities, and church leaders in local communities to try to deal with the problems of violence in the community.

What we have also seen from Justice Department statistics is that there has been vigorous enforcement of the laws in sending people off to jail who are violating gun laws. Where the penalty is above 3 years, there is a 30-percent increase in prosecutions. In State law, there is a 25-percent increase in prosecutions for those with a penalty below 3 years. There are 25 percent more criminals going to jail today than 7 years ago in relation to gun offenses.

Let's free ourselves from the adage: we have enough laws on the books—let's just enforce them. The statistics respond to that statement.

The second question is, if we go ahead and pass these laws, that isn't the only problem. We understand it is not the only problem. But we are stalemated in trying to deal with the underlying problems, as well.

Let's think of where we are. We have a number of different proposals to try to help and assist parents and schools and local communities. For example, we have our Safe and Drug Free Schools Program that provides help and assistance to every school in this country. We have found that any effort to increase the funding for that program has been opposed by the Republicans. That is the principal instrument to try to help our schools develop their own kinds of programs to deal with the problems of violence in the schools.

The Justice Department's Safe Schools and Healthy Students Program attempts to help schools. And it too has been sidetracked by the majority.

The various prevention programs in the Juvenile Justice bill like the juvenile drug and alcohol treatment programs, school counseling, and other school-based prevention programs like the FAST Program—which is the Families and Schools Together Program—and the centers of excellence to treat children who have witnessed or suffered serious violent crimes, all of those programs are put on the back burner. We cannot get funding or support for those programs.

Let's not stand out here and say that there are other causes of violence. We understand that. We also understand that people in other countries are seeing our movies, they are viewing our games, and yet they do not have this proliferation of violence. Maybe we ought to be taking a look at some of those issues, but we are being denied now on the most basic and fundamental issue, and that is the issue of the proliferation of weapons.

With all due respect to our friends on the other side of the aisle, let's look at what their position has been in terms of the proliferation of weapons. I was here when we passed the McClure-Volkmer Act. I voted in opposition to that bill, which opened up the whole gun show loophole. The McClure-Volkmer bill effectively facilitated the sale of guns to criminals and juveniles by turning gun shows into a booming business. It severely restricted the ability of the ATF to conduct inspections of the business premises of federally licensed firearms dealers. It raised the burden of proof for violations of federal gun laws. That is what the NRA has supported on the McClure-Volkmer bill.

Then we had the Brady bill. They resisted it every step of the way. It took 7 years to pass the Brady Bill. And the NRA's ongoing attacks on the National Instant Check System show that their claims to support background checks are utterly specious.

Then we had the whole question about the ATF. As I have mentioned previously, the NRA and the Republicans oppose sufficient numbers of law enforcement officials in the ATF. We have the same number of law enforcement officials now as we had 25 years

ago, with basically flat funding. Everyone around here knows what that means. It means a real drop in the funding by about 30 percent. So to our good friends on the other side: untie the hands of law enforcement. Their hands are tied behind their backs, and you ask: why aren't they enforcing the laws? Come on now.

We are prepared to do something in terms of these other issues, as I mentioned. We have passed the SAMSHA program, which deals with issues of mental health and tries to provide resources to local communities to work with schools, religious organizations, and law enforcement, to reduce the proliferation of weapons.

What are the radical proposals we keep hearing about that are going to basically undermine the Constitution of the United States?

We have a gun show loophole. We want to go back to where we were prior to the time of the McClure-Volkmer Act. That is where we basically want to go. It has passed the Senate and we cannot even get consideration of it.

I listened to my good friend from Montana talk about holding parents responsible. That is the proposal of the Senator from Illinois, what is called the CAP proposal. We have it in Massachusetts.

Is the Senator from Montana, or anyone on the other side, willing to sponsor that and bring it up this afternoon? Of course they are not.

Holding parents responsible is what we want and what they oppose. We listened to how we want family responsibility, parental responsibility. That is what this child access prevention legislation is all about. But we are denied even the opportunity to debate it.

So don't lecture us about it. Don't lecture us about it.

Safety locks, to try to make sure the 1,200,000 guns which are loaded and unlocked in households across America—where children will go this afternoon—have safety locks. Requiring that every new gun have a safety lock, and trying to hold parents responsible, is that so dramatic? Of course it is not.

The PRESIDING OFFICER. The Senator has used 8½ minutes.

Mr. KENNEDY. I have a minute and a half, I believe.

Mr. President, the possession of automatic weapons, to change this from the age of 18 to 21, we are opposed on that.

This morning I looked on the web to see what has been happening in the last few days.

May 15: Georgia boy 12, accused of killing a 10-year-old cousin.

May 15: Chicago sees five youths injured by gunfire in 36 hours.

May 15: Michigan boy 17, son of mayor and Congressman—one of our colleagues—dies from self-inflicted gunshot.

May 11: Mississippi, 5-year-old shoots sister, 2, with mom's unlocked gun.

May 11: Arkansas boy uses gun from home to shoot at officer.

May 10: Florida, 5-year-old takes gun to prekindergarten.

May 8: Montana, teen dies from accidental self-inflicted gunshot wound.

The list goes on. That is in the last week alone.

For how many more weeks will we have these lists? How many more weeks are we going to be denied by the Republican leadership the opportunity to do something about it?

That is what this debate is about. That is why their position is irresponsible. That is why we are going to continue to battle during the course of this Congress to protect these children in this country who need our protection.

To recap, since Columbine, the National Rifle Association and the Republican leadership in Congress have succeeded in blocking any action on new or stronger gun laws with a blunt response: ''We don't need new gun laws, just enforce the laws already on the books.''

We need to expose the National Rifle Association and the Republican hypocrisy. The NRA has systematically weakened federal gun laws over the past two decades and has made law enforcement's job of apprehending criminals more difficult.

There are three major components of our weak gun laws that have the fingerprints of the NRA all over them: The McClure-Volkmer Act, the Brady Law, and the funding of ATF agents.

The NRA-sponsored Firearms Owners' Protection Act of 1986, also known as the McClure-Volkmer Act, is perhaps the strongest evidence of NRA hypocrisy on gun enforcement. With its passage, the NRA accomplished the following:

It allowed unlicensed individuals to sell their personal firearms as a ''hobby.'' The result has been the sale of massive numbers of firearms to criminals and juveniles without background checks. This provision not only created a vast secondary market —it also opened up the ''gun show loophole,'' which many of us in Congress are now struggling to close.

It facilitated the sale of guns to criminals and juveniles by turning gun shows into a booming business.

It allowed criminals to keep or regain their rights to own guns.

It severely restricted the ability of the ATF to conduct inspections of the business premises of federally licensed firearms dealers.

It raised the burden of proof for violations of federal gun laws.

The seven-year battle to pass the Brady Bill and the NRA's ongoing attacks on the National Instant Check System show that the NRA's claims to support background checks is utterly specious.

Before the Brady Bill was passed, 32 states lacked a background check system. A criminal could walk into a gun store, sign a form stating he is not a prohibited purchaser, and walk out with a gun. The form would simply be filed away, with no follow-through to make sure that the purchaser's statements were accurate. The Brady Bill was designed to close this loophole by reducing an honest background check and waiting period, and the NRA worked tirelessly to defeat it.

Only when the NRA realized that the Brady Bill was unstoppable did it shift its efforts to weaken the law as much as possible. It attempted to push through the immediate reliance on an ''instant check'' system—a system that was not technically feasible at the time.

Even after embracing an ''instant check'' system, the NRA has continually sought to undermine the system's integrity and efficiency, by preventing law enforcement from maintaining any records on the background checks it conducts.

Most telling is the NRA's continued opposition to background checks on all gun purchasers, including all gun show sales and private sales. If the NRA supports background checks, why do they want to keep this gaping loophole open in our gun laws?

Finally, it is no secret that the NRA has tried to undermine federal law enforcement, particularly the ATF. NRA rhetoric combined with its campaign to financially cripple the ATF demonstrate the gun lobby's single-minded thoroughness in carrying out its extremist agenda. The NRA makes the gun laws weak and difficult to enforce—and it also undermines the agency that has primary responsibility for enforcing those laws.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. May I inquire how much time remains on both sides?

The PRESIDING OFFICER. The majority has 17 minutes; and the minority has 81 minutes.

Mr. CRAIG. Mr. President, I yield 15 minutes to Senator BUNNING.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I would like to return to the underlying bill, the MILCON bill.

I rise to speak in support of the Byrd-Warner Kosovo amendment that was included in this measure by a vote of 23–3 by the members of the Appropriations Committee.

The committee got it right. It is time for Congress to exercise its constitutional authority and its constitutional responsibility to address the basic policy issues involved in the deployment of U.S. ground forces in Kosovo.

More than 5,900 U.S. troops are currently participating in the NATO peacekeeping operation in Kosovo, despite the fact that Congress has never authorized—or even formally debated—U.S. involvement in Kosovo since the Senate, on March 23, 1999, authorized airstrikes against Yugoslavia.

We need a plan. We need a policy. We need an exit strategy. And, right now, we have none of these.

I remember very distinctly, back in 1995, when I was serving in the House of Representatives and we passed, with bipartisan support, a resolution calling

on the President to obtain congressional authorization before deploying troops to Bosnia.

That resolution passed by a vote of 315–103.

Despite that vote, President Clinton went ahead with a large-scale and long-term deployment of tens of thousands of our troops to Bosnia without congressional approval or any meaningful debate.

Our concern then was the fact that there was no well defined mission—no exit strategy—no plan.

We were given assurances that we wouldn't be there long. Our troops would be brought home in a year or two. But now, here we are five years down the pike and our troops are still there. There is no end in sight. No plan. No exit strategy.

The same thing is happening in Kosovo.

We did our part in Kosovo. We bore the brunt of the costs and the risks involved in the air war over Kosovo. It was U.S. pilots and U.S. planes that forced the Yugoslav withdrawal from Kosovo that allowed for the deployment of the U.N. peacekeeping forces.

We have done our part.

I firmly believe that it is time for the European Community to live up to their responsibilities. Kosovo is in their back yard. Our European allies should assume more of the responsibility for peacekeeping.

I believe that there is no justification for U.S. ground forces being placed in the middle of age old feuds and animosities.

I believe we should never have sent U.S. ground forces into Kosovo. And I believe that we should bring our fighting men and women back home.

I do not believe that we should drift along without a policy—without a plan—without an exit strategy—in Kosovo as we have been doing in Bosnia.

The Byrd-Warner amendment does not really go as far as I would like to go. It does not say, ''We are going Home.''

It simply says that if the President of the United States can make a case for keeping troops in Kosovo—let him do it.

The Byrd-Warner amendment is much more cautious and conservative than I would like us to be.

But it would require the President to develop a plan to turn the ground combat troop element of the Kosovo peacekeeping operation over to the Europeans by July 1, in the year 2001.

It does not require the immediate withdrawal of U.S. troops. It would terminate funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, of next year, unless the President seeks and receives congressional authorization to continue that deployment.

It gives the President a year's notice. It gives the European Community a year's notice.

This amendment basically says to the President—not only our current President but whoever replaces him as well—develop a plan to get us out, or come before Congress and the American people and explain to us why it is the Nation's interest to stay in.

This amendment simply says it is time to quit drifting along, it is time to quit putting the lives of our young people on the line without any clear mission, without any clear policy, without any plan.

It is our responsibility. It is Congress' responsibility to conduct oversight of the policies that result in the deployment of U.S. troops abroad. It is time we lived up to that responsibility and the Byrd-Warner amendment does just that.

It simply says, ''Drift'' is not a valid substitute for a national defense policy.

And it tells the President to give us a policy, explain it, convince the American people and the U.S. Congress that it is in our national interest to keep ground troops in Kosovo—or bring our troops home.

I urge my colleagues to support this reasonable and responsible amendment.

The PRESIDING OFFICER (Mr. HUTCHINSON) The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. WELLSTONE. Mr. President, first of all, I wish to thank some of my colleagues I have heard out here on the floor. I had a chance last night to listen. I had to go back home. I have a ruptured disc in my back. I was lying in bed listening to Senator BOXER. I thought she was brilliant. And when Senator KENNEDY speaks on this matter, I think he speaks with great moral authority. I say to Senator BOXER that I use the word ''brilliant'' carefully. It is not to try to get her to like me; we are already good friends. I just think she spoke with a lot of eloquence and a lot of feeling.

I am not going to actually go through all of the provisions we have been talking about because people who follow this debate have heard that already. I want this juvenile justice bill out of conference committee, although there are other parts of the bill to which I really object. I think it is unconscionable that it has been blocked. I think these sensible gun control measures must be passed by the Congress—the House and the Senate.

Instead, what I want to do is talk about this Million Mom March and how it affected me and how it has affected my wife Sheila. We came back from, actually, Wisconsin where I went to support Tammy Baldwin and came back to D.C. to take part in that march. We did that because we wanted to join in with a lot of mothers from Minnesota. Second of all—actually, I had a discussion with Senator BOXER about this—I thought, this is really historic; I should be there.

I don't really know how many mothers were there. I don't know whether it was 750,000 or 650,000, but it was very powerful. I really believe there were two messages to that march. One has been much discussed. The other has been less discussed. The first message was that you had mothers basically saying to the Nation—much less to the Congress—there is too much violence; there are too many of our children being killed; we can do much better as a nation.

We are all for doing everything possible on prevention. We are all for making sure the existing laws are enforced. We are all for making sure we figure out how to help children with troubled lives—some of the children who committed these crimes or a murder. But we want our Congress—if it is our Congress—to pass legislation that will make sure some of these children and other citizens who should not have these guns don't get these guns in their hands—make sure we deal with the loopholes, and make sure people with a history of violence don't have these guns. Surely, we can do better. Nobody can ever get it 100-percent right. Nobody can be sure those citizens who should not have access to guns don't get access to guns. Nobody can stand here on the floor of the Senate and say if we pass these measures, we won't have a repeat of a Columbine or what happened in many other schools. But we can certainly do everything that is humanly possible to try to reduce the violence and try to reduce the number of children that are murdered. It is reasonable.

I come from a State where Minnesotans love to hunt. They do not want their long guns taken away. They do not want their rifle hunt taken away. This has nothing to do with that. It has nothing to do with the basic constitutional rights. It is not written anywhere in the Constitution that anybody who wants to own a gun—even if they have a history of violence, are convicted of a violent crime, even if they have used guns before—should be allowed to have a gun. There is nothing in the Constitution that says that.

That is what this is all about. That is what these amendments are all about.

I think the first message on the part of mothers—I do not know. We will see. The proof will be in the pudding. We will see how history writes about this later depending upon the followup of this march. But I see that march as the beginning of a very important citizens lobby in the country. You had a lot of women who came. I know that in Minnesota we have a lot of Democrats; we have a lot of Republicans; and we have a lot of women who really do not care about either party, to tell you the truth. They do not really care. But they care fiercely about this issue. I think they came here with a lot of courage. I think they came here with a lot of hope. That is good. That is all

about representative democracy. They are not afraid to take on powerful special interests. They are not afraid to hold all of us accountable. They are not afraid to speak out for their children and their grandchildren. They are not afraid to work hard, to speak up, to lobby, to write letters, to advocate for sensible legislation that would reduce some of this violence and save lives. They are not afraid to do that.

I think there was a lot of determination and a lot of indignation. I say to colleagues that I personally think indignation can be good. I would much rather women, men, and all citizens who believe we ought to do something to reduce this violence, and to get some of these guns out of the hands of children and other people who shouldn't have these guns—I think it is good that there is indignation. I think it is good that these women are saying to Senators and Representatives that we are not going to march here and have this big rally, and when the smoke clears away, you will never hear from us again. That is not going to happen. I think that makes our country work better. That is the second message.

I think what happened on Sunday was inspiring. I think the mothers provoked the hopes and aspirations of other women and men in the country that, yes, we can change legislation; yes, ordinary citizens matter; that we have a right as citizens to make demands of the Congress and to be as bold and as courageous as we can be as citizens in a democracy. I think that was a message of this march. That is a wonderful message. That is an empowering message.

Finally, there was another message, and if was a different one. The next day we had a panel discussion. There were a number of women crossing all income lines and all racial lines who lost children. I made the comment during this discussion when some of the mothers were speaking that people kept trying to get the mikes closer. But I think one of the reasons their voices were so quiet was because there is so much pain.

I pray for our family. We have children and grandchildren. I pray that we never have to ever go through that. I pray no mother, no father, no grandparent, no brother, no sister, no wife, no husband ever, ever has to go through the living hell that these women have gone through having lost a child to this violence. At that discussion I think there was a lot of personal pain and a lot of agony. God knows, I don't know how these women have done it. I really do not. I do not know that I could have done it. They have somehow been able to muster up the courage to try to do everything they can to save the lives of other children. To honor them is the least we can do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

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

I should have known that as election season approaches we would have to be down on the floor with more debate on gun control, and, unfortunately, the hostage held here—for our service men and women who are waiting—is the military construction appropriations bill. It is now being held hostage by this debate. It is unfortunate that some of our colleagues would do this to our military who we know are very much in need of a lot of the dollars and programs that are in that budget.

Frankly, there is nothing more politically expedient or coldly opportunistic or blatantly unconstitutional, frankly, than gun control. It is pretty clear.

I do not know how our colleagues can say the first amendment is all right and the second amendment isn't.

Of course, it is an unmistakably and an unspeakably horrible tragedy when someone is killed. And it is very difficult to sometimes respond to the emotionalism of those who have lost a loved one in a tragedy such as a shooting or any other tragedy. But our response, my colleagues, should not be to disregard our oath of office and to walk away from the Constitution of the United States. We took an oath right there in the Well to ''defend and support'' the Constitution. The last time I looked, the second amendment was part of that Constitution. I would have more respect for my colleagues if they came down and offered an amendment to remove it. At least that would be more honest.

Our response should be to encourage gun safety, too, and to crack down on the scum, the criminals, who commit these horrible acts against us, and to take an introspective look at ourselves and our children.

We need to restore respect for all human life ourselves. We need to stop calling gratuitous and indiscriminate violence in the popular media, in TV, movies, and in videos ''art'' and start calling it the trash that it is because it is corrupting young people's minds, and it ruins their souls. These are the problems about gun violence—not guns.

My colleague from California, Senator FEINSTEIN, a few minutes ago on the floor, made some very interesting remarks. She said, and I am using her words:

> Debunk certain myths that the National Rifle Association has developed; the first is the myth they have developed with respect to the second amendment of the Constitution.

She said:

> ''Well-regulated militia'' refers to the National Guard.

She said:

> No individual right to keep and bear arms under the second amendment.

She said the second amendment is a:

> [F]raud on the American public by special interest groups.

She said:

> The second amendment refers to the right to keep and bear arms only in connection with a state militia. In other words, the National Guard, not an individual.

She also said:

> The second amendment does not guarantee an individual's right to keep and bear arms.

Those are startling, shocking statements from a colleague whom I respect immensely. She is entitled to her position. But my colleague mentioned various court rulings that supposedly decided that the right to keep and bear arms is only for the Government. It is exactly the opposite. The courts said so; so it must be right.

But let me tell you about some decisions that the courts made that weren't right.

No. 1, they said in Dred Scott in 1857 that a black man couldn't sue in Federal court because he was property. Do you know what. The courts were wrong when they said that—dead wrong.

I also point out that in Plessy v. Ferguson they said ''separate but equal'' public facilities for blacks and other facilities for whites. The courts said that, too, and they were wrong.

I don't think my colleagues would have argued on the floor of the Senate that the Supreme Court was right in those cases. There are plenty more cases where the courts were wrong—morally, legally, and constitutionally wrong, wrong, wrong.

So don't come down to the floor of the Senate and say just because some court said it that it is right, right, right, right, because it isn't.

My colleague also mentioned various judges. There are many judges who have upheld the individual right to keep and bear arms. There is a long list of them. I am not going to go through the list. I would rather quote instead of the judges, those fine people who wrote the Constitution, and who lived it.

They know what they meant. They said what they meant: Inalienable right to keep and bear arms.

Let's hear from a few who I think knew what they were talking about.

Thomas Jefferson: ''no free man shall ever be debarred the use of arms.'' That was when he proposed the Virginia Constitution in 1776.

Any uncertainty about that statement?

> Laws that forbid the carrying of arms . . . disarm only those who are neither inclined nor determined to commit crimes. . . . Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man.

That was Thomas Jefferson's ''Commonplace Book,'' 1774–1776, quoting from ''On Crimes and Punishment'' by criminologist Cesare Beccaria, 1764.

George Mason, of Virginia:

[W]hen the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man, who was governor of Pennsylvania, to disarm the people; that it was the best and most effectual way to enslave them; but that they should not do it openly, but weaken them, and let them sink gradually . . . I ask, who are the militia? They consist now of the whole people, except a few public officers.—Virginia's U.S. Constitution ratification convention, 1788.

Further: ''That the People have a right to keep and bear Arms; that a well regulated Militia, composed of the Body of the People, trained to arms, is the proper, natural, and safe Defence of a free state.''—Within Mason's declaration of ''the essential and unalienable Rights of the People,'' later adopted by the Virginia ratification convention, 1788.

Samuel Adams, of Massachusetts:

The said Constitution [shall] be never construed to authorize Congress to infringe the just liberty of the press, or the rights of conscience; or to prevent the people of the United States, who are peaceful citizens, from keeping their own arms.—Massachusetts' U.S. Constitution ratification convention, 1788.

In other words, freedom of the press, Freedom to bear arms—yes, yes, yes.

William Grayson, of Virginia: ''[A] string of amendments were presented to the lower House: these altogether respected personal liberty.''—Letter to Patrick Henry, June 12, 1789, referring to the introduction of what become the Bill of Rights.

Richard Henry Lee, of Virginia:

A militia when properly formed are in fact the people themselves . . . and include all men capable of bearing arms . . . To preserve liberty it is essential that the whole body of people always possess arms . . . The mind that aims at a select militia, must be influenced by a truly anti-republican principle.—Additional Letters From the Federal Farmer, 1788.

James Madison, of Virginia: The Constitution preserves ''the advantage of being armed which Americans possess over the people of almost every other nation . . . (where) the governments are afraid to trust the people with arms.''—The Federalist, No. 46.

Tench Coxe, of Pennsylvania:

The militia, who are in fact the effective part of the people at large, will render many troops quite unnecessary. They will form a powerful check upon the regular troops, and will generally be sufficient to over-awe them.—An American Citizen, Oct. 21, 1787.

We could go on and on.

Noah Webster, of Pennsylvania:

Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword . . .

Don't come down to the floor and tell me the founders meant that the second amendment didn't mean anything. They put it in because they knew the dangers of an unarmed citizenry. Just because we have these terrible acts of violence perpetrated upon innocent people in this country—by criminals, by scum who prey upon us—is not a reason to take away our rights under the second amendment. It is a reason to put them away, put them in jail and throw the key away and leave them there, and stop having sympathy for these people who do this.

I have a long list of people, founders who knew what they were talking about. They wrote the Bill of Rights. The Bill of Rights is about individual rights, not about government rights. It is about individual rights. That is why they put all 10 amendments in the Constitution.

Does my colleague mean to say that the right to free speech, the right to free expression, the right to the freedom of religion or trial by jury or freedom against cruel and unusual punishment belongs to the State? That sounds like Communist Russia.

One member of the Supreme Court, Justice Joseph Story, appointed by James Madison, in his ''Commentaries on the Constitution,'' considered the right to keep and bear arms the ''palladium of the liberties of the republic'' which enables the citizenry to maintain and defend a free society.

And now let's take a look at the Thesaurus.

A synonym for infringed, as in ''the right to the people to keep and bear arms shall not be infringed,'' is encroach.

Encroach is defined by Webster's New World College Dictionary as ''in a gradual or sneaky way''; ''to advance beyond the proper, original, or customary limits; make inroads on or upon.''

That sure sounds like what some of my colleagues are trying to do, trying to sneak around or circumvent the second amendment. They are using terrible tragedies that we all deplore to do it. I would like to punish personally, if I could, every single one of those people who committed those atrocities, but we must not trample the Constitution of the United States while we do it. Let's remember that oath we took: Uphold the rule of law and uphold the Constitution.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I stand in support of the Daschle amendment. I want to get back to what it says. We heard a lot of excited debate, but here is what the Daschle amendment says.

No. 1, we commend the million moms—by the way, I think there were more than a million people across this country—for exercising their rights to gather and to send a very strong message to the Congress; in this case: Save our children, stop the violence; stop the mayhem; stop the school shootings; stop the church shootings; do what we are supposed to do.

It was a very clear message. We commend them today.

Second, the Daschle amendment says bring back the five sensible gun laws that passed the Senate already, get that conference to meet, get the juvenile justice to meet, and send those laws to the President for his signature. Very, very simple.

What does the other side say? I ask with great respect the Members on the other side who are great debaters. I was here last night until quite late, listening and debating.

The other side says no laws are needed, a change in behavior is needed. They said: Laws don't change behavior. I will take that to its logical conclusion. If laws don't change behavior, why do we have laws against murder? Why do we have laws against rape? Why do we have laws that regulate products so when our kids pick up a doll, they don't choke on it? We do it to protect our citizens.

We are a government of laws, not men. That was stated by our founders. It is a basic foundation of our Nation. I believe personally that guns should not be in the hands of children. Children and guns do not mix. I believe, personally, that anyone who is mentally unbalanced should not have a weapon because they do not know what they are doing. We heard from a woman who said, ''My brother is a manic schizophrenic and he has threatened my family. I do not know what to do because he could go to a gun show, get a gun, and kill my child.'' So I believe mentally unbalanced people should not have guns. I also believe criminals should not have access to weapons.

That is what the people on this side of the aisle are trying to do. If you are a responsible adult, yes, you can have that weapon. If you have responsibility and you understand what you are doing, that is one thing. But if you are not responsible, no way; that is it.

What is so controversial about that? My friend says, if there is a murder with a weapon, put that person away. Of course, put that person away. Enforcement is up in this Nation.

USA Today did an analysis in June 1999. They said gun laws are enforced more vigorously today than 5 years ago by any measure. Prosecutions are more frequent than ever before. The number of inmates in Federal prison on gun offenses is at a record level.

Of course, you put people away; you throw the book at them. As far as I am concerned, you can do anything to them. That is how I feel about someone who shoots and kills another person. But that doesn't stop the shooting. That doesn't stop the heartbreak. That doesn't stop the mayhem. We know that. You need to do both. We keep getting a false choice here: Enforcement or no gun law. On our side, we say enforcement and sensible gun laws.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mrs. BOXER. I ask for 1 additional minute.

Mrs. MURRAY. I yield 1 additional minute to the Senator from California.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. There is a war in our streets. Here is where we stand. We lost

58,168 of our beautiful citizens in an 11-year period in the Vietnam war until President Nixon ended that war because the people marched and the people said enough is enough.

We have lost, in an 11-year period, 395,441 of our citizens. We have a war at home. It is going to take courage to stand up and say enough is enough. Let's commend the million moms.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 7 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mr. SCHUMER. Mr. President, I thank the Senator from Washington for yielding the time and the Senator from California for, as always, her intelligent and heartfelt remarks. She is able to combine both, intelligence and direct from the heart, and it is great to listen to her.

I rise in support of the Daschle amendment. Let me make a couple of points here. I do not think we should even have to be debating whether to close the gun show loophole or these other modest measures because we all know they are the right thing to do. We all know they have the overwhelming support of the American people. We all know it is a small group of people—heartfelt, truly concerned—who hold this place in logjam on the issue of guns.

Not to close the gun show loophole? Not to have a Brady check every time a gun is passed from one hand to another? I go around my State and I ask gun owners: Has the Brady law interfered with your right to bear arms? Not one person says yes. If it does not interfere when you go to a gun shop, why will it interfere when you go to a gun show?

I had wanted to have a colloquy with my friend from New Hampshire, but he is not here now. But he is talking, with great erudition and great passion, about the Founding Fathers and what they had put in the Bill of Rights, a document we both revere. ''Revere'' is almost the right word. It is almost a godly document.

I would have liked to have asked him if he believes the second amendment is absolute. Nobody much does. I believe in the first amendment. I believe strongly in the first amendment. Blood is shed for it. But when Judge Oliver Wendell Holmes said you can't scream fire in a crowded theater, he was putting a limit on the first amendment.

We put limits on every amendment. What some of my colleagues seem to fail to realize is, the one amendment on which they do not want to put any limits is the second amendment. I am not one of those who belittles the second amendment. I think there is a fair argument that it deals with individuals bearing arms as opposed to just militias. But I just as strongly believe that reasonable limits can be placed on the second amendment the way we place them on the first.

Freedom of religion is sacrosanct, as it should be. But you can't avoid taxes because you say it is your religion. You can't avoid service in the Army—you can modify it but not avoid it—because you say it is against your religion. Why is it that the only amendment we hear from the other side should not have any modification whatsoever—even a modest modification such as the Brady law applying at a gun show—is the second amendment? I argue it is a misreading of the Constitution.

I argue to some of my friends on the left, when we demean the second amendment, we are not playing fair because it was put there in the Constitution by the Founding Fathers and by the Thirteen Original States just as the other nine were in the Bill of Rights. But I would argue with my friends from the other side of the aisle that when they say it is an absolute right, as they seem to be saying today because these changes are so modest, they are just as wrong as the people they oppose on the left who demean the second amendment or who want to repeal it.

I would like to make one other point. The second-degree amendment by, I believe it is the Senator from Mississippi, Mr. LOTT, talks about enforcement. Again, I challenge my colleagues to put their money where their mouth is. I believe in enforcement. I try not to let ideological barriers get in the way. I have stood shoulder to shoulder with NRA members in New York State as we have implemented Operation Exile in Buffalo, in Rochester, in Syracuse, in Albany, and it has worked. It is an enforcement proceeding, and it works. But in so many other enforcement areas we get no help. In this resolution, No. 7 says it is a Federal crime for any person to knowingly make a false statement in an attempted purchase of a firearm. It is a Federal crime for convicted felons to purchase a firearm. Then it goes on to say that 500,000 people have tried to buy firearms at gun shops and very few have been arrested.

Do you know why very few have been arrested? Because of amendments supported by people on the other side that do not let an ATF agent stand inside a gun shop; because of amendments supported by the other side that the records must be destroyed; because there is actually a law on the books that says there can only be one unannounced visit on a gun shop a year.

You want enforcement? I would love to have enforcement. I am a tough-on-crime guy. I am for throwing the book at these folks who use guns in crimes and who have guns illegally. But you cannot enforce the law if you are going to put obstacles in the way.

We found out by a survey done by my staff that only a small number of these gun shops sell most of the crime guns. Fewer than 1 percent of the gun shops sell 50 percent of the crime guns. So if the ATF were given permission by this body to enforce the law, you could shut down those few bad gun shops and let the others flourish. I welcome the opportunity to work with the Senator from Idaho, the Senator from Montana, and the Senator from New Hampshire on an enforcement bill that would do the things we have to do. I welcome that opportunity. Enforcement is a good idea.

But as the Senator from California said, we can do both. One is not a substitute for the other. Enforcing the law is not a substitute for closing the gun show loophole. The two are not contradictory in intellectual concept or in implementation. I think it is somewhat disingenuous to put the two in contraposition, one to the other.

I thank the Senator for the time she has yielded.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. KERREY. I thank the Chair. Mr. President, I thank the group of people who organized the Million Mom March on Mother's Day. Three-quarters of a million people coming to Washington, DC, is rather impressive. I suspect even opponents of what they are trying to do are impressed with citizens' willingness to come to their Nation's Capital, especially in this case, declaring their intent to organize in a peaceful, law-abiding fashion to change the law. I wish them all the good luck in the world, and I appreciate very much the effort they have made and the success they had on Mother's Day.

I also thank Senator DASCHLE for bringing the juvenile justice issue back before this body. All of us—at least I do in Nebraska—wrestle with this question of juvenile justice on almost a daily basis. Whenever I am back in the State, it quickly goes to the top of the list of things about which people are concerned. We have methamphetamine problems and other law enforcement problems, but juvenile justice is at the top of the list.

This legislation would be relatively easy to pass were it not for this gun show amendment which I will address. It has tougher enforcement provisions, but it also provides resources to States, Governors, and community organizations so we can prevent crime from happening in the first place. It is almost without controversy that the compromise provisions we reached on the law enforcement side and the prevention side will work, and the communities are asking for that bill. What is holding it up is this gun show provision. I have come to the floor to talk about it.

I listened carefully to the opposition to the original Lautenberg amendment, especially those who said there was too much paperwork, too much regulation. I played a role in it, I called Tom Nichols in Omaha, NE, who operates one of the largest gun dealerships in the Midwest to ask him if he would help me fashion something. Frankly, I worked

with Mr. Nichols before trying to reduce the paperwork gun dealers face, which does not increase safety but increases paperwork without anything one can measure and say was beneficial.

He agreed, understanding he would take a little heat for participating. I shipped him the Lautenberg amendment. He made modifications and changes. Senator LAUTENBERG offered that amendment the second time. Now, what we are talking about is something that, in my view, requires a minimal amount of regulations.

As the Senator from New York said earlier, unlike most businesses, a gun dealer has a relatively small amount of regulation to face. It may feel like a lot if it is your business. I am licensed to sell alcoholic beverages in the State of Nebraska, and there is no restriction that someone can only come in once a year to inspect my premises, and if I destroy my records, it is only a misdemeanor. They can come in six times a day if they want to make certain I am obeying the law. We have a fairly light hand already in terms of regulation, given the transactions that are in place.

The Lautenberg-Kerrey—if I can be so bold as to call it that—amendment decreases in a significant way the paperwork that was required in the original amendment.

If one looks at the statistics, there are a very high number of handguns that are purchased from dealers, about 3.5 million, and about 2 million that are purchased off the books. I am not saying all those are bought at gun shows, but there are 2,000 to 5,000 gun shows every year, so a pretty big fraction of those are purchased there.

Like every licensed dealer, this is what the gun show dealer will have to do: They will have to register with ATF and pay a small fee. If someone objects to the size of the fee, let's debate that. They license themselves; they just register with ATF.

Each vendor has to show proof of identification when they check into the gun show. All they verify is that the vendor is who he or she claims to be.

The gun show promoter has to let people know every gun sold has to go through the NICS background check. That is a full 3-day background check. That is the extent of the regulation. We modified the original amendment and now have one that, in my view, will save lives. Will it save millions of lives? Probably not. Will it save hundreds of lives? Probably not. What value do we place on a human life? How do we value the number of lives that have already been saved by the Brady background checks themselves?

The State of Nebraska is a State where hunting is almost a religion; it is a way of life. Kids in Nebraska are raised to handle guns in a safe fashion at a very early age, to handle long rifles, to handle shotguns, and even handguns at a very early age. These people are not the problem. I would not be here voting for something that is going to impose a regulatory requirement upon them if I did not believe strongly that it will save lives in other parts of the country. In my view, it will. That is what this is all about.

Are we going to try to balance the needs of one group of people against the needs of another? The Senator from New York talked about that. That is exactly what we do. That is what the doctrine of relative rights says. I do have freedom of speech, unless my freedom of speech bumps up and endangers the life of somebody else. Oftentimes, that is the problem with guns.

I agree with those who say we ought to enforce the laws. I agree that law enforcement needs to be given more power. But, I don't agree that enforcing the laws alone is the answer. We must also enact reasonable measures like this.

This is a very reasonable change in the laws of the land. It imposes what I consider to be a very modest regulatory burden upon people who are organizing gun shows. It is hardly about any measurement of regulation. Go to any business in America where we regulate for safe drinking water or anything else. This is a relatively small burden for such an obvious benefit.

I hope Senators will examine—I see the Senator from New Jersey is here—what I have been calling it the Lautenberg-Kerrey amendment. It imposes a very small burden upon people who are opening up gun shows and operating gun shows. I do not want to shut down the gun shows. This, obviously, does not shut them down; this allows them to continue to operate.

In addition, there is another argument that the playing field needs to be leveled, that the regulatory playing field needs to be the same on every premise where guns are sold. Why should you give me an advantage? Why should you say if you want to be a licensed gun dealer, build a building, and hire and employ people to work in your local community, there is a set of regulations you have to go through. But if all you want to do is have a gun show once every 6 months or so, you do not have to go through the same kind of regulation.

I appreciate very much that this has become a contentious debate, but frankly, when you look at what we are asking in the regulation, it perplexes me.

This is holding up a very important piece of legislation. The Juvenile Justice Act is a piece of legislation, in my view, that will reduce crime and reduce violent crime and increase the likelihood that it will prevent them as well. It has been worked out. Republicans and Democrats came together. It was a very big vote. My guess is, it will probably be 100–0 without this one particular contentious provision.

I hope Senators will examine what this so-called gun show provision does. It is not unreasonable regulation. It is reasonable regulation that, based upon the success of Brady, we can say will produce a benefit that is worth the price.

That is what all of us, as we try to figure out whether or not we are going to support a particular regulation, regardless of who is being regulated, ought to examine. Is the cost of the regulation worth the benefit we get? In this case, I overwhelmingly, enthusiastically, and unfortunately painfully, because it is slowing down the enactment of a very good law, come to the conclusion that it will.

I hope through the course of this debate, this will become clear. A majority in the country, 80 percent of the people, favor it when it is described specifically to them. It is not something that should be slowing down the Juvenile Justice Act. Indeed, we ought to see it as not only consistent with, but strengthening the Juvenile Justice Act and pass it with all due speed.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Idaho.

Mr. CRAIG. Mr. President I have sat quietly by through the hours of last evening and listened to my colleagues debate a sense-of-the-Senate resolution with great passion, and I respect them for their passion. I think all of us enter issues wanting to believe in them and trust they are the right thing to do. We saw an awful lot of moms on The Mall this weekend marching because they thought it was the right thing to do. They marched against violence, I trust.

Some of them have had violence ravaged against them and their families, and they were here to speak out about that. Interestingly enough, underlying the march was a premise of gun registration and gun control. I think most Americans recognize while that is an important issue with violence, that does not solve the violence that takes away so many of our young people. That is why we are on the floor today.

It is strange we find ourselves with such passion about something that will not count. A sense-of-the-Senate resolution is like walking outside and saying: It's pretty nice today, and tomorrow it will probably be better. But, of course, the Presiding Officer knows tomorrow it may not be better; it may be worse, weatherwise. In other words, just saying it does not make it so.

A sense-of-the-Senate resolution is in itself a political point, a political expression. It is not substantive law. It is not intended to be. It is intended to make a political point.

So what is the fuss about? The fuss is that we have already dealt with this issue, and the House rejected it. Somehow my colleagues on the other side of the aisle cannot accept the idea that the Congress of the United States has rejected something about which they feel so passionate.

So they have stopped the process in the Senate. They have chosen a tactic that most of us would choose not to use to stop the process in a nonsubstantive

way. I do not dispute their passion, but I do question their motives.

Here we are dealing with a piece of legislation that has to pass this year to make our Government run. I serve on the subcommittee of appropriations that deals with military construction. The Senator from Washington serves on that committee. She was there at that committee making sure her bases in Washington and my base in Idaho got treated fairly. But we are stalled out right now. We have lost 8 hours of critical time in a very short legislative year, not out of substantive debate but a political point.

I know that may spell some degree of importance, but passing the Daschle resolution today does not the world change. Passing the Lautenberg amendment last year might have changed the world if the House had not said no to the Senate's approach. So here we are today in politics and not in legislation.

Of course, the other side wants to be reflective of what those women said on The Mall. So do I. I cannot tell you I feel their pain because I have not lost a loved one to violence. But I think I can understand just a little bit of it. You see, there were other moms marching there, too, but they did not get much attention. They, too, had lost loved ones to violence. But they also recognized that they have a right in this country; and the right is to self-defense to protect themselves and their families when law enforcement cannot make it there in time. Moms want to do that. They will put themselves in harm's way to protect their children.

Tragically enough, the other moms are saying: Let the Government do it. The Government can fix this problem. And the Government can fix this problem if it will only pass a law.

Oh, my goodness. What a hoax. What a false premise, to tell those moms, who came from all over the country, with dedicated concerns, that we will just pass a law and the world will be a better place. It has not happened.

This Congress, year after year, struggles with violence in our country; and we reshape the structure of our laws to deal with it. Yet we have not found an answer to it. We have not found an answer to it because our culture has changed dramatically over the years.

The family unit is different than it used to be. Children are reared differently than they used to be. The violence in our juvenile culture today is alarming. We all appreciate it. We are all frustrated by it and angered by it. Yet you were led to believe that all kids die because of a gun. It ''ain't'' so. It just ''ain't'' so.

In 1997, 1,700 kids died because of motor vehicles. They were killed in a car crash, a violent car crash. Sixteen hundred were killed in traffic accidents. That is violence, perpetrated on somebody 10 years of age or younger.

