

106TH CONGRESS
1ST SESSION

H. R. 1768

To strengthen America's firearms and explosives laws.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1999

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

A BILL

To strengthen America's firearms and explosives laws.

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

3 **SECTION. 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 dangerous juvenile offenders.

TITLE II—RESTRICTING YOUTH ACCESS TO FIREARMS

- Sec. 201. Increasing youth gun safety by raising the age of handgun eligibility and prohibiting youth from possessing semiautomatic assault weapons.
 Sec. 202. Enhanced penalty for youth possession of handguns and semiautomatic assault weapons and for the transfer of such weapons to youth.
 Sec. 203. Gun storage and safety devices for all firearms.
 Sec. 204. Responsibility of adults for death and injury caused by child access to firearms.

TITLE III—COMBATING ILLEGAL TRAFFICKING IN GUNS

Subtitle A—Restricting the Sources of Illegal Guns

- Sec. 301. Preventing gun trafficking by restricting handgun transfers to one per month.
 Sec. 302. Secure storage of firearms inventories.
 Sec. 303. Requiring thefts from common carriers to be reported.
 Sec. 304. Increasing the number of allowed compliance inspections of firearms dealers.
 Sec. 305. Transfer of firearm to commit a crime of violence.
 Sec. 306. Licensee reports of secondhand firearms.
 Sec. 307. Voluntary submission of dealer's records.

Subtitle B—Enhancing Penalties for Gun Trafficking

- Sec. 308. Increasing the penalties on gun kingpins.
 Sec. 309. Serious recordkeeping offenses that aid gun trafficking.
 Sec. 310. Suspension of firearms dealer's licenses and civil penalties for violations of the Gun Control Act.
 Sec. 311. Termination of firearms dealer's license upon felony conviction.
 Sec. 312. Increased penalty for transactions involving firearms with obliterated serial numbers.
 Sec. 313. Forfeiture for gun trafficking.
 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;

1 (2) traditional gun shows, as well as flea mar-
2 kets and other organized events, at which a large
3 number of firearms are offered for sale by Federal
4 firearms licensees and nonlicensed firearms sellers,
5 form a significant part of the national firearms mar-
6 ket;

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

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

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

24 (6) at gun shows, flea markets, and other orga-
25 nized events at which guns are exhibited or offered

1 for sale or exchange, criminals and other prohibited
2 persons obtain guns without background checks and
3 frequently use guns that cannot be traced to later
4 commit crimes;

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

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

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

20 (10) Congress has the power, under the inter-
21 state commerce clause and other provisions of the
22 Constitution of the United States, to ensure, by en-
23 actment of this Act, that criminals and other prohib-
24 ited persons do not obtain firearms at gun shows,
25 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 any
7 event—

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

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

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

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

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

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

17 “(5) if the licensed importer, licensed manufac-
18 turer, or licensed dealer assists a person other than
19 a licensee in transferring, at 1 time or during any
20 5 consecutive business days, 2 or more pistols or re-
21 volvers, or any combination of pistols and revolvers
22 totaling 2 or more, to the same 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 931(a)
13 shall be fined under this title, imprisoned not more than
14 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 931—

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—

1 (A) in the chapter analysis by adding at
2 the end the following: “931. Regulation of fire-
3 arms transfers at gun shows.”; and

4 (B) in the first sentence of section 923(j),
5 by striking “a gun show or event” and inserting
6 “an event”.

7 (4) INSPECTION AUTHORITY.—Section
8 923(g)(1) of title 18, United States Code, is amend-
9 ed by adding at the end the following:

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

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

23 (1) PENALTIES.—Section 924(a) of title 18,
24 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) shall
6 be fined under this title, imprisoned not more than 5
7 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(t) of title 18, United States Code, is
9 amended—

10 (1) in paragraph (1)(A), by inserting “and, in
11 accordance with regulations prescribed by the Sec-
12 retary, transmits notice of the proposed firearm
13 transfer to the chief law enforcement officer of the
14 place of residence of the transferee” before the semi-
15 colon;

16 (2) in paragraph (1)(B)(ii)—

17 (A) by striking “3” and inserting “5”; and

18 (B) by striking “and” at the end;

19 (3) in paragraph (1)(C), by striking the period
20 at the end and inserting “; and”;

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

23 “(D) if the firearm is a handgun or semiauto-
24 matic assault weapon—

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

3 “(ii) if the firearm is a handgun, the trans-
4 feree has presented to the transferor a written
5 statement, issued by the chief law enforcement
6 officer of the place of residence of the trans-
7 feree during the 10-day period ending on the
8 date of the most recent proposal of such trans-
9 fer by the transferee, stating that the transferee
10 requires access to a handgun because of a
11 threat to the life of the transferee or of a mem-
12 ber of the household of the transferee.”; and

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

14 “(7) In this subsection, the term “chief law enforce-
15 ment officer” means the chief of police, the sheriff, or an
16 equivalent officer of a law enforcement agency, or the des-
17 ignee of any such officer.

18 “(8) In accordance with regulations prescribed by the
19 Secretary, a chief law enforcement officer who accepts no-
20 tice of a proposed firearm transfer under paragraph
21 (1)(A) shall destroy any statement or other record con-
22 taining information derived from the notice, unless the
23 chief law enforcement officer determines that the transfer
24 would violate Federal, State, or local law.

1 “(9) The Secretary shall promulgate regulations re-
2 garding the manner in which licensees shall transmit no-
3 tice of a proposed firearm transfer to the chief law en-
4 forcement officer of the transferee’s place of residence
5 under paragraph (1)(A) and shall exempt licensees from
6 the notice requirement where the Secretary determines
7 such notice does not further the purposes of this section.”.

