

League, but not Larry Doby. He was a very special, special person.

We honor him not only for his feats in professional baseball but this is truly a family man, a large family, a great family, an extended family. This is what Larry Doby was about. Not only in Cleveland, not only where he came from, Paterson, New Jersey, but all of northern Jersey and New Jersey knew of his feats. The silk city.

Mr. Speaker, Larry Doby was from another time but very appropriate to our time. Today, when professional athletes hold up sneakers made in foreign lands with less than reasonable wages, we think of Larry Doby and his professionalism and his character that he brought to the field and off the field.

Mr. Speaker, he is a special person because he loved children; still, to this day, working with them in his own community of Montclair, which is a few miles from Paterson, New Jersey.

The naming of this post office is very fitting, very apropos. It should make us think about sports, which is all around us today. Every time we turn to the tube or turn to our own children or our children's children, it is around us and we are submerged. But that athlete, and particularly Larry Doby, was an individual who made sports more than a profession. He made sports his life.

And, yes, he helped integrate the sport. But as significant as that was, he helped elevate the character of what it was to be in professional sports. He is a very special person, very special indeed. Not only as a long-time resident of our State, the silk city slugger has certainly been a hero to everyone. Naming this post office will not only be an appropriate honor for Larry Doby, it is an honor for the people of Paterson. From another time, perhaps, Mr. Speaker, but appropriate for our time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from New York (Mr. MCHUGH), the chairman, and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, for their leadership in bringing all of these bills to the floor for consideration today. I think, as usual, they have done a magnificent job; and I certainly appreciate their efforts.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, today we pay tribute to Larry Doby. More than just a good professional baseball player, Mr. Doby was the first African American to play for the American League Cleveland Indians.

Like his counterpart Jackie Robinson playing for the National League Brooklyn Dodgers, Larry Doby proved to any doubting fan of the game that baseball's color barrier had nothing to do with ability and heart and everything to do with ignorance and fear.

The American men who played for the Negro Leagues should be commended for their grace and grit, showing world class athleticism to a country still coming to terms with race. In spite of being kept from the Major

League teams, the men of the Negro Leagues, men like Jackie Robinson, Larry Doby and Satchel Page, played the game just as well as their white counterparts, men like Babe Ruth, Joe DiMaggio, and Stan Musial.

Larry Doby played for the Newark Eagles in my home state of New Jersey. There is another man I would like to mention who played for the Eagles, and his name is John Drakeford. Although Mr. Drakeford played for the Eagles long after Larry Doby departed, his role as a player in the Negro Leagues should not be forgotten. John Drakeford loved the game as much as any Major League baseball player and showed it every time he took the field. His son, Theodore Drakeford, works in my district office in Long Branch. Theodore talks proudly of his dad, his uncle Steve Stephenson who played alongside John Drakeford, as well as his grandfather, John Stephenson, who played for the Philadelphia Hilldales. John Stephenson was an All-Star second baseman and played when Doby played.

Men like John Stephenson, Steve Stephenson, John Drakeford and Larry Doby not only contributed to America's pastime by playing good baseball, but also provided a valuable lesson to America's understanding of race. They showed us all that arbitrary labels and discriminatory barriers can do nothing to weaken the heart of a champion.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume and echo the words of the gentleman from New Jersey (Mr. PASCRELL) and note the very worthy individual we are about to honor on this last piece of legislation and urge its unanimous acceptance by the body.

I would also like to return the very gracious remarks of the gentleman from Illinois (Mr. DAVIS) and also extend my deep appreciation to him, to the gentleman from Pennsylvania (Mr. FATTAH), the entire membership on the minority side of the subcommittee, and the staff who have worked with us to bring these six bills to the floor and, in anticipation of passage of the final one, for a fairly successful afternoon.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the Senate bill, S. 985.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 985, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS POSSESSING FIREARMS

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 424) to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes, as amended.

The Clerk read as follows:

H.R. 424

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MANDATORY PRISON TERMS FOR POSSESSING, BRANDISHING, OR DISCHARGING A FIREARM OR DESTRUCTIVE DEVICE DURING A FEDERAL CRIME THAT IS A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.**

*Section 924(c) of title 18, United States Code, is amended—*

*(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively; and*

*(2) by striking paragraph (1) and inserting the following:*

*"(1) A person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States—*

*"(A) possesses a firearm in furtherance of the crime, shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime, be sentenced to imprisonment for 10 years;*

*"(B) brandishes a firearm, shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime, be sentenced to imprisonment for 15 years; or*

*"(C) discharges a firearm, shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime, be sentenced to imprisonment for 20 years;*

