

THE WHITE HOUSE
WASHINGTON

Bruce —

SIX COPIES OF OUR
3 PROVISIONS (ALB: RAISING
THE AGE OF THE HANDGUN
BAN ALSO INCLUDES ASSAULTS
& CLIPS). ALSO, ONE
ENTIRE COPY OF BILL +
SECTION-BY-SECTION.

Jore'

A BILL

To Strengthen America's Firearms and Explosives Laws.

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

SEC. 1. SHORT TITLE.

This Act may be cited as "The Youth Gun Crime Enforcement Act of 1999."

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1 **TITLE I – EXTENDING AND STRENGTHENING THE BRADY LAW**

2 **SUBTITLE A – EXTENDING THE BRADY ACT TO GUN SHOWS**

3 **SEC. 101. REGULATION OF GUN SHOWS – FINDINGS.**

4 Congress finds that--

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

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

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

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

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

1 (6) at gun shows, flea markets, and other organized events at which guns
2 are exhibited or offered for sale or exchange, criminals and other prohibited
3 persons obtain guns without background checks and frequently use guns that
4 cannot be traced to later commit crimes;

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

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

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

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

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

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

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

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

4 "(B) at which 2 or more persons are offering or exhibiting 1 or
5 more firearms for sale, transfer, or exchange.

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

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

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

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

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

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

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

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

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

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

5 "(2) not later than 72 hours before commencement of the gun show,
6 submits to the Secretary an updated list of all gun show vendors planning to
7 participate in the gun show and any other information concerning such vendors as
8 the Secretary may require by regulation;

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

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

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

16 and

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

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

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

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

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

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

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

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

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

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

21 "(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun
22 show, it shall be unlawful for any person who is not licensed under this chapter to
23 receive a firearm from another person who is not licensed under this chapter,

1 unless the firearm is transferred through a licensed importer, licensed
2 manufacturer, or licensed dealer in accordance with subsection (e).

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

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

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

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

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

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

20 "(3) comply with section 922(t) as if transferring the firearm from the
21 inventory of the licensed importer, licensed manufacturer, or licensed dealer to
22 the designated transferee (although a licensed importer, licensed manufacturer, or
23 licensed dealer complying with this subsection shall not be required to again

1 comply with the requirements of section 922(t) in delivering the firearm to the
2 non-licensed transferor), and notify the non-licensed transferor and the non-
3 licensed transferee--

4 "(A) of such compliance; and

5 "(B) if the transfer is subject to the requirements of section
6 922(t)(1), of any receipt by the licensed importer, licensed manufacturer,
7 or licensed dealer of a notification from the national instant criminal
8 background check system that the transfer would violate section 922 or
9 would violate State law;

10 "(4) not later than 10 days after the date on which the transfer occurs,
11 submit to the Secretary a report of the transfer, which report--

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

13 and

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

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

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

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

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

5 "(ii) the appropriate State law enforcement agency of the
6 jurisdiction in which the transfer occurs; and

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

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

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

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

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

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

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

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

3 "(B) Whoever knowingly violates subsection (b) or (c) of section
4 931, shall be--

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

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

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

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

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

16 "(D) Whoever knowingly violates subsection (e) or (f) of section
17 931 shall be fined under this title, imprisoned not more than 5 years, or
18 both.

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

22 "(i) if the person is registered pursuant to section 931(a),
23 after notice and opportunity for a hearing, suspend for not more

1 than 6 months or revoke the registration of that person under
2 section 931(a); and

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

5 **(3) TECHNICAL AND CONFORMING AMENDMENTS.**—Chapter 44 of title
6 18, United States Code, is amended.--

7 (A) in the chapter analysis by adding at the end the following:

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

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

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

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

21 **(c) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND**
22 **CHECK REQUIREMENTS.--**

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

2 amended--

3 (A) in paragraph (5), by striking "subsection (s) or (t) of section
4 922" and inserting "section 922(s)"; and

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

8 (2) **ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.**—Section

9 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time"
10 and all that follows through "State law".

11 (d) **EFFECTIVE DATE.**—This section and the amendments made by this section

12 shall take effect 180 days after the date of enactment of this Act.

13 (e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be

14 appropriated such sums as may be necessary to carry out this section.

15 **SUBTITLE B – ESTABLISHING A MANDATORY HANDGUN WAITING PERIOD AND GIVING**
16 **LAW ENFORCEMENT MORE TIME TO COMPLETE BACKGROUND CHECKS:**

17 **SEC. 103 MANDATORY WAITING PERIOD AND ADDITIONAL TIME FOR BACKGROUND**
18 **CHECKS.**

19 Section 922 of title 18, United States Code, is amended-

20 (a) in section 922(t)(1)(A), by inserting "and, in accordance with regulations
21 prescribed by the Secretary, transmits notice of the proposed firearm transfer to the chief
22 law enforcement officer of the place of residence of the transferee" before the semicolon;

23 (b) in section 922(t)(1)(B)(ii) –

1 (1) by striking "3" and inserting "5"; and

2 (2) by striking "and" at the end;

3 (c) in section 922(t)(1)(C), by striking the period at the end and inserting "; and";

4 (d) by adding at the end of section 922(t)(1) the following:

5 "(D) if the firearm is a handgun or semiautomatic assault weapon -

6 (i) not less than 72 hours have elapsed since the licensee

7 contacted the system; or

8 (ii) if the firearm is a handgun, the transferee has presented

9 to the transferor a written statement, issued by the chief law

10 enforcement officer of the place of residence of the transferee

11 during the 10-day period ending on the date of the most recent

12 proposal of such transfer by the transferee, stating that the

13 transferee requires access to a handgun because of a threat to the

14 life of the transferee or of a member of the household of the

15 transferee.".

16 (e) by adding at the end of section 922(t), the following:

17 "(7) In this subsection, the term 'chief law enforcement officer' means the
18 chief of police, the sheriff, or an equivalent officer of a law enforcement agency,
19 or the designee of any such officer.

20 "(8) In accordance with regulations prescribed by the Secretary, a chief
21 law enforcement officer who accepts notice of a proposed firearm transfer under
22 paragraph 1(A) shall destroy any statement or other record containing information

1 derived from the notice, unless the chief law enforcement officer determines that
2 the transfer would violate Federal, State, or local law.

3 “(9) The Secretary shall promulgate regulations regarding the manner in
4 which licensees shall transmit notice of a proposed firearm transfer to the chief
5 law enforcement officer of the transferee’s place of residence under paragraph
6 1(A) and shall exempt licensees from the notice requirement where the Secretary
7 determines such notice does not further the purposes of this section.”.

8 **SUBTITLE C – KEEPING GUNS OUT OF THE HANDS OF DANGEROUS JUVENILE**

9 **OFFENDERS.**

10 **SEC. 104. PERMANENT PROHIBITION ON FIREARMS TRANSFERS TO OR POSSESSION BY**
11 **DANGEROUS JUVENILE OFFENDERS.**

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

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

14 (2) by redesignating subparagraphs “(A)” and “(B)” as clauses “(i)” and
15 “(ii)”;

16 (3) by inserting after subparagraph (A) the following new subparagraph:
17 “(B) For purposes of section 922(d) and (g) of this chapter, the term ‘adjudicated
18 delinquent’ means an adjudication of delinquency based upon a finding of the
19 commission of an act by a person prior to his or her eighteenth birthday that, if
20 committed by an adult, would be a serious drug offense or violent felony (as
21 defined in section 3559(c)(2) of this title), on or after the date of enactment of this
22 paragraph.”; and

1 (4) by striking "What constitutes" through the end and inserting the
2 following: "What constitutes a conviction of such a crime or an adjudication of
3 delinquency shall be determined in accordance with the law of the jurisdiction in
4 which the proceedings were held. Any State conviction or adjudication of
5 delinquency which has been expunged or set aside or for which a person has been
6 pardoned or has had civil rights restored by the jurisdiction in which the
7 conviction or adjudication of delinquency occurred shall nevertheless be
8 considered a conviction or adjudication of delinquency unless (i) the expunction,
9 set aside, pardon or restoration of civil rights is directed to a specific person, (ii)
10 the State authority granting the expunction, set aside, pardon or restoration of civil
11 rights has expressly determined that the circumstances regarding the conviction
12 and the person's record and reputation are such that the person will not act in a
13 manner dangerous to public safety, and (iii) the expunction, set aside, pardon, or
14 restoration of civil rights expressly authorizes the person to ship, transport,
15 receive or possess firearms. The requirement of this subparagraph for an
16 individualized restoration of rights shall apply whether or not, under State law, the
17 person's civil rights were taken away by virtue of the conviction or adjudication."

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

19 (1) in subsection (d)-

20 (A) by striking "or" at the end of paragraph (8);

21 (B) by striking the period at the end of paragraph (9) and inserting

22 ";or;" and

1 (C) by inserting after paragraph (9) the following: "(10) who has
2 been adjudicated delinquent."; and

3 (2) in subsection (g)--

4 (A) by striking "or" at the end of paragraph (8);

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

7 (C) by inserting after paragraph (9) the following: "(10) who has
8 been adjudicated delinquent,".

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

11 **TITLE II – RESTRICTING YOUTH ACCESS TO FIREARMS**

12 **SEC. 201. INCREASING YOUTH GUN SAFETY BY RAISING THE AGE OF HANDGUN**
13 **ELIGIBILITY AND PROHIBITING YOUTH FROM POSSESSING SEMIAUTOMATIC ASSAULT**
14 **WEAPONS.**

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

16 (a) in paragraph (1)--

17 (1) by striking "juvenile" and inserting "person who is less than 21 years
18 of age";

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

20 (3) by striking the period at the end of subparagraph (B) and inserting ";;";
21 and

22 (4) by adding at the end the following: "(C) a semiautomatic assault
23 weapon; or (D) a large capacity ammunition feeding device.".

1 (b) in paragraph (2)--

2 (1) by striking "a juvenile" and inserting "less than 21 years of age";

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

4 (3) by striking the period at the end of subparagraph (B) and inserting ",";

5 and

6 (4) by inserting at the end the following: "(C) a semiautomatic assault
7 weapon; or (D) a large capacity ammunition feeding device."

8 (c) in paragraph (3)(A), by inserting "temporary" before "possession";

9 (d) in paragraph (3)(B), by striking "juvenile" and inserting "person who is less
10 than 21 years of age";

11 (e) in paragraph (3)(C), by striking "juvenile; or" and inserting "person who is
12 less than 21 years of age";

13 (f) in paragraph (3)(D) is revised to read as follows:

14 "(D) the possession of a handgun or ammunition by a person who
15 is less than 21 years of age taken in defense of that person or other persons
16 against an intruder into the residence of that person or a residence in
17 which that person is an invited guest; or";

18 (g) by adding at the end of paragraph (3) a new subparagraph (E) to read as
19 follows:

20 "(E) a temporary transfer of a handgun or ammunition to a person
21 who is at least 18 years of age and less than 21 years of age, or the
22 temporary use or possession of a handgun or ammunition by a person who

1 is at least 18 years of age and less than 21 years of age, if the handgun and
2 ammunition are possessed and used by the person --

3 “(i) in the course of employment, in the course of ranching
4 or farming related to activities at the residence of the person (or on
5 property used for ranching or farming at which the person, with the
6 permission of the property owner or lessee, is performing activities
7 related to the operation of the farm or ranch), target practice,
8 hunting, or a course of instruction in the safe and lawful use of a
9 handgun; and

10 “(ii) in accordance with State and local law.”;

11 (h) by amending paragraph (4) to strike “juvenile” wherever it appears and insert
12 “person who is less than 21 years of age”.

13 **SEC. 202. ENHANCED PENALTY FOR YOUTH POSSESSION OF HANDGUNS AND**
14 **SEMIAUTOMATIC ASSAULT WEAPONS AND FOR THE TRANSFER OF SUCH WEAPONS TO**
15 **YOUTH.**

16 **(a) PENALTY FOR VIOLATIONS OF SECTION 922(x).** Section 924(a)(6) of title 18,
17 United States Code, is amended--

18 (1) by striking subparagraph (A) and inserting the following:

19 “(A) A juvenile who violates section 922(x) shall be fined under
20 this title, imprisoned not more than one year, or both, and for a second or
21 subsequent violation, or for a first violation committed after an
22 adjudication of delinquency or after a state or federal conviction for an act
23 that, if committed by an adult, would be a serious violent felony (as

1 defined in section 3559(c) of this title), shall be fined under this title,
2 imprisoned not more than five years, or both.”;

3 (2) by striking subparagraph (B) and inserting the following:

4 “(B) A person other than a juvenile who knowingly violates
5 section 922(x)--

6 (i) shall be fined under this title, imprisoned not more than
7 five years, or both; and

8 (ii) if the person sold, delivered, or otherwise transferred a
9 handgun, ammunition, semiautomatic assault weapon, or large
10 capacity ammunition feeding device to a person who is less than
11 21 years of age knowing or having reasonable cause to know that
12 such person intended to carry or otherwise possess or discharge or
13 otherwise use the handgun, ammunition, semiautomatic assault
14 weapon, or large capacity ammunition feeding device in the
15 commission of a crime of violence, shall be fined under this title,
16 imprisoned for not more than 10 years, or both.

17 **SEC. 203. GUN STORAGE AND SAFETY DEVICES FOR ALL FIREARMS.**

18 **(a) SECURE GUN STORAGE OR SAFETY DEVICES BY FEDERAL FIREARMS**

19 **LICENSEES.**—Section 922 of title 18, United States Code, is amended by adding at the
20 end the following:

21 “(z) It shall be unlawful for any licensed importer, licensed manufacturer, or
22 licensed dealer to sell, transfer, or deliver any firearm to any person (other than a licensed

1 importer, licensed manufacturer, or licensed dealer) unless the transferee is provided with
2 a secure gun storage or safety device."

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

4 (1) in subsection (a)(1) by striking "or (f)" and inserting "(f), or (p)"; and

5 (2) by adding at the end the following: "(p) The Secretary may, after
6 notice and opportunity for hearing, suspend or revoke any license issued under
7 this chapter or may subject the licensee to a civil penalty of not more than
8 \$10,000 if the holder of such license has knowingly violated section 922(z) of this
9 chapter. The Secretary's actions under this subsection may be reviewed only as
10 provided in section 923(f)."

11 **(c) REPEAL OF INCONSISTENT PROVISIONS.**--

12 (1) Section 923(d)(1) of title 18, United States Code, is amended--

13 (A) in subparagraph (E) by adding at the end "and";

14 (B) in subparagraph (F) by striking "; and" and inserting " . "; and

15 (C) by striking subparagraph (G).

16 (2) Section 923(e) of title 18, United States Code, is amended by striking
17 "or fails to have secure gun storage or safety devices available at any place in
18 which firearms are sold under the license to persons who are not licensees (except
19 that in any case in which a secure gun storage or safety device is temporarily
20 unavailable because of theft, casualty loss, consumer sales, backorders from a
21 manufacturer, or any other similar reason beyond the control of the licensee, shall
22 not be considered to be in violation of the requirement to make available such a
23 device)".

1 (3) Section 119(d) of Title I, Department of Justice, General Provisions –
2 Department of Justice, of the Omnibus Consolidated and Emergency
3 Supplemental Appropriations Act, 1999, Pub. L. No. 105-277, is repealed.

4 (d) **EFFECTIVE DATE.**—The amendments made by this section shall be effective
5 180 days after the date of enactment of this Act.

6 **SEC. 204. RESPONSIBILITY OF ADULTS FOR DEATH AND INJURY CAUSED BY CHILD**
7 **ACCESS TO FIREARMS.**

8 Section 922 of title 18, United States Code, is amended by adding at the end the
9 following:

10 “(aa) **PROHIBITION AGAINST GIVING CHILDREN ACCESS TO FIREARMS.**—

11 “(1) **DEFINITION OF CHILD.**—In this subsection, the term “child” means an
12 individual who has not attained the age of 18 years.

13 “(2) **PENALTIES.**—Except as provided in paragraph (3), any person who—

14 (A) keeps a loaded firearm, or an unloaded firearm and
15 ammunition for the firearm, any one of which has been shipped or
16 transported in interstate or foreign commerce, within any premises that is
17 under the custody or control of that person; and

18 (B) knows, or recklessly disregards the risk, that a child is capable
19 of gaining access to the firearm; and

20 (C)(i) knows, or recklessly disregards the risk, that a child will use
21 the firearm to cause death or serious bodily injury (as defined in section
22 1365 of this title) to the child or any other person; or

1 (ii) possession of the firearm by the child is unlawful under

2 Federal or State law; and

3 (D) the child uses the firearm to cause death or serious bodily

4 injury to the child or any other person,

5 shall be imprisoned not more than 3 years, fined under this title, or both.

6 “(3) EXCEPTIONS.—Paragraph (2) does not apply if—

7 (A) at the time the child obtained access, the firearm was secured

8 with a secure gun storage or safety device;

9 (B) the person is a peace officer, a member of the Armed Forces,

10 or a member of the National Guard, and the child obtains the firearm

11 during, or incidental to, the performance of the official duties of the person

12 in that capacity;

13 (C) the child uses the firearm in a lawful act of self-defense or

14 defense of 1 or more other persons; or

15 (D) the person has no reasonable expectation, based on objective

16 facts and circumstances, that a child is likely to be present on the premises

17 on which the firearm is kept.”

18 **TITLE III – COMBATING ILLEGAL TRAFFICKING IN GUNS**

19 **SUBTITLE A – RESTRICTING THE SOURCES OF ILLEGAL GUNS.**

20 **SEC. 301. PREVENTING GUN TRAFFICKING BY RESTRICTING HANDGUN TRANSFERS TO**

21 **ONE PER MONTH.**

22 (a) Section 922 of title 18, United States Code, is amended by adding at the end

23 thereof a new section (bb) to read as follows:

1 "(bb)(1) The Congress finds and declares that -

2 “(A) crime, particularly crime involving drugs and guns, is a
3 pervasive, nationwide problem;

4 “(B) crime at the local level is exacerbated by the interstate
5 movement of drugs, guns, and criminal gangs;

6 “(C) firearms and ammunition move easily in interstate commerce;

7 “(D) the illegal movement of firearms, and handguns in particular,
8 across state lines is a widespread and pervasive national problem;

9 “(E) handguns (even when lawfully purchased) are unlawfully
10 transported across state lines by gun traffickers and are illegally sold to
11 prohibited persons;

12 “(F) in fact, even before a firearm is illegally sold by a trafficker,
13 the gun, its component parts, ammunition, and the raw materials from
14 which it is made have moved in interstate commerce;

15 “(G) law-abiding persons may fear to travel interstate or to or
16 through certain parts of the country due to concern about violent crime and
17 gun violence;

18 “(H) the illegal movement of handguns across state lines
19 substantially affects the national market for firearms, because handguns
20 sold in one State in which there are few restrictions provide a convenient
21 source for the acquisition of handguns by gun traffickers who transport the
22 handguns to jurisdictions with stronger restrictions;

1 “(I) the unlawful sale of firearms by traffickers provides a method
2 by which firearms can be bought and sold anonymously, without
3 background checks and without record-keeping requirements to enable
4 gun tracing;

5 “(J) handguns sold by traffickers are often obtained by criminals
6 and other prohibited persons who frequently use guns that cannot be
7 traced to commit crimes;

8 “(K) handgun violence is a pervasive, national problem that is
9 exacerbated by the availability of handguns through gun traffickers;

10 “(L) firearms from traffickers have been involved in subsequent
11 crimes including drug offenses, crimes of violence, property crimes, and
12 illegal possession by felons and other prohibited persons;

13 “(M) because gun trafficking is often an interstate activity,
14 individual States and localities are often severely hampered in combating
15 illegal handgun purchases - even States and localities that have made
16 strong efforts to prevent, detect, and punish gun-related crime and illegal
17 trafficking of firearms – as a result of the failure or inability of other States
18 or localities to take strong measures; and

19 “(N) the Congress has the power, under the interstate commerce
20 clause and other provisions of the Constitution, to ensure, by enactment of
21 this section, that criminals and other prohibited persons do not obtain
22 firearms through gun traffickers.

23 “(2) It shall be unlawful for any person --

1 “(A) during any 30-day period, to sell, deliver or transfer 2 or more
2 handguns to any single person (other than a licensed importer, licensed
3 manufacturer, or licensed dealer), or

4 “(B) to sell, deliver or transfer a handgun to any single person
5 (other than a licensed importer, licensed manufacturer, or licensed dealer),
6 knowing or having reasonable cause to believe that the transferee has
7 already received one or more handguns within the previous 30 days.

8 “(3) It shall be unlawful for any person (other than a licensed importer,
9 licensed manufacturer, or licensed dealer) to receive more than one handgun
10 within any 30-day period.

11 “(4) Under such rules and regulations as the Secretary shall prescribe,
12 paragraphs (2) and (3) shall not apply to --

13 “(A) handguns transferred to or received by qualified private
14 security companies licensed to do business within the State where the
15 transfer occurs for use by the company in its security operations, provided
16 that any handgun transferred under this subsection is transferred through a
17 licensed dealer located in the State where the security company is licensed
18 to do business;

19 “(B) the disposition made of a handgun delivered to a person
20 licensed under section 923 for the sole purpose of repair or customizing
21 when such handgun or a replacement handgun of the same kind and type
22 is returned to the person from whom it was received;

1 “(C) the loan or rental of a single handgun from a person licensed
2 under section 923, provided that the recipient possesses no more than one
3 such loaned or rented handgun at any one time;

4 “(D) the redemption of pawned handguns from a person licensed
5 under section 923 by the person from whom the handguns were received;

6 “(E) the receipt of curio or relic handguns by a licensed collector;

7 “(F) the receipt of a single handgun from a person licensed under
8 section 923 to replace a lost or stolen handgun of the same kind or type,
9 where the transferee has submitted to the licensee a copy of an official
10 police report establishing the loss or theft of a handgun or handguns;

11 “(G) the transfer of handguns by bequest;

12 “(H) the transfer of handguns to a member of the transferor's
13 immediate family; (for purposes of this section, the term "immediate
14 family" means the transferor's spouse, child, parent, stepparent,
15 grandparent, grandchild, brother, or sister"); or

16 “(I) the transfer of all or part of a personal firearms collection (as
17 that term is defined in regulations to be prescribed by the Secretary) that
18 includes handguns, provided that the handguns in the collection are
19 transferred through a licensed importer, manufacturer, or dealer located in
20 the State where the transferee resides.”.

21 **(b) PENALTIES**—Section 924(a)(2) of title 18, United States Code, is amended by
22 striking "or (o)" and inserting in lieu thereof "(o), or (bb)".

1 **(c) INCREASED PENALTIES FOR LICENSEES WHO KNOWINGLY MAKE FALSE**
2 **STATEMENTS IN REQUIRED RECORDS.--**

3 (1) Section 924(a)(3) of title 18, United States Code, is amended by
4 striking "(A)", by striking "or" after "chapter", by striking all of subsection (B),
5 and by striking "one year" and inserting "five years".

6 (2) Section 924(a) of title 18, United States Code, as amended by section
7 102(b) and (c) of this Act, is amended by adding at the end the following: "(9)
8 Any licensed dealer, licensed importer, licensed manufacturer, or licensed
9 collector who knowingly violates subsection (m) of section 922 shall be fined
10 under this title, imprisoned not more than one year, or both."

11 **(d) CONFORMING CHANGES TO THE BRADY LAW.** Section 922(t) of title 18,
12 United States Code, as amended by section 103(e) of this Act is amended as follows:

13 (1) In paragraph (1)(B)(ii), by striking "(g) or (n)" and inserting "(g) or (n)
14 or (bb)".

15 (2) In paragraph (2), by striking "(g) or (n)" and inserting "(g) or (n) or
16 (bb)".

17 (3) In paragraph (3), by striking subparagraph (A), and by redesignating
18 subparagraphs (B) and (C) as subparagraphs (A) and (B).

19 (4) In paragraph (4), by striking "(g) or (n)" and by inserting "(g) or (n) or
20 (bb)".

21 (5) By adding at the end the following:

22 “(10) A licensee must, within three days of receiving a request from the
23 prospective transferee, notify the national instant criminal background check

1 system of any background check conducted pursuant to this section within the
2 previous 30 days that did not result in the transfer of a handgun.

3 “(11) Information that is retained pursuant to Public Law 103-159 may be
4 used to effectuate section 922(bb).”.

5 **(e) EFFECTIVE DATE.** The Secretary, in consultation with the Attorney General,
6 shall determine, and publish in the Federal Register, the date on which this subsection
7 shall become effective.

8 **SEC. 302. SECURE STORAGE OF FIREARMS INVENTORIES.**

9 **(a) STORAGE REQUIREMENTS.**--Section 923 of title 18, United States Code is
10 amended by adding at the end the following:

11 “(m) It shall be unlawful for any licensed importer, licensed manufacturer, or
12 licensed dealer (other than a dealer as defined in section 921(a)(11)(B)) to store any
13 firearms in their business inventory in a manner not in conformity with regulations issued
14 by the Secretary. In issuing such regulations, the Secretary shall take into consideration
15 the type and quantity of the firearms to be stored, as well as the standards of safety and
16 security recognized in the firearms industry.”.

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

18 (1) in subsection (a)(1), as amended by section 203(b) of this Act, by
19 inserting “(o),” before “(p)”;

20 (2) by adding at the end a new subsection (o) to read as follows: “(o) The
21 Secretary may, after notice and opportunity for hearing, suspend or revoke any
22 license issued under this chapter or may subject the licensee to a civil penalty of
23 not more than \$10,000 if the holder of such license has knowingly violated

1 section 923(m). The Secretary's actions under this subsection may be reviewed
2 only as provided in section 923(f)."

3 **(c) CONDITION OF LICENSING.**--Section 923(d)(1)(F) of title 18, United States
4 Code is amended--

5 (1) in sub-clause (ii)(II) by striking "and" the second time it appears;

6 (2) in clause (iii) by striking "license." and inserting "license; and"; and

7 (3) by adding at the end a new clause (iv) to read as follows: "(iv) within
8 30 days after the application is approved the firearms inventory of the business
9 will be stored in compliance with section 923(m) and regulations issued
10 thereunder."

11 **(d) EFFECTIVE DATE.**—The amendments made by this section shall be effective
12 180 days after the date of enactment.

13 **SEC. 303. REQUIRING THEFTS FROM COMMON CARRIERS TO BE REPORTED.**

14 (a) Section 922(f) of title 18, United States Code, is amended by adding a new
15 paragraph (3) to read as follows:

16 "(3)(A) It shall be unlawful for any common or contract carrier to fail to
17 report the theft or loss of a firearm within 48 hours after the theft or loss is
18 discovered. The theft or loss shall be reported to the Secretary and to the
19 appropriate local authorities.

20 "(B) The Secretary may impose a civil fine of not more than
21 \$10,000 on any person who knowingly violates paragraph (3)(A) of this
22 subsection."

1 (b) Section 924(a)(1)(B) of title 18, United States Code, is amended by striking
2 "(f)" and inserting "(f)(1), (f)(2)".

3 **SEC. 304. INCREASING THE NUMBER OF ALLOWED COMPLIANCE INSPECTIONS OF**
4 **FIREARMS DEALERS.**

5 Section 923(g)(1)(B)(ii)(I) of title 18, United States Code, is amended by striking
6 "once" and inserting in its place "three times".

7 **SEC. 305. TRANSFER OF FIREARM TO COMMIT A CRIME OF VIOLENCE.**

8 Section 924(h) of title 18, United States Code, is amended by inserting "or having
9 reasonable cause to believe" after "knowing".

10 **SEC. 306. LICENSEE REPORTS OF SECONDHAND FIREARMS.**

11 (a) **IN GENERAL.**—Section 923(g) of title 18, United States Code, is amended by
12 adding at the end the following new paragraph: "(8) Licensed importers, licensed
13 manufacturers, and licensed dealers shall submit to the Secretary monthly reports of all
14 firearms obtained from non-licensees. Such information shall be reported on a form to be
15 specified by the Secretary by regulation. Such reports shall not include the name of or
16 identifying information about the firearm transferors or subsequent purchasers.

17 (b) **EFFECTIVE DATE.**—This section shall be effective 180 days after the date of
18 the enactment of this Act.

19 **SEC. 307. VOLUNTARY SUBMISSION OF DEALER'S RECORDS.**

20 Section 923(g)(4) of the Gun Control Act of 1968, title 18, United States Code
21 Chapter 44, is amended by amending paragraph (4) to read as follows: "Where a firearms
22 or ammunition business is discontinued and succeeded by a new licensee, the records
23 required to be kept by this chapter shall appropriately reflect such facts and shall be

1 delivered to the successor. Upon receipt of such records the successor licensee may
2 retain the records of the discontinued business or submit the discontinued business
3 records to the Secretary. Additionally, a licensee while maintaining a firearms business
4 may voluntarily submit the records required to be kept by this chapter to the Secretary if
5 such records are at least 20 years old. Where discontinuance of the business is absolute,
6 such records shall be delivered within thirty days after the business is discontinued to the
7 Secretary. Where State law or local ordinance requires the delivery of records to another
8 responsible authority, the Secretary may arrange for the delivery of such records to such
9 other responsible authority.”.

10 **SUBTITLE B – ENHANCING PENALTIES FOR GUN TRAFFICKING**

11 **SEC. 308. INCREASING PENALTIES ON GUN KINGPINS.**

12 **(a) INCREASING THE PENALTY FOR ENGAGING IN AN ILLEGAL FIREARMS**

13 **BUSINESS.**—Section 924(a)(2) of title 18, United States Code, as amended by section
14 301(b) of this Act, is amended to read as follows:

15 “(2) Whoever –

16 (A) knowingly violates subsection (a)(6), (d), (g), (h), (i), (j), (o),
17 or (bb) of section 922; or

18 (B) willfully violates subsection (a)(1) of section 922,

19 shall be fined as provided in this title, imprisoned not more than 10 years,

20 or both.”.

21 **(b) SENTENCING GUIDELINES INCREASE FOR CERTAIN VIOLATIONS AND**

22 **OFFENSES.**—Pursuant to its authority under section 994(p) of title 28, United States
23 Code, the United States Sentencing Commission shall:

1 (1) review and amend the Federal sentencing guidelines to provide an
2 appropriate enhancement for a violation of 18 U.S.C. section 922(a)(1), and

3 (2) review and amend the Federal sentencing guidelines to provide
4 additional sentencing increases, as appropriate, for offenses involving more than
5 50 firearms.

6 The Commission shall promulgate the amendments provided for under this subsection as
7 soon as is practicable in accordance with the procedure set forth in section 21(a) of the
8 Sentencing Act of 1987, as though the authority under that Act had not expired.

9 **SEC. 309. SERIOUS RECORDKEEPING OFFENSES THAT AID GUN TRAFFICKING.**

10 Section 924(a)(3) of title 18, United States Code, as amended by section 301(c)(1)
11 of this Act, is amended by striking the period and inserting “; but if the violation is in
12 relation to an offense under subsection (a)(6) or (d) of section 922, shall be fined under
13 this title, imprisoned not more than ten years, or both.”.

14 **SEC. 310. SUSPENSION OF FIREARMS DEALER’S LICENSE AND CIVIL PENALTIES FOR**
15 **VIOLATIONS OF THE GUN CONTROL ACT.**

16 Subsections (e) and (f) of section 923 of title 18, United States Code, are amended
17 to read as follows:

18 “(e) The Secretary may, after notice and opportunity for hearing, suspend or
19 revoke any license issued under this section, or may subject the licensee to a civil penalty
20 of not more than \$10,000 per violation, if the holder of such license has willfully violated
21 any provision of this chapter or any rule or regulation prescribed by the Secretary under
22 this chapter. The Secretary may, after notice and opportunity for hearing, suspend or
23 revoke the license of, or assess a civil penalty of not more than \$10,000 on, a dealer who

1 willfully transfers armor piercing ammunition. The Secretary may at any time
2 compromise, mitigate, or remit the liability with respect to any willful violation of this
3 chapter or any rule or regulation prescribed by the Secretary under this chapter. The
4 Secretary's actions under this subsection may be reviewed only as provided in subsection
5 (f) of this section.

6 “(f)(1) Any person whose application for a license is denied and any holder of a
7 license which is suspended or revoked or who is assessed a civil penalty shall receive a
8 written notice from the Secretary stating specifically the grounds upon which the
9 application was denied or upon which the license was suspended or revoked or the civil
10 penalty assessed. Any notice of a suspension or revocation of a license shall be given to
11 the holder of such license before the effective date of the suspension or revocation.

12 “(2) If the Secretary denies an application for a license, or suspends or
13 revokes a license, or assesses a civil penalty, he shall, upon request by the
14 aggrieved party, promptly hold a hearing to review his denial, suspension,
15 revocation, or assessment. In the case of a suspension or revocation of a license,
16 the Secretary shall, upon the request of the holder of the license, stay the effective
17 date of the suspension or revocation. A hearing under this paragraph shall be held
18 at a location convenient to the aggrieved party.

19 “(3) If after a hearing held under paragraph (2) the Secretary decides not to
20 reverse his decision to deny an application or suspend or revoke a license or
21 assess a civil penalty, the Secretary shall give notice of his decision to the
22 aggrieved party. The aggrieved party may at any time within sixty days after the
23 date notice was given under this paragraph file a petition with the United States

1 district court for the district in which he resides or has his principal place of
2 business for a de novo judicial review of such denial, suspension, revocation, or
3 assessment. In a proceeding conducted under this subsection, the court may
4 consider any evidence submitted by the parties to the proceeding whether or not
5 such evidence was considered at the hearing held under paragraph (2). If the
6 court decides that the Secretary was not authorized to deny the application or to
7 suspend or revoke the license or to assess the civil penalty, the court shall order
8 the Secretary to take such action as may be necessary to comply with the
9 judgment of the court."

10 **SEC. 311. TERMINATION OF FIREARMS DEALER'S LICENSE UPON FELONY**

11 **CONVICTION.**

12 Section 925(b) of title 18, United States Code, is amended by striking "until any
13 conviction pursuant to the indictment becomes final" and inserting "until the date of any
14 conviction pursuant to the indictment."

15 **SEC. 312. INCREASED PENALTY FOR TRANSACTIONS INVOLVING FIREARMS WITH**
16 **OBLITERATED SERIAL NUMBERS.**

17 Section 924(a) of title 18, United States Code, is amended--

18 (a) in subparagraph (a)(1)(B), by striking "(k),"; and

19 (b) in paragraph (2), by inserting "(k)," after "(j),".

20 **SEC. 313. FORFEITURE FOR GUN TRAFFICKING.**

21 (a) **CIVIL FORFEITURE.**--Section 981(a)(1) of title 18, United States Code, is
22 amended by adding the following subparagraph at the end:

1 "(G)(i) Any conveyance used or intended to be used to commit a
2 gun trafficking offense, or conspiracy to commit such offense, and any
3 property traceable to such property.

4 "(ii) For the purposes of this section, a gun trafficking
5 offense is a violation of any of the following sections of this title
6 involving five or more firearms: section 922(i) (transporting stolen
7 firearms); section 924(g) (travel with a firearm in furtherance of
8 racketeering); section 924(l) (stealing a firearm); and section
9 924(n) (interstate travel to promote firearms trafficking)."

10 **(b) CRIMINAL FORFEITURE.**--Section 982(a) of title 18, United States Code, is
11 amended by adding the following new paragraph at the end:

12 "(9) The court, in imposing a sentence on a person convicted of a gun
13 trafficking offense, as defined in Section 981(a)(1)(G), or a conspiracy to commit
14 such offense, shall order the person to forfeit to the United States any conveyance
15 used or intended to be used to commit such offense, and any property traceable to
16 such conveyance."

17 **SEC. 314. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums as may be necessary to carry
19 out this title.

20 **TITLE IV – STRENGTHENING THE ASSAULT WEAPONS BAN**

21 **SEC. 401. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.**

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

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

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

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

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

7 (B) by inserting before the period the following: "or lawfully
8 imported on or before the date of the enactment of the Youth Gun Crime
9 Enforcement Act of 1999";

10 (4) by inserting before paragraph (3) the following: "(2) Except as
11 provided in paragraph (3), it shall be unlawful for any person to import a large
12 capacity ammunition feeding device."; and

13 (5) in paragraph (4)--

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

15 and

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

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

20 **TITLE V – COMBATING CRIMINAL MISUSE OF FIREARMS**

21 **SEC. 501. CERTAIN GANG-RELATED FIREARMS OFFENSES AS RICO PREDICATES.**

22 Section 1961(1) of title 18, United States Code, is amended by inserting after
23 "891-894 (relating to extortionate credit transactions)," the following: "section 924(a)

1 insofar as such offense is a violation of section 922(a)(1), (a)(6), (i), (j), (k), (o), (q), (u),
2 (v), or (x)(1), or section 924(b), (g), (h), (k), (l), (m), or (n) (relating to firearms
3 violations),".

4 **SEC. 502. INCREASED PENALTY FOR FIREARMS CONSPIRACY.**

5 Section 924 of title 18, United States Code, is amended by adding at the end the
6 following new subsection:

7 "(q) Except as otherwise provided in this section, a person who conspires to
8 commit an offense defined in this chapter shall be subject to the same penalties (other
9 than the penalty of death) as those prescribed for the offense the commission of which is
10 the object of the conspiracy."

11 **SEC. 503. GUN CONVICTIONS AS PREDICATE CRIMES FOR ARMED CAREER CRIMINAL**
12 **ACT.**

13 (a) Section 924(e)(1) of title 18, United States Code, is amended --

14 (1) by striking "violent felony or a serious drug offense, or both," and
15 inserting "violent felony, a serious drug offense or a violation of section
16 922(g)(1), or a combination of such offenses,"; and

17 (2) by adding at the end the following: "No more than two convictions for
18 violations of section 922(g)(1) shall be considered in determining whether a
19 person has three previous convictions for purposes of this subsection."

20 **SEC. 504. SERIOUS JUVENILE DRUG TRAFFICKING OFFENSES AS ARMED CAREER**
21 **CRIMINAL ACT PREDICATES.**

22 Section 924(e)(2)(C) of title 18, United States Code, is amended by inserting "or
23 serious drug offense" after "violent felony".

1 **SEC. 505. LIMITATION PERIOD FOR NATIONAL FIREARMS ACT PROSECUTIONS.**

2 (a) Section 6531 of the Internal Revenue Code of 1986 (26 U.S.C. § 6531) is
3 amended by amending the matter preceding paragraph (1) to read as follows:

4 "No person shall be prosecuted, tried, or punished for any of the various offenses
5 arising under the internal revenue laws unless the indictment is found or the
6 information instituted within 3 years next after the commission of the offense,
7 except that the period of limitation--

8 "(a) shall be 5 years for offenses described in section 5861 (relating to firearms);

9 and

10 "(b) shall be 6 years--"

11 **SEC. 506. FORFEITURE OF FIREARMS USED IN CRIMES OF VIOLENCE AND FELONIES.**

12 (a) **CIVIL FORFEITURE.**—Section 981(a)(1) of title 18, United States Code, is
13 amended by inserting after subparagraph (G) the following: "(H) Any firearm (as defined
14 in Section 921(a)(3) of this title) used or intended to be used to commit or to facilitate the
15 commission of any crime of violence (as defined in Section 16 of this title) or any felony
16 under federal law."

17 (b) **CRIMINAL FORFEITURE.**—Section 982(a) of title 18, United States Code, is
18 amended by inserting after subparagraph (9) the following: "(10) The court, in imposing
19 a sentence on a person convicted of any crime of violence (as defined in Section 16 of
20 this title) or any felony under federal law, shall order that the person forfeit to the United
21 States any firearm (as defined in Section 921(a)(3) of this title) used or intended to be
22 used to commit or to facilitate the commission of the offense."

1 **(c) DISPOSAL OF PROPERTY.**—Section 981(c) of title 18, United States Code, is
2 amended by adding at the end the following sentence: "Any firearm forfeited pursuant to
3 subsection (a)(1)(H) or section 982(a)(10) of this title shall be disposed of by the seizing
4 agency in accordance with law."

5 **(d) AUTHORITY TO FORFEIT PROPERTY UNDER SECTION 924(d).**—Section
6 924(d) of title 18, United States Code, is amended by adding the following new
7 paragraph: "(4) Whenever any firearm is subject to forfeiture under this section, the
8 Secretary of the Treasury shall have the authority to seize and forfeit, in accordance with
9 the procedures of the applicable forfeiture statute, any property otherwise forfeitable
10 under the laws of the United States that was involved in or derived from the crime of
11 violence or drug trafficking crime described in subsection (c) in which the forfeited
12 firearm was used or carried."

13 **(e) 120-DAY RULE FOR ADMINISTRATIVE FORFEITURE.**—Section 924(d)(1) of
14 title 18, United States Code, is amended by adding "administrative" after "Any" in the
15 last sentence.

16 **(f) SECTION 3665.**—Section 3665 of title 18, United States Code, is amended by--

17 (1) redesignating the first unnumbered paragraph as subsection (a)(1) and
18 the second unnumbered paragraph as subsection (a)(2); and

19 (2) by adding the following subsection at the end: "(b) The forfeiture of
20 property under this section, including any seizure and disposition of the property
21 and any related administrative or judicial proceeding, shall be governed by the
22 provisions of section 413 of the Comprehensive Drug Abuse Prevention and

1 Control Act of 1970 (21 U.S.C. § 853), except for subsection 413(d) which shall
2 not apply to forfeitures under this section."

3 **SEC 507. SEPARATE LICENSES FOR GUNSMITHS.**

4 (a) Section 921(a) of title 18, United States Code, is amended by amending
5 paragraph (11) to read as follows:

6 "(11) The term 'dealer' means (A) any person engaged in the business as a
7 firearms dealer, (B) any person engaged in the business as a gunsmith, or (C) any
8 person who is a pawnbroker. The term 'licensed dealer' means any dealer who is
9 licensed under the provisions of this chapter."

10 (b) Section 921(a) of title 18, United States Code, is amended by redesignating
11 paragraphs (12) through (33) as paragraphs (14) through (35), and by adding after
12 paragraph (11) thereof the following:

13 "(12) The term 'firearms dealer' means any person who is engaged in the
14 business of selling firearms at wholesale or retail.

15 "(13) The term 'gunsmith' means any person who, other than a licensed
16 firearms manufacturer, importer or dealer, is engaged in the business of repairing
17 firearms or of making or fitting special barrels, stocks or trigger mechanisms to
18 firearms."

19 (c) Section 923(a)(3) of title 18, United States Code is amended to read as
20 follows:

21 "(3) If the applicant is a dealer who is:

22 "(A) a dealer in destructive devices or ammunition for
23 destructive devices, a fee of \$1,000 per year;

1 “(B) a dealer in firearms who is not a dealer in destructive
2 devices, a fee of \$200 for 3 years, except that the fee for renewal of
3 a valid license shall be \$90 for 3 years; or

4 “(C) a gunsmith, a fee of \$100 for 3 years, except that the
5 fee for renewal of a valid license shall be \$50 for 3 years.”.

6 **TITLE VI – ENHANCED FIREARMS ENFORCEMENT**

7 **SEC. 601. ADDITIONAL SUPPORT FOR ENHANCED FIREARMS PROSECUTION PROJECTS.**

8 To provide additional funding for intensive firearms prosecution projects
9 implemented by the Department of Justice, there are authorized to be appropriated
10 \$5,000,000 for fiscal year 2000.

11 **SEC. 602. YOUTH CRIME GUN INTERDICTION INITIATIVE (YCGII).**

12 **(a) IN GENERAL.**—The Secretary of the Treasury shall expand —

13 (1) to 75 the number of city and county law enforcement agencies that
14 through the Youth Crime Gun Interdiction Initiative (referred to in this section as
15 “YGCII”) submit identifying information relating to all firearms recovered during
16 law enforcement investigations, including from individuals under age 25, to the
17 Secretary of the Treasury to identify the types and origins of such firearms; and

18 (2) the resources devoted to law enforcement investigations of illegal
19 youth possessors and users and of illegal firearms traffickers identified through
20 YCGII, including through the hiring of additional agents, inspectors, intelligence
21 analysts and support personnel.

1 **(b) SELECTION OF PARTICIPANTS.**—The Secretary of the Treasury, in
2 consultation with Federal, State, and local law enforcement officials, shall select cities
3 and counties for participation in the program established under this section.

4 **(c) ESTABLISHMENT OF SYSTEM.**—The Secretary of the Treasury shall establish a
5 system through which State and local law enforcement agencies, through on-line
6 computer technology, can promptly provide firearms-related information to the Secretary
7 of the Treasury and access information derived through YCGII as soon as such capability
8 is available. Not later than 6 months after the date of enactment of this Act, the Secretary
9 shall submit to the Chairman and Ranking Member of the Committees on Appropriations
10 of the House of Representatives and the Senate, a report explaining the capacity to
11 provide such on-line access and the future technical and, if necessary, legal changes
12 required to make such capability available, including cost estimates.

13 **(d) REPORT.**—Not later than one year after the date of enactment of this section,
14 and annually thereafter, the Secretary of the Treasury shall submit to the Chairman and
15 Ranking Member of the Committees on Appropriations of the House of Representatives
16 and the Senate a report regarding the types and sources of firearms recovered from
17 individuals, including those under the age of 25; regional, State and national firearms
18 trafficking trends; and the number of investigations and arrests resulting from YCGII.

19 **(e) AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be
20 appropriated to the Department of the Treasury to carry out this section such sums as may
21 be necessary for fiscal years 2001 through 2004.

