the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. (a) In the engrossment of H.R. 1501, the Clerk shall—

(1) await the disposition of H.R. 2122;

(2) add the text of H.R. 2122, as passed by the House, as new matter at the end of H.R. 1501;

(3) conform the title of H.R. 1501 to reflect the addition of the text of H.R. 2122 to the engrossment;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 2122 to the engrossment of H.R. 1501, H.R. 2122 shall be laid on the table.

When said resolution was considered.

After debate,

¶65.4 ORDER OF BUSINESS—CONSIDERATION OF AMENDMENT TO H.R. 2122

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order that, notwithstanding any other provision of the pending resolution, during consideration of H.R. 2122, pursuant to House Resolution 209, the Conyers amendment at the desk shall be deemed to have been included as the last amendment printed in part B of House Report 106-186, may be offered only by Representative Conyers or his designee, and shall be debatable for 30 minutes.

After further debate,

On motion of Mr. DREIER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. KOLBE, announced that the yeas had it.

Mr. MOAKLEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 240 / Nays ..... 189 }

¶65.5 [Roll No. 210]

YEAS—240

Aderholt, Archer, Armey, Bachus, Baker, Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Biggert, Bilbray, Bilirakis, Bishop, Bliley, Blunt, Boehlert, Boehner, Bonilla, Bono, Boucher, Brady (TX), Bryant, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Castle, Chabot, Chambliss, Chenoweth, Coble, Coburn, Collins, Combest, Cook, Cooksey, Cox, Crane, Cubin, Cunningham, Danner, Davis (VA), Deal, DeLay, DeMint, Diaz-Balart, Dickey, Dingell, Doolittle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Everett, Ewing, Fletcher, Foley, Forbes, Fossella, Fowler, Franks (NJ), Frelinghuysen, Gallegly, Ganske, Gekas, Gibbons, Gilchrest, Gillmor, Gilman, Goode, Goodlatte, Goodling, Goss, Graham, Granger, Green (WI), Greenwood, Gutknecht, Hall (TX), Hansen, Hastert, Hastings (WA), Hayes, Hayworth, Hefley, Herger, Hill (MT), Hilleary, Hilliard, Hobson, Hoekstra, Horn, Hostettler, Hulshof, Hunter, Hutchinson, Hyde, Isakson, Istook, Jenkins, John, Johnson (CT), Johnson, Sam, Jones (NC), Kasich, Kelly, King (NY), Kingston, Knollenberg, Kolbe, Kucinich, Kuykendall, LaHood, Largent, Latham, LaTourette, Lazio, Leach, Lewis (CA), Lewis (KY), Linder, LoBiondo, Lucas (KY), Lucas (OK), Manzullo, McCollum, McCrery, McHugh, McInnis, McIntosh, McKeon, Metcalf, Mica, Miller (FL), Miller, Gary, Moran (KS), Morella, Murtha, Myrick, Nethercutt, Ney, Northup, Norwood, Nussle, Ose, Oxley, Packard, Paul, Pease, Peterson (PA), Petri, Pickering, Pitts, Pombo, Porter, Portman, Pryce (OH), Quinn, Radanovich, Rahall, Ramstad, Regula, Reynolds, Riley, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Ryan (WI), Ryun (KS), Salmon, Sanford, Saxton, Scarborough, Schaffer, Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Sherwood, Shimkus, Shows, Shuster, Simpson, Skeen, Smith (MI), Smith (NJ), Smith (TX), Souder, Spence, Stearns, Stump, Stupak, Sununu, Sweeney, Talent, Tancredo, Tauzin, Taylor (MS), Taylor (NC), Terry, Thomas, Thornberry, Thune, Tiahrt, Toomey, Traficant, Upton, Vitter, Walden, Walsh, Wamp, Watkins, Watts (OK), Weldon (FL), Weldon (PA), Weller, Whitfield, Wicker, Wilson, Wise, Wolf, Young (AK), Young (FL)

