

*Clinton*  
Guns -  
1999 Bill

**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) reduce illegal gun running by limiting 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 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.

- **Reduce illegal gun running by limiting handgun sales to no more than one per month.** The President's legislation will crack down on gun trafficking by limiting handgun sales to a maximum of one per month. Gun runners should not be able to circumvent Brady background checks, and employ "straw purchasers" -- or persons not prohibited from purchasing firearms -- to buy guns in bulk and divert them to the street. The President's bill will implement a national system as soon as practicable to limit handgun sales to one per month.
- **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.

Most comprehensive legislation in 30 yrs

NEW

1. Reduce gunrunning by limiting handgun purchases to one a month.
  - One of biggest sources of crime guns is straw purchasers who make multiple purchases in one state and flood the streets with handguns in another.
  - 3 states have adopted legislation to crack down
  - JAMA study found that guns traveling from VA to NE dropped more than half.
  - Our legislation will put in place a national system as soon as practicable to do this everywhere
2. Raise the ban on juvenile possession of handguns from 18 to 21
  - Currently illegal for anyone under 21 to buy from FFL, but legal to possess
  - 18-20 yr olds can now obtain guns at gun shows or from unlicensed sellers.
  - ATF has found that 18 and 19 yrs old are the two most frequent ages of gun crime possession. 22% of murder arrests are 18-20 yr olds
3. Strengthen AW ban by prohibiting people under 18 from possessing AW rifles & clips
  - Currently only banned from AW pistols (McCarthy bill)
4. Ban import of large-capacity clips (Feinstein)
5. Background checks for explosives
  - Currently illegal for felons to buy dynamite and plastics explosives, but no questions asked
  - Also make it illegal for felons to buy any black powder. Now up to 50 lbs.
6. Help law enforcement trace more crime guns (McCarthy)
  - Double from 37 cities to 75 cities over next four years. (\$50-60m+ increase)
  - Require FFLS to submit data on used gun sales
7. Authorize repeat inspections of gun dealers -- from 1 to 3/yr.
  - After one inspection, dealers know they're free till next year

OLD:

1. Extend waiting period (Durbin-Schumer-Conyers-Porter)
2. Close gun show loophole (Lautenberg-Blagovich-Schumer)
3. Juvenile Brady
4. Child safety locks (Boxer)
5. CAP (Durbin-Chafee-McCarthy)
6. Mandatory minimum for adult transfer (McCarthy)
7. Doubling gun-running penalty for selling firearms without a license

## Potential Areas of Agreement

1. Gun Shows: Require NICS background checks at gun shows.
2. Juvenile Brady: Ban youth convicted of serious violent crimes in juvenile courts from owning guns as adults.
3. 18-20 Handgun Ban: Raise the age of the youth handgun ban from 18 to 21, while maintaining the current exemptions for employment, hunting, ranching, target shooting, and military service.
4. Parental Responsibility: Hold parents criminally liable for recklessly or knowingly allowing a youth access to a gun that is later used to cause death or injury.
5. Gun Tracing: Expand federal crime gun tracing program nationwide, starting by doubling the program to 75 cities.
6. Ban Imported Clips: Ban the importation of large-capacity clips manufactured before September 14, 1994.

# COALE, COOLEY, LIETZ, MCINERNEY & BROADUS

A PROFESSIONAL CORPORATION

818 CONNECTICUT AVENUE, N.W.

SUITE 857

WASHINGTON, D.C. 20006

TELEPHONE: (202) 687-4770

FACSIMILE: (202) 687-4778

JOHN P. COALE\*

DIANE E. COOLEY\*\*

DAVID K. LIETZ\*

JULIA W. MCINERNEY\*\*†

CHARLES D. BROADUS\*

DEBORAH ST. JEAN\*\*

JOSEPH I. COALE‡

\*MEMBER OF THE D.C. BAR

‡MEMBER OF THE MD BAR

\*MEMBER OF THE CT AND MA BARS

†MEMBER OF THE PA BAR

## SUGGESTED GUN REMEDIES

- \* After a specified date, incorporate as part of the internal mechanism of each handgun sold, safety features that would:
  - Prevent the accidental and/or criminal misuse by children or other unauthorized users;
  - Alert users that a bullet is in the chamber;
  - Prevent firearms from being fired when the magazine is removed.
- \* Purchase all cop-killing bullets currently in the retail system so that the police can safely patrol our streets.
- \* As part of the manufacturing process and prior to being delivered to a wholesale and/or resale distributor, test fire each handgun using an IBIS system. The shell and slug markings from that handgun will be recorded and stored by the manufacturer and cross-referenced with identifying information related to that handgun. This information would be available to law enforcement pursuant to a criminal investigation and with the appropriate court order.
- \* Redesign all gun clips so that they only fit magazines with ten (10) or less bullets, with the exception of those produced for law enforcement.
- \* Guarantee that every gun manufactured is equipped with a safety lock.
- \* Cease the production of any handguns from materials that are fingerprint resistant.
- \* Produce guns with serial numbers that are impervious to defacing.
- \* Certify that every gun manufactured passes a "drop test."

- \* Agree to produce all handguns with a standardized level of trigger resistance that is high enough to make it difficult for a child to shoot the weapon.
- \* Stop the production of all domestic handguns that do not meet barrel length and other construction standards set under the 1968 Gun Control Act for imported firearms. Further, agree that any guns already produced that do not meet these standards will not be sold in either the retail or wholesale sectors.
- \* Actively support the passage of federal legislation to regulate all gun sales transacted at gun shows to ensure that all required background checks and record keeping is completed for each sale prior to the gun being given to the purchaser.
- \* Testify on behalf of the federal and all state legislative efforts to pass anti-gun trafficking legislation that limits handgun purchases to one per person per month.
- \* Cease all efforts to affect the manner in which gun records are maintained by State Police, ATF and other law enforcement organizations implementing the second phase of the Brady Bill.
- \* Agree to an industry-wide set of advertising standards that prohibit youth-oriented gun promotions and general audience promotions that claim that having a gun in the home makes a person/family safer.
- \* Agree to the creation of a review committee - made up of manufacturers' representatives, ATF officials and representatives of the United States Conference of Mayors - which has the power to modify distributing plans if they are designed to circumvent a city's existing gun control laws.
- \* Examine gun industry marketing and distribution practices and modify these practices to eliminate the "dumping" of firearms in urban, lower income neighborhoods.
- \* Expend one percent (1%) of gross revenues on research and production of smart gun technology that would enable a gun to be discharged only by the original and intended owner. Support federal legislation that would appropriate additional federal dollars for research aimed at developing such technology.

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1845 The Exchange, Suite 150  
Atlanta, Georgia 30339  
(770) 933-0200  
Fax: (770) 953-9778

## American Shooting Sports Council, Inc.

January 8, 1999

The Honorable Edward G. Rendell  
Mayor of Philadelphia  
Office of the Mayor  
Room 215 City Hall  
Philadelphia, PA 19107

Dear Mr. Mayor:

We appreciate, and look forward to, the opportunity of meeting with you this coming week to further discuss issues of concern, some of which were first broached between us last year. As we have previously stated, while we may not agree on every issue regarding the best approach to pursue in combating gun-related violence, the industry sincerely hopes that this will not prevent us from moving forward and working together on those areas on which we do agree.

The following is a list of issues that the American Shooting Sports Council is interested in moving forward on with you and the U.S. Conference of Mayors.

1. Anti-Crime Programs: The ASSC urges cities to focus their law enforcement and criminal justice efforts on enforcing current gun laws, and to adopt proven anti-crime programs such as the Boston Project and Richmond's Project Exile where federal, state and local authorities focus and coordinate their law enforcement and criminal justice efforts to interdict crime where possible, and to apprehend and convict those responsible for criminal activity. The ASSC is willing to work with the mayors in whatever capacity we can to assist in implementing these programs.
2. Firearm Education/Safety Awareness: The ASSC urges support from the mayors in helping the industry to promote firearm safety education programs in their municipalities, and to join with our educational foundation, the American Firearms Council, in promoting its National Safe Family Initiative where firearm safety locking devices are distributed in the community through local government agencies, civic groups, churches or similar organizations.
3. Shooting Ranges: We urge the majors to work with the industry in seeking municipal support and funding, or other considerations such as special tax incentives, for the development and construction of shooting ranges in order to provide opportunities for their citizens to enjoy recreational shooting, and to obtain training in firearm safety and responsibility.
4. New Technology: We urge the majors to assist the industry in seeking research and development funding for pursuing research into the design, manufacturing and marketing of firearms that can be operated only by their recognized, authorized user.
5. Advertising Code of Conduct: The ASSC is willing to work to develop and implement industry-wide advertising standards and will urge all firearm and ammunition manufacturers, distributors and retailers to adopt and abide by such standards.

The Honorable Edward G. Rendell

January 8, 1999

Page Two

6. Manufacturing Standards: The ASSC is open to the consideration that all firearm manufacturers should be required to adhere to and abide by the manufacturing standards developed by the American National Standards Institute and the Sporting Arms & Ammunition Manufacturers' Institute.

7. Straw Man Sales: In an effort to address the problem of individuals making multiple purchases of firearms from a licensed dealer with the express intent of subsequently transferring them illegally to prohibited persons, we would suggest that the federal Bureau of Alcohol, Tobacco & Firearm's multiple sales form, which the dealer is required to send to the ATF and to local law enforcement, be revised. The new form would include a statement requiring the purchaser's signature swearing under oath and under penalty of perjury punishable as a federal felony that the firearms being purchased are for the buyer personally and not for subsequent transfer to a third party. The form would also include notification to the purchaser that it is a violation of federal law to transfer any firearm to an individual that the purchaser knows, or has a reasonable cause to believe, to be prohibited from purchasing or possessing firearms under federal, state or local laws. Additionally, the dealer would be required to immediately notify by faximile before the buyer leaves the gun store the Chief Law Enforcement Officer (CLEO) in the jurisdiction where the purchaser resides of the multiple sale and to inform the purchaser of such notification.

8. Gun Show License: With regard to the transfer of firearms at gun shows, flea markets and similar public gatherings, we are open to the suggestion that such transfers should be subject to all federal, state and local laws and regulations applicable to licensed firearm dealers including the requirement that purchasers of firearms submit to the National Instant Background Check (NICS) to determine that they are not prohibited by law from purchasing or possessing firearms. To facilitate the conducting of the background check, the person or entity responsible for promoting and conducting the gun show, flea market or similar public gathering might be required to obtain a special gun show license to be issued by the Bureau of Alcohol, Tobacco & Firearms, and the gun show licensee would be required to submit all firearm transfers through NICS.

Mr. Mayor, we are very serious and sincere in our desire to work with you on mutually acceptable solutions to combating gun-related violence in our communities. We strongly feel that more is to be accomplished by working together than will ever result from our being at odds.

Again, we look forward to meeting with you, and to a mutually satisfying dialogue.

Very Truly Yours,



Richard J. Feldman  
Executive Director

cc. Mr. Thomas Cochran, U.S. Conference of Mayors

Honorable Lee Brown

Honorable Vera Katz

Honorable Arlene Mulder

Honorable Jim Dailey

Honorable Scott King

Honorable Deedee Corradini

Honorable Clarence Harmon

## **10 Firearms Proposals to Consider**

1. Close the gun show loophole on Brady background checks.
2. Raise the age of the youth handgun ban from 18 to 21.
3. Prohibit the juvenile possession (under 21) of assault rifles and high capacity clips.
4. Ban youth convicted of serious violent crimes in juvenile courts from owning guns as adults.
5. Require child safety locks with every gun sold.
6. Double the Youth Crime Gun Interdiction Initiative.
7. Report the manufacturer, model, and serial number of used firearms sold to ATF trace center.
8. Increase inspections of federal firearms dealers from 1 to 3 per year.
9. Ban the importation of large capacity clips manufactured before September 14, 1994.
10. Spend \$5 million annually to develop child-proof guns and gun detection technologies.

40 MEMBERS, many who have done much for years  
-- and who'll be working with

Feinstein  
Durbin  
Schumer  
Kohl  
Lautenberg  
Kennedy  
Moynihan  
Torricelli  
Jack Reed  
Chafce

McCarthy  
Conyers  
Blagovich  
DeGette  
Scott  
Lowey  
Carson  
Hinojosa  
Gutierrez

Porter  
Roukema



Sean P. O'Shea

04/27/99 11:01:05 AM



Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: AGENCY UPDATE - COLORADO SCHOOL SHOOTING



April 27, 1999  
As of: 10:30a.m.

#### MEMORANDUM FOR DISTRIBUTION

**FROM:** KRIS BALDERSTON  
SEAN P. O'SHEA

**SUBJECT:** Colorado School Shooting - Agency Updates

On Thursday, April 29, the students of Columbine will join students at Chatfield High School for classes. Four (4) funerals were held yesterday, and two (2) more will be held today, Tuesday, April 27. More funerals are planned throughout the week. In addition, radio stations and local companies are collecting funds to help assist families to deal with the economic component of this tragedy. As reports become available, we will circulate.

#### The Department of Justice

Justice expects a request from Colorado today for federal funds to address additional security both in and around the school, especially with respect to student concerns at local proms. In addition, this money would aid in helping increase security at counseling centers, additional bomb sweeps, responses to bomb threats, law enforcement overtime, and other security related costs. The request is expected to be around \$750,000 to \$1,000,000.

#### The Department of Health and Human Services

At 11:21 am (Mountain time) today, April 27, the time during which the original shootings began last week, there will be a moment of silence for 30 seconds throughout the Denver Metro area. Churches that have bells will toll 15 times; one for each victim.

It is estimated that 10,000 people will need long term counseling after this tragedy.

#### The Department of Education

Bill Modzeleski, of the DOE's Safe and Drug Free Schools, is in Colorado with a team of other federal

DATE: TUESDAY, APRIL 27, 1999  
TIME: 12:30 PM - 1:30 PM  
LOCATION: 450 OEOB  
PARTICIPANTS: THE PRESIDENT

ATTENDING (40):

Senator John Chafee (R-RI)  
Senator Dianne Feinstein, (D-CA)  
Senator Richard Durbin, (D-IL)  
Senator Frank Lautenberg, (D-NJ)  
Rep Carolyn McCarthy (D-NY)  
Rep John Conyers (D-MI)  
Rep Maxine Waters (D-CA)  
Rep Zoe Lofgren (D-CA)  
Rep Sheila Jackson Lee (D-TX)  
Rep William Luther (D-MN)  
Rep Brad Sherman (D-CA)  
Rep Earl Blumenhauer (D-OR)  
Rep Lynn Woolsey (D-CA)  
Rep Robert Wexler (D-FL)  
Rep Anthony Weiner (D-NY)  
Rep Luis Gutierrez (D-IL)  
Rep Ruben Hinojosa (D-TX)  
Rep. Julia Carson (D-IN)  
Rep. Eva Clayton (D-NC)  
Rep. Danny Davis (D-IL)  
Rep. Earl Hilliard (D-AL)  
Rep. Stephanie Tubbs Jones (D-OH)  
Rep. William Jefferson (D-LA)  
Rep. Carolyn Kilpatrick (D-MI)  
Rep. Gregory Meeks (D-NY)  
Rep. Juanita Millender-McDonald (D-CA)  
Rep Eleanor Holmes Norton (D-DC)  
Rep. Donald Payne (D-NJ)  
Rep. Bobby Rush (D-IL)  
Rep. Edolphus Towns (D-NY)  
Rep Anna Eshoo (D-CA)  
Rep Patsy Mink (D-HI)  
Rep Corrine Brown (D-FL)  
Rep Carlos Romero-Barcelo (D-P.R.)  
Rep. Sheila Jackson-Lee (D-TX)  
Rep Harold Ford Jr., (D-TN)  
Rep. Alcee Hastings (D-FL)  
Rep Rod Blagojevich (D-IL)  
Rep Marge Roukema (R-NJ)

PENDING (56):

Senator Daniel Akaka, (D-HI)  
Senator Evan Bayh, (D-IN)  
Senator John Breaux, (D-LA)  
Senator Max Cleland, (D-GA)  
Senator Byron Dorgan, (D-ND)  
Senator John Edwards, (D-NC)  
Senator Russell Feingold, (D-WI)  
Senator Bob Graham, (D-FL)

Senator Ernest Hollings, (D-SC)  
Senator Daniel Inouye, (D-HI)  
Senator John Kerry, (D-MA)  
Senator Herb Kohl, (D-WI)  
Senator Joseph Lieberman, (D-CT)  
Senator Paul Sarbanes, (D-MD)  
Senator Chuck Schumer, (D-NY)  
Senator Paul Wellstone, (D-MN)  
Senator Gregg (R-NH)  
Senator Specter (R-PA)  
Rep Richard Gephardt (D-MO)  
Rep David Bonior (D-MI)  
Rep Rick Boucher (D-VA)  
Rep George Miller (D-CA)  
Rep John Oliver, (D-MA)  
Rep Kevin Brady (D-TX)  
Rep Rosa DeLauro (D-CT)  
Rep Ellen Tauscher (D-CA)  
Rep Connie Morella (R-MD)  
Rep Jim McGovern (D-MA)  
Rep Jan Schakowsky (D-IL)  
Rep Michael Castle (R-DE)  
Rep Bob Weygand (D-RI)  
Rep Patrick Kennedy (D-RI)  
Rep José Serrano (D-CA)  
Rep Silvestre Reyes (D-TX)  
Rep Ciro Rodriguez (D-TX)  
Rep Solomon Ortiz (D-TX)  
Rep Jose Serrano (D-NY)  
Rep Xavier Becerra (D-CA)  
Rep Sanford Bishop (D-GA)  
Rep Donna Christian-Christensen (D-VI)  
Rep Bob Filner (D-CA)  
Rep Tom Lantos (D-CA)  
Rep Zoe Lofgren (D-CA)  
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Rep Nancy Pelosi (D-CA)  
Rep Christopher Shays (R-  
Rep Carolyn Maloney  
Rep Henry Waxman (D-CA)  
Rep Bill Pascrell (D-NJ)  
Rep Diana DeGette (D-CO)  
Rep William Lipinski (D-IL)  
Rep James Moran (D-VA)  
Rep Steve Rothman (D-NJ)

REGRETS (72):

Senator Max Baucus, (D-MT)  
Senator Joseph Biden, (D-DE)  
Senator Jeff Bingaman, (D-NM)  
Senator Barbara Boxer, (D-CA)  
Senator Richard Bryan, (D-NV)  
Senator Robert Byrd, (D-WV)

Senator Kent Conrad, (D-ND)  
Senator Thomas Daschle, (D-SD)  
Senator Christopher Dodd, (D-CT)  
Senator Tom Harkin, (D-IA)  
Senator Tim Johnson, (D-SD)  
Senator Robert Kerrey, (D-NE)  
Senator Blanche Lincoln, (D-AR)  
Senator Patrick Leahy, (D-VT)  
Senator Carl Levin, (D-MI)  
Senator Barbara Mikulski, (D-MD)  
Senator Daniel Moynihan, (D-NY)  
Senator Jack Reed, (D-RI)  
Senator Harry Reid, (D-NV)  
Senator Chuck Robb, (D-VA)  
Senator John Rockefeller, (D-WV)  
Senator Robert Torricelli, (D-NJ)  
Senator Ron Wyden, (D-OR)  
Senator Mary Landrieu, (D-LA)  
Senator Patty Murray, (D-WA)  
Senator Ted Kennedy, (D-MA)  
Rep Barney Frank (D-MA)  
Rep Howard Berman (D-CA)  
Rep Jerrold Nadler (D-NY)  
Rep Bobby Scott (D-VA)  
Rep Mei Watt (D-NC)  
Rep Marty Meehan (D-MA)  
Rep Bill Delahunt (D-MA)  
Rep Tammy Baldwin (D-WI)  
Rep Alan Mollohan, (D-WV)  
Rep Matthew Martinez (D-CA)  
Rep Ed Pastor (D-AZ)  
Rep Nydia Velazquez (D-NY)  
Rep Robert Underwood (D-Guam)  
Rep Grace Napolitano (D-CA)  
Rep William Clay (D-MO)  
Rep Julian Dixon (D-CA)  
Rep Chaka Fattah (D-PA)  
Rep Jesse Jackson, Jr. (D-IL)  
Rep Eddie Bernice Johnson (D-TX)  
Rep Barbara Lee (D-CA)  
Rep John Lewis (D-GA)  
Rep Cynthia McKinney (D-GA)  
Rep Carrie Meek (D-FL)  
Rep Major Owens (D-NY)  
Rep Charles Rangel (D-NY)  
Rep Robert Scott (D-VA)  
Rep Bennie Thompson (D-MI)  
Rep Melvin Watt (D-NC)  
Rep Albert R. Wynn (D-MD)  
Rep Julian Dixon (D-CA)  
Rep Loretta Sanchez (D-CA)  
Rep Michael Capuano (D-MA)  
Rep James Clyburn (D-SC)  
Rep Elijah Cummings (D-MD)  
Rep Charles Gonzalez (D-TX)  
Rep Lucille Roybal-Allard (D-CA)

Rep Nita Lowey (D-NY)  
Rep Pete Stark (D-CA)  
Rep John LaFalce (D-NY)  
Rep Joe Hoeffel (D-PA)  
Rep Dennis Moore (D-KS)  
Rep John Porter (R-IL)  
Rep Sam Farr (D-CA)  
Rep William DeLahunt (D-MA)  
Rep Eliot Engel (D-NY)  
Rep Gary Ackerman (D-NY)

**Gun Legislation Event  
April 27, 1999  
Questions and Answers**

**General**

**Q: Would any of these proposals have had an effect on the Littleton school shooting case?**

**A: All the facts are not in yet. Law enforcement officials are still conducting their investigation. So we are not in a position to say what laws apply to the specific conduct in the Littleton case.**

**Q: Do you have any more information on the guns used in the Columbine shooting? Do you know how they were obtained by the two youths?**

**A: The guns used in the Columbine shooting were:**

- (1) 2 sawed off shotguns: a Savage-Stevens Model 311D (double barreled shotgun), and a Savage-Stevens Model 67H (slide action shotgun).**
- (2) 1 carbine rifle: Hi-Point Model 995 Carbine, supplied with a 10 round magazine.**
- (3) 1 handgun: TEC DC 9 (one of the 19 named assault weapons in the 1994 assault weapons ban, could have held over 30 rounds of ammunition)**

Since this is an ongoing investigation, we are not yet able to comment on how the two youths obtained these firearms.

**Q: How do you plan to pay for your proposals, and in particular, the doubling of your Youth Crime Gun Interdiction Initiative (YCGII)?**

**A: We believe that our current budget request will support our proposals, as will our future budget requests. We anticipate that doubling the number of YCGII cities will cost about \$10 million more over our current funding levels for YCGII. Hiring additional ATF agents would cost even more -- depending on whether or not the Congress approves the President's current \$28.3 million proposal to hire more than 120 new ATF agents and over 40 new federal prosecutors to target gun crime. Our future budgets will reflect the**

President's continued commitment to expand this initiative.

**Q: We've heard about some of these proposals before. Which ones are new?**

**A:** Our bill will contain new proposals that build on the Brady Law, restrict unauthorized youth access to guns, crack down on illegal gun trafficking and strengthen the assault weapons ban. Some of the larger proposals unveiled for the first time today include: limiting the purchase of handguns to no more than one per month; raising the age of the youth handgun ban from 18 to 21 years of age; banning the juvenile possession of semi-automatic assault rifles; halting the importation of large capacity ammunition magazines; requiring Brady background checks for the purchase of explosives; helping law enforcement trace more crime guns to their source; and authorizing repeat inspections to crack down on gun dealers involved in illegal gun trafficking. We believe this is the most comprehensive gun legislation any Administration has put forward in 30 years.

**Q: Are you sending your bill to Congress this week?**

**A:** Today's announcement contains the highlights of our comprehensive package of proposals. We plan to transmit it to Congress shortly -- probably within the next couple weeks at the latest.

### Specific proposals

**Q: Can you further explain the one-gun-a-month proposal?**

**A:** The proposal would restrict individuals from selling or transferring more than one handgun per month to someone if the transferrer knows that the individual receiving it has already received a handgun within the last 30 days. The law would also prohibit a person from receiving more than one handgun per month.

**Q: How would the one-gun-a-month law work? How do you know whether someone has purchased or obtained a handgun within the last 30 days?**

**A:** The proposal would rely on the National Instant Criminal Background Check System, which requires checks on individuals seeking to buy a firearm. If a person who seeks to buy a handgun has tried to purchase one within the last 30 days, the NICS would indicate that the person applied to buy a handgun, and the transfer of additional handguns would be prevented.

**Q: Doesn't this mean that you would be creating a federal gun registry?**

**A:** The proposal will not create a gun registry. However, the system will require that information that an individual has purchased a handgun be kept for at least 30 days. The system will not contain any information about the handgun or any information about other firearms that the purchaser may own.

**Q: Which states already have state one-gun-a-month laws?**

**A:** Three states currently have such laws on the books: South Carolina, Virginia, and Maryland. The California state legislature recently passed a one-gun-a-month bill, and the California State Senate is expected to consider it shortly.

**Q: Aren't there some situations in which someone has a legitimate reason to obtain more than one handgun in a month's time?**

**A:** The proposal would recognize some limited exceptions where an individual has a legitimate need to obtain more than one handgun a month. Some of these situations would include, for instance, private security companies that need more than one handgun for their security operations, or where a person's handgun has been lost or stolen.

