

AMENDMENT TO H.R. 1501
OFFERED BY MR. MCCOLLUM OF FLORIDA

Page 1, beginning on line 4, strike “Consequences for Juvenile Offenders” and insert “Child Safety and Youth Violence Prevention”.

Page 1, after line 5, insert the following:

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF
1999

- Sec. 101. Short title.
- Sec. 102. Grant program.

TITLE II—JUVENILE JUSTICE REFORM

- Sec. 201. Delinquency proceedings or criminal prosecutions in district courts.
- Sec. 202. Custody prior to appearance before judicial officer.
- Sec. 203. Technical and conforming amendments to section 5034.
- Sec. 204. Detention prior to disposition or sentencing.
- Sec. 205. Speedy trial.
- Sec. 206. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.
- Sec. 207. Juvenile records and fingerprinting.
- Sec. 208. Technical amendments of sections 5031 and 5034.
- Sec. 209. Clerical amendments to table of sections for chapter 403.

TITLE III—EFFECTIVE ENFORCEMENT OF FEDERAL FIREARMS
LAWS

- Sec. 301. Armed criminal apprehension program.
- Sec. 302. Annual reports.
- Sec. 303. Authorization of appropriations.
- Sec. 304. Cross-designation of Federal prosecutors.

TITLE IV—LIMITING JUVENILE ACCESS TO FIREARMS AND
EXPLOSIVES

- Sec. 401. Increased penalties for unlawful juvenile possession of firearms.

- Sec. 402. Increased penalties and mandatory minimum sentence for unlawful transfer of firearm to juvenile.
- Sec. 403. Prohibiting possession of explosives by juveniles and young adults.

TITLE V—PREVENTING CRIMINAL ACCESS TO FIREARMS AND
EXPLOSIVES

- Sec. 501. Criminal prohibition on distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction.
- Sec. 502. Requiring thefts from common carriers to be reported.
- Sec. 503. Voluntary submission of dealer's records.
- Sec. 504. Grant program for juvenile records.

TITLE VI—PUNISHING AND DETERRING CRIMINAL USE OF
FIREARMS AND EXPLOSIVES

- Sec. 601. Mandatory minimum sentence for discharging a firearm in a school zone.
- Sec. 602. Apprehension and procedural treatment of armed violent criminals.
- Sec. 603. Increased penalties for possessing or transferring stolen firearms.
- Sec. 604. Increased mandatory minimum penalties for using a firearm to commit a crime of violence or drug trafficking crime.
- Sec. 605. Increased penalties for misrepresented firearms purchase in aid of a serious violent felony.
- Sec. 606. Increasing penalties on gun kingpins.
- Sec. 607. Serious recordkeeping offenses that aid gun trafficking.
- Sec. 608. Termination of firearms dealer's license upon felony conviction.
- Sec. 609. Increased penalty for transactions involving firearms with obliterated serial numbers.
- Sec. 610. Forfeiture for gun trafficking.
- Sec. 611. Increased penalty for firearms conspiracy.
- Sec. 612. Gun convictions as predicate crimes for Armed Career Criminal Act.
- Sec. 613. Serious juvenile drug trafficking offenses as Armed Career Criminal Act predicates.
- Sec. 614. Forfeiture of firearms used in crimes of violence and felonies.
- Sec. 615. Separate licenses for gunsmiths.
- Sec. 616. Permits and background checks for purchases of explosives.
- Sec. 617. Persons prohibited from receiving or possessing explosives.

TITLE VII—PUNISHING GANG VIOLENCE AND DRUG
TRAFFICKING TO MINORS

- Sec. 701. Increased mandatory minimum penalties for using minors to distribute drugs.
- Sec. 702. Increased mandatory minimum penalties for distributing drugs to minors.
- Sec. 703. Increased mandatory minimum penalties for drug trafficking in or near a school or other protected location.
- Sec. 704. Criminal street gangs.
- Sec. 705. Increase in offense level for participation in crime as a gang member.
- Sec. 706. Interstate and foreign travel or transportation in aid of criminal gangs.
- Sec. 707. Gang-related witness intimidation and retaliation.

1 **TITLE I—CONSEQUENCES FOR**
2 **JUVENILE OFFENDERS ACT**
3 **OF 1999**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Consequences for Ju-
6 venile Offenders Act of 1999”.

Page 2, line 1, strike “**2**” and insert “**102**”.

Page 4, line 11, strike the period and insert a semi-
colon.

Page 6, line 10, strike “juvenile” and all that follows
through “every” on line 11 and insert the following: “a
juvenile offender for each delinquent”.

Page 6, line 13, strike “or criminal”.

Page 16, strike “utilized” and insert the following:
“used by a State or unit of local government that re-
ceives a grant under this part”.

Page 16, line 18, strike “(a)(2)” and insert “(b)”.

Page 20, strike line 4, and insert the following:

7 (b) CLERICAL AMENDMENTS.—

1 “(2) A juvenile may be proceeded against as a juve-
2 nile in a court of the United States under this subsection
3 if—

4 “(A) the alleged offense or act of juvenile delin-
5 quency is committed within the special maritime and
6 territorial jurisdiction of the United States and is
7 one for which the maximum authorized term of im-
8 prisonment does not exceed 6 months; or

9 “(B) the Attorney General, after investigation,
10 certifies to the appropriate United States district
11 court that—

12 “(i) the juvenile court or other appropriate
13 court of a State or Indian tribe does not have
14 jurisdiction or declines to assume jurisdiction
15 over the juvenile with respect to the alleged act
16 of juvenile delinquency, or

17 “(ii) there is a substantial Federal interest
18 in the case or the offense to warrant the exer-
19 cise of Federal jurisdiction.

20 “(3) If the Attorney General does not so certify or
21 does not have authority to try such juvenile as an adult,
22 such juvenile shall be surrendered to the appropriate legal
23 authorities of such State or tribe.

24 “(4) If a juvenile alleged to have committed an act
25 of juvenile delinquency is proceeded against as a juvenile

1 under this section, any proceedings against the juvenile
2 shall be in an appropriate district court of the United
3 States. For such purposes, the court may be convened at
4 any time and place within the district, and shall be open
5 to the public, except that the court may exclude all or
6 some members of the public, other than a victim unless
7 the victim is a witness in the determination of guilt or
8 innocence, if required by the interests of justice or if other
9 good cause is shown. The Attorney General shall proceed
10 by information or as authorized by section 3401(g) of this
11 title, and no criminal prosecution shall be instituted except
12 as provided in this chapter.

13 “(b)(1) Except as provided in paragraph (2), a juve-
14 nile shall be prosecuted as an adult—

15 “(A) if the juvenile has requested in writing
16 upon advice of counsel to be prosecuted as an adult;
17 or

18 “(B) if the juvenile is alleged to have committed
19 an act after the juvenile attains the age of 14 years
20 which if committed by an adult would be a serious
21 violent felony or a serious drug offense described in
22 section 3559(c) of this title, or a conspiracy or at-
23 tempt to commit that felony or offense, which is
24 punishable under section 406 of the Controlled Sub-
25 stances Act (21 U.S.C. 846), or section 1013 of the

1 Controlled Substances Import and Export Act (21
2 U.S.C. 963).

3 “(2) The requirements of paragraph (1) do not apply
4 if the Attorney General certifies to the appropriate United
5 States district court that the interests of public safety are
6 best served by proceeding against the juvenile as a juve-
7 nile.

8 “(c)(1) A juvenile may also be prosecuted as an adult
9 if the juvenile is alleged to have committed an act after
10 the juvenile has attained the age of 13 years which if com-
11 mitted by a juvenile after the juvenile attained the age
12 of 14 years would require that the juvenile be prosecuted
13 as an adult under subsection (b), upon approval of the
14 Attorney General.

15 “(2) The Attorney General shall not delegate the au-
16 thority to give the approval required under paragraph (1)
17 to an officer or employee of the Department of Justice
18 at a level lower than a Deputy Assistant Attorney General.

19 “(3) Such approval shall not be granted, with respect
20 to a juvenile who has not attained the age of 14 and who
21 is subject to the criminal jurisdiction of an Indian tribal
22 government and who is alleged to have committed an act
23 over which, if committed by an adult, there would be Fed-
24 eral jurisdiction based solely on its commission in Indian
25 country (as defined in section 1151), unless the governing

1 body of the tribe having jurisdiction over the place in
2 which the alleged act was committed has before such act
3 notified the Attorney General in writing of its election that
4 prosecution may take place under this subsection.