22 **TITLE VII – COMBATING CRIMINAL MISUSE OF EXPLOSIVES**

23 **SEC. 701. PERMITS AND BACKGROUND CHECKS FOR PURCHASES OF EXPLOSIVES.**

1 **(a) PERMITS FOR PURCHASE OF EXPLOSIVES IN GENERAL.**—Section 842 of title
2 18, United States Code, is amended--

3 (1) by amending subparagraphs (A) and (B) of subsection (a)(3) to read as
4 follows:

5 "(A) to transport, ship, cause to be transported, or receive any explosive
6 materials; or

7 "(B) to distribute explosive materials to any person other than a licensee or
8 permittee."; and

9 (2) in subsection (b)--

10 (A) by adding "or" at the end of paragraph (1);

11 (B) by striking "; or" at the end of paragraph (2) and inserting a period;

12 and

13 (C) by striking paragraph (3).

14 **(b) BACKGROUND CHECKS.**—Section 842 of title 18, United States Code, is
15 amended by adding at the end the following:

16 "(p)(1) A licensed importer, licensed manufacturer, or licensed dealer shall not
17 transfer explosive materials to any other person who is not a licensee under section 843
18 of this chapter unless--

19 "(A) before the completion of the transfer, the licensee contacts the
20 national instant criminal background check system established under
21 section 103(d) of the Brady Handgun Violence Prevention Act;

22 "(B)(i) the system provides the licensee with a unique
23 identification number; or

1 (ii) 5 business days (meaning a day on which State offices
2 are open) have elapsed since the licensee contacted the system, and
3 the system has not notified the licensee that the receipt of
4 explosive materials by such other person would violate subsection
5 (i) of this section;

6 "(C) the transferor has verified the identity of the transferee by
7 examining a valid identification document (as defined in section
8 1038(d)(1) of this title) of the transferee containing a photograph of the
9 transferee; and

10 "(D) the transferor has examined the permit issued to the transferee
11 pursuant to section 843 of this title and recorded the permit number on the
12 record of the transfer.

13 "(2) If receipt of explosive materials would not violate section 842(i) or
14 State law, the system shall--

15 "(A) assign a unique identification number to the transfer; and

16 "(B) provide the licensee with the number.

17 "(3) Paragraph (1) shall not apply to the transfer of explosive materials
18 between a licensee and another person if on application of the transferor, the
19 Secretary has certified that compliance with paragraph (1)(A) is impracticable
20 because--

21 "(A) the ratio of the number of law enforcement officers of the
22 State in which the transfer is to occur to the number of square miles of
23 land area of the State does not exceed 0.0025;

1 "(A) for failure to prevent the sale or transfer of explosive
2 materials to a person whose receipt or possession of the explosive
3 materials is unlawful under this section; or

4 "(B) for preventing such a sale or transfer to a person who may
5 lawfully receive or possess explosive materials."

6 **(c) ADMINISTRATIVE PROVISIONS.**

7 **(1) WRITTEN REASONS PROVIDED ON REQUEST.**—If the national instant
8 criminal background check system determines that an individual is ineligible to
9 receive explosive materials and the individual requests the system to provide the
10 reasons for the determination, the system shall provide such reasons to the
11 individual, in writing, within 5 business days after the date of the request.

12 **(2) CORRECTION OF ERRONEOUS SYSTEM INFORMATION.**—If the system
13 established under subsection (b) of section 1 informs an individual contacting the
14 system that receipt of explosive materials by a prospective transferee would
15 violate subsection (i) of section 842 of title 18, United States Code, or State law,
16 the prospective transferee may request the Attorney General to provide the
17 prospective transferee with the reasons therefor. Upon receipt of such a request,
18 the Attorney General shall immediately comply with the request. The prospective
19 transferee may submit to the Attorney General information to correct, clarify, or
20 supplement records of the system with respect to the prospective transferee. After
21 receipt of such information, the Attorney General shall immediately consider the
22 information, investigate the matter further, and correct all erroneous Federal
23 records relating to the prospective transferee and give notice of the error to any

1 Federal department or agency or any State that was the source of such erroneous
2 records.

3 **(d) REMEDY FOR ERRONEOUS DENIAL OF EXPLOSIVE MATERIALS.**

4 **(1) IN GENERAL.**—Chapter 40 of title 18, United States Code, is amended
5 by inserting after section 843 the following new section:

6 "§843A. REMEDY FOR ERRONEOUS DENIAL OF EXPLOSIVE MATERIALS.

7 "Any person denied explosive materials pursuant to subsection (p) of section 842—

8 "(1) due to the provision of erroneous information relating to the person
9 by any State or political subdivision thereof, or by the national instant criminal
10 background check system established under section 103 of the Brady Handgun
11 Violence Prevention Act; or

12 "(2) who was not prohibited from receipt of explosive materials pursuant
13 to subsection (i) of section 842,

14 may bring an action against the State or political subdivision responsible for providing
15 the erroneous information, or responsible for denying the transfer, or against the United
16 States, as the case may be, for an order directing that the erroneous information be
17 corrected or that the transfer be approved, as the case may be. In any action under this
18 section, the court, in its discretion, may allow the prevailing party a reasonable attorney's
19 fee as part of the costs".

20 **(2) TECHNICAL AMENDMENT.**—The chapter analysis for chapter 40 of
21 title 18, United States Code, is amended by inserting after the item relating to
22 section 843 the following new item:

23 "843A. Remedy for erroneous denial of explosive materials."

1 **(e) REGULATIONS.--**

2 **(1) IN GENERAL.**—Not later than 6 months after the date of the enactment
3 of this Act, the Secretary of the Treasury shall issue final regulations with respect
4 to the amendments made by subsection (a).

5 **(2) NOTICE TO STATES.**—On the issuance of regulations pursuant to
6 paragraph (1), the Secretary of the Treasury shall notify the States of the
7 regulations so that the States may consider revising their explosives laws.

8 **(f) LICENSES AND USER PERMITS.**—Section 843(a) of title 18, United States
9 Code, is amended--

10 (1) by inserting ", including fingerprints and a photograph of the
11 applicant" before the period at the end of the first sentence; and

12 (2) by striking the second sentence and inserting, "Each applicant for a
13 license shall pay for each license a fee established by the Secretary that shall not
14 exceed \$300. Each applicant for a permit shall pay for each permit a fee
15 established by the Secretary that shall not exceed \$100."

16 **(g) PENALTIES.**—Section 844 of title 18, United States Code, is amended--

17 (1) by redesignating subsection (a) as subsection (a)(1); and

18 (2) by adding after subsection (a)(1) the following new paragraph: "(2)
19 Any person who violates subsection (p) of section 842 shall be fined under this
20 title, imprisoned for not more than 5 years, or both."

21 **(h) EFFECTIVE DATE.**—The amendments made by subsections (a), (b), (c), (d),
22 and (g) shall take effect 18 months after the date of enactment of the Act.

23 **SEC. 702. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVES.**

1 (a) DISTRIBUTION OF EXPLOSIVES.--Section 842(d) of title 18, United States

2 Code, is amended--

3 (1) in paragraph (5), by striking "; or" and inserting ";;";

4 (2) in paragraph (6), by striking ";" and inserting "or who has been
5 committed to a mental institution;" and

6 (3) by adding at the end the following new paragraphs:

7 "(7) who, being an alien -

8 (A) is illegally or unlawfully in the United States; or

9 (B) except as provided in subsection (q)(2), has been admitted to
10 the United States under a non-immigrant visa (as that term is defined in
11 section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
12 1101(a)(26)));

13 "(8) who has been discharged from the Armed Forces under dishonorable
14 conditions;

15 "(9) who, having been a citizen of the United States, has renounced his
16 citizenship; and

17 "(10) who is subject to a court order that--

18 (A) was issued after a hearing of which such person received
19 actual notice, and at which such person had an opportunity to participate;

20 (B) restrains such person from harassing, stalking, or threatening
21 an intimate partner of such person or child of such intimate partner or
22 person, or engaging in other conduct that would place an intimate partner
23 in reasonable fear of bodily injury to the partner or child; and

1 "(C)(i) includes a finding that such person represents a credible
2 threat to the physical safety of such intimate partner or child; or

3 (ii) by its terms explicitly prohibits the use, attempted use,
4 or threatened use of physical force against such intimate partner or
5 child that would reasonably be expected to cause bodily injury;

6 "(11) who has been convicted in any court of a misdemeanor crime of
7 domestic violence; or

8 "(12) who has been adjudicated delinquent."

9 **(b) POSSESSION OF EXPLOSIVES.**—Section 842(i) of title 18, United States Code,
10 is amended--

11 (1) in paragraph (3), by striking "; or" and inserting ";;";

12 (2) by adding at the end the following new paragraphs:

13 "(5) who, being an alien -

14 (A) is illegally or unlawfully in the United States; or

15 (B) except as provided in subsection (q)(2), has been admitted to
16 the United States under a non-immigrant visa (as that term is defined in
17 section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(26)));

19 "(6) who has been discharged from the Armed Forces under dishonorable
20 conditions;

21 "(7) who, having been a citizen of the United States, has renounced his
22 citizenship; and

23 "(8) who is subject to a court order that--

1 "(A) was issued after a hearing of which such person received
2 actual notice, and at which such person had an opportunity to participate;

3 "(B) restrains such person from harassing, stalking, or threatening
4 an intimate partner of such person or child of such intimate partner or
5 person, or engaging in other conduct that would place an intimate partner
6 in reasonable fear of bodily injury to the partner or child; and

7 "(C)(i) includes a finding that such person represents a credible
8 threat to the physical safety of such intimate partner or child; or

9 "(ii) by its terms explicitly prohibits the use, attempted use,
10 or threatened use of physical force against such intimate partner or
11 child that would reasonably be expected to cause bodily injury;

12 "(9) who has been convicted in any court of a misdemeanor crime of
13 domestic violence; or.

14 "(10) who has been adjudicated delinquent."

15 **(c) DEFINITION.**---Section 841 of title 18, United States Code, is amended by
16 adding at the end the following new subsections (r) and (s):

17 "(r)(1) Except as provided in paragraph (2), the term "misdemeanor crime of
18 domestic violence" means an offense that--

19 "(A) is a misdemeanor under Federal or State law; and

20 "(B) has, as an element, the use or attempted use of physical force,
21 or the threatened use of a deadly weapon, committed by a current or
22 former spouse, parent, or guardian of the victim, by a person with whom
23 the victim shares a child in common, by a person who is cohabiting with

1 or has cohabited with the victim as a spouse, parent, or guardian, or by a
2 person similarly situated to a spouse, parent, or guardian of the victim.

3 "(2)(A) A person shall not be considered to have been convicted of such
4 an offense for purposes of this chapter, unless--

5 "(i) the person was represented by counsel in the case, or
6 knowingly and intelligently waived the right to counsel in the case;
7 and

8 "(ii) in the case of a prosecution for an offense described in
9 this paragraph for which a person was entitled to a jury trial in the
10 jurisdiction in which the case was tried, either

11 "(I) the case was tried by a jury, or

12 "(II) the person knowingly and intelligently waived
13 the right to have the case tried by jury, by guilty plea or
14 otherwise.

15 "(B) A person shall not be considered to have been convicted of
16 such an offense for purposes of this chapter if the conviction has been
17 expunged or set aside, or is an offense for which the person has been
18 pardoned or has had civil rights restored (if the law of the applicable
19 jurisdiction provides for the loss of civil rights under such an offense)
20 unless the pardon, expungement, or restoration of civil rights expressly
21 provides that the person may not ship, transport, possess, or receive
22 firearms."

1 “(s) ‘Adjudicated Delinquent’ means an adjudication of delinquency based upon a
2 finding of the commission of an act by a person prior to his or her eighteenth birthday
3 that, if committed by an adult, would be a serious drug offense or violent felony (as
4 defined in section 3559(c)(2) of this title), on or after the date of enactment of this
5 paragraph.”.

6 **(d) ALIENS ADMITTED UNDER NON-IMMIGRANT VISAS.**—Section 842 is
7 amended by adding at the end thereof a new paragraph (r) to read as follows:

8 “(r) PROVISIONS RELATING TO ALIENS ADMITTED UNDER NONIMMIGRANT VISAS -

9 (1) DEFINITIONS.--In this subsection --

10 (A) the term ‘alien’ has the same meaning as in section 101(a)(3) of
11 the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

12 (B) the term ‘nonimmigrant visa’ has the same meaning as in
13 section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
14 1101(a)(26)).

15 (2) EXCEPTION.--Sections (d)(7)(B) and (i)(5)(B) do not apply to any alien
16 who has been lawfully admitted to the United States under a nonimmigrant visa, if
17 that alien is a foreign law enforcement officer of a friendly foreign government
18 entering the United States on official law enforcement business.

19 (3) WAIVER.--

20 (A) CONDITIONS FOR WAIVER.--Any individual who has been
21 admitted to the United States under a nonimmigrant visa may receive a
22 waiver from the requirements of subsection (i)(5)(B), if:

1 (i) the individual submits to the Attorney General a petition
2 that meets the requirements of subparagraph (C); and

3 (ii) the Attorney General approves the petition.

4 (B) PETITION.--Each petition under subparagraph (B) shall--

5 (i) demonstrate that the petitioner has resided in the United
6 States for a continuous period of not less than 180 days before the
7 date on which the petition is submitted under this paragraph; and

8 (ii) include a written statement from the embassy or
9 consulate of the petitioner, authorizing the petitioner to acquire
10 explosives and certifying that the alien would not, absent the
11 application of subsection (i)(5)(B), otherwise be prohibited from
12 such an acquisition under subsection (i).

13 (C) APPROVAL OF PETITION.--The Attorney General shall approve a
14 petition submitted in accordance with this paragraph, if the Attorney
15 General determines that waiving the requirements of subsection (i)(5)(B)
16 with respect to the petitioner--

17 (i) would be in the interests of justice; and

18 (ii) would not jeopardize the public safety.”

19 (e) CONFORMING AMENDMENT.—Section 845 of Title 18, United States Code, is
20 amended by adding a new subsection (d) to read as follows: “(d) Notwithstanding any
21 other provision of this section, no person convicted of a misdemeanor crime of domestic
22 violence may ship or transport any explosive materials in interstate or foreign commerce

1 or to receive or possess any explosive materials which have been shipped or transported
2 in interstate or foreign commerce.”.

3 **SEC. 703. PROHIBITING POSSESSION OF EXPLOSIVES BY JUVENILES.**

4 Section 842 of title 18, United States Code, is amended by adding at the end the
5 following new subsection:

6 “(r)(1) It shall be unlawful for any person who is under 21 years of age to ship or
7 transport any explosive materials in interstate or foreign commerce or to receive or
8 possess any explosive materials which has been shipped or transported in interstate or
9 foreign commerce.”.

10 “(2) This subsection shall not apply to commercially manufactured black
11 powder in bulk quantities not to exceed five pounds, and if the person is less than
12 18 years of age, the person has the prior written consent of the person’s parents or
13 guardian who is not prohibited by Federal, State, or local law from possessing
14 explosive materials, and the person has the prior written consent in the person’s
15 possession at all times when the black powder is in the possession of the person.”.

16 **SEC. 704. REQUIREMENTS CONCERNING BLACK POWDER AND BULK SMOKELESS**
17 **POWDER.**

18 (a) Section 845(a) of title 18, United States Code, is amended-

19 (1) by amending subparagraph (4) to read as follows: “(4) assembled small
20 arms ammunition and primers not assembled into cartridges (other than bulk
21 smokeless powder); and”;

22 (2) in subparagraph (5), by striking “commercially manufactured black
23 powder in quantities not to exceed fifty pounds,”;

1 (3) by redesignating paragraphs "(b), (c) and (d)" as paragraph "(c), (d)
2 and (e)" ; and

3 (4) by adding a new paragraph (b) to read as follows: "(b) The provisions
4 of sections 842(a)(3) and 842(b) of this chapter shall not apply to commercially
5 manufactured black powder in quantities not to exceed five pounds which is
6 intended to be used solely for sporting, recreational, or cultural purposes in
7 antique firearms as defined in section 921(a)(16) of title 18 of the United States
8 Code, or in antique devices as exempted from the term "destructive device" in
9 section 921(a)(4) of title 18 of the United States Code, or to bulk smokeless
10 powder in quantities not to exceed ten pounds."

11 (5) by adding a new paragraph (f) to read as follows: "(f) Sections
12 842(a)(3)(A), 842(a)(3)(B), 842(b) and 842(p) shall not apply to transactions
13 between licensees and persons licensed as manufacturers of ammunition under
14 section 923(a)(1)(A) or (C) of this title."

15 (b) Section 926 of title 18, United States Code, is amended by striking subsection

16 (c).

17 (c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 18
18 months after the date of enactment of the Act.

19 **SEC. 705. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such sums as may be necessary to carry
21 out this title.

THE YOUTH GUN CRIME ENFORCEMENT ACT OF 1999

SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE.

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

SEC. 2 TABLE OF CONTENTS.

This provision contains the table of contents for the Act.

TITLE I - EXTENDING AND STRENGTHENING THE BRADY LAW.

SUBTITLE A - EXTENDING THE BRADY ACT TO GUN SHOWS.

SEC. 101. REGULATION OF GUN SHOWS - FINDINGS.

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

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

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

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

Registration of Gun Show Promoters

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

Definition of Gun Show

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

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

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

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

Gun Show Notification Requirements

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

In addition, gun show promoters must verify the identity of all persons selling firearms at the gun show by examining a photographic identification document, require that all such sellers sign a ledger with identifying information concerning the sellers, and require the sellers to sign a notice acknowledging that they have been advised of their obligations under the law. The

records created by these requirements must be delivered to the Secretary within 5 business days of the end of each gun show. The Secretary may also require gun show promoters to retain a copy of these records.

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

Penalties for Noncompliance by Gun Show Promoters

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

Requirements for Non-licensed Persons at Gun Shows

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

Penalties for Noncompliance by Non-licensed Persons

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

Requirements for Federal Firearms Licensees at Gun Shows

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

or purchaser. Licensees would retain a copy of the form used to record the sale as part of their permanent records. This record would allow the tracing of the firearms sold.

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

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

Penalties for Noncompliance by Licensees

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

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

This bill in section 309 would also increase the penalties for licensees who commit more serious recordkeeping violations to make them consistent with the new penalties created by this section. The recordkeeping violations that would give rise to the increased penalties are those that are tantamount to aiding and abetting unlawful deliveries or purchases of firearms. Sections

922(b)(1) and (3) proscribe sales of firearms to persons known to be juveniles or to reside out of state, respectively. Each carries a five-year maximum sentence for a willful violation under 18 U.S.C. § 924(a)(1)(D). Sections 922(a)(6) and (d) proscribe, respectively, making false statements to a licensee in relation to the acquisition of a firearm and knowingly selling a firearm to a felon or other prohibited person. Each is punishable by up to ten years imprisonment.

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

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

SUBTITLE B - ESTABLISHING A MANDATORY HANDGUN WAITING PERIOD AND GIVING LAW ENFORCEMENT MORE TIME TO COMPLETE BACKGROUND CHECKS.

SEC. 103. MANDATORY WAITING PERIOD AND ADDITIONAL TIME FOR BACKGROUND CHECKS.

This section would create a mandatory 72-hour (three-day) waiting period for all purchases of handguns and semiautomatic assault weapons (a so-called "cooling-off" period). Under the permanent provision of the Brady Law, which went into effect with the National Instant Criminal Background Check System (NICS), a firearms transfer can be delayed for up to three days to allow law enforcement to determine whether the prospective purchaser is disqualified. And under the interim provision of Brady, law enforcement had up to five days to complete background checks.

This amendment would require a gun dealer to wait three days from the date that the transaction is initiated and the NICS check is requested before transferring the handgun or semiautomatic assault weapon to the buyer. The three-day cooling off period is designed to prevent crimes of passion and those murders and suicides, which occur in the heat or despair of the moment.

The mandatory waiting period provided in this section contains one exception. If a prospective purchaser presents a written statement from his or her local chief law enforcement officer stating that a handgun is needed immediately because of a threat to that person's life or that of his or her family, then the prospective purchaser, if otherwise eligible, will not be subject to the mandatory waiting period. There is no exception to the waiting period for semiautomatic assault weapons.

In addition to creating a mandatory cooling off period for handguns and semiautomatic assault weapons, this section would also extend -- by an additional two business days -- law enforcement's "window" to make a final determination on the eligibility of a prospective purchaser to buy a gun. Pursuant to the interim provisions of the Brady Act, which expired with the advent of the NICS, law enforcement had up to five days to make eligibility determinations. However, the permanent provisions of the Brady Act, which became effective November 30, 1998, provide for only three days.

Under the NICS, more than 70 percent of prospective firearms purchasers have received approval for their firearms purchases virtually immediately. Some background checks, however, require additional time for the FBI analyst or state point of contact to conduct a follow-up investigation.

Usually, follow-up investigations involve one or more of the following: identifying whether a record is actually that of the prospective purchaser, identifying whether a record constitutes a disqualification under the Brady Act, and -- potentially most time consuming of all -- locating a disposition for a state criminal history record that is incomplete. Although many of these follow-up investigations can be completed within the three days currently provided for in the Brady Act, some of them cannot. In particular, when the FBI calls upon state courts for assistance in determining the disposition of an incomplete record, the state's response time sometimes exceeds three business days. The proposed amendment would prevent the sale of many guns to prohibited persons whose proposed purchases would otherwise be approved simply because their background checks could not be completed within the three days allotted under current law.

The amendment also requires firearms dealers to provide notice of firearms transfers to the chief law enforcement officer of the transferee's place of residence. The Secretary of the Treasury will exempt dealers from the notice requirement when that notice does not further the purposes of this section (for example, if the statewide chief law enforcement officer is already receiving notice of firearms transactions as a point of contact for NICS checks). A chief law enforcement officer who accepts notice of firearms transfers must destroy such records, unless it is determined that the transfer would violate federal, state, or local law.

SUBTITLE C -- KEEPING GUNS OUT OF THE HANDS OF DANGEROUS JUVENILE OFFENDERS

SEC. 104. PERMANENT PROHIBITION ON FIREARMS TRANSFERS TO OR POSSESSION BY DANGEROUS JUVENILE OFFENDERS.

This provision will make it unlawful for any person adjudicated a juvenile delinquent for serious drug offenses or violent felonies to possess firearms. It would also make it unlawful for anyone to transfer a firearm to a person adjudicated a juvenile delinquent for such crimes when the transferor knows or has reason to know of the adjudication. Under current law, any person adjudicated a juvenile delinquent, even for the most violent crimes, like murder, may possess

firearms when they become adults. This provision will ensure that the most dangerous juvenile offenders may not lawfully possess firearms.

Persons who were adjudicated delinquent but had their firearms rights restored based upon an individualized determination by an appropriate authority of the state of their suitability for such restoration will not be subject to this prohibition.

This provision also modifies the definition of "conviction" for purposes of the federal firearms laws to respond to a serious problem in the current definition. The current definition allows potentially dangerous individuals, who in fact have been convicted, lawfully to possess firearms, notwithstanding the prohibition in 18 U.S.C. § 922(g) on possession of firearms by convicted felons. The problem arises because the current definition of the term "crime punishable by imprisonment for a term exceeding one year" in 18 U.S.C. § 921(a)(20) gives effect to state laws that restore civil rights to convicted felons, including the right to possess firearms.

Several states have laws that do not restore firearms rights to felons based on a process for individualized consideration, but instead automatically restore firearms rights and other civil rights immediately upon completion of a felon's sentence, or within a fixed time period thereafter. Moreover, many states have laws that permit even dangerous felons convicted of crimes of violence or drug offenses to have their firearms rights restored. Thus, the present law needlessly endangers public safety and requires change.

TITLE II - RESTRICTING YOUTH ACCESS TO FIREARMS

SEC. 201. INCREASING YOUTH GUN SAFETY BY RAISING THE AGE OF HANDGUN ELIGIBILITY AND PROHIBITING YOUTH POSSESSION OF SEMIAUTOMATIC ASSAULT WEAPONS.

This provision would amend the Youth Handgun Safety Act, 18 U.S.C. § 922(x) to make it unlawful for persons less than 21 years of age to possess "semiautomatic assault weapons" and "large capacity ammunition feeding devices." These terms are already defined in the law in 18 U.S.C. §§ 921(a)(30) and (31). The amendment would also make it unlawful for persons to transfer such devices and weapons to persons less than 21 years of age. The current exceptions to 18 U.S.C. § 922(x) -- which allow juveniles to temporarily possess handguns for certain purposes -- would not apply to "semiautomatic assault weapons" or "large capacity ammunition feeding devices."

It should be noted that section 401 of the bill amends the definition of "large capacity ammunition feeding device" to delete the language limiting the definition to those devices manufactured after September 13, 1994. Thus, possession of such devices by persons under 21 would be unlawful regardless of their date of manufacture. Accordingly, unlike the offenses in 18 U.S.C. §§ 922(v) and (w), persons under 21 would commit an offense even if they possess "grandfathered" assault weapons or feeding devices.

This section also raises the age of eligibility to possess a handgun from 18 to 21. This amendment will make this provision consistent with 18 U.S.C. § 922(b)(1), which makes it unlawful for a federal firearms licensee to deliver handguns to persons less than 21 years of age. Thus, the amendment will make it generally unlawful for persons less than 21 years of age to acquire handguns from any source.

The proposal also clarifies that the exception to the handgun prohibition -- which allows an authorized person under the age of 21 to receive a handgun if the handgun is necessary for hunting, farming or employment activities -- applies only to the temporary possession or use of a handgun for an authorized purpose.

SEC. 202. ENHANCED PENALTY FOR YOUTH POSSESSION OF HANDGUNS AND SEMIAUTOMATIC ASSAULT WEAPONS AND FOR THE TRANSFER OF SUCH WEAPONS TO YOUTH.

This section would increase the penalties for violations of 18 U.S.C. § 922(x), as amended by section 201 of this act, which makes it unlawful for a person to transfer a handgun, a semiautomatic assault weapon or large capacity ammunition feeding device to a person who is less than 21 years of age or for person under the age of 21 to possess such a weapon. Existing law provides a penalty of not more than one year in prison for violations of section 922(x) and, if the person transferring the gun to the juvenile knew that the gun would be used in a crime of violence, a penalty of not more than 10 years. Existing law also provides for probation by juvenile offenders, unless the juvenile has been previously convicted of certain offenses or adjudicated as a juvenile delinquent.

This section would eliminate probation as a mandatory sentence for juveniles. Juveniles would be sentenced to a penalty of not more than one year in prison or, if previously convicted under this section or adjudicated delinquent for an act that would be a serious violent felony under 18 U.S.C. § 3559(c) if committed by an adult, sentenced to up to five years imprisonment. This section also increase the term of imprisonment for violations of section 922(x) from 1 year to 5 years for persons other than juveniles (including persons between the ages of 18 and 21).

This increase will act as an effective deterrent to the illegal transfer to and possession of handguns and semiautomatic assault weapons by juveniles. Juveniles who unlawfully possess such guns demonstrate a potential for violence. Subjecting first time offenders to a prison term of up to one year is appropriate in such cases. In light of the increase in youth gun violence, the current misdemeanor penalty for transferring a gun to a juvenile is inadequate.

SEC. 203. GUN STORAGE AND SAFETY DEVICES FOR ALL FIREARMS.

This section would require federal firearms licensees, other than licensed collectors, to provide a secure gun storage or safety device, as defined in 18 U.S.C. § 921(a), with every firearm sold to a non-licensee. Such a device would prevent the use of guns by children or other unauthorized persons.

SEC. 204. RESPONSIBILITY OF ADULTS FOR DEATH AND INJURY CAUSED BY CHILD ACCESS TO FIREARMS.

This proposal would hold adults responsible for knowingly or recklessly allowing children access to firearms if those children use the firearm to cause death or serious bodily injury to themselves or others. The purpose of this provision is to make clear that when an adult fails to prevent a child from obtaining access to a firearm for example, by storing their firearms securely, and the child uses the firearm to cause serious injury, criminal penalties will be available to punish the adult's knowing or reckless conduct. In addition, the provision will help to prevent the accidental shootings that can result when children obtain access to firearms and the use of firearms in crime by young juveniles.

The proposal would make it unlawful for persons to store loaded firearms or unloaded firearms and ammunition within any premises under their control -- unless they secure the firearm with a secure gun storage or safety device -- when they know or recklessly disregard the risk that a child under the age of 18 is capable of gaining access to the firearm and the child uses it to cause death or serious bodily injury to the child or any other person. The violation would be punishable by a prison sentence of not more than 3 years.

In order for an adult to be held responsible under this provision, the child's possession of the firearm either must be unlawful under federal or state law (for example, federal law prohibits a child from possessing a handgun, except in limited circumstances), or the adult must have known or recklessly disregarded the risk that the child would use the firearm to cause death or serious bodily injury.

No violation would result if at the time the child obtains access to the firearm, the firearm was secured by a secure gun storage or safety device. This term is defined to include safety locks, storage in a locking gun case or box, or devices incorporated into the firearm that prevent operation of the firearm by anyone not having access to the device. Exceptions are also provided for firearms belonging to peace officers or members of the armed forces when the child obtains access to the gun while the adult is performing official duties, firearms obtained by children in a lawful act of self-defense or defense of others, and instances when there is no reasonable expectation that children are likely to be present on the premises where the firearm is stored.

TITLE III - COMBATING ILLEGAL TRAFFICKING IN GUNS

SUBTITLE A -- RESTRICTING THE SOURCES OF ILLEGAL GUNS.

SEC. 301. PREVENTING GUN TRAFFICKING BY RESTRICTING HANDGUN TRANSFERS TO ONE PER MONTH.

The purpose of this legislation is to make it more difficult for gun runners to stockpile weapons rapidly through bulk purchases. By limiting handgun sales to one handgun per month per person, this law will allow law-abiding persons to obtain handguns, while curtailing handgun trafficking. The findings establish that the regulation of interstate commerce in handguns falls

squarely within both federal responsibility and Congressional authority under Article I of the Constitution.

The prohibition on multiple gun purchases is limited to handguns because: 1) due to their relatively small size, low cost, and the fact that they are easily concealed, handguns are a favorite weapon of gun traffickers and criminals; 2) the federal law would closely track state legislation on this subject (three states have banned multiple handgun sales but none have banned multiple sales of all guns); and 3) given the connection between handguns and violent crime, reasonable limitations on handgun purchases to one per month will contribute to public safety and reduce gun violence.

One-Gun-A-Month Provision

This section prohibits any person from knowingly transferring more than one handgun in any 30-day period to another person, unless the transferee is a licensed importer, licensed manufacturer, or licensed dealer. Also, this section prohibits any person from receiving more than one handgun in any 30-day period, unless the person is a licensed importer, licensed manufacturer, or licensed dealer.

Exceptions

Recognizing that there are a few situations in which there may be a legitimate need for more than one handgun in any 30-day period, this section provides limited exceptions, similar to those contained in the laws of the states that presently have a one-handgun-per-month law. A number of these exceptions will apply only if the handgun is transferred through a federal firearms licensee, to allow a Brady background check to be performed before the transfer. An exception for law enforcement officials already exists by operation of other provisions of the Gun Control Act. The remaining exceptions are provided in this section.

Private security companies. There is an exception for private security companies that may have a need to transfer or receive more than one handgun in any 30-day period. To qualify for this exception, the private security must be licensed to do business in the state where the transfer of more than one handgun occurs. In addition, the exception applies only when the transfer is for the use by the private security company in its security operations and when the transfer is made through a licensed dealer located in the state in which the security company is licensed.

Exchange, return or replacement of a handgun. As with any retail purchase, a person may occasionally wish to return a defective handgun for exchange, repair or customizing. If this return occurs within a 30-day period, the exception allows the person to return the handgun and receive another handgun of the same kind and type.

Rented or loaned handguns. A person may wish to rent or borrow a handgun for target shooting or for some other temporary activity. The exception allows a person to rent or borrow

more than one handgun in any 30-day period, provided that the person possesses only one loaned or rented handgun at any one time.

Redemption of pawned handguns. This exception allows a person to pawn and redeem more than one handgun in a 30-day period.

Receipt of curio or relic handguns by a licensed collector. Federally licensed collectors may receive more than one curio or relic handgun in a 30-day period.

Replacement of a lost or stolen handgun. If a person's handgun is lost or stolen, the exception allows the person to obtain a single replacement handgun of the same kind and type from a federal firearms licensee, provided that the person provides the licensee with a copy of an official police report that establishes the loss or theft of the handgun.

Transfer of handguns by bequest. This exception allows more than one handgun to be transferred during a 30-day period by bequest.

Transfers between immediate family members. Immediate family members may wish to transfer more than one handgun in a 30-day period. For example, a person may wish to entrust several handguns to an immediate family member for safe keeping. Alternatively, there may be situations in which a person wants to give more than one handgun to an immediate family member as a gift. Therefore, this section includes an exception for the transfer of a handgun to a member of the transferor's immediate family and defines immediate family to include the transferor's spouse, child, parent, stepparent, grandparent, grandchild, brother, or sister.

Transfers of a personal collection. A person may wish to transfer all or part of a personal firearms collection that includes more than one handgun. There may be reasons to keep together multiple handguns in a single firearms collection, such as when the handguns are consecutively sequenced. Therefore, the exception allows transfers of all or part of a personal firearms collection. To effectuate this exception, the Secretary will promulgate regulations defining a "personal firearms collection" to prevent the exception from becoming a loophole to avoid compliance with the one-gun-a-month law. In addition, the collection must be transferred through a federal firearms licensee to enable the prospective transferee to undergo an instant background check.

Penalties

This section increases the penalty applicable to firearms licensees who knowingly make false statements in required records. Licensees are the first line of defense in the effort to ensure that felons and other prohibited persons do not purchase firearms. Accordingly, the penalty for knowingly making a false statement with respect to information required to be kept in the licensee's records should be severe. This section increases the penalty from one year to five years imprisonment.

Conforming Changes to the Brady Act

Current law requires that all persons who seek to obtain a handgun from a federal firearms licensee must undergo an instant background check. This section will use that check to determine if the proposed handgun purchaser has already purchased another handgun within the preceding 30 days. The licensee will contact the National Instant Criminal Background Check System (NICS) and, if the system informs the licensee that the transferee has received another handgun within the previous 30 days, the licensee is prohibited from transferring the handgun unless the transferee qualifies for one of the exceptions.

The Brady Act's requirement that a background check be conducted in connection with handgun purchases currently does not apply to purchasers who present the firearms dealer with a valid permit in states with permitting schemes that have been approved by ATF. Because a background check must be performed in connection with every purchase of a handgun to verify that a person has not received more than one handgun in any 30-day period, this section repeals the Brady Law's permit exception. The permit exception creates a significant loophole in the Brady Act, because the exception allows a person with a qualifying permit to evade a background check for up to five years from the date that the permit was issued. In states that issue permits and do not attempt to verify the ongoing validity of a permit, persons who have been disqualified from possessing a firearm after they receive their permit may do so anyway by presenting a permit to the licensee and avoiding a background check at the time of purchase.

In some cases, a licensee will request an instant background check for a prospective handgun transferee, who, although approved for the transfer, subsequently elects not to receive the gun. In order to assure that this incomplete transaction will not prevent the acquisition of another handgun within 30 days, this section requires the licensee, at the request of the transferee, to inform the NICS that a background check was requested that did not result in the transfer of a handgun.

This section also authorizes the use of information contained in the NICS to effectuate the one-gun-a-month provision.

Effective Date

This section provides that the effective date of the one-gun-a-month provision will be established by the Secretary in consultation with the Attorney General and published in the Federal Register.

SEC. 302. SECURE STORAGE OF FIREARMS INVENTORIES.

This amendment would require federal firearms licensees other than collectors and gunsmiths to store their firearms inventory in accordance with regulations issued by the Secretary. The purpose of the amendment is to provide security requirements for the firearms industry. Thefts of firearms from dealers is a growing problem and contributes to the number of firearms available to juvenile youth gangs and other criminals. In issuing the storage regulations,

the Secretary would be required to consider the standards of safety and security used by the firearms industry. The industry, as well as other interested persons, could participate in the rulemaking process and have input into the regulations.

SEC. 303. REQUIRING THEFTS FROM COMMON CARRIERS TO BE REPORTED.

The proposed legislation would amend the Gun Control Act to impose a responsibility upon common or contract carriers to report the theft or loss of a firearm within 48 hours after the theft or loss is discovered. This is similar to the responsibility already imposed on firearms licensees.

The new reporting requirement would enhance the ability of law enforcement agencies to trace stolen firearms. A knowing violation of this requirement is punishable by a civil fine of not more than \$10,000.

SEC. 304. INCREASING THE NUMBER OF ALLOWED COMPLIANCE INSPECTIONS OF FIREARMS DEALERS.

The proposed amendment would allow the Bureau of Alcohol, Tobacco and Firearms to conduct three compliance inspections annually of licensed firearms dealers, importers, and manufacturers.

Existing law restricts ATF to one annual inspection of firearms licensees. In ATF's experience, it is sometimes necessary to conduct multiple compliance inspections of a firearms licensee within a one-year period, particularly if the licensee has a poor compliance record.

SEC. 305. TRANSFER OF A FIREARM TO COMMIT A CRIME OF VIOLENCE.

Present 18 U.S.C. § 924(h) makes it unlawful to transfer a firearm "knowing" that the firearm will be used to commit a crime of violence or drug trafficking crime. However, 18 U.S.C. § 924(b) makes it unlawful to transport or receive a firearm in interstate commerce "with knowledge or reasonable cause to believe" that any felony is to be committed therewith. Both statutes carry the same maximum penalty.

There is no reason why section 924(h) should be limited to instances in which the actor has knowledge that a crime of violence or drug trafficking crime will be committed, as opposed to having "reasonable cause to believe" that such is the case. Indeed, the offenses covered by section 924(h) -- violent felonies and drug trafficking felonies -- are inherently more serious than the offenses covered by section 924(b), which extends to all felonies. Accordingly, this section would conform the scienter element in section 924(h) by adding "reasonable cause to believe" to that statute.

SEC. 306. LICENSEE REPORTS OF SECONDHAND FIREARMS.

The purpose of this section is to provide the Secretary of the Treasury with information to enable the tracing of secondhand firearms. When federal firearms licensees sell secondhand firearms, these firearms are often not traceable because they have passed through the hands of several non-licensed purchasers before the licensee obtains them. Once the chain from manufacturer or importer, wholesaler, and retailer is broken, it is extremely difficult to trace a firearm through the records licensees are required to make and keep under the Gun Control Act. Accordingly, the amendment requires licensees to report to the Secretary any secondhand firearms that are obtained by the licensee from anyone other than another licensee. However, such reports shall not include names of or identifying information about firearms purchasers.

SEC. 307. VOLUNTARY SUBMISSION OF DEALER'S RECORDS.

This provision will allow federal firearms licensees to voluntarily submit business records to ATF. Currently, if a licensee's records are greater than 20 years old, the licensee has the option of continuing to retain the records or destroying them; he or she may not transfer them to ATF. Some licensees would prefer not to destroy their records -- which would make the guns identified in the records untraceable if the guns are later used in crime -- but instead, would prefer to transfer the old records to ATF. This proposal would also allow a successor licensee to either submit the predecessor's records to ATF or retain them. This proposal will assist ATF with the tracing of crime guns.

SUBTITLE B -- ENHANCING PENALTIES FOR GUN TRAFFICKING

SEC. 308. INCREASING PENALTIES ON GUN KINGPINS.

Under current law, engaging in the firearms business without a license (18 U.S.C. § 922(a)(1)) carries a maximum penalty of 5 years of imprisonment. This amendment would increase the maximum penalty to 10 years of imprisonment. This is appropriate given the seriousness of the offense. It also is consistent with the penalties for other Gun Control Act trafficking offenses such as 18 U.S.C. § 922(a)(6) and 18 U.S.C. § 924(n).

The provision also directs the United States Sentencing Commission to review and amend the federal sentencing guidelines to provide an appropriate enhancement for a section 922(a)(1) violation. Presently, United States Sentencing Guideline § 2K2.1(b)(1) provides for an increase in the base offense level for firearms offenses if the crime involved 3 or more firearms. However, the guidelines reach their peak with respect to firearms involvement at 50 firearms, with 6 levels added for crimes involving "50 or more" firearms. This amendment directs the Sentencing Commission to review and amend the guidelines to provide additional sentencing increases, as appropriate, for offenses involving more than 50 firearms.

SEC. 309. SERIOUS RECORDKEEPING OFFENSES THAT AID GUN TRAFFICKING.

This section would increase the punishment for the most serious recordkeeping violations committed by federal firearms licensees, which are tantamount to aiding and abetting unlawful deliveries or purchases of firearms, to the same level of offense as that committed by the unlawful provider or receiver. Sections 922(a)(6) and (d) proscribe, respectively, making false statements to a licensee in relation to the acquisition of a firearm and knowingly selling a firearm to a convicted felon or other prohibited category of firearm recipient. Each is punishable by up to ten years' imprisonment.

Some courts have held that recordkeeping violations by licensees are misdemeanors carrying a maximum of one year in prison. This is insufficient in certain situations, such as those described above, where the knowingly false recordkeeping entry is very serious and closely associated with or in the nature of aiding and abetting a violation involving the provision of a firearm to a person not entitled to obtain it. Accordingly, the amendment in this section would increase the penalty for such recordkeeping violations to make it the same as the penalty that would attach to the underlying violation.

SEC. 310. SUSPENSION OF FIREARMS DEALER'S LICENSE AND CIVIL PENALTIES FOR VIOLATIONS OF THE GUN CONTROL ACT.

Under current law, the only available administrative remedies to deal with licensees' violations are the extreme measures of denying license renewal applications and license revocation. There may be certain minor violations of the Gun Control Act, *e.g.*, the failure to timely record information in required records, that may not warrant license revocation or license denial. This amendment provides new administrative sanctions, less severe than current administrative remedies, including license suspension, civil money penalties, and authority to accept monetary offers in compromise of violations of the law and regulations.

SEC. 311. TERMINATION OF FIREARMS DEALER'S LICENSE UPON FELONY CONVICTION.

This amendment would remove the right of federal firearms licensees to continue to operate their licensed businesses after a felony conviction. Under current law, a licensee convicted of a felony may continue to conduct business under the license until appeal rights are exhausted. Under the amendment, the license would terminate upon conviction.

SEC. 312. INCREASED PENALTY FOR TRANSACTIONS INVOLVING FIREARMS WITH AN OBLITERATED SERIAL NUMBER.

The current maximum penalty for knowingly transporting, shipping, possessing or receiving a firearm with an obliterated or altered serial number in violation of 18 U.S.C. § 922(k) is five years. Transactions involving weapons with obliterated serial numbers, like transactions involving stolen guns, are indicative of an intent to use the firearm for a criminal purpose. However, transactions involving stolen guns carry a higher maximum penalty of ten years.

Accordingly, this section would increase the maximum penalty for transactions involving firearms with obliterated or altered serial numbers to ten years.

SEC. 313. FORFEITURE FOR GUN TRAFFICKING.

This section provides for the forfeiture, under 18 U.S.C. §§ 981 and 982, of vehicles used to commit gun running crimes, such as transporting stolen firearms, and for the proceeds of such offenses. The provision is limited to instances in which five or more firearms are involved, thus making it clear that it is not intended to be used in instances where an individual commits a violation involving a small number of firearms in his or her personal possession.

TITLE IV - STRENGTHENING THE ASSAULT WEAPONS BAN

SEC. 401. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

The purpose of this proposal is to prohibit the importation of large capacity ammunition feeding devices into the United States.

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

Since existing law excludes from the definition any device manufactured on or before September 13, 1994, such devices have been approved for importation into the United States if the importer submits evidence establishing that the devices were manufactured on or before September 13, 1994. This section would amend the definition of "large capacity ammunition feeding device" to delete the language limiting the definition to devices manufactured after September 13, 1994. Thus, all devices with a capacity of more than 10 rounds of ammunition would be subject to the restrictions of the law. However, the proposal would retain the existing "grandfather" exception in the law for devices lawfully possessed on or before the date of enactment. In addition, this section would add a provision making it unlawful for any person to import a large capacity ammunition feeding device.

The effect of the amendments would be to bar the importation of all feeding devices with a capacity of more than 10 rounds of ammunition, regardless of their date of manufacture. Such devices that were lawfully possessed in the United States on or before September 13, 1994, would be covered under the "grandfather" provision of the law and could continue to be possessed and transferred without restriction. The proposal would also add language to section 922(w) to make it clear that devices lawfully imported from September 13, 1994, to the present may also continue to be lawfully possessed and transferred.

Given the vast worldwide supply of magazines with a capacity of more than 10 rounds, the amendment is necessary to limit the commercial sale of these devices. This is consistent with the congressional intent to limit the general public's access to magazines with a capacity of more than 10 rounds.

TITLE V - COMBATING CRIMINAL MISUSE OF FIREARMS

SEC. 501. CERTAIN GANG-RELATED FIREARMS OFFENSES AS RICO PREDICATES.