**Q: What would be the penalties for violating the one-gun-a-month law?**

**A:** Violations of the one-gun-a-month law would be punishable by five years imprisonment and criminal fines.

**Q: Your bill will propose background checks on explosive purchases. Are there no legal prohibitions right now on explosives purchases? What kinds of explosives will you cover in your bill?**

**A:** There are a number of existing prohibitions on explosive purchases; for example, felons are prohibited from buying explosives. And while the Brady Law requires background checks on firearms purchases to prevent felons and other prohibited purchasers from buying guns, it did not require such checks on explosives. This proposal will now ensure that explosives purchasers are subject to the same checks as gun purchasers. The bill will cover all explosives defined under the law, including dynamite, ANFO and plastic

explosives.

In addition, while black powder is frequently used in bombmaking, sales of black powder in quantities of less than 50 pounds are not currently regulated as explosives. Our bill will for the first time prohibit felons from buying any quantity of black powder and will require explosives dealers to keep records of their sales of black powder.

**Q: You propose banning juvenile possession of semiautomatic assault rifles. Aren't these already banned?**

**A:** Current federal law does not contain an age restriction on the possession of long guns, such as shotguns and rifles. This includes semiautomatic assault rifles manufactured before the 1994 assault weapons ban took effect in September 1994, which were grandfathered under the ban's provisions.

**Q: Why is there a discrepancy in the law between the age allowed to possess a gun (18 years-old) and the age at which a licensed gun dealer may sell a handgun to someone (21 years-old)?**

*18-19 = 2 and  
Frequent buyers of guns  
80% of guns  
traced to 18-24  
are handguns  
18-20 = 22% of  
all handgun arrests*

**A:** We agree that this discrepancy in the law does not make sense. Indeed, it appears to encourage youths between the ages of 18 and 21 years-old to purchase handguns from unlicensed sellers who do not perform Brady background checks, nor keep records for gun tracing. This is one of the reasons why we support increasing the age of handgun possession to 21.

**Q: You plan to propose criminal liability for adults who "recklessly give access" to guns to children. Your proposal also refers to increased penalties for adults who "transfer" guns to juveniles. Can you explain the difference between these two proposals?**

**A:** In one case, there is a knowing transfer of a gun to a juvenile and the adult knows that it would be used in a crime. Our bill would raise existing criminal penalties for such offenses. With respect to child access prevention, our proposal would create new criminal liability where adults recklessly give children access to guns (which could occur without the explicit knowledge of the adult) and the gun is later used to cause death or violent injury.

**Q: What does "recklessly give access" mean? Can you give us an example?**

A: Generally, the "reckless" standard in the President's bill applies to behavior that is a gross deviation from a standard of care that any reasonable person would have exercised. For example, "reckless" behavior would cover someone who -- despite knowing that children would be home on a given day -- left a loaded weapon on the kitchen. On the other hand, it would not apply to someone who made every effort to safely store and lock a gun that was nonetheless stolen by a juvenile. Ultimately, however, what is and isn't reckless behavior would need to be determined by a jury.

**Q: How will the new Brady waiting period work? Is it the same waiting period that existed before the National Instant Check System took effect?**

A: The Brady Law established a waiting period of up to five days before a handgun could be sold, but this provision sunsetted once the National Instant Criminal Background Check System (NICS) took effect on November 30, 1998. The President will propose legislation to: (1) require a new 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) authorize gun dealers to notify local law enforcement officials of all proposed handgun purchases.

**Q: Isn't this waiting period weaker than the waiting period that already sunsetted under the Brady Law?**

A: No, in fact is much tougher than the original waiting period, which allowed a waiting period of up to 5 days. The new proposal mandates a minimum waiting period of 3 days for all handgun purchases -- for the first time ever -- and allows law enforcement to take up to a total of 5 days to complete a check for any gun (not just handguns) if they need additional time to clarify arrest or other records. So, our provision is similar to the old Brady waiting period in that it allows for a total waiting period of up to 5 days, but it is stronger in that it creates a new minimum waiting period of at least 3 days for handguns. This minimum wait was not previously required under the original Brady law.

**Q: Your bill will contain a proposal to assist in the tracing of used firearms. Do used firearms frequently turn up in crimes?**

A: About 55 percent of AFT's recent illegal trafficking investigations involving gun shows or youth and juveniles involved used firearms. Many of the guns involved in these investigations are used in subsequent crimes.

### Gun Sales on the Internet

**Q: Senator Schumer has introduced legislation that would regulate the sale of guns on the Internet. Are you supportive of his legislation?**

**A:** Currently, we don't have a great deal of law enforcement data on gun sales over the Internet. However, recognizing that an increasing amount of commerce is being handled via the Internet, we are concerned that Internet gun sales are likely to rise -- and that they may allow gun runners to avoid background checks. We have taken a strong position to expand background checks on gun purchases wherever possible, to help ensure that criminals, juveniles and other prohibited purchasers do not illegally gain access to guns. So, while we are still reviewing Senator Schumer's legislation, we agree that gun sales on the Internet should comply with all the provisions of our gun laws.

### Gun Lawsuits

**Q: Do you support the lawsuits being filed by New Orleans, Chicago, Atlanta and other cities against gun manufacturers? Are you planning to take a strong position on this issue as you did in the tobacco litigation?**

**A:** We are watching closely all of the pending lawsuits against the gun industry. The President has previously expressed particular concern about allegations -- such as in Chicago -- that some gun dealers are selling guns illegally -- helping purchasers evade firearms laws and even selling guns to persons who say they intend to break the law. These are serious charges which, if proven true, would demonstrate that some in the gun industry are helping to promote an illegal market in firearms. Such disrespect for the law endangers our citizens, and if the evidence shows in any of these cases that federal firearms laws have been violated, we will take vigorous enforcement action.

The President's new bill will further crack down on those gun dealers involved in the illegal gun trade, by allowing 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.

In the meantime, we will continue to work closely with state and local law enforcement to trace crime guns back to their source, and to prevent illegal gun sales -- especially to criminals and juveniles.

**REMARKS ON GUN ENFORCEMENT AND ACCOUNTABILITY ACT**

**DATE:** Tuesday, April 27, 1999  
**LOCATION:** Presidential Hall  
**BRIEFING TIME:** 12:15pm - 12:35pm  
**EVENT TIME:** 12:40pm - 1:35pm  
**FROM:** Bruce Reed

**I. PURPOSE**

To announce new legislation to strengthen federal firearms laws and make it more difficult for kids and criminals to have access to guns and explosives; and to display congressional support for such legislation.

**II. BACKGROUND**

Your proposed bill will include new proposals to: (1) raise the age of the youth handgun ban from 18 to 21 years of age; (2) ban the juvenile possession of semi-automatic assault rifles; (3) halt the importation of large capacity ammunition magazines; (4) require Brady background checks for the purchase of explosives; (5) help law enforcement trace more crime guns to their source; and (6) authorize repeat inspections to crack down on gun dealers involved in illegal gun trafficking. Your package represents the most comprehensive gun legislation any Administration has put forward in 30 years. This legislation will also include proposals that you have previously supported, including closing the gun show loophole on Brady background checks and creating a mandatory Brady waiting period.

**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. Your 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. Your 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, your 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, your 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. Your 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 your top priorities. You 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. Your 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, you 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 and with written parental consent. 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. Your 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. Your 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%. Your 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, your 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.** Your 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, you 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 you have 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.

- **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, your 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, you have 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. Your 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, your 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. Your 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, you 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, you also took action to ban the importation of over 50 models of modified assault weapons. Your 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, your bill will close this loophole by banning the importation of all large capacity magazines -- regardless of when they were manufactured.

### III. PARTICIPANTS

Briefing Participants:

Bruce Reed

Jose Cerda

Neera Tanden

Caroline Frederickson

Broderick Johnson

Lowell Weiss

WHITE HOUSE STAFFING MEMORANDUM

Date: 4/26/99 ACTION / CONCURRENCE / COMMENT DUE BY: 4/26/99 6:00 PM

Subject: GUN ENFORCEMENT REMARKS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MOORE	<input type="checkbox"/>	<input type="checkbox"/>
PODESTA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NASH	<input type="checkbox"/>	<input type="checkbox"/>
ECHAVESTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	REED 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RICCHETTI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RUFF	<input type="checkbox"/>	<input type="checkbox"/>
LEW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SOSNIK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BERGER	<input type="checkbox"/>	<input type="checkbox"/>	SPERLING	<input type="checkbox"/>	<input type="checkbox"/>
BLUMENTHAL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	STEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CAHILL	<input type="checkbox"/>	<input type="checkbox"/>	STERN	<input type="checkbox"/>	<input type="checkbox"/>
FRAMPTON	<input type="checkbox"/>	<input type="checkbox"/>	STREETT	<input type="checkbox"/>	<input type="checkbox"/>
IBARRA	<input type="checkbox"/>	<input type="checkbox"/>	TRAMONTANO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JOHNSON	<input type="checkbox"/>	<input type="checkbox"/>	UCELLI	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KLAIN	<input type="checkbox"/>	<input type="checkbox"/>	VERVEER	<input type="checkbox"/>	<input type="checkbox"/>
LANE	<input type="checkbox"/>	<input type="checkbox"/>	WALDMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LEWIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YELLEN	<input type="checkbox"/>	<input type="checkbox"/>
LINDSEY	<input type="checkbox"/>	<input type="checkbox"/>	<u>SPECTOR, S.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LOCKHART	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CERDA, J.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MARSHALL	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

COMMENTS TO LOWELL WEISS (6-2734)

RESPONSE:

Draft 4/25/99 3:30pm  
Lowell Weiss

**PRESIDENT WILLIAM J. CLINTON**  
**REMARKS ON GUN ENFORCEMENT AND ACCOUNTABILITY ACT**  
**THE WHITE HOUSE**  
**April 27, 1999**

In the aftermath of the tragedy in Littleton, we are all searching for answers. We all want to know how this could have happened. But as the details of the shootings emerge, it has become apparent that we cannot point to any one single factor as the cause of this brutal rampage. This tragedy, like those before, had many catalysts.

It is clear that one of these catalysts was the culture of violence that our children are exposed to from a very early age. As Hillary pointed out in her book, the more violence our children see, the more desensitized they are to the consequences. It appears that for young people who are especially volatile and vulnerable, violent video games and movies can become training exercises for murder.

There is no question in my mind that another major catalyst for this kind of violence is the ease with which young people can obtain firearms. In America, law-abiding adults have a right to own weapons, and a right to use them. We have a big hunting culture, which I grew up in, participated in, and enjoyed very much. But it shouldn't have to take an tragedies like the ones in Littleton, Springfield, Fayetteville, Edinboro, Jonesboro, West Paducah, and Pearl to convince us that our gun laws are dangerously out of balance. The fact is, firearms are appallingly easy for young people to get and to misuse. I wouldn't be surprised if it's harder for young people to get their hands on a particular Beanie Baby than on a whole host of high-powered guns.

Defending Americans' legitimate right to keep and bear arms should not mean defending the indefensible. It should not mean arguing that TEC-9 military-style assault weapons and cop-killer bullets have a legitimate place in our communities. It should not mean threatening lawmakers who push for simple precautions like child-safety locks and background checks. It should not mean thwarting common-sense efforts to protect our children from shooting sprees in the schoolyard.

If we really want to defend the right of law-abiding citizens to keep and bear arms, there's a far better way. People of good will, people of both parties, must work together to do far more to keep guns out of the hands criminals and violent young people without infringing on anyone's legitimate rights. We must work together to restore sanity to America's gun laws.

Today, surrounded by Members of Congress of both political parties who demand action now, I am proud to announce my new Gun Enforcement and Accountability Act, the most comprehensive measure ever proposed for reducing the intolerable toll of gun violence in America.

First, the act would strengthen the Brady Law. Since the original Brady Law took effect, 250,000 felons, fugitives and stalkers who have tried to buy handguns have been turned away empty handed. That's enough guns to overflow this room. Unfortunately, the Brady waiting period has now expired in favor of an instant-check system. But an instant check is not good enough: it provides no cooling-off period to discourage violent acts committed in a fit of rage. So my Gun

Enforcement and Accountability Act will make a waiting period the law of the land once again. It would also prevent all juveniles who commit violent crimes from ever buying a gun. It would require Brady background checks on anyone who wants to buy explosives. And it would abolish, at long last, the dangerous loophole that allows people to buy weapons at gun shows without any background check at all. I say: No background check, no guns, no exceptions.

Second, the act would strengthen our assault-weapons ban. In 1994, we stopped dealers from importing or selling many semi-automatic weapons. Now we must finish the job of ridding our gun stores of high-capacity ammunition clips. As Diane Feinstein has said, "high-capacity ammunition magazines were designed for military combat -- not for any recognized sport." They allow shooters -- including those in Jonesboro and Littleton -- to spray bullets across a wide killing zone in a matter of seconds. Let's close the loophole that allows dealers to sell older clips. Let's ban the import of all high-capacity clips no matter when they were made.

Third, the act would restrict youth access to guns. It includes Carolyn McCarthy's important proposal to close yet-another loophole that makes it hard to prevent juveniles from possessing -- not just buying -- assault weapons. It would hold adults criminally responsible when they recklessly fail to keep firearms out of the reach of children. It would mandate a steep increase in penalties for adults who transfer guns to juveniles. And it would require child-safety locks to be sold with all new guns. I will never forget the words of Suzann Wilson of Jonesboro, who lost her daughter that day at Westside Middle School: "Please, please, for the sake of your children, lock up your gun."

Finally, it would crack down on illegal gun trafficking. It would double the number of cities that are now working with the Bureau of Alcohol, Tobacco, and Firearms to trace every gun seized by police after being used in a crime. It would require that dealers submit detailed information not only on new guns they sell, but also on used guns, which are often very hard for law-enforcement agents to trace. And it would significantly increase penalties for gunrunners caught trafficking large numbers of firearms.

Seven times in less than two years, children have kissed their parents goodbye, boarded a school bus, gone to class, and have been gunned down in cold blood. Seven times our entire nation has been thrown into shock. It is time for us to translate the shock into action. It is time for all of us to work together to change the culture of violence in America. It is time for us to do a better job of reaching out to alienated, angry teens. It is time for parents to take greater responsibility for their children's actions and be more responsive to their needs.

And it is time for us to take guns out of the volatile mix that constitutes our children's daily lives. How many new towns do we have to add to the gristly list of those forever scarred by school shootings ... how many young children have to be scared to death of going to school ... how many funerals of students and teachers do we have to watch before we summon the will to pass these incredibly sensible gun measures? The entire nation is now united in grief and united in prayer. Let us be united in action. Let us do everything in our power to give our children back their childhood. Thank you and God bless you.

###



Jose Cerda III

04/26/99 07:37:55 PM

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Record Type: Record

To: Julia M. Payne/WHO/EOP  
cc: Barry J. Toiv/WHO/EOP, Bruce N. Reed/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP  
bcc:  
Subject: Re: press paper 

It's not...it's actually much tougher than the original waiting period, which allowed a waiting period of up to 5 days. The new proposal mandates a **minimum** waiting period of 3 days for all handgun purchases -- for the first time ever, and allows law enforcement to take up to 5 days to complete a check for any gun (not just handguns) if they need additional time to clarify arrest records, etc. This second provision pretty much mirrors the old (soft) Brady waiting period requirement...we'll clarify this in our guidance for tomorrow morn...jc3

From: Julia M. Payne on 04/26/99 07:29:53 PM

From: Julia M. Payne on 04/26/99 07:29:53 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP  
cc: Barry J. Toiv/WHO/EOP, Bruce N. Reed/OPD/EOP  
Subject: Re: press paper 

Why is the President's proposal today on waiting periods 40% weaker (from 5 days to 3 days) different than what he called for in the State of the Union? (#1 question of our press corps)

April 26, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed  
Jose Cerda III

RE: Outstanding Gun Issues

Below please find the follow-up information you requested on tomorrow's announcements. As soon as you make a decision, we are prepared to incorporate either of these two provisions into your proposed firearms legislation.

**One-Gun-A-Month**

We spoke with Senator Robb's office to confirm his position on this issue. He supported Governor Wilder's efforts to pass one-gun-a-month legislation in Virginia, and he strongly supports Senator Lautenberg's bill to enact the same limit on handgun purchases at the federal level. In fact, he is currently a cosponsor of the bill. Senator Robb's staff expects that George Allen will strongly oppose this measure, pointing out that while Governor he even vetoed legislation that would ban gun possession in schools and recreation centers.

**Raising the Age of Handgun Ownership**

As part of the 1994 Crime Act, you 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 a juvenile -- except for in limited circumstances (i.e., while on the job, or hunting and ranching with written parental consent). A separate provision of the 1968 Gun Control Act also prohibits federal 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.

Gun control advocates would like to close this loophole. They point out that ATF's trace data show that the two most frequent ages of crime gun possession are 18 and 19 years old, and that 18 to 20 year-olds make up 22 percent of all murder arrests. Additionally, more than 80 percent of the crime guns traced to

young adults (18 to 24 year-olds) are handguns. We agree with the gun control advocates on this issue, and recommend that you support closing this loophole on the possession of handguns by 18 to 21 year-olds.

Event Participants:

The First Lady  
Senator Dianne Feinstein (D-CA)  
Senator John Chafee (R-RI)  
Representative John Conyers (D-MI)  
Representative Carolyn McCarthy (D-NY)

On-Stage

Secretary Robert Rubin  
Attorney General Janet Reno  
Secretary Richard Riley  
Members of Congress (approximately 40)

**IV. PRESS PLAN**

Open Press.

**V. SEQUENCE OF EVENTS**

- YOU will be announced into Presidential Hall, accompanied by the First Lady, Secretary Robert Rubin, Attorney General Janet Reno, and Secretary Richard Riley.
- The First Lady will make remarks and introduce Senator Dianne Feinstein.
- Senator Dianne Feinstein will make remarks and introduce Senator John Chafee.
- Senator John Chafee will make remarks and introduce Representative John Conyers.
- Representative John Conyers will make remarks and introduce Representative Carolyn McCarthy.
- Representative Carolyn McCarthy will make remarks and introduce YOU.
- YOU will make remarks, work a ropeline, and depart.

**VI. REMARKS**

To be provided by speechwriting



Record Type: Record

To: Bruce N. Reed/OPD/EOP, Barry J. Toiv/WHO/EOP

cc: Leanne A. Shimabukuro/OPD/EOP

Subject: Clarification

Bruce/Barry:

Here's the answer to your questions:

1. Explosives. It's now already illegal to sell most explosives to juveniles. The background checks we're proposing will help us confirm age and enforce this. However, this does not include smaller quantities (fewer than 50 lbs.) of black powder, which is used to make most pipe bombs, and seems to have been used in this case. Black powder is also used for model rocket motors, muzzle loading hunting, and is sold in many hardware stores. Our restricting convicted felons from owning any quantity of black powder would be the first such restriction, but Brady checks wouldn't apply.

2. CAP. Our proposal would punish parents/adults who "knowingly or recklessly" allow access to guns that are later used in crimes and cause injury. The penalty would be imprisonment of no more than 3 years, fines of up to \$250,000 for individuals (\$500,000 for corporations), or both. This means our provision is narrower, but tougher, than the Durbin-Chafee bill. Durbin-Chafee captures simple negligence ("reasonably should know") and is only a misdemeanor (up to one year in prison, fines of up to 10,000).

jc3

## AFTER THE SMITH AMENDMENT-- MAJOR LOOPHOLES REMAINING

- Still no background checks at many gun shows. Hatch-Craig defines a "gun show" by what organization sponsors it--not by how many guns are being sold. Hundreds of guns could be sold in one place at one time with no checks and no crime gun tracing records. The Smith amendment leaves this definition in place.
- Still guarantees that many background checks could not be performed. Hatch-Craig reduces the time for conducting a NICS check from 3 business days to 24 hours -- even on weekends when State courts are closed. State courts keep many criminal records that are not automated and so not included in NICS. In our mobile society relevant records may be located all over the country. Twenty-four hours is not enough time to locate them.
- Still allows the sale of untraceable guns. Gun traffickers and first-time criminals could buy an untraceable gun by using "special registrants" to do a background check. Hatch-Craig does not require "special registrants" to keep any information on firearm serial numbers or to cooperate with law enforcement trace requests if the gun is used in a crime.
- No background check, no penalty. Gun show buyers who buy guns without getting a background check would not be penalized, even if they know they were supposed to undergo a check.
- Undermines the States' rights to limit importation of firearms and regulate their sale. Since 1968, gun dealers have been allowed to conduct business only in their own States. This restriction allowed States to control the flow of firearms coming into their states. Under Hatch-Craig, State permits, sales taxes, licenses, and other State laws could now be avoided because Hatch-Craig permits Federal firearms licensees and the new "special licensees" to travel interstate to sell guns. And Hatch-Craig does not require "special licensees" to certify compliance with State and local laws in order to obtain a license. Even if they violate State law, their Federal license could not be revoked.
- Community zoning powers are undermined. The new class of "special licensees" can operate without showing that they meet local zoning laws.
- Privacy is jeopardized. "Special registrants" could perform NICS checks as a service to sellers and buyers at gun shows. But law enforcement officials would have no meaningful way of ensuring that these "special registrants" are not using NICS to run checks on individuals for other purposes. The requirement to "immediately" destroy all records of the NICS check compounds the problem by making it impossible to audit how a "special registrant" is using the system.

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## THE GUN SHOW AMENDMENTS TO S.264: PROBLEMS REMAIN EVEN WITH SMITH FIX

### Still no background checks at many gun shows.

- Hatch-Craig defines a "gun show" by what organization sponsors it -- not by how many guns are being sold. Hundreds of guns could be sold in one place at one time, such as at flea markets, with no checks and no crime gun tracing records. The Smith amendment leaves this definition in place.

### Weakened Brady background checks.

- The Brady law currently allows law enforcement up to three business days to track down records to determine if a person is prohibited from possessing a firearm. Although more than 70% of background checks can now be done within only a few minutes, some checks take a few days to complete.
- The amendment would reduce law enforcement's time to conduct a background check to 24 hours, and these 24 hours would not even have to occur on a business day. Accordingly, under the amendment, a background check requested from a gun show on a Saturday morning would have to be completed by Sunday morning, even though State court offices -- where many criminal records are kept -- would be closed. It would be impossible for law enforcement to track down the necessary records to determine whether some persons are in fact prohibited.
- If law enforcement had only 24 hours to conduct background checks from December 1, 1998 (the date NICS became effective) to the present, at least 1500 felons and other prohibited persons would now be at large in society in possession of firearms obtained from licensed dealers.
- The result of this amendment would be to allow felons, fugitives, and other prohibited persons who cannot get guns at gun stores to get a gun at a gun show. Even major firearms trade associations, like the American Shooting Sports Council, do not want to jeopardize or weaken the current NICS checks.

### A new obstacle for law enforcement: making tracing of crime guns more difficult.

- The new category of "special registrants" will be allowed to run background checks on buyers of firearms, like licensed firearms dealers, but they would not be required to help law enforcement officers trace guns used in crimes, as licensed dealers must do.

### Reversing long-standing law to allow interstate gun peddling.

- In reversal of current law, the amendment would undermine State laws by permitting federal licensees and the new "special licensees" to travel from state to state peddling firearms.
- This undermines the ability of States to regulate firearms sales within their borders, and increases the likelihood of sales in violation of State law by out-of-State licensees who are unfamiliar with State and local firearms ordinances.

**New Immunity from responsibility for gun sellers.**

- The amendment would give gun sellers and "special registrants" at gun shows potentially sweeping immunity -- even dismissing lawsuits that are currently pending.

**Privacy Interests would be jeopardized.**

- In enacting the Brady law, Congress made every effort to protect the privacy of individuals by ensuring that only Federally licensed dealers, importers and manufacturers could run a NICS check on an individual in connection with the purchase of a firearm.
- These Federal licensees are subject to strict recordkeeping requirements, and their records are inspected to ensure that they are not abusing their NICS privileges to run background checks on friends, neighbors, employees, or business acquaintances.
- By allowing anyone to get a "special" registration which would allow them to run NICS checks, regardless of whether they are engaged in a firearms business, while at the same time exempting "special registrants" from meaningful recordkeeping or inspection requirements, the amendment opens the door to widespread abuse of NICS. The Federal Government will have no meaningful way of ensuring that these "special registrants" are not using NICS to run checks for purposes completely unrelated to firearms transfers.
- The requirement to "immediately" destroy all records of NICS transfers makes it impossible for the Federal Government to conduct meaningful audits of the use of the system by licensees, thus opening the door to widespread abuses.

**No background check, no penalty.**

- Gun show buyers who buy guns without getting a background check would not be penalized, even if they know they were supposed to undergo a check.

**Preventing Federal law enforcement from assuring compliance with State and local business and zoning laws.**

- Current law permits the revocation of a license for manufacturers, importers, and dealers who certify compliance with State or local laws and willfully fail to comply. However, since "special licensees" are not required to make such a certification, their failure to comply with State and local laws cannot result in revocation of their Federal license.

