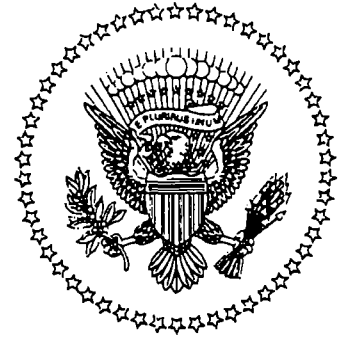

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The President's Anti-Gang and Youth Violence Strategy



As I begin my second term as President, the next stage in our fight must center on keeping our children safe and attacking the scourge of juvenile crime and gangs. I want every police officer, prosecutor, and citizen in America working together to keep our young people safe and young criminals off the streets. This should be America's top priority in the fight for law and order over the next four years. I pledge it will be mine.

*- President Clinton
January 11, 1997*



**International Association of
Chiefs of Police**

815 North Washington Street
Alexandria, VA 22314-2357
Phone: 703-836-6767; 1-800-THE IACP
Fax: 703-836-4543
Cable Address: IACPOLICE
Web address: www.theiacp.org

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Alexandria, VA

**Deputy Executive Director/
Chief of Staff**
Eugene M. Cramette
Alexandria, VA

September 14, 1999

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
131 Russell Senate Office Building
Washington, DC 20510-4402

Dear Chairman Hatch:

On behalf of the more than 18,000 members of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for several vitally important firearms provisions that were included in S. 254, the Violent and Repeat Juvenile Offender Accountability Act of 1999.

As conference work on juvenile justice legislation begins, I would urge you to consider the views of our nation's chiefs of police on these important issues. Specifically, the IACP strongly supports provisions that would require the performance of background checks prior to the sale or transfer of weapons at gun shows, as well as extending the requirements of the Brady Act to cover juvenile acts of crime.

The IACP has always viewed the Brady Act as a vital component of any comprehensive crime control effort. Since its enactment, the Brady Act has prevented more than 400,000 felons, fugitives and others prohibited from owning firearms from purchasing firearms. However, the efficacy of the Brady Act is undermined by oversights in the law which allow those individuals prohibited from owning firearms from obtaining weapons, at events such as gun shows, without undergoing a background check. The IACP believes that it is vitally important that Congress act swiftly to close these loopholes and preserve the effectiveness of the Brady Act.

However, simply requiring that a background check be performed is meaningless unless law enforcement authorities are provided with a period of time sufficient to complete a thorough background check. Law enforcement executives understand that thorough and complete background checks take time. The IACP believes that to suggest, as some proposals do, that the weapon be transferred to the purchaser if the background checks are not completed within 24 hours of sale sacrifices the safety of our communities for the sake of convenience.

Requiring that individuals wait three business days is hardly an onerous burden, especially since allowing for more comprehensive background checks ensures that those individuals who are forbidden from purchasing firearms are prevented from doing so.

Finally, the IACP believes that juveniles must be held accountable for their acts of violence. Therefore, the IACP also supports modifying the current Brady Act to permanently prohibit gun ownership by an individual, if that individual, while a juvenile, commits a crime that would have triggered a gun disability if their crime had been committed as an adult.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me at 703/836-6767.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Neubauer', with a large, sweeping flourish extending from the end of the signature.

Ronald S. Neubauer
President



INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS

A DIVISION OF THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, AFL-CIO

317 South Patrick Street, Alexandria, VA 22314
Telephone 703/519-0300 Fax 703/519-0311 E-mail nage @ erois.com



September 15, 1999

The Honorable Orrin G. Hatch
Chairman
Senate Committee on the Judiciary
SD-224 Dirksen Senate Office Building
Washington, DC 20510-6275

Dear Chairman Hatch:

The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union, AFL-CIO. The IBPO is the largest police union in the AFL-CIO.

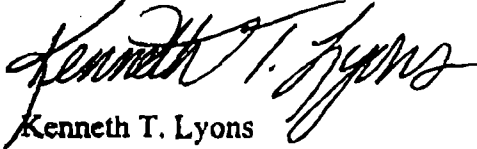
On behalf of the entire membership of the IBPO I wish to express our strong support of the gun-related provisions adopted by the Senate as part of S. 254. The IBPO knows that passage of these measures will keep guns away from children and criminals.

The IBPO requests that the conferees continue to focus on the need for adequate time to conduct background checks at "gun shows." As I am sure that you are aware, the Federal Bureau of Investigation has estimated that over 17,000 disqualified individuals would have been able to purchase a gun if a twenty-four hour time limit was required for a background check. Accordingly, if such time requirement is legislated 17,000 more felons will be able to purchase guns.

The IBPO is also in support of extending the requirements of the Brady Act to cover juvenile acts of crime. Our union has supported legislation which seeks to comprehensively control crime. The Brady Act is a major part of such efforts.

Thank you for your consideration of these issues that are significant to all law enforcement officers and the citizens of the United States of America.

Sincerely,


Kenneth T. Lyons
National President

ARAPAHOE COUNTY SHERIFF'S OFFICE

5586 S. Court Pl. • Littleton, Colorado 80120-1200

PATRICK J. SULLIVAN JR., SHERIFF

(303) 795-4711

September 15, 1999

Chairman Orrin Hatch
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Hatch:

As you and other conferees meet to craft juvenile justice legislation, I urge you to adopt the gun-related provisions adopted by the Senate as part of S.254, The Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. We at the National Sheriffs' Association (NSA) appreciate your efforts to curb violent juvenile crime.

We feel that S.254 combines the best provisions of each legislative attempt to reform and modernize juvenile crime control. As you know, sheriffs are increasingly burdened with juvenile offenders, and they present significant challenges for sheriffs. The so-called core mandates requiring sight and sound separation, jail removal and status offender mandates are so restrictive, that even reasonable attempts to comply with the mandates fall short. We welcome modest changes to the core mandates to make them flexible without jeopardizing the safety of the juvenile inmate. We agree that kids do not belong in adult jail and therefore we appreciate the commitment to find appropriate alternatives for juvenile offenders.

Additionally, NSA supports the Juvenile Accountability Block Grant program. S.254 sets aside \$4 billion to implement the provisions of the bill and this grant funding will enable sheriffs to receive assistance to meet the core mandates. NSA is also hopeful that the prevention programs in the bill will keep juveniles out of the justice system. Kids that are engaged in constructive activities are less likely to commit crimes than those whose only other alternative is a gang. We applaud the focus on prevention, and we stand ready to do our part to engage America's youth.

In addition, you may be asked to consider the following amendments that I support.

Four ways to close loopholes giving kids access to firearms:

1. **The Child Access Loophole:**

Adults are prohibited from transferring firearms to juveniles, but are not required to store guns so that kids cannot get access to them. This Child Access Prevention (CAP) proposal would require parents to keep loaded firearms out of the reach of children and



Chairman Hatch
September 15, 1999
Page Two

would hold gun owners criminally responsible if a child gains access to an unsecured firearm and uses it to injure themselves or someone else.

2. The Gun Show Loophole:

So-called "private collectors" can sell guns without background checks at gun shows and flea markets thereby skirting the Brady Law which requires that federally licensed gun dealers initiate and complete a background check before they sell a firearm. No gun should be sold at a gun show without a background check and appropriate documentation.

3. The Internet Loophole Similar to the Gun Show Loophole:

Many sales on the internet are performed without a background check, allowing criminals and other prohibited purchasers to acquire firearms. No one should be able to sell guns over the internet without complying with the Brady background check requirements.

4. The Violent Juveniles Purchase Loophole:

Under current law, anyone convicted of a felony in an adult court is barred from owning a weapon. However, juveniles convicted of violent crimes in a juvenile court can purchase a gun on their 21st birthday. Juveniles who commit violent felony offenses when they are young should be prohibited from buying guns as adults.

