

**Project Exile: The Safe Streets and Neighborhoods Act of 2000**  
**To be introduced by Rep. Bill McCollum (R-FL), March 22, 2000**

“Project Exile: The Safe Streets and Neighborhoods Act” will help make our communities and neighborhoods safer by addressing gun violence through the common sense approach of ensuring vigorous prosecution of gun criminals. In the last two years a handful of states, including Virginia, have dramatically reduced the level of gun crime in their states by implementing programs that ensure tough prison time for criminals who use guns. This approach simply enforces the laws already on the books, and ensures a minimum prison sentence of at least five years for convicted violators. In states and communities around the country where aggressive prosecution of gun crimes has been coupled with tough prison sentences, violent crime has gone down. This is because criminals who use guns are the most hardened offenders and the ones who commit the most crime. Getting them off the streets leads to a dramatic reduction in crime, and sends an unmistakable deterrent message: We will not tolerate gun crimes.

The Project Exile Act will provide resources to states that ensure a mandatory minimum sentence of five years (without parole) for any person who uses or carries a firearm during and in relation to a violent crime (murder, rape, robbery, and aggravated assault) or serious drug trafficking offense (an offense under state law involving manufacturing or distributing a controlled substance, for which a maximum term of imprisonment of ten years or more is prescribed by law). Importantly, the Act requires that the mandatory minimum sentence must be in addition to the punishment provided for the underlying crime. Alternatively, a state can qualify for the Exile funds if it ensures that a person convicted of possessing a firearm and who has a prior conviction for a violent crime serves a mandatory minimum sentence of five years. The Act will give states the option to prosecute offenders in either federal or state court, so long as the states ensure that the mandatory minimum sentence of five years is served.

The Project Exile Act will provide a total of \$100 million in federal resources over five years as an incentive for states to implement such programs and to help defray costs associated with tougher enforcement against gun criminals. Funds received under the Act will be for strengthening state criminal justice systems in a wide variety of ways, including: hiring and training more judges, prosecutors and probation officers; increasing prison capacity; and developing information-sharing case management systems that ensure that all segments of the criminal justice system are contributing to and using the same case files for serious offenders.

The Act will build on the success of the Truth-in-Sentencing program that Congress has funded over the last five years. The Truth-in-Sentencing program created an incentive for states to require convicted violent offenders to serve at least 85 percent of their sentences, and helped states defray costs associated with the resulting longer prison terms. This program has helped move the national average time served for violent offenders from 35 percent in 1994 to close to 50 percent in 1998. It has been a key factor in lowering the crime rate over the last 7 years.

## Legislative Components

### State Eligibility Criteria

(A) Except as provided in (B), to qualify a state must, at a minimum:

(1) require a mandatory minimum sentence of five years (without parole) for any person who: (a) uses or carries a firearm during and in relation to a violent crime (murder, rape, robbery, and aggravated assault) or serious drug trafficking offense (an offense under state law involving manufacturing or distributing a controlled substance, for which a maximum term of imprisonment of ten years or more is prescribed by law), with the five year mandatory minimum sentence being in addition to the punishment provided for the underlying crime; or (b) is convicted of possessing a firearm and who has a prior conviction for a violent crime or serious drug trafficking offense.

(2) implement a public awareness campaign to put violent criminals on notice of the tough sentences for gun crimes and develop community support for the state's Safe Streets and Neighborhoods program; and

(3) provide assurances that the state will coordinate with federal prosecutors and federal law enforcement agencies serving their jurisdictions, so as to promote federal involvement and cooperation.

(B) A state can qualify even if it does not have a five year mandatory minimum provided in state law, pursuant to (A)(1), so long as it can assure that a person convicted for any of the above identified crimes will receive mandatory minimum sentence of five years in federal court for the offense. Such an assurance can be in the form of an executive order by the chief executive of the state, or an exchange of letters between the state and the appropriate federal districts.

**[Alternative: Also allow state to qualify if the five cities with the highest crime rate have entered into such federal-city task force arrangements; then require that the resources be dedicated to those cities]**

### Allowable Uses

- police
- prosecutors
- courts
- probation officers
- juvenile justice system
- prison expansion, renovation and personnel
- criminal history record improvements
- case management programs involving information-sharing regarding serious offenders

### **Funding Authorization**

\$100 million total with \$10 million provided the first year (fiscal year '01), \$15 million the second year, \$20 million the third year, \$25 million the fourth year, and \$30 million the final year.

### **Funding Formula**

Each state's share is based on its relative amount of violent crime (as a percentage of the total violent crime of all other qualifying states).

### **Miscellaneous**

- A state must provide assurances that it will allocate its resources with the aim of addressing crime in its highest crime areas.
- A state may make sub-grants to cities or counties to carry out the purposes of this Act.

### **Definitions**

- "violent crime" includes murder, rape, robbery, and aggravated assault.
- "serious drug trafficking offense" is an offense under state law involving manufacturing, distributing, or possessing with intent to distribute, a controlled substance, for which a maximum term of imprisonment of ten years or more is prescribed by law

**It's a moral crime for Bill Clinton, Al Gore, Janet Reno and a host of Federal officers and prosecutors to fail to enforce the law. It's evil. And when innocent blood flows, it's on their hands.**

*Wayne LaPierre  
Executive Vice President  
National Rifle Association  
in American Rifleman,*

**[More laws] gives jackbooted Government thugs more power to take away our constitutional rights, break in our doors, seize our guns, destroy our property and even injure and kill us.**

*Wayne LaPierre  
Executive Vice President  
National Rifle Association  
in a 1995 fundraising letter*

In recent months, the National Rifle Association has attempted to divert national attention from the shameful weakness of our nation's gun laws by repeating, at every opportunity, the mantra: "We don't need more gun laws when the federal government refuses to enforce existing gun laws." Since the Columbine shooting and the ensuing national outcry, the gun lobby has spent millions of dollars telling the nation that enforcing existing gun laws is a workable substitute for new, common-sense regulation of firearms.

The truth is that gun laws are being enforced more strongly than ever. Overall, federal prosecutions are up 16 percent since President Clinton took office, 22 percent on the local and state level, where most prosecutions take place. Furthermore, sentences for violent gun criminals are two years longer under this Administration. On June 10, 1999, *USAToday* reported that "Gun laws are enforced more vigorously today than five years ago by nearly any measure. Prosecutions are more frequent than ever before; sentences are longer; and the number of inmates in federal prison is at a record level. The number of inmates in federal prison on firearm or arson charges (the two are lumped together) increased 51% from 1993 to 1998...A U.S. Sentencing Commission analysis done for USA TODAY shows that lying on the background check form is prosecuted in federal court far more often than acknowledged."

Why then does the NRA persist in falsely accusing the President of failing to enforce existing law? Because it knows that lawmakers are facing the most intense pressure yet from the American people to strengthen our gun laws. Lost in this debate is the fact that, throughout its history, the NRA has worked tirelessly to either block or weaken the enactment of laws that would have strengthened the federal capacity to fight gun crimes. The NRA's painstaking work to eviscerate the very laws they now say must be enforced, reveals their current public relations campaign to be the height of hypocrisy. This report details the many ways in which the gun lobby itself has hampered the nation's ability to enforce gun laws.

## INTRODUCTION

The gun lobby's influence on our firearm laws is undeniable – the laws are a swiss cheese of loopholes that defy logic and exist solely for the convenience of gun owners and the profit of gun manufacturers. At the cost of millions of dollars and an untold number of lives, the National Rifle Association has placed obstacles and detours at each and every turn on the path to common sense gun legislation and has successfully limited both the reach and implementation of gun control laws.

In 1968, following the assassinations of Martin Luther King, Jr., and Robert Kennedy, and a marked increase in handgun violence throughout the country, Congress passed the Gun Control Act of 1968. The Gun Control Act specifically banned the interstate shipment of firearms and ammunition to private individuals; prohibited the sale of guns to groups such as minors, drug addicts, mental incompetents, and convicted felons; strengthened licensing and recordkeeping requirements for gun dealers and collectors; increased penalties for those who used guns in the commission of crimes covered by federal law; and banned the importation of foreign surplus firearms, except those suitable for sporting purposes. While the Gun Control Act had a modest impact, it did not take long for the gun lobby to regroup and attempt to weaken the act's provisions.

The NRA, for example, can take credit for enacting legislation specifically exempting domestically manufactured guns from any consumer safety standards. When Congress created the Consumer Product Safety Commission (CPSC) in 1972, it exempted firearms. All other consumer products, except tobacco, are regulated for safety. But, thanks to the gun lobby, guns are not. When asked why the bill to incorporate guns under the CPSC had failed in Congress, Senator Howard Metzenbaum (D-OH) a staunch supporter of common sense gun laws, said, "The NRA's position is consistent. They're opposed to any legislation that has the word 'gun' anywhere in it." When asked what would happen if the NRA dropped its opposition to the bill, Metzenbaum replied, "We would pass the bill overnight."

This loophole has led to tragic and predictable consequences. Gun manufacturers make guns that require so little trigger pressure that two-year-olds can fire them. They make weapons which lack even the most basic safety features like a load indicator or a magazine disconnect safety. They have focussed all of their efforts on making guns smaller -- and therefore easier to conceal -- and more lethal. Without regulation, gun manufacturers lack any incentive to design safer firearms. Instead, thanks to the NRA, gun manufacturers have enjoyed tremendous profits while producing products with a callous disregard for safety.

By examining the NRA's role in just three aspects of federal gun control – the McClure-Volkmer Act, the Brady Law, and funding of the Bureau of Alcohol, Tobacco and Firearms – it is clear that the gun lobby's recent calls for better enforcement of the current laws are merely a smokescreen to fend off overwhelming public sentiment for stronger gun laws. The picture that emerges is one of NRA leadership and complicity in ensuring that this nation's gun laws are as weak and as difficult as possible to enforce.

## THE MCCLURE-VOLKMER ACT: THE NRA WEAKENS ENFORCEMENT

After the passage of the Gun Control Act of 1968, the NRA's assault against any and all regulation of guns continued into the 1980's, but the tactics changed. Whereas the NRA typically opposed any proposed common sense gun legislation, in the 1980's they switched from the defensive to the offensive with the McClure-Volkmer Act, a bill sponsored by two NRA Legion of Honor recipients, Sen. James McClure (R-ID) and Rep. Harold Volkmer (D-MO). With the McClure-Volkmer Act, also known as the Firearms Owners Protection Act of 1986, the NRA decided to *pursue* gun legislation for the first time – in order to weaken the modest gun regulations enacted with the Gun Control Act of 1968.

Law enforcement groups around the country were outraged – they saw what the NRA was attempting to do and at what cost. The NRA proposals were going to put law enforcement officers at risk. The NRA was undeterred, however, and as *The New York Times* observed, “it was a measure of the power of the gun lobby that no member of Congress, in the day-long debate, spoke in favor of keeping all the existing controls. Rather, the question was the extent to which they should be eased.” The NRA spent around \$1.6 million dollars in its lobbying campaign – but the passage of the bill cost the NRA more than dollars – McClure-Volkmer cost the NRA support from law enforcement groups. Around the country, police officers had to swallow a bitter pill: the NRA was unwilling to accept any gun control legislation, even if it would save officers' lives. Hubert Williams, President of the Police Foundation, best described the problems with the McClure-Volkmer Act in his testimony before the Judiciary Committee:

Law enforcement's examination of the McClure-Volkmer bill comes down to this: It would gut the 1968 Gun Control Act, and thus it would make the job of protecting American citizens all the more difficult. Congress passed the 1968 Gun Control Act in response to terrible tragedies: the assassinations by firearms of Martin Luther King, Jr. and Robert F. Kennedy.

To support McClure-Volkmer is to demean their record of accomplishment and their noble legacy. Those who support McClure-Volkmer cannot say that they also support American law enforcement, for the obvious fact is that the bill increases the threat to the lives of police officers.