Mr. President, 750 died by drowning. We know we cannot outlaw drowning. Now, we can teach kids to swim, and we can teach water safety, and we can lessen the risk, but, God knows, we cannot legislate here to stop drowning because if we could, we would. But we know we cannot.

Mr. President, 575 died of suffocation—rolled over on their pillow, rolled over on a plastic mattress, got a sack over their head—some very dramatic—and, in the end, a violent act.

Residential fires, 570; struck by or on something, 89; falls, 87; cycling, 78; poisoning, 58.

Now, this is 1997. But yet on The Mall on Saturday, it was: 5,000 kids die because of guns. They were not telling the truth. That is the problem. Because the bulk of those kids were 15 to 19 years of age, and they were caught in the crossfire of a drug war on the streets of America.

That is violence and that is tragic and that is horrible. And we are going to try to fight a war on drugs. But in 1997, only 48 kids age 10 years or younger were killed by the misuse of a firearm. And the number is less today.

Those are the facts. Those are the facts that come from the National Center for Injury Prevention and Control. And doggone it, we ought to set the record straight, and we ought to be honest with those moms. That is what we ought to be. Yet today we are not.

Today, the rhetoric is not about the violence in America against America's young people; it is about a false premise of passing a law and the world will be better and the Sun will come up tomorrow. I do not think we can do that. I would like to be able to do it. I am not at all convinced we can.

Firearms, misused, killing young people, 10 years of age or younger, is 10th or 11th on the list of how young kids die 10 years of age or younger. Those are the facts. It is important we talk about them.

So we are stalled out on a critically important piece of legislation that ought to move. I hope it will move.

We dealt with guns last year, and the Congress rejected what we did. I did not support it. I voted against it. I thought it had gone too far. Pass a law; fix it; it is all over with; we have made the world a safer place.

And 20,000 gun laws that we currently have, with few of them being enforced—and most of them not, in many instances—and we pass another law and turn to the American people with a straight face, and say: The world will now be safe? I think not. And guess what. The American people understand it.

On Saturday of this past week, a candidate for President stood up and said: I am going to buy a lot of safety locks, and I am going to make them available to people who want to use them. Somebody said: That is a silly idea. I say that is a great idea. Why aren't we doing this with Government here? Why don't we voluntarily get involved in making the world safer and educating people and training them?

The Senator from Nebraska said: Kids who are trained in the use of firearms do not hurt themselves. And they know better because they know a firearm is a dangerous object misused. Kids who are not trained, kids who are not educated, are the kids who hurt themselves. Yet this Government is not involved in an educational program.

So when a candidate for President steps up and says, ''Let's make the world safer, on a voluntary basis,'' somebody says, ''Make it mandatory.'' We are going to set up a cop system to go into every house to check to see if every gun has a trigger lock on it? I do not think we are going to do that. Yet that is kind of what the other side is suggesting: Make it mandatory, and enforce it.

How do you enforce a law such as that? The practicality is, you don't. You don't enter every home in America to prove it; that is, unless you have licensed the gun and you know the gun is there. Then do you do random checks on private property? I don't think we get there, either. I think our Constitution, somewhere else in its text, would deny the Government of this country the right to enter that private property, for whatever reason, unless there was just cause and a court order. Those are some of the real issues.

I am frustrated—I think my colleagues on the other side of the aisle are, too—that we cannot reach out and solve these critical problems, that somehow the passion that we feel about the violence that is wrought against the young people in this country cannot be fixed by this august and powerful body called the Senate. We know we can't fix it, so let's try to politic it. Boy, have we tried.

The other side couldn't gain traction because the American people said: Something is wrong besides just laws. Something is wrong in the culture of our country. Something is wrong with all of the violence our children see, and it transfers into their minds. Somehow they begin to understand that they can act violently, and there is no consequence for that action or there is less consequence. Yes, they watch a lot of violent activities on television and, yes, they play a lot of violent games and, yes, it has an impact. Well, let's fix Hollywood.

Do you think this side of the aisle would do that? I doubt that. We are not going to fix them because that is first amendment rights. Nobody over here is saying we have to restrict first amendment rights. It is only the second amendment we fix.

That is why we are here today, stalled out, for the political point the opposition is trying to make on this issue. It is raw politics. It is not substance, and they know it, because it is a sense of the Senate. Last year, when we debated the Lautenberg amendment, that was substance. That could have become law if the Congress of the United States had agreed. But they didn't.

We are here today stalled out for the politics of the issue, not the substance of the issue. We want to say to the Million Mom March and the hundreds of thousands who were gathered on The Mall, we care, we hear you. That is what we keep hearing from some of our Senators. Well, we all heard them, and you are darned right, we care.

The issue is violence in America—all violence, not just guns. That is a minority part of the violence. It is sometimes the most visible and the most publicized, but this is the beginning of spring and into summer. This is the swimming season. Nobody today is standing on the floor suggesting hundreds of kids will drown this year from improper training and improper supervision of their parents and we ought to pass a law to save all those kids. No, we are not doing that. Why? Because we can't. That is why.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. LAUTENBERG. Mr. President, we have just witnessed one of the most significant demonstrations this country has ever seen: 750,000 moms, some pops, some grandpops, some grandmas, people who love their children, people who want to protect their children, sending a message, when they gathered 750,000 strong, just in Washington, DC. There were other cities across the country where not too dissimilar demonstrations and marches were being held. There were large turnouts in lots of cities.

As a matter of fact, one in New Jersey, one mom march, was headed by people who have become my friends. Their name is LoCicero. Jake LoCicero and his wife lost their daughter on the Long Island train, killed by an assassin who took quite a few lives. They were active gun club members, NRA. They said: Enough; we are not doing this anymore. We don't want our daughter to have died in vain. She was young, about to get married, in her early twenties. They believed she had to make a contribution. Her life was so valuable, she had to leave a legacy that went beyond her short time on Earth.

Then we hear the trivialization of laws to try to protect children, as we just heard: It is just politics; it is only politics. What do you mean, you want to protect your kid when they go to school? That is politics.

When are we going to stop this nonsense here? ''Nonsense,'' I use the word advisedly. We just heard our friend from Idaho talk about how many children die in automobile accidents and how many die falling off bikes and how many die suffocating in their cribs. I ask any of my colleagues, don't we have regulations that say put a safety belt on, put a child in a child seat? I have seven grandchildren. I watch my daughters put their children in the seats because they don't want them to get hurt. They know what the rules are. They could violate the rules and say, no, I am not going to do it, but good sense says you have to do it.

There are all kinds of warnings about different mattress covers and plastic bags and things of that nature. There are warnings about wearing helmets when you go out for a bike ride. We try to stop the mayhem in those situations. But our friend over here said: No. Don't worry about the few kids who are killed by guns. He made a statement—and I want the RECORD to be checked to be sure that that statement was what I heard, and I listened carefully—guns don't kill.

How does that lead pellet get through a kid's heart or his head if it doesn't come from a gun? It doesn't come from a knife. It is not because of a slingshot. It comes from a gun.

Mr. CRAIG. Will the Senator yield?

Mr. LAUTENBERG. Yes, I will yield.

Mr. CRAIG. I did not make that statement.

Mr. LAUTENBERG. I will check the RECORD.

Mr. CRAIG. Please, check the RECORD. I did not make that statement.

Mr. LAUTENBERG. You said guns don't kill.

Mr. CRAIG. I didn't say that.

Mr. LAUTENBERG. I have the floor, thank you very much.

Trivializing the ownership of guns, saying that if we have gun enforcement laws, guards from the Federal Government will come into every room in every house. Don't protect the children.

He wants to have a statistical debate about how many really died. Not that many. Heck, no, not so many. A few maybe, but not a lot—unless it is your kid, unless it is your friend, unless it is your niece or your nephew or your sister's kid or your brother's kid. A lot of us have not experienced it directly, but anyone who doesn't empathize or sympathize with someone who has lost a child, who doesn't understand the emotion that renders, doesn't get it, just doesn't understand it.

When 12 young people were shot in Columbine High School, those were not the only wounds. There were some who were hit by guns who also were wounded. But that wounding took place throughout the school, throughout the community, throughout the country. People had a vision of that boy hanging down from the window pleading for help: Save me. We couldn't hear the words, but we could see the gesture.

Well, we are detached from that. Why do you have to control guns? Just because a few kids got killed? That is what is being said here. I can't believe my ears. We will check the RECORD. We could be mistaken about one thing, but check the RECORD and see what it says.

Kids get killed from drowning. It is as if to say, if kids get killed from bike rides, from car rides, from suffocating in a crib or drowning, then that is kind of normal. It isn't normal because we have lifeguards and all kinds of protections. But when it comes to guns, no, you can't touch that. We hear about the second amendment.

I am always reminded, when we discuss the second amendment, it was said by the Supreme Court that the amendment guarantees the right to be armed only in service to a well regulated militia.

No one has an automatic right to own a firearm. No one has the right to own a firearm without a license. No one has the right to buy a gun without those of us in the community asking who they are. I authored the Lautenberg law, along with Senator KERREY from Nebraska. Both of us served in the military. I wasn't as heroic. He is a Medal of Honor winner, having lost a leg in Vietnam. I spent my time in World War II. I was not touched. We know something about guns. Should someone be able to buy a gun from an unlicensed dealer? That is the subject. From an unlicensed dealer, no questions asked, buyers anonymous —oh, protect the identity of that potential felon, protect the identity of someone who may be so disturbed, that if they get their hands on a gun, they will kill somebody. It has happened. We have seen it lots of times. We have seen it at Columbine, with two young boys who were too young to buy a gun. A girl testified before the Colorado Legislature that she went around with them to find a nonlicensed dealer to buy guns. She said, ''If I knew then what I know now, I would have never done it.'' Twelve children and a teacher are now dead. There have been bombs and everything else.

We didn't have to openly say, OK, because kids get killed in swimming pools, cars, or in bike accidents, you can have guns. Why shouldn't you have guns? What does one thing have to do with the other? Heaven forbid it is a child in your family.

Talking about the second amendment, Chief Justice Warren Burger—a conservative appointed to the Supreme Court by President Nixon, and a gun owner himself—called the NRA's distortion of the second amendment ''a fraud on the American public.'' Cases are never tested on the second amendment in court. Now, they can't prove that. But there is this mythology about what happens when it comes to guns. If you want to own them, you can. If you want to identify yourself, fine. If you don't want to, that is OK, too. What I heard proposed was that maybe every child or every person who walks this Earth should have a gun, and they can act quickly enough so if a law enforcement guy doesn't get there on time, they can stop a murder that might be taking place. I ask the manager, is there any more time available?

Mrs. MURRAY. I yield the Senator from New Jersey 3 additional minutes.

Mr. LAUTENBERG. I will wrap up, Mr. President. This is a passionate debate, and it ought to be. It ought not to be called politics. I would like to hear any of those who advocate not shutting down the unlicensed dealers tell it to the 750,000 women out there, those who were talking from experience, who lost a child. We have heard them. The Senator from California and the Senator from Illinois are on the floor. We heard them talk about the child who had a bullet go through his spine here in Washington, DC—19 years old, a promising young man just in the beginning of life.

Mr. President, I have to ask this question. If this sense-of-the-Senate resolution is so insignificant that it should have just been in law, then why not let it pass? Why not have this Senate say: Million moms, we salute you; we commend you; we understand you; and we hear you—not, oh, no, no; we don't want to do that because that only encourages, in some perverse way, violence. And you have to get guns in everybody's hands so they can protect themselves.

I fought as hard as I could to get an amendment into law—a piece of legislation that would prevent spousal abusers from getting guns. I fought tooth and nail with Senators on the floor. Some might say that is a worthless thing; why bother? Well, 150,000 times a year it is reported that a woman in this country gets a gun pointed at her head and he says, ''I'm going to blow your brains out.'' What happens to the children who see that or the neighbors who hear that? What happens to the woman when he pulls the trigger? We know what happens. They fought me tooth and nail. But the President and I worked together and got it on a budget bill that had to pass.

Mr. President, 33,000 permits for guns have been denied when the applicant wasn't of sufficient mind or character to own a gun—33,000 times we have said no in 3½ years to those people who wanted to have guns. We had a fight over the Brady bill. Over 500,000 gun permits have been denied since the beginning of Brady. Does that help prevent lives from being lost?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mrs. MURRAY. I yield the Senator from New Jersey 2 additional minutes to finish his statement.

Mr. LAUTENBERG. It is time to put the rhetoric aside. Let's see if there really is an interest in doing what we want to do, and that is express ourselves and pass a sense of the Senate that we Senators agree we ought to do something about gun violence and not go into long tales about kids dying from drownings and other things. Why can't we regulate, in some form, the way guns are handled out there and make sure we know who the buyers are, make sure that we have the right kind of law enforcement? We do it because it has increased substantially since gun laws were on the books. We have reduced the number of people who are out on the streets with guns. They are in jail. But to try to minimize the value of controlling who buys a gun—how does that hurt anybody who wants to buy a gun, a legitimate gun purchaser? It doesn't hurt anybody.

I hope we can finally come together here and say, OK, this sense of the Senate doesn't hurt anything anyway. Let's do it and say we are serious. Let's say to the moms who marched out there last Sunday: We hear you and we understand what you are talking about. A million moms were marching from across the country. We hear debate about whether or not kids get killed from other sources as well. It hardly seems serious. It hardly seems real. It hardly seems possible that we could be having this kind of debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Before I yield to my colleague from Wyoming, it hardly seems important, but it is. I joined with the Senator from New Jersey to right the spousal abuse provision, and I voted for it. He didn't say that on the floor; he should have. We had some disagreements. We worked out those differences so that those who are adjudicated spousal abusers can't buy a gun. But those who were only accused but not proven can still hold their rights. Those are the facts. The Senator from New Jersey knows it; he failed to say it.

I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. ENZI. Mr. President, I want to bring to the attention of all Senators, and anyone else who might hear our words, that it is a very confusing situation here on the floor. One might think the issue up for debate is guns. The underlying issue of the entire debate process is military construction—military construction. That is where we take care of the security of this Nation. That is where we provide for military housing. That is where we provide for cleaning up the environment on bases that are having a problem. That is where we provide for the morale of our military.

But you heard guns discussed. This is an amendment that I think is not germane to the process. It is not about security, not about housing, not about the environment, not about the morale of our military people. It is not about the military. We are going to use up a day and a half debating that. The other side says, well, if it is so insignificant, why not pass it? Because we are setting a precedent for this body that we have not had before. We are setting a precedent for this body that under appropriations we are going to debate a sense of the Senate that anybody brings up, whether it applies to anything in the bill or not.

That is a very important precedent. It is very important that we do not set that precedent, that we do not get off on debating any whim that anybody in the Senate wants to do under any bill. There has to be a process—particularly a process for spending almost $2 trillion of the people's money. This is supposed to be a deliberative debate about spending the money—spending the money on military construction—just military construction. Instead we are talking about guns.

Last night, the Senator from California said we have time for this; that, after all, we have 4 months left before the new appropriations have to go into place.

I want everyone to understand that, 4 months. First of all, we will not be here for all of the 4 months. This is an election year. People will be leaving to participate in their candidacy. We will be gone during August.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. ENZI. I am sorry. Time is equally divided on this. I will not yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. ENZI. We have 4 months. One month we will be gone for recess. That leaves 12 weeks. We have 13 appropriations bills. We seldom pass more than one appropriations bill a week.

I can tell you that if we start doing sense-of-the-Senate resolutions on appropriations bills, we will not be able to get them finished in a week. What does that do? That puts the process that the Constitution says is ours, the Congress of the United States, in the hands of the President.

I have to admit that were I the President, I might want that to happen, and that is why the other side delays and delays and delays with things such as sense-of-the-Senate resolutions.

Last year, we put rule XVI back into effect. We said we are not going to legislate on appropriations bills. That was a major move for this country. We said there will be no legislation on bills.

Now what we are talking about as the point of this whole debate is whether we are going to have sense-of-the-Senate resolutions back door. Why is that important? We said no real legislation.

Now are we going to allow any kind of a debate we want on any kind of a topic with a sense-of-the-Senate resolution? A sense-of-the-Senate resolution says it is kind of our opinion, and it would make us feel good to pass it, and perhaps with all of the publicity we can persuade America that we are right. Well, America sees through that. America knows whether we are really doing our work or whether we are trying to make people feel good. We don't know that yet. But they know that.

That is the process that we are going through. This will set a precedent. We set a precedent under the budget this year. There were dozens of sense-of-the-Senate resolutions that did not make it into the budget process. I know. I negotiated two sense-of-the-Senate resolutions dealing with OSHA.

That is one of the most difficult things to reach agreement on between the Democrats and the Republicans. But it was for the safety of American workers. We agreed to two of them. We had another one on health care.

Sometimes it is difficult for Republicans and Democrats to agree. We agreed.

Then in the budget process, we said no, unless these have been fully debated. And there is a very limited time for debate. In the budget, we said we are not going to do that.

Some very good sense-of-the-Senate resolutions went down. We decided at that point in the process that we should not do sense-of-the-Senate resolutions; they really do not mean much except for people being able to stand up later and say: This sense of the Senate passed 100–0. Well, they passed it in a hurry to get it out of the way so we could get on with substantial debate that this body is charged with—the bipartisan effort that we are charged with of getting an appropriations bill finished, and then the other 12 appropriations bills that we are supposed to do.

We cannot concede 8 hours of debate on every issue that wasn't brought up through any other process. We can't give up 8 hours on every partisan issue that can come to this body.

Never mind that it was a knee-jerk, one-size-fits-all, do-it-in-Washington, make-the-people-feel-good motion. It doesn't solve problems. It just doesn't solve it. It is just a political issue. It isn't a complete reflection of even the march that happened Sunday.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from today's Washington Post by Courtland Milloy in which he talks about some of the other issues at the march. It wasn't all about guns. It was about the safety of our kids. But you can tell that the big publicity thing is guns. I ask the Senate to watch what is happening and not set a precedent.

I thank the Senator for the time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 17, 2000]

TO BE SAFE, START WITH THE DRIVER

(By Courtland Milloy)

Lisa Sheikh, a child safety advocate, was a volunteer at the Million Mom March. She was moved by the speeches, including one praising this generation of mothers for doing so much to make children safer, like getting childproof caps on medicine bottles and better car seats for children.

But Sheikh is also director of the Partnership for Safe Driving. She knows that more children are killed in car crashes than by guns and that many of the people operating those deadly vehicles are mothers.

''A lot of others are speeding and running red lights,'' Sheikh said.

Sheikh, fresh from the march, had come to see me because we disagree about some of the ways being used to get people to drive safely. She favors automated enforcement—i.e., cameras—to curb red-light running; I do not. I think a driver's education program, updated to deal with the new realities of our congested roads, would work.

She thinks an education campaign by itself would take too long to make a difference. She does agree with me, though, that driver's education and safety have never really been given a fair chance.

Most of the efforts by the National Highway Traffic Safety Administration, for instance, have been on making car crashes safer, not drivers smarter.

Indeed, the NHTSA Web page is taken up largely with news about seat belts, air bags and those celebrity ''crash dummies.''

''It's all about how well does this or that car perform in a crash,'' Sheikh said. ''No one is talking about the role of the driver.''

The Partnership for Safe Driving, which was formed three years ago, seeks to change driving behavior through television, radio and print advertising campaigns. The Washington-based organization is seeking funds for a nationwide education effort.

To be fair, the NHTSA puts out a little ''Driver's Guide to Coping With Congestion.''

''You are late for work—again,'' it begins. ''Traffic is bumper to bumper. You can feel the tension mounting. Suddenly you see an opening. You accelerate. You jerk your wheel quickly to the left. Mission accomplished.

''Welcome,'' the guide says, ''to commuter purgatory, where heavy traffic has unleashed the 'driving demon' in all of us.''

Tips to get out of this man-made hell include planning ahead, concentrating, relaxing, telecommuting or changing jobs.

I think we can do better than that.

When I was in high school, we had a real driver's education program, complete with driving simulators and a fleet of cars for real test drives. This was back in the 1960s. Surely, the technology is now available to provide even more comprehensive understanding of the rules of the road.

Moreover, my driver's education course was not just about how to maneuver a car. It was also about developing appreciation for the high level of cooperation required to keep our highways safe.

In recent years, driver's education programs have been cut from most public high schools in the country, even as crashes caused by inexperienced teenage drivers were increasing.

So, we cut funds for driver's education, then address the resulting problem with moneymaking enforcement techniques, such as red-light cameras. (Come to think of it, we do the same thing with public schools and private prisons. Cut funds in one, then clean up the resulting mess by building more of the other.)

Sheikh believes we have no choice for now, that red-light running has reached epidemic proportions. Running red lights, she notes, is the third leading cause of traffic deaths, behind speeding and drunken driving.

''People simply have more demands on their time—with two working adults struggling to get children to and from school, then going off to work, then getting them to soccer practice and other activities,'' she said. ''They don't have time to do everything. So they are trying to make up time on the road. Of course, that's not an excuse.''

But it could be part of an safe driver's education campaign: a soccer mom and her smoking gun that, in this case, could be a Volvo.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. REED. Thank you, Mr. President. I thank the Senator from Washington for yielding the time.

I rise in support of Senator DASCHLE's resolution to commend the participants in the Million Mom March, and to also call on Congress to pass meaningful gun safety legislation. Senator DASCHLE, as we all know, has been a long-time advocate and leader on the issue of gun control. I thank him for taking this issue on. I would prefer, frankly, to be speaking about real legislation.

I find it ironic that Members of the Senate would be bemoaning the fact that we don't have real legislation before us when, in fact, legislation is bottled up in a conference committee because of a gun lobby in the NRA. We all would prefer to be speaking about real legislation that would do something.

This is a resolution that follows another resolution I sponsored just a few weeks ago on the budget that would have called for the conferees to meet and to discharge and send to us a conference report including all the provisions, including the Lautenberg-Kerrey gun show provision that we passed almost a year ago. That resolution passed 53–47 on a bipartisan basis.

It is quite clear that these measures should return to us in the form of the juvenile justice conference report that will be passed by this Senate.

What that caused is the gun lobby and the NRA to do all they can to ensure that conference report stays locked up in the conference.

We are here today because we want to move forward on an agenda of sensible gun control. We want to respond to the thousands and thousands of mothers who came to Washington last weekend and who asked us to act responsibly to protect the children of this country. A vast majority of Americans support us. They support these measures, and they, in fact, are insistent that we take action.

If there is any reason today why we are talking about another resolution on a military construction appropriations, it is because the gun lobby has dug themselves in to prevent consideration of real legislation. We have to overcome that opposition. We have to overcome it by word and by deed. Last Sunday, the mothers of America marched. Now it is our responsibility to act today at least by passing this resolution.

We also know the real sticking point in this legislative battle is the Lautenberg-Kerrey amendment with respect to gun shows. What we want to do and what I think the American people want to do is apply the same rules of the Brady background checks to all sales at gun shows. The Brady bill gives law enforcement authority up to 72 hours—brief as it is—to conduct a background check on a prospective purchaser of a firearm.

What happened was in the development of the original Brady law there was a loophole created which would

allow unlicensed dealers at gun shows to avoid these background checks. Interestingly enough, three of the weapons used by the Columbine killers were acquired at a gun show because even these young men knew that they could go to a gun show and avoid a background check, and that they could, in cohort with another, purchase arms without a background check. We want to close it. I hope we can.

This is also the case throughout the country where this is not just a Democratic-Republican issue.

The Governor of Colorado, Gov. Bill Owens, a Republican, recently signed a petition to place a gun show initiative with a 3-day background check on the ballot in his home State of Colorado.

It is sensible, and it is long overdue. The opponents of this measure are suggesting that this is a mandatory waiting period—it is a 3-day waiting period—that a waiting period would destroy the gun shows. That is not the case. In fact, if you look at what is happening, it is because of technology. Because of the national instant check system, the FBI can clear 72 percent of gun buyers within 30 seconds. Another 23 percent are cleared within 2 hours. Ninety-five percent of those individuals who wish to purchase a firearm in this country have their background checks completed in 2 hours.

What about the other 5 percent?

The other 5 percent found out they are 20 times more likely to have prohibitive information in their files which will restrict their access to a firearm. Here is what is happening: The gun lobby and the NRA protect 5 percent of gun purchasers who are much more likely to be prohibited from owning firearms, are willing to sabotage the closing of this loophole, are willing to jeopardize, if you will, the safety of Americans. I don't think that is right.

What we can and should apply the Brady law across the board to all sales of gun shows. I don't think it will interfere materially in any way with the rights of a law-abiding citizen to acquire a firearm. In fact, I think it will contribute to the public safety and to the sense that the mothers in America tried so vividly to create last weekend: That this country, with all of its violence, has to do something different and has to do something better.

I hope we can move forward with real legislation, not another resolution. I hope we can recognize what hundreds of thousands of Americans were saying to their Government last Sunday: Pass sensible gun safety legislation.

I commend the mothers and all the supporters who were on The Mall. I commend Senator DASCHLE for his efforts. I hope we will, before Memorial Day, be voting on the juvenile justice bill containing these measures which will protect all Americans, and particularly the children in America.

I yield the floor.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 27 minutes; the Senator from Idaho has 30 minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Washington for yielding. For those who have not followed this debate closely, it is true that we are not debating the passage of a law; we are debating the passage of a resolution which is more or less a message of the Senate expressing its opinion.

Why aren't we debating a law, since this is supposed to be the Senate and we pass laws? Because the law is bottled up in a committee. The gun safety law we passed in the Senate after the Columbine massacre is bottled up in a committee by the National Rifle Association. The Republicans control the Senate and the House, and they will not let the bill come out of the committee. Those who believe gun safety legislation is needed have to resort to these devices to try to at least bring the issue up for consideration by the Senate.

My colleague from the State of Wyoming said the sense-of-the-Senate resolution is nothing but delay, delay, delay. Yesterday when we presented this sense-of-the-Senate resolution, it was the Republican side that delayed it for 5 hours. When we said we wanted to commend the Million Mom March and we wanted to bring the gun safety bill out of committee, it took the Republicans 5 hours to come up with an alternative, a substitute, which, if you read it, is, first, a diatribe against the Clinton administration and, second, the reaffirmation of the principles of the National Rifle Association.

That is their right on the Republican side to offer whatever they want to offer. We believe the message that came on The Mall last Sunday and across America, in Chicago and Los Angeles, of 750,000 mothers who gave up their Mother's Day to march, is that this Senate, this Congress, should get down to the business of passing laws to make America safer.

It also said this sense-of-the-Senate resolution is similar to talking about the weather: It really doesn't do anything. It is funny it would take 5 hours for the Republican leadership to respond to it if it really doesn't do anything. What it does is put the Senators in this Chamber on record: Do you commend the Million Mom March? Do you want this legislation to come out of committee immediately? If so, vote ''yes''; if you share the opposing position, vote ''no.'' At least Members are on the record.

Senator REED of Rhode Island offered a similar question in a sense-of-the-Senate resolution a few weeks ago, and 53 Senators—more than a majority—said: Let's vote for it. Bring the bill out, and let's get on with it. It still sits in committee because the Republican leadership is blocking the effort to pass gun safety legislation.

The Senator from Idaho stands on the floor and reminds mothers across America that there are many things injuring children: Automobile crashes, trauma, poisoning—the list goes on and on. The Senator from Idaho is certainly right. I don't know that the mothers of America needed to be reminded of that. They understood that when they came to The Mall. They asked us to do something about guns and the fact that every day in America—today, tomorrow, and the day after—12 children will die because of guns. Kids are dying because of gangbangers, accidents with guns, suicides—12 kids every single day in America. We have become so used to this, it doesn't make the headlines anymore. There is not another nation on Earth with these grizzly statistics when it comes to guns. It is right here. It is America, the country of which we are so proud.

Mothers march to remind Congress we can do more and we can do better to make this world safer for their children. They are right. For the Senator from Idaho to say to the mothers across America, you know, a lot of kids get hurt in automobile accidents, it is a truism; there is no doubt about it.

I remind the Senator from Idaho, there is ample legislation, Federal and State, establishing the safety of cars we drive, establishing requirements to wear seatbelts and airbags in the cars, use of a child safety seat and restraints, legislation all over the country to make car travel more accommodating and safer for children, but there are no laws on the books, none whatever, in Washington, DC, concerning the safety of guns.

Make a toy gun to sell at Christmas and we have an agency that looks over your shoulder to say that may not be safe for kids. But make a real gun, the kind used in sport, hunting, or self-defense, and there are no—underline ''no''—Federal safety standards.

When it comes to kids and cars, we write all kinds of laws about safety. When it comes to guns, the gun lobby says: Hands off; it is our constitutional right to produce any type of weapon we want.

He talked about kids who suffocate on mattress covers and plastic bags. There are warnings printed. There is a Consumer Product Safety Commission watching these products in commerce, trying to keep them safe for families, but no such standards when it comes to guns in America.

I think the amendment of the Senator from Idaho falls apart. If he wants safety for children from all the hazards, I agree with him completely. And we have passed laws to establish those standards of safety in every single area but one—the firearm industry. They can make any kind of gun they want, and they are not subject to any kind of control or supervision by the Federal Government to sell it. They can sell it without a child safety device such as a trigger lock. They can put it on the market. Look at what happens. Twelve kids in America every single day. Twelve mothers receive a phone call, a knock on the door, and are told their child has just been shot, maybe killed, by a gun.

That is why the mothers marched in Chicago. That is why they marched in Washington and in Los Angeles and across the Nation. That is why we are on the floor of the Senate today. We don't believe that march was in vain. We believe that is the best illustration of democracy in America, when people from ordinary lives come forward and say: We are giving up a special day each year for mothers to let you know how important it is that we have safety in our schools and safety in our neighborhoods. We expect the Congress, the Senate, to listen. To listen—that is what a democracy is all about. The voters, the people, speak and we listen.

Frankly, for almost a year now, this Congress has not listened. After the Columbine High School situation in Littleton, CO—12 kids were killed and a score or more were injured—America was horrified that this could happen in a ''good neighborhood,'' a ''good school.'' It happens all over America.

I live in Springfield, IL. We are not safe from this. There is not a town, there is not a neighborhood, there is not a community in America that is safe from gun violence. We are a nation of 200 million guns. If you have a careless gun owner who asserts his constitutional right to own a gun but refuses to accept his moral responsibility to store it safely, you know what is going to happen. Kids are going to find it. Kids are going to play with it. They may hurt themselves or an unsuspecting playmate. They may take that gun to school, as they did in Jonesboro, AR—an 11-year-old and a 15-year-old with an arsenal of weapons from the grandfather and all the ammunition, sitting in the woods, pulling the fire alarm and watching the kids come out into the playground and firing away at the kids and their teachers.

Should we do something about that? Should we require safety locks? That is part of the legislation that is bottled up in committee. That is part of the legislation Republicans will not bring to the floor.

In Littleton, CO, the guns that were used to kill the students were purchased at gun shows without background checks. Don't we want to know if the purchaser is a criminal, has a history of violent mental illness, or is a child? I would think we would want to know that. We want to keep guns out of the hands of those who would misuse them, but the National Rifle Association says: No, it is too much of an inconvenience to have a background check at a gun show. These folks need their weapons; they need them in a hurry; and they have to get out in the street.

Excuse me but walk through the airports, go through the metal detectors, subject yourself to the inconvenience, if you will, because we want safety on airplanes. If you go to a gun show, you should accept the burden and the inconvenience of a background check because we know if we do not make that background check, guns will get in the wrong hands. In the wrong hands it leads to crime and killing, pain, and suffering for mothers and fathers across America.

It is hard to understand the position of the National Rifle Association. This organization of some 3 million people has made a mockery of democracy. When the overwhelming majority of Americans want sensible gun safety laws, when sportsmen and hunters will accept the inconvenience of a background check and say that is part of it, we understand it—and this organization stands in the way of sensible gun safety legislation time and time and time again—it is disgraceful. That is why we are on the floor of the Senate. We want Democrats and Republicans to go on the record to commend the Million Mom March and to stand up for gun safety legislation.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Idaho.

Mr. CRAIG. Mr. President, somehow today, if you do not believe what I believe, you are not caring nor are you compassionate. Let me suggest to anyone listening, and certainly to all Senators, no one on this side of the aisle—and I know no one on that side of the aisle—is saying that. We listen, too. Many even participated in the Million Mom March in this Nation's Capital last Saturday. I cannot tell you we felt their pain, but we heard it spoken because unless you have experienced the kind of loss that some of those mothers experienced, I doubt that you can feel it. But you can empathize with it, and all of us do.

Is that why we are bound up on the floor with this issue today? No, it is not. We have been on this floor before, for the last year, on the issue of guns, long before the Million Mom March. The reason we have been on the floor is because what some have wanted to do, the rest of the Congress has not wanted to do—largely because the American people are tremendously frustrated at this moment about violence and about laws and laws not enforced and laws that are enforced and the lack of safety or the sense of security and the obvious real violence that goes on in America today.

No, those moms, at least many of them, were sincere. Others, I am quite confident, had a political agenda. There were second amendment moms who were there. They had a political agenda. They are also sincere because they really do believe that passing gun laws does not a safer world make. It does not take the criminal who perpetrates the vast majority of the crimes off the street—who, by the way, very seldom walks into a gun shop and buys a gun but of course acquires his or her gun off the street in an illegal fashion.

''We want commonsense gun laws,'' is what we have heard. Yet the underlying mantra of the Million Mom March is not commonsense gun laws; it is registration and licensing. Even some of the most liberal, who believe in gun control, openly admit you cannot get there. You cannot pass licensing and registration because the Congress will not pass it and the public would not accept it, largely because it just would not work.

Cars are licensed? Yes, cars are licensed, but you don't have to have a license to own a car. You don't have to have a license to drive a car if you drive it on your private property. A car is not a right in this country, guaranteed by the Constitution. You have to have a license to drive a car if you drive on public roads. Licenses for cars did not start for safety arguments; they started as a way to tax an owner of a vehicle to gain revenue for vehicular purposes in States.

So there is that quick jump to logic: You have to have a license to own a car. Wrong. You do not need a license to own a car. It is not a right; it is a privilege. There is a very real difference.

It is important that a few of us cut through the fog of the emotion and the rhetoric here. I do believe there are constitutional rights in this country. I think we ought to be terribly careful about how we infringe upon them. That is part of the debate we are involved in today, and that is the most important part as far as I am concerned.

One of the other issues I think is most important is the question of ownership—250 million guns in this country and somehow we ought to take them all down or take a lot of them down, or register or license to deal with them.

I do not find this humorous, but I find it practical. Holland is a nation in Europe—we all know about it: dikes and tulips, a beautiful country, wonderful people. Guns are outlawed in Holland. It is against the law to own a gun, except under unique circumstances. Guns are outlawed in Holland. Now the Dutch authorities are trying to come to grips with a rash of stabbings in Amsterdam. Last year they began a ''turn in your knife'' campaign, to try to stop the violence in Amsterdam, ravaged upon fellow citizens of Holland by knives. In other words, violence is the issue, not guns, not knives. Now they are thinking in Holland about a ''buy up the knife'' campaign, something like we have done in this country, or even suggesting they prohibit knives in Holland. Politicians ought to pass a law, some are suggesting.

Is it a reflection of the weapon or is it a reflection of a human problem that is called violence? I think it is the violence issue we are here about today. I know the Senator from California wants to deal with that issue. So do I. But I do not think we all understand how to deal with violence. I believe most of the moms who marched on

Sunday were expressing their frustration about the violence that their children experience.

I yield to the Senator from Idaho such time as he may consume.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I appreciate the opportunity to have a few moments to discuss with the American people this critical issue. The question of violence in our society is, as the Senator from Idaho, my colleague, has just stated, one we all want to address. The differences we have in this Chamber as we debate are not over whether we want to address the difficult problems of violence in our society; they are over how we believe it must best be done. The reason I wanted to stand and talk today is because I am convinced if we continue to focus our efforts on increased gun control and more strict gun control, not only will we impose burdens on law-abiding Americans that are unjustified, but we will fail to give the attention that is necessary to the true causes of the violence that we have to be addressing. I want to address my remarks in two contexts—one, what should we be focusing on and, two, why is it I believe gun control is not the answer.

I will talk about that second question first: Why is it that increased gun control is not the answer? Right here in Washington, DC, we have the best example of why we should not be looking to this as the best solution. In the past few months, there have been a lot of statements about a terrible incident of violence that took place at the National Zoo. I share my colleagues' concern about these high-profile acts of violence, but this example shows why it is that our focus on gun control is misdirected. The answer is not to enact more gun control laws but to address the root causes of violence.

The April 24 shooting at the National Zoo should shock any law-abiding American. At the same time, it dramatically demonstrates that even the more restrictive gun control laws in the Nation have little impact on the actions of violent criminals. In Washington, DC, it is illegal to possess the kind of handgun that was used in the violence at the National Zoo. It is not just illegal to carry them but one cannot even have one in one's home. Washington, DC, has the most restrictive gun control laws in the Nation, far more restrictive than the gun control laws being debated today.

Yet it is in Washington, DC, that this shooting took place—Washington, DC, which some have called the murder capital of the world, where gun violence runs rampant, from where many of the examples of gun violence come.

Yet it is Washington, DC, that has tried to solve these problems through restrictive gun control measures that we seem to debate endlessly on this floor.

Why is that the case? Some will argue the reason we do not have the solution in Washington, DC, is that we do not have restrictive gun laws everywhere and that the person who used this gun in Washington, DC, at the zoo could have gotten that gun elsewhere in the country and then brought it into Washington, DC.

The fact is, that is not what happened. This was a stolen gun that was used in Washington, DC, for this crime, and the reason is, one cannot just bring a gun into Washington, DC, under the law. For the last 32 years, under Federal law that applies to all States, one cannot buy a gun if one is a Washington, DC, resident and bring it into the District. Interstate sales of handguns have been prohibited for 32 years.

What would happen if a D.C. resident were to go to Maryland or Virginia seeking to buy a gun to bring into the District? What would happen is the gun dealer would say: I can't sell you this gun; I have to send this gun to a dealer in your State or in the District and have them deliver it to you there, and since it is illegal to do that in Washington, DC, I can't sell you this gun.

A person in Washington, DC, who wants to get a gun to use in an act of violence is, therefore, going to have to break the law, which is the point. Criminals do not obey the laws. Those who are going to use the gun in a crime do not obey these laws. They steal firearms, or they get them on the black market, or they do so illegally. That is exactly why in Washington, DC, those who carry guns do so illegally and know that the law-abiding citizens do not carry guns.

The shocking truth is that those who are involved in gun violence are going to get their guns illegally, whether they have gun control measures in place or not, and Washington, DC—right where we are conducting this debate—gives us the best example of why it is that further efforts to restrict citizens' access to guns are not going to stop the violence.

What is going to stop the violence? I had an experience, it has been 6 or 8 months ago, watching one of the talk shows on TV that helped me to understand and increased my understanding of what we need to do. We often talk about needing to address the root causes of violence rather than continuing to restrict the right to bear arms. What do we mean when we say that?

Obviously, we talk about trying to reduce the violence our children are exposed to in the media, whether it be TV, video games, and so forth, and that is valid. We also talk about needing to have programs of education so that our young people who do have access to guns to hunt or for target shooting learn to do so in a safe way.

We also talk a lot on the floor about needing to enforce the laws strictly so that those who voluntarily choose to use guns in acts of violence are punished. If you do the crime, you should do the time. That is another aspect of what we need to do to address violence in our society.

When I was watching this talk show, one of the experts who was talking on the issue raised another approach which I think is something on which we need to focus. This particular gentleman who is an expert in this area said: I personally support gun control—his position—I support more gun control, and I support reducing violence in movies, in TV games, in video games, and in the music our children listen to.

He said those things are not going to solve the problem; that we actually have the ability today to identify the large majority of our young people who are troubled and who are the most high-risk young people to engage in a crime of violence. We ought to focus our efforts as a society on identifying these young people who are in troubled circumstances and intervening in their lives at an earlier stage so we can have a positive influence in their lives and steer them back on to a better course for their lives and for the lives of others whom they will touch.

That struck me. Instead of spending the time and the resources trying to figure out a way to stop people, even law-abiding people, from owning a firearm, what we ought to be doing is spending our time focusing on intervening in the lives of those who are troubled and who face these difficult circumstances and making a positive change in their lives. It is these kinds of efforts that will make a true difference.

Again, we will have large differences among ourselves as we continue this debate, but let's let no one in America misunderstand that we all seek the same objectives. We simply have a very different opinion on how to get there. I believe if we as a nation satisfy ourselves with passing some more restrictive gun control measures, pat ourselves on the back and say we have done our job for violence in America, we will be forgetting the real solutions. We will be diverting attention away from those things we have to do as a society to address the root problems of crime and the true root problems of violence.