The National Sheriff's Association and I welcome passage of this legislation. We look forward to working with you to ensure swift enactment of S.254.

Respectfully,



Patrick J. Sullivan, Jr., Sheriff
Chairman, Congressional Affairs Committee and
Member, Executive Committee of the Board of Directors, NSA

NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS

1-888-31NASRO

September 16, 1999

Executive Director
Curtis Lavarello

P.O. Box 40
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President

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Executive Secretary

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Kathy Sherling

1-888-31NASRO

Chairman Hatch

Senate Judiciary Committee

224 Dirksen Senate Office Building

Washington, DC 20510

Dear Chairman Hatch:

The National Association of School Resource Officers (NASRO) is a national organization that represents over 5000 school based police officers from municipal police agencies, county sheriff departments and school district police forces. On behalf of our entire membership nationwide, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S.254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile justice legislation, NASRO urges you to focus on an important issue to law enforcement -- the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials we know from experience that it is critical to have at least three business days to do a thorough background check. Law enforcement officials need time to access records that may not be available on the federal National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests. What is important to law enforcement is not how fast a background check can be done but how thorough it is conducted. Without a minimum of three business days this will increase the risk that criminals will be able to purchase guns.

NASRO is concerned that 72 or 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all NICS background check data in the last six months and estimated that --if the law had required all background checks to be completed in 72 hours-- 9,000 people found to be disqualified would have been able to obtain a weapon. If the time

limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchase points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes didn't stop until 1998, when he shot his stepson and three police officers before turning a gun on himself.

On June 23, 1999 a Colorado man shot and killed his three daughters, ages 7, 8 and 10 just hours after purchasing a gun from a licensed dealer. The dealer completed a NICS check, but the check failed to reveal that the man had a domestic abuse restraining order against him. If law enforcement had consulted local and state records using both computerized and non-computerized data bases than the man probably would have never been able to purchase the gun.

The other Senate passed provisions NASRO supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate-passed gun-related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Curtis Lavarello', with a stylized flourish at the end.

Curtis Lavarello
Executive Director

cc: Juvenile Justice Conferees



NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES

ROBERT L. STEWART
Executive Director

September 15, 1999

CHESTER WHITE
Communications Director

DORIS BEY
Training and Education Director

JAMES E. McIVER, JR.
Business Manager

PORTIA SWINSON
Office Manager

The Honorable Orrin Hatch
Chair, Senate Judiciary Committee
United States Senate
224 Dirksen Senate Building
Washington, DC 20510

Dear Senator Hatch:

The National Organization of Black Law Enforcement Executives (NOBLE) representing over 3500 black law enforcement managers, executives, and practitioners strongly urge you to support the gun related provisions adopted by the Senate as a part of S.254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile legislation, NOBLE urges you to focus on an important issue to law enforcement - the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed dealer.

NOBLE is concerned that 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all National Instant Check Background System (NICS) data in the last six months and estimated that - if the law had required all background checks to be completed in 72 hours, 9000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set for 24 hours, 17,000 prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchased points of choice for murders, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes did not stop until 1998, when he shot his stepson and three police officers before turning the gun on himself.

The other Senate passed provisions NOBLE supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

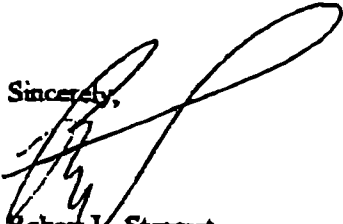
The Honorable Orrin Hatch

Page 2

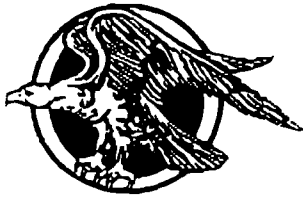
September 13, 1999

It is important to adopt the Senate passed gun related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,



Robert L. Stewart
Executive Director



HISPANIC AMERICAN POLICE COMMAND OFFICERS ASSOCIATION

The Ronald Reagan Building & International Trade Center
1300 Pennsylvania Ave., NW • Suite 270
Washington, D.C. • 20004-3021

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September 15, 1999

Chairman Hatch
Senate Judiciary Committee
224 Dirksen House Office Building
Washington, DC 20510

Dear Chairman Hatch:

The Hispanic American Police Command Officers Association (HAPCOA) represents 1,500 command law enforcement officers and affiliates from municipal police departments, county sheriffs, and state and federal agencies including the DEA, U.S. Marshals Service, FBI, U.S. Secret Service, and the U.S. Park Police. On behalf of our entire membership nationwide, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S.254. These measures are crucial in reducing child and criminal access to guns.

As you and other conferees meet to craft juvenile justice legislation, HAPCOA urges you to focus on an important issue to law enforcement -- the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials we know from experience that it is critical to have at least three business days to do a thorough background check. Law enforcement officials need time to access records that may not be available on the federal National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests. What is important to law enforcement is not how fast a background check can be done but how thorough it is conducted. Without a minimum of three business days this will increase the risk that criminals will be able to purchase guns.

HAPCOA is concerned that 72 or 24 hours is not an adequate amount of time for law enforcement to do an effective background check. The FBI analyzed all NICS background check data in the last six months and estimated that --if the law had required all background checks to be completed in 72 hours-- 9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000

prohibited purchasers would have gotten guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

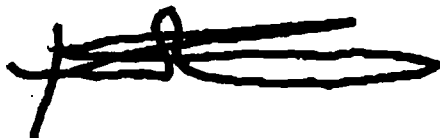
It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We know, however, that without such equivalent treatment gun shows will continue to be the purchase points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes didn't stop until 1998, when he shot his stepson and three police officers before turning a gun on himself.

On June 23, 1999 a Colorado man shot and killed his three daughters, ages 7, 8 and 10 just hours after purchasing a gun from a licensed dealer. The dealer completed a NICS check, but the check failed to reveal that the man had a domestic abuse restraining order against him. If law enforcement had consulted local and state records using both computerized and non-computerized data bases than the man probably would have never been able to purchase the gun.

The other Senate passed provisions HAPCOA supports include requiring that child safety locks be provided with every handgun sold; banning all violent juveniles from buying guns when they turn 18; banning juvenile possession of assault rifles; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate-passed gun-related provisions in order to protect the safety of our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jess Quintero', with a stylized, elongated horizontal stroke at the end.

Jess Quintero,
National Executive Director

cc: Juvenile Justice Conferees

1120 CONNECTICUT AVENUE, N.W., SUITE 930
WASHINGTON, D.C. 20036
PHONE: (202) 466-7820
FAX: (202) 466-7826
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WEBSITE: www.policeforum.org



CHUCK WEXLER
EXECUTIVE DIRECTOR

September 14, 1999

The Honorable Orrin G. Hatch
Chairman
Senate Committee on the Judiciary
SD-224 Dirksen Senate Office Building
Washington, DC 20510-6275

Dear Chairman Hatch:

The Police Executive Research Forum (PERF) is a national organization of police professionals dedicated to improving policing practices through research, debate and leadership. On behalf of our members, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing children's and criminals' access to guns.

As you and other conferees meet to craft juvenile justice legislation, PERF urges you to focus on an important issue to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently allowed when a firearm is purchased from a licensed gun dealer.