This section would add a number of title 18 firearms offenses that are related to gang activity to the RICO statute. The covered offenses would be: section 922(a)(1) (illegally engaging in business of dealing in firearms); section 922(a)(6) (knowingly making false statement to a licensee in order to acquire a firearm); section 922(i) (transporting a firearm in interstate or foreign commerce knowing it to have been stolen); section 922(j) possession or disposition of a firearm or ammunition knowing it to have been stolen); section 922(k) (transporting or receiving a firearm interstate with an obliterated serial number); section 922(o) (unlawful possession or transfer of a machinegun); section 922(q) (unlawful possession of a firearm that affects or has moved in interstate commerce in a school zone); section 922(u) (theft from a licensee of a firearm that has moved in interstate commerce); section 922(v) (illegal transfer or possession of a semiautomatic assault weapon); section 922(x)(1) (sale or transfer of a firearm to a person known to be a juvenile); section 924(b) (transporting or receiving a firearm in interstate commerce with intent to commit therewith a felony); section 924(g) (traveling interstate to acquire a firearm with intent to commit a crime of violence, drug trafficking offense, or other enumerated felony); section 924(h) (transferring a firearm with knowledge it will be used to commit a crime of violence or drug trafficking offense); section 924(k) (smuggling a firearm into the United States with intent to commit a crime of violence or drug trafficking offense); section 924(m) (theft of a firearm from a licensee); and section 924(n) (traveling in interstate or foreign commerce to acquire a firearm, with intent to engage illegally in business of dealing in firearms).

SEC. 502. INCREASED PENALTY FOR FIREARMS CONSPIRACY.

This section would amend the firearms chapter of title 18 to provide that a conspiracy to commit any violation of that chapter is punishable by the same maximum term that applies to the substantive offense that was the object of the conspiracy. An identical amendment was enacted to the explosives chapter of title 18 by section 701 of the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132). This also accords with several other recent congressional enactments, including 21 U.S.C. § 846 (applicable to drug conspiracies) and 18 U.S.C. § 1956(h) (applicable to money laundering conspiracies). This trend in federal law, which is emulated in the penal codes of many states, recognizes that, as the Supreme Court has observed, "collective criminal agreement -- partnership in crime -- presents a greater potential threat to the public than individual delicts." Callanan v. United States, 364 U.S. 587, 593 (1961); accord United States v. Feola, 420 U.S. 671, 693-94 (1975).

SEC. 503. GUN CONVICTIONS AS PREDICATE CRIMES FOR ARMED CAREER CRIMINAL ACT.

Under current law, violent felonies and serious drug offenses are the only predicate offenses under the Armed Career Criminal Act (ACCA). This amendment would add to the list of predicate offenses in the ACCA prior convictions for violations of § 922(g)(1) of the Gun Control Act of 1968 (GCA). This provision of the GCA prohibits the possession of a firearm by a convicted felon.

Persons who have been convicted of a violent felony or serious drug offense and twice convicted of violating the felon-in-possession statute have demonstrated a propensity for violence deserving of sentencing under the ACCA. Thus, the amendment provides that a conviction under § 922(g)(1) would constitute a predicate offense for purposes of imposing a mandatory term of imprisonment of not less than 15 years under the ACCA. Under this proposal, no more than two prior convictions for violations of section § 922(g)(1) may be considered as predicate offenses for purposes of the ACCA.

SEC. 504. SERIOUS JUVENILE DRUG TRAFFICKING OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

This section would amend 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. The ACCA requires the imposition of a minimum 15-year term of imprisonment for those felons found in unlawful possession of a firearm who have proven records of involvement in serious acts of misconduct involving drugs or violence.

Youthful offenders are increasingly involved in serious drug offenses. Additionally, there is a known association of drug crimes with violence. Accordingly, it is appropriate to enlarge the scope of the predicate crimes under the ACCA to include acts of juvenile delinquency that, if committed by an adult, would meet the Act's requirements. This is also consistent with current law, under which a finding that a person has committed an act of juvenile delinquency involving a violent felony is a predicate offense.

SEC. 505. LIMITATION PERIOD FOR NATIONAL FIREARMS ACT PROSECUTIONS.

This amendment would extend the period of limitations for prosecutions of violations of the National Firearms Act (NFA), *e.g.*, the unlawful transfer of explosive or incendiary bombs, from 3 years to 5 years. The current 3-year period of limitations is applicable to NFA prosecutions because the NFA is part of the Internal Revenue Code. Otherwise, there is no reason why the periods should differ from the general 5-year period applicable to offenses under Title 18, United States Code. This amendment would lengthen the statute of limitations for the

unlawful making, transfer, and possession of the types of weapons preferred by terrorists, *e.g.*, bombs and other destructive devices.

SEC. 506. FORFEITURE OF FIREARMS USED IN CRIMES OF VIOLENCE AND FELONIES.

This section adds the authority to forfeit firearms used to commit crimes of violence and all felonies to 18 U.S.C. §§ 981 and 982. This authority would be in addition to the authority already available to Treasury under 18 U.S.C. § 924(d).

The purpose of the amendment is (1) to provide for criminal as well as civil forfeiture of firearms; and (2) to permit forfeiture actions to be undertaken by Department of Justice law enforcement agencies that have authority to enforce the statutes governing crimes of violence but that do not have authority to pursue forfeitures of firearms under the existing statutes.

Section 924(d) of title 18 already provides for the civil forfeiture of any firearm used or involved in the commission of any "violation of any . . . criminal law of the United States." The statute, however, is enforced only by the Treasury Department and its agencies; it provides no authority for the FBI, for example, to forfeit a gun used in the commission of an offense over which it has sole jurisdiction. Moreover, section 924(d) provides for civil forfeiture only:

Subsection (d) adds a provision to 18 U.S.C. § 924(d) intended to permit the Bureau of Alcohol, Tobacco and Firearms to forfeit property that otherwise would have to be forfeited by another agency. Under section 924(d), ATF is presently authorized to forfeit a firearm used or carried in a drug trafficking crime. Property involved in the drug offense itself, such as drug proceeds, may also be forfeitable under the Controlled Substances Act, 21 U.S.C. § 881, but ATF does not presently have authority to forfeit property under that statute and has to turn the forfeitable property over to another agency. The amendment does not expand the scope of what is forfeitable in any way, but does allow the forfeiture to be pursued by ATF when the agency is already involved in the forfeiture of a firearm in the same case. The amendment would eliminate the situations where two investigative agencies institute forfeitures of property originating in the same criminal case.

Finally, subsection (e) clarifies an ambiguity in the present statute relating to the 120-day period in which a forfeiture action must be filed. Presently, the statute says that a forfeiture proceeding must be filed within 120-days of the seizure of the property. This was intended to force the government to initiate a forfeiture action promptly. In one case, however, where the government did initiate an administrative forfeiture action within the 120-day period, the claimant filed a claim and cost bond, which required the government to begin the forfeiture action over again by filing a formal civil judicial proceeding in federal court. The claimant then moved to dismiss the judicial proceeding because the complaint was filed outside the 120-day period.

The court granted the motion to dismiss because the literal wording of 18 U.S.C. § 924(d) requires any forfeiture action against the firearm to be filed within 120 days of the seizure.

United States v. Fourteen Various Firearms, 889 F. Supp. 875 (E.D. Va. 1995). This interpretation, however, leads to unjust results in cases where the government promptly commences an administrative forfeiture action but the claimant waits the full time allotted to him to file a claim. In such cases, Congress could not have intended the 120-day period for filing a *judicial* complaint to count from the date of the seizure; indeed, it is often the case that the claimant does not even file the claim until more than 120 days have passed. Thus, the amendment clarifies the statute to make clear that the government must initiate its *administrative forfeiture* proceeding within 120 days of the seizure.

SEC. 507. SEPARATE LICENSES FOR GUNSMITHS.

The proposed bill would establish separate licenses for firearms dealers and gunsmiths, and lower the licensing fees for gunsmiths. As the federal firearms licensing provisions are presently structured, there is no distinction between licenses issued to gunsmiths and those issued to firearms dealers.

The establishment of separate licenses for firearms dealers and gunsmiths will allow an assignment of inspection priorities that will promote regulatory efficiency and significantly reduce inspection costs. The proposed legislation recognizes the lower costs associated with regulating gunsmiths by lowering the licensing fees for dealers who are only engaged in gunsmith activities.

TITLE VI -- ENHANCING FIREARMS ENFORCEMENT

SEC. 601. ADDITIONAL SUPPORT FOR ENHANCED FIREARMS PROSECUTION PROJECTS.

Although the nation's violent crime rate is down nearly 20% since 1992, and the number of violent crimes committed with firearms has dropped 27% during that same period, gun-related violence still represents a major threat to the health and safety of all Americans. Accordingly, this section authorizes the appropriation of \$5,000,000 for fiscal year 2000 to supplement funding provided to the Department of Justice's United States Attorneys. This funding is consistent with President's Budget Request for additional resources for United States Attorneys to conduct intensive firearms prosecution projects in districts where they are needed around the country in order to ensure the effective prosecution of firearms offenders, violent felons who possess guns, and armed drug traffickers, as well to prevent future firearms crimes through effective deterrence and disruption of illegal firearms markets through collaborative federal, state and local partnerships.

This approach recognizes that each United States Attorney must develop partnerships with their counterparts at the state and local levels, in other federal agencies, and in the community to identify crime problems and develop crime reduction strategies tailored to the needs and challenges of communities within their districts. United States Attorneys have successfully employed such collaborative strategies across the nation. These strategies vary substantially in structure, emphasis, and approach from district to district. Given the success of

these ongoing efforts and the Department of Justice's commitment to these collaborative approaches, additional funding should be provided, not to dictate specific strategies to be used by these partnerships, but to support the efforts of communities to implement the strategies that are most likely to have a positive impact on their firearm and other violent crime problems.

SEC. 602. YOUTH CRIME GUN INTERDICTION INITIATIVE (YCGII).

The amendment would authorize the Bureau of Alcohol, Tobacco and Firearms (ATF) to increase the number of cities participating in the Youth Crime Gun Interdiction Initiative (YCGII). By fiscal year 2000, federal, state, and local law enforcement agencies in 37 major cities will be employing ATF's expertise and resources to trace firearms used in crime, to identify sources and patterns of illegal firearms trafficking, and to develop enforcement strategies to reduce the flow of weapons to the youngest and most volatile members of our society, including by arresting illegal youth users of firearms and illegal traffickers of firearms to youth. The amendment provides that the Secretary of the 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 YCGII and conduct law enforcement investigations. This provision also requires the Secretary of the Treasury to provide an annual report on the types and sources of recovered crime guns and the number of investigations associated with YCGII. By authorizing the expansion of this successful program to additional cities, this section extends valuable assistance to local governments in fighting youth crime.

TITLE VII -- COMBATING CRIMINAL MISUSE OF EXPLOSIVES

SEC. 701. PERMITS AND BACKGROUND CHECKS FOR PURCHASES OF EXPLOSIVES FROM FEDERAL EXPLOSIVES LICENSEES.

The purpose of this section is to reduce the availability of explosives to felons and others prohibited from possessing explosives, and to assure that explosives are stored safely. The section would require a criminal background check prior to the transfer of explosive materials to non-licensed purchasers by licensed dealers. The criminal background check requirement is based on the Brady law, which requires federal firearms dealers to conduct criminal background checks on prospective firearms purchasers. This section would also require persons obtaining explosive materials from federally-licensed explosives dealers to obtain a federal permit.

Under existing law, all persons are required to store explosive materials in accordance with regulations issued by the Secretary of the Treasury. However, consistent with the Fourth Amendment, warrantless inspections of explosives storage facilities may only be conducted of persons who are subject to federal regulation, *i.e.*, federal explosives licensees and permittees. Accordingly, requiring a federal permit for all persons who purchase explosives from licensees will make it easier for the Government to determine that explosive materials are stored safely and in accordance with the regulations. The instant check for all purchasers will ensure that a criminal records check is conducted each time any individual purchases explosives to prevent the acquisition of explosives by felons and other persons prohibited from possessing explosives under federal law.

SEC. 702. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVES.

The purpose of this section is to amend 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). The GCA has been amended a number of times since enactment to add to the list of prohibited persons, while the corresponding list in the federal explosives laws has remained unchanged since enactment in 1970. The dangers posed by the possession of firearms by illegal aliens, persons dishonorably discharged from the military, and the other persons listed in the proposal are equally present with regard to the possession of explosives.

SEC. 703. PROHIBITING POSSESSION OF EXPLOSIVES BY JUVENILES.

Current law makes it unlawful for any person to sell explosive materials to persons under the age of 21. This section would also make it unlawful for anyone under the age of 21 to ship, transport, receive or possess explosive materials in interstate or foreign commerce. This provision is necessary in light of the increased use of explosive materials by juveniles in criminal activity.

The amendment provides a limited exemption to allow individuals under the age of 21 to possess up to five pounds of commercially manufactured black powder and, if the person is less than 18 years of age, the person has the prior written consent of his or her parent or guardian. The person must have the written consent in his or her possession at all times when possessing the black powder. This exception would not preclude juveniles from possessing small quantities of black powder for sporting, recreational or cultural purposes in antique firearms. For example, juveniles could still participate in competitive target shooting using antique firearms.

SEC. 704. REQUIREMENTS CONCERNING BLACK POWDER AND BULK SMOKELESS POWDER.

This section would amend the federal explosives laws to make smokeless powder subject to the regulatory controls imposed on other explosive materials and assist in solving bombings. The amendments will be particularly helpful in identifying purchasers and in keeping explosives out of the hands of criminals.

Under current law, smokeless powder is exempt from federal explosives regulations. Thus, persons who import, manufacture, and deal in these materials are not required to have licenses or permits or keep records of their acquisition or disposition. Because smokeless powder is "ammunition" under the federal firearms laws, felons, and other prohibited persons may not lawfully possess smokeless powder.

The amendment would leave intact the exception in 18 U.S.C. § 845(a)(4) for small arms ammunition in an assembled state and primers not assembled into cartridges. Thus, smokeless

powder would continue to be exempt when assembled with other ammunition components into complete cartridges and shells.

Under current law, black powder in quantities of 50 pounds or less is exempt from regulation under the federal explosives laws. Thus, felons and other prohibited categories of persons may lawfully possess these quantities. In addition, while persons who manufacture, import, or deal in black powder must be licensed, their sales of exempt quantities are unregulated. Thus, the Government is precluded from requiring explosives licensees to identify purchasers or keep records of their sales of exempt quantities of black powder.

This section would largely repeal that exemption and would extend current law, which prohibits convicted felons and other dangerous persons from possessing explosive materials, to prohibit such persons from possessing black powder. The use of smokeless propellants and black powder in the unlawful making of bombs occurs on a frequent basis. There is no justification for allowing felons and other prohibited persons to possess black powder when they have been deemed, by statute, to be too dangerous to possess explosive materials.

The Gun Control Act, 18 U.S.C. § 926(c), precludes the Government from requiring federal explosives licensees to keep records of their sale of black powder in quantities of 50 pounds or less intended for sporting, recreational, or cultural purposes in antique firearms or devices. However, a significant number of bombing incidents involve explosive devices containing black powder, and this prohibition makes it difficult to identify persons who may be responsible for bombing incidents.

This amendment would permit the Bureau of Alcohol, Tobacco and Firearms (ATF) to require explosives licensees to maintain a record of their sale of these quantities of black powder. These records would assist ATF in identifying unlawful purchasers of black powder, *e.g.*, felons, and therefore facilitate the criminal prosecution of those responsible for such incidents.

The amendment does provide an exemption so that a purchaser of up to five pounds of black powder, or up to ten pounds of smokeless powder, would not be required to obtain a permit under section 701 of this Act. However, such persons would still be subject to the instant criminal background check when they acquire small quantities of black or smokeless powder.

HR 1768 IH

106th CONGRESS

1st Session

H. R. 1768

To strengthen America's firearms and explosives laws.

IN THE HOUSE OF REPRESENTATIVES

May 12, 1999

Mr. CONYERS (for himself, Mrs. MORELLA, Mr. NADLER, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. ROTHMAN, Mr. WEINER, Mr. ACKERMAN, Mr. ANDREWS, Mr. BARRETT of Wisconsin, Mr. BLAGOJEVICH, Mr. CROWLEY, Mr. CUMMINGS, Ms. DEGETTE, Ms. DELAURO, Mr. DIXON, Mr. FARR of California, Mr. HOFFEL, Mr. KENNEDY of Rhode Island, Mrs. MCCARTHY of New York, Mr. MARKEY, Ms. NORTON, Mrs. TAUSCHER, Mrs. JONES of Ohio, Mr. VENTO, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen America's firearms and explosives laws.

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

SECTION. 1. SHORT TITLE.

This Act may be cited as 'The Youth Gun Crime Enforcement Act of 1999'.

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I--EXTENDING AND STRENGTHENING THE BRADY LAW

Subtitle A--Extending the Brady Act to Gun Shows

Sec. 101. Regulation of gun shows; findings.

Sec. 102. Extension of Brady checks to gun shows.

Subtitle B--Establishing a Mandatory Handgun Waiting Period and Giving Law

Enforcement More Time to Complete Background Checks

Sec. 103. Mandatory waiting period and additional time for background checks.

Subtitle C--Keeping Guns Out of The Hands of Dangerous Juvenile Offenders

Sec. 104. Permanent prohibition on firearms transfers to or possession by dangerous juvenile offenders.

TITLE II--RESTRICTING YOUTH ACCESS TO FIREARMS

Sec. 201. Increasing youth gun safety by raising the age of handgun eligibility and prohibiting youth from possessing semiautomatic assault weapons.

Sec. 202. Enhanced penalty for youth possession of handguns and semiautomatic assault weapons and for the transfer of such weapons to youth.

Sec. 203. Gun storage and safety devices for all firearms.

Sec. 204. Responsibility of adults for death and injury caused by child access to firearms.

TITLE III--COMBATING ILLEGAL TRAFFICKING IN GUNS

Subtitle A--Restricting the Sources of Illegal Guns

Sec. 301. Preventing gun trafficking by restricting handgun transfers to one per month.

Sec. 302. Secure storage of firearms inventories.

Sec. 303. Requiring thefts from common carriers to be reported.

Sec. 304. Increasing the number of allowed compliance inspections of firearms dealers.

Sec. 305. Transfer of firearm to commit a crime of violence.

Sec. 306. Licensee reports of secondhand firearms.

Sec. 307. Voluntary submission of dealer's records.

Subtitle B--Enhancing Penalties for Gun Trafficking

Sec. 308. Increasing the penalties on gun kingpins.

Sec. 309. Serious recordkeeping offenses that aid gun trafficking.

Sec. 310. Suspension of firearms dealer's licenses and civil penalties for violations of the Gun Control Act.

Sec. 311. Termination of firearms dealer's license upon felony conviction.

Sec. 312. Increased penalty for transactions involving firearms with obliterated serial numbers.

Sec. 313. Forfeiture for gun trafficking.

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TITLE IV--STRENGTHENING THE ASSAULT WEAPONS BAN

Sec. 401. Ban on importing large capacity ammunition feeding devices.

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Sec. 501. Certain gang-related firearms offenses as RICO predicates.

Sec. 502. Increased penalty for firearms conspiracy.

Sec. 503. Gun convictions as predicate crimes for Armed Career Criminal Act.

Sec. 504. Serious juvenile drug trafficking offenses as Armed Career Criminal Act predicates.

Sec. 505. Limitation period for National Firearms Act prosecutions.

Sec. 506. Forfeiture of firearms used in crimes of violence and felonies.

Sec. 507. Separate licenses for gunsmiths.

TITLE VI--ENHANCING FIREARMS ENFORCEMENT

Sec. 601. Additional support for enhanced firearms prosecution projects.

Sec. 602. Youth Crime Gun Interdiction Initiative (YCGII).

TITLE VII--COMBATING CRIMINAL MISUSE OF EXPLOSIVES

Sec. 701. Permits and background checks for purchases of explosives.

Sec. 702. Persons prohibited from receiving or possessing explosives.

Sec. 703. Prohibiting possession of explosives by juveniles.

Sec. 704. Requirements concerning black powder and bulk smokeless powder.

Sec. 705. Authorizations of appropriations.

TITLE I--EXTENDING AND STRENGTHENING THE BRADY LAW

Subtitle A--Extending The Brady Act to Gun Shows

SEC. 101. REGULATION OF GUN SHOWS; FINDINGS.

Congress finds, that--

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

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

- (3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;
- (4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;
- (5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;
- (6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;
- (7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;
- (8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;
- (9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and
- (10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

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

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

(35) GUN SHOW- The term 'gun show' means any event--

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

(B) at which 2 or more persons are offering or exhibiting 1 or more firearms for sale, transfer, or exchange.

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

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

(b) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS-

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

Sec. 931. Regulation of firearms transfers at gun shows

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

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

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

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

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

(2) not later than 72 hours before commencement of the gun show, submits to the Secretary an updated list of all gun show vendors planning to participate in the gun show and any other information concerning such vendors as the Secretary may require by regulation;

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

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

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

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

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

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

(7) maintains a copy of the records described in paragraphs (2) through (4) at the permanent place of business of the gun show promoter for such

period of time and in such form as the Secretary shall require by regulation.

(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES-

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

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

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

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

(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES-

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

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

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

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

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

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

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

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

(A) of such compliance; and

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

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

Secretary a report of the transfer, which report--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) INSPECTION AUTHORITY- Section 923(g)(1) of title 18, United States Code, is amended by adding at the end the following:

(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.

(c) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS-

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

(A) in paragraph (5), by striking 'subsection (s) or (t) of section 922' and inserting 'section 922(s)'; and

(B) by adding at the end the following:

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

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE- Section 922(t)(5) of title 18, United States Code, is amended by striking 'and, at the time' and all that follows through 'State law'.

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

(e) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated such

sums as may be necessary to carry out this section.

Subtitle B--Establishing a Mandatory Handgun Waiting Period and Giving Law Enforcement More Time to Complete Background Checks

SEC. 103. MANDATORY WAITING PERIOD AND ADDITIONAL TIME FOR BACKGROUND CHECKS.

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

(1) in paragraph (1)(A), by inserting 'and, in accordance with regulations prescribed by the Secretary, transmits notice of the proposed firearm transfer to the chief law enforcement officer of the place of residence of the transferee' before the semicolon;

(2) in paragraph (1)(B)(ii)--

(A) by striking '3' and inserting '5'; and

(B) by striking 'and' at the end;

(3) in paragraph (1)(C), by striking the period at the end and inserting '; and';

(4) by adding at the end of paragraph (1) the following:

'(D) if the firearm is a handgun or semiautomatic assault weapon--

'(i) not less than 72 hours have elapsed since the licensee contacted the system; or

'(ii) if the firearm is a handgun, the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of a member of the household of the transferee.'; and

(5) by adding at the end the following:

'(7) In this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer of a law enforcement agency, or the designee of any such officer.

'(8) In accordance with regulations prescribed by the Secretary, a chief law enforcement officer who accepts notice of a proposed firearm transfer under paragraph (1)(A) shall destroy any statement or other record containing information derived from the notice, unless the chief law enforcement officer determines that the transfer would violate Federal, State, or local law.

'(9) The Secretary shall promulgate regulations regarding the manner in which licensees shall transmit notice of a proposed firearm transfer to the chief law enforcement officer of the transferee's place of residence under paragraph (1)(A) and shall exempt licensees from the notice requirement where the Secretary determines such notice does not further the purposes of this section.'

Subtitle C--Keeping Guns Out Of The Hands of Dangerous Juvenile Offenders

SEC. 104. PERMANENT PROHIBITION ON FIREARMS TRANSFERS TO OR POSSESSION BY DANGEROUS JUVENILE OFFENDERS.

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

- (1) by inserting '(A)' after '(20)';
- (2) by redesignating subparagraphs (A) and (B) as clauses '(i)' and '(ii)', respectively;
- (3) by inserting after subparagraph (A) the following new subparagraph:

'(B) For purposes of section 922(d) and (g) of this chapter, the term 'adjudicated delinquent' means an adjudication of delinquency based upon a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious drug offense or violent felony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph.'; and

- (4) by striking 'What constitutes' through the end and inserting the following:

'(C) What constitutes a conviction of such a crime or an adjudication of delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of delinquency which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored by the jurisdiction in which the conviction or adjudication of delinquency occurred shall nevertheless be considered a conviction or adjudication of delinquency unless--

- '(i) the expunction, set aside, pardon or restoration of civil rights is directed to a specific person;
- '(ii) the State authority granting the expunction, set aside, pardon or restoration of civil rights has expressly determined that the circumstances regarding the conviction and the person's record and reputation are such that the person will not act in a manner dangerous to public safety; and
- '(iii) the expunction, set aside, pardon, or restoration of civil rights expressly authorizes the person to ship, transport, receive or possess firearms..

The requirement of this subparagraph for an individualized restoration of rights shall apply whether or not, under State law, the person's civil rights were taken away by virtue of the conviction or adjudication.'

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

- (1) in subsection (d)--
 - (A) by striking 'or' at the end of paragraph (8);
 - (B) by striking the period at the end of paragraph (9) and inserting '; or'; and
 - (C) by inserting after paragraph (9) the following:
'(10) has been an adjudicated delinquent.'; and
- (2) in subsection (g)--
 - (A) by striking 'or' at the end of paragraph (8);
 - (B) by striking the comma at the end of paragraph (9) and inserting '; or'; and
 - (C) by inserting after paragraph (9) the following:

(10) who has been adjudicated delinquent,'.

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

TITLE II--RESTRICTING YOUTH ACCESS TO FIREARMS

SEC. 201. INCREASING YOUTH GUN SAFETY BY RAISING THE AGE OF HANDGUN ELIGIBILITY AND PROHIBITING YOUTH FROM POSSESSING SEMIAUTOMATIC ASSAULT WEAPONS.

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

(1) in paragraph (1)--

(A) by striking 'juvenile' and inserting 'person who is less than 21 years of age';

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

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

(D) by adding at the end the following:

(C) a semiautomatic assault weapon; or

(D) a large capacity ammunition feeding device.';

(2) in paragraph (2)--

(A) by striking 'a juvenile' and inserting 'less than 21 years of age';

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

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

(D) by inserting at the end the following:

(C) a semiautomatic assault weapon; or

(D) a large capacity ammunition feeding device.';

(3) in paragraph (3)(A), by inserting 'temporary' before 'possession';

(4) in paragraph (3)(B), by striking 'juvenile' and inserting 'person who is less than 21 years of age';

(5) in paragraph (3)(C), by striking 'juvenile; or' and inserting 'person who is less than 21 years of age';

(6) by striking subparagraph (D) of paragraph (3) and inserting the following:

(D) the possession of a handgun or ammunition by a person who is less than 21 years of age taken in defense of that person or other persons against an intruder into the residence of that person or a residence in which that person is an invited guest; or'

(7) by adding at the end of paragraph (3) the following:

(E) a temporary transfer of a handgun or ammunition to a person who is at least 18 years of age and less than 21 years of age, or the temporary use or possession of a handgun or ammunition by a person who is at least 18 years of age and less than 21 years of age, if the handgun and ammunition are possessed and used by the person--

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the person (or on property used for ranching or farming at which the person, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun; and

(ii) in accordance with State and local law; and

(8) by amending paragraph (4) to strike 'juvenile' wherever it appears and insert 'person who is less than 21 years of age'.

SEC. 202. ENHANCED PENALTY FOR YOUTH POSSESSION OF HANDGUNS AND SEMIAUTOMATIC ASSAULT WEAPONS AND FOR THE TRANSFER OF SUCH WEAPONS TO YOUTH.

(a) PENALTY FOR VIOLATIONS OF SECTION 922(x)- Section 924(a)(6) of title 18, United States Code, is amended--

(1) by striking '(6)(A)' and all that follows through the end of subparagraph (A) and inserting the following:

(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than one year, or both, and for a second or subsequent violation, or for a first violation committed after an adjudication of delinquency or after a State or Federal conviction for an act that, if committed by an adult, would be a serious violent felony (as defined in section 3559(c) of this title), shall be fined under this title, imprisoned not more than five years, or both;'

(2) by striking subparagraph (B) and inserting the following:

(B) A person other than a juvenile who knowingly violates section 922(x)--

(i) shall be fined under this title, imprisoned not more than five years, or both, and

(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device to a person who is less than 21 years of age knowing or having reasonable cause to know that such person intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device in the commission of a crime of violence, shall be fined under this title, imprisoned for not more than 10 years, or both.'

SEC. 203. GUN STORAGE AND SAFETY DEVICES FOR ALL FIREARMS.

(a) SECURE GUN STORAGE OR SAFETY DEVICES BY FEDERAL FIREARMS LICENSEES- Section 922 of title 18, United States Code, is amended by adding at the end the following:

(z) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to

sell, transfer, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, or licensed dealer) unless the transferee is provided with a secure gun storage or safety device.

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

(1) in subsection (a)(1) by inserting ', or (p)' before 'of this section'; and

(2) by adding at the end the following:

'(p) The Secretary may, after notice and opportunity for hearing, suspend or revoke any license issued under this chapter or may subject the licensee to a civil penalty of not more than \$10,000 if the holder of such license has knowingly violated section 922(z) of this chapter. The Secretary's actions under this subsection may be reviewed only as provided in section 923(f).'

(c) REPEAL OF INCONSISTENT PROVISIONS-

(1) Section 923(d)(1) of title 18, United States Code, is amended--

(A) in subparagraph (E) by adding at the end 'and';

(B) in subparagraph (F) by striking '; and' and inserting a period; and

(C) by striking subparagraph (G).

(2) Section 923(e) of title 18, United States Code, is amended by striking 'or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, shall not be considered to be in violation of the requirement to make available such a device)'

(3) Section 119 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277) is amended by striking subsection (d).

(d) EFFECTIVE DATE- The amendments made by this section shall be effective 180 days after the date of enactment of this Act.

SEC. 204. RESPONSIBILITY OF ADULTS FOR DEATH AND INJURY CAUSED BY CHILD ACCESS TO FIREARMS.

Section 922 of title 18, United States Code, is further amended by adding at the end the following:

(aa) PROHIBITION AGAINST GIVING CHILDREN ACCESS TO FIREARMS-

(1) DEFINITION OF CHILD- In this subsection, the term 'child' means an individual who has not attained the age of 18 years.

(2) PENALTIES- Except as provided in paragraph (3), any person who--

(A) keeps a loaded firearm, or an unloaded firearm and ammunition for the firearm, any one of which has been shipped or transported in interstate or foreign commerce, within any premises that is under the custody or control of that person; and

(B) ~~knows, or recklessly disregards the risk~~, that a child is capable of gaining access to the firearm; and

(C)(i) knows, or recklessly disregards the risk, that a child will use the firearm to cause death or serious bodily injury (as defined in section 1365 of this title) to the child or any other person; or

(ii) knows, or recklessly disregards the risk, that possession of the firearm by the child is unlawful under Federal or State law,

if the child uses the firearm to cause death or serious bodily injury to the child or any other person, shall be imprisoned not more than 3 years, fined under this title, or both.

(3) EXCEPTIONS- Paragraph (2) does not apply if--

(A) at the time the child obtained access, the firearm was secured with a secure gun storage or safety device;

(B) the person is a peace officer, a member of the Armed Forces, or a member of the National Guard, and the child obtains the firearm during, or incidental to, the performance of the official duties of the person in that capacity;

(C) the child uses the firearm in a lawful act of self-defense or defense of 1 or more other persons; or

(D) the person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises on which the firearm is kept.

TITLE III--COMBATING ILLEGAL TRAFFICKING IN GUNS

Subtitle A--Restricting the Sources of Illegal Guns

SEC. 301. PREVENTING GUN TRAFFICKING BY RESTRICTING HANDGUN TRANSFERS TO ONE PER MONTH.

(a) Section 922 of title 18, United States Code, is further amended by adding at the end the following:

(bb)(1) The Congress finds and declares that--

(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

(C) firearms and ammunition move easily in interstate commerce;

(D) the illegal movement of firearms, and handguns in particular, across state lines is a widespread and pervasive national problem;

(E) handguns (even when lawfully purchased) are unlawfully transported across state lines by gun traffickers and are illegally sold to prohibited persons;

(F) in fact, even before a firearm is illegally sold by a trafficker, the gun, its component

parts, ammunition, and the raw materials from which it is made have moved in interstate commerce;

(G) law-abiding persons may fear to travel interstate or to or through certain parts of the country due to concern about violent crime and gun violence;

(H) the illegal movement of handguns across state lines substantially affects the national market for firearms, because handguns sold in one State in which there are few restrictions provide a convenient source for the acquisition of handguns by gun traffickers who transport the handguns to jurisdictions with stronger restrictions;

(I) the unlawful sale of firearms by traffickers provides a method by which firearms can be bought and sold anonymously, without background checks and without record-keeping requirements to enable gun tracing;

(J) handguns sold by traffickers are often obtained by criminals and other prohibited persons who frequently use guns that cannot be traced to commit crimes;

(K) handgun violence is a pervasive, national problem that is exacerbated by the availability of handguns through gun traffickers;

(L) firearms from traffickers have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession by felons and other prohibited persons;

(M) because gun trafficking is often an interstate activity, individual States and localities are often severely hampered in combating illegal handgun purchases--even States and localities that have made strong efforts to prevent, detect, and punish gun-related crime and illegal trafficking of firearms--as a result of the failure or inability of other States or localities to take strong measures; and

(N) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to ensure, by enactment of this section, that criminals and other prohibited persons do not obtain firearms through gun traffickers.

(2) It shall be unlawful for any person--

(A) during any 30-day period, to sell, deliver or transfer 2 or more handguns to any single person (other than a licensed importer, licensed manufacturer, or licensed dealer), or

(B) to sell, deliver or transfer a handgun to any single person (other than a licensed importer, licensed manufacturer, or licensed dealer), knowing or having reasonable cause to believe that the transferee has already received one or more handguns within the previous 30 days.

(3) It shall be unlawful for any person (other than a licensed importer, licensed manufacturer, or licensed dealer) to receive more than one handgun within any 30-day period.

(4) Under such rules and regulations as the Secretary shall prescribe, paragraphs (2) and (3) shall not apply to--

(A) handguns transferred to or received by qualified private security companies licensed to do business within the State where the transfer occurs for use by the company in its security operations, provided that any handgun transferred under this subsection is transferred through a licensed dealer located in the State where the security company is licensed to do business;

(B) the disposition made of a handgun delivered to a person licensed under section 923 for the sole purpose of repair or customizing when such handgun or a replacement handgun of the same kind and type is returned to the person from whom it was received;

(C) the loan or rental of a single handgun from a person licensed under section 923, provided that the recipient possesses no more than one such loaned or rented handgun at any one time;

(D) the redemption of pawned handguns from a person licensed under section 923 by the person from whom the handguns were received;

(E) the receipt of curio or relic handguns by a licensed collector;

(F) the receipt of a single handgun from a person licensed under section 923 to replace a lost or stolen handgun of the same kind or type, where the transferee has submitted to the licensee a copy of an official police report establishing the loss or theft of a handgun or handguns;

(G) the transfer of handguns by bequest;

(H) the transfer of handguns to a member of the transferor's immediate family; (for purposes of this section, the term 'immediate family' means the transferor's spouse, child, parent, stepparent, grandparent, grandchild, brother, or sister); or

(I) the transfer of all or part of a personal firearms collection (as that term is defined in regulations to be prescribed by the Secretary) that includes handguns, provided that the handguns in the collection are transferred through a licensed importer, manufacturer, or dealer located in the State where the transferee resides.

(b) PENALTIES- Section 924(a)(2) of title 18, United States Code, is amended by striking 'or (o)' and inserting '(o), or (bb)'.

(c) INCREASED PENALTIES FOR LICENSEES WHO KNOWINGLY MAKE FALSE STATEMENTS IN REQUIRED RECORDS-

(1) Section 924(a)(3) of title 18, United States Code, is amended by striking '(A)', by striking 'or' after 'chapter', by striking all of subsection (B), and by striking 'one year' and inserting 'five years'.

(2) Section 924(a) of title 18, United States Code, as amended by section 102(b) and (c) of this Act, is amended by adding at the end the following:

(9) Any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly violates subsection (m) of section 922 shall be fined under this title, imprisoned not more than one year, or both.

(d) CONFORMING CHANGES TO THE BRADY LAW- Section 922(t) of title 18, United States Code, as amended by section 103(e) of this Act is amended--

(1) in paragraph (1)(B)(ii), by striking '(g) or (n)' and inserting '(g), (n), or (bb)';

(2) in paragraph (2), by striking '(g) or (n)' and inserting '(g), (n), or (bb)';

(3) in paragraph (3), by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(4) in paragraph (4), by striking '(g) or (n)' and inserting '(g), (n), or (bb)'; and

(5) by adding at the end the following:

“(10) A licensee must, within three days of receiving a request from the prospective transferee, notify the national instant criminal background check system of any background check conducted pursuant to this section within the previous 30 days that did not result in the transfer of a handgun.

“(11) Information that is retained pursuant to Public Law 103-159 may be used to effectuate section 922(hb).”

(e) EFFECTIVE DATE- The Secretary, in consultation with the Attorney General, shall determine, and publish in the Federal Register, the date on which this subsection shall become effective.

SEC. 302. SECURE STORAGE OF FIREARMS INVENTORIES.

(a) STORAGE REQUIREMENTS- Section 923 of title 18, United States Code is amended by adding at the end the following:

“(m) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer (other than a dealer as defined in section 921(a)(11)(B)) to store any firearms in their business inventory in a manner not in conformity with regulations issued by the Secretary. In issuing such regulations, the Secretary shall take into consideration the type and quantity of the firearms to be stored, as well as the standards of safety and security recognized in the firearms industry.”

(b) PENALTIES- Section 924 of title 18, United States Code, as amended by section 203(b) of this Act, is amended--

(1) in subsection (a)(1) by inserting ‘(o),’ before ‘(p)’; and

(2) by adding at the end the following:

“(o) The Secretary may, after notice and opportunity for hearing, suspend or revoke any license issued under this chapter or may subject the licensee to a civil penalty of not more than \$10,000 if the holder of such license has knowingly violated section 923(m). The Secretary's actions under this subsection may be reviewed only as provided in section 923(f).”

(c) CONDITION OF LICENSING- Section 923(d)(1)(F) of title 18, United States Code is amended--

(1) in clause (ii)(II), by striking ‘and’ the second place it appears;

(2) in clause (iii), by striking the period and inserting ‘; and’; and

(3) by adding at the end the following:

“(iv) within 30 days after the application is approved the firearms inventory of the business will be stored in compliance with section 923(m) and regulations issued thereunder; and”

(d) EFFECTIVE DATE- The amendments made by this section shall be effective 180 days after the date of enactment.

SEC. 303. REQUIRING THEFTS FROM COMMON CARRIERS TO BE REPORTED.

(a) Section 922(f) of title 18, United States Code, is amended by adding at the end the following:

(3)(A) It shall be unlawful for any common or contract carrier to fail to report the theft or loss of a firearm within 48 hours after the theft or loss is discovered. The theft or loss shall be reported to the Secretary and to the appropriate local authorities.

(B) The Secretary may impose a civil fine of not more than \$10,000 on any person who knowingly violates subparagraph (A).

(b) Section 924(a)(1)(B) of title 18, United States Code, is amended by striking '(f),' and inserting '(f)(1), (f)(2).'

SEC. 304. INCREASING THE NUMBER OF ALLOWED COMPLIANCE INSPECTIONS OF FIREARMS DEALERS.

Section 923(g)(1)(B)(ii)(I) of title 18, United States Code, is amended by striking 'once' and inserting in its place 'three times'.

SEC. 305. TRANSFER OF FIREARM TO COMMIT A CRIME OF VIOLENCE.

Section 924(h) of title 18, United States Code, is amended by inserting 'or having reasonable cause to believe' after 'knowing'.

SEC. 306. LICENSEE REPORTS OF SECONDHAND FIREARMS.

(a) IN GENERAL- Section 923(g) of title 18, United States Code, is amended by adding at the end the following new paragraph:

(8) Licensed importers, licensed manufacturers, and licensed dealers shall submit to the Secretary monthly reports of all firearms obtained from non-licensees. Such information shall be reported on a form to be specified by the Secretary by regulation. Such reports shall not include the name of or identifying information about the firearm transferors or subsequent purchasers.

(b) EFFECTIVE DATE- This section shall be effective 180 days after the date of the enactment of this Act.

SEC. 307. VOLUNTARY SUBMISSION OF DEALER'S RECORDS.

Section 923(g)(4) of title 18, United States Code, is amended to read as follows:

(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Upon receipt of such records the successor licensee may retain the records of the discontinued business or submit the discontinued business records to the Secretary. Additionally, a licensee while maintaining a firearms business may voluntarily submit the records required to be kept by this chapter to the Secretary if such records are at least 20 years old. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business is discontinued to the Secretary. Where State law or local ordinance requires the delivery of records to another responsible authority, the Secretary may arrange for the delivery of such records to such other responsible authority.

Subtitle B--Enhancing Penalties for Gun Trafficking

SEC. 308. INCREASING PENALTIES ON GUN KINGPINS.

(a) INCREASING THE PENALTY FOR ENGAGING IN AN ILLEGAL FIREARMS BUSINESS- Section 924(a)(2) of title 18, United States Code, as amended by section 301(b) of

this Act, is amended to read as follows:

(2) Whoever--

(A) knowingly violates subsection (a)(6), (d), (g), (h), (i), (j), (o), or (bb) of section 922;
or

(B) willfully violates subsection (a)(1) of section 922,

shall be fined as provided in this title, imprisoned not more than 10 years, or both.'

(b) **SENTENCING GUIDELINES INCREASE FOR CERTAIN VIOLATIONS AND OFFENSES-** Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall--

(1) review and amend the Federal sentencing guidelines to provide an appropriate enhancement for a violation of 18 U.S.C. section 922(a)(1); and

(2) review and amend the Federal sentencing guidelines to provide additional sentencing increases, as appropriate, for offenses involving more than 50 firearms.

The Commission shall promulgate the amendments provided for under this subsection as soon as is practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 309. SERIOUS RECORDKEEPING OFFENSES THAT AID GUN TRAFFICKING.

Section 924(a)(3) of title 18, United States Code, as amended by section 301(c)(1) of this Act, is amended by striking the period and inserting '; but if the violation is in relation to an offense under subsection (a)(6) or (d) of section 922, shall be fined under this title, imprisoned not more than ten years, or both.'

SEC. 310. SUSPENSION OF FIREARMS DEALER'S LICENSE AND CIVIL PENALTIES FOR VIOLATIONS OF THE GUN CONTROL ACT.

Subsections (e) and (f) of section 923 of title 18, United States Code, are amended to read as follows:

(e) The Secretary may, after notice and opportunity for hearing, suspend or revoke any license issued under this section, or may subject the licensee to a civil penalty of not more than \$10,000 per violation, if the holder of such license has willfully violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary may, after notice and opportunity for hearing, suspend or revoke the license of, or assess a civil penalty of not more than \$10,000 on, a dealer who willfully transfers armor piercing ammunition. The Secretary may at any time compromise, mitigate, or remit the liability with respect to any willful violation of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary's actions under this subsection may be reviewed only as provided in subsection (f) of this section.

(f)(1) Any person whose application for a license is denied and any holder of a license which is suspended or revoked or who is assessed a civil penalty shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was suspended or revoked or the civil penalty assessed. Any notice of a suspension or revocation of a license shall be given to the holder of such license before the effective date of the suspension or revocation.

(2) If the Secretary denies an application for a license, or suspends or revokes a license, or assesses a civil penalty, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial, suspension, revocation, or assessment. In the case of a suspension or revocation of a license, the Secretary shall, upon the request of the holder of the license, stay the effective date of the suspension or revocation. A hearing under this paragraph shall be held at a location convenient to the aggrieved party.

(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or suspend or revoke a license or assess a civil penalty, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a de novo judicial review of such denial, suspension, revocation, or assessment. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding whether or not such evidence was considered at the hearing held under paragraph (2). If the court decides that the Secretary was not authorized to deny the application or to suspend or revoke the license or to assess the civil penalty, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

SEC. 311. TERMINATION OF FIREARMS DEALER'S LICENSE UPON FELONY CONVICTION.

Section 925(b) of title 18, United States Code, is amended by striking 'until any conviction pursuant to the indictment becomes final' and inserting 'until the date of any conviction pursuant to the indictment'.

SEC. 312. INCREASED PENALTY FOR TRANSACTIONS INVOLVING FIREARMS WITH OBLITERATED SERIAL NUMBERS.

Section 924(a) of title 18, United States Code, is amended--

- (1) in paragraph (1)(B), by striking '(k),'; and
- (2) in paragraph (2), by inserting '(k),' after '(j),'

SEC. 313. FORFEITURE FOR GUN TRAFFICKING.

(a) **CIVIL FORFEITURE**- Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

(G)(i) Any conveyance used or intended to be used to commit a gun trafficking offense, or conspiracy to commit such offense, and any property traceable to such property.

(ii) For the purposes of this section, a gun trafficking offense is a violation of any of the following sections of this title involving five or more firearms: section 922(i) (transporting stolen firearms); section 924(g) (travel with a firearm in furtherance of racketeering); section 924(l) (stealing a firearm); and section 924(n) (interstate travel to promote firearms trafficking).

(b) **CRIMINAL FORFEITURE**- Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

(9) The court, in imposing a sentence on a person convicted of a gun trafficking offense, as defined in section 981(a)(1)(G), or a conspiracy to commit such offense, shall order the person to forfeit to the United States any conveyance used or intended to be used to commit such offense,

and any property traceable to such conveyance.