5 “(4) A juvenile may also be prosecuted as an adult
6 if the juvenile is alleged to have committed an act which
7 is not described in subsection (b)(1)(B) after the juvenile
8 has attained the age of 14 years and which if committed
9 by an adult would be—

10 “(A) a crime of violence (as defined in sec-
11 tion 3156(a)(4)) that is a felony;

12 “(B) an offense described in section
13 844(d), (k), or (l), or subsection (a)(4) or (6),
14 (b), (g), (h), (j), (k), or (l) of section 924;

15 “(C) a violation of section 922(o) that is
16 an offense under section 924(a)(2);

17 “(D) a violation of section 5861 of the In-
18 ternal Revenue Code of 1986 that is an offense
19 under section 5871 of such Code (26 U.S.C.
20 5871);

21 “(E) a conspiracy to commit an offense de-
22 scribed in any of subparagraphs (A) through
23 (D); or

24 “(F) an offense described in section 401 or
25 408 of the Controlled Substances Act (21

1 U.S.C. 841, 848) or a conspiracy or attempt to
2 commit that offense which is punishable under
3 section 406 of the Controlled Substances Act
4 (21 U.S.C. 846), or an offense punishable
5 under section 409 or 419 of the Controlled Sub-
6 stances Act (21 U.S.C. 849, 860), or an offense
7 described in section 1002, 1003, 1005, or 1009
8 of the Controlled Substances Import and Ex-
9 port Act (21 U.S.C. 952, 953, 955, or 959), or
10 a conspiracy or attempt to commit that offense
11 which is punishable under section 1013 of the
12 Controlled Substances Import and Export Act
13 (21 U.S.C. 963).

14 “(d) A determination to approve or not to approve,
15 or to institute or not to institute, a prosecution under sub-
16 section (b) or (c), and a determination to file or not to
17 file, and the contents of, a certification under subsection
18 (a) or (b) shall not be reviewable in any court.

19 “(e) In a prosecution under subsection (b) or (c), the
20 juvenile may be prosecuted and convicted as an adult for
21 any other offense which is properly joined under the Fed-
22 eral Rules of Criminal Procedure, and may also be con-
23 victed of a lesser included offense.

24 “(f) The Attorney General shall annually report to
25 Congress—

1 “(1) the number of juveniles adjudicated delin-
2 quent or tried as adults in Federal court;

3 “(2) the race, ethnicity, and gender of those ju-
4 veniles;

5 “(3) the number of those juveniles who were
6 abused or neglected by their families, to the extent
7 such information is available; and

8 “(4) the number and types of assault crimes,
9 such as rapes and beatings, committed against juve-
10 niles while incarcerated in connection with the adju-
11 dication or conviction.

12 “(g) As used in this section—

13 “(1) the term ‘State’ includes a State of the
14 United States, the District of Columbia, any com-
15 monwealth, territory, or possession of the United
16 States and, with regard to an act of juvenile delin-
17 quency that would have been a misdemeanor if com-
18 mitted by an adult, a federally recognized tribe; and

19 “(2) the term ‘serious violent felony’ has the
20 same meaning given that term in section
21 3559(c)(2)(F)(i).”.

22 **SEC. 202. CUSTODY PRIOR TO APPEARANCE BEFORE JUDI-**
23 **CIAL OFFICER.**

24 Section 5033 of title 18, United States Code, is
25 amended to read as follows:

1 **“§ 5033. Custody prior to appearance before judicial**
2 **officer**

3 “(a) Whenever a juvenile is taken into custody, the
4 arresting officer shall immediately advise such juvenile of
5 the juvenile’s rights, in language comprehensible to a juve-
6 nile. The arresting officer shall promptly take reasonable
7 steps to notify the juvenile’s parents, guardian, or custo-
8 dian of such custody, of the rights of the juvenile, and
9 of the nature of the alleged offense.

10 “(b) The juvenile shall be taken before a judicial offi-
11 cer without unreasonable delay.”.

12 **SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS TO**
13 **SECTION 5034.**

14 Section 5034 of title 18, United States Code, is
15 amended—

16 (1) by striking “The” each place it appears at
17 the beginning of a paragraph and inserting “the”;

18 (2) by striking “If” at the beginning of the 3rd
19 paragraph and inserting “if”;

20 (3)(A) by designating the 3 paragraphs as
21 paragraphs (1), (2), and (3), respectively; and

22 (B) by moving such designated paragraphs 2
23 ems to the right; and

24 (4) by inserting at the beginning of such section
25 before those paragraphs the following:

26 “In a proceeding under section 5032(a)—”.

1 **SEC. 204. DETENTION PRIOR TO DISPOSITION OR SENTENC-**
2 **ING.**

3 Section 5035 of title 18, United States Code, is
4 amended to read as follows:

5 **“§ 5035. Detention prior to disposition or sentencing**

6 “(a) A juvenile alleged to be delinquent or a juvenile
7 being prosecuted as an adult, if detained at any time prior
8 to sentencing, shall be detained in such suitable place as
9 the Attorney General may designate. Whenever appro-
10 priate, detention shall be in a foster home or community
11 based facility. Preference shall be given to a place located
12 within, or within a reasonable distance of, the district in
13 which the juvenile is being prosecuted.

14 “(b) To the maximum extent feasible, a juvenile pros-
15 ecuted pursuant to subsection (b) or (c) of section 5032
16 shall not be detained prior to sentencing in any facility
17 in which the juvenile has regular contact with adult per-
18 sons convicted of a crime or awaiting trial on criminal
19 charges.

20 “(c) A juvenile who is proceeded against under sec-
21 tion 5032(a) shall not be detained prior to disposition in
22 any facility in which the juvenile has regular contact with
23 adult persons convicted of a crime or awaiting trial on
24 criminal charges.

25 “(d) Every juvenile who is detained prior to dispo-
26 sition or sentencing shall be provided with reasonable safety

1 and security and with adequate food, heat, light, sanitary
2 facilities, bedding, clothing, recreation, education, and
3 medical care, including necessary psychiatric, psycho-
4 logical, or other care and treatment.”.

5 **SEC. 205. SPEEDY TRIAL.**

6 Section 5036 of title 18, United States Code, is
7 amended by—

8 (1) striking “If an alleged delinquent” and in-
9 serting “If a juvenile proceeded against under sec-
10 tion 5032(a)”;

11 (2) striking “thirty” and inserting “45”; and

12 (3) striking “the court,” and all that follows
13 through the end of the section and inserting “the
14 court. The periods of exclusion under section
15 3161(h) of this title shall apply to this section.”.

16 **SEC. 206. DISPOSITION; AVAILABILITY OF INCREASED DE-**
17 **TENTION, FINES AND SUPERVISED RELEASE**
18 **FOR JUVENILE OFFENDERS.**

19 (a) DISPOSITION.—Section 5037 of title 18, United
20 States Code, is amended to read as follows:

21 **“§ 5037. Disposition**

22 “(a) In a proceeding under section 5032(a), if the
23 court finds a juvenile to be a juvenile delinquent, the court
24 shall hold a hearing concerning the appropriate disposition
25 of the juvenile no later than 40 court days after the find-

1 ing of juvenile delinquency, unless the court has ordered
2 further study pursuant to subsection (e). A predisposition
3 report shall be prepared by the probation officer who shall
4 promptly provide a copy to the juvenile, the juvenile's
5 counsel, and the attorney for the Government. Victim im-
6 pact information shall be included in the report, and vic-
7 tims, or in appropriate cases their official representatives,
8 shall be provided the opportunity to make a statement to
9 the court in person or present any information in relation
10 to the disposition. After the dispositional hearing, and
11 after considering the sanctions recommended pursuant to
12 subsection (f), the court shall impose an appropriate sanc-
13 tion, including the ordering of restitution pursuant to sec-
14 tion 3556 of this title. The court may order the juvenile's
15 parent, guardian, or custodian to be present at the
16 dispositional hearing and the imposition of sanctions and
17 may issue orders directed to such parent, guardian, custo-
18 dian regarding conduct with respect to the juvenile. With
19 respect to release or detention pending an appeal or a peti-
20 tion for a writ of certiorari after disposition, the court
21 shall proceed pursuant to chapter 207.

22 “(b) The term for which probation may be ordered
23 for a juvenile found to be a juvenile delinquent may not
24 extend beyond the maximum term that would be author-
25 ized by section 3561(c) if the juvenile had been tried and

1 convicted as an adult. Sections 3563, 3564, and 3565 are
2 applicable to an order placing a juvenile on probation.