As law enforcement officials, we know from experience that it is critical to have at least three business days to do a thorough background check. While most checks take only a few hours, those that take longer often signal a potential problem regarding the purchaser. Without a minimum of three business days, the risk that criminals will be able to purchase guns increases. The FBI analyzed all NICS background check data in the last six months and estimated that, if the law had required all background checks to be completed in 72 hours, 9,000 people found to be disqualified would have been able to obtain a weapon. If the time limit for checks had been set at just 24 hours, 17,000 prohibited purchasers would have obtained guns in just the last half year. The FBI also found that a gun buyer who could not be cleared by the NICS system in under two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

PERF also strongly supports measures that impose new safety standards on the manufacture and importation of handguns requiring a child-resistant safety lock. PERF helped write the handgun safety guidelines—issued to most police agencies more than a decade ago—

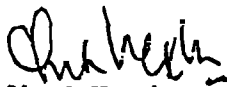
on the need to secure handguns kept in the home. Our commitment has not wavered. I also urge you to clarify that the storage containers and safety mechanisms meet minimum standards to ensure that the requirements have teeth.

PERF also encourages the enactment of proposals that prohibit the sale of an assault weapon to anyone under age 18 and to increase the criminal penalties for selling a gun to a juvenile. PERF also supports banning all violent juveniles from buying any type of gun when they turn 18, and supports banning the importation of high-capacity ammunition magazines. PERF knows we must do more to keep guns out of the hands of our nation's troubled youth.

PERF supports strong, enforceable "Child Access Prevention" laws. Once again, we have witnessed the carnage that results when children have access to firearms. PERF has supported child access prevention bills in the past because we have seen first hand the horror that can occur when angry and disturbed kids have access to guns.

We must do more to keep America's children safe—not just because of recent events, but because of the shootings, accidents and suicide attempts we see with frightening regularity. It is important to adopt the Senate-passed gun-related provisions in order to protect our families and our communities. The police officer on the street understands that this legislation is needed to help keep guns out of the hands of children and violent criminals. Thank you for considering the views of law enforcement. We applaud your efforts to help make our communities safer places to live.

Sincerely,


Chuck Wexler
Executive Director



September 16, 1999

The Honorable Orrin G. Hatch
Chair, Senate Committee on the Judiciary
U.S. Senate
131 Russell Office Building
Washington, DC 20510-4402

William G. Milliken
Chairman of the Board

Hubert Williams
President

Dear Chairman Hatch:

The Police Foundation is a private, independent, nonpartisan, and nonprofit organization dedicated to supporting innovation and improvement in policing. Established in 1970, the foundation has conducted seminal research in police behavior, policy, and procedure, and works to transfer to local agencies the best new information about practices for dealing effectively with a wide range of important police operational and administrative concerns. On behalf of the Police Foundation, I am writing today in strong support of the gun-related provisions adopted by the Senate as part of S. 254. These measures are crucial in reducing access to guns by children and criminals.

As you and other conferees meet, the Police Foundation urges you to focus on an issue of importance to law enforcement—the need for at least three business days to conduct background checks at gun shows. This is the same period of time currently required when a firearm is purchased from a licensed gun dealer.

We believe it is critical to have at least three business days to do a thorough background check, especially to access records that may not be available on the Federal National Instant Check Background System (NICS), such as a person's history of mental illness, domestic violence, or recent arrests. For law enforcement officials, it is not how fast a background check can be done but rather how thorough the check is conducted. Without a minimum of three business days, the risk increases that guns will be sold to criminals or others prohibited from purchasing guns.

The Police Foundation is concerned that neither the 24-hour or 72-hour requirements allow for an adequate background check. The FBI has analyzed NICS background check data for the last six months and estimates that if the law had required all background checks to be completed in 72 hours, 9,000 people found to be disqualified would have been able to obtain a weapon. If there had been a 24-hour background check time limit, 17,000 prohibited purchasers would have obtained weapons in the last six months. The FBI also found that a gun buyer who could not be cleared by NICS in under two hours was twenty times more likely to be a prohibited purchaser.

We strongly believe that all gun sales—be they in gun stores or at gun shows—should be subject to a three-business-day background check requirement; without such standards, gun shows will continue to be a major source of weapons for violent felons, straw purchasers, the dangerously unstable, and others who threaten our communities. Despite being convicted of multiple felonies, Hank Earl Carr was able to purchase multiple guns at gun shows—guns he used to murder his stepson and three police officers in Florida in 1998.

The Police Foundation supports other Senate-passed provisions, including requiring child safety locks with every handgun sold; banning all violent juveniles from buying guns when they turn eighteen; banning juvenile possession of assault weapons; enhancing penalties for transferring a firearm to a juvenile; and banning the importation of high capacity ammunition magazines.

In order to protect the safety of our families and our communities, it is important to adopt the Senate-passed, gun-related provisions. The Police Foundation is committed to working with you and your colleagues in the Congress in supporting and enacting sensible measures to protect all Americans and most especially our children.

Sincerely yours,



Hubert Williams



MAJOR CITIES CHIEFS

October 2, 1999

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
131 Russell Senate Office Building
Washington, D.C. ~

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Los Angeles, California
Los Angeles Co., California
San Diego, California
San Francisco, California
San Jose, California
Denver, Colorado
Jacksonville, Florida
Miami-Dade, Miami, Florida
Atlanta, Georgia
Honolulu, Hawaii
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San Antonio, Texas
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Seattle, Washington
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The Major Cities Chiefs represents police executives from the largest cities in the United States. On behalf of our nationwide membership, I am writing in strong support of the gun-related provisions adopted by the Senate as part of S.254. In passing these measures, the Senate takes a leadership role in reducing child and criminal access to guns.

However, there is a problem. Law enforcement needs at least three business days to conduct background checks at gun shows—the same period of time currently allowed when a firearm is purchased from a licensed gun dealer. As you and other conferees meet to craft juvenile justice legislation, the Major Cities Chiefs urge focusing on this important aspect.

The three business days are critical because time is needed to access records that may not be available on the federal National Instant Check Background System (NICS) such as a person's history of mental illness, domestic violence or recent arrests.

For example, the FBI analyzed all NICS background check data in the last six months and estimated that—if the law had required all background checks to be completed in 72 hours—9,000 disqualified people would have obtained a weapon. If the time limit had been set for 24 hours—17,000 prohibited purchasers would have gotten guns. The FBI also found that a gun buyer who could not be cleared by NICS in less than two hours was 20 times more likely to be a prohibited purchaser than other gun buyers.

It is impossible to tell precisely how many lives will be saved by applying the same background check system that now applies to gun store sales to gun shows. We do know that without equivalent treatment gun shows will continue to be the purchase points of choice for murderers, armed robbers and other violent criminals like Hank Earl Carr, who was a frequent gun show buyer despite being a multiple convicted felon. Carr's crimes didn't stop until 1998 when he shot his stepson and three police officers before turning a gun on himself.



MAJOR CITIES CHIEFS

On June 23, 1999 a Colorado man shot and killed his three daughters, ages 7, 8 and 10 just hours after purchasing a gun from a licensed dealer. The dealer completed a NICS check that failed to reveal that the man had a domestic abuse restraining order against him. If local and state computerized and non-computerized records had been consulted, the man probably would not have been able to purchase the gun.

The Major Cities Chiefs commends the Senate for passing provisions requiring child safety locks be provided with every handgun sold, banning all violent juveniles from buying guns when they turn 18, banning juvenile possession of assault rifles, enhancing penalties for transferring a firearm to a juvenile, and banning the importation of high capacity ammunition magazines.

It is important to adopt the Senate-passed gun-related provisions in order to protect the safety of our families and our communities. Police Officers understand that this legislation is needed to help keep guns out of the hands of children and violent criminals

We appreciate your help in this matter.

