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JUDICIARY 2192  
September 29, 1999

Gun Shows FYI

The Honorable Henry J. Hyde  
Chairman  
House Judiciary Committee  
Washington, D.C. 20009

BR -  
Re Deanne's email - a  
Congressional compromise.  
BR

Dear Mr. Chairman:

I am writing in an attempt to move forward our discussions on closing the loopholes in the gun violence laws and requiring background checks to prevent criminals from obtaining guns at gun shows. While I think that you and your staff have certainly been making good faith efforts at movement in our direction, I do not believe the proposal, as it stands, represents the loophole-free text that would be required to gain significant Democratic support.

As we discussed last week and as our staffs have discussed in some detail on September 9, in email correspondence on September 10 and on several subsequent occasions, a number of problems remain in your September 8 draft gun show language. These problems include the following:

- 1. Definition of Gun Show** - The proposal continues to arguably exempt from coverage most flea markets and other events where large numbers of guns are sold merely because the same event sells other non-firearm items as well.
- 2. Instant Check Registrant** - The proposal creates a new, fly-by-night entity known as an instant check registrant which is empowered to conduct background checks but which does not have the same record keeping requirements created in the Senate bill for similar transactions. The Senate provisions, or the functional equivalent thereof, is critical, according to law enforcement officials, to the enforcement of criminal laws when guns are used in crimes.
- 3. Elimination of System Necessary to Prevent Fraudulent Gun Sales to Criminals** - Your proposal would eliminate the very minimal requirements of providing records of sales to law enforcement to ensure against fraudulent transactions. Such temporary record keeping requirements are, according to law enforcement, critical to the integrity of the system. In fact, your proposal to eliminate the records would negate the effectiveness of the entire system.
- 4. Exemptions of Certain Classes of Offenders from Background Check** - Because the 24-hour proposal is designed to detect only arrests, the provision effectively exempts from the background check requirements entire classes of prohibited persons such as those involved with domestic violence and mentally disturbed individuals.

5. **Certain Transactions Still Exempted.** The proposal still exempts any gun sales from the background check requirement unless the precise gun was "accessible" at a gun show. For instance, a vendor could simply tell a prohibited purchaser that he can sell the prohibited purchaser a semi-automatic weapon *similar* to the one displayed at the gun show with no background check if they simply meet at a fixed location at another time.

6. **Interstate Shipment of Guns** - The proposal effectively ends the three-decade old law, known as the "Lee Harvey Oswald" act enacted in the wake of the assassination of President Kennedy that would stop the interstate shipment of firearms because such shipment can be a recipe for illegal sales.

7. **Civil Immunities** - The proposal immunizes instant check registrants and gun show operators from liability in the absence of any serious Committee hearings or consideration of the implications of such a grant of immunity.

8. **Roving Vendor** - The proposal allows for "roving vendors" at gun shows who are exempted from organizer's disclosure of legal requirements, making it even more difficult to enforce against abusive sales.

In addition, I am surprised that **several changes have been made to the provision banning the importation of high-capacity ammunition magazines** in your September 8 draft. These changes have never been approved by me or my staff. Because it appears that these changes would eviscerate the Senate's ammunition clip ban and the amendment you offered during House consideration of H.R. 2122, I cannot support such proposed changes.

While I know we would both like to come to agreement on this most pressing issue, I believe that we must have a loophole-free proposal that will ensure that criminals can't get guns at gun shows and that our state and federal law enforcement authorities are able to enforce criminal laws against those who use guns to commit crimes.

In that vein, I am submitting to you a proposal which would effectively close the what I believe are the most critical loopholes in the proposal you've made to me.

I look forward to our continuing discussions on this.

Sincerely,

John Conyers, Jr.  
Ranking Member

Enclosure

SUMMARY OF CONYERS PROPOSAL

- The Conyers proposal deletes language in the definition of gun show that would require that the gun show be sponsored for the "collecting, competitive use, sporting use, or any other use of firearms." This language would exclude from the definition of "gun show" events where thousand of guns are sold simply because other items are also sold at such events. Mr. Conyers' and Mr. Hyde's staffs agreed that a gun show would be defined as an event where 50 or more guns are sold, and there are five or more gun show vendors. This change makes the language consistent with that agreement.
- The Conyers proposal inserts in the definition of "gun show vendor" that a non-gun show vendor (someone who is selling from a nonfixed location) may not sell guns at a gun show. A significant problem with the Hyde language is that it does not prohibit such "roving vendor" sales, nor does it require, because of Hyde's concern that a gun show organizer will not know about "roving vendors," that "roving vendors" get any of the legal notices required to be submitted to the vendor by the organizer. This change creates a bright line rule that no "roving vendors" can sell guns, while not requiring the organizer to give disclosures to such entities.
- The Conyers proposal alters the suggested "trigger" for an extra three business days on background checks to include other disqualifying information. This assures that wife-beaters and mentally disturbed persons do not get guns simply because the NICS system has incomplete information and that information cannot be clarified by the FBI within 24 hours.
- The Conyers proposal adds a requirement that "instant check registrants" be "qualified current or retired law enforcement officers" (which is defined in the Cunningham concealed carry bill attached to the gun show proposal). This will assure that these registrants are well-trained and have expertise in firearms.
- The Conyers proposal deletes the provisions which confer civil immunity on instant check registrants.
- In light of Mr. Hyde's concern about centralized storage of firearm serial numbers that would trigger the paranoia of NRA types about a registry, and which led Mr. Hyde's staff to strike the Senate provisions which aid in the identification of dangerous criminals who use guns, the Conyers proposal creates a new mechanism which would require that these serial numbers be sent to the appropriate firearm manufacturer, unless such manufacturer has gone out of business and, then it would go to the Department of Treasury. A provision which requires the manufacturers to retain these records is still in the drafting stage and has not yet been added to the proposal.
- The Conyers proposal strikes the requirement that a sale of a firearm violates these provisions only if the firearm "is accessible" within the gun shows or its curtilage. This should effectively address the problem of "let's step outside" transactions.

- Mr. Hyde's staff has indicated that the "Oswald Loophole" language does not alter current law on the prohibition of interstate direct shipments of firearms. The Conyers proposal adds language which makes it explicit that is the case.
- Mr. Hyde's staff has indicated that they do not intend the Secretary's existing authority to inspect licensed dealers. The Conyers proposal again adds explicit language to this effect.
- The Conyers proposal deletes the Hyde bill's provision requiring the immediate destruction of Brady records. In light of the concern that led to the inclusion of this provision that any period of records retention is the first step toward a national firearms registry, the proposal instead adds language prohibiting the creation of national firearms registry and giving the GAO the authority to audit the FBI to ensure that no such registry is created.
- The Conyers proposal also makes a number of technical changes where state law is implicated but not included in the bill's prohibitions.

Guns -  
Gun Shows

## 1. Definition of a "Gun Show."

### a. Definition of "Gun Show" in 18 U.S.C. § 931(a)(35).

The Administration's firearms proposal would have closed the gun show loophole by requiring all firearms transactions at gun shows to go through a Federal firearms Licensee (FFL). In 1999, the Senate passed S. 254, which included a gun show bill that was similar to the Administration's proposal in most significant elements.

The Administration's gun show proposal defined a "gun show" to include any event at which 50 or more firearms are offered for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce, and at which 2 or more persons are offering or exhibiting 1 or more firearms for sale, transfer, or exchange.

In response to concerns that this definition was too broad, and would cover events that were not commonly understood as gun shows, the language in the Senate bill included a narrower definition than the Administration proposal. S. 254 defined a gun show to include any event at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce, *and* at which one of the following conditions is met: not less than 20 percent of the exhibits are firearm exhibits; there are not less than 10 firearm exhibitors; or 50 or more firearms are offered for sale, transfer, or exchange.

The Hyde bill amended the definition of a gun show in several significant ways. Most importantly, a "purpose" test was added, so that an event met the definition of a gun show only if it was "sponsored to foster the collecting, competitive use, sporting use, or any other legal use of firearms". Accordingly, events sponsored for other purposes (for example, a flea market at which hundreds of guns might be sold) would not meet the "purpose" test.

The Hyde bill retained the requirement that 50 or more firearms must be offered or exhibited for sale, transfer, or exchange. The interstate commerce nexus was modified slightly, so that in order to qualify as a gun show, either 1 or more of the firearms must have been shipped or transported in interstate or foreign commerce, *or* the event must otherwise affect interstate or foreign commerce. Finally, the Hyde bill put a flat minimum on the number of vendors required at a gun show - an event only qualifies if there are at least 5 vendors. Accordingly, an event at which 4 vendors sell a total of 1,000 firearms would not qualify as a gun show under the Hyde definition.

In Rep. Hyde's letter of May 12, 2000, he argued that the "purpose" language was objective rather than subjective, and thus would not be easily circumvented. Rep. Hyde stated that he was "prepared to modify the purpose language to ensure that events that are used to facilitate the sale of firearms are included in the definition of gun show", and offered to work with Rep. Conyers

to ensure an effective and workable gun show definition."

In response to Rep. Hyde's letter, Rep. Conyers offered compromise language that removed the "purpose" language completely. In all other respects, the language is identical to the Hyde bill.

**Administration Compromise:** We have drafted compromise language that incorporates *all* of the significant elements in the Hyde definition. This language represents a significant compromise from the original language of the Administration proposal, as well as S. 254.

The Administration compromise retains the language from the Hyde bill that would exempt events at which there are fewer than 5 vendors, regardless of how many guns are sold at such events. Many House Republicans raised concerns that the Administration proposal would have covered two neighbors swapping guns. The attached compromise would clearly exempt such transactions from the gun show provisions. Furthermore, no changes have been made to the language requiring a nexus to interstate commerce, and exempting gun shows at which less than 50 firearms are offered or exhibited for sale or transfer.

The only change from the Hyde bill involves the "purpose" language, an area in which Rep. Hyde indicated he was willing to compromise. Rep. Hyde's letter indicated he was willing to move away from this language, and that his intent was to provide an objective definition that would cover any event intended to "facilitate the transfer of firearms." Accordingly, we have added specific language covering an event as a gun show only if it "facilitates the sale, transfer or exchange of firearms." We believe this language is consistent with Rep. Hyde's offer to compromise on this issue. Furthermore, the clarity and objectivity of the proposed compromise benefits the organizers of such events, who would not be left wondering whether they are required to register as gun show organizers. The compromise represents a significant concession from the Administration's original position, as set forth in the Administration's gun show bill, as well as S. 254.

**b. "Conforming Amendment" to 18 U.S.C. § 923(j)**

Both the Hyde and Conyers bills include a "conforming amendment" to 18 U.S.C. § 923(j). In general, Federal firearms licensees may engage in business only from their licensed premises. Section 923(j) provides that a licensed importer, manufacturer, or dealer may conduct business temporarily at a location other than the location specified on the license if the temporary location is the location for a gun show or event sponsored by any national, State, or local organization, or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms in the community, and such location is in the State specified in the community.

The Hyde and Conyers bills would remove the language in section 923(j) that authorizes licensees to conduct business at events sponsored by organizations devoted to the collection, competitive use, or other sporting use of firearms in the community. Instead, licensees could

only conduct business away from their premises at gun shows. The intent of the drafters is not clear; however, we assume that they did not intend to prevent licensees from transferring firearms at those events (such as raffles by organizations such as Ducks Unlimited) that do not meet the definition of a gun show. Yet the language of the conforming amendment would do just that.

**Administration Compromise:** The Administration supports retaining the language in section 923(j) that allows licensees to engage in business away from their premises at this narrowly defined type of event. Organizations that are not Federal firearms licensees are not required to conduct Brady background checks before raffling off a firearm at such an event; however, many bring in a licensed dealer to conduct the transfer of the firearm, so that a Brady check can be run. We should encourage these efforts, rather than making it unlawful for a licensee to transfer a firearm at such events.

We have attached compromise language that continues to allow licensees to engage in business at any type of event, within the same State as the licensee's premises, that is sponsored by a national, State, or local organization devoted to the collection, competitive use, or other sporting use of firearms in the community. It is important to allow licensees to go to such events and conduct a Brady background check on the transfer of firearms at dinners, raffles, and similar events sponsored by such groups. Like the Hyde bill, the Administration's compromise language would also clarify that licensees may engage in business at any event defined as a gun show, regardless of the identity of the sponsors of the event. However, as a technical issue, the Administration bill also clarifies that licensees may engage in business at gun shows only where the gun show is being organized or conducted by a person who has registered with the Secretary in accordance with section 931. This makes it clear that licensees are *not* authorized to participate in illegal gun shows.

## **2. Instant Check Registrants**

### **a. Allowing Background Checks to be Initiated by Instant Check Registrants**

S. 254 required unlicensed vendors at gun shows to transfer firearms through Federal firearms licensees (FFLs). The Hyde bill would allow Brady background checks at gun shows to be initiated by either FFLs or "instant check registrants." An "instant check registrant" is not engaged in the business of dealing in firearms; instead, he or she merely initiates checks of the National Instant Criminal Background Check System (NICS) for firearms transfers at gun shows. The Conyers compromise also accepts the creation of a new class of "instant check registrants" to initiate background checks at gun shows.

**Administration Compromise.** While the Administration prefers the approach put forth by S. 254, it will support the use of such registrants to initiate background checks. For the sake of clarity, we have included a definition of the term "instant check registrant" in the Gun Control Act.

### **b. Qualification of Instant Check Registrants.**

The Hyde bill does not require instant check registrants to have any special qualifications. Instead, virtually anyone who is willing to file an application including a photograph, fingerprints, and an application fee of \$100 can get status as an instant check registrant. The only substantive requirement is that the applicant must *certify* that he or she is not prohibited from receiving firearms, and that he or she meets certain other basic requirements. The Secretary must approve any application meeting these minimal requirements.

The Conyers compromise keeps the basic structure of the Hyde bill, but provides that only current or retired law enforcement officers may qualify as instant check registrants. The purpose of this requirement is to lessen the risk that instant check registrants abuse the system to run background check requirements for non-firearms-related purposes.

**Administration Compromise.** We have drafted compromise language that makes a significant concession to Rep. Hyde. The Administration is willing to drop the requirement that instant check registrants be current or retired law enforcement officers.

However, we offer a technical amendment to the language setting forth the requirements for obtaining status as an instant check registrant. The Hyde bill incorporated, in a shorthand fashion, the requirements that are currently applicable to applicants for Federal firearms licenses. As a technical matter, we would prefer that these requirements be spelled out, as they are for licensees, to avoid unnecessary ambiguity as to the Secretary's authority to deny registrant status to persons who are under 21, are prohibited from receiving firearms, have willfully violated the Gun Control Act or its implementing regulations, or have made false statements on the application form. These requirements are consistent with existing requirements for applications

for a Federal firearms license.

Two other technical corrections are contained in the Administration's compromise. The Hyde bill requires instant check registrants to designate premises where they will keep required records, but does not include this requirement in the provision setting forth the standards for granting registrant status. The Administration bill corrects this oversight. Finally, we have drafted language clarifying that the registration of an instant check registrant may be revoked for willful violations of the GCA. The Hyde bill provided for revocation on the same grounds that applied to licensees; however, some of those grounds would not apply to instant check registrants.

**c. Recordkeeping Requirements Applicable to Instant Check Registrants.**

Under current law, FFLs who sell firearms at gun shows are subject to the same recordkeeping requirements applicable to sales by FFLs at their licensed premises. Nonetheless, it is almost impossible to trace a crime gun that was sold as a "used gun" by an FFL. Once the chain between the manufacturer/importer/wholesaler to the retailer is broken, ATF is unlikely to find the identity of the licensee who sold a used gun. Of course, it is even harder to trace a crime gun that was sold by an unlicensed seller at a gun show, since such sellers are currently not required to keep any records of guns they sell.

S. 254 would have closed the loophole that makes it nearly impossible for ATF to trace secondhand guns sold at gun shows. As previously mentioned, S. 254 would have required all firearms sales to go through licensees, in order to ensure a background check. In addition, the licensees would have been required to retain records on these transfers, and to report limited information about the firearms involved in these gun show transfers. These reports would not have included any information about the unlicensed seller or buyer; instead, they would only provide limited information about the firearm itself to enable ATF to trace the gun if it was subsequently used in a crime.

The Hyde bill removed all reporting requirements. In addition, it created a new option of allowing transfers through the assistance of instant check registrants. These registrants were required to keep records only of the results of Brady background checks. However, registrants were not required to keep records that contained any information about the firearms themselves. Accordingly, it would be impossible to trace any crime guns that were transferred through the assistance of an instant check registrant. Furthermore, the Hyde bill did not subject instant check registrants to certain other requirements currently imposed on licensees, including the requirement to file a multiple sales report when multiple handguns are sold to a single individual, or to respond to trace requests involving crime guns.

The Conyers compromise offered a concession to Rep. Hyde's apparent concern that reporting requirements would lead to concern about the creation of a national gun registry (notwithstanding the fact that these reports would include absolutely no information identifying

the owners of these guns). Accordingly, the Conyers amendment would have required licensees and instant check registrants to provide the same limited information about the guns sold at gun shows to the manufacturers of the guns, rather than the Secretary of the Treasury. If the manufacturer has gone out of business, then the information would be sent to the Secretary.

The Conyers compromise would have been helpful in tracing crime guns to the extent that it could theoretically help close the loop with respect to those "used guns" sold at gun shows.

ATF's first step in tracing a crime gun is to go to the manufacturer or importer of the gun. If these entities were required to keep the gun show reports, then there would be, in theory, a way to trace the crime gun to the registrant or licensee who assisted in its transfer.

However, there are numerous problems with the Conyers compromise. In the first place, it does not require instant check registrants to keep any information about the firearms themselves (such as the make, model and serial number) in their records. Thus, even if a trace led ATF to the registrant, the registrant's records would not allow ATF to link the crime gun with a purchaser. In the second place, the Conyers compromise would have ATF provide a list of the names and addresses of manufacturers to gun show organizers, who in turn would provide this list to licensees and registrants at the gun show. The Conyers compromise overlooks the necessity of also providing a comparable list for *importers* of guns. There are over 2,000 licensed manufacturers and importers. As a practical matter, we believe that most instant check registrants and licensees would be overwhelmed by this requirement, and would be unlikely to comply in a way that would result in measurable benefits in tracing crime guns.

**Administration Compromise.** In a significant concession to Rep. Hyde, the Administration is willing to drop the requirement that licensees and instant check registrants report information regarding the make, model and serial number of all firearms sold at gun shows. While we believe that such a requirement would represent an important step in facilitating the tracing of secondhand crime guns, we are willing to defer debate on this issue to another day. In exchange for this major concession, the Administration proposes that the recordkeeping requirements applicable to instant check registrants be strengthened so that these registrants are at least subject to the same requirements currently applicable to licensees.

The Administration's compromise bill would require instant check registrants to keep records that reflect both information about the NICS check run on the buyer *and* information about the firearm (such as its manufacturer or importer, make, model and serial number). Without such records, it would be impossible to ATF Inspectors to verify that a background check is run for *every* firearm transferred at a gun show.

Furthermore, the Administration language would impose two other recordkeeping requirements on instant check registrants, consistent with the requirements already applicable to licensees. Instant check registrants, like licensees, should be required to file multiple sales reports when multiple handguns are sold to a single individual within a 5-business day period. Finally, instant check registrants should be required to respond to trace requests in the same fashion as licensees. These requirements will assist ATF in tracing crime guns and prosecuting gun traffickers.

### **3. Enforcement/Technical Issues**

#### **a. Mens Rea Requirement for Buyers Who Violate Gun Show Requirements**

If any part of a firearm transaction took place at a gun show, S. 254 would have made it unlawful for any unlicensed person to receive a firearm from another unlicensed person, unless the firearm is transferred through a licensee in accordance with the proposed section 931.

Both the Hyde bill and the Conyers compromise would make it much more difficult to establish a violation of law by a transferee at a gun show. Under the language of section 931(d) in both bills, it shall be unlawful "for any person to receive a firearm from another person that the person knows has been transferred to the recipient in violation of this section." This would require the Government to prove that a firearms trafficker who buys firearms "off book" at a gun show had specific knowledge of the requirements of section 931. This would be a difficult burden to meet, particularly since both the Hyde and Conyers bills removed the language found in S. 254 which would have required gun show promoters to provide *all attendees* with notice of the requirements of the law.

**Administration Compromise.** The Administration joins Rep. Hyde and Rep. Conyers in wanting to ensure that law-abiding citizens will not be penalized for unwittingly violating the requirements of the law with respect to purchasing a firearm at a gun show. However, requiring specific knowledge of the law would be a nearly insurmountable burden. Other violations of the GCA merely require the Government to establish that the violation was either willful or knowing. The Supreme Court recently held that in order to establish a willful violation of the GCA, it is necessary to establish that a defendant acted with a bad purpose or knowledge that the conduct was unlawful. However, it is not necessary to establish that the defendant knew of the specific law that he was violating. Bryan v. United States, 524 U.S. 184 (1998).

Accordingly, the Administration is proposing language that would penalize transferees who unlawfully purchase guns at gun shows only where willfulness can be established. This represents a significant compromise from S. 254, which did not require that willfulness be established for violations of the gun show law by purchasers at a gun show. The compromise would clearly ensure that the innocent purchaser at a gun show who violates a law of which he has no knowledge will not face criminal penalties.

#### **b. Other Penalty Issues**

The penalty provisions of the Hyde bill are difficult to interpret, in that they include some apparent errors in referring to the sections in which substantive violations are found, and omit any penalty for persons who structure transactions to avoid the requirements of section 931. Furthermore, the Hyde bill would penalize buyers at gun shows more severely than either unlicensed sellers or organizers. This would create the anomalous situation where an unlicensed seller who deliberately sells a gun to an unlicensed buyer without a background check would be

subject to a misdemeanor penalty for a first offense; however, the buyer could be prosecuted on felony charges. We do not believe that this reflects the intent of the drafters.

**Administration Compromise.** We have provided language that would punish unlicensed sellers and organizers with penalties of up to 2 years imprisonment for a first offense, and up to 5 years imprisonment for a second offense. There is no reason that unlicensed sellers and organizers who violate the law should be punished less severely than buyers who violate the law.

The attached language also provides that knowing offenses by licensees and instant check registrants, as well as persons who structure transactions to avoid the requirements of section 931, are felonies punishable by a fine as well as imprisonment for up to 3 years. As noted above, willful offenses by unlicensed purchasers would also be felonies punishable by a fine or up to 3 years imprisonment.

### **c. Interstate Shipments of Firearms After Termination of Gun Show**

The Hyde bill contains language that would allow both licensees and instant check registrants to personally deliver or ship firearms to prospective transferees within the state, after the termination of the gun show, if they have received a "proceed" response from NICS, or 3 business days have elapsed and they have not received a "denied" response from NICS, as long as State and local law would have allowed the immediate delivery of the firearm to the prospective transferee if the background check had been completed during the gun show. Furthermore, the Hyde bill would allow licensees to deliver or ship firearms to individuals who reside in other States.

The Hyde bill would have significantly weakened the interstate controls that have been in place since the 1968 enactment of the GCA. Furthermore, the language was drafted in a fashion that could have been interpreted as authorizing licensees to sell *handguns* to residents of another State, which would even more significantly weaken current interstate controls.

In Rep. Hyde's letter, he states that he is "prepared to drop the provision in my proposal that allows for certain firearms shipments by federally licensed vendors and instant check

" While Rep. Hyde states that he still believes that such shipments would be safe and secure, he states that his interest in reaching an agreement leaves him "prepared to simply maintain current law on this point."

Notwithstanding Rep. Hyde's offer to drop the whole issue, the Conyers compromise retains the language allowing licensees to make interstate shipments to unlicensed residents of another State, but then puts in a provision stating that these provisions do not alter the prohibitions on the interstate transfer of firearms under section 922. The Conyers language is unnecessarily ambiguous, thus creating confusion. On the one hand, the language explicitly allows licensees to deliver firearms to purchasers outside of the State in which they conduct business. On the other hand, it purports to incorporate the existing interstate controls in section 922 of the GCA.

**Administration Compromise.** In accordance with Rep. Hyde's offer, the Administration supports removing the language authorizing certain shipments by licensees and instant check registrants after the termination of the gun show. The overwhelming majority of Brady checks are completed within 2 hours, and thus there is no need for such shipments. Furthermore, current law provides other mechanisms for a licensee to ensure that the buyer receives the firearm in the rare instances in which a transaction that is delayed for more than 2 hours is ultimately given a "proceed" by NICS. Thus, it would be unwise and unnecessary to weaken the GCA's longstanding interstate controls on the transfer of firearms to resolve a phantom concern regarding gun shows.

**d. Administrative Sanctions for Gun Show Organizers Who Violate the Law.**

S. 254 provided specific administrative sanctions applicable to gun show organizers who violated the provisions of the law. The Secretary was given authority to impose a civil fine in an amount not to exceed \$10,000, and to suspend or revoke the registration of promoters.

The Hyde bill and the Conyers compromise include authority to impose civil fines and suspend or revoke the registration status of *instant check registrants* rather than gun show organizers. It appears that this may have been a drafting oversight. It also reduces the amount of the civil fine from up to \$10,000 to up to \$2,500.

**Administration Compromise.** Our suggested compromise language would reinstate the Secretary's authority to impose these administrative sanctions on gun show organizers. We suggest that the existing authority in the Hyde and Conyers bills be expanded to include gun show organizers as well as instant check registrants. These administrative sanctions play an important part in ensuring that gun show organizers comply with the requirements of the gun show bill. By providing sanctions that fall short of revocation of a gun show organizer's registration, this language would allow the Secretary additional flexibility to deal with less serious violations of the law.

**e. Requirements for Licensees and Instant Check Registrants who Assist in the Transfer of Firearms at Gun Shows.**

S. 254 set forth specific provisions detailing how licensees would assist in the transfer of firearms at gun shows between 2 unlicensed individuals, including specific recordkeeping requirements for these transfers. However, neither the Hyde bill nor the Conyers compromise includes such language. While these bills include fairly specific requirements for instant check registrants, there is no such language for licensees.

The drafters may have assumed that it was not necessary to include this language because current law already imposes requirements, including recordkeeping requirements, on transfers by licensees. However, these requirements apply only where the licensee is actually transferring the

firearm, not where the licensee is merely assisting an unlicensed seller in transferring a firearm, but never takes possession of the gun itself.

**Administration Compromise.** We believe that this failure to include specific language as to how licensees should assist unlicensed sellers in making transfers at gun shows probably represents a mere oversight by the drafters of the Hyde and Conyers bills. Accordingly, we have drafted language setting forth these requirements for both instant check registrants and licensees. This language will clarify the obligations of both licensees and instant check registrants at gun shows.

#### 4. Secure Gun Storage and Safety Devices.

The Hyde bill would make it unlawful for any licensed manufacturer, importer, or dealer to sell, deliver or transfer any handgun to an unlicensed person, unless the transferee is provided with a secure gun storage or safety device. The Secretary may impose a civil penalty on, or suspend or revoke the license of, a manufacturer, importer, or dealer who fails to comply with these requirements.

The bill provides exceptions for transfers to government agencies, law enforcement officers employed by such agencies using a handgun for law enforcement purposes, and rail police officers. In addition, the transfer of a handgun listed as a curio or relic would be exempt from the safety device requirement. Finally, if a secure gun storage or safety device is temporarily unavailable, the licensee may transfer a handgun as long as he delivers such a device to the transferee within 10 calendar days after the date the handgun was delivered.

The Hyde bill provides immunity from certain types of civil liability for persons who have lawful possession and control of a handgun, and who use a secure gun storage or safety device. The civil actions at issue are those in which such a person is sued for damages resulting from the unlawful use of the handgun by a third party, where the person in lawful possession did not authorize such access, and at the time the handgun was accessed, the handgun had been made inoperable by use of a secure gun storage or safety device. This immunity would not extend to an action for negligent entrustment or negligence per se.

The Hyde bill does not amend the current definition of "secure gun storage or safety device" found in 18 U.S.C. § 921(a)(34). However, the Conyers compromise amends this definition to include "a device that is easily removable from a firearm and that, if removed from a firearm, is designed to prevent the discharge of the firearm by any person who does not have access to the device." This amendment, as drafted, would create a significant loophole in the new safety device requirement, since it would include within the definition of a secure gun storage or safety device any removable component part (such as a firing pin, trigger or hammer), without which the firearm could not be discharged. Such parts are obviously not gun safety devices.