8 **Subtitle C—Keeping Guns Out Of**
9 **The Hands of Dangerous Juve-**
10 **nile Offenders**

11 **SEC. 104. PERMANENT PROHIBITION ON FIREARMS TRANS-**
12 **FERS TO OR POSSESSION BY DANGEROUS JU-**
13 **VENILE OFFENDERS.**

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

16 (1) by inserting “(A)” after “(20)”;

17 (2) by redesignating subparagraphs (A) and
18 (B) as clauses “(i)” and “(ii)”, respectively;

19 (3) by inserting after subparagraph (A) the fol-
20 lowing new subparagraph:

21 “(B) For purposes of section 922(d) and (g) of this
22 chapter, the term ‘adjudicated delinquent’ means an adju-
23 dication of delinquency based upon a finding of the com-
24 mission of an act by a person prior to his or her eighteenth
25 birthday that, if committed by an adult, would be a serious

1 drug offense or violent felony (as defined in section
2 3559(c)(2) of this title), on or after the date of enactment
3 of this paragraph.”; and

4 (4) by striking “What constitutes” through the
5 end and inserting the following:

6 “(C) What constitutes a conviction of such a crime
7 or an adjudication of delinquency shall be determined in
8 accordance with the law of the jurisdiction in which the
9 proceedings were held. Any State conviction or adjudica-
10 tion of delinquency which has been expunged or set aside
11 or for which a person has been pardoned or has had civil
12 rights restored by the jurisdiction in which the conviction
13 or adjudication of delinquency occurred shall nevertheless
14 be considered a conviction or adjudication of delinquency
15 unless—

16 “(i) the expunction, set aside, pardon or res-
17 toration of civil rights is directed to a specific per-
18 son;

19 “(ii) the State authority granting the
20 expunction, set aside, pardon or restoration of civil
21 rights has expressly determined that the cir-
22 cumstances regarding the conviction and the per-
23 son’s record and reputation are such that the person
24 will not act in a manner dangerous to public safety;
25 and

1 “(iii) the expunction, set aside, pardon, or res-
2 toration of civil rights expressly authorizes the per-
3 son to ship, transport, receive or possess firearms.

4 The requirement of this subparagraph for an individual-
5 ized restoration of rights shall apply whether or not, under
6 State law, the person’s civil rights were taken away by
7 virtue of the conviction or adjudication.”.

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

10 (1) in subsection (d)—

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

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

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

17 “(10) has been an adjudicated delinquent.”;

18 and

19 (2) in subsection (g)—

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

22 (B) by striking the comma at the end of
23 paragraph (9) and inserting “; or”; and

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

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

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

5 **TITLE II—RESTRICTING YOUTH**
6 **ACCESS TO FIREARMS**

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

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

13 (1) in paragraph (1)—

14 (A) by striking “juvenile” and inserting
15 “person who is less than 21 years of age”;

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

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

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

22 “(C) a semiautomatic assault weapon; or

23 “(D) a large capacity ammunition feeding de-
24 vice.”;

25 (2) in paragraph (2)—

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

3 (B) by striking “or” at the end of subpara-
4 graph (A);

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

8 (D) by inserting at the end the following:

9 “(C) a semiautomatic assault weapon; or

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

12 (3) in paragraph (3)(A), by inserting “tem-
13 porary” before “possession”;

14 (4) in paragraph (3)(B), by striking “juvenile”
15 and inserting “person who is less than 21 years of
16 age”;

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

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

22 “(D) the possession of a handgun or ammuni-
23 tion by a person who is less than 21 years of age
24 taken in defense of that person or other persons
25 against an intruder into the residence of that person

1 or a residence in which that person is an invited
2 guest; or”;

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

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

12 “(i) in the course of employment, in the
13 course of ranching or farming related to activi-
14 ties at the residence of the person (or on prop-
15 erty used for ranching or farming at which the
16 person, with the permission of the property
17 owner or lessee, is performing activities related
18 to the operation of the farm or ranch), target
19 practice, hunting, or a course of instruction in
20 the safe and lawful use of a handgun; and

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

23 (8) by amending paragraph (4) to strike “juve-
24 nile” wherever it appears and insert “person who is
25 less than 21 years of age”.

1 **SEC. 202. ENHANCED PENALTY FOR YOUTH POSSESSION OF**
2 **HANDGUNS AND SEMIAUTOMATIC ASSAULT**
3 **WEAPONS AND FOR THE TRANSFER OF SUCH**
4 **WEAPONS TO YOUTH.**

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

8 (1) by striking “(6)(A)” and all that follows
9 through the end of subparagraph (A) and inserting
10 the following:

11 “(6)(A) A juvenile who violates section 922(x) shall
12 be fined under this title, imprisoned not more than one
13 year, or both, and for a second or subsequent violation,
14 or for a first violation committed after an adjudication of
15 delinquency or after a State or Federal conviction for an
16 act that, if committed by an adult, would be a serious vio-
17 lent felony (as defined in section 3559(c) of this title),
18 shall be fined under this title, imprisoned not more than
19 five years, or both.”;

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

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

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

1 “(ii) if the person sold, delivered, or otherwise
2 transferred a handgun, ammunition, semiautomatic
3 assault weapon, or large capacity ammunition feed-
4 ing device to a person who is less than 21 years of
5 age knowing or having reasonable cause to know
6 that such person intended to carry or otherwise pos-
7 sess or discharge or otherwise use the handgun, am-
8 munition, semiautomatic assault weapon, or large
9 capacity ammunition feeding device in the commis-
10 sion of a crime of violence, shall be fined under this
11 title, imprisoned for not more than 10 years, or
12 both.”.