*except that if the firearm is a machinegun or destructive device or is equipped with a firearm silencer or firearm muffler, such additional sentence shall be imprisonment for 30 years.*

*"(2) In the case of the second or subsequent conviction of a person under this subsection—*

*"(A) if the conviction is for possession of a firearm as described in paragraph (1), the person shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime involved, be sentenced to imprisonment for not less than 20 years;*

*"(B) if the conviction is for brandishing a firearm as described in paragraph (1), the person shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime involved, be sentenced to imprisonment for not less than 25 years; or*

*"(C) if the conviction is for discharging a firearm as described in paragraph (1), the person shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime involved, be sentenced to imprisonment for not less than 30 years;*

*except that if the firearm is a machinegun or destructive device or is equipped with a firearm silencer or firearm muffler, the person shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime involved, be sentenced to life imprisonment.*

*"(3) Notwithstanding any other provision of law, the court shall not impose a probationary sentence on any person convicted of a violation of this subsection, nor shall a term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or*

drug trafficking crime in which the firearm was used.

"(4) For purposes of this subsection, the term 'brandish' means, with respect to a firearm, to display all or part of the firearm so as to intimidate or threaten, regardless of whether the firearm is visible."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 424, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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

Mr. Speaker, today we take an important step in the battle against firearm violence in America. With the bill that we have before us, this House will send a clear message to violent predators that the criminal use of guns will not be tolerated.

Criminals who use firearms to commit violent crimes and drug trafficking offenses are demonstrating the ultimate indifference to human life. The risks for law enforcement and the potential for harm to innocents are dramatically increased when criminals wield guns. Criminals who carry guns while committing serious crimes are making a clear and unequivocal statement to the world: I will hurt you or kill you if you get in my way. Such persons should be punished severely, and that is what this legislation will ensure.

Why do we need this bill so desperately? We need it because three young Starbucks employees were shot in execution style in Georgetown, very near Washington, DC, simply because, as police now believe, the manager could not open the safe in the back office. We need it because dedicated law enforcement officers across the country are being gunned down for the mere thrill of the kill. And unless we make it the law of the land that criminal gun use will put you in prison for a long, long time, we and all of our loved ones will continue to remain in grave danger any time some young thug decides to pull the trigger. For the time being, Congress must look at the laws as they exist and should intervene now.

Mr. Speaker, consider these frightening facts: The National Institute of Justice released a study earlier this year in which arrestees in 11 major urban areas across the country were interviewed regarding their propensity for gun use. Thirty-seven percent of all arrestees admitted to owning a gun. Even more astonishing and terrifying for the country is that a whopping 42

percent of admitted drug sellers and 50 percent of admitted gang members further confessed to using a gun to commit a crime. Mr. Speaker, these are just the ones that are willing to admit to such criminal behavior.

H.R. 424 amends section 924(c) of Title 18 of the United States Code. Currently, that section allows for additional time in prison for any person who "uses or carries" a firearm during and in relation to the commission of a Federal crime of violence or drug trafficking crime. Section 924(c) is a very significant and frequently used tool for Federal criminal prosecutors. According to the U.S. Sentencing Commission, there were 10,576 defendants sentenced from 1991 to 1996 under this section.

In December of 1995, the Supreme Court significantly limited the effective use of this Federal statute. The court held in the case of *Bailey v. United States* that in order to receive the penalty enhancement for use of a firearm under section 924(c), the government must demonstrate "active employment" of the firearm. In so stating, the Supreme Court overturned the Justice Department's long-standing practice of applying this penalty to dangerous criminals whose firearms further or advance their criminal activities.

The impact caused by the *Bailey* decision was immediate. Federal prosecutors have been less able to utilize this section of the code. Moreover, drug dealers and other bad actors have been successful in having their convictions overturned on the basis of erroneous jury instructions regarding the "use" prong of the "use or carry" test.

It is important to note the court observed in *Bailey* if Congress had intended possession alone to trigger liability under the statute it could have so provided. This legislation thus clarifies Congress' intent as to the type of criminal conduct which should trigger the statute's application.

The bill passed out of committee strikes the now unworkable "use and carry" element of the statute and replaces it with a structure that allows a penalty enhancement for "possessing, brandishing or discharging" a firearm during and in relation to a Federal crime of violence or drug trafficking crime. Possessing will result in a 10-year mandatory sentence, brandishing will bring 15 years, and discharging will lead to a mandatory 20 years in Federal prison. The legislation retains current law which allows for higher penalties for machine guns, destructive devices, firearm mufflers and firearm silencers.

