

Whereas the current financial crises in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel producing countries—the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia—have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to such situations: Now, therefore, be it

*Resolved* by the House of Representatives, That the House of Representatives calls upon the President to—

(1) take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Minnesota (Mr. OBERSTAR) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. OBERSTAR. Madam Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. The gentleman will be afforded that opportunity at that time.

Mr. OBERSTAR. I thank the Speaker.

#### THROTTLING CRIMINAL USE OF GUNS

Mr. MCCOLLUM. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 191) to throttle criminal use of guns, as amended.

The Clerk read as follows:

S. 191

#### 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 the end of paragraph (1) and inserting the following:

“(c)(1)(A) 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 the 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;

“(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and

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

“(B) 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; or

“(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) In the case of a second or subsequent conviction under this subsection, the person shall—

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

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

“(D) 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.”; and

(2) by adding at the end the following:

“(4) For purposes of this subsection, the term ‘brandish’ means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.”.

(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;”.

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. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 191.

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

There was no objection.

Mr. MCCOLLUM. Madam Speaker, I yield myself so much time as I may consume.

Madam Speaker, I am proud today to bring S. 191 before the House. With the passage of this legislation, we take an important step in the battle against firearm violence in America. Support of this legislation today offers Members an opportunity to send a clear message to violent predators that the criminal use of guns will not be tolerated.

The Senate passed S. 191 on November 13, 1997, and the House passed its companion legislation, H.R. 424, on February 24 of this year by a vote of 350 to 59.

The version I now bring to the floor represents a compromise between the House and the Senate. This legislation will have a significant impact on the number of violent criminals behind bars, and I am extremely pleased that we are able to come to an agreement before adjournment.

Madam Speaker, criminals who use firearms to commit violent crimes and drug trafficking offenses demonstrate the ultimate indifference to human life. The risks for law enforcement, and the potential for harm to innocent bystanders, 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 do.

Consider these frightening facts. According to the National Institute of

Justice, 37 percent of arrestees in 11 major urban areas admitted to owning a gun. Even more astonishing, and terrifying for the country, is that a shocking 42 percent of admitted drug sellers and 50 percent of admitted gang members further confess to using a gun to commit a crime. Madam Speaker, these are just the ones who are willing to admit to such criminal behavior.

S. 191 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 prosecutors. According to the U.S. Sentencing Commission, there were 10,576 defendants sentenced from 1991 to 1996 under this section.

This is an opportunity for the Federal authorities to take somebody who is a known criminal off the streets and lock them up for a considerable period of time by an enhanced penalty provision that all of us should be pleased to have on the books.

But in December of 1995, the Supreme Court significantly limited the effective use of this Federal statute by holding in *Bailey versus the United States* that in order to receive the penalty enhancement for use of a firearm, 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 an erroneous jury instruction regarding the "use" prong of the "use or carry" test.

This legislation clarifies Congress' intent as to the type of criminal conduct which should trigger the statute's application. The bill strikes the now unworkable "use or carry" element of the statute, and replaces it with a structure which allows the penalty enhancement for possessing, brandishing, or discharging a firearm during and in relation to a Federal crime of violence or drug trafficking crime.

It is also important to note that this bill will not affect any person who merely possesses a firearm in the general vicinity of a crime, nor will it impact someone who uses a gun in self-defense.

A bill containing nearly identical language to H.R. 424 passed the House in the last Congress, and the gentlewoman from North Carolina (Mrs. MYRICK) introduced the bill that we have taken up before previously this year, H.R. 424, during the first days of the 105th Congress. I am very grateful

for 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. Yes, this is a tough bill, but I believe it is exactly what we need in response to the menacing threat of the vicious gun crimes that are committed around the country.

□ 1910

We need to pass this bill. It is, as I said earlier, a compromise with the Senate, it is a good bill, it is a solid bill, it corrects the *Bailey* problem and will allow law enforcement to once again use this very effective tool for locking up criminals and throwing away the key for a long period of time if they are using a gun, possessing in the course of a crime a gun, or certainly brandishing or discharging that gun.