NAYS—189

Abercrombie, Ackerman, Allen, Andrews, Baird, Baldacci, Baldwin, Barrett (WI), Becerra, Bentsen, Berkley, Berman, Berry, Blagojevich, Blumenauer, Bonior, Borski, Boswell, Boyd, Brady (PA), Brown (FL), Brown (OH), Capps, Capuano, Cardin, Carson, Clay, Clayton, Clement, Clyburn, Condit, Conyers, Costello, Coyne, Cramer, Crowley, Cummings, Davis (FL), DeFazio, DeGette, Delahunt, DeLauro, Deutsch, Dicks, Dixon, Doggett, Dooley, Doyle, Edwards, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Filner, Ford, Frank (MA), Frost, Gejdenson, Gephardt, Gonzalez, Green (TX), Gutierrez, Hall (OH), Hastings (FL), Hill (IN), Hinchey, Hinojosa, Hoeffel, Holden, Holt, Hooley, Hoyer, Inslee, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson, E. B., Jones (OH), Kanjorski, Kaptur, Kennedy, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, LaFalce, Lampson, Larson, Lee, Levin, Lewis (GA), Lipinski, Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Markey, Martinez, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McGovern, McIntyre, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Millender-McDonald, Miller, George, Minge, Mink, Moakley, Mollohan, Moore, Moran (VA), Nadler, Napolitano, Neal, Oberstar, Obey, Olver, Ortiz, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Phelps, Pickett, Pomeroy, Price (NC), Rangel, Reyes, Rivers, Rodriguez, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sawyer, Schakowsky, Scott, Serrano, Sherman, Sisisky, Skelton, Slaughter, Smith (WA), Snyder, Spratt, Stabenow, Stark, Stenholm, Strickland, Tanner, Tauscher, Thompson (CA), Thompson (MS), Thurman, Tierney, Towns, Turner, Udall (CO), Udall (NM), Velazquez, Vento, Visclosky, Waters, Watt (NC), Waxman, Weiner, Wexler, Weygand, Woolsey, Wu, Wynn

NOT VOTING—6

Brown (CA), Davis (IL), Gordon, Houghton, Lantos, Owens

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶65.6 CHILD SAFETY AND PROTECTION

The SPEAKER pro tempore, Mr. KOLBE, pursuant to House Resolution 209 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders.

The SPEAKER pro tempore, Mr. KOLBE, by unanimous consent, designated Mr. THORNBERRY as Chairman of the Committee of the Whole; and after some time spent therein,

¶65.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. McCOLLUM:

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:

SEC. 2. TABLE OF CONTENTS.

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.

TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 1999

SEC. 101. SHORT TITLE.

This title may be cited as the ''Consequences for Juvenile Offenders Act of 1999''.

Page 2, line 1, strike ''**2**'' and insert ''**102**''.

Page 4, line 11, strike the period and insert a semicolon.

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, line 16, strike ''utilized'' and insert the following: ''used by a State or unit of local government that receives a grant under this part''.

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

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

(b) CLERICAL AMENDMENTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(16) of the Omnibus Crime Control and Safe Streets Act of 1965 is amended by striking subparagraph (E).

(2) TABLE OF CONTENTS.—The table of contents

At the end of the bill, insert the following:

TITLE II—JUVENILE JUSTICE REFORM

SEC. 201. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings or criminal prosecutions in district courts

''(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State or Indian tribal authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

''(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

''(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

''(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

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

''(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

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

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

''(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

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

''(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of public safety are best served by proceeding against the juvenile as a juvenile.

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

''(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

''(3) Such approval shall not be granted, with respect to a juvenile who has not attained the age of 14 and who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

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

''(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

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

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

''(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

''(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

''(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Sub-

stances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

''(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

''(f) The Attorney General shall annually report to Congress—

''(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

''(2) the race, ethnicity, and gender of those juveniles;

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

''(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

''(g) As used in this section—

''(1) the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

''(2) the term 'serious violent felony' has the same meaning given that term in section 3559(c)(2)(F)(i).''.

SEC. 202. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

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

''§ 5033. Custody prior to appearance before judicial officer

''(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

''(b) The juvenile shall be taken before a judicial officer without unreasonable delay.''.

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

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

(1) by striking ''The'' each place it appears at the beginning of a paragraph and inserting ''the'';

(2) by striking ''If'' at the beginning of the 3rd paragraph and inserting ''if'';

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

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

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

''In a proceeding under section 5032(a)—''.

SEC. 204. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

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

''§ 5035. Detention prior to disposition or sentencing

''(a) A juvenile alleged to be delinquent or a juvenile being prosecuted as an adult, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Whenever appropriate, detention shall be in a foster home or community based facility. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(b) To the maximum extent feasible, a juvenile prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

''(c) A juvenile who is proceeded against under section 5032(a) shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

''(d) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.''.

SEC. 205. SPEEDY TRIAL.