I thank the Chair. I yield back the remainder of my time.

Mrs. MURRAY. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Washington has 17 minutes, and the Senator from Idaho has 15 minutes.

Mrs. MURRAY. I thank the Chair.

I yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Mr. LEVIN. I thank the Senator from Washington for her leadership in this effort.

Last weekend, hundreds of thousands of mothers and others were in Washington, DC, for the Million Mom March, marching for sensible gun laws and safe kids. From my State of Michigan, thousands of moms came with

their children, with their husbands, and with their parents to demonstrate for sensible gun safety legislation.

Those moms are distraught. They have lost children in school shootings and in drive-by shootings. They have lost their kids in accidental shootings and in murders in their homes and in the streets. They are afraid to send their kids to school or to play at another child's house. There are teachers who are afraid to go to work. They all marched last weekend to put an end to that fear. My wife Barbara and I marched along with them.

Every day, 12 of our children, on average, are killed from gunfire in America. Mothers are disheartened both by the children lost and by the unwillingness of Congress to do anything about gun safety legislation.

Of the hundreds of mothers I met this weekend, not one of them said let's do away with guns in this country, and yet that is how NRA leaders label the actions of the million moms. In reality, Michigan mothers and mothers around the country are simply calling for sensible gun safety.

The moms I met do not want to endure what a Michigan mother, Veronica McQueen, endured. Her 6-year-old daughter, Kayla Rolland, was shot by another 6-year-old at an elementary school not too far from Flint. On Sunday, she told her audience:

> Part of my heart went with her. It is so hard for me to think that I will never see her smile, laugh, or play again; I can never hold her or kiss her again, or see her grow up, get married, and have a happy life.

The mothers who marched on Sunday know that in order to reduce the level of gun violence in this country, we must do many things.

One of the things we must do is to pass stricter laws to keep guns out of the hands of those who should not have guns—children who should not have guns, criminals who should not have guns. The way to do this, in the first instance, is to pass the juvenile justice bill with the Senate gun amendments.

About a year ago this week, the Senate passed an amendment which closed the gun show loophole by applying the Brady background checks to guns sold at gun shows. The gun show loophole allows criminals and other prohibited persons to buy guns at a gun show from a private person that they could not buy from a licensed dealer.

It is a loophole which has been exploited frequently by those who deliberately do not want to undergo background checks, including the Columbine gunmen, Eric Harris and Dylan Klebold.

On April 20, 1999, Harris and Klebold opened fire on their classmates with four semiautomatic assault guns. Of those weapons, three were purchased by their friend, Robyn Anderson, at a gun show. Mr. President, 18-year-old Robyn Anderson bought her younger friends three weapons. Because she bought them at a gun show, she did not need to go through a background check.

Later she testified about this. I would think, of the various testimonies that come out of Columbine, this is some of the most memorable. This is what she said. This is the 18-year-old who bought the guns for the two killers. She said:

> Eric Harris and Dylan Klebold had gone to the Tanner gun show on Saturday and they took me back with them on Sunday . . . While we were walking around, Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.

Robyn continues:

> I was not asked any questions at all. There was no background check. . . . Dylan got a shotgun. Eric got a shotgun and a black rifle that he bought clips for. He was able to buy clips and ammunition without me having to show any I.D. The sellers didn't write down any information.

And here is her bottom line:

> I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit any kind of check at all. I think it was clear to the sellers that the guns were for Eric and Dylan. They were the ones asking all the questions and handling all the guns.

She concluded:

> I wish a law requiring background checks had been in effect at the time. I don't know if Eric and Dylan would have been able to get guns from another source, but I would not have helped them. It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

So the Columbine gunmen knew about the gun show loophole. They took full advantage of it. The result: 15 dead. Congress has a chance to close the loophole with the gun show amendment. But that amendment is part of a juvenile justice bill which is tied up because the Republican leadership in the House and the Senate will not allow a conference to meet. It is at that conference where Members are supposed to reconcile differences between the two bills.

The Brady law is not intrusive to law-abiding Americans. Mr. President, 72 percent of the checks are completed in 3 minutes, and 95 percent are cleared within 2 hours. The 5 percent of people whose background checks take more than 24 hours to complete are 20 times more likely to have a criminal record or otherwise be prohibited from buying firearms. It is just simply not unreasonable to extend the Brady background check to guns that are bought at gun shows.

Congress must act. The moms, the dads, the grandparents, the families want us to act. We must vote yes on the pending sense-of-the-Senate legislation that Senator DASCHLE and others have offered in order to clearly state to the American public that there are some of us here, yes, in the majority in the Senate—since the majority passed these amendments—the majority of us want to act. With their help—the million moms, and millions more like them—we will hopefully be able to move this legislation this year, reduce the number of killings, and save more families from the tragedies which have been too often witnessed in this country.

I thank the Chair and yield the floor.

Mr. BYRD. Mr. President, I support the amendment offered by Senator DASCHLE to S. 2521. I have come to the floor of the Senate several times to speak about failure of the Juvenile Justice conference to come to an agreement. Our nation is yearning for leadership. I vote for this amendment to once again urge the conferees to move ahead on the Juvenile Justice bill. Craft a common sense bill that will help to break this cycle of youth violence. Show the nation that the Congress can see what is happening outside of the Capitol Building, and that we are capable of working in partnership with all Americans to bring some calm to our classrooms.

This legislation does not create dramatic infringements on the right of an informed and responsible citizenry to keep and bear arms. It simply would put in place some common sense provisions to balance public safety and private gun owners' rights. Requiring trigger locks would not jeopardize anyone's Second Amendment rights to own a gun, but trigger locks might prevent children from turning guns on other children. And improving background checks is not a monumental change, either. These additional checks would only serve to prevent those people who should not have access to weapons from getting them. I believe that responsible parents and gun owners would be able to support these common sense provisions.

I also support the amendment offered by Senator LOTT to S. 2521. I agree that the government can and should do more to enforce the existing laws concerning firearms. I do not believe that we must choose between enacting common sense measures to protect public safety and protecting the rights of gun owners—we can do both. Nor do I believe that we must choose between enacting additional protections for public safety and enforcement of current gun laws. I hope that the conferees working on the Juvenile Justice bill will come to an agreement on legislation that will enhance enforcement of the laws we currently have on the books to keep guns out of the wrong hands. Further delay only increases the chance that another child may die from gun violence before the Congress acts.

Ms. MIKULSKI. Mr. President, last Sunday, I joined hundreds of thousands of Americans in marching in support of common-sense gun safety laws. Today we're trying to show that these marchers made a difference. We can either listen to the mothers and fathers who marched with their feet—or we can listen to the gun lobby—who march with their dollars.

The Daschle amendment says that we're listening to the Million Mom

marchers. It merely calls on the Congress to do it's job—to convene the Juvenile Justice Conference and pass common-sense gun safety laws.

Since I've been in Congress I have fought for gun control and gun safety. We passed the Brady bill—which requires a 5-day waiting period so there can be background checks of gun purchasers. This law has stopped 242,000 felons from buying guns. We fought to ban certain types of semi-automatic assault weapons and cop killer bullets.

For ten months, our gun safety proposals have been in legislative limbo. The Senate passed the Juvenile Justice Bill in July 1999. Since then, the Republican leadership has refused to let us move the bill forward.

During this time, we've seen 3,600 children die from gun violence. We've seen twelve children die every day from gunfire. In Maryland, we've mourned the death of over 100 children a year. In Maryland we saw a crazed man steal five guns—and murder four people—before holding a family and a community hostage.

The Juvenile Justice bill includes common-sense gun safety provisions. It would close the gun show loophole—by requiring background checks for all guns bought at gun shows. It would require gun safety locks to be sold with new guns. It would close the loophole in the law that permits the importation and possession of high-capacity ammunition clips. It would keep guns out of the hands of serious juvenile offenders by banning gun sales to juveniles with violent crime records. Finally, it would ban juvenile possession of semi-automatic assault weapons and high-capacity ammunition clips.

The State of Maryland is the national leader in gun safety. I commend Governor Glendenning and the Maryland General Assembly for passing path-breaking gun safety legislation. The new Maryland law will require built-in child safety locks on new hand guns; ballistics testing for new guns—to help law enforcement and safety training for new gun purchasers. This legislation is the first of its kind in the Nation. It will save lives. The United States Congress should follow Maryland's lead—and enact common-sense gun safety legislation.

Mr. President: I was so proud to join thousands of Marylanders in the Million Mom March. Let's show that the march mattered. Let's make democracy work—and pass the Daschle amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, when the Senator from Michigan speaks I always listen because we work very closely together on issues that deal with kids. Most of the time, we agree. All of the time that we work together, we are very sincere.

I do not question the sincerity of the Senator from Michigan in the statement he made. I am not surprised he was on the Mall last Sunday. He is somebody who feels very deeply about the issues in which he becomes involved.

We have worked very closely on issues dealing with young people, such as in making sure that we could streamline adoptions so young people without loving families could find those families and become a member of those families. So I listen very closely when that Senator speaks.

I also listened to those at the Million Mom March over the weekend. I went to their web site. I looked at their issues. I studied their premise. I do not question their sincerity, but some of their issues do not fit common sense and will not work in America.

Here is their No. 1 issue shown on this chart, No. 1 on their web page: ''License Handgun Owners and Register All Handguns.'' It also happens to be the No. 1 gun issue in a certain Presidential candidate's portfolio this year. Coincidence? Maybe not.

But the reality of licensing gun owners and registering firearms is something that almost all Americans have viewed as an anathema for a long while. Why? Because they really do believe that a gun, once acquired as private property, is no business of the Government that they should know about.

I supported background checks. In fact, I am probably one of the few Senators who insisted that the ATF come to the Hill years ago and work on the aggressive implementation of instant background checks. I wanted that to happen. It is now happening today. I brought appropriations bills to the floor to fund ATF to make it happen. There was great resistance downtown. They just did not want to make it work. I am not sure why.

We can instant anything today in our computers. We can instant our credit. We can instant any idea we want, in rapid response, through the tremendous telecommunications ability of our country. But somehow we just could not get this online. And the reason we could not, there was a bias. The bias was waiting periods, resistance to the acquisition of firearms.

Today we have an instant check. By the way, as we know, last weekend it malfunctioned; it went down. Gun shops, that are law-abiding gun shops, that are federally licensed gun shops, had to quit dealing for a time, quit selling, because they could not do instant background checks.

We are not opposed to background checks. We are not opposed to background checks at gun shows. Sorry to dispel the myth. What we are opposed to is unnecessary regulation, recordkeeping, the kind of thing that would create an ability of the Government to follow back and check on what most of our private citizens and 65 million law-abiding gun owners feel is a constitutional right and none of their Government's business.

The folks in Australia, Bermuda, Cuba, Germany, Great Britain, Greece, Ireland, Jamaica, and Soviet Georgia were worried about gun licensing and registration, because they were fearful it would result in gun confiscation. They were right. It did. Citizens in those countries today don't own firearms. They were confiscated by their government once their government could find where they were. Is it wrong for American citizens to be concerned? I think not.

There are, certainly, issues that those moms were marching on about which all of us are concerned: safety locks on handguns, yes, that manufacturers are producing. Should the Federal Government require them? I don't believe it should, but I would certainly have them on my handguns if I owned handguns.

If I were a single person living in a dangerous neighborhood and I bought that handgun for self-protection, I might not want a safety lock on that gun in the dark of night when my door is being crashed in by an intruder. I wouldn't want to fumble in the darkness to take the safety lock off. I would want the instant protection that the gun I acquired offered me in my right of self-protection. But because I didn't have the lock on, by what some are arguing on the other side, I would be in violation of a Federal law. Instinctively, none of us want that. None of us want to voluntarily feel we force ourselves to be in violation of a law in defense of our person and in defense of our property.

Those are some of the kinds of practical nuances that argue not against common sense but against some of what is being tried here today.

So if it doesn't work, politicize it. If you can't get your way around here, politicize it. Some got their way in the Senate a year ago. They passed the Lautenberg provisions in the juvenile justice bill. I didn't support them. I thought they had gone too far. I think the gun community of America thought they had gone too far, the law-abiding gun community of America. Criminals didn't care. They recognized what some of my colleagues in the Senate don't recognize, that by definition, they don't play by the rules so they don't care what we do. They break laws. That is why they are called criminals. But somehow we write these laws and everybody will march in step with what their Government demands. Law-abiding citizens will do so.

Anyway, we passed the Lautenberg law. The House rejected it. Somehow our colleagues on the other side can't accept that fact and won't accept it. So here we are today, holding up a very important piece of appropriations legislation, all for the sake of making a nonbinding political point. Well, it is a political body. They certainly have that right. But it is nongermane, and it doesn't fit. We ought to do something that does fit.

Most importantly, we ought not perpetrate a hoax on the millions of mothers who expressed their frustration

over violent acts in this society last Sunday. I think most were sincere. I think some were very high-level organizers of certain political interests. I think their web page demonstrates that.

That is really not the issue. The issue is, can we pass laws that work and can we pass laws that are enforceable and that the American public will accept? That is the crux of this debate. That is the point of the politics.

I retain the remainder of my time.

Mr. WARNER. Mr. President, I rise today to indicate my reasons for not supporting the Daschle amendment, amendment number 3148 to S. 2521, the military construction appropriations bill.

The Daschle amendment is a sense-of-the-Senate amendment. After starting a number of findings, the amendment states that it is the sense of the Senate that ''Congress should immediately pass a conference report to accompany'' the juvenile justice bill that includes the Senate passed gun-related provisions.

During the Senate's debate of the juvenile justice bill in May of 1999, I supported the Lautenburg amendment, and other amendments to close the gun show loophole in the Brady act. I also supported an amendment to require licensed firearms dealers to provide a secure gun storage or safety device when a handgun is sold, delivered or transferred. Unfortunately, the juvenile justice bill has been locked in a House and Senate conference committee.

Let me be clear, I remain firm in my stance on these issues. I certainly hope that House and Senate conferees can reach an agreement in conference on the juvenile justice bill. And, I will continue to support the common-sense gun provisions that passed the Senate during the juvenile justice debate. I believe the Senate passed gun-related amendments to the juvenile justice bill will help keep guns out of the hands of convicted felons and increase public safety without infringing on the rights of law-abiding citizens.

Despite the fact that I agree with the statement in the Daschle amendment that Congress should immediately pass a conference report on the juvenile justice bill that includes the Senate passed gun-related amendments, I do not support the Daschle amendment. The Daschle amendment is not a legislative amendment and is simply a procedural maneuver. The Daschle amendment has no force in law and no relationship to the underlying purposes of the military construction appropriation bill.

As chairman of the Senate Armed Services Committee, I have a responsibility to secure passage of the important military construction appropriations bill. This bill provides critically needed funding for military construction projects, improves the quality of life for the men and women who are serving our country in the armed forces, and sustains the readiness of our armed forces. These areas are traditionally underfunded, and this bill provides the necessary funds to help make up for this shortfall.

The Daschle amendment is an unrelated sense-of-the-Senate amendment to the military construction appropriation bill. Sense-of-the-Senate resolutions have no force in federal law. Voting for this amendment places vitally needed funding for our Armed Forces in peril by jeopardizing passage of the overall bill.

Again, I continue to support the commonsense gun related provisions that passed the Senate as part of the juvenile justice bill. When these matters come before the United States Senate in a substantive, rather than a procedural capacity, and on a related piece of legislation, I look forward to voting for them once again.

Mrs. FEINSTEIN. Mr. President, earlier today, Senator CRAIG spoke on the floor about licensing and registration. I just wanted to correct one statement he made.

Senator CRAIG said that ''The reality of licensing gun owners and registering firearms is something that almost all Americans have viewed as an anathema for a long while. Why? Because they really do believe that a gun once acquired is private property and it is no business of the government that they should know about it.''

Of course guns are private property, but the facts do not support the contention that the American people view licensing and registration as an ''anathema.''

According to a Wall Street Journal/NBC News poll last year, 90 percent of Democrats and 70 percent of Republicans support mandatory registration of any type of gun or firearm.

A May report by the National Opinion Research Center at the University of Chicago shows similar findings, with 70 percent favoring gun-owner licensing and training in use of their guns.

A USA Today/CNN/Gallup Poll taken at the end of April shows seventy-six percent of those surveyed favored registrations of all handguns. And 69 percent favored the federal government requiring all handgun owners to obtain a special license.

In fact, a recent Princeton Survey Research Association Poll indicated that even 66 percent of gun owners support the registration of all handguns.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 9 minutes, and the Senator from Idaho has 8 minutes.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank Senator MURRAY, and I thank the Chair.

It has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Let me repeat that. It has been more than a year since the Columbine tragedy and this Republican Congress refuses to do anything as it relates to sensible gun legislation. That is why Leader DASCHLE offered his amendment.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who died in the past year, and we will continue to do so every day that the Senate is in session. We will read those who died of gunshots. In the name of those who died, we will continue this fight.

The following are the names of some of the people who were killed by gunfire 1 year ago today. These names come from the Conference of Mayors: James Allen, 27, Houston, TX; Ladrid Austin, 21, Chicago, IL; Jeremiah Buchanan, 22, Houston, TX; Karamoh Daramy, 23, Detroit, MI; Rufus Dinuwelle, 50, Charlotte, NC; Maurice Harris, 27, St. Louis, MO; Raul Martinez, 27, Chicago, IL; Marty Owens, 31, Chicago, IL; Andre Parker, 19, Chicago, IL; George Robinson, 39, Houston, TX; Robert Simms, 30, Washington, DC; Jon Vermillion, 32, Houston, TX.

Those are some of the names. We will be here every single day until there is action. The other side is going to say: Shame on you for interfering with the Senate's business.

I say to them: There can be no more important business than protecting our children, than protecting our citizens. We are losing them at alarming rates, more than any other civilized country. Indeed, all the other civilized countries combined don't have the deaths from gunshots that we have in this country—30,000 of our good people every year.

The other side says it is not about laws; it is about community and caring and family. Of course, they are right. But I say to them that those young kids who were cut down before their prime in Columbine came from good families. They prayed to God. They got down on their knees and prayed, and they were shot.

To be scolded on the floor of the Senate for defending our children is something that will not stand. I am glad the good Senator put up the chart from the Million Mom March because when I look at that, I think to myself, there is hope.

The Senator implies that we have before us an agenda on licensing of guns. We do not have that. That is not in Senator Daschle's amendment. He is calling for the release of the five gun amendments we already voted on, simple, straightforward: trigger locks, no high-capacity clips, a study of the gun manufacturers' techniques as they sell to children, raising the age where a person can buy an assault weapon from 18 to 21. Those are simple and straightforward.

Closing the gun show loophole is another. The woman who got the guns for the deranged children who murdered those kids said if she had to go through a background check, she never, never would have, in fact, bought those guns.

So please don't chastise us. It was the other side that stalled for 5 solid hours yesterday and didn't let us have our debate. We would have been done with this debate.

I have to say, when we look at these numbers, 12 kids a day, 30,000 people a year, it is almost too much to comprehend the pain and suffering that goes along with it. Eight times as many as those people are wounded, sitting in wheelchairs for the rest of their lives, some of them vegetables for the rest of their lives. We don't even begin to touch it when we talk about only the deaths. It is the physical pain and agony of those who survive with wounds, and we have seen in Columbine children committing suicide because they can't handle the trauma. What is the answer of the other side? We don't need laws. Why don't they think about licensing?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mrs. MURRAY. I yield the Senator 30 additional seconds.

Mrs. BOXER. You need a license to give a haircut to somebody.

Does anyone say that the Government is going to come and take the scissors? Come on. Don't be afraid of this lobby. Stand up and be counted. Join the million moms. They are Democrats; they are Republicans; they are from families; they are grandmas and grandpas. That is who showed up. I had the joy of marching with them. Let's vote for the Daschle amendment.

The PRESIDING OFFICER (Mr. ALLARD). Who yields time?

If neither side yields time, the time will be charged equally to both sides.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 2 minutes; the Senator from Idaho has 7.

Mrs. MURRAY. Mr. President, I ask whether the Senator from Idaho would be willing to allow us to use some of his time. We don't want to vote until 1:30. If I may, I will yield Senator HARKIN 5 minutes.

Mr. CRAIG. I will retain 5 minutes of my time. I will yield a couple of those minutes, but we will need the rest for closing purposes.

Mrs. MURRAY. How much time would that give me for the remaining time on our side?

The PRESIDING OFFICER. Three and one-half minutes.

Mrs. MURRAY. I yield our remaining time to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 3½ minutes.

Mr. HARKIN. Mr. President, first of all, I take a back seat to no one in being a legitimate hunter. I hunt every year. I have hunted since I have been a kid. I will take on anyone over there in trap shooting. That is not what this is about. It is not about law-abiding people who like to hunt and own guns to hunt with, or somebody who needs one for self-protection in their home. That is not what this is about.

That's why I have to take issue with those who are always misinterpreting the Constitution of the United States—misinterpreting it. When you look at the Lott amendment before us, the first thing he says is the second amendment to the U.S. Constitution protects the right of each law-abiding U.S. citizen to own a firearm for any legitimate purpose, including self-defense or recreation.

Please tell me where in the second amendment and the Constitution it says that. You can go out to the NRA building, and on the side it says, '''The right of the people to keep and bear arms shall not be infringed,' the second amendment to the Constitution.'' Anybody can take anything out of context, Mr. President. You can prove there is no God by reading the Bible. All I ask you is to open the Bible to Psalms 14:1. Guess what it says; ''. . .there is no God.'' I ask my friend from Idaho if he has ever read Psalms 14:1. It says there is no God, in the Bible. But what does it say right before that? ''The fool said in his heart there is no God.''

What relation does that have to the second amendment to the Constitution? Everybody has this book in their desk. It is not that big a deal to read this. It says:

> 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.

So what do they do? They take it out of context. I suppose somebody could take the Bible out of context, too. You have to put it into contextual framework. The framers of the Constitution knew they didn't want a standing army. They wanted a militia, like the National Guard, for people in their homes to keep arms for protection. Read your history books. These people out here who want to reinterpret the Constitution for their own ends are doing our people a great disservice.

Now, take another look at the Lott amendment. The Lott amendment has a finding in the end. Here is the sense of the Senate that—get this:

> The right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation, should not be infringed.

The right of each law-abiding United States citizen. It doesn't have an age limit. Does that mean a kid 13 years old can have an Uzi for recreational purposes? It doesn't say that there. There is no age limit on it. It could be a 5-year-old kid or a 10-year-old kid. I will say one other thing. ''For any legitimate purpose,'' it says. Does that mean—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. I ask for 30 seconds.

Mrs. MURRAY. Mr. President, I ask unanimous consent for 2 additional minutes for the Senator from Iowa to finish his statement.

Mr. HATCH. Mr. President, I will not object if that is given to our side as well.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Is my request also granted?

The PRESIDING OFFICER. That would be part of the request. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. I thank the Senator. Read the language of the Lott amendment. ''The right of each law-abiding United States citizen.'' No age limit; 10-year-old kids or 14-year-old kids can own any amount of guns they want.

''For any legitimate purpose, including recreation.'' Does that mean if I want to own 50 Uzis, the Government can't have anything to say about it? Maybe that is my recreation and I want to blow down a lot of things in my backyard. This doesn't make any sense. The sense-of-the-Senate resolution makes no sense. It misinterprets the Constitution.

Secondly, it opens the door wider than we have ever seen it before. Keep in mind, when you vote on the Lott substitute, what you are saying is that anyone in the United States who is a citizen—no age limit—can own any amount of guns that person wants. There are no restrictions. Is that what we want in this country? If so, have the guts to stand up and say so. Stand up and say that you want 10-year-old kids owning Uzis and machine guns. Go ahead and say it if that is what you want because that is what the language of the Lott amendment says.

All you have to do is read the language of what is in front of us. Look at this chart. This says what we ought to do is ''start them young; there is no time like the present'' for a little kid like that on this chart. This is an ad. Under the Lott amendment, that kid could be carrying 10 Uzis. Keep that in mind when you vote for it.

Mr. President, I do support Senator DASCHLE's resolution. We had one million mothers, their families and friends on Mother's Day demanding their elected lawmakers take final action on the Juvenile Justice bill and the gun measures that bill included. For ten months since we first passed the bill—despite numerous gun tragedies at schools, workplaces and even places of worship all across America—the Republican leadership has refused to move forward on these common sense provisions.

What is almost as senseless as these tragedies is the fact that Congress refuses to act on this legislation that would prevent many of these shootings.

What are the so-called controversial measures we're talking about? Measures—ironically—that would not affect law-abiding citizens who want to own a gun. Let me take a moment to list

them: Requiring gun manufacturers to provide child safety locks with their guns, giving the owners the option to install them. Closing the gun show loophole that allows sales at gun shows without background checks. Right now, 40 percent of all gun show sales go without a background check. Under this provision, all potential buyers at gun shows will use the Instant Check computer system—which normally takes a few minutes. For the small percentage of potential buyers—less than 5 percent—they may have to wait up to three days so records can be checked manually on the closest business day. And the bill would ban juvenile possession of semi-automatic weapons and high-capacity ammunition clips. These are reasonable measures.

But, I also believe we need to do a better job at enforcing current laws. I support the Administration's budget request for new funding to hire more ATF agents and prosecutors. I also support their request for research funding to develop ''smart-gun'' technology which could limit a gun's use to its owner and authorized users to help prevent accidental shootings.

Opponents of common sense gun safety laws set up a false choice between prevention and enforcement. Any successful policy will have to have both of these elements.

Mr. KERRY. Mr. President, I rise to lend my support to the Daschle sense of the Senate, which commends the organizers and marchers of the Million Mom March and urges the juvenile justice conference include the Senate-passed gun control measures in its report and to issue its report by the Memorial Day recess. I support the gun control measures that are contained in the juvenile justice bill that was debated and passed by the Senate last July and I sincerely hope that the conference will meet to finish their work on this critically important bill.

I am deeply troubled by the numbers of people—and particularly the number of children—that are wounded or killed by gunfire each year. And, Mr. President, I know that all of America understands that the impact of gun violence on children is staggering. Listen to some of these statistics, Mr. President: The National Center for Health Statistics found that in 1997 almost 12 children died every day from gunfire. The gun homicide rate for children under 15 is sixteen times higher in the U.S. than in 25 other industrialized nations combined. Between 1979 and 1997, gunfire killed nearly 80,000 children and teens in America—25,000 more than the total number of American soldiers killed in battle in Vietnam. Firearms wounded an additional 320,000 children during this same period. In a single year 4,205 children and teens were killed by gunfire. Those 4,205 deaths are equal to the number of passengers on eight jumbo jets, 90 school buses full of children, and more than an entire high school graduating class of a school the size of Columbine every school month. Nearly three times as many children under ten died from gunfire as the number of law enforcement officers killed in the line of duty. Children are twice as likely as adults to be victims of violent crime, and more likely to be killed by adults than by other children. Homicide is the third leading cause of death among children aged five to fourteen.

Mr. President, these statistics reveal why it is of such considerable consequence that we complete work on the juvenile justice bill. We cannot ignore the violent reality that so many of our children face. The Senate has debated and passed the a very good piece of legislation that seeks to reduce gun violence among our young people. All we are asking, Mr. President—all that we have been debating here today—is that the juvenile justice conference meet, that they finish their business and issue their report, and that the Congress vote on the conference report.

The juvenile justice bill is being made controversial, Mr. President, but it does not need to be. The Senate-passed juvenile justice bill would enhance efforts to keep guns out of the hands of criminals and children, by closing the gun show loophole which currently permits sales at gun shows without a background check; by prohibiting the sale or transfer by a licensed dealer of a handgun without a secure gun storage or safety device; by closing the loophole in the law that permits the importation of large-capacity ammunition clips; by keeping guns out of the hands of serious juvenile offenders by banning gun sales to juveniles with violent crime records; by expanding the Youth Crime Gun Interdiction Initiative to 250 cities by 2003 to enhance efforts to trace guns used in crimes and identify and arrest adults who sell guns to children; by requiring the FTC and the Attorney General to study the extent to which the gun industry markets and distributes its products to juveniles; by increasing penalties on ''straw purchases'' to curb the transfer of firearms to individuals who cannot purchase them legally—juveniles, felons, fugitives, and stalkers; and by banning juvenile possession of semi-automatic assault weapons and high-capacity ammunition clips.

Mr. President, I don't think it is necessary to get bogged down in a protracted, partisan debate over this legislation. The Senate must come together to address the horrible number casualties caused by gun violence in this country. The juvenile justice bill that we have debated and passed will make our communities, our schools, and our cities safer for this nation's young people. And, Mr. President, I think it is a critical first step to addressing the problem of gun violence that this legislation be moved through conference and voted on.

But Mr. President, I understand that common-sense gun control measures are not a silver bullet capable—by themselves—of solving this tragic problem. We must do much more, Mr. President, than just close the gun show loophole, we must also increase enforcement of existing gun laws at the federal, state, and local levels. We must increase our investment in and commitment to early learning programs. We must also improve and reform our public schools. We must ensure that our students have meaningful after-school programs to keep young people off the streets at the times in which juvenile crime rates are highest. We must enable communities to hire full-time, school based police officers under the Community Oriented Policing Services (COPS) program to prevent and respond to disorder and violence in our schools. We must allocate funding for school counselors to assist in identifying troubled students and providing them with the necessary resources and attention to address their problems. We must support partnerships between schools, families, and law enforcement to build relationships, establish anti-truancy programs and mentoring and conflict resolution programs in schools and communities. But if we are truly committed to ending the terrible trend of gun violence in this country, than we must also implement gun control measures. It is going to take much, much more to deal with this horrendous problem than passing the juvenile justice bill, but this legislation is critical to reducing gun violence.

Mr. President, I agree with my colleagues on both sides of the aisle that another very important component of reducing gun violence is improving the enforcement of existing gun laws. I believe we should provide additional funding for ATF agents to crack down on gun dealers who violate federal laws and expand the highly-successful Project Exile program nationwide. I do not view gun control measures and enforcement provisions as mutually exclusive. I do not believe that we must choose between more gun control legislation or tougher enforcement. This is a false choice. The American people want a comprehensive approach that includes common-sense gun legislation; tougher enforcement; and closing the loopholes that exist in current law.

Increased enforcement—at the federal, state, and local levels—is a critical component of a comprehensive approach to ending gun violence. We have improved our enforcement efforts over the last few years and I think we should step-up our efforts to improve enforcement. Department of Justice statistics show a 41 percent increase in the number of federal gun felons sentenced to more than five years in prison since 1993, and a 16 percent increase in the number of gun cases filed. The number of higher-level offenders—those sentenced to five or more years—has gone up nearly 30 percent in five years. Mr. President I'd like to call your attention to an article that appeared in USA Today on June 10, 1999. This article reported that ''Gun laws are enforced more vigorously today

than five years ago by nearly any measure. Prosecutions are more frequent than ever before; sentences are longer; and the number of inmates in federal prison is at a record level. The number of inmates in federal prison on firearm or arson charges (the two are lumped together) increased 51% from 1993 to 1998 . . . A U.S. Sentencing Commission analysis done for USA Today shows that lying on the background check form is prosecuted in federal court far more often than acknowledged.'' We are on the right track and I sincerely hope that the federal government continues to improve its enforcement record. As of April 1999, there were more than 100,000 federally licensed firearm dealers in America—more licensed gun dealers than there are McDonald's franchises. Yet there were only 1,783 ATF agents to police them; many of those agents are detailed by law to only investigate crimes involving explosives. Clearly there is room for the federal government to do more than it is currently doing. I wholeheartedly support increased enforcement efforts and commit to working with my colleagues on both sides of the aisle to see that federal, state, and local enforcement efforts are increased.

The bottom line, Mr. President, is that the American people want more from us and they deserve better from us. They want an end to random and senseless violence. We have got to get past the partisan divide that exists in the Senate. It is preventing us from effectively addressing the problem of gun violence and that cannot be tolerated, Mr. President. We must come together to achieve the goal that I know each and every Senator shares: to make our society safer for our young people. This issue is too important, Mr. President, to get caught up in politics. We must find a way to work together on this issue.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I oppose Senator DASCHLE's gun control resolution on the military construction appropriations bill. Rather than move forward on this important appropriations bill, some of my colleagues are trying to breathe life into their gun control agenda.

I think it needs to be made very clear that nothing this President has proposed and nothing that the million moms have proposed would have prevented Columbine; West Paducah, KY; Jonesboro; State of Washington, or Hawaii—none of those incidents. This is being done for political purposes, not because there is any real logic behind it.

I was disturbed to learn that the Federal Bureau of Investigation's national instant criminal background check system malfunctioned last week, thereby preventing background checks of gun buyers. As a result of the Government's error, gun sales throughout the Nation were halted from last Thursday through Sunday. Meanwhile, existing Federal gun laws are not being enforced, and the Clinton administration appears to be allowing the national instant check system to fall into disrepair. As a matter of fact, they have never fully implemented it, even though we gave them that charge a number of years ago.

During the debate on the Brady bill, the Clinton administration promised the American people an instant background check system, and we all agreed with having that system to get the real criminals in our society and to keep guns away from them. Indeed, I have worked hard to make such a system a reality. Unfortunately, as we have seen all too often, the NICS system is not instant for many Americans who wish to purchase firearms. As a result, many firearms-owning Americans are suspicious of the Federal Government's attempt to regulate firearms. Last week's collapse of the NICS system, which occurred during the Million Mom March, only increases this distrust.

As the chairman of the Senate Judiciary Committee, I am announcing hearings today on the problems associated with the NICS system and how Congress can compel this administration to administer the system adequately.

We will hold hearings on this. One thing is clear about last week's collapse: had the Lautenberg Amendment been enacted into law, all sales—even private sales—would have been barred at gun shows.

The Clinton Administration, and many of my Democratic colleagues, call for more gun control, but they do not administer or enforce existing laws and programs. There are literally thousands of federal, state, and local firearm laws presently in existence. President Clinton spends a great deal of time at press conferences on gun control. Meanwhile, his Administration cannot even operate the NICS system adequately.

Not only does the Clinton Administration fail to administer the NICS system adequately, it fails to prosecute existing gun crimes. For example, compare the following federal gun laws to the Clinton Administration's prosecution record:

It is a federal crime to possess a firearm on school grounds. The Clinton Justice Department prosecuted only eight cases under this law in 1998, even though more than 6,000 students brought guns to school. The Clinton Administration prosecuted only five such cases in 1997.

It is a federal crime to transfer a firearm to a juvenile. The Clinton Justice Department prosecuted only six cases under this law in 1998 and only five in 1997.

It is a federal crime to transfer or possess a semiautomatic assault weapon. The Clinton Justice Department prosecuted only four cases under this law in 1998 and only four in 1997.

It is a federal crime for a person who has been adjudicated mentally ill to possess a firearm. The Clinton Justice Department prosecuted only five cases under this law in 1998 and only four in 1997.

It is a federal crime for a person who has been dishonorably discharged to possess a firearm. The Clinton Justice Department prosecuted only two cases under this law in 1998 and no cases in 1997.

Worse yet, the Clinton Administration has failed to prosecute even the most serious gun crimes. Between 1992 and 1998, prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800.

Mr. President, I look forward to the upcoming hearing on the NICS system. My colleagues in the Senate should work with me to encourage this Administration to administer and enforce the existing laws before we even consider additional laws.

Additionally, we are talking about an enumerated right in the Constitution. And we should be very careful before we start playing around with the enumerated right. Unfortunately, some people think they can make political hay for this matter, and they are going to do everything they can to make that political hay. I have heard arguments here on the floor that are not justified under any terms.

It is time for us to enforce the laws that are on the books. There are some 20,000 laws, rules, and regulations against misuse of firearms, against the criminal use of firearms, against all other things I have been talking about, and this administration has not been serious about enforcing those laws. When they get serious about that, maybe they can come in less hypocritical and talk about some changes that both sides can get together on and do something about rather than having these phony approaches toward politics rather than the consideration of the rights of American citizens to keep and bear arms.

Mr. President, I yield whatever time I have remaining.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that I be able to use 5 minutes of my leader time to explain what I am planning to do.

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

Mr. LOTT. Mr. President, let me say to my colleagues that I have just put in a phone call to Senator DASCHLE and advised him of how I wish to proceed.

What is at stake here is, can we go forward and make progress with the work we do in the Senate on our appropriations bills? Can we complete the military construction appropriations bill and have debate that we want to have on the Kosovo issue and include it as a provision? And it is not partisan. Can we go on to the foreign relations appropriations bill that has the emergency money for Colombia in it? Can

we go to the agriculture appropriations bill which has the emergency and disaster money in it or are we going to be faced every time we bring up appropriations bills with nongermane amendments? Under rule XVI, they can be ruled out of order only by the Chair. But if it is a sense of the Senate, the Chair has not ruled and has basically submitted it to the Senate for determination.

I am going to make a point of order that the Lott amendment—my amendment—violates rule XVI, that it is sense-of-the-Senate language on an appropriations bill, and that the Chair should rule on the germaneness question. If the Chair does not rule on that, then we will submit it to the Senate and we will have a vote on that question. Assuming a majority votes for that, then nongermane sense-of-the-Senate resolutions will be ruled out of order just as any other nongermane amendment.

I want to emphasize, germane amendments and germane sense-of-the-Senate resolutions would clearly be in order. But if we are going to deal with these emergencies, if we are going to get our work done and assist the appropriators in moving these very important, very difficult bills, we are going to have to get some clarity on this issue.

That is what I plan to do. We expect the Chair to rule, and then we will move to a vote on that.

Mr. President, I make a point of order that the pending Lott amendment violates rule XVI; that it is sense-of-the-Senate language on an appropriations bill, and that the Chair should rule on the germaneness question.

The PRESIDING OFFICER. The point of order is not well taken.

Mr. LOTT. Mr. President, I appeal the ruling of the Chair, in that the Chair has ruled it will not rule on amendments containing sense-of-the-Senate language on the question of germaneness, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DASCHLE. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe we have worked out a good agreement on how to proceed on the issues before us and the time that would be used this afternoon, tonight, and into tomorrow. Let me read that, and if there are any questions, I will respond.

I ask unanimous consent that the vote now occur on the appeal of the ruling of the Chair and, immediately following that vote, the point of order be withdrawn, the Senate proceed to a vote on the Lott amendment No. 3150, to be followed by a vote on the Daschle amendment No. 3148, all without intervening action or debate.

I further ask that following those votes, Senator LEVIN be recognized to offer a strike amendment relative to Kosovo and there be 10 hours of debate equally divided in the usual form, with 75 minutes of the opponent's time under the control of Senator BYRD, and no amendments in order prior to the vote.

I also ask consent that the vote occur in relation to the Levin amendment at 2:30 p.m., Thursday, and, following that vote, Senator BURNS be recognized to offer a series of cleared amendments on behalf of the managers, and, following those, the bill be advanced to third reading and the Senate proceed to the House companion bill, H.R. 4425, and all after the enacting clause be stricken, the text of S. 2521, as amended, be inserted, the bill be immediately advanced to third reading, and a vote occur on passage, all without any intervening action or debate.

I further ask consent that the Senate insist on its amendments and request a conference with the House and the Chair be authorized to appoint conferees, which will be the subcommittee and the chairman and ranking member, if necessary, and, following the passage vote, the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. BYRD. Reserving the right to object, Mr. President, Senator WARNER and I hope we can offer an amendment to amend our amendment dealing with the commitments that are laid out in that amendment which the allies will be expected to meet. We would like to reduce those commitments. I wonder if we might be able to include such an amendment in the request.

Mr. LOTT. Mr. President, I would not have an objection to that. I don't believe there would be objection on our side.

Mr. DASCHLE. Reserving the right to object, Senator LEVIN is not presently on the floor. I know Senator MCCAIN has worked with Senator LEVIN on this. Maybe I can defer to him. In speaking with Senator LEVIN, I know he also wanted the opportunity to offer an amendment to the Byrd language. I am sure he would want to be included in any kind of unanimous consent that would allow for amendments. Perhaps we would want to include that as well. Perhaps we could revisit this question after we get the general agreement to accommodate the Senators.

Mr. LOTT. I would certainly be inclined to work with Senator BYRD on that. I hope we can clear this agreement. We will check with all interested parties. I think it is a fair request. It is Senator BYRD's amendment along with Senator WARNER. A lot of Senators are interested in it, and we want to be sure they have an opportunity to be aware of it.