**Administration Compromise.** We have drafted language that would accomplish the same intended result as the Conyers compromise, without creating such a loophole. The Administration compromise would include within the definition of a secure gun storage or safety device any device incorporated, or intended to be incorporated, into the design of the firearm that, when installed, is designed to prevent the operation of the firearm by anyone not having access to the device. This amendment is intended to include after-market gun safety devices that are intended to be incorporated into the design of the firearm, and without which the gun cannot be discharged. However, it would not cover the integral component parts of the gun which at the time of installation, are not intended for use as safety devices.

## 5. Ban on Importation of Large Capacity Ammunition Feeding Devices.

Under existing law, 18 U.S.C. § 922(w), the transfer and possession of "large capacity ammunition feeding devices" is prohibited. An exception is provided for the possession or transfer of any such device that was lawfully possessed on or before September 13, 1994, the date the ban was enacted. The term "large capacity ammunition feeding device" is defined in 18 U.S.C. § 921(a)(31) to include any magazine, belt, drum, feed strip, or similar device *manufactured after September 13, 1994*, that has a capacity of, or can be readily restored or converted to accept, more than 10 rounds of ammunition.

Since existing law excludes from the definition of "large capacity ammunition feeding device" any device manufactured on or before September 13, 1994, it allows the importation of any such device manufactured on or before September 13, 1994. To close this loophole, S. 254 included language specifically prohibiting the importation of large capacity ammunition feeding devices. S. 254 also included an amendment to the definition of a "large capacity ammunition feeding device" to remove the language limiting the definition to devices manufactured after September 13, 1994. Accordingly, S. 254 would ban the importation of any such a device, regardless of the date of manufacture.

The Hyde bill included a new provision that would ban the importation of large capacity ammunition feeding devices. However, it did *not* include an amendment to the definition of such devices. Thus, under the Hyde bill, a large capacity magazine that was manufactured abroad on or before September 13, 1994, could *still* be imported into the United States. The Hyde bill's failure to amend the definition of a large capacity ammunition feeding device essentially nullified the purported ban on importation of such devices.

In Rep. Hyde's letter of May 12, 2000, he offered to put the high capacity ammunition clip ban issue "to rest once and for all." Rep. Hyde said he continued to support the exact language regarding the ban that he and Rep. Lofgren had offered on the House floor in June. In response to this offer, Rep. Conyers offered a compromise that included the crucial amendment to the definition of a large capacity ammunition feeding device.

**Administration Compromise.** The Administration supports the language of the Conyers compromise on this issue, which is consistent with the offer made in Rep. Hyde's letter. However, we have attached language that makes an important technical amendment. By amending the definition of a large capacity ammunition feeding device to remove any reference to the date of manufacture, the Conyers compromise would actually criminalize the continuing possession of those devices that were lawfully imported since September 13, 1994. These devices would not fall within the existing grandfather clause, since they were not lawfully possessed in the United States on or before September 13, 1994. Accordingly, the Administration is offering language that would "grandfather in" the continuing lawful possession of devices that were lawfully imported between September 13, 1994 and the date that this new

**SEC. \_\_\_ 01. MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.**

**(a) UNLAWFUL ACTS.**--Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

“(z)(1) Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person not licensed under this chapter, unless the transferee is provided with a secure gun storage or safety device, as defined in section 921(a)(34), for the handgun.

“(2) Paragraph (1) shall not apply to the--

“(A)(i) manufacture for, transfer to, or possession by, the United States or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

“(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (1), of a handgun for law enforcement purposes (whether on or off duty); or

“(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

“(C) transfer to any person of a handgun listed as a curio or relic by the Secretary, pursuant to section 921(a)(13); or

“(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days after the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

“(3)(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

“(B) A qualified civil liability action may not be brought in any Federal or State court. In this subparagraph, the term ‘qualified civil liability action’ means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the unlawful use of the handgun by a third party, if--

“(i) the handgun was accessed by another person without the authorization of the person so described; and

“(ii) when the handgun was so accessed, the handgun had been made inoperable by use of a secure gun storage or safety device.

A ‘qualified civil liability action’ shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.

“(4)(A) This subsection shall not be construed to--

“(i) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

“(ii) establish any standard of care.”

“(B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence of any court, agency, board or other entity, except with respect to an action to enforce paragraphs (1) and (2), or to give effect to paragraph (3).”

**(b) CIVIL PENALTIES.**--Section 924 of title 18, United States Code, is amended--

(1) in subsection (a)(1), by inserting “or (p)” before “of this section”: and

(2) by adding at the end the following:

“(p)(1)(A) With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing--

“(i) suspend for not more than 6 months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transaction; or

“(ii) impose on the licensee a civil penalty of not more than \$2,500.”

(B) An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

“(2) The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) shall not preclude any administrative remedy that is otherwise available to the Secretary.”

(c) modification of definition of secure gun storage or safety device. Section 921(a)(34)(B) of title 18, United States Code, is amended by striking "a device incorporated into the design of the firearm that is" and inserting "a device incorporated, or intended to be incorporated, into the design of the firearm that, when installed, is".

**SEC. 02. PROHIBITING JUVENILES FROM POSSESSING SEMIAUTOMATIC ASSAULT WEAPONS.**

Section 922(x) of title 18, United States Code, is amended--

(1) in paragraph (1)--

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

“(C) a semiautomatic assault weapon; or

“(D) a large capacity ammunition feeding device.”;

(2) in paragraph (2)--

(A) by striking “or” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

“(C) a semiautomatic assault weapon; or

“(D) a large capacity ammunition feeding device.”; and

(3) by striking paragraph (3) and inserting the following:

“(3) this subsection shall not apply to--

“(A) a temporary transfer of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile or to the temporary possession or use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon by a juvenile--

“(i) if the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon are possessed and used by the juvenile--

“(I) in the course of employment;

“(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch);

“(III) for target practice;

“(IV) for hunting; or

“(V) for a course of instruction in the safe and lawful use of a firearm;

“(ii) clause (i) shall apply only if the juvenile’s possession and use of a handgun,

ammunition; a large capacity ammunition feeding device, or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met--

“(I) except when a parent or guardian or the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile’s possession at all times when a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile’s parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

“(II)(aa) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

“(bb) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon with the prior written approval of the juvenile’s parent or legal guardian, if the approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition, and that person is directing the ranching or farming activities of the juvenile.

“(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possess or is armed with a handgun, ammunition, a large capacity

ammunition feeding device, or a semiautomatic assault weapon in the line of duty;

“(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile; or

“(D) the possession of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

“(4) A handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

“(5) For purposes of this subsection, the term “juvenile” means a person who is less than 18 years of age.

“(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant’s parent or legal guardian at all proceedings.

“(B) The court may use the contempt power to enforce subparagraph (A).

“(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

“(7) For purposes of this subsection, the term “large capacity ammunition feeding

device' has the same meaning as in section 921(a)(31) of title 18, except that the term also includes any device described in such section that was manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994."

**SEC. \_\_03. PROHIBITING VIOLENT JUVENILE OFFENDERS FROM POSSESSING FIREARMS.**

(a) **DEFINITION.**--Section 921(a)(20) of title 18, United States Code, is amended--

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

respectively;

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the 'adjudicated to have committed an act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious violent felony (as defined in section 3559(c)(2)(F)(i)) had Federal jurisdiction existed and been exercised,"; and

(4) by striking "What constitutes" and all that follows through "this chapter," and inserting the following:

"(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for

purposes of this chapter.

(b) **PROHIBITION.**--Section 922 of title 18, United States Code, is amended--

(1) in subsection (d)--

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting ";or"; and

(C) by inserting after paragraph (9) the following:

"(10) has been adjudicated to have committed an act of violent juvenile delinquency."; and

(2) in subsection (g)--

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the comma at the end and inserting ";or";

and

(C) by inserting after paragraph (9) the following:

"(10) who has been adjudicated to have committed an act of violent juvenile delinquency."

(c) **EFFECTIVE DATE.**--The amendments made by this section shall apply only to acts of violent juvenile delinquency that occur 180 days or more after the date of the enactment of this Act.

#### **SEC. 4. MANDATORY BACKGROUND CHECK AT GUN SHOWS.**

(a) **DEFINITIONS.**--Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) The term "gun show" means ~~an event which is sponsored to foster the collecting, competitive use, sporting use, or any other legal use of firearms,~~ facilitates the sale, transfer or exchange of firearms, and

"(A) at which 50 or more firearms are offered or exhibited for sale, transfer,

*What kind of event for sales of guns?*

or exchange, if 1 or more of the firearms has been shipped or transported in, or the event otherwise affects, interstate or foreign commerce, and

“(B) at which there are not less than 5 firearm vendors.

“(36) The term ‘curtilage area’, with respect to a gun show, means any building or structure in which, and any land on which, the gun show is held, and includes all real property in close proximity to the gun show on which activities in furtherance of firearms transactions occur.

“(37) The term ‘gun show organizer’ means any person who organizes or conducts a gun show.

“(38) the term ‘gun show vendor’ means any person who, at a fixed, assigned, or contracted location, exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show.”

“(39) The term ‘instant check registrant’ means a person registered under section 931 of this title to conduct checks of the national instant criminal background check system for sales, transfers, or exchanges of firearms at gun shows.”

**(b) TIME LIMIT FOR NATIONAL INSTANT CRIMINAL BACKGROUND CHECKS.**—Section 103(e) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended by adding at the end the following:

**“(3) DEADLINE FOR COMPLETION OF CHECKS REQUESTED FROM GUN SHOWS.**—

**“(A) IN GENERAL.**—Except as provided in subparagraph (B), the Attorney General shall ensure that each background check conducted through the national instant criminal background check system pursuant to a request made from a gun show is completed within 24 hours after an authorized person has contacted the system to request the check.

**“(B) EXCEPTION.**--The requirement of subparagraph (A) shall not apply if the system indicates that--

“(i) the person being checked has been arrested for an offense described in section 922(g) of title 18, United States Code, and disposition of the arrest has not been communicated to the Attorney General; or

“(ii) there is an official record that the person being checked may be a person described in such section 922(g), and there is no official disposition record to the contrary.

**(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.--**

**(1) IN GENERAL.**--Chapter 44 of such title is amended by adding at the end the following:

**§ 931. Regulation of firearms transfers at gun shows.**

*[NOTE: Subsection (a) has been moved, and appears at subsection (f). Changes are noted therein].*

“(a) It shall be unlawful for any person to organize or conduct a gun show unless the person--

“(1) registers with the Secretary in accordance with regulations promulgated by the Secretary, which shall not require the payment of any fee for such registration;

“(2) before commencement of the gun show--

“(A) records and verifies the identity of each individual who is to be a gun show vendor or instant check registrant at the gun show by examining, but not retaining, a copy of, a valid identification document (as defined in section 1028(d)(1)) of the individual containing a photograph of the individual; and

“(B) provides to each such individual a copy of the document provided by the Secretary under subsection (c); and

“(3) maintains a copy of the records described in paragraph (2) at the permanent place of business of the gun show organizer such period of time and in such form as the Secretary shall require by regulation.

“(b) The Secretary shall provide to each gun show organizer registered with the Secretary pursuant to subsection (a)(1) a document which sets forth all Federal laws that apply to firearms transactions at gun shows, including all related recordkeeping requirements, verbatim.

“(c)(1) It shall be unlawful, at a gun show or the curtilage area of a gun show, for a person who is not ~~licensed under section 923~~, a licensed importer, licensed manufacturer, or licensed dealer, to sell, transfer, or exchange to another person who is not ~~licensed under section 923~~, a licensed importer, licensed manufacturer, or licensed dealer, a firearm that is accessible at the gun show or in the curtilage area of the gun show, unless— the firearm is transferred through a licensed importer, licensed manufacturer, licensed dealer, or instant check registrant in accordance with paragraph (2)(B) and otherwise in accordance with law.

~~“(A) the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with paragraph (2)(B) and otherwise in accordance with law; or~~

~~“(B)(i) before the completion of the transfer, an instant check registrant contacts the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act;~~

~~“(ii)(I) the system provides the registrant with a unique identification number; or~~

~~“(ii)(II) 3 business days (meaning a day on which State offices are open) have elapsed since the registrant contacted the system, and the system has not notified the registrant that the receipt of a firearm by such other person would violate subsection—~~

~~(g) or (n) of section 922.~~

~~“(iii) the registrant notifies the person that the registrant has complied with clauses (i) and (ii), or of any receipt by the registrant of a notification from the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act that the transfer would violate section 922 of State law; and~~

~~“(iv) the transferor and the registrant have verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.~~

~~“(2)(A) the rules of paragraphs (2), (3), and (4) of section 922(t) shall apply to firearms transfers assisted by instant check registrants under this section in the same manner in which such rules apply to firearms transfers made by licensees.~~

“(2) Responsibilities of licensees and instant check registrants. A licensee or instant check registrant who agrees to assist a person other than a licensed importer, licensed manufacturer, or licensed dealer, in complying with background check requirements applicable to the transfer of a firearm at a gun show shall--

“(A) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

“(B) record the transfer on a form specified by the Secretary;

“(C) comply with the requirements of paragraphs (2), (3), and (4) of section 922(t) as if the firearm was being transferred from the inventory of a licensed importer, licensed manufacturer, or licensed dealer, and notify the non-licensed transferor and the non-licensed transferee--

“(i) of such compliance; and

“(ii) if the transfer is subject to the requirements of section 922(t)(1), of any

receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or State law;

“(D) if the licensed importer, licensed manufacturer, licensed dealer or instant check registrant assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols or revolvers totaling 2 or more, to the same non-licensed person, prepare a report of the multiple transfers, which report shall be--

“(i) prepared on a form specified by the Secretary; and

“(ii) not later than the close of business on the date on which the transfer occurs, forwarded to--

“(aa) the office specified on the form described in subparagraph (D); and

“(bb) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

“(E) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, licensed dealer, or instant check registrant.

~~“(B)(i) The licensee or registrant may personally deliver or ship the firearm to the prospective transferee in accordance with clause (ii) if the gun show has terminated, and~~

~~“(l)(aa) 3 business days has elapsed since the licensee or registrant contacted the system from the gun show and the licensee or registrant has not received notification from the system that receipt of a firearm by the prospective transferee would violate subsection (g) or (n) of section 922 or State law; or~~

~~“(bb) the licensee or registrant has received notification from the system that~~

~~receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 or State law; and~~

~~“(II) State and local law would have permitted the licensee or registrant to immediately deliver the firearm to the prospective transferee if the conditions described in item (aa) or (bb) had occurred during the gun show.~~

~~“(ii)(1) The licensee may personally deliver the firearm to the prospective transferee at a location other than the business premises of the licensee, without regard to whether the location is in the State specified on the license of the licensee, or may ship the firearm by common carrier to the prospective transferee.~~

~~“(II) The registrant may personally deliver the firearm to a prospective transferee who is a resident of the State of which the registrant is a resident, or may ship the firearm by common carrier to such a prospective transferee.~~

~~“(3) An instant check registrant who agrees to assist a person who is not licensed under section 923 in complying with subsection (c) with respect to the transfer of a firearm shall~~

~~“(A) enter the name, age, address, and other identifying information on the transferee (or, if the transferee is a corporation or other business entity, the identity and principal and local places of business of the transferee) as the Secretary may require by regulation into a separate bound record;~~

~~“(B) record the unique identification number provided by the system on a form specified by the Secretary;~~

~~“(C) on completion of the functions required by paragraph (1)(B) to be performed by the registrant with respect to the transfer, notify the transferor that the registrant has performed such functions; and~~

~~“(D) on completion of the background check by the system, retain a record of the~~

~~background check as part of the permanent business records of the registrant.~~

“(3) This section shall not be construed to permit or authorize the Secretary to impose recordkeeping requirements on any vendor who is not licensed under section 923, except to the extent that the vendor is acting as an instant check registrant.

“(d) It shall be unlawful for any person to receive a firearm from another person that has been transferred to the recipient in violation of this section.

“(e) It shall be unlawful for any person to structure, assist in structuring, or attempt to structure or assist in structuring a firearms transaction, for the purpose of evading any requirement of subsection (c).

“(f)(1) A person who is not a licensed importer, licensed manufacturer, or licensed dealer, and who desires to be registered as an instant check registrant shall submit to the Secretary an application which--

“(A) contains a certification by the applicant that the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1);

“(B) contains a photograph and fingerprints of the applicant; and

“(C) is in such form as the Secretary shall by regulation prescribe.”

“(2)(A) The Secretary shall approve an application submitted ~~pursuant to~~ in accordance with paragraph (1), as well as an application for renewal of a valid registration submitted pursuant to paragraph (3) if --

“(i) the applicant is twenty-one years of age or over;

“(ii) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) or (n) of this chapter;

“(iii) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

“(iv) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with this application; and

“(v) the applicant has in a State premises at which he will keep required records and which will be open to inspection by the Secretary in accordance with paragraph (4) of this section.

“(B) On approval of the application and payment by the applicant of a fee of \$100 for 3 years, ~~and upon renewal of valid registration a fee of \$50 for 3 years,~~ the Secretary shall issue to the applicant an instant check registration, and advise the Attorney General of the United States of the same, which entitles the registrant to contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act for information about any individual desiring to obtain a firearm at a gun show from any transferor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, and receive information from the system regarding the individual, during the 3-year period that begins with the date the registration is issued.

“(C) The Secretary shall approve or deny an application submitted pursuant to paragraph (1) within 60 days after the Secretary receives the application. If the Secretary fails to act within such period, the applicant may bring an action under section 1361 of title 28 to compel the Secretary to so act.

“(3) Upon application and payment of a fee of \$50, the Secretary shall issue a 3-year renewal of a valid registration to an applicant who satisfies the conditions set forth in subparagraphs (1) and (2)(A) of this section.

~~“(4) An instant check registrant shall keep all records or documents which the registrant collects pursuant to this section during a gun show~~ required by this chapter at a premises, or a portion thereof designated by the registrant, that is open for inspection by the Secretary. The Secretary shall establish by regulation the procedure for the inspection, at a premises or a gun show, of the records required to be kept under this ~~section~~ chapter in a manner for a registrant that affords the registrant procedural rights and protections identical to those afforded a licensee under subsections (g)(1)(A), (g)(1)(B), and (j) of section 923. An instant check registrant shall remit to the Secretary all records required to be kept by the registrant under this subsection, when the registration is no longer valid, has expired, or has been revoked.

~~“(4) A registration issued under this subsection may be revoked pursuant to the procedures provided for license revocations under section 923.~~

“(5) The Secretary may, after notice and opportunity for hearing, revoke any registration issued under this section if the holder of such registration has willfully violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary’s action under this subsection may be reviewed only as provided in section 923(f) of this chapter.

“(6) Each instant check registrant shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Secretary for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Secretary may require.

“(7)(A) This subsection shall not be construed--

“(i) as creating a cause of action against any instant check registrant or any other

person, including the transferor, for any civil liability; or

“(ii) as establishing any standard of care.

“(B) Notwithstanding any other provision of law, except to give effect to subparagraph (C), evidence regarding the use or nonuse by a transferor of the services of an instant check registrant under this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

“(C)(i) Notwithstanding any other provision of law, a person who is--

“(I) an instant check registrant who assists in having a background check performed in accordance with this section;

“(II) a licensee who ~~acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee at the show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of firearms under this chapter;~~ assists a nonlicensee in transferring a firearm to a nonlicensee at a gun show, in accordance with the requirements of this section, or

“(III) a nonlicensee disposing of a firearm, who utilizes the services of an instant check registrant pursuant to subclause (I) or a licensee pursuant to subclause (II), shall be entitled to immunity from a civil liability action as described in this subparagraph.

“(ii) A qualified civil liability action may not be brought in any Federal or State court. The term ‘qualified civil liability action’ means a civil action brought by any person against a person described in clause (i) for damages resulting from the unlawful use of the firearm by the transferee or a third party, but shall not include an

action--

“(I) brought against a transferor convicted under section 924(h), or a comparable or identical State felony law, by a party directly harmed by the transferee’s criminal conduct, as defined in section 924(h); or

“(II) brought against a transferor for negligent entrustment or negligence per se.

**(2) PENALTIES.**—Section 924(a) of such title is amended by adding at the end the following:

“(7)(A) Whoever knowingly violates subsection (a) or (c)(1) of section 931 shall be—

“(i) fined under this title, imprisoned not more than ~~1 year~~ 2 years, or both;

or

“(ii) in the case of a second or subsequent conviction of such a violation, fined under this title, imprisoned not more than 5 years, or both.

“(B) Whoever knowingly violates subsection (c)(2) or (e) of section 931 shall be fined under this title, imprisoned not more than 3 years, or both;

“(C) Whoever willfully violates subsection (d) of section 931 shall be fined under this title, imprisoned not more than 3 years, or both.

“(D) In addition to any other penalties imposed under this ~~paragraph~~ chapter, the Secretary may, with respect to any person who knowingly violates subsection ~~(b), (c),~~ (a) or (c)(2) of section 931--

“(i) impose a civil fine in an amount equal to not more than \$2,500; and

“(ii)(I) if the person is registered pursuant to section 931(a) or 931(f), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person ~~under section 931(a).~~

**(3) CONFORMING AMENDMENT.**—Section 923(j) of such title is amended in

the first sentence by striking "gun show or event" ~~or event~~ and all that follows through "~~community~~" and inserting "gun show organized or conducted by a person who has registered with the Secretary in accordance with section 931 of this chapter, or an event".

**(4) CLERICAL AMENDMENT.**--The section analysis for chapter 44 of such title is amended by adding at the end the following:

"931. Regulation of firearms transfers at gun shows."

**(d) INSPECTION AUTHORITY.**--Section 923(g)(1) of such title is amended by adding at the end the following:

"(B)(i) When the Secretary has reasonable cause to believe that evidence of a violation of this chapter may be found at the place of business of a gun show organizer or any place where a gun show is being held, the Secretary may, upon demonstrating such cause before a Federal magistrate and securing from the magistrate a warrant authorizing entry, enter during business hours any such place (including any place of storage of the gun show organizer), for the purpose of inspecting or examining any records or documents required to be kept by the gun show organizer under this chapter or rules or regulations under this chapter.

"(ii) The Secretary may enter during business hours the place of business of any gun show organizer and any place where a gun show is being held, without such reasonable cause or warrant, for the purpose of inspecting or examining the records required by section 923 or 931 and the inventory of licensees conducting business at the gun show in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the organizer or licensee or when such examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

**(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING**

**VIOLATIONS BY LICENSEES.**--Section 924(a)(3) of such title is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

“(B) if the violation described in subparagraph (A) is in relation to an offense--

“(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

“(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.”

**(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.**

**(1) PENALTIES.**--Section 924(a) of such title is amended--

(A) in paragraph (5), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”; and

(B) by adding at the end the following:

“(8)(A) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 3 years, or both.

“(B) In the case of a second or subsequent conviction under this paragraph, the person shall be fined under this title, imprisoned not more than 5 years, or both.”

**(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.**--Section 922(t)(5) of such title is amended by striking “and, at the time” and all that follows through “State law”.

(g) **EFFECTIVE DATE.**--The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

**SEC. 5. GUN OWNER PRIVACY: PROHIBITION ON BACKGROUND CHECK FEE.**

(a) **PROHIBITION ON BACKGROUND CHECK FEE.**--

(1) **IN GENERAL.**--Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

**540B. Prohibition on fee for background check in connection with firearm transfer.**

“No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).”

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**--The section analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

“540B. Prohibition on fee for background check in connection with firearm transfer.”

(b) **PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.**

(1) **IN GENERAL.**--Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

**§932. Gun owner privacy and ownership rights**

“Notwithstanding any other provision of law, no department, agency, or instrumentality of the United State or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States--

“(1) shall perform any national instant criminal background check through the

system established pursuant to section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the "system") if that system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, about any person who is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922 of title 18, United States Code, or by State law, from receiving a firearm, except that this subsection shall not apply to the retention or transfer of information relating to--

"(A) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

"(B) the date on which that number is provided, or

"(2) shall continue to operate the system (including requiring a background check before the transfer of a firearm) unless--

"(A) the 'NICS Index' complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

"(B) the agency responsible for the system and the system's compliance with Federal law does not invoke the exceptions under subsections (j)(2), (k)(2), and (k)(3) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter."

**(2) TECHNICAL AND CONFORMING AMENDMENTS.**--The section analysis for chapter 44 of title 18, United States Code, is further amended by adding at the end the following:

**"932. Gun owner privacy and ownership rights."**

(c) **CIVIL REMEDIES.**—Any person aggrieved by a violation of section 540B of title 28, or 931 of title 18, United States Code, as added by this section, may bring an action in the district court of the United States for the district in which the person resides. Any person who is successful with respect to any such action shall receive actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsection (a) shall take effect as of October 1, 1998.

**SEC. 06. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.**

Section 922(w) of title 18, United States Code, is amended--

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B);"

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) in paragraph (1)(B), as redesignated--

(A) by inserting "in the United States" after "possessed"; and

(B) by inserting at the end "or lawfully imported on or before the effective date of [name of Act]."

(4) by inserting before paragraph (3) the following:

"(2) Except as provided in paragraph (3), it shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)--

(A) by striking (1) each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

(b) Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994."

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ANTHONY D. WEINER, NEW YORK

May 12, 2000

President Bill Clinton  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

Please permit me to share with you the most recent correspondence with Rep. John Conyers, the Ranking Democrat on the House Judiciary Committee, who wrote to me on May 4<sup>th</sup> regarding our continuing effort to forge compromise gun safety legislation.

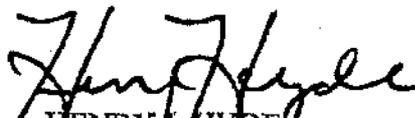
As you will see by my letter to John, I have made additional modifications to my proposed compromise in an effort move forward with this important legislation:

First, I am prepared to drop the provision in my original proposal that allows for certain firearms shipments by federally licensed vendors and instant check registrants.

Second, I am committed to changing the definition of a "gun show" by substantially modifying the purpose-of-the-event language to ensure that all events that constitute a gun show are subject to Brady background checks.

As you are aware, a majority of Republican House conferees on gun safety legislation have signed onto my proposed compromise. I need three Democratic members of the conference committee to pledge support for this proposal so that we may formally present the compromise to the Senate. It is my hope that you will do all in your power to help us break this logjam and encourage members of your own party to help us enact meaningful gun safety legislation this year.

Sincerely,

  
HENRY J. HYDE  
Chairman

HJH:s

*Handwritten note:*  
Guns - Gun Shows

## Records Destruction

Congressman Hyde continues to say that there is no room to bargain on the records destruction issue. In Hyde's May 12 letter to Congressman Conyers, he says that the utility of retaining records of approved purchases "would be more than outweighed by the concerns of law-abiding citizens that the Federal government was retaining certain personal information about them in connection with their lawful purchase of a firearm." Conyers has proposed that there be a statutory limit of 90 days on the retention of these records, and that GAO audits the NICS annually to ensure that the records are being destroyed on a timely basis and no registry is being created.

The FBI has determined that, in order for any effective audit to be conducted, 90 days is the absolute minimum that records of approved transactions should be maintained. Immediate destruction would greatly undermine the privacy and security of information in NICS and make it virtually impossible for the FBI to conduct meaningful audits of NICS to prevent system fraud, abuse, and misuse. In addition, requiring immediate destruction of NICS approvals would require significant technical modifications that would force the FBI to shut down NICS temporarily.

## Options

In order to address the fears that Hyde cites for demanding immediate destruction, we should consider the creation of a agency outside of the law enforcement departments that would maintain the records for a brief time (presumably at least 90 days). Perhaps the agency could also perform some of the audit functions currently accomplished by the FBI. The authorizing legislation for the agency would establish the criteria for when the ATF or FBI would be allowed access to information it maintains, such as in connection with an ATF inspection of a dealer or a criminal investigation. We are trying to see whether the setup of any existing agency, which collects and maintains sensitive information about citizens, such as the Census Bureau, would serve as a model for the new agency.

Another alternative is to decentralize proceed records, akin to the current system by which the individual FFLs maintain transaction records. This could be achieved by providing though a grants program computer terminals to FFLs with encryption software, whereby NICS could securely transmit the proceed information for that FFLs' transactions back to the dealer for a set period of retention. Through encryption, the FFL would not be able to alter the underlying information, and criteria would be established for when ATF or the FBI would be entitled to access.

A third option would be to decentralize records through a system of rotation. Not all proceed transactions would be recorded at any given point in time. Rather, they would be divided by region, and for a three month period, a designated region's records would be retained for audit purposes.

