

106TH CONGRESS  
1ST SESSION

# S. 995

To strengthen the firearms and explosives laws of the United States.

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## IN THE SENATE OF THE UNITED STATES

MAY 11, 1999

Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. DURBIN, Ms. MIKULSKI, Mr. LEVIN, Mrs. BOXER, Mr. TORRICELLI, Mr. LAUTENBERG, Mr. REED, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To strengthen the firearms and explosives laws of the United States.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SEC. 1. SHORT TITLE.**

4        This Act may be cited as “The Youth Gun Crime En-  
5 forcement Act of 1999”.

6 **SEC. 2. TABLE OF CONTENTS.**

7        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 dan-  
 gerous 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 semiauto-  
 matic 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 viola-  
 tions 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.  
 Sec. 314. Authorization of appropriations.

TITLE IV—STRENGTHENING THE ASSAULT WEAPONS BAN

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

TITLE V—COMBATING CRIMINAL MISUSE OF FIREARMS

- 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.

1 **TITLE I—EXTENDING AND**  
 2 **STRENGTHENING THE BRADY**  
 3 **LAW**

4 **Subtitle A—Extending the Brady**  
 5 **Act to Gun Shows**

6 **SEC. 101. REGULATION OF GUN SHOWS—FINDINGS.**

7 Congress finds that—

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

13 (2) traditional gun shows, as well as flea mar-  
 14 kets and other organized events, at which a large  
 15 number of firearms are offered for sale by Federal  
 16 firearms licensees and non-licensed firearms sellers,

1 form a significant part of the national firearms mar-  
2 ket;

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

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

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

20 (6) at gun shows, flea markets, and other orga-  
21 nized events at which guns are exhibited or offered  
22 for sale or exchange, criminals and other prohibited  
23 persons obtain guns without background checks and  
24 frequently use guns that cannot be traced to later  
25 commit crimes;

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

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

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

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

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

3 (a) DEFINITIONS.—Section 921(a) of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

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

8 “(A) at which 50 or more firearms are of-  
9 fered or exhibited for sale, transfer, or ex-  
10 change, if 1 or more of the firearms has been  
11 shipped or transported in, or otherwise affects,  
12 interstate or foreign commerce; and

13 “(B) at which 2 or more persons are offer-  
14 ing or exhibiting 1 or more firearms for sale,  
15 transfer, or exchange.

16 “(36) GUN SHOW PROMOTER.—The term ‘gun  
17 show promoter’ means any person who organizes,  
18 plans, promotes, or operates a gun show.

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

1 (b) REGULATION OF FIREARMS TRANSFERS AT GUN  
2 SHOWS.—

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

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

7 “(a) REGISTRATION OF GUN SHOW PROMOTERS.—  
8 It shall be unlawful for any person to organize, plan, pro-  
9 mote, or operate a gun show unless that person—

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

12 “(2) pays a registration fee, in an amount de-  
13 termined by the Secretary.

14 “(b) RESPONSIBILITIES OF GUN SHOW PRO-  
15 MOTERS.—It shall be unlawful for any person to organize,  
16 plan, promote, or operate a gun show unless that person—

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

22 “(2) not later than 72 hours before commence-  
23 ment of the gun show, submits to the Secretary an  
24 updated list of all gun show vendors planning to par-  
25 ticipate in the gun show and any other information

1 concerning such vendors as the Secretary may re-  
2 quire by regulation;

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

8 “(4) before commencement of the gun show, re-  
9 quires each gun show vendor to sign—

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

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

15 “(5) notifies each person who attends the gun  
16 show of the requirements of this chapter, in accord-  
17 ance with such regulations as the Secretary shall  
18 prescribe;

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

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



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

3 “(c) RESPONSIBILITIES OF TRANSFERORS OTHER  
4 THAN LICENSEES.—

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

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

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

22 “(B) notwithstanding subparagraph (A),  
23 shall not transfer the firearm to the transferee  
24 if the licensed importer, licensed manufacturer,  
25 or licensed dealer through which the transfer is

1           made under subsection (e) makes the notifica-  
2           tion described in subsection (e)(3)(B).

3           “(d) RESPONSIBILITIES OF TRANSFEREES OTHER  
4 THAN LICENSEES.—

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

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

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

22           “(B) notwithstanding subparagraph (A),  
23 shall not receive the firearm from the transferor  
24 if the licensed importer, licensed manufacturer,  
25 or licensed dealer through which the transfer is

1           made under subsection (e) makes the notifica-  
2           tion described in subsection (e)(3)(B).

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

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

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

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

24                 “(A) of such compliance; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           “(g) FIREARM TRANSACTION DENIED.—In this sec-  
7 tion, the term ‘firearm transaction’ includes the exhibition,  
8 sale, offer for sale, transfer, or exchange of a firearm.”.

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

12           “(7)(A) Whoever knowingly violates section  
13 931(a) shall be fined under this title, imprisoned not  
14 more than 5 years, or both.

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

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

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

23           “(C) Whoever willfully violates section 931(d)  
24 shall be—

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

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

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

10           “(E) In addition to any other penalties imposed  
11 under this paragraph, the Secretary may, with re-  
12 spect to any person who knowingly violates any pro-  
13 vision of section 932—

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

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

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

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

“931. Regulation of firearms transfer at gun shows.”; and

1 (B) in the first sentence of section 923(j),  
2 by striking “a gun show or event” and inserting  
3 “an event”; and

4 (4) INSPECTION AUTHORITY.—Section  
5 923(g)(1) is amended by adding at the end the fol-  
6 lowing:

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

20 (c) INCREASED PENALTIES FOR VIOLATIONS OF  
21 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

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



1 (A) in paragraph (5), by striking “sub-  
2 section (s) or (t) of section 922” and inserting  
3 “section 922(s)”; and

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

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

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

12 (d) EFFECTIVE DATE.—This section and the amend-  
13 ments made by this section shall take effect 180 days after  
14 the date of enactment of this Act.

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

1 **Subtitle B—Establishing a Manda-**  
2 **tory Handgun Waiting Period**  
3 **and Giving Law Enforcement**  
4 **More Time To Complete Back-**  
5 **ground Checks**

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

8 Section 922 of title 18, United States Code, is  
9 amended—

10 (a) in section 922(t)(1)(A), by inserting “and, in ac-  
11 cordance with regulations prescribed by the Secretary,  
12 transmits notice of the proposed firearm transfer to the  
13 chief law enforcement officer of the place of residence of  
14 the transferee” before the semicolon;

15 (b) in section 922(t)(1)(B)(ii)—

16 (1) by striking “3” and inserting “5”; and

17 (2) by striking “and” at the end;

18 (c) in section 922(t)(1)(C), by striking the period at  
19 the end and inserting “; and”;

20 (d) by adding at the end of section 922(t)(1) the fol-  
21 lowing:

22 “(D) if the firearm is a handgun or semi-  
23 automatic assault weapon—

1           “(i) not less than 72 hours have  
2           elapsed since the licensee contacted the  
3           system; or

4           “(ii) if the firearm is a handgun, the  
5           transferee has presented to the transferor  
6           a written statement, issued by the chief  
7           law enforcement officer of the place of resi-  
8           dence of the transferee during the 10-day  
9           period ending on the date of the most re-  
10          cent proposal of such transfer by the  
11          transferee, stating that the transferee re-  
12          quires access to a handgun because of a  
13          threat to the life of the transferee or of a  
14          member of the household of the trans-  
15          feree.”.

16          (e) by adding at the end of section 922(t), the fol-  
17          lowing:

18                 “(7) In this subsection, the term ‘chief law en-  
19                 forcement officer’ means the chief of police, the  
20                 sheriff, or an equivalent officer of a law enforcement  
21                 agency, or the designee of any such officer.

22                 “(8) In accordance with regulations prescribed  
23                 by the Secretary, a chief law enforcement officer  
24                 who accepts notice of a proposed firearm transfer  
25                 under paragraph (1)(A) shall destroy any statement

1 or other record containing information derived from  
 2 the notice, unless the chief law enforcement officer  
 3 determines that the transfer would violate Federal,  
 4 State, or local law.

