

Deanne Benos
Domestic Policy Council
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Enclosures filed in
Oversize Attachments #

21325
NARA 18509

DEPARTMENT OF THE TREASURY

FACSIMILE TRANSMITTAL SHEET

TO: Leanne/Deanne	FROM: Susan Ginsburg
COMPANY: White House	DATE: July 12, 2000
FAX NUMBER: 202-456-7028	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER: 202-456-5568	SENDER'S PHONE NUMBER: 622-0384
RE:	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

notes/Comments:

This is for our consideration in connection with discussions with Schumer staff; and in connection with the Strategy (for Friday's meeting).

15TH & PENNSYLVANIA AVENUE, N.W.
ROOM 4321
WASHINGTON, DC 20220

ENGAGED IN THE BUSINESS, 18 U.S.C. § 922(a)(21)(C)

Section 921(a)(21)(C) of title 18, United States Code, Chapter 44, is revised to read as follows:

The term "engaged in the business" means --

* * *

(C) as applied to a dealer in firearms, as defined in section 921(a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive acquisition and disposition of firearms. Such term shall not include a person who makes occasional sales or exchanges of firearms, provided that such sales or exchanges do not involve more than 10 firearms in a calendar year. In addition, such term shall not include a person who sells all or part of his personal collection of firearms. For purposes of this subsection and paragraph (22) of this section, the term "personal collection" includes only those firearms that have been in the possession of the individual for at least 12 months.

Analysis

The purpose of this proposal is to clarify the meaning of engaged in the business. By providing meanings to the terms "personal collection" and "occasional sales or exchanges," individuals who illegally deal and traffic in firearms will no longer be able to claim to be collectors or hobbyists and escape prosecution for unlicensed firearms dealing. The amendment reaffirms the intent of Congress, however, in permitting the occasional unlicensed sale or exchange of firearms.

From 1968 to 1986, the term "engaged in the business" as used in the Gun Control Act (GCA) was undefined by statute or regulation. Over time, courts interpreted the term in various ways, but most typically as an activity that occupies one's time, attention and labor for the purpose of livelihood or profit. The courts found that individuals who occasionally bought and sold firearms as a hobby were not engaged in the business of dealing firearms.

By enacting the definition of "engaged in the business" in 1986, Congress intended to codify the existing case law and preserve the rights of unlicensed individuals to make the occasional sale or exchange of firearms as a hobby. An unintended consequence of the 1986 amendments, however, was that firearms traffickers charged with illegal firearms dealing asserted that they were merely disposing of or enhancing a personal firearms collection or buying and selling firearms as a hobby. Clearly, Congress did not intend to shield such defendants from prosecution but sought only to preserve the rights of firearms enthusiasts to occasionally buy and sell firearms without the necessity of a license.

The proposed amendment defines the occasional sale or exchange to involve no more than 10 firearms in any one calendar year. Thus, an individual who makes more than 10 firearms sales or exchanges per year from a personal collection does not automatically require a license. A license will be required only if the individual meets the elements of the definition: whether he or she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit. The amendment merely excludes from licensing requirements individuals who sell or exchange 10 or fewer firearms per year from a personal collection.

Similarly, the amendment defines personal collection as including any firearm that has been in the possession of the individual for at least 12 months. Where an individual, for example, receives or inherits a large quantity of firearms and wishes to dispose of them within one year, a license is not automatically required. Licensing will only be required if the other elements of the definition are satisfied. The amendment does not, however, as currently the case, exclude from the definition of dealer individuals who dispose of their personal collection of firearms, however large or however frequent the sales.

By defining these terms, the amendment eliminates the common defense of the firearms trafficker who buys and sells large numbers of firearms in a short period of time, yet preserves the rights of firearms collectors and hobbyists to occasionally buy and sell firearms from their personal collection without a license. These amendments therefore more effectively implement congressional intent.

DEPARTMENT OF THE TREASURY

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Schumer
Kennedy

Conyers
McCarthy

acquiring volume info.

ENFORCE ACT

Enforce Provision	Summary	Comparison of House and Senate provisions	Corresponding Administration Provision	Technical Issues
§ 101 Common-sense definition of "licensed dealer."	Amends the definition of "engaged in the business" as a licensed dealer to include a presumption that the intent underlying the sale or disposition of a firearm is predominantly one of obtaining livelihood and pecuniary gain if a person transfers more than 50 firearms during any 12-month period, or more than 30 firearms during any 30-day period, with exceptions for "infrequent" transfers of a firearm by gift, bequest, intestate succession, or other means to a parent, child, grandparent, or grandchild.	House and Senate provisions are substantially similar; there are differences in drafting.	N/A	Leaves intact the existing <u>exemption</u> for person making "occasional" sales, exchanges or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of a personal collection. - to be re-drafted - <u>US v. Patterson</u> how common?
§ 102 - Requirement that licensees operate from fixed premises.	Amends the licensing requirements to provide that in order to obtain a Federal firearms license, an applicant must have fixed premises (other than a private residence) primarily devoted to the sale of firearms and conspicuously designated to the public as such.	House and Senate provisions are substantially similar; there are differences in drafting.	N/A	This would eliminate "kitchen-table dealers" who operate from their homes, as well as dealers who operate a firearms business from their real estate business, etc. NOTE: It would also appear to disqualify dealers such as Wal-Mart, etc., whose premises are not "primarily" devoted to the sale of firearms.

Enforce Provision	Summary	Comparison of House and Senate provisions	Corresponding Administration Provision	Technical Issues
§ 103 Secure storage of firearms inventories.	This section requires licensees to securely store their inventories, in accordance with regulations to be promulgated by the Secretary. In issuing regulations, the Secretary is to take into consideration the type and quantity of the firearms to be stored, as well as the standards of safety and security recognized in the firearms industry.	The House bill takes effect 180 days after enactment. The Senate bill provides the Secretary with 180 days to issue regulations; the law takes effect on or after the date the regulations are issued. In the penalty section, the House bill provides for suspension or revocation of a license, or imposition of a civil fine. The Senate bill provides that the Secretary may suspend or revoke a license, impose a civil fine, or both.	Substantially similar to § 302 of YCGEA.	Certain technical drafting issues need to be resolved. <i>is it most FFLs</i>
§ 104 - Requiring thefts from common carriers to be reported.	Requires common or contract carriers to report the theft or loss of a firearm within 48 hours of discovery.	The House and Senate versions are substantially similar; there are drafting differences.	Consistent with § 303 of YCGEA.	None.

Enforce Provision	Summary	Comparison of House and Senate provisions	Corresponding Administration Provision	Technical Issues
§ 201 - Recordkeeping inspections.	Allows ATF to conduct routine warrantless recordkeeping inspections up to 4 times a year.	Identical.	Similar to § 304 of YCGEA, except that number of allowed inspections is raised from 3 to 4.	None.
§ 202 - disposal of personal firearms collection by certain licensees made subject to regulations.	Existing law allows licensees to sell firearms from personal collection subject to certain restrictions. This would limit sales from personal collections to certain interfamily transfers.	The House and Senate versions are substantially similar; there are drafting differences.	N/A	This significantly restricts the ability of licensees to dispose of firearms from their personal collections. Since the licensee will presumably not always know who he will transfer a firearm to, there won't be much advantage in keeping a personal collection of firearms.

Enforce Provision	Summary	Comparison of House and Senate provisions	Corresponding Administration Provision	Technical Issues
§ 203 - suspension of firearms dealer's license and civil penalties for violations of the GCA.	Allows ATF to impose additional administrative sanctions, including civil penalties and license suspension, on FFLs for willful violations of the GCA or its implementing regulations.	The House bill is similar to the Administration provision. The Senate bill is drafted differently. The only substantive differences are as follows: 1. The Senate bill would allow the imposition of a civil penalty along with the suspension or revocation of a license; 2. The Senate bill would not require the Secretary to set forth the grounds on which a proposed denial, suspension, revocation or assessment of penalty is based. 3. The Senate bill allows an aggrieved party to file suit within 60 days after receiving notice from the Secretary; the House bill, like current law, provides for 60 days from the date of the notice.	Similar to § 310 of YCGEA.	The Senate bill's language is preferable in that it clarifies that a civil penalty can be imposed along with a suspension or revocation of a license. However, in the other areas, the House language is preferable.