As the law enforcement officers of this country predicted, what McClure-Volkmer accomplished was to make it much more difficult for local and federal law enforcement agencies to enforce the nation's gun laws. The result has been a gun law riddled with loopholes and an enforcement agency saddled with restrictions.

In practice, the McClure-Volkmer Act has:

- Allowed unlicensed individuals to sell their personal firearms as a “hobby,” allowing for the sale of massive numbers of firearms to criminals and juveniles without background checks, since only those licensed dealers “engaged in the business” of selling firearms are required to check the status of their purchasers. The critically important definition of “engaged in the business” gave many people the basis to contend that their firearm activities do not rise to the level that

requires them to obtain a license and be regulated by the federal government.

- Increased the size, scope and visibility of gun shows by permitting federally licensed dealers (FFLs) to conduct business at gun shows located in their home state. Although FFLs must conduct background checks on gun-show purchasers, their presence at these arms bazaars has unquestionably enlarged the impact of these events, where private sellers sell hundreds of weapons without background checks to prohibited purchasers.
- Allowed criminals to keep or regain their rights to own guns. The original Gun Control Act made it unlawful for persons convicted of a crime punishable by a prison term exceeding one year to possess a firearm. The McClure-Volkmer Act amended the GCA to provide that the law of the jurisdiction where the crime occurred would determine what constitutes such a conviction. (In many states, illegal possession of firearms, for example, or domestic abuse, is only a misdemeanor.) Additionally, the McClure-Volkmer Act provided that a pardon, set aside or restoration of civil rights removes the "conviction" for purposes of gun ownership. You may not be able to vote after you get out of jail, but you can get your gun back.
- Severely restricted the ability of the ATF to conduct inspections of the business premises of federally licensed firearms dealers.
- Raised the burden of proof for violations of federal gun laws.

No wonder police officers, in full uniform, stood at parade rest at the entrance to the floor of the House of Representatives as a sign of silent opposition to McClure-Volkmer during a crucial vote. It is no exaggeration to say that, fifteen years later, law enforcement is still standing in opposition to the gun lobby's successful attempt to cripple its ability to enforce the law.

### **"Engaged in the Business": A Fatal Definition**

The Gun Control Act of 1968 first required federal firearm licenses for those "engaged in the business." The definition of that phrase was substantially narrowed by the McClure-Volkmer Act. Prior to the 1986 Act, illegal gun dealing was a matter for a court or jury to determine on the basis of the facts presented by prosecutors. After McClure-Volkmer became law, the Government was required to meet a much tougher, multi-part standard of proof to illustrate that someone was "engaged in the business" without a license. To successfully prosecute an individual for illegal gun dealing, the ATF must now show that the unlicensed person engaged in "a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms...." The definition of "engaged in the business" also expressly excludes any "person who makes 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 his personal collection of firearms," *regardless of its size*. By essentially demanding responsible behavior only from those gun sellers who have received a federal firearms license, this loophole allows the enormous secondary market for guns - at gun shows, over the Internet, and through individual private sales - to flourish unimpeded by any restrictions on buyers or sellers.

As a result, tens, if not hundreds, of thousands of firearms sales are made every year by individuals who may each sell an unlimited number of guns without obtaining a federal firearms license. Even at substantial investigative cost, such persons often cannot be successfully

prosecuted for illegal gun dealing given the weakness of current law. As a result, the customers of such "shadow sellers" are not subject to a background check (as they would be if purchasing a gun from a licensed dealer) and shadow sellers are not required to keep any records of their sales whatsoever. Accordingly, guns sold by such sellers later recovered at a crime scene cannot be effectively traced and (unless they yield fingerprints) are thus useless to law enforcement authorities trying to find and arrest murderers and other violent criminals.

### **Facilitating the Markets of Choice for Criminals: The Rise of Gun Shows After McClure-Volkmer**

The McClure-Volkmer Act allowed licensed gun dealers to participate in gun shows in their home states and effectively popularized a significant source of criminal guns. Prior to the Act, the policy of the ATF prohibited sales by licensees at anywhere *other* than their regular place of business. While dealers were allowed to exhibit at gun shows, the actual sales had to be consummated at their place of business. The McClure-Volkmer Act changed that – dealers could both exhibit and sell weapons at gun shows and, as a result, gun shows began to flourish across the country. At the same time, Congress relaxed the law that distinguished gun dealers from "occasional" sellers, thereby permitting thousands of additional sellers to enter the field. After McClure-Volkmer, the combination of dealers freed from their storefronts and the new class of "private" sellers resulted in a dramatic increase in the number and size of gun shows nationwide. Gun shows no longer included only small-time collectors. After McClure-Volkmer, larger licensed dealers began to participate and were able to provide gun shows the merchandise necessary to attract customers. Indeed, the atmosphere of gun shows, usually held for one weekend only, leads to an atmosphere of impulse buying, which benefits both licensees and non-licensees alike.

A January 1999 report by the Departments of Justice and Treasury summarized the threat of gun shows:

Gun shows provide a large market where criminals can shop for firearms anonymously. Unlicensed sellers have no way of knowing whether they are selling to a violent felon or someone who intends to illegally traffic guns on the streets to juveniles or gangs. Further, unscrupulous gun dealers can use these free-flowing markets to hide their off-the-book sales. While most gun show sellers are honest and law-abiding, it only takes a few to transfer large numbers of firearms into dangerous hands.

In most states and under federal law, gun shows also provide legal outlets for individuals to sell guns from their "private collections" without a waiting period or background check on the purchaser. Many unscrupulous gun dealers exploit this loophole to operate full-fledged businesses without following federal gun laws.

Moreover, gun shows provide even licensees with the opportunity to sell off their "personal collections." The McClure-Volkmer Act allowed licensees to sell guns from their personal collections. Federally licensed gun dealers must conduct Brady background checks on all prospective purchasers of firearms in their business inventory and record the serial number of all guns purchased (together with the name and address of the gun's purchaser) in a bound volume

maintained by the seller. Such requirements do not apply to guns sold by a licensed dealer which allegedly come from his or her "personal collection" of firearms, if the weapon sold has been in the dealer's personal collection for more than one year or did not originally come from the dealer's business inventory. *The law places no limit on the number of such "personal guns" that a licensed dealer may sell "off the books."*

As a result, nobody knows, or is able to determine, how many thousands of "off the books" sales are made by unscrupulous federally licensed firearms dealers under cover of the "personal collection" loophole. What we do know is that every such gun, despite being sold by a licensed dealer, can be sold without a background check to a felon, fugitive, domestic abuser or other prohibited purchaser and can't be traced if used in a crime. The same holds true for gun show sales in general, since so many sales that occur at gun shows are essentially unregulated, guns obtained at these shows that are later used in crime are difficult, if not impossible, to trace. According to the ATF, 25-50 percent of the vendors at most gun shows are unlicensed dealers. Felons buying or selling firearms were involved in more than 46 percent of the ATF investigations involving gun shows. In more than a third of the investigations, the firearms were known to have been involved in subsequent crimes, including assault, robbery, burglary and homicide. Not surprisingly, a February 1999 ATF report found approximately 10 percent of the guns used in crimes by juveniles and young people were sold at gun shows and flea markets.

### **Easy Access to Firearms (Even for Felons)**

The NRA-backed McClure-Volkmer provisions eased restrictions against felons gaining access to firearms. The Gun Control Act of 1968 made it illegal for anyone convicted of a felony to ship, transport, possess or receive firearms in interstate commerce. Under that law, a felon could regain firearm privileges by being pardoned or having his civil rights restored, but only if the pardoning authority expressly authorized the possession of a firearm. With McClure-Volkmer, Congress amended the law to provide that unless a pardon or restoration of rights expressly provides that the person may *not* ship, transport, possess, or receive firearms, it has the effect of restoring such privileges. Accordingly, the burden is now on the authority that grants the pardon or restores the felon's civil rights to state *specifically* that the felon *may not* possess firearms.

While the NRA is preaching enforcement, it is clear that it effectively has weakened the nation's gun laws to the point that *even felons* have easier access to firearms.

### **ATF Can Do Its Job (But Only Once A Year)**

Prior to the adoption of the McClure-Volkmer Act, the ATF was permitted to inspect the inventory and records of a licensed importer, manufacturer or dealer for compliance with applicable laws at all reasonable times. The Act, however, limited the ATF to a single unannounced inspection of an individual dealer in any 12-month period [see Section 923(g)(1)(B)(ii)(I) of title 18]. No other retailer of regulated products is so protected. The express purpose of this provision was to prevent what the NRA termed "ATF harassment" of gun dealers. Indeed, according to the NRA, the ATF's only purpose was to harass honest citizens. As one-time NRA Board Member U.S. Congressman John Dingell (D-MI) declared, and NRA Executive Vice

President Wayne LaPierre quoted in his book, *Guns, Crime and Freedom*, "If I were to select a jack-booted group of fascists who were perhaps as large a danger to American society as I could pick today, I would pick BATF. They are a shame and a disgrace to our country."

Although inspections of licensed firearms dealers are among the most effective means to uncover violations of firearms laws, the stringent limitation on inspections ensures that criminal conduct by some FFLs will go unchecked and unpunished. In effect, a dealer who has been inspected by the ATF in early January knows that he now has eleven months before he can anticipate another visit by agents. In sharp contrast, ATF agents are permitted unlimited surprise inspections of explosives manufacturers, distributors and retailers.

In addition to inadequate inspections, the McClure-Volkmer Act also essentially guarantees that the ATF would be unable to maintain adequate records for any useful amount of time. The Act codified the law requiring that upon permanently closing a regulated business, a federal firearms licensee is required to forward all sales records required to be kept by law on the business premises (including the names and addresses of gun purchasers), to the Secretary of the Treasury. Since 1978, however, Congress has added a rider to the Treasury-Postal appropriations bill forbidding the Secretary from using any appropriated funds to consolidate or centralize within the Department any records maintained by federal firearms licensees. As a result, the Treasury Department is now restricted to keeping records of defunct firearms dealers on microfiche searchable only by the serial number of a gun. In that form, this large body of historical data is thus useless to law enforcement authorities with cause to research the firearms purchase histories of convicted felons, batterers and other prohibited purchasers who may pose a danger to the community. The data is also unavailable for rapid search for law enforcement authorities faced with a hostage or barricade-type emergency who need to know whether the perpetrator has amassed an arsenal by legal means. Moreover, many guns used in crime are not identifiable by serial number, because criminals file or burn identifying markings off their guns. In the end, the ATF's inability to maintain records for any length of time or in any usable manner renders ineffective the recordkeeping provision and frustrates its attempts to do what the NRA claims it wants – enforcement of the laws.

### **Prosecution With One Arm Tied Behind the Agency's Back**

The McClure-Volkmer Act ensured that the ATF would be unable to prosecute dealers who violate federal gun regulations by raising the standard for prosecution to the impossibly high "willfulness standard." The law provides that the Secretary of the Treasury may revoke a federal firearms license for "willful violation" of applicable laws and regulations by the licensee after the licensee is given notice and an opportunity for an administrative hearing. The high "willfulness standard" was enacted at the request of the NRA, which accused the ATF of harassing gun owners. As the NRA's Wayne LaPierre has claimed, "they (ATF agents) behave like street thugs. Charged with enforcing federal gun control laws, federal agents persecute and entrap citizens who have done nothing wrong and would never contemplate doing anything wrong."

