

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)	Hoeksstra
Aderholt	Davis (VA)	Holden
Allen	Deal	Holley
Andrews	DeFazio	Horn
Archer	DeLauro	Hostettler
Armey	DeLay	Houghton
Bachus	Deutsch	Hoyer
Baesler	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	Markey
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