Enforce Provision	Summary	Comparison of House and Senate provisions	Corresponding Administration Provision	Technical Issues
§ 301 - Administrative relief from certain firearms and explosives prohibitions.	Amends Federal firearms and explosives laws to preclude ATF from giving relief from disabilities to any natural person. Existing law requires the Secretary to publish the names of persons given relief, and the reasons therefor. The amendment would require the Secretary to provide additional information in this notice, including the crime for which and the court in which the person was convicted.	The House and Senate versions are drafted differently, but are substantially the same.	N/A	Current appropriations restrictions preclude ATF from granting relief from Federal firearms disabilities to natural persons. This extends that restriction to explosives as well. There are minor drafting issues.
§ 302 - Permanent firearms prohibition for convicted violent felons and serious drug offenders.	Amends the definition of a "conviction" under the GCA, by providing that a pardon, restoration of rights, or expungement removes a conviction only if the granting authority has expressly authorized the person to possess firearms and has made an individualized determination that the person is not likely to act in a manner dangerous to public safety. Furthermore, persons convicted of serious drug offenses or violent felonies are considered "convicted" for GCA purposes regardless of whether they receive pardons, restoration of rights, or expungements.	Drafted differently, but substantially the same.	Similar to "conviction" provisions of § 104 of YCGEA	The amendment retains most of the most important elements of the corresponding amendment in YCGEA. Furthermore, it would ensure that individuals convicted of serious drug offenses or violent felonies are not allowed to possess firearms. NOTE: There is a serious drafting error. Both the House and Senate versions refer to having " <u>any</u> " civil right or rights restored. This is broader than existing law, which refers to a conviction for which a person "has had civil rights restored" and could restore gun rights to an individual whose core civil rights have not been restored.

Enforce Provision	Summary	Comparison of House and Senate provisions	Corresponding Administration Provision	Technical Issues
§ 401 - Authorization for funding for Federal domestic violence offender recordkeeping improvements.	This section authorizes the appropriation of \$70 million for the improvement of records, including domestic violence records, in the National Instant Criminal Background Check System (NICS).	There are drafting differences; however, they are substantially the same.		
§ 402 - Authorization of funding for State and local domestic violence offender recordkeeping improvements.	This section authorizes the Attorney General to make grants to State and local law enforcement agencies for the purpose of improving the organization of criminal records, especially domestic violence and restraining order records. It authorizes \$20 million to be appropriated in fiscal year 2001.	There are drafting differences with respect to numbering of sections and terminology..		
§ 403. Authorization of funding for additional ATF officers.	This section authorizes an appropriation of \$53 million in FY 2001 for the hiring of 600 ATF agents and inspectors.	Drafting differences.		

Enforce Provision	Summary	Comparison of House and Senate provisions	Corresponding Administration Provision	Technical Issues
§ 404 - Authorization of funding for additional state and local gun prosecutors.	This section authorizes the Attorney General to make grants to State, Indian tribal, or local prosecutors for the purpose of supporting the creation or expansion of community-related justice programs for the prosecution of gun-related crimes. It authorizes appropriations of \$150 million for fiscal year 2001.	Drafting differences. The Senate version includes a definition of the term "firearm."		
§ 405 - Authorization of funding for additional Federal firearms prosecutors and gun enforcement teams.	Authorizes appropriation of \$15 million in FY 2001 for hiring 114 additional Federal prosecutors to prosecute violations of Federal firearms laws and up to 20 gun enforcement teams.	Drafting differences.		
§ 406 - YCGII.	Directs the Secretary to expand to 50 the number of city and county law enforcement agencies participating in YCGII, and authorizes the appropriation of \$19,078,000 for FY 2001.	Drafting differences.		
§ 407 - Local anti-gun violence media campaigns.	Authorizes the Attorney General to make grants to public entities or private nonprofit entities for the purpose of supporting the creation or expansion of local anti-gun violence media campaigns. It authorizes the appropriation of \$10 million in FY 2001.	Drafting differences.		

Enforce Provision	Summary	Comparison of House and Senate provisions	Corresponding Administration Provision	Technical Issues
§ 408 - Smart gun technology.	Authorizes the Attorney General to carry out a program for the research and development of smart gun technology. Authorizes the appropriation of \$10 million for FY 2001.	Drafting differences.		
§ 411 - Definition of forensic ballistics.	Defines the term "forensic ballistics" to mean a comparative analysis of fired bullets and cartridge casings to identify the firearm from which the bullets or cartridge casings were discharged through the identification of the unique characteristics that each firearm imprints on bullets and cartridge casings.	Identical.	N/A	This is consistent with definition that ATF developed.

Enforce Provision	Summary <u>NIBIN</u>	Comparison of House and Senate provisions	Corresponding Administration Provision	Technical Issues
§ 412 - Test firing and automated storage of forensic ballistics records.	1. Makes it unlawful for a licensed manufacturer or importer to transfer a firearm to any person before test firing the firearm; preparing forensic ballistic records of the fired bullet and cartridge casings from the test fire; and making the records available to the Secretary for entry in a computerized database. 2. Failure to comply is punishable by civil penalties, including revocation or suspension of a license and a civil fine of not more than \$10,000. 3. The Attorney General and the Secretary shall assist manufacturers and importers by providing equipment to be placed at the sites of the licensees or at regional firearms centers established by the Secretary, and hiring personnel necessary to develop and maintain the database of records. 4. The Attorney General and the Secretary shall report to Congress after a year on the effects of these requirements. 5. Treasury and Justice shall conduct ballistics testing of all firearms they procure or take into custody. 6. There is an authorization of \$38,306,000 for each of fiscal years 2000 through 2003.	Drafting differences. The Senate bill is clearer on appropriations; \$38,306,0000 is appropriated for each of FYs 202 through 2004 for installation of equipment, etc.; an additional \$38 million for 2001-2004 to carry out testing of firearms in federal custody. The House bill is less clear. Regarding effective dates, the House bill makes it clear that the mandatory requirements do not go into effect until after a certification from the Secretary and AG that NIBIN has been established; the Senate bill is less clear as to what takes effect when.	N/A	ATF has drafted alternative legislation, which it prefers.

Bill Summary & Status for the 106th Congress

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S.2338Sponsor: Sen Schumer, Charles E. (introduced 3/30/2000)

Latest Major Action: 3/30/2000 Referred to Senate committee

Title: A bill to enhance the enforcement of gun violence laws.

Jump to: Titles, Status, Committees, Related Bill Details, Amendments, Cosponsors, Summary

TITLE(S): (*italics indicate a title for a portion of a bill*)

- SHORT TITLE(S) AS INTRODUCED:
ENFORCE Act
Effective National Firearms Objectives for Responsible, Commonsense Enforcement Act of 2000
 - OFFICIAL TITLE AS INTRODUCED:
A bill to enhance the enforcement of gun violence laws.
-

STATUS: (*color indicates Senate actions*)**3/30/2000:**

Read twice and referred to the Committee on the Judiciary.