Mr. WARNER. Mr. President, may I take 1 minute to state the Byrd-Warner amendment. We would simply change the date from July 1, 2001, to October 1, 2001, the date on which funds would be prohibited for continued deployment of ground combat troops. Second is one of the benchmarks the President has to certify. It would be reduced from 33 percent to 25 percent, thereby making it possible, in the judgment of this Senator, that the President would be able to make the certification as required by the amendment.

Mr. WELLSTONE. Reserving the right to object, Mr. President, I think Senator LEVIN is on the floor now. I ask the majority leader this. It is my understanding that this is the first time in 16 years such a point of order has been raised on sense-of-the-Senate resolutions to amendments to appropriations bills. I ask the majority leader why this is the case.

Mr. LOTT. Well, we have a number of very important appropriations bills we want to move through the Senate, including appropriations bills with emergency provisions. In the case of the military construction bill, we have emergency funds, needed funds, for the Defense Department to reimburse accounts, such as operation maintenance, that have already been used to pay for the additional cost of fuel. In the case of foreign operations, we have language regarding the Colombian narcodrug war situation. In agriculture, of course, we have disaster funds included in that legislation.

The rule is very clear on germaneness when it is a substantive amendment, and the germaneness point also lies against budget resolutions and, under rule XXII, cloture votes and on reconciliation bills.

All this would say is, that germaneness point of order would be ruled on by the Chair, as it is in these other instances, in the future. Germane amendments would clearly still be in order. I assume they would be offered on many of these bills. It is a clarification of the rule XVI provision.

Mr. WELLSTONE. Mr. President, reserving the right to object, pursuing this a bit further, we always have appropriations bills. We did last year. I know some of my Republican colleagues had sense-of-the-Senate amendments. We always have the business of the Senate before us. I don't think the majority leader answered my question. Why, for the first time in 16 years, has the point of order been raised?

Mr. LOTT. If it was raised 16 years ago, I guess that would be justification enough under the precedent of the Senate. Sense-of-the-Senate resolutions have been growing by leaps and bounds. You will recall that at the conclusion

of the budget resolution debate, Senator BYRD rose and objected to the proliferation of these sense-of-the-Senate resolutions, and something like 35 or 40 sense-of-the-Senate resolutions fell because of the concerns he raised.

We have a lot of important work to do. We have the people's business to deal with. We need to get appropriations for agriculture. I know the Senator feels strongly about that. We need to get transportation work done. There will be plenty of germane amendments, substantive amendments, to be offered. If we don't make it clear that rule XVI applies to the appropriations bills, both on substance and on sense of the Senates, a great deal of our time will be spent on both sides of the aisle—and this is not something just on one side or the other; unfortunately, we abuse it, too.

So that is the reason, to try to clarify that and facilitate doing the people's work. We should have completed this military construction bill last Thursday.

Here we are with a lot of issues really we should not be dealing with. You could argue about even some of the language that was included in the committee. But the fact is, we have got to get it done, and I am trying to find a way to help get that work done and still allow for appropriate germane amendments.

Mr. WELLSTONE. Mr. President, this is my last question. Last year, the Senator from North Carolina, Mr. HELMS, who had every right to do so, had a sense-of-the-Senate bill expressing the sense of the Senate that the U.S. Census Bureau has willingly decided not to include marital status on census questionnaires, and so on and so forth. That passed by a 94–0 vote. I think this was on the Transportation appropriations bill. This is the first time in 16 years that this has happened.

I think the majority leader wants to run the Senate as the House of Representatives. I think it is a big mistake for this institution to be run that way. I think it is very difficult for us to be out here raising questions that are important to people's lives that we represent in our different States given the continuing challenges of raising these points of order by the majority leader. This is happening over and over again. I think the Senate is losing its capacity to have the discussions, to have debate, and to have its vitality.

I don't think I am going to object, but I would like to go on Record in strong opposition to what the majority leader has done. I think it is a terrible precedent for the Senate.

The PRESIDING OFFICER. Is there further objection to the unanimous consent request of the distinguished majority leader?

Mr. LEVIN. Mr. President, reserving the right to object.

Mr. WELLSTONE. Mr. President, I am not going to object. I think the reason I will not is I want to have a vote on these two amendments because we have been trying to do it. But I hate this precedent. I am going to try to figure out, along with other colleagues, I hope, a challenge.

Mr. LEVIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Mr. LEVIN. Mr. President, I am sorry I was not on the floor when the Senator from West Virginia offered what I understand to be a proposed amendment to this unanimous consent proposal. Is that correct?

Pending is the proposed amendment of the Senator from West Virginia to this unanimous consent request.

Is the Senator from Michigan correct?

The PRESIDING OFFICER. The amendment by the distinguished Senator from West Virginia has not been proposed.

Mr. BYRD. Mr. President, reserving the right to object, may I explain to my friend from Michigan?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Since the amendment, which was offered by Senator WARNER and myself, was acted upon in the committee and has reached the floor, several Senators have indicated concern with respect to the certification process set forth in that amendment. Out of respect for those who are concerned about that certification process, and in an effort to improve the legislative product, Senator WARNER and I have discussed this matter, and we are willing to reduce the numbers set forth in the certification language. We think that would improve the product and would also meet the concerns of Senators who have raised them. I was just seeking to include in the unanimous consent request a request that we might be able to include such an amendment.

Mr. LEVIN. I would object at this time to any such additions to the unanimous consent request. And that is what I was seeking. I would not object to the unanimous consent as it is printed here. But at this time, at least, I object to the amendment which has been proposed by the Senator from West Virginia.

The PRESIDING OFFICER. Is there further objection?

The majority leader is recognized.

Mr. LOTT. Mr. President, let me say that I certainly have shown my sympathy for what Senator BYRD has tried to do. I understand Senator LEVIN wanted to make sure he has thought through what is involved here. But I hope that we could go ahead and get this unanimous consent agreement and begin to make progress. Let's work with these two Senators to see if we can't find a way to accommodate each other's desires. I know that this is substantive. But I also know that the sponsors of the amendment to the language would have an opportunity to adjust it. I hope we can go ahead and get this agreement and proceed, and let's continue to work on that possibility.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I reserve the right to object. I will not further delay, except to say I hope we can work something out. The Senator from Michigan is not going to be able to let us proceed with that part of the request. We will try to work something out. In the meantime, let me say that if we are unable to work out something that will allow us to amend this bill, I want to give those Senators who are concerned in this regard my assurance that in conference I will do everything I possibly can to reduce those certification requirements. I give them my word that we will get that done in conference.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I am grateful that we are going to be able have two votes. I think it is extremely important. I say to the majority leader I have had requests by three Members that following the votes on the two amendments they be allowed 15 minutes, and, of course, if they want, reciprocal time on the other side of the aisle. We would be able to agree to that. We would have 15 minutes to talk following the two votes. It will delay things perhaps up to half an hour, if the other side decides to take their 15 minutes.

Mr. LOTT. Mr. President, if we could get the request agreed to at this point, with that one addition, I think that is reasonable.

Mr. REID. That is all we have. I think if we could get that agreement we could go forward with the unanimous consent request.

Mr. LOTT. Mr. President, I ask unanimous consent that we agree to an amendment of 15 minutes on each side—before we begin the Kosovo debate. We have 10 hours of time for the Kosovo debate. This is a very important foreign policy and defense issue. We need to get engaged in this discussion.

I make that modification, and I urge my colleagues to agree to this request.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BIDEN. Is the Byrd request to amend his language part of this unanimous consent?

Mr. LOTT. It is not.

The PRESIDING OFFICER. It is not.

Mr. REID. Mr. President, so there is no misunderstanding, the 30 minutes would immediately follow the two votes, and I would control the 15 minutes on this side.

The PRESIDING OFFICER. That is correct. Is there objection?

Mrs. HUTCHISON. Mr. President, reserving the right to object, I have to ask a question of Senator BYRD and Senator WARNER. If they are not able to perfect their amendment, am I barred from offering the amendment that would lengthen the time?

Mr. WARNER. Mr. President, I can answer that. Senator BYRD and I discussed not having the amendment accepted. We have the assurance of Senator BYRD. I talked to Senator STEVENS. I concur that in the conference the substance of the amendments will be worked out should the provision remain in the bill. It is the best we can do.

The PRESIDING OFFICER. Is there objection to the request of the distinguished majority leader?

Mrs. HUTCHISON. I object.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. I thank my colleagues on both sides for working to understand what we are doing. I renew my unanimous consent request as stated, with the addition that was offered by Senator REID.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President, I join the comments made by the Senator from Minnesota. This is a historic moment in this Chamber. It is not just another procedural vote. It is a decision by the majority, the Republican majority in this Senate, to reduce the opportunities that Members in the Senate have to discuss the issues of importance to this Nation. It is being offered in the name of efficiency. It is being offered in the name of saving time.

It was not that long ago, only a few years ago, when the Elementary and Secondary Education Act was debated for several weeks at a time, under both Democratic and Republican leadership, with the offering of a myriad of amendments on both sides. That was considered the deliberative process. That was what the Senate was all about. It was a battle of ideas and the best side would win. We would move forward with legislation in a bipartisan fashion.

What the majority leader is doing today with this point of order is to basically close down debate on the floor of the Senate. I think it is worthy of note that the issue that has precipitated this is gun control. This is the bone in the throat of some of the Members who cannot stand the idea of voting on this issue.

We believe this is an answer to that. Bring the bill to the floor and let's vote for it up or down, bring it out of conference. The idea we are somehow paying homage to efficiency in the name of this institution, in the name of taking away our birthright as Senators to speak to issues on behalf of the American people, I believe, is, frankly, going to penalize this institution.

Mrs. HUTCHISON. Regular order.

The PRESIDING OFFICER. The regular order is for Senators to object or not to object. Is there an objection?

Mr. SCHUMER. Reserving the right to object.

The PRESIDING OFFICER. The regular order has been called. A Senator may object or not object.

Mr. SCHUMER. I reserve the right to object.

The PRESIDING OFFICER. The Senator has no right to—the Senator has the right——

Mr. WELLSTONE. I object. I object.

Mr. SCHUMER. I object.

Mr. LOTT addressed the Chair.

Mr. WELLSTONE. I object.

Mr. LOTT. Mr. President, everybody is trying to be patient and understanding. I ask the Senator be allowed to speak under his right to object, but remind him that the rules are that it is not an opportunity to give a speech on the substance. It is a reservation to make a point or a question. I hope the Senator would accommodate that and not go into a long statement.

Mr. SCHUMER. Mr. President, I thank the Senator for his courtesy. I would have objected, but I spoke to our minority leader and I follow his leadership. I cannot state how strongly I feel about the inability to have open debate in the Senate. I simply say, with all due respect to the majority leader, a man I respect and admire, the feelings on this side, and our inability to debate issues we think are important—whether they be gun control or education—are reaching the boiling point. I fear if we are throttled any further, the whole order and comity of this body will break down.

I plead with the majority leader that we think of a better way to do things than close down debate on issues some Members think are vitally important to debate. I say that with great respect and love for this institution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues. In the 15 minutes after the votes, I will respond to some of the comments that have been made in the way they richly deserve. For now, I believe we are ready to proceed.

The PRESIDING OFFICER. (Mr. CRAPO). The question is, shall the decision of the Chair stand as the judgment of the Senate?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessaily absent.

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

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Chafee, L.	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NAYS—54

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
Crapo	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Voinovich
Fitzgerald	McCain	Warner

NOT VOTING—1

Dodd

The ruling of the Chair was overruled as the judgment of the Senate.

The PRESIDING OFFICER. The Senate will next consider amendment No. 3150.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3150. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—69

Abraham	Craig	Hutchison
Allard	Crapo	Inhofe
Ashcroft	DeWine	Jeffords
Baucus	Domenici	Kerry
Bennett	Dorgan	Kyl
Bingaman	Edwards	Landrieu
Bond	Enzi	Leahy
Breaux	Feingold	Lieberman
Brownback	Fitzgerald	Lincoln
Bryan	Frist	Lott
Bunning	Gorton	Lugar
Burns	Gramm	Mack
Byrd	Grams	McCain
Campbell	Grassley	McConnell
Cleland	Gregg	Murkowski
Cochran	Hagel	Murray
Collins	Hatch	Nickles
Conrad	Helms	Roberts
Coverdell	Hutchinson	Roth

Santorum	Smith (OR)	Thomas
Sessions	Snowe	Thurmond
Shelby	Specter	Warner
Smith (NH)	Stevens	Wyden

NAYS—30

Akaka	Hollings	Reed
Bayh	Inouye	Reid
Biden	Johnson	Robb
Boxer	Kennedy	Rockefeller
Chafee, L.	Kerrey	Sarbanes
Daschle	Kohl	Schumer
Durbin	Lautenberg	Thompson
Feinstein	Levin	Torricelli
Graham	Mikulski	Voinovich
Harkin	Moynihan	Wellstone

NOT VOTING—1

Dodd

The amendment (No. 3150) was agreed to.

Mr. DASCHLE. Mr. President, we have witnessed an extraordinary political spectacle in the last 24 hours. Yesterday we spent approximately 3 hours in a quorum call because the Republican caucus could not decide how to respond to a simple Sense of the Senate amendment commending the Million Mom March and demanding that this Congress act now to pass sensible gun safety legislation.

Today, the Republicans attempted for the second time to rule our amendment out of order.

What, I ask, is so disconcerting about the Democratic amendment?

Are there really members of this Senate who do not believe that the stalling has gone on too long? Are there really members of this Senate who believe that it is not a national emergency that children are dying in this country every day from gun violence? Are there really members of this Senate who believe that this emergency is too insignificant to command time on the Senate floor?

Yesterday, after 3 hours of silence and paralysis, our Republican colleagues decided that they could not simply join us in commending the Million Moms. Instead, they decided to offer their own amendment.

Let us not be distracted. We will vote on the Republican amendment, but the vote that matters, the vote that may just prevent more kids from dying, is on the amendment I have offered.

Constitutional scholars may disagree about the meaning of the Second Amendment, but I for one believe there is nothing inconsistent about protecting the Second Amendment and closing the gun-show loophole, requiring trigger locks on handguns, or banning juvenile possession of military style assault weapons.

Moreover, I agree we should enforce our gun laws. But that is only part of the solution. It is just a basic fact that you can't enforce a loophole. We need a policy of zero loopholes, and zero tolerance.

The gun lobby keeps trying to confuse us. They say the debate is either new gun laws or education. They say it is either new gun laws or enforcement of existing laws. But this is not an either/or debate. We need a multifaceted solution to end gun violence.

Let's look at what the Republican amendment says:

They call for better enforcement of existing gun laws. But they can't resist attacking the Clinton Administration's efforts. They twist statistics to make the case they want.

The reality is that the number of firearms offenders sentenced to 5 years or more in federal prison has increased more than 41 percent since 1992. The reality is that federal authorities have worked diligently with state and local authorities, during this Administration, to reduce violent crime in a cooperative and coordinated fashion. The reality is the total number of prosecutions for weapons offenses has increased more than 22 percent since the beginning of this Administration and violent crime has dropped by 35 percent.

I think we should commend America's hard-working law enforcement officials for these successes, not vilify them. Sadly, my Republican colleagues do not agree.

Next, the Republican Sense of the Senate acknowledges the existence of the Juvenile Justice Conference Committee. And they point to provisions passed by this Senate as part of the Juvenile Justice bill that they support, such as strengthening penalties for gun crimes and illegal gun purchases and prohibiting juveniles who commit felonies from ever possessing a gun.

Democrats support these provisions, too. But these measures, by themselves, are not enough. This Senate did better. This Senate passed the Lautenberg amendment to close the gun show loophole. And just a month and a half ago, 53 Senators reaffirmed that the conference report should include this provision. Sadly, my Republican colleagues chose not to include the Lautenberg amendment on their list of priorities.

The Republican amendment, however, while it acknowledges the existence of the Juvenile Justice Conference, does not explain why that conference report has yet to come before this Senate.

The biggest problem may not be difference over which provisions are most important. The biggest problem may be the fact that special interest politics have prevented this conference from meeting at all.

Finally, the Republican amendment concludes that each U.S. Attorney's office should designate a prosecutor to pursue firearms violations, that we should update the national instant criminal background system, and that we should encourage states to impose mandatory minimum sentences for firearm offenses. Again, most Democrats support these measures. But are they enough? We know they are not.

Their amendment also concludes that law-abiding citizens have the right to own a firearm for self-defense and recreation. I agree with this statement. I myself am a hunter. But I am also a father and I feel for all the other fathers—and mothers—who have lost a child to gun violence. That is why I introduced this amendment.

On the whole, I have decided to vote against this amendment because I disagree too strongly with many of the findings in the Republican Sense of the Senate amendment, and their one-sided nature. However, I must make clear that I support the second amendment, like other constitutional provisions, and believe that the second amendment does not preclude reasonable regulation of the use of firearms. But this Republican amendment does not go far enough and will not stop the violence in our communities.

Democrats have offered an amendment that acknowledges the dreadful cost that gun violence is having on our country. We cannot forget that 12 young people are killed every day in America by gunfire. We cannot forget that American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrial countries combined. And we cannot forget that every day we spend in political gridlock is a day we waste solving this terrible problem—a day we do less than we should to stop the killing.

That is why the Democratic amendment, in addition to commending the mothers and fathers that gathered across the country this Mother's Day to call for meaningful, common-sense gun policy, insists that Congress act now to improve our gun safety laws.

This Senate needs to demonstrate to America's mothers and fathers that we heard their call. This Senate needs to resolve today, as the Democratic amendment demands, that the Juvenile Justice Conference must meet and must pass a conference report that includes the Lautenberg amendment and other critical provisions to limit access to firearms by juveniles, convicted felons, and other prohibited persons.

It is the least we should do, and it is long overdue.

Mr. President, I ask unanimous consent that vote No. 64 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROLLCALL VOTE NO. 64, APRIL 6, 2000

(On agreeing to the Reed amendment (No. 2964) to express the sense of the Senate regarding the need to reduce gun violence in America)

YEAS—53

Abraham	Feingold	Lugar
Akaka	Feinstein	McCain
Bayh	Fitzgerald	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Roth
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Smith, (OR)
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NAYS—47

Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Mack	

AMENDMENT NO. 3148

Mr. CRAPO. The question is on agreeing to the Daschle amendment, No. 3148.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—50

Akaka	Feinstein	Lincoln
Bayh	Fitzgerald	Lugar
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Jeffords	Reid
Byrd	Johnson	Robb
Chafee, L.	Kennedy	Rockefeller
Cleland	Kerrey	Roth
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
DeWine	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	

NAYS—49

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Baucus	Grams	Santorum
Bennett	Grassley	Sessions
Bond	Gregg	Shelby
Brownback	Hagel	Smith (NH)
Bunning	Hatch	Smith (OR)
Burns	Helms	Snowe
Campbell	Hutchinson	Specter
Cochran	Hutchison	Stevens
Collins	Inhofe	Thomas
Coverdell	Kyl	Thompson
Craig	Lott	Thurmond
Crapo	Mack	Voinovich
Domenici	McCain	
Enzi	McConnell	

NOT VOTING—1

Dodd

The amendment (No. 3148) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SESSIONS). The majority leader.

Mr. LOTT. Mr. President, after an extended period of time for votes on these issues, we are ready to go to what I hope will finally be a substantive debate with regard to the Kosovo issue. Under the agreement that was worked out, I believe we have 15 minutes now to talk about this series of votes which just occurred. Therefore, I claim a part of that time for myself.

The PRESIDING OFFICER. There are 15 minutes per side.

Mr. LOTT. I yield myself 5 minutes.

Mr. President, there were a number of things said earlier today on which I just bit my lip and took it because I thought, for the greater good of the Chamber, we should get an agreement and move forward. There has been a lot of what I consider to be misinformation put out about this issue and why we were proceeding the way we were. Plus, I also feel personally maligned, and I do not appreciate it, I say to my colleagues.

I made the choice to leave the House and come to the Senate. I was on the Rules Committee. I could have stayed there. I could have been on the Rules Committee, but I chose to leave. I do not think we have any—I do not remember the term that was used earlier—God-given rights in this institution.

We all have certain rights, and I am going to work to protect those rights. When I believed Senator SCHUMER was not being treated properly, I spoke up. Last year, in a very critical moment when Senator BYRD was not being treated properly, I said: No, that is not right.

I am getting really tired of people questioning my commitment to the Senate and to the opportunity for debates and that I am trying to be a rules committee of one.

I tell you, what I am trying to do is find a way for the Senate to do its work. These charges that are leveled against me are nonsense.

One of the things I have done since I have been in the Senate and have been majority leader is I have studied the history of this institution. That is why I started the Leader's Lecture Series, because I wanted to know what previous majority leaders did. I read them on both sides. I can tell you what Senator Mansfield did. I can tell you what Senator Lyndon Johnson did. I can tell you what Senator BYRD, Senator Mitchell, Senator Dole, and Senator Baker did as majority leaders.

People talk about that civility has broken down, and there is acrimony. That is ridiculous. I think we have a very good relationship here. You may not get it the way you want it every time, but you do not have a guarantee that you get the results you want every time.

What it is really all about is getting the work of the Senate done, dealing with real bills and real issues, not playing games and saying: OK, we voted last year; we have not voted this year. OK, we voted last month; we have not voted this month.

Somebody has to be charged with the responsibility of trying to get the process to move forward. It falls to the responsibility of the majority and, therefore, the majority leader.

Am I the only guy here who thinks we ought to get the military construction appropriations bill done with the emergencies in it that the President asked for?

Am I the only guy here who thinks we ought to pass the foreign operations appropriations bill with the Colombian drug money in it, which we need to do, because there is a crisis developing down there? You talk about the situation in Kosovo. I think the situation in Colombia is a lot more dangerous for the long term. They are poisoning the minds of our children. Every day they are killing kids.

Am I the only one who thinks we ought to do the agriculture appropriations bill with the disaster money that is in it? Everybody says: We want it. We want it. When? When do you propose to do it?

The military construction appropriations bill should have been done last Thursday. It could have been done last Thursday. We could have had a debate on the Kosovo issue. I did not put that into this process. It was done at the subcommittee level. I might not have done it that way, but it is there. We have to deal with it. No, no, no, no, the word was we had to have talk about guns, driven by the Million Mom March.

You wanted debate. Yesterday at 4 o'clock, I said: OK, let's have debate. The rest of the night we will debate, tomorrow for 3 hours, and we will have a vote. No. We were told we have to have 12 hours for debate on this issue. And then, 4, 5 hours later, we wound up basically getting an agreement so people could talk for about the same time. Maybe you all were not aware I was trying to say, OK, let's have debate.

I want to go back to one other thing I said earlier. No, it is not a ''rules committee of one.'' It is a rules committee of the majority. There has to be fairness; there has to be understanding. You have to be able to make your speeches on both sides. We want that. But to have these sense-of-the-Senate resolutions that make these great, profound statements but don't result in any substantive action, I think that is a very serious problem.

The PRESIDING OFFICER. The majority leader has used his 5 minutes.

Mr. LOTT. We had in our budget resolution provisions that stopped sense-of-the-Senate resolutions from being voted on repeatedly, over—well, 45 of them right at the end of the session.

Now, somebody said we are trying to shut down Senate debate. We had debate. We had 6 or more hours on this issue. We debated it 4. We had debate on it last week on the so-called gun issue. We had debate and votes on it last year.

As a matter of fact, we have bills in conference on a number of these issues on which we are going to act. I am working on them one by one. We have

the FAA authorization conference report. We have the African trade conference report. We are working, in a bipartisan way, to see if we can get the bankruptcy conference report. We are working on e-commerce.

Nobody is trying to shut the Senate down. We are trying to get the Senate to move forward and do its work.

As far as order and comity, I support that. I am going to do everything I can to continue to support that. But I think for us to have basically 1, 2, 3, 4 days tied up having debate on gun amendments instead of having debate on Kosovo and the military construction appropriations bill is not the way we should be operating.

We have this language in conference. We voted on it last year in the juvenile justice bill. Maybe you forgot. But last year I said, with advanced notice: OK, we are going to have the juvenile justice bill. It is going to be open for amendment. We were going to finish it; start on Monday and get through on Thursday. It took another whole week. My trying to be helpful and cooperative wound up causing all kinds of problems for us.

I think it is important that we put this in perspective. We had the two votes. What has been proven here? One of them—a resolution—we agreed to by a vote of 69–30, saying: Hey, we have laws on the books. Why don't we enforce the gun laws? Why don't we arrest people who are using guns in the commission of crimes? Why don't we stop people from taking guns into schools? Why don't we take actions instead of just talking about it?

More laws on the books. Oh, that's the solution: More laws. Let's take away people's rights instead of enforcing the laws that are on the books.

But we got an overwhelming vote on that. Then again, we got a vote of 50–49 telling the conference to act before Memorial Day. Well, great. The Senate is going to tell the conference to act before Memorial Day? Do you know how much weight that really carries? Zero.

They are going to get a juvenile justice bill. Will it be to the perfect liking of me or anybody else in this Chamber? I doubt it. But they are going to get a result.

So this is a lot of sound and fury that is not going to produce results in terms of the Justice Department enforcing the laws on the books or in terms of getting the conference to provide a final action.

I have been pushing to act on that conference report. In fact, I am pushing every conference report. But I have to go on the record saying I do believe I have been maligned unfairly. I have bent over backward to try to give notice when we were going to call up a bill and to have cooperation with the Democratic leadership to make sure Senators had a chance to make their case.

But to come in here and think we have to have a right to offer nongermane amendments to every appropriations bill that comes through, and then criticize us for not getting our work done—oh, boy, that is really smart—really smart: Yes, we demand our rights to offer our issues. By the way, why aren't you guys getting these bills done?

I do not believe the American people are being fooled by all of this.

So I will end with this. I will not impugn other people's actions or integrity. I am going to try very hard to make sure we are civil in the way we act and that we have a relationship. But also I hope you will understand that I am trying to get bills done.

Some people say: You worry too much about running the railroad. Somebody has to do that. I guess it is my responsibility. Somebody has to try to see if we can get these appropriations bills done before the end of the year so we don't get to the end of the session and schools don't know what they are going to get, parks don't know what they are going to get, while we are wrangling around here to see who is going to get primacy over the other.

I am saying let's do these appropriations bills. I am going to give priority to the appropriations bills over everything else. I would like to do the defense authorization bill and the defense appropriations bill next week, but we have people who want to offer nongermane, nonrelevant amendments that are going to tie that up probably for all week. So instead, we will go to the agriculture appropriations bill.

But before we leave next week, we are going to have to do the military construction appropriations bill, the foreign operations appropriations bill, and the agriculture appropriations bill. In the process, if we could have a little cooperation, I think we could get a lot of nominations done. Hopefully, we can come to an agreement on how to complete action on the Elementary and Secondary Education Act.

I am going to offer a unanimous consent request next week or tomorrow to have more amendments on education, but let's see if we can find a way to get to a conclusion on education. I presume the Democrats are going to object because they want to offer issues that do not relate to elementary and secondary education.

Let me say I suspect there might be objections on this side, too, because people want to offer amendments that are going to do nothing but cause problems and probably defeat the Elementary and Secondary Education Act. I do not think that is good. I think we need to address this issue of education.

So I wanted to take advantage of some of this 15 minutes. I do not know how much time is left. But I had it on my chest, and I had to hold it earlier, so now I feel better. I hope maybe we all got some of this out of our system and we can move on to get our work done.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. I will use my leader time and not the time allocated to others for consideration of their remarks.

Let me just say the majority leader was able to get some things off his chest. I have not heard all of what he has unloaded this afternoon. But I look forward to reading the RECORD. I don't know if there is any possible way, in a period of a couple minutes, for us to get everything off of our chests.

I will tell you this. The way the Senate is being run is wrong. No majority leader in history has attempted to constrain Senate debate as aggressively as Senator LOTT has chosen to do. Now, that is his right. People ask, on many occasions, what my feelings are personally about that. That is his right. He has chosen the way he runs the Senate. I think he is doing that for what many believe is a laudatory reason. He is trying to protect his members so they don't have to vote on tough issues.

Let's get it out on the table. If I am going to get everything off my chest, I think he is trying to protect his members. He sees that as his role. I understand that. But no majority leader has ever gone to the extent that he has—no one in history. I defy anybody to come to the floor and challenge that statement. No majority leader has come to the floor to say, before we take up any bill, we will have to limit the entire Senate to relevant amendments. No one has done that. So let's get that straight. I ask any of the 99 colleagues to challenge that statement. No one can. So we start from that.

Why do we want to have debate on amendments? Because that is the only ability for the minority to express itself. The majority leader has phrased it very interestingly. He said: I don't want all these amendments to cause trouble. The more they cause trouble, the more in jeopardy the bills will be.

He made reference to that regarding the education bill. He didn't want amendments to cause trouble. Cause trouble for whom? What kind of trouble? What are we talking about here? We are talking about the ability of Senators to express themselves, to offer amendments, to have debate. There is an old-fashioned way of dealing with it. It is called a tabling motion. Or you can get elaborate and offer a second-degree amendment. You can do all kinds of things. But to say, ''We are going to come to the floor and do it my way or no way,'' is unacceptable.

Over and over and over and over again, we are told that is the way it is going to be. One of our colleagues the other day said it is like the frog sitting in a pot of water who doesn't notice that the water keeps getting hotter and ultimately the frog boils to death. Well, the water continues to heat, and we are slowly boiling to death, procedurally.

We just lost another right this afternoon, and it is outrageous—outrageous. How many more times do we have to limit ourselves to debate on the Senate floor, and how many other ways are we

going to limit debate and expression and gag Senators? That is wrong. That is absolutely the wrong way to run the Senate. We hear a lot about cooperation, but I am telling you, there will not be cooperation unless we understand that the minority has to have its rights, too. Those rights have to be respected.

I hope, when we are in the majority, we understand the rights of the minority. I will admonish my colleagues to do that. But this is getting to be more and more a second House of Representatives. This is getting to be more and more a gagged body. This has nothing to do with the traditions of the Senate that I admired when I became a Senator. We have gagged Senators on the budget. We have gagged Senators on appropriations. We have gagged Senators on sense-of-the-Senate resolutions. We have gagged Senators on the right to participate in conferences. Do you know that we have not had a conference report this year come back with a kind of conference that we have always historically and traditionally organized as a result of passing legislation? We just don't have real conference committees anymore.

I just heard a report in our ranking member's lunch today, where staff reported on virtually every bill that has passed the Senate, where we are meeting at the staff level trying to work things out for the conference report, and Republican staff told Democratic staff: If you don't like it, don't come because that is the way it is going to be. That is cooperation?

So I will say to my colleagues on the other side that we are not going to tolerate it anymore. We are not going to accept that anymore. I am going to demand that every single appropriations bill that comes to the Senate before it can be completed be passed in the House first because that is regular order. Let's stay through a recess for a change. I am ready. We are going to require the regular order when it comes to appropriations bills. We are not going to do unanimous consent requests routinely as we have done so easily and quickly in the past.

It is over. If there is going to be cooperation, I want to see it on both sides. I want to see some respect for the rights of the minority when we deal with these issues, and I will not allow our members to be gagged. We will have a lot more to say about this, but I am telling you, we have drawn the line. We are not going to be conducting business as we have in the last several months. That is over. That is behind us. We can do it the Senate way, or we are not going to do it at all.

I yield the floor.

Mr. LOTT. Mr. President, I believe we have 4 minutes left on our side. I believe I have some leader time left.

The PRESIDING OFFICER. The majority leader is correct.

Mr. LOTT. I yield myself time under my leader time and leave the remaining 4 minutes for others who might want to speak on the gun issue.

If that is the way it is going to be, then that is the way it is going to be. One of the things that shocked me in the last day in talking about things that you don't appreciate is, yesterday, I had no notice at all that this issue was going to come up. I found out when I came on the floor. I had not seen the amendment to be offered. I had no notice whatsoever.

Earlier this year, when there was an incident where I took an action and the Democrats had not been notified, it was called to my attention—because I thought they had been—so I apologized and said we would correct that, and we did. But if it is over, it is over. This can go all ways. We can just draw the line and not get any work done. We can just not have cooperation if that is the way they want it to be. But it extends across the board. I don't think that is the way to proceed.

I am not going to be threatened and intimidated by the minority in trying to get our work done. If you want to go through this approach, if you want to shut down everything, then everybody loses in that process. We can cooperate and we can get these bills done.

As far as issues coming up where we don't like it—in fact, one of the Senators I have been concerned about—and one of the issues on this Elementary and Secondary Education Act is that we have a Senator who wants to offer something dealing with NCAA gaming, and there is an objection on the Democratic side. I have gone to the colleague on this side and said this is not relevant to this issue, doesn't relate to elementary and secondary education, and we ought not to do that. After a lot of back and forth, he came back and said: OK, if we can get it up some other way, I will agree to back off of that for now.

But on both sides we have Senators who want to offer things that will cause mischief and delay or kill a bill. That happens. If you have an elementary and secondary education issue that comes up and somebody offers a killer amendment, we stall out right there. It might not be on this side.

So it takes a lot of cooperation around here on both sides. I think we have had that pretty much for 4 years. Both leaders have to look after their members. You have members who want to be heard. You have to try to get them in there. In fact, every one of these issues that I hear complaints about, we voted on all those issues. We voted on all of them over the last year. Maybe not this year or last month, but they have been voted on. So I hope it doesn't come to this.

I have tried to avoid having an acrimonious relationship. Maybe it is unavoidable in this election year, but I think that would be a shame for the American people because, after all, that is about whom we should be thinking.

Regarding these conference reports, I have never seen a more bipartisan effort than what we had on the Africa and CBI trade bill. I don't know whether it was some sort of legally constituted conference or not. Sometimes the House doesn't appoint conferees, but we have an obligation to keep trying to work. Senator MOYNIHAN was there, Senator ROTH was involved, as were Chairman ARCHER and Congressman RANGEL. It was totally bipartisan.

It was one way, one side, or one party or the other trying to get the upper hand on the other.

The reason we are doing what we are doing on bankruptcy is that we are trying to find a way to move bankruptcy so we can then extract the minimum wage issue. We have people on one side or the other objecting to it. What do you propose we do? What I propose we do is to get our work done right across the board. I am willing to try to do that.

But if we are going to hold our breath, turn red in the face and threaten, then that is the way it will be. But everybody needs to understand that in that kind of relationship nobody wins; everybody loses. More importantly, this body and the American people lose because we have a lot of work we need to do together.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I am sure I have a little time remaining.

Let me just say no one wants to stomp their feet and get red in the face—certainly not me. That is not my style. If it has happened, it is only because the frustration level continues to mount.

It is ironic that the majority leader uses the word ''cooperation'' so frequently because that irony has struck me to be the essence of the problem. There is so little opportunity for cooperation when the majority acts in the manner it has throughout this Congress. That is the problem—no cooperation. We are prepared to work through appropriations bills and to work through the authorization bills.

He mentioned the need for cooperation. He also mentioned, I might add, the urgency of the emergency funding in these appropriations bills. The House begged the majority leader for cooperation on the emergency supplemental. The administration begged the majority leader for cooperation on the emergency supplemental. Many of us on the Democratic side urged the majority leader to cooperate on the emergency supplemental. But do you know what the majority leader said? I have decided there will not be any cooperation on the emergency supplemental. I have decided it will go piece by piece in appropriations bills, and you take it or leave it.

I am not trying to get excited here. But let me just say as softly and as sincerely as I can: That is not cooperation. That is a Senate version of dictatorship that I think is unacceptable. We work by committee. We work by consensus. We work by genuine cooperation. We work by trying to deal

with these issues one by one. I could cite many other examples. We want cooperation. We are willing to work with the majority quietly and productively. But we want cooperation.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I hope I have some time left because I do need to put some things in the RECORD.

With regard to cloture votes, I have studied the masters.

First of all, we now have to file cloture on the motion to proceed because we are told it is going to be filibustered. Even the motion to go to a bill is being filibustered, and there has been a tremendous increase in that.

We are not filibustering even the substance of the bill but the motion to proceed to the bill.

Let me give you some statistics.

When Senator BYRD was majority leader, he filed 87 cloture motions. There was one cloture vote on a conference report.

The average cloture votes per Congress: 289.

Senator Mitchell filed 166 cloture motions—26 cloture motions on conference reports, and then 35 motions that were withdrawn or vitiated. That is another thing. Quite often we have to file cloture; we get an agreement, and we vitiate it.

Senator Dole—so everybody understands this is not partisan—filed 91 cloture motions: 5 cloture motions on conference reports, and 21 of them were withdrawn.

These are some interesting statistics about how we proceed around here. When we are having a filibuster, either we have amendments or we debate. That is the only option the majority leader has.

I wanted to get that in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me say for the RECORD at this moment, in response to the distinguished majority leader, that Senator BYRD and Senator Mitchell never filed cloture to prevent Members from offering amendments—never.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized for 15 minutes.

Mr. REID. Mr. President, I yield 5 minutes to Senator KENNEDY, 4 minutes to Senator BOXER, 3 minutes to Senator DURBIN, 2 minutes to Senator REED of Rhode Island, and 1 minute to Senator SCHUMER.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope our majority leader understands the friendship and the personal affection that many of us feel for him personally. This really isn't a personal issue. It is about how we are defining the role of the Senate.

As I remember history, our Founding Fathers wanted this to be a place where there would be free and open discussion and the clash of ideas—not a place for a narrow, partisan agenda; not where there was going to be, as the Democratic leader pointed out, effectively, the gagging of Members from being able to represent different ideas and different positions.

We come from all different parts of the country. We represent a variety of interests. This institution is supposed to be, as I thought it was going to be, about representing various positions and having the clash of ideas.

There isn't anyone who has questioned the majority leader's leadership in asking for a delay in terms of the consideration of various pieces of legislation. That is not what this is about.

But there are many of us who believe it is a matter of importance that we deal with the availability of guns to children in this country. We don't think that this is just some simple Democratic proposal. We believe it is something that goes to the core of many families in this nation. We think we ought to be able to debate and then call the roll.

We don't think it is just a matter of some narrow interest about whether we debate and finally resolve the issue of prescription drugs. We think that this is something of major importance and consequence.

We had to go through the hoops in order to try to deal with the No. 1 issue of people in this country; that is, whether doctors are going to make the decisions in treating people or whether it is going to be insurance agents. We are being denied the opportunity to bring those up. We were denied that opportunity and we've had to go through gymnastics.

We are denied the simple opportunity to have a vote in the Senate on the issue that affects 12 million of the neediest people in this country, the minimum wage.

So the leader shouldn't take this as a personal matter. This is what we think this institution is all about. They have their agenda. They have the votes. But let us at least try to represent what we believe families in this country are all about. That is what I think our leader is attempting to make sure we do.

With all respect to our leader and all the history he has represented, I have been here for a good period of time and we have never had this kind of termination and basic denial of individuals being able to raise these issues.

We were here when Jim Abourezk, Howard Metzenbaum, and one other Senator closed down the Senate day in and day out because of their concerns on the deregulation of natural gas. People respected this. And at the end of 3 days and nights, Members of the Senate were going out and embracing and shaking hands because they respected the fact that people had strong views and that this institution responded to them.

That is all we are asking. Let's let the Senate be the Senate of the United States. That is what we are going to fight for, and that is what we are going to insist on.

I agree with my good friend, the Senator from South Dakota. This isn't about feeling threatened. No one is threatening. If you want to shut this thing down, go to it. If you are not going to let the work get done, so be it. If you want to threaten with being red in the face, so be it. No one is talking about that. We are talking about trying to advance the agenda that is of central concern to people in this country.

That is what this institution is about. I thought Senator DASCHLE spoke for the institution. I think it is an agenda that should be pursued.

Mrs. BOXER. I will take a deep breath to see where we are in this great body.

Senator DASCHLE, on behalf of many Members on this side and on behalf of 750,000 moms and their families, offered a very simple amendment to the bill. By the way, that happens all the time or should happen all the time around here. He offered a simple amendment to a bill commending the Million Mom March and simply asking that the conference committee that is taking up the juvenile justice bill release that bill, bring it back with the five sensible gun laws, and send it to the President for his signature. These five sensible gun laws are to stop the killing, the violence that is happening in our streets, in our cities, in our suburbs and our rural areas, in our schools, even in our churches, even in our Jewish community centers, a simple, straightforward amendment.

The majority leader said today he didn't see it coming. What was coming? An amendment, a simple, straightforward amendment. The majority leader acted as if he was hurt to the core that this amendment would be offered.

Let me say with great affection to the majority leader, he shut the Senate down for 5 hours yesterday because he didn't want to vote on that simple, straightforward amendment commending the Million Mom March and asking that conference committee to come back with the legislation. He shut the Senate down for 5 hours. It took 24 hours until we were able to vote. Might I just say when we thought we were ready to vote, he made a point of order that hasn't occurred in 16 years to try to do away with that vote. He wonders why those on this side felt we were being gagged.