For those who ask whether this bill will unintentionally affect someone who merely possesses a firearm in the general vicinity of a crime or someone who might use a gun in self-defense, the answer is no. The government must prove that the gun furthered or was used during and in relation to the commission of a Federal violent crime or

drug trafficking offense. In other words, the government must prove as an element of the offense that the person with the gun committed a Federal drug or violent crime.

A bill containing nearly identical provisions to H.R. 424 passed the House in the last Congress and this proposal was included in the Contract With America. The gentlewoman from North Carolina (Mrs. MYRICK) introduced this legislation during the first days of the 105th Congress, and I am very grateful to her for her continued dedication to ensuring the passage of this legislation.

Section 924(c) is a critical tool in our fight against gun-toting criminals. The Supreme Court's *Bailey* decision has put this issue squarely in Congress' lap, and we must act before more violent criminals escape accountability for their life-threatening conduct. Certainly this bill is tough, but I believe it is exactly what we need in response to the menacing threat of vicious gun crimes.

When someone possesses a gun in a crime of violence that is a Federal crime or a crime of drug trafficking, that is a Federal drug-trafficking crime, that person should get an additional, on top of whatever the underlying crime is, 10-year mandatory sentence. Lock them up for that period of time and throw away the key. That is an incredibly strong deterrent message. If they are going to brandish or point that gun at somebody, they should get the 15 years additional mandatory sentence on top of the underlying crime. And, by golly, if they pull the trigger under this bill, they should get an additional 20-year mandatory sentence for pulling the trigger as well as possessing the gun.

The administration has no problem with this legislation, and the Fraternal Order of Police endorses this bill. I am very pleased that we are here today offering it and supporting it.

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

□ 1645

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

Mr. Speaker, I oppose this legislation for several reasons, the most important of which is the fact that the penalties are out of proportion to the crimes committed. Let us compare these penalties to the penalties for other violent crimes: Aggravated assault, 2 years; assault with intent to murder, 3½ years; kidnapping, 4 years; voluntary manslaughter, 5 years; rape, 6 years. Does this make sense, all these sums, and add 10 years for possession of a gun in connection with a drug offense where no one was injured?

Mr. Speaker, this bill provides for enhancements. The gentleman from Florida, the chairman of the subcommittee, mentioned many of the heinous crimes. For those crimes, robbery, murder, you would get the penalty for that crime and these would be enhancements. Obviously they will serve many years in

jail just for the underlying crime. Mr. Speaker, the Department of Justice has strongly urged us to amend Title 18, section 924, in response to the Bailey decision, as the gentleman has indicated, but they have not requested any change in the gun sentencing penalty. In fact, they sent a letter to the Committee on the Judiciary declaring the existing penalty structure appropriate. The American Bar Association has opposed the changes in this bill.

Mr. Speaker, in 1984 we established the Sentencing Commission to avoid the disparate sentencing, as is evidenced in this bill, 5 years for murder, 6 years for rape, and 10 years for possession of a firearm in a routine drug deal as an enhancement over the underlying crime. The Sentencing Commission should review these crimes and deliberate without politics and without political considerations to assess a reasonable penalty. That is obviously not what we are doing today.

Mr. Speaker, we should also be aware of the cost of this legislation before we pass it. The Department of Justice estimates that over 30 years this new gun penalty will cost the American taxpayers between \$3.9 billion and \$4.2 billion and will require the construction of 4 new prisons. That is \$100 million to \$150 million a year. Last year the Rand Corporation studied many strategies for crime reduction and found that mandatory minimums such as those in this bill were one of the least cost effective ways to reduce crime. So that is another \$100 million a year that could have been put to better use.

Mr. Speaker, this bill provides penalties out of proportion to the crimes. It bypasses the Sentencing Commission and wastes the taxpayers' money. Therefore, I urge my colleagues to vote no on H.R. 424.

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

Mr. MCCOLLUM. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK), the author of this bill.

Mrs. MYRICK. Mr. Speaker, first I want to thank the gentleman from Florida (Mr. MCCOLLUM) for all the hard work and the effort he has put into bringing this bill to the floor. As mayor of Charlotte, I spent far too much time attending funerals of young people that were senseless because of the scourge that drugs have brought on this country. Day after day we hear of more and more people being victimized by drug traffickers. Today we have got the opportunity to fight back and fight back for our children and for our communities.

Throughout North Carolina and the Nation, citizens routinely claim that crime is one of their greatest fears and concerns. Nothing is scarier or more dangerous than a criminal possessing or brandishing a gun during the commission of a crime. We do not have to put up with it and we will not.