## THE CRAIG AMENDMENT: STILL RIDDLED WITH LOOPHOLES

THE CRAIG AMENDMENT ANTI-SMUGGLE	THE CRAIG AMENDMENT SHEERLY SILENT
Does not close gun show loophole; allows hundreds of guns to be sold without background checks at flea markets and other events that do not fall within the new definition of "gun show."	Closes gun show loophole by requiring background checks at <u>all</u> events where large numbers of guns are being sold.
Weakens <u>all</u> background checks - even those currently done by licensed dealers - at gun shows by giving law enforcement only 24 hours to complete background checks, instead of 3 business days.	Treats <u>all</u> background checks the same, regardless of whether the gun sale takes place at a gun shop or a gun show.
Undermines the ability of law enforcement to trace crime guns by allowing "special registrants" to conduct background checks but not requiring them to assist in tracing.	Retains current law which requires all federally-licensed firearms dealers to trace guns used in crime to their source, and enhances law enforcement's ability to trace used guns.
Prevents federal law enforcement from assuring compliance by "special licensees" with state and local business and zoning laws.	Uses federal firearms licensees, who must comply with all state and local laws, to do checks for private sellers.
Includes court-stripping provision that will give blanket immunity to people who sell guns at gun shows and do background checks.	No immunity for people who transfer guns to felons and others who intend to use the guns to commit violent felonies or serious drug offenses.
Leaves gun show promoters completely off the hook, giving them no responsibility whatsoever to ensure that background checks are being done at gun shows.	Engages the assistance of promoters to make sure that background checks are being done on all gun sales at gun shows.
Adds new layers of bureaucracy to federal firearms regulation by creating new categories of "special licensees" and "special registrants" to do background checks.	Uses existing framework of federally-licensed firearms licensees to do background checks on behalf of unlicensed sellers at gun shows.
Unclear what activities by "special licensees" or "special registrants" are prohibited and leaves failure of licensee to conduct a background check a misdemeanor.	Increases criminal penalties for licensees who transfer guns in violation of Brady Law and unlicensed sellers who transfer guns at gun shows without a background check.
Opens up Instant Check System to unauthorized use and abuse by new categories of "special registrants" and "special licensees" who are unfamiliar with the background check system and have insufficient recordkeeping requirements.	Uses existing federal firearms licensees, who are knowledgeable and experienced in background checks, to request background checks.
Allows unauthorized uses of Instant Check System to go undetected by requiring immediate destruction of all system records.	Writes <u>into the Brady Law</u> the requirement that records of approved transactions must be destroyed within 90 days or, if possible, even sooner.
Imposes no penalty on gun show buyers who do not get background checks.	Makes it a felony for gun show buyers to knowingly buy a gun without a background check.
Opens up new loophole by giving "special licensees" to gun peddlers who do not meet current requirements for federal firearms licenses because they have no business premises and sell guns primarily at gun shows.	Leaves untouched more than 30 years of federal law requiring federal firearms licensees to have a permanent place of business.
Impedes ability of states to control flow of guns across their borders by allowing licensees, including gun peddlers with "special licenses," to sell guns out of state to private individuals and licensees.	Preserves more than 30 years of federal law requiring licensed dealers to sell within their home states.
Allows gun peddlers with "special licenses" to import guns from overseas.	Does not allow a whole new category of gun peddlers to import guns from overseas.

REVISED

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Draft 4/27/99 9:45am  
Lowell Weiss

PRESIDENT WILLIAM J. CLINTON  
REMARKS ON GUN ENFORCEMENT AND ACCOUNTABILITY ACT  
THE WHITE HOUSE  
April 27, 1999

Acknowledge: the First Lady; Sec. Rubin; Gen. Reno; Sec. Riley; Dpty. A.G. Eric Holder; Assoc. A.G. Ray Fisher; Undersec. of the Treasury for Enforcement Jim Johnson; Sens. Feinstein, Chafee, and all the other Senators here; Reps. Conyers, McCarthy, and all the other Members of the House here today; ~~Miami-Dade Mayor Alex Penelas~~; Bob Walker, Pres. of Handgun Control, Inc.; representatives of national law-enforcement and victims-rights organizations.

During the past week, the entire nation has been united in grief and prayer. Now it is time to unite in action.

In the aftermath of the brutal shootings in Littleton, we are all searching for answers. How could such tragedy have descended upon this fine community? Of course, we may never have all the answers. But one thing that should be clear to all of us is that this tragedy, like those before, had many catalysts. One of the catalysts was the culture of violence that our children are exposed to from a very early age. As Hillary has often pointed out, the more violence our children see, the more desensitized they are to its consequences.

**There is no doubt that our whole society needs to come together to discuss ways of changing this culture of violence. And there is no doubt that we must help parents to connect better with their children's lives, and teach their children the <sup>unwavering</sup> distinction between right and wrong. But these important tasks should in no way slow us or stop us from addressing another undeniable catalyst of this crisis -- the appalling ease with which young people can gain access to guns.**

In America, law-abiding adults can own firearms and use them. We have a big hunting culture, which I grew up in, participated in, and enjoyed very much. But it shouldn't have to take tragedies like the ones in Littleton, Springfield, Fayetteville, Edinboro, Jonesboro, West Paducah, and Pearl to convince us that our gun laws are dangerously out of balance. In one survey reported today, more than half of all teenagers say it would be easy to get access to a firearm. I wouldn't be surprised if it's harder for young people to get their hands on some high-demand video games than on a range of high-powered guns.

Defending Americans' legitimate ability to own firearms should not demand defending the indefensible. It should not require arguing that TEC-9 military-style assault weapons and cop-killer bullets have a proper place in our communities. It should not mean threatening lawmakers who push for simple precautions like child-safety locks and background checks. It should not call for thwarting every common-sense effort to protect our children from shooting sprees in the schoolyard.

If we really want to defend the ability of law-abiding citizens to own firearms, there's a far better way. People of good will, people of both parties, must work together to do far more to keep

guns out of the wrong hands without infringing on anyone's legitimate rights. We must work together to restore reason to America's gun laws.

Today, surrounded by Members of Congress of both political parties who demand action now, I am proud to announce my new Gun Enforcement and Accountability Act, the most comprehensive measure ever proposed for reducing the intolerable toll of gun violence in America.

First, the act would strengthen the Brady Law. Since the original Brady Law took effect, 250,000 felons, fugitives, and stalkers who have tried to buy handguns have been turned away empty-handed. That's enough guns to overflow this room. Unfortunately, states are no longer permitted to enforce a waiting period on the purchase of handguns. The states do have an instant-check system, but I believe instant-check does not go far enough; it provides no cooling-off period to discourage violent acts committed in a fit of rage. So my Gun Enforcement and Accountability Act would make a waiting period the law of the land. It would also prevent all juveniles who commit violent crimes from ever buying a gun. It would require Brady background checks on anyone who wants to buy explosives. And it would abolish, at long last, a dangerous loophole that was likely exploited in Littleton which allows people to buy weapons at gun shows without any background check at all. I say: No background check, no guns, no exceptions.

Second, the act would strengthen our assault-weapons ban. In 1994, we stopped dealers from importing or selling many semi-automatic weapons. Now we must close the loophole that allows dealers to sell older high-capacity ammunition magazines that are manufactured abroad. These magazines allow shooters -- including those in Jonesboro and Littleton -- to spray bullets across a wide killing zone in a matter of seconds. Let's ban the import of all high-capacity magazines no matter when they were made.

Third, the act would greatly restrict youth access to guns. It would raise the legal age of handgun possession from 18 to 21 years old. It would hold adults criminally responsible when they recklessly fail to keep firearms out of the reach of young people. It would prevent juveniles from possessing -- not just buying -- assault weapons. It would mandate a steep increase in penalties for adults who transfer guns to juveniles. And it would require child-safety locks to be sold with all new guns. I will never forget the words of Suzann Wilson of Jonesboro, who lost her daughter that day at Westside Middle School: "Please, please, for the sake of your children, lock up your gun."

Finally, it would crack down on illegal gun trafficking. It would double the number of cities that are now working with the Bureau of Alcohol, Tobacco, and Firearms to trace every gun seized by police. It would require that dealers submit information not only on new guns they sell, but also on used guns, which are often very hard for law-enforcement agents to trace. It would significantly increase penalties for gunrunners caught trafficking large numbers of firearms. [And it would bar anyone from buying more than one gun a month.]

Far too many times in just the past two years children have kissed their parents goodbye, boarded a school bus, gone to class, and been gunned down in cold blood. It is time for us to translate the nation's shock into action. It is time for all of us to work together to change the culture of violence in America. It is time for us to do a better job of reaching out to alienated, angry teens. It is time for parents to take greater responsibility for their children's actions and be more

responsive to their needs.

And it is time for us to take guns out of the volatile mix that constitutes our children's daily lives. How many towns do we have to add to the gristly list of those forever scarred by school shootings ... how many young children have to be scared to death of going to school ... how many funerals of students and teachers do we have to watch before we summon the will to pass these logical, sensible gun measures? We must give our children back their childhood. We must do everything in our power to give them a future not of tragedy and fear but of promise and hope. Thank you and God bless you.

###

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### The Craig Gun Show "Sham"

- **Criminals, mental defectives, fugitives, stalkers, and straw purchasers will still get guns at gun shows.** Craig's proposal makes no effort to ensure that background checks are performed at gun shows.
- **Craig's proposal is completely meaningless, because it is totally voluntary.** Only those currently unlicensed dealers who want to perform background checks would do so. There will continue to be thousands of firearms transactions at gun shows that take place without background checks.
- **Craig's proposal is actually more onerous than the Lautenberg bill.** It is hard to imagine anyone voluntarily becoming a Special Licensee or Special Registrant. For those good citizens who want to make sure that no one gets a gun without a background check, it would be far easier for them to use the services of a licensed dealer for a background check than to apply to become a Special Licensee or a Special Registrant and pay money to the Secretary for one of these special permits. Anyone who wanted to continue selling guns to felons would be able to do so; they would just ignore the convoluted scheme proposed by the Craig amendment.
- **The Craig proposal is completely unenforceable.** Any sellers who subject themselves to Craig's scheme would have no responsibility to do checks responsibly. The proposal bends over backwards to insulate the unlicensed sellers from any responsibilities or obligations. One of the new licensees would be able to perform unauthorized checks, and they would have no accountability, because the Craig amendment insulates them from any liability, recordkeeping obligations, and even for suits that are already pending.
- **The Craig proposal would open up the NICS to all kinds of abuse.** The Craig proposal would require the Secretary of the Treasury to allow anyone who wants become a registrant or special licensee to do so and give them the ability to access the NICS. There is no need for a new class of people to have access to the NICS, when licensed dealers have been trained to do NICS checks.
- **Gun Show promoters are completely off the hook.** There is no responsibility for promoters under the Craig proposal. They can continue to hold gun shows and profit from gun shows where guns are sold criminals and others without background checks.
- **The Craig proposal creates new loopholes.** Even though prohibited persons are 5 times more likely to pawn their guns than other citizens, the proposal would allow them to redeem their guns without a background check. By requiring immediate destruction of all system records, the proposal plays to the gun lobby's paranoia about firearms registries and prevents the FBI from conducting limited audits of the system to prevent misuse and abuse.
- **The Craig proposal guts existing restrictions on interstate sales of guns by allowing people to pedal guns anywhere.** This undermines the primary purpose of the Gun Control Act, to empower the states to control the flow of guns across state lines.

## ***THE BRADY LAW AND PAWN SHOP REDEMPTIONS***

### **Background**

Under most state laws and the Gun Control Act of 1968, criminals, the mentally ill and others are barred from owning firearms. But prior to the implementation of the Brady law on February 28, 1994, there was no nationwide system in place to check the backgrounds of persons legally precluded from owning guns. Handguns were sold on the honor system: prospective purchasers merely signed a statement attesting whether they were legally barred from purchasing a firearm.

The Brady Law has changed all that. In the first 100 days of the Brady law, background checks stopped as many as 70,000 felons and other prohibited purchasers from buying handguns.

### **Pawn Shop Redemptions**

The Brady Law, as passed by Congress, applied to all retail sales and transfers of handguns, including sales and transfers occurring at pawnshops. In implementing the Brady Law, the Bureau of Alcohol, Tobacco and Firearms informed pawn shops that background check would be required on anyone attempting to redeem or buy back a hooked handgun from their store. This regulatory action was fully consistent with a 1974 U.S. Supreme Court decision (*Huddleston v. U.S.*) which held that the sale and transfer requirements of the Gun Control Act of 1968 apply to pawn shop redemptions.

### **Pawn Shop Exemption**

In August of 1994, when House and Senate conferees considered the 1994 Violent Crime Control and Law Enforcement Act of 1994, House Judiciary Committee Chairman Jack Brooks offered an amendment that would eliminate the required background check on pawn shop redemptions. The amendment, which was accepted by a voice vote, had not been considered during earlier House or Senate debate on the crime bill. The pawn shop exemption became effective September 13, 1994.

### **Background Checks: The Record on Pawn Shop Redemptions**

Applying the Brady Law to redemptions has shown that large numbers of convicted felons who illegally own handguns frequently pawn them for short term loans. As Phoenix Police Chief Dennis Garrett observed, "The group of people who pawn guns appear to have more than average contact with the criminal justice system."

In many jurisdictions, law enforcement officials report that pawn shops account for a majority of background checks and an even greater percentage of denials. For example, Dallas police estimate 85 to 90 percent of denied firearm transfers occur at pawn shops.

Exempting redemptions from the Brady Law will deny law enforcement an important tool for taking illegal guns off the street. While states are not required to keep records of pawn shop transactions or the number of redemptions versus sales, reports from states that have done so indicate the exemption would seriously weaken the law.

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NEVADA - In the first 154 days of the Brady Law, 40 percent of denials were from pawn shop redemptions (83 out of 206). Redemptions accounted for 8 of 27 denials with outstanding felony warrants and 4 of 11 felony warrant arrests. Overall in Nevada, redemptions account for roughly 25 percent of background checks.

UTAH - Background checks conducted between February 28 and August 31, 1994, produced 320 denials, with 65 percent of the denials based on pawn shop redemptions. According to K.D. Simpson, Director of Law Enforcement Services for the Utah Department of Public Safety, "If we need to do background checks anywhere, it is at pawn shops. It is among people who pawn guns where we turn up the most NCIC hits, illegal gun owners and serviceable warrants."

VIRGINIA - From March through July 1994, background checks resulted in 674 denials, of which 89, or 13 percent, were pawn shop redemptions. In August, 1994, out of six denials resulting from redemption, three had outstanding warrants.

CALIFORNIA - Since passage of the Brady Law, and the start of background checks for redemptions, the percentage of statewide denials generated by pawn shops increased from an average of 13% in the first two months of 1994 to an average of 30% in the four months following enactment of Brady. The number of denials based on handgun transactions at pawn shops rose from 52 per month to 90 per month after the Brady Law.

TEXAS - In Houston, in the first three weeks of the law, 177 out 199 denials were pawn shop transactions. Police estimate 98 percent involved redemptions.

In addition to these numbers, anecdotal evidence from across the country argues against an exemption for pawn shop redemptions:

Grand Prairie, TX - A woman trying to redeem a handgun at a pawn shop was found to have 15 alias names, five convictions including theft, fraud and weapons offenses, and 11 additional arrests including homicide, assault, forgery, drugs and prostitution.

Dallas, TX - A man trying to redeem a pawned gun was found to have four convictions, including two rapes, one theft and one forgery as well as arrests for robbery, burglary and drugs.

Washington - An individual with a previous conviction for manslaughter was prevented from redeeming a handgun at a pawn shop. The state also revoked the CCW permit erroneously issued to him.

Georgia - In Jonesboro, a background check on a man trying to pawn a handgun revealed a prior conviction for felony assault. He was arrested and charged with possession of a firearm by a convicted felon.

Nevada - A woman trying to redeem a pawned handgun was arrested at a pawn shop in Sparks, NV when a background check revealed an outstanding warrant for grand larceny. A check on her husband also showed an outstanding felony warrant, leading to another arrest.

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The following statistics cannot be projected to represent the entire population of firearms purchasers or the entire population of persons redeeming firearms from pawn. These percentages are based only on those TECS/NCIC that were run as a result of the Snapshot inspections.

NOTE: Profile purchases are those purchases that fit various purchaser profiles developed by field offices. (e.g., multiple purchaser of handguns most frequently used in crimes)

TYPE 01 POPULATION

Gun dealers

Random Selected Firearms Purchasers 1198

Hits on Randomly Selected Firearms 17

% of Prohibited Purchasers 1.4%

Profile Firearms Purchasers Selected 241

Hits on Profile Purchasers Selected 8

% of Prohibited Purchasers 3.3%

TYPE 02 POPULATION

Pawnbrokers

Randomly Selected Firearms Purchasers 3105

Hits on Randomly Selected Purchasers 101

% of Prohibited Purchasers 3.3%

Profile Firearms Purchasers Selected 658

Hits on Profile Purchasers Selected 21

% of Prohibited Purchasers 3.2%

Persons Redeeming Firearms from Pawn 5405

Hits on Persons Redeeming Firearms 294

% of Prohibited Person 5.4%

May 17, 1999

The Honorable Trent Lott  
Majority Leader  
United States Senate  
Washington, DC 20510

Dear Mr. Leader:

I write to urge you to allow the Senate to complete its work on juvenile crime legislation this week, and to once again consider the Lautenberg amendment to require Brady background checks for all guns sold at gun shows. Although I recognize that there are many other important issues pending before the Senate, none is more timely or important than preventing youth violence.

In the wake of the Littleton shooting, there is broad national consensus that we must all accept responsibility and take action to help prevent youth violence. We in government have a special responsibility to enact and enforce common sense legislation that will help keep guns out of the hands of criminals and children. So I was pleased last week when the Senate voted to ban the importation of large capacity ammunition magazines, as well as the juvenile possession of all assault rifles and large capacity clips. Passing these proposals was a step in the right direction.

I remain deeply disappointed, however, that the Senate has failed to take meaningful action to prevent criminals from getting firearms at gun shows. The Senate-passed amendments on gun shows have not only failed to close the loophole in current law that allows criminals and young people to buy firearms at gun shows without so much as a Brady background check, they also will open up new loopholes in the law that will make it easier for criminals to get guns and more difficult for law enforcement to its job. Frankly, this language is simply unacceptable and should not stand. Instead, the Senate should reconsider Senator Lautenberg's amendment, with all members present, and close the gun show loophole once and for all.

Over the past few years, we have made steady progress against crime by working together. Our efforts, and those carried out in communities across the nation, are showing impressive results. This weekend the FBI released preliminary data for 1998 showing that crime is down for the seventh year in a row, the longest period of decline since the 1950's. I hope that the Senate will build on this progress by working together to debate and pass a tough, balanced juvenile crime bill that includes comprehensive measures to combat and prevent crime and gun violence -- and keep crime coming down in the 21st Century.

Sincerely,

## Improvements to the Senate Juvenile Crime Legislation

- \* **Three out of four “core mandates” preserved.** Senator Hatch’s bill originally weakened all of the core protections for juveniles in state custody. The bill that cleared the Senate today preserves language in current law ensuring that juveniles are separated by sight and sound from adults while incarcerated; that they are not placed in adult jails; and that status offenders are not incarcerated. However, the bill does re-write protections against disproportionate minority confinement. A Kennedy/Wellstone amendment to drop this provision was defeated, and this issue will have to be revisited in conference.
- \* **Guaranteed prevention funds.** The original Hatch bill provided almost no funds for prevention. The bill that passed today sets aside 25 percent of the \$450 million Juvenile Accountability Block Grant for prevention, and authorizes a separate \$435 million for other delinquency and prevention programs.
- \* **No new death penalties.** The original Hatch bill made 16-year olds eligible for the federal death penalty. This provision has been dropped.
- \* **No provisions to transfer juveniles to adult facilities.** The new juvenile crime bill does not include provisions considered last year to allow the Justice Department’s Bureau of Prisons to transfer certain 16-year Olds to adult facilities.
- \* **Allows federal prosecutors limited discretion to try violent juveniles as adults.** The new juvenile crime bill allows federal prosecutors -- not judges -- to make the initial decision as to whether certain violent juveniles and gang members should be tried as adults.
- \* **Onerous conditions on states deleted.** To be eligible for the new block grant funds, the original Hatch bill required states to pass new laws to prosecute juveniles (14-year olds) as adults. These hard requirements have been dropped and replaced with more reasonable conditions requiring graduated sanctions, drug testing and protection of victims rights in cases involving juvenile offenders.
- \* **Federalization clause dropped.** The original Hatch bill included a presumption that all juvenile crime should be federal and then referred to states as appropriate. Chief Justice Rehnquist complained bitterly last year about this provision, and it is no longer in the bill.
- \* **New gun provisions.** The original Hatch bill contained no provision to address gun violence. As you know, the new bill: (1) requires background checks for all gun sales at gun shows; (2) requires gun dealers to provide child safety locks with every handgun sold; (3) bans the juvenile possession of assault weapons and large capacity clips; (4) expands the Youth Crime Gun Interdiction Initiative; (5) bans the importation of large capacity ammunition clips; (6) prohibits violent juveniles from possessing guns (but in a weaker form than your own proposal); and (7) provides \$50 million for the increased

federal prosecution of gun crimes.

### **Statement by the President**

I am deeply disappointed by the vote in the Senate today to table -- and effectively kill -- Senator Lautenberg's amendment to close the gun show loop hole. This amendment would have extended the same Brady background checks that have stopped more than a quarter of a million illegal handgun sales to all firearms sold at gun shows. It was a common sense proposal that was sure to save lives and keep more guns out of the hands of criminals. It was even supported in principle by some of our nation's major gun manufacturers. The Senate should reconsider and reverse its vote on gun shows, and support a national policy of -- no background check, no gun, no exceptions.

### Improvements to the Senate Juvenile Crime Legislation

- **New gun provisions.** The original Hatch bill contained no provisions to address gun violence. As you know, the new bill: (1) requires background checks for all gun sales at gun shows; (2) requires gun dealers to provide child safety locks with every handgun sold; (3) bans the juvenile possession of assault weapons and large capacity clips; (4) expands the Youth Crime Gun Interdiction Initiative; (5) bans the importation of large capacity ammunition clips; (6) prohibits violent juveniles from ever possessing guns (although in a weaker form than your own proposal); and (7) provides \$50 million for the increased federal prosecution of gun crimes.
- **Guaranteed prevention funds.** The original Hatch bill provided almost no funds for prevention. The bill that passed today sets aside 25 percent of the \$450 million Juvenile Accountability Block Grant for prevention, and authorizes a separate \$435 million for other delinquency and prevention programs.
- **Requirements on states to try juveniles as adults deleted.** To be eligible for new block grant funds, the original Hatch bill required states to pass laws making all juveniles above the age of 14 eligible for prosecution as adults. This harsh requirement has been dropped and replaced with reasonable provisions, along the lines we have previously proposed, requiring graduated sanctions, drug testing, and protection of victims' rights in cases involving juvenile offenders.
- **Three out of four "core mandates" to protect juveniles in state custody preserved.** Senator Hatch's bill originally weakened all four of the core protections for juveniles in state custody. The bill that cleared the Senate today preserves current law ensuring that juveniles are separated by sight and sound from adults while incarcerated; that they are not placed in adult jails; and that status offenders are not incarcerated. The bill passed today, however, still weakens the current requirement that states track whether they are disproportionately confining racial minorities. Although the Justice Department may be able to take regulatory action to mitigate the effect of this statutory change, this is an important issue to revisit in conference.
- **No provisions to transfer juveniles to adult facilities in federal prison system.** The new juvenile crime bill does not include provisions considered last year to allow the Justice Department's Bureau of Prisons to transfer certain 16-year olds to adult facilities.
- **Makes decision of federal prosecutors to try violent juveniles as adults subject to judicial review.** The original Hatch bill provided complete discretion to federal prosecutors to decide whether to try certain violent juveniles and gang members as adults. The bill as passed today provides a mechanism for federal judges to review and reverse these decisions.
- **No new death penalties.** The original Hatch bill made 16-year olds eligible for the federal death penalty. This provision has been dropped.

- **Federalization clause dropped.** The original Hatch bill included a presumption that all juvenile crime should be federal and then referred to states as appropriate. Chief Justice Rehnquist complained bitterly last year about this provision, and it is no longer in the bill.

## Talking Points for House Democratic Gun Strategy Meeting

Thanks for coming in today. As you know, we won a landmark vote in the Senate yesterday on closing the gun show loophole.

Now we need to make an all-out push to bring this to a vote in the House. I believe we can pass at least these common-sense measures:

- Closing the gun show loophole
- Requiring child safety locks on every handgun sold
- Banning the importation of high-capacity ammunition clips
- Prohibiting juveniles from owning assault rifles and clips
- Banning violent juveniles from ever possessing guns as adults
- Expanding crime gun tracing
- Raising the age of handgun possession from 18 to 21 [*Note: not in Senate bill*]

I spoke with Speaker Hastert earlier this week after he came out in favor of closing the gun show loophole and raising the handgun age to 21. I gather that the House leadership has tentatively agreed to bring these issues to a vote in June. But we shouldn't wait that long. We should press for votes right away.

The Vice President and I and our entire Administration will be doing everything we can in the coming days to keep the pressure on to get this done.

Hillary and I were in Littleton yesterday, and were deeply moved by the courage of those young people. We owe it to them to show that all Americans can come together and do our part to keep our children safe.