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

(1) striking ''If an alleged delinquent'' and inserting ''If a juvenile proceeded against under section 5032(a)'';

(2) striking ''thirty'' and inserting ''45''; and

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

SEC. 206. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

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

''§ 5037. Disposition

''(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

''(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

''(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

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

''(2) ten years; or

''(3) the date when the juvenile becomes twenty-six years old.

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

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

''(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

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

''(2) Such list shall—

''(A) be comprehensive in nature and encompass punishments of varying levels of severity;

''(B) include terms of confinement; and

''(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.''.

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

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

''(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).''.

SEC. 207. JUVENILE RECORDS AND FINGERPRINTING.

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

"§ 5038. Juvenile records and fingerprinting

''(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

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

''(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

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

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

''(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

''(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.''.

SEC. 208. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking ''his'' each place it appears and inserting ''the juvenile's''.

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

(1) in the heading of such section, by striking ''**magistrate**'' and inserting ''**judicial officer**''; and

(2) by striking ''magistrate'' each place it appears and inserting ''judicial officer''.

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

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

"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.''.

TITLE III—EFFECTIVE ENFORCEMENT OF FEDERAL FIREARMS LAWS

SEC. 301. ARMED CRIMINAL APPREHENSION PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish in the office of each United States Attorney a program that meets the requirements of subsections (b) and (c). The program shall be known as the ''Armed Criminal Apprehension Program''.

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

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

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of chapter 44 of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

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

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2); and

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

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

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

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

(d) WAIVER AUTHORITY.—

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

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (b) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

SEC. 302. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

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

(2) The number of individuals indicted for such violations during that year by reason of the program.

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

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

(5) The average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under section 301 $50,000,000 for fiscal year 2000, of which—

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

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

(b) USE OF FUNDS.—

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

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 301(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 301(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this title.

SEC. 304. CROSS-DESIGNATION OF FEDERAL PROSECUTORS.

To better assist state and local law enforcement agencies in the investigation and prosecution of firearms offenses, each United States Attorney may cross-designate one or more Assistant United States Attorneys to prosecute firearms offenses under State law that are similar to those listed in section 301(b)(2) in State and local courts.

TITLE IV—LIMITING JUVENILE ACCESS TO FIREARMS AND EXPLOSIVES

SEC. 401. INCREASED PENALTIES FOR UNLAWFUL JUVENILE POSSESSION OF FIREARMS.

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

(1) in paragraph (4) by striking ''Whoever'' and inserting ''Except as provided in paragraph (6) of this subsection, whoever''; and

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

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

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

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

''(II) the violation was also with the intent to possess the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in a school zone, or knowing that another juvenile intends to possess the handgun, ammunition, large capacity feeding device, or semiautomatic assault weapon giving rise to the violation in a school zone;

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

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

''(II) the violation was also with the intent also to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in the commission of a violent felony, or knowing that another juvenile intends to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation in the commission of a serious violent felony.

''(B) For purposes of this paragraph, the term 'serious violent felony' has the meaning given the term in section 3559(c)(2)(F).

''(C) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to penalties under subparagraph (A)(ii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile attains 18 years of age.''.

SEC. 402. INCREASED PENALTIES AND MANDATORY MINIMUM SENTENCE FOR UNLAWFUL TRANSFER OF FIREARM TO JUVENILE.

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

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

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

''(ii) if the person violated section 922(x)(1) knowing that a juvenile intended to possess the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation of section 922(x)(1) in a school zone, shall be fined under this title and imprisoned not less than 3 years and not more than 20 years; and

''(iii) if the person violated section 922(x)(1) knowing that a juvenile intended to use the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon giving rise to the violation of section 922(x)(1) in the commission of a serious violent felony, shall be imprisoned not less than 10 years and not more than 20 years and fined under this title.''.

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

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

''(r)(1) It shall be unlawful for any person who has not attained 21 years of age to ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which has been shipped or transported in interstate or foreign commerce.

''(2) This subsection shall not apply to commercially manufactured black powder in bulk quantities not to exceed five pounds, and if the person is less than 18 years of age, the person has the prior written consent of the person's parents or guardian who is not prohibited by Federal, State, or local law from possessing explosive materials, and the person has the prior written consent in the person's possession at all times when the black powder is in the possession of the person.''.

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.

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

''(p)(1) For purposes of this subsection:

''(A) The term 'destructive device' has the same meaning as in section 921(a)(4).

''(B) The term 'explosive' has the same meaning as in section 844(j).

''(C) The term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

''(2) It shall be unlawful for any person—

''(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

''(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.''.