H.R. 424 provides for longer mandatory minimum sentences and clarifies

Federal law so that convicted criminals will spend a long time behind bars where they cannot hurt anyone else. Crime victims across the country deserve to know that Congress has dealt harshly with reckless criminals and those criminals need to know that the law is clear, commit a Federal drug trafficking crime while possessing or brandishing a firearm and you will be in prison for a very, very long time. We cannot send that message too strongly or too often. I urge my colleagues to support H.R. 424.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in opposition to H.R. 424, a bill that would dramatically increase mandatory minimum sentencing. Let me make it clear. I do not like guns. I abhor crime, but this is not about sensible ways to deal with crime. This is about mandatory minimum sentencing, taking away the discretion of judges to make decisions about the varied situations that they may be confronted with. What are we doing with our criminal justice system, where we are spending, what, \$3.5 billion in the Federal system alone, where we perhaps have the highest rate of incarceration of any industrialized nation? We may have people believe that somehow we are making the streets safer for them with this incarceration, but let me tell my colleagues, the recidivism rate does not prove in any way that this incarceration is doing anything to make our streets safer. We should not take away the discretion of judges who have to walk through these situations to be able to make decisions. I am very, very concerned that when we start to increase the sentencing mandatory minimums that we distort the criminal justice system.

We heard my colleague talk about other penalties and try and do some comparison. Let me reiterate. Aggravated assault, less than 2 years. Assault with intent to murder, less than 4 years. Voluntary manslaughter, 5 years. Criminal sexual abuse, under 6 years. It does not make good sense to distort sentencing in this manner. Let me give my colleagues an example of what I think is absolutely crazy. We have a 19-year-old, maybe they are stupid but they are not criminals, they end up with 5 grams of crack cocaine in their possession. First-time offense. An automatic 5-year mandatory minimum sentence in Federal prison. We add to that an unloaded gun that they may have in their possession that happens to be under a coat that may be brandished. This does not say anything about it having to be loaded. So now they have 15 years minimum. 19 years old, stupid, your son, who is not a criminal, who if sentenced appropriately will have a chance to go on and straighten out their lives and do something with it. But we want to put them in prison for 15 years? I do not think we want to do that.

What is wrong with creating these sentences from the floor of Congress is this: We all have these different ideas. We have a Sentencing Commission who studies this and makes recommendations. I suppose we could all get up and look as if we are tough on crime and we could give 20 and 30 and 40 years and I guess it just spins out of control. I do not think it is sensible, I do not think it is logical. I think this increase in mandatory minimums for crimes that could end up not being violent crimes at all with the simple possession is harmful to our system and should not be done.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I will be brief. I want to commend the gentleman from Florida (Mr. MCCOLLUM) for bringing this legislation to the floor in this timely manner. The gentlewoman from North Carolina (Mrs. MYRICK), my colleague on the Committee on Rules, introduced this bill last year along with my cosponsorship and others and we almost got this bill considered as the final item of business last year. But nothing could be done on the floor at that time on that last day of the session without unanimous consent, and of course the Democrats blocked unanimous consent and we could not pass it as the last bill of the day. That is just too bad. As a result, this crucial piece of legislation was delayed for many months now. We may never know for certain how many lives could have been saved if this bill had been passed earlier. What I do know is that the sooner we enact this legislation, the sooner we can toughen mandatory minimum penalties on those who commit crimes involving guns. In the long run this is a bill to save lives by getting criminals with guns off the street.

Mr. Speaker, there is nothing that aggravates me more than the real cause for drug use in America. Seventy-five percent of all the drug use in America is not used by these poor people in the inner cores of our country, it is used by the upper middle class in suburban America. Seventy-five percent of them are the ones that use drugs recreationally. They are the ones that prop up the price of these drugs because of so much use. We just need to go after these people. The only difference between this democracy and democracies that have failed all across this world is the fact that we are law-abiding citizens, and we have to send that word that we insist that people obey the laws of this land. One can fight to change the law, but one has to obey the law. If one does not, he ought to be penalized.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I would like to give the gentleman a scenario.

If a young man 19 or 20 years old maybe goes out to hunt and they have got a hunting rifle and they happen to have 5 ounces of crack cocaine inside their jacket pocket, they have a gun, it is there for you to see, they are in possession of drugs, first-time offense on the possession of the cocaine, 5 years minimum in Federal prison added to this with a gun, the hunting gun, now 15 years. Is that what the gentleman understands this bill to be?

