

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”;

(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”;

(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.

PROGRAM

S. 1566

Mr. LOTT. Mr. President, on Tuesday, January 27, when the Senate reconvenes the 105th Congress, second session, following a live quorum, the Senate will proceed to morning business then until 2 p.m.

Tuesday night at 9 p.m. is the President's State of the Union Address. Therefore, the Senate will reconvene Tuesday evening at approximately 8:30 p.m. in order to proceed as a body to the Hall of the House of Representatives to hear the address of the President. There will be no legislative business on the 27th except for those items that may be cleared for action by unanimous consent. Therefore, no votes will occur during the session of the Senate on Tuesday, January 27.

Senators should be aware that following that day, on the 28th and after, we will be expected to call up early in the session the ISTEPA transportation bill, juvenile justice, the nomination of Margaret Morrow, and the nomination of Ann Aiken, both to be considered for judicial positions, and the nomination of Ann Aiken will be taken up prior to the end of the first week.

Again, I thank my colleagues for their cooperation during this session of Congress.

MILITARY VOTING RIGHTS ACT OF 1997

Mr. LOTT. Before we conclude then, I ask unanimous consent that the Senate now proceed to the consideration of S. 1566 introduced earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1566) to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the voting rights of military personnel, 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. LOTT. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

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

The bill (S. 1566) was read the third time and passed, as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Voting Rights Act of 1997".

SEC. 2. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia."

SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election."

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "**FOR FEDERAL OFFICE**".

MEASURE READ THE FIRST TIME—H.R. 2709

Mr. LOTT. I understand H.R. 2709 has arrived from the House, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read.

The assistant legislative clerk read as follows.

A bill (H.R. 2709) to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, de-

velop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

Mr. LOTT. I would now ask for its second reading, and I object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

CONDITIONAL ADJOURNMENT SINE DIE

Mr. LOTT. Now, Mr. President, before any other bills come to our attention, I ask unanimous consent that the Senate stand in adjournment sine die of the 1st session of the 105th Congress under the provisions of S. Con Res. 68 and S. J. Res. 39 until Tuesday, January 27, 1998, provided that the House adopts S. Con. Res. 68 and does not alter the text of the State-Justice-Commerce Appropriations Conference Report.

If either action occurs, I ask unanimous consent that the Senate reconvene on Friday, November 14, 1997, at 10 a.m.

There being no objection, at 7:56 p.m., the Senate adjourned sine die.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 13, 1997:

EXECUTIVE OFFICE OF THE PRESIDENT

RITA D. HAYES, OF SOUTH CAROLINA, TO BE DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GAIL W. LASTER, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF DEFENSE

WILLIAM J. LYNN, III, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE (COMPTROLLER).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

RAYMOND C. FISHER, OF CALIFORNIA, TO BE ASSOCIATE ATTORNEY GENERAL.

THE JUDICIARY

LYNN S. ADELMAN, OF WISCONSIN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

TO BE REAR ADMIRAL (LOWER HALF)

CAPT. HENRY G. ULRICH, III, 0000.