24/3 and "Official Records"

Congressman Hyde states in his May 12 letter that his interpretation of "official record" "includes all information relevant to a determination of ineligibility under Brady that has been properly provided by a federal, state or local agency." We recommend compromising by offering Hyde's own language: the statutory provision would read that "the requirement of subparagraph (A) shall not apply if the system indicates that – there is information relevant to a determination of ineligibility under federal, state or local law."

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May 12, 2000

The Honorable John Conyers, Jr.  
Ranking Minority Member  
Committee on the Judiciary  
Washington, D.C. 20515

Dear John:

Thank you for your letter of May 4, 2000, concerning gun safety legislation.

I have noted again your concerns about my proposed use of the term "official records" for triggering the longer three-day background check review period. I am increasingly of the view that we are talking past one another on this issue and that no real difference exists regarding how we want the 24-hour/three business day review to operate. We both agree that there should be a general requirement that all background checks at gun shows be accomplished within 24 hours. We both further agree that the 24-hour limit should give way to a longer, up-to-three-business-day review period when the would-be purchaser has not been cleared within 24 hours due to the existence of information in the National Instant Check System (NICS) which indicates that the would-be purchaser might be ineligible under the Brady law. While I remain open to modified language which best accomplishes this outcome, I do want to explain more fully the rationale that led to the use of the term "official records."

My initial proposal in our negotiations, based on discussions with the FBI's NICS Program Office, provided that the trigger for the longer, three-business day review period would simply be arrest records. This is because, according to the NICS Program Office, the only kind of record in the NICS database that is not a final disposition record but that still might indicate that a would-be purchaser is ineligible, is an arrest record; if the arrest led to a felony conviction or a domestic violence misdemeanor conviction, and there is an available record of such a conviction, then such a person would be ineligible. On the other hand, under current law and under your proposal, an arrest record by itself is not sufficient basis for prohibiting a sale from occurring. This ambiguity, in my judgment, necessitated the three-day review.

You expressed concern that having arrest records as the trigger for the three-day review was too narrow and that other records of possible Brady prohibitions might be in the NICS system and should also trigger the longer review period. You expressed the concern that as states continue to improve their capabilities to enter information of possible Brady disqualifications into the NICS system, a greater variety of types of records would be part of the background check, and hence, arrest records might not be the only available indicator of a purchaser possibly being ineligible. I thought your concern had merit; therefore, I broadened the trigger beyond simply arrest records to include any other official record in the NICS database of a possible Brady violation.

Honorable John Conyers  
May 12, 2000  
Page 3

Nevertheless, my interest in reaching an agreement with you leaves me prepared to simply maintain current law on this point.

Finally, with regard to the immediate destruction of records for approved purchasers, it may be that you and I will ultimately have to agree to disagree. I do not dispute your contention that retaining such records for a prolonged period may be useful in various ways for law enforcement; however, I believe that any such utility would be more than outweighed by the concerns of law-abiding citizens that the Federal government was retaining certain personal information about them in connection with their lawful purchase of a firearm. I would also note that majorities in the House and the Senate have both voted for the immediate destruction provision during this Congress.

John, I continue to hope that we might be able to reach an agreement on comprehensive legislation that includes reasonable gun safety provisions, including an effective background check at guns shows, gun safety locks, a juvenile Brady provision, a ban on juvenile possession of assault weapons, and a ban on large capacity clips. I believe that a review of our correspondence shows how far I am prepared to move to reach an agreement; I have yet to see any such movement on your part. John, do you really want to forge a compromise?

I remain open to any recommendations that might lead to needed improvements.

Sincerely,

  
HENRY J. HYDE  
Chairman

cc: President William J. Clinton

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May 4, 2000

RECEIVED

MAY 04 2000

Committee on the Judiciary

The Honorable Henry J. Hyde, Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Hyde:

I am in receipt of your April 14 letter concerning gun safety legislation.

At the outset, I would note that no one is more interested in enacting meaningful gun safety legislation than I am. As you know, I am on record as strongly supporting the "Lautenberg" amendment which passed the Senate. However, as I have repeatedly stated to you, I would be and am willing to negotiate a compromise from that position, so long as the legislation is not a sham, does not weaken current law, and truly shuts down, rather than perpetuates, the gun show loophole to the Brady law. It is in this spirit that I have proposed to you language requiring that the vast majority of gun show Brady checks occur within 24 hours, an important departure from the Lautenberg language.

Notwithstanding your professed commitment to closing the gun show loophole, I am concerned that the House Republican Leadership is the principal obstacle to enacting meaningful gun safety legislation. I need not remind you that it was the House Republican Leaders who have said they would not allow a vote in their "pro-gun House" on any bill that departed from NRA-authored proposals. I also continue to be frustrated by the failure of the Majority to convene a meeting of the juvenile justice conference, so that our positions can be aired openly and debated in a public forum.

As for your last two "compromise" proposals, I am profoundly concerned by their continuing fidelity to loopholes, and by the manner in which you have proposed them to me. Both proposals were released to the press, rather than to me. Both proposals parrot the loopholes in your earlier draft which would effectively allow in some cases for criminals to get guns at gun shows. I've explained these problems to you in repeated letters - the substance of which I might add you have never refuted. And amazingly to me, these tactics were used just one day after you signed a joint letter to Chairman Hatch stating that "(w)e have pledged to each other to begin anew negotiations." Yet, the very next day, you wrote to the President that "(Representative Conyers and the Democratic Leadership) have again rejected meaningful negotiations." Yet, less than 24 hours later, you made such a declaration without a single conversation with me or my staff.

Honorable John Conyers  
May 12, 2000  
Page 2

In opposing the use of the term "official record," you urged in your letter of May 4 that "we should use the plain and unambiguous language of current law." I agree: that's why I used the term "official record." As you know, the section of the 1993 Brady law that established the NICS system is codified as a note at the conclusion of section 922 of title 18, United States Code. You will note that Subsection (e)(1), which directs the establishment of the NICS database, is headed by the subtitle, "Authority to obtain official information." The NICS system has always been a database of official records, meaning relevant records submitted to it by government agencies. It has never been contemplated that "official" information or records require "that records from state and local law enforcement be notarized, properly signed or printed on letterhead," as you suggest in your letter. Rather, it simply includes all information relevant to a determination of ineligibility under Brady that has been properly provided by a federal, state or local agency. This includes non-finalized restraining orders and any communication from courts and law enforcement authorities regarding mentally disturbed persons.

You have again expressed concern about the proposed definition of "gun show" in my proposal. Specifically, you write that the "'purpose' language...would make the entire gun background check regimen apply to almost no one." That is simply not the case. It might be the case if the purpose-of-the-event test was subjectively determined: that is, each event would be left free to declare whether or not its primary purpose is to facilitate the sale of firearms. This, however, is plainly not how the purpose test would work. Rather, it would be an objective test. As you appreciate, the challenge facing us is to develop a definition that covers all events that constitute actual gun shows, without unintentionally covering all manner of private transactions and imposing the regulatory requirements and civil and criminal liability on parties involved in such transactions. To that end, I am prepared to modify the purpose language to ensure that events that are used to facilitate the sale of firearms are included in the definition of gun show. I remain prepared to work with you to ensure an effective and workable gun show definition.

I believe I can put the high capacity ammunition clip ban issue and the issue concerning the background check for those under indictment to rest once and for all. I continue to support the exact language regarding the ammunition clip ban that Rep. Zoe Lofgren (D-CA) and I offered on the House floor in June.

While I may have floated modified language during our past months of negotiations, I remain supportive of the language I offered in June, and would like to see it become law. And concerning those under indictment receiving the longer, three-day background check, you will find my most recent draft proposal clearly provides the three-day review for those under indictment. I remain convinced that the three-day review should occur anytime there are records that indicate that receipt of a firearm might violate Subsections 922(g) or (n).

I am also prepared to drop the provision in my proposal that allows for certain firearms shipments by federally licensed vendors and instant check registrants. As you know, current law already permits the interstate shipment of firearms from one federally licensed vendor to another. I continue to believe that the regulatory controls and criminal penalties that cover federally licensed vendors and instant check registrants are sufficient to ensure that any shipments of firearms made by them would be as safe and secure as shipments of firearms under current law.

The Honorable Henry J. Hyde  
Page 2  
May 4, 2000

As to the substance of your April 14 "compromise," I am disappointed that it contains all of the loopholes and drawbacks as your November 4 proposal. Among these loopholes are the following:

1. **The Fugitives, Felons and Stalkers Loophole:** Your discussion of your "official records" loophole appears to miss the point completely. All we are asking for is that we preserve the same language that is already in the Brady law to describe when law enforcement can take more time to finish background checks. Current law allows up to three business days to investigate any information available to the system that indicates that receipt of the firearm may violate federal or state law. The purpose of this leeway is to allow up to three business days to investigate - to the fullest extent of the law - the 5 percent of purchasers who are 20 times more likely than the average purchaser to be fugitives, felons or stalkers. The law permitting this minimal period of time does not require that records from state and local law enforcement be notarized, properly signed or printed on letterhead. It would seem obvious that, if our objective is not to weaken current law, we should use the plain and unambiguous language in current law that has worked to prevent over 500,000 felons, fugitives and stalkers from purchasing guns.
2. **The Gun Show By a Different Name Loophole:** Your definition of gun show, derived from the NRA-drafted Hatch-Craig amendment and rejected by the Senate, is so tortured that it would not even apply to most gun shows, so long as they sell items other than guns such as camping equipment, survival gear and knives. While you consistently contend that your definition of gun show is any event where 50 or more guns are sold and there are five or more vendors (a definition I could, in a spirit of compromise, agree to), you also include "purpose" language that would make the entire gun show background check regimen apply to almost no one.
3. **Meaningless Ammunition Clip Ban Loophole:** I am also frustrated that you continue to assert that there is agreement on all the other gun safety provisions. Your large capacity ammunition clip ban strikes essential language that was in the amendment you offered on the House floor and renders this provision *completely meaningless*. We never discussed changes to this important provision and I am disappointed that you are backing away from your own amendment.

I am also baffled that you view this proposal as progress when in fact it is weaker than your November 4 proposal. Every time we appear to be closer to agreement, I am concerned that you push the goal posts backward and make further concessions to the NRA and your leadership. In my judgment, your April 14 proposal takes the following steps backward:

- **Guns for Murder Suspects Loophole:** Your November 4 proposal explicitly guaranteed a background check of up to three days for "official records" that indicate a person is

The Honorable Henry J. Hyde

Page 3

May 4, 2000

under indictment but your April 14 proposal does not. It would, therefore, allow persons under indictment for murder, rape, child molestation and other potentially dangerous persons to purchase guns at gun shows if a background check could not be completed within 24 hours.<sup>1</sup>

**Bad Apple Gun Dealer Loophole:** Unlike your November 4 proposal, your April 14 proposal calls for immediate destruction of Brady background check records. This provision alone would prevent effective enforcement of the Brady law by removing one of the only means of holding fraudulent gun dealers accountable. Recent cases have been brought against licensed dealers who have entered false information into the Instant Check system in order to fraudulently sell guns to criminals. Without an ability to compare the information sent to the Instant Check system with a dealer's records, we would provide an invitation to fraud that would permit thousands of criminals the ability to evade background checks and purchase guns. On balance, is the NRA's paranoia about any recordkeeping really worth letting criminals get guns and criminal gun dealers get away?

**Lee Harvey Oswald Loophole:** Unlike your November 4 proposal, your April 14 proposal substantially weakens the ban on interstate sales on firearms, enacted over thirty years ago in response to Lee Harvey Oswald's interstate purchase of the rifle used to kill President Kennedy.

As to my acceptance or counteroffer to your proposal, you have had my counteroffer since October. You have never responded to it. However, Chairman Hyde, this six-month-old game of floated "compromises" and missives has brought us no closer to producing a gun safety bill that the American people overwhelmingly want and deserve. In contrast, a meeting of the conference could produce such a bill. I, therefore, implore you to use your considerable influence on your leadership and request that they cease obstructing the gun safety bill and allow a meeting of the conference committee.

Sincerely,



John Conyers, Jr.  
Ranking Member

---

<sup>1</sup> In your November 4 proposal, you explicitly required a three-day check for individuals for whom an "official record" indicates "receipt of a firearm would violate subsection (g) or (h) (the section which prohibits the transfer of a firearm to an individual under indictment) of section 922." Your April 14 proposal would merely allow a three day check where an "official record" indicates a person is prohibited under 922(g).

THE WHITE HOUSE

WASHINGTON

April 21, 2000

The Honorable Henry J. Hyde  
Chairman  
Committee on the Judiciary  
House of Representatives  
Washington, D.C. 20510

Dear Mr. Chairman:

As you know, yesterday marked the anniversary of the tragic shootings at Columbine High School -- and the date by which I had called on Congress to enact commonsense gun safety legislation. The passing of this deadline is a deep disappointment. When nearly 12 of our nation's children are killed by gunfire every day, we have an urgent responsibility to do all we can to reduce gun violence. That is why I am grateful for your good-faith efforts to seek agreement, despite tremendous pressure on Congress from the gun lobby. I was also glad to see that you joined Representative Conyers last week in urging Chairman Hatch to promptly convene the juvenile justice conference and to move forward at last on this legislation. And I appreciated receiving your most recent proposal to reach a compromise.

I still have serious concerns about aspects of your latest proposal that I fear would create new loopholes for criminals to buy guns. But I am confident that if we can keep working together in good faith, we can reach agreement on a strong, commonsense bill that I can sign into law.

I was especially encouraged by your recent commitment on "Meet the Press" and in your letter to Mr. Conyers to ensure that persons under felony indictments remain subject to full, three-day background checks. It is critical that we make the same effort to stop criminals from buying guns at gun shows that we already make at gun stores.

In order to prevent fraud, protect privacy, and fully enforce the nation's gun laws -- goals we both share -- I believe we must make National Instant Criminal Background Check System records available for a sufficient period of time rather than immediately destroying them. However, as a gesture of good faith, I am willing to meet you halfway on this important issue,

by requiring records to be destroyed within 90 days, instead of 180 days as provided under current law. With this compromise, we can address your concerns while preserving this significant law enforcement tool. I hope this step will help break the current logjam, and bring your colleagues back to the conference table.

We still have other important issues to resolve. I remain concerned about aspects of your proposal that would: leave open the gun show loophole by letting criminals buy guns at flea markets and by cutting short existing background checks on persons with certain mental health histories or domestic violence restraining orders; undermine the ban on the importation of high-capacity ammunition clips; weaken long-standing controls on interstate firearms sales; and fail to require vital record-keeping provisions needed by law enforcement to trace guns sold at gun shows that later turn up in crimes.

Despite these significant outstanding issues, I believe we can reach an agreement. It is my sincere hope that in the coming weeks, we can work together to address our common goal of closing the gun show loophole and ensuring that our nation's gun laws are fully enforced without weakening current gun laws in the process. Neither of us is interested in a compromise that would serve only to jeopardize public safety and the effectiveness of law enforcement. I look forward to working with you to pass this commonsense legislation, and I encourage you to continue urging Chairman Hatch to allow the conferees to meet and consider this legislation. As you have stated, our efforts will come to nothing until that happens. Only by allowing an open and honest debate in conference and by working out our differences can we do right by the American people on this vital issue. We owe it to the families of Littleton, and the thousands more who lose their lives in gunfire each year in America, to get this done now.

Sincerely,

Bill Clinton

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ONE HUNDRED SIXTH CONGRESS

# Congress of the United States

## House of Representatives

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April 11, 2000

The Honorable Orrin G. Hatch, Chairman  
Committee on the Judiciary  
U. S. Senate  
SD-224  
Washington, D.C. 20510

Dear Chairman Hatch:

We write to request a juvenile justice conference meeting as soon as possible.

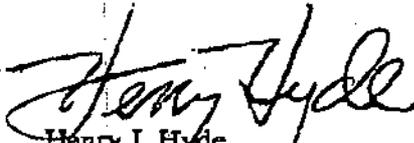
As you are aware, in the last two months, we have witnessed a succession of gun violence tragedies. We have been shocked by a six-year-old shooting a six-year-old in Mount Morris Township, Michigan. We have seen a nursing home held hostage and a mass shooting in Pittsburgh. In February, Memphis firefighters responding to a call were shot and killed by a disturbed man. It is clear that the Nation would like Congress to respond.

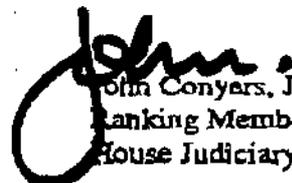
We know that there is not complete agreement on all of the issues before the Conference. We also recognize the need for compromise. We have already agreed in principle to proposed language to reduce the waiting period to 24 hours in most cases, but are still trying to resolve appropriate "safety hatch" exceptions.

We have pledged to each other to begin anew negotiations. We believe, however, that beginning the work of the Conference will play a constructive role in the necessary process of narrowing our differences.

We appreciate your consideration of this request.

Sincerely,

  
Henry J. Hyde  
Chairman  
House Judiciary Committee

  
John Conyers, Jr.  
Ranking Member  
House Judiciary Committee

*Guns -  
Gun Shows  
Kopple*

04/12/00 WED 14:47 FAX

04/12/00 WED 14:13 FAX 202 228 9838

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AND STAFF DIRECTOR

April 12, 2000

MINORITY MEMBERS  
[Faded list of names and titles]

*Gun - Gun Shows*

The Honorable William Jefferson Clinton  
President of the United States  
The White House  
Washington, DC 20500

Dear Mr. President:

As you know, I have been working diligently for nearly a year to forge a meaningful gun safety and juvenile justice package that can pass and be signed into law. I have met with you and communicated with leaders of both the Democratic and Republican parties in both the House and the Senate. I have drafted and circulated compromise proposals and openly invited a dialogue with any Member willing to make headway rather than headlines.

Unfortunately, I have become increasingly disappointed with what I view to be the strategy of leading House Democrats to avoid any compromise on gun safety legislation. Last November, Ranking Democratic Member John Conyers abruptly backed away from months of encouraging negotiations. I responded by sending a compromise proposal directly to Minority Leader Gephardt and asked for his comments. The Minority Leader has never responded to that letter.

I was encouraged by the meeting you called last month with Senator Hatch, Senator Leahy, Representative Conyers and me. I was especially delighted that Rep. Conyers accepted your request to renew our negotiations. However, my hope quickly faded when Rep. Conyers refused to meet or even allow our staffs to meet unless a conference meeting was called. Any conference would be much more productive if Rep. Conyers and I could present an offer of compromise to the Senate Conference. While I was pleased with Rep. Conyers' comments during our debate on the floor yesterday, it has become clear to me since we met last month that House Democratic Leaders do not want a compromise. They have again rejected meaningful negotiations and chased soundbites at the expense of sound policies. It is with this background that I appeal directly to you. When we met last month, you repeatedly expressed that you wanted a bill more than you wanted a political issue. I believe you meant what you said.

I have refused to become discouraged by the refusals of House Democratic leaders to act. Rather, I have chosen to rely upon your pledge to work with leaders of your party and focused my efforts on those House Republican conferees whose support is necessary to move a conference report that includes gun safety provisions.

04/12/00 WED 14:48 FAX  
04/12/00 WED 14:14 FAX 202 228 0838

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I am pleased to report that a majority of House Republican conferees on gun-related provisions have signed a conference report to support a package that includes:

- Child safety locks
- Ban on high capacity ammunition clips
- Preventing juvenile possession of assault weapons
- Preventing juveniles who commit serious crimes from owning guns
- Gun show background check system without loopholes

This proposal is similar in many respects to those that I have circulated in the past but with one significant exception. It directly addresses the concern that you expressed in our meeting last month that a three business day waiting period should apply not only to purchasers with unresolved arrest records but include purchasers who have red flags for other disqualifying offenses like unlawful drug use, mental incapacity, dishonorable discharge, domestic violence or stalking.

For this proposal to move forward, it needs only the signatures of three Democratic conferees on the gun safety provisions—only three Democratic Members. As you know, the controversy has always been focused on gun-related provisions. Once we have agreement on the gun safety proposals among the appropriate House conferees, I believe the remaining juvenile justice, education and cultural provisions will be easy to conclude. Respectfully, we need you to weigh in and help secure these three signatures.

Mr. President, I would also urge you to persuade Representative John Dingell, the senior Democratic Member in the House, to support these reasonable gun safety provisions. Last June, Rep. Dingell led an effort to weaken the gun show background check proposal that Rep. McCollum and I advanced on the House floor. With the support of forty-five Democratic Members, Rep. Dingell's provision passed and effectively ended our chance to retain Democratic support for gun safety measures. Ultimately, Democrats in the House voted against the final gun safety package, which included child safety locks, by a margin of 196-10. In fact, only eight of the forty-five Democrats who supported the Dingell amendment ultimately supported the final package.

I urge you to support this package as a substantial advancement that can be enacted into law. Please resist those who would reject this compromise as an attempt to hold child safety trigger locks as a political hostage. I believe the fate of truly meaningful gun safety legislation rests with you and your ability to convince three Democratic Members of Congress to accept this proposal. I am convinced you have a unique opportunity to persuade those Members to accept this compromise and move forward.

Sincerely,



HENRY J. HYDE  
Chairman

# PRESS RELEASE

## Congressman John Conyers, Jr.

*Guns -  
Gun Shows*

Fourteenth District, Michigan  
Ranking Member, Committee on the Judiciary  
Dean, Congressional Black Caucus

FOR IMMEDIATE RELEASE:  
April 12, 2000

CONTACT:  
Ted Kalo (202) 225-6906

### Conyers: "Hyde's New Proposal Adds More Loopholes"

In reaction to Chairman Hyde's latest so-called "compromise" proposal publicly released in a letter to President Clinton. Congressman John Conyers, Jr., Ranking Member of the House Judiciary Committee, released supporting documentation and issued the following statement:

"This latest 'compromise' by Chairman Hyde is a further capitulation by the Republican Leadership to the NRA's political gamesmanship. After positive discussion on the House floor yesterday, I am disappointed that Chairman Hyde has retreated from his November 4 proposal and weakened current law by opening up at least two loopholes that were not in his November 4 letter to the Minority Leader, in addition to leaving in place all of the loopholes that were part of that proposal. It's no wonder that the Republican leadership still refuses to test this proposal in a public meeting of the conference."

First, the bill opens up a new loophole for persons under indictment for violent felonies by not allowing three business days to investigate indictments. Chairman Hyde's November 4 proposal allowed three business days to investigate offenses described in 18 USC section 922(n), which currently prohibits persons under indictment from purchasing firearms. This language has disappeared in the latest draft. This means that law enforcement could find out that a person charged with murder has attempted to buy a gun, but because the only record in the system, the charged person would get the gun anyway.

Second, catering to NRA paranoia about a "national gun registry," the bill opens up a new "bad apple gun dealer" loophole by requiring the immediate destruction of Brady background check records and, thereby, greatly reduces the ability of federal authorities to investigate the two percent of all gun dealers who are responsible for half of the guns traced to crime. This language does not appear anywhere in his November 4 draft.

This bill still contains the same old loopholes in his old draft. Among other loopholes, it opens up a "wife beaters loophole" by not allowing three business days to investigate non-finalized domestic violence restraining orders, phone calls from police, and letter from courts. The bill also so narrowly defines a "gun show" that events where items other than guns are sold

in addition to guns would be completely excluded from background checks by unlicensed dealers.

Yesterday, Chairman Hyde said on the floor that he wanted a compromise that would give law enforcement enough time to finish checks on the 5% of buyers who are 20 times more likely to be prohibited than the average gun buyer. Instead, he has recycled his old November 4 proposal and made it even worse."

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April 14, 2000

The Honorable John Conyers, Jr.  
 Ranking Minority Member  
 Committee on the Judiciary  
 Washington, D.C.

Dear John:

In my ongoing effort to negotiate a compromise juvenile justice and gun bill, I noted your most recent objections in the CO Daily Monitor on April 13, 2000, wherein it is stated that my proposal "would not catch questionable people who do not fall under the 'arrest' category — such as the mentally ill, the dishonorably discharged, and those with domestic violence or stalking misdemeanors." I believe the language in my proposal will catch any disqualified person so long as there is a record of the disqualification. We do not in any way change current law regarding ineligibility to purchase guns. All of the disqualifications under the Brady law (Section 922 of title 18 of the United States Code) will remain in force and any official indication of such disqualifications will trigger the longer, three-day waiting period.

It is argued that "by leaving out unofficial records, a host of questionable buyers would fall through the cracks," under my proposal. Such an argument misunderstands the effect of my proposal, which contemplates that any information of a possible Brady disqualification that is contained in the National Instant Check Systems (NICS) will trigger the three-day review period. The term "unofficial record," by itself, could include a letter from a disgruntled neighbor or the scribbling on a cocktail napkin. It is too vague, but more importantly, any record in the NICS database that suggests the existence of any of the Brady disqualifications would be used under my "official record" language to trigger the three-day review period.

Regarding the three-day waiting period for those under indictment, I believe the "official record" language in my proposal covers persons under indictment. As you know, records of indictments are included in the NICS database. However, I am willing to work with you to ensure that such disqualified purchasers are explicitly covered by my proposal and would receive the three-day review.

You have also questioned the need for immediate destruction of records. It is important to note that the records of any ineligible purchaser can currently be retained in perpetuity and can

Gun  
 Gun Shows

be freely used by law enforcement to investigate, charge, and prosecute those who try to buy a gun illegally. In fact, such NICS records are currently kept by the FBI, though, as a practical matter, they have rarely been used to charge or prosecute anyone. Under my proposal, it is only the records of eligible, approved purchasers that could not be retained. As you know, a provision regarding the immediate destruction of records is vital to those who see universal record retention as a back door to a federally maintained national registry, and therefore, necessary to include if we are to actually get the votes to pass a law.

John, do you want a bill? You have to compromise, as I have to compromise. I believe I have presented you a reasonable compromise. I await your acceptance or your counteroffer.

Sincerely,



HENRY J. HYDE

Chairman

House Committee on the Judiciary

# HUD NEWS

DRAFT

Department of Housing and Urban Development – Andrew Cuomo, Secretary  
Office of Public Affairs, Washington, DC 20410

---

HUD No. 00-80

(202) 708-0685

List of grants on <http://www.hud.gov/news.html>

FOR RELEASE

2:30 p.m. Tuesday

April 18, 2000

## **BUYBACK AMERICA CAMPAIGN LAUNCHED IN 84 COMMUNITIES**

WASHINGTON – Housing and Urban Development Secretary Andrew Cuomo, on behalf of the Clinton Administration today launched BuyBack America – an unprecedented national campaign to buyback unwanted guns and raise awareness about gun safety. More than 80 communities have pledged to utilize HUD funds to purchase tens of thousands of unwanted firearms, reducing deaths and injuries caused by gun crimes, accidents and suicides. Cuomo also announced the availability of additional funds to enable gun buybacks to occur in hundreds of more communities in the coming year.

Tom Mauser – the father of slain Columbine student Daniel Mauser – joined Cuomo in today's announcement. Mauser, who has taken a leave of absence from his job and is working full-time to reduce gun violence with the group SAFE Colorado (Sane Alternatives to the Firearms Epidemic), said: "I welcome this buyback program because it is an effective way of eliminating guns from our streets. All of our institutions and leaders must do their part to help us reduce the terrible problem of gun violence in our country."

The Secretary was also joined by Annapolis, MD, Mayor Dean Johnson, whose city conducted their first-ever HUD-funded gun buyback last weekend, and the following Mayors whose cities will conduct their first HUD-funded buybacks as part of BuyBack America in the coming months: Sharpe James of Newark, NJ; Al Jurczynski of Schenactady, NY; Carol Marinovich of Kansas City, KS; Ruben Smith of Las Cruces, NM; and Bobby Peters of Columbus, OH.

Cuomo also announced a second round of buybacks that will enable even more local communities to buyback guns and get them off the streets. Housing Authorities will now be able to use their fiscal year 2000 – in addition to their 1999 funds -- for this second round of buybacks. The buybacks are designed to reduce the toll of gun violence that claims an estimated 30,000 lives and wounds another 100,000 people each year in the United States.

Cuomo encouraged communities across the country that have not yet applied to take advantage of HUD funding, to join the nationwide BuyBack America campaign.

DRAFT

"BuyBack America isn't just about buying back guns -- it's about buying back lives that would otherwise be lost to senseless gun violence," Cuomo said. "Tragically, gun violence today is a plague that is killing our fathers and mothers, our sisters and brothers, our wives and husbands, and even our children. Every gun we take off the street in a buyback is one less gun that can fall into the wrong hands and kill or wound an innocent victim. I encourage more communities to join us."