3 “(c) The term for which official detention may be or-
4 dered for a juvenile found to be a juvenile delinquent may
5 not extend beyond the lesser of—

6 “(1) the maximum term of imprisonment that
7 would be authorized if the juvenile had been tried
8 and convicted as an adult;

9 “(2) ten years; or

10 “(3) the date when the juvenile becomes twen-
11 ty-six years old.

12 Section 3624 is applicable to an order placing a juvenile
13 in detention.

14 “(d) The term for which supervised release may be
15 ordered for a juvenile found to be a juvenile delinquent
16 may not extend beyond 5 years. Subsections (c) through
17 (i) of section 3583 apply to an order placing a juvenile
18 on supervised release.

19 “(e) If the court desires more detailed information
20 concerning a juvenile alleged to have committed an act of
21 juvenile delinquency or a juvenile adjudicated delinquent,
22 it may commit the juvenile, after notice and hearing at
23 which the juvenile is represented by counsel, to the custody
24 of the Attorney General for observation and study by an
25 appropriate agency or entity. Such observation and study

1 shall be conducted on an outpatient basis, unless the court
2 determines that inpatient observation and study are nec-
3 essary to obtain the desired information. In the case of
4 an alleged juvenile delinquent, inpatient study may be or-
5 dered only with the consent of the juvenile and the juve-
6 nile's attorney. The agency or entity shall make a study
7 of all matters relevant to the alleged or adjudicated delin-
8 quent behavior and the court's inquiry. The Attorney Gen-
9 eral shall submit to the court and the attorneys for the
10 juvenile and the Government the results of the study with-
11 in 30 days after the commitment of the juvenile, unless
12 the court grants additional time. Time spent in custody
13 under this subsection shall be excluded for purposes of sec-
14 tion 5036.

15 “(f)(1) The United States Sentencing Commission, in
16 consultation with the Attorney General, shall develop a list
17 of possible sanctions for juveniles adjudicated delinquent.

18 “(2) Such list shall—

19 “(A) be comprehensive in nature and encom-
20 pass punishments of varying levels of severity;

21 “(B) include terms of confinement; and

22 “(C) provide punishments that escalate in se-
23 verity with each additional or subsequent more seri-
24 ous delinquent conduct.”.

1 (b) EFFECTIVE DATE.—The Sentencing Commission
2 shall develop the list required pursuant to section 5037(f),
3 as amended by subsection (a), not later than 180 days
4 after the date of the enactment of this Act.

5 (c) CONFORMING AMENDMENT TO ADULT SENTENC-
6 ING SECTION.—Section 3553 of title 18, United States
7 Code, is amended by adding at the end the following:

8 “(g) LIMITATION ON APPLICABILITY OF STATUTORY
9 MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS
10 UNDER THE AGE OF 16.—Notwithstanding any other pro-
11 vision of law, in the case of a defendant convicted for con-
12 duct that occurred before the juvenile attained the age of
13 16 years, the court shall impose a sentence without regard
14 to any statutory minimum sentence, if the court finds at
15 sentencing, after affording the Government an opportunity
16 to make a recommendation, that the juvenile has not been
17 previously adjudicated delinquent for or convicted of an
18 offense described in section 5032(b)(1)(B).”.

19 **SEC. 207. JUVENILE RECORDS AND FINGERPRINTING.**

20 Section 5038 of title 18, United States Code, is
21 amended to read as follows:

22 **“§ 5038. Juvenile records and fingerprinting**

23 “(a)(1) Throughout and upon the completion of the
24 juvenile delinquency proceeding under section 5032(a), the

1 court shall keep a record relating to the arrest and adju-
2 dication that is—

3 “(A) equivalent to the record that would be
4 kept of an adult arrest and conviction for such an
5 offense; and

6 “(B) retained for a period of time that is equal
7 to the period of time records are kept for adult con-
8 victions.

9 “(2) Such records shall be made available for official
10 purposes, including communications with any victim or, in
11 the case of a deceased victim, such victim’s representative,
12 or school officials, and to the public to the same extent
13 as court records regarding the criminal prosecutions of
14 adults are available.

15 “(b) The Attorney General shall establish guidelines
16 for fingerprinting and photographing a juvenile who is the
17 subject of any proceeding authorized under this chapter.
18 Such guidelines shall address the availability of pictures
19 of any juvenile taken into custody but not prosecuted as
20 an adult. Fingerprints and photographs of a juvenile who
21 is prosecuted as an adult shall be made available in the
22 manner applicable to adult offenders.

23 “(c) Whenever a juvenile has been adjudicated delin-
24 quent for an act that, if committed by an adult, would
25 be a felony or for a violation of section 924(a)(6), the

1 court shall transmit to the Federal Bureau of Investiga-
2 tion the information concerning the adjudication, includ-
3 ing name, date of adjudication, court, offenses, and sen-
4 tence, along with the notation that the matter was a juve-
5 nile adjudication.

6 “(d) In addition to any other authorization under this
7 section for the reporting, retention, disclosure, or avail-
8 ability of records or information, if the law of the State
9 in which a Federal juvenile delinquency proceeding takes
10 place permits or requires the reporting, retention, disclo-
11 sure, or availability of records or information relating to
12 a juvenile or to a juvenile delinquency proceeding or adju-
13 dication in certain circumstances, then such reporting, re-
14 tention, disclosure, or availability is permitted under this
15 section whenever the same circumstances exist.”.

16 **SEC. 208. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND**
17 **5034.**

18 (a) **ELIMINATION OF PRONOUNS.**—Sections 5031
19 and 5034 of title 18, United States Code, are each amend-
20 ed by striking “his” each place it appears and inserting
21 “the juvenile’s”.

22 (b) **UPDATING OF REFERENCE.**—Section 5034 of
23 title 18, United States Code, is amended—

1 (1) in the heading of such section, by striking
2 “**magistrate**” and inserting “**judicial officer**”;
3 and

4 (2) by striking “magistrate” each place it ap-
5 pears and inserting “judicial officer”.

6 **SEC. 209. CLERICAL AMENDMENTS TO TABLE OF SECTIONS**
7 **FOR CHAPTER 403.**

8 The heading and the table of sections at the begin-
9 ning of chapter 403 of title 18, United States Code, is
10 amended to read as follows:

11 **“CHAPTER 403—JUVENILE DELINQUENCY**

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings or criminal prosecutions in district courts.

“5033. Custody prior to appearance before judicial officer.

“5034. Duties of judicial officer.

“5035. Detention prior to disposition or sentencing.

“5036. Speedy trial.

“5037. Disposition.

“5038. Juvenile records and fingerprinting.

“5039. Commitment.

“5040. Support.

“5041. Repealed.

“5042. Revocation of probation.”.

12 **TITLE III—EFFECTIVE ENFORCE-**
13 **MENT OF FEDERAL FIRE-**
14 **ARMS LAWS**

15 **SEC. 301. ARMED CRIMINAL APPREHENSION PROGRAM.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date of enactment of this Act, the Attorney General shall
18 establish in the office of each United States Attorney a
19 program that meets the requirements of subsections (b)

1 and (c). The program shall be known as the “Armed
2 Criminal Apprehension Program”.

3 (b) PROGRAM REQUIREMENTS.—In the office of each
4 United States Attorney, the program established under
5 subsection (a) shall—

6 (1) provide for coordination with State and
7 local law enforcement officials in the identification of
8 violations of Federal firearms laws;

9 (2) provide for the establishment of agreements
10 with State and local law enforcement officials for the
11 referral to the Bureau of Alcohol, Tobacco, and
12 Firearms and the United States Attorney for pros-
13 ecution of persons arrested for violations of chapter
14 44 of title 18, United States Code, or section
15 5861(d) or 5861(h) of the Internal Revenue Code of
16 1986, relating to firearms;

17 (3) require that the United States Attorney
18 designate not less than 1 Assistant United States
19 Attorney to prosecute violations of Federal firearms
20 laws;

21 (4) provide for the hiring of agents for the Bu-
22 reau of Alcohol, Tobacco, and Firearms to inves-
23 tigate violations of the provisions referred to in
24 paragraph (2); and

1 (5) ensure that each person referred to the
2 United States Attorney under paragraph (2) be
3 charged with a violation of the most serious Federal
4 firearm offense consistent with the act committed.

5 (c) PUBLIC EDUCATION CAMPAIGN.—As part of the
6 program, each United States Attorney shall carry out, in
7 cooperation with local civic, community, law enforcement,
8 and religious organizations, an extensive media and public
9 outreach campaign focused in high-crime areas to—

10 (1) educate the public about the severity of pen-
11 alties for violations of Federal firearms laws; and

12 (2) encourage law-abiding citizens to report the
13 possession of illegal firearms to authorities.

