

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring). That, in the enrollment of the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, the Secretary of the Senate shall strike subsection (a) of section 2 and insert the following:

“(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ‘until’ and all that follows through ‘but’ and inserting ‘until the close of business on September 30, 2001, but’.”.

AMENDING SECTION 13031 OF THE OMNIBUS RECONCILIATION ACT OF 1985

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3034, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3034) to amend section 13031 of the Omnibus Reconciliation Act of 1985, Relating to Customs User Fees, to allow the use of such fees to provide for Customs inspectional personnel in connection with the arrival of passengers in Florida, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place.

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

The bill (H.R. 3034) was deemed read a third time, and passed.

MAKING TECHNICAL CORRECTIONS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate bill 1565 introduced earlier today by Senator ABRAHAM.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1565) to make technical corrections to the Nicaraguan Adjustment and Central American Relief Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (S. 1565) was considered, read a third time, and passed, as follows:

S. 1565

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

SECTION 1. TECHNICAL CORRECTIONS TO NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) ADJUSTMENT OF STATUS.—Section 202(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking “Notwithstanding section 245(c) of the Immigration and Nationality Act, the” and inserting “The”; and

(2) in subparagraph (B)—

(A) by striking “is otherwise eligible to receive an immigrant visa and”; and

(B) by striking “(6)(A), and (7)(A)” and inserting “(6)(A), (7)(A), and (9)(B)”.

(b) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the matter preceding subparagraph (A), by striking “Notwithstanding section 245(c) of the Immigration and Nationality Act, the” and inserting “The”; and

(2) in subparagraph (D)—

(A) by striking “is otherwise eligible to receive an immigrant visa and”; and

(B) by striking “exclusion” and inserting “inadmissibility”; and

(C) by striking “(6)(A), and (7)(A)” and inserting “(6)(A), (7)(A), and (9)(B)”.

(c) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by section 203(a)(1) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in clause (i), in the matter preceding subclause (I), by inserting “of this paragraph” after “subparagraph (A)”;

(2) in clause (ii), by striking “this clause (i)” and inserting “clause (i)”.

(d) TEMPORARY REDUCTION IN DIVERSITY VISAS.—Section 203(d) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in paragraph (1) by inserting “otherwise” before “available under that section”; and

(2) in paragraph (2)(A)—

(A) by striking “309(c)(5)(C)” and inserting “309(c)(5)(C)(i)”;

(B) by striking “year exceeds—” and inserting “year; exceeds”.

(e) TEMPORARY REDUCTION IN OTHER WORKERS’ VISAS.—Section 203(e)(2)(A) of the Nicaraguan Adjustment and Central American Relief Act is amended by striking “(d)(2)(A), exceeds—” and inserting “(d)(2)(A); exceeds”.

(f) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect upon the enactment of the Nicaraguan Adjustment and Central American Relief Act (as contained in the District of Columbia Appropriations Act, 1998); and

(2) shall be effective as if included in the enactment of such Act.

REIMBURSEMENT OF MEMBERS OF THE ARMY DEPLOYED IN EUROPE

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2796, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2796) to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996 and ending on May 31, 1997.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place.

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

The bill (H.R. 2796) was read a third time, and passed.

REQUIRING THE ATTORNEY GENERAL TO ESTABLISH A PROGRAM IN LOCAL PRISONS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1493, and further that the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1493) to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 1493) was read a third time, and passed.

THE GUN ACT OF 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 266, Senate bill 191.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 191) to throttle criminal use of guns.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment

to strike all after the enacting clause and inserting in lieu thereof the following:

S. 191

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

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

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

(1) by striking “(c)” and all that follows through “(2)” and inserting the following:

“(c) **POSSESSION OF FIREARM DURING COMMISSION OF CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.**—

“(1) **TERM OF IMPRISONMENT.**—

“(A) *IN GENERAL.*—Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

“(i) be sentenced to a term of imprisonment of not less than 5 years; and

“(ii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

“(B) **EXCEPTION FOR CERTAIN OFFENSES.**—If the firearm possessed by a person convicted of a violation of this subsection—

“(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; and

“(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

“(C) **EXCEPTION FOR CERTAIN OFFENDERS.**—In the case of a second or subsequent conviction under this subsection, a person shall—

“(i) be sentenced to a term of imprisonment of not less than 25 years; and

“(ii) if the firearm at issue is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to a term of imprisonment for life.