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

15 (a) **SECURE GUN STORAGE OR SAFETY DEVICES BY**
16 **FEDERAL FIREARMS LICENSEES.**—Section 922 of title
17 18, United States Code, is amended by adding at the end
18 the following:

19 “(z) It shall be unlawful for any licensed importer,
20 licensed manufacturer, or licensed dealer to sell, transfer,
21 or deliver any firearm to any person (other than a licensed
22 importer, licensed manufacturer, or licensed dealer) unless
23 the transferee is provided with a secure gun storage or
24 safety device.”.

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

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

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

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

13 (c) REPEAL OF INCONSISTENT PROVISIONS.—

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

16 (A) in subparagraph (E) by adding at the
17 end “and”;

18 (B) in subparagraph (F) by striking “;
19 and” and inserting a period; and

20 (C) by striking subparagraph (G).

21 (2) Section 923(e) of title 18, United States
22 Code, is amended by striking “or fails to have secure
23 gun storage or safety devices available at any place
24 in which firearms are sold under the license to per-
25 sons who are not licensees (except that in any case

1 in which a secure gun storage or safety device is
2 temporarily unavailable because of theft, casualty
3 loss, consumer sales, backorders from a manufac-
4 turer, or any other similar reason beyond the control
5 of the licensee, shall not be considered to be in viola-
6 tion of the requirement to make available such a de-
7 vice)”.
8

9 (3) Section 119 of the Departments of Com-
10 merce, Justice, and State, the Judiciary, and Re-
11 lated Agencies Appropriations Act, 1999 (as con-
12 tained in section 101(b) of division A of the Omni-
13 bus Consolidated and Emergency Supplemental Ap-
14 propriations Act, 1999; Public Law 105–277) is
15 amended by striking subsection (d).

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

19 **SEC. 204. RESPONSIBILITY OF ADULTS FOR DEATH AND IN-**
20 **JURY CAUSED BY CHILD ACCESS TO FIRE-**
21 **ARMS.**

22 Section 922 of title 18, United States Code, is further
23 amended by adding at the end the following:

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

1 “(1) DEFINITION OF CHILD.—In this sub-
2 section, the term ‘child’ means an individual who has
3 not attained the age of 18 years.

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

6 “(A) keeps a loaded firearm, or an un-
7 loaded firearm and ammunition for the firearm,
8 any one of which has been shipped or trans-
9 ported in interstate or foreign commerce, within
10 any premises that is under the custody or con-
11 trol of that person; and

12 “(B) knows, or recklessly disregards the
13 risk, that a child is capable of gaining access to
14 the firearm; and

15 “(C)(i) knows, or recklessly disregards the
16 risk, that a child will use the firearm to cause
17 death or serious bodily injury (as defined in
18 section 1365 of this title) to the child or any
19 other person; or

20 “(ii) knows, or recklessly disregards the
21 risk, that possession of the firearm by the child
22 is unlawful under Federal or State law,
23 if the child uses the firearm to cause death or seri-
24 ous bodily injury to the child or any other person,

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

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

5 “(A) at the time the child obtained access,
6 the firearm was secured with a secure gun stor-
7 age or safety device;

8 “(B) the person is a peace officer, a mem-
9 ber of the Armed Forces, or a member of the
10 National Guard, and the child obtains the fire-
11 arm during, or incidental to, the performance of
12 the official duties of the person in that capacity;

13 “(C) the child uses the firearm in a lawful
14 act of self-defense or defense of 1 or more other
15 persons; or

16 “(D) the person has no reasonable expecta-
17 tion, based on objective facts and cir-
18 cumstances, that a child is likely to be present
19 on the premises on which the firearm is kept.”.

1 **TITLE III—COMBATING ILLEGAL**
2 **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 further amended by adding at the end the following:

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

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

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

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

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

21 “(E) handguns (even when lawfully purchased)
22 are unlawfully transported across state lines by gun
23 traffickers and are illegally sold to prohibited per-
24 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 30-day period, to sell, deliver
23 or 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 “(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, licensed
21 manufacturer, or licensed collector who knowingly violates
22 subsection (m) of section 922 shall be fined under this
23 title, imprisoned not more than one 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—

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

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

8 (3) in paragraph (3), by striking subparagraph
9 (A) and redesignating subparagraphs (B) and (C) as
10 subparagraphs (A) and (B), respectively;

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

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

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

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

22 (e) EFFECTIVE DATE.—The Secretary, in consulta-
23 tion with the Attorney General, shall determine, and pub-
24 lish in the Federal Register, the date on which this sub-
25 section shall become effective.

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

2 (a) STORAGE REQUIREMENTS.—Section 923 of title
3 18, United States Code is amended by adding at the end
4 the following:

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

14 (b) PENALTIES.—Section 924 of title 18, United
15 States Code, as amended by section 203(b) of this Act,
16 is amended—

17 (1) in subsection (a)(1) by inserting “(o),” be-
18 fore “(p)”;

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

20 “(o) The Secretary may, after notice and opportunity
21 for hearing, suspend or revoke any license issued under
22 this chapter or may subject the licensee to a civil penalty
23 of not more than \$10,000 if the holder of such license
24 has knowingly violated section 923(m). The Secretary’s
25 actions under this subsection may be reviewed only as pro-
26 vided in section 923(f).”.