5 “(9) The Secretary shall promulgate regulations  
 6 regarding the manner in which licensees shall trans-  
 7 mit notice of a proposed firearm transfer to the chief  
 8 law enforcement officer of the transferee’s place of  
 9 residence under paragraph 1(A) and shall exempt li-  
 10 censees from the notice requirement where the Sec-  
 11 retary determines such notice does not further the  
 12 purposes of this section.”.

13 **Subtitle C—Keeping Guns Out of**  
 14 **the Hands of Dangerous Juve-**  
 15 **nile Offenders**

16 **SEC. 104. PERMANENT PROHIBITION ON FIREARMS TRANS-**  
 17 **FERS TO OR POSSESSION BY DANGEROUS JU-**  
 18 **VENILE OFFENDERS.**

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

- 21 (1) by inserting “(A)” after “(20)”;
- 22 (2) by redesignating subparagraphs “(A)” and  
 23 “(B)” as clauses “(i)” and “(ii)”;
- 24 (3) by inserting after subparagraph (A) the fol-  
 25 lowing new subparagraph:

1           “(B) For purposes of section 922(d) and  
2           (g) of this chapter, the term ‘adjudicated delin-  
3           quent’ means an adjudication of delinquency  
4           based upon a finding of the commission of an  
5           act by a person prior to his or her eighteenth  
6           birthday that, if committed by an adult, would  
7           be a serious drug offense or violent felony (as  
8           defined in section 3559(c)(2) of this title), on  
9           or after the date of enactment of this para-  
10          graph.”; and

11          (4) by striking “What constitutes” through the  
12          end and inserting the following: “What constitutes a  
13          conviction of such a crime or an adjudication of de-  
14          linquency shall be determined in accordance with the  
15          law of the jurisdiction in which the proceedings were  
16          held. Any State conviction or adjudication of delin-  
17          quency which has been expunged or set aside or for  
18          which a person has been pardoned or has had civil  
19          rights restored by the jurisdiction in which the con-  
20          viction or adjudication of delinquency occurred shall  
21          nevertheless be considered a conviction or adjudica-  
22          tion of delinquency unless (i) the expunction, set  
23          aside, pardon or restoration of civil rights is directed  
24          to a specific person, (ii) the State authority granting  
25          the expunction, set aside, pardon or restoration of

1 civil rights has expressly determined that the cir-  
2 cumstances regarding the conviction and the per-  
3 son's record and reputation are such that the person  
4 will not act in a manner dangerous to public safety,  
5 and (iii) the expunction, set aside, pardon, or res-  
6 toration of civil rights expressly authorizes the per-  
7 son to ship, transport, receive or possess firearms.  
8 The requirement of this subparagraph for an indi-  
9 vidualized restoration of rights shall apply whether  
10 or not, under State law, the person's civil rights  
11 were taken away by virtue of the conviction or adju-  
12 dication.”.

13 (b) PROHIBITION.—Section 922 of title 18, United  
14 States Code is amended—

15 (1) in subsection (d)—

16 (A) by striking “or” at the end of para-  
17 graph (8);

18 (B) by striking the period at the end of  
19 paragraph (9) and inserting “; or;” and

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

22 “(10) who has been adjudicated delinquent.”;

23 and

24 (2) in subsection (g)—

1 (A) by striking “or” at the end of para-  
2 graph (8);

3 (B) by striking the comma at the end of  
4 paragraph (9) and inserting “; or”, and

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

7 “(10) who has been adjudicated delinquent,”.

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

11 **TITLE II—RESTRICTING YOUTH**  
12 **ACCESS TO FIREARMS**

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

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

19 (a) in paragraph (1)—

20 (1) by striking “juvenile” and inserting “person  
21 who is less than 21 years of age”;

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

24 (3) by striking the period at the end of sub-  
25 paragraph (B) and inserting “;”; and

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

2 “(C) a semiautomatic assault weapon; or

3 (D) a large capacity ammunition feeding de-

4 vice.”.

5 (b) in paragraph (2)—

6 (1) by striking “a juvenile” and inserting “less

7 than 21 years of age”;

8 (2) by striking “or” at the end of subparagraph

9 (A);

10 (3) by striking the period at the end of sub-

11 paragraph (B) and inserting “;”; and

12 (4) by inserting at the end the following:

13 “(C) a semiautomatic assault weapon; or

14 (D) a large capacity ammunition feeding de-

15 vice.”.

16 (c) in paragraph (3)(A), by inserting “temporary” be-

17 fore “possession”;

18 (d) in paragraph (3)(B), by striking “juvenile” and

19 inserting “person who is less than 21 years of age”;

20 (e) in paragraph (3)(C), by striking “juvenile; or”

21 and inserting “person who is less than 21 years of age;”;

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

23 “(D) the possession of a handgun or am-

24 munition by a person who is less than 21 years

25 of age taken in defense of that person or other



1 persons against an intruder into the residence  
2 of that person or a residence in which that per-  
3 son is an invited guest; or”;

4 (g) by adding at the end of paragraph (3) a new sub-  
5 paragraph (E) to read as follows:

6 “(E) a temporary transfer of a handgun or  
7 ammunition to a person who is at least 18  
8 years of age and less than 21 years of age, or  
9 the temporary use or possession of a handgun  
10 or ammunition by a person who is at least 18  
11 years of age and less than 21 years of age, if  
12 the handgun and ammunition are possessed and  
13 used by the person—

14 “(i) in the course of employment, in  
15 the course of ranching or farming related  
16 to activities at the residence of the person  
17 (or on property used for ranching or farm-  
18 ing at which the person, with the permis-  
19 sion of the property owner or lessee, is per-  
20 forming activities related to the operation  
21 of the farm or ranch), target practice,  
22 hunting, or a course of instruction in the  
23 safe and lawful use of a handgun; and

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

1 (h) by amending paragraph (4) to strike “juvenile”  
2 wherever it appears and insert “person who is less than  
3 21 years of age”.

4 **SEC. 202. ENHANCED PENALTY FOR YOUTH POSSESSION OF**  
5 **HANDGUNS AND SEMIAUTOMATIC ASSAULT**  
6 **WEAPONS AND FOR THE TRANSFER OF SUCH**  
7 **WEAPONS TO YOUTH.**

8 (a) PENALTY FOR VIOLATIONS OF SECTION  
9 922(x).—Section 924(a)(6) of title 18, United States  
10 Code, is amended—

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

13 “(A) A juvenile who violates section 922(x)  
14 shall be fined under this title, imprisoned not  
15 more than one year, or both, and for a second  
16 or subsequent violation, or for a first violation  
17 committed after an adjudication of delinquency  
18 or after a state or federal conviction for an act  
19 that, if committed by an adult, would be a seri-  
20 ous violent felony (as defined in section 3559(c)  
21 of this title), shall be fined under this title, im-  
22 prisoned not more than five years, or both.”;

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

1           “(B) A person other than a juvenile who  
2           knowingly violates section 922(x)—

3                   (i) shall be fined under this title, im-  
4                   prisoned not more than five years, or both;  
5                   and

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

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

22           (a) SECURE GUN STORAGE OR SAFETY DEVICES BY  
23 FEDERAL FIREARMS LICENSEES.—Section 922 of title  
24 18, United States Code, is amended by adding at the end  
25 the following:

1       “(z) It shall be unlawful for any licensed importer,  
2 licensed manufacturer, or licensed dealer to sell, transfer,  
3 or deliver any firearm to any person (other than a licensed  
4 importer, licensed manufacturer, or licensed dealer) unless  
5 the transferee is provided with a secure gun storage or  
6 safety device.”