“(D) **PROBATION AND CONCURRENT SENTENCES.**—Notwithstanding any other provision of law—

“(i) a court shall not place on probation any person convicted of a violation of this subsection; and

“(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.

“(2) **DEFINITION OF ‘DRUG TRAFFICKING CRIME.’**—”; and

(2) in paragraph (3)—

(A) by striking “(3) For” and inserting the following:

“(3) **DEFINITION OF ‘CRIME OF VIOLENCE.’**—For””; and

(B) by indenting each of subparagraphs (A) and (B) 2 ems to the right.

(b) **CONFORMING AMENDMENT.**—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting “firearms possession (as described in section 924(c));” after “firearms use;”.

Mr. NICKLES. Mr. President, I ask unanimous consent that the committee

substitute be agreed to, the bill be considered a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The amendment was agreed to.

The bill, S. 191, as amended, was considered read for a third time, and passed.

S. 191

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

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

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

(1) by striking “(c)” and all that follows through “(2)” and inserting the following:

“(c) **POSSESSION OF FIREARM DURING COMMISSION OF CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.**—

“(1) **TERM OF IMPRISONMENT.**—

“(A) *IN GENERAL.*—Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

“(i) be sentenced to a term of imprisonment of not less than 5 years; and

“(ii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

“(B) **EXCEPTION FOR CERTAIN OFFENSES.**—If the firearm possessed by a person convicted of a violation of this subsection—

“(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; and

“(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

“(C) **EXCEPTION FOR CERTAIN OFFENDERS.**—In the case of a second or subsequent conviction under this subsection, a person shall—

“(i) be sentenced to a term of imprisonment of not less than 25 years; and

“(ii) if the firearm at issue is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to a term of imprisonment for life.

“(D) **PROBATION AND CONCURRENT SENTENCES.**—Notwithstanding any other provision of law—

“(i) a court shall not place on probation any person convicted of a violation of this subsection; and

“(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.

“(2) **DEFINITION OF ‘DRUG TRAFFICKING CRIME.’**—”; and

(2) in paragraph (3)—

(A) by striking “(3) For” and inserting the following:

“(3) **DEFINITION OF ‘CRIME OF VIOLENCE.’**—For””; and

(B) by indenting each of subparagraphs (A) and (B) 2 ems to the right.

(b) **CONFORMING AMENDMENT.**—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting “firearms possession (as described in section 924(c));” after “firearms use;”.

**UNANIMOUS-CONSENT REQUEST—
S. 900**

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 204, S. 900.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

**COMMENDING THE ASSISTANT
LEADERS**

Mr. LOTT. Mr. President, I would like to take just a moment to thank the two assistant leaders for their work. A lot of nights they are here and bring everything to a conclusion. I really enjoy working with the Senator from Oklahoma. He has been a great assistant majority leader, and he has done yeoman work today in making it possible for us to bring this session to a conclusion. Also, the Senator from Kentucky. I appreciate very much the way he pitches in late at night and covers for the Democratic leader and does it always with a smile. We appreciate that very much.

**ORDERS FOR TUESDAY, JANUARY
27, 1998**

Mr. LOTT. With that, Mr. President, when the Senate completes its business today, it will stand in adjournment sine die under the provisions of Senate Concurrent Resolution 68. The Senate will reconvene under provisions of Senate Joint Resolution 39 at the hour of 12 noon on Tuesday, January 27.

I ask unanimous consent that on Tuesday, January 27, immediately following the prayer, the routine requests through the morning hour be granted and that I immediately be recognized to suggest the absence of a quorum for the Senate to ascertain that a quorum is present and the Members are prepared to begin the 2d session of the 105th Congress.

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

Mr. LOTT. I further ask unanimous consent that following the ascertaining of a quorum, the Senate proceed to a period of morning business not to extend beyond of hour of 2 p.m., with Senators permitted to speak for up to 10 minutes each.

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