## **Dingell passes, McCarthy fails**

### **STATEMENT BY THE PRESIDENT**

Instead of closing the deadly gun show loophole, the House of Representatives voted in the dark of night to let criminals keep buying guns at gun shows. This vote will not stand the light of day. I will keep working with all my heart until Congress makes the bipartisan, common-sense measures passed by the Senate the law of the land. We owe it to the families of the children who died in Littleton to stand up to the gun lobby and give all Americans the basic safety they deserve.

## **Dingell fails, McCarthy fails**

### **STATEMENT BY THE PRESIDENT**

Instead of closing the deadly gun show loophole, the House of Representatives voted in the dark of night to let criminals keep buying guns at gun shows. This vote will not stand the light of day. We owe it to the families of the children who died in Littleton to give all Americans the basic safety they deserve. I commend House members in both parties who joined to reject the gun lobby's amendment to riddle our laws with more loopholes. I will keep working with all my heart until Congress makes the bipartisan, common-sense measures passed by the Senate the law of the land.

**Statement of the President**  
**May 18, 1999**

I want to commend the Senate for reversing its position of last year and voting overwhelmingly today to require that child safety locks be provided with every gun sold. This was a courageous, common sense vote that will help prevent tragic shootings and gun-related accidents in the future. I also want to thank Speaker Hastert for agreeing that we should close the gun show loophole and raise the age of handgun ownership from 18 to 21. The Senate should likewise put progress over politics and give its strong backing to these reasonable measures to keep guns out of the hands of children and criminals. I urge Senator Lott to let the Senate keep working on the juvenile crime bill and give every Senator the chance to vote on these common sense provisions.

**DRAFT****Statement by Attorney General Reno**

Today the Senate has another opportunity to close the gun show loophole. They let that opportunity slip by last week. I hope they do not let it slip by again.

Over the last few days, the Senate has been moving in the right direction. But it must not stop until it finishes the job. That's because a law is only as strong as the loopholes it is riddled with, and right now, this law has far too many.

Rather than trying to prop up the flawed Craig Amendment, the Senate should simply pass the Lautenberg-Kerrey proposal. If passed, Lautenberg-Kerrey would close the gun show loophole once and for all -- without creating any new loopholes, without watering down existing background checks, and without exposing the Brady check system to some unworkable scheme.

On the other hand, the Craig Amendment, even if modified by the proposal offered last night, would leave open the gun show loophole. It would also be a significant step in the wrong direction, because it would make it harder to enforce the gun laws we already have.

- First, it would allow thousands of guns to be sold without any background checks. That is because it would use a definition of 'gun show' so narrow, that many events -- like some flea markets where hundreds of guns are for sale -- would not even be covered.
- Second, it would create a new loophole by weakening the Brady background checks that already do take place at gun shows. It would do this by cutting down the amount of time the FBI or a state has to do a background check from three business days to just 24 hours. This means that a criminal who shops for his gun on a Saturday would be able to get the gun at a gun show, even though he could not get it at a gun store.
- Third, it would turn back the clock 30 years by letting gun dealers sell weapons across state lines -- for the first time since 1968.
- Fourth, it preserves a safe harbor where gun traffickers and those with criminal intent can buy guns that they know cannot be traced by law enforcement.
- And fifth, it would allow countless amateur sellers and intermediaries to conduct background checks on other citizens.

In the past week, background checks have stopped more than 1,600 felons, fugitives and other prohibited people from getting guns. How many more felons and fugitives could we have stopped if we had closed the gun show loophole?

I hope the Senate will act in a bipartisan manner and pass a bill that moves us one step forward without also taking us three steps backward. I hope they do not let this opportunity slip by.



## Hill Briefs

### Agreement Struck On DBS Legislation

■ **BROADCASTERS** and satellite television companies struck a deal Thursday that will allow for a quick House-Senate conference on pending direct broadcast satellite, or DBS, legislation.

The bills, which passed the House and Senate earlier this year, have been hung up over a number of contentious issues between satellite television providers, such as DirecTV, and broadcasters — including language that would allow DBS companies to retransmit local programming.

The deal paves the way for a speedy House-Senate conference, which is expected to meet the week after the July 4th recess.

### Y2K Measure Sent To President's Desk

■ **HOURS AFTER** the House passed a conference report for Y2K liability legislation, the Senate Thursday followed suit — voting 81-18 to send the bill to President Clinton, who has promised to sign the compromise measure.

"Our nation needs a game plan for Y2K," said **Sen. Ron Wyden**, D-Ore., who said the bill would not solve all related problems, but would "ensure that we don't compound the problems we know are going to occur."

**Senate Commerce ranking member Ernest (Fritz) Hollings**, D-S.C., took exception to a Wyden statement that the bill would protect consumers from the "shaft" by restricting burdensome litigation.

"It's exactly what they're getting, exactly what we're giving them," Hollings declared.

### Senate Confirms Summers For Treasury Slot

■ **BY AN OVERWHELMING** 97-2 VOTE, the

Senate Thursday confirmed the nomination of Deputy Treasury Secretary Lawrence Summers to succeed Treasury Secretary Rubin — who is slated to leave the administration next week.

Voting against Summers' confirmation were **Sens. Wayne Allard**, R-Colo., and **Robert Smith**, R-N.H. **Sen. James Inhofe**, R-Okla., did not vote.

The 44-year old Summers, a one-time Harvard economics professor, joined the Treasury in 1993 as undersecretary for international affairs, and has served as Rubin's deputy since 1995.

### House Approves Resolution Commending Troops, Clinton

■ **DESPITE GOP** OBJECTIONS, the House on Thursday voted 261-162 to approve a motion to instruct conferees to add language to the FY2000 Defense Department authorization bill praising President Clinton and U.S. military forces for their work in the Kosovo conflict.

**Majority Whip DeLay** took to the floor to oppose the measure, which was offered by **Armed Services ranking member Ike Skelton**, D-Mo.

DeLay stated that he supports U.S. military personnel but he cannot endorse Clinton's bombing of Yugoslavia. "How can you call it a victory when [Yugoslav President Slobodan] Milosevic is still in power?" DeLay asked, charging that Clinton had worsened relations with Russia and China and weakened NATO credibility.

**International Relations ranking member Samuel Gejdenson**, D-Conn., retorted by saying that a Democratic-controlled Congress voted to praise former President Bush for his leadership in the 1991 Persian Gulf War.

"God forbid you say anything good about this president," Gejdenson declared.

### Lott Will Have Gun Talks, Despite Smith's Threat

■ **SENATE MAJORITY LEADER LOTT** Thursday dismissed a threat from **Sen. Robert Smith**, R-N.H., to hold up legislative business if negotiations are opened with the House on new gun control restrictions, the *Associated Press* reported.

Lott told reporters that negotiators will be appointed and the process would begin in mid-July.

Smith opposes the new gun restrictions in the Senate-approved juvenile justice bill. The House passed a bill that weakened the Senate's proposed gun control measure. Leaders of both houses said they will appoint negotiators to work out the differences.

On Wednesday, Smith sent letters to Lott and **Judiciary Chairman Hatch** saying he was considering a procedural maneuver to block the appointment of conferees.

But Lott made clear that he intends to talk Smith out of the confrontation. If Smith persists, Lott said he would call for a Senate vote on the matter.

### Bowles To Lead N.C. Rural Development Effort

■ **FORMER WHITE HOUSE CHIEF OF STAFF** Bowles was named Thursday by North Carolina Gov. Jim Hunt to lead a new effort to promote economic development in rural North Carolina, the *Associated Press* reported.

Bowles, who was President Clinton's chief of staff for nearly two years, will chair the 21-member Rural Prosperity Task Force, consisting of representatives from business, education, economic development, agriculture and the non-profit sector.

Bowles resigned last October as White House chief of staff after serving 22 months, saying he wanted to return to North Carolina. He considered running for governor in 2000, but ultimately decided against it.





## Clinton Seeks Tougher Brady Law

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By Lawrence L. Knutson

Associated Press Writer

Tuesday, June 15, 1999; 11:35 a.m. EDT

WASHINGTON (AP) -- President Clinton renewed his call to the Republican Congress today to toughen the Brady gun law, which he said has proved itself one of the nation's most effective anti-crime measures.

Clinton said that overall, the law with a system of background checks has blocked more than 400,000 illegal gun sales, two-thirds of which involved either convicted felons or people with a current felony indictment.

Clinton called on Congress to strengthen the Brady law by requiring background checks of people seeking to buy guns at gun shows and flea markets, by raising the national age of handgun ownership from 18 to 21 and by passing other measures he said would help keep guns out of the hands of criminals and children.

The president made public a new Justice Department report showing that in the first five years of the application of the law, a period in which a five-day waiting period was required, some 312,000 handgun purchase applications were rejected under state or federal law, 66.3 percent of them for felony convictions or indictments.

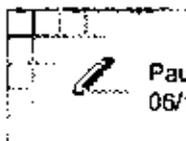
The Justice Department report said that in the first six months under a new instant-check background search system, an additional 90,000 illegal gun sales were blocked. The new system gives law enforcement officials access to a more extensive set of records and applies to all firearms, not just handguns.

More than 4.1 million background checks have been conducted by the FBI and the states under the new instant-check system, the report said.

Clinton's appeal to House Republicans followed by a day a similar call from Vice President Al Gore. Gore told the U.S. Conference of Mayors in New Orleans that new government studies show that one in four gun murders are committed by people 18, 19 or 20.

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Paul D. Glastris  
06/15/99 10:28:01 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: latest guns

Draft 6/15/99 10:30 p.m.

Glastris

**PRESIDENT WILLIAM J. CLINTON  
REMARKS ON GUN LEGISLATION  
ROSE GARDEN, THE WHITE HOUSE**

**June 15, 1999**

Five and a half years ago, here at the White House, I signed the Brady Bill into law. I was especially pleased that day to be standing beside two great woman fighters against gun violence, Sarah Brady and Attorney General Janet Reno. Today, as I stand here with Congresswoman Morella, Congresswoman McCarthy and so many others, I am reminded that woman --from both parties--have been and remain at the forefront of this fight, especially as it regards children. Also with us in the audience today a number of mothers and fathers whose children have been the victims, and others who have personally suffered from gnn violence. Thank you all for coming.

On that day, five and a half years ago, when I signed the Brady bill, I said that our efforts "proved once again that democracy can work." The American people--and their grassroots demand for common sense action against gnn violence--prevailed over an entrenched and powerful Washington gnn lobby.

Now, in the aftermath of the terrible shootings in Littleton, our nation has become even more galvanized to act on every front to rednce violence--especially violence committed by, and against, our children. In recent weeks, we have talked about the need to rednce our childrens' exposure to violence in the media, and I have taken steps to make that happen. We have talked about the need for parents to be more present in their childrens' lives, and I have taken new steps to help working parents find the time to do so. But we have also talked about the need to take new steps to keep guns out of the hands of jnveniles, criminals, and others who should not have them.

Now it is time for those of us in government to act, by strengthening the Brady Law. Congress has a chance to do that this week. Once again, the gun lobby is resisting with all its

might. And once again, we are battling not just for the safety of our families, but for the soundness of our democracy.

Support for strengthen the Brady law is bipartisan and broad as America. Teachers, doctors, law enforcement officials, even gun manufacturers support it. About the only ones against it are the NRA and its allies in Congress, and it seems like every day they try another tactical or rhetorical trick to confuse everyone and avoid responsibility. These are the same kind of smokescreens they threw up six years ago. Back then, the gun lobby said the Brady bill threatened the right of citizens to own firearms. Today, we know that the Second Amendment is alive and well. The gun lobby said gun violence would not be reduced. In fact, gun crimes have fallen by over 25 percent since 1993, and police chiefs across America believe the Brady law was vital to their efforts. The gun lobby said that requiring background checks at gun stores wouldn't keep guns out of the hands of criminals because criminals don't buy guns at stores. That claim has now been disproved hundreds of thousands of times.

**Periodically, the Justice Department estimates how effective the Brady Law has been in keeping guns out of the hands of those who should not have them. Today, I am pleased to announce the latest figures. Since it went into effect in 1994, the Brady law has blocked over 400,000 illegal gun sales. Two-thirds of those sales were to people indicted or convicted of felony crimes. Most of the rest were fugitives or had records of domestic violence, drug abuse, or mental illness. We have stopped over 400,000 dangerous gnn sales since 1994 because Congress listened not to the NRA, but to the American people, and passed the Brady bill. This week, Congress has another choice: to strengthen the Brady bill or weaken it.**

The Brady Law has worked. It has worked so well, in fact, that criminals now have to buy their weapons at places not covered by the law, such as gun shows. Earlier this year, I sent Congress measures to close this loophole by extending Brady background checks to gun shows and flea markets, when guns are sold along with other items. Last month, the Senate passed these measures, thanks to a tie-breaking vote by the Vice President, and despite efforts by the gun lobby to shoot new loopholes in the Brady law.

The Senate did the right thing. Now, the House must do the right thing. It must vote to strengthen the Brady law, and reject measnres that would weaken it, as bills ghost written by the gun lobby would surely do. The gun lobby's bills would exempt flea markets from Brady checks, thus inviting felons, fugitives, and stalkers to buy their weapons at flea markets. The gun lobby's bills would narrow the time allowed for background checks, giving thousands of criminals a year the ability to slip through the system. They would let gun dealers ship weapons directly to unlicensed buyers across state lines, turning back 30 years of settle law that has helped control interstate gun running. I call on the House to reject these bills, and pass legislation that will strengthen, not weaken, the Brady law.

I also call on the House to take further action to reduce gun violence, especially among the young. Yesterday, the Vice President announced a new government study showing that young people age 18 through 20, who make up just four percent of America's population,

commit 24 percent of all gun murders. We could save lives by raising the legal age of handgun possession from 18 to 21, and I ask the House to do so. I also call on the House to mandate that child safety locks be sold with all new handguns, as the Senate has done.

There is no reason for this to be a partisan issue, for gun violence is a problem that does not respect party line. Someone who understands that is the person I now have the pleasure of introducing: Congresswoman Connie Morella.

Message Sent To:

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Jose Carda III/OPD/EOP@EOP  
Leanne A. Shimabukuro/OPD/EOP@EOP  
Stephanie A. Cutter/WHO/EOP@EOP  
Loretta M. Ucelli/WHO/EOP@EOP  
Karin Kullman/OPD/EOP@EOP  
Joshua S. Gottheimer/WHO/EOP@EOP  
Bruce N. Reed/OPD/EOP@EOP  
Cathy R. Mays/OPD/EOP@EOP

Guns -  
1999 bill

**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.



Jose Carda III

06/15/99 11:01:28 PM

BR- Guns -  
DRAFT SAP 1999 Bill  
ALSO ATTACHED

Record Type: Record

To: Bruce Reed, Elena Kagan/OPD/EOP  
cc: Leanne A. Shimabukuro/OPD/EOP, Courtney Gregoire, Cathy R. Mays/OPD/EOP  
Subject: Draft Rule/Amendments

BR/EK:

The rule/list of amendments is finally out. It seems reasonably fair to me, but includes more "culture" amendments than we anticipated. There are a total of 55 amendments -- 11 to HR 2122, Hyde's problematic gun bill, and 44 to HR 1501, the bipartisan juvie block grant bill. Below are some of the highlights. I'll leave a copy of the complete list by your desks tonight. We'll need to write/clear a SAP first thing in the morning, so let's discuss. I expect to be up on the Hill by 10am.

**GUN AMENDMENTS (Thursday/Friday votes)**

**Gun Shows.** Dingell's NRA alternative will be the first amendment up to the gun bill, immediately followed by the McCarthy/Roukema amendment with our gun shows language.

**18-21.** Hyde will offer an amendment to raise the handgun purchase age from 18 to 21. It will not include long guns, and will not ban possession.

**Assaults/Clips.** Hyde will have an amendment to ban juveniles under the age of 18 from possessing grandfathered assault weapons and high-capacity ammo clips. He'll also have an amendment to ban the importation of grandfathered clips.

**Safety Locks.** Davis (R-VA) will have a safety locks amendment that we think is a bit problematic.

**Concealed Weapons.** Several Rs and Trafficant will have an amendment to allow current and retired police officers to carry concealed weapons across state lines. This is very big for FOP and NAPO, but opposed by some of the Chiefs.

**Pawnshops.** Sessions and Frost will have a bipartisan amendment to make sure guns in hoc for more than year aren't returned w/out a background check.

**DC Gun Laws.** Two Rs will offer amendments to overturn the DC ban on handguns.

**Juvenile Brady.** Rogan (R-CA) will offer a juvenile Brady provision that, while not as strong as our own proposal, is an improvement over the Senate's version.

**JUVIE AMENDMENTS (Wednesday/Thursday votes)**

**Tough Juvie/HR 3.** McCollum will offer an amendment to include many of his tougher juvenile provisions (many of which we supported), including: making it easier to try juveniles as adults in the federal system; new mandatory penalties for youth gun and drug crimes; access to juvenile records; \$50 million to take Project Exile nationwide; background checks for explosives; and numerous other

criminal provisions.

**Juvie Lite.** Waters and Scott will have amendments to strike most of the tougher provisions in McCollum's amendment.

**Sex Offenders.** Five Rs will offer amendment to increase penalties for sex offenses and crimes against children, including "Aimee's Law," which passed the Senate and is supported by Mark Klaas.

**Religion/Prayer in Schools.** Several Rs will offer amendments on this controversial issue, including ones to allow religious memorials (as in the Senate bill), clarify that voluntary school prayer is not prohibited, allow display of the 10 commandments in schools, and ensure that students expressing their first amendment rights to freedom of religious expression are not government entities in violation of the Establishment Clause.

**Culture.** Hyde will offer a mega-culture amendment that prohibits the distribution of any game, book, movie, CD, etc., to a minor that contains "explicit sexual or violent material that fails to qualify for First Amendment protection." (EK, I understand that, as written, DOJ/OLC is not overly concerned about this provision. Have you discussed w/Randy, Robert. Robert has already expressed to Julian that we might not be of much help on this.) This amendment also expresses the Sense of the Congress that adults should be able to review copies of lyrics that are packaged w/sound recordings; authorizes NIH to study the effects of video violence on child development; grants the entertainment industry a 3-year anti-trust exemption to develop a code of conduct; and authorizes \$5 million for each of the next 5 year for the AG to fund a prevention demo in 9 cities.

Additional culture amendments to be offered include: Sense of the Congress condemning the entertainment industry for its gratuitous violence; a study on the gun industry's marketing practices; a Surgeon General's study on media violence; and the creation of a mandatory violence labeling system for all media.

**Zero Tolerance.** Related amendments here include: applying the Gun-Free Schools Act to students otherwise protected by IDEA (this is what Harkin fought in the Senate); mandating expulsion for certain serious drug offenses; suspending drivers' licenses until the age of 21 for kids who carry a gun; and limiting teachers' liability for "reasonably" disciplining a student.

**Prevention, etc.** Various amendments will be offered by Rs and Ds to allow block grant funds to be used for additional purposes, but mostly prevention. Also, Goodling will offer an amendment to consolidate discretionary juvenile justice programs into a flexible block grant.

**Democratic Substitute.** The final amendment in order to the juvie bill will be Conyers' Democratic substitute, which includes: HR 1501, the bipartisan block grant; HR 1150, the bipartisan reauthorization of the Office of Juvenile Justice and Delinquency Prevention (with the "core protections" intact); and a COPS reauthorization.

## Summary of Amendments Made in Order Under the Rule for H.R. 1501, Consequences for Juvenile Offenders Act of 1999

### Part A

1. **Kucinich (#40)** Assists states in obtaining assistance in compiling the records of violent juveniles and establishing statewide computer systems for their records. In addition, states would have the option of making these records available to the National Crime Information Center and the FBI where they could be accessed by law enforcement officials from other states. (10 minutes)
2. **Hutchinson (#69)** Adds a new category of permissive uses for grant money authorized under the Juvenile Accountability Block Grants in the bill to allow states and localities to use funds in the bill to implement "restorative justice" programs. (10 minutes)
3. **Draicr/Hayworth/Horn (#80)** Expands the authorized uses of the Juvenile Accountability Block Grants created by H.R. 1501 to include pro-active programs, such as anti-gang programs, developed by law-enforcement agencies to combat juvenile crime. (10 minutes)
4. **Capuano (#83)** Recognizes state and local juvenile witness assistance programs as authorized activities eligible for the bill's block grant funds. (10 minutes)
5. **Wise/Seapak (#28)** Specifies that the Juvenile Accountability Block Grants can be used for supporting a confidential toll-free school safety hotline and training of personnel to operate the hotlines. (10 minutes)
6. **McCollum (#162)** Strengthens the federal system by providing increased protection for the community and holding juveniles accountable for their actions; simplifies and strengthens the antiquated federal procedures involved in proceeding against a juvenile in the federal system, and as an adult; contains minor changes to current law so as to clarify that the procedures applicable to the arrest of a juvenile prior to the formal filing of charges apply whether or not it is anticipated that the juvenile will be charged as a juvenile or as an adult; provides that juvenile offenders being prosecuted as adults but not yet convicted must be placed in a suitable juvenile facility located within, or a reasonable distance from, the district in which the juvenile is being prosecuted; extends the time period within which federal juvenile delinquency proceedings must begin from 30 days to 45 days; makes fines and supervised release, which are not presently sentencing options, available for adjudicated delinquents (in addition to probation and

detection); increases the maximum confinement period for an adjudicated delinquent to ten years or through age 15 to give judges increased sentencing flexibility for juveniles who are adjudicated delinquents for serious offenses; increases the maximum period for probation to the same period applicable to an adult, and applies the federal mandatory restitution requirement to juveniles; provides that the records of juvenile proceedings are public records to the same extent that the record of adult criminal proceedings would be public, and that such records are to be made available for official purposes, including disclosure to victims and school officials; provides that the fingerprints and photographs of juveniles tried as adults are to be made available to the same extent as those of adults; requires the Justice Department to establish an "Armed Criminal Apprehension Program" in each U.S. Attorney's Office and under the program, every U.S. Attorney would designate one or more AUSA(s) to prosecute firearms offenses and coordinate with state and local authorities for more effective enforcement; requires the Attorney General to annually report to Congress on the results of the program; authorizes the appropriation of \$50,000,000 for fiscal year 2000 to carry out the requirements of the program, including hiring BATF agents to investigate firearms offenses; permits U.S. Attorneys to cross-designate AUSAs in order to prosecute state firearms offenses in state courts; increases the maximum penalty that may be imposed on juveniles who illegally possess a firearm to one year; increases to five years the maximum penalty for illegal possession of a firearm with the intent to take it into a school zone, or knowing that another juvenile will take it to a school zone; increases to 20 years the maximum penalty for illegal possession with the intent to commit a serious violent felony, or knowing that another juvenile will commit a serious violent felony; increases the maximum penalty that may be imposed on adults who illegally transfer firearms to juveniles to five years; provides for a mandatory minimum sentence of not less than 3 years and not more than 20 for an adult who illegally transfers a firearm to a juvenile knowing that a juvenile intended to take it to a school zone; provides for a mandatory minimum sentence of not less than 10 years and not more than 20 years for an adult who illegally transfers a firearm to a juvenile knowing that a juvenile will commit a serious violent felony; prohibits any person under 21 from sending, receiving, or possessing explosive materials; prohibits the distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction; requires common carriers or contract carriers to report the theft or loss of a firearm within 48 hours after the theft or loss is discovered; allows federal firearms licensees to voluntarily submit business records to ATF; establishes a grant program to help states implement juvenile record-keeping reforms to improve the quality and accessibility of juvenile records and to ensure juvenile records are routinely available for background checks in connection with the

transfer of a firearm; increases the penalties for the discharge of a firearm in a school zone; requires Federal judges to hold a pretrial detention hearing, when requested by the Government, to determine whether a person charged with being a felon in possession of a firearm or explosive device should be granted parole prior to trial; prohibits Federal judges from granting probation to any person convicted of certain gun crimes if they have previously been convicted of a violent felony or serious drug offense; increases the maximum penalties for transporting stolen firearms in interstate commerce and for selling, receiving, or possessing stolen firearms from 10 to 15 years; increases the mandatory minimum penalty for discharging a firearm on connection with a Federal crime of violence or drug trafficking crime from 10 to 12 years and establishes a mandatory minimum penalty of not less than 15 years if the firearm is used to injure another person; increases the maximum punishment from 10 to 15 years for the crime of making false statements to a licensed dealer in order to illegally obtain a firearm if the person illegally procuring the firearm knows or has reasonable cause to know that another person would carry or possess it in the commission of a serious violent felony; provides for a minimum mandatory punishment of not less than 10 years and not more than 20 if the person procuring the firearm did so for a juvenile knowing or having reasonable cause to know that the juvenile would carry or possess it in the commission of a serious violent felony; increases the penalty for engaging in the firearms business without a license (18 U.S.C. § 922(a)(1)) from a maximum penalty of five years in prison to ten years; directs the U.S. Sentencing Commission to review and amend the federal sentencing guidelines to provide additional prison time for section 922(a)(1) offenses when more than 50 firearms are involved in a section 922(a)(1); increases the punishment for the most serious record keeping violations committed by federal firearms licensees; prohibits federal firearms licensees to continue to operate their licensed businesses after a felony conviction; raises the maximum penalty for knowingly transporting, shipping, possessing or receiving a firearm with an obliterated or altered serial number (18 U.S.C. § 922(k)) from five years to 10 years; provides for the forfeiture of vehicles used to commit gun-running crimes, such as transporting stolen firearms, and for the proceeds of such offenses (18 U.S.C. §§ 981 and 982); provides that a conspiracy to commit any violation of that chapter is punishable by the same penalties that apply to the substantive offense that was the object of the conspiracy; amends the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), to permit the use of an adjudication of juvenile delinquency based on a serious drug trafficking offense as a predicate offense under the ACCA; adds to the authority to forfeit firearms used to commit crimes of violence and all felonies to 18 U.S.C. §§ 981 and 982; establishes separate licenses for firearms dealers and gunsmiths and lower the licensing fees for gunsmiths; requires a criminal background check prior to the transfer of

explosive materials to non-licensed purchasers by licensed dealers; requires persons obtaining explosive materials from federally-licensed explosives dealers to obtain a federal permit; amends the federal explosives laws to include within the categories of "prohibited persons" who may not lawfully possess explosives the same persons who are prohibited from possessing firearms under the Gun Control Act of 1968 (GCA); increases from one to three years the mandatory minimum penalty that is imposed on adults convicted of using minors to distribute drugs; increases from one to five years the mandatory minimum penalty for subsequent violations of that section; increases from one to three years the mandatory minimum penalty that must be imposed on adults convicted of distributing drugs to minors; increases from one to five years the mandatory minimum penalty for subsequent violations of that section; increases from one to three years the mandatory minimum penalty that must be imposed on any person convicted of distributing, possessing with the intent to distribute, or manufacturing drugs in or within 100 feet of a school zone; increases from one to five years the mandatory minimum penalty for subsequent violations of that section; amends the provision in existing law that increases the punishment for certain crimes if they were committed by a person as part of a criminal street gang; adds several new crimes for which the increase may be applied, among them, crimes involving extortion and threats, gambling, obstruction of justice, money laundering, and alien smuggling; amends the numerical requirement concerning the definition of a "criminal street gang" from five persons to three persons; requires persons receiving the sentence enhancement under the section to also be subject to criminal forfeiture for the proceeds of the offense and any property used to commit the offense; directs the Attorney General to survey all State and selected local witness protection and relocation programs to determine the extent and nature of such programs and the training needs of those programs and further directs the Attorney General to use the results of the survey to make training available to State and local law enforcement agencies to assist them in developing and managing witness protection and relocation programs. (40 minutes)