To prevent this perceived harassment, the McClure-Volkmer Act restricted the ATF's ability to pursue those in violation of the laws. Except for failures to comply with the Brady Law,

the ATF has no authority to simply fine an FFL or to temporarily suspend his or her license for infractions that do not warrant permanent revocation of a license. By forcing the ATF to take a "revoke or pass" approach to FFL policing, current law assures that dealers who deserve discipline short of revocation will go unpunished and remain undeterred from continuing to violate important provisions of the law. Even if a violation warrants revocation of an FFL's license, because of the "willful violation" standard, in order to revoke a license, the ATF must prove that the violator knew the law and then decided to violate it. *A licensee's claim of ignorance or misunderstanding of the law operates as a full defense.* The "willful violation" standard all but ensures that only a few violators will ever be punished. Criminal cases use the "beyond a reasonable doubt" standard – the "willful violation" standard is much higher – and in criminal cases ignorance of the law is no excuse. Effectively, unless the licensee admits to knowingly and intentionally having violated the law, the ATF will usually fail to meet the "willful violation" standard and the licensee will go unpunished.

According to the Department of the Treasury, in FY1999 only 1,700 compliance inspections were conducted of the nearly 104,000 federal firearms licensees (most of which are dealers or pawnbrokers.) Just 13 dealers' licenses were revoked by ATF, but 56% of those inspected had violations which warranted follow-up inspections at the earliest opportunity. Presumably many of those dealers would have been issued fines or had their licenses suspended if the law permitted such actions. Again, the McClure-Volkmer Act has ensured that the enforcement of the laws is continually frustrated.

## THE BRADY BILL: NRA LOST THE WAR BUT WON SOME BATTLES

With the passage of the Brady Bill in 1993, Congress enacted the most important piece of gun control legislation since 1968. This historical event was the result of nearly a decade of struggle against the no-holds-barred opposition of the NRA. The NRA argued that the requirement of a pre-purchase background check and short waiting period for handgun purchases contained the seeds of "Government" confiscation of all firearms. As the NRA testified, it did not believe background checks to be "in the public's interest." However, true to its usual lobbying form, when passage of the Brady Bill seemed unstoppable, the NRA shifted its lobbying and grassroots resources into weakening the law to the maximum degree possible.

In 1988, the NRA warned its members that the Brady Bill would result in "total, strict gun control on all America" and that it would cause the government to "spend millions and billions of your tax dollars investigating you and other honest citizens." Later in 1991, an article in *USAToday* said, "Since helping to defeat the waiting period in 1988, the NRA has done little to tout an 'instant-check alternative' it quickly embraced this year."

Even more telling was this description of the NRA's actions in the state of Georgia, taken from a 1997 editorial in the *Atlanta Constitution*: "...to escape the waiting period in Georgia, the NRA reversed its long-standing position and pushed a bill creating the state's instant background check. But it also tried to plant a self-destruct device in the law. The NRA and its supporters wanted to make sure that if the federal Brady Law was ever declared unconstitutional, Georgia's background check would be repealed automatically."

During the battle to pass the Brady Bill, the NRA's staunchest Senate allies let it be known that the "price" of their acquiescence to a vote on the measure would be compromises that have since severely frustrated the true intent of the law. While the NRA opposed background checks – and continues to do so today, they relented to the Brady Bill *as long as it required the destruction of all records associated with the Brady background check*, even at the potential expense of the system's integrity and utility to law enforcement authorities.

### The NRA Never Met a Background Check It Didn't Hate

In the wake of the Columbine massacre on April 20, 1999, in which several weapons obtained through gun show sales were used to kill 12 students and a teacher, senior spokespersons for the NRA repeatedly claimed that the Association had long-supported conducting gun show background checks. *Such claims were completely and knowingly false.* In fact, the NRA fought for more than a decade against the minimal requirement that licensed gun dealers perform background checks until the Brady Bill finally became law in 1993 *over the NRA's objections.* At the time of Brady, the NRA argued for an "instant check" system, knowing that criminal history records were insufficiently computerized to ensure effective checks. As political scientist Robert Spitzer noted, "[b]y proposing an alternative of little or no feasibility, the NRA and its allies were offering a plan that seemed to offer a meaningful reform yet posed no actual change in gun purchasing procedures for many years to come." As a compromise, the bill was passed with a

termination date for the waiting period requirement and the provision for the research and development of an "instant check" system. Now, \$200,000,000 later, the FBI has developed the technology for an "instant check" system and millions of records have been computerized, and the NRA has the gall to say the Brady background check is in fact the "NRA instant check."

Despite the NRA's persistent attempts to thwart the law, the Brady background check has proven effective. The Department of Treasury notes that the Brady Bill, "for the first time empowered FFLS and law enforcement to combat the practice of 'lying and buying.'" Moreover, since the Brady Law went into effect, background checks nationwide have stopped approximately 500,000 felons and other prohibited persons from buying handguns. The Justice Department has estimated that, in the first five years of the Brady Law, 3/4 of those rejected from buying a handgun were felons (or under felony indictment), domestic abusers or under restraining order. Felons alone made up 63% of those rejected.

Even with the success of the Brady background check system, however, the NRA has *never* supported this precautionary measure since it refuses to support extending background checks to all purchasers. Again, it must be stressed that current law only requires background checks for purchases made through FFLs, even though every year, more than 4,000 gun shows are held nationwide at which tens of thousands of firearms are legally offered for sale by private, unlicensed individuals on a "no-questions-asked," "cash-and-carry," "no-background-check" basis. The Internet has also opened a vast new market for the sale and exchange of firearms. Although out-of-state transfers are supposed to be handled through licensed gun dealers, who are required to handle the background check process, in practice there is no current way to police private transactions on the Internet. Despite such popular secondary gun markets, the NRA has refused to support an extension of the background check requirement to these venues.

In fact, as recently as the spring of 1999, the NRA unsuccessfully opposed Senator Frank Lautenberg's (D-NJ) amendment to the Juvenile Justice Bill in the Senate to require such checks at gun shows and it helped kill comparable legislation the following month in the House of Representatives. It did so by authoring and backing a proposal by former NRA Board member Rep. John Dingell to drastically cut the time that law enforcement authorities would have been permitted to complete gun show background checks (from 3 business days to just 24 hours).

Again, the NRA proposed an alternative of little or no feasibility – the NRA-Dingell proposal would not work. According to the FBI, had the Dingell Amendment been the law for the six months preceding the House debate, over 17,000 individuals who were refused the ability to buy a gun from a gun dealer would have been able to obtain one over-the-counter. That's why the NRA-authored Dingell Amendment was opposed by most major national law enforcement organizations and the National Association of Stocking Gun Dealers. Although the NRA now says it supports background checks – and claims to have even authored the current background check system – they have been steadfast in their opposition to any background check that would effectively prevent prohibited purchasers from gaining access to firearms. Instead, when push comes to shove, the NRA will only support provisions that do not inconvenience gun buyers – and also fail to promote the laws.

## **The Paranoia of “Lists” – NRA Recordkeeping Provisions Continually Frustrate Law Enforcement**

The gun lobby has spent much time and money to convince Congress and the American public that enforcement of current gun laws, meaning the stringent prosecution and incarceration of gun criminals, is the key to addressing the problem of gun violence. What they will not tell you is that it is their paranoia about maintaining any sort of gun records that presents law enforcement with the single largest impediment to successful prosecution.

Currently the Brady Law requires a federally licensed gun dealer to contact the national instant background check system before completing a sales transaction and a record of the background check inquiry is kept. The record consists solely of an identifier number assigned to the inquiry and the date of the sale. ***By law, all other information about the purchaser and the gun purchased must be destroyed.***

As a result, premature destruction of instant background check records precludes the effective audit of the check system for accuracy and the absence of fraud. It also deprives law enforcement authorities of a valuable snapshot of firearms sales and/or purchasing activities by dealers under suspicion of illegal dealing and by purchasers under investigation for weapons or other criminal offenses.

Along with the destruction of all records related to Brady background checks, the NRA demanded as the price of Senate passage of the Brady Bill a provision requiring local authorities to destroy their copies of multiple gun sale forms less than three weeks after their receipt. Federally licensed firearms dealers are required to file a report with the Secretary of the Treasury reporting the sale of two or more handguns to any single individual within any five consecutive business days. A copy of the report also must be filed with state or local law enforcement authorities. Although the ATF may retain so-called "multiple sale" forms, federal law requires state and local authorities to destroy all such forms (and any record of them having been filed) within 20 days of receiving them. The multiple sale reporting requirement does not cover purchases made at different FFLs. A purchaser can buy as many guns as he likes, without worrying about a multiple sale report, so long as the guns are purchased from different licensees.

Without the legal ability to maintain and periodically review multiple sale reports for purchasing patterns, efforts by State and local law enforcement authorities to identify and prosecute gun traffickers are seriously compromised. Given its severely limited resources, the ATF cannot reasonably be expected to conduct customized research on demand in its database of multiple sales reports for states and localities. Furthermore, the law's failure to address purchases made at various FFLs prevents the ATF from monitoring what are effectively multiple sale purchases and leaves unchecked a primary source of illegal gun trafficking.

The inability to retain multiple sales information for any period of time also severely restricts the usefulness of the information. This is unfortunate given the important role multiple sales play in the illegal secondary gun market. Research by the Center to Prevent Handgun Violence further demonstrates that multiple handgun purchases disproportionately involve the

purchase of categories of handguns that have been linked to crime (e.g., Saturday Night Specials and handguns with the shortest intervals of time between the purchase and recovery by law enforcement). The finding was particularly apparent for bulk purchases that involved the highest number of guns. Specifically, the Center found that Saturday Night Specials accounted for 17.5% of all pistols purchased in bulk and over 25% of pistols purchased in transactions involving five or more handguns. Furthermore, of the handguns recovered from youth and juveniles as part of the 1998 Youth Crime Gun Interdiction Initiatives, handguns with the shortest "time to crime" accounted for 32% of pistols purchased in transactions of 5 or more handguns. There is a close correlation between multiple sales and the illegal market – unfortunately, law enforcement is not given the tools necessary to pursue these issues and as a result, the market continues unabated.

## THE ATF: UNDERMANNED AND OVERREGULATED

The ATF is the lead enforcement agency for federal gun laws and statutes. While the NRA cries for the enforcement of the laws, no one should forget that the NRA has made sport of vilifying the agency chiefly entrusted with the task of enforcing the laws and has blocked all legislation designed to empower it. The NRA has repeatedly claimed the ATF harasses gun owners and dealers. In the 1981 NRA-produced film, *It Can Happen Here*, the NRA depicted ATF agents as Gestapo-like fascists. During Congressional hearings the following year, one-time NRA Board member Rep. John Dingell called ATF agents "knaves and rogues" and said, "I would love to put them in jail. I would dearly love it." Of the agency, he said, "I think they are evil."

Concurrent with their ongoing smear campaign against the ATF, the NRA has waged a sustained and successful Congressional campaign to fiscally cripple ATF's firearms enforcement activities by minimizing the Agency's budget in an era of high inflation. This campaign has taken a heavy toll in the Agency's enforcement personnel. Between 1980 and 1987, for example, the number of ATF agents was slashed from 1,502 to 1,180 (-21.5%) and the number of inspectors dropped from 655 to 626 even as the number of licensed firearms dealers exploded.

Emboldened by its success in the '80s, the NRA escalated its lobbying and its rhetoric in the '90s, calling ATF agents "jackbooted thugs" in a now infamous fundraising letter signed by Wayne LaPierre. Challenged on the slur in the media and Congress, LaPierre initially defended the slur on all federal law enforcement officers before "clarifying" his intent. Former President George Bush wasn't convinced and resigned his NRA life membership in protest. Nonetheless, the NRA has refused to temper its character assassination of ATF and the many men and women who place themselves in harm's way every day to enforce the nation's NRA-sabotaged firearms laws. As recently as February 3 of this year, Rep. Helen Chenoweth (R-ID), a recipient of the NRA's Legion of Honor award, described President Clinton's plan to enhance ATF resources as a "charade" that would "unleash 500 more abusive ATF agents on the American public."