In September, President Clinton announced HUD's BuyBack initiative. Today's event illustrates the positive response to the President's call for action. The President is expected to have more to say about BuyBack America in the coming days.

Cuomo said people in communities participating in BuyBack America can get more information on local activities on a new section of HUD's website at [www.HUD.gov/BuyBackAmerica](http://www.HUD.gov/BuyBackAmerica).

Police departments and public housing authorities participating in BuyBack America will use funds from HUD's crime-fighting Drug Elimination Grant Program to buy back guns. HUD suggests a buyback price of \$50 for each gun. In addition, businesses are encouraged to donate gift certificates for food, toys, and other goods to individuals turning in guns. HUD is providing 43 cents in matching funds for every \$1 dollar in HUD Drug Elimination Grant funds which housing authorities sets aside for a gun buyback.

The basic premise of the gun buybacks is to give people the opportunity, for a limited period of time, to exchange their guns for something of value with no questions asked. To reduce the availability of guns, all guns purchased with HUD funds will be destroyed, unless it is determined that a gun was stolen or is needed for an ongoing law enforcement investigation. Stolen weapons will be returned to their lawful owners.

A recent study from RAND and the University of California-Los Angeles showed that more than 22 million children live in homes with firearms and in 43 percent of those homes, the guns are not locked up or fitted with trigger locks.

In addition to removing guns from the community, the buyback initiative is designed to foster cooperation between local communities and law enforcement agencies, as well as to educate people regarding gun safety and responsible gun ownership.

Other parts of the Clinton Administration's gun safety agenda include:

- HUD and the Department of the Treasury last month signed a historic agreement with Smith & Wesson to implement a "code of conduct" that will increase gun safety and improve retail distribution to keep guns out of the hands of children and criminals.
- A \$30 million Community Gun Safety and Violence Reduction Initiative that President Clinton proposed in his Fiscal Year 2001 Budget. The initiative, which would be administered by HUD, would fund computerized mapping of gun violence to help law enforcement agencies better protect the public, education and outreach programs to promote responsible safety measures by gun owners, and innovative community activities to reduce both gun crimes and accidents. If Congress approves funding for the initiative, local governments, law enforcement agencies, public housing authorities, community organizations, and other groups would be eligible to

DRAFT

compete for HUD grants to support gun violence reduction activities in the communities the Department serves.

- A \$280 million national firearms enforcement initiative that is also part of the President's proposed budget. The initiative would hire 500 new ATF agents and inspectors to target gun criminals, hire more than 1,000 prosecutors at all levels of government, fund new gun tracing and ballistics testing systems to catch more gun criminals, fund local media campaigns to

The following individuals and organizations have expressed support for the BuyBack America initiative: Senator Paul Sarbanes of Maryland, Ranking Member of the Senate Banking, Housing and Urban Affairs Committee; Senator Frank Lautenberg of New Jersey, Ranking Member of the Senate Budget Committee and a Member of the VA-HUD Appropriations Subcommittee; Senator Barbara Boxer of California, Member of the Budget Committee; Congressman Patrick Kennedy of Rhode Island; Congresswoman Carolyn McCarthy of New York, whose husband was murdered and whose son was badly wounded in a shooting on the Long Island Rail Road; Handgun Control, Inc.; the National Education Association; Physicians for Social Responsibility; the American Public Health Association; the Educational Fund to End Handgun Violence; the National Association of African Americans in Housing; and officials from the Housing Authority of Baltimore City and the Housing Authority of New Orleans.

##

Guns -  
Gun Shows

# PRESS RELEASE

## Congressman John Conyers, Jr.

Fourteenth District, Michigan  
Ranking Member, Committee on the Judiciary  
Dean, Congressional Black Caucus

FOR IMMEDIATE RELEASE:  
April 12, 2000

CONTACT:  
Ted Kalo (202) 225-6906

### Conyers: "Hyde's New Proposal Adds More Loopholes"

In reaction to Chairman Hyde's latest so-called "compromise" proposal publicly released in a letter to President Clinton, Congressman John Conyers, Jr., Ranking Member of the House Judiciary Committee, released supporting documentation and issued the following statement:

"This latest 'compromise' by Chairman Hyde is a further capitulation by the Republican Leadership to the NRA's political gamesmanship. After positive discussion on the House floor yesterday, I am disappointed that Chairman Hyde has retreated from his November 4 proposal and weakened current law by opening up at least two loopholes that were not in his November 4 letter to the Minority Leader, in addition to leaving in place all of the loopholes that were part of that proposal. It's no wonder that the Republican leadership still refuses to test this proposal in a public meeting of the conference."

First, the bill opens up a new loophole for persons under indictment for violent felonies by not allowing three business days to investigate indictments. Chairman Hyde's November 4 proposal allowed three business days to investigate offenses described in 18 USC section 922(n), which currently prohibits persons under indictment from purchasing firearms. This language has disappeared in the latest draft. This means that law enforcement could find out that a person charged with murder has attempted to buy a gun, but because the only record in the system, the charged person would get the gun anyway.

Second, catering to NRA paranoia about a "national gun registry," the bill opens up a new "bad apple gun dealer" loophole by requiring the immediate destruction of Brady background check records and, thereby, greatly reduces the ability of federal authorities to investigate the two percent of all gun dealers who are responsible for half of the guns traced to crime. This language does not appear anywhere in his November 4 draft.

This bill still contains the same old loopholes in his old draft. Among other loopholes, it opens up a "wife beaters loophole" by not allowing three business days to investigate non-finalized domestic violence restraining orders, phone calls from police, and letter from courts. The bill also so narrowly defines a "gun show" that events where items other than guns are sold

in addition to guns would be completely excluded from background checks by unlicensed dealers.

Yesterday, Chairman Hyde said on the floor that he wanted a compromise that would give law enforcement enough time to finish checks on the 5% of buyers who are 20 times more likely to be prohibited than the average gun buyer. Instead, he has recycled his old November 4 proposal and made it even worse."

(2) to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(7) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(f) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(g) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.

(j) Except as provided in section 925(d) of this chapter, it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun.

(2) This subsection does not apply with respect to—

(A) a transfer to or by, or possession by or under the authority of, the United States or any depart-

ment or agency thereof or a State, or a department, agency, or political subdivision thereof; or

(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect.

(p)(1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm—

(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(2) For purposes of this subsection—

(A) the term "firearm" does not include the frame or receiver of any such weapon;

(B) the term "major component" means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm; and

(C) the term "Security Exemplar" means an object, to be fabricated at the direction of the Secretary, that is—

(i) constructed of, during the 12-month period beginning on the date of the enactment of this subsection, 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

(ii) suitable for testing and calibrating metal detectors;

*Provided, however,* That at the close of such 12-month period, and at appropriate times thereafter the Secretary shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a "Security Exemplar" which contains 3.7 ounces of material type 17-4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology.

(3) Under such rules and regulations as the Secretary shall prescribe, this subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. The Secretary shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of

1           “(3) DEADLINE FOR COMPLETION OF CHECKS  
2 REQUESTED FROM GUN SHOWS.—

3           “(A) IN GENERAL.—Except as provided in  
4 subparagraph (B), the Attorney General shall  
5 ensure that each background check conducted  
6 through the national instant criminal back-  
7 ground check system pursuant to a request  
8 made from a gun show is completed within 24  
9 hours after an authorized person has contacted  
10 the system to request the check.

11           “(B) EXCEPTIONS.—The requirement of  
12 subparagraph (A) shall not apply if the system  
13 indicates that—

14           “(i) receipt of the firearm by the pro-  
15 spective transferee would violate subsection  
16 (g) or (n) of section 922; or

17           “(ii) there exists an arrest record, civil  
18 commitment complaint, or official record  
19 with respect to a matter described in sub-  
20 section (g) or (n) of section 922, which in-  
21 dicates that receipt of the firearm by the  
22 prospective transferee may violate sub-  
23 section (g) or (n) of section 922.”.

*November  
Indictment  
Included*

24           “(c) REGULATION OF FIREARMS TRANSFERS AT GUN  
25 SHOWS.—

1 — (3) DEADLINE FOR COMPLETION OF CHECKS  
2 REQUESTED FROM GUN SHOWS.—

3 — (A) IN GENERAL.—Except as provided in  
4 subparagraph (B), the Attorney General shall  
5 ensure that each background check conducted  
6 through the national instant criminal back-  
7 ground check system pursuant to a request  
8 made from a gun show is completed within 24  
9 hours after an authorized person has contacted  
10 the system to request the check.

11 (B) EXCEPTION.—The requirement of  
12 subparagraph (A) shall not apply if the system  
13 indicates that—

14 (i) the person being checked has  
15 been arrested for an offense described in  
16 section 922(g) of title 18, United States  
17 Code, and the disposition of the arrest has  
18 not been communicated to the Attorney  
19 General; or

20 (ii) there is an official record that  
21 the person being checked may be a person  
22 described in such section 922(g), and there  
23 is no official disposition record to the con-  
24 trary."

April 4 =  
where  
is  
922(a) =  
indictment

1 (2) TECHNICAL AND CONFORMING AMEND-  
2 MENTS.—The section analysis for chapter 33 of title  
3 28, United States Code, is amended by inserting  
4 after the item relating to section 540A the following:

"540B. Prohibition on fee for background check in connection with firearm transfer."

5 (b) PROTECTION OF GUN OWNER PRIVACY AND  
6 OWNERSHIP RIGHTS.—

7 (1) IN GENERAL.—Chapter 44 of title 18,  
8 United States Code, is amended by adding at the  
9 end the following:

10 "§ 932. Gun owner privacy and ownership rights

11 "Notwithstanding any other provision of law, no de-  
12 partment, agency, or instrumentality of the United States  
13 or officer, employee, or agent of the United States, includ-  
14 ing a State or local officer or employee acting on behalf  
15 of the United States—

16 "(1) shall perform any national instant criminal  
17 background check through the system established  
18 pursuant to section 103 of the Brady Handgun Vio-  
19 lence Prevention Act (18 U.S.C. 922 note) (referred  
20 to in this section as the "system") if that system  
21 does not require and result in the immediate de-  
22 struction of all information, in any form whatsoever  
23 or through any medium, about any person who is de-  
24 termined, through the use of the system, not to be

April 4 =  
Immediate  
Destruction  
of  
Records  
↓  
Not  
in  
Nov.  
4

1 prohibited by subsection (g) or (n) of section 922 of  
2 title 18, United States Code, or by State law, from  
3 receiving a firearm, except that this subsection shall  
4 not apply to the retention or transfer of information  
5 relating to—

6       “(A) any unique identification number pro-  
7 vided by the national instant criminal back-  
8 ground check system pursuant to section  
9 922(t)(1)(B)(i) of title 18, United States Code;  
10 or

11       “(B) the date on which that number is  
12 provided; or

13       “(2) shall continue to operate the system (in-  
14 cluding requiring a background check before the  
15 transfer of a firearm) unless—

16       “(A) the ‘NICS Index’ complies with the  
17 requirements of section 552a(e)(5) of title 5,  
18 United States Code; and

19       “(B) the agency responsible for the system  
20 and the system’s compliance with Federal law  
21 does not invoke the exceptions under sub-  
22 sections (j)(2), (k)(2), and (k)(3) of section  
23 552a of title 5, United States Code, except if  
24 specifically identifiable information is compiled

## TITLE I - EXTENDING AND STRENGTHENING THE BRADY LAW

### SUBTITLE A - EXTENDING THE BRADY ACT TO GUN SHOWS

#### SEC. 101. REGULATION OF GUN SHOWS - FINDINGS.

Congress finds that--

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and non-licensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and non-licensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain

guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and non-licensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

**SEC. 102. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.**

(a) **DEFINITIONS.**—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) **GUN SHOW.**—The term 'gun show' means any event

"(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

"(B) at which 2 or more persons are offering or exhibiting 1 or more

firearms for sale, transfer, or exchange.

"(36) GUN SHOW PROMOTER.--The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

"(37) GUN SHOW VENDOR.--The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms."

**(b) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.--**

**(1) IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Regulation of firearms transfers at gun shows.

"(a) REGISTRATION OF GUN SHOW PROMOTERS.--It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person--

"(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

"(2) pays a registration fee, in an amount determined by the Secretary.

"(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.--It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person--

"(1) not later than 30 days before commencement of the gun show, notifies the Secretary of the date, time, duration, and location of the gun show and any other information concerning the gun show as the Secretary may require by regulation;

"(2) not later than 72 hours before commencement of the gun show, submits to the

Secretary an updated list of all gun show vendors planning to participate in the gun show and any other information concerning such vendors as the Secretary may require by regulation;

"(3) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

"(4) before commencement of the gun show, requires each gun show vendor to sign--

"(A) a ledger with identifying information concerning the vendor; and

"(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

"(5) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe;

"(6) not later than 5 days after the last day of the gun show, submits to the Secretary a copy of the ledger and notice described in paragraph (4); and

"(7) maintains a copy of the records described in paragraphs (2) through (4) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

"(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES:

"(1) IN GENERAL.--If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in

accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.--A person who is subject to the requirement of paragraph (1)--

"(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.--

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.--A person who is subject to the requirement of paragraph (1)--

"(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall--

"(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(2) record the transfer on a form specified by the Secretary;

"(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to again comply with the requirements of section 922(t) in delivering the firearm to the non-licensed transferor), and notify the non-licensed transferor and the non-licensed transferee--

"(A) of such compliance; and

"(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

"(4) not later than 10 days after the date on which the transfer occurs, submit to

the Secretary a report of the transfer, which report--

"(A) shall be on a form specified by the Secretary by regulation; and

"(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

"(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same non-licensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be--

"(A) prepared on a form specified by the Secretary; and

"(B) not later than the close of business on the date on which the transfer occurs, forwarded to--

"(i) the office specified on the form described in subparagraph (A);

and

"(ii) the appropriate State law enforcement agency of the

jurisdiction in which the transfer occurs; and

"(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

"(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report--

"(1) shall be in a form specified by the Secretary by regulation;

"(2) shall not include the name of or other identifying information relating to the transferee; and

"(3) shall not duplicate information provided in any report required under subsection (e)(4).

"(g) FIREARM TRANSACTION DENIED.—In this section, the term 'firearm transaction' includes the exhibition, sale, offer for sale, transfer, or exchange of a firearm."

(2) PENALTIES.--Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be--

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(C) Whoever willfully violates section 931(d) shall be--

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall

be fined under this title, imprisoned not more than 5 years, or both.

"(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931--

"(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

"(ii) impose a civil fine in an amount equal to not more than \$10,000."

**(3) TECHNICAL AND CONFORMING AMENDMENTS.**—Chapter 44 of title 18, United States Code, is amended.--

(A) in the chapter analysis by adding at the end the following: "931. Regulation of firearms transfers at gun shows."; and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event": and

**(4) INSPECTION AUTHORITY.**—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees

conducting business at the gun show and shall not require a showing of reasonable cause or a warrant."

**(c) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK**

**REQUIREMENTS.--**

**(1) PENALTIES.**—Section 924(a) of title 18, United States Code, is amended--

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following: "(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both."

**(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.**—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

**(d) EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

**(e) AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

# **THE YOUTH GUN CRIME ENFORCEMENT ACT OF 1999**

## **SECTION-BY-SECTION ANALYSIS**

### **SEC. 1. SHORT TITLE.**

This provision states that the Act may be cited as "The Youth Gun Crime Enforcement Act of 1999." □

□

### **SEC. 2 TABLE OF CONTENTS.**

This provision contains the table of contents for the Act. □

## **TITLE I - EXTENDING AND STRENGTHENING THE BRADY LAW.**

### **SUBTITLE A - EXTENDING THE BRADY ACT TO GUN SHOWS.**

#### **SEC. 101. REGULATION OF GUN SHOWS - FINDINGS.**

This section contains legislative findings establishing that Congress has the power to regulate gun shows as proposed in the Act.

#### **SEC. 102. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.**

The primary purpose of this section is to close the Brady Act's "gun show loophole" by requiring Brady Act background checks for all non-licensed persons who purchase firearms at gun shows and records that enable tracing of the firearms sold. There are more than 4,400 gun shows held annually in this country, as well as countless more flea markets and other events where guns can be traded anonymously because no background checks or records of the firearms transferred required. Consequently, gun shows provide a forum for illegal firearms sales to prohibited persons and gun trafficking.

Reasonable regulation of gun shows is required to close this loophole and prevent gun shows from continuing to serve as a source of firearms to persons who wish to avoid background checks. This proposal accomplishes this goal by requiring: 1) all persons to undergo Brady instant background checks, with the assistance of federally-licensed firearms dealers, in connection with the acquisition of a firearm; 2) all vendors to report limited information about the firearms sold at gun shows, so that the guns can be traced by law enforcement if they are subsequently used in crimes; and 3) all gun show promoters to take responsibility for ensuring that the above requirements are met by requiring promoters to register with ATF and notify ATF of all gun shows.

## **Registration of Gun Show Promoters**

This section would make it unlawful for any person to hold a "gun show" prior to registering with the Secretary. The Secretary would be authorized to charge a fee for the registration.

## **Definition of Gun Show**

Section 921 would define the term "gun show" as any event:

(1) at which 50 or more firearms are offered or exhibited for sale, transfer or exchange if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and (2) at which two or more persons are offering or exhibiting firearms for sale, transfer, or exchange.

The definition is drafted broadly to include traditional gun shows, flea markets, swap meets, and any other public market where significant numbers of firearms are offered for sale, transfer, or exchange.

A corresponding amendment would be made to section 923(j), which allows licensees to make off-premises sales of firearms at gun shows. The amendment would delete the term "gun show" so that the only definition of the term would be in section 921. The intent of this amendment is to allow off-premises sales only at events that are sponsored by organizations devoted to the collection, competitive use, or other sporting use of firearms in the community. Such "events" would include gun shows if they are sponsored by one of the specified organizations. Thus, the amendment would not extend the privilege of making off-premises sales to all "gun shows" as defined in the proposed legislation, but would allow licensees to make such sales at the same venues as allowed under current law.

## **Gun Show Notification Requirements**

Thirty days prior to the date of a gun show, gun show promoters would be required to notify the Secretary of the date, time, duration, and location of the gun show and to supply any other information concerning the gun show as the Secretary may require by regulation. No later than 72 hours prior to the date of a gun show, the promoter would be required to provide the Secretary with a list of persons who will be selling firearms at the gun show and other information concerning the sellers as specified by regulation. In the case of flea markets and other types of recurring events at which firearms are sold, regulations implementing these provisions may provide for a single annual notice, or notices at other specified intervals, with additional notifications when changes in vendors occur.

In addition, gun show promoters must verify the identity of all persons selling firearms at the gun show by examining a photographic identification document, require that all such sellers sign a ledger with identifying information concerning the sellers, and require the sellers to sign a notice acknowledging that they have been advised of their obligations under the law. The records created by these requirements must be delivered to the Secretary within 5 business days of the end of each gun show. The Secretary may also require gun show promoters to retain a copy of these records.

Finally, gun show promoters must advise all attendees of their legal obligation to undergo a Brady background check or face possible criminal penalties.

### **Penalties for Noncompliance by Gun Show Promoters**

Gun show promoters who fail to register prior to holding a gun show would be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both. The remaining obligations imposed on promoters would be punishable by imprisonment for not more than 2 years, a fine of not more than \$250,000, or both. For a second or subsequent conviction, gun show promoters would be subject to imprisonment for not more than 5 years, a fine of \$250,000, or both. In addition, registered gun show promoters who fail to carry out their obligations under the law would be subject to suspension or revocation of their registration, a civil fine of not more than \$10,000, or both.

### **Requirements for Non-licensed Persons at Gun Shows**

Non-licensed persons who sell firearms to other non-licensed persons at a gun show would be required to transfer the firearms through a federal firearms licensee. Non-licensed sellers would violate the law if they transfer the firearm prior to notification from the licensee that the licensee has complied with the requirements of the Brady Act and has not received any information indicating that the receipt or possession of the firearm by the purchaser would be unlawful. This section would impose the same responsibilities on non-licensed purchasers prior to their receipt of a firearm from a non-licensed seller. It is anticipated that licensees would charge a fee for this service.

### **Penalties for Noncompliance by Non-licensed Persons**

Non-licensed sellers and non-licensed transferees who failed to contact the national instant criminal background check system prior to transfer of a firearm at a gun show would be subject to penalties of not more than 2 years imprisonment, a fine of \$250,000, or both. For a second or subsequent conviction, such persons would be subject to penalties of not more than 5 years imprisonment, a fine of \$250,000, or both. Criminal penalties are available against non-licensed transferees for willful violations.

## **Requirements for Federal Firearms Licensees at Gun Shows**

Licensees who agree to perform a Brady background check on the transferee would make a record of the sale on a form to be specified by the Secretary. Licensees would also prepare and send in multiple sales reports if they assist in the transfer of 2 or more handguns during 5 business days to a non-licensed transferee. The licensees would also send in reports of firearms sales that do not include the names or identifying information concerning the non-licensed seller or purchaser. Licensees would retain a copy of the form used to record the sale as part of their permanent records. This record would allow the tracing of the firearms sold.

It should be noted that the legislation does not provide any exceptions for licensees who sell their personal collections of firearms at gun shows. Under existing law, 18 U.S.C. § 923(c), licensees may maintain and dispose of a personal collection of firearms in the same manner as a non-licensee. The regulations implementing this provision of the law allow licensees to enter firearms maintained as part of a personal collection into a separate record and, once the firearms have been held for at least one year, dispose of them in the same manner as a non-licensee. Since this section would require non-licensees to transfer firearms sold gun shows through an FFL, a licensee disposing of firearms from a personal collection at a gun show would also be required to transfer such firearms as if they are part of the FFL's inventory or through another FFL in the same manner as a non-licensee.

Many used firearms are sold by licensees at gun shows. These firearms may have passed through the hands of several non-licensed purchasers so that the firearms are no longer traceable through the records of federal firearms licensees. In order to enable the tracing of the large numbers of used firearms sold by licensees at gun shows, this section would require that licensees provide reports to the Secretary of all the firearms they sell at gun shows. However, the reports would not include the names or identifying information concerning the non-licensed purchasers.

## **Penalties for Noncompliance by Licensees**

Penalties for licensees who agree to act as "transfer" licensees to assist non-licensed persons in transferring firearms at gun shows but who fail to carry out their obligations under the law would be imprisonment for not more than 5 years, a fine of \$250,000, or both. The same penalties would apply to licensees who sell firearms from their inventories at gun shows and fail to send in the reports of transfer required by section 931(f) of the bill. In addition, a licensee who violated these requirements would be subject to license revocation under existing provisions of the law.

This section would also increase the penalties available for licensees who transfer firearms in violation of the Brady Act. Current law provides for license suspension or revocation

and/or civil penalties of not more than \$5,000. Given the importance of conducting background checks on all firearms purchasers, this section would add a criminal penalty of up to 5 years imprisonment for licensees who knowingly fail to contact the national instant criminal background check system prior to transferring a firearm to a non-licensed purchaser. This will give the Government a wider range of penalties to choose from in punishing licensees who fail in their obligations under the Brady Act.

This bill in section 309 would also increase the penalties for licensees who commit more serious recordkeeping violations to make them consistent with the new penalties created by this section. The recordkeeping violations that would give rise to the increased penalties are those that are tantamount to aiding and abetting unlawful deliveries or purchases of firearms. Sections 922(b)(1) and (3) proscribe sales of firearms to persons known to be juveniles or to reside out of state, respectively. Each carries a five-year maximum sentence for a willful violation under 18 U.S.C. § 924(a)(1)(D). Sections 922(a)(6) and (d) proscribe, respectively, making false statements to a licensee in relation to the acquisition of a firearm and knowingly selling a firearm to a felon or other prohibited person. Each is punishable by up to ten years imprisonment.

At present, all recordkeeping violations by licensees are misdemeanors carrying a maximum of one year in prison. This is insufficient in the situations where the knowingly false recordkeeping entry is serious and closely associated with or in the nature of aiding and abetting a violation involving the provision of a firearm to a person not legally entitled to possess it. Accordingly, the amendment would increase the penalty for such recordkeeping violations to the same as would attach to the underlying violation.

This section would also give the Secretary the right to conduct warrantless inspections of the business premises of gun show promoters, sites where gun shows are held, and the records and inventory of licensees selling firearms at gun shows for purposes of determining compliance with the law.

Crime -  
Gun Shows

## **The Senate's Gun Show Amendment: Closing the Gun Show Loophole With Fewer Burdens on Gun Buyers**

- **Important Changes Were Made** Before its final passage by the Senate, significant changes were made to the Lautenberg Gun Show Amendment offered in the Senate. The resulting Lautenberg-Kerrey Amendment, which was passed by the Senate as Section 1635 of S254, closes the gun show loophole once and for all, without creating any new loopholes, and addressing the very concerns that opponents of the bill continue to raise.
- **No Recordkeeping Requirements for Private Sellers** S254 imposes no recordkeeping requirements whatsoever on private individuals, including unlicensed sellers at gun shows. Only the federally-licensed firearms dealers who perform background checks for unlicensed sellers will keep records of those transactions, just as they keep records of the sales from their own inventories.
- **Fewer Requirements on Gun Show Promoters** S254 substantially reduced the requirements on gun show promoters from original proposals. Gun show promoters no longer have any requirement to provide notifications to ATF in advance of a gun show. All that a promoter needs to do is register as a gun show promoter with ATF. Promoters also verify the identity of sellers at their gun shows, and tell sellers and buyers that background checks must be done for all gun sales at the show. Finally, promoters maintain a list of licensed and unlicensed sellers at their shows. S254 eliminated the requirement that promoters provide this list to ATF.
- **Tighter Definition of "Gun Show"** In order to be a "gun show" under S254, there must be an event where at least 50 guns are for sale, and 20% of the people showing items for sale are showing guns, at least 10 exhibitors are showing guns, or a large number of guns are offered for sale, transfer or exchange. By tightening up the definition of gun show, S254 makes it clear that private individuals can still buy, sell and trade their guns without falling under the definition of a gun show.
- **Narrower Definition of a "Firearms Transaction"** S254 addressed the situation where someone merely exhibits a gun at a gun show and, at some later time, sells the gun. The bill that the Senate passed expressly excluded firearms that were merely exhibited at a gun show from being a firearm transaction subject to the background check requirement.
- **Requires that Records Of Approved Transfers Be Destroyed** S254 addressed the concern that records about law-abiding gun purchasers would be kept by the FBI. For the first time, S254 puts a deadline for record destruction right into the text of the Brady Law. Under S254, records of approved firearms transactions must be destroyed within 90 days, and may be kept until then solely for the purpose of conducting security audits to protect the privacy and security of the information in the Instant Check System.
- **No New Bureaucracies, Offices or Administrative Entities** S254 uses the existing Brady system for all background checks, rather than creating any new bureaucracies, offices or

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**H.R. 2037's "LAUTENBERG LITE":  
WEAKENING THE SENATE'S GUN BILL**

- **H.R. 2037 reopens the gun show loophole that the Senate bill would have closed once and for all.**
  - ▶ H.R. 2037 will not cover many events at which hundreds of guns are sold – such as flea markets. Instead, H.R. 2037 would apply only to events that are “sponsored to foster the collecting ... or ... use of firearms.”
  - ▶ H.R. 2037 does not even clearly apply to all unlicensed gun sellers at the events that it does cover. The legislation does not define covered sellers to include unlicensed sellers who walk around anonymously at gun shows with guns and a “For Sale” sign. Criminals will flock to these wandering gun sellers, who do not come within the House bill’s cramped definition.
- **H.R. 2037 guarantees that criminals who would be prevented from getting guns under the Senate Bill will get them under the House bill by weakening current Brady background checks.** H.R. 2037 weakens all instant background checks at gun shows by shortening the amount of time that law enforcement has to do checks from 3 business days to “72 hours.” This means that if law enforcement has to get additional information from state courts about a potentially prohibited person, they will have much less time to do it, since most gun shows take place on the weekend, when the courts are closed. There is no justification for shortening law enforcement’s time to do the checks from the Brady Law’s current 3 business days.
- **H.R. 2037 creates a safe harbor for criminals by eliminating the crime gun tracing requirements in the Senate bill.** A key aspect of the Senate bill is that it allows guns sold at gun shows to be traced if they are later used in a crime. Under H.R. 2037, there will be no way to trace any guns sold by unlicensed sellers at gun shows or any used guns sold by licensed sellers at gun shows.
- **H.R. 2037 lets private individuals access the sensitive, private information in the NICS.** In a resurrection of the scheme of “special registrants” from the repudiated Craig Amendment to the Senate bill, H.R. 2037 creates a new bureaucracy and lets private individuals become “instant check registrants.” Under H.R. 2037, these “registrants,” who are neither law enforcement personnel nor professional firearms dealers, will be able to access the NICS to run background checks on other private individuals.