SEC. 314. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE IV--STRENGTHENING THE ASSAULT WEAPONS BAN

SEC. 401. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

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

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

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

(3) in paragraph (1)(B) (as so redesignated by paragraph (2) of this subsection)--

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

(B) by inserting before the period the following: 'or lawfully imported on or before the date of the enactment of the Youth Gun Crime Enforcement Act of 1999';

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

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

(5) in paragraph (4)--

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

(B) by striking '(2)' and inserting '(1)(B)';

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

TITLE V--COMBATING CRIMINAL MISUSE OF FIREARMS

SEC. 501. CERTAIN GANG-RELATED FIREARMS OFFENSES AS RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended by inserting after '891-894 (relating to extortionate credit transactions),' the following: 'section 924(a) insofar as such offense is a violation of section 922(a)(1), (a)(6), (i), (j), (k), (o), (q), (u), (v), or (x)(1), or section 924(b), (g), (h), (k), (l), (m), or (n) (relating to firearms violations).'

SEC. 502. INCREASED PENALTY FOR FIREARMS CONSPIRACY.

Section 924 of title 18, United States Code, is further amended by adding at the end the following:

'(q) Except as otherwise provided in this section, a person who conspires to commit an offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as

those prescribed for the offense the commission of which is the object of the conspiracy.'

SEC. 503. GUN CONVICTIONS AS PREDICATE CRIMES FOR ARMED CAREER CRIMINAL ACT.

(a) Section 924(e)(1) of title 18, United States Code, is amended--

(1) by striking 'violent felony or a serious drug offense, or both,' and inserting 'violent felony, a serious drug offense or a violation of section 922(g)(1), or a combination of such offenses,'; and

(2) by adding at the end the following: 'No more than two convictions for violations of section 922(g)(1) shall be considered in determining whether a person has three previous convictions for purposes of this subsection.'

SEC. 504. SERIOUS JUVENILE DRUG TRAFFICKING OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(C) of title 18, United States Code, is amended by inserting 'or serious drug offense' after 'violent felony'.

SEC. 505. LIMITATION PERIOD FOR NATIONAL FIREARMS ACT PROSECUTIONS.

Section 6531 of the Internal Revenue Code of 1986 (26 U.S.C. 6531) is amended by amending the matter preceding paragraph (1) to read as follows:

'No person shall be prosecuted, tried, or punished for any of the various offenses arising under the internal revenue laws unless the indictment is found or the information instituted within 3 years next after the commission of the offense, except that the period of limitation--

'(a) shall be 5 years for offenses described in section 5861 (relating to firearms); and

'(b) shall be 6 years--

SEC. 506. FORFEITURE OF FIREARMS USED IN CRIMES OF VIOLENCE AND FELONIES.

(a) CIVIL FORFEITURE- Section 981(a)(1) of title 18, United States Code, is further amended by inserting after subparagraph (G) the following:

'(H) Any firearm (as defined in section 921(a)(3) of this title) used or intended to be used to commit or to facilitate the commission of any crime of violence (as defined in section 16 of this title) or any felony under Federal law.'

(b) CRIMINAL FORFEITURE- Section 982(a) of title 18, United States Code, is amended by inserting after paragraph (9) the following:

'(10) The court, in imposing a sentence on a person convicted of any crime of violence (as defined in section 16 of this title) or any felony under Federal law, shall order that the person forfeit to the United States any firearm (as defined in section 921(a)(3) of this title) used or intended to be used to commit or to facilitate the commission of the offense.'

(c) DISPOSAL OF PROPERTY- Section 981(c) of title 18, United States Code, is amended by adding at the end the following flush sentence:

Any firearm forfeited pursuant to subsection (a)(1)(H) or section 982(a)(10) of this title shall be disposed of by the seizing agency in accordance with law.

(d) **AUTHORITY TO FORFEIT PROPERTY UNDER SECTION 924(d)**- Section 924(d) of title 18, United States Code, is amended by adding at the end the following:

(4) Whenever any firearm is subject to forfeiture under this section, the Secretary of the Treasury shall have the authority to seize and forfeit, in accordance with the procedures of the applicable forfeiture statute, any property otherwise forfeitable under the laws of the United States that was involved in or derived from the crime of violence or drug trafficking crime described in subsection (c) in which the forfeited firearm was used or carried.

(e) **120-DAY RULE FOR ADMINISTRATIVE FORFEITURE**- Section 924(d)(1) of title 18, United States Code, is amended by adding 'administrative' after 'Any' in the last sentence.

(f) **SECTION 3665**- Section 3665 of title 18, United States Code, is amended--

(1) by redesignating the first undesignated paragraph as subsection (a)(1) and the second undesignated paragraph as subsection (a)(2); and

(2) by adding at the end the following:

(b) The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsection 413(d) which shall not apply to forfeitures under this section.

SEC 507. SEPARATE LICENSES FOR GUNSMITHS.

(a) Section 921(a)(11) of title 18, United States Code, is amended to read as follows:

(11) The term 'dealer' means (A) any person engaged in the business as a firearms dealer, (B) any person engaged in the business as a gunsmith, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.

(b) Section 921(a) of title 18, United States Code, is amended by redesignating paragraphs (12) through (33) as paragraphs (14) through (35), and by inserting after paragraph (11) the following:

(12) The term 'firearms dealer' means any person who is engaged in the business of selling firearms at wholesale or retail.

(13) The term 'gunsmith' means any person who, other than a licensed firearms manufacturer, importer or dealer, is engaged in the business of repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms.

(c) Section 923(a)(3) of title 18, United States Code is amended to read as follows:

(3) If the applicant is a dealer who is--

(A) a dealer in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;

(B) a dealer in firearms who is not a dealer in destructive devices, a fee of \$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years; or

(C) a gunsmith, a fee of \$100 for 3 years, except that the fee for renewal of a valid

license shall be \$50 for 3 years.

TITLE VI--ENHANCED FIREARMS ENFORCEMENT

SEC. 601. ADDITIONAL SUPPORT FOR ENHANCED FIREARMS PROSECUTION PROJECTS.

To provide additional funding for intensive firearms prosecution projects implemented by the Department of Justice, there are authorized to be appropriated \$5,000,000 for fiscal year 2000.

SEC. 602. YOUTH CRIME GUN INTERDICTION INITIATIVE (YCGII).

(a) **IN GENERAL-** The Secretary of the Treasury shall expand--

(1) to 75 the number of city and county law enforcement agencies that through the Youth Crime Gun Interdiction Initiative (referred to in this section as 'YCGII') submit identifying information relating to all firearms recovered during law enforcement investigations, including from individuals under age 25, to the Secretary of the Treasury to identify the types and origins of such firearms; and

(2) the resources devoted to law enforcement investigations of illegal youth possessors and users and of illegal firearms traffickers identified through YCGII, including through the hiring of additional agents, inspectors, intelligence analysts and support personnel.

(b) **SELECTION OF PARTICIPANTS-** The Secretary of the Treasury, in consultation with Federal, State, and local law enforcement officials, shall select cities and counties for participation in the program established under this section.

(c) **ESTABLISHMENT OF SYSTEM-** The Secretary of the Treasury shall establish a system through which State and local law enforcement agencies, through on-line computer technology, can promptly provide firearms-related information to the Secretary of the Treasury and access information derived through YCGII as soon as such capability is available. Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Chairman and Ranking Member of the Committees on Appropriations of the House of Representatives and the Senate, a report explaining the capacity to provide such on-line access and the future technical and, if necessary, legal changes required to make such capability available, including cost estimates.

(d) **REPORT-** Not later than one year after the date of enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit to the Chairman and Ranking Member of the Committees on Appropriations of the House of Representatives and the Senate a report regarding the types and sources of firearms recovered from individuals, including those under the age of 25; regional, State and national firearms trafficking trends; and the number of investigations and arrests resulting from YCGII.

(e) **AUTHORIZATION OF APPROPRIATIONS-** There are authorized to be appropriated to the Department of the Treasury to carry out this section such sums as may be necessary for fiscal years 2001 through 2004.

TITLE VII--COMBATING CRIMINAL MISUSE OF EXPLOSIVES

SEC. 701. PERMITS AND BACKGROUND CHECKS FOR PURCHASES OF EXPLOSIVES.

(a) **PERMITS FOR PURCHASE OF EXPLOSIVES IN GENERAL-** Section 842 of title 18, United States Code, is amended--

(1) by amending subparagraphs (A) and (B) of subsection (a)(3) to read as follows:

(A) to transport, ship, cause to be transported, or receive any explosive materials; or

(B) to distribute explosive materials to any person other than a licensee or permittee; and

(2) in subsection (b)--

(A) by adding 'or' at the end of paragraph (1);

(B) by striking ', or' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3).

(b) BACKGROUND CHECKS- Section 842 of title 18, United States Code, is amended by adding at the end the following:

(p)(1) A licensed importer, licensed manufacturer, or licensed dealer shall not transfer explosive materials to any other person who is not a licensee under section 843 of this chapter unless--

(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103(d) of the Brady Handgun Violence Prevention Act;

(B)(i) the system provides the licensee with a unique identification number; or

(ii) 5 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of explosive materials by such other person would violate subsection (i) of this section;

(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1038(d)(1) of this title) of the transferee containing a photograph of the transferee; and

(D) the transferor has examined the permit issued to the transferee pursuant to section 843 of this title and recorded the permit number on the record of the transfer.

(2) If receipt of explosive materials would not violate section 842(i) or State law, the system shall--

(A) assign a unique identification number to the transfer; and

(B) provide the licensee with the number.

(3) Paragraph (1) shall not apply to the transfer of explosive materials between a licensee and another person if on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because--

(A) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

(B) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (p)(8)); and

(C) there is an absence of telecommunications facilities in the geographical area in which

the business premises are located.

(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of explosive materials by such other person would violate subsection (i) or State law, and the licensee transfers explosive materials to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

(5) If the licensee knowingly transfers explosive materials to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 843 and may impose on the licensee a civil fine of not more than \$5,000.

(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages--

(A) for failure to prevent the sale or transfer of explosive materials to a person whose receipt or possession of the explosive materials is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess explosive materials.

(c) ADMINISTRATIVE PROVISIONS-

(1) WRITTEN REASONS PROVIDED ON REQUEST- If the national instant criminal background check system determines that an individual is ineligible to receive explosive materials and the individual requests the system to provide the reasons for the determination, the system shall provide such reasons to the individual, in writing, within 5 business days after the date of the request.

(2) CORRECTION OF ERRONEOUS SYSTEM INFORMATION- If the system established under subsection (b) of section 1 informs an individual contacting the system that receipt of explosive materials by a prospective transferee would violate subsection (i) of section 842 of title 18, United States Code, or State law, the prospective transferee may request the Attorney General to provide the prospective transferee with the reasons therefor. Upon receipt of such a request, the Attorney General shall immediately comply with the request. The prospective transferee may submit to the Attorney General information to correct, clarify, or supplement records of the system with respect to the prospective transferee. After receipt of such information, the Attorney General shall immediately consider the information, investigate the matter further, and correct all erroneous Federal records relating to the prospective transferee and give notice of the error to any Federal department or agency or any State that was the source of such erroneous records.

(d) REMEDY FOR ERRONEOUS DENIAL OF EXPLOSIVE MATERIALS-

(1) IN GENERAL- Chapter 40 of title 18, United States Code, is amended by inserting after section 843 the following:

Sec. 843A. Remedy for erroneous denial of explosive materials

Any person denied explosive materials pursuant to subsection (p) of section 842--

(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

(2) who was not prohibited from receipt of explosive materials pursuant to subsection (i) of section 842, may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.'

(2) TECHNICAL AMENDMENT- The section analysis for chapter 40 of title 18, United States Code, is amended by inserting after the item relating to section 843 the following:

'843A. Remedy for erroneous denial of explosive materials.'

(e) REGULATIONS-

(1) IN GENERAL- Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue final regulations with respect to the amendments made by subsection (a).

(2) NOTICE TO STATES- On the issuance of regulations pursuant to paragraph (1), the Secretary of the Treasury shall notify the States of the regulations so that the States may consider revising their explosives laws.

(f) LICENSES AND USER PERMITS- Section 843(a) of title 18, United States Code, is amended--

(1) by inserting ', including fingerprints and a photograph of the applicant' before the period at the end of the first sentence; and

(2) by striking the second sentence and inserting, 'Each applicant for a license shall pay for each license a fee established by the Secretary that shall not exceed \$300. Each applicant for a permit shall pay for each permit a fee established by the Secretary that shall not exceed \$100.'

(g) PENALTIES- Section 844 of title 18, United States Code, is amended--

(1) by redesignating subsection (a) as subsection (a)(1); and

(2) by inserting after subsection (a)(1) the following new paragraph:

'(2) Any person who violates subsection (p) of section 842 shall be fined under this title, imprisoned for not more than 5 years, or both.'

(h) EFFECTIVE DATE- The amendments made by subsections (a), (b), (c), (d), and (g) shall take effect 18 months after the date of enactment of the Act.

SEC. 702. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVES.

(a) DISTRIBUTION OF EXPLOSIVES- Section 842(d) of title 18, United States Code, is amended--

(1) in paragraph (5), by striking 'or' at the end;

(2) in paragraph (6), by striking the period and inserting 'or who has been committed to a mental institution;'; and

(3) by adding at the end the following:

(7) being an alien--

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (q)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(8) has been discharged from the Armed Forces under dishonorable conditions;

(9) having been a citizen of the United States, has renounced his citizenship; and

(10) is subject to a court order that--

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

(11) has been convicted in any court of a misdemeanor crime of domestic violence; or

(12) has been adjudicated delinquent.

(b) POSSESSION OF EXPLOSIVES- Section 842(i) of title 18, United States Code, is amended--

(1) in paragraph (3), by striking 'or' at the end; and

(2) by adding at the end the following:

(5) who, being an alien--

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (q)(2), has been admitted to the United States under a non-immigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that--

`(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

`(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

`(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

`(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

`(9) who has been convicted in any court of a misdemeanor crime of domestic violence; or

`(10) who has been adjudicated delinquent.'

(c) DEFINITION- Section 841 of title 18, United States Code, is amended by adding at the end the following:

`(r)(1) Except as provided in paragraph (2), the term 'misdemeanor crime of domestic violence' means an offense that--

`(A) is a misdemeanor under Federal or State law; and

`(B) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

`(2)(A) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless--

`(i) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

`(ii) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried--

`(I) the case was tried by a jury; or

`(II) the person knowingly and intelligently waived the right to have the case tried by jury, by guilty plea or otherwise.

`(B) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

`(s) 'Adjudicated delinquent' means an adjudication of delinquency based upon a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious drug offense or violent felony (as defined in section 3559(c)(2) of this

title), on or after the date of enactment of this paragraph.

(d) ALIENS ADMITTED UNDER NONIMMIGRANT VISAS- Section 842 is amended by adding at the end the following:

(r) PROVISIONS RELATING TO ALIENS ADMITTED UNDER NONIMMIGRANT VISAS-

(1) DEFINITIONS- In this subsection--

(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

(2) EXCEPTION- Sections (d)(7)(B) and (i)(5)(B) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

(3) WAIVER-

(A) CONDITIONS FOR WAIVER- Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (i)(5)(B), if--

(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

(ii) the Attorney General approves the petition.

(B) PETITION- Each petition under subparagraph (B) shall--

(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of subsection (i)(5)(B), otherwise be prohibited from such an acquisition under subsection (i).

(C) APPROVAL OF PETITION- The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (i)(5)(B) with respect to the petitioner--

(i) would be in the interests of justice; and

(ii) would not jeopardize the public safety.

(e) CONFORMING AMENDMENT- Section 845 of title 18, United States Code, is amended by adding at the end the following:

(d) Notwithstanding any other provision of this section, no person convicted of a misdemeanor crime of domestic violence may ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which have been shipped or transported in interstate or foreign commerce.

SEC. 703. PROHIBITING POSSESSION OF EXPLOSIVES BY JUVENILES.

Section 842 of title 18, United States Code, is amended by adding at the end the following:

'(r)(1) It shall be unlawful for any person who is under 21 years of age to ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which has been shipped or transported in interstate or foreign commerce.'

'(2) This subsection shall not apply to commercially manufactured black powder in bulk quantities not to exceed five pounds, and if the person is less than 18 years of age, the person has the prior written consent of the person's parents or guardian who is not prohibited by Federal, State, or local law from possessing explosive materials, and the person has the prior written consent in the person's possession at all times when the black powder is in the possession of the person.'

SEC. 704. REQUIREMENTS CONCERNING BLACK POWDER AND BULK SMOKELESS POWDER.

(a) Section 845 of title 18, United States Code, is further amended--

(1) by striking paragraph (4) of subsection (a) and inserting the following:

'(4) assembled small arms ammunition and primers not assembled into cartridges (other than bulk smokeless powder); and';

(2) in subsection (a)(5), by striking 'commercially manufactured black powder in quantities not to exceed fifty pounds;';

(3) by redesignating subsections (b), (c) and (d) as subsections (c), (d) and (e), respectively; and

(4) by adding at the end the following:

'(e) The provisions of sections 842(a)(3) and 842(b) of this chapter shall not apply to commercially manufactured black powder in quantities not to exceed five pounds which is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms as defined in section 921(a)(16) of title 18 of the United States Code, or in antique devices as exempted from the term 'destructive device' in section 921(a)(4) of title 18 of the United States Code, or to bulk smokeless powder in quantities not to exceed ten pounds.

'(f) Sections 842(a)(3)(A), 842(a)(3)(B), 842(b) and 842(p) shall not apply to transactions between licensees and persons licensed as manufacturers of ammunition under section 923(a)(1)(A) or (C) of this title.'

(b) Section 926 of title 18, United States Code, is amended by striking subsection (c).

(c) **EFFECTIVE DATE-** The amendments made by this section shall take effect 18 months after the date of enactment of the Act.

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

END

Draft 03/03/99 10:30am
Jeff Shesol

**PRESIDENT WILLIAM J. CLINTON
TOPPER ON GUN LEGISLATION
SAN JOSE, CALIFORNIA
March 3, 2000**

Before I begin, I want to say a few words about gun violence – a subject that is very much on the minds of all Americans, in the wake of this week's two tragic shootings.

Reducing gun violence isn't a partisan issue anywhere but Washington. Last night, the Senate couldn't even agree in principle – in a non-binding vote – on the need to pass gun safety legislation.

This latest vote is just another sign that the NRA is tightening its stranglehold on Congress. Just this morning, we learned that the NRA is launching a \$20 million campaign to target members of Congress who are trying to do the right thing. The NRA is also running ads that treat smart guns – guns that only their owners could fire – as nothing more than a big joke.

Well, I don't believe there's anything funny about this issue. Every single day in America, gunfire takes the lives of twelve children. It's time for Congress to get serious. It's time for Congress to put the interests of the American people above the interests of the gun lobby and give us common-sense legislation that closes the gun show loophole, requires child safety locks, and keeps guns out the wrong hands.

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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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June 9, 2000

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

Dear John:

Thank you for your letter of June 8, 2000, concerning gun safety legislation. I think it might be helpful if I respond by summarizing the remaining differences between our most recent proposals with an eye toward determining if we might yet be able to reach an agreement.

Definition of "gun show". Your proposal continues to define the term "gun show" as an event at which 50 or more firearms are offered or exhibited for sale, and at which there are not less than five vendors. In my most recent offer, as communicated in my letter to you of May 12, 2000, I also would require 50 or more firearms and not less than five vendors. I further proposed modifying the "purpose of the event" language in my earlier proposal in favor of a definition that covers all "events that are used to facilitate the sale of firearms." This new "facilitation" language is intended to address your concern about flea markets being the occasion for gun sales, while at the same time exempting a county fair or group yard sale which might unknowingly have five persons selling firearms which, in the aggregate, total more than 50 firearms.

"Trigger language" (leading to the 3 day background review period). Your most recent proposal provides that any "information obtained in the course of completing the background check" that a person is ineligible may trigger the longer three day review period. As you recall, I provided that any "official record" of possible ineligibility could trigger the longer review period. I believe that this difference is minimal, and yet you have not responded to my last communication in which I explained the rationale for my language. I look forward to your response on this point.

Instant check registrants. Your most recent proposal only allows current or retired law enforcement officers to serve as instant check registrants. My proposal allows anyone to be an instant check registrant so long as they meet the same requirements that are imposed on federally licensed vendors (including passing a background check). My proposal also imposes the same

The Honorable John Conyers

June 9, 2000

Page Two

criminal liability on instant check registrants that is imposed on federally licensed vendors. The likely outcome of your proposal to limit instant check registrants to current or retired law enforcement officers is that few, if any, persons will become instant check registrants. This, in turn, could have a substantial detrimental effect on gun shows. Again, I remain open to considering additional provisions that will further ensure the fitness and lawful conduct of instant check registrants.

Used firearm serial numbers. Your proposal requires in the case of used firearms, that the federally licensed vendor or instant check registrant who performs the background check transmit the make, model, and serial number of the used firearm to the manufacturer (or to the Secretary of the Treasury if the manufacturer has discontinued business). While I personally would be comfortable with such a requirement, I am concerned that such a new record-keeping requirement would make our agreement even more difficult to sell to a majority of House Members.

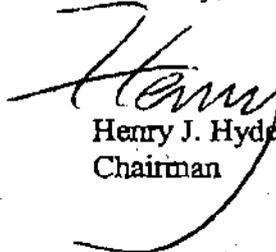
Immediate destruction of records. And finally, your proposal provides that the NICS records of approved purchasers may be retained for up to 90 days. This is the same time period proposed in a pending FBI regulation to reduce the record retention period from the current 180 days. As I have previously indicated, with regard to the immediate destruction of records for approved purchasers, it may be that you and I will ultimately have to agree to disagree. I personally believe that retaining records for a 90 day period would be useful for law enforcement; however, such a provision would be extremely threatening to many Americans who would see such a policy as a troubling threat to the privacy interests of law-abiding citizens and a possible prelude to longer or even permanent record retention. I would also note again that majorities in the House and the Senate have both voted for the immediate destruction provision during this Congress.

As you have acknowledged on a number of occasions, and most recently in your letter of yesterday, I have made many concessions over the course of our negotiations. Through it all, I have had to bear in mind the varied views of members on both sides of the aisle with an eye toward reaching an agreement that might garner at least 218 votes. As you know, on April 21st, I sent a letter to the President offering comprehensive legislation that includes reasonable gun safety provisions, including an effective background checks at guns shows, gun safety locks, a juvenile Brady provision, a ban on juvenile possession of assault weapons, and a ban on large capacity clips. That proposal has the support of a majority of the House Republican conferees on gun related provisions. If you and just two other Democratic conferees would support that proposal, we could advance the debate with an offer to Senate conferees.

The Honorable John Conyers
June 9, 2000
Page Three

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

Sincerely,



Henry J. Hyde
Chairman

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June 8, 2000

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The Honorable Henry J. Hyde
Chairman, Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Hyde:

I write to inquire again about your willingness to accept my gun safety proposal that meets the criteria set out in your letter of May 12.

On May 12 - on the eve of the Million Mom March - you wrote expressing your willingness to make several concessions in an effort to move our discussions forward on gun safety legislation. Heartened by your willingness to compromise on several sticking points, I replied immediately by sending you actual legislative language that incorporated the criteria you outlined in your letter. Based on your spokesman's comments to the media that "(w)e'll have an answer for Mr. Conyers sooner rather than later," Associated Press, May 16, 2000, I eagerly awaited your reply. I felt especially motivated to reach an agreement on gun safety in response to the overwhelming show of support for such measures by the 750,000 mothers and their families who marched on Mother's Day.

Since I provided you with compromise language, our nation has witnessed another rash of gun violence tragedies that are both senseless and preventable. Most notably, in Fort Worth, Florida, a high school student shot his teacher on the last day of school. In the words of the school's superintendent, "(i)f this gun had been locked, ladies and gentlemen, if this gun had a lock on it, we wouldn't be here having this tragic conversation today." This could not make it any clearer that the Congress's inaction on gun safety legislation not only is measured in days, but in lives.

I have offered a reasonable compromise that translates your criteria into legislation. My offer is still open, but I still have not heard from you. The Conference Committee has been dormant for nearly one year. If you sign on to my proposed compromise, we would need only one other Republican signature to have a House position and move this legislation forward.

Sincerely,


John Conyers, Jr.
Ranking Member

Summary of Key Provisions in Juvenile Crime Bills Passed by Congress

Juvenile Accountability Block Grant: At the heart of the House and Senate juvenile crime bills is the \$1.5 billion Juvenile Accountability Block Grant (JABG). The JABG authorizes \$500 million over each of the next 3 years to promote graduated sanctions for juvenile offenders, and to help build juvenile corrections facilities. Unlike previous versions, the JABG also funds a range of other activities and has strong bipartisan support. Funds can now be spent on: more prosecutors; probation officers and court personnel; drug and gun courts; information-sharing programs; mental health screening and treatment; confidential, toll-free hotlines for students; and character education. We should strongly support the current version of the JABG in conference, but we should also be aware that it will be difficult to fully fund the JABG during appropriations. Over the past 2 years Congress has funded a similar juvenile block grant at about half this level, and the current Senate appropriations bill only includes \$100 million for the JABG.

Office of Juvenile Justice and Delinquency Prevention: Both the House and Senate bills reauthorize the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP), which provides grants to states to improve their juvenile justice systems and prevent juvenile crime. The Senate version also includes a new \$200 million block grant dedicated to prevention activities, as well as a series of smaller programs that target gangs, early childhood training, alternative education, and improved parenting. We support all of these provisions.

Generally, both bills also preserve the "core mandates" in federal law that require states to keep juveniles offenders separate from adult inmates. This is a big victory for Democrats, and represents a significant shift in Republicans' previous position. However, the Senate bill does make one major change to these protections: it deletes the language in current law requiring states to work to reduce the disproportionate confinement of minority youth. We will need to work to amend this language in conference.

Reforms to Federal Juvenile Justice System: The House and Senate bills also include a number of changes to the federal juvenile justice system. As with the Administration's juvenile crime bill, both bills provide law enforcement access to certain juvenile records, allow prosecutors (not judges) to determine whether juveniles who commit serious violent crimes should be tried as adults, and expand the list of crimes for which juveniles can be charged as adults. However, we have since worked with Senator Leahy to moderate these provisions by: (1) clarifying that only in very limited circumstances should juvenile cases be prosecuted at the federal level; and (2) providing for a "reverse waiver" that allows federal judges to review a prosecutor's decision to try serious violent juveniles as adults. We will need to push to have these provisions included in the final bill. Even if we do, however, some House members – especially members of the Black Caucus – will still oppose any language that makes it easier for federal prosecutors to try juveniles as adults.

Religious Expression in Schools: In addition to passing a Senate amendment that expresses support for religious memorial services to take place on public school property (as was done at Columbine High School), the House passed two other amendments to promote religious expression in public schools: one to allow states to display the Ten Commandments in public buildings and schools; and one to bar plaintiffs from recouping attorneys fees in Establishment

Clause lawsuits where public school officials acted to accommodate or facilitate students' religious expression. The Justice Department has serious constitutional concerns with both of these provisions, and we will work to have these provisions dropped in conference.

Media Violence: Although the House rejected amendments to prohibit the distribution of violent and sexually-oriented materials to minors, and to establish a labeling system for violent media, it did vote to require schools and libraries participating in the FCC's e-rate program to equip their computers with filtering software that blocks Internet access to material deemed harmful to minors. Similarly, the Senate voted to require Internet Service Providers to make such filtering technologies available to parents.

Other Miscellaneous Provisions: Finally, both bills contain a variety of other provisions that – although they passed with little debate or with overwhelming support – are far-reaching and may need to be amended in conference. Some of these provisions include:

IDEA Reform: Both the House and Senate bills would amend IDEA to allow school officials to expel disabled students who bring a firearm to school, just as they Gun-Free Schools Act require them to do with other students. The Department of Education is strongly opposed to this change.

Crimes Against Children: The House and Senate bills include a combination of three, tough new provisions to crackdown on crimes against children. Aimee's Law requires states responsible for releasing repeat murderers, rapists, or sex offenders that go on to commit similar crimes in other states to: (1) pay for the apprehension, prosecution, and imprisonment of such repeat offenders; and (2) transfer \$100,000 from their law enforcement block grant funds to compensate each victim of such a repeat offender. Mathew's Law directs the sentencing commission to increase penalties for violent crimes committed against children under the age of 13. And a "two strikes" amendment provides for the mandatory life imprisonment of sex offenders who commit crimes against children.

Gang Recruitment Penalty: Both the House and Senate bill includes an amendment by Senator Feinstein that makes it a federal crime to recruit gang members, with a 4-year mandatory minimum for recruiting a minor. Although we were originally concerned about the amendment's scope, Senator Feinstein has since narrowed the provision.

School Safety: The Senate bill includes a series of amendments that would allow schools to use their ESEA funds for a broad range of school safety measures, including increased security measures, school uniforms, school resource officers, and drug testing. The bill also authorizes background checks for prospective school employees.

Drug Dealer Liability: The House bill creates a new federal, civil cause of action for anyone – except a drug user who is unwilling to reveal the source of his or her drugs – harmed by a person that manufactures or distributes a controlled substance in violation of federal law.

Limitation on Teachers' Liability: The Senate bill includes a provision to limit the liability of school officials who – acting consistent with their official duties – make reasonable efforts to discipline students.

Limitation on Prisoner Release Orders: The House bill includes a provision that would bar federal courts from carrying out any prison release orders, and vitiate many of the existing consent decrees dealing with prison conditions. The Justice Department has expressed serious concerns with this language.

Suspension of Drivers' Licenses: The House version of the JABG includes an amendment that conditions receipt of grant funds on states enacting laws mandating the suspension of drivers' licenses, until the age of 21, of any juvenile caught illegally possessing a gun.

March 6, 2000

BIPARTISAN GUN MEETING WITH JUDICIARY COMMITTEE LEADERS

DATE: March 7, 2000
LOCATION: Oval Office
TIME: 10:15 AM- 11:15 AM
FROM: Chuck Brain
Bruce Reed

I. PURPOSE

To meet with the Chairmen and Ranking Members of the House and Senate Judiciary Committees to discuss the impasse over gun control.

II. BACKGROUND

Last session the Senate passed a number of White House backed, common-sense gun control measures to keep firearms out of the hands of criminals and children as part of its Juvenile Justice bill. Chief among these provisions was the very controversial closing of the "gun show loophole" sponsored by Senator Lautenberg (D-NJ). In addition, the Senate passed three other important gun safety measures: (1) mandating child safety locks for handguns; (2) banning the importation of large capacity ammunition clips; and (3) banning violent juveniles from owning guns for life.

Unfortunately, the House did not pass similar gun control measures as part of its companion bill. Republican Leadership teamed with Rep. John Dingell (D-MI) and forty-nine other pro-NRA Democrats to defeat the McCarthy (D-NY) amendment. Although it is quite likely that the Conference Committee on this bill could resolve most of the discrepancies on the substantive juvenile justice measures, they have made no progress on the gun control provisions. Indeed, the impasse may be so intractable that the Juvenile Justice bill could die for this Congress. Recently, press reports indicate that Chairmen Hatch (R-UT) and Hyde (R-IL) are considering releasing the Juvenile Justice Conference Report without the gun measures.

Your Objective:

Your principal objective in this meeting is to reiterate the urgent need for the Juvenile Justice Conference to produce a Juvenile Justice bill that includes the gun safety measures passed by the Senate and blocked narrowly in the House. It is essential that the Administration focus on obtaining these four measures and, most importantly, the Lautenberg gun show loophole amendment. Indeed, the remainder of your gun measures -- including licensing -- would not be supported by Minority Leader Daschle (D-SD) or Ranking Member Leahy (D-VT). The Republicans may attempt to cut a deal by offering you the child safety locks and the provision to ban violent juveniles from gun possession

as adults as a compromise. Such a deal would be both bad public policy and politically harmful at this time. Closing the gun show loophole will by far do the most to get guns out of the hands of potential bad actors, and the Democrats have made a concerted decision to focus on the gun show loophole as a must-have portion of their gun strategy.

Probable Hyde-Hatch Strategy:

Chairman Hyde and Hatch have done very little to advance the conference. And yet, they will try to lay the blame for the impasse on you and Congressional Democrats. It will be important to push back on this effort to shift blame. The Senate passed the Lautenberg amendment (with the Vice-President breaking the tie) and in the House, 75% of the Democratic Caucus supported the companion McCarthy amendment. The Republican House Leadership and the NRA are to blame for thwarting the will of the American people, and many of their elected representatives in Congress.

Enforcement

Separate and apart from the Juvenile Justice bill, it would be both practically and politically useful to get an agreement on your gun enforcement budget initiative in order to take away the NRA and Republicans' primary argument against the need for more gun control measures. You should be aware that the Justice Department has strong concerns with language contained in both the House and Senate-passed juvenile justice bills to expand Project Exile. The proposed language could federalize all gun violations for prosecution in federal districts. Justice supports mandating coordination of gun cases between federal, state, and local prosecutors as an alternative.

Hyde's Gun Show "Compromise"

For months, Hyde has been floating various gun show loophole alternatives with Rep. Conyers that Conyers has rejected as flawed, loophole-filled approaches to the issue. But this effort by Rep. Hyde has allowed Rep. Hyde to claim that he is trying to make progress. Senator Hatch would likely stand with Rep. Hyde and back the "Hyde gun show compromise." Although Senator Hatch has not been very public in his support for the Hyde compromise, he and his staff have called the measure the "Hyde-Hatch compromise" in small group meetings. The only likely scenario under which Senator Hatch would not support Rep. Hyde is if the Republican Leadership and/or the NRA decide that even the Hyde compromise goes too far. By the way, it is not at all clear that Hyde could sell his compromise to his own leadership.

Trigger Locks

The shooting at the Mount Morris Township, MI elementary school has heightened attention to the trigger lock issue. Rep. Hyde and Senator Hatch will likely state (correctly, no doubt) that they could quickly get House and Senate passage of a trigger locks bill almost immediately. That position allows them to claim that gun safety advocates, including you and Congressional Democrats, want all or nothing. The best response to this position would be to note that trigger locks are vital to the protection of children, but closing the gun show loophole is vital to keeping guns out of the hands of felons. Breaking apart the Senate-passed package in order to respond to a specific tragedy (like last week's school shooting) is not true leadership. Besides, this maybe the only opportunity this Congress has to move gun safety legislation, so the entire package must move now.

Gun Show loophole

As to the gun show loophole issue, Rep. Hyde's alternative leaves much to be desired. During the meeting, you should yield to Rep. Conyers, so he can attack the flaws in Rep. Hyde's approach:

- The exclusion of events where items other than guns are sold, e.g. flea markets.
- A loophole ("let's step outside" transactions) that allows an individual to advertise a gun at a gun show, but offer to sell that gun to a prohibited purchaser that same day at another location. *Thru: sold or buy used vs: offer for sale*
- An elimination of the Lautenberg gun tracing record provisions. Since the Lautenberg provision is the only provision that would assist law enforcement with tracing crime guns sold at gun shows, this would be a critical weakening. *(Tear off - trace info to ATF)*
- A loophole that weakens existing law by limiting the time law enforcement has under current law (from 3 business days to 24 hours) to complete background checks at gun shows when there are questions about certain "non-official" records relating to domestic violence restraining orders and mental health histories. *- private sales*

III. PARTICIPANTS

Pre-brief
YOU

- John Podesta
- Steve Ricchetti
- Maria Echaveste
- Joel Johnson
- Bruce Reed
- Chuck Brain
- Karen Robb
- Broderick Johnson
- Eric Liu

Meeting
YOU

- John Podesta
- Bruce Reed
- Chuck Brain

- Senator Orrin Hatch (R-UT)
- Senator Patrick Leahy (R-VT)
- Representative Henry Hyde (R-IL)
- Representative John Conyers (D-MI)

*• new class of registrants - new bureaucracy, new licenses
- hard to police, not subject to same record keeping (no tear off, no record)*

*17,000 - 24 hrs
7,000 - 92 hrs
12% restrictions only*

IV. PRESS PLAN

Closed

V. SEQUENCE OF EVENTS

-- You welcome the Members and make introductory remarks;

-- You open the meeting for discussion.

VI. REMARKS

-- None

VI. ATTACHMENTS

-- See attached talking points;

-- Policy memo.

Talking Points for the President

This is your meeting; you invited these four Congressional leaders to the White House to discuss Congress' impasse on gun safety legislation. The press has mischaracterized this meeting as a "summit" or as a "negotiation." It is neither. Generally, the purpose of this meeting is to put pressure on Chairmen Hatch (R-UT) and Hyde (R-IL) (and by extension the Republican Leadership) to move on the four common-sense gun control measures contained in the Senate-passed Juvenile Justice bill. While it is important to maintain a tenor that you are more than willing to work with Congress to produce effective gun safety legislation, it is not the purpose of this meeting for you to strike a deal.

Talking points:

- Thank you all for coming.
- Last week we all felt the pain and tragedy that is all too often caused by the improper use of guns – guns that should be kept out of the hands of criminals and, in particular, children. Indeed, I know Rep. Conyers (D-MI) felt this pain most acutely due to the senseless killing of six-year-old Kayla Rolland in Mt. Morris Township, Michigan. As you all know, the community of Wilkinsburg, Pennsylvania also experienced a tragedy of its own when a gunman walked into a busy commercial center and killed three and grievously wounded two others.
- These tragedies must cease – not next Congress, not by the end of the session, but today. Since the tragedy at Columbine, thousands of children have died from gun violence. You – the Chairmen and Ranking Members of the Judiciary Committees – are in the best possible position to put an end to these tragedies, and the best way to achieve this goal is by sending for your signature the four common-sense gun measures contained in the Senate-passed juvenile justice bill.
- I invited you all to the White House today to catalyze your efforts to pass the juvenile justice bill conference report with these four measures and to send it to me for my signature so we can make a meaningful step toward ending these needless tragedies.
- What needs to happen to resurrect the juvenile justice conference? This issue is too important to allow it to die over partisan politics.
- Let us begin by discussing the substance on issues on which we all can agree. Given the misfortune that occurred in Mt. Morris Township, we all must be able to agree that child safety locks and safe storage devices must be included with the sale of every handgun?
- Likewise, we must also be able to agree that the ban on the import of large ammunition clips – which ends the grandfather loophole established by the 1994 Assault Weapons bill – is a common sense provision that can and should get done this year?

- In addition, we should also be able to coalesce around the juvenile Brady provision. Indeed, this measure which would bar juveniles found guilty in juvenile court for serious violent offenses from owning guns as adults is significantly weaker than the original Administration proposal; it is already a compromise position.
- Allow me to bring up one more issue I know that all of you – on both sides of the aisle – can and do support -- enforcing the gun control measures we already have on the books. That is why my administration has put a great deal of resources into efforts like Operation Ceasefire in Boston, Project Exile in Richmond, and a recently launched Project Exile in Colorado. That is also why I have announced a gun enforcement initiative in my FY-2001 budget to hire 1,000 new gun prosecutors and 500 more ATF agents and inspectors. Certainly, this is a starting point from which we all can agree, is it not?
- Finally, we all know that the largest area of dispute that exists between the different sides of this debate is over the Lautenberg gun show loophole amendment. I am not going to mince words with you all – this is the most important issue to most Democrats, the Administration as an institution, and to me personally. Although I am always willing to listen and compromise, I will not accept a “deal” which does not achieve the basics of the Lautenberg amendment, or the functional equivalent thereof.
- Chairman Hyde, I understand you have offered a compromise on the gun show loophole to Rep. Conyers. What is that, and John, what’s wrong with Henry’s proposal?

**PRESIDENT CLINTON: CONVENING CONGRESSIONAL LEADERS
TO PASS COMMON SENSE GUN LEGISLATION**

March 7, 2000

In the wake of last week's tragic shootings, President Clinton today will convene a meeting with Congressional leaders to break the logjam on pending common sense gun legislation. The President will ask the leaders of Congress to put the safety of American families first, and pass measures to close the gun show loophole, require child safety locks for handguns, and ban the importation of large capacity ammunition clips. The President also will call on the leaders to pass his plan to punish adults who recklessly allow children to have access to deadly weapons.

In addition, the President will announce the release of a new Justice Department report, *Kids and Guns*, which shows the devastating impact that gun violence has taken on the lives of American children. Among the key findings, the report shows that while other types of juvenile homicide remained constant, the rise in murders of, and by, juveniles from the mid-1980's to their peak in 1993 was entirely firearms-related -- as was the subsequent decline since 1993. Despite recent declines, however, too many American kids are killed by gunfire: the gun homicide rate of children under 15 is 16 times higher in the U.S. than in 25 other industrialized nations.

RELEASING NEW REPORT ON KIDS AND GUNS. Today's report, prepared by the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP), contains encouraging news on recent declines in gun-related juvenile deaths, but reinforces the need to remain vigilant in keeping guns out of the hands of children. Key findings include:

- **The sharp decline in homicides by juveniles between 1994 and 1997 was attributable entirely to a decline in homicides with firearms.** This followed an increase in homicides by juveniles from the mid-1980's to the 1993 peak year -- fueled entirely by firearms.
- **Guns are the weapon of choice for juvenile homicide offenders.** Between 1980 and 1997, 70% of juvenile homicide offender victims were killed with a firearm. Most victims of juvenile homicide offenders were male (83%). Of all victims killed by juveniles, 55% were acquaintances, 31% were strangers and 14% were family members.
- **The number of juveniles murdered with a gun increased 65 percent between 1987 and 1993 while other types of homicide remained constant.** The subsequent decrease in juveniles murdered also was all gun-related. Between 1980-1997, nearly 38,000 juveniles were murdered. In 1980, fewer than half (41 percent) of the juveniles murdered were killed with a firearm; this proportion peaked at 61 percent in 1993 and fell to 56 percent in 1997.
- **Homicides of teens are more likely to involve a gun in adult homicides.** For example, in 1997, approximately 85 percent of 15-17 year-olds were killed with a gun, as compared to 60 percent of adult homicide victims age 35-44.

Today's report underscores the importance of this Administration's efforts to reduce gun violence, such as the Brady Law, 1994 assault weapons ban, the Youth Handgun Safety Act which bans juvenile handgun possession, and the Youth Crime Gun Interdiction Initiative to

crack down on illegal gun traffickers who supply guns to youth. The report also reinforces the need for additional gun safety measures, like those proposed by the President, to prevent guns from getting into the wrong hands.

PUSHING CONGRESS TO PASS COMMON SENSE GUN LEGISLATION. For eight months, the Congress has failed to complete action on common sense gun measures in the pending juvenile crime bill for eight months. Today the President will ask Congressional leaders to move quickly to enact into law the Senate-passed gun safety provisions to help keep guns out of the hands of children and criminals. The Senate gun provisions include:

- **Closing the gun show loophole.** The Senate bill contained provisions to close this dangerous loophole in the law that allows criminals to buy guns at gun shows on a cash and carry basis with no questions asked. It is estimated that up to half of sellers at the more than 4,000 gun shows held across the country are not subject to the same laws as licensed gun dealers – and are not required to conduct background checks or keep records to help law enforcement trace guns later used in crimes. To close this dangerous loophole, the President will insist on background checks and record-keeping for all sales at gun shows.
- **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. The Senate passed an amendment to require a child safety lock with every new handgun.
- **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 would close this loophole by banning the importation of all large capacity magazines – regardless of when they were manufactured.
- **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 Senate bill 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 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.

Talking Points for the President

This is your meeting; you invited these four Congressional Leaders to the White House to discuss Congress' impasse on gun safety legislation. The press has mischaracterized this meeting as a "summit" or as a "negotiation." It is neither. Generally, the purpose of this meeting is to put pressure on Chairmen Hatch (R-UT) and Hyde (R-IL) (and by extension the Republican Leadership) to move on the four common-sense gun control measures contained in the Senate-passed Juvenile Justice bill. While it is important to maintain a tenor that you are more than willing to work with Congress to produce effective gun safety legislation, it is not the purpose of this meeting for you to strike a deal.

Talking points:

- Thank you all for coming.
- Last week we all felt the pain and tragedy that is all too often caused by the improper use of guns – guns that should be kept out of the hands of criminals and, in particular, children. Indeed, I know Rep. Conyers (D-MI) felt this pain most acutely due to the senseless killing of six-year-old Kayla Rolland in Mt. Morris Township, Michigan. As you all know, the community of Wilksburg, Pennsylvania also experienced a tragedy of its own when a gunman walked into a busy commercial center and killed three and seriously wounded two others.
- These tragedies must cease – not next Congress, not by the end of the session, but today. Since the tragedy at Columbine, thousands of children have died from gun violence. You – the Chairmen and Ranking Members of the Judiciary Committees – are in the best possible position to put an end to these tragedies, and the best way to achieve this goal is by sending for my signature the four common-sense gun measures contained in the Senate-passed juvenile justice bill.
- I invited you all to the White House today to catalyze your efforts to pass the Juvenile Justice Bill Conference Report with these four measures and to send it to me for my signature so we can make a meaningful step toward ending these needless tragedies.
- Likewise, we must also be able to agree that the ban on the import of large ammunition clips – which ends the grandfather loophole established by the 1994 Assault Weapons bill – is a common sense provision that can and should get done this year?
- In addition, we should also be able to coalesce around the juvenile Brady provision. Indeed, this measure which would bar juveniles found guilty in juvenile court for serious violent offenses from owning guns as adults is significantly weaker than the original Administration proposal; it is already a compromise position.
- Allow me to bring up one more issue I know that all of you – on both sides of the aisle – can and do support -- enforcing the gun control measures we already have on the books. That is why my Administration has put a great deal of resources into efforts like Operation Ceasefire

in Boston, Project Exile in Richmond, and a recently launched Project Exile in Colorado. That is also why I have announced a gun enforcement initiative in my FY-2001 budget to hire 1,000 new gun prosecutors and 500 more ATF agents and inspectors. Certainly, this is a starting point from which we all can agree, is it not?