Amendments to the McCollum Amendment (#162):

7. **Waters (#128)** Strikes the mandatory-minimum provisions contained in H.R. 2037 and strikes the two-strikes-you're-out language and the anti-probationary language in the bill to restore judicial discretion in the sentencing of juvenile offenders. (20 minutes)
8. **Scott (#38)** Strikes Title II of the McCollum amendment. (20 minutes)
9. **Salmon/Weldon(PA)/Smith(WA) (#7)** Amnee's Law. Provides additional funding to states that convict a murderer, rapist, or child molester, if

that criminal had previously been convicted of one of those same crimes in a different state.  
(30 minutes)

10. **Cunningham (#48)** "Matthew's Law" directs the U.S. Sentencing Commission to increase the penalties, providing a sentencing enhancement of not less than 5 levels above the offense level, for criminals who commit violence against children under the age of 13. Allows state and local police to request assistance from the FBI when investigating the murder of a child. (10 minutes)
11. **Green (WI)(#37)** Requires mandatory life imprisonment for an offender convicted of a second sex offense against a child. (20 minutes)
12. **Conroy (#95)** 18 U.S.C. section 1470 provides an increased penalty for the transportation and sale to minors under age 16 of obscene material, material which is illegal under 18 U.S.C. sections 1465 and 1466. This amendment to section 1470 would raise the age of minors under section 1470 from 16 to 18 years. (10 minutes)
13. **Kelly (#58)** Toughens penalties against any person who takes a child, 18 years of age or younger, hostage in order to resist any officer or court in the U.S., or to compel the federal government to do or to abstain from any act. (10 minutes)
14. **Hutchinson (#68)** Makes it unlawful to transfer any firearm to a juvenile if the transferor knows or has reason to believe that the firearm will be used in a school zone or in the commission of a serious violent felony. (10 minutes)
15. **Quinn (#51)** Requires a federal permit with fingerprints and a photograph for the purchase of high explosives, blasting agents, detonators, and quantities of black powder in excess of 50 pounds. (10 minutes)
16. **DeLay (#23)** Amends the Federal judicial code to deny Federal courts, in a civil action regarding prison conditions, from carrying out any order that would result in the release from, or non-admission to, a prison of any person subject to incarceration. (10 minutes)
17. **Galleghy (#165)** Makes it a federal crime to recruit persons who use interstate or foreign commerce to recruit another person to become a member of a criminal street gang. (10 minutes)
18. **Goss (#11)** Provides 4 new federal district judges for the middle district of Florida, 3 for Arizona, and 2 for Nevada. (10 minutes)

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From: US HOUSE RULES COMMITTEE

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- 19. Trafletant (#57)** Provides that if a state does not have a law which suspends, until age 21, the drivers license of a juvenile who illegally possesses or commits a crime with a firearm, then that state shall lose 25% of its juvenile justice funding under the bill. (10 minutes)
- 20. Moran (#50)** Provides that the Secretary of Treasury shall expand to 75 the number of cities and counties with law enforcement agencies that submit and share identifying information about crime guns through the Youth Gun Crime Interdiction Initiative (YCGII). Requires the Secretary to provide an annual report on the types and sources of recovered crime guns and the number of investigations associated with the YCGII. (10 minutes)
- 21. Stearns (#88)** Establishes a set of Congressional findings in regards to enforcement. Notes that with thousands of current Federal, State, and Local firearms laws in existence, there have been very few prosecutions under those laws. Notes that programs such as Project-Exile have reduced homicide rates. States that enhanced punishments and aggressive prosecution are key to deter gun violence. (20 minutes)
- 22. Latham (#9)** Amends the Controlled Substances Act to provide a civil remedy for victims of illegal drugs - holds any person who manufactures or distributes a controlled substance in felony violation of the Controlled Substances Act liable for any party harmed directly or indirectly, by the use of that controlled substance. (20 minutes)
- 23. Rogan #31** Requires any school accepting Federal education funds under the Elementary and Secondary Education Act to adopt a "zero tolerance" policy regarding the possession of felonious quantities drugs (amounts determined to be for the purpose of distribution) at school requiring the expulsion for one year of any student caught, in possession of a felonious quantity of drugs. (20 minutes)
- 24. Tancredo (#9)** Declares that a firing memorial on public school campuses may contain religious speech without violating the U.S. Constitution. (20 minutes)
- 25. Tancredo (#10)** Declares that public schools receiving Federal assistance must notify parents of the availability of the Department of Education's publication "Religious Expression in Public Schools: A Statement of Principles." (20 minutes)
- 26. DeMint (#59)** Ensures that students, when exercising their First Amendment right to freedom of religious expression, are not considered entities of the government and, therefore, in violation of the Establishment Clause; and ensures that each side pays its own attorney fees in cases involving student

- freedom of expression when challenged under the Establishment Clause.  
(20 minutes)
27. Istook (#152) States Congress' finding that nothing in the Constitution prevents voluntary school prayer. Declares that voluntary school prayer in public schools and extra curricular activities is not prohibited and federal law cannot be used to award legal fees to challenge this declaration.  
(20 minutes)
28. Auerholt (#76) Allows states to publicly display the Ten Commandments under the Tenth Amendment to the Constitution. Would not require the display of the Ten Commandments, but rather would declare the power to do so to be among the powers reserved to the States respectively. (20 minutes)
29. Souder/English (#13) Expands the principle of nondiscrimination against faith-based organizations that desire to compete to provide services consistent with the goals of juvenile justice programs. (10 minutes)
30. Souder #12 Prohibits the Office of Juvenile Justice and Delinquency Prevention (OJJDP) from producing literature, curriculum, etc., which "undermines or denigrates" the religious beliefs of any juvenile or adult in programs authorized in the bill. (20 minutes)
31. Hyde (#112) Prohibits the selling, leasing, sending, or exhibiting of any picture, sculpture, video game, movie, book, magazine, photograph, drawing, picture, or similar visual representation or sound recording to a minor under the age of seventeen for monetary consideration which contains explicit sexual or violent material that fails to qualify for First Amendment protection; expresses the sense of the Congress that retail establishments engaged in the sale of sound recordings should make available for on-site review, upon the request of a person over 18, the lyrics that come packaged with any sound recording that the retail establishment offers for sale and that the retail establishment should post a conspicuous notice of the right for parents to review lyrics; requires the National Institutes of Health to conduct a study of the effects of video games and music on child development and youth violence; provides a three-year antitrust exemption to the entertainment industry to have joint discussions for the purpose of developing voluntary guidelines to alleviate the negative impact of violence, sexual content, criminal behavior, and other subjects not appropriate for children in entertainment material; authorizes the Attorney General to award \$5 million annually for five years to the National Center for Neighborhood Enterprise ("National Center") for the purpose of funding direct demonstration operations and program development grants to community organizations in inner cities.  
(60 minutes)

**12. Emerson/Salmon/Kingston/Kasellenberg/Wamp (#18)**

Sense of the Congress condemning the entertainment industry for its use of poleless acts of brutality in movies, television, music, and video games. (40 minutes)

**33. Markey/Roukema/Barrett(WI) (#30)**

Commission a study of the firearms industry's marketing practices towards juveniles. (10 minutes)

**34. Markey/Burton (#73)**

Requires the Surgeon General to provide the country with a new Surgeon General's report that reflects our contemporary crisis, that takes into account both the promise and problems of interactive media, and that makes findings, and recommendations regarding how to combat the sickness of violence and to rebuild our national spirit. (10 minutes)

**35. Wamp/Stupak (#46)**

Creates a consistent and comprehensive system for labeling violent content to audio and visual media products (including the labeling of products in the advertisements); Waives anti-trust laws, and the industries are given six months to work together in developing a standardized product labeling system; bans the domestic sale or commercial distribution of unlabeled products after one year; and retailers are required to enforce the age restrictions on such products, subject to a fine of up to \$10,000 for failure to do so. (40 minutes)

**36. Goodling (#154)**

Revises the current Juvenile Justice and Delinquency Prevention Act to provide States and local governments increased flexibility in how they address issues related to juvenile crime; consolidates existing discretionary grant programs into a flexible block grant to the States to be used for prevention activities. (90 minutes)

**37. Roemer/Rothman (#77)**

Adds an additional allowable activity to the Juvenile Delinquency Prevention Block Grant to support projects that are geared towards improving school security, including the placement and use of metal detectors. (20 minutes)

**38. Wilson (#43)**

Makes grant money available for promoting or developing partnerships with established mentoring programs to provide mentors for violent and non-violent juvenile offenders. (10 minutes)

**39. Norwood/Barr/Talent/Petri/Hill (MT)/Shadegg/Nussle (#72)**

Amends the Individuals with Disabilities Education Act to allow school personnel to discipline students with disabilities who have weapons in the same manner as school personnel would discipline non-disabled students. (60 minutes)

40. **Fletcher/Hayes (NC) (#84)** Allows state and local education agencies to form partnerships designed to implement character education programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, respect, personal responsibility and trustworthiness. (30 minutes)
41. **Franks/Pickering (#101)** Requires schools and libraries to install filtering or blocking technology on their computers to filter out material deemed harmful to minors, if they accept federal funds from the E-Rate (Universal Service Fund) to connect to the Internet. Requires schools and libraries (when being used by minors) to install the technology on every computer with Internet access. Leaves it up to the school or library board to determine the type of filtering technology to use. (20 minutes)
42. **McIntosh (#6)** Provides limited civil litigation immunity for teachers, principals, local school board members, and other education professionals who engage in reasonable actions to maintain order, discipline, and a positive education environment in America's schools and classrooms. (30 minutes)
43. **Schaffer (#21)** Requires a comprehensive GAO study of the effectiveness of juvenile justice prevention programs and an affirmative reauthorization date whereby Congress can make reforms based on the recommendations. For programs deemed ineffective, the amendment provides a sunset date and wind down period. (10 minutes)
44. **Conyers (#137)** Amendment in the Nature of a Substitute.

**Summary of Amendments Made in Order Under the Rule  
for H.R. 2122, Mandatory Gun Show Background Check Act of 1999**

**PART B**

**1. Dingell/Oberstar/Strickland/Tanner/Cramer/Johns (#168)**

Clarifies when a firearms transaction takes place; makes sure that national instant check system does not shut down gun shows; ensures that interstate theft of firearms is reduced by allowing dealers to transfer inventories directly in person, rather than through a common carrier; requires an enhanced penalty for using a large capacity ammunition feeding device during a crime of violence or drug trafficking crime. (40 minutes)

**2. McCarthy (NY)/Roukema/Blagojevich (#104)** Extends Brady background checks to gun shows to prevent firearms from being sold to children and felons. (30 minutes)

**3. Hyde/Lofgren/McCubbin/DeGete (#143)** Bans the importation of large capacity ammunition feeding devices; that is clips, magazines and other devices that hold more than 10 rounds of ammunition. (30 minutes)

**4. Hyde (#144)** Prohibits a person who is less than 21 from purchasing, or attempting to purchase, a handgun, or ammunition only suitable for use in a handgun. (30 minutes)

**5. Hyde/McCollum (#163)** Prohibits juveniles under the age of 18 from possessing semi-automatic assault weapons. (30 minutes)

**6. Davis (VA) (#164)** Establishes the mandatory transfer of a secure gun storage or safety device with the transfer of any handgun from a licensed manufacturer, importer, or dealer; establishes criteria for the liability of a gun owner should his or her gun be used in an unlawful act. (30 minutes)

**7. Cunningham/Gekas/Traflet (#47)** Allows qualified current and former law enforcement officers to carry a concealed weapon, allowing them to continue to serve our communities as safety personnel. (20 minutes)

- 8. Sessions/Frost (#52) Ensures that guns pawned for more than a year are not returned until the owner passes a check by the National Instant Check System. (10 minutes)
- 9. Goode (#166) Repeals D.C. Law 1-85, which prohibits D.C. residents from possessing a firearm, to allow D.C. residents the right to protect and defend themselves. (10 minutes)
- 10. Heatter (#147) Allows a law-abiding citizens in the District of Columbia to possess a loaded handgun in their home for purposes of home and family protection. (10 minutes)
- 11. Regan (#111) Prohibits persons who commit "violent acts of juvenile delinquency" from possessing firearms as adults. (20 minutes)

**“Moderate” House Republicans Sink Common Sense Gun Measures  
Less Than Two Months After The Littleton Tragedy  
June 18, 1999**

In the wake of the tragic Littleton school shootings on April 20, 1999, President Clinton proposed, and the Senate passed, common sense gun measures to keep guns out of the hands of children and criminals. Unfortunately – less than two months after the tragic shooting – House Republicans defeated the bipartisan McCarthy-Roukema Amendment to close the gun show loophole by a vote of 193-235.

- While 54 House Republicans (31% of the GOP caucus) voted for the Brady Bill in 1993, only 33 House Republicans (15% of the GOP caucus) voted for the McCarthy Amendment – a 50% decline in Republican support for common sense gun measures.
- While 75% of House Democrats voted to close the gun show loophole, nearly 85% of House Republicans voted against closing the loophole.

<u>1993: Brady Bill</u>	<u>1999: Gun Show Loophole</u>
<b>54 House Republicans Voted <u>For</u> Passage of the Brady Bill.</b>	<b>33 House Republicans Voted <u>For</u> Passage of Common Sense Gun Measures.</b>
<b>69 House Democrats Voted <u>Against</u> Passage of the Brady Bill.</b>	<b>49 House Democrats Voted <u>Against</u> Passage of Common Sense Gun Measures.</b>
[CQ Almanac, 1993 (House Vote #564; 11/10/93)]	[House Web Page (House Vote #235, 6/18/99)]

<u>1993: Brady Bill</u>	<u>1999: Gun Show Loophole</u>
<b>31% (54/173) of House Republicans Voted <u>For</u> Passage of the Brady Bill.</b>	<b>15% (33/223) of House Republicans Voted <u>For</u> Passage of Common Sense Gun Measures.</b>
<b>73% (184/253) of House Democrats Voted <u>For</u> Passage of the Brady Bill.</b>	<b>75% (159/211) of House Democrats Voted <u>For</u> Passage of Common Sense Gun Measures.</b>
[CQ Almanac, 1993 (House Vote #564; 11/10/93)]	[House Web Page (House Vote #235, 6/18/99)]

**House Republicans Who Voted For Common Sense Gun Control Measure in 1993 – And  
Against Common Sense Gun Control Measures in 1999:**

1. Bilirakis (FL)
2. Fowler (FL)
3. Gallegly (CA)
4. Gilman (NY)
5. Goss (FL)
6. Hoekstra (MI)
7. Hyde (IL)
8. Oxley (OH)
9. Regula (OH)
10. Saxton (NJ)
11. Sensenbrenner (WI)
12. Smith (MI)
13. Stearns (FL)
14. Walsh (NY)
15. Weldon (PA)
16. Wolf (VA)
17. Young (FL)

## 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.

The White House

Office of the Press Secretary  
(Cologne, Germany)

For Immediate Release

June 18, 1999

**STATEMENT BY THE PRESIDENT**

Instead of closing the deadly gun show loophole, the House of Representatives voted in the dark of night to let criminals keep buying guns at gun shows. This vote will not stand the light of day. I will keep working until the Congress stands up to the gun lobby and makes the common-sense measures passed by the Senate the law of the land. We owe it to the families of the children who died in Littleton to give all Americans the safety they deserve.

3 pm - NEC mtg.

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M. Thompson  
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**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 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.



# THE UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST  
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 FAX (202) 293-2352  
 TDD (202) 293-9445  
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June 13, 1999

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**Executive Director:**  
 J. THOMAS COCHRAN

The Honorable Dennis Hastert, Speaker  
 U.S. House of Representatives  
 Washington, D.C. 20015

Dear Mr. Speaker:

For more than 30 years The U.S. Conference of Mayors has supported efforts to reduce gun violence and gun-related criminal activity. Over the last year we have assembled a comprehensive package of gun safety measures. We believe that the House of Representatives now has a unique opportunity to make real progress in addressing gun violence during its consideration of the Child Safety and Youth Violence Prevention Act.

As mayors of cities across this nation, we urge you to adopt a rule which allows a full and fair debate on various gun safety provisions as this legislation is considered.

We also urge the House to approve legislation which, at a minimum, includes:

- Those provisions relating to gun safety which were included in S.254 as it passed the Senate, along with "clarifications" to the Senate language which would address some problems contained in the legislation, such as setting minimum standards for gun safety devices and specifying the kind of conduct necessary to protect the users of such devices from civil liability;
- A strong provision relating to background checks at gun shows - one which closes existing loopholes rather than opening new ones;
- A provision which raises the age for both purchasing and possessing a handgun from 18 to 21;
- A national one-gun-a-month provision to reduce illegal straw purchases and the secondary market for guns;
- Reinstatement of a reasonable "cooling-off" period between the time an individual purchases and takes possession of a gun;
- Substantial funding for the development of personalized "smart" guns.

Passage of legislation which embodies these provisions will make this a safer nation for all our citizens and, in particular, our children.

Sincerely,

MAYOR

CITY

Clarence Harmon St. Louis, MO

~~Clarence Harmon~~ Gary, IN

Debra Cook Salt Lake City, UT

~~Clarence Harmon~~ NEW ORLEANS

Dennis Johnson Detroit, MI

~~Clarence Harmon~~ ~~Clarence Harmon~~ Toledo, Oh

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James J. Hays Newark, N.J. 07112

Kona H. Hume Park, Mass 01922

Arlene Mulder Arlington Heights, IL

Phil Eguine P.J. Kingsville, TX

Susan G. Keatts Sidney, MO

Robert B. Jones Kalamazoo MI

Charles W. Robertson York, Pa

~~Clarence Harmon~~ New Brown, WI

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Joseph E. Cannon Bridgeport CT

Shirley Dean Berkeley, California

MAYOR

CITY

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<del>James James</del>	<del>Newark, N.J.</del>
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Ralph Pappas	Alameda Calif
Samuel Barman	Madison, W. Virginia
J. Hernandez	Bloomington, Indiana
Tom Jones	Carroll Stream, Ill.
Wm. Holt	Orange, N.J.
M. J. [unclear]	Plano, Texas
Maureen Nakypa	Colerado Springs CO
J. [unclear]	Rio Ranch NM
J. [unclear]	Glendale Heights, Ill.
Stephen Fabey	Edwards, Ill.
John [unclear]	Stouffville, Ont.
James E. Valie	Niagara Falls, N.Y.
D. L. [unclear]	Roanoke, Virginia
Gene [unclear]	Saukville, Wis.
Vincenta [unclear]	Providence, R.I.
[unclear]	Luxemburg, Ill.

MAYOR

CITY

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Lexington, Ky.

Steve S. Best

Arrington, VA

Walter Moore

Pontiac, MI

H. J. Allen

North Providence, RI

Lee Cannon

Cedar Rapids, IA

Mr. Angel Betts

Hessing, Maryland

John Bellamy

Elizabeth, NJ

Guest Mous

FREMONT, CA

James H. Hartman

51000 Forest Hill

Judy Nadler

Santa Clara, CA

Ned Bandolph

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Franklin Tolson

Evans, VA

Dellina Adams

Rochester, NY

Paul Sage

Madison Park, AR

J. J. Long

Greenville, SC

James West

Long Beach, Calif

Ernie Adams

Wilmington, DE

William A. Adams

Madison Park, AR

[Signature]

Long Hill, FL

Walt Campbell

Atlanta Georgia

MAYOR

CITY

<del>Paul Miller</del>	STAMFORD CT.
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<del>Paul Miller</del>	Beaumont Texas
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<del>Paul Miller</del>	UNION OR
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<del>Paul Miller</del>	Savannah, Ga
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<del>Paul Miller</del>	Lynn MA
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<del>Paul Miller</del>	East Point, GA
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<del>Paul Miller</del>	Mountain View, CA
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<del>Paul Miller</del>	Romeoville, Ill.
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FROM :

PHONE NO. :

Jun. 15 1999 10:36AM P7

MAYOR

CITY

*[Handwritten signature]*

*Kenosha WI*

— 6-14-99

THE WHITE HOUSE  
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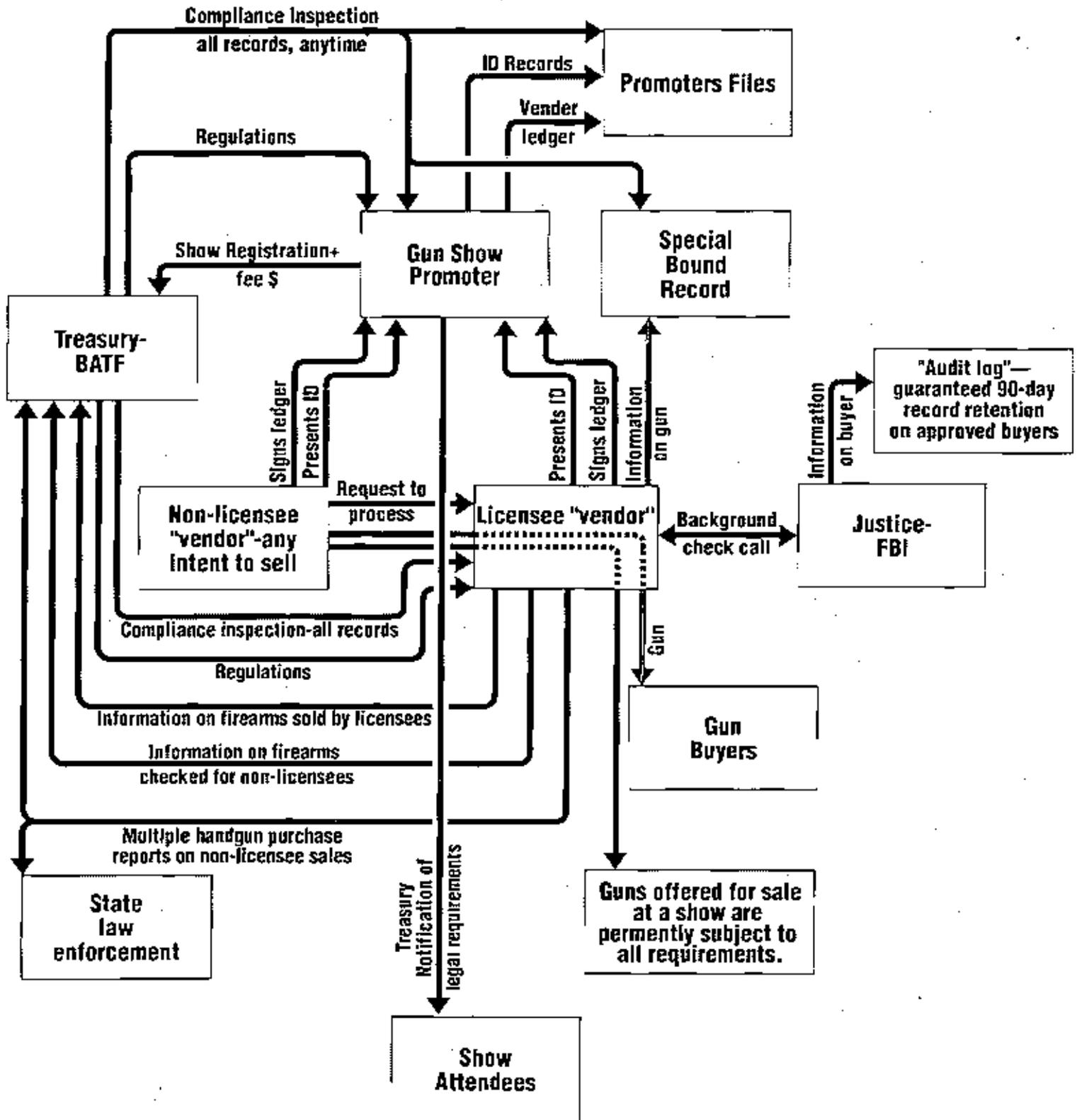
BRUCE | ELENA | JANET | BRADBICK:

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Jori

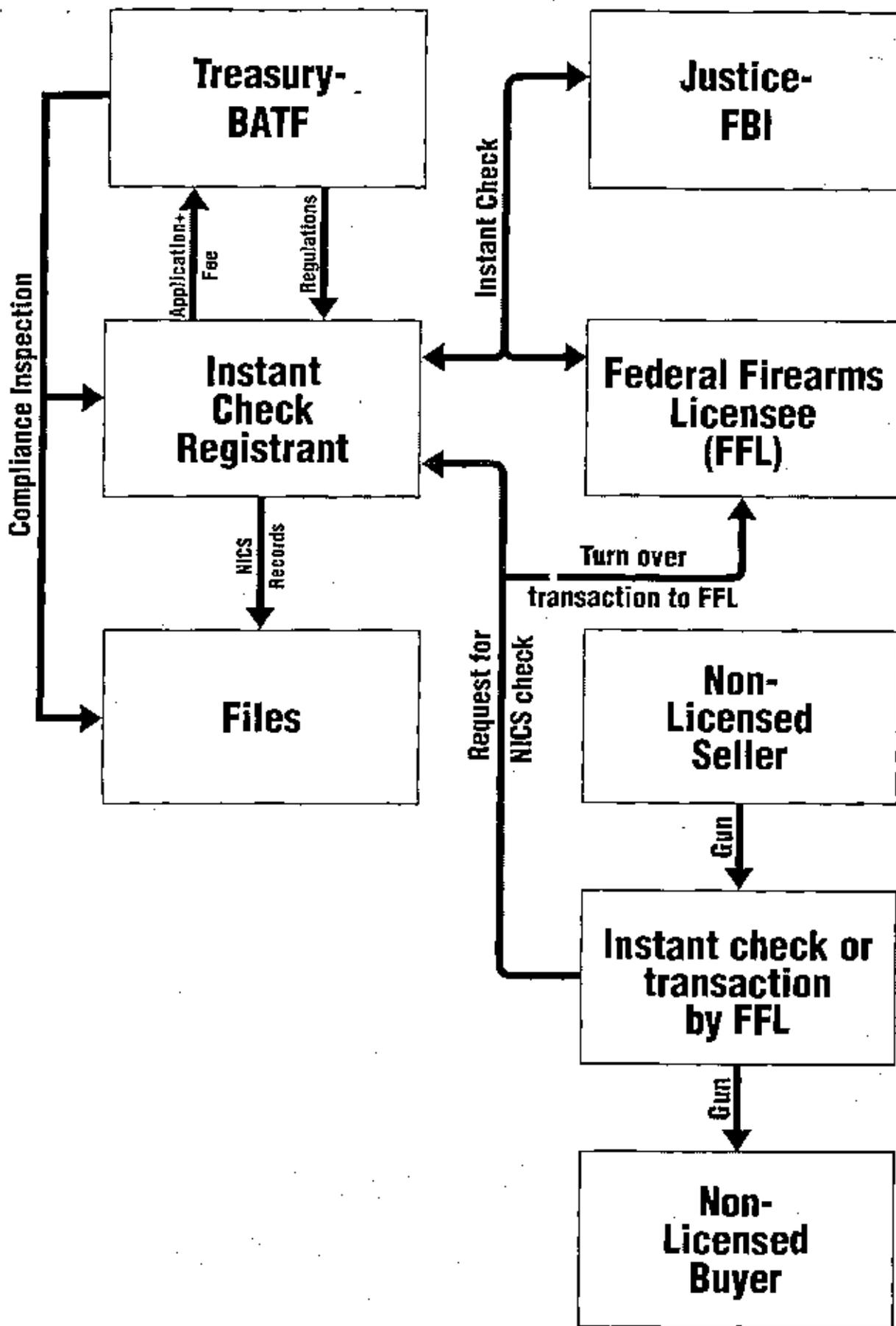
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# Senate Gun Show Language

## A Tangle Of Red Tape



# Alternative Gun Show Proposal

## H.R. 2037 and Gun Show Background Checks: Fact and Fiction

The House Democratic Policy Committee (DPC) is circulating erroneous information about the gun show background check provisions in H.R. 2037. The following is a summary of the criticisms along with the facts to the contrary.

*"H.R. 2037 reopens the gun show loophole ..."*

- H.R. 2037 requires background checks on all sales at gun shows.
- The definition of "gun show" is narrowly drawn to avoid the problem with the Senate-passed Lautenberg language, which could have encompassed sales of firearms by private collectors in their own homes, or even sales by dealers in gun stores.

*"H.R. 2037 does not even clearly apply to all unlicensed [sic] sellers ..."*

- H.R. 2037 absolutely requires that if at a gun show, "a person who is not licensed under section 923 [as a dealer] makes an offer to another person who is not licensed under section 923 to sell, transfer, or exchange a firearm" and the sale is agreed to, a background check must be performed.

*"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'."*

- All current federal background checks are instant checks. No federal waiting period exists, nor is one needed.
- However, about 30% of checks are currently "delayed" due to problems with the system's operation or information. The "three days" under current law is merely the maximum time limit within which the FBI must resolve those delayed responses, and the "72 hours" language in H.R. 2037 is designed to reflect the reality that most gun shows are in operation for only two or three weekend days.
- H.R. 2037 doesn't create any new waiting period -- it merely reflects a prioritization of responses to checks that would be required on all sales at gun shows.

*"Under H.R. 2037, there will be no way to trace any guns sold by unlicensed [sic] sellers at gun shows or any used guns sold by licensed sellers at gun shows."*

- H.R. 2037 requires the exact same recordkeeping on all firearms sold by licensed dealers at gun shows that they must currently perform for sales at their licensed premises.
- Unlike the Senate-passed language, H.R. 2037 does not impose vast amounts of new red tape on private citizens who want to buy or sell firearms, nor does it force the creation of

enormous new databanks on firearms and their owners contrary to the Congress's repeated enactments in the Firearms Owners' Protection Act and the Brady Act itself.

*"H.R. 2037 lets private individuals access the sensitive, private information in the NICS [National Instant Check System]."*

- No one who accesses NICS -- whether dealer or instant check registrant -- gains access to "private" information. The only response from the system is a "yes" or "no" as to whether the gun buyer is prohibited from possessing firearms. The information on which a denial is based, such as criminal convictions and various types of court orders, is currently a matter of public record.
- The "instant check registrants" authorized by H.R. 2037 are licensed in exactly the same manner as licensed firearms dealers -- including a thorough background check by ATF. The key difference is that they may not sell firearms, but may only facilitate background checks on sales between non-licensees.
- Furthermore, instant check registrants would be required to keep records on checks they conduct, and those records would be subject to ATF inspection in the same manner as the records kept by licensed firearms dealers. The records must be surrendered to ATF when the registrant's license expires or is revoked.
- The instant check registrant system will facilitate the quick and efficient performance of background checks on sales at gun shows.

*"H.R. 2037's child safety device proposal is meaningless and a sham. A dealer would be in compliance simply by selling the handgun itself, without any additional safety locks or storage devices."*

- The only difference between the H.R. 2037 provision and the Senate language is the provision defining a "secure gun storage or safety device" to include a "device that, if removed, will prevent the discharge of the firearm." The Senate language covers more traditional safety devices including gun safes, cases, and trigger and chamber locks, and those devices are included by H.R. 2037 as well.
- The new H.R. 2037 provision was clearly intended to include specific, recently publicized devices involving removable hammers or triggers. However, the DPC is quite correct in noting that any handgun has parts that would constitute a "device that, if removed, will prevent the discharge of the firearm," and it would be appropriate to correct that error.

## Key Senate-Passed Firearms Provisions

1. Gun shows: Lautenberg Amendment requiring registration of show promoters with ATF, background checks through licensed dealers for all firearms sales, massive red tape and new ATF regulatory authorities, and definitions of firearms transactions so broad that virtually any gun ever exhibited at a gun show would be subject to the background check and paperwork requirements forever.

Earlier, the Senate had passed alternative (Hatch-Craig) language that would also have required background checks on all sales, but with much less attendant bureaucracy. Hatch-Craig would also have provided positive incentives in the form of liability protection for performing those checks.

2. Age limits: Amended the Youth Handgun Safety Act to forbid juveniles under 18 from possessing semiautomatic assault weapons and large-capacity magazines, subject to the same exceptions as currently exist for handguns -- military or police service, hunting, target shooting, firearms safety instruction, farm or ranch employment, etc.

3. Safe storage devices: Required dealers to sell safe storage devices such as locking cases, safes, or trigger locks with every handgun sold. Provided liability protection for gun owners who use such devices and whose guns are taken and misused. Specifically did not establish any new cause of action or standard of care with regard to the use of these devices.

4. "Juvenile Brady": Prospectively banned firearms ownership by persons adjudicated delinquent for acts that would be serious violent felonies if committed by adults.

5. Magazine import ban: Banned future importation of large-capacity (over 10-round) magazines possessed overseas before September 1994.

6. Internet prohibition: Prohibits the use of the Internet for offering or soliciting illegal firearms transfers.

7. Penalty enhancements: For trafficking in stolen guns, dealing guns to juveniles, or committing "straw purchase" violations (i.e., buying a firearm for a person who's not allowed to buy one himself).



U. S. Department of Justice  
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

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FROM: Eric H. Holder, Jr.  
Deputy Attorney General

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COVER PLUS 3 PAGES

REMARKS:

6/16/99 Statement to the press re gun legislation.  
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# Department of Justice

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## STATEMENT BY DEPUTY ATTORNEY GENERAL ERIC H. HOLDER, JR.

WASHINGTON, DC -- Deputy Attorney General Eric H. Holder, Jr. today held a press conference to urge Members of Congress to adopt reasonable gun legislation. He issued the following statement.

"Good Afternoon. We are here today because the House of Representatives has begun debate on legislation that can make a critical difference to law enforcement, and to the safety of all Americans.

"Today Individual Members of Congress have a clear-cut choice to make. Either they can cave in to the narrow, special interests that value the cold, hard steel of guns more than the lives of children, neighbors and police officers, or they can fulfill the mandate of the broad majority of the American public by supporting a reasonable, common sense bill that would make all of us safer from armed criminals. The choice for each House Member is just that stark.

"As most of you know, I have served as a judge, as the chief prosecutor for the District of Columbia, and for the past two years as the Deputy Attorney General of the United States. I know the harm that guns can do -- to individuals, to families, and to communities. My concern about easy access to guns in our society is built on my professional experience and the tragedies I have encountered in my work day life. But even more important, I am a father, and I want to be sure that we here in Washington do everything we can -- everything in our power -- to make our communities, our schools and our nation a safer place for our kids.

"Five years ago, Congress came together in a bipartisan way and passed one of the most important gun control measures ever -- the Brady bill. Yesterday, the President announced that since this law went into effect, more than 400,000 criminals and others who are not legally eligible to have guns, have been stopped from buying guns.

"Four hundred thousand. That's a lot of guns. Particularly if those guns were in the hands of fugitives or felons.

"But while the Brady law has done a lot to make this country safer, the law has a dangerous loophole that criminals and others who cannot legally buy guns at a licenced gun shop exploit. While everyone who buys a gun through a licenced dealer must undergo a background check to determine if they are eligible to buy a gun, the current law allows unlicenced sellers at gun shows to sell to anyone -- with no questions asked.

"It's not hard to see what kind of message that sends to criminals.

"But it is hard for me to believe that any reasonable person -- including those who serve in Congress -- could oppose taking the simple step necessary to close that gap.

"Last month the Senate passed a bill that does close the loophole. And this week the House has an opportunity to join them in this very logical decision.

"This should be an easy decision. But for many Members it will not be, because of the pressure they are under from the NRA. We must urge Congress to resist the gun lobby's pressure to vote for the sham gun control being pressed on the House.

"This bill does nothing to plug the gaping loophole in the Brady law. In fact, it actually creates new loopholes and weakens the protections currently in place. Let me give you a couple of examples of what's wrong with it:

"The bill would narrow the definition of gun show to exclude many events where large numbers of guns are sold, such as flea markets.

"Even worse -- for the events that it does cover, the bill weakens the current law by cutting down the amount of time law enforcement has to complete pre-sale background checks, from 3 working days to 72 hours.

"Let me be clear about what this means.

"For approximately 73 percent of gun buyers, a background check is completed and they are allowed to buy their gun within minutes, and 95 percent of all buyers have had their check completed within two hours.

"But for the tiny percentage of buyers, for whom the Instant Check System receives a "hold" message, more time is needed. This is because court records are needed to provide additional information -- and those court records sometimes can take days to access. They certainly cannot be accessed on weekends when most shows take place. And we know that those purchasers who do not receive a quick go-ahead are more likely to turn out to be prohibited purchasers. In fact, data from the FBI's national instant check system shows that Saturday gun buyers whose check cannot be completed in 24 hours are twenty times more likely to be prohibited people than the average gun buyer.

"The FBI has also estimated the impact a 72-hour limit would have had if it had been in place over the last 6 months, and the results are chilling. If Law Enforcement had had 72 hours instead of three working days, more than 9,000 felons and other prohibited purchasers would have gotten guns.

"Another recently offered amendment is even worse. It cuts the time to 24 hours, which translates to 17,000 prohibited purchasers who would not have been stopped from buying deadly weapons in the last six months.

"And let me tell you who just a few of these people were: Among those stopped were a convicted murderer in Texas; a rapist in Wisconsin; a convicted child molester, and a person currently under indictment for aggravated assault with a deadly weapon.

"Had a 24-hour limit been in place, each one of these dangerous criminals would have slipped through the system and would have been sold a gun.

"I don't know about you, but I sure wouldn't want to have to tell the parent of a child lost to gun violence that the purchaser of the gun used in the crime could have been stopped from buying the gun -- if only law enforcement had had another day to pull their record -- or, if only the dealer at the gun show had been required to run a background check.

"It's these parents that Congress should think about while considering the legislation before them.

"Over the past two months we have heard from the American people that they want those of us in Washington to lead -- and to pass real measures that protect our communities, and that protect our kids.

"We saw this in the bi-partisan support the Senate received for the common sense measures it passed last month.

"The House now has the option to consider an equally sensible bill. Representatives McCarthy, Roukema and Blagojevich have offered a bi-partisan amendment that is based upon the Senate-passed gun show measures, but has been modified specifically to address concerns expressed by some who thought the Senate provisions went too far.

"It closes the gun show loophole but does nothing that would present any obstacle to law-abiding citizens seeking to purchase guns at a gun show or anywhere else.

"This is not about politics -- partisan or otherwise. And this should not be about narrow, misguided special interests. This is about public safety and our children. I call upon those Members in the House to talk to the families that have been ripped apart by violence and to reflect on the opportunity they now have to stop other families from experiencing similar tragedies."

###

99-257

## REVISED LAUTENBERG/KERREY AMENDMENT

### Changes to Original Language

\* Tightens Up the Definition of Gun Shows. Modifies the definition of "gun show" to clarify that the amendment only applies to events where firearms are exhibited and offered for sale, and not transactions between neighbors.

\* Exempts Legitimate Transactions After Gun Shows. Clarifies "firearm transaction" to ensure that gun sellers and gun buyers are not subject to penalties unless they are trying to circumvent the background check requirement by completing a transaction outside the gun show.

\* Requires Prompt Destruction of Records. Amends the Brady law to prevent the federal government from keeping any records on qualified purchasers -- in other words law-abiding citizens who are allowed to buy a gun - for more than 90 days. For the first time, this amendment writes a deadline into law by which the federal government must destroy the records concerning purchases by law-abiding Americans.

\* No New Paperwork For Unlicensed Gun Show Sellers. Assures that no new record-keeping requirements will be imposed on unlicensed gun show sellers.

\* Limits Requirements On Gun Show Promoters. Gun show promoters would inform ATF that they are conducting a gun show(s); verify the identity of the sellers at the show(s); and notify each seller that background checks are required.

### The Lautenberg/Kerrey Amendment

- \* Does NOT create any new bureaucracies, offices or administrative entities.
- \* Does NOT impose any Federal fees on gun sellers or gun buyers.
- \* Uses the existing Brady system for all background checks.

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LAUTENBERG/KERREY

Printing

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To regulate the sale of firearms at gun shows.

IN THE SENATE OF THE UNITED STATES—106th Cong., 1st Sess.

**AMENDMENT No 0362**

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By Lautenberg - Kerrey y by  
leter  
To: S. 254

Referrec \_\_\_\_\_  
**17** Page(s)  
GPO: 1998 52-517 (Proc)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LAUTENBERG, Kerrey

Viz:

- 1 At the end of the bill, add the following:
- 2 **SEC. \_\_\_\_ EXTENSION OF BRADY BACKGROUND CHECKS TO**
- 3 **GUN SHOWS.**
- 4 (a) **FINDINGS.**—Congress finds that—
- 5 (1) more than 4,400 traditional gun shows are
- 6 held annually across the United States, attracting
- 7 thousands of attendees per show and hundreds of
- 8 Federal firearms licensees and nonlicensed firearms
- 9 sellers;
- 10 (2) traditional gun shows, as well as flea mar-
- 11 kets and other organized events, at which a large

1 number of firearms are offered for sale by Federal  
2 firearms licensees and nonlicensed firearms sellers,  
3 form a significant part of the national firearms mar-  
4 ket;

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

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

15 (5) gun shows, flea markets, and other orga-  
16 nized events at which firearms are exhibited or of-  
17 fered for sale or exchange, provide a convenient and  
18 centralized commercial location at which firearms  
19 may be bought and sold anonymously, often without  
20 background checks and without records that enable  
21 gun tracing;

22 (6) at gun shows, flea markets, and other orga-  
23 nized events at which guns are exhibited or offered  
24 for sale or exchange, criminals and other prohibited  
25 persons obtain guns without background checks and

2       commit crimes;

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

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

11          (9) firearms associated with gun shows have  
12      been transferred illegally to residents of another  
13      State by Federal firearms licensees and nonlicensed  
14      firearms sellers, and have been involved in subse-  
15      quent crimes including drug offenses, crimes of vio-  
16      lence, property crimes, and illegal possession of fire-  
17      arms by felons and other prohibited persons; and

18          (10) Congress has the power, under the inter-  
19      state commerce clause and other provisions of the  
20      Constitution of the United States, to ensure, by en-  
21      actment of this Act, that criminals and other prohib-  
22      ited persons do not obtain firearms at gun shows,  
23      flea markets, and other organized events.

1 (b) DEFINITIONS.—Section 921(a) of title 18, United  
2 States Code, is amended by adding at the end the follow-  
3 ing:

4 “(35) GUN SHOW.—The term ‘gun show’ means any  
5 event—

6 “(A) at which 50 or more firearms are offered  
7 or exhibited for sale, transfer, or exchange, if 1 or  
8 more of the firearms has been shipped or trans-  
9 ported in, or otherwise affects, interstate or foreign  
10 commerce; and

11 “(B) at which—

12 “(i) not less than 20 percent of the exhibi-  
13 tors are firearm exhibitors;

14 “(ii) there are not less than 10 firearm ex-  
15 hibitors; or

16 “(iii) 50 or more firearms are offered for  
17 sale, transfer, or exchange.

18 “(36) GUN SHOW PROMOTER.—The term ‘gun show  
19 promoter’ means any person who organizes, plans, pro-  
20 motes, or operates a gun show.

21 “(37) GUN SHOW VENDOR.—The term ‘gun show  
22 vendor’ means any person who exhibits, sells, offers for  
23 sale, transfers, or exchanges 1 or more firearms at a gun  
24 show, regardless of whether or not the person arranges  
25 with the gun show promoter for a fixed location from

1 which to exhibit, sell, offer for sale, transfer, or exchange  
2 1 or more firearms."

3 (c) REGULATION OF FIREARMS TRANSFERS AT GUN  
4 SHOWS.—

5 (1) IN GENERAL.—Chapter 44 of title 18, Unit-  
6 ed States Code, is amended by adding at the end the  
7 following:

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

9 "(a) REGISTRATION OF GUN SHOW PROMOTERS.—

10 It shall be unlawful for any person to organize, plan, pro-  
11 mote, or operate a gun show unless that person—

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

14 "(2) pays a registration fee, in an amount de-  
15 termined by the Secretary.

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

19 ~~"(1) not later than 30 days before commence-~~  
20 ~~ment of the gun show, notifies the Secretary of the~~  
21 ~~date, time, duration, and location of the gun show~~  
22 ~~and any other information concerning the gun show~~  
23 ~~as the Secretary may require by regulation,~~

24 ~~"(2) not later than 72 hours before commence-~~  
25 ~~ment of the gun show, submits to the Secretary an~~

1 ~~updated list of all gun show vendors planning to par~~  
 2 ~~ticipate in the gun show and any other information~~  
 3 ~~concerning such vendors as the Secretary may re-~~  
 4 ~~quire by regulation;~~

5 <sup>1</sup>“(1) before commencement of the gun show,  
 6 verifies the identity of each gun show vendor partici-  
 7 pating in the gun show by examining a valid identi-  
 8 fication document (as defined in section 1028(d)(1))  
 9 of the vendor containing a photograph of the vendor;

10 <sup>2</sup>“(2) before commencement of the gun show, re-  
 11 quires each gun show vendor to sign—

12 “(A) a ledger with identifying information  
 13 concerning the vendor, and

14 “(B) a notice advising the vendor of the  
 15 obligations of the vendor under this chapter;  
 16 and

17 <sup>3</sup>“(3) notifies each person who attends the gun  
 18 show of the requirements of this chapter, in accord-  
 19 ance with such regulations as the Secretary shall  
 20 prescribe;

21 ~~“(6) not later than 5 days after the last day of~~  
 22 ~~the gun show, submits to the Secretary a copy of the~~  
 23 ~~ledger and notice described in paragraph (1), and~~

24 <sup>4</sup>“(4) maintains a copy of the records described  
 25 in paragraphs <sup>1</sup>(1) ~~through~~ <sup>2</sup>(2) at the permanent

1 place of business of the gun show promoter for such  
2 period of time and in such form as the Secretary  
3 shall require by regulation.

4 "(c) RESPONSIBILITIES OF TRANSFERORS OTHER  
5 THAN LICENSEES.—

6 "(1) IN GENERAL.—If any part of a firearm  
7 transaction takes place at a gun show, it shall be  
8 unlawful for any person who is not licensed under  
9 this chapter to transfer a firearm to another person  
10 who is not licensed under this chapter, unless the  
11 firearm is transferred through a licensed importer,  
12 licensed manufacturer, or licensed dealer in accord-  
13 ance with subsection (e).

14 "(2) CRIMINAL BACKGROUND CHECKS.—A per-  
15 son who is subject to the requirement of paragraph  
16 (1)—

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

23 "(B) notwithstanding subparagraph (A),  
24 shall not transfer the firearm to the transferee  
25 if the licensed importer, licensed manufacturer,

1 or licensed dealer through which the transfer is  
 2 made under subsection (e) makes the notifica-  
 3 tion described in subsection (e)(3)(B).

4 **"(d) RESPONSIBILITIES OF TRANSFEREES OTHER**  
 5 **THAN LICENSEES.—**

6 **"(1) IN GENERAL.—**If any part of a firearm  
 7 transaction takes place at a gun show, it shall be  
 8 unlawful for any person who is not licensed under  
 9 this chapter to receive a firearm from another per-  
 10 son who is not licensed under this chapter, unless  
 11 the firearm is transferred through a licensed im-  
 12 porter, licensed manufacturer, or licensed dealer in  
 13 accordance with subsection (e).

14 **"(2) CRIMINAL BACKGROUND CHECKS.—**A per-  
 15 son who is subject to the requirement of paragraph  
 16 (1)—

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

23 **"(B)** notwithstanding subparagraph (A),  
 24 shall not receive the firearm from the transferor  
 25 if the licensed importer, licensed manufacturer,

*(3) Absence  
 of record-  
 keeping  
 requirements.  
 Nothing in  
 this section  
 shall permit  
 or authorize  
 the Secretary  
 to impose  
 record-  
 keeping  
 requirements  
 on any  
 non-licensed  
 buyer.*



1 or licensed dealer through which the transfer is  
2 made under subsection (e) makes the notifica-  
3 tion described in subsection (e)(3)(B).