7       (b) PENALTIES.—Section 924 of title 18, United  
8 States Code, is amended—

9           (1) in subsection (a)(1) by striking “or (f)” and  
10       inserting “(f), or (p)”; and

11           (2) by adding at the end the following:

12       “(p) The Secretary may, after notice and opportunity  
13 for hearing, suspend or revoke any license issued under  
14 this chapter or may subject the licensee to a civil penalty  
15 of not more than \$10,000 if the holder of such license  
16 has knowingly violated section 922(z) of this chapter. The  
17 Secretary’s actions under this subsection may be reviewed  
18 only as provided in section 923(f).”

19       (c) REPEAL OF INCONSISTENT PROVISIONS.—

20           (1) Section 923(d)(1) of title 18, United States  
21 Code, is amended—

22           (A) in subparagraph (E) by adding at the  
23       end “and”;

24           (B) in subparagraph (F) by striking “;  
25       and” and inserting “.”; and

1 (C) by striking subparagraph (G).

2 (2) Section 923(e) of title 18, United States  
3 Code, is amended by striking “or fails to have secure  
4 gun storage or safety devices available at any place  
5 in which firearms are sold under the license to per-  
6 sons who are not licensees (except that in any case  
7 in which a secure gun storage or safety device is  
8 temporarily unavailable because of theft, casualty  
9 loss, consumer sales, backorders from a manufac-  
10 turer, or any other similar reason beyond the control  
11 of the licensee, shall not be considered to be in viola-  
12 tion of the requirement to make available such a de-  
13 vice)”.

14 (3) Section 119(d) of title I, Department of  
15 Justice, General Provisions—Department of Justice,  
16 of the Omnibus Consolidated and Emergency Sup-  
17 plemental Appropriations Act, 1999, Public Law No.  
18 105–277, is repealed.

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

1 **SEC. 204. RESPONSIBILITY OF ADULTS FOR DEATH AND IN-**  
2 **JURY CAUSED BY CHILD ACCESS TO FIRE-**  
3 **ARMS.**

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

6 “(aa) PROHIBITION AGAINST GIVING CHILDREN AC-  
7 CESS TO FIREARMS.—

8 “(1) DEFINITION OF CHILD.—In this sub-  
9 section, the term “child” means an individual who  
10 has not attained the age of 18 years.

11 “(2) PENALTIES.—Except as provided in para-  
12 graph (3), any person who—

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

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

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

1           (ii) possession of the firearm by the child  
2 is unlawful under Federal or State law; and

3           (D) the child uses the firearm to cause  
4 death or serious bodily injury to the child or  
5 any other person,

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

8           “(3) EXCEPTIONS.—Paragraph (2) does not  
9 apply, if—

10           (A) at the time the child obtained access,  
11 the firearm was secured with a secure gun stor-  
12 age or safety device;

13           (B) the person is a peace officer, a mem-  
14 ber of the Armed Forces, or a member of the  
15 National Guard, and the child obtains the fire-  
16 arm during, or incidental to, the performance of  
17 the official duties of the person in that capacity;

18           (C) the child uses the firearm in a lawful  
19 act of self-defense or defense of 1 or more other  
20 persons; or

21           (D) the person has no reasonable expecta-  
22 tion, based on objective facts and cir-  
23 cumstances, that a child is likely to be present  
24 on the premises on which the firearm is kept.”.

1           **TITLE III—COMBATTING**  
2           **ILLEGAL TRAFFICKING IN GUNS**  
3           **Subtitle A—Restricting the Sources**  
4           **of Illegal Guns**

5           **SEC. 301. PREVENTING GUN TRAFFICKING BY RESTRICT-**  
6                           **ING HANDGUN TRANSFERS TO ONE PER**  
7                           **MONTH.**

8           (a) Section 922 of title 18, United States Code, is  
9           amended by adding at the end thereof a new section (bb)  
10          to read as follows:

11          “(bb)(1) The Congress finds and declares that—

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

14                 “(B) crime at the local level is exacerbated by  
15                 the interstate movement of drugs, guns, and crimi-  
16                 nal gangs;

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

19                 “(D) the illegal movement of firearms, and  
20                 handguns in particular, across state lines is a wide-  
21                 spread and pervasive national problem;

22                 “(E) handguns (even when lawfully purchased)  
23                 are unlawfully transported across state lines by gun  
24                 traffickers and are illegally sold to prohibited per-  
25                 sons;



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

5           “(G) law-abiding persons may fear to travel  
6 interstate or to or through certain parts of the coun-  
7 try due to concern about violent crime and gun vio-  
8 lence;

9           “(H) the illegal movement of handguns across  
10 state lines substantially affects the national market  
11 for firearms, because handguns sold in one State in  
12 which there are few restrictions provide a convenient  
13 source for the acquisition of handguns by gun traf-  
14 fickers who transport the handguns to jurisdictions  
15 with stronger restrictions;

16           “(I) the unlawful sale of firearms by traffickers  
17 provides a method by which firearms can be bought  
18 and sold anonymously, without background checks  
19 and without record-keeping requirements to enable  
20 gun tracing;

21           “(J) handguns sold by traffickers are often ob-  
22 tained by criminals and other prohibited persons  
23 who frequently use guns that cannot be traced to  
24 commit crimes;

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

4           “(L) firearms from traffickers have been in-  
5           volved in subsequent crimes including drug offenses,  
6           crimes of violence, property crimes, and illegal pos-  
7           session by felons and other prohibited persons;

8           “(M) because gun trafficking is often an inter-  
9           state activity, individual States and localities are  
10          often severely hampered in combating illegal hand-  
11          gun purchases—even States and localities that have  
12          made strong efforts to prevent, detect, and punish  
13          gun-related crime and illegal trafficking of fire-  
14          arms—as a result of the failure or inability of other  
15          States or localities to take strong measures; and

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

21          “(2) It shall be unlawful for any person—

22                 “(A) during any 3-day period, to sell, deliver or  
23                 transfer 2 or more handguns to any single person  
24                 (other than a licensed importer, licensed manufac-  
25                 turer, or licensed dealer), or

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

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

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

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

22                 “(B) the disposition made of a handgun deliv-  
23                 ered to a person licensed under section 923 for the  
24                 sole purpose of repair or customizing when such  
25                 handgun or a replacement handgun of the same kind

1 and type is returned to the person from whom it was  
2 received;

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

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

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

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

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

19 “(H) the transfer of handguns to a member of  
20 the transferor’s immediate family; (for purposes of  
21 this section, the term “immediate family” means the  
22 transferor’s spouse, child, parent, stepparent, grand-  
23 parent, grandchild, brother, or sister”); or

24 “(I) the transfer of all or part of a personal  
25 firearms collection (as that term is defined in regula-

1 tions to be prescribed by the Secretary) that includes  
2 handguns, provided that the handguns in the collec-  
3 tion are transferred through a licensed importer,  
4 manufacturer, or dealer located in the State where  
5 the transferee resides.”.

6 (b) PENALTIES.—Section 924(a)(2) of title 18,  
7 United States Code, is amended by striking “or (o)” and  
8 inserting in lieu thereof “(o), or (bb)”.

9 (c) INCREASED PENALTIES FOR LICENSEES WHO  
10 KNOWINGLY MAKE FALSE STATEMENTS IN REQUIRED  
11 RECORDS.—

12 (1) Section 924(a)(3) of title 18, United States  
13 Code, is amended by striking “(A)”, by striking  
14 “or” after “chapter”, by striking all of subsection  
15 (B), and by striking “one year” and inserting “five  
16 years”.

17 (2) Section 924(a) of title 18, United States  
18 Code, as amended by section 102(b) and (c) of this  
19 Act, is amended by adding at the end the following:

20 “(9) Any licensed dealer, licensed importer, li-  
21 censed manufacturer, or licensed collector who know-  
22 ingly violates subsection (m) of section 922 shall be  
23 fined under this title, imprisoned not more than one  
24 year, or both.”.

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

4 (1) In paragraph (1)(B)(ii), by striking “(g) or  
5 (n)” and inserting “(g) or (n) or (bb)”.