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 stand in opposition to the bill, S. 191, which is similar to a piece of legislation, H.R. 424, passed by this body earlier this Congress. That version contained penalties for drug offenders which were 6 times greater than the penalty for rape and 7 times greater than the penalty for voluntary manslaughter. Although the Senate version is not as egregious as that, I still cannot in good conscience vote for a measure containing ridiculous mandatory minimums.

I oppose this legislation for several reasons, the most important of which is the absolutely outrageous mandatory minimum penalties attached to the bill. Five years for possession of a gun, 7 years for brandishing a gun, and 10 years for discharging the gun. This means if someone is convicted of possessing 5 grams of crack and is found to have possessed a gun at the time, he will receive a mandatory 5-year sentence for the crack and another 5 years for the gun, a total of 10 years. If that individual opens a coat to display a gun tucked in under his belt during the course of a drug sale, he will receive a mandatory 7-year sentence in addition to the 5 years for crack, for a total of 12 years.

Let us compare these penalties to the penalties for other crimes. For instance, voluntary manslaughter carries a penalty of 5 years; aggregated assault, less than 2 years; assaulted with intent to murder, less than 3½ years; rape, under 6 years; kidnapping, approximately 4 years. Does that make sense? Two years for serious assault, 3½ years for assault with intent to murder, 4 years for kidnapping, 6 years for rape, and 10 years mandatory minimum for possessing a gun in connection with a small-time crack sale where no one is injured. This type of legislation and these ludicrous penalties demonstrate that we have truly run amok when it comes to crime legislation.

Mr. Speaker, this is why we have a Sentencing Commission. The Sentencing Commission can take the politics out of sentencing and put some common sense in. So I urge my colleagues to demonstrate some common sense and vote against this legislation.

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

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), the author of this fine legislation.

Mrs. MYRICK. Mr. Speaker, I rise in support of S. 191. This is Senator JESSE HELMS' companion to my H.R. 424, which passed the House on February 24 by an overwhelming vote of 350-to-589. As written, the Federal Criminal Code imposes a 5-year mandatory sentence when a felon uses or carries a firearm during the Commission of a violent crime or a drug trafficking offense.

In the 1995 case of *Bailey v. United States*, though, the Supreme Court interpreted the word "carry" in the Federal criminal code to mean that a felon must fire or brandish his weapon. This is clearly contrary to Congress's intent, and it has resulted in the early release of hundreds of dangerous criminals.

To put a stop to this mess, S. 191 clarifies that a criminal who possesses a gun while committing a violent crime or a drug crime will face a mandatory sentence. And at the same time, the bill increases the mandatory sentence for such crimes.

Mr. Speaker, I am a strong defender of the second amendment, but no American has a right to go out and use a gun to commit a crime.

Indeed, the National Rifle Association has endorsed S. 191 because they recognize the best way to protect our second amendment rights is to punish those who use their guns to rape or murder or traffic in drugs. The bill also has been endorsed by the Fraternal Order of Police and the Southern States Police Benevolent Association.

The message is clear: Commit a crime while possessing or brandishing a firearm, and you will go to prison for a very long time. We cannot send that message too strongly or too often.

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

Mr. Speaker, I just want to point out as we close the debate on this that the minimum mandatory sentence in this bill for possession will be 5 years. The minimum mandatory for brandishing the firearm will be 7 years; the minimum mandatory for discharging the firearm in the commission of another crime will be 10 years. Those are enhancements on top of my underlying sentence for a crime that is committed with a gun, and in the case of a subsequent or second conviction of brandishing or discharging, it is 25 years.

I think it is important to put that on the record, because this is the compromise that is different, considerably different from the House version and different from the Senate version as well.

Mr. Speaker, I urge the adoption of this bill.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the Senate bill, S. 191, as amended.

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

A motion to reconsider was laid on the table.