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

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

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

15 "(3) comply with section 922(t) as if transfer-  
16 ring the firearm from the inventory of the licensed  
17 importer, licensed manufacturer, or licensed dealer  
18 to the designated transferee (although a licensed im-  
19 porter, licensed manufacturer, or licensed dealer  
20 complying with this subsection shall not be required  
21 to comply again with the requirements of section  
22 922(t) in delivering the firearm to the nonlicensed  
23 transferor), and notify the nonlicensed transferor  
24 and the nonlicensed transferee—

25 "(A) of such compliance; and

1           “(B) if the transfer is subject to the re-  
2           quirements of section 922(t)(1), of any receipt  
3           by the licensed importer, licensed manufacturer,  
4           or licensed dealer of a notification from the na-  
5           tional instant criminal background check sys-  
6           tem that the transfer would violate section 922  
7           or would violate State law;

8           “(4) not later than 10 days after the date on  
9           which the transfer occurs, submit to the Secretary a  
10          report of the transfer, which report—

11                 “(A) shall be on a form specified by the  
12                 Secretary by regulation; and

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

17           “(5) if the licensed importer, licensed manufac-  
18           turer, or licensed dealer assists a person other than  
19           a licensee in transferring, at 1 time or during any  
20           5 consecutive business days, 2 or more pistols or re-  
21           volvers, or any combination of pistols and revolvers  
22           totaling 2 or more, to the same nonlicensed person,  
23           in addition to the reports required under paragraph  
24           (4), prepare a report of the multiple transfers, which  
25           report shall be—

1           “(A) prepared on a form specified by the  
2           Secretary; and

3           “(B) not later than the close of business  
4           on the date on which the transfer occurs, for-  
5           warded to—

6           “(i) the office specified on the form  
7           described in subparagraph (A); and

8           “(ii) the appropriate State law en-  
9           forcement agency of the jurisdiction in  
10          which the transfer occurs; and

11          “(6) retain a record of the transfer as part of  
12          the permanent business records of the licensed im-  
13          porter, licensed manufacturer, or licensed dealer.

14          “(f) RECORDS OF LICENSEE TRANSFERS.—If any  
15          part of a firearm transaction takes place at a gun show,  
16          each licensed importer, licensed manufacturer, and li-  
17          censed dealer who transfers 1 or more firearms to a person  
18          who is not licensed under this chapter shall, not later than  
19          10 days after the date on which the transfer occurs, sub-  
20          mit to the Secretary a report of the transfer, which re-  
21          port—

22          “(1) shall be in a form specified by the Sec-  
23          retary by regulation;

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

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

6           “(g) FIREARM TRANSACTION DEFINED.—In this sec-  
7 tion, the term ‘firearm transaction’—

8           “(1) includes the offer for sale, sale, transfer,  
9 or exchange of a firearm; and

10           “(2) does not include the mere exhibition of a  
11 firearm.”.

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

15           “(7)(A) Whoever knowingly violates section 931(a)  
16 shall be fined under this title, imprisoned not more than  
17 5 years, or both.

18           “(B) Whoever knowingly violates subsection (b) or (c)  
19 of section 931, shall be—

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

22           “(ii) in the case of a second or subsequent con-  
23 viction, such person shall be fined under this title,  
24 imprisoned not more than 5 years, or both.

1       “(C) Whoever willfully violates section 931(d), shall  
2 be—

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

5               “(ii) in the case of a second or subsequent con-  
6 viction, such person shall be fined under this title,  
7 imprisoned not more than 5 years, or both.

8       “(D) Whoever knowingly violates subsection (e) or (f)  
9 of section 931 shall be fined under this title, imprisoned  
10 not more than 5 years, or both.

11       “(E) In addition to any other penalties imposed  
12 under this paragraph, the Secretary may, with respect to  
13 any person who knowingly violates any provision of section  
14 931—

15               “(i) if the person is registered pursuant to sec-  
16 tion 931(a), after notice and opportunity for a hear-  
17 ing, suspend for not more than 6 months or revoke  
18 the registration of that person under section 931(a);  
19 and

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

22       (3) TECHNICAL AND CONFORMING AMEND-  
23 MENTS.—Chapter 44 of title 18, United States  
24 Code, is amended—

1 (A) in the chapter analysis, by adding at  
2 the end the following:

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

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

6 (d) INSPECTION AUTHORITY.—Section 923(g)(1) is  
7 amended by adding at the end the following:

8 "(E) Notwithstanding subparagraph (B), the Sec-  
9 retary may enter during business hours the place of busi-  
10 ness of any gun show promoter and any place where a  
11 gun show is held for the purposes of examining the records  
12 required by sections 923 and 931 and the inventory of  
13 licensees conducting business at the gun show. Such entry  
14 and examination shall be conducted for the purposes of  
15 determining compliance with this chapter by gun show  
16 promoters and licensees conducting business at the gun  
17 show and shall not require a showing of reasonable cause  
18 or a warrant."

19 (e) INCREASED PENALTIES FOR SERIOUS RECORD-  
20 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)  
21 of title 18, United States Code, is amended to read as  
22 follows:

23 "(3)(A) Except as provided in subparagraph (B), any  
24 licensed dealer, licensed importer, licensed manufacturer,  
25 or licensed collector who knowingly makes any false state-

1 ment or representation with respect to the information re-  
2 quired by this chapter to be kept in the records of a person  
3 licensed under this chapter, or violates section 922(m)  
4 shall be fined under this title, imprisoned not more than  
5 1 year, or both.

6 “(B) If the violation described in subparagraph (A)  
7 is in relation to an offense—

8 “(i) under paragraph (1) or (3) of section  
9 922(b), such person shall be fined under this title,  
10 imprisoned not more than 5 years, or both; or

11 “(ii) under subsection (a)(6) or (d) of section  
12 922, such person shall be fined under this title, im-  
13 prisoned not more than 10 years, or both.”.

14 (f) INCREASED PENALTIES FOR VIOLATIONS OF  
15 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

16 (1) PENALTIES.—Section 924 of title 18, Unit-  
17 ed States Code, is amended—

18 (A) in paragraph (5), by striking “sub-  
19 section (s) or (t) of section 922” and inserting  
20 “section 922(s)”; and

21 (B) by adding at the end the following:

22 “(8) Whoever knowingly violates section 922(t) shall  
23 be fined under this title, imprisoned not more than 5  
24 years, or both.”.

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

5           (g) GUN OWNER PRIVACY AND PREVENTION OF  
6 FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section  
7 922(t)(2)(C) of title 18, United States Code, is amended  
8 by inserting before the period at the end the following:  
9 “, as soon as possible, consistent with the responsibility  
10 of the Attorney General under section 103(h) of the Brady  
11 Handgun Violence Prevention Act to ensure the privacy  
12 and security of the system and to prevent system fraud  
13 and abuse, but in no event later than 90 days after the  
14 date on which the licensee first contacts the system with  
15 respect to the transfer”.

16           (h) EFFECTIVE DATE.—This section (other than sub-  
17 section (i)) and the amendments made by this section shall  
18 take effect 180 days after the date of enactment of this  
19 Act.

20           (i) INAPPLICABILITY OF OTHER PROVISIONS.—Not-  
21 withstanding any other provision of this Act, the provi-  
22 sions of the title headed “**GENERAL FIREARM**  
23 **PROVISIONS**” (as added by the amendment of Mr.  
24 Craig number 332) and the provisions of the section head-  
25 ed “**APPLICATION OF SECTION 923(j) AND**

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- 1 (m)" (as added by the amendment of Mr. Hatch number
- 2 344) shall be null and void.

Bowie - 

- (b) TP's on Lantierby amendment
- (c) text of Lantierby amendment

We filed these to  
Kicker

Leanne

**GUN AND CRIME OPPORTUNITIES --  
CALENDAR OF EVENTS AND ANNIVERSARIES**

**Week of March 12**

March 16-18      Event: National Wildlife Federation 64<sup>th</sup> Annual Meeting  
(Seattle, WA)

**Week of March 19**

March 24      Anniversary: Westside Middle School Shooting in Jonesboro, AR  
(March 24, 1998)

**Week of March 26**

March 30      Anniversary: Ronald Reagan Assassination Attempt (March 30,  
1981)

**Week of April 9**

April 13      National D.A.R.E. Day  
*Founded by the Los Angeles Police Department: designed  
to help children in grades k-12 develop the skills needed to  
avoid drugs, gangs and violence*

April 14      Anniversary: Assassination of Abraham Lincoln  
(April 14, 1865)

**Week of April 16**

April 16 - 22      National Crime Victims' Rights Week

April 16-22      National Wildlife Week  
*Sponsored by the National Wildlife Federation*

April 19      Anniversary: Oklahoma City Bombing (April 19, 1995)

April 20      Anniversary: Columbine High School Shooting in Littleton,  
CO (April 20, 1999)

April 24      Anniversary: Parker Middle School Shooting in  
Edinboro, PA (April 24, 1998)

### Week of April 30

- May 1 - 31      Law Enforcement Appreciation Month in Florida
- May 1 Law Day  
*Presidential Proclamation issued each year since 1958.*
- May 1 Event: Dinner Sponsored by the Center to Prevent Handgun Violence  
Dinner -- salute to Rosie O'Donnell (New York, NY)
- May 1 Anniversary: School Shooting in Olivehurst, CA  
*Eric Houston kills four people and wounds 10 in an armed siege at his former high school. (May 1, 1992)*

### Week of May 7

- May 10-13      Event: National Association of Police Organizations (NAPO)  
Legal rights and Legislative Seminar  
(Washington, DC)
- May 10-14      Event: Ducks Unlimited 63<sup>rd</sup> National Convention  
(Honolulu, HI)

### Week of May 14

- May 14 - 20      Police Week by Presidential Proclamation
- May 14              Mothers Day  
  
Million Mom March (Washington, DC National Mall)
- May 15              Peace Officers Memorial Day  
*Created by Presidential Proclamation in 1962; honored by 21,000 police departments nationwide.*
- May 19              Anniversary: Lincoln County High School Shooting in  
Fayetteville, TN  
(May 19, 1998)
- May 20              Anniversary: Heritage School Shooting in Conyers, GA  
(May 20, 1999)



**Support the Second Amendment --  
the National Rifle Association Urges You to  
Vote "No" on the Lofgren Motion to Instruct  
Today!**

Rep. Lofgren's motion to instruct demands a date certain deadline for the Juvenile Justice Conference Committee to begin deliberations on H.R. 1501. Yet at the same time, Rep. Lofgren is also demanding that the House Conferees accept nothing less than the Senate-passed version of H.R. 1501.

In a letter, of March 2nd, from Congressmen Gephardt and Bonior, and signed by Rep. Lofgren and other Members, to Senator Orrin Hatch, they demand the following "Such a conference report MUST include gun safety measures that are AT LEAST as strong as those passed by the Senate."

How can Rep. Lofgren expect the House conferees to agree to something that failed in the House twice already last June (McCarthy and Conyers amendments) and will fail again if brought up for a vote? Do they really want to help address the juvenile crime problem in this country or are they just politically posturing in an election year?

There is no reason to force a deadline other than to allow political grandstanding on issues that Members are already trying to resolve in good faith.

**the National Rifle Association Urges You to  
Vote "No" Today on the Lofgren Motion  
To Instruct Conferees on H.R. 1501**

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## TURNING UP THE HEAT

BY ALENIS SIMENDINGER



**UNTIRING PREACHER:** With James and Sarah Brady, Clinton promotes gun control. The White House sees the debate shifting in its favor.

*"You know, every significant reform in a controversial area is considered to be impossible when you start. But you just start, and you keep working and you keep working and you keep working, and eventually it happens."*

—President Clinton, March 2

**G**un control. A prescription drug benefit for seniors. Federal regulation of tobacco. So far, these reforms—so publicly championed by Clinton and many congressional Democrats—have not materialized, despite years of bully pulpit proselytizing and Democratic demonizing of the National Rifle Association and gun manufacturers, pharmaceutical companies, and big tobacco. For Clinton, success would appear to require enactment of significant legislation on his watch—tough to bank on in an election year with a Republican-controlled Congress.

But listen closely: The rhetoric of the three industries has shifted. Gun rights advocates this week cringed behind the headlines of children killing children with guns; drug companies switched gears in January and asked for a meeting at the White House to explore possible Medicare compromises; Philip Morris Cos.' senior vice president uttered these startling words on March 2: "There needs to be serious regulation of the tobacco industry at the federal level." In the glare of the presidential megaphone, many industries eventually decide that "maybe" is a more comfortable position to adopt than "never" when it comes to proposed legislation, especially when a President is confident that he's in sync with a majority of the public.

Sample, for instance, Clinton's drum-beat criticism of the gun lobby: "Eight months have gone by and the Congress can't act, and the reason they can't act is

because [of] the heat the NRA has put on them.... They're basically against anything that requires anybody to do anything that ... helps to make it safer ... for society as a whole."

Or his argument for giving seniors affordable drug benefits under Medicare: "I honor the research and development of new drugs by our pharmaceutical companies.... If America is on the cutting edge, maybe it's worth a premium for it, but I also believe that elderly people on fixed incomes should not be bankrupt for doing it."

Or on children and tobacco: "The tobacco industry has fought our efforts at every turn.... If Philip Morris is ready to support the [Food and Drug Administration] provisions of the tobacco bill that the industry and the congressional leadership killed just two years ago, that's an important step forward."

The Clinton White House is considered so adept at keeping the Democratic agenda in the news that even foes freely offer their compliments. "They're the best public relations people who've ever served there, and they're highly political," said one GOP tobacco lobbyist, James J. Baker, the chief lobbyist for the NRA, added: "There's no way to compete, dollar for dollar, with the kind of pressure that the White House and many in the national media can bring to bear on a given issue, whether it's calls for more-restrictive gun control, or prescription drugs, or you name the campaign issue of the week."

But the three industries spend bodles to combat the presidential pressure. According to the liberal-leaning Center for Responsive Politics, political action committees associated with gun rights organizations, including the NRA, have contributed almost \$500,000 to federal candidates thus far in the 1999-2000 election cycle (and \$1.6 million in 1997-

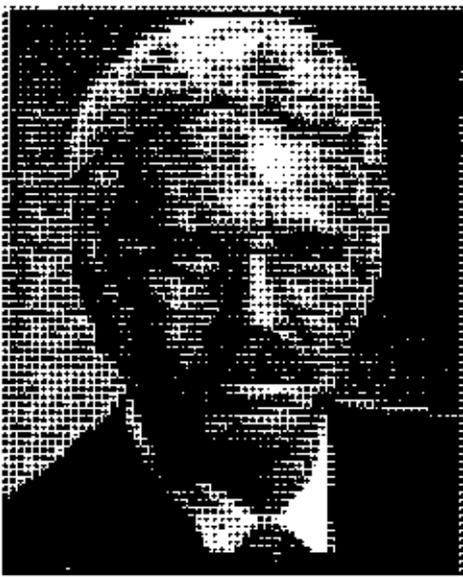
1998), of which 82 percent has gone to Republicans. PACs linked to pharmaceutical and health-product companies have given \$1.8 million to federal candidates in 1999-2000, with 73 percent of that amount going to Republicans. Tobacco interests have given nearly \$610,000 to federal candidates, and 68 percent went to the GOP.

Clinton's opponents in industry don't easily believe that his powers of persuasion inevitably lead to policy victories. "I don't think the White House has accomplished that much," said the tobacco lobbyist. "The White House has had two goals on the tobacco industry. One, it's a good whipping boy for political purposes, and two, you might get some more revenue out of it so you can spend more money." On tobacco, the lobbyist added, the real inroads were made by the states that filed lawsuits against cigarette companies seeking to recover tobacco-related health costs under Medicaid. And the next event will be the Supreme Court's decision, expected soon, on FDA jurisdiction over tobacco products.

But the White House certainly jumped into the tobacco debate in a way that no GOP President (and few prominent Republican politicians other than Sen. John McCain) would have dared. Some Democratic lawmakers who backed tough legislation on tobacco and guns during Clinton's first term were targeted by the industries for elective defeat at home. "Flash back to before the President endorsed FDA regulation of tobacco," said Matthew L. Myers, the president of the nonpartisan Campaign for Tobacco-Free Kids. "The very concept of significant ... government regulation of tobacco would have been impossible to debate credibly. Today, it's no longer an issue of whether ... the question is when and how extensively."

On gun control—where the debate is evolving, the White House believes—Clinton has not seen major legislative success since 1993-1994. In his first year in office, the President signed the Brady handgun bill, named after former Reagan press secretary James S. Brady, who was shot in 1981 and has since lobbied for tougher gun laws with his wife, Sarah, as chair of Handgun Control Inc. The Brady law requires that handgun purchasers buying from licensed dealers undergo a waiting period and background check. On Feb. 11, President Clinton hosted an event to rename the White House press lobby in honor of Brady. He used the occasion to showcase the gun control provisions he subsequently told Congress he wants to see passed by April 20, the anniversary of the high school killings in Littleton, Colo.

The President wasted no time last week in using the Michigan classroom shooting death of 6-year-old Kayla Rolland by a 6-year-old classmate as justification for trigger safety locks and other juvenile-justice gun provisions. GOP presidential front-runner George W. Bush, pressed by reporters for his response, modified his stance on gun



**JAMES J. BAKER:** "There's no way to compete, dollar for dollar, with the kind of pressure that the White House and many in the national media can bring to bear."

control to offer support for voluntary trigger locks. On March 7, Clinton brought the House and Senate members of a stalled conference committee on gun control legislation to the White House for a pep talk. When the meeting ended, the White House made sure Clinton got the final word with a speech and news conference held in the Brady press briefing room.

The NRA's Baker suggested that the white-hot fight the White House focused on the work of the conference committee this week could unblock a bill, probably one that would be more in line with the milder House version Clinton rejects. But to the gun control crowd, small movement is progress.

The pharmaceutical industry was rattled enough by the public enthusiasm that has swelled since 1998 for the Democrats' Medicare prescription drug proposal that it switched from ads assailing "big government" to dialogue—at least while legislative progress still seems a ways off. Earlier this year, the industry felt threatened enough to pounce on a *New York Times* article that suggested the White House was open to bipartisan prescription drug remedies. The drug companies' two meetings with senior Clinton

aides sent shivers through the GOP leadership on the Hill, and the companies still are laboring to reassure their Republican friends that they haven't defected.

Asked about the prospects for legislative action this year, Jeffrey L. Trewitt, a spokesman for the Pharmaceutical Research and Manufacturers of America, said that cooperation now seems more heartening than confrontation. "The industry, encouraged by these signals, has indicated that it is willing to seriously consider incremental proposals, as long as they can neatly and easily be folded later into comprehensive Medicare reform," he said. "The ultimate goal is comprehensive reform, and we realize that can take some time, and too many senior citizens need help now."

The drug industry also suspects that Democrats are milking an issue wildly popular with seniors to help them retake the House. Last summer, the House Democratic Policy Committee gave its members detailed instructions about how to capitalize on the prescription drug benefit proposal Clinton had just released: "Meet with seniors; write an Op-Ed; host a roundtable discussion; visit the local editorial board; establish an advisory group." Trewitt said that "some politicians are treating this as an easy election year political issue and have made irresponsible allegations."

The three industries worry not only that unfavorable legislation could result, but also that their public images could take irreparable beatings. All three conduct polling and hold focus groups; they admit that lawmakers' campaigns pegged to children, health, and safety can often (temporarily) sway the public.

"The public's attention span is short," noted Karlyn H. Bowman, a resident fellow and public opinion analyst at the American Enterprise Institute for Public Policy Research. And public opinion often lags far behind change, which helps explain why pollsters' bedrock survey questions about gun control and even tobacco regulation have produced mostly steady responses over the past few years. That public opinion is hard to budge and takes time to form suggests that Clinton's chip-chip-chip campaign against three industries that are not beloved to start with is calculated at the outset to achieve political gain—particularly as Democrats woo female voters. That the President has succeeded in helping the public take a second look at these industries and their opposition to legislation is to his credit. But at least to date, the President is no giant killer. Bowman suggested, "I don't think this is really David and Goliath." ■

## Recent Shootings

### Q&A

March 1, 2000

**Q: Mr. President, what have you done, and what can you do, when something like these recent shootings occur?**

**A:** We all have a responsibility to do what we can to prevent these horrible tragedies from happening in the first place. Now, many of the details from both shootings are still unfolding, and of course, we may never know if any particular proposal could have prevented these tragedies. Still, I believe it is important to take common sense steps to keep guns out of the hands of children and criminals.

We know from experience that it can make a difference. My Administration took on the gun lobby and passed the Brady Law. This measure alone has stopped about half a million felons, fugitives, and domestic abusers from buying guns – saving an untold number of lives. We also took action to ban deadly assault weapons, and bar juveniles from owning handguns. As a result of these and other efforts to combat violence, crime is down for the seventh straight year, and since 1993, gun-related crime has dropped over 35 percent and the number of juvenile gun homicide offenders is down 57 percent.

But clearly, there is more we can do to keep guns out of the wrong hands. And it does appear that at least two of the Administration's proposals – requiring child safety locks for handguns and funding "smart gun" technology – might have helped make the tragedy in Michigan less likely had they been the law of the land.

The Senate-passed gun legislation from last summer contained my proposal to require child safety devices, such as safety locks or secure gun storage devices, to be sold with every new handgun. Child safety locks have been shown to be particularly effective in preventing younger children from operating handguns. My FY 2001 budget also provides \$10 million to fund "smart gun" technology, which can limit a gun's use to the proper adult owner – preventing unauthorized gun usage and accidents. I have also proposed Child Access Prevention legislation, which would impose criminal 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. Congress can and should make these provisions – along with others to close the gun show loophole and bar violent juveniles from owning guns for life – the law of the land without further delay.

It's true that no single law can offer a simple solution to this problem. But that is no excuse for inaction. All of us – parents, communities, the gun industry, members of Congress, my Administration – must do all we can to prevent further gun violence. And there is no good reason why Americans must wait any longer for Congress to enact reasonable gun legislation that can make our communities, schools, and workplaces safer.

**Q: As a parent, how does the recent spate of violence make you feel? And what can you say to reassure parents that tragedies like these won't happen again?**

**A:** As a parent – as an American – I feel a sense of outrage and sadness about these tragic incidents. No one should ever have to endure the pain that these families and communities have been put through during these last few days.

To parents, let me say first that we've been working on many fronts to help bring down gun violence – by strengthening enforcement of our gun laws, by offering legislation to close loopholes in those laws, by engaging communities in a campaign against youth violence. Now Congress should do its part by finally passing common sense gun measures like requiring child safety locks with every handgun and requiring background checks at gun shows. And I urge parents to do their part by being responsible about the ways they store firearms, to keep them out of the reach of children.

But it is important for parents to remember too that our schools are still very safe places, and that violent crime and gun crime has dropped significantly all across the country. Those of us in public life have an obligation to keep these facts in mind and not to be alarmist. I would say to parents that it is important to talk to your children, if they're old enough, about incidents like these. And reassure them that these are rare occurrences.

**Q: What is the federal government doing in response to the shootings?**

**A:** Michigan: We've asked the relevant agencies to work together and with local authorities to provide support to the Michigan community. Education and DOJ and HHS have offered crisis response services. DOJ has also offered investigative support: the FBI and U.S. Attorney have been in communication with local authorities. ATF has two agents on the ground and have traced the origins of the gun.

I spoke yesterday with Ira Rutherford, the Superintendent of Schools, and he has asked for assistance from the Department of Education. We have staff at the Department who, sadly, have some experience with such tragedies and they will work with the Superintendent to respond to his questions and to connect him with his counterparts in other communities that have been through school shootings.

Pennsylvania: Justice and Treasury have offered investigative support to the community of Wilkesburg. ATF is tracing the weapon involved in this incident as well.

**Q: There have been attempts in Congress to strike a compromise on the gun legislation that passed as part of the Senate Juvenile Crime bill. Since the gun show provision is the most contentious issue, would you be willing to compromise and sign a bill that includes some, but not all, of your gun proposals?**

A: Congress should send me the common sense measures passed by the Senate. We should do everything in our power to keep guns out of the hands of criminals and children. As I have said before, passing common sense gun legislation is not about politics – it is about public safety. I am not going to speculate on the particulars of a compromise bill that I haven't seen yet. But let me say this: there were press reports recently that Republicans in Congress were considering dropping all the gun safety provisions from the Juvenile Crime bill. You can be certain I will not sign a bill that fails to address the most pressing crime problem facing our youth today – gun violence. Each day, another dozen children are killed by gunfire. The tragic shooting deaths in the last two days are a painful reminder that we must do more to keep guns out of the wrong hands. This is no time for inaction. There is no reason why this Congress shouldn't pass meaningful gun safety legislation that can keep our families safer and save lives.



Lowell A. Weiss  
03/16/2000 04:05:02  
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Lowell Weiss

**PRESIDENT WILLIAM J. CLINTON  
RADIO ADDRESS ON GUN VIOLENCE  
THE WHITE HOUSE  
March 17, 2000**

Good morning. Today, I want to report to you on some encouraging signs in the struggle to reduce the staggering toll of gun violence in America. And I want to implore you to make our democracy work, by making your voice heard, in this critical national debate.

A month from now, Littleton, Colorado, will mark the one-year anniversary of the incomprehensible shooting spree that horrified this nation – and, indeed, much of the world. I have met with the parents of students who were killed that day – as with the parents of six-year-old Kayla Rolland and other young schoolchildren lost forever to gunfire. Nearly every one of the grieving parents has an identical plea: Please don't tell me my child died in vain. Please make it harder for criminals and children to get their hands on deadly guns.