Mr. SOLOMON. Not at all. I understand it has to be in the furtherance of a crime. Be that as it may, and I cannot yield any further because I have to get upstairs to a meeting, but let me tell the gentlewoman what I told my 5 children: If you are out there with cocaine in your possession, damn it, I want you to go to jail and I want everybody else's kid in America to go to jail if you are using these kinds of drugs and committing these kinds of crimes.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I just outlined a possibility, a scenario that was not responded to. It was not responded to because I do not think that any reasonable legislator, public policymaker would intend to do this. I am as tough on crime as anybody. I am in the forefront of trying to do something about crime. I happen to be honest enough to admit that our children oftentimes are getting involved with drugs and we are not doing enough to prevent it, to rehabilitate them, to discourage them and create the kind of society where we can essentially be drug-free. I think we make a mistake by putting these small drug dealers in prison or by having simple possession, causes them to go to prison. I think this bill, despite the fact of what has been represented, would take the kind of situation where a young man out with a hunting rifle and a small amount of drugs could end up with 15 to 30 years in prison. I do not think that is what is intended, but that is the problem when we have mandatory minimums being created by legislators from the floor rather than working in an organized way with the Sentencing Commission.

Yes, drugs are bad. We are working very hard to do something about it. I have gone to every appropriations committee that has got anything to do with appropriating funds to get rid of drug abuse in our society. I put myself on the line. It is the number one priority of the Congressional Black Caucus, to get rid of drugs in our society. We do not just use this as a political issue. We are really working very hard. We have this "lock them up and throw the key away" for young people with small amounts of drugs when we should be rehabilitating them, have more prevention in our schools and in our community. We should be thinking about what we can do to reduce the cost of incarceration and ruining lives.

Mr. Speaker, I would ask my colleagues to get to the floor and vote against this legislation. This legislation does America no good. It sounds good, it maybe will make many of our constituents feel good. It may make some legislators look as if they are against drugs and that they are tough law and order legislators. But this is misdirected, misunderstood perhaps by many, and will do more harm than good.

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

Mr. Speaker, I will close by saying that this gives us an opportunity to sound tough on crime but this mandatory minimum strategy has been studied, and it is one of the least cost effective ways of reducing crime. The highest risk offenders do not get enough. The lowest risk offenders get too much. This will provide more time for this offense than those who are convicted of rape, voluntary manslaughter, and kidnapping.

□ 1700

The money that will be spent in this bill could be put to better use. It is 100 to \$150 million a year that could be put to crime prevention programs, enhanced police protection, drug rehabilitation and a lot better uses than this sound bite that is in this bill, and I would hope we would defeat it.

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

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume, and then I am going to yield, if I can, to the gentleman from Indiana (Mr. BUYER), a member of the committee, who just walked in.

I want to make a response at this point to the gentlewoman's concerns expressed with regard to the issue of whether or not somebody in possession of a small amount of crack cocaine or cocaine period, out hunting with a rifle could indeed be found to be guilty of a crime that would result in the enhanced punishments under this bill, and the answer is they could not. And the reason why they could not is because the crime under the bill, the enhancement provisions for the crime, requires that it be committed, that a crime be the possession or the brandishing or the discharging of the gun be committed during and in relationship to a crime of violence or drug trafficking, and it has to be in furtherance of that crime.

And in our report, the committee report, we define all of that in quite a lengthy time, talking about both Webster's New International Dictionary and Black's Law Dictionary, defining furtherance as the act of furthering, helping, forwarding, promoting, advancement or progress, and we go on to say the mere possession of a firearm in an area where a criminal act occurs is not a sufficient basis for imposing this particular mandatory sentence. Rather, the government must illustrate through specific facts which tie the de-

fendant to the firearm that the firearm was possessed to advance or promote the criminal activity.

Somebody out hunting who simply happens to have possession of narcotics would not be somebody that this would apply to because the gun would not be in furtherance of a criminal enterprise, the violent crime of drug trafficking.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, that is the trouble with this kind of mandatory minimum sentencing making. If, for example, the gentleman was in possession of a small amount of drugs, crack cocaine, had a gun, and while he was out there said to his friend, oh, I will sell you half of it, two 19-year-olds, that is the furtherance of a crime. They have got the drug trafficking.

Mr. MCCOLLUM. Mr. Speaker, I reclaim my time and tell the gentlewoman that the gun is not being used in that case in the furtherance of the crime. The gun is not. We have got to have that gun in the furtherance of the crime itself, not simply possess it on their person.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER) a member of the committee.

Mr. BUYER. Mr. Speaker, I rise in support of the bill before us, H.R. 424, which will increase the penalties when thugs have firearms while committing federal crimes of violence or drug trafficking offenses. This debate is about sincere and fundamental differences in addressing violent crime.

The other side believes with all their heart that if we get the guns off the streets, there will not be crime in our society. Then, there is the alternative, in which camp I place myself, that believes gun control is not crime control and that law-abiding, free citizens have the right to own and bear arms.