- Given recent events, I hope you'll also agree it's time to pass my Child Access Prevention proposal, which would impose federal penalties on adults who knowingly or recklessly allow a child to have unlawful access to an unlocked gun that is used to cause death or serious injury. Sixteen states already have similar laws, and the prosecutor handling the recent Michigan shooting recently voiced support for it -- as did the NRA.
- Finally, we all know that the largest area of dispute that exists between the different sides of this debate is over the Lautenberg gun show loophole amendment. I am not going to mince words with you all -- this is the most important issue to most Democrats, the Administration as an institution, and to me personally. Although I am always willing to listen and compromise, I will not accept a "deal" which does not achieve the basics of the Lautenberg amendment, or the functional equivalent thereof.
- This issue is too important to allow it to die over partisan politics. What needs to happen to resurrect the juvenile justice conference? We need to get this done now. I ask you to make April 20, the anniversary of Columbine, the deadline for Congress to act.

NATIONAL AFFAIRS

this just kinda happens on television." After his interrogation, the boy sat in his chair, drawing pictures (police did not say of what). Because a judge is unlikely to find that the boy had the requisite criminal "intent" to be charged with the shooting, the authorities had to look elsewhere to appoint blame. A police raid on his uncle's house on Juliab Street turned up a stolen 12-gauge shotgun and some crack

cocaine. The pistol used in the shooting was also stolen; police believe that the gun probably came into the house as payment for drugs. On Thursday, police arrested Jamelle James and charged him with involuntary manslaughter for providing the boy with the gun. He pleaded not guilty. The boy's mother, Tamarla, was accused of neglect because, according to the authorities, she knew "marijuana was being

smoked daily" in her brother's house.

Haunted by the shooting, some children don't want to revisit the scene of the crime. "My son is scared to death to go back to school," says Lori Lafond. "He's just terrified. He says, 'Mom, what if it happens to me?' I don't know what to tell him." School authorities are unsure what to do. There is talk of metal detectors and sealing up Room 6, where the shooting took place.



'There Is More We Can Do'

Clinton's challenge to gunmakers, Congress and parents

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 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.

I. Overview of Senate and House Gun Provisions

A. Senate Provisions

As you know, the Senate passed a number of Administration gun provisions as part of its juvenile crime legislation, and we have used these provisions as a benchmark:

Requiring background checks at gun shows. The Lautenberg amendment requires all unlicensed sellers at gun shows to run sales through a federally-licensed firearms dealer (FFL) at the show. Most checks would be completed instantly, but law enforcement would have up to three business days to complete checks if any questions arose regarding a purchaser's prohibited status. Since many guns sold at gun shows are used (and thus difficult for law enforcement to trace), FFLs would be required to submit to Treasury limited gun tracing information on all firearms sold at gun shows. Any event where 50 or more firearms are sold would qualify as a gun show.

Requiring child safety devices for handguns. The Senate passed a Boxer-Kohl amendment to require all FFLs to provide a child safety device, such as a trigger lock, with every handgun sold.

Banning the importation of large capacity ammunition magazines. The Senate passed a Feinstein amendment to ban the import of all large capacity ammunition clips - ending the grandfather clause in the assault weapons ban for imported clips manufactured prior to 1994.

Banning violent juveniles from owning guns. The Senate bill contains a provision to bar juveniles guilty of serious violent offenses from owning guns as adults. This provision is significantly weaker than our proposal because it would apply only when the Attorney General is able to certify that juvenile records are "routinely available" to the NICS, which they are not.

Juvenile assault weapons ban. The Senate bill bars juveniles from owning semiautomatic assault rifles and large capacity ammunition clips. The Administration proposed a stronger version that would raise the age of possession of such firearms, as well as handguns, to 21.

Enforcement. The Senate bill also includes a Project Exile-type provision that requires the establishment of agreements between the Justice Department and state and local law enforcement on the referral of gun offenders for federal prosecution. It also requires that U.S. Attorneys charge referred individuals with the most serious federal firearms offenses possible. Justice has concerns with the proposal, which could federalize all gun violations in federal districts, and would infringe upon the prosecutorial discretion of U.S. Attorneys.

B. House Gun Provisions

As you recall, the House defeated a gun bill that included a flawed gun show provision and several other gun provisions similar to those the Senate passed. The House did, however, adopt a juvenile crime bill containing a number of additional firearms provisions. Those include: requiring background checks for the purchase of explosives; expanding the list of individuals prohibited from possessing explosives; increasing the number of cities participating in the Administration's youth crime gun tracing initiative; and raising penalties for licensed and

unlicensed dealers who illegally sell firearms, illegally traffic over 50 firearms, or illegally transfer firearms to juveniles and for offenses for stolen guns.

II. Overview of Proposed Compromises

To date, the conferees on the juvenile crime bill have met officially only once, and compromise discussions on gun shows have mainly been limited to Hyde and Conyers. Hatch and Leahy had remained quiet until two weeks ago when Hatch reportedly suggested dropping all gun provisions to get a vote on the underlying juvenile crime legislation. This idea was rejected by House and Senate leaders alike.

It is possible that House Republicans could accept many of the proposals outlined above. The key sticking point, however, remains the gun show proposal. The starting point for House GOP leaders has been the Dingell amendment, which would have required all gun show background checks to be completed within 24 hours. Unlike Lautenberg, Dingell did not have any provisions to help law enforcement trace crime guns purchased at gun shows. It also would have weakened current law on interstate shipment of firearms, and would have required FBI to immediately destroy records of NICS transactions. (Currently, the FBI maintains such records for up to 180 days to help ensure that the NICS is not used for unauthorized or illegal purposes). Last fall, Hyde and Conyers traded compromise proposals, but made no progress toward agreement.

There has been considerable focus on the so-called "waiting periods" of the varying proposals: Dingell's 24 hours versus Lautenberg's three business days. But it is critical to remember that these are not waiting periods but are in fact time limits for law enforcement to complete checks. In fact, the full three days are rarely needed since 95 percent of checks are completed by the NICS within two hours, and most 73 percent within minutes. More importantly, there is a strong law enforcement rationale for preserving the three business day time limit: individuals whose checks are not completed within 24 hours are almost 20 times more likely to be prohibited from owning a gun than the average buyer.

A. Hyde Compromise Proposal

Between September and November of last year, Hyde floated gun show compromises to Conyers that indicated some movement, but fell short of Lautenberg in a number of ways. This is a summary of the last version of Hyde's gun show compromise:

Time for background checks. Under Hyde's proposal, background checks at gun shows would be completed within 24 hours unless more time were needed to determine the disposition of arrest records or other "official" records, in which case up to three business days would be permitted. This change has major implications. Under current law, FFLs who sell at gun shows must conduct background checks not only to investigate arrest dispositions but also mental health histories and restraining orders. Under Hyde's proposal, restraining orders not yet finalized or communications between courts and law enforcement about mentally disturbed individuals -- as well as other "non-official" records -- could not be used to trigger an extra three business days for review. This essentially creates a new loophole for "non-official" records.

Instant check registrants. The Hyde proposal would create a new bureaucracy of "instant check registrants," non-FFLs with access to the NICS who could run background checks at gun shows but be immunized from liability. In addition, it would impose limited recordkeeping requirements on registrants that would have no enforcement utility.

Tracing records. The Hyde proposal entirely eliminates the Lautenberg tracing record provisions. Since the Lautenberg provision is the only provision that would assist law enforcement with tracing crime guns sold at gun shows, this would be a critical weakening.

Gun show definition. The proposed compromise limits the definition of gun shows only to events "fostered" for a purpose related to firearms - effectively exempting flea markets, swap meets and other similar events from the background check requirements.

Roving vendors. The proposal would create a loophole by regulating only vendors who sell at a fixed location at a gun show. Roving vendors are a common presence at gun shows.

B. Conyers Counteroffer

Representative Conyers last fall provided a written counteroffer. First, Conyers would accept the Hyde "24-hour" proposal but would add restraining orders, mental health records, and all other restricted categories to the three business days allowed for law enforcement to complete checks (essentially conforming the provision to current law). Second, he would allow "instant check registrants" to conduct checks, but require them to be former law enforcement officers. With regard to the gun show definition, Conyers would be willing to increase to five the number of gun vendors needed to make an event a gun show (Lautenberg would not require any minimum number), but would keep Lautenberg's requirement that at least 50 firearms be exhibited for sale or transfer. Conyers also considered compromising on tracing records by requiring that the Lautenberg tracing records data to be sent to gun manufacturers, instead of Treasury/ATF. Hyde did not accept Conyers' counteroffer or engage further.

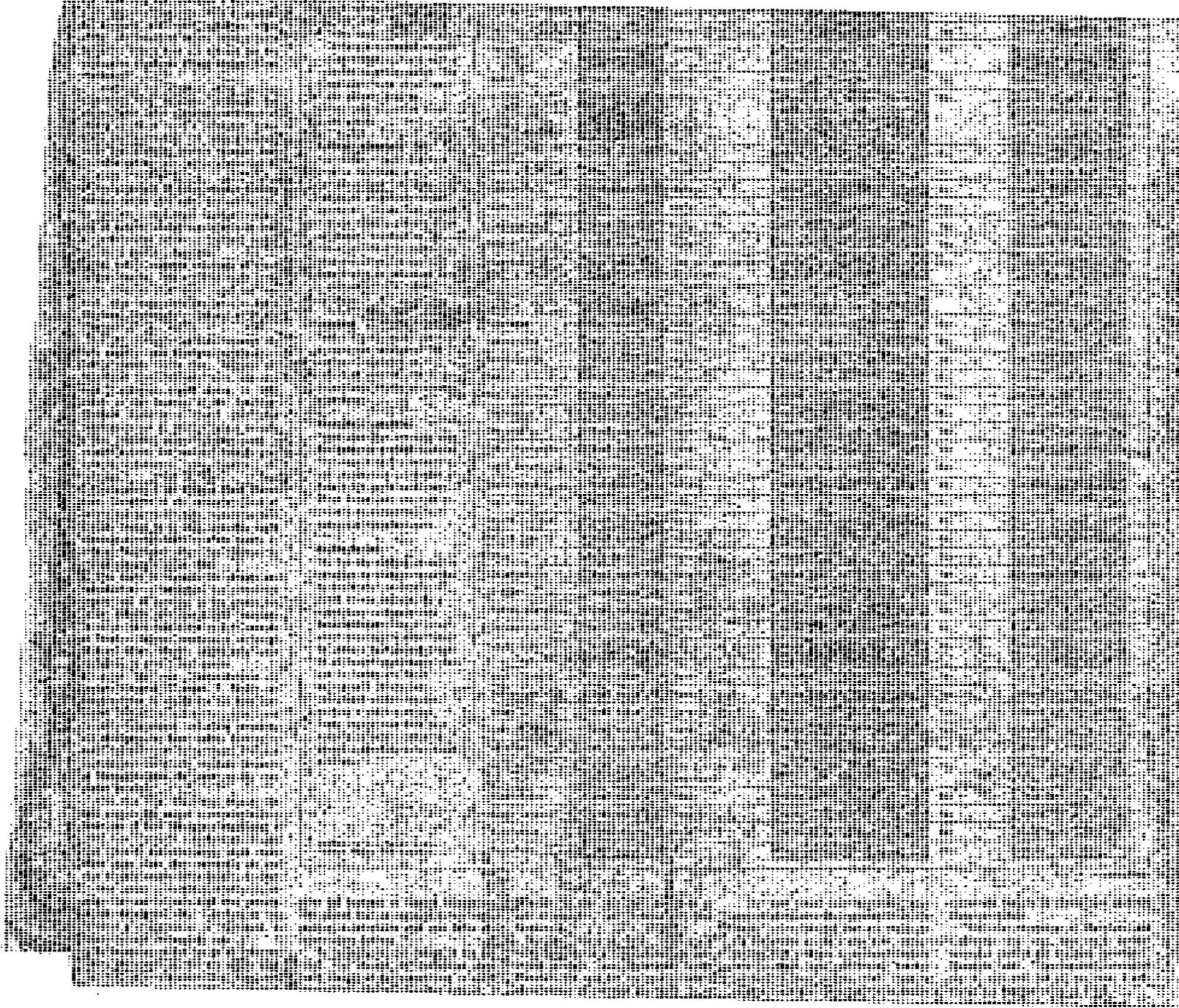
Legislators Stymied on Gun Measures



Marchers Target Disparate Gun Laws

Gun Laws Around the Nation

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Differences few in bitter debate on gun legislation

By Sean Scully
THE WASHINGTON TIMES

At the heart of the rhetorical battle between pro- and anti-gun forces lies a truth neither side likes to concede: They are in almost complete agreement on almost every issue.

The two sides agree on the basics of a new package of gun-control legislation: requiring the sale of trigger locks with all handguns, banning all large-capacity ammunition clips and magazines, and preventing youths younger than 18 from possessing certain semiautomatic weapons.

They even agree on the notion that all buyers at gun shows should be subject to background checks, just like buyers at regular gun stores. Currently, guns traded between private individuals at such shows are not subject to the background checks, a loophole that even most opponents of new gun-control laws say should be closed.

Both the National Rifle Association and President Clinton — who normally agree on little else — endorsed congressional bills that included these provisions last year.

Yet, despite all the supposed agreement, a gun-control package remains hopelessly mired in a committee on Capitol Hill, which is trying to hash out differences between the House and Senate versions of a sweeping \$1.5 billion

juvenile-justice bill, to which the gun restrictions were attached.

And even though they were on the same side on most of the proposed regulations, Mr. Clinton and the NRA are engaged in an increasingly bitter public dispute over gun control in recent days. The NRA has accused Mr. Clinton of using recent shooting deaths to his political advantage while Mr. Clinton has accused the NRA of ignoring public safety in its zeal to kill all gun regulation.

The dispute between the two sides centers on what to outsiders may seem like a highly technical disagreement: how long it takes for police to conduct background checks at a gun show.

The dispute is even more arcane than that, however, involving only a tiny handful of cases. The vast majority of background checks are resolved instantly, with police able to determine immediately whether or not a person is a convicted felon or otherwise ineligible to buy a weapon.

Most of the rest of the cases can be resolved within 24 hours with a minimal investigation by police.

In a small number of cases — just a few percent, by most estimates — there is some ambiguous question or technical problem that calls for a more thorough investigation.

Mr. Clinton and the majority of congressional Democrats favor a

three-day maximum for such checks, the current law for regular gun-shop purchases. The Senate passed this restriction by a single vote, cast by Vice President Al Gore to break a tie, in its version of the bill last May.

On the other end of the spectrum, a sizable faction of Republicans and a dissident faction of Democrats support a 24-hour maximum period at gun shows. They argue that the three-day limit could be used to drive gun shows out of business, since most shows are held over weekends and last only a day or two.

"To go beyond this is simply to harass innocent, law-abiding citizens and people who love to go to gun shows," said Rep. John D. Dingell, Michigan Democrat, when he proposed the shorter period last June.

In June, 173 House Republicans, with the support of 45 dissident Democrats, substituted Mr. Dingell's version to its gun-control bill, but the remainder of the Democrats objected and managed to kill the entire package of restrictions a day later.

Congressional Democrats and the White House say Mr. Dingell's proposal actually weakens current law. Currently, federally licensed gun dealers who sell at gun shows must conduct a background check just as if they were selling out of their regular shops — including

the three-day maximum.

Mr. Dingell's proposal applies both to private transactions at shows — currently unregulated — and to licensed dealers at shows — in effect weakening the current regulations on those dealers.

The House version is a "very big step backward," Attorney General Janet Reno said after Mr. Dingell's version passed.

Republican leaders in both chambers, who say they want to pass some kind of gun-control legislation this year, have proposed a third option.

House Judiciary Committee Chairman Henry J. Hyde, Illinois Republican, proposed last fall allowing a 24-hour limit except in certain unusual and limited cases where police would be permitted to take up to three days.

That would give the police enough time to investigate the few genuinely complicated cases turned up by the computers, Mr. Hyde explained, but would prevent overzealous law enforcement agencies from deliberately stalling on otherwise straightforward background checks.

When he proposed the compromise, Mr. Hyde held out high hopes that he could break the political logjam. Democratic leaders, however, never seriously negotiated on the proposal, Republican staffers say.

Clinton extends 1995 ban on Iran oil contracts

REUTERS NEWS AGENCY

President Clinton yesterday extended an order banning oil development contracts with Iran, saying that nation continues to support "international terrorism" and undermine Middle East peace talks.

In a statement, Mr. Clinton said he was extending the ban he first signed in March 1995 "because the actions and policies of the government of Iran continue to threaten the national security, foreign policy and economy of the United States."

Secretary of State Madeleine K. Albright, asked what the extension said about the U.S. attitude toward post-election Iran, said the United States remained interested in dialogue with Iran and was watching events there closely.

"We are following [Iran] very

closely and looking at what this all signifies, in terms of where U.S.-Iranian relations might lead. ... We continue to be very interested in what's going on," she told a news conference yesterday.

"We are interested in having a government-to-government dialogue on issues of concern to us — the acquisition of weapons of mass destruction, support for terrorism and lack of support for the Middle East peace process," Mrs. Albright added.

State Department spokesman James Rubin said last week that after the reformist victory in last month's elections in Iran the United States was looking at ways to promote dialogue. He declined to say what gestures Washington was considering.

Mr. Rubin was responding to a

Los Angeles Times report that said the United States was considering scrapping trade sanctions on Iran's three main non-energy exports — caviar, carpets and pistachio nuts — in a bid to improve relations with Tehran.

The paper quoted unnamed U.S. officials as saying the move was one of several possible gestures of good will in light of progress toward economic and political reform in Iran.

A State Department official said yesterday that Mr. Rubin's remarks on dialogue still stood, despite the extension of the ban of investment in the Iranian oil industry.

The United States has been seeking better relations with Iran for years, but Iran, unlike most countries, has repeatedly rebuffed

U.S. overtures.

Mr. Clinton, who must decide annually whether to extend the 1995 order or have it automatically lapse, said the factors that led him to sign the order had not been resolved.

In a letter to House Speaker J. Dennis Hastert, Illinois Republican, Mr. Clinton cited "the actions and policies of the government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them."

The 1995 measure prohibits U.S. citizens from entering into contracts for the financing of or the overall management or supervision of the development of petroleum resources in Iran.

Last 'Filegate' report to be issued this week Independent counsel concluding probe

ASSOCIATED PRESS

Moving a step closer to wrapping up his investigation, independent counsel Robert Ray said yesterday he is filing a final report this week on the White House's improper gathering of FBI background files.

The report is the first of three involving President Clinton and Hillary Rodham Clinton that will be completed in the coming months and are likely to be publicly released by a panel of three federal appeals court judges.

One coming out this spring will deal with the role of Mrs. Clinton, a candidate for the U.S. Senate in New York, in the firing of White House travel office staff. Another report on the Clintons' Whitewater land dealings will follow sometime this summer.

Depending on the timing, the judges might not issue the Whitewater report until after the election. The Clintons and others named in the document would have 90 days to respond to any criticism.

"We have been through six years and \$60 million" worth of investigations, presidential spokesman Joe Lockhart said at the White House. "It's certainly our hope that they report out in a way that's done

quickly ... that's consistent with the stature and done without regard to politics."

Howard Wolfson, Mrs. Clinton's campaign spokesman, declined to comment yesterday.

In an interview last month, Mrs. Clinton said the independent counsel's investigation "has nothing to do with any of my campaign decisions or how I'm trying to present myself.

"I can't do anything about what other people say or do, and at the end of the day, there's no there there," Mrs. Clinton said.

One issue in the FBI files probe was whether Mrs. Clinton was behind the hiring of White House security aide Craig Livingstone, whose office collected FBI background files on hundreds of Republican appointees from prior administrations.

Mrs. Clinton said she had no role in Mr. Livingstone's hiring. An FBI report quoted former White House counsel Bernard Nussbaum as saying that Mr. Livingstone had been highly recommended by the first lady. Mr. Nussbaum said he had been misquoted in the FBI report.

Mrs. Clinton was questioned in January 1998 about the FBI files controversy by then-prosecutor Kenneth W. Starr's office. Mr. Ray took over for Mr. Starr, who stepped aside last October.

The report on the travel office will assess whether Mrs. Clinton had a larger role than she or presidential aides have acknowledged in the mass firings at the travel office in 1993.

A White House memo that surfaced 2½ years after the dismissals said Mrs. Clinton was the key figure in the dismissals, which the first lady also has denied.

The Whitewater report will deal in part with Mrs. Clinton's legal work for her business partners' failing Arkansas savings and loan — work that was denied until her law firm billing records turned up inside the White House under still-unexplained circumstances.

Political Memo

Once Again, Pataki Defies Expectations

By RICHARD PÉREZ-PEÑA

ALBANY, March 15 — Once again, Gov. George E. Pataki has demonstrated his knack for defying expectations and, with little warning, jumping far ahead of other politicians, particularly his fellow Republicans, on a hot issue.

Mr. Pataki today proposed perhaps the widest-ranging gun controls in the country, a subject in which he had previously shown little interest. Over the last nine months, he has proposed a campaign finance reform package, imposed the nation's strictest air pollution limits on old power plants and signed into law a major new health care program for the poor, financed by a large increase in the cigarette tax.

Common to each step was that it was opposed by many Republican leaders and embraced by Democrats, and that it caught nearly everyone off guard. Even after five years, Mr. Pataki, who arrived as a law-and-order tax-cutter railing against the state's liberalism, is hard to pin down, a governor largely unencumbered by ideology.

Given Mr. Pataki's interest in national office, perhaps as a running mate for George W. Bush, he touched off speculation about what his latest bombshell meant. One school of thought says he has given up on this year's vice presidential bid and is aiming to tighten his hold on New York's political center, intending to run for a third term in 2002. Another school says that the more liberal Mr. Pataki appears, the more attractive he becomes to Mr. Bush.

"Whether or not it's politically popular or unpopular, you do what you think is right," he said today, when asked about such talk. He said gun control was a natural outgrowth of his efforts to fight crime.

But a few points are beyond question. Championing gun control — like his other major recent initiatives — will make Mr. Pataki more popular in New York, a state that leans left. And this move will go a long way toward undoing the damage done to his image by the state's recent presidential primary campaign, when a court overruled his efforts to keep Senator John McCain off the ballot.

Mr. Pataki's newest proposal adds to the wide gap between some of the nation's Republican governors and the much more conservative Republican leadership in Congress, on everything from gun controls to tobacco to health care. But highly publicized shootings have raised the volume on calls for new controls. Republican governors like Bill Owen of Colorado, Michael O. Leavitt of Utah and Bob Taft of Ohio have proposed gun measures, and others, like Christine Todd Whitman of New Jersey and Tom Ridge of Pennsylvania, have signed them into law. Mr. Leavitt and Mr. Owen, frustrated by their state's Legislatures, are supporting gun-control ballot initiatives.

"Over the past couple of years, some of our strongest allies have been Republican governors," said Joe Sudday, political director of Handgun Control Inc., a lobbying group in Washington. "There's been a real turnaround on this."

Even Mr. Bush, the governor of Texas and the apparent Republican presidential nominee, whom the National Rifle Association has called one of its best friends, expressed support for much of Mr. Pataki's plan, noting, though, that he did not know all its details. In an interview in Austin today, he specifically endorsed a ban on assault weapons and a requirement for so-called ballistic fingerprinting to make guns easier to trace. He also voiced general support for laws requiring trigger locks and for background checks on people who buy guns at gun shows.

Mr. Pataki will get most of what he wants here, if not all. The Democrats who control the Assembly embraced his package, most of which they have passed before. The Republican-controlled Senate previously has resisted gun measures. But today, Joseph L. Bruno, the majority leader, said his house was amenable to much of the governor's plan, and acknowledged the change was due to events like the Columbine High School shooting in Colorado last year.

"Of course, when you see some atrocity out there, some tragedy, whatever it is, we collect ourselves and say, 'Is there something that we can do to prevent that from happening in the future,'" he said.

But Senate Republicans said the issue still divided those in rural areas, who oppose gun controls, from those in the cities and suburbs.

Mr. Bruno said the Senate was prepared to ban assault weapons and require that trigger locks be included in all gun sales, as Mr. Pataki proposed. As for another proposal, to raise the minimum age for gun ownership to 21 from 18, he said, "We're open to that."

The most innovative element of

Mr. Pataki's plan would require that before a new gun was sold in New York, it would have to be test fired so that the unique pattern of marks it leaves on a bullet and shell casing could be recorded and entered into a state database, making guns used in crimes easier to trace. Mr. Bruno did not rule it out, but questioned whether ballistic fingerprinting was technologically feasible, though police agencies say it is.

Mr. Bruno seemed equally concerned about being snubbed by the governor, with whom he is feuding. Mr. Pataki did not notify the Senate leader before making his proposals in an interview on ABC Tuesday night, but he did warn the leaders of the Assembly. Mr. Bruno said derisively that it was hard to gauge the governor's plan because there was no bill yet.

The governor proposed requiring background checks for gun sales at gun shows and flea markets, closing a loophole in the federal law that requires background checks on sales in stores. Mr. Sudday said that 16 states have similar laws.

Ten states, he said, set the minimum age at 21. Only five states — California, Connecticut, Massachusetts, New Jersey and Pennsylvania — require trigger locks with gun sales. Just four — the same list, minus Pennsylvania — ban assault weapons. (Federal law has banned most assault weapons since 1994, but gun-control advocates say state laws are needed so local police and prosecutors can enforce the ban.)

No state requires ballistic fingerprinting, Mr. Sudday said.

"If these proposals are, in fact, substantive," he said, "then this would put Governor Pataki in the forefront of governors pushing common-sense gun safety agendas."

Privately Run Juvenile Prison in Louisiana Is Attacked for Abuse of 6 Inmates

By FOX BUTTERFIELD

A state judge in New Orleans has removed six teenage boys from a juvenile prison after finding they had been brutalized by guards, kept in solitary confinement for months and deprived of shoes, blankets, education and medical care.

The descriptions of conditions at the prison in Jena, in central Louisiana, are stark. But the criticism is particularly troubling, federal officials and lawyers for the prisoners say, because the prison is run by the Wackenhut Corrections Corporation, the world's largest for-profit prison operator. The judge said the compa-

Horror stories from a prison for teenagers prompt judicial action.

ny, which generally has a good reputation in the industry, had treated the youths no better than animals.

The situation raises a fundamental question about privately run prisons: Can corporations operate them more efficiently than state governments without skimping on essential services and proper training?

The teenage inmates were freed or transferred to other prisons by Judge Mark Doherty of Orleans Parish Juvenile Court, who said that the boys had been entrusted to Jena's personnel "for the avowed purpose of rehabilitation."

Instead, Judge Doherty said, they "wound up in a place that drives and treats juveniles as if they walked on all fours. These young people deserve to be treated like human beings, not animals."

Judge Doherty, a Republican and former prosecutor, said he would devote the next two weeks to hearings for 12 other boys he has sentenced who are at Jena, to determine whether he can also remove them.

Justice Department officials and others said the problems at Jena were at least partly caused by Wackenhut's efforts to cut costs. Consultants for the department and a federal judge found the company had stinted on food, clothing, education, and medical treatment for 276 inmates, and on training for guards.

The Justice Department sent experts to Jena as a result of an investigation it has mounted in recent years into widespread reports of abuses in Louisiana's other juvenile prisons. Additionally, Judge Frank J. Polozola of Federal District Court in Baton Rouge has overseen conditions in jails and prisons throughout the state for more than a decade following lawsuits on behalf of inmates.

In a statement, Wackenhut said it was disappointed by the Justice Department's charges. The criticisms, it said, were overstated and ignored progress it had made toward resolving problems at the prison. "The bottom line is that the juvenile facility at Jena is a well-managed and safe facility," Wackenhut said.

Other private prisons across the country have drawn official criticism. But most of those have been run by smaller companies set up in recent years, as a prison-building boom has fostered new industry growth.

Wackenhut, based in Palm Beach Gardens, Fla., operates 39,308 beds in 56 institutions in 13 states and seven foreign countries. The reports do not make clear whether top company officials knew about the problems at Jena.

Private prison operators like Wackenhut say they can make money by applying better management skills than government. On its Web site, Wackenhut says it "insists that each of its facilities is a model of modern correctional management."

But a report in February by four experts hired by the Justice Department concluded that the problems at Jena "seemed to be linked to the reluctance of Wackenhut Corrections to spend adequate funds to provide for the care of the youth."

And John Whitely, a former warden of the Louisiana state penitentiary at Angola who examined the Jena prison for Judge Polozola, said that the pervasive lack of shoes, underwear, blankets and mattresses for inmates was "just cheap."

After reading the reports, Judge

Doherty went to Jena himself and interviewed inmates. He also conducted hearings of his own to determine the facts of cases involving youths sentenced in his court.

Judge Doherty said one boy he released, a 17-year-old found guilty of robbery, had been forced to lie on the floor on his stomach with a guard's knee in his back, which caused excruciating pain since the boy had recently had an operation for gunshot wounds in his abdomen and was wearing a colostomy bag.

A Justice Department official said the government had given Wackenhut and the state Department of Corrections a proposal for improvements at Jena. "We are waiting to hear back from them, but the window is short," the official said, indicating that the department was considering a lawsuit against Wack-

enhut if changes are not made quickly.

As is often the case in Louisiana, the prison is also enmeshed in a political corruption scandal. A friend of former Gov. Edwin W. Edwards, Cecil Brown, was indicted in New Orleans in November on federal charges of funneling \$845,000 from Fred Hofheinz, a former mayor of Houston, to Mr. Edwards for the contract to build the prison at Jena.

Mr. Edwards was named as an unindicted co-conspirator, said Eddie Jordan Jr., the United States attorney in New Orleans. Mr. Edwards is on trial on federal charges of extortion, racketeering and money-laundering in connection with the award of a riverboat casino license. Given that case, Mr. Jordan said, it would have been superfluous to indict him for the Jena payoffs.

Though Mr. Hofheinz won the Jena

contract, he was unable to raise the money to build the \$12 million prison and sold the rights to Wackenhut.

Before the prison opened 14 months ago near Jena about 100 miles northwest of Baton Rouge, Wackenhut and state officials said it was being built to provide treatment for juveniles with drug addictions. But the Justice Department experts said virtually no drug treatment programs were run at Jena.

Instead, they found "a dangerous place to be," with a quarter of the inmates "traumatically injured" in a two-month period, many by untrained guards. Those guards, the experts said, routinely threw the inmates against walls, twisted their arms or shoved them to the ground because they had not been taught other ways to control the boys.

Dr. Nancy Ray, an author of the

report, said many boys had no shirts or jackets in the winter; some were forced to spend the day "huddled under a shared sheet or blanket" to keep warm, rather than attend classes held in another building.

Inmates often went days without clean underwear, she said, and sometimes fought over newly washed clothes. Once, she said, inmates started a riot by rushing a food cart because of a shortage of food.

Low pay and poor management at Jena, Dr. Ray said, have led to high turnover in personnel: five wardens since Jena has been open, and 600 persons have filled its 180 staff positions. Because of Jena's remote location, qualified personnel have been difficult to obtain, Dr. Ray said.

She said Wackenhut had skipped some elementary procedures like background checks on prospective employees for criminal records; some guards were hired despite having arrest records for assault.

In his report, Mr. Whitely found some guards who walked off their posts, leaving the inmates in control of their barracks while the boys frequently slept through what few classes were offered. Even one of the wardens told Mr. Whitely that Jena was "a comedy of errors."

A quarter of the inmates have I.Q.'s of less than 70, Dr. Ray said, but no special education is provided for them. And guards, most of whom were white, often used racial epithets when talking to the inmates, who were predominantly black, the report said.

A 15-year-old inmate from New Orleans also released by Judge Doherty tried to commit suicide 20 times by swallowing razor blades or hanging himself by a sheet, Dr. Ray said. David Utter, the inmate's lawyer, said that Jena's files contained nearly two dozen reports that guards had used physical force against the teenager resulting in broken fingers and a broken wrist.

The teenager, whose name cannot be used because he is a juvenile, said he learned about Wackenhut one day when he was in the visitors room awaiting an appointment with his lawyer and read a promotional brochure. "Then I figured out," he said, "Wackenhut was using us kids to make money."

The New York Times

THURSDAY, MARCH 16, 2000

House To Take Up Gun Show Bill Today

Major Debate Likely Over 'Minor' Words

By ROBERTO SURO
Washington Post Staff Writer

When the House of Representatives takes up gun control legislation today, major battles will be fought over minor word changes.

One way or another, a law extending background checks to firearm sales at gun shows seems likely to pass, but voting on a blizzard of amendments will determine what constitutes a gun show, which sales the law covers and how long law enforcement has to conduct background checks.

The House debate today will focus on legislation sponsored by two leading Republicans, Rep. Henry J. Hyde of Illinois and Rep. Bill McCollum of Florida. Their bill took gun show legislation passed by the Senate last month and weakened it to win support from the NRA and other gun control opponents.

Two major amendments to the Hyde-McCollum legislation also will be considered. One, sponsored by Rep. Carolyn McCarthy (D-N.Y.) and supported by gun control groups, would tighten aspects of the Hyde-McCollum proposal to make it more like the Senate legislation. Another, sponsored by Rep. John D. Dingell (D-Mich.) and backed by the NRA, would weaken the Hyde-McCollum proposal. Finally, at the end of the debate, the House will vote on substitute legislation by Rep. John Conyers Jr. (D-Mich.) that would essentially adopt the Senate bill.

The major issues to be decided include:

■ What is a gun show: The Hyde-McCollum bill requires there to be at least 10 vendors selling firearms for an event to be considered a gun show. Gun control advocates argue that under this definition events where thousands of guns are for sale by fewer than 10 vendors

would go unregulated.

The tighter Senate legislation defines a gun show as any occasion on which 50 or more guns are offered for sale, which opponents argue would impose background checks on entirely private transactions between individuals. The McCarthy amendment attempts to overcome this objection by setting the limit at events where 50 or more guns are for sale by two or more vendors.

■ How long can a background check last: Under current law, firearms sales at retail outlets can be held up for three business days while law enforcement agencies check records to determine whether the buyer is a felon, a juvenile or otherwise prohibited from owning a firearm. If the check is not completed within the time limit, the sale goes through. The Justice Department says that although 95 percent of all checks are completed within two hours, the longer ones often involve looking for court records not available on weekends and so it backs the three-business day provision for gun shows. The NRA and its allies argue that gun shows typically take place over weekends and draw customers from far afield so that making sellers and customers wait for three business days is an unreasonable burden.

The Senate bill applies the three-business-days rule to gun shows. The Hyde-McCollum bill shortens the time allowed for gun show background checks to 72 consecutive hours. Opponents argue that the 72-hour deadline would be impossible to meet in cases where the gun show took place on a holiday weekend, thus virtually exempting such sales from the background check. The NRA-backed Dingell amendment would shorten the deadline still further to 24 hours.

"Most gun shows only last for two days and unless you had a 24-hour background check many, many sales involving law-abiding purchasers could not be concluded before everyone packed up and went home," said James J. Baker, chief lobbyist for the NRA.

But Deputy Attorney General Eric H. Holder Jr. said yesterday that if the 72-consecutive-hour rule had been in effect over the past six months for regular retail store purchases, more than 9,000 felons and other prohibited purchasers would have been able to buy guns because their background checks would not have been completed in time. Under the 24-hour rule, he said, 17,000 prohibited persons would have slipped through the system.

■ What constitutes a sale: The Senate legislation requires a background check on any firearm that is offered for sale to a buyer at a gun show, even if the transaction is completed later or elsewhere. This provision is meant to prevent buyers from avoiding the background check by completing the actual sale in a parking lot or a few hours after the show ends.

In order to avoid what its backers depict as "excessive regulation" in the Senate measure, the Hyde-McCollum bill would limit background checks to sales in which the seller offers a weapon for purchase at a gun show and the buyer "indicates a willingness to accept" the offer at the gun show or nearby.

The Dingell amendment would go further, requiring the checks only when the buyer formally accepts the seller's offer at or immediately around the gun show. Gun control advocates argue that these modifications would enable felons familiar with the law and willing gun show dealers to get around background checks.

Airlines, Congress Forge Plan to Improve Service

By DON PHILLIPS
Washington Post Staff Writer

The airline industry today will unveil a "Customers First" program, negotiated with key members of Congress, to promise passengers a better level of service.

The plan will do nothing about small seats, crowded terminals or airline food. But it will claim to do something about some of the most frequent customer complaints, such as providing timely information about delays and cancella-

tions, according to sources close to the airline-Congress negotiations.

Numerous bills generally called a "passenger bill of rights" have been introduced in both houses of Congress in reaction to passenger dissatisfaction with airline service. The legislation immediately grew so popular that the airlines began negotiating a voluntary plan in order to prevent the enactment of new laws. "It had legs," said one Capitol Hill staff member.

Some last-minute negotiations were underway late yesterday afternoon, but several sources said there would be no major changes in the plan that was almost distributed to reporters a week ago only to be withdrawn at the last minute.

The agreement will be announced on Capitol Hill at a news conference held by Sen. John McCain (R-Ariz.) and other members of Congress, just to be sure that no one mistakes who should get credit for the settlement. The news conference last week was canceled after an erroneous news report suggested the deal was a result of negotiations between the airlines and the White House.

Under the agreement, airlines will pledge to accurately inform passengers of delays, cancellations and diversions. In addition, airlines agree to disclose some airline policies that often cause confusion.

Many passengers appear to believe that airlines often do not give out accurate information on almost any subject, especially the reasons that a plane will not leave the gate or will be late doing so.

While the new plan does not say specifically how delay and cancellation information will be transmit-

ted to passengers, most airlines are already working on either technical or human solutions to the age-old problem of getting the information from airline dispatch centers to the gate agents who deal with passengers.

The new airline plan will agree to give "the best available information" to passengers, and to estab-

lish clear policies on accommodating passengers overnight.

In addition, airlines will disclose to passengers when they must change planes even when they are traveling under a single flight number, plus airline policies regarding ticket cancellation if all parts of a ticket are not used, rules and restrictions on frequent-flyer programs, and, on request, aircraft configuration information such as seat size and spacing.

The plan also says airlines will "make every reasonable effort" to provide food, water, restroom facilities and medical treatment for passengers caught aboard aircraft stranded on the ground for "an extended period of time without access to the terminal." This was prompted by the incident that triggered the avalanche of proposed legislation in the first place—a snowstorm that left hundreds of Northwest Airlines passengers stranded for up to eight hours aboard aircraft in Detroit.

The plan would allow passengers to hold a telephone reservation without payment for 24 hours to allow passengers time to check other sources for cheaper tickets. For those tickets that are refundable, usually more expensive tickets, the airlines would promise

refunds within seven days for credit card purchases or 20 days for cash purchases.

Airlines will ask the Transportation Department within 30 days to consider increasing the current \$1,250-per-bag limit on lost or damaged luggage.

The airlines will also seek to offer the lowest possible fare for which the customer is eligible on the airline's telephone reservation systems. Although it was not clear yesterday, this would seem to eliminate the special Internet fares offered by some carriers.

Many of the promises contained in the plan are already airline policy. But the industry agreed to restate the policy as a firm commitment, such as agreeing to deliver delayed bags within 24 hours and attempt to deliver unclaimed baggage if it contains a name, address or telephone number.

The airlines also said they will accommodate disabled and other "special needs" passengers, such as unaccompanied minors; to accommodate bumped passengers with fairness and consistency; to ensure good customer service from other airline partners; and to be more responsive to customer complaints.

The Washington Post

THURSDAY, JUNE 17, 1999

House Speaker Says He Expects Gun-Control Legislation to Pass

By FRANK BRUNI

A1

WASHINGTON, May 25 — House Republican leaders announced today that they were drafting a broad package of gun-control measures similar to those passed by the Senate last week, and Speaker J. Dennis Hastert predicted that at least some of the provisions would succeed in the House as well.

Mr. Hastert signaled his support today for one proposal in particular: mandatory background checks on all buyers at gun shows. He suggested that he also favored some type of legislation, like the sale of child safety devices with handguns, to keep firearms from being used by unsupervised children. These measures and others are being folded into a juvenile crime bill expected to come to the House floor next month.

Although the House has traditionally been more resistant to gun control than the Senate, the remarks of Mr. Hastert and other Republican leaders today were the surest sign yet that the House would be receptive to new restrictions on firearms.

Their comments did leave open the possibility that the provisions the House ends up voting on could contain details significantly different from those in the measures approved by the Senate. For example, some of the leaders prefer limiting to 24 hours the time a gun-show vendor has to conduct a background check; the Senate version calls for three days. But the Speaker was more adamant than ever that a full range of gun-control issues would be debated on the House floor.

"The House will vote trigger locks, background checks at gun shows and closing the gun purchase loophole," Mr. Hastert said in a speech on the House floor this morning. Closing that loophole referred to Mr. Hastert's previously stated support for raising the minimum age for handgun purchases to 21 from 18, a measure that goes a step further than the Senate legislation, which does not address age.

But even as House Republicans trumpeted their openness toward gun control today, House Democrats

sternly questioned the sincerity of that attitude in a series of news conferences that underscored the intense partisan jockeying around the issue. Each party clearly craves credit for any legislative action in Congress, and neither is willing to surrender that prize to the other.

House Democrats complained in particular about Mr. Hastert's pledge to bring the issue to the House floor in the next three to four weeks.

They insisted on votes this week and plotted a variety of parliamentary and obstructionist tactics — none likely to succeed — to try to force the passage of legislation before the Memorial Day recess.

Representatives Nita M. Lowey of New York, Rosa DeLauro of Connecticut and Steny H. Hoyer of Maryland appealed to the House Rules Committee tonight to add several gun-control amendments to an appropriations bill expected to come to the House floor on Wednesday. But the committee's Republican majority denied that request, saying the amendments were not relevant to the bill.

Explaining the Democrats' sense of urgency, Representative Richard A. Gephardt of Missouri, the minority leader, today called gun violence "a national crisis."

"And we need to treat it that way and move on it that way," Mr. Gephardt said.

Other Democrats charged that Republicans were buying time so that they could soften the provisions passed by the Senate and give lobbyists with the National Rifle Associa-

tion a chance to influence votes.

Republicans said they were simply trying to make sure that they fashioned coherent measures and avoided the confusion that occurred in the Senate.

"I know emotions are running high," Mr. Hastert said. But he added: "The nation's eyes have turned toward us, looking for responsible

leadership. We must resist the temptation to score political points."

Last week, Mr. Hastert first indicated his support for mandatory background checks for all buyers at gun shows, a measure the Senate passed, and a raise in the minimum age for all handgun purchases to 21 from 18.

Today he seemed to edge up as well on an endorsement of a requirement that child safety devices accompany all handguns sold by licensed dealers, though his language was a bit vague.

Other House Republican leaders, including Representative Tom DeLay of Texas, the majority whip, have signaled support for mandatory background checks at gun shows in recent days, a loudening drumbeat for new restrictions that would have been unimaginable a year ago.

More concretely, Representative Henry J. Hyde, the Illinois Republican who heads the House Judiciary Committee, and Representative Bill McCollum, the Florida Republican who heads its crime subcommittee, announced today that they were grafting a broad array of gun-control measures onto a juvenile crime bill in the committee.

As recently as a week and a half ago, Republicans had insisted that, for technical reasons, gun control was not germane to that bill.

But this morning, Mr. Hyde and Mr. McCollum said that a revised version of the bill would include mandatory background checks at gun shows; a prohibition on gun ownership by anyone who committed a violent crime as a juvenile; requirements on child safety devices; a ban on the import of high-capacity ammunition clips, and tightened restrictions on the possession of assault weapons by juveniles.

They said those provisions, to be discussed further in a hearing on Thursday, might contain details different from those in analogous measures in the Senate bill. For example, the Senate bill allows three business days for the completion of background checks at gun shows; several House Republican leaders favor a 24-hour turnaround.

But Mr. Hyde and Mr. McCollum also called for new restrictions on children's ability to buy rifles and shotguns, a provision not in the Senate bill.

"The Democrats think they have a hot issue," Mr. Hyde said, referring to gun control. "They think they can put us at a disadvantage. They can't. It's our issue, too."

The New York Times

WEDNESDAY, MAY 26, 1999

A Conservative Voice, and Clearly a Woman's

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By LINDA GREENHOUSE

WASHINGTON, May 25 — During her 18 years as a member, Sandra Day O'Connor has often been the Justice in the middle of a sharply divided Supreme Court. On Monday, in the 5-to-4 decision on sexual harassment in the schools, she was, perhaps more clearly than ever before, the woman in the middle as well.

There was a memorable scene, lasting no more than 10 minutes, as Justice O'Connor and Justice Anthony M. Kennedy summarized their respective majority and dissenting opinions for a courtroom audience of lawyers and tourists. The two Justices, both Westerners in their 60's, both Stanford University graduates, both appointees of President Ronald Reagan, each the parent of three grown children, might have been speaking from different planets.