On the bright side, we won that vote today. The Senate has gone on record for the second time—the first time with the Reed amendment, and the second time with the Daschle amendment—to bring five sensible gun laws to this body for action. The Senate has spoken. The majority leader made light of it and said, ''No one really cares about it. It is a sense-of-the-Senate amendment.'' That isn't being respectful of the Members here, a few of

whom crossed over from that side of the aisle. I thank those three or four who did so. I think the majority leader is wrong to think the conference committee would not listen. I hope it will.

One of the things the majority leader said is we want to get to the ''real'' bills. I close with this: Is the majority leader implying that it is not a ''real'' tragedy when 12 children are shot down and killed every day? Does the majority not think it is a real issue, it is a real concern, when 30,000 Americans are killed every year—300,000-plus over the last 11 years, and 8 times as many injured, many in wheelchairs, suffering posttraumatic stress.

This has been an emotional couple of days for this Senator. This is the Senate. We should not be gagged. We should be heard.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. Mr. President, I have worked in and around legislatures in the Congress for most of my life, over 30 years. I understand what being in the minority means. That means we usually lose. That is part of the business.

I also believed when I was elected to the Senate that I had an obligation beyond my obligation to the people of the State of Illinois, an obligation to this institution. This institution represents something special in the history of this Nation. Only about 1,840 men and women have had the honor to serve in the Senate. I think we all feel an obligation to our Nation, to our Constitution but, equally, we feel an obligation to the Senate.

I have stood by for the last 4 years and watched consistently while the Republican majority has reduced the opportunity for Members of the Senate to express their point of view, reduced the opportunity to deliberate the great issues, reduced the opportunity for people to stand up and speak from the heart on the floor of the Senate. I don't believe that is consistent with the history or tradition of the Senate.

What we saw happen today I hope will be noted by the press and historians. Bringing up the controversial gun issue, the Republican leadership in the Senate decided to close down for the first time in 16 years the opportunity of any Senator, Democrat or Republican, to offer a sense-of-the-Senate resolution to an appropriations bill. They have limited, once again, the opportunity for Senators of both parties to debate. I don't believe that is in the best interest of the Senate nor is it in the best interest of the country.

It is clear evidence that this issue of gun safety, an issue which touches the hearts of so many families across America, is one that must be debated and resolved on the floor of the Senate. Instead, every obstacle possible is thrown in our path.

What we are asking for is simply this: Bring the conference report out; let Members vote on it. If we pass it, send it to the President; if we don't, take it to the people in an election. That is what this business is about.

Senator KENNEDY, who has served for over 30 years in this body, has one of the most important pieces of legislation in his control on the Democratic side, our education bill. He is asking for a chance to debate some important amendments, some controversial amendments, bring it forward and pass it, as every Congress has done, decade after decade. And he is stopped, week after week, by the Republican majority which refuses to consider amendments they find unpopular.

I understand as a Member of the Senate I will have to vote for and against unpopular issues. That is the nature of this job. I understand, as well, that we are sent here to deliberate these issues.

I close, saying I am sorry that the majority leader felt some of the comments made earlier were personal in nature. They were not. Though I disagree with him on so many issues, I do respect him. I hope he will pause and reflect on the future of this institution and believe that beyond the issue of gun control, we all have an obligation on both sides of the aisle to preserve the history and tradition of the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, today for the second time in a month, the Senate of the United States has gone on record supporting sensible gun safety legislation. It has gone on record to say that we should close the gun show loophole; that we should ban the importation of large capacity ammunition clips; that we should require the use of child safety locks; that we should prohibit the possession of assault weapons by juveniles.

This body could not be clearer on where it stands when it comes down to the issues. What is confusing is the fact that we are unable to reach these issues in a substantive, decisive way because the legislation is not on this floor but bottled up in a conference committee.

We are responding to many things. Most recently, we were responding to hundreds of thousands of American men and women who came to this capital to ask their Senators to act. How do we act? We do it by debate and by voting. That is what we did this afternoon. It is difficult, sometimes, to achieve a vote because of the procedures of the Senate, but in consequence of that, there has always been the presumption that debate should be free ranging, should be open, and should be easy to obtain.

Today, we should celebrate not only the victory—again, within a month—of what I think is reason over unreason, of sensible safety when it comes to guns, over a fascination with the proliferation of weapons in society, but we all should celebrate the fact that finally and ultimately we have gotten a chance to speak about this issue, speak for the hundreds of thousands of mothers who came last weekend to Washington to ask us to live up to our oaths and our duty and to protect their children and all Americans by enacting sensible gun safety legislation.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I have 1 minute. I hope I am not too succinct.

The bottom line is simple: Why, for the first time in 16 years, are sense-of-the-Senate resolutions being refused? Because the other side does not want to vote on guns.

Why, for the first time, is ESEA not being debated fully? Because the other side doesn't want to vote on guns.

Guns is the issue—not the efficiency of the Senate.

I think it is a shame. Eighty percent of the American people want commonsense gun legislation. The Republican majority is afraid to vote on it and instead twists the rules, the procedures, and the beauty of this body in a knot because they do not want to vote on guns.

The issue is not about moving the Senate efficiently; the issue is the fear of voting on guns, plain and simple. I regret the inability of the other side to have the courage of their convictions to vote the way they feel and let our side vote the way we feel.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BURNS. Mr. President, did we have 3 minutes in that wrapup?

The PRESIDING OFFICER. Four minutes. Approximately 4 minutes remain.

Mr. BURNS. Mr. President, I want to take a moment and tell my good friends, especially the Senator from New York who has left the floor, make no mistake, I am proud of my vote. Make no mistake about that because I love this Constitution. We should not be out here arguing about something. We should all be working together, trying to get America working together so we can do something about this violence. This is what I said a while ago: It boils down to communities' and individuals' responsibilities. We can pass laws all day, make us all feel good and warm, but they are not going to work. They are not going to work. I feel bad about that.

I am proud of my vote today. Don't worry about me, that I did not have nerve enough to stand up here and vote my conscience. I voted my conscience.

By the way, Senator WARNER of Virginia will be handling our side of this debate, and Senator ROBERTS is here now.

The PRESIDING OFFICER. The Senator from Michigan is recognized for the purpose of offering an amendment.

AMENDMENT NO. 3154

(Purpose: To strike section 2410, relating to Kosovo)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senators MCCAIN, BIDEN, LUGAR, HAGEL, LIEBERMAN, SMITH of Oregon, ROBB, VOINOVICH, REED of

Rhode Island, MACK, LAUTENBERG, KERRY of Massachusetts, and DASCHLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. MCCAIN, Mr. LUGAR, Mr. BIDEN, Mr. HAGEL, Mr. LIEBERMAN, Mr. SMITH of Oregon, Mr. ROBB, Mr. VOINOVICH, Mr. REED, Mr. MACK, Mr. LAUTENBERG, Mr. KERRY, and Mr. DASCHLE, proposes an amendment No. 3154.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

The amendment is as follows:

Strike section 2410.

Mr. LEVIN. Mr. President, I yield myself 3 minutes, and then I am going to yield to the Senator from Delaware for 45 minutes.

Our amendment strikes language in the bill which requires ground troops be withdrawn from Kosovo by a fixed date next year unless Congress later changes its mind. Our amendment would strike language requiring withdrawal this year, unless the President certifies that certain specific contribution targets have been met by the Europeans.

We are attempting to strike this language for the pullout of our ground forces next year for many reasons. First and foremost, in my judgment, is that such a requirement will create a year or a year and a half of dangerous uncertainty and dangerous instability in the Balkans. Creating that year of uncertainty and instability is dangerous because it is inconsistent with what we have struggled so hard to achieve in the Balkans, which is stability in a relatively peaceful environment. Creating that uncertainty for a year or a year and a half would make us an unreliable partner in NATO.

I hope when we come to vote on this matter, we will take into account the words of General Wesley Clark, who was our commander there until a few weeks ago. He wrote a letter. I want to quote very briefly from that letter because it seems to me this captures what our problems are with this language that is in the bill. General Clark wrote:

These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitment and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

At the time that US military and diplomatic personnel are pressing other nations to fulfill and expand their committment of forces, capabilities and resources, an apparent congressionally mandated pull-out would undercut their leadership and all parallel diplomatic efforts.

He also wrote that these provisions will place U.S. forces on the ground at increased risk.

I ask unanimous consent the full letter from General Clark dated 11 May 2000 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 11, 2000.

DEAR SENATOR LEVIN: Thank you for your letter of 10 May and the opportunity to provide my personal views on the amendment adopted by the Senate Appropriations Committee governing the future of U.S. troops in Kosovo.

While I support efforts of the Congress and the Administration to encourage our allies to fulfill their commitments to the United Nations mission in Kosovo, I am opposed to the specific measures called for in the amendment. These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.

Regional stability and peace in the Balkans are very important interests of the United States. Our allies are already providing over 85 percent of the military forces and the funding for reconstruction efforts. US leadership in Kosovo, exercised through the Supreme Allied Commander, Europe, as well as our diplomatic offices, is a bargain. It is an effective 6:1 ratio of diplomatic throwweight to our investment. We cannot do significantly less. Our allies would see this as a unilateral, adverse move that splits fifty years of shared burdens, shared risks, and shared benefits in NATO.

This action will also undermine specific plans and commitments made within the Alliance. At the time that US military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and all parallel diplomatic efforts.

All over Europe, nations are looking to the United States. We are their inspiration, their model, and their hope for the future. Small nations, weary of oppression, ravaged by a century of war, looking to the future, look to us. The promise of NATO enlargement, led by the United States, is the promise of the expansion of the sphere of peace and stability from Western Europe eastward. This powerful, stabilizing force would be undercut by this legislation, which would be perceived to significantly curtail US commitment and influence in Europe.

Setting a specific deadline for US pull-out would signal to the Albanians the limits of the international security guarantees providing for their protection. This, in turn, would give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. The more radical elements of the Albanian population in Kosovo would be encouraged to increase the level of violence directed against the Serb minority, thereby increasing instability as well as placing US forces on the ground at increased risk. Mr. Milosevic, in anticipation of the pullout and ultimate breakup of KFOR, would likely encourage civil disturbances and authorize the increased infiltration of para-military forces to raise the level of violence. He would also take other actions aimed at preparing the way for Serbian military and police reoccupation of the province.

Our servicemen and women, and their families, have made great sacrifices in bringing peace and stability to the Balkans. This amendment introduces uncertainty in the planning and funding of the Kosovo mission. This uncertainly will undermine our service members' confidence in our resolve and may call into question the sacrifices we have asked of them and their families. A US withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield.

In all of our activities in NATO, the appropriate distribution of burdens and risk remains a longstanding and legitimate issue among the nations. Increased European burden sharing is an imperative in Europe as well as the United States. European nations are endeavoring to meet this challenge in Kosovo, and in the whole KFOR and UNMIK constitute a burdensharing success story, even as we encourage Europeans to do even more. The United States must continue to act in our own best interests. This legislation, if enacted, would see its worthy intent generating consequences adverse to some of our most fundamental security interests.

Thank you again for your support of our servicemen and women.

Very respectfully,

WESLEY K. CLARK,
General, U.S. Army.

Mr. LEVIN. Mr. President, the issue is not whether Congress has the power to force withdrawal of ground forces. We have that power. We should have that power. We should defend that power. And we have exercised that power, recently in Haiti and Somalia before that. We have exercised that power to pull out ground forces when the power has contributed to U.S. security. So the issue is not whether we have the power to act in the way the Appropriations Committee proposes. The question is whether or not it is a wise exercise of congressional power to set a deadline for a pullout in Kosovo, thereby creating a year or two of dangerous uncertainty which would result in increased risks to our troops and to our interests.

It is not the power of Congress that is at issue; it is the wisdom of exercising that power in the way proposed under these circumstances which we will be debating today and tomorrow.

I ask that Senator COCHRAN of Mississippi be added as a cosponsor of our amendment, and I will now yield to my friend from Delaware for 45 minutes.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent, immediately following Senator BIDEN, I be recognized for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I reserve this right because I have to go to a function tonight and I would like to get 15 minutes in before I go. I am supposed to be there at 6 o'clock.

Mr. ROBERTS. If I might respond to the distinguished Senator, whose amendment I am supporting——

Mr. BYRD. Yes.

Mr. ROBERTS. I also have a commitment at 6:30.

Mr. BYRD. I knew that already.

Mr. ROBERTS. It seems we have a lot of commitments here. Obviously, I will yield to the sponsor of the amendment and the author of the amendment. I commend him for the amendment. But that will mean if the Senator from Delaware were looking at probably a quarter to 6, and then the Senator from West Virginia would take how much time?

Mr. BYRD. Ten minutes, 15.

Mr. ROBERTS. I will rephrase my unanimous consent request to be recognized following the distinguished Senator from West Virginia for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Mr. President, may I follow these two Senators for a period of 20 minutes?

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I surely won't, but since we are lining up speakers, I will then ask to be recognized after Senator HOLLINGS for 30 minutes.

Mr. WARNER. Mr. President, might I be acquainted—I am sorry, I just had to step off the floor for a minute. Will the Chair kindly repeat the unanimous consent request at the moment? I believe I am going to try to manage this.

The PRESIDING OFFICER. Senator BIDEN will be recognized for 45 minutes, followed by the Senator from West Virginia for 15 minutes, followed by Senator ROBERTS for 20 minutes, Senator HOLLINGS for 20 minutes, and Senator LEVIN for 30 minutes.

Mr. WARNER. Mr. President, might I add, I then follow my distinguished colleague and ranking member for 30 minutes?

Mr. REID. Mr. President, reserving the right to object, so there is no problem, I think it appropriate that each of these parties who are asking to have time yielded to them indicate where their time is coming from. Senator LEVIN controls 5 hours, Senator WARNER controls 5 hours. Just so there is no problem tomorrow, we should determine whose time is being yielded.

It is my understanding the time Senator LEVIN has used has been his own time, Senator BIDEN's is his own time, Senator BYRD is off that of Senator WARNER, as is Senator ROBERTS and as is Senator HOLLINGS.

Mr. WARNER. The Senator is correct.

Mr. LEVIN. Mr. President, the time of Senator BIDEN is off our 5 hours.

The PRESIDING OFFICER. That is the understanding of the Chair. Is there an objection to the unanimous consent request?

Mr. WARNER. None, Mr. President, but I want to inform the Senate as a part of this colloquy that it is the distinguished majority leader's will we do at least 4-plus hours tonight. I will remain, of course, for that purpose. I do hope other Senators will indicate their availability so we can use that time properly. I believe this is one of the most important and interesting debates on a foreign policy issue we have had in the Senate this year.

The PRESIDING OFFICER. Without objection, it is so ordered. The request is agreed to.

Mr. WARNER. Mr. President, will the Senator allow me to speak for 1½ minutes?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend Congressman JOHN KASICH. The House voted 264–153 to adopt the provision which I drafted and then gave to Congressman KASICH, which is approximately one-half of the matter we are now debating.

In other words, the House has already acted on one-half of the provision we are debating, and it voted in favor of it 264–153.

Mr. President, I ask unanimous consent to print the House amendment in today's RECORD for the availability of Members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT TO H.R. 4205, AS REPORTED, OFFERED BY MR. KASICH OF OHIO

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. ACTIVITIES IN KOSOVO.

(a) CONTINGENT REQUIRED WITHDRAWAL OF FORCES FROM KOSOVO.—If the President does not submit to Congress a certification under subsection (c) and a report under subsection (d) before April 1, 2001, then, effective on April 1, 2001, funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended for the continued deployment of United States ground combat forces in Kosovo. Such funds shall be available with respect to Kosovo only for the purpose of conducting a safe, orderly, and phased withdrawal of United States ground combat forces from Kosovo, and no other amounts appropriated for the Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States ground combat forces in Kosovo. In that case, the President shall submit to Congress, not later than April 30, 2001, a report on the plan for the withdrawal.

(b) WAIVER AUTHORITY.—(1) The President may waive the provisions of subsection (a) for a period or periods of up to 90 days each in the event that—

(A) United States Armed Forces are involved in hostilities in Kosovo or imminent involvement by United States Armed forces in hostilities in Kosovo is clearly indicated by the circumstances; or

(B) the North Atlantic Treaty Organization, acting through the Supreme Allied Commander, Europe, requests emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

(2) The authority in paragraph (1) may not be exercised more than twice unless Congress by law specifically authorizes the additional exercise of that authority.

(c) CERTIFICATION.—Whenever the President determines that the Kosovo burdensharing goals set forth in paragraph (2) have been achieved, the President shall certify in writing to Congress that those goals have been achieved.

(2) The Kosovo burdensharing goals referred to in paragraph (1) are that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(A) obligated or contracted for at least 50 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(B) obligated or contracted for at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(C) provided at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(D) deployed at least 90 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(d) REPORT ON COMMITMENTS AND PLEDGES BY OTHER NATIONS AND ORGANIZATIONS.—The President shall submit to Congress a report containing detailed information on—

(1) the commitments and pledges made by the European Commission, each of the member nations of the European Union, and each of the European member nations of the North Atlantic Treaty Organization for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(2) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(3) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(e) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to my friend from Virginia, we would be 50 percent better off if we adopted the House position than the Senate position. The House position is only half as bad as the Senate position. The House position adopted today says there must be an accounting, as I understand it. The House requires that we pay our fair share, and that unless NATO meets their aid commitments, then troops would be withdrawn.

This amendment goes a lot further than that. The real damage of the Byrd-Warner amendment, in my view, is that it does something that I cannot imagine any military man wanting to do. It says that what we are going to do is announce today, tomorrow, the next day—whenever we finally vote on it—if it prevails, we are going to announce

that in the summer of 2001 we are out of there, unless we affirmatively vote to stay.

I find this absolutely intriguing. We had a very spirited debate about whether to get involved in Kosovo at all. I do not remember a single, solitary person during that debate who really wanted to be involved. I suspect—as my friend from South Carolina always reminded me—there was no one more vocal about our need to make that effort than me. He would come to the floor —and I consider him one of my closest friends, not only my closest Senate friend—he would say: How is the Biden war going today?

I felt strongly it was the right thing for the United States to do. I do not remember any time during that debate—and I believe I participated in every piece of that debate—when anybody said there was any reasonable prospect there would be no American forces in Kosovo 1 year or 2 years or even 3 years from now. We had just gone through this, in my view, very wrongheaded debate about setting a time certain for troops to be withdrawn from Bosnia. We did that once already, and we finally figured out it made no sense to set a time certain to withdraw troops in Bosnia, and here we are again.

Let's peel back the first layer of this onion. We have a very legitimate, fundamental, serious disagreement among many of us on this floor, crossing party lines. I do not know anybody stronger against this amendment than the Presiding Officer. He is a Republican. And I do not know anybody stronger for the amendment than Senator BYRD, a Democrat. This division crosses party lines.

It boils down to something very basic, it seems to me, and that is, when every Senator asks himself or herself the following question, they will know how they should vote.

The question is, Does the United States have a significant interest in peace and stability in the Balkans? If it does not, then my colleagues should vote for Byrd-Warner. I respect that view. I respect the view of those who say it is not a critical U.S. interest, a vital U.S. interest, a significant U.S. interest, or it is Europe's problem. I respect that. I think they are dead wrong, but I respect their view.

What I find fascinating, though, is I do not know how anyone can intellectually reach the following conclusion; that it is in our vital interest to see to it there is peace and stability in that part of Europe, but we should announce now that we are out unless we affirmatively vote we are in. I do not get that.

My mom had an expression—it is not original to her. She said: JOEY, the road to hell is paved with good intentions.

We are paving a road to hell with this amendment. What we are doing with this amendment is saying to Slobodan Milosevic, unintentionally, but the effect is: Hang on, baby, we do not have the will to stay.

Let me ask another question rhetorically: We have 5,600 troops there. Thank God, none are being shot at. Thank God, no one has been killed. Thank God, there is peace. Thank God, they are doing their job. Thank God, there is no immediate jeopardy from an outside invading army, et cetera. Does anybody believe that if we withdraw our forces from Kosovo the Europeans will get it right? Does anybody here believe that the Europeans will say: OK, the United States is gone; no worry, we're going to take care of this matter; not a problem.

We can all sit here and say: The GDP of Europe is bigger than ours. Europe should be mature enough to be able to handle this. They don't need us. It is their backyard.

That is all well and good to say, but does anybody believe it? In a different context, Thomas Jefferson said: If a nation wishes to be both ignorant and free, it wishes for something that never was and never can be. If anybody believes there can be stability in Europe without stability in the Balkans, they are wishing for something that never was and never can be. Never in our history has it been that way.

So let's cut right to the quick. You have to be able to say the following, it seems to me, to be for Warner-Byrd, Byrd-Warner: stability in the Balkans is not important for stability in the rest of Europe; or it is important, but I believe the Europeans can handle it by themselves.

If you can conclude either of those two to be true, then have at it. But if you conclude, as Barry Goldwater used to say—and I did serve with him—in your heart you know that not to be true, then you better not vote for this amendment or you better vote to strike this amendment.

What are the likely consequences of adoption of this amendment? I will get back to some of the details about the amendment and the requirements imposed upon the administration to be able to certify that the Europeans are doing their part. I will state right now the Europeans are doing their part. We have battered them up and about the head—no one more than this Senator—to do their part.

The President will have to certify, though, on a very different standard. By the way, the reason my friends want to amend this is so it can be even remotely possible that the President would be able to certify that the Europeans are doing their part.

But regarding individual countries, the European Commission is in the process of collecting data from the 15 member states in the European Council, each of which has unique budgeting procedures in fiscal years. We are utilizing the United Nations. As we already see in the aggregate, our European partners are providing a vast majority of the assistance to Kosovo.

If we look at the troop strength, our NATO allies have 40,000 troops on the ground in Kosovo; we have 5,600. That is, the United States is providing about 13 percent of the KFOR troop strength.

If we look at UNMIK—I hate these acronyms—but UNMIK's consolidated budget—that is the U.N. piece here—the Europeans, and others, are right now funding 87 percent of that entire budget. Our part, again, compromises only 13 percent of the total.

So the benchmark laid out in the legislation has already been met.

How about international police? There are civilian police officers sent from the U.N. member states all over the world, who are to relieve KFOR troops of the nonmilitary law and order function in Kosovo. That is the plan. We all support it. Fully 88 percent of the pledges for civilian police for Kosovo have come from outside the United States of America. And 87 percent of all the police officers pledged have already been deployed.

Let's look at the so-called reconstruction funding concerning Europe's financial contributions to the reconstruction of Kosovo. Section 2410 of the Byrd-Warner amendment focuses on the speed with which it delivers that assistance.

When the United States commits funding for large-scale reconstruction initiatives, sometimes the United States itself does not hit the benchmark set here—33 percent obligated or contracted for a year or two.

Let's look at the humanitarian relief. In the spring of this year, the United Nations High Commission for Refugees announced that the humanitarian disaster in Kosovo had been averted. The much feared winter had come and gone. It was time for the international community to switch from a relief role to a reconstruction role.

Nonetheless, Senator WARNER's legislation, in section 2410, insists that Europeans continue to funnel money into humanitarian relief when the need no longer is pressing. This is what I might call counterproductive micromanagement from thousands of miles away.

The United States is not paying a disproportionate price in the international effort to secure peace in Kosovo—not in terms of the number of peacekeeping troops, not in terms of the number of civilian police, not in terms of the reconstruction and humanitarian aid.

Section 2410 is also inconsistent. It really is saying to the Europeans: Heads I win; tails you lose, Europeans. We set these benchmarks. We tell them they have to meet the benchmarks. They are meeting the benchmarks. Then we tell them: By the way, while you're meeting those benchmarks—and you do that first—we are not committing to stay anyway. As a matter of fact, we're out of there. We're out of there. We tell you now, ahead of time, hey, Europe, we're out in July 2001, unless we affirmatively change our mind and stay in.

That really is persuasive, isn't it? What do you think it would be the other way around if Europe said: I tell

you what, United States, you put up 87 percent of this endeavor we're going to get involved in. Once you put it up, we are going to tell you that we're not in anyway, unless we change our mind a year and a half from now.

Let me ask you a rhetorical question: If you are sitting in Europe—and in the mood that exists in the United States today, in a country that has turned down the Comprehensive Test Ban Treaty, where the debate is about whether or not we should be involved in Africa, whether we should be involved in anything that comes up internationally—and you hear that the Senate—and hopefully not the Congress as well—passes a law that says we are affirmatively out in 1 year and 3 months, unless we change our minds and affirmatively vote to stay; what do you think that communicates to Europe? What do you think they are going to think in Berlin, in Paris, in London, in Lisbon, et cetera?

Do you think they are going to say: Oh, I tell you what: that is just the way their Constitution operates. That is just how they do that?

I chaired the Judiciary Committee for years. I have made it my business to try to understand and—most dangerously—actually teach constitutional law and the separation of powers issues, and particularly the war clause. I take a back seat to no one, including my distinguished friend, Senator BYRD, in paying attention to the congressional prerogatives that exist when it comes to the notion of what constitutionally is permissible for a President to do and what our constitutional responsibility is.

The truth of the matter is, Congress has the power to authorize deployment to Kosovo or to set limits on deployment. Congress could, as the Byrd-Warner amendment clearly contemplates, cut off funds or circumscribe the missions of the troops. But merely because the Congress has the power to do that does not mean it is wise to exercise that power or that it has the obligation to do that under the Constitution.

I would have no objection to a resolution authorizing the deployment of U.S. forces or a resolution today saying: Withdraw now. Withdraw now. At least that would end the uncertainty. It would end the fact that you would have our troops and 40,000 other troops in Kosovo somewhere other than in limbo wondering whether we are going to stay or not stay, wondering what our predisposition is likely to be.

I do not believe we should put our troops or our allies under the sword of Damocles with the threat of a funding cutoff that implies the United States is abandoning its friends and allies in Europe now. The fact is, no one is being shot at now, our troops are not being shot at. We are not in a state of war now.

There is no outside army. There are a bunch of thugs wandering the countryside who have the possibility of doing harm to our forces and others. This is as close as you are going to get to a legal definition of a police action as you are ever going to have. This is not a circumstance requiring the United States—beyond what was already done in voting for the airstrikes and the use of force—to have Congressional consent beyond what it already has. As one of our colleagues said in the caucus, I didn't hear anybody in 1973 when I was here, or in 1977, or in 1985, or in 1997, or in 2000, call for continued authority, an affirmative vote to continue to maintain 100,000 troops in Europe.

With regard to the argument that we are stretched too thin and can't afford to have 5,600 forces in Kosovo for an extended period of time, well, if we can't afford that, how are we able to afford to have 100,000 troops in Europe? I want to know that one. I don't quite get that. I don't quite get how we can afford to have 100,000 troops in Europe, stationed in Germany and elsewhere, where they are not keeping anything except our political flag raised high—and I think that is important—but we can't afford 5,600 troops in Kosovo. If my memory serves me—and I have been here longer than one of the other three Members on the Senate floor. The only person I have been here longer than is Senator WARNER, but he has more experience. The other two Members I haven't been here longer than. I don't ever recall, since I have been here, having less than a minimum of 100,000 in Europe, and as many as 350,000. I don't remember that. But now we have this dire, urgent need to withdraw 5,600 forces from Kosovo.

Now, my friend from Virginia and my friend from North Carolina, as well as the Senator from West Virginia—but he is on Appropriations—these other two fellows spend a lot of time on the military side of the equation, and Armed Services in particular. If I am not mistaken, we spent some time in Europe fretting over what the Europeans mean by ESDI, European Security and Defense Initiative. That is something the French have been pushing a long time. They don't like the fact we are a European power. They don't like that idea. So they got this idea they were going to have this independent force—an independent force, separate from NATO. We got them to cool their jets a little bit and say what this really means is they get all that independent force with no Americans. That independent force would only be engaged in missions NATO first refused to be engaged in. But everybody knows that it is a harbinger for diminishing the power and the political efficacy of NATO.

I want to ask a rhetorical question. You know, in those movies when Clint Eastwood said, ''Go ahead, make my day''—we are about to make their day for the French. We are about to make France's day. Can you hear the discussion now if we vote this amendment: I told you the United States is not reliable. I told you we need our own European defense system. I told you about NATO. Can't you hear it? Maybe I have been to too many conferences with my French friends. Can anybody stand up and say that if we pass this amendment, we are not making it exponentially more difficult for us to deal with ESDI? Come on. Come on. Does anybody think that?

By the way, some of our friends—and they are obviously extremely bright, competent Senators who truly—and I am not speaking of anybody on the floor—believe NATO's day is past and it no longer has any utility, and that we should disengage. In fact, the fellow I ran against a while ago for the Senate came to call me the ''Senator from Europe'' because I supported NATO. I thought it was very important that we stay involved in NATO. I respect the view. I disagree with it, but I respect the view.

But those of you who say you think NATO is important, I respectfully suggest to you that if Byrd-Warner becomes the law, we will have done more in two small paragraphs to damage the coherence of NATO than anything we have done since 1950. I truly believe that. I absolutely truly believe that. Obviously, I may be wrong, but I honest to goodness believe that.

Right now there are reports coming out of Serbia. By the way, before I say that, I came here at a time when the Vietnam war was in its final painful throes, in 1973. I used to resent it when people would say, when I opposed the war, that we were giving comfort to Ho Chi Minh. I am not suggesting anybody is intentionally or unintentionally giving anybody comfort. I want to state what I think to be the fact. Milosevic is tightening his grip now in Serbia, cutting off the alternative press available to the Serbs, cracking down on it—for example, last night, his goons occupied a station, Studio B2–92, and padlocked the doors of the other independent outlets and media offices and shut them down. An opposition leader declared the Milosevic government had imposed an informal state of emergency.

Now, why do you think he is doing that? I think he is doing that because he is desperate, because the hourglass is filling up from the bottom. He knows he doesn't have much time left. One of the reasons why he has reacted the way we wanted him to every time—that is, by backing off—is he has been convinced of our resolve. I suggest that the reason he finally capitulated at the end of that war is we started to move forces in place for deployment in Macedonia. He wasn't sure if we were going to invade and use land troops. I think most who studied that would acknowledge that is an overwhelming possibility. Now what does he do? Here he is in his last gasp, and we have gone on record saying we will pull out of Kosovo by midsummer next year. We affirmatively state that—not that we will have to have a vote next summer, or that we should consider it, but that we are out—unless we vote to stay in.

Now, say you are an opposition leader in Serbia; or you are sitting in Montenegro, which Milosevic has been leering at for the past 9 months; does that embolden you? My European colleagues will not like what I am about to say. But I have traveled the Balkan region on seven occasions. I met with every President of every frontline state, as many of us have. Does anybody know any leader in that region who is willing to place his fate in the hands of the Europeans? Can you name me one—a single solitary person who is in opposition to Milosevic, any democrat from Romania to Albania, from Bulgaria to Montenegro, who is willing?

Would I tell them: The United States is out, but don't worry, you have the French and the Germans to rely on; don't worry, they will be there? Can anybody stand up on this floor and say that you know a single leader who would say that?

I know there are certain things you shouldn't say. That is one, apparently. I will be reminded of this by my French friends and my British friends and others. But I think we have to be realistic. Everybody knows that if we are out, the game is up. That may not be fair. We shouldn't have to carry that much of a load, maybe. But they are the facts of life, and they are the facts of history.

Does anybody here believe Europe has achieved political maturation where they are going to solve their problems without the catalyst of the United States? What have we said all along? We have said: Look, as long as we are not carrying a disproportionate share, we are involved.

I remember going in to see the President when he made his speech about us being involved. He said we should not be responsible for any more than 15 percent of whatever reconstruction, peace, stability, et cetera, in that region requires. We are about 13 percent to 17 percent.

That was kind of the deal we thought we were brokering here. Sure. We provided 85 percent of the air power and 90 percent of leadership.

With this amendment, we would still require a NATO commander heading up the entire operation in Kosovo to be an American while we had no American troops there. I want to be there for that discussion.

I want to be there when we withdraw all American forces from Kosovo and then we tell our European allies abruptly: By the way, we are still in charge. We are the guys. Our general is an American general. He is in charge. He is in charge of NATO in Europe. That is where NATO is. He is in charge. That is a good one. I like that one. That will really help cohesion in NATO.

Heck, we are trying to convince the French that they had better buy an aircraft carrier before they take over the fleet in the Mediterranean. That is a big fight we are now having. The French say: We want a French admiral.

I got in trouble with the French when I said: OK, it is fine by me, if you buy some more ships. They didn't like that.

Can you imagine the argument now with a NATO operation in Kosovo led by an American general with no American troops?

Colleagues, this is not a well conceived plan unless, I respectfully suggest, unless you conclude that NATO is not vital to our interests any longer; unless you conclude that having a beefed up European defense initiative a la the French plan for the last 15 years is a good idea for the United States of America; unless you believe the Europeans can maintain stability in the Balkans, or that stability in the Balkans is not important for stability in Europe.

If you draw those conclusions, this makes sense. But if you say you think NATO is vital for American interests, if you say stability in Europe depends at least in some part upon stability in the Balkans and southern Europe, if you say you want an American in command of NATO forces when we have 100,000 left in Europe, then I don't know how you can reach this conclusion.

That is why I say here what I said at the White House when all of my friends who are sitting here, with one exception, were at that meeting 3 months ago, along with the Secretary of Defense, the Secretary of State, the National Security Advisor, and the National Security Advisor's team. I will say it again. This is about what you believe is important.

I ask again a rhetorical question. Can anyone paint a picture for me that looks like this: That 5 years from now there is not a reignition of a great ethnic cleansing in the Balkans, that there is increasing stability in economic growth in the region, and that there is becoming an integration of that part of Europe into the rest of Europe—without the United States of America having some portion of the total force structure of NATO being present? Can anybody paint that picture for me?

I will be overwhelmingly delighted if my colleagues prevail and I am wrong, because my fervent hope is, if Senator LEVIN and I and others do not succeed in striking this language, everything I said is misinformed. That would be my fervent hope and prayer, because I think this has certain-disaster written all over it. I think this is one of the most serious mistakes we can make.

Mr. WARNER. Mr. President, will the Senator yield for a question? I yield on my time.

Mr. BIDEN. I am delighted to yield to the Senator.

Mr. WARNER. I have listened very carefully. By the way, it was the Biden-Warner amendment back in the intense part of that air operation which prevailed.

Mr. BIDEN. That is correct. I acknowledge that.

Mr. WARNER. How interesting it is that two good friends and two colleagues can be on opposite side of an issue at this point in time. Circumstances have changed.

I draw the Senator's attention to page 565 of the bill where it says:

> Except as provided in paragraph (B), absent specific statutory authorization . . . the President may waive the limitation in paragraph (1)(B) for a period . . . of up to 90 days each in the event that—
>
> . . . the Armed Forces are involved in hostilities in Kosovo or that imminent involvement by the Armed Forces in hostilities in Kosovo is clearly indicated;
>
> (ii) NATO, acting through the Supreme Allied Commander —

The very person the Senator from Delaware pointed to remaining in charge—

> in Europe, requests the emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

There it is. The President, seeing the actions that the Senator just pointed out, can dispatch the American troops. They can come out of that cadre of over 100,000, or thereabouts, in NATO and go right into this action.

The Senator says the 85 percent that are there now from some 32 nations are of little consequence if a portion of the U.S. forces—namely, the ground combat troops—are withdrawn and we leave the other support troops and the other types of troops there.

This is not an American cut and run. This is not an American pullout. Here is the authority for the President to step in in the types of contingencies the Senator pointed out.

If I might pose a rhetorical question, does the Senator think the case is so weak for the Balkans that the next President of the United States cannot come to the Congress and make the case for the Congress to have the troops stay after July 1?

Mr. BIDEN. No.

Mr. WARNER. I, frankly, would vote for it, if the next President were to come and ask for that and made a strong case.

I really think the sky is not falling in, I say to my distinguished friend. We have carefully provided in this piece of legislation contingencies for any such action that would jeopardize our remaining troops and/or the other nations that will come and pick up the modest numbers of combat troops.

I thank the Senator.

Mr. BIDEN. Mr. President, I will respond.

What the Senator has written in the legislation I would characterize as having tried to do something after the horse is out of the barn.

Here is the deal. I am not suggesting there will be any hostilities before the U.S. forces leave. I am not suggesting there will be hostilities as the U.S. forces leave. If I were Milosevic, the KLA, or anybody else, I would have garlands and roses strewn along the road as they were on their way out. I would be throwing them bouquets. I would be giving them chocolates and

cigarettes as they left. I would not do a thing. I would wait until they were gone. That is No. 1.

No. 2, when they go, I predict to you that you will see in the councils of Europe an overwhelming discussion about whether or not the Europeans will stay, and in what numbers.

At that point, if there is hostility, if Mr. Milosevic moves on Mitrovica to annex the top of the state, or if there is a movement in Montenegro to topple the Government, is the Senator saying to me that automatically authorizes the President of the United States to send whatever forces he wishes back in?

Mr. WARNER. That is what the amendment requires. In other words, if there is a need, the President has the waiver authority.

Mr. BIDEN. Then the Senator is saying there is no damage or war, there is no American being killed now, but we are going to pull the Americans out; but if there is war and carnage, again we will put them back in?

Mr. WARNER. That power is given to the President of the United States.

Mr. BIDEN. Mr. President, I see my distinguished colleague, Senator BYRD, on the floor. I ask Senator BYRD a question, if he is willing.

Is it his understanding that if we withdraw these forces and war erupts again in Kosovo, the President needs no Congressional authorization and he is preauthorized to use whatever force is necessary to bring peace and stability back to Kosovo? Is that the Senator's understanding?

Mr. WARNER. I can answer in the affirmative to the Senator's question.

Mr. BIDEN. I understand the Senator from Virginia thinks that. I wonder whether the Senator from West Virginia thinks that.

Mr. BYRD. Mr. President, I am hoping to be able to leave the Senate after making a 15-minute speech of my own.

Mr. BIDEN. I withdraw the question.

Mr. BYRD. I think I stated that earlier.

May I say to the distinguished Senator, I will try to answer his question. First, I say to the Senator, if he will yield, he has framed it this way: We are out unless we vote to stay in; come next—we hope to make that October 1 in conference; in the bill, it is announced July 1, 2001. We will not let the Senate frame it that way: ''We are out unless we vote to stay in.'' This bill does not say that. This amendment does not say that.

The Senator from Delaware, I say most respectfully, is leaving out one very important factor, that being the President of the United States, whoever he may be next October. The opponents of my amendment depend heavily upon the ''Commander in Chief.'' Well, there will be a Commander in Chief at that time, and that Commander in Chief, unless he makes a case, unless he asks to be authorized to continue to deploy American ground troops after that date, and unless Congress then votes to authorize, then they would leave.

But the Senator says, ''We are out unless we vote to stay in.'' That is not the case. There is going to be a President there asking. I assume, if he believes we ought to continue to deploy troops after that date, he will be up here asking. He will be requesting them. And then Congress will vote to authorize or not to authorize. It is not that simple, ''We are out unless we vote to stay in.''

Mr. BIDEN. If I may respond, unless I misunderstand still, that is a distinction with little difference. If I understand the way the legislation reads, the President will submit a report to Congress saying, I want to stay.

Mr. BYRD. Yes, that is what the Senator is leaving out.

Mr. BIDEN. Once the President does that, then in order for the troops to stay, both the House and the Senate have to affirmatively vote to have them stay; correct?

Mr. BYRD. That is correct, but that is the other half I am trying to get into the RECORD.

I thank the Senator.

Mr. BIDEN. May I ask, if the Senate and House refuse to act one way or another, what happens?

Mr. BYRD. Of course, if they do—the Senator is assuming something I will not assume.

Mr. BIDEN. I am asking for clarification.

Mr. BYRD. I am answering the Senator. The Senator is assuming something I don't assume.

Mr. BIDEN. With all due respect, I am not assuming a thing. Assumption is the mother of all screwups.

Mr. BYRD. The Senator says, if thus and such.

Mr. BIDEN. That is not an assumption. An assumption is if I said ''when the Senate fails to act.'' I did not say that. I said ''if'' the Senate fails to act. It is a question, not an assumption.

Now, if the Senate fails to act—does not vote one way or another—are the troops allowed to stay, or must they come home?

Mr. BYRD. That is half the picture.

Mr. BIDEN. I got that, Mr. President.

Let me rephrase it. The President of the United States, President GORE or President Bush, and whatever operative date it ends up being, October or July, sends a report to the Congress and says: I wish the 5,600 troops to remain in Kosovo.

That is the first part. He has done that. He says: I want them to stay.