Under this bill, the thug who uses a firearm in the commission of a crime receives a mandatory minimum sentence of 5 years above the sentence for the crime itself. If this same thug brandishes a weapon to incite fear in victims, it increases the sentence to 10 years. If a thug discharges the firearm, then the mandatory minimum is 20 years. The opponents of this measure believe these sentences are harsh. Yes, they are harsh, but many of us also believe that if a firearm is used in the commission of violent crime, the penalty should be harsh.

This bill is about achieving a proper balance in punishment that upholds the needs of victims in society, and I urge the adoption of the bill.

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

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, the gentleman from Florida (Mr. MCCOLLUM) did not respond to the question. What

he did was to confirm that this is triggered not simply by violent crime, but so-called drug trafficking. He did not respond to the scenario that I built for him where a small possession of drugs may trigger a mandatory minimum sentence already.

On top of having this hunting gun in one's possession and to exacerbate it, to even make it worse, or even to try and answer what he said, I said, and he may say to a friend who is hunting with him, I will give him half for \$5.

Now, what he is saying to us is this: Mothers and fathers should go out and hire the best lawyer that can be hired and spend all of the money that they have got to prove, in fact, that this gun was not used in the commission of a crime. I do not want to heap that on anybody's head.

I do not like drugs; I do not like guns. If I had my druthers, I would have complete gun control. I would take guns out of the hands of everybody. I do not like drugs. We fight very hard against them.

So I do not want anybody to think I am covering anybody. What I dislike is mandatory minimum sentencing. I want the judges that we appoint to the bench to be able to look at each of these situations and decide. In some cases they have got to be very tough; in other cases, they know the difference, when we just have a stupid kid who has fallen into an ill-conceived law like this one and will not allow them to have their lives thrown away simply because they are stupid.

Mr. Speaker, I say to my colleague that he has just set up a scenario where he tells me that if, in fact, they fall in these gray areas, let them go and prove, or let somebody prove, that they, in fact, did not come into having this law take effect for them.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I want to be respectful to the gentlewoman from California (Ms. WATERS). I do not know if the example of a hunter with crack cocaine is the right example to use. Hunters in Indiana with crack cocaine are not out hunting game, they are out hunting to sell their product. So I do not know if that is appropriate.

I have been listening to the gentlewoman about the mandatory minimums. We just met with our Federal judges. Even in Indiana they wish they had some discretion in certain areas. But as my colleagues know, society, we are moving this and being tough on these judges because of some lenient sentences, and we have to make these decisions on the Committee on the Judiciary.

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

Mr. Speaker, I want to explain before we go into the closing of this the relative words with regard to the possession of a firearm that might trigger the mandatory 10-year sentence.

We have brandishing, which is pointing the gun, which gets 15, and pulling

the trigger, which gets 20. That is pretty apparent. The gentlewoman from California has discussed a potential scenario involving a cocaine dealing or trafficking situation.

Let us assume that it, in fact, is a crime of cocaine trafficking that is going on. If indeed the person possesses a gun, the simple possession of it during the course of while that is going on, if it is not in furtherance of that crime, it is not going to trigger the additional mandatory minimum. And it is not a gray area at all. It would require, in all of the experts that we have had look at this and the way the Justice Department has interpreted, and I think the courts have, too, that the person who is dealing in that drug have to say since he is just possessing the gun, hey, I have got a gun here, and by golly, if these people do not do whatever I say do, then they are going to likely see me use that gun and words to that effect, something that is active, some furtherance in relationship to the crime, not the mere passive possession of the gun on the person during the course of the transaction.

I think that is pretty clear, and it also has to be clearly on the person. It cannot be sitting over on some other side of the room somewhere. That is why, for example, the National Rifle Association has not expressed any problem with this bill. I am quite confident they would oppose this bill if they thought simple possession of a gun would get somebody into trouble, and they do not.

What we are dealing with here is minimum mandatory hard message sentences for people who are out there committing crimes and are using guns in the furtherance of those crimes, and I think that is the important part.

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

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

Mr. Speaker, I just say that when we talk about possession as less than brandishing, I am not sure how we are ever going to get to prove simple possession that was not brandishing. As the gentlewoman from California indicated, I guess that is for the family that spent all their money on lawyers to protect themselves from this falling on them.

The bottom line, though, is that mandatory minimums have been studied and are the least, one of the least effective ways to reduce crime. If we are serious about reducing crime, if we are serious about it, we should not pass the mandatory minimums. We should use the money for something constructive.