#### AMENDING PART Q OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2235) to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

The Clerk read as follows:

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

##### SECTION 1. SCHOOL RESOURCE OFFICERS.

Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) is amended—

(1) in section 1701(d)—

(A) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(B) by inserting after paragraph (7) the following:

“(8) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;”;

(2) in section 1709—

(A) by redesignating the first 3 undesignated paragraphs as paragraphs (1) through (3), respectively; and

(B) by adding at the end the following:

“(4) ‘school resource officer’ means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

“(A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

“(B) to develop or expand crime prevention efforts for students;

“(C) to educate likely school-age victims in crime prevention and safety;

“(D) to develop or expand community justice initiatives for students;

“(E) to train students in conflict resolution, restorative justice, and crime awareness;

“(F) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and

“(G) to assist in developing school policy that addresses crime and to recommend procedural changes.”.

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 the Senate 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, S. 2235 amends the 100,000 “COPS on the Beat” program, established in the 1994 Crime Bill, to permit community policing grants to be used to establish school-based partnerships between local law enforcement agencies and local school systems. The grants would allow for “school resource officers” to operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities. S. 2235 passed the Senate on October 7 and is sponsored by Senator CAMPBELL. The gentleman from Connecticut (Mr. MALONEY) is the sponsor on the House companion bill, H.R. 4009.

Mr. Speaker, the President’s “COPS on the Beat” program authorized \$8.8 billion over 6 years to give grants to State and local police departments to put 100,000 community-oriented police officers on the beat across the country. As of March 1998, the latest month in which a survey was completed, the COPS office claimed to have funded 71,000 of those police officers. Approximately 40,800 are actually hired and deployed on the streets. About 2,400 more are in training.

The remaining 29,000 are officers counted under the “COPS M.O.R.E.” program, which funds technology and equipment and is believed to increase policing activities and police presence on the streets. These grants have been counted towards the 100,000 goal, not because grants have been used to pay police officers’ salaries, but because technology and equipment purchased has supposedly freed up officers for the streets.

While the COPS program was specifically authorized by Congress to fund 100,000 community police officers, broad interpretation of the Act has allowed the Justice Department to fund several other initiatives through the COPS program. Some of these programs include grants to employ community policing to address domestic violence, grants to communities to address gang violence, and grants to support law enforcement efforts to combat the rise of youth firearms violence.

Mr. Speaker, the bill we are considering today will allow for the COPS grants to be used to put community police officers in our Nation’s schools. It will allow school officials and law enforcement to better identify young people who cause trouble frequently, both in the school and in the community.

It is a sad reality that many of today’s schools are becoming increasingly dangerous places to be. Schoolyard brawls have become lethal confrontations involving knives, guns or drugs. Recent school-related shootings serve as a sobering example of just how urgent the situation has become. Rather than providing our children with a safe place to learn or to grow, many of our schools have become combat zones.

A look at crime statistics show that while murder rates for young people may be declining, the schoolyard murder rate has almost doubled in the last 2 years. Mr. Speaker, 25 students have been killed in U.S. schools since January 1998.

□ 1920

This is unacceptable. No child in America should go to a school in fear of her safety or his safety and well-being. The fact is that we are going to have a demographic shift shortly. We are going to see a rise in the number of young people in the age group which might be exposed to these situations, and this bill is all that much more important for that reason.

The bill would allow schools to establish partnerships with local law enforcement to provide much-needed order to allow for learning, not violence, to occur in schools.

I support this addition to the COPS program. I think it will improve the existing law. I commend the gentleman from Connecticut (Mr. MALONEY) and Senator CAMPBELL for their initiation of this legislation.

I am pleased the Subcommittee on Crime supports this, albeit we did not have the opportunity to bring it forward through the subcommittee this year, but we have chosen to come directly to the floor, because it is a very good bill. I do not think anyone would oppose it. I urge my colleagues to vote for it.

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 rise in support of H.R. 2235. In response to the rising tide of violent crime in and around schools around this Nation, Congress must step up our fight against juvenile crime, particularly those initiatives that come from a prevention perspective.

This legislation would amend the Omnibus Crime Bill and Safe Streets Act of 1968, encouraging school-based partnerships between local law enforcement agencies and local school systems. School-based partnerships would be eligible to receive Federal funds to hire school resource officers or SROs.

An SRO would be a career law enforcement officer with sworn authority, deployed in community-oriented policing and assigned to the deploying police department or agency to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs and drug activities affecting or occurring