COMMITTEE(S):

Committee/Subcommittee:	Activity:
<u>Senate Judiciary</u>	Referral

RELATED BILL DETAILS:***NONE***

AMENDMENT(S):***NONE***

COSPONSORS(12), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: by date)

<u>Sen Boxer, Barbara</u> - 3/30/2000	<u>Sen Daschle, Thomas A.</u> - 3/30/2000
<u>Sen Dodd, Christopher J.</u> - 3/30/2000	<u>Sen Durbin, Richard J.</u> - 3/30/2000
<u>Sen Kennedy, Edward M.</u> - 3/30/2000	<u>Sen Lautenberg, Frank R.</u> - 3/30/2000
<u>Sen Levin, Carl</u> - 3/30/2000	<u>Sen Mikulski, Barbara A.</u> - 5/23/2000
<u>Sen Moynihan, Daniel Patrick</u> - 3/30/2000	<u>Sen Reed, Jack</u> - 3/30/2000
<u>Sen Robb, Charles S.</u> - 3/30/2000	<u>Sen Torricelli, Robert G.</u> - 3/30/2000

SUMMARY AS OF:

3/30/2000--Introduced.

TABLE OF CONTENTS:

- Title I: Criminal Gun Trafficker Apprehension
- Title II: Criminal Gun Dealer Detection
- Title III: Violent Felon Gun Ban Enforcement
- Title IV: Intensive Gun Violence Reduction Strategy and Project Exile Implementation
- Subtitle A: Funding Provisions
- Subtitle B: Ballistics Testing

Digest will follow.

106TH CONGRESS
2D SESSION

S. 2338

To enhance the enforcement of gun violence laws.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2000

Mr. SCHUMER (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. TORRICELLI, Mr. LEVIN, Mr. ROBB, Mr. MOYNIHAN, Mrs. BOXER, Mr. DODD, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance the enforcement of gun violence 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Effective National Firearms Objectives for Responsible,
6 Commonsense Enforcement Act of 2000” or the “EN-
7 FORCE Act”.

8 (b) TABLE OF CONTENTS.—The table of contents for
9 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL GUN TRAFFICKER APPREHENSION

- Sec. 101. Commonsense definition of licensed dealer.
- Sec. 102. Requirement that licensee operate from fixed premises.
- Sec. 103. Secure storage of firearms inventories.
- Sec. 104. Requiring thefts from common carriers to be reported.

TITLE II—CRIMINAL GUN DEALER DETECTION

- Sec. 201. Recordkeeping inspections.
- Sec. 202. Disposal of personal firearms collection by certain licensees made subject to regulations.
- Sec. 203. Suspension or revocation of firearms dealer license and civil penalties.

TITLE III—VIOLENT FELON GUN BAN ENFORCEMENT

- Sec. 301. Administrative relief from certain firearms and explosives prohibitions.
- Sec. 302. Permanent firearm prohibition for convicted violent felons and serious drug offenders.

TITLE IV—INTENSIVE GUN VIOLENCE REDUCTION STRATEGY AND PROJECT EXILE IMPLEMENTATION

Subtitle A—Funding Provisions

- Sec. 401. Authorization of funding for Federal domestic violence offender recordkeeping improvements.
- Sec. 402. Authorization of funding for State and local domestic violence offender recordkeeping improvements.
- Sec. 403. Authorization of funding for additional Bureau of Alcohol, Tobacco, and Firearms officers.
- Sec. 404. Authorization of funding for additional State and local gun prosecutors.
- Sec. 405. Authorization of funding for additional Federal firearms prosecutors and gun enforcement teams.
- Sec. 406. Youth crime gun interdiction initiative.
- Sec. 407. Local anti-gun violence media campaigns.
- Sec. 408. Smart gun technology.

Subtitle B—Ballistics Testing

- Sec. 411. Definition of forensic ballistics.
- Sec. 412. Test firing and automated storage of forensic ballistics records.

1 **TITLE I—CRIMINAL GUN** 2 **TRAFFICKER APPREHENSION** 3 **SEC. 101. COMMONSENSE DEFINITION OF LICENSED** 4 **DEALER.**

5 Section 921(a)(22) of title 18, United States Code,
6 is amended in the first sentence by inserting before the
7 period the following: “: *Provided further*, That it shall be

1 presumed that the intent underlying the sale or disposition
 2 of a firearm is predominantly one of obtaining livelihood
 3 and pecuniary gain if a person transfers more than 50
 4 firearms during any 12-month period, or more than 30
 5 firearms during any 30-day period, excluding any infre-
 6 quent transfer of a firearm by gift, bequest, intestate suc-
 7 cession, or other means by an individual to a parent, child,
 8 grandparent, or grandchild of the individual”.

9 **SEC. 102. REQUIREMENT THAT LICENSEE OPERATE FROM**
 10 **FIXED PREMISES.**

11 Section 923(d)(1)(E)(i) of title 18, United States
 12 Code, is amended by striking “premises” and inserting
 13 “fixed premises (other than a private residence) primarily
 14 devoted to the sale of firearms and conspicuously des-
 15 ignated to the public as such”.

16 **SEC. 103. SECURE STORAGE OF FIREARMS INVENTORIES.**

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

20 “(m) SECURE STORAGE OF FIREARMS INVEN-
 21 TORIES.—

22 “(1) IN GENERAL.—Beginning on the date on
 23 which the Secretary issues final regulations under
 24 paragraph (2), it shall be unlawful for any licensed
 25 importer, licensed manufacturer, or licensed dealer

(other than a dealer described in section 921(a)(11)(B)) to store any firearm on a premises described in subsection (d)(1)(E)(i), other than in accordance with those regulations.

“(2) REGULATIONS.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations governing the secure storage of firearms on premises described in subsection (d)(1)(E)(i) by licensed importers, licensed manufacturers, and licensed dealers.

“(B) FACTORS FOR CONSIDERATION.—In promulgating regulations issued under this paragraph, the Secretary shall consider—

“(i) the type and quantity of the firearm or firearms to be stored; and

“(ii) the standards of safety and security recognized in the firearms industry.”.

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

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

(2) by adding at the end the following:

1 “(o) FAILURE TO SECURELY STORE FIREARMS IN-
2 VENTORY.—

3 “(1) IN GENERAL.—The Secretary may, after
4 notice and opportunity for hearing, suspend or re-
5 voke any license issued under this chapter, may sub-
6 ject the licensee to a civil penalty of not more than
7 \$10,000, or both, if the holder of such license has
8 knowingly violated section 923(m).

9 “(2) REVIEW.—An action of the Secretary
10 under this subsection may be reviewed only as pro-
11 vided in section 923(f).”.

12 (c) CONDITION OF LICENSING.—

13 (1) IN GENERAL.—Section 923(d)(1)(F) of title
14 18, United States Code, is amended—

15 (A) in clause (ii), by striking “and” at the
16 end;

17 (B) in clause (iii), by striking the period at
18 the end and inserting “; and”; and

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

20 “(iv) not later than 30 days after the date on
21 which the application is approved, the firearms in-
22 ventory of the business will be stored in accordance
23 with the regulations issued under section 923(m)(2);
24 and”.

1 (2) EFFECTIVE DATE.—The amendments made
 2 by this subsection shall apply to any application sub-
 3 mitted under section 923 of title 18, United States
 4 Code, on or after the date on which final regulations
 5 are issued by the Secretary of the Treasury under
 6 section 923(m)(2) of title 18, United States Code, as
 7 added by this section.

8 **SEC. 104. REQUIRING THEFTS FROM COMMON CARRIERS**
 9 **TO BE REPORTED.**

10 (a) IN GENERAL.—Section 922(f) of title 18, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing:

13 “(3)(A) It shall be unlawful for any common or con-
 14 tract carrier to fail to report the theft or loss of a firearm
 15 to the Secretary and to the appropriate local authorities
 16 within 48 hours after the theft or loss is discovered.

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

20 (b) PENALTIES.—Section 924(a)(1)(B) of title 18,
 21 United States Code, is amended by striking “(f),” and in-
 22 serting “(f)(1), (f)(2),”.

**TITLE II—CRIMINAL GUN
DEALER DETECTION**

SEC. 201. RECORDKEEPING INSPECTIONS.