14 (d) WAIVER AUTHORITY.—

15 (1) REQUEST FOR WAIVER.—A United States
16 attorney may request the Attorney General to waive
17 the requirements of subsection (b) with respect to
18 the United States attorney.

19 (2) PROVISION OF WAIVER.—The Attorney
20 General may waive the requirements of subsection
21 (b) pursuant to a request made under paragraph
22 (1), in accordance with guidelines which shall be es-
23 tablished by the Attorney General. In establishing
24 the guidelines, the Attorney General shall take into
25 consideration the number of assistant United States

1 attorneys in the office of the United States attorney
2 making the request and the level of violent youth
3 crime committed in the district for which the United
4 States attorney is appointed.

5 **SEC. 302. ANNUAL REPORTS.**

6 Not later than 1 year after the date of enactment
7 of this Act, and annually thereafter, the Attorney General
8 shall submit to the Committees on the Judiciary of Senate
9 and House of Representatives a report containing the fol-
10 lowing information:

11 (1) The number of Assistant United States At-
12 torneys deisgnated under the program under section
13 301 and cross-deisgnated under section 304 during
14 the year preceding the year in which the report is
15 submitted in order to prosecute violations of Federal
16 firearms laws in Federal court.

17 (2) The number of individuals indicted for such
18 violations during that year by reason of the pro-
19 gram.

20 (3) The increase or decrease in the number of
21 individuals indicted for such violations during that
22 year by reason of the program when compared with
23 the year preceding that year.

1 (4) The number of individuals held without
2 bond in anticipation of prosecution by reason of the
3 program.

4 (5) The average length of prison sentence of the
5 individuals convicted of violations of Federal fire-
6 arms laws by reason of the program.

7 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out the pro-
10 gram under section 301 \$50,000,000 for fiscal year 2000,
11 of which—

12 (1) \$40,000,000 shall be used for salaries and
13 expenses of Assistant United States Attorneys and
14 Bureau of Alcohol, Tobacco, and Firearms agents;
15 and

16 (2) \$10,000,000 shall be available for the public
17 relations campaign required by subsection (c) of that
18 section.

19 (b) USE OF FUNDS.—

20 (1) The Assistant United States Attorneys
21 hired using amounts appropriated pursuant to the
22 authorization of appropriations in subsection (a)
23 shall prosecute violations of Federal firearms laws in
24 accordance with section 301(b)(3).

1 (2) The Bureau of Alcohol, Tobacco, and Fire-
2 arms agents hired using amounts appropriated pur-
3 suant to the authorization of appropriations in sub-
4 section (a) shall, to the maximum extent practicable,
5 concentrate their investigations on violations of Fed-
6 eral firearms laws in accordance with section
7 301(b)(4).

8 (3) It is the sense of Congress that amounts
9 made available under this section for the public edu-
10 cation campaign required by section 301(e) should,
11 to the maximum extent practicable, be matched with
12 State or local funds or private donations.

13 (c) AUTHORIZATION OF ADDITIONAL APPROPRIA-
14 TIONS.—In addition to amounts made available under sub-
15 section (a), there is authorized to be appropriated to the
16 Administrative Office of the United States Courts such
17 sums as may be necessary to carry out this title.

18 **SEC. 304. CROSS-DESIGNATION OF FEDERAL PROSECU-**
19 **TORS.**

20 To better assist state and local law enforcement agen-
21 cies in the investigation and prosecution of firearms of-
22 fenses, each United States Attorney may cross-designate
23 one or more Assistant United States Attorneys to pros-
24 ecute firearms offenses under State law that are similar

1 to those listed in section 301(b)(2) in State and local
2 courts.

3 **TITLE IV—LIMITING JUVENILE**
4 **ACCESS TO FIREARMS AND**
5 **EXPLOSIVES**

6 **SEC. 401. INCREASED PENALTIES FOR UNLAWFUL JUVE-**
7 **NILE POSSESSION OF FIREARMS.**

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

10 (1) in paragraph (4) by striking “Whoever” and
11 inserting “Except as provided in paragraph (6) of
12 this subsection, whoever”; and

13 (2) by striking paragraph (6) and inserting the
14 following:

15 “(6)(A) A juvenile who violates section 922(x) shall
16 be fined under this title, imprisoned not more than 1 year,
17 or both, except—

18 “(i) the juvenile shall be fined under this title,
19 imprisoned not more than 5 years, or both, if—

20 “(I) the offense of which the juvenile is
21 charged is a violation of section 922(x); and

22 “(II) the violation was also with the intent
23 to possess the handgun, ammunition, large ca-
24 pacity ammunition feeding device, or semiauto-
25 matic assault weapon giving rise to the violation

1 in a school zone, or knowing that another juve-
2 nile intends to possess the handgun, ammuni-
3 tion, large capacity feeding device, or semiauto-
4 matic assault weapon giving rise to the violation
5 in a school zone;

6 “(ii) the juvenile shall be fined under this title,
7 imprisoned not more than 20 years, or both, if—

8 “(I) the offense of which the juvenile is
9 charged is a violation of section 922(x); and

10 “(II) the violation was also with the intent
11 also to use the handgun, ammunition, large ca-
12 pacity ammunition feeding device, or semiauto-
13 matic assault weapon giving rise to the violation
14 in the commission of a violent felony, or know-
15 ing that another juvenile intends to use the
16 handgun, ammunition, large capacity ammuni-
17 tion feeding device, or semiautomatic assault
18 weapon giving rise to the violation in the com-
19 mission of a serious violent felony.

20 “(B) For purposes of this paragraph, the term ‘seri-
21 ous violent felony’ has the meaning given the term in sec-
22 tion 3559(c)(2)(F).

23 “(C) Except as otherwise provided in this chapter,
24 in any case in which a juvenile is prosecuted in a district
25 court of the United States, and the juvenile is subject to

1 penalties under subparagraph (A)(ii), the juvenile shall be
2 subject to the same laws, rules, and proceedings regarding
3 sentencing (including the availability of probation, restitu-
4 tion, fines, forfeiture, imprisonment, and supervised re-
5 lease) that would be applicable in the case of an adult.
6 No juvenile sentenced to a term of imprisonment shall be
7 released from custody simply because the juvenile attains
8 18 years of age.”.

9 **SEC. 402. INCREASED PENALTIES AND MANDATORY MINI-**
10 **MUM SENTENCE FOR UNLAWFUL TRANSFER**
11 **OF FIREARM TO JUVENILE.**

12 Section 924(a)(6) of title 18, United States Code, is
13 further amended by redesignating subparagraphs (B) and
14 (C) as subparagraphs (C) and (D), respectively, and by
15 inserting after subparagraph (A) the following:

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

18 “(i) shall be fined under this title, imprisoned
19 not more than 5 years, or both;

20 “(ii) if the person violated section 922(x)(1)
21 knowing that a juvenile intended to possess the
22 handgun, ammunition, large capacity ammunition
23 feeding device, or semiautomatic assault weapon giv-
24 ing rise to the violation of section 922(x)(1) in a
25 school zone, shall be fined under this title and im-

1 prisoned not less than 3 years and not more than 20
2 years; and

3 “(iii) if the person violated section 922(x)(1)
4 knowing that a juvenile intended to use the hand-
5 gun, ammunition, large capacity ammunition feeding
6 device, or semiautomatic assault weapon giving rise
7 to the violation of section 922(x)(1) in the commis-
8 sion of a serious violent felony, shall be imprisoned
9 not less than 10 years and not more than 20 years
10 and fined under this title.”.

11 **SEC. 403. PROHIBITING POSSESSION OF EXPLOSIVES BY**
12 **JUVENILES AND YOUNG ADULTS.**

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

15 “(r)(1) It shall be unlawful for any person who has
16 not attained 21 years of age to ship or transport any ex-
17 plosive materials in interstate or foreign commerce or to
18 receive or possess any explosive materials which has been
19 shipped or transported in interstate or foreign commerce.

20 “(2) This subsection shall not apply to commercially
21 manufactured black powder in bulk quantities not to ex-
22 ceed five pounds, and if the person is less than 18 years
23 of age, the person has the prior written consent of the
24 person’s parents or guardian who is not prohibited by Fed-
25 eral, State, or local law from possessing explosive mate-

1 rials, and the person has the prior written consent in the
2 person's possession at all times when the black powder is
3 in the possession of the person.”.