What happens if the Senate says: We are not even going to vote on it? Can the troops stay?

Mr. BYRD. I assume the Senate would certainly debate that.

Mr. BIDEN. That is not my question, with all due respect.

Mr. BYRD. With all due respect, if we are going to limit half the question, we are not really dealing with the situation. Let me answer the Senator. If the Congress refuses to authorize, of course they are going to come out.

But let us not assume that and let us not forget that the Commander in Chief will be making an effort to justify the continued deployment of those troops.

Mr. BIDEN. I thank the Senator.

Let me rephrase my assertion. The Congress, as of whatever the operative date—and right now the operative date is in July 2001—the Congress does not vote to stay in Kosovo; then the troops must be withdrawn. Now, that is a distinction with a technical, legal difference.

What I respectfully suggest is, it will fall on deaf ears in every European capital. I respectfully suggest, if my friends think it is so dangerous or imprudent for us to be there now, if there is a constitutional requirement for us to have to vote on it, then why are we shirking the responsibility of not voting right now? Because if there is a constitutional responsibility, it is not delayed for a year. It either exists or it does not exist. If it exists, the obligation exists today to vote. And my friends want the next Congress to vote in the year 2001.

It is illogical to suggest, with all due respect, that there is a constitutional requirement for Congress to vote for these troops to stay but we don't have to do it for a year. The implication is, he doesn't have the authority now. So that takes care of the constitutional argument. There is obviously no serious constitutional argument, for if there were, we have to vote now, I assume, unless someone responds to the contrary that I am correct.

Look, folks, thank God that not a single American was killed in the entire war. Thank God, an American hasn't been killed yet, although it is possible. Thank God, there are not 800,000 people displaced and they are back in their homes. Thank God, the ethnic cleansing has stopped.

I ask the rhetorical question, if the Lord Almighty came down and sat in the well and said, ''I promise you all that, if you keep 5,600 troops in Kosovo for the next 10 years, there will be no carnage, there will be no death and destruction of American forces,'' would anybody here say that is too high a price to pay? Would anybody say that? Would anybody vote and say, Lord, no, we are stretched too thin?

I can pick an awful lot of places where I would like to take 5,600 troops out if we are stretched too thin other than Kosovo. Talk about a place where we are doing some good in what we are not allowing to happen! I think this is one heck of a gamble. The logic escapes me. I may be slow. I have not been here as long as some, but I have been here 28 years. I pay a lot of attention to this. I try my best. And the logic escapes me. If there is a constitutional requirement, it exists today. It exists tonight. It existed yesterday. It doesn't automatically click into effect in July of 2001. If we are stretched too thin, if that is the problem, let's pick 5,600 troops from a place where they are

serving a function, but none nearly as important as the one they are serving now. And if we expect to be and intend to be a major force in Europe and NATO, let's understand that it will not happen without our participation to the degree of 13 percent of the forces in Europe.

We asked the Europeans to do the lion's share after Milosevic yielded. They are doing the lion's share, on average over 80 percent and as high as 87 percent in the four categories. So if anybody thinks that does not make sense, let us vote now. Can anybody seriously say that the anxiety level, at a minimum, in European capitals, the anxiety level in the frontline states, the anxiety level for our troops, the anxiety level for the total military, is not somewhat heightened by the fact that it will require, no matter how we get to it, an affirmative vote of the Congress in July of next year to have those troops stay?

I will end where I began and reserve the remainder of my time, if I have any. I will end where I began. It seems to me this is a basic, legitimate debate on what is in the naked self-interest of the United States of America. It is a fundamental foreign policy debate. Do you think stability in the Balkans can be maintained without U.S. forces there? If you do not, do you think that stability in the Balkans is necessary for stability in the rest of Europe? If you do not, do you think the United States is negatively impacted by either outcome?

While I strongly support trying to move the supplemental funding needed by our military and the important military construction projects included in this bill, Section 2410 would do damage to Kosovo and to the United States of America, despite the best intentions of its authors.

Section 2410 is premised on an inaccurate understanding of the facts, and then gets worse, as it abdicates U.S. leadership of NATO and gives comfort to Slobodan Milosevic.

There are two aspects to Section 2410. The first would require a joint Congressional resolution authorizing continued deployment of American troops in KFOR after July 1, 2001.

The second aspect would require that the Europeans are meeting certain requirements for burdensharing in Kosovo. If the President could not make that certification by July 15, 2000, then thereafter funds would only be allowed to be used for withdrawal of U.S. forces from Kosovo, unless Congress authorized their continued deployment by joint resolution.

If Congress failed to enact such a joint resolution, no funding could be obligated to continue the deployment of United States military personnel in Kosovo. In that case, the President would be required to submit to Congress, not later than August 15, 2000, a report on a plan for the withdrawal of United States military personnel from Kosovo.

Mr. President, the question of whether Congress must, as a constitutional matter, authorize the deployment of U.S. forces in the Kosovo peacekeeping mission is a close one.

I yield to no Senator in my defense of the constitutional powers of Congress on matters of war and peace. In my view, Congress has not only the power to declare war, but also to authorize all uses of force. I have consistently resisted arguments by Presidents—Democrats and Republicans alike—that the Commander-in-Chief power provides unfettered authority to use force against foreign countries.

In this circumstance, however, I would argue that Congressional authorization for the deployment of U.S. peacekeeping forces in Kosovo is unnecessary.

The deployment of peacekeepers, in a situation such as we now have, is not war, or even a use of force. It falls far short of both. Unlike the deployment of U.S. forces to Lebanon in the early 1980's, there is no significant threat of hostilities from a foreign army or from guerilla forces. Rather, the only threat to U.S. forces comes from a handful of lightly-armed thugs in both the Serbian and ethnic Albanian communities in Kosovo. In that sense, the deployment is truly a peacekeeping or police action.

Undoubtedly, Congress has the power to authorize the deployment to Kosovo—or to set limits on that deployment. Congress could, as the Byrd-Warner amendment clearly contemplates, cut off the funds, or circumscribe the mission of the troops. But merely because Congress has the power to do so, does not mean that it is wise to exercise that power in this circumstance, in this manner.

Mr. President, I would have no objection to a resolution authorizing the deployment of U.S. forces. Let us have that debate. But I do not believe we should do so under the Sword of Damocles, with the threat of a funding cutoff that implies the United States is abandoning its friends and allies in Europe.

Mr. President, as I mentioned earlier, the second aspect of Section 2410 would codify burdensharing with our allies.

The bill would decrease by twenty-five percent the aid contributions by the United States to Kosovo unless the President certified to the Congress that the European Commission, the member states of the European Union, and European members of NATO were meeting certain targets for assistance expenditures and provision of civilian police in Kosovo.

Specifically, the President would have to certify before July 15, 2000 that the Europeans have:

First, obligated or contracted at least thirty-three percent of the amount of the assistance that the aforementioned organizations and countries committed to provide for 1999 and 2000 for reconstruction in Kosovo;

Second, obligated or contracted for at least seventy-five percent of the amount of humanitarian assistance to which they committed for 1999 and 2000;

Third, provided at least seventy-five percent of the amount of assistance to which they committed for the Kosovo Consolidated Budget for 1999 and 2000; and

Fourth, deployed at least seventy-five percent of the number of police, including special police, which they pledged to the United Nations international police force for Kosovo.

Mr. President, because the United States carried the vast majority of the military burden in last year's air campaign against Yugoslavia, it is now the Europeans' turn to provide most of the peacekeepers and the reconstruction money to win the peace in Kosovo.

Our allies agree with this formulation. Furthermore, Mr. President, this is precisely what has already happened, and continues to happen.

Finally—after decades of criticizing and cajoling—we finally have before us an example of successful burden sharing in NATO and the United Nations.

What is the share of the burden that our NATO allies and other countries are currently bearing?

The European Commission has already responded to this proposed legislation by providing a considerable amount of data on assistance programs that it administers. These data show that the European Union meets or surpasses the criteria of the legislation.

Regarding individual countries, the European Commission is in the process of collecting data from the fifteen members states of the European Union, each of which has unique budgeting procedures and fiscal years.

Utilizing data from the United Nations, however, we can already see that, in the aggregate, our European partners are providing the majority of assistance to Kosovo.

If we look at troop strength, our NATO allies have 40,000 troops on the ground in Kosovo. We have 5,600. That is, the United States is providing only thirteen percent of KFOR's troop strength.

If we look at the UNMIK Consolidated Budget, the Europeans and others are right now funding about eighty-seven percent of that. Our part, again, comprises only thirteen percent of the total. So the benchmark laid out in Section 2410 has already been exceeded.

How about the International Police? They are civilian police officers, sent from U.N. member states all over the world, to relieve KFOR troops of non-military, law-and-order functions in Kosovo. That is the plan. We all support it.

Fully eighty-eight percent of the pledges for civilian police for Kosovo have come from outside the U.S., and eighty-seven percent of all police officers pledged have already been deployed.

Now let's look at Reconstruction Funding. Concerning Europe's financial contributions to the reconstruction of

Kosovo, Section 2410 focuses on the speed with which it delivers its assistance. When the United States commits funding for large-scale reconstruction initiatives, sometimes the U.S. itself does not hit the benchmark set here—thirty-three percent obligated or contracted—for a year or two.

Last, let's look at Humanitarian Relief. In the spring of this year, the United Nations High Commissioner for Refugees announced that humanitarian disaster in Kosovo had been averted. The much-feared winter had come and gone. It was time for the international community to switch from a relief role to a reconstruction role.

Nevertheless, Section 2410 insists that the Europeans continue to funnel money into humanitarian relief, when the need is no longer pressing. This is counterproductive micro-managing from thousands of miles away.

Mr. President, the United States is not paying a disproportionate price in the international effort to secure the peace in Kosovo—not in terms of the number of peacekeeping troops, not in terms of the number of civilian police, not in terms of reconstruction and humanitarian aid.

Mr. President, Section 2410 also is inconsistent. It is really a ''heads I win, tails you lose!'' for the Europeans.

The benchmarks in the first part of Section 2410 demand that the Europeans pay more and/or faster and supply the bulk of the troops and police in Kosovo. In the second part, though, the Congress mandates—irrespective of the Europeans' performance on the benchmarks—the enactment of a joint resolution to authorize the continued deployment of U.S. ground combat troops. The message to Europe boils down to this: pay first, and then we'll see.

Aside from these internal contradictions in the legislation, Section 2410 would do serious harm to our geopolitical interests, not only in the Balkans, but in all of Europe. If the mandated burdensharing could not be certified in every detail, the legislation would have one hundred percent of ground troops in Kosovo supplied by NATO allies and other non-American powers, leaving our contribution at zero with one exception: KFOR would remain under the ultimate control of the Supreme Allied Commander Europe, U.S. General Joseph Ralston. That would be quite a deal for us, but one which I doubt that our allies would support for long.

We all know that there are elements in NATO who argue for the need for Europe to have its own ''army,'' independent of NATO. To date, the outline of the European Security and Defense Policy, or ESDP as it is called, has conformed to our wishes. It would only go into action if the alliance as a whole chose not to be involved.

If the U.S. Congress were to compel the President of the United States to unilaterally withdraw all U.S. combat troops from the NATO force in Kosovo, you can rest assured that the Europeans would get the message that the ESDP is the wave of the future, not NATO. I can hear the grumbling all over Western Europe: ''The French are right. We'd better have our own army, because we can't count on the U.S. in NATO any more.''

Do we really want this happen? I don't think so.

Irrespective of these considerations, I would ask the authors of this section whether they really want to allow American military decisions to be made by other countries, in this case the Europeans? That would be an abdication of responsibility that should horrify any Member of this chamber.

Finally, Mr. President, let us consider the dynamic that Section 2410 would set in motion. First of all, let's consider what it would mean in Serbia and Kosovo, on the ground. Make no mistake about it: the result of this bill, unless Section 2410 is eliminated, will be a U.S. withdrawal from Kosovo. What Milosevic could not win on the battlefield, he would be handed by Congressional trepidation.

If the indicted war criminal Milosevic knew that the U.S. Congress was serious about abandoning Kosovo, his temptation to make mischief there would be dramatically increased.

If percentage point differences in contributions made at conference tables would be enough to force the U.S. military out of Kosovo, then imagine what would be the effect of a few U.S. soldiers wounded or killed by Serbian commandos!

Moreover, consideration of this amendment comes at a time of increasing weakness of Milosevic.

Last night his goons occupied television station Studio B and independent radio station B2–92, and padlocked the doors of other independent media offices.

An opposition leader declared that Milosevic's government had ''imposed an informal state of emergency.''

Is this the time that we want to give Milosevic even the slightest bit of comfort?

Does the U.S. military support Section 2410? No. Secretary of Defense Cohen has said so, directly to its authors. Those who might support the amendment in the alleged interest of staving off the ''hollowing out'' of our military readiness should ask of the Department of Defense: is Section 2410 a good idea for the U.S. military overall?

The answer is an unambiguous ''no!'' It would harm—not help—the readiness of our armed forces for the rest of this fiscal year. If the President were unable to certify the meeting of the benchmarks, most of the supplemental funding for the Department of Defense would be unavailable. That would, therefore, mean that the Military Services' accounts for maintenance and operation would not be replenished, since they are currently being used to cover essential costs in Kosovo.

More broadly, the simple fact is that establishing security in the Balkans is squarely in the national interest of the United States. This country has a web of economic, political, security, cultural, and human ties to Europe that is unmatched with any other part of the world. Thanks to the patient, sustained, bipartisan policy of stationing millions of American troops in Western Europe for more than a half-century and through our nuclear guarantee, the western half of the continent was able to democratize, heal old wounds, and eventually prosper.

But, Mr. President, the stability of Western Europe would be severely threatened if war were to re-erupt in the Balkans—as it surely would if Western forces would withdraw. A study by the General Accounting Office released yesterday made that clear.

Last year we got a taste of the massive refugee flows that war would unleash. And some of those refugees would wind up in Western Europe—in fact, many already have.

Mr. President, the United States is the unquestioned leader of NATO, and I believe it must remain the unquestioned leader. I do not think that a leader can lead from the sidelines. To restrict our future participation in KFOR, or SFOR, to providing logistical and intelligence support would indicate to our allies that we were beginning a more general withdrawal from the continent. The symbolism would be unmistakable.

Incidentally, who would try to fill the vacuum left by the departure of American troops from Kosovo?

I urge my colleagues to recall that the Russians desperately wanted their own sector of Kosovo last summer. My guess is that they would have their hand up in an instant to volunteer to replace us.

I do not want this legislation to be the first step in reversing the most successful element in American foreign policy in the last fifty-five years.

Mr. President, Section 2410 is an idea whose time not only has not yet come—it is an idea whose time, I fervently hope, will never come.

We won the war last year, and now our allies are carrying the lion's share of the burden of winning the peace. We are on the right track. To rashly withdraw would invite further aggression by the Serbian dictator and gravely undermine the North Atlantic Alliance, the lynchpin of our trans-Atlantic ties.

Instead of pursuing this self-destructive course, I urge my colleagues to consider the approach taken by my friend from Ohio, Senator VOINOVICH. His resolution, S.Res. 272, which advocates a coherent strategy for furthering American interests in the Balkans, was passed overwhelmingly by the Foreign Relations Committee last month. It was passed by the full Senate just two weeks ago, on May second.

The Voinovich resolution advocates continued involvement in Kosovo and elsewhere in the Balkans, not the precipitous disengagement called for in

Section 2410. It expresses the sense of the Senate that the United States should remain actively engaged in southeastern Europe, continue to oppose Slobodan Milosevic, support the democratic opposition in Serbia, and fully implement the Stability Pact.

This is the course the United States is currently taking, and this is the course we should pursue with renewed vigor in the future.

It will not be an easy struggle; nothing worth accomplishing ever is.

We will not achieve lasting stability in the Balkans overnight—certainly we cannot expect to have achieved it less than a year after the end of the air war.

But rashly to conclude that we should no longer be part of the solution would be totally out of character for the United States of America.

We are the leader of NATO. We are the indispensable factor in the European security architecture.

We dare not sacrifice this position out of momentary frustration and impatience.

So, let's get this straight.

If you believe that stability in the Balkans is not important to the U.S. and our own naked national interest, then vote with my good friends Senators BYRD and WARNER.

But, if you think, as I do, that it is virtually impossible to have chaos in the Balkans, affecting, if not engulfing, the likes of Bosnia-Herzegovina, Montenegro, Macedonia, Albania, Romania, Bulgaria, even Greece and Turkey, while simultaneously maintaining stability in the rest of Europe, and at the same time developing a mature relationship with the countries of the former Soviet Union—then, to paraphrase Thomas Jefferson, who said ''If you expect to be both ignorant and free, you are expecting what never was and never will be,'' I say that if you are expecting chaos in the Balkans and stability in the rest of Europe, you are expecting what never was and never will be.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, may I say to my friend from Delaware, I have a great deal of respect for him. He has had long experience on the Foreign Relations Committee. And he is my friend. I just have to differ with him on this occasion.

Mr. BIDEN. I respect that.

Mr. BYRD. He asked a question, Why don't we vote now? I have the answer to that. It would be irresponsible to vote now to take the troops out. My colleague, Senator WARNER, and I are not saying take the troops out. We are not saying we should withdraw the troops. Certainly, we would not say vote now to take the troops out. That would be very irresponsible.

What we are trying to do is establish an orderly procedure, over a period of more than a year from now, at which time the President, the new President, be it Mr. GORE or be it Mr. Bush, can come to the Congress and ask for authorization to continue the deployment of American troops, if he can make the case, if there is justification for it.

There are those of us in the Senate today who are supporting this amendment who, if that case is made, if a good case is made, a persuasive case is made—I do not assume I would vote against it. I might vote for it. But we are trying to lay down an orderly process whereby there will be plenty of time.

What we are trying to do is take back the authorities of the Congress which have been usurped by the administration. We have slept on our rights. I do not blame the administration; I blame the Congress. We have slept on our rights. So we are not saying take the troops out. But we do think it would be the wrong thing to attempt to vote to take the troops out now. We don't say that. We do not even say take the troops out, period. We are saying let the next President justify the case for leaving them in after a certain date, if that be the circumstance.

Mr. President, it has become startlingly clear over the past several days that the Clinton administration fiercely opposes the Byrd-Warner Amendment. Why does the administration fiercely oppose this amendment? The amendment does not mandate the withdrawal of U.S. ground combat troops from Kosovo. The amendment does not micromanage the Pentagon or the State Department. What is the administration afraid of? The intent of the Byrd-Warner Amendment is to restore congressional oversight to the Kosovo peacekeeping operation. Congress should have taken this step long ago, but by not doing so, Congress has allowed, by its own inaction, the administration to usurp the Constitutional authority of Congress in this matter.

The administration would much prefer that Congress not interfere at this late date with the continued usurpation of Congress' Constitutional prerogative and authority. No, the administration would much prefer Congress to keep quiet, roll over, play dead, or pretend to play dead, while the administration continues to do whatever it wants to do in Kosovo, run up the costs of the operation, prepare for a long-term stay there, and then send the bills to Congress for payment.

The position of the administration has been articulated most fervently by General Wesley Clark, the former Supreme Allied Commander of NATO troops in Europe. In a letter to Senator LEVIN, and in several meetings with Senators this week, General Clark repeatedly made the argument that the Byrd-Warner amendment would undermine the confidence that our European allies place in the U.S. commitment to NATO. Ha-ha, listen to that. How ridiculous that the Byrd-Warner amendment would undermine the confidence that our European allies place in the U.S. commitment to NATO. In less than two weeks, we will celebrate Memorial Day. We will remember, and honor, the 4,743,826 men who served in World War I. We will mark the loss of the 53,513 men who lost their lives in battle during that war, and the 63,195 uniformed men who also died, though not in battle. We will honor the 204,002 men who were wounded in that conflict, whose blood was spilled in those muddy trenches and across those snowy hills.

We will also pay tribute to the 16,353,659 men who put on a uniform and served during World War II, a conflict that also started in Europe. Some 292,131 of those 16 million men died—died in battle during that bloody war, and another 115,185 died while serving in that war. Another 671,876 were wounded in all theaters. American blood has soaked European ground—the ground cries out—and saved European lives. Then to say that the passage of this amendment would cause the Europeans to lose trust in the Americans—how silly, how perfectly ridiculous that that would be said.

That is the U.S. commitment to NATO, and to our European allies. Our commitment lies under European sod, under poppy-covered fields marked with endless rows of white crosses. Our blood is our bond. What more cane they ask? It is preposterous for General Clark or the administration to suggest that the Byrd-Warner amendment could undermine that bond. How silly, how utterly ridiculous.

Asking our European allies to meet their commitments in Kosovo, while we continue to shoulder the burden of intelligence collection, transportation, and other critical support roles for which we are uniquely equipped, is not walking away from NATO. It is not walking away from Europe. The Byrd-Warner amendment assumes that the administration can come up with a supportable case for continued U.S. involvement in Kosovo if necessary. It might be Mr. GORE. It might be Mr. Bush. But we assume that they can come up with a justifiable case if they think they have a case.

The Byrd-Warner amendment does not assume that the United States will withdraw from Kosovo. We do not assume that at all. That is simply the logical conclusion of but one path this debate might take. The other path is that the administration will present, and defend, a plan—whatever administration it is—by next year for continued U.S. involvement in Kosovo that the Congress and the American people can support. We assume they can. But let them do it. Then our troops, our military establishment, our allies, and others in the region, will understand the depth of support for this mission in the United States.

One of the primary aims of the Byrd-Warner provision is to get the administration and the next administration, be

it Democratic or Republican, to focus on a policy.

I have asked this administration for an exit strategy. I cannot get an answer. I have asked for a rough estimate, within 2 years, of how long we expect ground troops to remain in Kosovo. I cannot get an answer. I have asked this administration for an estimate of the ultimate cost of this operation to the American taxpayer. I cannot get an answer.

As far as I can tell, we are on mission ''Ad Hoc'' in Kosovo, with nobody in the entire executive branch in Washington or elsewhere, able to give this Senator and the American people answers to the most basic questions regarding the scope, costs or foreseeable end of the mission.

I cannot even get anyone to tell me how we will know when it is time to leave? How will we know when it is time to leave?

Talk about open ended commitments! This endeavor does not even have walls, much less ceilings or floors.

Now we are being told by the Office of Management and Budget that the administration cannot provide assurances that the certification of allied effort required by the Byrd-Warner amendment will be met by the due date of July 15. The problem? I quote from the statement of administration policy. Here is the problem: ''mechanical formulas and recordkeeping technicalities.'' I realize that this administration has had its share of recordkeeping problems, but I find it difficult to believe they cannot do the simple arithmetic—the old math or the new math—this provision requires.

The administration itself acknowledges that the allies are already exceeding their commitments for humanitarian assistance and for the Kosovo consolidated budget. Further, according to the administration's reckoning, the allies have already deployed 63 percent of the civilian police that they have promised. No, they have not yet met the 75 percent benchmark, but Spain is expected to deploy 115 additional police in June, and great Britain recently announced that it will deploy an additional 57 police by the end of May, which would boost the total to over 75 percent.

Given the allies' poor track record in the area, I think we should hold their feet to the fire on the 75 percent standard. It is achievable. If the allies balk at coming up with 158 additional policemen, Congress and the American people should know and should know the reason why. And we should know the reason before we pay out the final installment of the $2 billion in military costs funded in this bill that the U.S. has incurred in Kosovo this year.

The administration also contends that the allies will not be able to come up with 33 percent of their promised reconstruction assistance. The changes that we intend to make to this provision—Senator STEVENS and I confer if we are not allowed to make them on the floor—will take care of that problem. We will drop that requirement to 25 percent. According to the National Security Council, which apparently can do the arithmetic, the allies are currently at 23.1 percent. I have every confidence that they can come up with the remaining 1.9 percent by July 15. Mr. President, the purpose of including the certification benchmarks in this provision was to give the United States leverage to demand that our allies live up to their commitments. Our intention is for these requirements to be used as a prod, not a battering ram. We want the allies to meet these requirements. But if for some reason they cannot, we have included a safety valve—a vote under expedited procedures to release the money being held in reserve to continue the deployment of U.S. forces in Kosovo. It is not now, nor was it ever, the intention of Senator WARNER or me to force a withdrawal of U.S. troops from Kosovo in July.

Our intention is very simple: To do right by the Constitution, to do right by the American people, and to do right by the men and women in uniform that we send into harm's way in operations like the one in Kosovo.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, will the distinguished Senator from West Virginia engage in a colloquy with me because I am very interested in his remarks. I have the highest respect for his efforts in this body, and I listened closely to what he had to say.

I believe there has been a lot of misunderstanding or misinterpretation or misinformation about what is in this legislation. Perhaps this was not the best place to put this language, but certainly the timing is propitious. This issue is upon us.

Senator BYRD and Senator STEVENS, two of the most respected Senators in this body and senior members on the Appropriations Committee—Senator STEVENS is obviously very much interested in the condition of our military troops, what they are doing, and where they are, and the same is true with Senator BYRD. Maybe it is an oversimplification, but as I understand it, the Byrd-Warner language will really do two things: One, say the President should certify to the Congress by this summer—the exact day is July 15?

Mr. BYRD. We can adjust that date.

Mr. LOTT. By a reasonable date this summer that our allies are fulfilling their commitments, one. And two, that by July 1 or October 1 of next year, the Congress would have to authorize the continuation of ground combat troops in Kosovo; is that basically it?

Mr. BYRD. That is correct. We would continue our air support, our logistical support, and our intelligence support. We would merely withdraw the ground troops, but we would only withdraw them in the event the President did not ask for authorization to continue the deployment, and in the event he asked and Congress voted no. Otherwise, they will be there.

Mr. LOTT. Mr. President, if the Senator will allow me to ask another question——

Mr. BYRD. May I say further, what is wrong with that?

Mr. LOTT. I do not think there is anything wrong with that.

Mr. BYRD. What is wrong with that?

Mr. LOTT. I am going to support it.

Mr. BYRD. I am not directing the question to the majority leader. What is wrong with that? We would expect the President, Republican or Democrat, to come up here to make his case if he wants to continue, if he believes there is justification to continue the deployment. He should come here. That is what we want. We want the administration to come here and request authorization and to justify that authorization. If he does that, Congress then will vote up or down. What is wrong with that?

Mr. REID. Will the leader yield just so we keep things in order? It is my understanding he is taking time allotted to Senator ROBERTS.

Mr. LOTT. I believe Senator BYRD's time has expired. I ask to use the time designated for Senator ROBERTS.

The PRESIDING OFFICER. The time is being so charged.

Mr. LOTT. I know Senator HOLLINGS is wishing to speak on this. I do not intend to use the full time, but we have an expert on this subject.

Mr. REID. Pardon the interruption, I wanted to make sure people understood.

Mr. LOTT. For the people watching, you have made the point, and I have made the point, that what this requires is for Congress to do its job to fulfill our responsibility, that while the President clearly has a role—this is not aimed as a criticism of this President or as a halter on the next President—it is for the Congress, for the Senate to step up to its responsibilities.

I believe the responsibilities you have cited are constitutional. I also believe we have the War Powers Act on the books.

Would the Senator take a moment to talk about those constitutional and other legal requirements that suggest we should act in this area?

Mr. BYRD. Mr. President, I know that the distinguished Senator from South Carolina badly needs to make another appointment.

May I say to the distinguished majority leader that I intend, in my speech tomorrow, to lay out in full the constitutional requirements. I intend to respond to his question at that time.

Mr. LOTT. Mr. President, I will just take a few minutes to say that I thought a good bit about this issue—both Kosovo and the Byrd-Warner language. I have not been quick to make a final judgment or to make comments, but I have concluded that this is the right thing to do. I want to emphasize, again, I say that knowing full well that the President has problems with it. I

think they are overreacting to what is in this language.

Mr. BYRD. They are hysterical.

Mr. LOTT. Now our candidate for the nomination, our presumptive nominee, has said he is concerned about Presidential prerogatives. I understand. All Presidential candidates and Presidents worry about that.

But we have a responsibility here, too. What about the prerogatives, what about the responsibility of the Congress? I think the American people want to know what is going on. They are unaware, really, of what is going on and not asking about it. They are not really aware of the commitment we have there. They don't really know that perhaps our allies are not fulfilling their commitments. They have not done it in terms of personnel or money. And why is because they do not have to. They know Uncle Sam will take care of this problem.

I had occasion to meet with the President of one of our ally countries. I said: Why aren't you fulfilling your commitment? Why don't you do more? Why don't you do what you said you were going to do? Only after a brief silence, he said: You are the world leader. You are the only surviving power. It is your responsibility.

That is kind of the attitude, frankly, of some of our allies—yes, you are the big guy. You have to take care of it. Yes, it is in our backyard. This is supposed to be a peacekeeping initiative. But you will handle it. We don't have to do that.

In their defense, to be honest, I think because of Senator WARNER's efforts, and others, because of complaints I made to some of our allies, they are beginning to do a better job.

I believe the President will be able to meet this certification. But I think it is important that our allies in NATO do what they say they were going to do. I am hesitant for us to even reduce the requirements of what they should have to do.

But I tell you what is really bothering me. We wonder, how long are we going to stay there? We have been in some parts of the world for 50 years. We have been sending troops now to every little place imaginable around the world. There is no end in sight in Bosnia; no end in sight in Kosovo; no plan, no end game. We do not know what is going to be the final outcome. We are just there. Then each year this administration, and the next administration—Democrat or Republican—will show up and say: Sorry, we had this problem. We had to spend the money. We spent $1 billion. We spent $1.5 billion in Kosovo, not to mention what we are spending in Bosnia. We had to take it out of other defense accounts, O&M, operation and maintenance—very important things—and now you have to give us the money, because if you don't give us the money, then we are not going to be supporting our troops.

Then we are in a bind, without any real accountability, without having input, without voting to authorize it, without knowing what the end game is—without anything. Then we just ante up the money. You are not talking chicken feed. You are talking a lot of money. We have to stop that.

I noted what Senator BYRD said. And I would say, for myself, when the vote comes to authorize it, I think we would be hard pressed not to authorize keeping troops there. Certainly we would be for the support of troops.

But if the case was made, if we knew what we were getting into, we knew how much it was going to cost, how long it was going to last, I think that a persuasive case would be made. And I have not made up my mind how I would vote. I want to see what it is.

But that is not where we are now. People are saying: You are taking action now. You are going to have these difficult problems on your hands next year. That is one of the reasons why I want to deal with it now. I want us to make sure everybody understands we have to have an accounting; we have to have a plan.

We cannot put our men, our women, our ships, our planes in every corner of this world indefinitely with no plan. We are still dealing with Iraq. We probably had sorties today. We probably bombed somebody, while we are counting on them to produce 700 million barrels of oil for us, I guess it is. The hypocrisy of it bothers me, too.

I know it is expected that the majority leader of the Senate would automatically just say: No, we can't have this out of the Appropriations Committee. We don't want to tie the hands of the next President. It could be a President from your party.

That really offends me. This is bigger than that. I believe some of the comments that have been made questions the integrity, the patriotism of the sponsors of this legislation. I think that is totally inappropriate. They would not do that.

So as for myself, unless there is something dramatic that changes, I plan to support this language. I urge my colleagues to take a look at what is really in it. Do not be misguided by incorrect information that is being put out there. Ask yourself: Are you satisfied with the situation in Kosovo? I think the answer is no.

So I thank the two sponsors of this legislation. I hope the language stays in the bill.

Mr. WARNER. Mr. President, I ask the distinguished leader, who came to this body following an earlier distinguished career in the House, is he aware of the overwhelming vote in the House today for basically the principles that are incorporated in the Byrd-Warner amendment? The vote was 264 to 140-some, something along in there.

I think that is a clear indication that the people in the United States of America want, first, participation by the coequal branch, i.e., the Congress; and, secondly, for us to address this matter in a responsible way before we shovel out $2 billion more for this type of operation.

Mr. LOTT. I certainly agree. I have found, as I have gone to my own State and other States, that when people find out what we are doing there—the commitment we have there in terms of the facilities and the troops involved, and how much it is costing; and the fact that we have never voted to authorize; we do not know where we are headed, how long it is going to take, how much it is going to cost, what the plan is—they are horrified. They basically look at me—and I can see it in their eyes—and they are thinking: What are you going to do about it?

It is our responsibility.

Mr. WARNER. That is right.

Mr. President, their voices, the people's voices, were heard through this House vote today.

Mr. LOTT. Right. I agree.

Mr. WARNER. I thank our distinguished leader for his support. I thank our dear colleague from West Virginia who, year after year after year, comes to this floor and reminds the Senate of its responsibilities in foreign affairs. This is precisely what is before us in this vote.

Mr. BYRD. Right.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for up to 20 minutes.

Mr. HOLLINGS. Mr. President, I commend our distinguished chairman of the Armed Services Committee, Senator WARNER, and my distinguished leader, Senator BYRD of West Virginia, on this initiative.

You learn through experience. We had bitter experiences, as politicians, on the floor of the Senate during the war in Vietnam.

Someone tells me that the Senator from Arizona, Mr. MCCAIN, has taken exception to this particular amendment. I could only say to my distinguished colleague from Arizona that I feel very keenly, if I knew in 1966 what I know now about Vietnam, I could have saved or participated, let's say, in the saving of at least 40,000 of the 58,000 lives we lost.

It took McNamara, the Secretary of Defense, almost 25 years to admit it was a mistake. And the question arises in my mind as to how long it is going to take us to acknowledge that this, too, is a mistake. Mind you me, I am not for withdrawal. I think this is a deliberate initiative, well considered, and deserves strong support. Otherwise, I am 100 percent for the troops wherever they are.

The record will show that the last $500 million that had to be appropriated at the request of a general for Vietnam was made on the motion from the Senator from South Carolina. But I visited with those troops. I have seen, in a very short period, certain disturbing things in Kosovo. And to watch my friend, the Senator from Delaware,

dignify this mistake, and all the spurious arguments made, is almost amusing, in the sense that one of the things he says is ''to wish for a nation to be both ignorant and free, wishing for a nation that never was and never can be''—quoting Thomas Jefferson. He says if you look for Europe to be both Balkan and stable, it is wishing for something that never was and never can be.

I happen to agree, Mr. President. That is what disturbs the Senator from South Carolina with the positioning of troops who are there for battle and not as a police force. We are really ruining the morale of our troops in this kind of commitment, not following through. They were supposed to have been out in a year's period, gone from any kind of military deployment, and we were supposed to have had the substitution, of course, of the police force and the allies. It is a very weak alliance that has not put up the money. The chaos grows by day and the danger is in the morning paper.

We have five sectors in Kosovo. You learn very quickly that the Russians are not supportive, and that is why we don't have the police force. You learn from the briefings that the Greeks are not for this particular deployment. The French, comme ci, comme ca. It is intimated even by the Senator from Delaware that they are not in support. I asked the Brits in London later about their withdrawal of a certain area and they said they were too stretched. But more ominously, you will find on page A–18 of the Washington Post this morning an article entitled ''Russia Strengthens Yugoslav Ties.'' It says:

At the end of the two-day visit in Moscow today, Yugoslav Foreign Minister Zivadin Jovanovic praised ''cooperation'' between the two countries. Russia granted Belgrade a $102 million loan and announced the sale of $32 million worth of oil to Yugoslavia. The loan comes at a time when the International Monetary Fund, whose activities are underwritten by U.S. taxpayers, is considering resumption of loans to Russia.

. . . Putin's policy is consistent with Russian sentiment toward Yugoslavia. Moscow opposed the war, considered the NATO bombing campaign illegal because it was initiated without the specific approval of the Security Council, where Russia holds a veto. Moscow views the war crimes accusations against Belgrade as politically motivated.

That is what the distinguished Senator from Delaware was trying to dignify. They called it the fifth column in the war with Spain. We have fifth columns, as I can see it, militarily deployed in three sectors. Russian troops take a man from Moscow, and while we can't get our own weak alliance to respond and come up with a police force to keep law and order, we find Russians can get hundreds of millions of dollars here to support Milosevic. This is a good deployment? I see a mistake. I will never forget there was a mistake in diplomacy. There isn't any question about it. I will never forget. I will quote what our friend, Henry Kissinger, said:

Rambouillet was not a negotiation—as is often claimed—but an ultimatum. This marked an astounding departure for an administration that had entered office proclaiming its devotion to the U.N. Charter and multilateral procedures.

I could read further, but there is no question that what we have is not statecraft, but a mistake in a military plan. There isn't any question that they don't want to admit it publicly, but the Secretary of State thought Milosevic would cry uncle in 3 days. We didn't have any military plan to take over. In order to try to backstop some kind of support and say this is serious, and it is not a mistake—''ethnic cleansing, ethnic cleansing, ethnic cleansing''—they tried to equate this with the holocaust. Come, come. We got briefed at the time. There were 100,000 Albanians living peacefully in Belgrade, where Milosevic was also living. This wasn't ethnic cleansing in the sense of a holocaust—to find a person of a particular race or religion and eliminate them. They weren't getting along.

Thank heavens we didn't send Madeleine Albright to Northern Ireland; we sent Senator Mitchell. He knows that in order to get persons and populations with differences together, it takes long, hard work, and no ultimatum. If we had sent the Secretary of State, she would have said you either agree to do this by 12 o'clock tomorrow, or we are going to start bombing you. So we got caught without a military plan. There weren't any grand troops ready—even to come from Germany at the particular time.

Let's say Milosevic didn't like the majority group down in Kosovo. We had all kinds of briefings to the effect that the differences were exacerbating, as they say, and what happened was they would kill a Serb police on the corner and then Milosevic would come and burn out the entire block, and that kind of thing. But when we started the bombing, we declared this a war zone. Brother, when you have a war zone, you have a right, title, and interest to clear the enemy.

So immediately Milosevic went to work, and that is what led to the million refugees spilling over the borders into Albania, Macedonia, into Montenegro, and anywhere they could. That was another mistake. There was a mistake, of course, when they called this a ''peacekeeping'' because there wasn't any peace agreement.

The brass in Kosovo, including the four-star general, General Shelton told me what happened. The Joint Chiefs resent me saying this, but what happened is that both sides ran out of targets. Milosevic had already cleared the area on the one hand, and we had run out of targets down in Kosovo. So we have peacekeeping troops there when there is no peace agreement. What happens? All we have to refer to is what others have said, not just what I saw. What I saw was highly disturbing—our American military deployed and a hunkered down containment.

They took us to a little town with a population of about 67,000 people. We were in the city. But we were guarding a block with Serbs, including a few families there. We had a GI at one end, a GI at the other end, and one GI in the middle to take them to the shopping market. They had that many more Serbs. So they took convoys of them up to Belgrade to shop. Is this peacekeeping?

The columnist said:

The war has done nothing to bring the two sides together. On the contrary, it has intensified ancient animosities.

What do they say in the Washington Post? Michael Kelly says:

How safe is Kosovo, how secure? Safer and more secure than it was a year ago, but still, in any real terms, not safe, not secure and becoming less so all the time.

Human rights abuses and serious crimes continue to be committed at an alarming rate, particularly against members of minority communities, with virtual immunity.

I was briefed to the effect that it was 95 percent Albanian.

Let me quote further:

Meanwhile, as predicted, members of the theoretically disbanded Kosovo Liberation Army have emerged as leaders of a criminal mobocracy that is the real power on the streets.

That is who is keeping the peace—the KLA, and mobocracy rules the streets.

What did the GAO say? This past weekend, they gave the report to the Armed Services Committee.

. . . little progress had been made toward creating peaceful, democratic governments committed to political and ethic reconciliation.

. . . the former warring parties largely retain their wartime goals.

We haven't achieved peace.

Quoting further:

. . . it also criticized the United Nations for failing to provide needed resources, particularly in Kosovo where an international police force has been slow to get off the ground.

''. . . an escalation of violent incidents or armed conflict'' over the next five years, not just in Bosnia and Kosovo, but also in Macedonia and in the two remaining republics of the former Yugoslavia, Montenegro as well as Serbia.

We deployed American GIs in the middle of that mess, and they don't want to even discuss it. They don't want to bring it to a head. Senator WARNER and Senator BYRD want to bring it to a head.

Let's develop some sort of policy because we have a nonpolicy situation.

We have no real support from the allies, as I pointed out. The main thing is that the Russians are all deployed all around and are giving support to Milosevic. Of course, Milosevic is strengthened in Europe.

We heard from General Clark about how the Europeans felt so safe—not at all.

They had a very interesting story in Time magazine a month ago whereby Vaclav Havel had befriended his former Czech native, Secretary Albright, our Secretary of State. He wished for her to succeed him as the President of the Czech Republic. The only problem is

that 75 percent of the people in the Czech Republic are opposed to ''Madeleine's War.''