Law enforcement agencies – the groups the NRA pleads with to enforce the laws – understand the NRA's agenda to weaken and deride the ATF. As William J. Bratton, former New York City Police Commissioner observed, "the NRA has strenuously opposed increased financing for the bureau and has successfully lobbied against giving it the authority to quickly investigate the origins of gun sales." As a result of the NRA's tactics, for more than 25 years, Congress has provided ATF with far fewer funds than necessary to hire, train, equip and support a sufficient number of inspectors and agents to effectively enforce the nation's firearms laws. For example, in 1973, ATF and the Drug Enforcement Agency (DEA) had comparable numbers of agents and enjoyed nearly equal funding (about \$250 million). By 1998, however, the number of DEA agents had almost tripled (from 1,470 to 4,261), while ATF's remained static (1,631 ATF agents were on payroll in 1998, only 9 more than were employed in 1973). The DEA's budget grew to nearly 1.4 billion in 1998. ATF's funding, by contrast, increased to just \$450 million in the same year (adjusted for inflation). Additionally, ATF agents assigned to gun violations are required by law to spend at least 25% of their time investigating the misuse of explosive devices and illegal tobacco sales. Virtually no other federal law enforcement agency's resources are stretched so thin.

Insufficient funding means, necessarily, inadequate inspection and oversight of the more than 104,000 federal firearms licensees who are currently firearms dealers. Inadequate inspection, in turn, means undetected illegal gun trafficking, "straw purchases" of firearms by sham buyers for criminals and other individuals, and the kind of potentially sloppy dealer recordkeeping that can cripple crime gun tracing efforts. The ATF estimates that, in order to inspect each currently licensed gun dealer just once during his or her three-year license term, the agency would need to hire, train and deploy approximately 500 more inspectors (excluding support personnel and equipment) than it can now afford. Thanks to the NRA – the ATF has been inadequately funded and staffed, as well as unjustly maligned – and now they are asking the agency to more aggressively enforce the laws.

## CONCLUSION

This brief survey of three aspects of the gun debate – the McClure-Volkmer Act, the Brady Law and funding of the Bureau of Alcohol, Tobacco and Firearms – illustrates that, when the NRA complains about the “lack of enforcement,” it is guilty of hypocrisy on a grand scale. Unfortunately, there are many, many more examples of NRA action on the state and local level that further demonstrate the hollowness of its rhetoric. Most gun laws are state, not federal, ones and the NRA has just as much of a stranglehold on many state legislatures as it does on Congress. Its ongoing campaign to weaken state laws on carrying concealed handguns – over the objections of law enforcement – is yet another example of the NRA’s extremist agenda.

If the NRA wants Congress to step up enforcement, it should work to reverse the decades-long damage that has been done to our gun laws at its behest. The NRA knows the ATF is understaffed; indeed, their lobbying efforts have resulted in Congress continually underfunding the agency. The NRA knows the laws are weak – they have spent millions of dollars making sure of that. And now, the NRA claims that the fault lies with the President, the Vice President, and the Attorney General, federal officers, and prosecutors. Enough with the rhetoric. If we want the gun laws enforced, let’s remove the obstacles to enforcement. Let’s strengthen the laws that work and let’s empower the agency that enforces those laws.

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**U. S. HOUSE OF REPRESENTATIVES**

**Committee on the Judiciary  
Democratic Staff Office  
B-351-C Rayburn House Office Building  
Washington, D.C. 20515**

**FACSIMILE COVER LETTER**

**TO:** Deanne

**FAX NO:** 416-7028 **# PAGES:** 2 (including this page)

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**For Immediate Release**

**Date: March 07, 2000**

**Contact: Susan Dryden, 202-225-2176**

**McCollum to Introduce "Project Exile: The Safe Streets and Neighborhoods Act of 2000"**

**Bill Keeps Children, Families and Neighborhoods Safe by "Exiling" Criminals Who Use Guns**

**Washington, D.C.** - U.S. Representative Bill McCollum (R- FL), Chairman of the House Subcommittee on Crime, today announced he will introduce next week "Project Exile: The Safe Streets and Neighborhood Act of 2000." The bill would help make neighborhoods and communities safer by implementing programs that ensure tough prison time for criminals who use guns. The legislation provides block grants to states to use for resources to enforce existing gun laws, whether state or federal laws, whichever provide tougher criminal penalty to those who commit crimes with guns.

"My proposal is modeled after programs which have proven successful in many states and sends the message to criminals that if they commit crimes with a gun, they will be 'exiled' to prison for a long time so our children, families and neighborhoods remain safe" said McCollum

In states and communities around the country where aggressive prosecution of gun crimes has been coupled with tough prison sentences, violent crime has gone down. The bill will provide \$55 million over the next 5 years as an incentive for states to implement such programs.

"We want to make sure the communities where our children play and go to school are safe. The Safe Streets and Neighborhoods Act is a common sense approach to getting criminals who use illegal guns off our streets and sending them a clear message that we will not tolerate gun crimes," said McCollum.

Qualifying states would be allowed to use their funds to strengthen their criminal justice systems in a wide variety of ways: hiring and training more judges, prosecutors and probation officers; increasing prison capacity; and developing information-sharing case management systems to build case files for serious offenders.

###

**Project Exile: The Safe Streets and Neighborhoods Act of 2000**  
**To be introduced by Rep. Bill McCollum (R-FL), March 22, 2000**

“Project Exile: The Safe Streets and Neighborhoods Act” will help make our communities and neighborhoods safer by addressing gun violence through the common sense approach of ensuring vigorous prosecution of gun criminals. In the last two years a handful of states, including Virginia, have dramatically reduced the level of gun crime in their states by implementing programs that ensure tough prison time for criminals who use guns. This approach simply enforces the laws already on the books, and ensures a minimum prison sentence of at least five years for convicted violators. In states and communities around the country where aggressive prosecution of gun crimes has been coupled with tough prison sentences, violent crime has gone down. This is because criminals who use guns are the most hardened offenders and the ones who commit the most crime. Getting them off the streets leads to a dramatic reduction in crime, and sends an unmistakable deterrent message: We will not tolerate gun crimes.

The Project Exile Act will provide resources to states that ensure a mandatory minimum sentence of five years (without parole) for any person who uses or carries a firearm during and in relation to a violent crime (murder, rape, robbery, and aggravated assault) or serious drug trafficking offense (an offense under state law involving manufacturing or distributing a controlled substance, for which a maximum term of imprisonment of ten years or more is prescribed by law). Importantly, the Act requires that the mandatory minimum sentence must be in addition to the punishment provided for the underlying crime. Alternatively, a state can qualify for the Exile funds if it ensures that a person convicted of possessing a firearm and who has a prior conviction for a violent crime serves a mandatory minimum sentence of five years. The Act will give states the option to prosecute offenders in either federal or state court, so long as the states ensure that the mandatory minimum sentence of five years is served.

The Project Exile Act will provide a total of \$100 million in federal resources over five years as an incentive for states to implement such programs and to help defray costs associated with tougher enforcement against gun criminals. Funds received under the Act will be for strengthening state criminal justice systems in a wide variety of ways, including: hiring and training more judges, prosecutors and probation officers; increasing prison capacity; and developing information-sharing case management systems that ensure that all segments of the criminal justice system are contributing to and using the same case files for serious offenders.

The Act will build on the success of the Truth-in-Sentencing program that Congress has funded over the last five years. The Truth-in-Sentencing program created an incentive for states to require convicted violent offenders to serve at least 85 percent of their sentences, and helped states defray costs associated with the resulting longer prison terms. This program has helped move the national average time served for violent offenders from 35 percent in 1994 to close to 50 percent in 1998. It has been a key factor in lowering the crime rate over the last 7 years.

## Legislative Components

### State Eligibility Criteria

(A) Except as provided in (B), to qualify a state must, at a minimum:

(1) require a mandatory minimum sentence of five years (without parole) for any person who: (a) uses or carries a firearm during and in relation to a violent crime (murder, rape, robbery, and aggravated assault) or serious drug trafficking offense (an offense under state law involving manufacturing or distributing a controlled substance, for which a maximum term of imprisonment of ten years or more is prescribed by law), with the five year mandatory minimum sentence being in addition to the punishment provided for the underlying crime; or (b) is convicted of possessing a firearm and who has a prior conviction for a violent crime or serious drug trafficking offense.

(2) implement a public awareness campaign to put violent criminals on notice of the tough sentences for gun crimes and develop community support for the state's Safe Streets and Neighborhoods program; and

(3) provide assurances that the state will coordinate with federal prosecutors and federal law enforcement agencies serving their jurisdictions, so as to promote federal involvement and cooperation.

(B) A state can qualify even if it does not have a five year mandatory minimum provided in state law, pursuant to (A)(1), so long as it can assure that a person convicted for any of the above identified crimes will receive mandatory minimum sentence of five years in federal court for the offense. Such an assurance can be in the form of an executive order by the chief executive of the state, or an exchange of letters between the state and the appropriate federal districts.

**[Alternative: Also allow state to qualify if the five cities with the highest crime rate have entered into such federal-city task force arrangements; then require that the resources be dedicated to those cities]**

### Allowable Uses

- police
- prosecutors
- courts
- probation officers
- juvenile justice system
- prison expansion, renovation and personnel
- criminal history record improvements
- case management programs involving information-sharing regarding serious offenders

### **Funding Authorization**

\$100 million total with \$10 million provided the first year (fiscal year '01), \$15 million the second year, \$20 million the third year, \$25 million the fourth year, and \$30 million the final year.

### **Funding Formula**

Each state's share is based on its relative amount of violent crime (as a percentage of the total violent crime of all other qualifying states).

### **Miscellaneous**

- A state must provide assurances that it will allocate its resources with the aim of addressing crime in its highest crime areas.
- A state may make sub-grants to cities or counties to carry out the purposes of this Act.

### **Definitions**

- "violent crime" includes murder, rape, robbery, and aggravated assault.
- "serious drug trafficking offense" is an offense under state law involving manufacturing, distributing, or possessing with intent to distribute, a controlled substance, for which a maximum term of imprisonment of ten years or more is prescribed by law

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The Act will build on the success of the Truth-in-Sentencing program that Congress has funded over the last five years. The Truth-in-Sentencing program created an incentive for states to require convicted violent offenders to serve at least 85 percent of their sentences, and helped states defray costs associated with the resulting longer prison terms. This program has helped move the national average time served for violent offenders from 35 percent in 1994 to close to 50 percent in 1998. It has been a key factor in lowering the crime rate over the last 7 years.

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OFFICE OF POLICY DEVELOPMENT

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Page 1 of \_\_\_\_\_

TO:

Deanne / Leanne

FAX:

456-7028

FROM:

SB

SUBJECT:

MESSAGE:

Isn't this a windfall?

Juram

## **NRA's Project Exile Condemned as Betrayal by Gun Rights Groups**

To: National Desk

Contact: Jews for Preservation of Firearms Ownership, 262-673-9745;  
Citizens of America, 310-442-9877;  
or Gun Owners of America, 703-321-8585

WASHINGTON, April 20 /U.S. Newswire/ -- "Project Exile," a flagship program of the National Rifle Association, has provoked a hammering denunciation from a large and growing coalition that includes national, state, and grass-roots firearms rights organizations, as well as individuals prominent in the firearms rights and civil rights community.

In a statement that became public last Saturday (April 15) via the internet news source WorldNet Daily.com, the coalition condemned "Project Exile," which is a general demand for strict enforcement of all existing federal gun laws. The coalition states that this clearly implies the NRA leadership's endorsement of unconstitutional laws and warn that these laws will ultimately be enforced against NRA's own members. Calling "Project Exile" "a grotesque betrayal of the eighty-three million American firearm owners who conduct peaceable lives every day," they note that the program is also supported by Bill Clinton and Handgun Control Inc. They call on the NRA's current leadership to repudiate the program.

The coalition arrayed against "Project Exile" is led by Citizens Of America, Gun Owners of America, Jews for the Preservation of Firearms Ownership, and KeepAndBearArms.com, and includes numerous large state-level groups.