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

Mr. MCCOLLUM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would just simply like to conclude this debate by making the point of why this bill is out here. This bill is out here to send a message, a message to anybody who is going to

think about using a gun in the commission of a crime, to tell them they better think twice, three times or four times because if they are out there using a gun in the commission of a Federal violent crime or drug trafficking offense, they are going to pay an extraordinary price, 10 more years in addition to the underlying sentence, minimum 10 more years in Federal prison for possession, 15 more years in Federal prison for brandishing the gun, pointing at somebody, and 20 years more if they actually pull the trigger while they are committing a Federal crime of violence or drug trafficking.

The idea is to deter people from using guns in the commission of violent and drug trafficking crimes to say, no, and believe me, they talk about it. Hoodlums on the street, young people who are involved, there is a whole chain of conversation that goes on, most of them are very much in the know, and the idea of why we need this legislation is to send that message to them so we have far less violent crime with drugs than we have in America today.

So, kids, do not use guns, and if that message is sent out there, if we really can send that message home, there is hope of truly reducing violence in America. This is one, in my opinion, one of the most important pieces of legislation that this Congress has passed in the years I have been here, and I hope it is passed today, and I urge the passage of H.R. 424 today.

Mr. PAUL. Mr. Speaker, I rise to opposition to H.R. 424 for the following reason. Crime control and crime-related sentencing, the stated reason for enacting gun control legislation in the first place, was never intended to be a function of the federal government. Rather, it is a responsibility belonging to the states.

This country's founders recognized the genius of dividing power amongst federal, state and local governments as a means to maximize individual liberty and make government most responsive to those persons who might most responsibly influence it. This division of power strictly limited the role of the federal government and, at the same time, anticipated that law enforcement would almost exclusively be the province and responsibility of state and local governments.

Constitutionally, there are only three federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting. Despite the various pleas for the federal government's correction of all societal wrongs, a national police force and mandatory sentencing laws which violate the ninth and tenth amendments to the U.S. are neither prudent nor constitutional.

For this reason I oppose H.R. 424 and the federal government's attempt to usurp the police power which properly rests with state governments.

Mr. CRANE. Mr. Speaker, I rise in support of H.R. 424, providing for mandatory minimum sentences for criminals who use guns in the commission of a crime.

Mr. Speaker, I have been a strong supporter of the Second Amendment, which guarantees the right of law-abiding Americans to keep and bear arms. I have opposed gun control laws because they infringe upon this right. Instead,

I have strongly supported tough prison sentences for criminals who use firearms in the commission of a crime. I believe that this is the correct way to deal with gun violence—punish the criminals.

H.R. 424 imposes increasingly stiff penalties for crooks with guns, depending on how the weapon is used in the crime. The bill mandates a 10-year jail term for possessing a firearm in the commission of a crime. If a gun is brandished, the criminal will face a 15-year sentence. If a gun is discharged during the crime, he will receive a 20 year prison term. In addition, the bill provides 20, 25, and 30-year sentences, respectively, for subsequent convictions of the three categories of crimes. Furthermore, the bill prohibits courts from weakening these sentences by eliminating the possibility for probation as well as allowing the sentences to be served concurrently.

Gun control laws prevent law-abiding citizens from owning guns, not criminals. Rather than laws which do not discriminate between peaceful gun owners and gun toting crooks, H.R. 424 gets tough on the right people, criminals.

I urge my colleagues to join me in supporting H.R. 424.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of HR 424, which increases the mandatory minimum penalty for possessing a firearm while committing a crime, and imposes tough, new penalties based on how a firearm is used in the commission of a crime.

The Second Amendment of our Constitution protects the right of law-abiding Americans to bear arms. It does not extend this solemn right to criminals. Nor does it extend this right to those individuals who use firearms in the commission of crimes.

In response to Americans' concern with violent crime, the Federal government, and several States, have pursued policies which fail to distinguish between two widely disparate interests: the law-abiding citizens who wish to acquire firearms for protection, hunting, recreation or any other lawful purpose; and criminals, who, by definition, seeking to obtain firearms for purposes contrary to the law, and who are dangerous to our communities. Unfortunately, this policy of targeting both law-abiding citizens and criminals is not succeeding. Criminals can be relied upon to obtain firearms outside lawful channels. Americans understand that waiting periods and other hindrances to the acquisition of firearms that fail to differentiate between law-abiding citizens and criminals simply do not reduce crime, and do not make our communities safer. Such policies do injustice to our Constitutional liberty for citizens to bear arms. Just as importantly, such policies do not target the cause of violent gun crimes. The cause of violent gun crimes is violent gun criminals.

In the best interests of crime victims, and of men, women and children who want safe communities, let us send a strong message to the criminals: If you use a firearm in the commission of a crime, you will go to jail for a long time.

