

PROVIDING FOR THE CONSIDERATION OF H.R. 125, THE
GUN CRIME ENFORCEMENT AND SECOND AMENDMENT
RESTORATION ACT OF 1996

MARCH 21, 1996.—Referred to the House Calendar and ordered to be printed

Mr. SOLOMON, from the Committee on Rules,
submitted the following

REPORT

[To accompany H.Res. 388]

The Committee on Rules, having had under consideration House Resolution 388, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for consideration in the House of H.R. 125, the “Gun Crime Enforcement and Second Amendment Restoration Act of 1996” under a closed rule. The rule provides that the amendment printed in this report is considered as adopted. The rule provides for one hour of debate divided equally between Representative Chapman of Texas or Representative Barr of Georgia and Representative Conyers of Michigan or his designee. The rule orders the previous question to final passage without intervening motion except one motion to recommit which, if containing instructions, may only be offered by the Minority Leader or a designee.

SECTION-BY-SECTION SUMMARY OF THE SUBSTITUTE AMENDMENT
CONSIDERED AS ADOPTED BY THE RULE TO H.R. 125

Section 1. Section 1 contains the short title of the bill, the “Gun Crime Enforcement and Second Amendment Restoration Act of 1996.”

Section 2. Section 2 includes findings of Congress which affirm the responsibility of government to protect its citizens from armed violent criminals and that the most effective way to deal with armed violent criminals is to arrest, convict and incarcerate them for substantial periods of time.

Section 3. This section directs the Attorney General to establish within 6 months after enactment of the bill an "armed violent criminal apprehension program." Elements of the program include—(1) the designation of at least one federal prosecutor in every U.S. attorney's office to prosecute federal laws pertaining to armed violent criminals; (2) a requirement that every U.S. attorney establish a task force within his or her federal district to coordinate with State and local law enforcement the apprehension of armed violent criminals; (3) monthly reports from U.S. attorneys concerning the number of armed violent criminals arrested and prosecuted; and (4) semiannual reports from the Attorney General to the Congress summarizing the information received from the U.S. attorneys. The Attorney General may waive the requirements affecting U.S. attorneys in low crime areas.

Section 4. This section repeals the prohibitions on manufacturing, transferring or possessing a "semiautomatic assault weapon," and possessing or transferring a "large capacity ammunition feeding device." It also repeals certain definitions in conformity with the repeal of the underlying prohibitions. Finally, this section repeals a requirement that the Attorney General conduct a study regarding the effectiveness of the ban on assault weapons.

Section 5. This section establishes enhanced mandatory minimum prison sentences for anyone who possesses, brandishes, or discharges a firearm in the course of a federal violent crime or drug trafficking offense. This section also establishes an additional mandatory minimum prison sentence if the firearm is equipped with a large capacity ammunition feeding device (defined as one capable of accepting more than ten rounds of ammunition). This penalty replaces the current enhanced penalty relating to semiautomatic weapons.

COMMITTEE VOTES

Pursuant to clause 2(l)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Rollcall No. 301

Date: March 21, 1996.

Measure: Rule for the consideration of H.R. 125, the Gun Crime Enforcement and Second Amendment Restoration Act of 1996.

Motion by: Mr. Frost.

Summary of motion: Increase debate time on the bill from one to two hours.

Results: Rejected, 4 to 8.

Vote by Members: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Yea; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

The amendment to be considered as adopted is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Crime Enforcement and Second Amendment Restoration Act of 1996".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) One of the primary duties of government is to protect its citizens from armed violent criminals. America's cherished liberty and the social and economic prosperity of its communities are dependent upon government's ability to maintain public safety.

(2) Criminals, by definition, operate outside the law and routinely acquire firearms when they so desire. Banning specific types of firearms has no effect on the moral behavior of those who choose to inflict harm on innocent citizens.