6 (2) In paragraph (2), by striking “(g) or (n)”  
7 and inserting “(g) or (n) or (bb)”.

8 (3) In paragraph 3, by striking subparagraph  
9 (A), and by redesignating subparagraphs (B) and  
10 (C) as subparagraphs (A) and (B).

11 (4) In paragraph (4), by striking “(g) or (n)”  
12 and by inserting “(g) or (n) or (bb)”.

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

14 “(10) A licensee must, within three days of re-  
15 ceiving a request from the prospective transferee,  
16 notify the national instant criminal background  
17 check system of any background check conducted  
18 pursuant to this section within the previous 30 days  
19 that did not result in the transfer of a handgun.

20 “(11) Information that is retained pursuant to  
21 Public Law 103–159 may be used to effectuate sec-  
22 tion 922(bb).”.

23 (e) EFFECTIVE DATE.—The Secretary, in consulta-  
24 tion with the Attorney General, shall determine, and pub-

1 lish in the Federal Register, the date on which this sub-  
2 section shall become effective.

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

4 (a) STORAGE REQUIREMENTS.—Section 923 of title  
5 18, United States Code is amended by adding at the end  
6 the following:

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

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

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

21 (2) by adding at the end a new subsection (o)  
22 to read as follows:

23 “(o) The Secretary may, after notice and opportunity  
24 for hearing, suspend or revoke any license issued under  
25 this chapter or may subject the licensee to a civil penalty

1 of not more than \$10,000 if the holder of such license  
 2 has knowingly violated section 923(m). The Secretary’s  
 3 actions under this subsection may be reviewed only as pro-  
 4 vided in section 923(f).”.

5 (c) CONDITION OF LICENSING.—Section  
 6 923(d)(1)(F) of title 18, United States Code is amended—

7 (1) in sub-clause (ii)(II) by striking “and” the  
 8 second time it appears;

9 (2) in clause (iii) by striking “license.” and in-  
 10 sserting “license; and”; and

11 (3) by adding at the end a new clause (iv) to  
 12 read as follows: “(iv) within 30 days after the appli-  
 13 cation is approved the firearms inventory of the  
 14 business will be stored in compliance with section  
 15 923(m) and regulations issued thereunder.”.

16 (d) EFFECTIVE DATE.—The amendments made by  
 17 this section shall be effective 180 days after the date of  
 18 enactment.

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

21 (a) Section 922(f) of title 18, United States Code,  
 22 is amended by adding a new paragraph (3) to read as fol-  
 23 lows:

24 “(3)(A) It shall be unlawful for any common or  
 25 contract carrier to fail to report the theft or loss of



1 a firearm within 40 hours after the theft or loss is  
 2 discovered. The theft or loss shall be reported to the  
 3 Secretary and to the appropriate local authorities.

4 “(B) The Secretary may impose a civil fine of  
 5 not more than \$10,000 on any person who know-  
 6 ingly violates paragraph (3)(A) of this subsection.”.

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

10 **SEC. 304. INCREASING THE NUMBER OF ALLOWED COMPLI-**  
 11 **ANCE INSPECTIONS OF FIREARMS DEALERS.**

12 Section 923(g)(1)(B)(ii)(I) of title 18, United States  
 13 Code, is amended by striking “once” and inserting in its  
 14 place “three times”.

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

17 Section 924(h) of title 18, United States Code, is  
 18 amended by inserting “or having reasonable cause to be-  
 19 lieve” after “knowing”.

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

21 (a) IN GENERAL.—Section 923(g) of title 18, United  
 22 States Code, is amended by adding at the end the fol-  
 23 lowing new paragraph:

24 “(8) Licensed importers, licensed manufactur-  
 25 ers, and licensed dealers shall submit to the Sec-

1       retary monthly reports of all firearms obtained from  
2       non-licensees. Such information shall be reported on  
3       a form to be specified by the Secretary by regula-  
4       tion. Such reports shall not include the name of or  
5       identifying information about the firearm transferors  
6       or subsequent purchasers.”

7       (b) EFFECTIVE DATE.—This section shall be effec-  
8       tive 180 days after the date of the enactment of this Act.

9       **SEC. 307. VOLUNTARY SUBMISSION OF DEALER’S RECORDS.**

10       Section 923(g)(4) of the Gun Control Act of 1968,  
11       title 18, United States Code Chapter 44, is amended by  
12       amending paragraph (4) to read as follows: “Where a fire-  
13       arms or ammunition business is discontinued and suc-  
14       ceeded by a new licensee, the records required to be kept  
15       by this chapter shall appropriately reflect such facts and  
16       shall be delivered to the successor. Upon receipt of such  
17       records the successor licensee may retain the records of  
18       the discontinued business or submit the discontinued busi-  
19       ness records to the Secretary. Additionally, a licensee  
20       while maintaining a firearms business may voluntarily  
21       submit the records required to be kept by this chapter to  
22       the Secretary if such records are at least 20 years old.  
23       Where discontinuance of a business is absolute, such  
24       records shall be delivered within thirty days after the busi-  
25       ness is discontinued to the Secretary. Where State law or

1 local ordinance requires the delivery of records to another  
2 responsible authority, the Secretary may arrange for the  
3 delivery of such records to such other responsible author-  
4 ity.”.

## 5 **Subtitle B—Enhancing Penalties** 6 **for Gun Trafficking**

### 7 **SEC. 308. INCREASING PENALTIES ON GUN KINGPINS.**

8 (a) INCREASING THE PENALTY FOR ENGAGING IN AN  
9 ILLEGAL FIREARMS BUSINESS.—Section 924(a)(2) of  
10 title 18, United States Code, as amended by section  
11 301(b) of this Act, is amended to read as follows:

12 “(2) Whoever—

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

15 or

16 “(B) willfully violates subsection (a)(1) of  
17 section 922,

18 shall be fined as provided in this title, imprisoned  
19 not more than 10 years, or both.”.

20 (b) SENTENCING GUIDELINES INCREASE FOR CER-  
21 TAIN VIOLATIONS AND OFFENSES.—Pursuant to its au-  
22 thority under section 944(p) of title 28, United States  
23 Code, the United States Sentencing Commission shall:

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

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

8 The Commission shall promulgate the amendments pro-  
9 vided for under this subsection as soon as is practicable  
10 in accordance with the procedure set forth in section 21(a)  
11 of the Sentencing Act of 1987, as though the authority  
12 under that Act had not expired.

13 **SEC. 309. SERIOUS RECORDKEEPING OFFENSES THAT AID**  
14 **GUN TRAFFICKING.**

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

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

24           Subsections (e) and (f) of section 923 of title 18,  
25 United States Code, is amended to read as follows:

1           “(e) The Secretary may, after notice and opportunity  
2 for hearing, suspend or revoke any license issued under  
3 this section, or may subject the licensee to a civil penalty  
4 of not more than \$10,000 per violation, if the holder of  
5 such licensee has willfully violated any provision of this  
6 chapter or any rule or regulation prescribed by the Sec-  
7 retary under this chapter. The Secretary may, after notice  
8 and opportunity for hearing, suspend or revoke the license  
9 of, or assess a civil penalty of not more than \$10,000 on,  
10 a dealer who willfully transfers armor piercing ammuni-  
11 tion. The Secretary may at any time compromise, miti-  
12 gate, or remit the liability with respect to any willful viola-  
13 tion of this chapter or any rule or regulation prescribed  
14 by the Secretary under this chapter. The Secretary’s ac-  
15 tions under this subsection may be reviewed only as pro-  
16 vided in subsection (f) of this section.

17           “(f)(1) Any person whose application for a license is  
18 denied and any holder of a license which is suspended or  
19 revoked or who is assessed a civil penalty shall receive a  
20 written notice from the Secretary stating specifically the  
21 grounds upon which the application was denied or upon  
22 which the license was suspended or revoked or the civil  
23 penalty assessed. Any notice of a suspension or revocation  
24 of a license shall be given to the holder of such license  
25 before the effective date of the suspension or revocation.