Section 923(g)(1)(B)(ii)(I) of title 18, United States Code, is amended by striking “once” and inserting “4 times”.

**SEC. 202. DISPOSAL OF PERSONAL FIREARMS COLLECTION
BY CERTAIN LICENSEES MADE SUBJECT TO
REGULATIONS.**

Section 923(c) of title 18, United States Code, is amended by striking the second sentence and inserting the following: “A personal collection of firearms of a licensed manufacturer, licensed importer, or licensed dealer shall be considered to be part of the business inventory of the licensee for purposes of this chapter, except that the provisions of this chapter applicable to the disposition of a firearm from the business inventory of a licensee shall not apply to the infrequent transfer of a firearm by gift, bequest, intestate succession, or other means from the personal collection of firearms of a licensee to a parent, child, grandparent, or grandchild of the licensee.”.

1 **SEC. 203. SUSPENSION OR REVOCATION OF FIREARMS**
 2 **DEALER LICENSE AND CIVIL PENALTIES.**

3 (a) IN GENERAL.—Section 923 of title 18, United
 4 States Code, is amended by striking subsection (e) and
 5 inserting the following:

6 “(e) SUSPENSION OR REVOCATION OF DEALER LI-
 7 CENSE; CIVIL PENALTIES.—

8 “(1) WILLFUL VIOLATIONS.—The Secretary
 9 may, after notice and opportunity for hearing, sus-
 10 pend or revoke any license issued under this section,
 11 may subject the licensee to a civil penalty of not
 12 more than \$10,000 per violation, or both, if the
 13 holder of such license has willfully violated any pro-
 14 vision of this chapter or any rule or regulation pre-
 15 scribed by the Secretary under this chapter.

16 “(2) TRANSFER OF ARMOR PIERCING AMMUNI-
 17 TION.—The Secretary may, after notice and oppor-
 18 tunity for hearing, with respect to a dealer who will-
 19 fully transfers armor piercing ammunition—

20 “(A) suspend or revoke the license of that
 21 dealer;

22 “(B) assess a civil penalty of not more
 23 than \$10,000 on that dealer; or

24 “(C) both.

25 “(3) COMPROMISE, MITIGATION, OR REMIT-
 26 TANCE OF LIABILITY.—The Secretary may at any

1 time compromise, mitigate, or remit the liability with
 2 respect to any willful violation of this chapter or any
 3 rule or regulation prescribed by the Secretary under
 4 this chapter.

5 “(4) REVIEW.—An action of Secretary under
 6 this subsection may be reviewed only as provided in
 7 subsection (f).”.

8 (b) NOTICE OF LICENSE REVOCATION OR DENIAL.—
 9 Section 923 of title 18, United States Code, is amended
 10 by striking subsection (f) and inserting the following:

11 “(f) RIGHTS OF APPLICANTS AND LICENSEES.—

12 “(1) NOTICE REQUIREMENTS.—If the Secretary
 13 denies an application for, or revokes or suspends a
 14 license, or assesses a civil penalty under this section,
 15 the Secretary shall provide written notice of such de-
 16 nial, revocation, suspension, or assessment to the af-
 17 fected party. Any notice of a revocation or suspen-
 18 sion of a license under this paragraph shall be given
 19 to the holder of such license before the effective date
 20 of the revocation or suspension, as applicable.

21 “(2) APPEALS PROCESS.—

22 “(A) HEARING.—If the Secretary denies
 23 an application for, or revokes or suspends a li-
 24 cense, or assesses a civil penalty under this sec-
 25 tion, the Secretary, shall—

1 “(i) upon request of the aggrieved
2 party, promptly hold a hearing at a loca-
3 tion convenient to the aggrieved party to
4 review the denial, revocation, suspension,
5 or assessment; and

6 “(ii) in the case of a suspension or
7 revocation of a license, upon the request of
8 the holder of the license, stay the effective
9 date of the suspension or revocation.

10 “(B) NOTICE OF DECISION.—If, after a
11 hearing held under subparagraph (A), the Sec-
12 retary decides not to reverse the decision of the
13 Secretary to deny the application, revoke or
14 suspend the license, or assess the civil penalty,
15 as applicable, the Secretary shall provide notice
16 of the decision of the Secretary to the aggrieved
17 party.

18 “(C) PETITION FOR DE NOVO REVIEW.—

19 “(i) IN GENERAL.—During the 60-day
20 period beginning on the date on which an
21 aggrieved party receives a notice under
22 subparagraph (B), the aggrieved party
23 may file a petition with the district court
24 of the United States for the judicial dis-
25 trict in which the aggrieved party resides

1 or has a principal place of business for a
2 de novo judicial review of such denial, rev-
3 ocation, suspension, or assessment.

4 “(ii) JUDICIAL PROCEEDING.—In any
5 judicial proceeding pursuant to a petition
6 under clause (i)—

7 “(I) the court may consider any
8 evidence submitted by the parties to
9 the proceeding, regardless of whether
10 or not such evidence was considered
11 at the hearing held under subpara-
12 graph (A); and

13 “(II) if the court decides that the
14 Secretary was not authorized to make
15 such denial, revocation, suspension, or
16 assessment, the court shall order the
17 Secretary to take such actions as may
18 be necessary to comply with the judg-
19 ment of the court.”.

20 **TITLE III—VIOLENT FELON GUN** 21 **BAN ENFORCEMENT**

22 **SEC. 301. ADMINISTRATIVE RELIEF FROM CERTAIN FIRE-** 23 **ARMS AND EXPLOSIVES PROHIBITIONS.**

24 (a) IN GENERAL.—

1 (1) FIREARMS.—Section 925(c) of title 18,
2 United States Code, is amended—

3 (A) by inserting “(1)” after “(c)”;

4 (B) in the first sentence, by inserting
5 “(other than a natural person)” before “who is
6 prohibited”;

7 (C) in the fourth sentence—

8 (i) by inserting “person (other than a
9 natural person) who is a” before “licensed
10 importer”; and

11 (ii) by striking “his license” and in-
12 serting “the license of that person”; and

13 (D) by striking the last sentence and in-
14 serting the following:

15 “(2) Whenever the Secretary grants relief under this
16 section to any person, the Secretary shall promptly publish
17 notice of such action in the Federal Register, which shall
18 include—

19 “(A) the name of the person;

20 “(B) the disability with respect to which the re-
21 lief is granted;

22 “(C) if the disability was imposed by reason of
23 a criminal conviction of the person, the crime for
24 which and the court in which the person was con-
25 victed; and

1 “(D) the reasons for the decision of the Sec-
2 retary.”.

3 (2) EXPLOSIVE MATERIALS.—Section 845(b) of
4 title 18, United States Code, is amended—

5 (A) in the first sentence, by inserting
6 “(other than a natural person)” before “may
7 make application to the Secretary”; and

8 (B) in the second sentence, by inserting
9 “(other than a natural person)” before “who
10 makes application for relief”.

11 (b) APPLICABILITY.—The amendments made by sub-
12 section (a) shall apply to any application for administra-
13 tive relief and any action for judicial review that—

14 (1) is pending on the date of enactment of this
15 Act; and

16 (2) is brought or filed on or after that date.