4 **TITLE V—PREVENTING CRIMI-**
5 **NAL ACCESS TO FIREARMS**
6 **AND EXPLOSIVES**

7 **SEC. 501. CRIMINAL PROHIBITION ON DISTRIBUTION OF**
8 **CERTAIN INFORMATION RELATING TO EX-**
9 **PLOSIVES, DESTRUCTIVE DEVICES, AND**
10 **WEAPONS OF MASS DESTRUCTION.**

11 (a) UNLAWFUL CONDUCT.—Section 842 of title 18,
12 United States Code, is amended by adding at the end the
13 following:

14 “(p)(1) For purposes of this subsection:

15 “(A) The term ‘destructive device’ has the same
16 meaning as in section 921(a)(4).

17 “(B) The term ‘explosive’ has the same mean-
18 ing as in section 844(j).

19 “(C) The term ‘weapon of mass destruction’
20 has the same meaning as in section 2332a(e)(2).

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

22 “(A) to teach or demonstrate the making or use
23 of an explosive, a destructive device, or a weapon of
24 mass destruction, or to distribute by any means in-
25 formation pertaining to, in whole or in part, the

1 manufacture or use of an explosive, destructive de-
2 vice, or weapon of mass destruction, with the intent
3 that the teaching, demonstration, or information be
4 used for, or in furtherance of, an activity that con-
5 stitutes a Federal crime of violence; or

6 “(B) to teach or demonstrate to any person the
7 making or use of an explosive, a destructive device,
8 or a weapon of mass destruction, or to distribute to
9 any person, by any means, information pertaining
10 to, in whole or in part, the manufacture or use of
11 an explosive, destructive device, or weapon of mass
12 destruction, knowing that such person intends to use
13 the teaching, demonstration, or information for, or
14 in furtherance of, an activity that constitutes a Fed-
15 eral crime of violence.”.

16 (b) PENALTIES.—Section 844 of title 18, United
17 States Code, is amended—

18 (1) in subsection (a), by striking “person who
19 violates any of subsections” and inserting the follow-
20 ing: “person who—

21 “(1) violates any of subsections”;

22 (2) by striking the period and inserting “;
23 and”;

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

1 “(2) violates section 842(p)(2), shall be fined
2 under this title, imprisoned not more than 20 years,
3 or both.”; and

4 (4) in subsection (j), by inserting “and section
5 842(p),” after “this section,”.

6 **SEC. 502. REQUIRING THEFTS FROM COMMON CARRIERS**
7 **TO BE REPORTED.**

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

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

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

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

21 **SEC. 503. VOLUNTARY SUBMISSION OF DEALER’S RECORDS.**

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

24 “(4) Where a firearms or ammunition business is dis-
25 continued and succeeded by a new licensee, the records

1 required to be kept by this chapter shall appropriately re-
2 flect such facts and shall be delivered to the successor.
3 Upon receipt of such records the successor licensee may
4 retain the records of the discontinued business or submit
5 the discontinued business records to the Secretary. Addi-
6 tionally, a licensee while maintaining a firearms business
7 may voluntarily submit the records required to be kept by
8 this chapter to the Secretary if such records are at least
9 20 years old. Where discontinuance of the business is ab-
10 solute, such records shall be delivered within thirty days
11 after the business is discontinued to the Secretary. Where
12 State law or local ordinance requires the delivery of
13 records to another responsible authority, the Secretary
14 may arrange for the delivery of such records to such other
15 responsible authority.”.

16 **SEC. 504. GRANT PROGRAM FOR JUVENILE RECORDS.**

17 (a) PROGRAM AUTHORIZATION.—The Attorney Gen-
18 eral is authorized to provide grants to States to improve
19 the quality and accessibility of juvenile records and to en-
20 sure juvenile records are routinely available for back-
21 ground checks performed in connection with the transfer
22 of a firearm.

23 (b) ELIGIBILITY.—

24 (1) IN GENERAL.—A State that wishes to re-
25 ceive a grant under this section shall submit an ap-

1 plication to the Attorney General that meets the re-
2 quirements of paragraph (2).

3 (2) ASSURANCE.—The application referred to in
4 paragraph (1) shall include an assurance that the
5 State has in place a system of records that ensures
6 that juvenile records are available for background
7 checks performed in connection with the transfer of
8 a firearm, in which such system provides that—

9 (A) an adjudication of an act of violent ju-
10 venile delinquency as defined in section
11 921(a)(20)(B) is not expunged or set aside
12 after a juvenile reaches the age of majority; and

13 (B) such a juvenile record is available and
14 retained as if it were an adult record.

15 (c) ALLOCATION.—Of the total funds appropriated
16 under subsection (e), each State that meets the require-
17 ments of subsection (b), shall be allocated an amount
18 which bears the same ratio to the amount of funds so ap-
19 propriated as the population of individuals under the age
20 of 18 living in such State for the most recent calendar
21 year in which such data is available bears to the popu-
22 lation of such individuals of all the States that meet the
23 requirements of subsection (b) for such fiscal year.

24 (d) USES OF FUNDS.—A State that receives a grant
25 award under this section may use such funds to support

1 the administrative record system referred to in subsection
2 (b)(2).

3 (e) AUTHORIZATION OF APPROPRIATION.—There are
4 authorized to be appropriated to carry out this section,
5 \$25,000,000 for fiscal year 2000 and such sums as may
6 be necessary for each of the 4 succeeding fiscal years.

7 **TITLE VI—PUNISHING AND DE-**
8 **TERRING CRIMINAL USE OF**
9 **FIREARMS AND EXPLOSIVES**

10 **SEC. 601. MANDATORY MINIMUM SENTENCE FOR DIS-**
11 **CHARGING A FIREARM IN A SCHOOL ZONE.**

12 Section 924(a)(4) of title 18, United States Code, is
13 amended—

14 (1) by striking “922(q) shall be fined” and in-
15 serting “922(q)(2) shall be fined”; and

16 (2) by inserting after the first sentence the fol-
17 lowing: “Whoever violates section 922(q)(3) with
18 reckless disregard for the safety of another shall be
19 fined under this title, imprisoned not more than 20
20 years, or both, except that if serious bodily injury re-
21 sults, shall be fined under this title, imprisoned not
22 more than 25 years, or both, or if death results and
23 the person has attained 16 years of age but has not
24 attained 18 years of age, shall be fined under this
25 title, sentenced to imprisonment for life or for any

1 term of years, or both, or if death results and the
2 person has attained 18 years of age, shall be fined
3 under this title, sentenced to death or to imprison-
4 ment for any term of years or for life, or both. Who-
5 ever knowingly violates section 922(q)(3) shall be
6 fined under this title, imprisoned not less than 10
7 years and not more than 20 years, or both, except
8 that if serious bodily injury results, shall be fined
9 under this title, imprisoned not less than 15 years
10 and not more than 25 years, or both, or if death re-
11 sults and the person has attained 16 years of age
12 but has not attained 18 years of age, shall be fined
13 under this title, sentenced to imprisonment for life,
14 or both, or if death results and the person has at-
15 tained 18 years of age, shall be fined under this
16 title, sentenced to death or to imprisonment for life,
17 or both.”.

18 **SEC. 602. APPREHENSION AND PROCEDURAL TREATMENT**
19 **OF ARMED VIOLENT CRIMINALS.**

20 (a) PRETRIAL DETENTION FOR POSSESSION OF
21 FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—
22 Section 3156(a)(4) of title 18, United States Code, is
23 amended—

24 (1) by striking “or” at the end of subparagraph
25 (B);

1 (2) by striking “and” at the end of subpara-
2 graph (C) and inserting “or”; and

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

4 “(D) an offense that is a violation of sec-
5 tion 842(i) or 922(g) (relating to possession of
6 explosives or firearms by convicted felons);
7 and”.

8 (b) FIREARMS POSSESSION BY VIOLENT FELONS
9 AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of
10 title 18, United States Code, is amended—

11 (1) by striking “Whoever” and inserting “(A)
12 Except as provided in subparagraph (B), any person
13 who”; and

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

15 “(B) Notwithstanding any other provision of law, the
16 court shall not grant a probationary sentence for such a
17 violation to a person who has more than 1 previous convic-
18 tion for a violent felony (as defined in subsection
19 (e)(2)(B)) or a serious drug offense (as defined in sub-
20 section (e)(2)(A)), committed under different cir-
21 cumstances.”.