1       “(2) If the Secretary denies an application for a li-  
2 cense, or suspends or revokes a license, or assesses a civil  
3 penalty, he shall, upon request by the aggrieved party,  
4 promptly hold a hearing to review his denial, suspension,  
5 revocation, or assessment. In the case of a suspension or  
6 revocation of a license, the Secretary shall, upon the re-  
7 quest of the holder of the license, stay the effective date  
8 of the suspension or revocation. A hearing under this  
9 paragraph shall be held at a location convenient to the  
10 aggrieved party.

11       “(3) If after a hearing held under paragraph (2) the  
12 Secretary decides not to reverse his decision to deny an  
13 application or suspend or revoke a license or assess a civil  
14 penalty, the Secretary shall give notice of his decision to  
15 the aggrieved party. The aggrieved party may at any time  
16 within sixty days after the date notice was given under  
17 this paragraph file a petition with the United States dis-  
18 trict court for the district in which he resides or has his  
19 principal place of business for a de novo judicial review  
20 of such denial, suspension, revocation, or assessment. In  
21 a proceeding conducted under this subsection, the court  
22 may consider any evidence submitted by the parties to the  
23 proceeding whether or not such evidence was considered  
24 at the hearing held under paragraph (2). If the court de-  
25 cides that the Secretary was not authorized to deny the

1 application or to suspend or revoke the license or to assess  
2 the civil penalty, the court shall order the Secretary to  
3 take such action as may be necessary to comply with the  
4 judgment of the court.”.

5 **SEC. 311. TERMINATION OF FIREARMS DEALER’S LICENSE**  
6 **UPON FELONY CONVICTION.**

7 Section 925(b) of title 18, United States Code, is  
8 amended by striking “until any conviction pursuant to the  
9 indictment becomes final” and inserting “until the date  
10 of any conviction pursuant to the indictment.”.

11 **SEC. 312. INCREASED PENALTY FOR TRANSACTIONS IN-**  
12 **VOLVING FIREARMS WITH OBLITERATED SE-**  
13 **RIAL NUMBERS.**

14 Section 924(a) of title 18, United States Code, is  
15 amended—

16 (a) in subparagraph (a)(1)(B), by striking “(k),”;  
17 and

18 (b) in paragraph (2), by inserting “(k),” after “(j),”.

19 **SEC. 313. CIVIL FORFEITURE FOR GUN TRAFFICKING.**

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

23 “(G)(i) Any conveyance used or intended  
24 to be used to commit a gun trafficking offense,

1 or conspiracy to commit such offense, and any  
2 property traceable to such property.

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

12 (b) **CRIMINAL FORFEITURE.**—Section 982(a) of title  
13 18, United States Code, is amended by adding the fol-  
14 lowing new paragraph at the end:

15 “(9) The court, in imposing a sentence on a  
16 person convicted of a gun trafficking offense, as de-  
17 fined in section 981(a)(1)(G), or a conspiracy to  
18 commit such offense, shall order the person to forfeit  
19 to the United States any conveyance used or in-  
20 tended to be used to commit such offense, and any  
21 property traceable to such conveyance.”.

22 **SEC. 314. AUTHORIZATION OF APPROPRIATIONS.**

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



1 **TITLE IV—STRENGTHENING THE**  
2 **ASSAULT WEAPONS BAN**

3 **SEC. 401. BAN ON IMPORTING LARGE CAPACITY AMMUNI-**  
4 **TION FEEDING DEVICES.**

5 (a) Section 922(w) of title 18, United States Code,  
6 is amended—

7 (1) in paragraph (1), by striking “(1) Except as  
8 provided in paragraph (2)” and inserting “(1)(A)  
9 Except as provided in subparagraph (B)”;

10 (2) in paragraph (2), by striking “(2) Para-  
11 graph (1)” and inserting “(B) Subparagraph (A)”;

12 (3) in paragraph (1)(B), as redesignated—

13 (A) by inserting “in the United States”  
14 after “possessed”; and

15 (B) by inserting before the period the fol-  
16 lowing: “or lawfully imported on or before the  
17 date of the enactment of the Youth Gun Crime  
18 Enforcement Act of 1999”;

19 (4) by inserting before paragraph (3) the fol-  
20 lowing:

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

24 (5) in paragraph (4)—

1 (A) by striking “(1)” each place it appears  
2 and inserting “(1)(A)”; and

3 (B) by striking “(2)” and inserting  
4 “(1)(B).”

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

9 **TITLE V—COMBATING CRIMINAL**  
10 **MISUSE OF FIREARMS**

11 **SEC. 501. CERTAIN GANG-RELATED FIREARMS OFFENSES**

12 **AS RICO PREDICATES.**

13 Section 1961(1) of title 18, United States Code, is  
14 amended by inserting after “891–894 (relating to extor-  
15 tionate credit transactions),” the following: “section  
16 924(a) insofar as such offense is a violation of section 922  
17 (a)(1), (a)(6), (i), (j), (k), (o), (q), (u), (v), or (x)(1), or  
18 section 924 (b), (g), (h), (k), (l), (m), or (n) (relating to  
19 firearms violations).”.

20 **SEC. 502 INCREASED PENALTY FOR FIREARMS CON-**

21 **SPIRACY.**

22 Section 924 of title 18, United States Code, is  
23 amended by adding at the end the following new sub-  
24 section:

1 “(q) Except as otherwise provided in this section, a  
 2 person who conspires to commit an offense defined in this  
 3 chapter shall be subject to the same penalties (other than  
 4 the penalty of death) as those prescribed for the offense  
 5 the commission of which is the object of the conspiracy.”.

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

8 (a) Section 924(e)(1) of title 18, United States Code,  
 9 is amended—

10 (1) by striking “violent felony or a serious drug  
 11 offense, or both,” and inserting “violent felony, a se-  
 12 rious drug offense or a violation of section  
 13 922(g)(1), or a combination of such offenses,”; and

14 (2) by adding at the end the following: “No  
 15 more than two convictions for violations of section  
 16 922(g)(1) shall be considered in determining wheth-  
 17 er a person has three previous convictions for pur-  
 18 poses of this subsection.”.

19 **SEC. 504. SERIOUS JUVENILE DRUG TRAFFICKING OF-**  
 20 **FENSES AS ARMED CAREER CRIMINAL ACT**  
 21 **PREDICATES.**

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

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

3 (a) Section 6531 of the Internal Revenue Code of  
4 1986 (26 U.S.C. § 6531) is amended by amending the  
5 matter preceding paragraph (1) to read as follows:

6 “No person shall be prosecuted, tried, or punished  
7 for any of the various offenses arising under the in-  
8 ternal revenue laws unless the indictment is found or  
9 the information instituted within 3 years next after  
10 the commission of the offense, except that the period  
11 of limitation—

12 “(a) shall be 5 years for offenses described in section  
13 5861 (relating to firearms); and

14 “(b) shall be 6 years—”

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

17 (a) CIVIL FORFEITURE.—Section 981(a)(1) of title  
18 18, United States Code, is amended by inserting after sub-  
19 paragraph (G) the following:

20 “(H) Any firearm (as defined in section  
21 921(a)(3) of this title) used or intended to be  
22 used to commit or to facilitate the commission  
23 of any crime of violence (as defined in section  
24 16 of this title) or any felony under Federal  
25 law.”.

1           (b) CRIMINAL FORFEITURE.—Section 982(a) of title  
2 18, United States Code, is amended by inserting after sub-  
3 paragraph (9) the following:

4           “(10) The court, in imposing a sentence on a  
5 person convicted of any crime of violence (as defined  
6 in section 16 of this title) or any felony under Fed-  
7 eral law, shall order that the person forfeit to the  
8 United States any firearm (as defined in section  
9 921(a)(3) of this title) used or intended to be used  
10 to commit or to facilitate the commission of the of-  
11 fense.”.