**THE NRA'S DISINFORMATION CAMPAIGN AGAINST THE SENATE  
BILL'S GUN SHOW AMENDMENT (SECTION 1635 OF S. 254)**

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Gun Shows*

THE NRA'S WAYNE LAPIERRE CLAIMS THE SENATE BILL'S GUN SHOW AMENDMENT	THE TRUTH ABOUT THE GUN SHOW AMENDMENT TO S. 254
"... can prevent your law-abiding son from inheriting his grandpa's shotgun collection because it classifies him as a gun show dealer."	<u>False.</u> No credible reading of S. 254 would cover the bequest of a shotgun collection. The provision only applies to <i>events</i> where 50 or more guns are exhibited or offered for sale, transfer or exchange.
"... considers legal guns in private hands subject to intrusive federal regulation, even in the privacy of your own home."	<u>False.</u> S. 254 does <u>not</u> disturb the possession of guns by private citizens in the privacy of their own homes. It addresses events where someone exhibits or offers to sell 50 or more guns.
"... can put you in prison just for failing to keep records on how many guns you own."	<u>False.</u> S. 254 imposes <u>no</u> recordkeeping requirements on private persons or unlicensed sellers, even at gun shows. Licensees who perform background checks at gun shows for unlicensed sellers will keep records of those transactions in the same way they already keep records for transfers from their own inventories.
"... could define your Walmart, or your uncle's skeet-shooting range, or your next-door firearms collector, or your local sporting clays competition, or any person or place with 50 or more firearms as a 'gun show' subject to intrusive government regulation."	<u>False.</u> The NRA wants you to believe that where there are 50 or more firearms in one place, it is a gun show. So long as weapons are not exhibited for sale or offered for sale, transfer or exchange at an event, there is no gun show. Even then, S. 254's definition applies only when 50 or more firearms are actually offered for sale.
"... demands strict registration of law-abiding gun buyers, giving the federal government the name and address, type of gun and serial number - not of criminals but of Americans deemed NOT to be criminals by the instant check!"	<u>False.</u> S. 254 does not require or allow registration of gun buyers. Some information about buyers will be submitted to the Brady background check system to run the check, and if the buyer is lawful, this information will be kept for only 90 days so that security audits on the system can be run. Separately, strictly limited information about the type of gun sold but NOT about the buyer will be submitted to the ATF so that the gun can be traced if it is later used in a crime.
"... authorizes an unlimited gun tax on purchases by law-abiding citizens."	<u>False.</u> S. 254 does not require or authorize any tax on gun buyers. Nor does it create any fees to be paid to the federal government. Gun show promoters, unlicensed sellers, and licensed dealers will establish the means for assuring that background checks are conducted at each show.
"... makes everyone prosecutable if you just talk about buying or selling a gun at a gun show - even if you have no gun in your possession."	<u>False.</u> S. 254 prohibits acts, not speech. Under the Senate bill, it will be illegal to <u>transfer</u> or <u>receive</u> a gun at a gun show without a background check

Crime - Gunshows

## A WINDFALL FOR CRIMINALS: REDUCED TIME FOR BRADY BACKGROUND CHECKS AT GUN SHOWS

- **Reducing the time for Brady background checks at guns shows opens a dangerous new loophole for criminals.**
  - ▶ Under the current Brady Law, law enforcement has up to 3 business days to complete Brady checks if the time is needed.
  - ▶ H.R. 2037 proposes to cut down the time for background checks at gun shows from 3 business days to 72 hours. A proposal similar to H.R. 2037 in the Senate would have reduced the time to 24 hours.
  - ▶ The difference between 3 business days and 72 hours is more than just semantics. It will mean that felons, fugitives, and other prohibited people will get guns at gun shows, even though they could not get them at gun stores. Even greater numbers of criminals would get guns if 24 hours were the rule.
  
- **Most law-abiding gun buyers are not inconvenienced by the Brady Law's current 3-day period, at gun stores or at gun shows.**
  - ▶ The FBI's Brady instant check system is up and running 7 days a week, and about 73% of Brady checks on would-be gun buyers result in an immediate response by the FBI that the sale may proceed.
  - ▶ The other 27% of the Brady checks require additional time to determine whether a gun buyer is legally allowed to have a gun. The need for this additional time usually means there is something in the buyer's record to suggest that the buyer might be prohibited from getting a gun.
  - ▶ In 80% of the cases when more than a few minutes are needed, the Brady instant check system is able to resolve the issue, and either allow or deny the sale, within two hours. This means that out of every 100 would-be gun buyers, 95 have their Brady check completed within two hours.
  - ▶ For the remaining would-be gun buyers, law enforcement needs more than a couple hours to complete the background check. This is usually because the buyer's record shows an arrest for a serious charge, and court records must be checked to see if the buyer was convicted of the crime.
  
- **When law enforcement requires additional hours or days to finish a background check, the gun buyer is much more likely to be prohibited than the typical gun buyer.**
  - ▶ 22% of all gun buyers who are found to be prohibited persons are not found to be prohibited until more than 72 hours have passed.
  - ▶ For checks that begin on Saturday, when gun shows typically occur, the percentage of prohibited persons whose checks are not resolved after 72 hours jumps to 28%.

- ▶ Reducing the period to 24 hours would mean that 40% of those who are now denied would not be.
- ▶ For checks occurring on a Saturday, a 24-hour rule would mean that more than half -- 60% -- of current denials would not have been made.

● **The FBI estimates that under a 72-hour rule, over 9000 people who were stopped by the current Brady instant check system from getting guns in the last 6 months would have gotten the weapons.**

- ▶ Some real-life examples of people who were stopped under the current Brady Law because of the 3-day rule, but who would have gotten a gun under a 72-hour rule:
  - ▶ A person convicted of rape in Virginia who tried to buy a gun on Saturday, May 15, 1999.
  - ▶ A person convicted in Texas of Aggravated Kidnaping with Attempt to Rape a Child who tried to buy a gun on Saturday, February 27, 1999.
  - ▶ A person convicted of domestic violence in Kansas who tried to buy a gun on Saturday, January 30, 1999.
- ▶ Under a 72-hour rule, a criminal who tried to buy a gun at a gun show on the first day of a 3-day holiday weekend gun show would have a free pass if court records were required to finish the background check. The 72 hours would expire before the courts re-opened on Tuesday morning.

● **The FBI estimates that under a 24-hour rule, over 17,000 people who were stopped by the current Brady instant check system from getting guns in the last 6 months would have gotten the weapons.**

- ▶ Some real-life examples of people who would were stopped under the current Brady Law, but who would have been able to get a gun under a 24-hour rule:
  - ▶ A person convicted in Texas of murder who tried to buy a gun on Saturday, January 9, 1999.
  - ▶ A person under indictment in Texas for Aggravated Assault With a Deadly Weapon who tried to buy a gun on Saturday, February 6, 1999.
  - ▶ A person convicted of Aggravated Sexual Assault with a Child who tried to buy a gun on Saturday, March 6, 1999.
- ▶ Most gun shows take place on the weekends. Under a 24-hour rule, a criminal who tried to buy a gun on Saturday would have a free pass if court records were required to finish the check, because the 24 hours would expire before the courts re-opened on Monday.

## Talking Points – Gun Show Bill

(Assumes Dingell and/or Hyde/McCollum legislation on gun shows passes)

- **Closing the gun show loophole.** Last night, the House began an important and long-awaited debate on guns. Since April, President Clinton has been pushing Congress to pass common sense gun legislation that will help keep guns out of the hands of criminals and children. Most importantly, he has challenged Congress to close the deadly gun show loophole that allows an untold number of guns to be sold every year at gun shows without the benefit of a simple Brady background check.
- **House vote keeps open gun show loophole.** Last night, unfortunately, members of the House decided to put the clout of the gun lobby ahead of the American people. By passing bipartisan the McCarthy amendment, they had an opportunity to close the gun show loophole once and for all, but they didn't. Instead, they passed a bill riddled with many of the same NRA-sponsored loopholes that were defeated in the Senate. For instance, the bill that passed:

### **Shortens the amount of time law enforcement has to conduct a Brady check.**

Although the majority of background are completed within minutes, and 95 percent don't take more than 2 hours, the remaining 5 percent take more time for a reason: they are much more likely to turn up a problem and result in a denial. There's no good reason to tie law enforcement's hands by reducing the time they have to do a background check. In fact, if the time limits included in the House bill were applied to all the Brady checks we do now, the Justice Department believes that thousands of criminals would have been able to purchase guns just over the past six months.

**Narrows the definition of a gun show.** The bill that passed the House would not cover flea markets and other venues where hundreds of guns are regularly bought and sold.

**Creates a safe harbor for criminals.** The legislation undermines law enforcement's ability to trace firearms that are sold at gun shows and later used in crimes. It created a new class of "instant check registrants" that would be allowed to do background checks at gun shows, but not required to keep the same records as federal gun dealers. Criminals will know that guns bought and sold at gun shows will continue to be untraceable by law enforcement.

**Sets aside 30 years of settled law on interstate gun sales.** The House bill allows federal gun dealers to ship guns directly to unlicensed buyers in other states -- greatly undermining the ability of states to control the flow of guns across their borders.

- **Debate on gun shows not over yet.** It's time for House to return to the bipartisan provisions that passed in the Senate. It can do that today by voting to require child safety locks, to ban violent juveniles from owning guns as adults, to set the age of handgun purchase at 21, and to bar juveniles from owning assault rifles and large ammo clips.

**Today Show**  
**Questions and Answers**  
**June 18, 1999**

**Guns**

**Q: Will you veto the bill over the Dingell amendment on gun shows?**

**A:** We are confident that once the dust settles, the Congress will want a real solution – not a phony one—to make sure that criminals can't purchase guns at gun shows. Yesterday's House vote keeps open the loophole which allows criminals to buy guns at gun shows. The legislation keeps the dangerous loophole open by shortening the amount of time law enforcement has to conduct Brady background checks and by making it harder for law enforcement to trace guns sold at gun shows that later turn up in crimes. We plan to keep the pressure on Congress as it proceeds to conference on this bill to return to the bipartisan consensus provisions passed in the Senate.

**Q: Doesn't the Dingell amendment require background checks at gun shows? Aren't you really splitting hairs by saying it leaves huge loopholes in the law?**

**A:** Not at all. This is a watered down version of gun shows legislation backed by the NRA. It would significantly shorten the amount of time law enforcement has to do a Brady background check at gun shows from 3 business days to 24 hours. According to the FBI, if this 24-hour rule were applied to all background checks conducted over the past six months, an estimated 17,000 criminals would have been able to buy guns. Any proposal that would put guns in the hands of 17,000 criminals simply defies common sense, is dangerous, and should be rejected. We support legislation passed by the Senate that would close this dangerous loophole once and for all, and will work with the Congress to pass the bipartisan Lautenberg version.

**Q: Weren't you pushing for a measure to increase the age of handgun possession from 18 to 21 years old? Do you think this will pass?**

**A:** We are hopeful that the House today will pass an amendment that will prohibit sales of handguns by unlicensed dealers to those under the age of 21. Our proposal would have gone further to not only prohibit sales but also possession – but we think this is a good first step.

Earlier this week, Vice President Gore released a joint Treasury-Justice report on gun crime in the age group of 18-20. This age group leads all others in using guns to commit both homicides and non-lethal crimes, including assault, rape, and robbery. Moreover, 18, 19, and 20 year-olds ranked first, second, and third among all age cohorts in the

number of gun homicides committed in 1997. And, crime guns recovered by law enforcement from 18 to 20 year-olds are mostly handguns, especially semiautomatic pistols. The report concludes from these findings that the high rate of crime in the 18-20 age group is linked to excessively easy access to firearms – and provides a strong basis for the House to pass the common-sense gun amendment before it, to further restrict their access to handguns.

### Brady Report

**Q: If the Brady Law has helped to detect and block over 400,000 illegal gun sales, how many of these persons who tried to buy guns illegally have you prosecuted? The gun lobby and its supporters say that if you really wanted to strengthen the Brady Law, you would focus on putting all of these criminals behind bars. What is your response?**

**A:** We do focus on putting gun criminals behind bars. Since the NICS was implemented 6 months ago, the FBI has been actively referring cases to ATF and state and local law enforcement for further investigation and potential prosecution. Ultimately, we won't take every case, but we have asked Congress for more funds to hire ATF agents and federal prosecutors to do the best follow-up possible. I would also note that, prior to the NICS' implementation, Brady denials were the responsibility of designated state and local law enforcement officials. With the NICS now up and running, we expect to take more Brady-related cases.

Unfortunately, some have been taking the gun lobby at its word, and have not gotten the full story on this issue. Let's review the facts:

The Brady Law has stopped over 400,000 illegal gun sales. By surveying local law enforcement officials and tracking the number of gun applications rejected by the FBI, we know this to be true. Prior to Brady background checks, guns were bought and sold on the honor system.

Two-thirds of the illegal gun sales we stop involve persons who have been previously convicted or are currently indicted for a felony crime. The remaining third involve domestic violence misdemeanors and restraining orders, drug addicts, mental deficient, and other prohibitions in state and federal law. Although some of these persons may not be serious criminals – or may have committed their crimes many years ago and are no longer a threat to public safety – it is very reasonable to assume that, by stopping them from buying a gun, we have prevented gun crimes and violence.

Gun crimes are down by virtually every measure. FBI crime statistics confirm that, since 1993, gun-related crime is down by more than 25 percent. The overall number of violent crimes is down, and so too is the percentage of violent crimes committed with guns.

The number of gun criminals doing time in state and federal prisons is up by 25 percent since 1992 (from 20,681 to 25,186), and the number of serious gun criminals (those serving sentences of 5 or more years) in federal prison is up by nearly 30 percent. This is because we work more closely with state and local law enforcement – who investigate and prosecute most gun crimes – to vigorously enforce gun laws.

This Administration has increased funding for state and local law enforcement by more than 500 percent, helped local law enforcement trace a record number of crime guns, proposed increased funds for new ATF agents and federal prosecutors, and more. We need these resources to investigate and prosecute more gun cases. Unfortunately, the gun lobby and critics of our enforcement record have not backed up their tough talk with resources.

### Juvenile Crime Bill

**Q: The House passed some tough measures to crack down on juvenile crime, including a McCollum amendment to prosecute 14 year-olds as adults, and increase penalties for kids who bring guns to school. Do you support the bill?**

A: [Assumes passage of juvenile bill and bipartisan Goodling prevention amendment]  
The Administration supports a comprehensive approach to addressing the problem of youth crime and violence. Which is why the President has taken the lead in addressing youth violence on all fronts – from the media to the gun industry to parental responsibility.

We support the base juvenile crime bill (H.R. 1501), a bipartisan bill that promotes graduated sanctions for youthful offenders and provides needed resources to states to combat juvenile crime. And we were pleased that the House passed additional funds to help keep our kids out of trouble in the first place. However, we do have some concerns with particular provisions that would treat certain juveniles prosecuted in the federal system too harshly by failing to provide needed safeguards for younger juveniles, and juveniles who are charged with less serious crimes. We will work with the Congress to address on these concerns as the bill proceeds to conference.

**Q: What do you think of the Hyde amendment on media violence that failed?**

A: Let me first say that we support serious efforts to address the issue of media violence and its effects on our young people. That is why the President has already begun to take concrete action in this area by challenging the entertainment industry to live up to its responsibilities, working with theater owners to require photo ID for young people trying to get into R-rated movies, and initialing a Surgeon General's report on youth violence and an FTC study of the entertainment industry's marketing practice.

We did, however, oppose the Hyde amendment to ban the distribution of certain violent material to teenagers. There were serious constitutional concerns raised about this proposal, and as drafted, it appeared virtually impossible to enforce.



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Mark Penn  
Douglas Schoen  
Michael Berland

*Crime - Gun shows*

TO: John Podesta  
FR: Mark Penn  
RE: New Survey Data on Gun Control Measures  
Date: June 17, 1999

Last night, we conducted public opinion surveys on attitudes toward oversight of gun shows in four very different Congressional districts nationwide. The findings indicate that the events of the past few months have produced an opinion climate in which support for additional oversight will work to Democrats' advantage. These districts can be broadly described as:

- Southern suburban/metro
- Southern rural/suburban
- Pacific suburban
- Midwest rural/suburban

We asked a short battery of questions about support for some specific gun control measures and found almost no variation in support for these measures between the districts.

The survey questions were designed to measure intensity of feeling about these issues, and the results indicate that on these issues, the intensity is with those who support the gun controls examined in the survey.

For example, we asked support for background checks at gun shows and found almost eight in ten support this idea in every district.

*"Here is an issue before Congress that may come up for a vote soon. The legislation would require background checks for gun purchases made at gun shows, pawn shops, or flea markets."*

District	% Support	% Oppose
Southern suburb/metro	77	21
Southern rural/suburban	79	20
Pacific suburban	76	21
Midwest rural/suburban	77	21

**Average support across the four districts for this measure by party is:**

Democrat: 86% support, 12% oppose  
Republican: 67% support, 31% oppose  
Independent: 76% support, 23% oppose

No fewer than six in ten voters in any of these districts would be more likely to vote for their Member of Congress if they voted in support of this measure and no more than two in ten (22%) would be less likely to vote for their Member as a result of this vote.

District	% Total More Likely /Much More Likely	% Total Less Likely/Much Less Likely
Southern suburb/metro	71/41	17/10
Southern rural/suburban	69/31	17/10
Pacific suburban	60/28	22/13
Midwest rural/suburban	73/38	15/10

Specifically, we looked at several options that would better control sales of guns at gun shows, pawn shops or flea markets. We found that across the districts, three in four Americans support a 72 hour waiting period to allow for background checks -- about 15% higher than support for a 24 hour waiting period.

Similarly, while almost eight in ten voters in each district support a requirement that would apply to *all* gun shows, more oppose than support a gun show requirement that does not apply to those shows with fewer than ten vendors.

#### % Support/Oppose Each Measure In Each District

Here are some specifics of the legislation. Please tell me if you support or oppose each one. Among All	Midwest Rural/ Suburb	South Rural/ Suburb	South Suburb/ Metro	Pacific Suburb
	Support/ Oppose	Support/ Oppose	Support/ Oppose	Support/ Oppose
Require background checks to be conducted before someone can purchase a gun at gun shows, pawn shops, or flea markets and provide a 72 hour waiting period for the background check to take place.	77/22	83/15	77/20	79/17
Require background checks on any gun purchases made at any gun show, pawn shop, or flea market, even if there are fewer than ten vendors at the show.	77/21	80/18	77/21	78/20
Requiring background checks be conducted before someone can purchase a gun at a gun show, pawn shop, or flea market and provide a 24 hour waiting period for the background check to take place.	77/21	79/19	71/26	73/24
Require background checks on any gun purchases conducted at gun shows, pawn shops, or flea markets at which there are 10 or more vendors. Gun shows with fewer than 10 vendors, regardless of how many guns each vendor sells, would not be required to conduct background checks.	38/56	48/49	31/55	33/64

When given a choice of a gun show bill that includes a 72 hour waiting period and applies to all gun shows, or a bill that includes a 24 hour waiting period and exempts those shows with fewer than ten vendors, seven in ten voters (about 70%) in each district prefer the first option, with no more than 19% who prefer the second option in any district surveyed.

#### Preference When Given a Choice of Two Gun Show Measures

District	Prefer 72 hour wait and all vendor requirement	Prefer 24 hour and exempt small shows
Southern suburb/metro	73%	16%
Southern rural/suburban	73	17
Pacific suburban	73	14
Midwest rural/suburban	69	19

**PRESIDENT CLINTON:  
WORKING TO CLOSE THE GUN SHOW LOOPHOLE**

May 14, 1999

*"The new Senate Republican bill is riddled with high-caliber loopholes...it makes no sense to let criminals continue to use legitimate gun shows as a convenience store for their weapons."*

President Bill Clinton  
May 14, 1999

Today, in Washington, President Clinton urged the Senate to close the gun show loophole and pass a measure requiring background checks for all gun purchases at gun shows. The President expressed his disappointment in the Senate today for failing to do so, and for creating additional dangerous loopholes in our gun laws. He also commended the Senate for passing two important gun control measures contained in his gun legislation.

**URGING THE SENATE TO "DO THE RIGHT THING" ON GUN SHOWS.** The President expressed his disappointment in the Senate for failing to close the gun show loophole, and for creating additional dangerous loopholes in our gun laws. The Hatch-Craig Amendment passed by the Senate today:

- **Fails to fix the gun show loophole.** Brady background checks will not be required for all gun sales at gun shows. This amendment specifically exempts certain sellers from conducting mandatory background checks.
- **Creates a new pawnshop loophole for felons.** Current law would be rolled back to exempt firearms redemptions at pawnshops from Brady background checks. The Treasury Department estimates that persons who redeem guns at pawnshops are more than 3 times as likely to be prohibited purchasers than those who buy guns from gun dealers.
- **Thwarts tracing of all crime guns sold at gun shows.** This amendment seriously undermines federal law enforcement's ability to trace firearms later used in crimes, and to ensure that gun sellers comply with all state and local laws.
- **Undermines law enforcement's ability to complete background checks.** Under this measure, Brady background checks at gun shows must be completed within 24 hours -- considerably less than the 3 days the FBI is allowed under current law.

The President urged the Senate to "do right by the American people" and reconsider this measure when all members are present for a vote.

**THE GUN SHOW LOOPHOLE.** Last year, there were more than 4,000 gun shows across the country, as well as flea markets and other events where guns can be traded anonymously. An estimated 25-50% of the sellers at gun shows are unlicensed, and guns sold by these unlicensed sellers are not subject to background checks. As a result, gun shows can provide a loophole for prohibited purchasers to obtain guns with no questions asked.

**ENDORING COMMON-SENSE MEASURES.** President Clinton endorsed Senate passage of two important gun control measures yesterday that were part of his package:

- A ban on juvenile possession of semiautomatic assault rifles and large capacity magazines; and
- A ban on the importation of all large capacity ammunition magazines.

THE WHITE HOUSE  
WASHINGTON

Crime  
on Shows

1-18-99

Bruce (ELENA):

ATTACHED PLEASE FIND A  
SUMMARY OF THE GUN SHOWS  
REPORT + ITS RECOMMENDATIONS.

NB: THE DATE ON THE  
COVER LETTER WILL BE CHANGED  
BEFORE THE REPORT IS  
OFFICIALLY TRANSMITTED.

PLEASE ADVISE WHEN WE'RE  
READY TO GO W/THIS.

Joe



January 15, 1999

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The President  
The White House  
Washington, DC 20500

Dear Mr. President:

Shortly before the Brady Act's national instant check system went into effect at the end of November 1998, you directed us to build on the Act's remarkable successes by recommending actions that the Administration could take to ensure that firearms sales at gun shows are not exempt from Brady background checks or other provisions of our Federal gun laws. Our report, "Gun Shows: Brady Checks and Crime Gun Traces," reflects a review of available data on the problem as well as possible solutions, and proposes a series of steps that are consistent with existing firearms regulations to close the gun show loophole.

More than 4,000 shows specializing in the sale of firearms are held annually in the United States. There are, in addition, countless other public markets, such as flea markets, where firearms are freely traded or sold. Under current law, many of the firearms at these public markets are sold anonymously; the seller has no idea-and is under no affirmative obligation to find out-whether he or she is selling a firearm to a felon or other prohibited person. Moreover, there is no way to trace many of the firearms sold at these public markets if they are later recovered at the scene of a crime.

While licensed firearms dealers are required to maintain careful records of their firearms sales and, under the Brady Act, to check the purchaser's background before transferring any firearm, nonlicensees have no such requirements under current law. Thus, felons-and other prohibited persons who want to avoid background checks-can buy firearms at gun shows and other public markets with ease, and later use the guns in drug crimes and crimes of violence, or pass them illegally to juveniles.

The recommendations in our report build both on the structure and effectiveness of the Brady Act as well as the work of the Bureau of Alcohol, Tobacco and Firearms, National Tracing Center. Since you signed it into law in 1994, the Brady Act has prevented well over 250,000 prohibited persons (primarily convicted felons) from purchasing firearms from Federal firearms

The President

Page 2

licensees (FFLs). In recent weeks, under the new instant check system, the FBI has denied sales of over 12,000 firearms to prohibited persons; a number of these denials resulted in the apprehension of wanted criminals who were seeking to purchase guns.

After a careful study of the problem, we make the following recommendations, a number of which will require legislation:

First, "gun show" would be defined to include not only traditional gun shows but also many flea markets and other similar venues where firearms are sold.

Second, the Bureau of Alcohol, Tobacco and Firearms (ATF) would register all persons who promote gun shows. Promoters would be required to notify ATF of the time and location of each gun show, provide ATF with a list of vendors at the show, indicate whether the vendors are FFLs, ensure that all vendors are provided with information about their legal obligations, and require that vendors acknowledge receipt of information on these obligations. If a registered promoter fails to fulfill these obligations, ATF would consider revoking or suspending the promoter's registration or imposing a civil monetary penalty. Criminal penalties would also be available in certain circumstances.

Third, if any part of a firearms transaction, including display of the weapon, occurs at a gun show, the firearm could be transferred only by, or with the assistance of, an FFL. Therefore, if a nonlicensee sought to transfer a firearm, an FFL would be responsible for positively identifying the purchaser, conducting a Brady Act check on the purchaser, and maintaining a record of the transaction. This is the same system that has been used successfully for many years when someone wishes to transfer a firearm to a nonlicensee in another State. Any seller at a gun show - FFL or nonlicensee - would be subject to a felony charge for failing to comply with the Brady Act's background check requirements.

Fourth, FFLs would be responsible for submitting strictly limited information concerning all firearms transferred at gun shows (e.g., manufacturer/importer, model, and serial number) to ATF's National Tracing Center (NTC). No information about either the seller or the purchaser would be given to the Government (with the exception of instances in which multiple sales reports are required). Instead, the licensees would maintain this information in their files, as is done with all firearms sold by FFLs today. The NTC would request this information from an FFL only in the event that the firearm subsequently became the subject of a law enforcement trace request.

Fifth, the Department of the Treasury and the Department of Justice will review the definition of "engaged in the business" and make recommendations for legislative or regulatory changes to better identify and prosecute, in all appropriate circumstances, illegal traffickers in firearms and suppliers of guns to criminals.

The President  
Page 3

Sixth, the Federal Government should commit additional resources to combat the illegal trade of firearms at gun shows. Without a commitment to financially support this initiative, the effectiveness of this proposal would be limited.

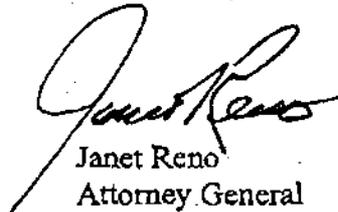
Seventh, in conjunction with the firearms industry, a campaign should be undertaken to encourage all firearms owners to take steps, when selling or otherwise disposing of their weapons, to ensure that they do not fall into the hands of criminals, unauthorized juveniles or other prohibited persons.

Taken together, our recommendations will close the gun show loophole. Whenever any part of a firearm transaction takes place at a gun show, the requirements of the Brady Act check will apply, and records will be kept to allow the firearm to be traced if it is later used in crime. If legitimate, unlicensed individuals wish to sell their personal collections of firearms at gun shows, they will now have the obligation-and the means-to ensure that they are not selling their guns to felons or other prohibited persons. Our recommended steps impose reasonable obligations in connection with firearms transactions at gun shows, while significantly enhancing law enforcement's ability both to prevent criminals from getting guns and to apprehend those who use firearms in the commission of crimes.

Respectfully,



Robert Rubin  
Secretary of the Treasury



Janet Reno  
Attorney General



GUN  
SHOWS:  
BRADY CHECKS  
AND CRIME GUN  
TRACES

JANUARY 1999

# GUN SHOWS: BRADY CHECKS AND CRIME GUN TRACES

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## EXECUTIVE SUMMARY

More than 4,000 shows dedicated primarily to the sale or exchange of firearms are held annually in the United States. There are also countless other public markets at which firearms are freely sold or traded, such as flea markets. Under current law, large numbers of firearms at these public markets are sold anonymously; the seller has no idea and is under no obligation to find out whether he or she is selling a firearm to a felon or other prohibited person. If any of these firearms are later recovered at a crime scene, there is virtually no way to trace them back to the purchaser.