This has been a mistake—in diplomacy, in military deployment, in peacekeeping, in getting up the support, and everything else. It hurts the Fed's policy. It hurts foreign policy.

We have a group going to Moscow at the end of this month that will probably call on President Putin. I don't have the unmitigated gall to mention to President Putin about Chechnya. ''Here, here,'' he would say, ''Senator, your country invaded the sovereign country of Yugoslavia and Kosovo without a United Nations resolution, and on your own you just took over and started bombing because they wouldn't agree, and you are asking us about Chechnya?'' What kind of foreign policy do we have?

What kind of Kosovo policy do we have? What kind of military policy do we have? When are we going to admit that this is a mistake.

Secretary Albright says we are going to rebuild the infrastructure, and after we get the churches, the roads, the airports, the schools, and the hospitals reconstructed, and the industries, people will go to work, and they will hug and love each other.

Well, we have had 30 years of that in Ireland. From the time I met Martin Agronsky in a restaurant, as he came out after a 3-week visit in London, he said they would never get together for 30 years. And he was right. I have been to Northern Ireland. They have the hospitals, the roads, the airports, and the infrastructure, and they are not hugging and loving yet.

Apparently, according to the Senator from Delaware, a stable Europe or a stable Balkans was never and never will be.

I don't think this is the proper military deployment. We have to bring this to a head and acknowledge the mistake we made, and do the best we can. The best we can is to follow the Warner-Byrd resolution whereby we have the people behind us.

I will make one political comment. Governor Bush wandered aimlessly into this debate yesterday. If I were the President of the United States, I would never want troops committed in a deliberate fashion as these were without the support of the American Congress, the American people, and the Senate.

I would not want them to give me a basket case, if I were elected President. But I would want, by gosh, some requirement that we look at it in an objective fashion, and consider my military, my foreign policy advisers, and look at what was on the ground to see if it was worsening, as it is today.

We keep saying we are going to get rid of Saddam Hussein, Milosevic is going to fall, and Castro is going to disappear. When will we ever learn?

The Warner-Byrd resolution helps us to begin to learn so we can actually discuss this in an intelligent fashion.

The arrogance of America came out markedly in the comments of the Senator from Delaware—that were it not for Americans none of this could happen; not at all. I hope they get a European defense force. I hope they take over.

I voted in 1971, before the Senator from Delaware came here, to cut the troops in Germany back to 5,000. That was the Mansfield amendment.

Let's not say we are responsible for everything and anywhere, and that it only can happen with us.

I think they are going to have to take over. I think when they take over it will be dealt with properly.

I, again, thank the Senator from Virginia and the Senator from West Virginia.

I yield the floor.

Mr. WARNER. Mr. President, while our distinguished colleague is here, and on my time, I would like to say that he has followed this matter for some time. He was on the Appropriations Committee at the time this amendment was voted into the bill. My recollection is that 23 Senators voted to put it in. Am I not correct?

Mr. HOLLINGS. That is exactly right; overwhelming majority.

Mr. WARNER. Three opposed and two abstained.

Mr. HOLLINGS. That is correct.

Mr. WARNER. Showing that the full committee of the Senate appropriations gave overwhelming support to this amendment.

Mr. HOLLINGS. That is right, though we are really debating the amendment of the Senator from Virginia. We knew, and we could see it. We went into the different parts of that debate. To get down to all of these extraneous things my friend from Delaware brings out is not the point at all. We are not trying to send a message to Milosevic. We are trying to send a message to ourselves; to our policy; send a message to the GIs out there that is not willy-nilly. General Clark said only yesterday that it could be 5 years. Come on.

Does he think we will keep America's GIs out there in Kosovo 5 years?

Mr. WARNER. That is precisely why, when I visited the region in January of this year—I try to go every 6 months or every several months. The officials told me, the U.N., the E.U., all of them said: Senator, if they just keep the money flowing and the police flowing, then eventually we can get some timetable for the withdrawal not only of U.S. forces but other military forces and turn it over to a civil society to operate itself with such security as needed along the borders.

We are not pulling out. We are 100 or so miles away for some of our troops in the NATO installations. The sky is not falling in.

The Senator raises a key point. For General Clark to come up and say, in effect, that if we take out just the U.S. combat troops—again, leaving 100,000 in NATO, just a short distance away—Milosevic would read that as a signal and come charging across the borders—what does that say to the other allies? There are 32 nations providing armed forces in the KFOR force of a total in excess of 40,000. It says ''You don't count.''

Mr. HOLLINGS. Exactly. And the timing of this, just when we were assuring Russia that NATO was a purely defensive force, we were admitting three new countries. We destroyed the overall policy. This was a mistake from the word go and they don't want to try to explain it; they are embarrassed to do so.

But the Senator and I can bring it to a head and we can develop a policy. They are running around politicking and traveling the world. But we have a serious commitment, and I don't want to have any GIs hunkered down there and afraid to walk on the streets, with the KLA in charge. Meanwhile, we are sitting back here thinking this is a wonderful commitment and America is keeping NATO together. No.

Mr. WARNER. Mr. President, I thank the Senator. We have got the attention of the Senate now. We have a debate that will last 10 hours, well into tonight and tomorrow.

Mr. HOLLINGS. I commend the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized for up to 30 minutes.

Mr. LEVIN. I yield my time to the Senator from Rhode Island.

Mr. WARNER. Mr. President, there is no need to yield. Following him, I think Senator HUTCHISON of Texas, and then the Senator and I will have a debate well into the evening, I expect.

Mr. LEVIN. I look forward to that.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Senator from Michigan for yielding his time.

First, there are no more respected and trusted Members of the Senate than Senator WARNER and Senator BYRD. When one approaches their amendment and their language with respect to Kosovo, it is with a position of both, as I mentioned, trust and respect.

However, after examining the amendment, I must disagree with their conclusion and the amendment. Let me also say by way of an aside, I certainly do support the underlying provisions of the military construction appropriations bill and I commend both Senator BURNS and Senator MURRAY for all their hard work.

As I indicated, I am concerned about the amendment offered by my colleagues, Senator BYRD and Senator WARNER. The Byrd-Warner amendment provides for several things. First, section 2410 of the bill would prohibit the expenditure of funds for the continued deployment of ground troops after July 1, 2001, unless the President seeks and secures congressional authorization to continue the deployment beyond that date.

This, I think, is one of the more central parts of their amendment. Essentially, it says our troops will come out by July 2001 unless the Congress acts affirmatively to keep them there.

There has been some discussion throughout this debate about senatorial prerogative and roles of the Senate in forging policy with respect to deployment of our troops. I don't believe this debate is ultimately about, or should be about, senatorial prerogatives. It is quite clear, given the power of the purse, we can compel the extraction of our forces by simply cutting off the funds. That principle is clear. What is at stake here is the consequences of such an action, whether such an action would inure to our benefit or whether it would be a costly error. I believe it would not inure to our benefit. I believe the consequences would be detrimental not only to our position in the world, our position in NATO, but ultimately to the position of our forces within Kosovo.

Let me suggest what I believe to be the consequences of the passage of this amendment. It would signal to those forces both within the Albanian Kosovars and the Serbian Kosovars that our commitment to staying in Kosovo is limited to a year. As a result, they will, for their own protection and also to advance their own particular plans after our departure, begin to rearm, begin to become much more provocative, begin to assault each other.

Frankly, given the imbalance of population and forces within Kosovo, it is more likely that the Albanian Kosovars will try to seek a final remedy by displacement of Serbians out of Kosovo before, in their view, the departure of the summit forces, which would likely be accompanied by significant reduction, or certainly a diminution, of the international commitment to Kosovo.

With this combination, we are creating a very destabilizing situation within Kosovo. That destabilized situation would, I think, jeopardize the safety of our forces there. As a result, we would have a situation where we were injecting the kind of uncertainty, the kind of instability, that would, I think, blow up in our faces in terms of our troops.

I mention what the Albanian Kosovars might do. I think Milosevic, being shrewd, clever, and unyielding, would seek to regain through this action what he lost on the battlefield, would continue to accelerate the introduction of his forces back into Kosovo in the guise of civilians; would begin, if he could, to circumvent embargoes on weapons to bring weapons in, setting the stage for violence, for acceleration of violence, which I think inevitably would touch our troops.

Finally, if one is sitting back and watching these developments from within Kosovo, and one is expecting a vote of this Congress with respect to whether our troops will stay or they will go, one might conclude or deduce, based upon recent history, that the quickest way to accelerate our departure is to harm our troops. That is one lesson, perhaps imprecise, but one lesson of Somalia. When American forces, with overwhelming firepower, confronted basically tribal forces armed with AK–47s and RPGs, we were staying the course until tragically we lost two helicopters and a number of Army rangers and Army personnel, and then quickly we were through. We don't know if that is the lesson the leadership in Kosovo would draw, but certainly it is plausible.

As a result, as we spin out these consequences, the requirement within this amendment to withdraw, unless there is congressional approval, sets in motion a chain of events which I think will not lead to stability, will not lead to an environment of peace and tranquility, or at least minimize violence, but could very well unwittingly, unconsciously—and certainly this is not the intent of anyone here particularly—lead to more violence, more instability, which perhaps would force us to withdraw for political reasons long before we could ever sit down and have a vote in this Senate and in the other body on whether we should continue our presence in Kosovo. Essentially, what we are doing here today, as I mentioned, is not charting the prerogatives of the Senate but trying to assess the consequences of what we will do, trying to look ahead and not to the rear. One could come here, and I think should come here, and question how we got into Kosovo, how we were consulted by the White House. Many of these questions are legitimate. Many of these questions have been raised many other times on this floor. But today we should be looking ahead. As we look ahead, I think the consequences of this act would be detrimental rather than helpful to our international position and to the safety of our forces on the ground.

There is a second provision, and that provision is to develop a plan to shift responsibility for providing ground forces to European nations by July 1, 2001. Again, I do not believe there is anyone in this body who would question the central role that Europe must play in securing the peace, not just in Kosovo but in the entire Balkans. So the plan for the organized shift of responsibilities is sensible. Certainly I approve of this. I do not think anyone disapproves of it.

There is a final proviso and that is withholding 25 percent of the fiscal year 2000 supplemental funds unless the White House certifies that European allies are paying their promised share of reconstruction and humanitarian assistance. Again, no one can question or argue that the Europeans should do more, should do their share. Whether or not this amendment would prompt them to do that is another question. But this is an element of the amendment that I believe certainly engenders the kind of debate, and we hope pressure, political and otherwise, that would require the Europeans to pay their share, to carry their load, to respond to a crisis that is in their backyard and not in our backyard.

All of these elements together—but most particularly the first element, the deadline for withdrawal if there is no approving vote by the Congress of the United States—are troubling and will, as I suggested, set in motion a series of events that could not only destabilize our position but force us to pull out, not in an organized way but in quite a disorganized way.

We all are concerned about what appears to be an open-ended commitment. I do not believe this is the way to respond to that concern. Perhaps there is no good way to respond to that concern. Perhaps the only way to do so is to begin to work with our allies so, on a programmed, planned basis, we can substitute additional U.S. forces with European forces. Perhaps it is by working with the United Nations to see that they back up their words with real resources, real dollars, so they can begin the reconstruction, and also to work with the European Community so they can do the same in terms of their commitments; also to begin to work with international groups, the United Nations and others, to develop the capacity to have available real police forces, not those who have been trained to patrol the reasonably serene streets of metropolitan areas in the United States and Canada and elsewhere, but those police forces that are trained for this type of almost paramilitary operation.

Those steps take time. But that is a way to address this issue of an open-ended commitment of our military forces. It is an issue we must address because, regardless of what we do with respect to Kosovo, we have similar challenges in East Timor and other places that require the same kind of international humanitarian and reconstructive aid, as well as international police forces.

There is another issue that emanates from this amendment, and that is the message we are sending to our allies about our participation in an international effort. We are in Kosovo because, not only are we a member of NATO, we are the leader of NATO. Our allies have joined us in this effort. This is not a unilateral American response to a problem. This is an international response with our allies through the mechanism of NATO. Indeed, I believe if we are signaling our response is weakening, that signal will be taken very badly by our allies in Europe and around the world.

We did an extraordinary job with our military forces, our air power, in securing our entry into Kosovo, the entry of NATO. It would seem to me to be turning away from that great military success at this juncture by our own action, essentially signaling to our NATO allies we are no longer prepared to assist

them in the efforts in Kosovo. I believe it would, in fact, trigger their parliaments to conduct the same types of debates we are conducting, and the same type of vote if this measure passes. And, as a result, the cohesion, the commitment—not just of the United States but of NATO and European forces—would be dissipated and, in fact, we would see perhaps the end of international involvement in Kosovo.

The other thing to recognize is that, of the 49,500 troops on the ground, 5,300 are American forces, about 10 percent of the total. This is not a disproportionately American-led operation today on the ground in Kosovo. Indeed, if you look at the U.N. international police forces in Kosovo, of the 1,900 police officers, 430 are Americans. In terms of reconstruction, we are scheduled to pay about 14 percent of the reconstruction, 20 percent of the humanitarian aid. These numbers are in line with a joint international effort not dominated by the United States, but our shared participation is vital to its success.

If we choose to make this judgment with respect to Kosovo, we also have to ask ourselves, reasonably: Will our participation elsewhere be questioned? What about our Australian allies who have shouldered a disproportionate burden in East Timor and have asked us repeatedly both for practical and political reasons to participate with them? Will they suddenly get nervous about our resolve there and curtail their activities in a country which desperately needs international support to make the transformation from a dependency, a captured territory, really, of Indonesia, to an independent country?

We can see many other places around the world where our resolve might be seriously questioned. So the ramifications of this vote are not just within the context of Kosovo. They would reach out across the globe literally to raise questions of our role in the world with respect to our allies and our adversaries.

Speaking of adversaries, one has to ask how would this be interpreted by Milosevic in Belgrade? I think he would see this as his salvation. After losing five wars in the Balkans, after seeing his country practically dismembered, after seeing his cities destroyed from the air, suddenly we would offer him the hope of some ultimate justification because, if we leave, the pressure on our allies to go also will be, perhaps, unstoppable. Also, if we leave, and if my worst fears come about that there is renewed interethnic violence between Serbs and Albanians within Kosovo, he will be able to stand in his figurative pulpit and claim that he is doing precisely what we did; that he is using his military forces to stop the ethnic cleansing of Kosovar Serbs by Kosovar Albanians, and that he is justified, morally and politically, on the same basis we were, to enter back into Kosovo with force, if necessary, to vindicate the same moral principles we claimed.

Would that not be a terrible irony in history? Yet that very well could happen. I believe Milosevic and his colleagues in Belgrade would embrace any slight weakening of our resolve.

The other aspect we have to look at, and it is one that is geared to all of us here but none more so than the sponsors of this amendment, is the status and the safety of our forces.

Again, one can always conjure up dangers, particularly when we have troops in as close contact as they are. The simple uncertainty of what we might do a year from now with respect to a vote would, I think, inject increased risks to our forces in the field. I do not think we should do that. I do not think it is necessary to do that.

We have heard from General Clark. He has been emphatic about his view that this course of action would not be wise or judicious. We have heard similarly from Secretary of Defense Cohen.

Our troops in the field already face a difficult task. They have combat power, but ultimately it is the resolve and the support of this Nation that stands behind them which is their greatest weapon.

They are in a very difficult and dangerous situation. They are in urban areas. Like so many of my colleagues, I traveled to Kosovo last July with Senator LEVIN, Senator SESSIONS, and Senator LANDRIEU. We traveled through Kosovo. It is and has been a violent land. It is a place where we saw as we went into Prizren, a town in the German sector, fires burning by renegades who are still trying to avenge themselves against the Serbs.

In that complicated area with cities, I do not think we want to unwittingly invite the hotheads, the terrorists, the ideologues to begin attacking our forces because that is not a place where our advantages militarily will come to the fore. In fact, we will be severely disadvantaged.

I hope we will reject this amendment. This is always very positive and productive because this body should be a place for debate and discussion. Senator WARNER and Senator BYRD have, once again, focused our attention on this issue in Kosovo, once again reminding us of how we got into the situation and also reminding us of our obligations to look ahead. In that sense, they have done a great service to this Senate, as they have done throughout their careers.

If we seize that challenge, if we look ahead, if we try to carefully measure the likely consequences, this amendment will not advance our cause, will not advance our position in the world, will not provide additional support and resolve to those forces within Kosovo that are seeking peace and reconciliation. It will, at best, create uncertainty and doubt which will generate, in my view, violence and, at worst, be a green light for those forces that want to finally eliminate their ethnic rivals or those forces that see this as an opportunity to, once again, get the upper hand on their ethnic rivals.

All these suggest we should reject this amendment and that we try, if we are concerned about the long-term status of our forces in that area, to work for an acceleration, as part of this amendment calls for, an acceleration of international assistance for reconstruction and humanitarian affairs, an acceleration of the deployment of police officers to absorb the responsibilities which now are being held by military forces, to accelerate our readiness for peacekeeping around the globe because we know, although we regret, there will be other situations such as this.

If we can do that based upon this debate, then we have accomplished a great deal, but I urge my colleagues to oppose these provisions and support Senator LEVIN's amendment to strike so we can send a message to our allies, to our soldiers, to our adversaries that we will stand behind our forces in Kosovo.

I thank the Chair. I yield back my remaining time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Rhode Island for his typically thoughtful comments. He has made a truly great contribution to this Senate. We spend a lot of time with him on the Senate Armed Services Committee. He has made an extraordinary contribution not only based on his own intellectual powers but on his own experience which is invaluable to us in the Senate. I thank him for his insightful comments.

Mr. WARNER. Mr. President, I agree with my distinguished colleague from Michigan. We do have a very valued member of our committee in this distinguished Senator from Rhode Island. It is interesting that he joined Senator Chafee, while that great Senator, that tower of strength, was here, and he was always so deferential and respectful to Senator Chafee. In his own right, he proudly graduated from West Point and served his hitch in the U.S. Army. He reminds me of that when we get excessive naval funds through our committee. We thank the Senator. While I may not agree with his conclusion, his participation on this committee and this matter is of great importance to us.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe Senator HUTCHISON wants to be heard at this point. I have no objection whatsoever to that, even though that is a change in the order of battle.

Mr. WARNER. Mr. President, I suggest to my colleague that he go ahead and initiate his remarks, if that is his desire. She is about to arrive. We can put in a short quorum call.

Mr. LEVIN. If we can put in a short quorum call.

Mr. WARNER. In that time, we can work on the time for the rest of the evening.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, the issue before this body tomorrow—at least the principal issue—will be whether we are going to set a deadline for the withdrawal of U.S. ground forces from Kosovo by the middle of next year. I will be coming back to that issue a little bit later in my remarks. But before we directly address that question, I would like to go back a bit in time and talk about how we got here and about NATO's air campaign.

That campaign was the correct response to Milosevic's brutal repression of the Kosovo population and was the correct response to Milosevic's effort to spread instability in the region.

Now that ethnic cleansing has been reversed, for the first time in the 20th century, NATO's peacekeeping mission was the right thing to do, to give the people of Kosovo a chance to live peaceful and productive lives. And NATO's peacekeeping mission is the right thing to continue, to give that chance to live a chance to flower.

We are at a crucial point with respect to Kosovo. Ten months into the NATO-led peacekeeping phase of the operation, there are some encouraging signs. There are not such encouraging signs, I am afraid, inside the Senate.

The first and most significant fact in Kosovo is that over one and a half million people have returned to their homes, homes from which they were driven, and they have returned either from abroad or from the woods.

Mass torture, rape, and looting were the substance of daily life in Kosovo just a year ago. There is still too much violence, but the contrast is stark. When the NATO-led Kosovo force, or KFOR, arrived in Kosovo in June of 1999, there was a weekly murder rate of about 50. It is now down to an average of five—still too high, but comparable to large cities in the developed world.

The discussion taking place within the international community is now how fast, how many, to where in Kosovo the Serbs and other minorities should return. There is still a long way to go in Kosovo before Kosovo is safe for all of its former residents, but progress is being made.

Dr. Bernard Kouchner, head of the U.N. mission in Kosovo, had it right when he said that ''Kosovo is emerging from 40 years of communism, 10 years of apartheid, and a year of ethnic cleansing, and that it is simply unrealistic to expect that a Switzerland would be created there in less than a year.''

Some who maintain that a deadline should be set now for the pull out of U.S. combat forces point to the fact that the United States flew over 70 percent of the missions in the air campaign. The argument is that it is now the Europeans' turn to bear the peacekeeping burden. Well, that is exactly what is happening. The European nations are providing over 80 percent of the peacekeeping troops for Kosovo, and the United States is providing about 15 percent of the troops. The Europeans have responsibility for four of the five peacekeeping sectors in Kosovo. The KFOR commander is presently a Spaniard. He was preceded by a Brit, and then preceded before that by a German. The Eurocorp, a multilateral command composed of Belgium, France, Germany, Luxembourg, and Spain, took over the KFOR headquarters function last month. Last week, NATO announced that an Italian would become the KFOR commander in October.

Moreover, the European nations, either as part of the European Union, or individually, have pledged to provide more than 75 percent of the financial contributions to Kosovo. Now, that brings us to the provision that is included in the military construction appropriations bill. This provision makes the decision now that U.S. ground forces will pull out of Kosovo after July of next year. That is the heart of the matter. It is a decision in this bill now that those ground forces will pull out of Kosovo in the middle of next year.

If we leave this language in the bill, Congress will be deciding to pull our ground forces out next July. We will have an opportunity later to reverse that decision if we change our minds. But unless Congress changes its mind, the decision is made. Nothing more needs to be done. It is a self-effectuating decision. If Congress does nothing, those troops—we would be deciding now—must come out in the middle of next year.

In another part of the language, it says that if the Europeans do not meet specified percentages of their pledges for financial assistance and police contributions, the withdrawal of our forces would start in August of this year, unless Congress enacts a joint resolution providing otherwise. But if Congress does nothing, the decision is made now. This is not left to a later decision of Congress. We would be deciding now that those troops must come out, if the Europeans do not meet very specified percentages of certain pledges for financial assistance.

I have been one that has criticized the Europeans for not delivering on those financial pledges—particularly for not providing more civilian police for Kosovo. I have joined our chairman, Senator WARNER, in criticizing the Europeans very publicly, very openly. We have talked to the foreign and defense ministers from Britain, France, and Germany, as well as the Ambassador of the European Union to the United States. I have publicly said it is a little more than hypocritical for the European Union to talk about grand plans for European security and defense identity at the same time they are not appropriately living up to their pledges of financial assistance and civilian police for Kosovo.

So I believe that we should be continuing to put pressure on the Europeans to live up to our commitments, and I think we ought to live up to our own commitments as well. I have a number of concerns with the Byrd-Warner language relative to the Europeans' commitments.

First, I don't agree with the consequences that would follow if the President is unable to certify that the Europeans are meeting their precise commitment; namely, in the absence of a majority vote of both Houses of Congress, our ground forces would automatically have to withdraw from a NATO-led peacekeeping operation. I don't object to voting on that issue, but I strongly believe that the proper way to use the power of the purse is to vote directly on whether or not to cut off funding. That is what we did in Somalia in 1993 with the Byrd amendment, and in 1994 with the Defense appropriations bill, with that amendment. But that is very different from what is being proposed now, which is to require a withdrawal of U.S. forces later, unless a later vote authorizes the peacekeeping operation, or unless specific targets are met by the Europeans.

Throughout our history, while we have used the power of the purse to cut off funding for the deployment of our forces, Congress has not, to my knowledge, enacted legislation that would require the Congress to affirmatively vote at a later date to allow a deployment to continue. The provision before us basically says if Congress doesn't act in a specific way at a later date, our forces must withdraw from Kosovo, so that the fate of Kosovo may very well be determined by the impetus of Congress to act.

The power of the purse is a vital power. It is totally appropriate to seek to exercise that power. But the power, as wielded here, sets up a process by which nonaction by the Congress would lead to the withdrawal of our forces from Kosovo. The Byrd-Warner provision decides now to require the withdrawal of U.S. combat forces from Kosovo next July, unless Congress changes its mind in the interim. The issue then isn't whether Congress has the power to set deadlines. Of course we have the power. If that were the issue before us, the vote on this would be 100–0 to maintain that power. The issue before us is whether we want to force the withdrawal of ground forces from Kosovo in July of 2001. That would be an unwise exercise of a power that Congress clearly had.

So the language before us isn't about a theoretical principle that Congress has the power to set deadlines. The

Byrd-Warner language exercises that power. No further action is needed later, and unless further action is taken later, our ground forces would be withdrawn next July.

Mr. WARNER. Mr. President, will my distinguished colleague yield?

Mr. LEVIN. If I may finish this one thought, I will be happy to yield. That is what it comes down to. The proponents do not want us participating—by their own words—in NATO-led ground forces, even at a junior partner level of 10 or 15 percent because, in the words of the proponents in a Dear Colleague letter they sent, ''The Europeans should be responsible for the ground element of the Kosovo peacekeeping mission.'' That is what the proponents wrote to all of us. They don't want us participating. They want us out of there. Unless we change our mind, we will be out of there because, in their words, ''The Europeans should be responsible for the ground element of the Kosovo peacekeeping mission.''

By the way, I reiterate, we are supplying 15 percent of the forces. We have pleaded with the Europeans for years to become more active in their own defense, and they have now responded. They are now the senior partner, with 80 percent of the ground forces. We are 15 percent, and the other non-Europeans are 5 percent.

We are the junior partner right now. But the language in this bill says we don't want to even perform that role. That is what will unravel this mission and endanger this mission in the eyes of NATO and its leaders.

I am happy to yield to my friend.

Mr. WARNER. It is just a question to my distinguished colleague. He used the term ''inaction by Congress.'' Indeed, I say to my colleague, Congress has been inactive on a number of occasions when we sent our troops abroad and expended our taxpayers' money. That is one of the purposes of this bill. To establish a precedent of inaction not conceived by the Founding Fathers—indeed, we are given coequal powers.

I want to go back to the bill itself, on page 71, ''congressional priority procedures,'' and ''joint resolutions, defined.''

I interpret that clause in the Byrd-Warner language that only one Senator is required, I say to my distinguished colleague. One Senator can bring forth that resolution. I commit to you that I will be that Senator, if necessary. So there will not be, in my judgment, inaction by the Congress after the President sends his report up.

Mr. LEVIN. If the Congress does nothing, under this language those troops are out of there.

Mr. WARNER. The Senator is correct. But I am saying I commit to be the one Senator who requires the Congress to speak on it. So it will not be inaction. Congress will take action. The senior Senator from Virginia will be the one who will come to the floor under this provision and demand it.

Mr. LEVIN. It is limited reassurance because it doesn't answer the heart of the problem, which is that if Congress does not vote later to authorize those troops, we are deciding now that those troops must leave.

General Clark told us the problem is that in the year between now and then you have tremendous uncertainty, to put it mildly, as to whether Congress will authorize those troops to continue despite the commitment of one Senator to vote that way. It is that uncertainty which creates danger for our troops. Those aren't my words. Those are the words of General Clark's, who commanded those forces until a few weeks ago. That is the uncertainty which creates problems inside of our NATO alliance. That is the problem that creates in Milosevic the hope that he can restore himself to power for 1 year. For 1 year what is going to be the law of this land is that, unless Congress by majority vote decides to authorize those troops in Kosovo, the American forces must leave.

It is a dangerous uncertainty. It is a debilitating uncertainty in terms of NATO. It is an encouraging uncertainty in terms of Milosevic. And it is an uncertainty that we should not create. There would be a way to avoid this. There is a way that I suggested.

The way to avoid this is to guarantee the Senator from Virginia an opportunity that he could vote to pull the plug a year from now. That is a lot different. That is not this language. That was language which I suggested to my good friend from Virginia that we could guarantee a year from now that there would be an opportunity to force the withdrawal of those troops. That doesn't create the year of uncertainty which this language does because the language in this bill that my amendment would strike creates the uncertainty because if Congress does nothing a year from now, if the majority does not act a year from now to authorize these troops, the year of uncertainty between now and then will take a horrendous toll. Those are not my words. Those are the words of General Clark, the expert in the field. It seems to me that is a significant difference.

One other point, and I would be happy to yield further, but I probably want to do this on my good friend's time.

Mr. WARNER. Mr. President, I will be happy to have all of my questions on my time.

Mr. LEVIN. In the middle of the air campaign, while our fliers were putting their lives at risk over Kosovo, the House of Representatives could not even muster a majority to support our air campaign. My good friend says he will be the one to trigger this vote in the Senate. I have no doubt that he would. Once he says something, he means it. I would bet my life on it. I have bet an awful lot on his words many times, and I have never lost a bet.

But I will say this: You can't tell us what the House of Representatives will do, or what 99 other Senators will do a year from now, and the problem, General Clark tells us, is that year of dangerous uncertainty is destabilizing, discourages our allies in NATO, encourages Milosevic, and is a real morale buster for our troops. It endangers our troops. It puts them at greater risk during this year. That is what General Clark told us in his letter, which I will read in a few moments.

I would be happy to yield.

Mr. WARNER. First, the Byrd-Warner amendment is very carefully drawn so that the next President of the United States in following up with President Clinton's report with the next President's report. It is not required of him to wait until July as is now written. Indeed, Senator BYRD and I thought we would give it additional time. If the next President perceives that there is some turbulence and doubt in the minds of our allies, he can file the report. Then this Senator pledges under the bill within the 10 days to come forward with that resolution and have this body act. I will guarantee. I will draft somebody in the House to do the same thing.

Mr. LEVIN. Will the Senator guarantee a majority vote in both the House and Senate?

Mr. WARNER. I can't guarantee that.

Mr. LEVIN. That is the problem.

Mr. WARNER. I can guarantee, if the facts of the case are so strong and the turbulence so great amongst our NATO allies, then I think this Chamber will act in a responsible way in the best interests of the United States and all those involved.

Time and time again, I remind my colleagues in this debate, why are we so fearful that if the facts are there to justify the continuation of this mission this chamber will not vote in a majority to support the next President in his petition? That is underlying this whole debate.

Mr. LEVIN. I think my friend and I know from a whole lot of debates in this Chamber that, while the facts may be clear to either of us or both of us, they may not be clear to a majority of this Chamber the way we see those facts. It is that year of uncertainty. It would be about a year.

Mr. WARNER. The President could file this report in March.

Mr. LEVIN. It could go up to, let's say, 10 months of uncertainty. That is a dangerous period of time, which is, by the way, not necessary to create.

If my friend wanted a guaranteed vote on whether or not to pull the plug on our forces next year, that can be arranged—a guaranteed vote. But that is not what this is.

Let's be very clear on this. This says that unless the majority decides a year from now to authorize something, that automatically then, on automatic pilot, self-effectuating, we are deciding now, and those troops must leave. And it is that dangerous period between now and then—whether it is 10 months, 12 months, or 14 months—it is that destabilizing dangerous period which the

NATO Secretary General and General Clark have told us endangers the mission and endangers our troops.

It is unheard of, I believe. There is no precedent that we can find for the Senate or the Congress ever deciding in year 1 that unless something is authorized in year 2, relative to a deployment of forces, that those forces must be withdrawn. We have pulled the plug on deployment.

I have voted to pull the plug on deployments. I have voted to end deployments in Haiti. I voted, after my dear friend from Virginia and I went to Somalia, both before and after, to set deadlines and pull our troops out of Somalia.

That is not what we are doing here. What we are doing is deciding now that if Congress doesn't authorize a deployment next year—be it May, June, or August—those troops must go. It creates between now and then a very dangerous period, and a period which is demoralizing for our troops, according to the former commander. That is what we ought to avoid. It is unnecessary for us to do that.

Some people ask, is there anything wrong with exercising the power of the purse? My answer is, I am going to defend the power of the purse. Senator BYRD is surely correct in saying we have the power to do what the Senator from Virginia and he proposed that we do. I don't doubt that. I doubt its wisdom—not the power of Congress, but whether it is wise for us to do what is being proposed.

When it comes to the constitutional power issue, if that were the issue before us, whether or not Congress has the power to do what the Senator proposed, if that were the question, I would say we have the power. I think we would have a 100–0 vote. I hope so in terms of the prerogative of this branch of Government. The question isn't power. It is wisdom.

Is this the right thing to do?

Do we want to create this year of uncertainty and instability? Do we want to put into place a self-effectuating, automatic process which would lead to the withdrawal of forces later unless something happens between now and then? I think the answer clearly is no.

I will quote from this letter I referenced, General Clark's letter, which I have printed in the RECORD. I use only a few paragraphs from the letter.

General Clark wrote that the provisions in the bill before the Senate:

> . . .would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.

He also wrote:

> Our service men and women and their families, have made great sacrifices in bringing peace and stability to the Balkans. This amendment introduces uncertainty in the planning and funding of the Kosovo mission. This uncertainty will undermine our service members' confidence in our resolve and may call into question the sacrifices we have asked of them and their families.

General Clark continues:

> These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

He also wrote:

> Our allies would see this as a unilateral, adverse move that splits fifty years of shared burdens, shared risks and shared benefits in NATO.
>
> This action will also undermine specific plans and commitments made within the Alliance. At the time that U.S. military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and all parallel diplomatic efforts.

General Clark continues:

> Setting a specific deadline for U.S. pull-out would signal to the Albanians the limits of the international security guarantees providing for their protection. This, in turn, would give them cause to rearm and prepare to protect themselves from what they would view as inevitable Serbian reentry. The more radical elements of the Albanian population in Kosovo would be encouraged to increase the level of violence directed against the Serb minority, thereby increasing instability as well as placing U.S. forces on the ground at increased risk.

I repeat that one sentence because it seems to me when, up until recently, the commander reaches this conclusion, as well thought out it is, that our forces on the ground will be at increased risk while they are there if this action is taken, we should pay some very significant heed to those words.

Mr. WARNER. At some point, would the Senator allow asking questions? I find very troublesome the accusation by General Clark. I have always believed General Clark to be a very brilliant field commander, despite the fact he was reversed in his desire to do certain things in Kosovo by the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, time and time again. As a matter of fact, I was a supporter with him on the ground troops issue, traveled with him the day before the hostilities ceased.

That we would do something to place in harm's way those who serve today and those who serve for the remainder of the time—I looked, as a matter of record, at the cosponsors of this resolution. I think I counted 10 persons who are veterans of previous wars and engagements. For General Clark to be pointing a finger at up to a dozen Members and saying, we veterans are taking an action endangering our people—let me ask this question.

Mr. LEVIN. That is not the issue. This is not a personal issue. This is an issue of judgment on the effect of a particular proposal. He is not saying that the intent of the proponents is to put our forces on the ground at increased risk. General Clark knows the Members of this body. He knows nobody in this body would intentionally place U.S. ground forces at increased risk.

Mr. WARNER. I could examine the record of your remarks.

Mr. LEVIN. What he is saying is, from reading the letter, this action will do that. He is not saying it is intended to do that. He is saying this is what the effect of this action will be. I don't think the persons who support the language that is in the bill can fairly believe that General Clark is aiming anything personally at them in terms of their intention because there is nothing suggesting that.

Mr. WARNER. I say to my colleague, 23 Senators have already taken an action. They voted on it in the Appropriations Committee. They have taken that action. And you go back and count among the 23 those who proudly served in uniform for this country.

Let me turn to another point. How do our allies feel, listening to this debate where we are saying they are of little consequence? If we pull out 2,000 or 3,000 ground combat troops, leaving the support troops in place, why, the sky is falling in, says General Clark. What does that say to the other 30-plus nations that have their troops there: You are ineffective; You won't hold the line; You break ranks?

I think that is a fallacious argument.

Mr. LEVIN. Let me try to answer the question of how our allies feel. We have direct evidence on that. We have a letter from Secretary General Robertson.

Mr. WARNER. I am familiar with that letter.

Mr. LEVIN. I will read now in response to the question of how our allies feel from a good friend of ours, George Robertson, whom we both know well, Secretary General of NATO.

Mr. WARNER. He is a fine naval man.

Mr. LEVIN. He says:

> The question of Congressional prerogatives is an internal matter for the U.S. Congress and the administration to resolve. I'm in no position to comment. Where I do have a concern, however, is that in the way the legislation is written, it would not just affirm the Congressional privilege, but point toward a single policy outcome—the withdrawal of U.S. forces.
>
> As Secretary General, the prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me deep concern. It risks sending a dangerous signal to the Yugoslavian dictator, Milosevic—that NATO is divided, and that its biggest and most important ally is pulling up stakes.

That is how our NATO allies feel about this language.

Some have argued that Congress has never authorized or even formally debated U.S. involvement in Kosovo since the Senate on March 23, 1999, authorized airstrikes against Yugoslavia.

By the way, Mr. President, I ask unanimous consent the letter from the Secretary General of NATO, Mr. Robertson, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH ATLANTIC
TREATY ORGANIZATION,
Bruxelles, May 16, 2000.

Senator TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.
Senator TOM DASCHLE,
Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATORS LOTT AND DASCHLE. I am writing to express my concerns about legislation currently under consideration that could result in a U.S. withdrawal from the NATO operation in Kosovo.

As I understand it, the principal authors of the Kosovo language have two concerns: to affirm the Congressional prerogative to approve or disapprove U.S. military deployments, and to insist on a proper sharing of burdens among the United States and the European Allies.

The question of Congressional prerogatives is an internal matter for the U.S. Congress and Administration to resolve. I am in no position to comment. Where I do have a concern, however, is that in the way the legislation is written, it would not just affirm the Congressional privilege, but point towards a single policy outcome—the withdrawal of U.S. forces. Unless the Congress votes otherwise in a year's time, the Administration would have to begin withdrawing forces. And regardless of any vote, the Administration would be required to produce a plan for total hand-off of the NATO operation to the European Allies.

As Secretary General, the prospect of any NATO Ally deciding unilaterally not to take part in a NATO operation causes me deep concern. It risks sending a dangerous signal to the Yugoslav dictator, Milosevic—that NATO is divided, and that its biggest and most important Ally is pulling up stakes. I would hope the question of Congressional privilege being addressed could be dealt with in a way that does not presume a U.S. withdrawal.

Concerning the issue of U.S.-European burden-sharing, I agree with those who argue that the U.S. must not carry a disproportionate share of the load. But the facts on the ground today show that this is not the case. European states are providing 80 percent of the forces in KFOR. The Europcorps is providing the NATO headquarters for the operation. The single largest contributor is Italy, with 14 percent of the force. Italy will take over KFOR headquarters in October.

The European nations are also carrying by far the largest financial burden in providing assistance to Kosovo, and are providing twice the U.S. contribution of civilian police. The bottom line is that in Kosovo today, burden-sharing is working.

In my view, while ensuring proper burden-sharing is important, we should not let that issue distract us from our larger policy objectives. The NATO presence in Kosovo needs to be decided on the merits of our being there—the job that we are doing and that we need to finish.

Just over one year ago, NATO aircraft—led largely by the United States—put an end to the most brutal ethnic warfare in Europe since World War II. One and a half million people had been driven from their homes but, thanks to NATO's action, they have been able to return. In a region that has suffered so much—from communism, from de facto apartheid, and then from abhorrent ethnic cleansing—NATO has meant the difference between life and death, between hope and misery.

I believe that we owe it to ourselves, if not the people of that region, to finish the job we began. As Secretary General of NATO, I will pursue that goal with the utmost vigour. I hope I can count on continued U.S. support, even recognizing that the European Allies must continue carrying the largest share of the load at this stage.

With warm good wishes
Sincerely,

GEORGE ROBERTSON,
Secretary General.

Mr. LEVIN. Mr. President, some have argued that the Congress has not authorized or debated United States involvement in Kosovo since the Senate, in March of 1999, authorized airstrikes against Yugoslavia. That is not correct.

On June 10, 1999, during the House of Representatives consideration of the Department of Defense authorization bill, the House approved an amendment offered by Mr. Skelton that deleted language in the bill as reported out of committee that would have prohibited any funding for combat or peacekeeping operations in Yugoslavia after September of 1999. The vote on the House floor was 270–155.

Additionally, on May 25, 1999, during the Senate's consideration of the Department of Defense authorization bill, Senator SPECTER offered an amendment that would have prohibited the use of funds for the deployment of United States ground troops in Yugoslavia, except for peacekeeping personnel, unless authorized by a joint resolution authorizing the use of military force.

Senator SPECTER's amendment was tabled by a vote of 52–48. Proponents of this bill assert that Congress has a constitutional responsibility to address policy issues involving the deployment of U.S. troops overseas in instances in which American men and women are being sent into potentially dangerous situations.