Sincerely,

Neil J. Behan
Cornelius J. Behan
Legislative Liaison—Major Cities Chiefs

Mark Spurrier
Mark Spurrier, Esq.
Legislative Liaison—Major Cities Chiefs

Phoenix, Arizona
Los Angeles, California
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October 5, 1999

The Honorable Orrin G. Hatch
Chairman
Senate Committee on the Judiciary
Russell Building, Room 131
Washington, DC 20510

Dear Chairman Hatch:

On behalf of the more than 16,000 members of the Federal Law Enforcement Officers Association (FLEOA), I am writing to express our support of the gun-related provisions adopted as part of S. 254, the Violent and Repeat Juvenile Offender Accountability Act of 1999. This bill introduced by you and co-sponsored by Senators Sessions, Abraham, Ashcroft, Hagel, Biden, Thurmond, DeWine, Lott, Leahy and Feinstein, passed the Senate of May 20, 1999 by a vote of 75 to 23. We believe these measures are crucial to reduce child and criminal access to guns.

FLEOA, comprised of federal law enforcement officers and criminal investigators from across the country, supports issues important to law enforcement. The addition of provisions requiring background checks prior to the sale or transfer of weapons at gun shows, and the extending of the Brady Act requirements to cover juvenile acts of crime are essential. Additionally, FLEOA believes juveniles must be held accountable for their violent actions and the necessary modifications to the Brady Act to prohibit gun ownership by an individual, who as a juvenile, committed a crime that would have enacted the gun disability if they had been an adult is mandatory.

If you have any questions, or need further information, please feel free to contact me at (212) 264-8400. We look forward to working with you and your staff on this and any other issue vital to the future of law enforcement.

Richard J. Gallo

CHARLES E. SCHUMER
NEW YORKCOMMITTEES:
BANKING
JUDICIARY
RULES

United States Senate

WASHINGTON, DC 20510

To: D. Benos
FR: Chuck
Schumer

November 4, 1999

President William J. Clinton
1600 Pennsylvania Avenue
Washington, DC

Dear Mr. President,

Your eloquent and impassioned pleas for rationale, reasonable gun control is an appropriate response to the spate of mass slayings that have plagued America in recent years. We applaud your dedication to keeping guns out of the hands of criminals, and salute your courage in standing up to the gun lobby.

We believe that closing the gun show loophole should be made a top priority as this year's session draws to a close. This relatively simple and straightforward bill, which has the support of nearly every American, has been bottled up in Committee for months. We ask that you not sign any final budget agreement proposed by the House and Senate leadership unless airtight legislation that closes the gun show loophole is included.

We believe that only the threat of a veto and the threat of keeping Congress in session for several additional weeks will spur Congress to finally act.

We thank you again for your strong support of reasonable gun control measures, and look forward to a day when we can join you in the Rose Garden as you sign this important public safety bill.

Sincerely,

Charles E. Schumer
United States SenateRichard Durbin
United States SenateCarolyn McCarthy
Member of Congress

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November 4, 1999

Honorable Richard A. Gephardt
 Minority Leader
 United States House of Representatives
 H-204 Capitol
 Washington, D.C. 20515

Dear Mr. Leader:

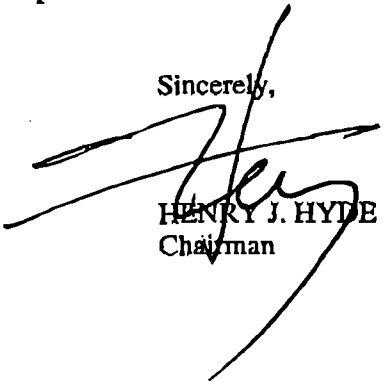
Enclosed please find a draft proposal of various gun safety provisions to provide background checks at gun shows without loopholes, child-safety trigger locks, a ban on high capacity ammunition clips, preventing juvenile possession of assault weapons and preventing juveniles who commit serious crimes from owning guns.

I was surprised by your recent public comments that you have seen no compromise proposal on juvenile justice and gun safety legislation. Congressman John Conyers and I have been discussing various proposals for several weeks, and I was under the impression that you and the Democratic leadership had been informed of our progress. In fact, on several occasions I was told that new and novel provisions were proposed by you or your staff. I fear there has been a serious lack of communication somewhere in this chain, and that is why I have delivered these provisions directly to you for your review.

Mr. Leader, I know gun control is an explosive and politically divisive issue within your party. You have many Members who wish to ban all firearms, and at the same time, it was a coalition of Democrats that led the charge to bring down even the most modest gun safety provisions we proposed in June. As you review this proposal, please keep in mind that we must not allow perfect to become the enemy of the good.

I welcome your comments on these proposals, and I ask that you not abandon child safety locks, a ban on high capacity ammunition clips and these other meaningful reforms merely because the House will not pass everything that you want. Please do not let a desire to exploit a political issue undermine this unique opportunity to protect America's children.

Sincerely,


 HENRY J. HYDE
 Chairman

Hyde Compromise on Gun Safety Provisions

- **History of the gun show background check provision**--The most debated (and perhaps the most controversial) element of the juvenile justice legislation in both the House and the Senate was the provision that provided for background checks at gun shows. The debates in both houses revolved around the maximum length allowed for the FBI to perform a background check to deny an attempted gun purchase. Under current law, a background check is required for all gun purchases *from a federally licensed firearms dealer*, and the FBI has up to three business days to conduct the check. *There are currently no background checks required for private sales or gun shows where the seller is not a federally licensed firearms dealer.*
- The Hyde proposal closes every loophole that was debated on the floor of the House. This proposal provides for a 24 hour background check--as provided in the Dingell proposal--*unless* the applicant has an unresolved arrest for a disqualifying offense which would then prompt a further review for up to three business days.
- The Hyde proposal also includes other gun related provisions that passed overwhelmingly on the House floor:
 - Trigger lock (passed 311-115)
 - Juvenile Brady (passed 395-27)
 - Ammunition clip ban (passed by voice vote)
 - Prohibition of juveniles from possessing assault weapons (passed 354-69)

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1 **TITLE XI—FIREARMS**
2 **PROVISIONS**

3 **SEC. 1101. MANDATORY TRANSFER OF SECURE GUN STOR-**
4 **AGE OR SAFETY DEVICE.**

5 (a) **UNLAWFUL ACTS.**—Section 922 of title 18,
6 United States Code, is amended by inserting after sub-
7 section (y) the following:

8 “(z)(1) Except as provided in paragraph (2), it shall
9 be unlawful for any licensed manufacturer, licensed im-
10 porter, or licensed dealer to sell, deliver, or transfer any
11 handgun to any person not licensed under this chapter,
12 unless the transferee is provided with a secure gun storage
13 or safety device, as defined in section 921(a)(34), for the
14 handgun.

15 “(2) Paragraph (1) shall not apply to the—

16 “(A)(i) manufacture for, transfer to, or posses-
17 sion by, the United States or a department or agen-
18 cy of the United States, or a State or a department,
19 agency, or political subdivision of a State, of a hand-
20 gun; or

21 “(ii) transfer to, or possession by, a law en-
22 forcement officer employed by an entity referred to
23 in clause (i), of a handgun for law enforcement pur-
24 poses (whether on or off duty); or

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1 “(B) transfer to, or possession by, a rail police
2 officer employed by a rail carrier and certified or
3 commissioned as a police officer under the laws of
4 a State of a handgun for purposes of law enforce-
5 ment (whether on or off duty);

6 “(C) transfer to any person of a handgun listed
7 as a curio or relic by the Secretary pursuant to sec-
8 tion 921(a)(13); or

9 “(D) transfer to any person of a handgun for
10 which a secure gun storage or safety device is tem-
11 porarily unavailable for the reasons described in the
12 exceptions stated in section 923(e), if the licensed
13 manufacturer, licensed importer, or licensed dealer
14 delivers to the transferee within 10 calendar days
15 after the date of the delivery of the handgun to the
16 transferee a secure gun storage or safety device for
17 the handgun.