1 (c) CONDITION OF LICENSING.—Section
2 923(d)(1)(F) of title 18, United States Code is amended—

3 (1) in clause (ii)(II), by striking “and” the sec-
4 ond place it appears;

5 (2) in clause (iii), by striking the period and in-
6 serting “; and”; and

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

8 “(iv) within 30 days after the application is ap-
9 proved the firearms inventory of the business will be
10 stored in compliance with section 923(m) and regu-
11 lations issued thereunder; and”.

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

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

17 (a) Section 922(f) of title 18, United States Code,
18 is amended by adding at the end the following:

19 “(3)(A) It shall be unlawful for any common or con-
20 tract carrier to fail to report the theft or loss of a firearm
21 within 48 hours after the theft or loss is discovered. The
22 theft or loss shall be reported to the Secretary and to the
23 appropriate local authorities.

1 “(B) The Secretary may impose a civil fine of not
2 more than \$10,000 on any person who knowingly violates
3 subparagraph (A).”.

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

7 **SEC. 304. INCREASING THE NUMBER OF ALLOWED COMPLI-**
8 **ANCE INSPECTIONS OF FIREARMS DEALERS.**

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

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

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

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

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

21 “(8) Licensed importers, licensed manufacturers, and
22 licensed dealers shall submit to the Secretary monthly re-
23 ports of all firearms obtained from non-licensees. Such in-
24 formation shall be reported on a form to be specified by
25 the Secretary by regulation. Such reports shall not include

1 the name of or identifying information about the firearm
2 transferors or subsequent purchasers.”.

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

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

6 Section 923(g)(4) of title 18, United States Code, is
7 amended to read as follows:

8 “(4) Where a firearms or ammunition business is dis-
9 continued and succeeded by a new licensee, the records
10 required to be kept by this chapter shall appropriately re-
11 flect such facts and shall be delivered to the successor.
12 Upon receipt of such records the successor licensee may
13 retain the records of the discontinued business or submit
14 the discontinued business records to the Secretary. Addi-
15 tionally, a licensee while maintaining a firearms business
16 may voluntarily submit the records required to be kept by
17 this chapter to the Secretary if such records are at least
18 20 years old. Where discontinuance of the business is ab-
19 solute, such records shall be delivered within thirty days
20 after the business is discontinued to the Secretary. Where
21 State law or local ordinance requires the delivery of
22 records to another responsible authority, the Secretary
23 may arrange for the delivery of such records to such other
24 responsible authority.”.

1 **Subtitle B—Enhancing Penalties**
2 **for Gun Trafficking**

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

4 (a) INCREASING THE PENALTY FOR ENGAGING IN AN
5 ILLEGAL FIREARMS BUSINESS.—Section 924(a)(2) of
6 title 18, United States Code, as amended by section
7 301(b) of this Act, is amended to read as follows:

8 “(2) Whoever—

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

11 “(B) willfully violates subsection (a)(1) of sec-
12 tion 922,

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

15 (b) SENTENCING GUIDELINES INCREASE FOR CER-
16 TAIN VIOLATIONS AND OFFENSES.—Pursuant to its au-
17 thority under section 994(p) of title 28, United States
18 Code, the United States Sentencing Commission shall—

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

22 (2) review and amend the Federal sentencing
23 guidelines to provide additional sentencing increases,
24 as appropriate, for offenses involving more than 50
25 firearms.

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

6 **SEC. 309. SERIOUS RECORDKEEPING OFFENSES THAT AID**
7 **GUN TRAFFICKING.**

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

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

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

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

1 and opportunity for hearing, suspend or revoke the license
2 of, or assess a civil penalty of not more than \$10,000 on,
3 a dealer who willfully transfers armor piercing ammuni-
4 tion. The Secretary may at any time compromise, miti-
5 gate, or remit the liability with respect to any willful viola-
6 tion of this chapter or any rule or regulation prescribed
7 by the Secretary under this chapter. The Secretary's ac-
8 tions under this subsection may be reviewed only as pro-
9 vided in subsection (f) of this section.

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

19 “(2) If the Secretary denies an application for a li-
20 cense, or suspends or revokes a license, or assesses a civil
21 penalty, he shall, upon request by the aggrieved party,
22 promptly hold a hearing to review his denial, suspension,
23 revocation, or assessment. In the case of a suspension or
24 revocation of a license, the Secretary shall, upon the re-
25 quest of the holder of the license, stay the effective date

1 of the suspension or revocation. A hearing under this
2 paragraph shall be held at a location convenient to the
3 aggrieved party.

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

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

3 Section 925(b) of title 18, United States Code, is
4 amended by striking “until any conviction pursuant to the
5 indictment becomes final” and inserting “until the date
6 of any conviction pursuant to the indictment”.

7 **SEC. 312. INCREASED PENALTY FOR TRANSACTIONS IN-**
8 **VOLVING FIREARMS WITH OBLITERATED SE-**
9 **RIAL NUMBERS.**

10 Section 924(a) of title 18, United States Code, is
11 amended—

- 12 (1) in paragraph (1)(B), by striking “(k),”; and
13 (2) in paragraph (2), by inserting “(k),” after
14 “(j),”.

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

16 (a) **CIVIL FORFEITURE.**—Section 981(a)(1) of title
17 18, United States Code, is amended by adding at the end
18 the following:

19 “(G)(i) Any conveyance used or intended to be
20 used to commit a gun trafficking offense, or con-
21 spiracy to commit such offense, and any property
22 traceable to such property.