In a statement linked to his name on the Web site, coalition co-organizer and COA President Brian Puckett calls for ousting NRA officials, also stating "One should not confuse the NRA and its members with the current leadership, the so-called 'winning team', which has presided over the most profound and far-reaching losses of our Second Amendment Rights since the 1968 Gun Control Act."

Another co-organizer, former NRA Director Russ Howard, stated today, "Project Exile makes it painfully clear that loyalty to the Constitution is now dangerously inconsistent with blind loyalty to NRA management."

Coalition co-organizer Angel Shamaya, director of KeepAndBearArms.org and KeepAndBearArms.com, also stated today, "We're getting new endorsements every day, including signatures from the public. Project Exile is a total capitulation in our fight to regain stolen rights. We want everyone to understand why and to join us in denouncing this betrayal."

The entire strongly-worded statement "We Condemn Project

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Committee on the Judiciary  
Democratic Staff Office  
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## FACSIMILE COVER LETTER

TO: Deanne

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TRANSCRIPT  
 March 22, 2000  
 NEWS CONFERENCE  
 U.S. REPRESENTATIVE BILL MCCOLLUM (R-FL)  
 WASHINGTON, D.C.  
 U.S. REPRESENTATIVE BILL MCCOLLUM (R-FL) HOLDS NEWS  
 CONFERENCE ON  
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REPUBLICANS HOLD NEWS CONFERENCE ON PROJECT EXILE

MARCH 22, 2000

SPEAKERS: U.S. REPRESENTATIVE BILL MCCOLLUM (R-FL)  
 U.S. REPRESENTATIVE DICK ARMEY (R-TX)  
 U.S. REPRESENTATIVE J.C. WATTS (R-OK)  
 U.S. REPRESENTATIVE JAMES ROGAN (R-CA)  
 U.S. REPRESENTATIVE HEATHER WILSON (R-NM)  
 U.S. REPRESENTATIVE ROBERT EHRLICH, JR. (R-MD)

(+)

MCCOLLUM: Well, thank you for being patient today. I'm going to be joined by several of my colleagues up here, and I apologize a little bit for being late for this press availability. But I see we got a packed house, which is good.

I'm Congressman Bill McCollum of Florida and I chair the Crime Subcommittee and today I'm here to announce the introduction of a new bill, the Project Exile Act.

This is a bill that is patterned after something that's been very successful in two different ways. A few years ago, we had what was known as truth in sentencing. It was a bill that provided incentive grants to the states if they in turn agreed to provide 85 percent time being served by those who commit violent crimes and serious, serious drug offenses.

The results of that have been staggering. Those incentive grants, which provided money to the states to build more prison beds, have resulted in a dramatic increase in the amount of time served by violent criminals and drug offenders in this country,

going up since 1994 from 34 percent to over 50 percent of time on average being served in this country. They are a principal reason why we have seen a major reduction in crime in this country during that time, violent crime in particular, and more than half the states have adopted that truth-in-sentencing policy.

Today we're here about something that's very close to this but something which is very particular, and that is to talk to us and to the nation about violent crime, tragedies that could be prevented, tragedies of human heartache that are unnecessary, because we do not have the kind of tough sentencing and mandatory sentencing that we need to have in this country throughout the 50 states with regard to those who commit crimes with guns or those who carry guns after they've been convicted or those who might otherwise be sitting in jail somewhere and they're not.

This bill that we're introducing today that my colleague are with me or joining me in doing is a bill that would require a mandatory minimum sentence of five years for any person who uses or carries a firearm during or in relation to a violent crime; that's murder, rape, robbery, aggravated assault or a serious drug-trafficking offense. In addition, this is in addition to, not separate and apart from the punishment that's provided by the underlying crime.

MORE .ETX

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## TRANSCRIPT

March 22, 2000  
 NEWS CONFERENCE

U.S. REPRESENTATIVE BILL MCCOLLUM (R-FL)  
 WASHINGTON, D.C.

U.S. REPRESENTATIVE BILL MCCOLLUM (R-FL) HOLDS NEWS  
 CONFERENCE ON

## PROJECT EXILE

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EVENTDATE: 03-22

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 availability. But I see we got a packed house, which is good.

I'm Congressman Bill McCollum of Florida and I chair the  
 Crime Subcommittee and today I'm here to announce the  
 introduction of a new bill, the Project Exile Act.

This is a bill that is patterned after something that's been  
 very successful in two different ways. A few years ago, we had  
 what was known as truth in sentencing. It was a bill that  
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 to provide 85 percent time being served by those who commit  
 violent crimes and serious drug offenses.

The results of that have been staggering. Those incentive  
 grants, which provided money to the states to build more prison  
 beds, have resulted in a dramatic increase in the amount of time  
 served by violent criminals and drug offenders in this country,

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going up since 1994 from 34 percent to over 50 percent of time on average being served in this country. They are a principal reason why we have seen a major reduction in crime in this country during that time, violent crime in particular, and more than half the states have adopted that truth-in-sentencing policy.

Today we're here about something that's very close to this but something which is very particular, and that is to talk to us and to the nation about violent crime, tragedies that could be prevented, tragedies of human heartache that are unnecessary, because we do not have the kind of tough sentencing and mandatory sentencing that we need to have in this country throughout the 50 states with regard to those who commit crimes with guns or those who carry guns after they've been convicted or those who might otherwise be sitting in jail somewhere and they're not.

This bill that we're introducing today, that my colleague are with me or joining me in doing, is a bill that would require a mandatory minimum sentence of five years for any person who uses or carries a firearm during or in relation to a violent crime; that's murder, rape, robbery, aggravated assault or a serious drug- trafficking offense. In addition, this is in addition to, not separate and apart from, the punishment that's provided by the underlying crime.

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WIRE SLUG	STORY#	FROM	MOVED
BC-GOP-PROJECT-EXILE 03-22 061	2956	RTareuttwr	3/22/00 14:26:55

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 The Federal Document Clearing House

TRANSCRIPT  
 March 22, 2000  
 NEWS CONFERENCE

U.S. REPRESENTATIVE BILL MCCOLLUM (R-FL)  
 WASHINGTON, D.C.

U.S. REPRESENTATIVE BILL MCCOLLUM (R-FL) HOLDS NEWS  
 CONFERENCE ON

PROJECT EXILE

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REPUBLICANS HOLD NEWS CONFERENCE ON PROJECT EXILE

MARCH 22, 2000

SPEAKERS: U.S. REPRESENTATIVE BILL MCCOLLUM (R-FL)  
 U.S. REPRESENTATIVE DICK ARMEY (R-TX)  
 U.S. REPRESENTATIVE J.C. WATTS (R-OK)  
 U.S. REPRESENTATIVE JAMES ROGAN (R-CA)  
 U.S. REPRESENTATIVE HEATHER WILSON (R-NM)  
 U.S. REPRESENTATIVE ROBERT EHRLICH, JR. (R-MD)

(+)

MCCOLLUM: Well, thank you for being patient today. I'm  
 going to be joined by several of my colleagues up here, and I  
 apologize a little bit for being late for this press  
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WIRE SLUG	STORY#	FROM	MOVED
BC-GOP-PROJECT-EXILE 03-22 039	2966	RTareuttwr	3/22/00 14:31:41

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XXX the underlying crime.

MCCOLLUM: This is an, again, an incentive grant program to the states to get them to change their laws to be able to qualify if they will require a minimum mandatory sentence of five years for those purposes or if a state provides for a person who has been convicted of a felon of possessing a firearm -- after that person has been convicted of a felony for a violent crime or a drug trafficking offense. Or a state could qualify if they simply made an arrangement with the federal government to prosecute under existing laws with a minimum mandatory sentences those convicted felons who are running around with a firearm who, under federal law, would serve that minimum of five years, at least, in prison.

I want to point to the fact that the state of Virginia, particularly Richmond, is having enormous success in what is known as Project Exile. We're simply naming our bill after them. They have done a marvelous job of reducing crime in this state next door to us.

And some of the charts show what Project Exile has meant in Richmond, Virginia. You can see that prior to Project Exile, Richmond had one of the highest murder rates in the world. It had an exploding crime problem. Since 1997, when Project Exile was begun in Richmond, homicides have dropped 46 percent. That's the lowest level since 1987. Crimes involving guns have dropped 65 percent. Aggravated assaults have dropped by 39 percent. And overall the number of violent crimes have dropped by 35 percent.

It's a proven, common-sense approach, Project Exile is, to preventing gun crimes. And that's what we're here about today.

I may comment more on it in a few minutes, but I'd like to introduce some of my colleagues to be able to talk about this in relationship to what they see as the importance of this, and then we'll answer questions about it.

Again, I'd make one comment. It is a grant program. It's \$100 million over five years. It will be available to the states who qualify to use for a variety of purposes, such as prosecutors or police officers or any number of things they may want to use this money for to improve their justice systems to help prevent crime and fight crime in those states.

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XXX in those states.

MCCOLLUM: But only to the states that qualify by having one of these two sets of sentencing guidelines on the books that require minimum mandatory sentences for the gun crimes I've described, or who have an arrangement worked out with the federal government that ensures that those who have been convicted as felons and then are found in possession of a gun are given the minimum mandatory sentence under federal law.

Any way, having said that, I think J. C. Watts is not here, I thought he might be. But Bob Ehrlich is the first on my list. And Congressman Ehrlich is going to talk to us about Maryland's version of this. And I'll let him up first.

Bob.

EHRlich: Thanks, Bill.

MCCOLLUM: You're welcome, thank you.

TH: Just a little graph for everybody just to let youa2977reute u i BC-  
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 to Kosovo too r: UNHCR boss

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XXX on the streets.

ROGAN: In California, we don't have a Project Exile, but we do have three strikes. And three strikes over the last five years or so has been probably the single most affective tool in reducing the violent crime rate. And the reason for it isn't because the bill was passed, it's because the criminals, the violent criminals, know what that bill means. And when they know what the cost of doing business is in California with the three strikes bill, they choose not to do it in California or they end up going to prison for a very long time.

And, Bill, that's why this Project Exile will be so incredibly important on a nationwide basis. Because it's a bill that I guarantee two things: Number one, criminals will understand it; and number two, they won't like it. And the even better result from it will be, it will get these violent criminals off the streets.

We've passed some 20,000 gun control laws over the last 30 years in this country. All these gun control laws don't mean anything if they're not going to be enforced. And the Clinton-Gore administration has been abysmal in their performance on that record over the last seven-and-a-half years in enforcing these laws.

This is a bill that will give states the option of being able to become a partner with the federal government to enforce vigorous, tough, common-sense gun control legislation that will make our city streets safer and will preserve public safety.

So, Bill, once again, I want to thank you and congratulate you for your leadership. I'm proud to be with you here today.

MCCOLLUM: Congresswoman Heather Wilson of New Mexico.

WILSON: Thank you. I'm Heather Wilson, I represent Albuquerque, New Mexico.

Last year here in the Congress, we passed an increase in funding in the commerce, justice, state bill, targeted at increase in prosecutions for firearms offenses. But it was only for the 15 cities that the Department of Justice recommended as the highest priorities.

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XXX look at it.

EHRlich: And he got excited about it. He brought it to me, and I got excited about it. And the first thing we did in Maryland last year was convene a meeting of all our local states attorneys to talk about Project Exile; not only states attorneys, but federal officials as well.

We visited Richmond, Virginia. We took members of legislature, representatives of NAACP, members of the Baltimore business community, members of the Baltimore press establishment, down with us to Richmond to speak to the people who are actually doing exile in Richmond and now of course in the state of Virginia as the program has gone statewide.

We have submitted testimony in Annapolis. We've lobbied to push public opinion with respect to this issue, because it is an issue you would think that would be common sense. And that's the reason we're here today.

I'm very happy to join Bill, our leadership and my colleagues here today. It's my sincere hope that this program can be adopted. It can work in Maryland. It can work around the country. It should not be the subject of controversy anywhere at any place.