18 “(3)(A) Notwithstanding any other provision of law,
19 a person who has lawful possession and control of a hand-
20 gun, and who uses a secure gun storage or safety device
21 with the handgun, shall be entitled to immunity from a
22 civil liability action as described in this paragraph.

23 “(B) A qualified civil liability action may not be
24 brought in any Federal or State court. In this subpara-
25 graph, the term ‘qualified civil liability action’ means a

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1 civil action brought by any person against a person de-
2 scribed in subparagraph (A) for damages resulting from
3 the unlawful use of the handgun by a third party, if—

4 “(i) the handgun was accessed by another per-
5 son without the authorization of the person so de-
6 scribed; and

7 “(ii) when the handgun was so accessed, the
8 handgun had been made inoperable by use of a se-
9 cure gun storage or safety device.

10 A ‘qualified civil liability action’ shall not include an action
11 brought against the person having lawful possession and
12 control of the handgun for negligent entrustment or neg-
13 ligence per se.

14 “(4)(A) This subsection shall not be construed to—

15 “(i) create a cause of action against any Fed-
16 eral firearms licensee or any other person for any
17 civil liability; or

18 “(ii) establish any standard of care.

19 “(B) Notwithstanding any other provision of law, evi-
20 dence regarding compliance or noncompliance with this
21 subsection shall not be admissible as evidence in any pro-
22 ceeding of any court, agency, board, or other entity, except
23 with respect to an action to enforce paragraphs (1) and
24 (2), or to give effect to paragraph (3).”.

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1 (b) CIVIL PENALTIES.—Section 924 of title 18,
2 United 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)(1)(A) With respect to each violation of section
7 922(z)(1) by a licensed manufacturer, licensed importer,
8 or licensed dealer, the Secretary may, after notice and op-
9 portunity for hearing—

10 “(i) suspend for not more than 6 months, or re-
11 voke, the license issued to the licensee under this
12 chapter that was used to conduct the firearms trans-
13 action; or

14 “(ii) impose on the licensee to a civil penalty of
15 not more than \$2,500.

16 “(B) An action of the Secretary under this paragraph
17 may be reviewed only as provided in section 923(f).

18 “(2) The suspension or revocation of a license or the
19 imposition of a civil penalty under paragraph (1) shall not
20 preclude any administrative remedy that is otherwise
21 available to the Secretary.”.

22 **SEC. 1102. PROHIBITING JUVENILES FROM POSSESSING**
23 **SEMI-AUTOMATIC ASSAULT WEAPONS.**

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

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1 (1) in paragraph (1)—

2 (A) by striking "or" at the end of subpara-
3 graph (A);

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

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

8 "(C) a semiautomatic assault weapon; or

9 "(D) a large capacity ammunition feeding de-
10 vice.";

11 (2) in paragraph (2)—

12 (A) by striking "or" at the end of subpara-
13 graph (A);

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

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

18 "(C) a semiautomatic assault weapon; or

19 "(D) a large capacity ammunition feeding
20 device."; and

21 (3) by striking paragraph (3) and inserting the
22 following:

23 "(3) This subsection shall not apply to—

24 "(A) a temporary transfer of a handgun, am-
25 munition, a large capacity ammunition feeding de-

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1 vice, or a semiautomatic assault weapon to a juvenile
2 or to the temporary possession or use of a handgun,
3 ammunition, a large capacity ammunition feeding
4 device, or a semiautomatic assault weapon by a
5 juvenile—

6 “(i) if the handgun, ammunition, large ca-
7 pacity ammunition feeding device, or semiauto-
8 matic assault weapon are possessed and used by
9 the juvenile—

10 “(I) in the course of employment;

11 “(II) in the course of ranching or
12 farming related to activities at the resi-
13 dence of the juvenile (or on property used
14 for ranching or farming at which the juve-
15 nile, with the permission of the property
16 owner or lessee, is performing activities re-
17 lated to the operation of the farm or
18 ranch);

19 “(III) for target practice;

20 “(IV) for hunting; or

21 “(V) for a course of instruction in the
22 safe and lawful use of a firearm;

23 “(ii) clause (i) shall apply only if the juve-
24 nile’s possession and use of a handgun, ammu-
25 nition, a large capacity ammunition feeding de-

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1 vice, or a semiautomatic assault weapon under
2 this subparagraph are in accordance with State
3 and local law, and the following conditions are
4 met—

5 “(I) except when a parent or guardian
6 of the juvenile is in the immediate and su-
7 pervisory presence of the juvenile, the juve-
8 nile shall have in the juvenile’s possession
9 at all times when a handgun, ammunition,
10 a large capacity ammunition feeding de-
11 vice, or a semiautomatic assault weapon is
12 in the possession of the juvenile, the prior
13 written consent of the juvenile’s parent or
14 guardian who is not prohibited by Federal,
15 State, or local law from possessing a fire-
16 arm or ammunition; and

17 “(II)(aa) during transportation by the
18 juvenile directly from the place of transfer
19 to a place at which an activity described in
20 clause (i) is to take place the firearm shall
21 be unloaded and in a locked container or
22 case, and during the transportation by the
23 juvenile of that firearm, directly from the
24 place at which such an activity took place
25 to the transferor, the firearm shall also be

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1 unloaded and in a locked container or case;
2 or

3 “(bb) with respect to employment,
4 ranching or farming activities as described
5 in clause (i), a juvenile may possess and
6 use a handgun, ammunition, a large capac-
7 ity ammunition feeding device, or a semi-
8 automatic assault weapon with the prior
9 written approval of the juvenile's parent or
10 legal guardian, if the approval is on file
11 with the adult who is not prohibited by
12 Federal, State, or local law from pos-
13 sessing a firearm or ammunition and that
14 person is directing the ranching or farming
15 activities of the juvenile;

16 “(B) a juvenile who is a member of the Armed
17 Forces of the United States or the National Guard
18 who possesses or is armed with a handgun, ammuni-
19 tion, a large capacity ammunition feeding device, or
20 a semiautomatic assault weapon in the line of duty;

21 “(C) a transfer by inheritance of title (but not
22 possession) of a handgun, ammunition, a large ca-
23 pacity ammunition feeding device, or a semiauto-
24 matic assault weapon to a juvenile; or

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1 “(D) the possession of a handgun, ammunition,
2 a large capacity ammunition feeding device, or a
3 semiautomatic assault weapon taken in lawful de-
4 fense of the juvenile or other persons in the resi-
5 dence of the juvenile or a residence in which the ju-
6 venile is an invited guest.

7 “(4) A handgun, ammunition, a large capacity am-
8 munition feeding device, or a semiautomatic assault weap-
9 on, the possession of which is transferred to a juvenile in
10 circumstances in which the transferor is not in violation
11 of this subsection, shall not be subject to permanent con-
12 fiscation by the Government if its possession by the juve-
13 nile subsequently becomes unlawful because of the conduct
14 of the juvenile, but shall be returned to the lawful owner
15 when such handgun, ammunition, large capacity ammuni-
16 tion feeding device, or semiautomatic assault weapon is
17 no longer required by the Government for the purposes
18 of investigation or prosecution.

19 “(5) For purposes of this subsection, the term ‘juve-
20 nile’ means a person who is less than 18 years of age.”

21 “(6)(A) In a prosecution of a violation of this sub-
22 section, the court shall require the presence of a juvenile
23 defendant’s parent or legal guardian at all proceedings.

24 “(B) The court may use the contempt power to en-
25 force subparagraph (A).

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1 “(C) The court may excuse attendance of a parent
2 or legal guardian of a juvenile defendant at a proceeding
3 in a prosecution of a violation of this subsection for good
4 cause shown.

5 “(7) For purposes of this subsection, the term ‘large
6 capacity ammunition feeding device’ has the same mean-
7 ing as in section 921(a)(31) of title 18, except that the
8 term also includes any device described in such section
9 that was manufactured before the effective date of the
10 Violent Crime Control and Law Enforcement Act of
11 1994.”.