23 “(ii) For the purposes of this section, a gun
24 trafficking offense is a violation of any of the fol-
25 lowing sections of this title involving five or more
26 firearms: section 922(i) (transporting stolen fire-

1 arms); section 924(g) (travel with a firearm in fur-
 2 therance of racketeering); section 924(l) (stealing a
 3 firearm); and section 924(n) (interstate travel to
 4 promote firearms trafficking).”.

5 (b) **CRIMINAL FORFEITURE.**—Section 982(a) of title
 6 18, United States Code, is amended by adding at the end
 7 the following:

8 “(9) The court, in imposing a sentence on a person
 9 convicted of a gun trafficking offense, as defined in section
 10 981(a)(1)(G), or a conspiracy to commit such offense,
 11 shall order the person to forfeit to the United States any
 12 conveyance used or intended to be used to commit such
 13 offense, and any property traceable to such conveyance.”.

14 **SEC. 314. AUTHORIZATION OF APPROPRIATIONS.**

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

17 **TITLE IV—STRENGTHENING THE**
 18 **ASSAULT WEAPONS BAN**

19 **SEC. 401. BAN ON IMPORTING LARGE CAPACITY AMMUNI-**
 20 **TION FEEDING DEVICES.**

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

23 (1) in paragraph (1), by striking “(1) Except as
 24 provided in paragraph (2)” and inserting “(1)(A)
 25 Except as provided in subparagraph (B)”;

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

3 (3) in paragraph (1)(B) (as so redesignated by
4 paragraph (2) of this subsection)—

5 (A) by inserting “in the United States”
6 after “possessed”; and

7 (B) by inserting before the period the fol-
8 lowing: “or lawfully imported on or before the
9 date of the enactment of the Youth Gun Crime
10 Enforcement Act of 1999”;

11 (4) by inserting before paragraph (3) the fol-
12 lowing:

13 “(2) Except as provided in paragraph (3), it shall be
14 unlawful for any person to import a large capacity ammu-
15 nition feeding device.”; and

16 (5) in paragraph (4)—

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

19 (B) by striking “(2)” and inserting
20 “(1)(B)”.

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

1 **TITLE V—COMBATING CRIMINAL**
2 **MISUSE OF FIREARMS**

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

5 Section 1961(1) of title 18, United States Code, is
6 amended by inserting after “891-894 (relating to extor-
7 tionate credit transactions),” the following: “section
8 924(a) insofar as such offense is a violation of section
9 922(a)(1), (a)(6), (i), (j), (k), (o), (q), (u), (v), or (x)(1),
10 or section 924(b), (g), (h), (k), (l), (m), or (n) (relating
11 to firearms violations),”.

12 **SEC. 502. INCREASED PENALTY FOR FIREARMS CON-**
13 **SPIRACY.**

14 Section 924 of title 18, United States Code, is further
15 amended by adding at the end the following:

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

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

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

1 (1) by striking “violent felony or a serious drug
2 offense, or both,” and inserting “violent felony, a se-
3 rious drug offense or a violation of section
4 922(g)(1), or a combination of such offenses,”; and

5 (2) by adding at the end the following: “No
6 more than two convictions for violations of section
7 922(g)(1) shall be considered in determining wheth-
8 er a person has three previous convictions for pur-
9 poses of this subsection.”.

10 **SEC. 504. SERIOUS JUVENILE DRUG TRAFFICKING OF-**
11 **FENSES AS ARMED CAREER CRIMINAL ACT**
12 **PREDICATES.**

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

16 **SEC. 505. LIMITATION PERIOD FOR NATIONAL FIREARMS**
17 **ACT PROSECUTIONS.**

18 Section 6531 of the Internal Revenue Code of 1986
19 (26 U.S.C. 6531) is amended by amending the matter pre-
20 ceding paragraph (1) to read as follows:

21 “No person shall be prosecuted, tried, or punished
22 for any of the various offenses arising under the internal
23 revenue laws unless the indictment is found or the infor-
24 mation instituted within 3 years next after the commission
25 of the offense, except that the period of limitation—

1 “(a) shall be 5 years for offenses described in section
2 5861 (relating to firearms); and

3 “(b) shall be 6 years—

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

6 (a) CIVIL FORFEITURE.—Section 981(a)(1) of title
7 18, United States Code, is further amended by inserting
8 after subparagraph (G) the following:

9 “(H) Any firearm (as defined in section
10 921(a)(3) of this title) used or intended to be used
11 to commit or to facilitate the commission of any
12 crime of violence (as defined in section 16 of this
13 title) or any felony under Federal law.”.

14 (b) CRIMINAL FORFEITURE.—Section 982(a) of title
15 18, United States Code, is amended by inserting after
16 paragraph (9) the following:

17 “(10) The court, in imposing a sentence on a person
18 convicted of any crime of violence (as defined in section
19 16 of this title) or any felony under Federal law, shall
20 order that the person forfeit to the United States any fire-
21 arm (as defined in section 921(a)(3) of this title) used
22 or intended to be used to commit or to facilitate the com-
23 mission of the offense.”.

1 (c) DISPOSAL OF PROPERTY.—Section 981(c) of title
2 18, United States Code, is amended by adding at the end
3 the following flush sentence:

4 “Any firearm forfeited pursuant to subsection (a)(1)(H)
5 or section 982(a)(10) of this title shall be disposed of by
6 the seizing agency in accordance with law.”.