The Brady Handgun Violence Prevention Act (Brady Act) provides crucial information about firearms buyers to Federal firearms licensees (FFLs), but does not help nonlicensees to identify prohibited purchasers. Under the Brady Act, FFLs contact the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS) to ensure that a purchaser is not a felon or otherwise prohibited from possessing firearms. Until the Brady Act was passed, the only way an FFL could determine whether a purchaser was a felon or other person prohibited from possessing firearms was on the basis of the customer's self-certification. The Brady Act supplemented this "honor system" with one that allows licensees to transfer a firearm only after a records check that prevents the acquisition of firearms by persons not legally entitled to possess them. Since 1994, the Brady Act has prevented well over 250,000 prohibited persons from acquiring firearms from FFLs.

The Brady Act, however, does not apply to the sale of firearms by nonlicensees, who make up one-quarter or more of the sellers of firearms at gun shows. While FFLs are required to maintain careful records of their sales and, under the Brady Act, to check the purchaser's background with NICS before transferring any firearm, nonlicensees have no such requirements under current law. Thus, felons and other prohibited persons who want to avoid Brady Act checks and records of their purchase buy firearms at these shows. Indeed, a review of criminal investigations by the Bureau of Alcohol, Tobacco and Firearms (ATF) reveals a wide variety of violations occurring at gun shows and substantial numbers of firearms associated with gun shows being used in drug crimes and crimes of violence, as well as being passed illegally to juveniles.

On November 6, 1998, President Clinton determined that all gun show vendors should have access to the same information about firearms purchasers.<sup>1</sup> He directed the Secretary of the Treasury and the Attorney General to close the gun show loophole. President Clinton was particularly concerned that felons and illegal firearms traffickers could use gun shows to buy large quantities of weapons without ever disclosing their identities, having their backgrounds checked, or having any other records maintained on their purchases. He asked the Secretary of the Treasury and the Attorney General to provide him with recommendations to address this problem.

In developing recommendations for responding to the President's directive, the Department of the Treasury and the Department of Justice sought input from

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<sup>1</sup> See exhibit 1.

United States Attorneys, FFLs, law enforcement organizations, trade associations, and a wide range of other groups interested in firearms issues. The suggestions of these disparate groups ranged from doing nothing to establishing an outright ban on all sales of firearms at gun shows or by anyone other than an FFL. The United States Attorneys expressed particular concern with the complexity of the statutory definition of "engaged in the business" of dealing in firearms and noted that this made unlicensed firearms traffickers unusually difficult to prosecute.

The recommendations in this report build upon existing systems and expertise to achieve the President's goals of preventing sales to prohibited persons and better enabling law enforcement to trace crime guns.

First, "gun show" would be defined to include not only traditional gun shows but also flea markets and other similar venues where firearms are sold.

Second, ATF would register all persons who promote gun shows. Promoters would be required to notify ATF of the time and location of each gun show, provide ATF with a list of vendors at the show, indicate whether the vendors are FFLs, ensure that all vendors are provided with information about their legal obligations, and require that vendors acknowledge receipt of this information. If a registered promoter fails to fulfill these obligations, ATF would consider revoking or suspending the promoter's registration or imposing a civil monetary penalty. Criminal penalties would also be available in certain circumstances.

Third, if any part of a firearms transaction, including display of the weapon, occurs at a gun show, the firearm could be transferred only by, or with the assistance of, an FFL. Therefore, if a nonlicensee sought to transfer a firearm, an FFL would be responsible for positively identifying the purchaser, conducting a Brady Act check on the purchaser, and maintaining a record of the transaction. This is the same system that has been used successfully for many years when someone wishes to transfer a firearm to a nonlicensee in another State.

Fourth, FFLs would be responsible for submitting strictly limited information concerning all firearms transferred at gun shows (e.g., manufacturer/importer, model, and serial number) to ATF's National Tracing Center (NTC). No information about either the seller or the purchaser would be given to the Government (with the exception of instances in which multiple sales reports are required).<sup>2</sup> Instead, the licensees would maintain this information in their files, as is done with all firearms sold by FFLs today. The NTC would request this information from an FFL only in the event that the firearm subsequently became the subject of a law enforcement trace request.

Fifth, the Department of the Treasury and the Department of Justice will review the definition of "engaged in the business" and make recommendations for legislative or

<sup>2</sup> As required by the Gun Control Act, FFLs must complete multiple sales records whenever two or more handguns are sold to the same purchaser within 5 business days.



Crime  
Gun Shows

**Gun Shows Radio Address  
Questions and Answers  
February 6, 1999**

**Q: If there are over 4,000 gun shows each year, and only 314 ATF investigations in the last few years, are you overstating the gun show problem?**

**A:** No, we are not. Today's report demonstrates that gun shows have provided a forum for illegal gun sales and firearms trafficking. The 314 gun show investigations reviewed in the report involved tens of thousands of firearms and led to very serious crimes, including homicide. Specifically, in just these 314 cases, we uncovered:

- more than 54,000 firearms of all sorts, with the largest case involving up to 10,000 firearms and a third of the cases involving at least 50 guns each;
- felons buying and selling firearms;
- guns bought and sold at gun shows being used in serious crimes;
- persons selling firearms without a license;
- gun dealers selling firearms "off the books" -- that is, without conducting a background check or keeping a record; and
- the transfer of firearms to juveniles, felons and other persons prohibited by law from buying a gun.

**Q: Doesn't the report essentially recommend regulating every private and secondary sale of a firearm?**

**A:** No, it does not. The report does recommend defining gun shows broadly and including any place -- such as a flea market -- where 50 or more guns are sold by at least 2 people, and this will cover many previously unregulated gun sales. But the report does not put any restrictions on the private sale of individual firearms by unlicensed persons, though it educates these gun owners about their responsibilities under the law.

**Q: Instead of new legislation, why doesn't the Administration simply enforce existing laws more effectively?**

**A:** Although we intend to enforce existing laws vigorously, and the President's FY 2000 budget includes nearly \$30 million in new funds for that purpose, current federal law only regulates federally licensed gun dealers (FFLs). Non-licensees and private collectors --

**President Clinton: Closing the Loophole on Gun Shows**  
**February 6, 1999**

Today, President Clinton will release a report from Treasury Secretary Rubin and Attorney General Reno, recommending actions the Administration can take to ensure that firearms sold at gun shows are not exempt from federal firearms laws, including the law requiring background checks. The President will accept their recommendations and also announce an increase of nearly \$30 million in his FY 2000 budget to increase investigations and prosecutions of gun law violations, including those occurring at gun shows.

**Findings of the Report.** In response to a directive by the President last November, the Treasury and Justice Departments reviewed 314 gun show-related investigations conducted by the Bureau of Alcohol, Tobacco, and Firearms (ATF), mostly between 1997 and 1998. The investigations involved more than 54,000 firearms and spanned a wide range of federal firearms violations. The review found the following:

**Number of gun shows.** In 1998, there were an estimated 4,442 gun shows. Most gun shows were sponsored by state and local firearms collectors organizations, though some shows were promoted by individual collectors and business people. Ten states sponsored the most gun shows: TX (472); PA (250); FL (224); IL (203); CA (188); IN (180); NC (170); OR (160); OH (148); and NV (129).

**Typical gun show.** The typical gun show costs about \$5 to attend and draws an average of between 2,500 and 5,000 people. Vendors rent tables for a fee ranging from \$5 to \$50, and the number of tables varies from as few as 50 to as many as 2,000. Federally-licensed firearms dealers (FFLs) make up about 50 to 75 percent of vendors, with unlicensed gun sellers representing the remaining 25 to 50 percent. Unlicensed gun sellers -- who are assumed to be selling from their personal collections -- are not required to conduct background checks or keep records of gun sales. Large quantities of firearms are also sold in less formal and smaller public markets, such as flea markets.

**Guns sold.** The firearms sold at gun shows include new and used handguns, semiautomatic assault weapons, shotguns, rifles, and curio and relic firearms (novel and older firearms). Additionally, vendors often sell large capacity magazines, machine gun parts, and a wide variety of other paraphernalia (knives, ammunition, military artifacts, and books).

**Forum for illegal sales and trafficking.** Gun shows provide a forum for illegal firearms sales and gun trafficking. Of the 314 gun show investigations reviewed, 46 percent involved the purchase or sale of firearms by felons, and 34 percent involved the sale of firearms later used in serious crimes, including homicides. Other gun law violations observed at gun shows included: the sale of firearms without a federal gun license (more than 50 percent of the cases reviewed); the sale of firearms "off the books" -- without conducting a background check or keeping a record (about 20 percent of cases); and the sale or transfer of machine guns in violation of federal law (20 percent of cases). More than a third of the investigations involved more than 50 firearms, and at least one investigation involved up to 10,000 firearms.

**The Report's Recommendations.** To close the gun-show loophole that allows countless firearms to be sold on a "no questions asked" basis, the President will endorse all of the report's recommendations and support legislation, to be introduced by Senator Frank Lautenberg and Representative Rod Blagojevich, that will make them the law of the land. These recommendations include:

(1) **Requiring Brady background checks** on all firearms transferred at gun shows, with the assistance of federally-licensed dealers. Currently, an estimated 25-50 percent of all firearms sold at gun shows are not subject to background checks, because they are sold by an unlicensed seller. The new legislation will require the participation of licensed dealers in all sales at gun shows, so that all sales will be subject to the Brady background check requirement.

(2) **Requiring vendors to report information on firearms** sold at gun shows to the ATF. Gun dealers would submit certain information (e.g., manufacturer, model, serial number) on firearms transferred at gun shows to ATF's National Tracing Center and maintain additional information on file to assist in future firearms tracing requests by law enforcement. These requirements would ensure that firearms sold at gun shows cannot (as they so often do now) disappear without a trace.

(3) **Requiring gun show promoters to register** with the ATF and notify it of all gun shows. Promoters would have to provide the time and location of gun shows and a list of vendors; provide vendors with information about their legal obligations; and require vendors to acknowledge receipt of this information.

(4) **Defining gun shows broadly.** These requirements would apply to any place where 50 or more firearms are offered for sale by at least two vendors.

(5) **Increasing resources to combat the illegal trade of firearms at gun shows.**

**New Resources for Firearms Enforcement.** Consistent with the report's findings and recommendations, the President's FY 2000 budget includes over \$28 million in new funds to enhance the enforcement of federal firearms laws, including:

**\$23.8 million** for more than 120 new ATF agents to support firearms investigations, arrest violent criminals and gun traffickers, and crack down on illegal gun sales.

**\$5 million** for more than 40 additional federal prosecutors to conduct intensive firearms prosecution projects targeting violent felons who possess guns, armed drug traffickers, and illegal gun markets.

*Crime & Gun Shows*

**Helping to Prevent Illegal Firearms Sales  
November 7, 1998**

In his radio address to the nation, President Clinton will direct the Secretary of the Treasury and Attorney General to recommend, within 60 days, what actions the Administration can take to ensure that firearms sold at gun shows are not exempt from Brady background checks or other federal gun laws.

**Closing the Gun Show Loophole**

- **Gun shows: A haven for criminals and gun traffickers.** Every year, about 5 million people attend an estimated 5,000 gun shows that take place in convention centers, school gyms, and on fairgrounds across the country. Under current law, firearms can be -- and an untold number are -- bought and sold entirely without background checks at these shows. This loophole makes gun shows prime targets for criminals and gun traffickers, and often thwarts needed law enforcement efforts to trace firearms used in crimes.
- **Following Florida's lead.** This week, Florida voters overwhelmingly passed a statewide ballot initiative requiring sellers at gun shows to adhere to the same standards as properly licensed gun dealers. Specifically, the initiative allows counties to require criminal history background checks and minimum waiting periods prior to firearms sales at gun shows and on other public property. In his radio address, the President will call on the Treasury Secretary and the Attorney General to recommend to him, within 60 days, the appropriate actions to take to close this loophole on the national level.

**Strengthening the Brady Law**

- **Final Brady provisions taking effect.** After nearly 5 years of working with law enforcement agencies, last week the Attorney General certified that the FBI's National Instant Criminal Background Check System (NICS) is set to take effect on November 30, 1998, as required by the Brady Law. The NICS will allow law enforcement officials access to a more inclusive set of records than is now available -- including information on criminal aliens, drug users, and persons subject to domestic violence restraining orders. Under the NICS, federally-licensed gun dealers will be required to call a state point-of-contact or FBI representative through an 800 number, and relay a prospective gun purchaser's information. For the vast majority of cases, the sale will be approved within minutes. Where there are discrepancies, the FBI will have up to 3 days to clarify a record, and approve or deny the gun sale.
- **Millions more firearms sales to be covered.** As of November 30th, the Brady Law will be strengthened in 2 additional ways: (1) purchases of all firearms,

who are not formally engaged in the business of selling firearms -- are generally allowed to transfer firearms at a gun show without conducting a background check or keeping records. The legislative recommendations presented in today's report will close this loophole.

**Q: Isn't this really a problem for the States? What are the States doing about gun shows?**

A: Gun shows are a problem for the federal government and the states. More than half of the states impose no prohibition whatsoever on the private transfer of firearms among unlicensed persons and do not regulate the operation of gun shows. Other states only impose restrictions on the private sales or transfers of firearms similar to the federal law, such as prohibiting the transfer of firearms to felons, juveniles, the mentally disturbed, etc. Thus, today's recommendations will make a big difference in the many areas where there are currently almost no restrictions on the sale of firearms at gun shows.

### **Brady/NICS**

**Q: How many Brady background checks have been performed since the National Instant Criminal Background System (NICS) took effect on November 30, 1998?**

A: Since its implementation on November 30, 1998, the NICS has handled over 1.5 million Brady background checks. Of these, about 790,000 of these were handled by the FBI and resulted in the denial of over 16,200 illegal gun sales to felons, fugitives, and other prohibited purchasers. The remaining 700,000 were processed by states that have agreed to serve as NICS points-of-contact. We do not, at this time, have information on the number of denials at the state level.

not just handguns, will be subject to Brady background checks; and (2) pawnshop redemptions, which are 4 times as likely to involve a prohibited purchaser, will be subject to background checks for the first time. Overall, it is estimated that the number of background checks conducted nationally will increase from about 4 million to between 10 and 12 million.

Department of Justice

Department of the Treasury

## THE DINGELL AMENDMENT: ARMING CRIMINALS, DISABLING LAW ENFORCEMENT

The drafters of the Dingell Amendment claim that theirs is a "perfecting amendment." In fact, the Dingell Amendment to the McCollum bill, H.R. 2122, takes a bad gun show provision and makes it worse. The Dingell Amendment retains many of the worst features of the gun show scheme in H.R. 2122, including the narrow definition of "gun show," and adds a number of criminal-friendly provisions. The Dingell Amendment significantly undermines the ability of law enforcement to close the gun show loophole and to enforce the gun laws, without providing any real benefit to law-abiding gun buyers.

- **The Dingell Amendment would reduce to 24 hours the amount of time that law enforcement has to finish background checks for gun show sales. The drafters of the amendment claim that this will "reduce unnecessary delays." In fact, this will guarantee that more criminals will get guns at gun shows.**
  - ▶ Most gun shows take place on the weekends. Under a 24-hour rule, a criminal who tried to buy a gun on Saturday would have a free pass if court records were required to finish the check, because the 24 hours would expire before the courts re-opened on Monday.
  - ▶ Who really benefits? Criminals. After all, under the current Brady instant check system, 73% of Brady background checks result in an immediate response by the FBI that the sale may proceed, and 95% of all gun buyers have their background checks completed within 2 hours. Only the remaining 5% of checks on gun buyers require additional time. Usually, this time is needed for law enforcement to track down a court record.
  - ▶ When law enforcement requires more than 24 hours to finish a background check, the gun buyer is much more likely to be prohibited than the typical gun buyer. Indeed, a Saturday gun buyer whose check takes longer than 24 hours is almost *20 times* more likely to be a prohibited person than the average gun buyer. Real-life examples of people who tried to buy a gun on a Saturday in recent weeks – and who were stopped under current law but would not have been stopped under a 24-hour rule – include a Texas murderer and a Wisconsin rapist.
- **The Dingell Amendment requires buyers to "accept" the offer of a gun at the gun show in order to trigger the Brady background check requirement. The drafters of the amendment claim that this will "reduce confusion." In fact, this will create a new loophole by exempting a whole host of gun sales that originate at gun shows from the background check requirement.**
  - ▶ The Senate bill closes the gun show loophole by requiring a background check in connection with the purchase of any gun that is offered for sale at the gun show. This prevents someone from completing the purchase out in the parking lot or a day later at the seller's house to avoid a check. The Senate bill contains an

*Department of Justice**Department of the Treasury*

express exemption for guns that are merely exhibited at a gun show.

- ▶ H.R. 2122 undermines the background check requirement. It requires a background check only when a gun is offered for sale and the buyer indicates a "willingness to accept" the offer at the gun show or in the parking lot. Thus, all buyers need to do to get around the requirement is wait a day or complete the transfer on the other side of town.
- ▶ The Dingell Amendment would weaken the background check requirement even further by requiring background checks only when there is an offer for sale and the buyer actually accepts the offer at or immediately around the gun show. This limitation invites a new loophole, telling unlicensed sellers and gun buyers who want to get around the background check requirement that they can do everything but "close the deal" at a gun show and then finish the sale somewhere else with no background check.

① **The Dingell Amendment requires that gun show background checks be handled before all other checks. The drafters of the amendment claim that by requiring the FBI to "prioritize" gun show checks, they will "accommodate the temporary status of gun shows." In fact, the idea that it does any good to put gun show checks at the "head of the line" demonstrates a fundamental misconception of how the instant check system works.**

- ▶ The attempt to create a special priority for gun show checks is based on the false premise that the current Brady Law cannot work at gun shows because gun shows are temporary events. Nothing could be further from the truth. Licensed gun dealers operating at gun shows are already conducting background checks at gun shows — they have been ever since the Brady Law went into effect — without imposing undue delays on gun buyers. The small number of gun show buyers who have been or might be delayed can simply arrange to pick up their gun from the dealer's store, or the dealer can arrange for them to pick up the firearm from a gun store near the buyer's home.
- ▶ The vast majority of cases which cannot be resolved in 2 hours cannot be resolved because a state court record must be located. Because most gun shows occur on weekends, when courts are closed, there is no way to get the necessary additional information to resolve the checks even if the gun show checks are "prioritized."

VOTE RESULTS - ROLL 235 PAGE 1

H R 2122 RECORDED VOTE CLOSED 18-JUN-1999 01:23

AUTHOR(S): McCarthy of New York Amendment  
On Agreeing to the Amendment

	AYES	NOES	PREs	NV
REPUBLICAN	33	186		3
DEMOCRATIC	159	49		3
INDEPENDENT	1			
TOTALS	193	235		6

VOTE RESULTS - ROLL 235 PAGE 2

CLOSED ... 18-JUN-1999 01:23:2

\*\*\* REPUBLICAN YEAS - 33 \*\*\*

Bateman	Ganske	Ose
Bereuter	Gilchrest	Porter
Bilbray	Goodling	Quinn
Boehlert	Greenwood	Ranstad
Campbell	Horn	Rogan
Castle	Johnson (CT)	Ros-Lehtinen
Davis (VA)	King (NY)	Roukema
Diaz-Balart	Kuykendall	Shaw
Forbes	Lazio	Shays
Franks (NJ)	Leach	Smith (NJ)
Prelinghuysen	Morella	Upton

CLOSED ... 18-JUN-1999 01:23:2

\* \* \* REPUBLICAN NAYS - 186 \* \* \*

Aderholt	Dunn	Largent
Archer	Ehlers	Latham
Armey	Ehrlich	LaTourette
Bachus	Emerson	Lewis (CA)
Baker	English	Lewis (KY)
Ballenger	Everett	Linder
Barr	Ewing	LoBiondo
Barrett (NE)	Fletcher	Lucas (OK)
Bartlett	Foley	Manzullo
Barton	Fossella	McCollum
Bass	Fowler	McCrery
Biggert	Galleghy	McHugh
Bilirakis	Gekas	McInnis
Bliley	Gibbons	McIntosh
Blunt	Gillmor	McKeon
Boehner	Gilman	Metcalfe
Bonilla	Goodlatte	Nica
Bono	Goss	Miller (FL)
Brady (TX)	Graham	Miller, Gary
Bryant	Grandex	Noran (KS)
Burr	Green (WI)	Myrick
Burton	Gutknecht	Nethercutt
Buyer	Hansen	Ney
Callahan	Hastings (WA)	Northup
Calvert	Hayes	Norwood
Camp	Hayworth	Nussle
Canady	Hefley	Oxley
Cannon	Herger	Packard
Chabot	Hill (MT)	Paul
Chambliss	Hilleary	Pease
Chenoweth	Hobson	Peterson (PA)
Coble	Hoekstra	Petri
Coburn	Hostettler	Rickering
Collins	Hulshof	Pitts
Combest	Hunter	Pombo
Cook	Hutchinson	Portman
Cooksey	Hyde	Pryce (OR)
Cox	Isakson	Radanovich
Crane	Istook	Regula
Cubin	Jenkins	Reynolds
Cunningham	Johnson, Sam	Riley
Deal	Jones (NC)	Rogers
Delay	Kasich	Rohrabacher
DeMint	Kelly	Royce
Dickey	Kingston	Ryan (WI)
Doolittle	Knollenberg	Ryun (KS)
Dreier	Kolbe	Sanford
Duncan	LaHood	Saxton

VOTE RESULTS - ROLL 235 PAGE 4

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\*\*\* REPUBLICAN NAYS - 186 \*\*\*

Scarborough	Stearns	Walden
Schaffer	Stump	Walsh
Sensenbrenner	Sununu	Wamp
Sessions	Sweeney	Watkins
Shadeqq	Talent	Watts (OK)
Sherwood	Tancredo	Weldon (FL)
Shinkus	Tauzin	Weldon (PA)
shuster	Taylor (NC)	Weller
Simpson	Terry	Whitfield
Skeen	Thornberry	Wicker
Smith (MI)	Thune	Wilson
Smith (TX)	Tiahrt	Wolf
Souder	Toomey	Young (AK)
Spence	Vitter	Young (FL)

VOTE RESULTS

ROLL 235

PAGE 5

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\* \* \* REPUBLICAN NOT VOTING - 3 \* \* \*

Houghton

Salmon

Thomas

VOTE RESULTS

ROLL 235

PAGE 6

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\* \* \* DEMOCRATIC YEAS - 159 \* \* \*

Abercrombie	Filner	McKinney
Ackerman	Ford	McNulty
Allen	Frank (MA)	Neehan
Andrews	Frost	Heek (FL)
Baldacci	Gejdenson	Heeks (NY)
Baldwin	Gephardt	Menendez
Barrett (WI)	Gonzalez	Millender-McDonald
Becerra	Gutierrez	Miller, George
Bentsen	Hall (OH)	Mink
Berkley	Hastings (FL)	Moakley
Berman	Hinchev	Moore
Berry	Hinojosa	Moran (VA)
Blagojevich	Hoefel	Nadler
Blumenauer	Holt	Napolitano
Boniog	Hooley	Neal
Borski	Hoyer	Olver
Brady (PA)	Inslee	Owens
Brown (FL)	Jackson (IL)	Pallone
Brown (OH)	Jackson-Lee (TX)	Pascarell
Capps	Jefferson	Pastor
Capuano	Johnson, R. B.	Payne
Cardin	Jones (OH)	Pelosi
Clay	Kaptur	Pomeroy
Clayton	Kennedy	Price (NC)
Clyburn	Kildee	Rangel
Condit	Kilpatrick	Reyes
Conyers	Kleczka	Rivers
Covne	Klink	Rodriguez
Crowley	Kucinich	Rothman
Cummings	Lafalce	Roybal-Allard
Davis (FL)	Lantos	Rush
Davis (IL)	Larson	Sabo
DeFazio	Lee	Sanchez
DeGette	Levin	Sawyer
Delahunt	Lewis (GA)	Schakowsky
DeLauro	Lipinski	Scott
Deutsch	Lofgren	Serrano
Dicks	Lowe	Sherman
Dixon	Luther	Slaughter
Doggatt	Maloney (CT)	Snyder
Dooley	Maloney (NY)	Spratt
Doyle	Markey	Stabenow
Edwards	Martinez	Stark
Engel	Matsui	Stupak
Eshoo	McCarthy (MO)	Tauscher
Evans	McCarthy (NY)	Thompson (CA)
Farr	McDermott	Thompson (MS)
Fattah	McGovern	Tierney

VOTE RESULTS - ROLL 235 PAGE 7

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\*\*\* DEMOCRATIC YEAS - 159 \*\*\*

Towns	Visclosky	Wexler
Udall (CO)	Waters	Heygand
Udall (NM)	Watt (NC)	Woolsey
Velazquez	Waxman	Wu
Vento	Weiner	Wynn

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\*\*\* DEMOCRATIC NAYS - 49 \*\*\*

Baird	Hilliard	Rahall
Barcia	Holden	Roemer
Bishop	John	Sandlin
Boswell	Kanjorski	Shows
Boucher	Kind (WI)	Sisisky
Boyd	Lampson	Skelton
Clement	Lucas (KY)	Smith (WA)
Costello	Mascara	Stepholm
Cramer	McIntyre	Strickland
Danner	Molloyhan	Tanner
Dingell	Murtha	Taylor (MS)
Etheridge	Oberstar	Thurman
Goode	Obey	Traficant
Gordon	Ortiz	Turner
Green (TX)	Peterson (MN)	Wise
Hall (TX)	Phelps	
Hill (IN)	Pickett	

VOTE RESULTS

ROLL 235

PAGE 9

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\* \* \* DEMOCRATIC NOT VOTING - 3 \* \* \*

Brown (CA)

Carson

Minge

VOTE RESULTS

ROLL 235

PAGE 10

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\*\*\* INDEPENDENT YEAS - 1 \*\*\*

Sanders

VOTE RESULTS

ROLL 234

PAGE 1

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2122

RECORDED VOTE

CLOSED 18-JUN-1999 00:02

AUTHOR(S): Dingell of Michigan Amendment

On Agreeing to the Amendment

	AYES	NOES	PREs	NV
REPUBLICAN	173	47		3
DEMOCRATIC	45	163		3
INDEPENDENT		1		
TOTALS	218	211		6

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\* \* \* REPUBLICAN YEAS - 173 \* \* \*

Aderholt	English	Linder
Archer	Everett	LoBiondo
Arney	Ewing	Lucas (OK)
Bachus	Fletcher	Mangullo
Baker	Foley	McCrery
Ballenger	Fowler	McHugh
Barr	Galleghy	McInnis
Barrett (NE)	Gekas	McIntosh
Bartlett	Gibbons	McKeon
Barton	Gillmor	Metcalfe
Bass	Gilman	Mica
Biggert	Goodlatte	Miller, Gary
Bilirakis	Goodling	Moran (KS)
Bliley	Goss	Myrick
Blunt	Graban	Nethercutt
Boehner	Granger	Ney
Bonilla	Green (WI)	Norwood
Brady (TX)	Gutknecht	Nussle
Bryant	Hansen	Oxley
Burr	Hastert	Packard
Burton	Hastings (WA)	Paul
Buyer	Hayes	Pease
Callahan	Hayworth	Peterson (PA)
Calvert	Hefley	Petri
Camp	Herger	Pickering
Canady	Hill (MT)	Pitts
Cannon	Hilleary	Pombo
Chabot	Hobson	Portman
Chanbliss	Hoekstra	Radanovich
Chenoweth	Hostettler	Reynolds
Coble	Hulshof	Riley
Coburn	Hunter	Rogers
Collins	Hutchinson	Rohrabacher
Combest	Isakson	Royce
Cook	Istook	Ryan (WI)
Cooksey	Jenkins	Ryun (KS)
Cox	Johnson, Sam	Sanford
Crane	Jones (NC)	Saxton
Cubin	Kasich	Schaffer
Cunningham	Kingston	Sensenbrenner
Deal	Knollenberg	Sessions
DeLay	Kolbe	Shadegg
DeMint	LaHood	Sherwood
Dickey	Largent	Shlmkus
Dreier	Latham	Shuster
Duncan	LaTourrette	Simpson
Ehrlich	Lewis (CA)	Skeen
Emerson	Lewis (KY)	Smith (MI)

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\*\*\* REPUBLICAN YEAS - 173 \*\*\*