12 **SEC. 1103. PROHIBITING VIOLENT JUVENILE OFFENDERS**
13 **FROM POSSESSING FIREARMS.**

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:

21 “(B) For purposes of subsections (d) and (g) of sec-
22 tion 922, the term ‘adjudicated to have committed an act
23 of violent juvenile delinquency’ means an adjudication of
24 delinquency in Federal or State court, based on a finding
25 of the commission of an act by a person prior to his or

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1 her eighteenth birthday that, if committed by an adult,
2 would be a serious violent felony (as defined in section
3 3559(c)(2)(F)(i)) had Federal jurisdiction existed and
4 been exercised.”; and

5 (4) by striking “What constitutes” and all that
6 follows through “this chapter,” and inserting the fol-
7 lowing:

8 “(C) What constitutes a conviction of such a crime
9 or an adjudication of an act of violent juvenile delinquency
10 shall be determined in accordance with the law of the ju-
11 risdiction in which the proceedings were held. Any State
12 conviction or adjudication of an act of violent juvenile de-
13 linquency that has been expunged or set aside, or for
14 which a person has been pardoned or has had civil rights
15 restored, by the jurisdiction in which the conviction or ad-
16 judication of an act of violent juvenile delinquency oc-
17 curred shall not be considered to be a conviction or adju-
18 dication of an act of violent juvenile delinquency for pur-
19 poses of this chapter.”.

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

22 (1) in subsection (d)—

23 (A) in paragraph (8), by striking “or” at
24 the end;

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1 (B) in paragraph (9), by striking the pe-
2 riod at the end and inserting “; or”; and

3 (C) by inserting after paragraph (9) the
4 following:

5 “(10) has been adjudicated to have committed
6 an act of violent juvenile delinquency.”; and

7 (2) in subsection (g)—

8 (A) in paragraph (8), by striking “or” at
9 the end;

10 (B) in paragraph (9), by striking the
11 comma at the end and inserting “; or”; and

12 (C) by inserting after paragraph (9) the
13 following:

14 “(10) who has been adjudicated to have com-
15 mitted an act of violent juvenile delinquency,”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply only to acts of violent juvenile de-
18 linquency that occur 180 days or more after the date of
19 the enactment of this Act.

20 **SEC. 1104. MANDATORY BACKGROUND CHECK AT GUN**
21 **SHOWS.**

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

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1 “(35) The term ‘gun show’ means an event which is
2 sponsored to foster the collecting, competitive use, sport-
3 ing use, or any other legal use of firearms, and—

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

9 “(B) at which there are not less than 5 firearm
10 vendors.

11 “(36) The term ‘curtilage area’, with respect to a gun
12 show, means any building or structure in which, and any
13 land on which, the gun show is held, and includes all real
14 property in close proximity to the gun show on which ac-
15 tivities in furtherance of firearms transactions occur.

16 “(37) The term ‘gun show organizer’ means any per-
17 son who organizes or conducts a gun show.

18 “(38) The term ‘gun show vendor’ means any person
19 who, at a fixed, assigned, or contracted location, exhibits,
20 sells, offers for sale, transfers, or exchanges 1 or more
21 firearms at a gun show.”.

22 (b) TIME LIMIT FOR NATIONAL INSTANT CRIMINAL
23 BACKGROUND CHECKS.—Section 103(e) of the Brady
24 Handgun Violence Prevention Act (18 U.S.C. 922 note)
25 is amended by adding at the end the following:

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1 “(3) DEADLINE FOR COMPLETION OF CHECKS
2 REQUESTED FROM GUN SHOWS.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), the Attorney General shall
5 ensure that each background check conducted
6 through the national instant criminal back-
7 ground check system pursuant to a request
8 made from a gun show is completed within 24
9 hours after an authorized person has contacted
10 the system to request the check.

11 “(B) EXCEPTIONS.—The requirement of
12 subparagraph (A) shall not apply if the system
13 indicates that—

14 “(i) receipt of the firearm by the pro-
15 spective transferee would violate subsection
16 (g) or (n) of section 922; or

17 “(ii) there exists an arrest record, civil
18 commitment complaint, or official record
19 with respect to a matter described in sub-
20 section (g) or (n) of section 922, which in-
21 dicates that receipt of the firearm by the
22 prospective transferee may violate sub-
23 section (g) or (n) of section 922.”.

24 “(c) REGULATION OF FIREARMS TRANSFERS AT GUN
25 SHOWS.—

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1 (1) IN GENERAL.—Chapter 44 of such title is
2 amended by adding at the end the following:

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

4 “(a)(1) A person who is not a licensed importer, li-
5 censed manufacturer, or licensed dealer, and who desires
6 to be registered as an instant check registrant shall submit
7 to the Secretary an application which—

8 “(A) contains a certification by the applicant
9 that the applicant meets the requirements of sub-
10 paragraphs (A) through (D) of section 923(d)(1);

11 “(B) contains a photograph and fingerprints of
12 the applicant; and

13 “(C) is in such form as the Secretary shall by
14 regulation prescribe.

15 “(2)(A) The Secretary shall approve an application
16 submitted pursuant to paragraph (1) which meets the re-
17 quirements of paragraph (1). On approval of the applica-
18 tion and payment by the applicant of a fee of \$100 for
19 3 years, and upon renewal of valid registration a fee of
20 \$50 for 3 years, the Secretary shall issue to the applicant
21 an instant check registration, and advise the Attorney
22 General of the United States of the same, which entitles
23 the registrant to contact the national instant criminal
24 background check system established under section 103
25 of the Brady Handgun Violence Prevention Act for infor-

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1 mation about any individual desiring to obtain a firearm
2 at a gun show from any transferor who has requested the
3 assistance of the registrant in complying with subsection
4 (c) with respect to the transfer of the firearm, and receive
5 information from the system regarding the individual, dur-
6 ing the 3-year period that begins with the date the reg-
7 istration is issued.

8 “(B) The Secretary shall approve or deny an applica-
9 tion submitted pursuant to paragraph (1) within 60 days
10 after the Secretary receives the application. If the Sec-
11 retary fails to so act within such period, the applicant may
12 bring an action under section 1361 of title 28 to compel
13 the Secretary to so act.

14 “(3) An instant check registrant shall keep all
15 records or documents which the registrant collects pursu-
16 ant to this section during a gun show at a premises, or
17 a portion thereof designated by the registrant, that is open
18 for inspection by the Secretary. The Secretary shall estab-
19 lish by regulation the procedure for the inspection, at a
20 premises or a gun show, of the records required to be kept
21 under this section in a manner for a registrant that af-
22 fords the registrant procedural rights and protections
23 identical to those afforded a licensee under subsections
24 (g)(1)(A), (g)(1)(B), and (j) of section 923. An instant
25 check registrant shall transmit to the Secretary all records

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1 required to be kept by the registrant under this sub-
2 section, when the registration is no longer valid, has ex-
3 pired, or has been revoked.

4 “(4)(A) This subsection shall not be construed—

5 “(i) as creating a cause of action against any
6 instant check registrant or any other person, includ-
7 ing the transferor, for any civil liability; or

8 “(ii) as establishing any standard of care.

9 “(B) Notwithstanding any other provision of law, ex-
10 cept to give effect to subparagraph (C), evidence regarding
11 the use or nonuse by a transferor of the services of an
12 instant check registrant under this section shall not be ad-
13 missible as evidence in any proceeding of any court, agen-
14 cy, board, or other entity for the purposes of establishing
15 liability based on a civil action brought on any theory for
16 harm caused by a product or by negligence.