7 (d) AUTHORITY TO FORFEIT PROPERTY UNDER
8 SECTION 924(d).—Section 924(d) of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 “(4) Whenever any firearm is subject to forfeiture
12 under this section, the Secretary of the Treasury shall
13 have the authority to seize and forfeit, in accordance with
14 the procedures of the applicable forfeiture statute, any
15 property otherwise forfeitable under the laws of the United
16 States that was involved in or derived from the crime of
17 violence or drug trafficking crime described in subsection
18 (c) in which the forfeited firearm was used or carried.”.

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

23 (f) SECTION 3665.—Section 3665 of title 18, United
24 States Code, is amended—

1 (1) by redesignating the first undesignated
2 paragraph as subsection (a)(1) and the second un-
3 designated paragraph as subsection (a)(2); and

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

5 “(b) The forfeiture of property under this section, in-
6 cluding any seizure and disposition of the property and
7 any related administrative or judicial proceeding, shall be
8 governed by the provisions of section 413 of the Com-
9 prehensive Drug Abuse Prevention and Control Act of
10 1970 (21 U.S.C. 853), except for subsection 413(d) which
11 shall not apply to forfeitures under this section.”.

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

13 (a) Section 921(a)(11) of title 18, United States
14 Code, is amended to read as follows:

15 “(11) The term ‘dealer’ means (A) any person en-
16 gaged in the business as a firearms dealer, (B) any person
17 engaged in the business as a gunsmith, or (C) any person
18 who is a pawnbroker. The term ‘licensed dealer’ means
19 any dealer who is licensed under the provisions of this
20 chapter.”.

21 (b) Section 921(a) of title 18, United States Code,
22 is amended by redesignating paragraphs (12) through
23 (33) as paragraphs (14) through (35), and by inserting
24 after paragraph (11) the following:

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

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

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

11 “(3) If the applicant is a dealer who is—

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

15 “(B) a dealer in firearms who is not a
16 dealer in destructive devices, a fee of \$200 for
17 3 years, except that the fee for renewal of a
18 valid license shall be \$90 for 3 years; or

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

1 **TITLE VI—ENHANCED FIREARMS**
2 **ENFORCEMENT**

3 **SEC. 601. ADDITIONAL SUPPORT FOR ENHANCED FIRE-**
4 **ARMS PROSECUTION PROJECTS.**

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

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

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

13 (1) to 75 the number of city and county law en-
14 forcement agencies that through the Youth Crime
15 Gun Interdiction Initiative (referred to in this sec-
16 tion as “YGCII”) submit identifying information re-
17 lating to all firearms recovered during law enforce-
18 ment investigations, including from individuals
19 under age 25, to the Secretary of the Treasury to
20 identify the types and origins of such firearms; and

21 (2) the resources devoted to law enforcement
22 investigations of illegal youth possessors and users
23 and of illegal firearms traffickers identified through
24 YCGII, including through the hiring of additional

1 agents, inspectors, intelligence analysts and support
2 personnel.

3 (b) SELECTION OF PARTICIPANTS.—The Secretary of
4 the Treasury, in consultation with Federal, State, and
5 local law enforcement officials, shall select cities and coun-
6 ties for participation in the program established under this
7 section.

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

22 (d) REPORT.—Not later than one year after the date
23 of enactment of this section, and annually thereafter, the
24 Secretary of the Treasury shall submit to the Chairman
25 and Ranking Member of the Committees on Appropria-

1 tions of the House of Representatives and the Senate a
 2 report regarding the types and sources of firearms recov-
 3 ered from individuals, including those under the age of
 4 25; regional, State and national firearms trafficking
 5 trends; and the number of investigations and arrests re-
 6 sulting from YCGII.

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

11 **TITLE VII—COMBATING CRIMI-**
 12 **NAL MISUSE OF EXPLOSIVES**

13 **SEC. 701. PERMITS AND BACKGROUND CHECKS FOR PUR-**
 14 **CHASES OF EXPLOSIVES.**

15 (a) PERMITS FOR PURCHASE OF EXPLOSIVES IN
 16 GENERAL.—Section 842 of title 18, United States Code,
 17 is amended—

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

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

22 “(B) to distribute explosive materials to
 23 any person other than a licensee or permittee.”;

24 and

25 (2) in subsection (b)—

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

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

5 (C) by striking paragraph (3).

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

9 “(p)(1) A licensed importer, licensed manufacturer,
10 or licensed dealer shall not transfer explosive materials to
11 any other person who is not a licensee under section 843
12 of this chapter unless—

13 “(A) before the completion of the transfer, the
14 licensee contacts the national instant criminal back-
15 ground check system established under section
16 103(d) of the Brady Handgun Violence Prevention
17 Act;

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

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

1 “(C) the transferor has verified the identity of
2 the transferee by examining a valid identification
3 document (as defined in section 1038(d)(1) of this
4 title) of the transferee containing a photograph of
5 the transferee; and

6 “(D) the transferor has examined the permit
7 issued to the transferee pursuant to section 843 of
8 this title and recorded the permit number on the
9 record of the transfer.

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

12 “(A) assign a unique identification number to
13 the transfer; and

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

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

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

24 “(B) the business premises of the licensee at
25 which the transfer is to occur are extremely remote

1 in relation to the chief law enforcement officer (as
2 defined in subsection (p)(8)); and

3 “(C) there is an absence of telecommunications
4 facilities in the geographical area in which the busi-
5 ness premises are located.