(3) The most effective way to protect the public from gun-wielding violent criminals is to arrest, convict, and incarcerate such predators, and to ensure that they serve sentences of sufficient length to prevent them from returning quickly to the streets.

SEC. 3. ARMED VIOLENT CRIMINAL APPREHENSION DIRECTIVE.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Attorney General of the United States shall establish an armed violent criminal apprehension program consistent with the following requirements:

(1) Each United States attorney shall designate at least 1 assistant United States attorney to prosecute armed violent criminals.

(2) Each United States attorney shall establish an armed violent criminal apprehension task force comprised of appropriate law enforcement representatives. The task force shall develop strategies for removing armed violent criminals from the streets, taking into consideration—

(A) the importance of severe punishment in deterring armed violent crime;

(B) the effectiveness of Federal and State laws pertaining to apprehension and prosecution of armed violent criminals;

(C) the resources available to each law enforcement agency participating in the task force;

(D) the nature and extent of the violent crime occurring in the district for which the United States attorney is appointed; and

(E) the principle of limited Federal involvement in the prosecution of crimes traditionally prosecuted in State and local jurisdictions.

(3) Not less frequently than monthly, the Attorney General shall require each United States attorney to report to the Department of Justice the number of defendants charged with, or convicted of, violating section 922(g) or 924 of title 18, United States Code, in the district for which the United States attorney is appointed.

(4) Not less frequently than twice annually, the Attorney General shall submit to the Congress a compilation of the information received by the Department of Justice pursuant to paragraph (3) and a report on all waivers granted under subsection (b).

(b) **WAIVER AUTHORITY.**—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (a) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (a) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent crime committed in the district for which the United States attorney is appointed.

(c) ARMED VIOLENT CRIMINAL DEFINED.—As used in this section, the term “armed violent criminal” means a person who is accused of violating section 922(g)(1) of title 18, United States Code, having been previously convicted of a violent crime, or who is accused of violating section 924 of such title.

(d) SUNSET.—This section shall have no force or effect after the 5-year period that begins 180 days after the date of the enactment of this Act.

SEC. 4. REPEAL OF THE PROHIBITIONS RELATING TO SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) Section 922 of title 18, United States Code, is amended by striking subsections (v) and (w) and by striking the appendix.

(b) Section 921(a) of such title is amended by striking paragraph (30).

(c) Section 921(a)(31)(A) of such title is amended—

(1) by striking “manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994”; and

(2) by striking “, or that can be readily restored or converted to accept,”.

(d) Section 923(i) of such title is amended by striking the last 2 sentences.

(e) Section 924(a)(1)(B) of such title is amended by striking “(r), (v), or (w)” and inserting “or (r)”.

(f) Section 110104 of the Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C. 921 note) is repealed.

SEC. 5. 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 (4) and (5), 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, shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime, be sentenced to imprisonment for 5 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 10 years; or

“(C) discharges a firearm with the intent to injure another person, 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 short-barreled rifle or short-barreled shotgun, or is equipped with a large capacity ammunition feeding device, such additional sentence shall be imprisonment for 10 years more than the term of imprisonment that would otherwise be imposed under this paragraph, and 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 person possessed a firearm during and in relation to such second or subsequent crime of violence or drug trafficking crime, the person shall, in addition to the sentence imposed for such second or subsequent offense, be sentenced to imprisonment for not less than 20 years;

“(B) if the person brandished a firearm during and in relation to such second or subsequent crime of violence or drug trafficking crime, the person shall, in addition to the sentence imposed for such second or subsequent offense, be sentenced to imprisonment for not less than 25 years; or

“(C) if the person discharged a firearm with the intent to injure another person during and in relation to such second or subsequent crime of violence or drug trafficking crime, the person shall, in addition to the sentence imposed for such second or subsequent offense, 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 such second or subsequent offense, be sentenced to life imprisonment.

“(3)(A) 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.

“(B) No person sentenced under this subsection shall be released for any reason whatsoever during a term of imprisonment imposed under this subsection.”.