For Justice O'Connor, explaining the majority's view that public school districts can be held accountable for one student's flagrant sexual harassment of another, the case was about sex discrimination so severe as to destroy the learning environment in the classroom. For Justice Kennedy, speaking for the four dissenters, the case was about Federal intrusion into a place where the Federal Government has no business.

That Justice O'Connor and Justice Kennedy are longtime allies in the cause of states' rights made this non-

meeting of the minds all the more striking. Ever since Sandra O'Connor arrived on the Court as the F.W.O.T.S.C., as the First Woman on the Supreme Court has dryly referred to herself, the obvious question has been, Does it make a difference? The decision on Monday — indeed, Justice O'Connor's entire Supreme Court career when viewed through the lens of gender — suggests that it does.

That is not a notion completely foreign to Justice O'Connor herself, who, concurring in a 1994 decision that made it unconstitutional to remove prospective jurors on the basis of sex, wrote that although there were no "definitive studies" on how jurors behaved in cases of sexual harassment, child custody or domestic abuse, "one need not be a sexist to share the intuition that in certain cases a person's gender and resulting life experience will be relevant to his or her view of the case."

Justice O'Connor usually votes with the Court's conservative bloc on other issues, including race discrimination and criminal law questions as well as federalism. That makes her votes on issues of special interest to women — most notably abortion, on which she broke with the conservatives in voting to uphold *Roe v. Wade* in 1992 — all the more distinctive a part of her jurisprudence, a distinction that dates from her earliest days on the Court.

Her more liberal and more overtly feminist colleague Ruth Bader Ginsburg recounted in a 1997 speech to the Women's Bar Association here that a year earlier, as she announced her opinion declaring unconstitutional the all-male admissions policy at the Virginia Military Institute, she looked across the bench at Justice O'Connor and thought of the legacy they were building together.

Justice Ginsburg's opinion in the Virginia case cited one of Justice O'Connor's earliest majority opinions for the Court, a 1982 decision called *Mississippi University for Women v. Hogan* that declared unconstitutional the exclusion of male students from a state-supported nursing school. Justice O'Connor, warning against using "archaic and stereotypic notions" about the roles of men and women, herself cited in that opinion some of the Supreme Court cases that Ruth Ginsburg, who was not to join the Court for another 11 years, had argued and won as a noted women's rights advocate during the 1970's.

Addressing the women's bar group, Justice Ginsburg noted that the vote in Justice O'Connor's 1982 opinion was 5 to 4, while the vote to strike down men-only admissions in Virginia 14 years later was 7 to 1.

"What occurred in the intervening years in the Court, as elsewhere in society?" Justice Ginsburg asked. The answer, she continued, lay in a line from Shakespeare that Justice O'Connor had recently spoken in the character of Isabel, Queen of France, in a local production of "*Henry V*": "Haply a woman's voice may do some good."

"I don't like the argument that we have to have women or else nobody will listen, but it does seem to be making a difference," Suzanna Sher-

ry, a law professor at the University of Minnesota, said in an interview today. Professor Sherry said that while it had always been clear that Justice O'Connor had firsthand experience with the classic model of sex discrimination, "the question has been whether she would recognize the changing face of discrimination, and it looks like she can."

Another scholar of the Court, Nancy Maveety, a political scientist at Tulane University who wrote a book about Justice O'Connor, "*Strategist of the Supreme Court*" (Rowman Littlefield, 1996), also said she found Justice O'Connor's vote on Monday, in *Davis v. Monroe County Board of Education*, to have been notable.

"I would have expected a fence-straddling concurrence," said Professor Maveety, to whom the outcome was an important indication of the relative weight Justice O'Connor gave the discrimination arguments as opposed to the federalism concerns of the dissenters. "For something to trump federalism for her, that's a big deal," Professor Maveety said.

A top graduate of Stanford Law

School in 1952 (her classmate William H. Rehnquist went on to a Supreme Court clerkship, an opportunity not then open to women), Sandra O'Connor applied to law firms only to receive job offers as a secretary. The experience led her into the public sector and eventually to elective politics. She served as majority leader of the Arizona State Senate in the early 1970's, the first woman in the country to hold so high a state legislative office, and from there became a state court judge.

Ruth Bader Ginsburg, a top graduate of Harvard and Columbia Law Schools, also found doors closed to her that should have been open, although her career led her to law school teaching and advocacy, for some years under the aegis of the

American Civil Liberties Union.

While there are significant differences in their politics and their views on many issues, perhaps most notably the appropriate role of race in political districting and government contracting, there is also clearly a bond between the two Justices. They laugh about the fact that some of the most experienced lawyers in the country mix up their names when addressing them during argument sessions.

Some Court observers think the presence of two women on the Court is substantially greater than the sum of one plus one. "Having two makes a huge difference," said Peter J. Rubin, a law professor at Georgetown University who clerked on the Court in the early 1990's, just before Justice Ginsburg's arrival.

"It just makes it a lot easier," Professor Rubin said. "It's only human nature. You're in an insulated environment. You're not out there on the ground. When two colleagues who have had different experiences say that here is a problem to be taken very seriously, it's bound to have an impact."

WEDNESDAY, MAY 26, 1999

The New York Times

House Leaders Back Gun Curbs

In Shift, GOP Embraces Concepts Passed by Senate; June Vote Planned

By JULIET EILPEIN
Washington Post Staff Writer

A1

House Republican leaders yesterday endorsed mandatory background checks for all sales at gun shows and other steps to keep weapons out of the hands of criminals and youths, virtually ensuring that at least modest gun controls will become law this year.

The expedited plan to bring the proposals to the floor for a vote in June represented a dramatic shift for a GOP leadership that has staunchly resisted gun control measures in the past, and highlighted the continuing political fallout from the school shootings in Littleton, Colo., last month.

House Speaker J. Dennis Hastert (R-Ill.) and his lieutenants were clearly trying to avoid the kind of confusion that reigned last week in the Senate, which approved a package of gun measures but only after an embarrassing series of concessions by GOP leaders. The House leaders also were trying to stay ahead of House Democrats, who have been pressing for quick votes on gun control and threaten to make political hay over the issue.

"Everybody, whether you're a Republican or a Democrat ... agrees that youngsters, teenagers

should not be possessing guns and firearms unless it's under parental supervision," said Rep. Bill McCollum (R-Fla.), who chairs the House Judiciary subcommittee on crime.

While Hastert and other GOP members have previously indicated support for a variety of gun control measures, yesterday's announcement marked the first time the leadership had formally endorsed a set of gun restrictions.

Indeed, Hastert, House Majority Leader Richard K. Armey (R-Tex.) and Majority Whip Tom DeLay (R-Tex.) all opposed the last major pieces of gun control legislation that passed the

House—a ban on assault weapons and the Brady law, which mandated background checks and waiting periods for handgun purchases.

Yesterday's announcement offered further evidence of the impact of Littleton, which seems to have effected a shift in attitudes toward gun control. Congress has not passed any major gun bill since Republicans took control in 1994, and until recently it was thought next to impossible that either the Senate or House would support even modest restrictions before next year's elections.

But the Senate unexpectedly approved a package of gun control measures as part of a juvenile justice bill, including the gun show background checks, a requirement that trigger locks or other child-safety devices be sold with all handguns and a ban on imports of large-capacity ammunition clips.

While embracing the concepts in the Senate legislation, House GOP leaders cautioned that their final gun proposals may differ slightly. One dispute is likely to center on how to conduct background checks at gun shows: The Senate imposed a 72-hour limit, while House leaders prefer an instant check.

And GOP leaders warned Democrats that they would not be pressured into precipitous action. Some Democrats hope to attach gun measures to unrelated spending bills being considered this week. But unlike in the Senate, where the rules permit more free-wheeling debate, House GOP leaders appear almost certain to beat back such parliamentary maneuvering. The House Rules Committee yesterday rejected a Democratic plan to attach gun restrictions to the annual legislative branch spending bill.

"As we enact these reforms, we must exercise some care in avoiding unforeseen consequences," Judiciary Committee Chairman Henry J. Hyde (R-Ill.) told reporters. Democrats, who had tentatively agreed last week to the time line Hastert has now adopted, said yesterday the recent high school shootings in Colorado and Georgia should prompt Congress to act sooner.

"I think it's a national crisis, and I think we have to treat it this way," said House Minority Leader Richard A. Gephardt (D-Mo.). "If this was a foreign policy crisis, we would be on the floor this week."

For all the effort to quickly address gun control, the issue poses potential political problems for both parties. While the Democratic leadership is now focused on pushing the three measures adopted by the Senate, several lawmakers are lobbying for votes on broader controls, such as limiting gun purchases to one a month.

"Many of us think it's irresponsible not to go beyond picking at the margins," said Rep. James P. Moran Jr. (D-Va.). But he noted that such votes might endanger the reelection chances of Democrats in

"I think it's a national crisis, and I think we have to treat it this way."

—Rep. Richard A. Gephardt,
House minority leader

marginal seats: "The leadership wants to do the right thing, but they're also concerned about what it means for seizing the majority."

President Clinton raised the prospect of such election losses in a meeting with Democratic lawmakers Friday, Moran said, recalling how then-House Speaker Thomas S. Foley (D-Wash.) warned him that controversial votes on the Brady legislation and assault weapons ban in 1993 and 1994 could hurt the Democrats at the polls.

Rep. Bart Stupak (D-Mich.), who opposed both the Brady Law and the assault weapons ban, said he supports bringing gun control provisions to a vote only if the

House simultaneously considers other measures, such as more mental health resources and guidance counselors for schools.

Stupak said he was concerned that Democrats are sending the wrong message by fixating on gun control: "When they start talking about that, my district lights up the phone and says, 'Here you go again.' It causes a lot of concern."

But some Republicans question why the leadership is rushing to embrace the Senate's bill. Rep. Joe Scarborough (R-Fla.) said Republicans who returned to their districts last weekend found GOP activists furious over the recent gun restrictions.

"They see this as the Republicans having their agenda dictated by events outside their control and by Democrats, who are much more effective at politicizing tragedy," Scarborough said.

The Washington Post

WEDNESDAY, MAY 26, 1999

IN THE LOOP

Al Kamen

Gift Rap

Attention White House shoppers! There's still no word whether the popular Secret Service gift shop in the Old Executive Office Building will reopen in time for Father's Day trinkets. Backup arrangements may be called for.

Secret Service Director **Brian L. Stafford** issued an "All Employees" e-mail May 4 ordering the closure, but he gave no hint how long it would be.

"Significant issues" had been raised, Stafford said. And what were these "issues"? Well, "the latest audit and inspection revealed that there are several serious concerns with [the store's] fiscal management, to include potential tax liabilities and accounting problems."

How "serious"? "Individually, any one of these issues is serious enough to require immediate corrective action," Stafford wrote. "Collectively, they amount to a serious threat to not only the Uniformed Division Benefit Fund [which runs the shop], but to any other similar operation."

This being the '90s, Stafford has an innovative way to handle the problem. He's ordered—what else?—that "a focus group will be formed of personnel from various offices and divisions," and it will "examine the issues and develop appropriate solutions."

Benefit Fund lawyer **Ralph Lotkin** is, to put it mildly, furious. Closing the store, which provides "tens of thousands of dollars a year" to needy people, and not letting the fund know why is "simply outrageous," he said. So far, no copy of the audit report has come its way.

The fund's board "can't respond in a coherent way to a report that's denied them," Lotkin said. "Just give me the findings and recommendations," he said, so the board can review them and respond.

Or at least an invite to the focus group?

Pretty in Pink?

We're told the old office of White House communications chief **Ann Lewis** seemed too "dark and dismal" for the new chief, **Loretta Ucelli**. So she and suite-mate **Karen Tramontano**, counselor to the White House chief of staff, decided to spiff it up some with a fresh coat of paint. The idea was "something bright, bright and bold," a source said.

The result? "The Pink Palace," as White House staffers call it. Definitely bright and bold, and yet oddly calm and soothing, the color of Pepto Bismol.

Mining Morale at Labor

The Labor Department's assistant secretary for mine safety and health, **J. Davitt McAteer**, last seen in June on a trip to Eastern Europe and Russia while his administrative assistant watched his kids in West Virginia, is worried these days about a cash crunch.

Expenses "are running higher than expected," he wrote in a May 3 memo to senior staff, in part because of high costs in dealing with some mine

fires.

"We must manage our available resources to cover these additional expenses," he wrote, so "delay hiring as long as possible . . . delay or curtail [other personnel moves] . . . manage travel to minimize expenses and ensure that adequate funds remain available for field inspection and investigation activities; and, delay purchase of supplies and equipment to the extent feasible."

The memo was met with some derision among the rank and file, judging by our mail.

For starters, detractors said, maybe McAteer could cut back on his overseas travel and save a few bucks. Since the June trip, he went to Luxembourg in October for a three-day conference and to South America for 11 days in August, and he just got back from a six-day trip to Switzerland and South Africa.

"These are trips that the governments have asked us" to take to improve mine safety in those countries, McAteer said, noting that the trips were taken or committed to before the budget problems surfaced.

"We think they were value-added trips," he said, to "globalize safety and health" standards for mining and to ensure U.S. companies can compete.

And even one critic observed that fewer pencils are used while he's abroad, "so we can delay additional purchases of supplies and save money."

Raising His Voice

Robert R. Mackay, chief of correspondents at the Voice of America—which means he deploys the overseas correspondents—must be ruffling some feathers. Here's the complete text of a message he sent recently to his troops:

Correspondents—if ANYONE has a complaint about their job or the way they are being treated, I expect them to pick up the phone or come see me and tell me directly. If you can't do that, then your complaint will receive exactly the attention it deserves.

Do you suppose some of the correspondents have been going over Mackay's head?

Moving On

Arturo Valenzuela, director of Latin American studies at Georgetown University and, before that, deputy assistant secretary of state for Latin America, is moving back into government as the National Security Council's Latin America chief.

On the Hill, **Jana Novak**, speechwriter for former House speaker **Newt Gingrich** (R-Ga.) and then a senior writer in the press office of Speaker **J. Dennis Hastert** (R-Ill.), has moved over to Florida GOP Rep. **Tillie Fowler's** office to be communications director.

David Butler, former press secretary for Rep. **Bud Cramer** (D-Ala.), has moved off the Hill to be media director for Consumers Union, which publishes Consumer Reports magazine.

The Washington Post

WEDNESDAY, MAY 26, 1999

A more receptive Congress hears push for tough laws

By Wendy Koch
USA TODAY

A1

Continued from 1A

On Capitol Hill, the gun debate has long been polarized between NRA-backed members, mostly Republicans and rural Democrats, who opposed any new gun laws, and gun-control advocates, mostly Democrats and urban Republicans.

COVER STORY

Now a new political center is forming on the gun issue, fostered in part by rifts among the pro-gun forces.

Last week, the Senate approved new restrictions on sales at gun shows and mandatory child-safety locks on handguns. Democrats pushed the issues, but several Republicans who previously opposed gun control joined them, especially on measures that would limit children's access to guns.

House Republican leaders, previously hostile to gun-control legislation, now appear willing to go along with much of the Senate bill.

"We support common-sense legislation that keeps guns out of the hands of unsupervised children," Speaker Dennis Hastert, R-Ill., said Tuesday as a new anti-gun violence group called "The Bell Campaign" rallied at the Capitol building.

GOP leaders say they'll try to schedule a vote in mid-June, but Democrats will attempt to force one sooner, possibly by attaching gun measures to spending bills.

What's behind the shifting public and political sentiment?

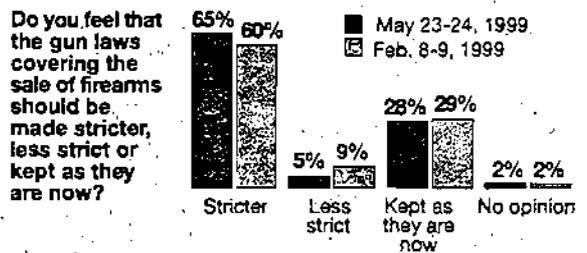
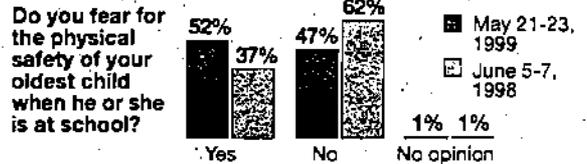
► **Suburban school shootings.** Voters no longer view gun violence as just an inner-city problem. They also see it in suburbs, where Republicans have generally dominated but Democrats are gaining ground.

► **Lawsuits against gun makers.** A growing number of city lawsuits, including ones filed Tuesday by Los Angeles and San Francisco, have focused attention on gun safety and distribution. They threaten the financial survival of gun makers, who have responded by endorsing a few gun-control steps that the NRA has not.

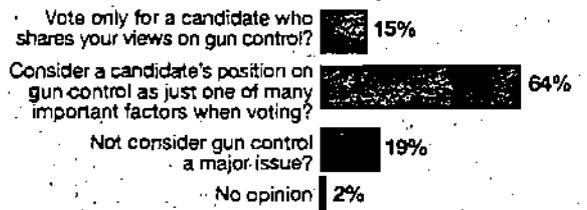
► **Recasting the issue.** Gun-control advocates are shifting the debate from the right to bear arms to the need to protect children. Aware that the

Parents, on gun control

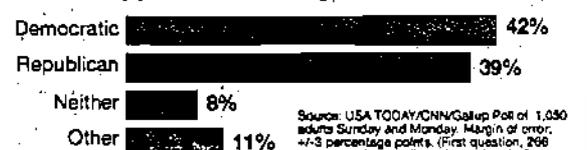
More than half of parents surveyed say they fear for the safety of their children when they are at school, and nearly two-thirds of those polled favor stricter gun control laws.



Thinking about how gun control might affect your vote for a major offices, would you:



Which party do you think can do a better job of reflecting your views about gun control?



By James Abundis, USA TODAY

NRA remains a powerful force, they are pitching mostly modest proposals aimed at kids.

Democrats insist the public's passion for gun control has deepened since 1994, when they lost control of the House partly because of their push to ban certain types of assault weapons and impose a five-day waiting period on handgun purchases. Some Republicans and gun makers agree, but no one knows if the shift will be permanent.

Lessons of Littleton

The history of gun control shows that change often follows major tragedies. The assassina-

tions of Robert Kennedy and Martin Luther King Jr. prompted a 1968 law that banned mail-order gun sales and the import of handguns.

The Columbine High School shooting last month in an upscale Denver suburb, which left 14 students and one teacher dead, is on that level of the political Richter scale. It's become something of a water-cooler obsession among worried working parents.

"The shooting in Colorado is not going away," says Frank Luntz, a GOP pollster. "It's something that parents of school kids will never forget."

Democrats seized the moment to force a Senate debate

1/2

Net stock sell-off intensifies

By James Kim
and Christine Dugas
USA TODAY

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The selling in Internet stocks intensified Tuesday as the sector's much-predicted pullback turned into a bear market.

The Inter@ctive Week index of Internet stocks is now down 22% from its peak April 26, which qualifies as a full-blown bear market, after a 5% drop Tuesday.

The slide is no surprise to many analysts following the huge run-up in Internet stocks this year. And the selling might not have run its course.

The index is still up 31% for 1999 vs. less than 5% for the Standard & Poor's 500.

Tuesday showed just how severe the bloodletting has become. Yahoo plunged 10 1/2% to \$126 1/2, eBay lost 18% to \$163 1/2 and CNET fell 17% to \$97 1/2. Many high-profile stocks such as Amazon.com, Infoseek and DoubleClick are roughly 50% off recent highs.

"If this isn't a bear market, I don't know what is," says Josef Squall, analyst at Ladenburg Thalmann.

Many investors know that all too well. Todd Gibbs, a technology salesman in Bountiful, Utah, has lost about \$25,000 on paper after America Online and ETrade fell 34% and 38% respectively from their highs.

But his losses have been offset by gains on stocks such as Broadcast.com that he sold before they tanked. "I knew they were gambles. I'm still up in the game," he says.

Some selling might have been triggered by the sector's sharp drop the past month.

Brokersages, including Salomon Smith Barney, E-Trade and Charles Schwab say margin calls have risen slightly. Such calls require investors who buy stocks with borrowed money to put up more cash or securities to offset losses. Falling prices can force investors to sell stock to meet margin calls, which only aggravates the selling.

Many Net stocks are still overvalued, investor Philip Yellin says in Boca Raton, Fla. eBay, which has fallen 30% from its high, trades at 964 times its expected '99 earnings.

The sell-off also has cooled demand for Internet initial public offerings, some of which recently had doubled or tripled on their first day of trading. The much-anticipated Barnesandnoble.com rose a modest 27% Tuesday after its IPO. Today another high-profile IPO begins trading: on-line brokerage DLJDirect, which sold shares Tuesday night at \$20.

NATO nearly doubles Kosovo troops

By Susan Page
and Fred Coleman
USA TODAY

A1

advance guard for an invasion. That possibility was broached by Britain but opposed by other allies and viewed with skepticism by the United States.

"This force ... will speak softly ... but it will have very sharp teeth as well as very big teeth," NATO spokesman Jamie Shea said.

Americans' unease about the military operation is growing, the USA TODAY poll shows. By an overwhelming 82% to 15%, those surveyed said they would support a pause in the bombing for an attempt to negotiate. The telephone survey of 1,050 adults Sunday and Monday has a margin of error of +/-3 percentage points.

Among the findings:

► Support for the military

action slipped to 49% from 55% two weeks ago, the first time it has fallen below 50% since airstrikes began March 24.

► If the airstrikes don't succeed in forcing Milosevic to let ethnic Albanians return to Kosovo, a 57%-40% majority oppose sending in U.S. ground troops as part of a NATO force.

► Americans are divided 48%-46% over whether the United States and NATO are doing everything possible to minimize civilian casualties.

► President Clinton's job approval rating fell to 53%, the lowest in nearly three years.

"This should be a warning call for the administration," says Andrew Kohut, director of the Pew Research Center. "There's a combination of frus-

tration with the effectiveness of the operation and alarm about the accidents that have caused civilian casualties."

But White House spokesman David Leavy said there was "strong support in this country and the Congress for standing up to Milosevic's oppression." The survey did show overwhelming opposition, 71% to 25%, to leaving the Kosovars to fend for themselves.

And if a settlement is reached, there's little doubt that an international force will have to stay in Kosovo. Just 12% say Milosevic could be trusted to comply with an agreement; 82% say a peacekeeping force will be needed.

► Complete poll results, 8A

Gun control legislation following publicized shootings since '68

Machine-gun violence during Prohibition and the attempted assassination of President Franklin D. Roosevelt in 1933 was followed by the National Firearms Act of 1934, which required registration of automatic weapons. Other gun control legislation that followed highly publicized shootings:

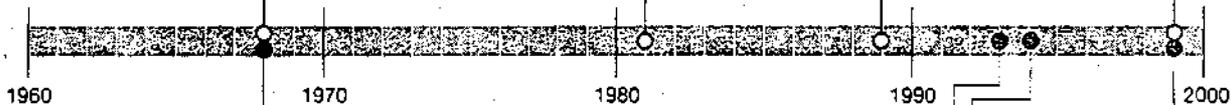
○ Incidents

1968: Assassinations of Robert Kennedy and Martin Luther King Jr.

1981: President Reagan shot by John Hinckley.

1989: Gunman kills five schoolchildren in Stockton, Calif.

1999: Littleton, Colo., school massacre



● Legislation

1968: Gun Control Act bans mail-order sales of firearms and import of handguns.

1993: Brady Handgun Prevention Act requires a waiting period and background check for commercial handgun purchases.

1994: Violent Crime Control and Law Enforcement Act bans manufacture, import and sale of certain types of assault weapons.

1999: Senate passes new restrictions on gun-show sales, requires safety locks. Action pending in House of Representatives.

By James Abundia, USA TODAY

this month on gun control, and "some of our people wilted," says Senate Majority Leader Trent Lott, R-Miss.

Sensing the public shift, several Republicans and a few Democrats switched sides from last year, when two of the measures were defeated.

A ban on the importation of high-capacity ammunition clips, which allow assault weapons to fire repeated rounds, passed with the help of 14 Republicans and one Democrat who opposed a similar version last July.

And a requirement that all handguns be sold with a child-safety lock or safety storage box got the votes of 29 Republicans and nine Democrats who rejected a previous version.

Most notable were the six Republicans who voted twice for a Democratic measure that would require background checks on all buyers at gun shows. Their offices were deluged after the first vote by NRA-led phone calls urging them to switch. None did.

Each said the gun-show checks are needed to curb gun violence. Sen. John Warner, R-Va., whose GOP primary opponent in the last election was endorsed by the NRA, cited another factor: He was approached by many voters, especially women, anguished over the school shootings.

"Right now, Republicans seem somewhat out of sync with the public on this issue," says GOP pollster Linda DiVall,

who's working for Elizabeth Dole, the GOP presidential hopeful who has been most supportive of gun-control measures. DiVall argues gun control could help sway suburban voters, adding: "Whoever tends to win that group could win the election."

The liability divide

Since November, 11 cities and Wayne County, Mich., have sued gun makers for the costs associated with gun violence. The suits say gun makers have failed to include sufficient safety features in their products. The two new California suits also contend that guns were deliberately marketed in areas with lax laws.

The suits have exposed differences between gun owners and gun makers. Gun makers, who worry that the suits could put them out of business, have been trying to change their public image to appear more responsible.

They have been willing to accept a few gun-control steps, such as raising from 18 to 21 the age for buying handguns, that the NRA hasn't.

"We have to put our best foot forward," says Ricker, who attended a recent White House meeting on youth violence and helped revise the final Democratic gun-show measure. "The name of the game in politics is the middle ground."

Tom Korologos, a veteran lobbyist who represents the

NRA, says the varying gun positions helped Democrats by creating confusion among lawmakers. Still, he says the NRA should not be counted out.

The NRA's political action committee donates mostly to GOP candidates. It gave them \$1.35 million for the 1998 elections, including contributions to 32 of the 34 Republicans who voted with the NRA on four of the key gun-control measures before the Senate.

Several adults in the USA TODAY survey criticized the NRA as out of touch, especially in its defense of the right of Americans to bear semiautomatic assault weapons.

Alva Kreutzer, a Republican mother of two teen-agers in suburban Chicago, says she understands the rights of hunters but adds: "Why do we need assault weapons? That's one issue I think they (NRA leaders) are dead wrong on."

A children's crusade

Democrats carefully crafted the package of gun-control measures they offered in the Senate. They chose ones that had the best chance of passage and had some relevancy to children and to Littleton.

They pushed their first proposal, which would require background checks on buyers at gun shows, by citing evidence that all four of the guns used in the Columbine shooting were bought at gun shows.

Democrats did not even at-

tempt to offer their more ambitious proposals, such as restoring a waiting period for handgun purchases that expired in November and limiting gun purchases to one a month.

Sen. Max Cleland, D-Ga., whose switched vote last week enabled Democrats to pass the gun-show check on its second try, says he doesn't want schools to become armed camps or a "miniature Vietnam." A combat veteran, he lost both legs in Vietnam and is confined to a wheelchair.

Cleland, who grew up only a few miles away from where the Heritage High School shooting in Conyers, Ga., occurred last Thursday, says the debate has shifted from a classic contest between pro- and anti-gun forces. Now, he says, it's "a battle for the lives of our kids."

Another sign of change on Capitol Hill is the blame that gun-control opponents are casting at their Senate GOP allies.

"They caved into pressure from the administration and from the liberal wing of the Republican Party," says Gun Owners of America spokesman John Vellone.

His group, which is even more adamantly opposed to gun control than the NRA, is asking its 250,000 members to flood Capitol Hill with postcards, letters, faxes and e-mail. Still, he concedes, "You can't deny that the other side has a lot of emotional momentum."

Contributing: Kathy Kiely

2/2

Cox panel's bipartisan cooperation gets results

By Jessica Lee
USA TODAY

WASHINGTON — Almost as startling as the findings by the Cox committee on Chinese spying was that they were bipartisan.

The panel of five Republicans and four Democrats, led by Reps. Christopher Cox, R-Calif., and Norman Dicks, D-Wash., managed to reach agreement on a highly sensitive subject at a time of partisan strife over President Clinton's impeachment.

"Our unanimous report finally shows that (members of) Congress can work well together," Cox said Tuesday. "We operated during very trying times, but we focused on the matters at hand. And every time we had a disagreement, we returned to the facts."

That was a marked contrast to the rabid partisanship that marked other recent congressional inquiries, particularly the ones into Clinton's sex scandal and campaign finance irregularities.

Sen. Fred Thompson, R-Tenn., who conducted the Senate investigation into campaign finance irregularities, praised the cooperation between the GOP chairman and ranking Democrat, calling it "a rarity."



By Larry Downing, Reuters

Dicks congratulated Cox for his "extraordinary leadership." He said the committee functioned so well because "Cox and I agreed that for six months, nine members could be Americans first, putting aside partisan considerations."

The special House committee got to work June 18, 1998, after allegations surfaced that two U.S. satellite manufacturers showed China how to improve its rocket designs without obtaining legally required licenses.

Crucial to the bipartisan cooperation, said Rep. Doug Bereuter, R-Neb., was an early decision to broaden the inquiry beyond the allegations that satellite makers Loral Space and Communications and Hughes Electronics had received special waivers in exchange for contributions to the Clinton-Gore campaign.

"We did not pursue that," he said, "because we realized that if we did, there would be partisan disagreement."

It also helped that the committee

did not set out to present the definitive investigation of suspected U.S. security breaches by the Chinese.

"This was not an exhaustive study," said Rep. Porter Goss, R-Fla. "This opened lots of doors to lots of rooms."

The panel met 34 times to conduct formal business and took more than 150 hours of testimony from 75 witnesses. Along the trail, about 60 workers put in 20-hour days in a collection of windowless rooms known as a "sensitive compartmentalized information facility." They subsisted some days on Peppermint Patties brought in by a secretary, spokesman Brent Bahler said. They worked on an exclusive data collection system, used telephones outfitted with scramblers, put trash in burn bags and had to check in with a security official to be admitted to their workplace.

The committee's 15 investigators, three analysts, eight experts in defense intelligence, lawyers and researchers spent about \$2.5 million.

Teamwork: Rep. Christopher Cox, R-Calif., left, discusses a House panel's findings that China obtained secret information on U.S. nuclear weapons. With Cox is Rep. Norman Dicks, D-Wash.

Fingers start pointing at Clinton administration

Critics call for resignations after spy report

By Richard Benedetto
USA TODAY

Now that the Cox committee has concluded that China stole nuclear secrets from the United States, starting in the late 1970s and continuing through the late 1990s, the Clinton administration is taking some hits.

Top Republicans in Congress have called for the resignations of Attorney General Janet Reno and national security adviser Samuel Berger. GOP presidential candidates are accusing the Clinton-Gore team of laxity. Investigations into the administration's response to the spying are about to be launched on Capitol Hill.

Few of those actions acknowledge that the spying took place under Presidents Jimmy Carter, Ronald Reagan and George Bush, too.

The report found that China obtained classified information on U.S. nuclear warheads and the neutron bomb during two decades of spying at top-secret nuclear laboratories.

While critical of security on the part of previous administrations, the report raised serious questions about whether the Clinton administration reacted strongly or quickly enough when it learned that secrets may have been stolen.

House Speaker Dennis Hastert, R-Ill., accused the administration of "foot-dragging."

"What did they know, when did they know it, and what did they do about it?" asked Richard Haass, a former national security aide in the Bush White House. He said he had "no knowledge" of spying by China when he worked for Bush.

Several Republican presidential aspirants were quick to criticize Clinton and, by extension, Gore, their potential Democratic rival.

Elizabeth Dole, who was a Cabinet secretary under Reagan and Bush, said previous administrations must "share in the blame."

But, she added, "The Clinton-Gore administration needs to get a grip on the gravity of the situation."

The front-runner for the GOP nomination, Texas Gov. George W. Bush, complained that "this administration did not react properly" to the spying allegations. He did not mention that his father also was president while the spying was going on.

Former president Bush declined to comment Tuesday on the Cox report.

Bush secretary of State James Baker III and national security adviser Brent Scowcroft were not available for comment.

Reagan secretaries of State George Shultz and Alexander Haig couldn't be reached for comment.

House Minority Leader Dick Gephardt, D-Mo., praised the bipartisan Cox report but wasn't about to let the GOP have a free hand in Democrat-bashing.

"The Clinton administration has a better record in dealing with these problems than prior administrations," Gephardt said.

John Bolton, an assistant secretary of State in the Bush years, said "nobody looks good" in letting the secrets get out.

But he said the focus will be on the Clinton administration because it is still unclear how effectively it reacted when told of the leaks.

"This administration just didn't take national security seriously. It was never a priority," he said.

But Haass, director of Foreign Policy Studies at the Brookings Institution, a Washington think tank, said he was more concerned about the spying's potential for complicating the touchy U.S.-China relationship than placing blame.

"It's going to accelerate China's emergence as a nuclear power and introduce new international tensions down the road," he said.

Mobilizing on Line for Gun Control

By KATIE HAFNER

PETITIONS that circulate on the Internet are an iffy proposition. Many of them, no matter how lofty the cause, smack of spam. Understandably, people often ignore them.

But a citizens' advocacy group, Move On (www.moveon.org), which last year circulated an on-line petition calling for Congress to "censure President Clinton and move on," is distinguishing itself as a model for on-line plebiscites.

Move On said it had gathered 500,000 electronic signatures during the Clinton impeachment last year. In an ancillary campaign called We Will Remember, the group said it had received pledges amounting to \$13 million and 700,000 volunteer hours for year 2000 political campaigns.

In the wake of the school shootings in Littleton, Colo., last month, Move On turned its attention to gun control. So far, the group, based in Berkeley, Calif., said its Gun Safety First campaign had gathered more than 70,000 signatures on an Internet-based petition urging Congress to "accept its proper role in regulating firearms."

And last week, as the Senate debated a bill intended to reduce crime among juveniles, printouts of the petition signatures gathered so far were delivered by hand truck to the offices of the Senate majority leader, Trent Lott of Mississippi, and the minority leader, Tom Daschle of South Dakota. Move On said that more than 100,000 individual E-mail messages had been sent, through the site, to senators across the nation.

Joan Blades, a co-founder of Move On, said the group's goal was to see that legislation would "include some common-sense measures to make it more difficult for children to gain access to weapons."

Ms. Blades and Wes Boyd, who helped to start Move On, are the flying toasters people. To be more precise, they founded Berkeley Systems, which created After Dark, the popular screen-saver program known for winged appliances. After selling Berkeley Systems two years ago, Ms. Blades and Mr. Boyd began developing educational software from their home in Berkeley.

When talk of impeachment started in earnest last year, Ms. Blades and Mr. Boyd started the Moveon.org

Web site, for \$89. Whether the group will be able to duplicate the momentum it achieved with the censure initiative is uncertain.

"My gut tells me it's not necessarily true that the things that bring one constituency together would sustain it on other issues," said Jonah Seiger, co-founder and principal of Mindshare Internet Campaigns, a consulting company based in Wash-

ington. "The half-million people who signed up to support the position articulated in the Move On impeachment campaign may not necessarily share the same view on gun control."

Ms. Blades expressed the opposite belief. "Our Intent with Moveon.org was to give voice to the majority opinion outside the Beltway that it was time to censure and return our Government's focus to important na-

tional and international issues," she said. "I think this discrepancy between what is going on inside the Beltway and public opinion outside the Beltway is the key similarity with the Gun Safety First petition."

Still, just how effective any on-line political effort can be is difficult to gauge.

"The effectiveness is minimal; at best, until we're able to legalize initiatives on line," said Fred Kimball, president of Kimball Petition Management, a political consulting firm in Westlake Village, Calif., referring

to recent efforts in California to make on-line signatures valid in ballot initiatives.

Mr. Seiger is more sanguine. "What Move On showed from the beginning is the way the Net is truly changing the political process," he said.

Ms. Blades said she and Mr. Boyd were looking into other areas that might lend themselves to on-line activism, like environmental issues.

"Our intention is just to allow people to become involved, become a five-minute activist if you want to,"

The New York Times

THURSDAY, MAY 20, 1999

Woman Shot by Mother Is Allowed to Die

By RICK BRAGG

ORLANDO, Fla., May 19 — Georgette Smith, saying she could not bear to live after a bullet left her paralyzed from the neck down, was allowed to die today in an Orlando hospital.

Now, prosecutors are expected to proceed with murder charges against the woman who left her that way, her own mother.

The 42-year-old Ms. Smith, whose spine was severed at the neck when her mother fired a bullet into her on March 8, was sedated and then taken off a ventilator sometime after 5 P.M., after winning the right in Orange County Circuit Court to end her life.

She died at 5:46 P.M., said Lisa Schultz, a spokeswoman for Lucerne Medical Center in Orlando.

"She was made as comfortable as possible," Ms. Schultz said, before doctors disconnected the machine that had allowed her to breathe.

Ms. Schultz would not comment on who was with Ms. Smith at her death, but her two grown daughters have been at her side since the shooting. Ms. Schultz told a gathering of reporters that the Smith family had asked to be left alone.

For almost a decade, Florida courts have held

that those who wish to die to save themselves from a lifetime of pain or hardship have that right, but Ms. Smith's case drew national attention because of its circumstances.

Her attacker was her mother, Shirley Egan, a tiny, frail, 68-year-old woman who shot her daughter after a discussion they had about placing Ms. Egan in a nursing home.

The shooting left Ms. Smith paralyzed and dependent, and she sued the hospital earlier this month for the right to die. An Orange County Circuit Court judge granted her wish on Tuesday, but ruled that she delay being removed from the ventilator until 5 P.M. today so lawyers in her case would have time to interview her at length about the shooting.

Her mother, who came to see her on Tuesday in a wheelchair, has already been charged with attempted first-degree murder and aggravated battery causing great bodily harm. Prosecutors here had said they would seek a murder indictment against Ms. Egan if Ms. Smith was allowed to die.

Ms. Egan's lawyer has said that Ms. Egan, who is blind in one eye and has other health problems, did not mean to shoot her daughter.

U.S. Antibiotics Countered By Foreign Meat, Study Says

By The Associated Press

Americans who eat chicken and meat overseas are bringing back resistance to certain antibiotics used to treat stomach upset and other bacterial illnesses, according to a study.

The study, in today's issue of *The New England Journal of Medicine*, is the first to link Americans' growing resistance to antibiotics primarily to foreign travel. Scientists had suspected that resistance was growing primarily because doctors were overprescribing antibiotics.

Resistance to the class of antibiotics called quinolones has been reported in people in Europe and Asia because of the widespread use of antibiotics in poultry and other livestock there, but the problem had not been well-documented in the United States.

The study also attributed the problem in part to the growing use of antibiotics in chickens in the United States. The Food and Drug Administration approved the practice in 1995.

"There is definitely a public health problem with using quinolones in poultry, and we need to take a hard look at that," said the study's lead author, Dr. Kirk E. Smith, an epidemiologist with the Minnesota Health Department.

Dr. Smith said the study should prompt the F.D.A. to adopt more stringent guidelines for the use of antibiotics in food animals. But he said solving the problem "is going to take a very well-coordinated international effort."

A spokesman for the Animal

Health Institute, which represents makers of vaccines, drugs, food additives and other animal health products, said antibiotics were used on no more than 3 percent of domestic livestock and only when prescribed by a veterinarian. He said people could be exposed to antibiotics through other means besides chicken while overseas.

Researchers say the problem goes from animals to humans this way:

Chickens and other livestock are given antibiotics in feed and water to ward off infections and spur growth. A type of bacteria that normally lives in the intestines of the animal grows resistant to the antibiotics.

Even after animals go to meat-processing plants, some meat can remain contaminated with the resistant bacteria. Humans swallow the bacteria if the meat is undercooked or contaminates other foods in meal preparation.

The bacteria bring on gastroenteritis, that is, diarrhea, stomach cramps, fever and malaise. Doctors try to treat the illness with antibiotics, but the bacteria are already resistant, so they are harder to kill.

The latest research examined 4,953 cases of bacterial infection among Minnesota residents from 1992 through 1998. The scientists found that the proportion of cases resistant to antibiotic treatment increased from 1.3 percent in 1992 to 10.2 percent in 1998.

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The New York Times

THURSDAY, MAY 20, 1999

Legal Assault on Firms Is Armed by Foundations

By DAVID B. OTTAWAY
Washington Post Staff Writer



Some of the nation's leading private foundations and philanthropists such as billionaire George Soros are pouring millions of dollars into research and support in the battle to control gun violence.

The infusion of private money has raised the wrath of the National Rifle Association, which in a publication this month named Soros and another private foundation as part of a "vast conspiracy" to bankrupt gun manufacturers with lawsuits.

But anti-gun advocates say the private money has helped "level the playing field" between gun manufacturers and shooting victims and their families, according

to Elisa Barnes, a plaintiffs' attorney in a successful Brooklyn, N.Y., lawsuit against gunmakers.

Soros's Open Society Institute became the first private group to directly help finance a lawsuit against a weapons manufacturer when it contributed \$300,000 to plaintiffs in the Brooklyn case. Barnes said Soros's contribution "made all the difference in the world" in winning the February verdict, which held nine gunmakers liable for practices that allowed criminals to obtain guns.

The Littleton, Colo., high school massacre occurred last month just as representatives of 30 private foundations were in New Orleans discussing anti-gun efforts. The tragedy left participants at the

Council of Foundations meeting "all the more determined to make a difference," said Nancy Mahon, who directs Soros's New York-based Center on Crime, Communities and Culture.

"There are clearly more foundations interested now than in the past," she said. "We think it's even more important now for private foundations to be looking for solutions."

Foundations used to shy away from gun control issues because the NRA, the powerful gun lobby, "made it so unpleasant and politically treacherous," said Mahon.

The NRA's position is made clear in this month's edition of its *American Guardian* magazine, which accuses Soros and other philanthropists of helping with a "brazen assault" on the firearms industry and the constitutional right of Americans to bear arms. Soros's picture is featured in a collection of "lawyers, financiers and social engineers" who are involved in the anti-gun effort. It cites his contribution to the Brooklyn lawsuit and charges that he also works to legalize marijuana and euthanasia.

Soros is among the major philanthropic givers who have recently decided to take on the gun lobby, Mahon said, because they believe gun violence is a "massive public health problem" and that the government is "paralyzed" by the NRA.

"It's really something whose time has come," said Stephen P. Teret, a gun safety litigation expert whose Center for Gun Policy and Research at Johns Hopkins University in Baltimore is supported by foundation grants.

An NRA spokesman said gun control groups are seeking foundation money as a last resort because private attorneys do not see a big payday in suing the weapons industry.

"It's unfortunate the foundations are doing this, but understandable," said NRA research director Paul H. Blackman.

Increasingly, foundations are coordinating their anti-gun efforts. Since January, Mahon's center has helped organize the Funders Collaborative for Gun Violence Prevention, a consortium that has raised \$11 million in seed money. "The strategy is to show leadership from the philanthropies and say this is an important

issue for our country," said Mahon.

The campaign is making inroads. Buoyed by successful lawsuits against the tobacco industry, five cities launched a similar strategy last year against gun manufacturers, trying to force the industry to pay the costs of gun violence.

Earlier this month, gun control advocates won a victory against the NRA in Missouri, defeating a referendum issue that would have allowed citizens to carry concealed weapons. The NRA spent \$3.75 million on the campaign—more than four times the amount raised by its opponents.

Foundations have helped drive a surge of anti-gun initiatives:

■ The Joyce Foundation, the first to target gun violence as a health issue, has handed out \$13.2 million in grants to 55 organizations working on gun issues since 1993. The Chicago-based foundation is funded by the Joyce family, whose wealth comes from lumber in the Midwest. Among the grant recipients are the Washington-based Ceasefire Inc., the Violence Policy Center, Physicians for Social Responsibility and the Educational Fund to End Handgun Violence.

"We need to see guns as a public health issue," said Deborah Leff, the foundation's former president who initiated its gun control efforts. "Nobody wants to see children being shot."

Teret, a pioneer in the use of litigation against gun companies, has received \$2 million in grants from Joyce. His Johns Hopkins center has helped provide the legal underpinning for the lawsuits brought by cities

against gunmakers. Teret and his colleagues also drafted a model handgun safety bill used for legislative proposals in New Jersey, Pennsylvania, New York and California.

■ Soros, whose wealth was built on foreign currency exchange dealings, established the Center on Crime, Communities and Culture in 1996 to fund crime prevention programs. It has dispensed \$13 million, with its most notable contribution the money put into the Brooklyn lawsuit.

"The courts are the place where David and Goliath can go at it and David can win," said Mahon. "That's why the gun industry is so spooked by this suit."

■ The California-based Wellness Foundation in 1992 launched its 10-year Violence Prevention Initiative. The group has allocated \$60 million for grants to in-state com-

munity groups working primarily on youth violence issues. With \$1 billion in assets, the foundation was endowed initially by a California health provider, Health Net.

A main goal of the Funders Collaborative is to establish gun safety standards that mirror those for other consumer products. Mahon cited as an example a bill recently introduced in Congress by Sen. Robert G. Torricelli (D-N.J.) and Rep. Patrick J. Kennedy (D-R.I.) that would give the Treasury Department authority to set standards and regulate gun design.

Despite these efforts, the gun safety movement remains a nascent force.

Legal theories used to assault the gun industry are new and largely untested in the appellate courts. The gun lobby is well-funded and politically entrenched. And gun manufacturers lack the tobacco industry's deep pockets, making guns less attractive than cigarettes as a litigation target.