6 “(4) If the national instant criminal background
7 check system notifies the licensee that the information
8 available to the system does not demonstrate that the re-
9 ceipt of explosive materials by such other person would
10 violate subsection (i) or State law, and the licensee trans-
11 fers explosive materials to such other person, the licensee
12 shall include in the record of the transfer the unique iden-
13 tification number provided by the system with respect to
14 the transfer.

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

23 “(6) Neither a local government nor an employee of
24 the Federal Government or of any State or local govern-
25 ment, responsible for providing information to the national

1 instant criminal background check system shall be liable
2 in an action at law for damages—

3 “(A) for failure to prevent the sale or transfer
4 of explosive materials to a person whose receipt or
5 possession of the explosive materials is unlawful
6 under this section; or

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

10 (c) ADMINISTRATIVE PROVISIONS.—

11 (1) WRITTEN REASONS PROVIDED ON RE-
12 QUEST.—If the national instant criminal background
13 check system determines that an individual is ineli-
14 gible to receive explosive materials and the individual
15 requests the system to provide the reasons for the
16 determination, the system shall provide such reasons
17 to the individual, in writing, within 5 business days
18 after the date of the request.

19 (2) CORRECTION OF ERRONEOUS SYSTEM IN-
20 FORMATION.—If the system established under sub-
21 section (b) of section 1 informs an individual con-
22 tacting the system that receipt of explosive materials
23 by a prospective transferee would violate subsection
24 (i) of section 842 of title 18, United States Code, or
25 State law, the prospective transferee may request

1 the Attorney General to provide the prospective
2 transferee with the reasons therefor. Upon receipt of
3 such a request, the Attorney General shall imme-
4 diately comply with the request. The prospective
5 transferee may submit to the Attorney General in-
6 formation to correct, clarify, or supplement records
7 of the system with respect to the prospective trans-
8 feree. After receipt of such information, the Attorney
9 General shall immediately consider the information,
10 investigate the matter further, and correct all erro-
11 neous Federal records relating to the prospective
12 transferee and give notice of the error to any Fed-
13 eral department or agency or any State that was the
14 source of such erroneous records.

15 (d) REMEDY FOR ERRONEOUS DENIAL OF EXPLO-
16 SIVE MATERIALS.—

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

20 **“§ 843A. Remedy for erroneous denial of explosive**
21 **materials**

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

24 “(1) due to the provision of erroneous informa-
25 tion relating to the person by any State or political

1 subdivision thereof, or by the national instant crimi-
2 nal background check system established under sec-
3 tion 103 of the Brady Handgun Violence Prevention
4 Act; or

5 “(2) who was not prohibited from receipt of ex-
6 plosive materials pursuant to subsection (i) of sec-
7 tion 842, may bring an action against the State or
8 political subdivision responsible for providing the er-
9 roneous information, or responsible for denying the
10 transfer, or against the United States, as the case
11 may be, for an order directing that the erroneous in-
12 formation be corrected or that the transfer be ap-
13 proved, as the case may be. In any action under this
14 section, the court, in its discretion, may allow the
15 prevailing party a reasonable attorney’s fee as part
16 of the costs.”.

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

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

21 (e) REGULATIONS.—

22 (1) IN GENERAL.—Not later than 6 months
23 after the date of the enactment of this Act, the Sec-
24 retary of the Treasury shall issue final regulations

1 with respect to the amendments made by subsection
2 (a).

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

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

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

13 (2) by striking the second sentence and insert-
14 ing, “Each applicant for a license shall pay for each
15 license a fee established by the Secretary that shall
16 not exceed \$300. Each applicant for a permit shall
17 pay for each permit a fee established by the Sec-
18 retary that shall not exceed \$100.”.

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

21 (1) by redesignating subsection (a) as sub-
22 section (a)(1); and

23 (2) by inserting after subsection (a)(1) the fol-
24 lowing new paragraph:

1 “(2) Any person who violates subsection (p) of section
2 842 shall be fined under this title, imprisoned for not more
3 than 5 years, or both.”.

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

7 **SEC. 702. PERSONS PROHIBITED FROM RECEIVING OR POS-**
8 **SESSING EXPLOSIVES.**

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

11 (1) in paragraph (5), by striking “or” at the
12 end;

13 (2) in paragraph (6), by striking the period and
14 inserting “or who has been committed to a mental
15 institution;”; and

16 (3) by adding at the end the following:

17 “(7) being an alien—

18 “(A) is illegally or unlawfully in the United
19 States; or

20 “(B) except as provided in subsection
21 (q)(2), has been admitted to the United States
22 under a nonimmigrant visa (as that term is de-
23 fined in section 101(a)(26) of the Immigration
24 and Nationality Act (8 U.S.C. 1101(a)(26)));

1 “(8) has been discharged from the Armed
2 Forces under dishonorable conditions;

3 “(9) having been a citizen of the United States,
4 has renounced his citizenship; and

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

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

9 “(B) restrains such person from harassing,
10 stalking, or threatening an intimate partner of
11 such person or child of such intimate partner or
12 person, or engaging in other conduct that would
13 place an intimate partner in reasonable fear of
14 bodily injury to the partner or child; and

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

18 “(ii) by its terms explicitly prohibits the
19 use, attempted use, or threatened use of phys-
20 ical force against such intimate partner or child
21 that would reasonably be expected to cause bod-
22 ily injury;

23 “(11) has been convicted in any court of a mis-
24 demeanor crime of domestic violence; or

25 “(12) has been adjudicated delinquent.”.