22 **SEC. 603. INCREASED PENALTIES FOR POSSESSING OR**
23 **TRANSFERRING STOLEN FIREARMS.**

24 (a) IN GENERAL.—Section 924 of title 18, United
25 States Code, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2), by striking “(i),
3 (j),”; and

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

5 “(8) Whoever knowingly violates subsection (i) or (j)
6 of section 922 shall be fined under this title, imprisoned
7 not more than 15 years, or both.”;

8 (2) in subsection (i)(1), by striking “10” and
9 inserting “15”; and

10 (3) in subsection (l), by striking “10” and in-
11 serting “15”.

12 (b) SENTENCING COMMISSION.—The United States
13 Sentencing Commission shall amend the Federal sentenc-
14 ing guidelines to reflect the amendments made by sub-
15 section (a).

16 **SEC. 604. INCREASED MANDATORY MINIMUM PENALTIES**
17 **FOR USING A FIREARM TO COMMIT A CRIME**
18 **OF VIOLENCE OR DRUG TRAFFICKING CRIME.**

19 Section 924 of title 18, United States Code, is
20 amended—

21 (1) in subsection (c)(1)(A)—

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

24 (B) in clause (iii), by striking “10 years.”
25 and inserting “12 years; and”; and

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

2 “(iv) if the firearm is used to injure
3 another person, be sentenced to a term of
4 imprisonment of not less than 15 years.”;

5 and

6 (2) in subsection (h), by striking “imprisoned
7 not more than 10 years” and inserting “imprisoned
8 not less than 5 years and not more than 10 years”.

9 **SEC. 605. INCREASED PENALTIES FOR MISREPRESENTED**
10 **FIREARMS PURCHASE IN AID OF A SERIOUS**
11 **VIOLENT FELONY.**

12 (a) IN GENERAL.—Section 924(a) of title 18, United
13 States Code, is amended by adding at the end the follow-
14 ing:

15 “(7)(A) Notwithstanding paragraph (2), whoever
16 knowingly violates section 922(a)(6) for the purpose of
17 selling, delivering, or otherwise transferring a firearm,
18 knowing or having reasonable cause to know that another
19 person will carry or otherwise possess or discharge or oth-
20 erwise use the firearm in the commission of a serious vio-
21 lent felony, shall be—

22 “(i) fined under this title, imprisoned not more
23 than 15 years, or both; or

1 “(ii) imprisoned not less than 10 and not more
2 than 20 years and fined under this title, if the pro-
3 curement is for a juvenile.

4 “(B) For purposes of this paragraph—

5 “(i) the term ‘juvenile’ has the meaning given
6 the term in section 922(x); and

7 “(ii) the term ‘serious violent felony’ has the
8 meaning given the term in section 3559(c)(2)(F).”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall take effect 180 days after the date of
11 enactment of this Act.

12 **SEC. 606. INCREASING PENALTIES ON GUN KINGPINS.**

13 (a) INCREASING THE PENALTY FOR ENGAGING IN AN
14 ILLEGAL FIREARMS BUSINESS.—Section 924(a)(2) of
15 title 18, United States Code, is amended by inserting “,
16 or willfully violates section 922(a)(1),” after “section
17 922”.

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

22 (1) review and amend the Federal sentencing
23 guidelines to provide an appropriate enhancement
24 for a violation of section 922(a)(1) of title 18,
25 United States Code; and

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

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

10 **SEC. 607. SERIOUS RECORDKEEPING OFFENSES THAT AID**
11 **GUN TRAFFICKING.**

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

17 **SEC. 608. TERMINATION OF FIREARMS DEALER’S LICENSE**
18 **UPON FELONY CONVICTION.**

19 Section 925(b) of title 18, United States Code, is
20 amended by striking “until any conviction pursuant to the
21 indictment becomes final” and inserting “until the date
22 of any conviction pursuant to the indictment”.

1 **SEC. 609. INCREASED PENALTY FOR TRANSACTIONS IN-**
2 **VOLVING FIREARMS WITH OBLITERATED SE-**
3 **RIAL NUMBERS.**

4 Section 924(a) of title 18, United States Code, is
5 amended—

6 (1) in paragraph (1)(B), by striking “(k),”; and

7 (2) in paragraph (2), by inserting “(k),” after
8 “(j),”.

9 **SEC. 610. FORFEITURE FOR GUN TRAFFICKING.**

10 Section 982(a) of title 18, United States Code, is
11 amended by adding at the end the following:

12 “(9) The court, in imposing a sentence on a person
13 convicted of a gun trafficking offense, as defined in section
14 981(a)(1)(G), or a conspiracy to commit such offense,
15 shall order the person to forfeit to the United States any
16 conveyance used or intended to be used to commit such
17 offense, and any property traceable to such conveyance.”.

18 **SEC. 611. INCREASED PENALTY FOR FIREARMS CONSPIR-**
19 **ACY.**

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

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

1 **SEC. 612. GUN CONVICTIONS AS PREDICATE CRIMES FOR**
2 **ARMED CAREER CRIMINAL ACT.**

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

5 (1) by striking “violent felony or a serious drug
6 offense, or both,” and inserting “violent felony, a se-
7 rious drug offense or a violation of section
8 922(g)(1), or a combination of such offenses,”; and

9 (2) by adding at the end the following: “No
10 more than two convictions for violations of section
11 922(g)(1) shall be considered in determining wheth-
12 er a person has three previous convictions for pur-
13 poses of this subsection.”.

14 **SEC. 613. SERIOUS JUVENILE DRUG TRAFFICKING OF-**
15 **FENSES AS ARMED CAREER CRIMINAL ACT**
16 **PREDICATES.**

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

20 **SEC. 614. FORFEITURE OF FIREARMS USED IN CRIMES OF**
21 **VIOLENCE AND FELONIES.**

22 (a) CRIMINAL FORFEITURE.—Section 982(a) of title
23 18, United States Code, is further amended by adding at
24 the end the following:

25 “(10) The court, in imposing a sentence on a person
26 convicted of any crime of violence (as defined in section

1 16 of this title) or any felony under Federal law, shall
2 order that the person forfeit to the United States any fire-
3 arm (as defined in section 921(a)(3) of this title) used
4 or intended to be used to commit or to facilitate the com-
5 mission of the offense.”.

6 (b) DISPOSAL OF PROPERTY.—Section 981(c) of title
7 18, United States Code, is amended by adding at the end
8 the following flush sentence:

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

12 (c) AUTHORITY TO FORFEIT PROPERTY UNDER
13 SECTION 924(d).—Section 924(d) of title 18, United
14 States Code, is amended by adding at the end the follow-
15 ing:

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

24 (d) 120-DAY RULE FOR ADMINISTRATIVE FORFEIT-
25 URE.—Section 924(d)(1) of title 18, United States Code,

1 is amended by adding “administrative” after “Any” in the
2 last sentence.

3 (e) SECTION 3665.—Section 3665 of title 18, United
4 States Code, is amended—

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

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

9 “(b) The forfeiture of property under this section, in-
10 cluding any seizure and disposition of the property and
11 any related administrative or judicial proceeding, shall be
12 governed by the provisions of section 413 of the Com-
13 prehensive Drug Abuse Prevention and Control Act of
14 1970 (21 U.S.C. 853), except for subsection 413(d) which
15 shall not apply to forfeitures under this section.”.

16 **SEC. 615. SEPARATE LICENSES FOR GUNSMITHS.**

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

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

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

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

8 “(13) The term ‘gunsmith’ means any person,
9 other than a licensed manufacturer, licensed im-
10 porter, or licensed dealer, who is engaged in the
11 business of repairing firearms or of making or fit-
12 ting special barrels, stocks or trigger mechanisms to
13 firearms.”.

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

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

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

20 “(B) a dealer in firearms who is not a
21 dealer in destructive devices, a fee of \$200 for
22 3 years, except that the fee for renewal of a
23 valid license shall be \$90 for 3 years; or

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

4 **SEC. 616. PERMITS AND BACKGROUND CHECKS FOR PUR-**
5 **CHASES OF EXPLOSIVES.**

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

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

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

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

15 and

16 (2) in subsection (b)—

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

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

21 (C) by striking paragraph (3).

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

1 “(q)(1) A licensed importer, licensed manufacturer,
2 or licensed dealer shall not transfer explosive materials to
3 any other person who is not a licensee under section 843
4 of this title unless—

5 “(A) before the completion of the transfer, the
6 licensee contacts the national instant criminal back-
7 ground check system established under section
8 103(d) of the Brady Handgun Violence Prevention
9 Act;

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

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

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

23 “(D) the transferor has examined the permit
24 issued to the transferee pursuant to section 843 of

1 this title and recorded the permit number on the
2 record of the transfer.