Smith (TX)	Taylor (NC)	Watkins
Souder	Terry	Watts (OK)
Spence	Thornberry	Weldon (FL)
Stearns	Thune	Weldon (PA)
Stump	Tiahrt	Weller
Sununu	Toomey	Whitfield
Sweeney	Vitter	Wicker
Talent	Walden	Wilson
Tancredo	Walsh	Young (AK)
Tauzin	Wamp	

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\* \* \* REPUBLICAN NAYS - 47 \* \* \*

Bateman	Ganske	Porter
Bereuter	Gilchrest	Pryce (OH)
Bilbray	Greenwood	Quinn
Boehlert	Horn	Ramstad
Bono	Hyde	Regula
Campbell	Johnson (CT)	Rogan
Castle	Kelly	Rog-Lehtinen
Davis (VA)	King (NY)	Roukema
Diaz-Balart	Kuykendall	Scarborough
Deolittle	Lazio	Shaw
Dunn	Leach	Shays
Ehlers	McCollum	Smith (NJ)
Forbes	Miller (FL)	Upton
Fossella	Morella	Wolf
Franks (NJ)	Northup	Young (FL)
Prelinghuysen	Ose	

VOTE RESULTS

ROLL 234

PAGE 5

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\*\*\* REPUBLICAN NOT VOTING - 3 \*\*\*

Roughton

Salmon

Thomas

CLOSED ... 18-JUN-1999 00:02:0

\*\*\* DEMOCRATIC YEAS - 45 \*\*\*

Barcia	Hilliard	Pickett
Bishop	Holden	Rahall
Boswell	John	Reyes
Boucher	Kaniorski	Rodriguez
Boyd	Lampson	Sandlin
Clement	Lucas (KY)	Shows
Costello	Martinez	Sisisky
Cramer	Mascara	Skelton
Danner	McIntyre	Stepholm
Dingell	Mollohan	Strickland
Goode	Murtha	Tanner
Gordon	Oberstar	Taylor (MS)
Green (TX)	Obey	Traficant
Hall (TX)	Ortiz	Turner
Hill (IN)	Phelps	Wise

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\*\*\* DEMOCRATIC NAVS - 163 \*\*\*

Abercrombie	Farr	McDermott
Ackerman	Fattah	McGovern
Allen	Filner	McKinney
Andrews	Ford	McNulty
Baird	Frank (MA)	Meehan
Baldacci	Frost	Meek (FL)
Baldwin	Gejdenson	Neeks (NY)
Barrett (WI)	Gephardt	Menendez
Becerra	Gonzalez	Millender-McDonald
Bentsen	Gutierrez	Miller, George
Berkley	Hall (OH)	Mink
Berman	Hastings (FL)	Moakley
Berry	Finchey	Moore
Blagojevich	Hinojosa	Moran (VA)
Blumenauer	Hoeffel	Nadler
Bonior	Holt	Napolitano
Borski	Hooley	Neal
Brady (PA)	Hoyer	Olver
Brown (FL)	Inslee	Owens
Brown (OH)	Jackson (IL)	Pallone
Capps	Jackson-Lee (TX)	Pascrell
Capuano	Jefferson	Pastor
Cardin	Johnson, E. B.	Payne
Clay	Jones (OH)	Pelosi
Clayton	Kaptur	Peterson (MN)
Clyburn	Kennedy	Pomeroy
Condit	Kildee	Price (NC)
Conyers	Kilpatrick	Rangel
Coyne	Kind (WI)	Rivers
Crowley	Klecska	Rohmer
Cummings	Klink	Rothman
Davis (FL)	Kucinich	Roybal-Allard
Davis (IL)	LaFalce	Rush
DeFazio	Lantos	Sabo
DeGette	Larson	Sanchez
Delahunt	Lee	Sawyer
DeLauro	Levin	Schakowsky
Deutsch	Lewis (GA)	Scott
Dicks	Lipinski	Serrano
Dixon	Lofgren	Sherman
Doggett	Lowey	Slaughter
Dooley	Luther	Smith (WA)
Doyle	Maloney (CT)	Snyder
Edwards	Maloney (NY)	Spratt
Engel	Markey	Stabenow
Eshoo	Matsui	Stark
Etheridge	McCarthy (MO)	Stupak
Evans	McCarthy (NY)	Tauscher

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\*\*\* DEMOCRATIC NAYS - 163 \*\*\*

Thompson (CA)	Velazquez	Wexler
Thompson (MS)	Vento	Weygand
Thurman	Visclosky	Woolsey
Tierney	Waters	Wu
Towns	Watt (NC)	Wyrd
Udall (CO)	Waxman	
Udall (NH)	Weiner	

VOTE RESULTS

ROLL 234

PAGE 9

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\*\*\* DEMOCRATIC NOT VOTING - 3 \*\*\*

Brown (CA)

Carson

Hinge

CLOSED ... 18-JUN-1999 00:02:0

\*\*\* INDEPENDENT NAYS - 1 \*\*\*

Sanders

Guns -  
Gun Shows

**President Clinton:  
Announces Comprehensive Legislation to Keep Guns Away  
From Youth and Criminals  
April 27, 1999**

Today, President Clinton will announce new legislation to strengthen federal firearms laws and make it more difficult for kids and criminals to have access to guns and explosives. The President's proposed bill will include new proposals to: (1) limit the purchase of handguns to no more than one per month; (2) raise the age of the youth handgun ban from 18 to 21 years of age; (3) ban the juvenile possession of semi-automatic assault rifles; (4) halt the importation of large capacity ammunition magazines; (5) require Brady background checks for the purchase of explosives; (6) help law enforcement trace more crime guns to their source; and (7) authorize repeat inspections to crack down on gun dealers involved in illegal gun trafficking. The President's package represents the most comprehensive gun legislation any Administration has put forward in 30 years.

**BUILDING ON THE SUCCESS OF THE BRADY LAW.** Since taking effect in 1994, the Brady Law has prevented over a quarter of a million felons, fugitives, stalkers, and other prohibited purchasers from buying handguns. In November 1998, the National Instant Criminal Background Check System (NICS) took effect, allowing access to a fuller set of records that law enforcement officials can use to conduct checks of all prospective gun purchases -- not just for handguns. To date, NICS has conducted over 3.4 million background checks on gun purchasers, and the FBI has stopped over 36,000 illegal gun sales. The President's legislation will propose strengthening the Brady Law by:

- \* **Extending the Brady Law's requirements to purchases of explosives.** Under current law, no Brady background check is required to buy explosives. The President's bill will help cut off easy access to explosives by requiring Brady background checks before the sale of explosives, and by extending the same prohibitions in our gun laws to prospective purchasers of explosives. The bill will also prohibit convicted felons from purchasing any quantity of black powder, which is used to make most pipe bombs, and require all explosives dealers to keep records of their sales of black powder.
  
- \* **Closing the gun show loophole on Brady background checks.** In 1998, there were more than 4,000 gun shows held in states across the country as well as flea markets and other events at which guns can be traded anonymously. An estimated 25-50 percent of the sellers at these gun shows are unlicensed and the guns sold by the unlicensed sellers are not subject to background checks. As a result, gun shows can provide a forum for illegal firearms sales and gun trafficking. In fact, a recent review by the Bureau of Alcohol, Tobacco, and Firearms (ATF) of 314 gun show investigations found that 46 percent of these investigations involved the purchase or sale of firearms by felons, and 34 percent involved the sale of firearms later used in serious crimes, including homicides. To end this policy of firearms being sold at gun shows on a "no questions asked" basis, the President's bill will require: (1) Brady background checks on all firearms transferred at

gun shows, with the assistance of federally-licensed dealers; (2) vendors to report information on firearms sold at gun shows to the ATF, so that they can be traced by law enforcement if they are later used in crimes; and (3) gun show promoters to register with the ATF and notify it of all gun shows.

- \* **Creating a mandatory Brady waiting period.** Although the NICS has generally improved law enforcement's ability to conduct background checks, a mandatory waiting period will provide a cooling-off period for handgun purchases and allow local law enforcement officers to check additional, non-computerized records. Accordingly, the President's legislation will: (1) require a minimum 3-day waiting period for all handgun purchases; (2) add up to an additional two days to the waiting period if law enforcement officers need more time to clarify arrest records; and (3) provide authority for dealers to notify local law enforcement officials of all proposed handgun purchases.
- \* **Extending the Brady Law to violent juveniles.** Although violent youth convicted in adult courts are barred from owning firearms as adults, the same is not true for youth convicted of serious violent crimes in juvenile court. Violent juveniles should be treated as adults for their adult crimes, and stopped from getting weapons to hurt again. The President's legislation will permanently ban all violent juveniles from buying guns, so that they cannot purchase a gun on their 21st birthday.

**RESTRICTING YOUTH ACCESS TO GUNS.** Keeping guns out of the hands of juveniles has been one of President Clinton's top priorities. He fought for and signed legislation prohibiting the juvenile possession of handguns, requiring "zero tolerance" for guns in schools, and establishing the Youth Crime Gun Interdiction Initiative (YCGII) to help identify and arrest adults who traffic guns to children. The President's bill will do even more to restrict unauthorized youth access to guns by:

- \* **Raising the age of the youth handgun ban to 21 years of age.** In 1994, President Clinton signed into law the Youth Handgun Safety Act, which generally banned the possession of handguns by juveniles under the age of 18, and prohibited adults from transferring handguns to juveniles -- except in limited circumstances. A separate provision of the 1968 Gun Control Act also prohibits federally-licensed gun dealers from selling handguns to any one under 21 years of age. However, it is perfectly legal for 18-20 year-olds to possess handguns -- and even to buy them from unlicensed sellers, such as a from a neighbor who is a private collector. Additionally, ATF gun trace data show that the more crime guns are traced to 18 and 19 year-olds than all other age groups. The President's legislation will extend the provisions of the youth handgun ban to youth between 18 and 21 years of age.
- \* **Banning juvenile possession of semiautomatic assault rifles.** Although the Youth Handgun Safety Act generally banned the possession of assault pistols, it did not include assault rifles and large capacity magazines manufactured before the Assault Weapons Ban went into effect. Thus, it remains legal for juveniles under the age of 18 to possess

these deadly weapons and ammunition. The President's bill will prohibit their possession by juveniles in any instance.

- \* **Holding adults responsible for child access to guns.** Child Access Prevention (CAP) laws promote gun safety and responsibility by holding adults responsible if they allow children easy access to loaded firearms. According to a study published by the Journal of the American Medical Association, CAP laws help reduce fatal unintentional shootings by an average of 23%. The President's legislation will impose felony penalties on adults who knowingly or recklessly allow a child to have unlawful access to a gun that is later used to cause death or injury. Individuals sentenced under this provision could be imprisoned for up to three years, fined a maximum of \$250,000, or both.
- \* **Requiring child safety locks for guns.** Child safety locks and other devices can reduce the unauthorized use of handguns, by a child at play or a teen looking to commit a crime. Many youth have to look no further than their own home to get their hands on a gun: it is estimated that one third of all privately-owned handguns are left both loaded and unlocked. To address this problem, the President's bill will require federally-licensed firearms dealers, manufacturers, and importers to provide a child safety lock or device with every gun they sell.
- \* **Increasing penalties for transferring guns to juveniles.** The President's bill will increase penalties for adults who transfer handguns to juveniles knowing that they will be used in a violent crime -- establishing a new mandatory minimum sentence of at least 3 years and up to 10 years.

**CRACKING DOWN ON ILLEGAL GUN TRAFFICKERS.** In 1996, President Clinton launched the Youth Crime Gun Interdiction Initiative (YCGII) in 17 cities to help trace crime guns to their source, as well as identify and arrest the adults who traffic firearms to our children. Since that time, YCGII has been expanded to 20 more cities and conducted more than 200,000 traces for local law enforcement. Additionally, over the last two years the President has proposed hiring more than 280 new ATF agents and more than 40 new federal prosecutors to arrest gun traffickers and violent criminals, and crack down on illegal gun sales.

- \* **Limiting handgun sales to no more than one per month.** The President's legislation will strengthen our efforts to crack down on gun trafficking by limiting handgun sales to a maximum of one per month. Most law-abiding citizens do not need to make multiple gun purchases every month, but criminals and gun runners do. To circumvent Brady background checks, and to make their gun purchases untraceable by law enforcement, gun traffickers often employ "straw purchasers" -- or persons not prohibited from purchasing firearms -- to buy guns in bulk and help divert them to the street. The President's bill will shut down this "back door" to the illegal gun market.
- \* **Allowing law enforcement to trace all firearms used in crimes.** Under current law it is

much more difficult for law enforcement to trace used firearms that are later used in crimes. To improve law enforcement's ability to trace crime guns, the President's legislation will require that federal gun dealers also report the manufacturer, model, and serial number of all used guns sold to ATF's National Tracing Center. No information on the purchaser would be provided to ATF unless the gun later became the subject of a crime gun trace.

- \* **Doubling the Youth Crime Gun Interdiction Initiative (YCGII).** Over the past 2 years, the President has expanded the YCGII initiative to 37 cities -- helping them to trace all crime guns to their source, to identify illegal gun markets, and to crack down on gun traffickers. Last year, ATF initiated over 300 investigations in these cities, which involved over 3,300 illegally trafficked firearms. The President's bill will increase the number of cities participating in YCGII over the next 4 years to a total of 75.
- \* **Increasing penalties on gun kingpins.** To send a strong message to gun runners that their illegal gun trafficking will not be tolerated, the President's bill will double the maximum penalty for illegally selling firearms without a license (from 5 to 10 years of imprisonment), and instruct the U.S. Sentencing Commission to enhance the current penalty for offenses where over 50 firearms have been illegally trafficked.
- \* **Cracking down on gun dealers involved in illegal gun trafficking.** While most gun dealers are not associated with unlawful activities, some are involved in the illegal gun trade. The President's legislation will allow for more inspections of federal firearms licensees (from 1 to 3 per year), tougher penalties for serious violations that interfere with trafficking investigations, and suspension of a gun dealer's license for willful violations of the Gun Control Act.

**STRENGTHENING THE ASSAULT WEAPONS BAN.** In 1994, the President fought for and signed into law legislation to ban the manufacture and importation of the 19 deadliest assault weapons, their copies, and large capacity ammunition clips. Last year, the President also took action to ban the importation of over 50 models of modified assault weapons. The President's bill strengthens the assault weapons law by:

- \* **Banning the importation of all large capacity ammunition magazines.** Although the 1994 assault weapons law banned the future domestic manufacture and importation of large capacity ammunition feeding devices that hold more than 10 rounds of ammunition, those manufactured before the law's enactment were grandfathered. Because of the difficulty in determining when large capacity ammunition magazines manufactured by foreign companies were made, it has become relatively easy for foreign gun manufacturers to circumvent the ban. As a result, the President's bill will close this loophole by banning the importation of all large capacity magazines -- regardless of when they were manufactured.

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Announces Comprehensive Legislation to Keep Guns Away  
From Youth and Criminals  
April 27, 1999**

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- **Extending the Brady Law's requirements to purchases of explosives.** Under current law, no Brady background check is required to buy explosives. The President's bill will help cut off easy access to explosives by requiring Brady background checks before the sale of explosives, and by extending the same prohibitions in our gun laws to prospective purchasers of explosives. The bill will also prohibit convicted felons from purchasing any quantity of black powder, which is used to make most pipe bombs, and require all explosives dealers to keep records of their sales of black powder.
- **Closing the gun show loophole on Brady background checks.** In 1998, there were more than 4,000 gun shows held in states across the country as well as flea markets and other events at which guns can be traded anonymously. An estimated 25-50 percent of the sellers at these gun shows are unlicensed and the guns sold by the unlicensed sellers are not subject to background checks. As a result, gun shows can provide a forum for illegal firearms sales and gun trafficking. In fact, a recent review by the Bureau of Alcohol, Tobacco, and Firearms (ATF) of 314 gun show investigations found that 46 percent of these investigations involved the purchase or sale of firearms by felons, and 34 percent involved the sale of firearms later used in serious crimes, including homicides. To end this policy of firearms being sold at gun shows on a "no questions asked" basis, the President's bill will require: (1) Brady background checks on all firearms transferred at gun shows, with the assistance of federally-licensed dealers; (2) vendors to report

LAUFENBERG  
BLAGOLEVICH  
SCHUMER

information on firearms sold at gun shows to the ATF, so that they can be traced by law enforcement if they are later used in crimes; and (3) gun show promoters to register with the ATF and notify it of all gun shows.

DURBIN  
SCHUMER  
CONYERS  
(PORTER)

- **Creating a mandatory Brady waiting period.** Although the NICS has generally improved law enforcement's ability to conduct background checks, a mandatory waiting period will provide a cooling-off period for handgun purchases and allow local law enforcement officers to check additional, non-computerized records. Accordingly, the President's legislation will: (1) require a minimum 3-day waiting period for all handgun purchases; (2) add up to an additional two days to the waiting period if law enforcement officers need more time to clarify arrest records; and (3) provide authority for dealers to notify local law enforcement officials of all proposed handgun purchases.
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KOHL

- **Raising the age of the youth handgun ban to 21 years of age.** In 1994, President Clinton signed into law the Youth Handgun Safety Act, which generally banned the possession of handguns by juveniles under the age of 18, and prohibited adults from transferring handguns to juveniles -- except in limited circumstances. A separate provision of the 1968 Gun Control Act also prohibits federally-licensed gun dealers from selling handguns to any one under 21 years of age. However, it is perfectly legal for 18-20-year-olds to possess handguns -- and even to buy them from unlicensed sellers, such as a from a neighbor who is a private collector. Additionally, ATF gun trace data show that the more crime guns are traced to 18 and 19 year-olds than all other age groups. The President's legislation will extend the provisions of the youth handgun ban to youth between 18 and 21 years of age.

MCCARTHY

- **Banning juvenile possession of semiautomatic assault rifles.** Although the Youth Handgun Safety Act generally banned the possession of assault pistols, it did not include assault rifles and large capacity magazines manufactured before the Assault Weapons Ban went into effect. Thus, it remains legal for juveniles under the age of 18 to possess these deadly weapons and ammunition. The President's bill will prohibit their possession by juveniles in any instance.

DORBIN  
CHAFFEE  
McCARTHY

• **Holding adults responsible for child access to guns.** Child Access Prevention (CAP) laws promote gun safety and responsibility by holding adults responsible if they allow children easy access to loaded firearms. According to a study published by the Journal of the American Medical Association, CAP laws help reduce fatal unintentional shootings by an average of 23%. The President's legislation will impose felony penalties on adults who knowingly or recklessly allow a child to have unlawful access to a gun that is later used to cause death or injury. Individuals sentenced under this provision could be imprisoned for up to three years, fined a maximum of \$250,000, or both.

BOYER

• **Requiring child safety locks for guns.** Child safety locks and other devices can reduce the unauthorized use of handguns, by a child at play or a teen looking to commit a crime. Many youth have to look no further than their own home to get their hands on a gun: it is estimated that one third of all privately-owned handguns are left both loaded and unlocked. To address this problem, the President's bill will require federally-licensed firearms dealers, manufacturers, and importers to provide a child safety lock or device with every gun they sell.

McCARTHY

• **Increasing penalties for transferring guns to juveniles.** The President's bill will increase penalties for adults who transfer handguns to juveniles knowing that they will be used in a violent crime -- establishing a new mandatory minimum sentence of at least 3 years and up to 10 years.

**CRACKING DOWN ON ILLEGAL GUN TRAFFICKERS.** In 1996, President Clinton launched the Youth Crime Gun Interdiction Initiative (YCGII) in 17 cities to help trace crime guns to their source, as well as identify and arrest the adults who traffic firearms to our children. Since that time, YCGII has been expanded to 20 more cities and conducted more than 200,000 traces for local law enforcement. Additionally, over the last two years the President has proposed hiring more than 280 new ATF agents and more than 40 new federal prosecutors to arrest gun traffickers and violent criminals, and crack down on illegal gun sales.

LAUFENBERG  
SCHUMER

• **Limiting handgun sales to no more than one per month.** The President's legislation will strengthen our efforts to crack down on gun trafficking by limiting handgun sales to a maximum of one per month. Most law-abiding citizens do not need to make multiple gun purchases every month, but criminals and gun runners do. To circumvent Brady background checks, and to make their gun purchases untraceable by law enforcement, gun traffickers often employ "straw purchasers" -- or persons not prohibited from purchasing firearms -- to buy guns in bulk and help divert them to the street. The President's bill will shut down this "back door" to the illegal gun market.

AS SOON AS PRACTICALABLE IMPLEMENT A SYSTEM

• **Allowing law enforcement to trace all firearms used in crimes.** Under current law it is much more difficult for law enforcement to trace used firearms that are later used in crimes. To improve law enforcement's ability to trace crime guns, the President's legislation will require that federal gun dealers also report the manufacturer, model, and serial number of all used guns sold to ATF's National Tracing Center. No information on

TO LIMIT  
HANDGUN  
SALES  
TO ONE

the purchaser would be provided to ATF unless the gun later became the subject of a crime gun trace.

**Doubling the Youth Crime Gun Interdiction Initiative (YCGII).** Over the past 2 years, the President has expanded the YCGII initiative to 37 cities -- helping them to trace all crime guns to their source, to identify illegal gun markets, and to crack down on gun traffickers. Last year, ATF initiated over 300 investigations in these cities, which involved over 3,300 illegally trafficked firearms. The President's bill will increase the number of cities participating in YCGII over the next 4 years to a total of 75.

**Increasing penalties on gun kingpins.** To send a strong message to gun runners that their illegal gun trafficking will not be tolerated, the President's bill will double the maximum penalty for illegally selling firearms without a license (from 5 to 10 years of imprisonment), and instruct the U.S. Sentencing Commission to enhance the current penalty for offenses where over 50 firearms have been illegally trafficked.

**Cracking down on gun dealers involved in illegal gun trafficking.** While most gun dealers are not associated with unlawful activities, some are involved in the illegal gun trade. The President's legislation will allow for more inspections of federal firearms licensees (from 1 to 3 per year), tougher penalties for serious violations that interfere with trafficking investigations, and suspension of a gun dealer's license for willful violations of the Gun Control Act.

**STRENGTHENING THE ASSAULT WEAPONS BAN.** In 1994, the President fought for and signed into law legislation to ban the manufacture and importation of the 19 deadliest assault weapons, their copies, and large capacity ammunition clips. Last year, the President also took action to ban the importation of over 50 models of modified assault weapons. The President's bill strengthens the assault weapons law by:

**Banning the importation of all large capacity ammunition magazines.** Although the 1994 assault weapons law banned the future domestic manufacture and importation of large capacity ammunition feeding devices that hold more than 10 rounds of ammunition, those manufactured before the law's enactment were grandfathered. Because of the difficulty in determining when large capacity ammunition magazines manufactured by foreign companies were made, it has become relatively easy for foreign gun manufacturers to circumvent the ban. As a result, the President's bill will close this loophole by banning the importation of all large capacity magazines -- regardless of when they were manufactured.

## EPA to propose new rules for safeguarding water supplies

Communities that get public drinking water from wells would have to monitor their supplies more carefully for bacteria and disease-carrying parasites, under rules the Environmental Protection Agency is to propose today. If such threats are found and pose a health risk, communities would have to use disinfectants. The regulations would affect public water systems that serve at least 15 homes but would not apply to individual dwellings with private wells. The EPA says there are more than 157,000 public water systems, serving 109 million people, that draw drinking water from underground aquifers as opposed to surface water supplies. Most serve smaller communities. The EPA estimates the additional safeguards will add \$5 a year to an average household water bill. The rules are expected to take effect later this year.



By Stephen Jaffe, Agence France-Press

### President attends church with Chelsea

**Sunday services:** President Clinton, daughter Chelsea Clinton and an unidentified friend from Stanford University attend Glide Memorial Methodist Church Sunday in San Francisco. The night before, Clinton and Vice President Gore headlined a Beverly Hills fundraiser.

### Clinton, Gore raise \$5.4 million at two California events

Kevin Spacey, Melanie Griffith, Jimmy Smits, Jay Leno, Whoopi Goldberg and a cast of other Hollywood stars donated \$2.8 million at a Democratic Party fundraiser Saturday night in Beverly Hills that featured President Clinton and Vice President Gore. It was their first joint fundraiser in four months. The take was about \$200,000 more than high-tech executives forked over the night before at a party of their own in Silicon Valley, home to some of the world's biggest computer companies.

At Friday's fundraiser at the home of high-tech entrepreneur Joel Hyatt, Gore told supporters, "This is not only the most successful event ever (in Silicon Valley) for either party, but it has broken the old record by a long shot." Clinton did not attend the event Friday. He told the Hollywood gathering Saturday that electing Gore would validate the direction of Clinton's own presidency and "accelerate the pace of change that is clearly working."

The two events, which featured individual checks of \$25,000 and more, helped underscore one contention of Democratic Party Chairman Ed Rendell. "There's no 'Clinton fatigue' — never was," said Rendell, former mayor of Philadelphia. "People still love the guy. Our big money donors still love the guy."

Written by Paul Leavitt with staff and wire reports.



By Karim Sahib, Agence France-Press

**Arrival in Iraq:** U.S. Rep. Tony Hall talks to the media after his arrival in Baghdad on Sunday. Hall is trying to track aid shipments.

### Congressman visits Iraq on humanitarian mission

Rep. Tony Hall, D-Ohio, arrived in Baghdad to look into how humanitarian aid intended for the Iraqi people is being handled. It is rare for a congressman to visit Iraq, which has been an outcast nation since it invaded Kuwait, leading to the Gulf War in 1991. Since then, the Iraqi government of Saddam Hussein has blamed a U.S.-led international embargo for malnutrition, infant mortality and other hardships. Hall said he wants to see whether humanitarian shipments of food and medicine reach the people who need them. If not, he wants to find out whether the United Nations or relief agencies need to handle things differently, or whether "Iraq needs to get out of the way and let us do the job," Hall said.

### McCain, Buchanan offer views of Bush campaign

Sen. John McCain, R-Ariz., said he will campaign for fellow Republican George W. Bush in the presidential race and won't try to negotiate concessions at the pair's first post-primary meeting May 9 in Pittsburgh. But McCain also said he'll have other things to do this fall, such as stumping for GOP House and Senate candidates. He said he would like to have a "greater comfort level" with the Texas governor.

McCain told *Fox News Sunday* that he wants to talk to Bush next month about "how he intends to conduct the campaign, how the issues of reform will play into it." He said Bush has not come up with a viable proposal for campaign-finance reform. McCain suspended his own White House bid last month after Bush surged into the lead.

McCain continues to promote his book, his campaign-finance ideas and GOP candidates around the country. Today, he is scheduled to be in Minneapolis, where he'll meet this afternoon with the state's Reform Party governor, Jesse Ventura.

Also on the Fox program, conservative political commentator Pat Buchanan accused Bush of surrender in "the cultural war for the soul of this country." Buchanan, who quit the Republican Party to seek the Reform Party presidential nomination, said Bush is abandoning GOP principles by refusing to rule out abortion advocates as possible running mates and in meeting with Republican gays and lesbians. "He's raising the white flag and stacking arms," Buchanan said.

— Jill Lawrence

# At gun show, closing loophole seen as intrusion

## But some favor requiring all dealers to conduct checks

By Wendy Koch  
USA TODAY

AKRON, Ohio — At a gun show here, amid survivalist gear and "Gun control equals people control" bumper stickers, two men are selling semiautomatic handguns under different sets of rules.

Jim Cyrus, a gun-store owner, is a licensed dealer. As at his store, he can sell only to buyers who pass federally mandated background checks, most of which are completed within a minute.

About 10 tables away sits a retired Ford Motor pattern designer, who does a few shows each year so he can get time away from his wife. A hobbyist, he does not have to run checks on his buyers.

This is the "gun-show loophole." Critics want to close it because they say criminals can avoid background checks by buying from unlicensed sellers. The dispute has kept Congress from passing new gun-control measures in the year since the Columbine High School shooting last April 20, in which two teenagers gunned down 12 classmates and a teacher before killing themselves.

Several gun-control measures passed by the Senate, including a requirement that new handguns be sold with child-safety locks, are stalled because lawmakers disagree on the details of gun-show background checks. The debate focuses largely on how long the government should have to complete the checks — a maximum of 24 hours as proposed by the National Rifle Association or up to three business days as proposed by the Clinton administration.

Compromise has become increasingly difficult because gun control has emerged as a major issue in this year's elections. Believing it has more to gain politically by holding still, neither side wants to give ground. Democrats, hoping to retain the White House and retake control of the U.S. House, say GOP leaders are beholden to the NRA. Republicans say the Clinton administration should do more to enforce existing gun laws.