We can avoid so many tragedies with common-sense solutions when it comes to gun crime. We can preserve principles relating to federalism as this bill does, as Bill said. We can provide maximum flexibility to our state legislators, and we can do the common-sense and right thing and that's why I'm here today.

Bill, congratulations.

MCCOLLUM: Thank you, Bob.

Congressman Jim Rogan of California. Jim, member of my Judiciary Committee.

ROGAN: My name is Jim Rogan, congressman from the 27th District of California. First, I want to congratulate Chairman McCollum for his incredible leadership on this issue.

We pass a lot of bills here in Congress, but there are very few bills that get passed that will make a difference in people's lives, and this is the kind of bill that will make a difference in the lives of children and in the lives of ordinary citizens on the streets.

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XXX Exile in Colorado.

TANCREDO: For obvious reasons, this is extremely important to me. My district is the 6th Congressional District in Colorado and includes Columbine.

I said at the time that I believe Project Exile was an excellent way for us to address the issue of gun violence in this country. I also said that if it was a matter of resources, that they could count on my to come here and try to do my best to get the resources that they would need to actually implement Project Exile.

Anecdotally, I remember reading something in a Virginia paper not too long ago where someone had been taken into custody, a drug dealer had been taken into custody, and he had had a very large amount of drugs in his possession, far larger than anybody would assume someone would have and not have a gun at the same time. It's been their experience in Virginia and everywhere else that if you get somebody and he's carrying this much in illegal narcotics he's also almost always carrying a firearm.

But he wasn't carrying a firearm, and so they were wondering about it. The authorities kept pressing him as to in fact why he wasn't carrying a firearm. Where was it? Had they just not found it? And they just kept bugging him and kept pushing him.

And finally he jumps up and says: "It's five years, man. Five years, man."

I think that's a great commercial. I wish we could run that, you know, part of that Project Exile, both in Colorado and in Virginia, is an ad campaign. And we started them just a little bit ago in Colorado, and it's designed to get people to understand the ramifications of their actions if you choose to use a firearm in the commission of a crime in Colorado and in Virginia. I think that'd just be -- I think that's all we have to have: "It's five year, man." That should be on the bulletin boards everywhere. That should be the thing on -- that we run on TV.

Because it matters, it does matter, as has been mentioned by my colleagues here.

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XXX the highest priorities.

WILSON: Fortunately for me, Albuquerque, New Mexico, was one of those cities. Fortunate, but unfortunate, because Albuquerque is one of the most violent cities per capita in the nation. We're up there at number 33.

So it is likely that this year we will get two new assistant U.S. attorneys in Albuquerque to prosecute firearm crimes.

But we need to take that nationwide. Project Exile has shown that this kind of approach works at both deterring crime and taking those who use firearms in a crime and putting them behind bars.

But more important than how the crime rate is going nationwide or in Albuquerque, my hometown, is how people feel about it. And we talk about in this country how we're the freest country in the world. But if you don't feel safe walking around your neighborhood at night, then you're not really free.

And to me that's what this bill is about. It's about giving people the confidence over time that you can walk around your neighborhood, whether you're elderly or a woman or just walking alone and afraid. And you shouldn't have to be afraid if you're an American.

This bill says there's going to be hard time for armed crime. And I think that's the way we need to go. If somebody comes around a second time in possession of a gun after they've already been convicted of a violent felony, I don't want to see them any more in my town. And that's what this is about.

And I want to commend Mr. McCollum for his actions.

MCCOLLUM: Congressman Tancredo from Colorado. Congressman.

TANCREDO: Thank you, Mr. McCollum.

A couple of weeks ago, I stood at another podium in Colorado along with the U.S. attorney there to herald the development or the announcement that we were going to have a Project Exile in Colorado.

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XXX my colleagues here.

TANCREDO: Believe it or not, criminals do pay attention to things like this and will choose, if they have -- if they think about it any length of time -- more often than not, they will choose to avoid the possibility of spending that hard time.

So in Colorado this was actually started and implemented in September of last year, and there's been a significant increase already in the number of defendants and in the number of cases filed. I believe that it will result in a reduced number of incidents.

I certainly pray that it helps us all -- not just in Colorado, but everywhere in this country -- reduce the possibility of another kind of Columbine event. Of course, that's what I focus in on, that's the thing I try to at least establish any sort of policy in terms of gun control issues around, and I believe that this does have an effect.

And so I want to commend the chairman also, and I appreciate him giving me a few moments to discuss it with you today.

MCCOLLUM: Well, I want to thank all four of my colleagues are here today for joining in co-sponsoring this bill. I would expect to have a wide variety of co-sponsors after we've introduced it, but they are originals, and they're here for reasons they've each stated.

So I may not have been clear on all the details. I wanted to give them some time. So let's take some questions from anybody who has them.

Yes, sir?

QUESTION: Did the Democrats manage to steal your enforcement issue yesterday? Carolyn McCarthy and Chuck Schumer put out a bill that has some of these elements and other items in it, and they essentially said they were calling your bluff on enforcement.

MCCOLLUM: Well, I don't know all the details of their bill. But what I'm impressed with is the fact that this bill, as opposed to the administration's proposed bill, which I think is what they've introduced, has the mandatory minimum hook that's here.

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XXX hook that's here.

MCCOLLUM: We have an incentive grant program. And what this program deals with is going to the states. This bill, I think, is very unique in this regard. And says to the states, look, if you change your laws, your sentencing laws, if you change your sentencing laws to deal with the matters as we suggest -- that is go to Project Exile, like I think about six states in the country already have -- then you will be able to get this money to improve your justice systems.

But the catch to this, of course, is that change requires a minimum mandatory five year sentence in some manner or means for somebody who uses or carries a gun in the commission of a violent crime or a drug related crime, and/or has been a convicted felon already for a violent crime or drug related crime, and has a possession of a gun -- he might not be in the commission of a crime. I think that's quite unique, and I don't think that's spelled out in their bill.

By the way, I'm not worried either about how many people put in copy cat bills. We've been working on this for sometime. I don't think -- what they've done though is this bill.

Who has another one? Anybody got something else?

Yes, ma'am?

QUESTION: What are the six states, how many states would be eligible or moving toward...

MCCOLLUM: Well, this is very similar to what it was back when we filed the first bill that I mentioned to you with regard to truth in sentencing a few years ago to provide incentive grants to states. There were about six or seven states that qualified.

My understanding from all the survey of our crime subcommittee is that there are now six states we believe that have qualified today for these grants, as of this moment. And I know of four or five of them -- Virginia, Texas, Florida, I think Colorado, I know Louisiana, and there's one more here, South Carolina. The objective is to encourage the other states to do this.

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XXX to do this.

MCCOLLUM: If every state -- if a lot of states requalified this program, this bill would not be here today. It wouldn't be necessary. But it is, and this will hopefully encourage the states that have not to come aboard very quickly.

Who has another one?

QUESTION: \$100 million (OFF-MIKE). Is that enough to make a real impact on Congress?

MCCOLLUM: Well, I think the issue is will it make an impact on the states wanting to do this to get more money. And usually in the criminal justice area, our experience has been that they do want the money.

And this bill is not evenly divided. It starts out with -- because we only have six states we think that are currently qualified -- with \$10 million. And then it graduates up \$5 million more to be appropriated -- or at least is authorized for appropriation each year after that, until it gets to the completion of the five years, at which point there will be \$30 million in the pot.

So there is an incentive just in what -- when the money is available, for the states that have not adopted these laws to get in line because there's going to be an ever-increasingly larger pot of money.

And I would suggest to you if this doesn't prove to be enough, we'll add more. We did originally \$500 million in the truth and sentencing grants and we found out that we didn't have to use all of it. That was not all consumed initially. So I think \$100 million is plenty.

QUESTION: On the issue of (OFF-MIKE) violence, do you think that Smith & Wesson (OFF-MIKE)?

MCCOLLUM: Well, I don't really. I'm not here to comment on the Smith & Wesson settlement. I have no way of knowing whether it will or it won't.

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XXX or it won't.

MCCOLLUM: I think we're going to continue to see all kinds of changes in this arena. And I'm hopeful that we produce a bill that's completely separate from this, that's been over there in the juvenile crime arena for some time, that also resolves the issues that are pending in a whole other set of gun issues.

Today we're here to address the one thing that's really critical and that's the Project Exile, and how do we get together. And we know that we have bipartisan desire on this bill to do Project Exile.

Who has another one? Anybody?

Yes, ma'am?

QUESTION: If this is such a great idea why are they not moved with states? (inaudible) Why do they need federal monies to do...

MCCOLLUM: Well, my guess is most states have some resistance to incarceration for lengthy periods of time. Minimum mandatory sentences carry a price, in a dollar sense. You have to have the jail space and prison space.

Now, this combined with the prison grant program we already have out there, which truth in sentencing still exists, is on the books, there is money in it and probably will be in this next fiscal year from the federal government. I would like to believe that states will go and buy into this program, and that the public will latch onto it and demand seeing the results in Maryland, in Colorado, in Virginia, that their states do the same thing. But my guess is that's the reason.

Yes, ma'am?

QUESTION: (OFF-MIKE)

MCCOLLUM: There -- it may be a great idea to hire more agents, and we're certainly not foreclosing that. This bill does not concern the federal law enforcement or federal crimes.

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XXX or federal crimes.

MCCOLLUM: What we're dealing with here today is trying to encourage the states to make changes. You may remember that a couple years ago, less than that, actually, that we passed a bill that's now law that has minimum mandatory sentences in it for those who commit crimes at the federal level with guns or for those who have been, obviously you know this -- it's been on the books for some time -- it's been debated a lot -- convicted felons who are found possessing a gun.

What we don't have though are the 50 states out there doing this. At least we don't have 44 of them. And so this bill concerns encouraging the states, where most crime is -- most crime is state crime, very few are -- or actually, violent crimes -- are federal crimes.

So this encouraged the states. And I think the bottom line of this is what has been said a couple of times here today. I just don't think we ought miss this. And that is there is a message here. And the message is, if you commit a crime with a gun, you're going to do a lot of time. And it's a deterrent message. It's a very important message. And the states have to be involved in it for that message to be there.

Yes?

QUESTION: (OFF-MIKE)

MCCOLLUM: We understand that there's generally support out there. I do not have an endorsement for this bill or a whole list of them today because the bill was in fluid state to produce it today, so they couldn't see the final copy.

But I would expect that we'd have a wide variety of folks in both Democrat and Republican and all interested parties in wanting to be involved in supporting this legislation.

We're going to have a hearing on it April 6 in the subcommittee on crime. This bill will move, I think very rapidly. And I'd like to believe that we'll have this in law before the end of the summer.

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XXX of the summer

MCCOLLUM: Yes, sir?

QUESTION: Do you have any estimates, cost estimates, maybe from Virginia or other states, on how much this will increase prison costs?

MCCOLLUM: I don't have a dollar figure, but I would suggest to you that it can be compared to what we've done in areas like those things involving truth in sentencing, where there were times of incarceration that does cost more. There's no question, there is some cost involved in this.

But let me suggest to you that we're working on a parallel bill that will reduce that cost. And I'm not ready to go in to great detail with you today, because that's not the purpose of this press conference either.

But the subcommittee on crime has produced, and we are working as a bipartisan way on, a bill dealing with prison industries, that in part would provide for a much greater return to pay and offset for states the cost of incarceration.

So there are a lot of innovative things going on out there today that would hopefully mitigate these costs.

And I would bring back to you one other thing. When we use the word "cost," there are all kinds of implications to that. The greatest cost to any American is his or her life. And we're dealing with children, and we're dealing with guns, and we're dealing with people losing their lives, and I think that cost is far greater than the cost of any prison that might be resulting from a minimum mandatory of five years for any state under this bill.

So we've got a bill.

Well, thank you very much for coming out today.

I thank all of my colleagues for joining me.

Thank you.