17 **SEC. 302. PERMANENT FIREARM PROHIBITION FOR CON-**
18 **VICTED VIOLENT FELONS AND SERIOUS**
19 **DRUG OFFENDERS.**

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

22 (1) in the first sentence—

23 (A) by redesignating subparagraphs (A)
24 and (B) as clauses (i) and (ii), respectively; and

25 (B) by inserting “(A)” after “(20)”;

1 (2) in the second sentence, by striking “What”
2 and inserting the following:

3 “(B) What”; and

4 (3) by striking the third sentence and inserting
5 the following:

6 “(C) A State conviction shall not be considered to be
7 a conviction for purposes of this chapter, if—

8 “(i) the conviction is for an offense other than
9 a serious drug offense (as defined in section
10 924(e)(2)(A)) or violent felony (as defined in section
11 924(e)(2)(B));

12 “(ii) the person is pardoned or has restored any
13 civil right taken away by virtue of the conviction, or
14 the conviction is expunged; and

15 “(iii) the authority that grants the pardon, the
16 restoration of civil rights, or the expungement—

17 “(I) expressly authorizes the person to
18 ship, transport, receive, and possess firearms;
19 and

20 “(II) expressly determines that the cir-
21 cumstances regarding the conviction and the
22 record and reputation of the person are such
23 that the person is not likely to act in a manner
24 that is dangerous to public safety, and that the

1 granting of the relief is not contrary to the pub-
2 lic interest.”.

3 **TITLE IV—INTENSIVE GUN VIO-**
4 **LENCE REDUCTION STRAT-**
5 **EGY AND PROJECT EXILE IM-**
6 **PLEMENTATION**

7 **Subtitle A—Funding Provisions**

8 **SEC. 401. AUTHORIZATION OF FUNDING FOR FEDERAL DO-**
9 **MESTIC VIOLENCE OFFENDER RECORD-**
10 **KEEPING IMPROVEMENTS.**

11 (a) IN GENERAL.—In addition to any other amounts
12 authorized to be appropriated that may be used for such
13 purpose, there is authorized to be appropriated
14 \$70,000,000 for fiscal year 2001 for the improvement of
15 the national instant criminal background check system es-
16 tablished under section 103 of the Brady Handgun Vio-
17 lence Prevention Act (18 U.S.C. 922 note), including im-
18 provements with respect to the records described in sub-
19 section (b) of this section, and especially records of domes-
20 tic violence incidents, including felony and misdemeanor
21 convictions for crimes of domestic violence and restraining
22 orders with respect to incidents of domestic violence.

23 (b) RECORDS INCLUDED.—The records described in
24 this subsection are—

1 (1) the records described in paragraphs (1),
 2 (2), and (3) of section 509(b) of the Omnibus Crime
 3 Control and Safe Streets Act of 1968 (42 U.S.C.
 4 3759(b)); and

5 (2) the records required by the Attorney Gen-
 6 eral under section 103 of the Brady Handgun Vio-
 7 lence Prevention Act (18 U.S.C. 922 note) for the
 8 purpose of implementing that Act.

9 **SEC. 402. AUTHORIZATION OF FUNDING FOR STATE AND**
 10 **LOCAL DOMESTIC VIOLENCE OFFENDER REC-**
 11 **ORDKEEPING IMPROVEMENTS.**

12 (a) GRANTS FOR STATE AND LOCAL DOMESTIC VIO-
 13 LENCE OFFENDER RECORDKEEPING IMPROVEMENTS.—
 14 Title III of the Violent Crime Control and Law Enforce-
 15 ment Act of 1994 is amended by adding at the end the
 16 following:

17 **“Subtitle Y—Grants for State and**
 18 **Local Domestic Violence Of-**
 19 **fender Recordkeeping Improve-**
 20 **ments**

21 **“SEC. 32501. GRANT AUTHORIZATION.**

22 “The Attorney General may award grants to State
 23 or local law enforcement agencies for the purpose of
 24 improving—

1 “(1) the organization of criminal records includ-
 2 ing records relating to convictions for crimes of do-
 3 mestic violence and restraining orders with respect
 4 to domestic violence; and

5 “(2) the reporting of such records to the na-
 6 tional instant criminal background check system es-
 7 tablished under section 103 of the Brady Handgun
 8 Violence Prevention Act.

9 **“SEC. 32502. USE OF FUNDS.**

10 “Grants awarded by the Attorney General under this
 11 subtitle shall be used to fund programs for the purpose
 12 specified in section 32501.

13 **“SEC. 32503. APPLICATIONS.**

14 “(a) ELIGIBILITY.—To be eligible to receive a grant
 15 award under this subtitle for a fiscal year, a State or local
 16 law enforcement agency shall submit to the Attorney Gen-
 17 eral an application, in such form and containing such in-
 18 formation as the Attorney General may reasonably re-
 19 quire.

20 “(b) REQUIREMENTS.—Each application submitted
 21 under this section shall include—

22 “(1) a request for funds for the purpose speci-
 23 fied in section 32501;

24 “(2) a description of the improvements the ap-
 25 plicant intends to make in its organization of crimi-

1 nal records, including records relating to convictions
 2 for crimes of domestic violence and to restraining or-
 3 ders with respect to domestic violence, and its re-
 4 porting of such records to the national instant crimi-
 5 nal background check system; and

6 “(3) assurances that Federal funds received
 7 under this subtitle shall be used to supplement, not
 8 supplant, non-Federal funds that would otherwise be
 9 available for activities funded under this section.

10 **“SEC. 32504. MATCHING REQUIREMENT.**

11 “The Federal share of a grant awarded under this
 12 subtitle may not exceed 50 percent of the total costs of
 13 the programs described in the applications submitted
 14 under section 32503 for the fiscal year for which the pro-
 15 grams receive assistance under this subtitle.

16 **“SEC. 32505. AWARD OF GRANTS.**

17 “(a) IN GENERAL.—In awarding grants under this
 18 subtitle, the Attorney General shall consider the dem-
 19 onstrated need for, and the evidence of the ability of the
 20 applicant to make, the improvements described in section
 21 32503(b)(2), as described in the application submitted
 22 section 32503.

23 “(b) RESEARCH AND EVALUATION.—The Attorney
 24 General shall use not more than 3 percent of the funds
 25 available under this subtitle, and not less than 1 percent

1 of such funds, for the purposes of research and evaluation
2 of the activities carried out under this subtitle.

3 **“SEC. 32506. REPORTS.**

4 “(a) REPORT TO ATTORNEY GENERAL.—Not later
5 than March 1 of each fiscal year, each law enforcement
6 agency that received funds from a grant awarded under
7 this subtitle for that fiscal year shall submit to the Attor-
8 ney General a report describing the progress achieved in
9 carrying out the program for which the grant was award-
10 ed.

11 “(b) REPORT TO CONGRESS.—Beginning not later
12 than October 1 of the first fiscal year following the initial
13 fiscal year during which grants are awarded under this
14 subtitle, and not later than October 1 of each fiscal year
15 thereafter, the Attorney General shall submit to Congress
16 a report, which shall contain a detailed statement regard-
17 ing grant awards, activities of grant recipients, a compila-
18 tion of statistical information submitted by applicants, and
19 an evaluation of programs established with amounts from
20 grants awarded under this subtitle during the preceding
21 fiscal year.

22 **“SEC. 32507. DEFINITION OF STATE.**

23 “In this subtitle, the term ‘State’ means a State, the
24 District of Columbia, the Commonwealth of Puerto Rico,
25 the Commonwealth of the Northern Mariana Islands,

1 American Samoa, Guam, and the United States Virgin Is-
2 lands.

3 **“SEC. 32508. AUTHORIZATION OF APPROPRIATIONS.**

4 “There is authorized to be appropriated to carry out
5 this subtitle \$20,000,000 for fiscal year 2001.”.

6 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

7 The table of contents in section 2 of the Violent Crime
8 Control and Law Enforcement Act of 1994 is amended
9 by inserting after the item relating to subtitle X the fol-
10 lowing:

“Subtitle Y—Grants for State and Local Domestic Violence Offender
Recordkeeping Improvements

“Sec. 32501. Grant authorization.

“Sec. 32502. Use of funds.

“Sec. 32503. Applications.

“Sec. 32504. Matching requirement.

“Sec. 32505. Award of grants.

“Sec. 32506. Reports.

“Sec. 32507. Definition of State.

“Sec. 32508. Authorization of appropriations.”.