Under federal law, people have to undergo background checks only if they buy from licensed dealers, whether at a gun show, a store

or a pawnshop. As of Nov. 30, 1999, about 72% of these checks were approved within 30 seconds, says the General Accounting Office, the investigative arm of Congress. About 95% were approved within two hours, according to the FBI, which does half of the nearly 9 million annual checks. State agencies do the other half.

The dispute focuses on the 5% that take longer. Since November 1998, the government has had up to three business days to finish background checks on buyers of handguns, rifles or shotguns. Previously, under the Brady Law, there was a five-day waiting period for buying handguns.

### One day or three

The NRA supports background checks as long as they are instant or finished within 24 hours. It argues that allowing more time for their completion is not fair to buyers at gun shows, because most shows are over in two days. "We shouldn't have to wait because of government inefficiency," says James Jay Baker, the NRA's chief lobbyist. He says the government has spent enough money to computerize the required records.

President Clinton says the 5% who take longer to screen are 20 times more likely to be a felon or other disqualified buyer. He says the government needs more time to check their background records, some of which are only on paper and are inaccessible on weekends. Clinton argues that gun shows can be an easy way for the wrong people to get guns, but federal officials say they do not have data on how many guns used in crimes were purchased at shows.

Barred from buying guns are convicted felons, fugitives, drug abusers, illegal aliens and people who have been committed to psychiatric hospitals, dishonorably discharged from the military or subject to domestic-violence restraining orders.

Robyn Anderson, a former Columbine student, said she wouldn't have bought three of the guns used at her school's shooting if she had to fill out the paperwork required for a background check. "It would have stopped me from doing a favor for two friends," she told Colorado lawmakers about her gun-show purchases at age 18. She said Dylan Klebold and Eric Harris, then 17 and too young to buy guns legally, deliberately steered her toward unlicensed sellers. Anderson admits she could have passed a background check.

"Nothing the president suggests would have prevented Columbine," says Sen. Orrin Hatch, R-Utah, who opposes Clinton's proposal.

### An unwelcome dispute

To those attending the Gun, Knife and Military Show in Akron, once known as the "premier factory town in America," the dispute in Washington is not black or white. Nor is it welcome.

Interviews with more than two dozen buyers and sellers, some of whom refused to give their last names, found that many feel under siege and misunderstood.

"I don't trust my government," says Chuck, the retired Ford worker who is selling about a dozen guns from his own collection. He says he makes no profit and is lucky if he sells a single gun in a weekend. If he had to have the checks done, he would stop selling at gun shows.

Distrust of government is reflected in some items for sale at the show. There are disposable silencers, firearm-flash suppressors and books on how to build pipe bombs. There are bumper stickers that read "Crippled by the IRS," "Bill Lied" and "The South Was Right."

Most of the several thousand customers are men. Some stroll by the 400 or so tables with rifles over their shoulders.

"The show is a way for me to sell off things I bought," says Chuck Kinkaid, a photographer. He has a

single table that offers beanie babies and order forms for rifles starting at \$2,300. He says forcing unlicensed sellers like himself to run checks wouldn't stop criminals, who would go to "the streets" to buy or steal guns.

The licensed dealers, who make up most of the gun vendors here, are easy to spot. They tend to be the larger sellers, and their tables have clipboards for the application forms and cell phones for dialing the FBI's toll-free number. There's no charge for the background checks. Federal law requires that people who sell guns regularly for profit and for their livelihood have a license.

These dealers say they do not object to doing the checks even though the paperwork sometimes causes them to lose business to unlicensed competitors. They're divided, though, on whether checks should be required for purchases from unlicensed sellers.

"I've seen people denied a check walk out with a gun," says John, a licensed dealer who works full time as an electrical contractor.

Don, another licensed dealer, says, "There are crazies in any business." He says all sellers should have to do checks. "The way it's set up is not fair to licensed dealers," he argues. He says he's seen unlicensed competitors charge more for the same guns because they ask no questions. One of the show's sellers has a sign advertising that his guns require "no paperwork."

"I've seen people selling 40 to 60 guns without a license," says Ron Wrona, a licensed dealer who mostly refinishes old guns and makes custom new ones. Wrona says that these large sellers should probably do checks but that most unlicensed sellers are hobbyists for whom checks could be a burden.

Jim Cyrus says he lost about 400

sales in the past year because buyers were either denied or approved after a show ended. (If someone is approved after a show, the dealer has up to 30 days to contact the buyer and make the sale.) Even so, he says the checks are "working great" and are "not a bar thing."

### The enforcement question

Dick Walters, the show's promoter, says that if checks were required of all buyers, he would set up a table with a licensed dealer who could run checks for the unlicensed sellers. However, he says the law would be difficult to enforce. "Do you want to create another government Gestapo agency to police this?" he asks. Walters, who organizes about 24 to 25 shows annually in Ohio, says the government should do more to enforce existing laws.

Most of the people who lie on their background-check forms or are denied clearance are not investigated. The Clinton administration says it lacks sufficient evidence and resources to prosecute more violators, so it focuses on those with the most violent records.

The FBI rejected 81,006 people, or 2% of those who applied, from Nov. 30, 1998, through Nov. 30, 1999. But the government opened only 380 criminal investigations from Nov. 30, 1998, through Sept. 30, 1999, according to the Bureau of Alcohol, Tobacco and Firearms.

Sen. Chuck Schumer, D-N.Y., says that it's only a matter of time before Congress requires all gun-show buyers to undergo background checks. But Baker at the NRA predicts his group will succeed in blocking such a law.

In Akron, sellers say they feel caught in the crossfire. Says Chuck, an unlicensed seller: "If all boils down to Columbine."

Crime -  
Gun shows

# Serbs Systematically Erode Fragile Power Base Of Djukanovic, Montenegro's Pro-Western Chief

By JAMES M. DORSEY

Special to THE WALL STREET JOURNAL

PODGORICA, Yugoslavia — Yugoslav President Slobodan Milosevic is systematically nibbling away at the fragile power base of the pro-Western leader of Montenegro, Serbia's tiny sister republic in Yugoslavia.

Initial fears in Montenegro that Mr. Milosevic would order his Montenegro-based Second Army to seize power from Montenegrin President Milo Djukanovic have receded. Instead, many Montenegrins say they are witnessing a creeping coup.

"This is a slow-moving Putsch. There is a new provocation every day," says Ljubisa Mitrovic, editor of Vijesti, Montenegro's largest daily newspaper.

Mr. Milosevic and his Second Army have systematically been increasing the pressure on Mr. Djukanovic, who has refused Belgrade's demands that he declare a state of war against the North Atlantic Treaty Organization and muzzle the local press. He has called Mr. Milosevic's fight with NATO "suicidal," and has allowed tens of thousands of ethnic Albanians fleeing Kosovo to enter Montenegro.

In recent weeks, the military has sought to gain control of state-controlled radio and television, the Montenegrin police force, which remains loyal to Mr. Djukanovic, and the border with Croatia, Montenegro's main window to the outside world. Mr. Djukanovic's government has responded by making concessions in the

hope of buying time. "Milosevic has strong supporters in Montenegro. By making concessions, we hope to reduce the space to maneuver for these forces," says Deputy Prime Minister Kilibar Novak.

Mr. Novak is a walking example of the dangerous game Montenegro is playing. Wanted by the military on charges of calling on young men to resist the military draft, Mr. Novak is surrounded by eight bodyguards. He stays at Podgorica's Hotel Srna Gora, where much of the international press is based, rather than at home, in the hope that this gives him added protection. Yugoslav Prime Minister Momir Bulatovic last week denounced Mr. Novak at a pro-Milosevic rally in downtown Podgorica as a "traitor."

Yugoslavia's Second Army has grown to an estimated 24,000 men in recent weeks as a result of a general mobilization. It reports to Belgrade and is commanded by a Montenegrin-born Milosevic loyalist, Gen. Milorad Obradovic, who was sent to Montenegro in late March with orders to force the tiny mountain republic to toe Belgrade's line. Mr. Djukanovic has tried to build his 10,000-strong police force as a counterweight to the military, equipping them with assault rifles, flak jackets and combat fatigues.

In the strongest warning to Montenegro yet, Mr. Bulatovic said at Thursday night's rally in Podgorica that "it cannot be allowed that the police in Montenegro are equipped and trained for conflict with

the Yugoslav Army. The only way is to take the police under control of our army. They've got to obey or they won't exist," he told the cheering crowd.

Mr. Bulatovic's warning came after Mr. Djukanovic last week rejected a demand by the Second Army that the police force be put under its control. "The army was told that we would rather risk confrontation than put the police under its control. I don't think they will use force," says Montenegrin Justice Minister Dragan Soc.

Meanwhile, the central government is attacking almost every day on a new front. The Yugoslav navy on Friday banned the delivery of all foreign humanitarian aid to Montenegro by sea. The navy said the aid would have to be checked and approved by federal authorities.

The move followed an attempt last week by the military to gain control of Montenegro's border crossing with Croatia. Hours of tense negotiations resulted in the Djukanovic government effectively agreeing to joint control by the police and the military.

The army on Friday also moved to silence Montenegro's independent media by attempting to summon editors before military courts on charges of weakening Yugoslavia's defense forces.

The military court proceedings follow threats by the military to close down independent media that fail to operate under the rules of the state of war declared by the military and accept military censorship. Montenegro has refused to follow Serbia in declaring war because this would allow the military to legally take power and drag the tiny republic into Yugoslavia's war with NATO.

# Canadian Wheat Farmers Move to Allay U.S. Fears by Slashing Durum Acreage

By JOHN URQUHART

Staff Reporter of THE WALL STREET JOURNAL  
OTTAWA—Canadian wheat farmers, responding to U.S. grain-market developments, intend to cut their durum wheat acreage by 28% this year.

The cutback is expected to allay concerns of farmers in Northern U.S. states over shipments of Canadian grain, particularly durum, into the U.S. market, according to farm analysts.

Canada has been a major supplier of durum wheat to the U.S. market, accounting in some recent years for as much as 20% of U.S. consumption of the grain, which is used to make pasta products. Last fall, several Western states tightened inspection procedures to slow the movement of trucks carrying Canadian grain and livestock to the U.S.

Meanwhile, prospects for Canadian durum sales in the U.S. appear to have waned as a result of a buildup in U.S. durum

stocks and a new U.S. crop revenue-insurance program that is expected to encourage U.S. farmers to seed more durum this year. The U.S. Agriculture Department estimates that U.S. farmers, mostly in Northern states, will seed 4.3 million acres of durum this year, a 13% increase from last year.

David Reimann, an analyst at United Grain Growers Ltd., a farm-service company, said Canadian farmers, in cutting their durum acreage, are responding to signals of "a tough market over the coming year."

Statistics Canada, a government agency, said on Friday that its latest survey of Canadian farmers indicated that they will cut their durum seeding by more than two million acres this year to 5.3 million acres.

However, Canadian farmers intend to boost their spring-wheat acreage by 10% this year to 20.5 million acres. Spring

# Gun-Show Sale of Shotguns Becomes Part of Probe of High-School Shooting

By ROBERT TOMSHO

And VANESSA O'CONNELL

Staff Reporters of THE WALL STREET JOURNAL

Investigators of the Littleton, Colo., high-school massacre believe two Savage Arms Inc. shotguns were bought at a Denver-area gun show within the past six months by a female acquaintance of one of the two teenagers involved in the shootings, according to law-enforcement officials.

The officials say the two sawed-off shotguns, made in the late 1960s—a model 67H pump-action 12-gauge and a model 311-D 12-gauge—are believed to have done much of the carnage in the mass shooting Tuesday at Columbine High School. Officials at Savage Arms in Westfield, Mass., couldn't be reached for comment.

Sales of firearms at gun shows aren't covered by the federal law requiring background checks of people who buy guns from licensed dealers. Federal law-enforcement officials have said that gun shows are a major channel of illegal gun trafficking. President Clinton has proposed closing the loophole in the federal gun law, among other steps aimed at cracking down on gun violence.

Yesterday, the American Shooting Sports Council, a gun-industry trade group, sent a letter to Democratic Sen. Joseph Lieberman, saying that the organization "supports the concept of a background check and paper trail for those individuals purchasing firearms at gun shows." Sen. Lieberman, who represents Connecticut, home to several major gun companies, earlier yesterday on NBC's "Meet the Press" had proposed a White House conference on gun violence that

would include the industry.

In Littleton, investigators said that the woman who bought the two shotguns was over 18.

The two shotguns were among four guns allegedly used in the crime. There was also a Hi-Point Firearms Inc. 9-millimeter carbine rifle, and a Navegar Inc. TEC-DC9, which is a 9-millimeter semiautomatic assault pistol, the manufacture of which was banned by federal law in 1994. Hi-Point is based in Dayton, Ohio, and Navegar is based in Miami.

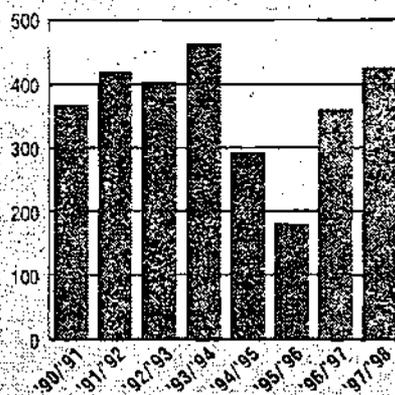
The pistol and the carbine initially were bought from two separate gun dealers in the Denver area by someone other than the two suspects, according to these law-enforcement officials. The officials say the purchases of the two 9-millimeter guns took place within the past 18 months. It remains unclear how the guns wound up in the hands of the two teenagers responsible for 15 deaths, including their own.

Gun-industry officials in Colorado confirm that investigators are looking into the ownership of a third shotgun believed to be connected to the case. This gun, made by O.F. Mossberg & Sons of North Haven, Conn., wasn't used in the attack or taken from either of the suspects' homes, according to agents with the U.S. Bureau of Alcohol, Tobacco and Firearms. Officials with Mossberg couldn't be reached late Sunday, but have said the company would cooperate with the investigation.

Investigators in Denver recently carried out a search warrant on a home in the Denver area but haven't been willing to discuss what was confiscated or how it was related to the school shooting.

## Wheat from Canada

Canadian durum-wheat shipments to the U.S., shown here in thousands, for the crop year ended July 31.



Note: Figures are in metric tons. One metric ton equals 36.74 bushels.

Source: Canadian Grain Commission

wheat, Canada's main wheat crop, is seeded in the spring and harvested in the fall.

Statistics Canada said Canadian farmers also intend to increase their oilseed acreage in response to moderately profitable prices. Canola seeding is expected to rise 4% this year to 14 million acres and flaxseed cultivation is expected to increase 23% to 2.7 million acres. Canola, also known as rapeseed, is Canada's main oilseed crop.

Statistics Canada said Canadian farmers plan acreage cuts this year of 4% for barley, 12% for oats and 15% for field peas. The agency said field peas have become less profitable for export to major markets in Western Europe and Asia because of abundant world supplies.

Statistics Canada also reported on Friday that the number of hogs on Canadian farms declined to 12.1 million at April 1, down 0.6% from the year-earlier level. The number of Canadian hog farms is continuing to decline, but the average farm size is increasing, and the farms are becoming more efficient. Sows now produce an average of 17.5 pigs a year, up from 15 pigs a year five years ago, Statistics Canada said.

## Navistar Plans Plant in Alabama

CHICAGO—Navistar International Corp. said it intends to spend \$250 million on a new diesel-engine manufacturing plant in Huntsville, Ala.

The truck and engine maker said it will acquire a currently idled plant from another manufacturer, and expand and retrofit the property. The plant, which is expected to open in the year 2001, will initially employ 500 to 600 people, a Navistar spokesman said.

Navistar said its capacity-constrained engine facility in Indianapolis will in the future focus on producing diesel engines for Ford Motor Co., for whom Navistar is a big supplier.

The site in Alabama will produce a new line of diesel engines.

says it is, the voters will not notice that there's no there there," Forbes said.

In a comment that could apply to many candidates taken more seriously for their money than their messages, Forbes added: "The front-runner can spend hundreds of thousands, but if the message is not there, or if it's a message that won't bear examination, he can spend all he wants, it's not going to work."

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### Still fighting over Confederate flag

By Sandy Grady

Knight Ridder Newspapers

WASHINGTON You'd think that Jeff Davis and Abe Lincoln were still going at it.

The Civil War, said historian Shelby Foote, was "our American epic, our Iliad." So no surprise that almost a century and a half since the cannons were silenced at Appomattox, they still haunt our politics.

Just when we were basking in the Internet Age, with AOL millionaires crowding Mercedes showrooms, suddenly we're back in 1861-65: Lee's on the move, New York's having race riots, Lincoln's bedeviled by slavery.

And no surprise that South Carolina, whose hotheads lit the fuse at Fort Sumter, has again injected the old bitterness into the 2000 presidential race.

All because of a flag—a field of red crossed with blue bars carrying 13 white stars—fluttering atop the Columbia statehouse that bears the scars of Sherman's torching.

Like yelling fire in a crowded theater, waving the Confederate battle flag over a public building still evokes bedlam only amazing if you think race is a settled issue in America.

The fight's no longer strictly North vs. South. To Southern sentimentalists, it's the flag their rebel-yellin' ancestors carried up the hill at Gettysburg. To many black people, it's an in-your-face racial insult.

No wonder 46,000 people—the biggest civil rights rally since the 1960s—marched Monday in Columbia with signs, "Your heritage is my slavery." They chanted, "The flag is coming down!" Standing on the statehouse steps, NAACP leader Kweisi Mfume drew a roar when he said, "We will not be moved. You cannot turn us around."

It was Martin Luther King's birthday, but never mind South Carolina is the lone state without a King holiday. The flag-haters' counterparts—white men, many in Confederate uniforms bearing mock rifles—marched a week ago in defense of the Bars & Stripes. They were only 6,000 but just as noisily angry.

So how do the 2000 presidential wannabes respond to the flag rhubarb—keep it up or haul it down?

For Democrats, no sweat. Obviously Bill Bradley and Al Gore are fighting over Afro-American votes. Bradley, whose New York Knicks' career made him a racial sermonizer, said in an Iowa debate Monday: "I'd pull it down today." Gore, counting on Bill Clinton's loyal bloc, agreed, "The flag's a hurtful symbol of slavery to millions." And Republicans? Shamefully, they run at the sound of Civil War gunfire.

George W. Bush dodges, "The decision is up to the people of South Carolina." John McCain, who says one of his ancestors was a Confederate at Shiloh, also punts. "Some say the flag represents slavery. But men fought for it under what they thought was a noble cause. I'd say it stands for heritage and sacrifice." That's transparent, timid vote pandering. For Gore and Bradley, appealing to a black constituency by trashing the rebel flag is no profile in courage. So who's right, Confederate flag defenders or attackers? In truth, this hasn't been an easy call for me. I grew up in a town, Charlotte, steeped in "The War of Northern Aggression." You could see the spot where Jefferson Davis, fleeing southward, heard of Lincoln's death.

Gen. D.H. Hill was a local hero, Stonewall Jackson's widow a heroine. I had forefathers in the Confederate Army. My dad retold whiskey-soaked tales of Confederate vets.

So like other Southern males of a certain age, I became a buff. Read all of Bruce Catton, Shelby Foote, James McPherson, dozens of other histories. Walked the haunted fields of Bull Run, Antietam, Gettysburg, Balls Bluff, Fredericksburg, Bentonville. I always came away with awestruck sadness at the deaths.

By bone and blood, I'm a Southerner. But the flag debate has stirred soul-searching. I know how a Confederate soldier

answered a Union officer who asked why he fought: "Because you-uns are down here." But no slavery, no Civil War. As Lincoln said in his second inaugural speech, the war was a bloody travail both sides had to endure to end the evil.

I don't think it's a contradiction to honor the Confederates as an incredibly, brave, outmanned fighting force even if by 20th-century hindsight, their cause was terribly wrong.

That's the sensible way out of this impasse. Whites should admit the Confederate flag is racism that blazes in blacks' faces. (They're right: The Columbia flag was unfurled in 1962 as an anti-civil rights symbol.) But blacks should understand the Stars & Bars represents to many Southerners an army of heroes—even in a wrong cause.

I say yank it down from the statehouse dome, fly it from a Confederate memorial and stop the yammering.

But don't ask Republicans. When the cannons of 2000 roared, they skeedaddled.

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### U.S. groups to speak out, lobby for return of Cuban boy to his father

By Frank Davies

Knight Ridder Newspapers

WASHINGTON National groups and individuals, including some Cuban Americans, said Tuesday they are stepping up efforts to speak out and lobby for the return of Elian Gonzalez to his father in Cuba.

They are also working against a bid on Capitol Hill by Republican leaders to grant citizenship or permanent residency to the boy when Congress returns next week.

"This should be a matter of parenting, not politics," said Michael McCormick, director of the American Coalition for Fathers and Children, which works on custody issues for fathers.

Those words were echoed by a number of speakers who attended press conferences in Washington and Chicago. They represented the National Council of Churches, the Cuban American Alliance Education Fund and included several members of the U.S. House.

"When it comes to Dade County, Florida, anything is possible in the halls of Congress," said Rep. Jose Serrano, a New York Democrat. He warned that "both parties are falling all over themselves" to look like they're "doing something for this boy to win Florida's votes."

"Right now there are 1.6 million awaiting citizenship, and Congress will not consider any of them next week," said Serrano.

In Chicago, Reps. Jan Schakofsky and Danny Davis—two Illinois Democrats—joined members of the Chicago Cuba Coalition to call for Elian's return.

So far, 21 Democratic House members, including many members of the Congressional Black Caucus, have signed a letter to President Clinton urging him to expedite Elian's return, as ordered by the Immigration and Naturalization Service.

In Miami Tuesday, lawyers for Elian's relatives said they will file a federal lawsuit Wednesday trying to block the INS from returning the boy. Elian's grand uncle is seeking custody.

Several Cuban Americans attended the Washington gathering, including Jose Pertiera, an immigration attorney, and Delvis Fernandez Levy, who heads the Cuban American Alliance, an umbrella group of 36 Cuban-American organizations.

Levy said some Cuban Americans in South Florida have been "intimidated for trying to say that Elian must go home to heal his wounds, not be paraded around as a symbol for an anachronistic, angry mob in Miami."

Jean Brown Campbell, the outgoing head of the National Council of Churches, described her recent conversations in Cuba with Elian's father, Juan Miguel Gonzalez, and the boy's four grandparents.

"I'm often asked if he is being coerced by the Cuban government," said Campbell. "I can't guarantee that he isn't, but the real grief, the tears, the hugs between family members that I saw, that was not coerced." Campbell recalled the words of Raquel Rodriguez, Elian's grandmother and mother of Elizabeth, who drowned while trying to reach the United States: "I'm grieving for my only daughter, and I only have one grandson. I want him to be with his father, who is a good man."

Many participants in Tuesday's press conferences have opposed the U.S. embargo on Cuba, and Serrano and McCormick

said that to block the citizenship plan in Congress, other groups including conservatives who stress parental rights and child advocacy organizations would have to get involved.

"Some pressure is going to have to come from conservatives," said Serrano. "Both parties right now are ready to see who can out-Miami-Cuban the other party and that's a powerful force."

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## In shadow of Columbine, 35,000 gather for world's biggest gun show

By Melanie Eversley

**Knight Ridder Newspapers**

LAS VEGAS, Nev. The weight of 19 lawsuits brought by 29 cities and counties has not demoralized a gun industry that offered tough talk this week against the movement to make it pay for gun violence.

Rather than give in to the pressure, gunmakers and dealers making up most of the 30,000 people who flooded the Sands Expo and Convention Center in Las Vegas for one of the industry's largest trade shows are digging in for a fight.

Among the hot topics at the 22nd annual Shooting, Hunting and Outdoor Trade (SHOT) Show:

The raising of money to help companies defend against the crush of litigation.

The forming of a political action committee to contribute to the campaigns of candidates for president and Congress who oppose gun-control measures.

Most important, the message to gunmakers, dealers and enthusiasts was to get political, a tactic that has worked well for other organizations, such as the National Rifle Association.

"This upcoming election will impact our industry, and we must have an impact on this election," Robert Delfay, president of the National Shooting Sports Foundation (NSSF), the Newtown, Conn., organizer of the show, told members in a fiery speech Monday night.

Many who attended the show said the lawsuits helped them resolve to vote in November. And many said those votes would likely be for pro-gun Republican candidates.

Delfay harshly admonished the Bill Clinton White House for its recent announcement that the Department of Housing and Urban Development might file its own lawsuit against the gun industry.

"We will not allow the most anti-gun administration in history to bully us into an agreement that will impact our customers' right to own and use firearms, or your right to conduct your business responsibly," Delfay said.

"The next president could appoint up to five Supreme Court justices who could decide the future of our 2nd Amendment," he said. "A Democratic House and Senate would blaze through a series of gun-control measures that have been stymied to date.

"Now historically, we have not been politically active as an industry," he said. "That must change, and it will change with these upcoming elections."

Guest speaker Alan Simpson, the former Republican senator from Wyoming, also volleyed harsh words at the White House and its threatened HUD lawsuit and urged members to "get in, get wet" in the political arena.

"You can get yourself a new president. When you get a new president, you get a new HUD," Simpson said.

Responded Sarah Gegenheimer, a White House spokeswoman, on Tuesday: "The Clinton administration is working on all fronts to keep guns out of the wrong hands and help make our communities safer. This isn't about politics. It's about saving lives."

Organizers used the show to announce the formation of an NSSF political action committee to give financial support to pro-gun candidates. The group also formed a fund to help pay legal defense costs and other pro-gun projects.

The group also said it had moved for dismissal of 17 of the lawsuits and that three dismissal requests would come before a judge in the next few weeks, including Detroit's on Feb. 10. NSSF members said they were confident that they would prevail after judges threw out three lawsuits Cincinnati, Bridgeport, Conn., and Miami-Dade County. The plaintiffs are appealing those cases.

Despite the siege-like undercurrent, visitors remained enthusiastic about the show.

The back offices of sleek, two-story displays hummed with buying and selling, while row after row of dealers studied and fingered the latest technology. Along people-packed, carpeted aisles, videos featured the newest firearms, alongside rows of pistols, rifles, camouflage clothing, books, locks, covers, cases, safes, knives, birdcalls, backpacks, hunters' chairs and bowls of free hard candy, all cramped onto two convention center floors, each easily the size of a football field.

Dealers attending said they blamed the media for misinforming the public about their business. Dealers and gun manufacturers are law-abiding, not criminals, they said. Yet many said they feel the media have been unduly harsh since late 1998, when New Orleans became the first jurisdiction to file a lawsuit. Detroit and Wayne County are each seeking \$400 million in damages from several gun manufacturers and dealers.

Employees staffing the booths for Colt Manufacturing, a firearms maker based in Hartford, Conn., were barely responsive when asked to discuss safety technology. One employee said there was no one at the show representing the company who would discuss the issue.

There have certainly been other tough times for the gun industry the assassination era of the 1960s was one, said Jeff Reh, spokesman for Beretta U.S.A. But even that atmosphere did not spawn a rash of lawsuits, Reh said Monday.

"I don't think we've seen anything in the past that is quite as severe as this," Reh said.

Others were focused on the November general elections.

"If the Democrats get the presidency and the House and the Senate, we'll be in trouble," Dennis Mazet, owner of High Country Sporting Goods in Riverton, Wyo., said Monday.

"I don't think you're going to see very many dealers voting Democrat," he said.

Another theme that ran through the show was a movement to get the public thinking differently about the sport of shooting. Leadership of the NSSF repeatedly referred to criminals as "nontraditional gun owners" and touted a new television campaign to encourage more participation in shooting sports by promoting the time it gives families to share experiences outdoors.

Mary Lou Boyd, 57, who with husband Cliff Boyd owns Cliff's Rifle Shop in Traverse City, and others talk wistfully of the culture surrounding a sport that brings people closer with nature, allows them to spend time with their children and other family members and keep wildlife populations at a manageable size.

"These are good people in here," Mary Lou Boyd said. "The problem is with the general public, not the people in here."

Another Michigander attending the show, Madeleine Rafferty of Coldwater, spoke of discovering the joy of hunting two years ago.

"Once I got outdoors, it was unbelievable, the feeling of being out there, the release of everyday stress," Rafferty said.

Industry members said they are not overly concerned by the lawsuits. One executive, Reh of Beretta, even suggested they might have a positive effect on sales.

Gun owners might increase their purchases as a sign of protest, Reh explained.

"This is an activist industry," he said.

END

Guns -  
Gun Shows