12          (c) DISPOSAL OF PROPERTY.—Section 981(c) of title  
13 18, United States Code, is amended by adding at the end  
14 the following sentence: “Any firearm forfeited pursuant to  
15 subsection (a)(1)(H) of section 982(a)(10) of this title  
16 shall be disposed of by the seizing agency in accordance  
17 with law.”.

18          (d) AUTHORITY TO FORFEIT PROPERTY UNDER  
19 SECTION 924(d).—Section 924(d) of title 18, United  
20 States Code, is amended by adding the following new  
21 paragraph:

22           “(4) Whenever any firearm is subject to for-  
23 feiture under this section, the Secretary of the  
24 Treasury shall have the authority to seize and for-  
25 feit, in accordance with the procedures of the appli-

1 cable forfeiture statute, any property otherwise for-  
2 feitable under the laws of the United States that  
3 was involved in or derived from the crime of violence  
4 or drug trafficking crime described in subsection (c)  
5 in which the forfeited firearm was used or carried.”.

6 (e) 120-DAY RULE FOR ADMINISTRATIVE FOR-  
7 FEITURE.—Section 924(d)(1) of title 18, United States  
8 Code, is amended by adding “administrative” after “Any”  
9 in the last sentence.

10 (f) SECTION 3665.—Section 3665 of title 18, United  
11 States Code, is amended by—

12 (1) redesignating the first unnumbered para-  
13 graph as subsection (a)(1) and the second unnum-  
14 bered paragraph as subsection (a)(2); and

15 (2) by adding the following subsection at the  
16 end:

17 “(b) The forfeiture of property under this section, in-  
18 cluding any seizure and disposition of the property and  
19 any related administrative or judicial proceeding, shall be  
20 governed by the provisions of section 413 of the Com-  
21 prehensive Drug Abuse Prevention and Control Act of  
22 1970 (21 U.S.C. § 853), except for subsection 413(d)  
23 which shall not apply to forfeitures under this section.”.

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

2 (a) Section 921(a) of title 18, United States Code,  
3 is amended by amending paragraph (11) to read as fol-  
4 lows:

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

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

15 “(12) The term ‘firearms dealer’ means any  
16 person who is engaged in the business of selling fire-  
17 arms at wholesale or retail.

18 “(13) The term ‘gunsmith’ means any person  
19 who, other than a licensed firearms manufacturer,  
20 importer or dealer, is engaged in the business of re-  
21 pairing firearms or of making or fitting special bar-  
22 rels, stocks or trigger mechanisms to firearms.”.

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

25 “(3) If the applicant is a dealer who is:

1           “(A) a dealer in destructive devices or am-  
2           munition for destructive devices, a fee of \$1,000  
3           per year;

4           “(B) a dealer in firearms who is not a  
5           dealer in destructive devices, a fee of \$200 for  
6           3 years, except that the fee for renewal of a  
7           valid license shall be \$90 for 3 years; or

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

## 11 **TITLE VI—ENHANCED FIREARMS** 12 **ENFORCEMENT**

### 13 **SEC. 601. ADDITIONAL SUPPORT FOR ENHANCED FIRE-** 14 **ARMS PROSECUTION PROJECTS.**

15          To provide additional funding for intensive firearms  
16 prosecution projects implemented by the Department of  
17 Justice, there are authorized to be appropriated  
18 \$5,000,000 for fiscal year 2000.

### 19 **SEC. 602. YOUTH CRIME GUN INTERDICTION INITIATIVE** 20 **(YCGII).**

21          (a) IN GENERAL.—The Secretary of the Treasury  
22 shall expand—

23               (1) to 75 the number of city and county law en-  
24               forcement agencies that through the Youth Crime  
25               Gun Interdiction Initiative (referred to in this sec-



1       tion as “YGCII”) submit identifying information re-  
2       lating to all firearms recovered during law enforce-  
3       ment investigations, including from individuals  
4       under age 25, to the Secretary of the Treasury to  
5       identify the types and origins of such firearms; and

6               (2) the resources devoted to law enforcement  
7       investigations of illegal youth possessors and users  
8       and of illegal firearms traffickers identified through  
9       YCGII, including through the hiring of additional  
10      agents, inspectors, intelligence analysts and support  
11      personnel.

12      (b) SELECTION OF PARTICIPANTS.—The Secretary of  
13      the Treasury, in consultation with Federal, State, and  
14      local law enforcement officials, shall select cities and coun-  
15      ties for participation in the program established under this  
16      section.

17      (c) ESTABLISHMENT OF SYSTEM.—The Secretary of  
18      the Treasury shall establish a system through which State  
19      and local law enforcement agencies through on-line com-  
20      puter technology, can promptly provide firearms-related  
21      information to the Secretary of the Treasury and access  
22      information derived through YCGII as soon as such capa-  
23      bility is available. Not later than 6 months after the date  
24      of enactment of this Act, the Secretary shall submit to  
25      the Chairman and Ranking Member of the Committees on

1 Appropriations of the House of Representatives and the  
2 Senate, a report explaining the capacity to provide such  
3 on-line access and the future technical and, if necessary,  
4 legal changes required to make such capability available,  
5 including cost estimates.

6 (d) REPORT.—Not later than one year after the date  
7 of enactment of this section, and annually thereafter, the  
8 Secretary of the Treasury shall submit to the Chairman  
9 and Ranking Member of the Committees on Appropria-  
10 tions of the House of Representatives and the Senate a  
11 report regarding the types and sources of firearms recov-  
12 ered from individuals, including those under the age of  
13 25; regional, State and national firearms trafficking  
14 trends; and the number of investigations and arrests re-  
15 sulting from YCGII.

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

1 **TITLE VII—COMBATING CRIMI-**  
2 **NAL MISUSE OF EXPLOSIVES**

3 **SEC. 701. PERMITS AND BACKGROUND CHECKS FOR PUR-**  
4 **CHASES OF EXPLOSIVES.**

5 (a) PERMITS FOR PURCHASE OF EXPLOSIVES IN  
6 GENERAL.—Section 842 of title 18, United States Code,  
7 is amended—

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

10 “(A) to transport, ship, cause to be trans-  
11 ported, or receive any explosive materials; or

12 “(B) to distribute explosive materials to  
13 any person other than a licensee or permittee.”;  
14 and

15 (2) in subsection (b)—

16 (A) by adding “or” at the end of para-  
17 graph (1);

18 (B) by striking “; or” at the end of para-  
19 graph (2) and inserting a period; and

20 (C) by striking paragraph (3).

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

24 “(p)(1) A licensed importer, licensed manufacturer,  
25 or licensed dealer shall not transfer explosive materials to

1 any other person who is not a licensee under section 843  
2 of this chapter unless—

3           “(A) before the completion of the transfer, the  
4 licensee contacts the national instant criminal back-  
5 ground check system established under section  
6 103(d) of the Brady Handgun Violence Prevention  
7 Act;

8           “(B)(i) the system provides the licensee with a  
9 unique identification number; or

10           “(ii) 5 business days (meaning a day on which  
11 State offices are open) have elapsed since the li-  
12 censee contacted the system, and the system has not  
13 notified the licensee that the receipt of explosive ma-  
14 terials by such other person would violate subsection  
15 (i) of this section;

16           “(C) the transferor has verified the identity of  
17 the transferee by examining a valid identification  
18 document (as defined in section 1038(d)(1) of this  
19 title) of the transferee containing a photograph of  
20 the transferee; and

21           “(D) the transferor has examined the permit  
22 issued to the transferee pursuant to section 843 of  
23 this title and recorded the permit number on the  
24 record of the transfer.

1       “(2) If receipt of explosive materials would not violate  
2 section 842(i) or State law, the system shall—

3           “(A) assign a unique identification number to  
4 the transfer; and

5           “(B) provide the licensee with the number.