17 “(C)(i) Notwithstanding any other provision of law,
18 a person who is—

19 “(I) an instant check registrant who assists in
20 having a background check performed in accordance
21 with this section;

22 “(II) a licensee who acquires a firearm at a gun
23 show from a nonlicensee, for transfer to another
24 nonlicensee in attendance at the show, for the pur-
25 pose of effectuating a sale, trade, or transfer be-

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1 tween the 2 nonlicensees, all in the manner pre-
2 scribed for the acquisition and disposition of fire-
3 arms under this chapter; or

4 “(III) a nonlicensee disposing of a firearm, who
5 utilizes the services of an instant check registrant
6 pursuant to subclause (I) or a licensee pursuant to
7 subclause (II),

8 shall be entitled to immunity from a civil liability action
9 as described in this subparagraph.

10 “(ii) A qualified civil liability action may not be
11 brought in any Federal or State court. The term ‘qualified
12 civil liability action’ means a civil action brought by any
13 person against a person described in clause (i) for dam-
14 ages resulting from the unlawful use of the firearm by the
15 transferee or a third party, but shall not include an
16 action—

17 “(I) brought against a transferor convicted
18 under section 924(h), or a comparable or identical
19 State felony law, by a party directly harmed by the
20 transferee’s criminal conduct, as defined in section
21 924(h); or

22 “(II) brought against a transferor for negligent
23 entrustment or negligence per se.

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1 “(4) A registration issued under this subsection may
2 be revoked pursuant to the procedures provided for license
3 revocations under section 923.

4 “(b) It shall be unlawful for any person to organize
5 or conduct a gun show unless the person—

6 “(1) registers with the Secretary in accordance
7 with regulations promulgated by the Secretary,
8 which shall not require the payment of any fee for
9 such registration;

10 “(2) before commencement of the gun show—

11 “(A) records and verifies the identity of
12 each individual who is to be a gun show vendor
13 at the gun show by examining, but not retain-
14 ing, a copy of, a valid identification document
15 (as defined in section 1028(d)(1)) of the indi-
16 vidual containing a photograph of the indi-
17 vidual; and

18 “(B) provides to each such individual a
19 copy of the document provided by the Secretary
20 under subsection (c); and

21 “(3) maintains a copy of the records described
22 in paragraph (2) at the permanent place of business
23 of the gun show organizer for such period of time
24 and in such form as the Secretary shall require by
25 regulation.

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1 “(c) The Secretary shall provide to each gun show
2 organizer registered with the Secretary pursuant to sub-
3 section (b)(1) a document which sets forth all Federal laws
4 that apply to firearms transactions at gun shows, includ-
5 ing all related recordkeeping requirements, verbatim.

6 “(d)(1) It shall be unlawful, at a gun show or the
7 curtilage area of a gun show, for a person who is not li-
8 censed under section 923 to sell, transfer, or exchange to
9 another person who is not licensed under section 923, a
10 firearm that is accessible at the gun show or in the
11 curtilage area of the gun show, unless—

12 “(A) the firearm is transferred through a li-
13 censed importer, licensed manufacturer, or licensed
14 dealer otherwise in accordance with law; or

15 “(B)(i) before the completion of the transfer,
16 an instant check registrant contacts the national in-
17 stant criminal background check system established
18 under section 103 of the Brady Handgun Violence
19 Prevention Act;

20 “(ii)(I) the system provides the registrant with
21 a unique identification number; or

22 “(II) 3 business days (meaning a day on which
23 State offices are open) have elapsed since the reg-
24 istrant contacted the system, and the system has not
25 notified the registrant that the receipt of a firearm

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1 by such other person would violate subsection (g) or
2 (n) of section 922;

3 "(iii) the registrant notifies the person that the
4 registrant has complied with clauses (i) and (ii), or
5 of any receipt by the registrant of a notification
6 from the national instant criminal background check
7 system established under section 103 of the Brady
8 Handgun Violence Prevention Act that the transfer
9 would violate section 922 or State law; and

10 "(iv) the transferor and the registrant have
11 verified the identity of the transferee by examining
12 a valid identification document (as defined in section
13 1028(d)(1) of this title) of the transferee containing
14 a photograph of the transferee.

15 "(2) The rules of paragraphs (2), (3), and (4) of sec-
16 tion 922(t) shall apply to firearms transfers assisted by
17 instant check registrants under this section in the same
18 manner in which such rules apply to firearms transfers
19 made by licensees.

20 "(3) An instant check registrant who agrees to assist
21 a person who is not licensed under section 923 in com-
22 plying with subsection (c) with respect to the transfer of
23 a firearm shall—

24 "(A) enter the name, age, address, and other
25 identifying information on the transferee (or, if the

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1 transferee is a corporation or other business entity,
2 the identity and principal and local places of busi-
3 ness of the transferee) as the Secretary may require
4 by regulation into a separate bound record;

5 "(B) record the unique identification number
6 provided by the system on a form specified by the
7 Secretary;

8 "(C) on completion of the functions required by
9 paragraph (1)(B) to be performed by the registrant
10 with respect to the transfer, notify the transferor
11 that the registrant has performed such functions;
12 and

13 "(D) on completion of the background check by
14 the system, retain a record of the background check
15 as part of the permanent business records of the
16 registrant.

17 "(4) This section shall not be construed to permit or
18 authorize the Secretary to impose recordkeeping require-
19 ments on any vendor who is not licensed under section
20 923, except to the extent that the vendor is acting as an
21 instant check registrant.

22 "(e) It shall be unlawful for any person to receive
23 a firearm from another person that the person knows has
24 been transferred to the recipient in violation of this sec-
25 tion.

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1 “(f) It shall be unlawful for any person to structure,
2 assist in structuring, or attempt to structure or assist in
3 structuring a firearms transaction, for the purpose of
4 evading any requirement of subsection (d).”.

5 (2) PENALTIES.—Section 924(a) of such title is
6 amended by adding at the end the following:

7 “(7)(A) Whoever knowingly violates subsection (b),
8 (d)(1), or (d)(2) of section 931 shall be—

9 “(i) fined under this title, imprisoned not more
10 than 1 year, or both; or

11 “(ii) in the case of a second or subsequent con-
12 viction of such a violation, fined under this title, im-
13 prisoned not more than 5 years, or both.

14 “(B) Whoever knowingly violates subsection (d)(3) or
15 (e) of section 931 shall be fined under this title, impris-
16 oned not more than 3 years, or both.

17 “(C) In addition to any other penalties imposed
18 under this paragraph, the Secretary may, with respect to
19 any person who knowingly violates subsection (b), (d), or
20 (e) of section 931—

21 “(i) impose a civil fine in an amount equal to
22 not more than \$2,500; and

23 “(ii) if the person is registered pursuant to sec-
24 tion 931(a), after notice and opportunity for a hear-
25 ing, suspend for not more than 6 months or revoke

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1 the registration of that person under section
2 931(a).”.

3 (3) CONFORMING AMENDMENT.—Section 923(j)
4 of such title is amended in the first sentence by
5 striking “or event” and all that follows through
6 “community”.

7 (4) CLERICAL AMENDMENT.—The section anal-
8 ysis for chapter 44 of such title is amended by add-
9 ing at the end the following:

“931. Regulation of firearms transfers at gun shows.”.

10 (d) INSPECTION, AUTHORITY.—Section 923(g)(1) of
11 such title is amended by adding at the end the following:

12 “(F)(i) When the Secretary has reasonable cause to
13 believe that evidence of a violation of this chapter may
14 be found at the place of business of a gun show organizer
15 or any place where a gun show is being held, the Secretary
16 may, upon demonstrating such cause before a Federal
17 magistrate and securing from the magistrate a warrant
18 authorizing entry, enter during business hours any such
19 place (including any place of storage of the gun show orga-
20 nizer), for the purpose of inspecting or examining any
21 records or documents required to be kept by the gun show
22 organizer under this chapter or rules or regulations under
23 this chapter.