11 **SEC. 403. AUTHORIZATION OF FUNDING FOR ADDITIONAL**
12 **BUREAU OF ALCOHOL, TOBACCO AND FIRE-**
13 **ARMS OFFICERS.**

14 In addition to any other amounts authorized to be
15 appropriated that may be used for such purpose, there is
16 authorized to be appropriated for the hiring of 600 fire-
17 arms agents and inspectors for the Bureau of Alcohol, To-
18 bacco, and Firearms, \$53,000,000 for fiscal year 2001.

1 **SEC. 404. AUTHORIZATION OF FUNDING FOR ADDITIONAL**
 2 **STATE AND LOCAL GUN PROSECUTORS.**

3 (a) GRANTS FOR STATE AND LOCAL GUN PROSECU-
 4 TORS.—Title III of the Violent Crime Control and Law
 5 Enforcement Act of 1994 is amended by adding at the
 6 end the following:

7 **“Subtitle Z—Grants for State and**
 8 **Local Gun Prosecutors**

9 **“SEC. 32601. GRANT AUTHORIZATION.**

10 “The Attorney General may award grants to State,
 11 Indian tribal, or local prosecutors for the purpose of sup-
 12 porting the creation or expansion of community-based jus-
 13 tice programs for the prosecution of firearm-related
 14 crimes.

15 **“SEC. 32602. USE OF FUNDS.**

16 “Grants awarded by the Attorney General under this
 17 subtitle shall be used to fund programs for the hiring of
 18 prosecutors and related personnel under which those pros-
 19 ecutors and personnel shall utilize an interdisciplinary
 20 team approach to prevent, reduce, and respond to firearm-
 21 related crimes in partnership with communities.

22 **“SEC. 32603. APPLICATIONS.**

23 “(a) ELIGIBILITY.—To be eligible to receive a grant
 24 award under this subtitle for a fiscal year, a State, Indian
 25 tribal, or local prosecutor, in conjunction with the chief
 26 executive officer of the jurisdiction in which the program

1 will be placed, shall submit to the Attorney General an
2 application, in such form and containing such information
3 as the Attorney General may reasonably require.

4 “(b) REQUIREMENTS.—Each application submitted
5 under this section shall include—

6 “(1) a request for funds for the purposes de-
7 scribed in section 32602;

8 “(2) a description of the communities to be
9 served by the grant, including the nature of the fire-
10 arm-related crime in such communities; and

11 “(3) assurances that Federal funds received
12 under this subtitle shall be used to supplement, not
13 supplant, non-Federal funds that would otherwise be
14 available for activities funded under this section.

15 **“SEC. 32604. MATCHING REQUIREMENT.**

16 “The Federal share of a grant awarded under this
17 subtitle may not exceed 50 percent of the total cost of
18 the program described in the application submitted under
19 section 32603 for the fiscal year for which the program
20 receives assistance under this subtitle.

21 **“SEC. 32605. AWARD OF GRANTS.**

22 “(a) IN GENERAL.—Except as provided in subsection
23 (b), in awarding grants under this subtitle, the Attorney
24 General shall consider—

1 “(1) the demonstrated need for, and the evi-
2 dence of the ability of the applicant to provide, the
3 services described in section 32603(b)(2), as de-
4 scribed in the application submitted under section
5 32603;

6 “(2) the extent to which, as reflected in the
7 1998 Uniform Crime Report of the Federal Bureau
8 of Investigation, there is a high rate of firearm-re-
9 lated crime in the jurisdiction of the applicant,
10 measured either in total or per capita;

11 “(3) the extent to which the jurisdiction of the
12 applicant has experienced an increase in the total or
13 per capita rate of firearm-related crime, as reported
14 in the 3 most recent annual Uniform Crime Reports
15 of the Federal Bureau of Investigation;

16 “(4) the extent to which State and local law en-
17 forcement agencies in the jurisdiction of the appli-
18 cant have pledged to cooperate with Federal officials
19 in responding to the illegal acquisition distribution,
20 possession, and use of firearms within the jurisdic-
21 tion; and

22 “(5) The extent to which the jurisdiction of the
23 applicant participates in comprehensive firearm law
24 enforcement strategies, including programs such as
25 the Youth Crime Gun Interdiction Initiative, Project

1 Achilles, Project Disarm, Project Triggerlock,
2 Project Exile, Project Surefire, and Operation
3 Ceasefire.

4 “(b) INDIAN TRIBES.—

5 “(1) FEDERAL GRANTS.—Not less than 5 per-
6 cent of the amount made available for grants under
7 this subtitle for each fiscal year shall be awarded as
8 grants to Indian tribes.

9 “(2) GRANT CRITERIA.—In awarding grants to
10 Indian tribes in accordance with this subsection, the
11 Attorney General shall consider, to the extent prac-
12 ticable, the factors for consideration set forth in sub-
13 section (a).

14 “(c) RESEARCH AND EVALUATION.—Of the amount
15 made available for grants under this subtitle for each fis-
16 cal year, the Attorney General shall use not less than 1
17 percent and not more than 3 percent for research and
18 evaluation of the activities carried out with grants award-
19 ed under this subtitle.

20 **“SEC. 32606. REPORTS.**

21 “(a) REPORT TO ATTORNEY GENERAL.—Not later
22 than March 1 of each fiscal year, each law enforcement
23 agency that receive funds from a grant awarded under this
24 subtitle for that fiscal year shall submit to the Attorney
25 General a report describing the progress achieved in car-

1 rying out the grant program for which those funds were
2 received.

3 “(b) REPORT TO CONGRESS.—Beginning not later
4 than October 1 of the first fiscal year following the initial
5 fiscal year during which grants are awarded under this
6 subtitle, and not later than October 1 of each fiscal year
7 thereafter, the Attorney General shall submit to Congress
8 a report, which shall contain a detailed statement regard-
9 ing grant awards, activities of grant recipients, a compila-
10 tion of statistical information submitted by applicants, and
11 an evaluation of programs established with amounts from
12 grants awarded under this subtitle during the preceding
13 fiscal year.

14 **“SEC. 32607. DEFINITIONS.**

15 “In this subtitle—

16 “(1) the term ‘firearm’ has the meaning given
17 the term in section 921(a) of title 18, United States
18 Code;

19 “(2) the term ‘Indian tribe’ means a tribe,
20 band, pueblo, nation, or other organized group or
21 community of Indians, including an Alaska Native
22 village (as defined in or established under the Alaska
23 Native Claims Settlement Act (43 U.S.C. 1601 et
24 seq.)), that is recognized as eligible for the special

1 programs and services provided by the United States
 2 to Indians because of their status as Indians; and
 3 “(3) the term ‘State’ means a State, the Dis-
 4 trict of Columbia, the Commonwealth of Puerto
 5 Rico, the Commonwealth of the Northern Mariana
 6 Islands, American Samoa, Guam, and the United
 7 States Virgin Islands.

8 **“SEC. 32608. AUTHORIZATION OF APPROPRIATIONS.**

9 “There is authorized to be appropriated to carry out
 10 this subtitle \$150,000,000 for fiscal year 2001.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 12 The table of contents in section 2 of the Violent Crime
 13 Control and Law Enforcement Act of 1994 is amended
 14 by inserting after the item relating to subtitle Y (as added
 15 by section 402(b) of this Act) the following:

“Subtitle Z—Grants for State and Local Gun Prosecutors

“Sec. 32601. Grant authorization.

“Sec. 32602. Use of funds.

“Sec. 32603. Applications.

“Sec. 32604. Matching requirement.

“Sec. 32605. Award of grants.

“Sec. 32606. Reports.

“Sec. 32607. Definitions.

“Sec. 32608. Authorization of appropriations.”.