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

5 “(A) assign a unique identification number to
6 the transfer; and

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

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

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

17 “(B) the business premises of the licensee at
18 which the transfer is to occur are extremely remote
19 in relation to the chief law enforcement officer (as
20 defined in section 922(s)(8)); and

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

24 “(4) If the national instant criminal background
25 check system notifies the licensee that the information

1 available to the system does not demonstrate that the re-
2 ceipt of explosive materials by such other person would
3 violate subsection (i) or State law, and the licensee trans-
4 fers explosive materials to such other person, the licensee
5 shall include in the record of the transfer the unique iden-
6 tification number provided by the system with respect to
7 the transfer.

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

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

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

1 tion 103 of the Brady Handgun Violence Prevention
2 Act; or

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

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

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

18 (e) REGULATIONS.—

19 (1) IN GENERAL.—Not later than 6 months
20 after the date of the enactment of this Act, the Sec-
21 retary of the Treasury shall issue final regulations
22 with respect to the amendments made by subsection
23 (a).

24 (2) NOTICE TO STATES.—On the issuance of
25 regulations pursuant to paragraph (1), the Secretary

1 of the Treasury shall notify the States of the regula-
2 tions so that the States may consider revising their
3 explosives laws.

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

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

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

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

17 (1) by redesignating subsection (a) as sub-
18 section (a)(1); and

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

21 “(2) Any person who violates section 842(q) shall be
22 fined under this title, imprisoned for not more than 5
23 years, or both.”.

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

4 **SEC. 617. PERSONS PROHIBITED FROM RECEIVING OR POS-**
5 **SESSING EXPLOSIVES.**

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

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

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

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

14 “(7) being an alien—

15 “(A) is illegally or unlawfully in the United
16 States; or

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

22 “(8) has been discharged from the Armed
23 Forces under dishonorable conditions;

24 “(9) having been a citizen of the United States,
25 has renounced his citizenship;

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

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

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

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

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

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

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

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

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

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

2 “(5) who, being an alien—

3 “(A) is illegally or unlawfully in the United
4 States; or

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

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

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

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

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

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

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

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

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

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

12 (c) DEFINITION.—Section 841 of title 18, United
13 States Code, is amended by adding at the end the follow-
14 ing:

15 “(r)(1) Except as provided in paragraph (2), ‘mis-
16 demeanor crime of domestic violence’ means an offense
17 that—

18 “(A) is a misdemeanor under Federal or State
19 law; and

20 “(B) has, as an element, the use or attempted
21 use of physical force, or the threatened use of a
22 deadly weapon, committed by a current or former
23 spouse, parent, or guardian of the victim, by a per-
24 son with whom the victim shares a child in common,
25 by a person who is cohabiting with or has cohabited

1 with the victim as a spouse, parent, or guardian, or
2 by a person similarly situated to a spouse, parent,
3 or guardian of the victim.

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

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

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

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

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

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

1 of civil rights expressly provides that the person may not
2 ship, transport, possess, or receive firearms.

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

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

13 “(r)(1) For purposes of this subsection—

14 “(A) the term ‘alien’ has the same meaning as
15 in section 101(a)(3) of the Immigration and Nation-
16 ality Act (8 U.S.C. 1101(a)(3)); and

17 “(B) the term ‘nonimmigrant visa’ has the
18 same meaning as in section 101(a)(26) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1101(a)(26)).

20 “(2) Sections (d)(7)(B) and (i)(5)(B) do not apply
21 to any alien who has been lawfully admitted to the United
22 States under a nonimmigrant visa, if that alien is a for-
23 eign law enforcement officer of a friendly foreign govern-
24 ment entering the United States on official law enforce-
25 ment business.

1 “(3)(A) Any individual who has been admitted to the
2 United States under a nonimmigrant visa may receive a
3 waiver from the requirements of subsection (i)(5)(B), if—

4 “(i) the individual submits to the Attorney Gen-
5 eral a petition that meets the requirements of sub-
6 paragraph (C); and

7 “(ii) the Attorney General approves the peti-
8 tion.

9 “(B) Each petition under subparagraph (B) shall—

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

14 “(ii) include a written statement from the em-
15 bassy or consulate of the petitioner, authorizing the
16 petitioner to acquire explosives and certifying that
17 the alien would not, absent the application of sub-
18 section (i)(5)(B), otherwise be prohibited from such
19 an acquisition under subsection (i).

20 “(C) The Attorney General shall approve a petition
21 submitted in accordance with this paragraph, if the Attor-
22 ney General determines that waiving the requirements of
23 subsection (i)(5)(B) with respect to the petitioner—

24 “(i) would be in the interests of justice; and

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

1 (e) CONFORMING AMENDMENT.—Section 845 of title
2 18, United States Code, is amended by adding at the end
3 the following:

4 “(d) Notwithstanding any other provision of this sec-
5 tion, no person convicted of a misdemeanor crime of do-
6 mestic violence may ship or transport any explosive mate-
7 rials in interstate or foreign commerce or to receive or pos-
8 sess any explosive materials which have been shipped or
9 transported in interstate or foreign commerce.”.

10 **TITLE VII—PUNISHING GANG VI-**
11 **OLENCE AND DRUG TRAF-**
12 **FICKING TO MINORS**

13 **SEC. 701. INCREASED MANDATORY MINIMUM PENALTIES**
14 **FOR USING MINORS TO DISTRIBUTE DRUGS.**

15 Section 420 of the Controlled Substances Act (21
16 U.S.C. 861) is amended—

17 (1) in subsection (b), by striking “one year”
18 and inserting “3 years”; and

19 (2) in subsection (c), by striking “one year”
20 and inserting “5 years”.

21 **SEC. 702. INCREASED MANDATORY MINIMUM PENALTIES**
22 **FOR DISTRIBUTING DRUGS TO MINORS.**

23 Section 418 of the Controlled Substances Act (21
24 U.S.C. 859) is amended—

1 (1) in subsection (a), by striking “one year”
2 and inserting “3 years”; and

3 (2) in subsection (b), by striking “one year”
4 and inserting “5 years”.

5 **SEC. 703. INCREASED MANDATORY MINIMUM PENALTIES**
6 **FOR DRUG TRAFFICKING IN OR NEAR A**
7 **SCHOOL OR OTHER PROTECTED LOCATION.**

8 Section 419 of the Controlled Substances Act (21
9 U.S.C. 860) is amended—

10 (1) in subsection (a), by striking “one year”
11 and inserting “3 years”; and

12 (2) in subsection (b), by striking “three years”
13 each place that term appears and inserting “5
14 years”.

15 **SEC. 704. CRIMINAL STREET GANGS.**

16 (a) IN GENERAL.—Section 521 of title 18, United
17 States Code, is amended—

18 (1) in subsection (a), in the second undesig-
19 nated paragraph—

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

21 (B) by inserting “, whether formal or in-
22 formal” after “or more persons”; and

23 (C) in subparagraph (A), by inserting “or
24 activities” after “purposes”;

1 (2) in subsection (b), by inserting after “10
2 years” the following: “and such person shall be sub-
3 ject to the forfeiture prescribed in section 412 of the
4 Controlled Substances Act (21 U.S.C. 853)”;

5 (3) in subsection (c)—

6 (A) in paragraph (2), by striking “and” at
7 the end;

8 (B) in paragraph (3), by striking the pe-
9 riod at the end and inserting a semicolon;

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

11 “(3) that is a violation of section 522 (relating
12 to the recruitment of persons to participate in crimi-
13 nal gang activity);

14 “(4) that is a violation of section 844, 875, or
15 876 (relating to extortion and threats), section 1084
16 (relating to gambling), section 1955 (relating to
17 gambling), or chapter 73 (relating to obstruction of
18 justice);

19 “(5) that is a violation of section 1956 (relating
20 to money laundering), to the extent that the viola-
21 tion of such section is related to a Federal or State
22 offense involving a controlled substance (as that
23 term is defined in section 102 of the Controlled Sub-
24 stances Act (21 U.S.C. 802)); or

1 “(A) travels in interstate or foreign com-
2 merce or uses the mail or any facility in inter-
3 state or foreign commerce, with intent to—

4 “(i) distribute the proceeds of any un-
5 lawful activity; or

6 “(ii) otherwise promote, manage, es-
7 tablish, carry on, or facilitate the pro-
8 motion, management, establishment, or
9 carrying on, of any unlawful activity; and

10 “(B) after travel or use of the mail or any
11 facility in interstate or foreign commerce de-
12 scribed in subparagraph (A), performs, at-
13 tempts to perform, or conspires to perform an
14 act described in clause (i) or (ii) of subpara-
15 graph (A);

16 shall be fined under this title, imprisoned not more
17 than 10 years, or both.