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

3 (1) in paragraph (3), by striking “or” at the
4 end; and

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

6 “(5) who, being an alien—

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

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

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

16 “(7) who, having been a citizen of the United
17 States, has renounced his citizenship;

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

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

22 “(B) restrains such person from harassing,
23 stalking, or threatening an intimate partner of
24 such person or child of such intimate partner or
25 person, or engaging in other conduct that would

1 place an intimate partner in reasonable fear of
2 bodily injury to the partner or child; and

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

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

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

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

14 (c) DEFINITION.—Section 841 of title 18, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

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

20 “(A) is a misdemeanor under Federal or State
21 law; and

22 “(B) has, as an element, the use or attempted
23 use of physical force, or the threatened use of a
24 deadly weapon, committed by a current or former
25 spouse, parent, or guardian of the victim, by a per-

1 son with whom the victim shares a child in common,
2 by a person who is cohabiting with or has cohabited
3 with the victim as a spouse, parent, or guardian, or
4 by a person similarly situated to a spouse, parent,
5 or guardian of the victim.

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

9 “(i) the person was represented by counsel in
10 the case, or knowingly and intelligently waived the
11 right to counsel in the case; and

12 “(ii) in the case of a prosecution for an offense
13 described in this paragraph for which a person was
14 entitled to a jury trial in the jurisdiction in which
15 the case was tried—

16 “(I) the case was tried by a jury; or

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

20 “(B) A person shall not be considered to have been
21 convicted of such an offense for purposes of this chapter
22 if the conviction has been expunged or set aside, or is an
23 offense for which the person has been pardoned or has
24 had civil rights restored (if the law of the applicable juris-
25 diction provides for the loss of civil rights under such an

1 offense) unless the pardon, expungement, or restoration
2 of civil rights expressly provides that the person may not
3 ship, transport, possess, or receive firearms.

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

11 (d) ALIENS ADMITTED UNDER NONIMMIGRANT
12 VISAS.—Section 842 is amended by adding at the end the
13 following:

14 “(r) PROVISIONS RELATING TO ALIENS ADMITTED
15 UNDER NONIMMIGRANT VISAS.—

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

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

20 “(B) the term ‘nonimmigrant visa’ has the
21 same meaning as in section 101(a)(26) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1101(a)(26)).

24 “(2) EXCEPTION.—Sections (d)(7)(B) and
25 (i)(5)(B) do not apply to any alien who has been

1 lawfully admitted to the United States under a non-
2 immigrant visa, if that alien is a foreign law enforce-
3 ment officer of a friendly foreign government enter-
4 ing the United States on official law enforcement
5 business.

6 “(3) WAIVER.—

7 “(A) CONDITIONS FOR WAIVER.—Any indi-
8 vidual who has been admitted to the United
9 States under a nonimmigrant visa may receive
10 a waiver from the requirements of subsection
11 (i)(5)(B), if—

12 “(i) the individual submits to the At-
13 torney General a petition that meets the
14 requirements of subparagraph (C); and

15 “(ii) the Attorney General approves
16 the petition.

17 “(B) PETITION.—Each petition under sub-
18 paragraph (B) shall—

19 “(i) demonstrate that the petitioner
20 has resided in the United States for a con-
21 tinuous period of not less than 180 days
22 before the date on which the petition is
23 submitted under this paragraph; and

24 “(ii) include a written statement from
25 the embassy or consulate of the petitioner,

1 authorizing the petitioner to acquire explo-
2 sives and certifying that the alien would
3 not, absent the application of subsection
4 (i)(5)(B), otherwise be prohibited from
5 such an acquisition under subsection (i).

6 “(C) APPROVAL OF PETITION.—The Attor-
7 ney General shall approve a petition submitted
8 in accordance with this paragraph, if the Attor-
9 ney General determines that waiving the re-
10 quirements of subsection (i)(5)(B) with respect
11 to the petitioner—

12 “(i) would be in the interests of jus-
13 tice; and

14 “(ii) would not jeopardize the public
15 safety.”.

16 (e) CONFORMING AMENDMENT.—Section 845 of title
17 18, United States Code, is amended by adding at the end
18 the following:

19 “(d) Notwithstanding any other provision of this sec-
20 tion, no person convicted of a misdemeanor crime of do-
21 mestic violence may ship or transport any explosive mate-
22 rials in interstate or foreign commerce or to receive or pos-
23 sess any explosive materials which have been shipped or
24 transported in interstate or foreign commerce.”.

1 **SEC. 703. PROHIBITING POSSESSION OF EXPLOSIVES BY**
2 **JUVENILES.**

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

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

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

19 **SEC. 704. REQUIREMENTS CONCERNING BLACK POWDER**
20 **AND BULK SMOKELESS POWDER.**

21 (a) Section 845 of title 18, United States Code, is
22 further amended—

23 (1) by striking paragraph (4) of subsection (a)
24 and inserting the following:

1 “(4) assembled small arms ammunition and
2 primers not assembled into cartridges (other than
3 bulk smokeless powder); and”;

4 (2) in subsection (a)(5), by striking ‘commer-
5 cially manufactured black powder in quantities not
6 to exceed fifty pounds,”;

7 (3) by redesignating subsections (b), (c) and (d)
8 as subsections (c), (d) and (e), respectively; and

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

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

20 “(f) Sections 842(a)(3)(A), 842(a)(3)(B), 842(b) and
21 842(p) shall not apply to transactions between licensees
22 and persons licensed as manufacturers of ammunition
23 under section 923(a)(1)(A) or (C) of this title.”.

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

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

4 **SEC. 705. AUTHORIZATION OF APPROPRIATIONS.**

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

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