The NRA's Blackman said he believes anti-gun advocates simply want foundation help to blanket gunmakers with litigation in order to pressure them to accept more regulation.

The NRA has mobilized to block gun control bills in Congress while pushing state laws that would prohibit cities from suing the gun industry. Simultaneously, the pro-gun forces are raising a war chest to fight the swelling number of lawsuits.

In November, gun manufacturers set up the Shooting Sports Heritage Fund and pledged to contribute 1 percent of their sales. Half of the funds will go to a legal research center, according to Douglas Painter, the fund's spokesman.

Painter said gunmakers, with \$2 billion in annual sales, compared with the tobacco industry's \$48 billion, are

pooling resources to defend themselves against lawsuits filed by cities.

The difference a foundation can make in such costly litigation became clear in the landmark Brooklyn case. Plaintiffs' attorney Barnes said the major foundations she initially approached for funding regarded the case as "too risky" politically. These foundations, which included some of the biggest in the country, were willing to finance research into gun violence "but never litigation," she said.

She then turned to Soros's Center on Crime. It was the only one "iconoclastic" enough to align itself with a lawsuit that cost \$1.5 million, even with lawyers working pro bono and "cutting every corner," she said.

A spokesman for Soros's group said the decision to get involved was an easy one. "Given the fact [that] youth gun violence is a priority area for us, it was a no-brainer," said Andrew J. Martin.

The Hungarian-born Soros began his philanthropic giving by funding democracy programs in Eastern Europe well before the fall of the Berlin Wall in 1989. He has developed a network of foundations in 30 countries and spent \$428 million on philanthropic activities in 1997 alone.

His flagship foundation, the New York-based Open Society Institute, has created a number of centers dealing with U.S. domestic issues. The Center on Crime annually gives \$13 million and lists curbing gun violence as a priority.

With Soros's contribution, Barnes said, the Brooklyn plaintiffs could afford to compile critical evidence and withstand the costs of "one horrible [pretrial] battle after another."

A spokesman for the Open Society Institute said it was open to other requests from lawyers like Barnes.

The Washington Post

WEDNESDAY, MAY 19, 1999

Fed Won't Hike Rates —For Now

Inflation Prompts First-Time Warning

By JOHN M. BERRY
Washington Post Staff Writer

AI

Federal Reserve policymakers, concerned that inflation could get worse if rapid U.S. economic growth doesn't slow down, announced yesterday that they had left short-term interest rates unchanged but are leaning toward raising them in the future.

The announcement doesn't necessarily mean the Fed will raise rates in the coming weeks or months. But it put investors and the rest of the public on notice that the Fed may act unless growth slows as central bank officials had predicted at the beginning of the year.

Until recently, Chairman Alan Greenspan and other Fed officials also had been worried that there could be more turmoil in world financial markets similar to that of last fall. When markets virtually seized up after Russia's default on part of its government debt, the Fed cut short-term rates by three-quarters of a percentage point in three steps to provide more cash to the system.

The Fed has left the federal funds rate, for overnight loans between banks, at 4.75 percent since then. But interest rates set by financial

markets, including those for mortgages and many business loans, have been rising for months, in part because of strong demand for credit and investor fears of a pickup in inflation. [Story, Page E1.]

The wording of yesterday's announcement by the Federal Open Market Committee, the Fed's top policymaking group, indicated officials feel that the danger of renewed global financial turbulence has receded, freeing them to concentrate on whether the U.S. economy may overheat.

"While the FOMC did not take action today to alter the stance of monetary policy, the committee was concerned about the potential for a buildup of inflationary imbalances that could undermine the favorable performance of the economy," the announcement said.

The committee "therefore adopted a directive that is tilted toward the possibility of a firming in the stance of monetary policy."

That announcement was the first of its kind ever made after a policymaking session at which the Fed did not change rates. In the past, the FOMC's decisions to lean one way or the other—as opposed to actually changing its interest rate target—were never made public until after a subsequent FOMC meeting. In December, however, the group decided to announce such shifts immediately if they represented an "important" change in Fed thinking.

Against that background, yesterday's decision to tilt toward higher rates and make that choice public underscored Fed concerns that the nation's exceptional combination of strong growth, low inflation and low unemployment may not continue indefinitely.

The committee emphasized that its members are looking ahead rather than reacting to any recent inflation news, such as last Friday's report that consumer prices jumped 0.7 percent last month, the largest monthly increase in six years. Many analysts attributed that unusually large rise to higher oil prices and other special factors and said it therefore did not signal a worsening of underlying inflation pressures.

The FOMC announcement said: "Trend increases in costs and core prices have generally remained quite subdued. But domestic financial markets have recovered and foreign economic prospects have improved since the easing of monetary policy last fall."

Finally, the FOMC said that with domestic labor markets already tight and spending by consumers and businesses increasing so rapidly, "the committee recognizes the need to be alert to developments over coming months that might indicate that financial conditions may no longer be consistent with containing inflation."

Bill Dudley, chief economist at Goldman Sachs Group Inc. in New York, called the announcement "a fairly hawkish statement" but stressed that it "in no way commits them to tightening"—that is, to a rate increase.

Between now and the next FOMC meeting at the end of June, the Fed will be watching the incoming economic data to see if there are signs growth may be slowing to what the officials regard as a more sustainable, less threatening pace. They will also be looking at the May consumer price report to see if there is another outsized increase, Dudley said.

He noted that over the past 15 years, a Fed bias toward raising rates has not resulted in a boost in rates at the following FOMC meeting, and in only half of the cases has it led to an increase in the following six months.

For example, in both 1997 and 1998, the FOMC tilted toward higher rates for several months but then moved back to a neutral stance without ever raising them.

The Washington Post

WEDNESDAY, MAY 19, 1999

Senate Strongly Backs Child-Safe Devices for Guns

By HELEN DEWAR
Washington Post Staff Writer

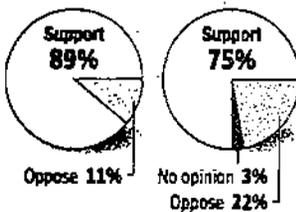
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WASHINGTON POST/ABC NEWS POLL

Gun Control Support

Would you support or oppose a law requiring ...

... background checks on people buying guns at gun shows? ... trigger locks on all stored guns?



THE WASHINGTON POST

The Senate voted overwhelmingly yesterday to require that all handguns be sold with child safety devices or secure storage containers, marking another significant concession by Republicans in response to a public outcry over the school shootings in Littleton, Colo.

The proposal was approved, 78 to 20, as part of a broader bill to curb juvenile crime, with a majority of Republicans joining all Democrats in voting for it. A similar proposal garnered only 39 votes last year.

"I think the horror that came about because of what happened in Littleton has had its effect," said Sen. John H. Chafee (R-R.I.), who co-sponsored the proposal with Senate Judiciary Committee Chairman Orrin G. Hatch (R-Utah) and Sen. Herb Kohl (D-Wis.).

In light of mounting support for action on gun control, Senate Republicans appeared to back away from earlier threats to shelve the youth crime bill—and with it the gun

proposals—unless the legislation were finished by nightfall. But they continued to warn Democrats that the bill could be set aside if they don't whittle back their wish list of de-

mands on guns, and the ultimate fate of the measure remained in doubt.

Shaken by demands for stronger gun laws in the wake of the Columbine High School shootings last month, Senate Republicans have already abandoned their opposition to background checks at gun shows and curbs on sales of high-capacity ammunition clips. They also are considering other compromises.

In a further demonstration of the shootings' effect on gun politics, House Speaker J. Dennis Hastert (D-Ill.) indicated yesterday he supports mandatory background checks for all sales at gun shows and suggested raising the age for legal possession of a handgun from 18 to 21. The new speaker had previously opposed major gun control measures.

The Senate took action as a Washington Post/ABC News Poll showed overwhelming public support for some of the gun control measures at issue. The poll showed that 89 percent of Americans support background checks on people buying guns at gun shows and that 75 percent support trigger locks on all stored guns. Overall, roughly two-thirds of those polled support stricter gun control laws, compared with one-third who oppose them, the poll showed.

In addition, 39 percent said they trust Democrats to do a better job of handling gun control issues, compared with 31 percent who said they trust Republicans. Twenty-two percent said they trust neither party.

Under the Kohl-Chafee proposal, trigger locks or other safety devices, such as locked storage containers, would have to be sold with all handguns, new or used, that are handled by licensed dealers. Senate aides estimated this would include 2 million to 3 million handgun transactions a year.

Gun buyers would not be required to use the devices but, as an incentive to do so, would be offered limited immunity from liability for civil damages if the gun winds up being used in a crime.

The proposal includes no standards for the safety devices. Kohl argued that standards were unnecessary because the "marketplace would sort out" the poor devices.

But some gun control groups, including the Violence Policy Center, expressed concern about the immuni-

ty provision and the lack of standards and expressed hope they would be tightened in the legislative process.

In other votes yesterday, the Senate agreed to stiffen penalties for crimes committed by gang members and for crimes committed by people wearing body armor. It also voted to restore states' powers to regulate interstate shipments of alcohol and to require adult signatures for receipt of interstate shipments of alcohol.

On the other side of the Capitol, Hastert indicated he was open to "uniformity" in background checks at gun shows and raising the age for legal possession of a handgun.

The Senate voted last week to require the checks at gun shows, although Democrats contend that the Republican proposal was riddled with loopholes, including an exception for gun redemptions at pawnshops. Senate Democrats also hope to offer an amendment that would raise the age for possession of non-sporting guns to 21. Hastert voted against key gun control measures in the early 1990s, including establishing a waiting period for handgun purchases and banning certain types of assault weapons, and emphasized that he was speaking for himself, not the rest of the Republican leadership.

He said he expects that gun control will be considered as part of a juvenile justice bill, just as it is in the Senate. The House Judiciary Committee is scheduled to begin considering the bill today. Democrats said they intend to offer gun control amendments, but Republicans plan to reject it on technical grounds. Gun proposals could be considered later in the process, however.

Hastert said he and House Minority Leader Richard A. Gephardt (D-Mo.) have agreed to see if they can work together on a response to the Littleton shootings, which aides said included creation of a bipartisan task force on youth violence.

Staff writer Juliet Eilperin contributed to this report.

The Washington Post
WEDNESDAY, MAY 19, 1999

Attack of common sense
Further law / NRA
responsible gun owners
like the law / gun owners

The Refugees Are Told They Can Return Home

By DANIEL WILLIAMS
Washington Post Foreign Service

AI

SAJKOVAC, Yugoslavia—Thousands of displaced ethnic Albanians huddle in abandoned houses, sheds, a mosque and in open fields in this northern Kosovo village. Although evicted from their homes during an eight-week-old government expulsion campaign, they have never been told they must leave Kosovo for exile in Albania or Macedonia.

Now, they are being promised something new and startling: Serbian police tell them they will soon go home. Some people said that groups of refugees already had left for their home villages, although no one here knows if they arrived.

It is a story being told in several places in Kosovo, where expulsions of ethnic Albanians from the Serbian province appear to be on the wane. At the beginning of the campaign, Yugoslav troops and Serbian police and paramilitary groups terrorized and drove hundreds of thousands of ethnic Albanians into neighboring Albanian and Macedonia at gunpoint. The massive exodus raised international fears that the Serb-led Yugoslav government was trying to empty all of Kosovo of ethnic Albanians in a thorough campaign of "ethnic cleansing."

In the past four days, however, displaced Kosovo Albanians in northern and western regions of the province and in the cities of Urosevac and Pristina

described an apparent reversal of government strategy: Police are not expelling them but insisting they stay put, whether they want to or not. The turnaround has also been evident in a sharp slowdown in the number of Kosovo refugees reaching the Albanian and Macedonian borders in recent days.

Officials of the Belgrade government

said its military campaign in Kosovo was aimed at ethnic Albanian separatist forces there and that the operation is nearly finished. Once the last of the guerrillas are driven from Kosovo towns and villages they had occupied, they say, non-combatants will be allowed to return.

A halt in the forced exodus and a government pledge to allow civilians to go home also could bolster Yugoslav President Slobodan Milosevic's current diplomatic effort to bring a negotiated end to NATO's 57-day-old bombing offensive against Yugoslavia—an effort that has included announcement of a partial troop pullout from Kosovo and other gestures.

If Belgrade's resettlement promises are kept, the Kosovo refugees will have been victims not necessarily of "ethnic cleansing" but of classic anti-guerrilla tactics employed from South Africa to Vietnam to El Salvador to Kurdish areas of Turkey—temporary expulsion and roundup of the guerrillas' civilian supporters, when the war is over, they are allowed to return home. Still, analysts said, Belgrade may switch course yet again and resume deporting Kosovo Albanians, an on-again, off-again switch they have made several times over the past month.

Meanwhile, the refugees at Sajakovac wait nervously. Since the Kosovo conflict began in late March, they have been wandering by foot and tractor cart in search of shelter and safety. Sometimes, they took refuge in forests or mountains, other times in villages—like this one—around the town of Podujevo, a focus of the battle between government forces and separatist guerrillas.

In recent days, police registered the refugees in Sajakovac and gave them white slips of paper listing their names, dates of birth and written permission to be in the Podujevo area. "They told me this is a free zone because the army is here," said a middle-aged man with matted hair and a gray wool vest. Although the civilians were willing to talk to an American reporter, few wanted their names used.

"They have told me we will be going home in a few days, but then days pass and we are here. I'll see it when I believe it," said an young man in his 20s wearing a pirated sports outfit with a misspelled "Adidos" label.

It is not clear why refugees like the ones in Sajakovac have been allowed to remain in Kosovo while so many of their compatriots were driven across the border—more than 750,000 of them, according to foreign estimates. Ethnic Albanians were ousted especially from areas in which rebel forces were strong, but many were expelled also from places where the rebel presence was sporadic at best.

Many foreign governments believe that the exodus is meant to be permanent, to alter the ethnic balance in Kosovo—a province of Serbia, Yugoslavia's dominant republic—in favor of the minority Serb population and reduce potential Albanian political influence in Yugoslavia. According to Western estimates, Kosovo's prewar population of 1.8 million was 90 percent ethnic Albanian.

Kosovo Albanians now outside the province may find it difficult to come back. Their identity papers in many cases were destroyed during the exodus, making it difficult to prove they ever were residents. Yugoslav authorities have said that Western estimates of the numbers expelled are vastly inflated, suggesting that about 120,000 have fled to Albania and 100,000 to Macedonia—or well below the figures of 433,000 in Albania and 226,500 in Macedonia reported by the U.N. High Commissioner for Refugees.

NATO's goal is to return all refugees to Kosovo and says that a well-armed international peace-keep-

ing force is needed in the province to ensure their safety. The Belgrade government has opposed the presence of armed NATO peacekeepers, saying it would violate Yugoslav sovereignty. The refugees here in Sajakovac and elsewhere in Kosovo spoke to an American correspondent allowed by Yugoslav authorities to travel from Belgrade to the province beginning Friday. The reporter's trip to Sajakovac on Monday took place without an official escort, as did visits to private homes in Pristina, the Kosovo capital, Sunday and Urosevac yesterday. On Saturday, during a guided tour west to the village of Korisa, where NATO bombs hit a refugee campground a day earlier, conversations with displaced civilians were held out of earshot of the guides, as were interviews with survivors of the bombing of a hospital in the city of Prizren.

The refugees, despite their precarious situation, felt free to describe the expulsions from their homes, the fighting they had witnessed, their itineraries, their hunger and their continuing fears of repression. Though fear of the authorities was palpable, especially in Sajakovac, the refugees were willing to describe the burning of their homes by police and to express a desire to flee the country or to stay in Kosovo.

Sajakovac is a collection of red-tiled houses set within walled courtyards not far from the main Podujevo-Pristina road; a pencil-shaped minaret at the stone mosque dominates the skyline. Sajakovac differs from hundreds of ethnic Albanian villages across Kosovo only because it is not a ghost town; plenty of ragged, sun-browned, fearful people live here, surviving mainly on flour and beans. Not one said he wanted to leave Kosovo.

Walls veil the large numbers of refugees sheltered in some houses—houses vacated during the early expulsions. No one here is sure where the owners are. About 100 people, mostly children, were camped in one two-story courtyard house near the entrance of the village; others sat or lay on the hay-covered floor of a nearby shed and on flatbed tractor carts. It all smelled of dust, sweat and wood fires.

Women in scarves, husky men in jeans, old men in traditional white caps all crowded into the shed. Three babies lay in a row on a mat. The refugees called out names of the villages they left, or villages they had passed through: Svetlje, Krlic, Batlavac, Grdca, some too small to be found on a map.

They roamed from place to place during the first weeks of the war, joining bigger and bigger convoys.

Police periodically moved them on, but not to the frontier. Then two weeks ago, police told them to settle in Sajakovac. They took over an abandoned house and have been waiting, always with the promise that at some point, they could go home.

"We know nothing. We are always ready" to go home, said an old man as he offered a cup of thick coffee.

Down the road at a clinic, a refugee in his thirties told a sad and fantastic tale. He had come from Kuwait, where he runs a bakery to visit relatives in Podujevo. When the war broke out, and he and his pregnant Philippine wife began their forced wandering, police and army troops were scouring distant hills. Houses were aflame. She went into labor and gave birth in a Pristina hospital. Police let her return to the family home in Podujevo with her mother-in-law. The only other occupants of the street are soldiers. The baker has been waiting in Sajakovac for more 2½ weeks. "At least during the Gulf War, no one threw me out of my house," he said, recalling his last brush with the fortunes of war.

The refugees in Sajakovac live in conditions similar to their haggard counterparts in Macedonia and Albania. The only food to reach them from the Yugoslav government came two weeks ago and consisted of two bags of noodles per family. Most of the refugee groups still have supplies of beans and flour from their long trek, and some money.

Refugee doctors try to treat the sick, but they lack medicines. An anemic black market—of goods

smuggled in and sold by police—brings in onions, a few bags of coffee, socks, cooking oil (\$15 a quart) and Marlboro cigarettes (\$4 a pack).

The refugees who survived a NATO bombing in Korisa told a shorter but more tragic tale. Last week, many of them had been expelled from their homes so police could billet themselves there. The refugees decided this was a signal for them to move to Albania, but police on the main road cut short the trip and ordered their tractor convoy into the open grounds of an agricultural cooperative and across the road next to a garage.

On Friday night, NATO warplanes bombed the sites, which alliance officials said they believed to be a police command post and an artillery bunker. There were nearly 500 refugees there, many of them children, according to survivors. They said they saw no sign of a police command post, troops or military equipment. About 90 people died in the attack, along with two of five policemen guarding the compound, Yugoslav officials said.

"They said we would be safe" at the site, said Ahmedtaj Bistim, an elderly man who was recovering from a broken shin at Pristina Hospital. "They said we would go home when Korisa was peaceful."

In Pristina, remaining ethnic Albanian residents also said that police have come to register them. Authorities there apparently have made no move to repeat the terrifying expulsions of the first few weeks of the war, when whole neighborhoods were rounded up and marched to trains for Macedonia. "We sit here, we watch television and we wait. At this point, this is all we can do," said a former waiter named Blerim, who lives in one of the city's main Albanian neighborhoods.

Albanians in Urosevac say police have canvassed houses to count the remaining Albanian residents. "They said we can stay. It is only their word, and we have seen others thrown out. We live at their mercy," said Nihat Ranudan, who once owned a tire repair shop in Urosevac. It has been looted, as were all ethnic Albanian businesses in the city.

The Washington Post
WEDNESDAY, MAY 19, 1999

THE PRESIDENT'S PLEA

Clinton Asks Hunters to Back His Proposals Curbing Guns

By KATHARINE Q. SEELYE

WASHINGTON, April 27 — President Clinton today beseeched the sportsmen who make up much of the nation's gun culture to accept certain regulations and restrictions as a trade-off to help curb the easy access to firearms and try to save lives.

"I want to make a plea to everybody who is waiting for the next deer season in my home state to think about this in terms of what our reasonable obligations to the larger community of America are," Mr. Clinton said at a White House ceremony where he announced his gun-control package, which he sent to Capitol Hill today, a week after the lethal rampage in Littleton, Colo.

The President, who said he took up target practice when he was 12 years old in Arkansas, presented himself as a product of the gun culture and said he understood the fear of many that any new restrictions would be a first step toward taking away their firearms. He said the rest of society needed to convince rural Americans that gun restrictions are as reasonable as airport metal detectors and that the effort to save lives is worth the inconvenience of regulation.

His proposed legislation includes a measure to restrict the purchase of handguns to one a month per person and to restore a waiting period before any handgun purchase — two provisions that have gone nowhere before.

The proposals also include raising the minimum age for possessing a handgun to 21 from 18, banning minors' possession of semiautomatic assault rifles and requiring background checks on people who want to buy explosives and on those who buy firearms at gun shows. The President would also impose felony penalties on adults who knowingly or recklessly allow a child to have access to a gun that is used to commit a crime, and would ban the import of large-capacity ammunition clips.

On Capitol Hill, Republican leaders showed little interest in the proposals. The Senate majority leader, Trent Lott of Mississippi, dismissed gun control as "the typical knee-jerk reaction" to school shootings. "I don't think this is just about guns," said Mr. Lott, who called instead for "a national conference on youth and culture" to explore broader societal causes of the killings.

The House Republican whip, Representative Tom DeLay of Texas, whose safety was threatened last year by the gunman who killed two guards at the Capitol, accused Mr. Clinton of trying to exploit the Littleton tragedy for political benefit.

But support for some provisions

came from unlikely quarters. Robert Ricker, executive director of the American Shooting Sports Council, which represents the firearms industry, said his group supported the idea of background checks on people who buy guns at gun shows, particularly because of early reports that some of the weapons used in Littleton might have been bought at shows.

At present, checking of buyers' backgrounds is required only of federally licensed gun dealers, but Mr. Ricker predicted that the President's proposal to expand the requirement "will get a lot of consideration."

Some of those who lined up with the President today blamed the gun lobby outright for school shootings.

Senator John H. Chafee, Republican of Rhode Island, said the term "school violence" glossed over the

Littleton's gunfire echoes at a White House ceremony.

problem. "This isn't about schools," he said. "It's about guns. This is about the insanely easy access Americans, including American children, have to guns. This is about the distorted interpretation of the Constitution that convinces otherwise rational citizens that it's their inalienable right to be armed to the teeth."

His language was sharper than that of either the President or Hillary Rodham Clinton, who, in opening the White House event, focused more broadly on cultural causes and tried to strike a reassuring note.

"All of us here are searching for answers to what happened in Littleton," Mrs. Clinton said. "But that does not mean that we are either hopeless or helpless in the face of this tragedy."

She pointed to the availability of guns but also said a media culture that "glorifies violence on TV, in the movies, on the Internet, in songs" and in video games could desensitize children so that they "lose their empathy for fellow human beings."

The premise of Mr. Clinton's speech was that the Littleton shootings grew out of both the culture of violence and the gun culture, but he focused on the latter and told Americans to reach out to sportsmen and appeal to their common sense.

"You change the culture," Mr. Clinton said, "we'll change the laws."

THE CALL-UP

The President Orders 33,102 In the Reserves to Active Duty

By ELIZABETH BECKER

WASHINGTON, April 27 — President Clinton ordered a call-up of 33,102 reservists today to serve up to nine months of active duty in the Kosovo air campaign. It was the biggest military call-up since the Persian Gulf war.

The first group of 2,100 air reservists and guard members who are part of refueling tanker crews will be sent quickly to the region. They are drawn from air bases in Arizona, Pennsylvania, Michigan, California, Alabama, Wisconsin, Indiana and Kansas.

In authorizing the call-up, President Clinton said in a statement today that the remaining reservists would be sent in the coming days and weeks "from all branches of the service to fill critical support positions in our humanitarian and combat operations in and around the former Yugoslavia."

"I thank each reservist, their families and loved ones, and their employers here at home for their service and sacrifice," Mr. Clinton said.

The call-up was set off by NATO's request for 300 more planes for the NATO air campaign against Yugoslavia to allow General Wesley K. Clark, NATO's top military commander, to expand the campaign to a 24-hour operation and to broaden the range of targets NATO forces can attack in Kosovo and the rest of Serbia.

Refueling tankers that can keep the airplanes flying day and night are essential to the operation. The first reservists include the crews for 21 more KC-135E refueling tankers

NATO plans to keep planes in the air day and night.

from the reserves. Six more tankers will be sent to Kosovo from active duty.

With the addition of these 300 aircraft, the United States' contribution to the Kosovo air campaign is approaching the level of aircraft used in a major war and could soon require nearly half of all of the Air Force's refueling tankers.

"We'll be over the level of aircraft we had in Desert Storm," said Maj. Gen. Michael Kudlacz, deputy chief of staff for air and space operations for the Air Force, referring to the operation during the gulf war.

Also today, Mr. Clinton authorized the Air Force to enact an order that prevents pilots and other critical service members from retiring or leaving the Air Force before the Kosovo air war ends.

Senator John F. Kerry, Democrat of Massachusetts, said today that he would introduce legislation that would help small businesses employing reservists who are called up by providing loan deferments and low-interest loan assistance from the Small Business Administration.

The total call-up of 33,000 reservists includes up to 25,000 from the Air Force, 892 reservists from the Navy, 1,000 from the Marines, 10 from the Coast Guard, and the rest from the Army, General Kudlacz said.

AIR RAIDS

NATO Bombs Reported to Kill 20 Civilians in Southern Serbia

By STEVEN ERLANGER

BELGRADE, Serbia, Wednesday, April 28 — Belgrade experienced heavy NATO bombing early this morning, hours after NATO bombs had killed at least 20 civilians in the southern Serbian city of Surdulica, Serbian state television and Western news agencies said.

In what appears to have been an accident of war, as many as 300 houses were destroyed, local officials said. They said that 11 people were wounded and that 30 were missing in the attack on Tuesday 200 miles south of this capital, near the Bulgarian border.

NATO released a statement that acknowledged that its planes struck a military target in the city, but did not directly answer questions about civilian deaths. "NATO aircraft carried out a successful attack against an army barracks in Surdulica in southern Yugoslavia," the statement said. "NATO does not target civilians, but we cannot exclude harm to civilians or to civilian property during our air operations over Yugoslavia."

As NATO has intensified its attacks, the numbers of civilian casualties and incidents of misdirected weapons have grown. If the Surdulica figures are confirmed, the strike would be among the worst cases of civilian casualties, ranking with the

deaths of Albanian refugees in a column in Kosovo and the bombings of a passenger train in Grdelica and of a residential area in Aleksinac.

"One-third of the town was totally destroyed," a town official, Miroslav Stojiljkovic, told a reporter from Reuters Television, whom the Serbian police escorted to the scene. "Between 200 and 300 families have been left without roofs over their heads."

He said that an army barracks one and a half miles from the town had not been hit and that another barracks 500 yards from the destruction was bombed and ruined on April 6. Another military installation is four miles away, residents said.

State television quoted local officials as having said they had recovered 20 bodies and feared that others would be found. The Beta news agency reported that a health center and water supplies were hit.

A reporter for The Associated Press, taken to the scene by the police, saw 50 houses destroyed and 600 damaged. Rescue workers said 11 people, including five children, were believed trapped in a basement.

A reporter for Serbian state television said 11 missiles hit at midday.

At least five large explosions were heard from 1 to 2 o'clock this morning in and around Belgrade.

The New York Times

WEDNESDAY, APRIL 28, 1999

A Gun Control Moment

The Colorado school massacre has generated what amounts to a national conversation about causes and cures, raising issues as simple as school security, as delicate as parental responsibility and as complex as the biological and cultural roots of teen-age violence. This discussion could well lead to a more alert and safer society. But there is one blindingly obvious issue that should be addressed right away — the issue of gun control. Congress, nervous about the gun lobby, is divided on the subject. The public, we suspect, is not divided at all, at least on the matter of keeping guns and explosives out of the hands of young people. Our own view is that the Colorado tragedy has provided the right moment to take the issue of gun control off automatic pilot, where it has been for four years, and move it forward in a dramatic way.

President Clinton seems to have sensed that such a moment may be at hand, that the country may be at one of those rare turning points where the weight of public shock and anger creates the necessary conditions for major legislative change. Yesterday he offered a solid package of gun control measures. The package — a mixture of old measures ignored by Congress and several new initiatives — offers no guarantee against a repetition of the Colorado horror. No law can do that. What these measures would do is reduce the risk by making it harder for disturbed young people to obtain guns and explosives.

Such change will not come easy in this Congress. The Republican leaders, House Speaker Dennis Hastert and the Senate majority leader, Trent Lott, have expressed their wish for a national forum on "youth and culture," a clear indication that they would prefer to talk about anything other than gun control. The Democrats, many of whom attribute their Congressional losses in 1994 to that year's vote to ban assault weapons, seem equally skittish. "I'm not sure that gun control is what we need," declared their leader in the Senate, Tom Daschle, who preferred to dilate about violence on the Internet and in the media.

Yet Mr. Clinton's package is one around which the public and Congress, if it will only open its eyes and ears, can usefully rally. Its key elements deserve thorough debate and an up-or-down vote in both houses of Congress by mid-summer. We can

think of no better legislative gift to the students who will be returning to school next fall.

Several provisions are aimed at closing off the ways that young people now lay their hands on weapons. One would raise the minimum age for possessing handguns to 21. Federal law prohibits Federally licensed gun dealers from selling handguns to anyone under 21, but allows 18- to 20-year-olds to possess handguns and even to buy them from unlicensed sellers, such as an older friend, which may be how the Colorado shooters obtained some of their arsenal. Another proposal would ban juvenile possession of semiautomatic assault rifles, as well as imports of high-capacity ammunition clips.

A third provision would hold parents criminally liable when they "knowingly or recklessly" allow a child access to a weapon that later causes death or injury. Sixteen states already have such laws, and they have helped reduce violence. A fourth provision would require dealers, manufacturers and importers to provide a child safety lock with every gun. This proposal could be strengthened by requiring that the locks be pre-installed at the factory. Congress could go a step further by underwriting "smart gun" technology to prevent the firing of weapons by people other than authorized users.

The President also recommended updating the 1993 Brady law, which requires a background check of handgun buyers and has prevented more than a quarter of a million felons from obtaining handguns. Mr. Clinton would extend the Brady background check to the sale of explosives, and close a big loophole that allows people to evade a check by buying guns at gun shows or flea markets. At the same time, Congress needs to plug another loophole identified by Senator Charles Schumer of New York, by prohibiting gun sales over the Internet.

Mr. Clinton endorsed for the first time the notion of limiting individual gun purchases to one a month — an antidote, already in effect in some states, to illegal traffickers who make bulk purchases in states with weak gun control laws and then sell guns to youngsters in states with strong laws, like New York.

This is a big package. But this is the right time to push it. The National Rifle Association is at least temporarily on the run, in the states and in the courts. And the public is eager for change.

The New York Times

WEDNESDAY, APRIL 28, 1999

Ghosts of Berlin

By Stephen Greenblatt

A few years ago in Berlin I picked up an innocuous-looking pamphlet marked "Bus Stop" and threw it on the passenger seat of my rental car, along with a handful of similar brochures.

Stuck in a traffic jam a few days later, I began to leaf through the bus schedule's departure and arrival times, with the thought that I might find a more convenient or at least less stressful way to get across town. But I couldn't find my destination listed, and the more I looked at the schedule, while inching my car forward, the more peculiar it seemed.

Some routes were local to the Wannsee, for example, the city's loveliest lake, or to the town of Oranienburg, a few kilometers to the north, but others were to cities at some distance from Berlin, like Weimar, Ravensbrück and Dachau, and still others crossed national borders, heading for destinations in Lithuania, Hungary, the Czech Republic, Poland, France.

Though my attention was distracted by the traffic, I began to get a funny feeling about this bus schedule, a feeling that many visitors, and certainly Jewish visitors, to Germany at some time or other experience. It is the sensation of being haunted.

In the neighborhood where I am staying I get it every time I walk through the long tunnel that leads to the Grunewald S-Bahn station: a queasiness that came over me even before I learned that many of the 55,000 Berlin Jews who were killed in concentration camps began their journey from this spot.

Back in my apartment I looked more carefully at the list of destinations and saw that the dozens of detailed arrivals and departures included Babi Yar, Bergen-Belsen, Treblinka, Majdanek, Auschwitz. The small print below each entry did not, as I had first assumed, include

Stephen Greenblatt, a professor of literature at Harvard, is the general editor of "The Norton Shakespeare."

further ticketing details but rather information on the crimes committed by the Nazis at these sites.

Bus Stop was not the workaday timetable I had taken it to be; it was a provocation, a reminder, a memorial. It was, it turns out, a failed proposal, passed over by the commission responsible for judging the entries in the international competition for the Holocaust Memorial. The

There's a way to settle the debate on the memorial.

creation of the Berlin conceptual artists Renata Stih and Frieder Schnock, Bus Stop finished in 11th place among the 528 entries submitted to the jury. For more than a decade, Germans have been discussing, planning, revising and debating the construction of a Holocaust memorial at the center of their new capital.

The issue is not, as you might think, a reluctance to commemorate the Holocaust. Though most traces of the past have been covered over in Berlin, many Germans seem committed to acknowledging repeatedly, volubly, at times even obsessively the crimes of the Third Reich.

The generation born here during or just after the war largely defined themselves against their parents and grandparents — not only against their acts but against the subsequent silence about those acts. For all its cosmopolitan energy, Berlin sometimes seems one huge, eerie memorial, from the museum west of the city in the Wannsee villa, where the Final Solution was formally planned, to the aptly named Topographie des Terrors in the east, where the Gestapo had its headquarters.

On the way to the opera, you see the empty shelves that mark the site where the books were burned in 1933; on the way to the new boutiques on the Sophienstrasse you pass the plaque commemorating the Jewish old-age home that the SS turned into

a deportation center; on the way to the Winterfeldplatz Market you see a brightly painted sign recalling the Nazi regulations forbidding Jews from buying fresh eggs and milk.

There are plenty of nasty exceptions in Germany, of course, but no society has more thoroughly and systematically repudiated its past and sought to remember its victims.

This self-definition has made the Berlin Holocaust Memorial seem at once so important and so impossible to build. One after another, the designs have run into trouble: the giant concrete plaque on which the names of millions of murdered Jews would be inscribed has given way to the giant steel cube that would bear the names of the concentration camps; this has given way to the giant field of broken Jewish stars and this in turn to the giant labyrinth of pillars that is the current choice and the current object of anguished debate.

It has become increasingly apparent that no design will ever prove adequate to the immense symbolic weight it must carry. And perhaps the long, unhappy debate should be seen as a sign of maturity: after all, gravestones were originally meant to keep the ghosts of the dead in their proper place, below the ground, but these ghosts cannot ever be laid to rest.

One day last week I stood in line, with thousands of Berliners, to see the newly re-opened Reichstag, with the huge letters on its facade proclaiming its dedication "Dem Deutschen Volke" — to the German people.

On my way, near the triumphal Brandenburg Gate, I walked past the site of the proposed memorial, a huge empty field of mud with puddles of dirty water from the spring rains. Perhaps the best course at this point would be to leave this site at the heart of Berlin and of Germany empty, to abandon it to weeds and, in Hamlet's words, to let things rank and gross in nature possess it merely. All it would need then, as a German acquaintance of mine suggested, is a simple sign noting that the German Volk had tried to create an adequate memorial and had failed. □

The New York Times

WEDNESDAY, APRIL 28, 1999

NRA sets sights on gun-show measure

Offers alternative to Lautenberg bill

By Joyce Howard Price
THE WASHINGTON TIMES

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The National Rifle Association is proposing legislation to require background checks on every gun sold at gun shows, which it says will eliminate "the red tape" in the gun bill passed by the Senate.

James J. Baker, the NRA's chief lobbyist, says as many as 211 House Republicans and between 30 and 55 Democrats could support the NRA's legislation.

"I'm cautiously optimistic," he says in an interview.

The NRA was "disappointed with the results" of the May 20 Senate vote, Mr. Baker says, but cites only two provisions of the legislation that the NRA opposes.

One is the Lautenberg amendment that the NRA chief lobbyist says would be a "bureaucratic nightmare" and would shut down most gun shows because of the paperwork the law would require.

"The other issue we oppose is the large-magazine issue, which would ban importation of ammunition-feeding devices containing more than 10 rounds," Mr. Baker says.

Currently, there are no analyses suggesting there is more crime from larger magazines, he says.

But Mr. Baker says the magazine issue may be "tougher" to derail than the Lautenberg amendment, so named for its sponsor, Sen. Frank R. Lautenberg, New Jersey Democrat. "It's more of a marginal issue that has less impact on the average gun owner."

The NRA opposes the Lautenberg amendment, which passed the Senate on Vice President Al Gore's tie-breaking vote, because it "registers gun owners, gun collectors, and gun-show promoters," "penalizes gun-show promoters" and "invades the privacy of honest citizens."

Under this measure, the NRA argues, a "person sitting at home discussing the sale of a personal firearms collection of 50 or more firearms would be required to have first registered his home as 'gun show' with the Bureau of Al-

cohol, Tobacco and Firearms" and pay a registration fee set by the bureau.

The NRA also objects to the "massive record-keeping" requirements the amendment would impose on gun-show promoters. "In addition to being required to register and pay a fee to hold a gun show, gun-show promoters would also be required to check the identification of every show attendee who even discusses a gun sale," NRA spokesmen say.

The NRA says the Lautenberg amendment "penalizes gun-show promoters" by "forcing them to pay fees with no set limits, forcing them to register with the government, forcing them to perform duties for the government, and exposing them to civil liability for acts by third parties over [whom] they have no control."

The 2.8 million-member gun-rights organization holds that the legislation would invade privacy, since it would allow the federal government to retain for 90 days information about a person who clears an instant check. "Current law demands that information be destroyed immediately," the NRA says.

"And it would be another hand-off of legislative responsibility to the Treasury Department," because registration regulations would be promulgated by the Treasury secretary, Mr. Baker says.

The NRA, he says, is promoting a "much more reasonable provision to substitute" for the Lautenberg measure that "still provides background checks on every firearm sold at any gun show" — whether the purchaser is a dealer or a private individual.

"We think we have a better way to do this without all the bureaucracy" and "without the additional red tape that would be put on law-abiding people," he says.

House leaders have said the House will take up the gun-control bill in mid-June, and the NRA says its lobbying efforts already are well under way.

"We talked to a lot of members before the recess, and NRA members will be talking to them at town

meetings they hold in their districts," says Mr. Baker.

In addition, he says, the NRA mailed requests to all its members, asking that they write or call House members and express their opposition to the Lautenberg amendment.

Mr. Baker scoffs at speculation that the NRA has lost its influence with Republicans in Congress. "Our obituaries have been written for 10 years, maybe 20 years," he says.

Members of Congress "respect the voice of constituents who own firearms" and who are concerned about excess bureaucracy and regulation and more executive-branch control," he says. He counts "at least 11 Republicans in the House that we might lose" in its fight against the Lautenberg amendment.

He declined to identify all but Rep. Constance A. Morella of Maryland. "She's a Republican who votes with the Democrats on a lot of social issues," he says.

He thinks the NRA legislation can pick up 30 to 55 Democrats, based on previous voting records of Democrats.

*Crime -
Gun shows*

Have reason to run, Clinton tells Hillary

He compares campaign to job interview

By Bill Sammon
THE WASHINGTON TIMES

AI

President Clinton said he told his wife during their vacation last week to be certain she knows why she wants to run for the U.S. Senate next year, because that's the only way to make "the risk of losing bearable."

Mr. Clinton, who angered Vice President Al Gore last month by offering unsolicited political advice through a newspaper reporter, redirected his campaign counsel toward first lady Hillary Rodham Clinton during a five-day stay at the exclusive White Oak Plantation in northern Florida.

"I gave her probably the advice I gave everybody," the president

told a handful of reporters aboard Air Force One on the way back to Washington late Sunday night.

"You have to know, you need to know, why you want the job. You have to be able to tell somebody in 30 seconds. You have to be able to tell somebody in five minutes. You have to be able to give a 30-minute talk" to explain the reasons in full detail, he said.

Mrs. Clinton is considering running for the seat being vacated by Sen. Daniel Patrick Moynihan, New York Democrat, who is retiring. New York City Mayor Rudolph W. Giuliani is likely to seek the Republican nomination.

The president said that a campaign is like a job interview, with the candidate functioning as an ap-

plicant and the voters as employers.

"I got elected president because I knew I had a very good idea what I wanted to do," Mr. Clinton said. "I think it's very important. I think that consultants and the polls, all that stuff, it's all very important. But the most important thing is that you know why you want to serve and what you'll do. . . .

"It makes the effort of the campaign worth it," he added. "And it makes the risk of losing bearable."

Asked whether Mrs. Clinton knows why she wants to serve, the president said his wife would have to speak for herself. Asked whether his wife had reached a decision on whether to seek the Senate seat, he smiled coyly and shrugged.

"Whatever she's for," the president said, "I'm for."

Mr. Clinton said he envied his wife's political options because he can no longer run for office. He added that although he supports term limits for president, he wouldn't mind seeing the rules eased so that a two-term president could have another shot at the White House after being out of office for a while.

"If I could run again, I would," he said. "But I'm not unhappy about it."

Mr. Clinton was asked whether being president would prove a tough act to follow and whether his post-presidential career might be anticlimactic, no matter what path he chooses. He said each step of his career has been fulfilling and emphasized the importance of thinking long and hard about future steps.

He added that he had numerous options open to him, but had not yet decided on what to do.

"I'm looking forward to being a person again," he said. "To having a life."

Although the president's affair with former intern Monica Lewinsky appeared to have strained his marriage last year, all outward

signs pointed to a mending of the relationship during last week's vacation. The first couple never ventured from the 7,500-acre plantation during their five-day stay and seemed rested and relaxed when they finally emerged Sunday night.

"Hillary and I had a really good time," the president enthused. "We just had a really good time."

The Clintons smiled and posed for photographs — separately and together — with about 50 well wishers who had waited for hours outside the gates of the plantation for a glimpse of the departing first couple. They did not greet a smaller group of people across the street who carried signs of protest, including one that said, "Clinton lies while China spies."

But when they reached the airport a few minutes later, the Clintons seemed the picture of ease and affability as they chatted and shook hands with two dozen people at the foot of the stairs to Air Force One.

The president draped his left arm across his wife's shoulders as they posed for pictures with toddlers and their parents. When presidential pet Buddy the dog joined the group, Mr. Clinton picked up his front paws as the dog reared up on its haunches. The children squealed with delight.

Shortly after takeoff, Mr. Clinton made an unscheduled visit to the press cabin of the plane, accompanied by White House Press Secretary Joe Lockhart. Standing before a dozen reporters, photographers and cameramen, the president leaned casually against a

wall and held forth for at least 15 minutes on the joys of his just-completed vacation. Such impromptu bull sessions with the press have been rare since the Lewinsky scandal erupted early last year.

Mr. Clinton bragged that during his vacation, he shot the best round of golf in his life — a 75.

He said his game improved markedly under the tutelage of the pros, who helped him regain some of the skills that had diminished in the wake of a knee injury.

Mr. Clinton also raved about the wild animals he had seen at a game preserve on the plantation. He talked at great length about the survival of sea turtles, a cheetah that had undergone hip-replacement surgery, fierce-sounding turkeys and the world's largest species of zebra.

The president said he had the opportunity to pat rhinos on their horns and scratch them behind their ears, which he said is the only soft place on a rhino. He also gushed about petting a week-old giraffe, saying: "It came out of its mother's womb six feet tall!"

There was one group of creatures the president did not appreciate — insects. He complained about having been bitten by so many mosquitoes and flies that his legs looked as though he had a bad case of measles.

He offered to show his legs to reporters, but thought better of the idea after someone reminded him of the ridicule heaped on President Johnson after he pulled up his shirt to display a scar on his abdomen.

The Washington Times

TUESDAY, JUNE 1, 1999

Colo. students plead for action on gun control

Measures prompted by Columbine now stalled in Congress

By Kathy Kieley
USA TODAY

WASHINGTON — More than 90 Colorado students, including several from Columbine High School, descended on the nation's capital Thursday to make a sometimes tearful appeal for tougher gun-control laws.

They were welcomed warmly by Democratic leaders, including President Clinton, but the students' plea had little immediate effect in Congress. If anything, the gun-control legislation they support sank deeper into parliamentary limbo.

Juvenile justice bills that both chambers of Congress passed in the wake of the Columbine shootings April 20 have been awaiting action by a House-Senate conference committee for weeks. But Thursday, the House put senators on notice that they will have to fix a technical problem in their version of the bill before the conference can get to work.

— That means the conference must await action in the Senate, where one diehard gun-control opponent, Sen. Bob Smith, the former Republican from New Hampshire who this week declared himself an independent, is threatening a filibuster to block the appointment of conferees.

The Colorado students who came here to lobby for gun control this week say lawmakers already have delayed too long. "I'm sick and tired of Congress not doing anything," said one student, Erin MacDonald-Evoy.

Another member of the group, 15-year-old Columbine sophomore Erin Flynn, broke down as she made her pitch before scores of reporters.

"I lost two close friends, and another was seriously injured," said Flynn, a survivor of the shootings that left 15 dead, including the two student-gunmen. "I do not want anyone else to lose a friend or a loved one."

Democratic gun-control supporters pounced on the students' visit, arranged and underwritten by a bipartisan gun-control organization, Safe Alternatives to the Firearms Epi-



At White House: Appearing with students from Colorado on Thursday, President Clinton accuses congressional Republicans of caving in to the gun lobby.

dem, to promote the cause.