18 “(2) CRIMES OF VIOLENCE.—Whoever—

19 “(A) travels in interstate or foreign com-
20 merce or uses the mail or any facility in inter-
21 state or foreign commerce, with intent to com-
22 mit any crime of violence to further any unlaw-
23 ful activity; and

24 “(B) after travel or use of the mail or any
25 facility in interstate or foreign commerce de-

1 scribed in subparagraph (A), commits, attempts
2 to commit, or conspires to commit any crime of
3 violence to further any unlawful activity;

4 shall be fined under this title, imprisoned for not
5 more than 20 years, or both, and if death results
6 shall be sentenced to death or be imprisoned for any
7 term of years or for life.

8 “(b) DEFINITIONS.—In this section:

9 “(1) CONTROLLED SUBSTANCE.—The term
10 ‘controlled substance’ has the meaning given that
11 term in section 102(6) of the Controlled Substances
12 Act (21 U.S.C. 802(6)).

13 “(2) STATE.—The term ‘State’ means a State
14 of the United States, the District of Columbia, and
15 any commonwealth, territory, or possession of the
16 United States.

17 “(3) UNLAWFUL ACTIVITY.—The term ‘unlaw-
18 ful activity’ means—

19 “(A) any business enterprise involving
20 gambling, liquor on which the Federal excise
21 tax has not been paid, narcotics or controlled
22 substances, or prostitution offenses in violation
23 of the laws of the State in which the offense is
24 committed or of the United States;

1 “(B) extortion, bribery, arson, burglary if
2 the offense involves property valued at not less
3 than \$10,000, assault with a deadly weapon,
4 assault resulting in bodily injury, shooting at an
5 occupied dwelling or motor vehicle, or retalia-
6 tion against or intimidation of witnesses, vic-
7 tims, jurors, or informants, in violation of the
8 laws of the State in which the offense is com-
9 mitted or of the United States; or

10 “(C) any act that is indictable under sec-
11 tion 1956 or 1957 of this title or under sub-
12 chapter II of chapter 53 of title 31.”.

13 (b) AMENDMENT OF SENTENCING GUIDELINES.—

14 (1) IN GENERAL.—Pursuant to its authority
15 under section 994(p) of title 28, United States Code,
16 the United States Sentencing Commission shall
17 amend chapter 2 of the Federal Sentencing Guide-
18 lines to provide an appropriate increase in the of-
19 fense levels for traveling in interstate or foreign
20 commerce in aid of unlawful activity.

21 (2) UNLAWFUL ACTIVITY DEFINED.—In this
22 subsection, the term “unlawful activity” has the
23 meaning given that term in section 1952(b) of title
24 18, United States Code, as amended by this section.

1 (3) SENTENCING ENHANCEMENT FOR RECRUIT-
2 MENT ACROSS STATE LINES.—Pursuant to its au-
3 thority under section 994(p) of title 28, United
4 States Code, the United States Sentencing Commis-
5 sion shall amend the Federal Sentencing Guidelines
6 to provide an appropriate enhancement for a person
7 who, in violating section 522 of title 18, United
8 States Code, recruits, solicits, induces, commands, or
9 causes another person residing in another State to
10 be or to remain a member of a criminal street gang,
11 or crosses a State line with the intent to recruit, so-
12 licit, induce, command, or cause another person to
13 be or to remain a member of a criminal street gang.

14 **SEC. 707. GANG-RELATED WITNESS INTIMIDATION AND RE-**
15 **TALIATION.**

16 (a) INTERSTATE TRAVEL TO ENGAGE IN WITNESS
17 INTIMIDATION OR OBSTRUCTION OF JUSTICE.—Section
18 1952 of title 18, United States Code, is amended—

19 (1) by redesignating subsections (b) and (c) as
20 subsections (c) and (d), respectively; and

21 (2) by inserting after subsection (a) the follow-
22 ing:

23 “(b) Whoever travels in interstate or foreign com-
24 merce with intent by bribery, force, intimidation, or
25 threat, directed against any person, to delay or influence

1 the testimony of or prevent from testifying a witness in
2 a State criminal proceeding or by any such means to cause
3 any person to destroy, alter, or conceal a record, docu-
4 ment, or other object, with intent to impair the object's
5 integrity or availability for use in such a proceeding, and
6 thereafter engages or endeavors to engage in such con-
7 duct, shall be fined under this title or imprisoned not more
8 than 10 years, or both; and if serious bodily injury (as
9 defined in section 1365 of this title) results, shall be so
10 fined or imprisoned for not more than 20 years, or both;
11 and if death results, shall be so fined and imprisoned for
12 any term of years or for life, or both, and may be sen-
13 tenced to death.”.

14 (b) CONSPIRACY PENALTY FOR OBSTRUCTION OF
15 JUSTICE OFFENSES INVOLVING VICTIMS, WITNESSES,
16 AND INFORMANTS.—Section 1512 of title 18, United
17 States Code, is amended by adding at the end the follow-
18 ing:

19 “(j) Whoever conspires to commit any offense defined
20 in this section or section 1513 of this title shall be subject
21 to the same penalties as those prescribed for the offense
22 the commission of which was the object of the conspir-
23 acy.”.

24 (c) WITNESS RELOCATION SURVEY AND TRAINING
25 PROGRAM.—

1 (1) SURVEY.—The Attorney General shall sur-
2 vey all State and selected local witness protection
3 and relocation programs to determine the extent and
4 nature of such programs and the training needs of
5 those programs. Not later than 270 days after the
6 date of the enactment of this section, the Attorney
7 General shall report the results of this survey to
8 Congress.

9 (2) TRAINING.—Based on the results of such
10 survey, the Attorney General shall make available to
11 State and local law enforcement agencies training to
12 assist those law enforcement agencies in developing
13 and managing witness protection and relocation pro-
14 grams.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to carry out
17 paragraphs (1) and (2) for fiscal year 2000 not to
18 exceed \$500,000.

19 (d) FEDERAL-STATE COORDINATION AND COOPERA-
20 TION REGARDING NOTIFICATION OF INTERSTATE WIT-
21 NESS RELOCATION.—

22 (1) ATTORNEY GENERAL TO PROMOTE INTER-
23 STATE COORDINATION.—The Attorney General shall
24 engage in activities, including the establishment of a
25 model Memorandum of Understanding under para-

1 graph (2), which promote coordination among State
2 and local witness interstate relocation programs.

3 (2) MODEL MEMORANDUM OF UNDERSTAND-
4 ING.—The Attorney General shall establish a model
5 Memorandum of Understanding for States and local-
6 ities that engage in interstate witness relocation.
7 Such a model Memorandum of Understanding shall
8 include a requirement that notice be provided to the
9 jurisdiction to which the relocation has been made
10 by the State or local law enforcement agency that
11 relocates a witness to another State who has been
12 arrested for or convicted of a crime of violence as
13 described in section 16 of title 18, United States
14 Code.

15 (3) BYRNE GRANT ASSISTANCE.—The Attorney
16 General is authorized to expend up to 10 percent of
17 the total amount appropriated under section 511 of
18 subpart 2 of part E of the Omnibus Crime Control
19 and Safe Streets Act of 1968 for purposes of mak-
20 ing grants pursuant to section 510 of that Act to
21 those jurisdictions that have interstate witness relo-
22 cation programs and that have substantially followed
23 the model Memorandum of Understanding.

24 (4) GUIDELINES AND DETERMINATION OF ELI-
25 GIBILITY.—The Attorney General shall establish

1 guidelines relating to the implementation of para-
2 graph (4) and shall determine, consistent with such
3 guidelines, which jurisdictions are eligible for grants
4 under paragraph (4).

5 (d) BYRNE GRANTS.—Section 501(b) of the Omnibus
6 Crime Control and Safe Streets Act of 1968 is amended—

7 (1) by striking “and” at the end of paragraph
8 (25);

9 (2) by striking the period at the end paragraph
10 (26) and inserting “; and”; and

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

12 “(27) developing and maintaining witness secu-
13 rity and relocation programs, including providing
14 training of personnel in the effective management of
15 such programs.”.

16 (e) DEFINITION.—As used in this section, the term
17 “State” includes the District of Columbia, Puerto Rico,
18 and any other commonwealth, territory, or possession of
19 the United States.