I am pleased today to support HR 424 because this important legislation targets firearms crimes by targeting criminals who use firearms, while protecting the Constitutional rights of lawful firearms owners. It is based on a simply, easily-understood principle: penalty escalation. If an individual commits a crime while possessing a firearm, he gets 10 years

in jail. If he brandishes that weapon in such a way that it aids in the criminal act, that's a 15-year sentence. If he discharges that weapon, count on 20 years in jail. And those penalties are for the first offense. Second or subsequent offenses demand greater penalties. Additional penalties are provided if the crime was committed with a machine gun, or a firearm with a silencer or muffler.

My congratulations go to my colleague, Rep. SUE MYRICK (R-NC), who wrote this bill, and to Chairmen BILL MCCOLLUM and HENRY HYDE for reporting HR 424 to the floor today. I also want to express my appreciation to the leadership of this Republican Congress, which is thoroughly and fully committed to making every American community safer for families and for freedom.

I encourage my colleagues to stand for safer communities, to stand for the rights and liberties of law-abiding citizens who are gun owners and those who are not, and to stand against the criminal element in this country, by voting in favor of HR 424. I hope that the Senate and the President will follow through as well, by promptly adopting this important anti-crime measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 424, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### APPOINTMENT OF CONFEREES ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT of 1998

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the Senate bill (S 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes:

Messrs. SMITH of Oregon,

COMBEST,

BARRETT of Nebraska,

STENHOLM, and

DOOLEY of California.

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

#### INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS POSSESSING FIREARMS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 424, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 424, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 350, nays 59, not voting 21, as follows:

[Roll No. 18]

YEAS—350

Abercrombie	Danner	Hobson
Ackerman	Davis (FL)	Hoekstra
Aderholt	Davis (VA)	Holden
Allen	Deal	Hooley
Andrews	DeFazio	Horn
Archer	DeLauro	Hostettler
Armey	DeLay	Houghton
Bachus	Deutsch	Hoyer
Baessler	Diaz-Balart	Hulshof
Baker	Dickey	Hunter
Baldacci	Dicks	Hutchinson
Ballenger	Dingell	Hyde
Barcia	Doggett	Inglis
Barr	Dooley	Istook
Barrett (NE)	Doolittle	Jefferson
Barrett (WI)	Doyle	Jenkins
Bartlett	Dreier	John
Barton	Duncan	Johnson (CT)
Bass	Dunn	Johnson (WI)
Bateman	Edwards	Johnson, E. B.
Becerra	Ehlers	Johnson, Sam
Bentsen	Ehrlich	Jones
Bereuter	Emerson	Kanjorski
Berry	Engel	Kaptur
Bilbray	English	Kasich
Bilirakis	Ensign	Kelly
Bishop	Eshoo	Kennedy (MA)
Blagojevich	Etheridge	Kennedy (RI)
Bliley	Evans	Kennelly
Blumenauer	Everett	Kildee
Blunt	Ewing	Kim
Boehlert	Farr	Kind (WI)
Boehner	Fawell	King (NY)
Bonilla	Foley	Kingston
Borski	Forbes	Klecza
Boswell	Fossella	Klug
Boucher	Fowler	Knollenberg
Boyd	Fox	Kolbe
Brady	Frank (MA)	Kucinich
Bryant	Franks (NJ)	LaHood
Bunning	Frelinghuysen	Largent
Burr	Frost	Latham
Burton	Gallegly	LaTourrette
Buyer	Ganske	Lazio
Callahan	Gejdenson	Leach
Calvert	Gekas	Levin
Camp	Gephardt	Lewis (CA)
Campbell	Gibbons	Lewis (KY)
Canady	Gilchrest	Linder
Cannon	Gillmor	Livingston
Cardin	Goodlatte	LoBiondo
Castle	Goodling	Lowe
Chabot	Gordon	Lucas
Chambliss	Goss	Luther
Chenoweth	Graham	Maloney (CT)
Christensen	Granger	Maloney (NY)
Clement	Green	Manton
Clyburn	Greenwood	Manzullo
Coble	Gutknecht	Markley
Coburn	Hall (OH)	Mascara
Collins	Hall (TX)	Matsui
Combest	Hamilton	McCarthy (NY)
Condit	Hansen	McCollum
Cook	Harman	McCrery
Cooksey	Hastert	McDade
Costello	Hastings (WA)	McGovern
Cox	Hayworth	McHale
Cramer	Hefley	McHugh
Crane	Herger	McInnis
Crapo	Hill	McIntosh
Cubin	Hilleary	McKeon
Cunningham	Hinojosa	Meehan