END .ETX



# PRESS RELEASE

## Congressman John Conyers, Jr.

Fourteenth District, Michigan  
Ranking Member, Committee on the Judiciary  
Dean, Congressional Black Caucus

FOR IMMEDIATE RELEASE:  
March 22, 2000

CONTACT:  
Ted Kalo (225-6906)

### Conyers Reacts to McCollum Enforcement Block Grant Bill: "It Only Pays Lip Service to Enforcement"

Today, reacting to the Republican Leadership's introduction of a gun enforcement block grant bill, John Conyers, Jr. (D-MI), Ranking Member of the House Judiciary Committee, issued the following statement:

"Everyone supports more enforcement. But when you hear the NRA and its allies in Congress cry their misleading statistics, remember that it is a trick. A trick to divert attention from their opposition to closing the gun show loophole. A trick so they don't have to explain why the NRA supports laws that allow criminals to get out of jail and get their guns back.

And it is a farce. The NRA and its allies in Congress opposed the laws they now want so badly to be enforced. And the NRA and its allies in Congress have made sure that the agencies that enforce our gun laws can only do so with one arm tied behind their backs.

When the NRA saw that it was losing the battle on gun safety, it changed the subject by talking about federal enforcement of our gun laws. The NRA thinks that the facts are on their side, and they talk about a 50% drop in federal gun prosecutions. That number has been pulled out of a hat and bears no relationship to any statistic I have seen. Then they say that federal prosecutions are down, but fail to count the most recent statistics.

The facts don't lie, and the facts are that: federal gun prosecutions in 1999 were up 16% over 1992; combined federal, state, and local gun prosecutions are up 22 percent from 1992 through 1997; and violent crime with guns is down 35%. The NRA's tired old refrain is a trick, a false choice, and as the numbers show, a bald-faced lie.

As to the substance of the McCollum bill, based on drafts that I have seen, it appears to only pay lip service to enforcement by mimicking Reagan-era revenue sharing approaches. Unlike the McCarthy-Conyers-Schumer "ENFORCE Act", the McCollum bill merely urges federal prosecution of gun crimes but provides no resources to federal gun prosecutors and no resources to ATF to enforce gun laws.

The bill does nothing to target the one percent of gun dealers who are responsible for selling nearly half of the guns traced to crime. It does nothing to plug NRA sponsored loopholes that, among other things, allows criminals to get out of jail and get their guns back.

It is time to reject the NRA's posturing. It is time to reject the NRA's false choice between enforcement or gun safety measures. We want to do both. If the McCollum bill is the best the NRA and its allies in Congress can come up with, they do not want to do either."

#106-96#

**The McCollum Enforcement Block Grant Bill:  
Paying Lip Service to Enforcement**

What is in the bill?	McCarthy/Conyers "Enforce Act"	McCollum block grant bill
<b><u>Benjamin Smith-</u></b> Does it prevent kitchen table gun peddlers from selling guns to felons, fugitives or stalkers without any background check or recordkeeping?	Yes.	<u>No.</u>
<b><u>Day Care Centers-</u></b> Does it prevent a gun store from being set up next to a day care center?	Yes.	<u>No.</u>
<b><u>Gun Thieves-</u></b> Does it include measures that prevent "smash and grab" thefts by gun traffickers?	Yes.	<u>No.</u>
<b><u>Stolen Gun Shipments-</u></b> Does it require delivery services (e.g. UPS, FedEx) to alert authorities to thefts of gun shipments?	Yes.	<u>No.</u>
<b><u>Do Your Job But Only Once a Year-</u></b> Does it remove the NRA-sponsored loophole limiting unannounced ATF inspections to one per year, fewer than we allow for poultry inspectors, that gives bad apple gun dealers a free ride?	Yes.	<u>No.</u>
<b><u>Personal Collection-</u></b> Does it remove the NRA-sponsored loophole that lets bad apple gun dealers and traffickers hide fraudulent transactions by claiming the gun sold was from a "personal collection"?	Yes.	<u>No.</u>
<b><u>Weak Penalties for Bad Dealers-</u></b> Does it put teeth into sanctions on bad apple gun dealers?	Yes.	<u>No.</u>
<b><u>Get out of Jail and Get Your Guns Back-</u></b> Does it remove the NRA-sponsored loophole that rearms convicted felons?	Yes.	<u>No.</u>
<b><u>Wife Beater Records-</u></b> Does it give resources to law enforcement to identify batterers and stalkers who are attempting to buy guns?	Yes.	<u>No.</u>
<b><u>One Hand Tied Behind ATF's Back-</u></b> Does it add ATF agents and inspectors to remove NRA- sponsored limits that have kept enforcement resources at 1970's levels?	Yes.	<u>No.</u>
<b><u>Smart Guns-</u></b> Does it provide funding for "smart guns" that will prevent weapons from being used by intruders, children and criminals to shoot police officers?	Yes.	<u>No.</u>
<b><u>Anonymous Gun Criminals-</u></b> Does it include forensic ballistics measures that aid in the identification of gun criminals by using "gun fingerprints"?	Yes.	<u>No.</u>
<b><u>Federal Prosecutions without Federal Prosecutors-</u></b> Does it include funding for federal prosecutors to prosecute gun crimes?	Yes.	<u>No.</u>
<b><u>Underfunded Exile-</u></b> Does it provide funding for expansion of "Project Exile" (coordination between federal, state and local prosecutors to determine whether gun criminals should be prosecuted in federal court and media campaigns to publicize the severe penalties for gun crimes)?	Yes. The bill provides \$165 million for this purpose.	Yes. But the McCollum bill only grants \$100 million and only to states.

U.S. REPRESENTATIVE

**BILL McCOLLUM****8th District—Florida**

2109 Rayburn House Office Building  
 Washington, D.C. 20515  
 202/225-2176

**For Immediate Release****Date:** March 22, 2000**Contact:** Susan Dryden, (202) 225-2176 or pager (800)759-8888 pin1758916

## **McCollum Introduces "Project Exile: The Safe Streets and Neighborhoods Act of 2000"**

*Bill Keeps Children, Families and Neighborhoods Safe by "Exiling" Criminals Who Use Guns*

**Washington, D.C.** - Today U.S. Representative Bill McCollum (R-FL), Chairman of the House Subcommittee on Crime, introduced "*Project Exile: The Safe Streets and Neighborhoods Act of 2000.*" The bill provides a proven, common sense approach to reducing gun crimes by enforcing the laws already on the books and ensuring tough prison time for criminals who use guns. McCollum's bill has the support of Majority Leader Dick Armey (R-TX), Majority Whip Tom DeLay and House Republican Conference Chairman J.C. Watts (R-OK), all of whom are original co-sponsors of the legislation.

"The real heartache regarding gun violence is that it involves avoidable tragedies," said McCollum. "The sad truth is violent criminals are back on the streets before they should be, and are committing additional crimes. We must ensure appropriate, tough sentences the first time, so the subsequent crimes - and the subsequent heartache - will be avoided."

In states and communities around the country where aggressive prosecution of gun crimes has been coupled with tough prison sentences, violent crime has gone down. Project Exile would help make neighborhoods and communities safer by providing block grants to qualifying states to strengthen their criminal and juvenile justice systems if they ensure tough prison sentences for those who commit gun crimes.

The bill will provide \$100 million over the next 5 years as an incentive for states to implement such programs. In order to qualify for grants, states must take three steps: 1) require a mandatory minimum sentence without parole for anyone who uses or carries a firearm in any violent crime or serious drug trafficking offense, or for a violent convict who is caught possessing a gun; 2) implement a public awareness campaign to make violent criminals aware of the tough sentences for gun crimes; and, 3) work with federal law enforcement authorities to promote federal cooperation to ensure criminals who use guns receive tough sentences.

“Project Exile is a proven, common sense approach to stopping these avoidable tragedies by ‘exiling’ violent gun criminals to prison so our children, families and neighborhoods remain safe,” said McCollum.

Qualifying states would be allowed to use their funds to strengthen their criminal and juvenile justice systems in a wide variety of ways: hiring and training more judges, prosecutors and probation officers; increasing prison capacity; and developing information-sharing case management systems to build case files for serious offenders.

# # #

**Project Exile: The Safe Streets and Neighborhoods Act of 2000**  
**To be introduced by Rep. Bill McCollum (R-FL), March 22, 2000**

"Project Exile: The Safe Streets and Neighborhoods Act" will help make our communities and neighborhoods safer by addressing gun violence through the common sense approach of ensuring vigorous prosecution of gun criminals. In the last two years a handful of states, including Virginia, have dramatically reduced the level of gun crime in their states by implementing programs that ensure tough prison time for criminals who use guns. This approach simply enforces the laws already on the books, and ensures a minimum prison sentence of at least five years for convicted violators. In states and communities around the country where aggressive prosecution of gun crimes has been coupled with tough prison sentences, violent crime has gone down. This is because criminals who use guns are the most hardened offenders and the ones who commit the most crime. Getting them off the streets leads to a dramatic reduction in crime, and sends an unmistakable deterrent message: We will not tolerate gun crimes.

The Project Exile Act will provide resources to states that ensure a mandatory minimum sentence of five years (without parole) for any person who uses or carries a firearm during and in relation to a violent crime (murder, rape, robbery, and aggravated assault) or serious drug trafficking offense (an offense under state law involving manufacturing or distributing a controlled substance, for which a maximum term of imprisonment of ten years or more is prescribed by law). Importantly, the Act requires that the mandatory minimum sentence must be in addition to the punishment provided for the underlying crime. Alternatively, a state can qualify for the Exile funds if it ensures that a person convicted of possessing a firearm and who has a prior conviction for a violent crime serves a mandatory minimum sentence of five years. The Act will give states the option to prosecute offenders in either federal or state court, so long as the states ensure that the mandatory minimum sentence of five years is served.

The Project Exile Act will provide a total of \$100 million in federal resources over five years as an incentive for states to implement such programs and to help defray costs associated with tougher enforcement against gun criminals. Funds received under the Act will be for strengthening state criminal justice systems in a wide variety of ways, including: hiring and training more judges, prosecutors and probation officers; increasing prison capacity; and developing information-sharing case management systems that ensure that all segments of the criminal justice system are contributing to and using the same case files for serious offenders.

The Act will build on the success of the Truth-in-Sentencing program that Congress has funded over the last five years. The Truth-in-Sentencing program created an incentive for states to require convicted violent offenders to serve at least 85 percent of their sentences, and helped states defray costs associated with the resulting longer prison terms. This program has helped move the national average time served for violent offenders from 35 percent in 1994 to close to 50 percent in 1998. It has been a key factor in lowering the crime rate over the last 7 years.

## Legislative Components

### State Eligibility Criteria

(A) Except as provided in (B), to qualify a state must, at a minimum:

(1) require a mandatory minimum sentence of five years (without parole) for any person who: (a) uses or carries a firearm during and in relation to a violent crime (murder, rape, robbery, and aggravated assault) or serious drug trafficking offense (an offense under state law involving manufacturing or distributing a controlled substance, for which a maximum term of imprisonment of ten years or more is prescribed by law), with the five year mandatory minimum sentence being in addition to the punishment provided for the underlying crime; or (b) is convicted of possessing a firearm and who has a prior conviction for a violent crime or serious drug trafficking offense.

(2) implement a public awareness campaign to put violent criminals on notice of the tough sentences for gun crimes and develop community support for the state's Safe Streets and Neighborhoods program; and

(3) provide assurances that the state will coordinate with federal prosecutors and federal law enforcement agencies serving their jurisdictions, so as to promote federal involvement and cooperation.

(B) A state can qualify even if it does not have a five year mandatory minimum provided in state law, pursuant to (A)(1), so long as it can assure that a person convicted for any of the above identified crimes will receive mandatory minimum sentence of five years in federal court for the offense. Such an assurance can be in the form of an executive order by the chief executive of the state, or an exchange of letters between the state and the appropriate federal districts.