Last year, with a tie-breaking vote by Vice President Gore, the Senate passed a juvenile crime bill that would go a long way toward honoring that plea – requiring child safety locks with all new handguns, banning large ammunition clips, and closing the loophole that allows criminals to buy firearms at gun shows. Unfortunately, the House passed much weaker legislation. Even more disturbing, eight months have gone by and the Congress has taken almost no action to complete a final bill.

But now there are some signs of progress. Today, I am joined in the Oval Office by three Members of Congress who are helping to break the eight-month logjam: Rep. Zoe Lofgren of California, Rep. Carolyn McCarthy of New York, and Rep. Connie Morella of Maryland. Thanks in great measure to their leadership, House members from both parties voted this week to push Congressional negotiators to meet and begin to resolve their differences on this crucial legislation. This vote was a modest measure, but it sent a big message. It said to Republican leaders: The American people have no more tolerance for your delays. It's time for public debate. It's time to answer to the interests of our children



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## A Look at Gun Issues in Politics

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The Associated Press  
 Thursday, March 16, 2000; 6:24 p.m. EST

Attorney General Janet Reno said Thursday that federal prosecutors have limited resources and have tried to devote them to pursuing drug traffickers, street gangs and "major violence-producing organizations." She said that as violent crime has begun to decline, federal officials have begun focusing on illegal gun possessions and sales. She also said:

- Federal and state gun-crime convictions rose 22 percent from 1992 to 1996. Last year, federal gun cases were up 25.3 percent over 1998.
- 500,000 people have been denied guns under the Brady Act since 1994. The Clinton administration argues that Congress never intended to see federal prosecutions of all 500,000 and has not provided the agents, prosecutors, judges or prisons to handle such a number.
- People caught misstating the facts during gun applications sometimes are charged with other, more serious crimes instead.
- In the 13 months since the national instant check system began, the FBI has referred all of its 89,000 gun-sale denials to the Treasury's Bureau of Alcohol, Tobacco and Firearms for possible investigation.
- The FBI does background checks in 24 states, but state authorities do all or part of them in 26 other states, including Illinois where former Northwestern basketball coach Ricky Byrdson was shot to death last summer by Benjamin Smith, a white supremacist who earlier had failed to pass a Brady background check but was not arrested.
- The states have differing guidelines on which Brady Act denials they report to federal agents.
- If the FBI finds a fugitive trying to buy a gun, it tells both the police agency that issued the arrest warrant where the fugitive is and tells the local police nearest the gun store that a fugitive is there trying to buy a weapon.

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'There Is More We Can Do'

Clinton's challenge to gunmakers, Congress and parents

Newsweek, March 13, 2000

After last week's deadly shootings, President Clinton provided written answers to questions from NEWSWEEK's Debra Rosenberg and Matt Bai. Excerpts:

NEWSWEEK: Why not register all guns?

CLINTON: We have licenses for driving and for hunting; I think we should have them too for buying new handguns. Under my plan, new handgun purchasers would first have to get a state-issued photo license showing that they passed the Brady background check and a gun-safety training requirement. As a first step, I favor licensing of new handguns over registration of all guns because it's the next practical measure we can enact...

Is there any chance Congress will pass your plan this year?

It's always tough to break the stranglehold the gun lobby has on the leaders of this Congress. But we've taken on the gun lobby before and won... The Brady Law is a great example.

In 1998 you celebrated the fact that several major gun companies agreed to ship guns with safety locks. But now this doesn't seem to be enough. What do you say to those who see your efforts as the first step toward an outright ban on gun ownership?

I applaud the responsible leaders in the gun industry who agreed to ship guns with child safety locks, but there is clearly more we can do... I fired my first .22 when I was just a boy. I grew up in a state where half the people have a hunting or fishing license. This isn't about infringing on the ability of hunters and sportsmen to get their firearms. It's about saving lives. Some say that no law could have kept this handgun out of a 6-year-old's hands. We can never know if any one proposal could have prevented these tragedies. Still... all new handguns should be sold with child safety locks... I've proposed \$10 million to fund the development and expansion of "smart gun" technology that can limit a gun's use to the proper adult owner... I've offered legislation to punish adults who recklessly let children have access to deadly weapons. A dozen children a day are killed by gunfire... Just because a gun law won't make all the difference doesn't mean it won't make any difference.

What else can Americans do to end the sort of violent episodes that we witnessed last week?

Last week's deadly incidents differed in many ways, but they shared one key element: guns in the wrong hands. So Congress can do its part by sending me common-sense legislation that can help keep guns away from criminals, children and others who should not have them. Responsible members of the gun industry can do their part by working with us to make meaningful changes... The media and entertainment

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with us to make meaningful changes... The media and entertainment industries can help change a culture that too often glorifies violence. Schools and community groups can reach troubled youth before their troubles simmer over. And most fundamentally, parents can talk to their children, teach them to resolve their conflicts peacefully, raise them with the right values. In spite of last week's awful events, I still believe... we can make this the safest big country in the world.

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and not to intimidation by the NRA.

At the state level, the same message is coming through loud and clear. In states from Colorado to Maryland to New York, Governors and leaders from both parties are swiftly moving to enact common-sense gun-safety laws. These bipartisan state efforts only underscore how out-of-touch the gun lobby and the Congressional leadership have become in their opposition to reform.

Of course, no law can prevent every gun death. But sensible gun laws do make a real difference. When we passed the Brady Bill, people argued that it wouldn't work because criminals don't buy guns at gun stores. It turned out that many of them did. Just this week, we received the Justice Department's first annual review of the instant background check system we put in place under the Brady Law, in November of 1998. The report shows that in its first year, the instant check system stopped nearly 179,000 illegal gun sales - and 95% of all checks were completed in two hours or less. All told, since we passed the Brady Law in 1993, we have stopped half a million guns from falling into the hands of fugitives, felons, or stalkers - and gun crime is down more than 35 percent.

Prosecution of gun crimes is another essential tool. That is why we have increased federal gun prosecutions by 16% since in 1992, and why my new budget calls for the largest increase ever for enforcing the laws already on the books.

But we would be crazy to allow our response to gun violence to rest only on punishment, while ignoring prevention entirely. Suppose I said to you that I wanted to take all metal detectors out of airports, under the theory that 99.9 percent of the people who walk through them are good, law-abiding citizens who don't deserve to be inconvenienced. Suppose I said that instead of metal detectors, we should just add 10 years to a sentence the next time someone blows up an airplane. Unfortunately, that is the kind of destructive logic we are hearing from the NRA.

So I say directly to each of you listening today: Please don't let the NRA drown out your voice in this debate with their millions of dollars in ads. Call your Senators and your Representative in Congress to share your views. Let them know you'll support them if they have the courage to stand up to the NRA. Let them know that you want prosecution and prevention. Let them know that you want sensible gun-safety legislation by the anniversary of the Columbine tragedy, now just over a month away. Thanks for listening.

###

Message Sent To: \_\_\_\_\_



## NATIONAL REPUBLICAN SENATORIAL COMMITTEE

SENATOR MITCH MCCONNELL  
Chairman

February 29, 2000

|||||

I want to thank you for renewing your membership in the National Republican Senatorial Committee in this all-important 2000 election year – and for your generous donation of \$20

By renewing your membership, you've proven your commitment to saving the Senate Republican Majority from defeat – by a coordinated Democrat attack that is already underway!

Just think what it will be like IF Ted Kennedy and Hillary Rodham Clinton manage to get control of the U.S. Senate – making decisions that affect YOUR LIFE on taxes, education, health care and crime control. Not to mention that all the work our Republican Senators have done to protect Social Security and rebuild our armed forces will be wiped out within a year's time.

How real is this scenario? We have *ten* mortally endangered GOP incumbents to defend – the Democrats have just *one*. They have already passed us up in fundraising because of massive chunks of money pouring in from Big Labor, trial lawyers and Hollywood. They are already on the air savaging our best candidates, yet right now, we can barely afford to respond to their lies.

This is why I am so thrilled you are part of my team to stop the Democrats from keeping our country mired in the Clinton agenda of bigger government, higher taxes and shameless lying. Our work has just begun!

Sincerely,

A handwritten signature in black ink that reads "Mitch McConnell".

Senator Mitch McConnell, Chairman

P.S. Great news! Because of unified Republican opposition, Bill Clinton was able to get his way only 37% of the time last year – an all-time low for any President! The bad news is he is bent on revenge, raising millions of dollars a night for vicious attack ads, and pushing all sorts of new spending programs, including \$280 million for gun control! With an extra gift of \$20 from you, we can keep our Republican men and women in the Senate and fight for YOU! Thank you!

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Subject: Bush, McCain Favor "Smart Guns"

### **Bush, McCain Favor 'Smart Guns'**

**By Glen Johnson  
Associated Press Writer  
Wednesday, March 1, 2000; 5:53 p.m. EST**

ST. LOUIS — In the aftermath of a fatal school shooting, Republican presidential rivals George W. Bush and John McCain said Wednesday that the country needs to move toward "smart guns" that can be fired only by their owner.

Bush, the governor of Texas and the GOP front-runner, also said he supports requiring that guns be sold with trigger locks, although his spokeswoman said he views additional legislation requiring the use of those locks as unenforceable.

A 6-year-old boy shot and killed a classmate near Flint, Mich., on Tuesday, using a stolen gun he apparently found loaded and lying in a bedroom in the home where he lived, authorities said.

"I hope people use trigger locks," Bush told reporters after a campaign appearance at the Gwinnett County Civic Center north of Atlanta. "My issue with trigger locks is are we going to have the trigger-lock police knocking on people's doors, (saying) 'Show me your trigger locks?'"

McCain said the tragedy "authenticates the need for the things that I have been talking about" — mandatory trigger locks on new handguns and filters for Internet access in libraries and schools.

"They are developing technology that I think we ought to pursue," the Arizona senator said during a news conference in Riverside, Calif.

Likewise, Bush said: "I hope that technology allows for development of a safe gun, a gun that cannot be accessed unless there's some finger imaging that matches the owner to the chip inside of the gun."

The two spoke after Bush swept Republican contests Tuesday, giving him momentum heading into the 13-state "Super Tuesday" contest next week.

**PRESIDENT CLINTON CALLING ON ALL AMERICANS TO JOIN THE FIGHT  
AGAINST GUN VIOLENCE**

**March 4, 2000**

In the aftermath of this week's tragic shootings, President Clinton today will call on Congress to put the interests of American families over those of the gun lobby and to enact long-delayed gun safety legislation. The President will convene a meeting of Congressional leaders Tuesday to break the logjam on this bill, and in today's radio address he will outline measures he believes must be in the final bill, including: closing the gun show loophole, requiring child safety locks for handguns, and banning importation of large capacity ammunition clips. The President also will challenge Congress to pass his plan to punish adults who recklessly allow children to have access to deadly weapons. He will press Congress to fund the development of "smart gun" technologies that can limit a gun's use to its proper owner, and to support his proposal for state-issued licenses for new handgun purchasers. And he will call on Congress to resist the pressure of the NRA, which has stood shamelessly in the way of common sense gun safety measures.

**PUSHING CONGRESS TO PASS COMMON SENSE GUN LEGISLATION.** For eight months -- despite numerous gun tragedies at schools, workplaces, and even places of worship all across America -- the Congress has allowed the common sense gun measures in the pending juvenile crime bill to languish. The House failed altogether to pass critical gun safety measures as part of its bill, but the Senate passed key Administration proposals to help keep guns out of the hands of children and criminals. Today the President will demand that any final juvenile crime bill must contain gun safety measures and he will pledge to work with Congressional leaders to enact the Senate-passed provisions into law. The Senate gun provisions include:

- **Closing the gun show loophole.** In 1998, there were over 4,000 gun shows held across the country -- events where guns can be sold on a cash and carry basis with no questions asked. It is estimated that up to half the sellers at gun shows are not subject to the same laws as licensed gun dealers and therefore are not required to conduct background checks or keep sales records to help law enforcement trace guns later used in crimes. The Senate bill contained provisions, championed by Senator Lautenberg, to close this dangerous loophole and require background checks and record-keeping for all sales at gun shows. Reps. Blagojevich, McCarthy, Conyers and Morella have been leaders in the House on this issue.
- **Requiring child safety locks for handguns.** An estimated one-third of all privately-owned handguns are left loaded and unlocked. Child safety locks can reduce the unauthorized use of handguns by a child at play or a teen looking to commit a crime. Such a device might have prevented the tragedy in Michigan this week. Last year the Senate passed Sen. Kohl's amendment to require a child safety lock with every new handgun. Reps. Carson, Millender-McDonald, DeFazio and DeLauro have pushed this provision in the House.
- **Banning the importation of all large capacity ammunition magazines.** While the 1994 assault weapons law banned the future domestic manufacture and importation of large capacity ammunition feeding devices that hold more than 10 rounds, those manufactured before the law's enactment were grandfathered. Since it is difficult to determine when clips manufactured by foreign companies were made, it has become relatively easy for foreign gun

manufacturers to circumvent the ban. The Senate bill contains Senator Feinstein's measure to close this loophole by banning the importation of all large capacity magazines – regardless of when they were manufactured. Rep. DeGette has also been a leader on this issue.

- **Extending the Brady Law to violent juveniles.** Although violent youths convicted in adult courts are barred from owning firearms as adults, the same is not true for youths found guilty of serious violent crimes in juvenile court. The President's proposal, championed by Senator Biden, would permanently ban all violent juveniles from buying guns.

**HOLDING PARENTS RESPONSIBLE FOR CHILD ACCESS TO GUNS.** The President will also call on the Congressional leaders to take a step beyond the Senate-passed provisions and pass his Child Access Prevention (CAP) proposal, which would hold adults accountable if they allow children easy access to loaded guns. Sixteen states have already adopted CAP laws. 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 percent. The President's proposed legislation, championed by Sens. Durbin and Kennedy and Rep. McCarthy, would impose felony penalties on adults who knowingly or recklessly allow a child to have unlawful access to an unlocked gun that is later used to cause death or serious injury. Such adults could be imprisoned for up to three years, fined up to \$250,000, or both.

**LEADING AN EFFORT TO DEVELOP SMART GUN TECHNOLOGY.** The President has proposed a \$10 million FY 2001 budget initiative to fund the research, development and replication of "smart gun" technologies. These state-of-the-art safety innovations would limit a gun's use to its proper adult owner – and could prevent accidental shooting deaths, deter gun theft, and stop criminals from seizing and using the guns of police officers against them. Despite an NRA advertising campaign ridiculing smart guns, Congressional support for smart gun technology has grown rapidly, thanks to Rep. Pascrell, Senators Kohl and Boxer and others.

**CALLING FOR A STATE-BASED LICENSING SYSTEM FOR HANDGUN PURCHASES.** President Clinton will also call on Congress to create a state-based licensing system that would apply to all new handgun purchases. Sens. Schumer and Feinstein and Reps. Nadler, Holt, McCarthy and Lowey have been active on this issue. Individuals seeking to buy a handgun would be required to obtain a photo license from their state of residence, and to present the license when they purchase a handgun. States would issue a license only if the applicant has passed a Brady background check and completed a certified safety course or exam. Such a system would differ from registration, which requires firearms owners (in addition to purchasers) to register all firearms in their possession with a governmental authority.

**Newsweek/POTUS**  
**Question and Answers**  
**March 4, 2000**

**Q: You've talked about registering new guns. What does your plan involve? Why not register all guns?**

**A:** We have licenses for driving and for hunting; I think we should have them too for buying new handguns. Under my plan, new handgun purchasers would first have to get a state-issued photo license showing that they passed the Brady background check and a gun safety training requirement. As a first step, I favor licensing of new handguns over registration of all guns because it's the next practical measure we can enact to keep guns out of the hands of criminals, and help prevent accidental shootings.

**Q: Is there any chance of getting your plan through Congress this year?**

**A:** It's always tough to break the stranglehold the gun lobby has on the leaders of this Congress. But we've taken on the gun lobby before and won – and it has made a tremendous difference for the American people. The Brady Law is a great example. People thought it would never pass. But we passed it, and it has prevented gun sales to over half a million felons, fugitives and domestic abusers. So I am willing to take the gun lobby on to pass common-sense gun legislation this year. The past week's tragedies are another reminder why Congress should follow the American people, not the NRA.

**Q: Opponents of gun control often say that if they give an inch, you want a mile. In 1998, for example, you held a Rose Garden ceremony to celebrate the fact that gun companies had agreed to ship guns with safety locks. But now this doesn't seem to be enough. What do you say to those who see your efforts as the first step toward a complete crackdown on gun ownership?**

**A:** I applaud the responsible leaders in the gun industry who agreed to ship guns with child safety locks, a common sense measure we should now make the law of the land. But there is clearly more we can do to keep guns out of the wrong hands, and with very little impact on responsible, law-abiding gun owners. I fired my first .22 when I was just a boy. I grew up in a state where half the people have a hunting and fishing license. This isn't about infringing on the ability of hunters and sportsmen to get their firearms. It's about saving lives.

**Q: Law enforcement officials have often called for enforcing gun laws already on the books. In Denver, for example, officials are working with the NRA and Handgun Control on Project Exile. Studies show these programs work, but aren't being widely implemented. Do you support them?**

**A:** Yes I do. We've put a lot of resources into local efforts like Operation Ceasefire in Boston, Project Exile in Richmond, and a recently-launched Project Exile in Colorado. I've announced a national gun enforcement initiative, to hire 1000 new gun prosecutors

and 500 more ATF agents and inspectors. We've worked with federal, state and local authorities to bring overall gun prosecutions up significantly, and we've increased federal gun prosecutions by 16 percent since I took office. With Project Exile, with tougher enforcement, with more prosecutions, we're sending a clear message to criminals: if you violate our gun laws, you will pay a severe price. That's partly why the murder rate is down to its lowest level in 31 years, why gun crime has fallen over 35 percent since 1993 and why the overall crime rate has dropped for seven years running – the longest continuous decline on record.

**Q: Some say that no law could have kept this particular handgun out of a six year-old's hands. Is that true?**

A: We can never know if any one proposal could have prevented these tragedies. Still, it is important to take common-sense steps to keep guns out of the hands of children and criminals. That's why I think all new handguns should be sold with child safety locks. That's why I've proposed \$10 million in my budget to fund the development and expansion of "smart gun" technology – technology that can limit a gun's use to the proper adult owner. That's why I've offered legislation to punish adults who recklessly let children have access to deadly weapons. A dozen children a day are killed by gunfire, many in accidents that could have been prevented. Just because a gun law won't make all the difference doesn't mean it won't make any difference. We have a responsibility to do what we can to bring down gun violence.

**Q: Do you support setting aside a portion of the surplus to fund anti-gun law enforcement efforts such as increasing the number of ATF agents and prosecutors?**

A: In January, I proposed the largest national gun enforcement initiative in history – and I did it without asking Congress to spend a single surplus dollar. My \$280 million gun enforcement initiative will provide federal, state and local enforcement with more tools than ever to crack down on dangerous gun criminals. It funds 500 new ATF agents and inspectors to help crack down on violent criminals, illegal gun traffickers and bad apple gun dealers. It funds over 1,000 new federal, state and local gun prosecutors and deploys gun enforcement teams in high gun crime areas. And it strengthens the hand of prosecutors by providing more resources to trace crime guns and bullets.

**Q: Technology already exists to create a ballistics record from every new gun as it's manufactured. That way, bullets fired from every gun could be traced later. Do you favor requiring gun companies to create such ballistics records?**

A: I strongly support partnerships with gun manufacturers to expand ballistics testing. We're already working with one manufacturer on a pilot project, and as part of my gun enforcement initiative, I've tripled funding for ballistics testing to create the first-ever national "fingerprint" network for bullets or shell casings left at the scene of a crime. With this system we can identify criminals and illegal gun traffickers – even in the absence of a firearm. Ballistics testing programs at the FBI and the ATF have already helped over 16,000 criminal investigations of gun crimes in over 40 states.

**Q: What else can Americans do to end the sort of violent episodes that we witnessed this week?**

**A:** All of us have a responsibility to act. This week's deadly incidents differed in many ways, but they shared one key element: guns in the wrong hands. So Congress can do its part by sending me common sense legislation that can help keep guns away from criminals, children, and others who should not have them. Responsible members of the gun industry can do their part by working with us to make meaningful changes in the way they do business. At the same time, these incidents speak to a larger problem we all have to address. The media and entertainment industries can help change a culture that too often glorifies violence. Schools and community groups can reach troubled youth before their troubles simmer over. And most fundamentally, parents can talk to their children, teach them to resolve their conflicts peacefully, raise them with the right values. In spite of this week's awful events, I still believe that if we set our minds to it, and work together, we can make this the safest big country in the world.

## Recent Shootings

### Q&A

March 1, 2000

**Q: Mr. President, what have you done, and what can you do, when something like these recent shootings occur?**

**A:** We all have a responsibility to do what we can to prevent these horrible tragedies from happening in the first place. Now, many of the details from both shootings are still unfolding, and of course, we may never know if any particular proposal could have prevented these tragedies. Still, I believe it is important to take common sense steps to keep guns out of the hands of children and criminals.

We know from experience that it can make a difference. My Administration took on the gun lobby and passed the Brady Law. This measure alone has stopped about half a million felons, fugitives, and domestic abusers from buying guns – saving an untold number of lives. We also took action to ban deadly assault weapons, and bar juveniles from owning handguns. As a result of these and other efforts to combat violence, crime is down for the seventh straight year, and since 1993, gun-related crime has dropped over 35 percent and the number of juvenile gun homicide offenders is down 57 percent.

But clearly, there is more we can do to keep guns out of the wrong hands. And it does appear that at least two of the Administration's proposals – requiring child safety locks for handguns and funding "smart gun" technology – might have helped make the tragedy in Michigan less likely had they been the law of the land.

The Senate-passed gun legislation from last summer contained my proposal to require child safety devices, such as safety locks or secure gun storage devices, to be sold with every new handgun. Child safety locks have been shown to be particularly effective in preventing younger children from operating handguns. My FY 2001 budget also provides \$10 million to fund "smart gun" technology, which can limit a gun's use to the proper adult owner – preventing unauthorized gun usage and accidents. I have also proposed Child Access Prevention legislation, which would impose criminal 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. Congress can and should make these provisions – along with others to close the gun show loophole and bar violent juveniles from owning guns for life – the law of the land without further delay.

It's true that no single law can offer a simple solution to this problem. But that is no excuse for inaction. All of us – parents, communities, the gun industry, members of Congress, my Administration – must do all we can to prevent further gun violence. And there is no good reason why Americans must wait any longer for Congress to enact reasonable gun legislation that can make our communities, schools, and workplaces safer.

**Q: As a parent, how does the recent spate of violence make you feel? And what can you say to reassure parents that tragedies like these won't happen again?**

A: As a parent – as an American – I feel a sense of outrage and sadness about these tragic incidents. No one should ever have to endure the pain that these families and communities have been put through during these last few days.

To parents, let me say first that we've been working on many fronts to help bring down gun violence – by strengthening enforcement of our gun laws, by offering legislation to close loopholes in those laws, by engaging communities in a campaign against youth violence. Now Congress should do its part by finally passing common sense gun measures like requiring child safety locks with every handgun and requiring background checks at gun shows. And I urge parents to do their part by being responsible about the ways they store firearms, to keep them out of the reach of children.

But it is important for parents to remember too that our schools are still very safe places, and that violent crime and gun crime has dropped significantly all across the country. Those of us in public life have an obligation to keep these facts in mind and not to be alarmist. I would say to parents that it is important to talk to your children, if they're old enough, about incidents like these. And reassure them that these are rare occurrences.

**Q: What is the federal government doing in response to the shootings?**

A: Michigan: We've asked the relevant agencies to work together and with local authorities to provide support to the Michigan community. Education and DOJ and HHS have offered crisis response services. DOJ has also offered investigative support: the FBI and U.S. Attorney have been in communication with local authorities. ATF has two agents on the ground and have traced the origins of the gun.

I spoke yesterday with Ira Rutherford, the Superintendent of Schools, and he has asked for assistance from the Department of Education. We have staff at the Department who, sadly, have some experience with such tragedies and they will work with the Superintendent to respond to his questions and to connect him with his counterparts in other communities that have been through school shootings.

Pennsylvania: Justice and Treasury have offered investigative support to the community of Wilkesburg. ATF is tracing the weapon involved in this incident as well.

**Q: There have been attempts in Congress to strike a compromise on the gun legislation that passed as part of the Senate Juvenile Crime bill. Since the gun show provision is the most contentious issue, would you be willing to compromise and sign a bill that includes some, but not all, of your gun proposals?**

A: Congress should send me the common sense measures passed by the Senate. We should do everything in our power to keep guns out of the hands of criminals and children. As I have said before, passing common sense gun legislation is not about politics – it is about public safety.

I am not going to speculate on the particulars of a compromise bill that I haven't seen yet. But let me say this: there were press reports recently that Republicans in Congress were considering dropping all the gun safety provisions from the Juvenile Crime bill. You can be certain I will not sign a bill that fails to address the most pressing crime problem facing our youth today – gun violence. Each day, another dozen children are killed by gunfire. The tragic shooting deaths in the last two days are a painful reminder that we must do more to keep guns out of the wrong hands. This is no time for inaction. There is no reason why this Congress shouldn't pass meaningful gun safety legislation that can keep our families safer and save lives.