6       “(3) Paragraph (1) shall not apply to the transfer  
7 of explosive materials between a licensee and another per-  
8 son if on application of the transferor, the Secretary has  
9 certified that compliance with paragraph (1)(A) is imprac-  
10 ticable because—

11           “(A) the ratio of the number of law enforce-  
12 ment officers of the State in which the transfer is  
13 to occur to the number of square miles of land area  
14 of the State does not exceed 0.0025;

15           “(B) the business premises of the licensee at  
16 which the transfer is to occur are extremely remote  
17 in relation to the chief law enforcement officer (as  
18 defined in subsection (p)(8)); and

19           “(C) there is an absence of telecommunications  
20 facilities in the geographical area in which the busi-  
21 ness premises are located.

22       “(4) If the national instant criminal background  
23 check system notifies the licensee that the information  
24 available to the system does not demonstrate that the re-  
25 ceipt of explosive materials by such other person would

1 violate subsection (i) or State law, and the licensee trans-  
2 fers explosive materials to such other person, the licensee  
3 shall include in the record of the transfer the unique iden-  
4 tification number provided by the system with respect to  
5 the transfer.

6       “(5) If the licensee knowingly transfers explosive ma-  
7 terials to such other person and knowingly fails to comply  
8 with paragraph (1) of this subsection with respect to the  
9 transfer, the Secretary may, after notice and opportunity  
10 for a hearing, suspend for not more than 6 months or re-  
11 voke any license issued to the licensee under section 843  
12 and may impose on the licensee a civil fine of not more  
13 than \$5,000.

14       “(6) Neither a local government nor an employee of  
15 the Federal Government or of any State or local govern-  
16 ment, responsible for providing information to the national  
17 instant criminal background check system shall be liable  
18 in an action at law for damages—

19               “(A) for failure to prevent the sale or transfer  
20 of explosive materials to a person whose receipt or  
21 possession of the explosive materials is unlawful  
22 under this section; or

23               “(B) for preventing such a sale or transfer to  
24 a person who may lawfully receive or possess explo-  
25 sive materials.”.

1 (c) ADMINISTRATIVE PROVISIONS.—

2 (1) WRITTEN REASONS PROVIDED ON RE-  
3 QUEST.—If the national instant criminal background  
4 check system determines that an individual is ineli-  
5 gible to receive explosive materials and the individual  
6 requests the system to provide the reasons for the  
7 determination, the system shall provide such reasons  
8 to the individual, in writing, within 5 business days  
9 after the date of the request.

10 (2) CORRECTION OF ERRONEOUS SYSTEM IN-  
11 FORMATION.—If the system established under sub-  
12 section (b) of section 1 informs an individual con-  
13 tacting the system that receipt of explosive materials  
14 by a prospective transferee would violate subsection  
15 (i) of section 842 of title 18, United States Code, or  
16 State law, the prospective transferee may request  
17 the Attorney General to provide the prospective  
18 transferee with the reasons therefor. Upon receipt of  
19 such a request, the Attorney General shall imme-  
20 diately comply with the request. The prospective  
21 transferee may submit to the Attorney General in-  
22 formation to correct, clarify, or supplement records  
23 of the system with respect to the prospective trans-  
24 feree. After receipt of such information, the Attorney  
25 General shall immediately consider the information,

1 investigate the matter further, and correct all erro-  
2 neous Federal records relating to the prospective  
3 transferee and give notice of the error to any Fed-  
4 eral department or agency or any State that was the  
5 source of such erroneous records.

6 (d) REMEDY FOR ERRONEOUS DENIAL OF EXPLO-  
7 SIVE MATERIALS.—

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

11 **“§ 843A. Remedy for erroneous denial of explosive**  
12 **materials**

13 “Any person denied explosive materials pursuant to  
14 subsection (p) of section 842—

15 “(1) due to the provision of erroneous informa-  
16 tion relating to the person by any State or political  
17 subdivision thereof, or by the national instant crimi-  
18 nal background check system established under sec-  
19 tion 103 of the Brady Handgun Violence Prevention  
20 Act; or

21 “(2) who was not prohibited from receipt of ex-  
22 plosive materials pursuant to subsection (i) of sec-  
23 tion 842,

24 may bring an action against the State or political subdivi-  
25 sion responsible for providing the erroneous information,



1 or responsible for denying the transfer, or against the  
2 United States, as the case may be, for an order directing  
3 that the erroneous information be corrected or that the  
4 transfer be approved, as the case may be. In any action  
5 under this section, the court, in its discretion, may allow  
6 the prevailing party a reasonable attorney's fee as part  
7 of the costs.”.

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

“843A. Remedy for erroneous denial of explosive materials.”.

12          (e) REGULATIONS.—

13           (1) IN GENERAL.—Not later than 6 months  
14          after the date of the enactment of this Act, the Sec-  
15          retary of the Treasury shall issue final regulations  
16          with respect to the amendments made by subsection  
17          (a).

18           (2) NOTICE TO STATES.—On the issuance of  
19          regulations pursuant to paragraph (1), the Secretary  
20          of the Treasury shall notify the States of the regula-  
21          tions so that the States may consider revising their  
22          explosives laws.

23          (f) LICENSES AND USER PERMITS.—Section 843(a)  
24          of title 18, United States Code, is amended—

1           (1) by inserting “, including fingerprints and a  
2           photograph of the applicant” before the period at  
3           the end of the first sentence; and

4           (2) by striking the second sentence and insert-  
5           ing, “Each applicant for a license shall pay for each  
6           license a fee established by the Secretary that shall  
7           not exceed \$300. Each applicant for a permit shall  
8           pay for each permit a fee established by the Sec-  
9           retary that shall not exceed \$100.”.

10          (g) PENALTIES.—Section 844 of title 18, United  
11 States Code, is amended—

12           (1) by redesignating subsection (a) as sub-  
13           section (a)(1); and

14           (2) by adding after subsection (a)(1) the fol-  
15           lowing new paragraph:

16           “(2) Any person who violates subsection (p) of  
17           section 842 shall be fined under this title, impris-  
18           oned for not more than 5 years, or both.”.

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

22 **SEC. 702. PERSONS PROHIBITED FROM RECEIVING OR POS-**  
23 **SESSING EXPLOSIVES.**

24          (a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d)  
25 of title 18, United States Code, is amended—

1           (1) in paragraph (5), by striking “; or” and in-  
2           serting “;”;

3           (2) in paragraph (6), by striking “.” and insert-  
4           ing “or who has been committed to a mental institu-  
5           tion;” and

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

8           “(7) who, being an alien—

9           “(A) is illegally or unlawfully in the United  
10          States; or

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

16          “(8) who has been discharged from the Armed  
17          Forces under dishonorable conditions;

18          “(9) who, having been a citizen of the United  
19          States, has renounced his citizenship; and

20          “(10) who is subject to a court order that—

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

24          “(B) restrains such person from harassing,  
25          stalking, or threatening an intimate partner of

1 such person or child of such intimate partner or  
2 person, or engaging in other conduct that would  
3 place an intimate partner in reasonable fear of  
4 bodily injury to the partner or child; and

5 “(C)(i) includes a finding that such person  
6 represents a credible threat to the physical safe-  
7 ty of such intimate partner or child; or

8 “(ii) by its terms explicitly prohibits the  
9 use, attempted use, or threatened use of phys-  
10 ical force against such intimate partner or child  
11 that would reasonably be expected to cause bod-  
12 ily injury;

13 “(11) who has been convicted in any court of  
14 a misdemeanor crime of domestic violence; or

15 “(12) who has been adjudicated delinquent.”.