16 **SEC. 405. AUTHORIZATION OF FUNDING FOR ADDITIONAL**
 17 **FEDERAL FIREARMS PROSECUTORS AND**
 18 **GUN ENFORCEMENT TEAMS.**

19 (a) ADDITIONAL FEDERAL FIREARMS PROSECU-
 20 TORS.—The Attorney General shall hire 114 additional

1 Federal prosecutors to prosecute violations of Federal fire-
2 arms laws.

3 (b) GUN ENFORCEMENT TEAMS.—

4 (1) ESTABLISHMENT.—The Attorney General
5 shall establish in each of the jurisdictions specified
6 in paragraph (3) a gun enforcement team.

7 (2) GUN ENFORCEMENT TEAM REQUIRE-
8 MENTS.—Each gun enforcement team established
9 under this subsection shall be composed of—

10 (A) 1 coordinator, who shall be respon-
11 sible, with respect to the jurisdiction concerned,
12 for coordinating among Federal, State, and
13 local law enforcement—

14 (i) the appropriate forum for the pros-
15 ecution of crimes relating to firearms; and

16 (ii) efforts for the prevention of such
17 crimes; and

18 (B) 1 analyst, who shall be responsible,
19 with respect to the jurisdiction concerned, for
20 analyzing data relating to such crimes and rec-
21 ommending law enforcement strategies to re-
22 duce such crimes.

23 (3) COVERED JURISDICTIONS.—The jurisdic-
24 tions specified in this subsection are not more than
25 20 jurisdictions designated by the Attorney General

1 for purposes of this subsection as areas having high
2 rates of crimes relating to firearms.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
4 tion to any other amounts authorized to be appropriated
5 that may be used for such purpose, there is authorized
6 to be appropriated to carry out this section \$15,000,000
7 for fiscal year 2001.

8 **SEC. 406. YOUTH CRIME GUN INTERDICTION INITIATIVE.**

9 (a) IN GENERAL.—The Secretary of the Treasury
10 shall expand—

11 (1) to 50, the number of city and county law
12 enforcement agencies that through the Youth Crime
13 Gun Interdiction Initiative submit identifying infor-
14 mation relating to all firearms recovered during law
15 enforcement investigations, including from individ-
16 uals under age 25, to the Secretary of the Treasury
17 to identify the types and origins of such firearms;
18 and

19 (2) the resources devoted to law enforcement
20 investigations of illegal youth possessors and users
21 of illegal firearms traffickers identified through the
22 Youth Crime Gun Interdiction Initiative, including
23 through the hiring of additional agents, inspectors,
24 intelligence analysts and support personnel.

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

6 (c) ESTABLISHMENT OF SYSTEM.—

7 (1) IN GENERAL.—The Secretary of the Treas-
8 ury shall establish a system through which State and
9 local law enforcement agencies, through online com-
10 puter technology, can promptly provide firearms-re-
11 lated information to the Secretary of the Treasury
12 and access information derived through the Youth
13 Crime Gun Interdiction Initiative as soon as such
14 capability is available.

15 (2) REPORT.—Not later than 6 months after
16 the date of enactment of this Act, the Secretary of
17 the Treasury shall submit to the Chairman and
18 Ranking Member of the Committee on Appropria-
19 tions of the House of Representatives, and the
20 Chairman and Ranking Member of the Committee
21 on Appropriations of the Senate, a report explaining
22 the capacity to provide such online access and the
23 future technical and, if necessary, legal changes re-
24 quired to make such capability available, including
25 cost estimates.

1 (d) REPORT.—Not later than 1 year after the date
 2 of enactment of this section, and annually thereafter, the
 3 Secretary of the Treasury shall submit to the Chairman
 4 and Ranking Member of the Committee on Appropriations
 5 of the House of Representatives, and the Chairman and
 6 Ranking Member of the Committee on Appropriations of
 7 the Senate, a report regarding—

8 (1) the types and sources of firearms recovered
 9 from individuals, including those under the age of
 10 25;

11 (2) regional, State and national firearms traf-
 12 ficking trends; and

13 (3) the number of investigations and arrests re-
 14 sulting from the Youth Crime Gun Interdiction Ini-
 15 tiative.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 17 authorized to be appropriated to carry out this section
 18 \$19,078,000 for fiscal year 2001.

19 **SEC. 407. LOCAL ANTI-GUN VIOLENCE MEDIA CAMPAIGNS.**

20 (a) GRANTS FOR LOCAL ANTI-GUN VIOLENCE MEDIA
 21 CAMPAIGNS.—Title III of the Violent Crime Control and
 22 Law Enforcement Act of 1994 is amended by adding at
 23 the end the following:

1 **“Subtitle AA—Grants for Local**
2 **Anti-Gun Violence Media Cam-**
3 **paigns**

4 **“SEC. 32701. GRANT AUTHORIZATION.**

5 “The Attorney General may award grants to public
6 entities or private nonprofit entities for the purpose of
7 supporting the creation or expansion of local anti-gun vio-
8 lence media campaigns.

9 **“SEC. 32702. USE OF FUNDS.**

10 “Grants awarded by the Attorney General under this
11 subtitle shall be used to fund programs for media cam-
12 paigns on gun violence and gun safety, including cam-
13 paigns that—

14 “(1) highlight coordination among Federal,
15 State, and local law enforcement agencies;

16 “(2) publicize penalties for violations of fire-
17 arms laws; and

18 “(3) emphasize the safe storage of firearms and
19 the prevention of access to firearms by children.

20 **“SEC. 32703. APPLICATIONS.**

21 “To be eligible to receive a grant award under this
22 subtitle for a fiscal year, a public entity or private non-
23 profit entity shall submit to the Attorney General an appli-
24 cation, in such form and containing such information as
25 the Attorney General may reasonably require.

1 **“SEC. 32704. MATCHING REQUIREMENT.**

2 “The Federal share of a grant awarded under this
3 subtitle may not exceed 50 percent of the total cost of
4 the program described in the application submitted under
5 section 32703 for the fiscal year for which the program
6 receives assistance under this subtitle.

7 **“SEC. 32705. AUTHORIZATION OF APPROPRIATIONS.**

8 “There is authorized to be appropriated to carry out
9 this subtitle \$10,000,000 for fiscal year 2001.”.

10 (b) TECHNICAL AND CONFORMING AMENDMENT.—
11 The table of contents in section 2 of the Violent Crime
12 Control and Law Enforcement Act of 1994 is amended
13 by inserting after the item relating to subtitle Z (as added
14 by section 404(b) of this Act) the following:

“Subtitle AA—Grants for Local Anti-Gun Violence Media Campaigns

“Sec. 32701. Grant authorization.

“Sec. 32702. Use of funds.

“Sec. 32703. Applications.

“Sec. 32704. Matching requirement.

“Sec. 32705. Authorization of appropriations.”.

15 **SEC. 408. SMART GUN TECHNOLOGY.**

16 (a) IN GENERAL.—The Attorney General, acting
17 through the Director of the National Institute of Justice,
18 shall carry out a program for the research and develop-
19 ment of smart gun technology.

20 (b) DEFINITION OF SMART GUN TECHNOLOGY.—In
21 this section, the term “smart gun technology” means a
22 device—

1 (1) incorporated by manufacture and design
2 into a handgun in such a manner that the device
3 cannot be readily removed or deactivated;

4 (2) that allows the handgun to be fired only by
5 a particular individual; and

6 (3) that may allow the handgun to be personal-
7 ized to an additional individual.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
9 tion to any other amounts authorized to be appropriated
10 that may be used for such purpose, there is authorized
11 to be appropriated to carry out this section \$10,000,000
12 for fiscal year 2001.

13 **Subtitle B—Ballistics Testing**

14 **SEC. 411. DEFINITION OF FORENSIC BALLISTICS.**

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

17 “(35) The term ‘forensic ballistics’ means a compara-
18 tive analysis of fired bullets and cartridge casings to iden-
19 tify the firearm from which the bullets or cartridge casings
20 were discharged through the identification of the unique
21 characteristics that each firearm imprints on bullets and
22 cartridge casings.”.