But the language singles out the involvement in Kosovo. The language relates to Kosovo, not to a general principle. The United States has been enforcing a no-fly zone in Iraq for more than 9 years. U.S. and British aircraft are being fired upon by Iraqi forces almost daily. They respond by attacking Iraqi air defense and command and control installations. Our pilots are clearly at risk. Total incremental costs for our operations in the Persian Gulf are $1.2 billion a year. It is estimated that for this fiscal year it will be about $1 billion.

The United States has been contributing forces to NATO-led peacekeeping troops in Bosnia for 5 years. The U.S. contingent in that effort is 4,600 troops. With the passage of time, the risk to our troops in Bosnia is probably less than it is in Kosovo, but they are at risk. More than $9 billion has been appropriated since fiscal year 1991 for Bosnia-related operations.

We have 3,700 troops in South Korea. In testimony before the Armed Services Committee in March of this year, the Director of the Defense Intelligence Agency said that war in the Korean peninsula could occur at any time. Our troops in South Korea are clearly at risk. It does not appear that our U.S. troop deployments in the Persian Gulf or Bosnia or Korea are going to end anytime soon. There is no fixed date for the end of these deployments. But they are important missions and our troops should remain deployed until those missions are completed.

Proponents suggest we are abdicating our responsibility by not specifically authorizing U.S. troops' participation in the NATO peacekeeping operation in Kosovo. Surely Congress is not abdicating its responsibility by not having expressly authorized deployments in the Persian Gulf, Bosnia, and Korea as a condition of their continued deployment. So the issue before the Senate is not a principle or else that principle would presumably be consistently applied.

The issue before us is not the power of Congress. We have that power. Every one of us, I hope, would vote to defend that power. I will as long as I am in the Senate of the United States. If the issue is does Congress have the power of the purse to end the deployment, I will defend that principle. But I will not defend its application every time there is an attack on the deployment of our forces or an effort made to end the deployment of our forces.

The question here is, Is it wise now to say that a year from now, unless Congress votes affirmatively and changes its mind, that we are saying now that those forces must leave Kosovo? That is the question. It is the wisdom of the application of the power in these circumstances in this way that is the issue before the Senate. It is not the abstract power of the purse or the abstract power to force the pullout of American forces because there cannot be any doubt that we have that power constitutionally. The question is, Is it wise to exercise that power now in Kosovo in this way, with the resulting year of dangerous uncertainty, as General Clark has outlined to us—endangering the NATO effort in Kosovo, endangering the morale of our forces in Kosovo, emboldening Milosevic to return to Kosovo? That is the question. Is it wise to exercise that power now to be effective a year from now unless we change our mind? That is the only issue, not the abstract power of the Senate.

I could give many other examples of where we have forces in different places. I have talked about the Persian Gulf, Bosnia, and South Korea. We have forces in the western Sahara; we have forces in Sinai; we have forces in East Timor. We have forces in a number of places around the world—and in many ways I think we are overstretched, by the way. We have forces in so many places, but I do not believe there has been any specific congressional authorization for the deployment of U.S. military personnel to any of those deployments. We could cut off funding for those deployments; we have that power. But a failure to specifically authorize them cannot represent an abdication or the loss of constitutional power over the purse. It cannot mean

that. We have not abdicated our power or abdicated the power of the purse by failing to authorize forces in East Timor or Sinai or in Bosnia or in South Korea or in Germany. We have decided as a Congress not to withdraw those forces. Any one of us at any time on any appropriations bill related to defense or on the defense authorization bill could offer an amendment saying we want those troops out of there. Then we would debate the wisdom of doing that. But the issue is the wisdom, not the power.

Finally, I hope General Clark's words and those of NATO General Secretary Robertson will be with us as we vote on this amendment. Just to pick one sentence from General Clark's letter to conclude, this language, if it stays in this bill:

> . . . would be seen as a de facto pull-out decision by the United States. Those measures are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitment and trust of our allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

That is what the year of uncertainty that this language, if left in this bill, will precipitate. I hope we will avoid that. I hope we will strike this language, and I yield the floor.

Mr. WARNER. Mr. President, I wish to pick up on that last sentence of the de facto decision.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Virginia.

Mr. WARNER. General Clark, again, is a Rhodes scholar, a brilliant officer, but I do not agree with him about his perception of the Congress of the United States. I believe the next President, whoever that may be—ALBERT GORE or George W. Bush—will be able to assess this situation, come to the Congress, make the case, and the Congress will act responsibly. That can be done in an accelerated fashion. It does not have to wait until next July. Indeed, we tried in the amendment to give more time.

So I close by saying to all those who want to join behind General Clark, I feel very strongly that that is a pretty severe indictment of the chain of events that are to be carefully undertaken, first, by President Clinton; second, by the next President of the United States, and then by the Congress. We must remember that we are a coequal branch. We repeat that and repeat that, but in Europe their parliamentary forms of government are quite different than ours. There is not the coequal stature with the constitution in place, with regard to their various forms of legislature, or general assemblies, whatever the case may be. They are quite different and they have to be respectful of how this situation works.

I come back to Senator BYRD's statement, which is a brilliant statement, recounting World War I, World War II, and all the participation that this great Nation has given in this century towards peace and stability in Europe.

Are they now to turn their back on that history? I say no. I say to my good friend from Michigan, and I say to General Clark, I believe they have gone just a step too far. I have more confidence in the next President and confidence that this President can make a strong case, and I have confidence in the institution of the Congress of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama. Who yields time? Does the Senator from Virginia yield time?

Mr. WARNER. Mr. President, I wonder if my distinguished colleague from Alabama will forbear. With regard to time on our side, there are a number of Senators who have indicated a desire to address the Senate tomorrow. Tonight I will put in place a UC to enable them to have a specific period of time.

I point out, this is a bipartisan decision with which we are dealing in the Senate. We have our distinguished elder statesman, Mr. BYRD, leading it. We have another distinguished elder statesman, Mr. HOLLINGS. I ask unanimous consent whereby, from the other side of the aisle, Senator TORRICELLI, Senator CLELAND, and Senator FEINGOLD each have 6 minutes apiece at their disposal. On our side, we will lead off tomorrow morning at 9 o'clock with Senator ROBERTS, and he desires 15 minutes; Senator WARNER, myself, during the course of the morning, I reserve 20 minutes for myself; Senator HUTCHISON of Texas desires 7 minutes; Senator INHOFE desires 7 minutes; and Senator SNOWE desires 7 minutes.

I want to make those time commitments to guarantee that our colleagues who have indicated to me a desire to speak will have that time tomorrow. My understanding is there will be 5½ hours of debate tomorrow prior to the vote at 2:30 p.m. which is fixed by order. The leadership may, of course, in some way change that, take leadership time, and so forth. Basically, it is 5½ hours. Senator BYRD, under a previous order, still has an hour left of his time. So that should be recited. I ask that in the form of a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I am not sure what the request is. I am sure we can work something out. We are on the same wavelength. I am not sure what the request is.

Mr. WARNER. The request is that these Senators I have enumerated be given those specific times under my control.

Mr. LEVIN. Mr. President, the Senator from Virginia has the right to control his time as he sees fit without unanimous consent. That is what is throwing me a bit. I do not know exactly for what he needs a unanimous consent relative to time under his control.

Maybe we can work at it the other way around. My good friend from Virginia and I work out these problems every day, and I am sure we can work this one out, even though it is a bit complicated on the time.

Parliamentary inquiry: How much time remains to each side?

The PRESIDING OFFICER. The Senator from Virginia has 2 hours 50 minutes.

Mr. WARNER. That is under the 10-hour agreement.

The PRESIDING OFFICER. That is under the 10-hour agreement.

Mr. WARNER. Does that include the 60 minutes allocated to the Senator from West Virginia?

The PRESIDING OFFICER. It does not. The Senator from West Virginia still has 60 minutes remaining, and the Senator from Michigan has 3 hours 4 minutes remaining.

Mr. LEVIN. Mr. President, was any of the time that was used up tonight deducted from the time of the Senator from Virginia when I was speaking?

The PRESIDING OFFICER. Whenever the Senator from Virginia was speaking, the time was charged to him.

Mr. LEVIN. I thank the Chair. What we then have is a total, it seems to me, of approximately 7 hours of time remaining that we have to fit into the period between 9 a.m. and 2:30 p.m., which is 5½ hours; is that correct?

The PRESIDING OFFICER. It is anticipated the debate will go on longer tonight or time will be yielded back.

Mr. LEVIN. Will our good friend from Alabama be speaking on this issue?

Mr. SESSIONS. I will be. I want to talk some time tonight if it is not counted against other people's time.

Mr. WARNER. The Senator can talk tonight for such time as he desires because there will be, by virtue of the time agreement by the leadership containing tomorrow from 9 a.m. to 2:30 p.m., some time yielded back by both sides tonight, in my judgment, unless the Senator from Alabama goes into extensive remarks.

Mr. LEVIN. Mr. President, it is also true on our side we have a good bipartisan group of supporters for our amendment to strike, including Senators MCCAIN, LUGAR, LIEBERMAN, HAGEL, SMITH of Oregon, ROBB, VOINOVICH, MACK, LAUTENBERG, KERRY, and DASCHLE. That is beyond the ones who have already spoken. I am not trying to allocate time for them or others who want to speak on our side tonight, other than to reassure them we are going to do as much as we possibly can with the time we have so that everybody has an opportunity to speak. While the Senator from Alabama is speaking, I wonder if the Senator from Virginia——

Mr. WARNER. I withdraw the unanimous consent request. I have stated for the RECORD my commitment as the manager of the time to the colleagues I have enumerated. I will somehow tomorrow manage that very ably to see they are recognized. Then there will be others who will come forward. I will leave it at that.

Mr. LEVIN. If our good friend from Alabama will yield one more second, it is possible we can at least divide the time tonight after the Senator from Alabama concludes so we will know how much each side has.

Mr. WARNER. First, how much time is remaining again with the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 2 hours 50 minutes. The Senator from West Virginia has 1 hour. The Senator from Michigan has 3 hours 4 minutes; that is less 2 hours 55 seconds divided between the two Senators for this portion of the debate.

Mr. WARNER. The Senator from Virginia has 2 hours and?

The PRESIDING OFFICER. Fifty minutes.

Mr. WARNER. With the addition of the distinguished Senator from West Virginia, that is 3 hours 50 minutes. The Senator from Michigan has?

The PRESIDING OFFICER. The Senator from Virginia plus the Senator from West Virginia will have 10 minutes less than 4 hours.

Mr. WARNER. Understood.

Mr. LEVIN. We have 4 minutes more than 3 hours, if anybody at this hour can figure this out.

Mr. WARNER. Our colleague tonight will consume part of my time, and we will almost be in balance at the conclusion of this evening. The vote is going to happen at 2:30, so we are running around with fractions tonight.

Mr. LEVIN. This is my last intervention before my friend from Alabama speaks. I wonder if we can get an idea of approximately how long the Senator from Alabama expects to talk tonight.

Mr. SESSIONS. If it is not disrupting Senator WARNER's time, I want about 40 minutes, give or take 5 minutes.

Mr. WARNER. Why don't we do 30?

Mr. SESSIONS. I will do my best.

Mr. WARNER. It seems to me we are going to have 5½ hours tomorrow. We will discuss this together. I will listen to the Senator from Michigan's views.

In order to get some certainty for the opening of this debate tomorrow, which will commence immediately after the Senate is formally opened and the prayer is given, Senator ROBERTS from Kansas would be given 15 minutes to be followed by Senator LAUTENBERG of New Jersey for 15 minutes. Then I will only make known that Senator BURNS, of course—he is the chairman of the subcommittee for MILCON—will undoubtedly require some time. I assure him now that that time will likewise be given to Senator BURNS.

So the purpose of my unanimous consent is to see that those two Senators be recognized in that order for a total of not to exceed 30 minutes equally divided, 15 minutes each. I ask unanimous consent that that be the order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. It is possible Senator LAUTENBERG will need 20 minutes. That additional 5 minutes will come out of our time.

Mr. WARNER. That is fine.

Mr. LEVIN. OK.

The PRESIDING OFFICER. Without objection it is so ordered.

The Senator from Alabama is recognized for up to 30 minutes.

Mr. SESSIONS. Mr. President, I have enjoyed hearing two great Senators tonight, Senator JOHN WARNER, who chairs our Armed Services Committee, and Senator CARL LEVIN, who is the ranking member on that committee. They are able patriots who are skilled advocates and who do a great job of presenting their viewpoints.

I have always said about Senator LEVIN that if I were in trouble, I would want him to defend me. I think we have a foreign policy situation that is in trouble, and he does a good job of defending it.

It is more than a legal question, however. It is a question of policy. It is a question of the commitment of American troops. It is a question of the wealth of the United States being committed to this area of the world.

I do believe our troops are doing a great job. Last year, I had the privilege, within 10 days of the end of the bombing in Kosovo, to travel there with Senator LEVIN and two other Senators. We toured that area.

I returned there, not too many weeks ago, for my second visit at Easter time. We had the privilege of meeting with troops and touring the area and celebrating Easter Sunrise Services with our troops there.

Our soldiers—men and women—are extraordinarily skilled. They are doing a great job for our country. They do what we ask of them. They have good morale. I will assure you that the morale of our soldiers is not going to be undermined if the Congress of the United States says: We are going to review this matter come next August or September or October—which is probably when we would do it because I think that is Senator WARNER's and Senator BYRD's commitment; it would actually be next October, 17 months from now.

They are not going to have their morale hurt because we have not forgotten them. They are not going to have their morale hurt if the Members of the Senate are discussing what is going on there and evaluating the situation. That is a matter that strikes me as really not good to be said. I would dispute that.

The intervention and the whole commencement of this exercise in Kosovo has been a colossal failure of diplomacy and a colossal failure of foreign policy. That is my view of it. I do not claim to be a thorough foreign policy expert, but I have watched this matter from the beginning. A lot of people have not done so. We have gotten confused about what has happened.

Senator JOHN WARNER, time and time and time again, since this involvement in Kosovo began, has done his best to support the President, even when he had doubts about it. He supported the Secretary of Defense; he supported the Chief of Staff; he supported General Clark because he felt it was his duty to do so. I know he was uneasy about that.

But how long do we go? It has been a year now. We are talking about having a vote a year from now again to see whether or not we want to continue there. What is so dangerous about that? Why are people so afraid to have a debate and a vote? I do not understand that.

I think it is our duty, as Members of Congress, who represent the taxpayers of this country—who pay our salaries and pay the cost of that war effort that has come out of our defense budget—to confront this question and make some decisions about it. If anything, I believe we have been too lax. We have been too unwilling to confront the challenges that have occurred and too unwise about how to go about that.

So this Warner-Byrd amendment is a bipartisan amendment. It came out of the committee 23–3. That is the kind of vote we got in the committee. It has powerful support, broad bipartisan support. It is not extreme. It is not irrational. It is not going to cause NATO to collapse.

We have done our bit in Kosovo. Make no mistake about that. We have done our bit there. So the Congress has been patient. We have supported the President. He consistently misled the people of the United States and this Congress.

I remember upstairs, in the secret room, we had our briefings. And they started talking about this bombing. They said it might be over in 3 days; it might be over in 10 days. I remember one of our Senators asked: What if it is not? What if the bombing does not work? What do we do then? And they said: We believe it is going to work. I decided then if we did not have a plan better than that, we did not need to go into this operation.

But let me share what really happened.

Basically, what happened in this area, as I see it, is Milosevic started a nationalist campaign in Serbia and Yugoslavia that was very dangerous, horrible, unwise, that destabilized this whole area and helped lead to the tragedies that we have today. There is no mistaking that.

Remember now, though, before this bombing started we had 1,000-plus peacekeepers in Kosovo. We had some violence, periodic violence. This was with KLA guerrillas fighting, ostensibly, the Serb Government.

So we had a situation there which was definitely deteriorating in some ways. The Serb and KLA forces were sparring, but it was not out of control. We had 1,000 peacekeepers there.

We made a number of efforts to negotiate a peace agreement that could have provided for an orderly transition in that area to a more just society.

That was our goal and responsibility. I think it was a challenge that was difficult but could be met.

Not long ago, in the Old Senate Chamber, right off the Rotunda of this Capitol, we had Senator George Mitchell, who did the peace negotiations in Northern Ireland, as our speaker at the Majority Leader's Lecture Series.

He told us how he accomplished it in the face of the intractable forces that seemed to be at work. He said: There we kept talking. He said: I learned from the Senate that people can talk and talk and talk. And I would let them talk. They would talk and talk and talk. They would completely get everything out of their system. We would stay there into the night, day after day after day. Tensions began to go down. People began to think more clearly about the possibility they could work out their differences.

But that is not what happened here. I have often thought if we had had George Mitchell in Yugoslavia instead of the ''masters of the universe'' that we did have, who thought they could dictate a peace agreement and make it happen, we might have avoided this war.

The fact is, as the Economist Magazine said a few weeks ago, maybe it could not have been avoided, but it did not have to be started as soon as it did, and there was a chance it could have been avoided if we kept the negotiations going. I have no doubt about that.

Remember what happened. Our leadership demanded that the Serbs and the KLA—the Kosovars—come to Rambouillet, France, where we would begin to have a peace conference. We were just going to settle this thing, like a mama bringing two children together. We were just going to bring them together, and we were going to get together and settle this once and for all. And as time went along, the President said: You are going to reach a peace agreement, or the United States is going to bomb you. NATO is going to bomb you.

They would not agree. They kept on fussing, and they could not reach the agreement. Things were really tense. Henry Kissinger referred to that as a reckless event; it is a dangerous, high-risk operation to risk everything on a Rambouillet peace conference under those circumstances.

I asked Secretary of Defense Cohen—and I serve on the Armed Services Committee—in the history of the United States, had he ever known of a circumstance in which the United States got two contesting, contending parties together and said, if you don't agree to the peace agreement I write up, we are going to bomb you? Of course he said no. This is unprecedented, in my observation, in the history of the world.

So we did that, and we undertook this reckless gamble, and we were just going to force these people to do it. You remember, even the Kosovars would not agree. They left the agreement, and then the Serbs were going to leave the agreement. Apparently the Americans told the Kosovars: You come back and sign this thing because we really will bomb these guys. If you will sign it, we will make them sign it. So they came back and the Kosovars signed, but the Serbs would not.

By the way, the agreement we were asking them to sign basically said we can send troops throughout Yugoslavia, anywhere we want to—NATO can send troops anywhere.

It is very difficult for any nation that had any respect for its sovereignty to agree to some of the things that were in that agreement. Regardless, they would not sign it. Days went by, time went by, and people were saying: You promised, Mr. President, you were going to bomb. You are not going to bomb. You can't be trusted. Your word was not good.

He was under investigation and had his credibility questioned severely right in this body by the American people. So it was a question of would he follow through on his worldwide public commitment to start a war. Of course, eventually, he did. He started to bomb.

I want to mention how that was conducted, but I will just say this about it. The Air Force general who conducted that war testified in a postwar congressional hearing in the Armed Services Committee, and I was there. I remember asking him—he was unhappy with the fact that he was not allowed to start the bombing aggressively, that he was dictated to targets he could go after. There were only certain limited targets, and it was a slow start. He opposed that privately. He was very aggressive, and he warned that that was not the way to do a war.

If you are going to get involved, you have to go with full force, aggressively at the beginning. We have learned that over the years in this country. But, oh, no, we had to get all 17 NATO nations to sign off on every target. And somebody would object, and they would object, and you could not do this target or that target, and only these limited targets so nobody would be injured, and we started off with this slow bombing campaign.

Now, 3 days after that, the big event happened. Remember, we have been told repeatedly that the reason this war commenced—and we have almost forgotten the true facts of the situation, but we were told we were commencing and carrying out this war to stop ethnic cleansing. There had not been ethnic cleansing until the bombing started. It was 3 days after the bombing started that Milosevic sent his troops south into one of the most vicious displays of violence that I suppose anyone has ever seen against a basically defenseless people. They burned houses, ran people out, moved families and children. You saw them on TV. They were on wagons; they were walking; they were on mules and on horses, trying to survive in those camps. They ran them out.

I say to you, do not let anybody make the case that we had to bomb to stop that kind of ethnic cleansing. The ethnic cleansing started after we started the bombing—3 days. This effort with the NATO air campaign—what a blunder that was.

By the way, we also announced that in the conduct of this war we would never use ground troops. That gave Milosevic a serious basis for confidence that certain things would not happen. He would not be threatened by events by which he could otherwise have been threatened. We were unwilling to use troops. He didn't have to prepare certain defenses because we eliminated the possibility that ground troops would be used.

We were told this would be a joint air effort and we would have planes from other countries. Others did participate, but 75 percent of the actual combat missions were flown by U.S. pilots. In fact, it is a true statement to say that NATO meant to deploy the U.S. Air Force. They told our Air Force whom to bomb, when to bomb, and how to do it. They rejected our air commander's advice about how to conduct the war, and even General Clark's advice on many matters.

So I asked our Air Force commander did he oppose this and did he think it was wrong the way they started controlling the targets he thought should have been hit. He said, ''Yes.'' I asked him, ''Did this prolong the war?'' He said, ''Yes.'' I said, ''Did it cost innocent lives because they didn't follow your advice?'' He said, ''Yes, sir.'' Why? Because President Clinton and Schroder and Tony Blair were conducting a political war, not a real war, in many ways.

It took 78 days to complete this thing, resulting in the complete ethnic cleansing of Kosovo and extraordinary damage in Yugoslavia and in Kosovo and in areas surrounding there—a colossal disaster. How can anybody suggest otherwise? This was not a great victory, as some have tried to portray it. It was a disaster that, Lord knows, we should have done everything to avoid. As Henry Kissinger and others told us: If we get in there and deploy, it is going to be difficult to get out. We are going to be stuck. You do not want to be committed in the midst of these hostilities to a long-term occupation in Kosovo and those areas. You will find it difficult to get out.

That is exactly what happened. In addition to this, our relationship with Russia soured. Russia is a big-time world power. Russia had the opportunity to be our ally. But our relationship with Russia over the last number of years has deteriorated. If you think this war didn't have anything to do with it, you are mistaken. They were very upset about the way this was conducted. It was basically a NATO attack on a non-NATO nation which posed no real military threat to any other NATO nation. They didn't like that. They have an identity with the Serbs. So it made the Russians very unhappy.

Another nation that was very unhappy and with whom our relationship suffered was China. We, in the course of this, hit a Chinese embassy. They didn't like this from the beginning. They didn't like the idea of NATO attacking an independent sovereign nation. They opposed that and were paranoid about that. Then we hit their embassy, and that made it worse.

We were told we had to end this war to help the economic growth and prosperity in the Balkans. Well, let me ask you, does anybody believe this war has helped the economic condition in Kosovo, Romania, Bulgaria, Slovenia, Croatia, or Macedonia? It has been a very unfortunate setback for those areas. Investment has slowed down substantially. People are nervous about investing in Yugoslavia and in those other areas. Don't forget, Yugoslavia itself has really been savaged.

The whole area has not benefited, in my view, as a result of this war. How can it be argued otherwise?

It has been a constant drain on our defense budget. I serve on the Armed Services Committee. I am very concerned about our inability to find necessary funds to take care of our soldiers' salaries and health care, and to keep our retention and recruitment up. Every day I see a need to invest in new weapons that we may need to have on the battlefield 10 or 15 years from now. We don't have the money to do it. I see $2 billion—$1.7 billion in consecutive years—going into Kosovo. That is real money that could do incredible things for our Defense Department.

We are also troubled by Operation Tempo, the OPTEMPO, and the requirements placed on our men and women in uniform to be away from home.

When you are there you see how dedicated our men and women are. When I was there this past Easter, we arrived at Camp Eagle Saturday night at 7 or 8 o'clock. I was there at 8:30 p.m., and a young officer that I knew asked me if I would be interested in speaking to a class. I said sure, I would be glad to. It was a political science class. ''Come on and go with me.'' I was walking off. This is Easter Sunday, a weekend, on a Saturday night at 8:30. There is a class going on. Sure enough, there were 25 soldiers studying a college class after a full day at work. The hours are basically 12 hours a day, or 10 hours a day, and sometimes 14 or 15 hours a day, counting PD. They give themselves totally to it and are tremendous soldiers. They are doing what they are called upon to do.

We also were there when with the Texas National Guard. We visited them. The Texas National Guard has 700 National Guard members who were taken from their communities and sent there to operate the command center. They are doing a great job.

But with regard to all of the soldiers, guardsmen, and active duty, they have families. They know that this is not an action that is critical to the national security. They feel as if they are helping. They feel as if they may be keeping people from shooting one another. But they wonder if it is ever going to end. Is it getting any better? Are they in the long term really being successful in what they are doing? When they call their wives and family—they have young children—they wonder whether they need to reenlist because they count up how many months and weeks and days of the last 1, 2, 3, or 4 years they have been away from their home while their children are growing up. They are wondering whether or not they want to reenlist and stay in. We can't ask too much of our soldiers. We have a limited number of troops. Our active duty forces are down 40 percent, really more than 40 percent in personnel since the wall fell. That is a major reduction.

But our OPTEMPO is higher than it has been any time in recent memory. We have troops committed all over the world. It drains us financially. It drains our families and servicemen and servicewomen. It causes them to wonder about whether or not they should reenlist.

I don't think it is wise. We have to be sure what we do.

I suggest that this Congress has been supportive of our troops. We made sure they had sufficient resources to build quarters, if the Army asked for them. If you go over there and look at them, they are permanent quarters. We are talking about having our troops out shortly. We bring a police force in, and when we create a local government, our troops get out.

I was in Bosnia and Kosovo a few weeks ago. When we asked how long they would be here, and how long will it be before you can leave, they had no answer. They just would not say. They would not tell you that they saw any prospect that circumstances were such they could easily leave.

In Bosnia, after 5 years of commitment, they were just a few weeks ago having city elections.

Can you imagine that? The United Nations is supposed to create civil government. We are supposed to be able to get our troops out. It has been 5 years, and they just now are beginning to have a civil government.

Many nations committed to sending over 5,000 police to Kosovo. These are retired police officers, and police officers who took a leave from various countries. They were supposed to go into the towns and cities in Kosovo and help create law and order, create a legal system, and create a government. We wanted to have government there. It is not happening.

We have committed our police there. But many of the NATO countries have not gotten their police there. They have not been effectively led, in my opinion, by the United Nations. The government building plans of the United Nations are not being effectively carried out.

What does that mean? Does that mean we just stay there forever?

Both Senator WARNER and Senator BYRD are saying we need to talk about this thing. We represent the people of the United States of America who are putting up $2 billion a year for this operation, and we want to know what is going on.

I don't often agree with BARNEY FRANK in the House of Representatives, but he said in the debate on this issue that we are just ''enabling'' the Europeans and the U.N. in their bad habits. We are enabling them. We could stay there, stay there, stay there, and they don't have to complete what they promised to complete to create a civil government.

Who pays the bill? The American taxpayers pay the bill.

We have a responsibility in this Congress. We have not really had a debate in this Congress since we voted on whether or not to allow the President to proceed with the air war when it happened.

We have not discussed this issue seriously. The American people have not heard it discussed here, and neither have we debated it on the floor of this Senate.

I salute Senator WARNER and Senator BYRD for, if nothing else, causing this debate to be joined.

People ask me about it. How did this happen? I thought you had to declare war. What is the matter with you Congressmen and Senators? The President just sends troops anywhere, starts dropping bombs anywhere, and you guys are just there like a potted plant?

That is basically what has happened. We have been sitting here allowing it to go on and enabling the Europeans and the U.N. to fail to fulfill their responsibilities while the taxpayers pay the bill.

I wish it weren't so. I think the people in Kosovo and in Bosnia are wonderful people. I don't know how they got into this kind of hatred and bitterness that leads to this kind of violence. But it is reality. We have the ability to do something about it.

I recall that General MacArthur was able to create a government in Japan, and General Marshall and General Eisenhower reestablished Germany after being devastated in World War II.

We have a situation in which nobody is really in charge. Nobody is being held accountable.

At our hearings, the witnesses and even the military witnesses started talking about the international community. I asked: Who is the international community? Well, it is the groups of NGOs, private organizations, the World Bank, and NATO and all these things. I said: Do they meet somewhere? Do they vote? Do they make commitments? Do they sign agreements that they will do certain things as a group, this international community? No. Who does? NATO, U.N., and individual nations. That is who makes agreements that stick by them or don't stick by them. We have not held the U.N., NATO, and European

nations accountable. We have enabled them to continue in their bad activities. We need to stop that. We have a responsibility. I am not saying we need to pull out right now.

They say: Just vote to cut off funds; that is all you have to do. Don't vote for this resolution; it is something next year. Just vote to cut off funds.

What would happen if we did that? They would say: This is horrible. You can't vote to cut off funds. We haven't made any plans for it. You just up and cut off funds; that is an unwise and risky thing.

I agree. I don't think it would be wise to vote to cut off all funds and bring troops home tomorrow. I am not sure that is a wise process.

I like the idea of this amendment that says: NATO and all the European nations, if you don't fulfill your commitments, we are getting out of there. NATO, other European nations, we expect some progress made in establishing a civil government and we will vote a year from now and debate this issue. We hope things are improving and we can continue to be phasing down our troops and getting ourselves out of there. But you need to know that we are not a rubber stamp or a potted plant. This Congress does not have to keep funding this operation. You can be sure next July we will have that vote and some progress needs to be made. We need to see something working.

The truth is, we are stuck. The question is, How do we get unstuck? Just vote to get out all at once? I think this kind of legislation is far better. I believe it is the right approach. I salute Chairman WARNER.

Somebody said a majority of the House of Representatives didn't vote to support this effort. They didn't vote to support it. They didn't support it. They didn't think it was a good idea. They allowed the President to do it, and they provided the funds to him to do it but they haven't liked it. When called on to vote, they didn't vote for it.

Mr. President, 39 out of 100 Senators in this body voted against the bombing. It has never been a universally supported activity. I don't know why we would have been afraid to have a vote. Why would it be that the Senate would be afraid to set a date to have a debate? I think that is what we should do.

Let me say one more thing as I begin to close and bring this into context. I do not believe our Nation should be isolationist. I do not believe our Nation should withdraw from the world. I do believe there may be times that we are going to have to intervene all by ourselves, perhaps to preserve humanitarian rights, to protect the lives of innocent human beings when we have no strategic interest at all. But we have to be careful about that. We provided the military force, the air force to win this war. This is a European area. It is the backdoor of Europe. Kosovo has only 2 million people. We will debate in a few days giving aid to Colombia; Colombia is a nation of 38 million. No other country will help Colombia. On a scale of 1 to 10, they are far, far more important to this country than Kosovo, an agrarian area in the backdoor of Europe where European nations have a much more important interest in it than we do.

We helped them. We did our role for NATO. We won the war. We did the bombing. We got the Kosovars home. I would never have proposed stopping that bombing after those Kosovar people had been run out of their homes. We had to see it through to the end once it started. I believe it could have been avoided. It strikes me odd that many Members on the other side of the aisle, the Democratic side of the aisle, tenaciously fought President Bush in his effort to deal with the problem in Iraq and Kuwait. That effort was clearly in the national interests of the United States.

Saddam Hussein was an expansionist. He moved, using the wealth he had and the large population and army he had—unlike little Kosovo—south into an independent nation that had even more oil and took that nation of Kuwait. Everybody knew he would be turning his attention next to the other gulf states, to Saudi Arabia, and his plan was to take over all of the Middle East and all of its oil and use that wealth to create an army that could threaten the peace of the whole region. That was a threat. It was opposed almost unanimously by the Democrats in this body. By only a few votes was President Bush able to convince us of that war, a critical act for the United States. It would have been an absolute disaster had we allowed that to happen. We had to act.

That is what the role of the United States is. This didn't meet any of those criteria. It does surprise me where we don't have a national interest, people want to involve themselves. Our resources are limited. I have been on the budget. We need the best soldiers, the best planes, and the best weapons in the world. We never want to see our soldiers be subjected to the kind of attacks of the Iraqi Army, being slaughtered by superior force. We never want to see that happen.

How do we keep it from happening? We maintain a technological edge. How do we do it? We spend money on it. But if we are spending $2 billion a year in Kosovo, spending money in Haiti, Somalia, or East Timor, time and time again, it affects our ability to modernize our military. Actually, it was that technology that allowed us to win. There are going to be other challenges. We will have other challenges. I believe we can meet them if we are not overdrawn.

Recently, the Armed Services Committee heard from Ashton Carter, now a professor at Harvard. He served for several years as a high official in the Clinton Department of Defense. He talked about what the United States ought to be doing there. He said we keep talking about being in a post-cold-war era. He said that has been 10 years. All that means is we haven't developed a foreign policy for the future. That means we don't know what we are doing. We are in a post-cold-war era. We need a new vision for America.

He suggested what we ought to do. He gave three lists of threats to this country: the A list, B list, and C list. The A list were threats from Russia, China, terrorism, and chemical warfare. This war in Kosovo has damaged our relationship with Russia and China.

He listed a B list. He said a B list threat would be serious, perhaps a war in the theater of Northeast Asia or Southeast Asia, a major war in one of those areas. That could happen. That could threaten the United States.

He listed a third list, the C list, and this is what he put on the C list: Kosovo, Bosnia, East Timor, Somalia, Haiti. His comments were that we are spending our time and our money reacting to events on the C list and not focusing our time and resources in confronting those threats that jeopardize the freedom and peace of this world.

That is what the role of the United States is to be. We have to be ready for the big threat. There is a limit to how many of these wars in which we can be involving ourselves.

Mr. President, I have great affection for the people I have gotten to know in Kosovo and Bosnia and Croatia. I am impressed with the struggles they are undergoing, and we want to help them, but we have done our bit. We have conducted this war. We have gotten the Kosovar people back home. We have done everything we could. I wish we had done it smarter, but we committed and we stayed through and we have gotten them there. Now the question is, Do we stay forever? Are we going to have an ability in this Congress to confront the future? Do we have a right to demand the President of the United States submit to us a plan for continuation there so we and the American people can evaluate it and vote yes or no? Is that unreasonable? Is that going to destroy NATO? Is that going to destroy the morale of our troops? I say no.

As a matter of fact, it will be healthy for NATO to realize we are not going to continue to enable bad policies to continue. It will be good for our troops to know we are debating and caring about them, trying to make the right decision about them. I believe the Byrd-Warner bill is a reasonable and fair bill practically. I believe it validates the historic constitutional responsibilities of the great U.S. Senate. We are not potted plants. We do have a responsibility, and we ought to perform it.

I salute Chairman WARNER. I have never seen a person I admire more. I have never seen a person with greater commitment to the good of this country. He believes it is time for us to make some decisions, enter into some debate, and involve the American people.

So I say it is the right thing to do. I have enjoyed being there, enjoyed meeting our troops. I do not want to do anything that would hurt them. But I am not one who believes we have to sit here and get a letter from General Wesley Clark and hide under the table. He did not get elected. He does not have the responsibility to make choices among health insurance, defense, and criminal justice, as we do. He does not have to go back to his voters and explain why it is in our critical national interest that their young men and women are committed around the globe, as we do.

I believe we can improve this commitment. I believe we can improve our effort in the world if we talk about these issues more openly. I believe this bill will lead us in that direction and I support it. I am proud to do so.

The PRESIDING OFFICER. The Senator from Alaska.

MARITIME PATROL AIRCRAFT

Mr. STEVENS. Mr. President, I do not want this issue to come up tomorrow at the markup on the defense bill, so I am doing this tonight so there is no misunderstanding.

Not long after visiting Joint Interagency Task Force East an learning of the lack of readiness in the maritime patrol aircraft fleet, I made a second trip to Joint Interagency Task Force West and Coast Guard Pacific Area to determine whether this was a nationwide problem, or simply a problem of resource allocation.

Unfortunately, what I learned is that the Coast Guard is in dire need of additional maritime patrol aircraft to backfill, supplement, and expand the Coast Guard capability to meet the many defense-related, drug interdiction, maritime enforcement and protection, and other aviation related missions.

This amendment, which has been cleared on both sides of the aisle, is a first step toward addressing this glaring deficiency in our operational readiness in Coast Guard maritime patrolling capability.

This amendment provides for the acquisition of six C–130J aircraft which will provide a unit size capability and allow the better allocation of all Coast Guard maritime patrol aircraft resources nationwide.

I send the amendment to the desk and ask that it be considered as part of the managers' package when it is presented.

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

Mr. COVERDELL. Mr. President, I applaud the Stevens/Coverdell amendment submitted tonight by the Senator from Alaska, appropriating funds for six C–130Js for the Coast Guard. Senator STEVENS knows first hand of the Coast Guard's need for additional maritime patrol aircraft to meet the multiple aviation missions with which they are tasked. Through my close work with the Coast Guard and their efforts in our nation's war on drugs, I have also seen the need for these planes.

In 1998, Senator DEWINE and I introduced the Western Hemisphere Drug Elimination Act which restored a balanced drug control strategy by renewing our nation's commitment to international drug eradication and interdiction efforts. A crucial component of this strategy is the work the Coast Guard performs in guarding America's shores from drug dealers. One of the many areas the Coast Guard identified as needing improvement to fulfill this mission was their maritime patrol aircraft fleet. Coast Guard Commandant Admiral Loy said, in reference to the demands placed on the C–130 ''We've lost a full 25 percent or our availability while piling on additional mission requirements.'' It should also be noted that the Coast Guard flies their C–130s a third more hours than do the military services each year and the services own significantly more C–130s than the Coast Guard does.

Mr. President, the Western Hemisphere Drug Elimination Act passed the Congress just two years ago and now, through this amendment Senator DEWINE and I have cosponsored with Senator STEVENS, we are seeing the fruits of that effort. I am pleased to see that Congress is working to help the Coast Guard meet its many missions, particularly its efforts to end the scourge of illegal drugs plaguing this country.

Mr. WARNER. Mr. President, yesterday, the United States Senate took a procedural vote on Senator DASCHLE's amendment to S. 2521, the military construction appropriations bill. Senator DASCHLE lost this procedural vote by 42–54.

I did not support the Daschle amendment at that time because it was a procedural amendment to an unrelated bill. This unrelated Daschle amendment kept the Senate away all day from the important business of the military construction appropriations bill. In addition, it appeared that the Daschle amendment might indefinitely delay consideration of this important bill. As chairman of the Senate Armed Services Committee, I have a responsibility to secure passage of the important military construction appropriations bill. This bill provides critically needed funding for military construction projects, improves the quality of life for the men and women who are serving our country in the armed forces, and sustains the readiness of our armed forces. These areas are traditionally underfunded, and this bill provides the necessary funds to help make up for this shortfall. For these reasons, I did not support the Daschle amendment when it came before me on a procedural vote on May 16, 2000.

Subsequent to the procedural vote on the Daschle amendment on May 16, 2000, Senators LOTT and DASCHLE reached an agreement to have two up or down votes—one on the aforementioned Daschle amendment and another on an amendment to be offered by Senator LOTT. Under the agreement, debate on the amendments was limited by a time agreement.

Once this leadership agreement was reached, it became apparent that the Daschle amendment would no longer indefinitely delay the military construction appropriations bill. Therefore, my previous objections to this amendment were no longer relevant.

The Daschle amendment is a sense-of-the-Senate amendment. After stating a number of findings, the amendment states, among other things, that it is the sense of the Senate that ''Congress should immediately pass a conference report to accompany'' the juvenile justice bill that includes the Senate passed gun-related provisions.

During the Senate's debate of the juvenile justice bill in May of 1999, I supported the Lautenberg amendment, and other amendments to close the gun show loophole in the Brady act. I also supported an amendment to require licensed firearm dealers to provide a secure gun storage or safety device when a handgun is sold, delivered or transferred. Unfortunately, the juvenile justice bill has been locked in a House and Senate conference committee.

I remain firm in my stance on these issues. I certainly hope that House and Senate conferees can reach an agreement in conference on the juvenile justice bill. And I will continue to support the common sense gun provisions that passed the Senate during the juvenile justice debate. I believe the Senate passed gun-related amendments to the juvenile justice bill will help keep guns out of the hands of convicted felons and increase public safety without infringing on the rights of law-abiding citizens. Therefore, when it became clear that the Daschle amendment would not indefinitely delay consideration of the military construction appropriations bill, I supported this amendment.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

HONORING ROD DEHAVEN

Mr. DASCHLE. Mr President, it is a great honor for me to represent the people of South Dakota in the United States Senate. On occasion, I have the opportunity to recognize individual South Dakotans for their accomplishments, and, today, it brings me great pleasure to focus the attention of everyone in this chamber on one of South Dakota's most talented and determined athletes.

Rod DeHaven, a native of Huron, South Dakota, and a graduate of South Dakota State University, won the U.S.