24 “(ii) The Secretary may enter during business hours
25 the place of business of any gun show organizer and any

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1 place where a gun show is being held, without such reason-
2 able cause or warrant, for the purpose of inspecting or
3 examining the records required by section 923 or 931 and
4 the inventory of licensees conducting business at the gun
5 show in the course of a reasonable inquiry during the
6 course of a criminal investigation of a person or persons
7 other than the organizer or licensee or when such exam-
8 ination may be required for determining the disposition
9 of one or more particular firearms in the course of a bona
10 fide criminal investigation.”.

11 (e) INCREASED PENALTIES FOR SERIOUS RECORD-
12 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)
13 of such title is amended to read as follows:

14 “(3)(A) Except as provided in subparagraph (B), any
15 licensed dealer, licensed importer, licensed manufacturer,
16 or licensed collector who knowingly makes any false state-
17 ment or representation with respect to the information re-
18 quired by this chapter to be kept in the records of a person
19 licensed under this chapter, or violates section 922(m)
20 shall be fined under this title, imprisoned not more than
21 1 year, or both.

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

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1 “(i) under paragraph (1) or (3) of section
2 922(b), such person shall be fined under this title,
3 imprisoned not more than 5 years, or both; or

4 “(ii) under subsection (a)(6) or (d) of section
5 922, such person shall be fined under this title, im-
6 prisoned not more than 10 years, or both.”.

7 (f) INCREASED PENALTIES FOR VIOLATIONS OF
8 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

9 (1) PENALTIES.—Section 924(a) of such title is
10 amended—

11 (A) in paragraph (5), by striking “sub-
12 section (s) or (t) of section 922” and inserting
13 “section 922(s)”; and

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

15 “(8)(A) Whoever knowingly violates section 922(t)
16 shall be fined under this title, imprisoned not more than
17 3 years, or both.

18 “(B) In the case of a second or subsequent conviction
19 under this paragraph, the person shall be fined under this
20 title, imprisoned not more than 5 years, or both.”.

21 (2) ELIMINATION OF CERTAIN ELEMENTS OF
22 OFFENSE.—Section 922(t)(5) of such title is amend-
23 ed by striking “and, at the time” and all that fol-
24 lows through “State law”.

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1 (g) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect 180 days after the date of
3 the enactment of this Act.

4 **SEC. 1105. PROHIBITION ON BACKGROUND CHECK FEE.**

5 (a) PROHIBITION ON BACKGROUND CHECK FEE.—

6 (1) IN GENERAL.—Chapter 33 of title 28,
7 United States Code, is amended by adding at the
8 end the following:

9 **“§ 540B. Prohibition on fee for background check in**
10 **connection with firearm transfer**

11 “No officer, employee, or agent of the United States,
12 including a State or local officer or employee acting on
13 behalf of the United States, may charge or collect any fee
14 in connection with any background check required in con-
15 nection with the transfer of a firearm (as defined in sec-
16 tion 921(a)(3) of title 18).”.

17 (2) TECHNICAL AND CONFORMING AMEND-
18 MENTS.—The section analysis for chapter 33 of title
19 28, United States Code, is amended by inserting
20 after the item relating to section 540A the following:

“540B. Prohibition on fee for background check in connection with firearm
transfer.”.

21 (b) CIVIL REMEDIES.—Any person aggrieved by a
22 violation of section 540B of title 28, United States Code,
23 as added by this section, may bring an action in the dis-
24 trict court of the United States for the district in which

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1 the person resides. Any person who is successful with re-
2 spect to any such action shall receive actual damages, pu-
3 nitive damages, and such other remedies as the court may
4 determine to be appropriate, including a reasonable attor-
5 ney's fee.

6 **SEC. 1106. BAN ON IMPORTING LARGE CAPACITY AMMUNI-**
7 **TION FEEDING DEVICES.**

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

10 (1) in paragraph (1), by striking “(1) Except as
11 provided in paragraph (2)” and inserting “(1)(A)
12 Except as provided in subparagraph (B)”;

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

15 (3) by inserting before paragraph (3) the fol-
16 lowing:

17 “(2) It shall be unlawful for any person to import
18 a large capacity ammunition feeding device.”; and

19 (4) in paragraph (4)—

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

22 (B) by striking “(2)” and inserting
23 “(1)(B)”.

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Thursday November 4 6:13 PM ET

Charlton Heston, Al Gore Opposed On Gun Politics

By Joanne Kenen

WASHINGTON (Reuters) - As the nation reeled from two more mass shootings this week, Vice President Al Gore and Congressional Democrats stepped up their accusations that Republicans failed to enact new gun controls this year because they were too beholden to the National Rifle Association.

The NRA had its own rhetorical "big gun" in place for a counterattack, as Charlton Heston, the actor who serves as NRA president, told a Congressional panel that the answer was better law enforcement, not more laws.

The verbal clashes came after this week's shootings in Honolulu and Seattle claimed nine lives. They were the latest in a spate of shootings at schools, offices, places of worship, a day-care center and even, a year ago, in the Capitol itself.

Flanked by top Congressional Democrats and several women who work in domestic violence shelters around the country, Gore attacked the Republican leadership's ties to the powerful gun lobby and berated Republicans for not enacting new gun controls after the Columbine high school massacre last April.

"Why is the NRA that important to them, when we have these horrific instances of gun violence, practically every week?" Gore said. "The leadership of the majority, the Republican Party, in the Congress today is frustrating the will of the American people by refusing to take up legislation that the American people support."

Meanwhile Heston told a House Government Reform subcommittee that more gun laws were not the answer. He attacked the Clinton administration for not aggressively enforcing existing laws.

"This administration, as a policy, is putting gun-toting felons on the streets in record numbers," he said in testimony prepared for the panel. "Why does the President ask for more federal gun laws if he's not going to enforce the ones we have?"

"When political hot air is turning into cold blood ... when duplicitous spin is becoming lethal ... somebody's got to speak up," Heston said.

After the Littleton, Colo. school shooting, the Senate passed a youth crime bill containing several new gun control provisions. Gore cast the tie-breaking vote on the most contentious measure to close a gun show loophole that lets people purchase weapons without a background check.

The House of Representatives, however, killed gun language in its youth crime bill. Efforts to work out a compromise faltered, pushing the issue into next year's election politics.

House Republican Whip Tom DeLay of Texas, an open foe of new gun laws, said after the Seattle shootings Wednesday that the outlook for legislation this year is "not very good."

Republicans have blamed Democrats for blocking gun control for political reasons, and Rep. Henry Hyde, an Illinois Republican and chairman of the House Judiciary Committee, said that each time he tries to strike a compromise with Democrats they "come back to the table with new and novel demands."

After months of quiet negotiations, Hyde Thursday released a written text of his gun show compromise proposal.

Under his plan, all transactions at gun shows would undergo background checks and generally law enforcement would have 24 hours to run those checks. If someone had an arrest record that needed to be checked out further, his plan would give law enforcement an additional three business days.

But Democrats have objected to some of the related issues involving, for instance, gun tracing and record keeping. They say that Hyde's proposal contains loopholes that could actually weaken existing law.

Heston and the NRA often point to an aggressive law enforcement program in Richmond, Virginia, called "Project Exile" and demand that it be implemented in other cities.

Gore called the NRA critique of federal enforcement a "smokescreen," and at her weekly news briefing, Attorney General Janet Reno again urged Congress to approve gun control measures before they recess for the year, possibly next week.

"I don't think it's a Republican or a Democratic issue," she said. "We've got to get past the point of rhetoric and concepts and come to the reality -- guns kill."

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