16 (b) POSSESSION OF EXPLOSIVES.—Section 842(i) of  
17 title 18, United States Code, is amended—

18 (1) in paragraph (3), by striking “; or” and in-  
19 serting “;”;

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

22 “(5) who, being an alien—

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

1 (B) except as provided in subsection  
2 (q)(2), has been admitted to the United States  
3 under a non-immigrant visa (as that term is de-  
4 fined in section 101(a)(26) of the Immigration  
5 and Nationality Act (8 U.S.C. 1101(a)(26)));

6 “(6) who has been discharged from the Armed  
7 Forces under dishonorable conditions;

8 “(7) who, having been a citizen of the United  
9 States, has renounced his citizenship; and

10 “(8) who is subject to a court order that—

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

14 “(B) restrains such person from harassing,  
15 stalking, or threatening an intimate partner of  
16 such person or child of such intimate partner or  
17 person, or engaging in other conduct that would  
18 place an intimate partner in reasonable fear of  
19 bodily injury to the partner or child; and

20 “(C)(i) includes a finding that such person  
21 represents a credible threat to the physical safe-  
22 ty of such intimate partner or child; or

23 “(ii) by its terms explicitly prohibits the  
24 use, attempted use, or threatened use of phys-  
25 ical force against such intimate partner or child

1           that would reasonably be expected to cause bod-  
2           ily injury;

3           “(9) who has been convicted in any court of a  
4           misdemeanor crime of domestic violence; or

5           “(10) who has been adjudicated delinquent.”.

6           (c) DEFINITION.—Section 841 of title 18, United  
7           States Code, is amended by adding at the end the fol-  
8           lowing new subsections (r) and (s):

9           “(r)(1) Except as provided in paragraph (2), the term  
10          ‘misdemeanor crime of domestic violence’ means an of-  
11          fense that—

12           “(A) is a misdemeanor under Federal or State  
13          law; and

14           “(B) has, as an element, the use or attempted  
15          use of physical force, or the threatened use of a  
16          deadly weapon, committed by a current or former  
17          spouse, parent, or guardian of the victim, by a per-  
18          son with whom the victim shares a child in common,  
19          by a person who is cohabiting with or has cohabited  
20          with the victim as a spouse, parent, or guardian, or  
21          by a person similarly situated to a spouse, parent,  
22          or guardian of the victim.

23           “(2)(A) A person shall not be considered to have been  
24          convicted of such an offense for purposes of this chapter,  
25          unless—

1           “(i) the person was represented by counsel in  
2           the case, or knowingly and intelligently waived the  
3           right to counsel in the case; and

4           “(ii) in the case of a prosecution for an offense  
5           described in this paragraph for which a person was  
6           entitled to a jury trial in the jurisdiction in which  
7           the case was tried, either

8                   “(I) the case was tried by a jury, or

9                   “(II) the person knowingly and intel-  
10           ligently waived the right to have the case tried  
11           by jury, by guilty plea or otherwise.

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

21           “(s) ‘Adjudicated Delinquent’ means an adjudication  
22           of delinquency based upon a finding of the commission of  
23           an act by a person prior to his or her eighteenth birthday  
24           that, if committed by an adult, would be a serious drug  
25           offense or violent felony (as defined in section 3559(c)(2))

1 of this title), on or after the date of enactment of this  
2 paragraph.”.

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

6 “(r) PROVISIONS RELATING TO ALIENS ADMITTED  
7 UNDER NONIMMIGRANT VISAS—

8 “(1) DEFINITIONS.—In this subsection—

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

12 “(B) the term ‘nonimmigrant visa’ has the  
13 same meaning as in section 101(a)(26) of the  
14 Immigration and Nationality Act (8 U.S.C.  
15 1101(a)(26)).

16 “(2) EXCEPTION.—Sections (d)(7)(B) and  
17 (i)(5)(B) do not apply to any alien who has been  
18 lawfully admitted to the United States under a non-  
19 immigrant visa, if that alien is a foreign law enforce-  
20 ment officer of a friendly foreign government enter-  
21 ing the United States on official law enforcement  
22 business.

23 “(3) WAIVER.—

24 “(A) CONDITIONS FOR WAIVER.—Any indi-  
25 vidual who has been admitted to the United



1 States under a nonimmigrant visa may receive  
2 a waiver from the requirements of subsection  
3 (i)(5)(B), if:

4 “(i) the individual submits to the At-  
5 torney General a petition that meets the  
6 requirements of subparagraph (C); and

7 “(ii) the Attorney General approves  
8 the petition.

9 “(B) PETITION.—Each petition under sub-  
10 paragraph (B) shall—

11 “(i) demonstrate that the petitioner  
12 has resided in the United States for a con-  
13 tinuous period of not less than 180 days  
14 before the date on which the petition is  
15 submitted under this paragraph; and

16 “(ii) include a written statement from  
17 the embassy or consulate of the petitioner,  
18 authorizing the petitioner to acquire explo-  
19 sives and certifying that the alien would  
20 not, absent the application of subsection  
21 (i)(5)(B), otherwise be prohibited from  
22 such an acquisition under subsection (i).

23 “(C) APPROVAL OF PETITION.—The Attor-  
24 ney General shall approve a petition submitted  
25 in accordance with this paragraph, if the Attor-

1           ney General determines that waiving the re-  
2           quirements of subsection (i)(5)(B) with respect  
3           to the petitioner—

4                   “(i) would be in the interests of jus-  
5                   tice; and

6                   “(ii) would no jeopardize the public  
7                   safety.”.

8           (e) CONFORMING AMENDMENT.—Section 845 of title  
9   18, United States Code, is amended by adding a new sub-  
10 section (d) to read as follows:

11           “(d) Notwithstanding any other provision of this sec-  
12 tion, no person convicted of a misdemeanor crime of do-  
13 mestic violence may ship or transport any explosive mate-  
14 rials in interstate or foreign commerce or to receive or pos-  
15 sess any explosive materials which have been shipped or  
16 transported in interstate or foreign commerce.”.

17 **SEC. 703. PROHIBITING POSSESSION OF EXPLOSIVES BY**  
18 **JUVENILES.**

19           Section 842 of title 18, United States Code, is  
20 amended by adding at the end the following new sub-  
21 section:

22           “(r)(1) It shall be unlawful for any person who is  
23 under 21 years of age to ship or transport any explosive  
24 materials in interstate or foreign commerce or to receive

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

3 “(2) This subsection shall not apply to commercially  
4 manufactured black powder in bulk quantities not to ex-  
5 ceed five pounds, and if the person is less than 18 years  
6 of age, the person has the prior written consent of the  
7 person’s parents or guardian who is not prohibited by Fed-  
8 eral, State, or local law from possessing explosive mate-  
9 rials, and the person has the prior written consent in the  
10 person’s possession at all times when the black powder is  
11 in the possession of the person.”.

12 **SEC. 704. REQUIREMENTS CONCERNING BLACK POWDER**  
13 **AND BULK SMOKELESS POWDER.**

14 (a) Section 845(a) of title 18, United States Code,  
15 is amended—

16 (1) by amending subparagraph (4) to read as  
17 follows:

18 “(4) assembled small arms ammunition and  
19 primers not assembled into cartridges (other than  
20 bulk smokeless powder); and”;

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

24 (3) by redesignating paragraphs “(b), (c) and  
25 (d)” as paragraph “(c), (d) and (e)”; and

1           (4) by adding a new paragraph (b) to read as  
2 follows:

3           “(b) The provisions of sections 842(a)(3) and 842(b)  
4 of this chapter shall not apply to commercially manufac-  
5 tured black powder in quantities not to exceed five pounds  
6 which is intended to be used solely for sporting, rec-  
7 reational, or cultural purposes in antique firearms as de-  
8 fined in section 921(a)(16) of title 18, of the United  
9 States Code, or in antique devices as exempted from the  
10 term “destructive device” in section 921(a)(4) of title 18,  
11 of the United States Code, or to bulk smokeless powder  
12 in quantities not to exceed ten pounds.”.

13           (5) by adding a new paragraph (f) to read as  
14 follows:

15           “(f) Sections 842(a)(3)(A), 842(a)(3)(B), 842(b) and  
16 842(p) shall not apply to transactions between licenses  
17 and persons licensed as manufacturers of ammunition  
18 under section 923(a)(1)(A) or (C) of this title.”.

19           (b) Section 926 of title 18, United States Code, is  
20 amended by striking subsection (e).

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

1 **SEC. 705. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums

3 as may be necessary to carry out this title.

○