1 **SEC. 412. TEST FIRING AND AUTOMATED STORAGE OF FO-**
2 **RENSIC BALLISTICS RECORDS.**

3 (a) AMENDMENTS TO TITLE 18, UNITED STATES
4 CODE.—

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

8 **“§ 931. Test firing and automated storage of forensic**
9 **ballistics records**

10 “(a) IN GENERAL.—A licensed manufacturer or li-
11 censed importer shall not transfer a firearm to any person
12 before—

13 “(1) test firing the firearm;

14 “(2) preparing forensic ballistics records of the
15 fired bullet and cartridge casings from the test fire;
16 and

17 “(3) making the ballistics records available to
18 the Secretary for entry in a computerized database.

19 “(b) PENALTIES.—

20 “(1) IN GENERAL.—With respect to each viola-
21 tion of subsection (a) by a licensed manufacturer or
22 licensed importer, the Secretary may, after notice
23 and opportunity for hearing, suspend the license for
24 not more than 1 year or revoke the license, impose
25 on the licensee a civil fine of not more than \$10,000,
26 or both.

1 “(2) REVIEW.—An action of the Secretary
2 under subsection (b)(1) may be reviewed only as
3 provided in section 923(f).

4 “(3) OTHER ADMINISTRATIVE REMEDIES.—The
5 suspension or revocation of a license or the imposi-
6 tion of a civil fine under paragraph (1) shall not pre-
7 clude any administrative remedy that is available to
8 the Secretary under any other provision of law.

9 “(c) COMPLIANCE ASSISTANCE.—

10 “(1) IN GENERAL.—The Attorney General and
11 the Secretary shall assist licensed manufacturers
12 and licensed importers in complying with subsection
13 (a) through—

14 “(A) the acquisition, disposition, and up-
15 grade of computerized forensic ballistics equip-
16 ment and bullet recovery equipment to be
17 placed at the sites of licensed manufacturers
18 and licensed importers or at regional firearm
19 centers established by the Secretary;

20 “(B) the hiring or designation of personnel
21 necessary to develop and maintain a database
22 of forensic ballistics records, research, and eval-
23 uation; and

24 “(C) any other steps necessary to imple-
25 ment effective forensic ballistics testing.

1 “(2) ONLINE ACCESS TO FORENSIC BALLISTICS
2 RECORDS.—The Attorney General and the Secretary
3 shall establish a system through which State and
4 local law enforcement agencies, through online com-
5 puter technology, can promptly access forensic ballis-
6 tics records stored under this section, as soon as the
7 capability to do so is available.

8 “(d) ANNUAL REPORTS.—Not later than 1 year after
9 the effective date of this section and annually thereafter,
10 the Attorney General and the Secretary shall submit to
11 the Committees on the Judiciary of the House of Rep-
12 resentatives and the Senate a report regarding the effects
13 of this section, including the number of Federal and State
14 criminal investigations, arrests, indictments, and prosecu-
15 tions of all cases in which access to forensic ballistics
16 records provided under this section served as a valuable
17 investigative tool.

18 “(e) EDUCATION AND OUTREACH.—

19 “(1) IN GENERAL.—The Attorney General and
20 the Secretary shall work cooperatively with rep-
21 resentatives of the firearm industry (including fire-
22 arm manufacturers and importers) to—

23 “(A) provide education about the role of
24 forensic ballistics as part of a comprehensive
25 firearm crime reduction strategy; and

1 “(B) provide for coordination among Fed-
2 eral, State, and local law enforcement and regu-
3 latory agencies and the firearm industry to curb
4 firearm-related crime and illegal firearm traf-
5 ficking.

6 “(2) OUTREACH.—In implementing paragraph
7 (1), the Attorney General and the Secretary shall
8 concentrate on outreach with—

9 “(A) firearm manufacturers and importers
10 that have agreed to participate as a pilot site
11 for the National Integrated Ballistics Informa-
12 tion Network;

13 “(B) firearm manufacturers and importers
14 that manufacture or import more than 1,000
15 firearms per year, as reported in the Bureau of
16 Alcohol, Tobacco, and Firearms Annual Fire-
17 arms Manufacturing and Export Report, or as
18 determined from information obtained in an-
19 nual regulatory inspection audits conducted by
20 the Secretary; and

21 “(C) firearm manufacturers and importers
22 that have a policy that requires the test firing
23 of all firearms prior to transfer.

24 “(3) ANNUAL REPORTS.—Not later than 1 year
25 after the effective date of this section and annually

1 thereafter, the Secretary and the Attorney General
2 shall submit to the Committees on the Judiciary of
3 the House of Representatives and the Senate a re-
4 port containing—

5 “(A) a statement of the number of firearm
6 manufacturers and importers and other rep-
7 resentatives of the firearm industry partici-
8 pating in the outreach effort under this sub-
9 section;

10 “(B) the number and type of personnel of
11 the Bureau of Alcohol, Tobacco, and Firearms
12 and the Department of Justice hired or as-
13 signed to carry out this subsection;

14 “(C) a summary of the activities estab-
15 lished by firearm manufacturers and importers
16 as a result of their participation in the outreach
17 effort under this subsection;

18 “(D) an evaluation of any changes in fire-
19 arm-related crime pertaining to particular types
20 of firearms manufactured by a firearm manu-
21 facturer or importer that is an active partici-
22 pant in the outreach effort under this sub-
23 section;

24 “(E) the volume of forensic ballistics
25 records compiled as a result of the mandatory

1 forensic ballistics testing by participating fire-
2 arm manufacturers and importers;

3 “(F) for each firearm manufacturer and
4 firearm importer, the number of times a tracing
5 request based on forensic ballistics analysis re-
6 sulted in the identification of a firearm manu-
7 factured or imported by the firearm manufac-
8 turer or firearm importer; and

9 “(G) an evaluation of the manner in which
10 the implementation of forensic ballistics testing
11 affected the volume of production or importa-
12 tion of firearms by participating firearm manu-
13 facturers and firearm importers.

14 “(f) MANDATORY FORENSIC BALLISTICS TESTING
15 OF FIREARMS IN FEDERAL CUSTODY.—The Secretary
16 and the Attorney General shall conduct mandatory foren-
17 sic ballistics testing of all firearms that are or have been
18 taken into the custody of, or procured or utilized by, their
19 respective agencies.

20 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated—

22 “(1) to carry out subsection (e), \$38,306,000
23 for each of fiscal years 2001 through 2004, includ-
24 ing funding for—

1 “(A) installation of forensic ballistics
2 equipment and bullet recovery equipment;

3 “(B) establishment of regional centers for
4 firearm testing;

5 “(C) salaries and expenses of necessary
6 personnel; and

7 “(D) research and evaluation; and

8 “(2) to carry out subsection (f), \$38,000,000
9 for each of fiscal years 2001 through 2004.”.

10 (2) TECHNICAL AND CONFORMING AMEND-
11 MENT.—The analysis for chapter 44 of title 18,
12 United States Code, is amended by adding at the
13 end the following:

“931. Test firing and automated storage of forensic ballistics records.”.

14 (3) EFFECTIVE DATE.—The amendments made
15 by this subsection shall take effect on the date on
16 which the Attorney General and the Secretary of the
17 Treasury certify that the Department of Justice and
18 the Department of the Treasury have established a
19 National Integrated Ballistics Network.

20 (b) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Attorney General and the
22 Secretary of the Treasury shall submit to the Committees
23 on Appropriations of the House of Representatives and the
24 Senate a report, which shall include an analysis of—

1 (1) the capacity to provide the online access re-
2 quired under section 931(c)(2) of title 18, United
3 States Code (as added by this section), and the proc-
4 ess by which the online access will be implemented;
5 and

6 (2) any future technical or legal changes that
7 may be required to make such a capability available,
8 including estimates of the costs of making those
9 changes.

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