**[Alternative: Also allow state to qualify if the five cities with the highest crime rate have entered into such federal-city task force arrangements; then require that the resources be dedicated to those cities]**

### Allowable Uses

- police
- prosecutors
- courts
- probation officers
- juvenile justice system
- prison expansion, renovation and personnel
- criminal history record improvements
- case management programs involving information-sharing regarding serious offenders

**Funding Authorization**

\$100 million total with \$10 million provided the first year (fiscal year '01), \$15 million the second year, \$20 million the third year, \$25 million the fourth year, and \$30 million the final year.

**Funding Formula**

Each state's share is based on its relative amount of violent crime (as a percentage of the total violent crime of all other qualifying states).

**Miscellaneous**

- A state must provide assurances that it will allocate its resources with the aim of addressing crime in its highest crime areas.
- A state may make sub-grants to cities or counties to carry out the purposes of this Act.

**Definitions**

- "violent crime" includes murder, rape, robbery, and aggravated assault.
- "serious drug trafficking offense" is an offense under state law involving manufacturing, distributing, or possessing with intent to distribute, a controlled substance, for which a maximum term of imprisonment of ten years or more is prescribed by law

## **Project Exile: The Richmond, Virginia Success Story**

Prior to Project Exile, Richmond, VA, had one of the highest murder rates in the world and an exploding violent crime problem.

Since 1997, when Project Exile was begun in Richmond:

- Homicides have dropped 46% (the lowest level since 1987)
- Crimes involving guns have dropped by 65%
- Aggravated assault s have dropped by 39%
- And the overall number of violent crimes have dropped by 35%

**Project Exile is a proven, common sense approach  
to preventing avoidable tragedies**

# A Record to Be Proud of?

## Clinton Administration's Record on Prosecution of Gun Law Violations

	1996	1997	1998
Prosecutions under the Brady Act - Background Checks	0	0	1
Prosecutions for the Transfer of a Handgun or Ammunition to a Juvenile	9	5	6
Prosecutions for Possession of a Handgun or Ammunition by a Juvenile	27	3	8
Prosecutions for Possession or Discharge of a Firearm in a School Zone	4	5	8
Prosecution for Possession of Firearm by a Juvenile at School	4	5	8
Prosecutions for Firearm Possession by a Convicted Spouse Abuser	0	21	56

Source: Cases Reported, Executive Office, United States Attorney

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[DISCUSSION DRAFT]

106TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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IN THE HOUSE OF REPRESENTATIVES

Mr. McCOLLUM introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To establish a grant program that provides incentives for  
States to enact mandatory minimum sentences for cer-  
tain firearms offenses, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Project Exile: The Safe  
5 Streets and Neighborhoods Act of 2000".

1 **SEC. 2. FIREARMS SENTENCING INCENTIVE GRANTS.**

2 (a) PROGRAM ESTABLISHED.—Title II of the Violent  
3 Crime Control and Law Enforcement Act of 1994 is  
4 amended—

5 (1) by redesignating subtitle D as subtitle E;

6 and

7 (2) by inserting after subtitle C the following  
8 new subtitle:

9 **“Subtitle D—Firearms Sentencing**  
10 **Incentive Grants**

11 **“SEC. 20351. DEFINITIONS.**

12 “For purposes of this subtitle:

13 “(1) The term “violent crime” means murder  
14 and nonnegligent manslaughter, forcible rape, rob-  
15 bery, and aggravated assault, or a crime in a reason-  
16 ably comparable class of serious violent crimes as  
17 approved by the Attorney General.

18 “(2) The term “serious drug trafficking crime”  
19 means an offense under State law for the manufac-  
20 ture or distribution of a controlled substance, for  
21 which State law authorizes to be imposed a sentence  
22 to a term of imprisonment of 10 years or more.

23 “(3) The term ‘part 1 violent crime’ means  
24 murder and nonnegligent manslaughter, forcible  
25 rape, robbery, and aggravated assault as reported to

1 the Federal Bureau of Investigation for purposes of  
2 the Uniform Crime Reports.

3 “(4) The term ‘State’ means a State of the  
4 United States, the District of Columbia, the Com-  
5 monwealth of Puerto Rico, the United States Virgin  
6 Islands, American Samoa, Guam, and the Northern  
7 Mariana Islands.

8 **“SEC. 20352. AUTHORIZATION OF GRANTS.**

9 “(a) IN GENERAL.—From amounts made available to  
10 carry out this subtitle, the Attorney General shall provide  
11 Firearms Sentencing Incentive grants under section  
12 20353 to eligible States.

13 “(b) ALLOWABLE USES.—Such grants may be used  
14 by a State only for the following purposes:

15 “(1) To support—

16 “(A) law enforcement agencies;

17 “(B) prosecutors;

18 “(C) courts;

19 “(D) probation officers;

20 “(E) correctional officers;

21 “(F) the juvenile justice system;

22 “(G) the expansion, improvement, and co-  
23 ordination of criminal history records; or

1           “(H) case management programs involving  
2           the sharing of information about serious offend-  
3           ers.

4           “(2) To carry out a public awareness and com-  
5           munity support program described in section  
6           20353(a)(2).

7           “(3) To build or expand correctional facilities.

8           “(c) SUBGRANTS.—A State may use such grants di-  
9           rectly or by making subgrants to units of local government  
10          within that State.

11          **“SEC. 20353. FIREARMS SENTENCING INCENTIVE GRANTS.**

12          “(a) ELIGIBILITY.—Except as provided in subsection  
13          (b), to be eligible to receive a grant award under this sec-  
14          tion, a State shall submit an application to the Attorney  
15          General that complies with the following:

16                 “(1) The application shall demonstrate that  
17                 such State has implemented firearms sentencing  
18                 laws requiring 1 or more of the following:

19                         “(A) Any person who, during and in rela-  
20                         tion to any violent crime or serious drug traf-  
21                         ficking crime, uses or carries a firearm, shall,  
22                         in addition to the punishment provided for such  
23                         crime of violence or serious drug trafficking  
24                         crime, be sentenced to a term of imprisonment

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1 of not less than 5 years (without the possibility  
2 of parole during that term).

3 “(B) Any person who, having at least 1  
4 prior conviction for a violent crime, possesses a  
5 firearm, shall, for such possession, be sentenced  
6 to a term of imprisonment of not less than 5  
7 years (without the possibility of parole during  
8 that term).

9 “(2) The application shall demonstrate that  
10 such State has implemented, or will implement not  
11 later than 6 months after receiving a grant under  
12 this subtitle, a public awareness and community sup-  
13 port program that seeks to build support for, and  
14 warns potential violators of, the firearms sentencing  
15 laws implemented under paragraph (1).

16 “(3) The application shall provide assurances  
17 that such State—

18 “(A) will coordinate with Federal prosecu-  
19 tors and Federal law enforcement agencies  
20 whose jurisdictions include such State, so as to  
21 promote Federal involvement and cooperation in  
22 the enforcement of laws within that State; and

23 “(B) will allocate its resources in a manner  
24 calculated to reduce crime in the high-crime  
25 areas of the State.

1       “(b) ALTERNATE ELIGIBILITY REQUIREMENT.—

2               “(1) IN GENERAL.—A State that is unable to  
3 demonstrate in its application that such State meets  
4 the requirement of subsection (a)(1) shall be eligible  
5 to receive a grant award under this section notwith-  
6 standing that inability if that State, in such applica-  
7 tion, provides assurances that such State has in ef-  
8 fect an equivalent Federal prosecution agreement.

9               “(2) EQUIVALENT FEDERAL PROSECUTION  
10 AGREEMENT.—For purposes of paragraph (1), an  
11 equivalent Federal prosecution agreement is an  
12 agreement with appropriate Federal authorities that  
13 ensures that 1 or more of the following:

14               “(A) If a person engages in the conduct  
15 specified in subsection (a)(1)(A), but the con-  
16 viction of that person under State law for that  
17 conduct is not certain to result in the imposi-  
18 tion of an additional sentence as specified in  
19 that subsection, that person is prosecuted for  
20 such conduct under Federal law.

21               “(B) If a person engages in the conduct  
22 specified in subsection (a)(1)(B), but the con-  
23 viction of that person under State law for that  
24 conduct is not certain to result in the imposi-  
25 tion of a sentence as specified in that sub-

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1 section, that person is prosecuted for such con-  
2 duct under Federal law.

3 **"SEC. 20354. FORMULA FOR GRANTS.**

4 "(a) IN GENERAL.—The amount available for grants  
5 under section 20353 for any fiscal year shall be allocated  
6 to each eligible State, in the ratio that the number of part  
7 1 violent crimes reported by such State to the Federal Bu-  
8 reau of Investigation for the 3 years preceding the year  
9 in which the determination is made, bears to the average  
10 annual number of part 1 violent crimes reported by all  
11 eligible States to the Federal Bureau of Investigation for  
12 the 3 years preceding the year in which the determination  
13 is made.

14 "(b) UNAVAILABLE DATA.—If data regarding part 1  
15 violent crimes in any State is substantially inaccurate or  
16 is unavailable for the 3 years preceding the year in which  
17 the determination is made, the Attorney General shall uti-  
18 lize the best available comparable data regarding the num-  
19 ber of violent crimes for the previous year for the State  
20 for the purposes of allocation of funds under this subtitle.

21 **"SEC. 20355. AUTHORIZATION OF APPROPRIATIONS.**

22 "(a) AUTHORIZATIONS.—There are authorized to be  
23 appropriated to carry out this subtitle—

24 "(1) \$10,000,000 for fiscal year 2001;

25 "(2) \$15,000,000 for fiscal year 2002;

1           “(3) \$20,000,000 for fiscal year 2003;

2           “(4) \$25,000,000 for fiscal year 2004; and

3           “(5) \$30,000,000 for fiscal year 2005.

4           “(b) LIMITATIONS ON FUNDS.—

5           “(1) USES OF FUNDS.—Funds made available  
6 pursuant to this subtitle shall be used only to carry  
7 out the purposes described in section 20352(b).

8           “(2) NONSUPPLANTING REQUIREMENT.—Funds  
9 made available pursuant to this section shall not be  
10 used to supplant State funds, but shall be used to  
11 increase the amount of funds that would, in the ab-  
12 sence of Federal funds, be made available from  
13 State sources.

14           “(3) ADMINISTRATIVE COSTS.—Not more than  
15 3 percent of the funds made available pursuant to  
16 this section shall be available to the Attorney Gen-  
17 eral for purposes of administration, research and  
18 evaluation, technical assistance, and data collection.

19           “(4) CARRYOVER OF APPROPRIATIONS.—Funds  
20 appropriated pursuant to this section during any fis-  
21 cal year shall remain available until expended.

22           “(5) MATCHING FUNDS.—The Federal share of  
23 a grant received under this subtitle may not exceed  
24 90 percent of the costs of a proposal as described in  
25 an application approved under this subtitle.

1 **"SEC. 20356. REPORT BY THE ATTORNEY GENERAL.**

2 "Beginning on October 1, 2001, and each subsequent  
3 July 1 thereafter, the Attorney General shall submit to  
4 the Committee on the Judiciary of the Senate and the  
5 Committee on the Judiciary of the House of Representa-  
6 tives a report on the implementation of this subtitle. The  
7 report shall include information regarding the eligibility  
8 of States under section 20353 and the distribution and  
9 use of funds under this subtitle."

10 (b) CLERICAL AMENDMENT.—The table of contents  
11 in section 2 of that Act is amended—

12 (1) by redesignating the item relating to sub-  
13 title D of title II as subtitle E of such title; and

14 (2) by inserting after subtitle C of such title the  
15 following:

"Subtitle D—Firearms Sentencing Incentive Grants

"Sec. 20351. Definitions.

"Sec. 20352. Authorization of grants.

"Sec. 20353. Firearms sentencing incentive grants.

"Sec. 20354. Formula for grants.

"Sec. 20355. Authorization of appropriations.

"Sec. 20356. Report by the Attorney General."