Clinton invited the students to the White House, then appeared with them to accuse congressional Republicans of caving in to the gun lobby. "Now it's time for the Congress to listen to the lobbyists who really matter," he said, beaming at his T-shirted guests.

At the other end of Pennsylvania Avenue, the students held a Capitol news conference with Democratic and Republican lawmakers who support gun control. Then a group of them headed to a private meeting with Vice President Gore and House Minority Leader Dick Gephardt.

Gore and Gephardt told the students they are providing a powerful answer to the gun lobby.

"If we're ever going to get some balance in this debate, we're going to have to counterbalance the gun lobby with a family lobby," the vice president said. Gore said he believes support for gun control is growing, but added he's not sure there's enough support on the Hill to enact new measures.

Key provisions of the legislation before Congress include: a ban on imports of high-capacity ammunition clips, a requirement that handguns

be sold with safety devices, such as trigger locks, and a provision that would subject all sales at gun shows to the same background checks required at gun stores. Currently, only gun show sales from federally licensed dealers are subject to background checks; those from private dealers are not.

Barak says he will push to get peace talks on track

By Barbara Slavin
USA TODAY

WASHINGTON — Israeli Prime Minister Ehud Barak promised Thursday an intensive effort to restart Middle East peace talks, saying the quarter-century-long process was approaching the moment of truth.

A senior Israeli official who briefed reporters after Barak met with President Clinton for 2½ hours predicted a very serious effort in the next few weeks to resume talks with Syria, the most significant Arab hold-out from a peace agreement with the Jewish state. Secretary of State Madeleine Albright is expected to visit Syria early next month on a follow-up tour of the Middle East.

Barak, noting that he had met all the other leaders of Israel's Arab negotiating partners before coming to Washington, said he was eager to meet Syria's president, Hafez Assad. "It takes two to tango," the Israeli leader said. "I am ready."

Both U.S. and Israeli officials expressed satisfaction with what they called the start of a period of brainstorming. Although Clinton and Barak have had only cursory encounters in the past, the two looked completely at ease Thursday in contrast to the strains often visible between Clinton and Barak's hazy predecessor, Benjamin Netanyahu.

Clinton, at a welcoming ceremony in the White House Rose Garden, praised Barak, a former commander who is Israel's most decorated sol-

dier, as someone known for "time and again taking on tough tasks and getting them done right."

Israeli officials said Barak repeated conditions for a settlement on which he campaigned, which include no full Israeli withdrawal to the narrow borders it had before the start of the 1967 Six Day War. But he also told Clinton that Israel was ready for a painful compromise on the Golan Heights captured from Syria.

In his welcoming remarks, Clinton indicated he would follow Barak's preference and scale back the U.S. mediating role to the more traditional one of supporting actor.

With Israel again led by a leader willing to trade territory for peace, Clinton told reporters "the peace process worked best when we were essentially facilitating direct contact between the parties."

Barak was spending the night at Camp David — the first Israeli leader to do so since Menachem Begin in 1978 during negotiations of the Camp David accords with Egypt. But Barak's stay was as much social as political, with Barak and Clinton joined by their wives. Clinton is also hosting a White House dinner Sunday and will meet again with Barak on Monday.

Nuke workers' plan popular in Congress

By Peter Eisler
USA TODAY

WASHINGTON — Lawmakers of both parties vowed Thursday to seek swift approval of a Clinton administration plan that would compensate government contractors sickened by exposure to toxins at nuclear weapons plants and labs.

"We can fast-track it," Rep. Paul Kanjorski, D-Pa., said, noting that the proposal has "strong, bipartisan support."

Kanjorski joined eight other lawmakers of both parties in hailing the plan as a long-overdue admission by the government that decades of safety lapses at nuclear weapons facilities made employees sick.

They also joined Energy Sec-

retary Bill Richardson, who launched the initiative, in saying the program should be expanded in the future to cover a wider array of illnesses linked to toxic and radioactive substances at weapons facilities.

Compensation would be limited initially to workers with illnesses tied to beryllium, an element used in building nuclear weapons. But the plan also calls for the National Economic Council to study whether compensation should be provided for other illnesses linked to weapons production, such as asbestosis and radiation-induced cancers. "This is not the end," Richardson said. "This is an important first step."

The plan would create a way for tens of thousands of con-



Matusick: Contracted a lung disorder at weapons plant

tract employees to be compensated. Contract workers have accounted for the vast majority of the workforce at U.S. weapons-making facilities, and most

have had no redress for workplace illnesses under state and federal compensation laws.

The administration estimates that about 20,000 workers were exposed to beryllium, which has been used at 20 arms-related facilities around the country since the U.S. nuclear weapons program was born at the end of World War II. Federal screening has revealed at least 115 current and former workers with lung disorders and other symptoms related to beryllium. Compensation for those workers alone is expected to cost \$13 million a year over the next decade.

Costs were a factor in the administration's decision to limit the compensation program for now to beryllium-related ill-

nesses, officials said. Some were concerned that expanding the program could leave the government with a huge liability, given the wide range of work-related sicknesses claimed by weapons workers.

Some workers and advocacy groups criticized the administration for that decision. But generally, they acknowledged the initiative as a hopeful sign.

Alfred Matusick, 67, who contracted a beryllium-linked lung disorder during 24 years at a plant in Hazelton, Pa., said the program would provide a needed supplement to the \$58 a month he now gets from the state for his disability.

Said Matusick: "I can't walk three steps or carry groceries without taking a rest."

Drug Makers Fault the Details Of Clinton Medicare Proposal

By ROBERT PEAR

WASHINGTON, July 15 — Top executives of the pharmaceutical industry said today that they shared President Clinton's goal of increasing Medicare beneficiaries' access to prescription drugs, but for the first time they criticized specific features of his proposal. In particular, they said they feared that it could lead to price controls.

The executives drafted plans for lobbying and advertising at a meeting of the board of the Pharmaceutical Research and Manufacturers of America, a trade group for the industry.

After the meeting, Gordon M. Binder, chairman of the association and chief executive of Amgen Inc., said: "All seniors should have access to our medicines, and we hope something can be done by Congress and the President this year. But it should be done in the right way, not the wrong way, or else it could discourage the development of new medicines."

The association represents more than 100 companies, and 28 participated in today's meeting. People who attended said the board had discussed plans for a \$30 million advertising campaign and had reviewed two sample television commercials. Possible themes for the campaign include "no price controls" and "we don't want the Government in our medicine cabinet."

Drug companies said they wanted to be seen as constructive and did not want to be vilified by the President and Hillary Rodham Clinton, both of whom in 1993 accused the industry of price-gouging. But the executives acknowledged that the industry did not have an alternative to Mr. Clinton's proposal.

Alan F. Holmer, president of the association, said drug makers had many "questions and concerns" about the President's plan, under which the Government would pay half the drug costs incurred by a Medicare beneficiary, with the maximum annual Federal payment rising gradually, to \$2,500 in 2008.

"We are greatly concerned that the proposal, as currently structured, would inevitably lead to limits on access to medicines," Mr. Holmer said. "Under this proposal, the Federal Health Care Financing Administration would become the largest drug purchaser in the world. The history of Medicare and H.C.F.A. is

that policy makers start with unrealistically low cost estimates. Then, having promised seniors a new benefit, the Government limits access to treatments — in this case, medicines — and imposes price controls in order to pay for it."

Chris Jennings, a White House aide, said there was no basis for the industry's concern. "The President's proposal has no price controls," Mr. Jennings said. "And there's no intention to inject price controls."

A drug company lobbyist who attended today's meeting conceded that "on its face, it's hard to find the price controls" in the President's plan. Rather than overtly regulating drug prices, he noted, the Government would hire private companies to manage drug benefits for the elderly and disabled.

But if the costs exceed estimates — as has often happened in the Medicare program — the Government "will take it out of our hide," the lobbyist said, by cutting payments for drugs.

Mr. Holmer asserted that the President's proposal "would subsidize the rich at taxpayers' expense," since taxes paid by workers with low and moderate incomes would help pay for prescription drug benefits for wealthy retirees.

Drug company executives said they also worried that the new benefit proposed by Mr. Clinton would supplant drug coverage now provided to retirees through the voluntary efforts of employers.

"To discourage employers from abandoning those efforts," Mr. Holmer said, "the President would reimburse employers for most of their current costs — a massive Federal outlay, but no better coverage for seniors."

At its meeting, the pharmaceutical association reaffirmed that its goal was to "improve coverage of prescription drugs through the private sector," including Medicare health maintenance organizations, "rather than the traditional Medicare fee-for-service program."

The industry is searching for the best mechanism to achieve that goal, and is struggling with the question of whether the Government should guarantee drug coverage for all Medicare beneficiaries or just for the neediest ones.

Clinton Tells Colorado Youths He'll Stand Fast on Gun Control

By KATHARINE Q. SEELYE

WASHINGTON, July 15 — President Clinton said today that he would veto the juvenile-justice bill if it emerged from Congress with provisions that weakened existing gun controls.

"I will not in any way, shape or form countenance a weakening of the law," Mr. Clinton declared at the White House, standing in front of 90 students from Colorado — 6 of them from Columbine High School in Littleton — who are in Washington to lobby Congress for gun controls included in the Senate version of the bill.

The President noted that the Senate legislation also included a weakening provision, eliminating background checks on people who retrieve their guns from pawnshops.

Even as he issued his veto threat, though, he said that he was not fully aware of what else was in the bill and that "the Attorney General has to give me a briefing on it before I can make a final decision."

The juvenile-justice bill as adopted by the Senate would impose a number of new gun controls, including an expansion of background checks on purchasers and a ban on the import of high-capacity ammunition clips. The House version provides no controls, and the students are lobbying for the Senate provisions to be included in whatever bill emerges from a conference committee.

The President spoke today after meeting privately with the students at the White House. The students, organized by a gun-control group that sprang up in Colorado after the

killings at Columbine High in April, have proved to be an unusual lobbying force. Most lobbyists come to Washington begging for a moment with lawmakers, which both sides generally like to keep private. These young lobbyists, in contrast, have been sought out by politicians.

This afternoon Vice President Al Gore, who has made school shootings a focal point of his Presidential campaign, went to the Capitol, where he and Representative Richard A. Gephardt of Missouri, the House Democratic leader, posed with them. The youths also met with Colorado's six-member House delegation, its two Senators and more than two dozen other lawmakers they had identified as swing votes on gun control.

Jody Gold, an Internet consultant who is one of the group's chaperones,

said the students had discussed with President Clinton how to keep Congress focused on gun control now that Columbine had faded from the news. The President's advice to the students, Mr. Gold said, was to expand their numbers in Colorado, create similar groups in other states and return next year.

But despite Democrats' continuing pessimism that meaningful gun control will be enacted this year, Mr. Clinton said it was not too late for Congress to heed the students' message.

"Don't forget Littleton," he urged Congress. "Don't allow the victims of Columbine to have died in vain. Don't forget the 13 children who die every day from gun violence. Many, many, many of them can be saved. We must not lose the urgency of our mission."

F.B.I. Faulted Over Files on China's Election Role

By DAVID JOHNSTON

WASHINGTON, July 15 — An internal Justice Department report has found that the F.B.I. and Federal prosecutors mishandled highly classified intelligence on accusations that China improperly tried to influence American elections.

An unclassified summary of the inspector general's report, which was released on Wednesday, found that F.B.I. officials were at first reluctant to share raw intelligence with campaign finance prosecutors, senior Justice Department officials and lawmakers who demanded the information as part of their own investigations.

Later, the report said, Justice Department officials provided too much unverified intelligence to lawmakers, fearing that Attorney General Janet Reno and her subordi-

nates could be criticized by Republicans if they failed to turn over information that might be considered relevant to a Congressional inquiry.

The inspector general's report found that none of the missteps amounted to an intentional effort to mislead or interfere with any investigation. Instead, it said, the failures stemmed from institutional inertia, poor communication and a reluctance to share classified information with criminal prosecutors for fear of compromising intelligence sources.

Ms. Reno said today that she was reading the report but added that she had found no evidence that the Justice Department's campaign finance investigation had been damaged by the problems uncovered by the inspector general's review.

Michael R. Bromwich, the inspector general, concluded that the ac-

tions of the F.B.I. and the Justice Department reflected an absence of clear-cut standards about how much information to supply to outsiders. In the case of the department, the report said, the distribution of sensitive information "of dubious quality" potentially endangered criminal investigations and could have violated the constitutional rights of people under scrutiny.

The report drew no conclusions about whether the problems in handling classified information had had any impact on investigations conducted by the Justice Department or Congress. The inquiries examined accusations that China had a plan to influence American elections in 1996, when Asian-American fund-raisers engaged in intensive efforts to find contributors for the Clinton-Gore re-election effort.

U.S. Tries to Play Down China's Announcement on Bomb

By ERIC SCHMITT

WASHINGTON, July 15 — Seeking to contain a growing crisis in Asia, the Clinton Administration tried today to play down the timing and significance of China's declaration that it had developed on its own the ability to make neutron bombs and miniature atomic weapons.

But Congressional Republicans said Beijing's assertion actually validated a Congressional inquiry that accused China of stealing American nuclear secrets and was timed precisely to intimidate Taiwan.

"This shows the Cox report was hard-hitting and has caused the Chinese some angst," said Porter J. Goss, a Florida Republican who heads the House Intelligence Committee and who was on the special House panel headed by Representative Christopher Cox, Republican of California. "Now the Chinese are saying to Taiwan, 'Pay attention, we've got this.' It's a very dangerous situation."

Tensions between Taiwan and Chi-

na rose after President Lee Teng-hui of Taiwan said over the weekend that his Government would no longer adhere to the principle that the Chinese mainland and Taiwan were two parts of the same country. The announcement angered China, which has always reserved the right to use military force, if necessary, to fulfill its goal of reunification with Taiwan.

The United States has staked out a muted position, not wanting to inflame the debate. At the White House and State Department today, spokesmen refused to conclude that China's announcement was intended to intimidate Taiwan. A State Department spokesman, James P. Rubin, said, "I don't think it's any secret to the people of the world that China has a very small nuclear capability."

But under reporters' repeated questioning, Mr. Rubin acknowledged that the Administration was troubled. "We regard the statements and the reaction to the statements both as unhelpful to the people concerned and to the region."

G.O.P. says Beijing validates Cox panel's findings on spying.

Under the Taiwan Relations Act, Mr. Rubin said, "any effort to determine the future of Taiwan by other than peaceful means would be a threat to the peace and security of the Western Pacific area and of grave concern to the United States." At the same time, he said, the saber rattling was, so far, just that.

On Capitol Hill, Republicans and some Democrats expressed little doubt that the announcement was calculated to frighten Taiwan.

"It was meant as a threat to the democratic island of Taiwan," Benjamin A. Gilman, chairman of the House International Relations Committee, said. "I do not think we can dismiss the possibility that China

could use the neutron bomb — a weapon that has never been used — against Taiwan."

Senator Robert G. Torricelli, Democrat of New Jersey, who just returned from a trip to China and North Korea, said, "There's no doubt that the choosing of this moment to announce they have the neutron bomb is not coincidental."

Even so, many lawmakers said China's assertions, although worrisome, were unlikely by themselves to alter the Congressional debate this summer on extending China's trade status with the United States.

"It is ham-fisted and clumsy," Mr. Cox said. "But unless it lasts for more than a few days, it will ultimately be ignored."

Although American intelligence officials debate how much the American information contributed to China's developing its weapons, there is no disagreement that Beijing obtained classified data that accelerated its programs. China has denied committing espionage.

The New York Times

FRIDAY, JULY 16, 1999

Hastert Sees Chance For Gun Control Deal

Failure to Act Could Hurt GOP, Speaker Says

By ERIC PLANIN
Washington Post Staff Writer

House Speaker J. Dennis Hastert (R-Ill.) said yesterday he wants Congress to approve some form of gun control legislation this year and sees room for a potential compromise that would be acceptable to many Republicans, despite recent setbacks on the House floor.

In an interview, Hastert said that he and many House members favor a requirement for child-safety locks on guns and a ban on the importation of high-capacity ammunition clips. He also said there is an obvious compromise between lawmakers who want to require all gun show dealers to take up to 72

"We're going to have common-sense gun legislation sooner or later."

House Speaker J. Dennis Hastert, in a wide-ranging interview

hours to conduct criminal background checks on prospective buyers and those who would limit the checks to 24 hours.

Hastert's comments were the strongest indication to date that the issue remains alive this year, and he warned that Republicans would pay a political price unless they break the current stalemate in Congress.

"We're going to have common-sense gun legislation sooner or later," Hastert said. "If we don't get it passed, our friends on the other side of the aisle are going to shoot it at us a bullet at a time."

Gun control legislation died in the House last month after Democrats refused to go along with what they contended was a watered-down version engineered by GOP leaders and Rep. John D. Dingell (D-Mich.), an ardent foe of gun control. The Senate has already approved a gun control package, including the 72-hour requirement, as part of a juvenile justice and crime prevention bill.

Because the House has approved

separate juvenile justice legislation, the two chambers are entitled to go to conference and negotiate out a final agreement that could include gun control provisions. But until now, neither chamber's leadership has made a move to get the talks going, and Democrats are highly skeptical that any legislation will emerge this year.

Hastert's comments yesterday came during a wide-ranging interview with *The Washington Post*, in which he commented on his first six months as speaker, prospects for a comprehensive deal over Social Security, Medicare and tax cuts, and his relationship with Rep. Tom DeLay (R-Tex.), the powerful majority whip who many believe is the real power in the House.

"I know what the truth is," said Hastert, who was chief deputy whip under DeLay before he was elevated to speaker in January to succeed Newt Gingrich. "The truth is we work on a lot of issues. . . . I listen to our membership and the leadership and I finally make the decision—if I think it's the right thing to do."

Hastert also made these other points:

■ A summit involving congressional leaders and the White House "may happen" this fall. But Republicans are determined to pass all 13 spending bills this summer to leave the president with less leverage going into those talks. In the past, when Republicans waited until the last minute to pass major spending bills, the president was able to exploit their fears of another government shutdown to extract major concessions.

■ Despite growing complaints from appropriators that there isn't enough money available to properly fund key labor, health, education and veterans spending bills, the House leadership is determined to stick with tight spending caps that were mandated by the 1997 budget deal.

■ The GOP is unlikely to seek a 10-year tax cut of as much as \$1 trillion in light of much improved surplus forecasts, as some lawmakers suggested earlier this week. Instead, the House GOP tax-cut package probably will end up "slightly more" than the \$775 billion plan originally endorsed by the House

and Senate this year.

Both the White House Office of Management and Budget and the Congressional Budget Office issued revised forecasts this week showing a massive windfall of as much as \$1 trillion more in surpluses over the coming decade, even outside of the Social Security program. Many Republicans, including Ways and Means Committee Chairman Bill Archer (R-Tex.), seized on that news as justification for boosting the Republicans' tax-cut package.

However, a new study warns that much of that \$1 trillion is a "mirage" premised on what it called the unlikely scenario that Congress will continue to adhere to tight spending caps. The study by the Center on Budget and Policy Priorities, a liberal-leaning think tank, concludes that three-fourths or more of the surplus would vanish if government analysts used more realistic assumptions about expected government spending.

But Hastert and Senate Majority Leader Trent Lott (R-Miss.) both argued this week that most Americans would not approve of Congress backsliding on its commitment to fiscal discipline.

On the gun issue, Hastert strongly criticized House Democrats for voting overwhelmingly to kill the gun control measure last month, charging that they were more concerned about developing a political issue against the Republicans than passing major improvements in the gun law.

He vowed that the House and Senate would appoint conferees after the July 4th recess and said there were some obvious ways to resolve differences over the gun show provision, including splitting the difference between a 24-hour

and 72-hour waiting period.

"I'd guess the solution will come someplace between what failed in the House and passed in the Senate," he said. "There's a 48-hour difference. If you're an honest legislator, now you can get that bill into conference and come out with a common-sense solution."

But Democrats and other Republicans say the process will be far more difficult and contentious than the speaker has suggested. Many House Democrats, for example, are insisting that nothing less than a 72-hour requirement is enough to ensure an adequate background check. And many Senate Republicans, including Lott, are opposed to any gun control measures.

For Bush Fund-Raisers, Bucks Never Stopped

Economy, New and Old Donors Filled Coffers

By SUSAN B. GLASSER
Washington Post Staff Writer

In Boston, a \$500,000 lunch turned into an \$850,000 lunch. In Washington, the campaign hoped for \$1.5 million and ended up with \$2.2 million. By the time the George W. Bush money tour got to Detroit a week ago Thursday, and added yet another million dollars to the Texas governor's presidential campaign, Donald L. Evans had done the math.

Bush's best friend and chief fundraiser, Evans realized that Bush was going to raise more money than any Republican presidential candidate ever had—in little more than three months. "I told the governor on the plane that I thought we just might be able to put a three in front of the number," Evans said yesterday, recalling the moment when he first knew the campaign would hit the \$30 million mark.

Interviews with Evans and other key fund-raisers offered a window into how the Bush campaign managed the spectacular feat, ending up with more than \$36 million and 75,000 donors by June 30. The campaign drew on Bush's cash-rich home state of Texas for \$11 million of the total, nearly doubling the Lone Star State's previous presidential record. It created a special category of "Pioneers" who pledged to raise \$100,000 or more—and, according to sources, more than 100 have already met that daunting goal, bringing in more than \$10 million.

Starting with the advantage of a financial network established by his father over decades in political life, Bush also capitalized on the buzz around his candidacy as he hit the road for a remarkable series of 20-plus fund-raising events. As the June 30 deadline for candidates approached, the Bush campaign found itself unexpectedly awash in a burst of last-minute cash.

"For the past three weeks, every event went over the top of what was expected," said Peter Terpeluk Jr., a Washington business consultant and top Bush fundraiser.

The report detailing exactly who gave what won't be filed with the Federal Election Commission until July 15, but already, Bush's fund-raising record is reshaping the political world's view of what is possible in a presidential fund-raising system governed by a strict \$1,000-a-person limit.

While underfunded GOP rivals quickly sought to tar Bush as a "\$36 million man" who plans to substitute big money for big ideas, political strategists in both parties say his formidable bank account could be a key asset in the early-starting 2000 primary elections.

Just a year ago, when Bush was first mapping out a White House plan, the fund-raising goals were much more modest. Last summer, when Bush and his father were strategizing with an adviser at the family compound in Kennebunkport, Maine, they figured it would take \$20 million raised by the end of 1999 to mount a competitive presidential bid.

"The idea was double-double-double: raise \$5 million the first quarter, \$10 million the second quarter and \$20 million by the end of the year," the adviser recalled. "Everyone agreed it was a very obtainable goal."

By March, the newly launched Bush campaign, buoyed by early polls that made him an overwhelming front-runner for the Republican nomination, was talking of raising \$20 million in only three months. This week, after those three months had come and gone, even that once-audacious target was surpassed. "No one," the Bush adviser said, "dreamed it could happen this way."

Just about every cog in the Bush money machine has a different explanation for its success. To some, the influx of \$1,000 checks was a direct result of the strength of the U.S. economy. To others, it was an indication that Bush has successfully created a new generation of Republican donors. Still others pointed to the national infrastructure already in place from the campaigns of Bush's father, and the fund-raising assistance of a vast network of GOP governors who have lent their finance teams to his presidential bid.

All of those involved with the effort said it wouldn't have been possible without Bush's favorite-son status in Texas. "Texas is where we started," Evans said, but even so, "take Texas out of the equation and we still raised \$25.1 million. That would have been a record in and of itself."

Wayne L. Berman, a veteran national GOP fundraiser working for Bush, cited several factors, including "recruiting new people who have expanded the universe of what's possible in \$1,000-event fund-raising," and the "incredible, awesome power of the American economy," which has resulted in more checks in larger amounts from donors.

Most agreed that the campaign's organization put it on track to raise the initial record it hoped to set—\$20 million. But they said it was the favorable publicity after Bush's first trip to Iowa on June 12 and New

Hampshire on June 14 that cemented the record.

"It's been a bubbling cauldron that just bubbled over," said former representative Bill Paxon, now a lobbyist who has helped raise more than \$100,000 for Bush from his former western New York district. "They were on track to raise \$20 million. Then, in the last 10 days, the thing just spiraled out of control—literally."

"The events clearly were a factor," said James C. Langdon Jr., an old Texas friend of Bush who is now leading his Washington fund-raising. "People don't want to give in total anonymity; they want to be recognized as being part of something."

And even as members of the Republican establishment around the country were flocking to give money to Bush—one source noted that, at a meeting of the Republican National Committee's "Team 100" donors this month, the party's biggest givers spent all their break time working the phones to raise money for Bush—the Bush team said that many of the contributors appeared to be newcomers to political money.

"I got on the phone last night and called a dozen folks I know," Paxon said Thursday, the day after the Bush fund-raising total was announced. "I said, 'Want to help push it over \$40 million? People were sending checks last night, and these are people who are new to it. The moment was too great to pass up.'"

Campaign officials said that, in addition to the Pioneers, they have recruited 2,500 volunteers who have agreed to raise \$10,000 or more—all of them given "solicitor tracking numbers" to enable the campaign to monitor their progress as the checks roll in. "What I hear from all of them is that it's the easiest money they've ever had to raise," Evans said.

Indeed, virtually all of the money has come from individual solicitors and big fund-raising events. Direct

mail, a traditional though far more expensive way to raise money, accounted for "well under \$5 million" of Bush's total, according to spokesman David Beckwith.

It was Bush's mid-June debut on the national money circuit that real surprised many of his advisers though. "As of three weeks ago when Bush first went out on the road," Beckwith said, "we thought we'd be lucky to hit \$20 million." Just as Bush was leaving, Beckwith said, the governor called strategist Karl Rove and was told the total could hit \$1 million.

From there, the numbers just kept going up. "After that first trip to Iowa and New Hampshire, our [goal] was raised \$500,000 to \$1 million a day," Beckwith said. The Bush team stopped in Massachusetts, Connecticut, Virginia, the District of Columbia, Pennsylvania, Michigan, Florida and culminated in a seven-event, \$5 million California tour.

In the end, Evans's \$30 million secret was closely held. Several fund-raisers said they didn't hear the news until an hour before Bush announced it. The calls went out from the three leaders of Bush's fund-raising team—Evans, Rove and finance director Jack Oliver.

Even now, after collecting more money than GOP nominee Robert

Dole raised in all of 1995 and 1996, the Bush team plans to continue money tour.

More than 30 fund-raisers are on the schedule for the next six weeks according to Beckwith. "Next we're off to Denver, Salt Lake City, Seattle and Spokane," said Evans. "Then back into Virginia, and New Jersey and Baltimore."

Shelly Kamins, a Potomac operator leading the Maryland fund-raising, is already looking for a record at the July 14 Baltimore event.

"We're expecting more than people—it's a huge goal but I think can be achieved," he said. "Their \$1,000 checks, the Bush team in the Inner Harbor, he probably will 'get something less than a dog'—and something more than a dog."

Bush, in New Jersey, Promotes 'Compassionate Conservatism'

By DAVID KOCIENIEWSKI

NEWARK, July 13 — Gov. George W. Bush brought his high-rolling Presidential campaign to New Jersey for the first time this evening, telling a roomful of Republican campaign contributors that his brand of "compassionate conservatism" is the best hope for continuing the nation's prosperity while strengthening its moral character.

At a fund-raising dinner held at the Sheraton hotel next to Newark International Airport, Mr. Bush delivered his standard campaign speech about tax cuts and the importance of personal responsibility, making scant reference to New Jersey or issues affecting urban areas like Newark.

He spoke briefly with reporters and declined to say whether his campaign, which had raised a record \$36.3 million by July 1, will refuse Federal matching funds. Such a move would give Mr. Bush more flexibility in his campaign spending.

Although some supporters conceded that Mr. Bush's message was short on specifics, many said they were optimistic that his charm, conviction and ideals would play well with New Jersey's moderate Republican voters.

"He talked about his ideas," said Irene G. Almelda, chairman of the Passaic Valley Sewerage Commissioners, who attended a private roundtable discussion between Mr. Bush and an assortment of Republican officials before the dinner.

"He didn't go into details, but those

will come later. The good thing is to see how he talks to people, his warmth. And that he really seems to believe deeply in what he's saying. You can just see it in the way he talks."

Mr. Bush, who flew in from Austin, Tex., also had reason to feel upbeat. Clifford M. Sobel, the finance chairman of the New Jersey Republican Party, announced that the event raised \$1 million, meaning that Mr. Bush has now raised more money in the state than any other candidate — including Bill Bradley, the Democratic Presidential hopeful and former United States Senator who lives in Montclair. About 500 people paid at least \$1,000 each to attend the dinner.

Although the first Presidential primaries are still half a year away, Mr. Bush has become a daunting front-runner for the Republican nomination and the list of his supporters at the event today included most of the prominent New Jersey Republicans.

The co-chairmen of the event were Donald T. DiFrancesco, Speaker of the State Senate, and Jack Collins, Speaker of the Assembly. Gov. Christine Todd Whitman, who has said she will not endorse a Presidential candidate until after this November's elections, met privately with Mr. Bush before he made his speech, and many of her cabinet members and campaign officials attended the event.

Top House Republican Predicts Deal on New Limits on Guns

By FRANK BRUNI

WASHINGTON, July 13 — After lying idle for nearly a month, gun-control legislation drew renewed attention from House Republicans and Democrats today, with one leading House Republican predicting that House and Senate negotiators would agree on several new restrictions on firearms.

Representative Tom DeLay of Texas, the majority whip, said that despite the defeat of a gun-control package in the House last month, the measures in that package that had drawn broad support were likely to be part of the compromise legislation forged by the committee that reconciles the House and Senate's separate juvenile crime bills.

"Absolutely," Mr. DeLay said. "You can't ignore amendments that got 300-plus votes."

Mr. DeLay was referring to provisions like the one requiring that child safety devices be included with all handguns sold by federally licensed dealers, a ban on the importation of high-capacity ammunition clips and new restrictions for the possession of semi-automatic weapons by those under 18.

All proved to be relatively noncontroversial in the gun-control debate in the House in June and passed decisively. But they died with the overall gun-control package, which Democrats almost solidly opposed, on the ground that it was significant-

ly weaker than the package that passed the Senate and even relaxed a few aspects of current law.

Mr. DeLay's comments, which echoed remarks by Speaker J. Dennis Hastert earlier this month, made clear that the ultimate absence of gun control in the House's juvenile-crime bill did not doom the inclusion of gun control in whatever comes out of the House-Senate conference committee.

But the fate of whatever gun-con-

After idling for a month, gun control is back in center stage.

control legislation that committee winds up drafting remained in doubt.

For one thing, while House Republican leaders said today that they would appoint lawmakers from their chamber to the conference committee by the end of the week, Senate Republican leaders were still trying to figure out how to deal with a threat by Senator Robert C. Smith of New Hampshire to mount a kind of filibuster against the appointment of conferees from that chamber. Mr. Smith, who renounced his Republi-

can affiliation on the Senate floor today, is an ardent opponent of gun control and a candidate for President.

Additionally, Democratic and Republican advocates of gun control in both chambers might decide to oppose the committee's compromise legislation if its language, like the final gun-control package in the House, embraced only relatively noncontroversial measures.

These advocates are particularly committed to a provision — approved by the Senate but defeated in the House — that institutes mandatory background checks on all customers at gun shows and gives dealers as many as three business days to get the results of those checks before completing the sale.

Representative Steny H. Hoyer, Democrat of Maryland, tried today to attach that measure as an amendment to a spending bill before the House Appropriations Committee, but in a decision that split largely along party lines, his amendment was defeated, with 24 members for it and 35 voting against it.

The committee also rejected, by votes of 24 to 34, amendments by Representatives Nita M. Lowey, Democrat of Westchester, and Rosa DeLauro, Democrat of Connecticut, that would have banned the import of high-capacity ammunition clips and required the sale of child safety devices.

Democrats said they were trying to attach these measures to a spending bill because Republican leaders were still dragging their feet.

"We feel so passionately that this is an opportunity to save lives," Ms. Lowey said.

But the majority of Republicans on the committee, many of whom had voted for the child safety device measure on the House floor, opposed it and the other amendments today, saying the addition of gun control to an unrelated spending bill was inappropriate.

Mr. DeLay suggested that it was hypocritical of Democrats to push for these individual measures now after voting against a package that included them on the House floor.

"I must remind you — they had an opportunity to pass the bill, and they balked," Mr. DeLay said in a bitter voice. "Then they come in here and make amendments and statements as if we were killing children."

In the votes on the gun-control amendments, three Republicans sided with Democratic advocates of gun control. Five Democrats voted with Republicans against the gun-control amendments.

At one point in the debate, Representative Randy (Duke) Cunningham, Republican of California, said that, as a hunter who spent a lot of time in the woods, he might need a high-capacity ammunition clip to defend himself against a bear.

2 Candidates Are Leaving Republican Race

By ERIC SCHMITT

WASHINGTON, July 13 — Seven months before the first votes are cast, two candidates are dropping out of the Republican Presidential race because of the dominance of Gov. George W. Bush.

One, Representative John R. Kasich of Ohio, faced with the reality that his campaign had not taken off, seems ready and willing to embrace Mr. Bush. Mr. Kasich, a nine-term lawmaker, will formally withdraw on Wednesday and endorse Mr. Bush, Republican officials said today.

But the other, Senator Robert C. Smith of New Hampshire, excoriated the Republicans, saying they had become too willing to compromise their principles in pursuit of victory. He announced he was leaving the Republican Party and would run for President as an independent.

Both men are staunch conservatives and both are getting more attention by pulling out of the race and going their separate ways than they ever did while in it. The contrasting decisions, from two long shots who had been in single digits in the polls, go to the heart of the turmoil within the Republican Party in its effort to regain the White House.

The development leaves 10 Republicans vying for their party's nomination: Mr. Bush, the Governor of Texas; Senator John McCain of Arizona; Elizabeth Dole, the former president of the Red Cross; former Vice President Dan Quayle; Senator Orrin G. Hatch of Utah; Lamar Alexander, a former Education Secretary; Steve Forbes, a multimillionaire publisher; Alan Keyes, a former diplomat; Gary L. Bauer, the former

The dominance of Bush proves overpowering.

head of the Family Research Council, and Patrick J. Buchanan, the conservative commentator.

Mr. Bush solidified his claim as the front-runner in the race nearly two weeks ago with record fund-raising of more than \$36 million for the first six months of the year.

Mr. Kasich, chairman of the House Budget Committee for the past five years, has wielded enormous influence over the spending cuts championed by Republicans, as well as their plan to balance the budget. He had hoped to run a populist campaign built on a foundation of fiscal responsibility, but could not keep pace financially with Mr. Bush.

Mr. Kasich has clashed with fellow Republicans before, notably over how to balance tax cuts and reduce the Federal deficit. But as his own Presidential dream faded, he became a loyal foot soldier and took up Mr. Bush's banner, party aides said.

The Congressman and his campaign aides declined to comment today, waiting until Mr. Kasich's formal announcement on Wednesday, first in Columbus, Ohio, and then in Washington, the second coming with Mr. Bush at his side.

But Senator Smith's bolt from the Republican Party, most likely to seek the nomination of the U.S. Taxpayers Party, underscores how third-party candidacies have gained momentum in recent weeks among

conservatives who accuse Mr. Bush and party officials of failing to be sufficiently conservative on issues like gun control, abortion and taxes.

"We need to clean out the pollsters and the consultants and the spin doctors and the bloated staffs who tell us what to say, how to say it, when to say it and how long to say it," Senator Smith said in a nearly hourlong speech on the Senate floor.

His comments drew only about a dozen Republican senators and a smattering of Democrats.

Mr. Buchanan, who has also been considering a third-party run, said, "When a man as conservative and principled as Bob Smith walks away from the Republican Party, perhaps the problem is not with Senator Smith but with the Republican establishment."

Jim Nicholson, the Republican Party's national chairman, and other top party officials fear that third-party candidates, even those attracting negligible support, could still siphon off precious votes from the Republican nominee in November 2000.

On Friday, Mr. Nicholson criticized Mr. Smith's plans and urged him to stay, saying in a letter that his decision was "short-sighted" and would only help Vice President Al Gore, "the most extreme liberal in a generation."

Over the weekend, Mr. Smith's chairmanship of the Senate Ethics Committee and his seniority in the Senate Republican hierarchy seemed imperiled.

"It'd be very hard to be running with another party label and chairing a committee at the same time," said Senator Trent Lott of Mississippi, the majority leader.

By late today, the momentum was



Paul Heselros/The New York Times

Senator Robert C. Smith, a former Republican candidate for President, was hugged by his wife, Mary Jo, yesterday after he left the party.

shifting Mr. Smith's way. Angered by Mr. Nicholson's biting remarks and worried that stripping Mr. Smith's chairmanship would seem vindictive and divide the party further, Senate Republicans supported Mr. Smith's political perks even as they criticized his political decision.

"We're not the party of punishment," said Senator Phil Gramm, Republican of Texas. Moments later, Mr. Lott backed off his earlier re-

marks, joking how difficult it was to get senators to join the ethics panel.

Moreover, few Senate Republicans who back Mr. Bush saw Mr. Smith as a serious threat — regardless of his party label.

"George Bush is conservative enough for 99 percent of our party," said Senator Gordon H. Smith of Oregon. "For every vote you chase at that end of our spectrum, you'll lose two at the center."

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Clinton to Hammer GOP in Hopes of Policy, Election Gains

By CHARLES BARINGTON
Washington Post Staff Writer

President Clinton, convinced that Republicans have badly positioned themselves on gun control, tax cuts, managed-care reform and other issues, intends to hammer them repeatedly in public forums over the next four months in hopes of forcing them either to embrace his views or pay heavily in the November elections, his chief of staff said yesterday.

Laying out the president's agenda from now through July, John D. Podesta said Clinton believes he can exert enough pressure to pry many congressional Republicans away from their leadership on key domestic issues. If successful, the strategy could result in passage of Democratic-backed legislation while fracturing GOP solidarity on issues important to presidential candidate George W. Bush.

Referring to gun control, but outlining a philosophy Clinton appears to be applying broadly, Podesta said: "I don't think anything but public pressure is going to change the dynamic on this. We're committed to keeping the public pressure on. We're going to make it awfully uncomfortable for those guys to just sit there and keep bags over their heads."

Podesta's comments, made in an interview in his White House office, underscore Clinton's determination to use his bully pulpit to remain relevant and fully engaged in his final 10 months in office. House and Senate Republicans may thwart his legislation. But they can't keep him from going before audiences and TV cameras day after day to blast their positions on gun restrictions, inheritance tax cuts and ways to ensure that health maintenance organizations pay for emergency room care.

The new pace has already begun. Every day this week Clinton has called for tighter



President Clinton is flanked by gun-safety advocates, from left in front, Rep. Constance A. Morella (R-Md.), Rep. Carolyn McCarthy (D-N.Y.) and Rep. Zoe Lofgren (D-Calif.).

gun restrictions and criticized the resistance of the National Rifle Association. Yesterday, flanked by numerous lawmakers in the White House, he urged Congress to break an impasse on his gun proposal, which calls for background checks of buyers at gun shows.

And while congressional leaders have displayed little mood to compromise thus far, there are some signs of restiveness

among rank-and-file members. In symbolic action yesterday, the House voted 218-205 to urge House-Senate negotiators to meet within two weeks to try to reach a compromise on guns. And two California Republicans who face tough challenges this fall—Reps. Brian P. Bilbray and James E. Rogan—attended the White House ceremony, with Bilbray standing prominently at Clinton's side.

Podesta said Clinton will continue exerting pressure with an eye to the fall elections. Republicans hope to maintain their narrow House majority and help Bush defeat Vice President Gore for the presidency. After the Republican and Democratic conventions this summer, Podesta said, the focus will turn to budgetary issues and the final sprint to Election Day.

"We want to frame the budget fight for the fall," he said. "With the primaries coming to an end and the nominations being settled, we have an opportunity now to press our case for action. We're still hopeful that on a number of fronts we can accomplish some important things."

Bert A. Rockman, a University of Pittsburgh presidential scholar, said Clinton may succeed more with politics than policy, given the Republican opposition in Congress.

"He may not be able to get the legislation; that's the most problematic," Rockman said. "What he's really interested in doing is setting out a series of policy claims, positioning Gore very well, I think, for the fall elections. Those are all positions that are popular with suburban voters."

Republicans have shown their ability to quash some of Clinton's highest priorities—such as last year's Senate refusal to ratify a major nuclear test ban treaty—and they say they're ready to engage him again this year.

"We're not going to take second place to Democrats on issues important to the American people, like education, like how Washington works, like the tax code," said John Czwartacki, spokesman for Senate Majority Leader Trent Lott (R-Miss.). "All they have is defense of the status quo."

Podesta smiled with obvious pleasure that Democratic critiques of GOP tax-cut plans helped persuade House Republicans to embrace a proposal significantly at odds with Bush, who wants deeper tax reductions.

Other issues in which Podesta contends that Republicans are out of step with public sentiment include:

- Increasing the minimum wage by \$1 over two years. Republicans have tied the hike to tax cuts, such as trimming the inheritance tax. "People who are making \$5.15 an hour shouldn't be held hostage to eliminating the estate tax for people who are making millions and millions of dollars," Podesta said.

- Helping Medicare recipients pay for prescription drugs. Clinton's plan would be more generous to middle-income elderly people than would the GOP proposal. "I think there's a growing consensus that this should not just be a low-income program," Podesta said.

- Patients' Bill of Rights. Clinton's plan would cover more HMO patients, and give them greater powers to challenge decisions, than would a Senate GOP plan. Unless there's a breakthrough, Podesta said, "we're going to have to find a way to get it back on the public screen. . . . The public is clearly on our side."

Podesta seemed somewhat less confident about persuading Congress to grant permanent trade privileges to China. "This is going to be a tough slog," he said, "but I'm convinced we can win it."

On another matter, Podesta suggested there could be political motives behind independent counsel Robert W. Ray's decision to release a series of reports over the next few months dealing with allegations of wrongdoing by Clinton regarding the White House travel office, FBI files and the Whitewater land deal in Arkansas.

"The public is going to have to question that drip, drip, drip tactic," Podesta said. "I mean, after all this time, after all this money, after all these people, after all these twists and turns here, we have to do this in this fashion? I think people are going to be kind of skeptical about it, quite frankly."

In Brazil child labor is so ingrained that parents rarely criticize the government for not providing better jobs or adequate schooling. Instead, they echo parents such as de Jesus, who watched the other day as six of his children cut and carried sisal, their eyes and ears clogged with hordes of flies. The children range in age from 10 to 15.

De Jesus, who has a broad smile and an easy manner, said he does not feel exploited by the sisal farm owner who employs his children.

"Just the opposite," said the father. "I'm grateful. I feel obligated to him. . . . If my children didn't work with me, we would have to go hungry."

In Povoado de Jose Valerio, home to 85 families, a lot of people are living meal to meal. The village, 120 miles west of Salvador, the capital of Bahia state, is considered part of greater Teofilandia, which has 20,000 people.

It is a region where people's lives are as harsh as the landscape.

Lack of rain has left acres and acres of parched fields. Trees are feeble, with brittle, bare branches.

The annual per capita income in Teofilandia and its surrounding villages is roughly \$140, compared with about \$4,800 nationally. Its unemployment rate tops 60 percent. Illiteracy hovers at 70 percent.

Like Povoado de Jose Valerio, most of the villages know no modern conveniences. The area also has suffered from spectacular mismanagement. The only school in Povoado de Jose Valerio remained shuttered for four years during the 1990s because the Teofilandia government did not pay the teachers.

The area's addiction to sisal has allowed few people to earn an education and develop the skills to seek better opportunities. Today many children who do go to school attend only sporadically because their parents make them work when money is especially tight.

"The problem is lack of jobs," said Teofilandia Mayor Carlos de Oliveira, who was not in charge when the municipality closed the school. "If you have industry, you can have jobs, and if people have jobs, they're able to survive."

Survival is what most children here say they aspire to. Many said they plan to cut sisal when they grow up. Few say that they mind the exhausting work.

Jose Almeida Pereira, 14, is an exception. The short, skinny teenager, five of whose siblings also work, has worked since he was 8. Today he is in the third grade. He does not know the days of the week. He cannot add. He reads "a little."

"I like going to school, because in school I can rest," he said. "I get headaches from working with the sisal. My arms and legs ache, too. It's a lot of walking."

Pereira's mother, Nilda Almeida, who has eight children, said that she hopes to enroll Jose into the school scholarship program when it arrives here. The program offers parents between \$12.50 and \$25 per child per month if the youngster regularly attends school.

The nationwide initiative started with 3,710 participants in 1996 and has 362,000 today. Since 1996 the government also has raised the minimum working age to 16 and is beefing up labor inspections, but the scholarship effort has been by far its most effective weapon against child labor.

"It's not a solution, but it's a good start," said Glaubert Santos, who directs the government's efforts to end child labor. "We still have to make sure families have ways to earn steady income—and that means creating jobs."

In the neighboring state of Pernambuco, where the scholarship program is popular, children such as Jose Wilson Ferreira are grateful.

Ferreira, 12, had worked since he was 5—shining shoes, pushing a food cart, selling grapes—seven days a week, 10 hours a day.

Now, he goes to school every day. He dreams of joining the armed forces. He relishes weekends.

"On the weekends now, I rest," he said. "I don't have to wake up early anymore."

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