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

(1) in subsection (a), by striking ''person who violates any of subsections'' and inserting the following: ''person who—

''(1) violates any of subsections'';

(2) by striking the period and inserting ''; and'';

(3) by adding at the end the following:

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

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

SEC. 502. REQUIRING THEFTS FROM COMMON CARRIERS TO BE REPORTED.

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

''(3)(A) It shall be unlawful for any common or contract carrier to fail to report the theft or loss of a firearm within 48 hours after the theft or loss is discovered. The theft or loss shall be reported to the Secretary and to the appropriate local authorities.

''(B) The Secretary may impose a civil fine of not more than $10,000 on any person who knowingly violates subparagraph (A).''.

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

SEC. 503. VOLUNTARY SUBMISSION OF DEALER'S RECORDS.

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

''(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Upon receipt of such records the successor licensee may retain the records of the discontinued business or submit the discontinued business records to the Secretary. Additionally, a licensee while maintaining a firearms business may voluntarily submit the records required to be kept by this chapter to the Secretary if such records are at least 20 years old. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business is discontinued to the Secretary. Where State law or local ordinance requires the delivery of records to another responsible authority, the Secretary may arrange for the delivery of such records to such other responsible authority.''.

SEC. 504. GRANT PROGRAM FOR JUVENILE RECORDS.

(a) PROGRAM AUTHORIZATION.—The Attorney General is authorized to provide grants to States to improve the quality and accessibility of juvenile records and to ensure juvenile records are routinely available for background checks performed in connection with the transfer of a firearm.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A State that wishes to receive a grant under this section shall submit an application to the Attorney General that meets the requirements of paragraph (2).

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

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

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

(c) ALLOCATION.—Of the total funds appropriated under subsection (e), each State that meets the requirements of subsection (b), shall be allocated an amount which bears the same ratio to the amount of funds so appropriated as the population of individuals under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of such individuals of all the States that meet the requirements of subsection (b) for such fiscal year.

(d) USES OF FUNDS.—A State that receives a grant award under this section may use such funds to support the administrative record system referred to in subsection (b)(2).

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

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

SEC. 601. MANDATORY MINIMUM SENTENCE FOR DISCHARGING A FIREARM IN A SCHOOL ZONE.

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

(1) by striking ''922(q) shall be fined'' and inserting ''922(q)(2) shall be fined''; and

(2) by inserting after the first sentence the following: ''Whoever violates section 922(q)(3) with reckless disregard for the safety of another shall be fined under this title, imprisoned not more than 20 years, or both, except

that if serious bodily injury results, shall be fined under this title, imprisoned not more than 25 years, or both, or if death results and the person has attained 16 years of age but has not attained 18 years of age, shall be fined under this title, sentenced to imprisonment for life or for any term of years, or both, or if death results and the person has attained 18 years of age, shall be fined under this title, sentenced to death or to imprisonment for any term of years or for life, or both. Whoever knowingly violates section 922(q)(3) shall be fined under this title, imprisoned not less than 10 years and not more than 20 years, or both, except that if serious bodily injury results, shall be fined under this title, imprisoned not less than 15 years and not more than 25 years, or both, or if death results and the person has attained 16 years of age but has not attained 18 years of age, shall be fined under this title, sentenced to imprisonment for life, or both, or if death results and the person has attained 18 years of age, shall be fined under this title, sentenced to death or to imprisonment for life, or both.''.

SEC. 602. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.

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

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking ''and'' at the end of subparagraph (C) and inserting ''or''; and

(3) by adding at the end the following:

''(D) an offense that is a violation of section 842(i) or 922(g) (relating to possession of explosives or firearms by convicted felons); and''.

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

(1) by striking ''Whoever'' and inserting ''(A) Except as provided in subparagraph (B), any person who''; and

(2) by adding at the end the following:

''(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence for such a violation to a person who has more than 1 previous conviction for a violent felony (as defined in subsection (e)(2)(B)) or a serious drug offense (as defined in subsection (e)(2)(A)), committed under different circumstances.''.

SEC. 603. INCREASED PENALTIES FOR POSSESSING OR TRANSFERRING STOLEN FIREARMS.

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

(1) in subsection (a)—

(A) in paragraph (2), by striking ''(i), (j),''; and

(B) by adding at the end the following:

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

(2) in subsection (i)(1), by striking ''10'' and inserting ''15''; and

(3) in subsection (l), by striking ''10'' and inserting ''15''.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

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

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

(1) in subsection (c)(1)(A)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking ''10 years.'' and inserting ''12 years; and''; and

(C) by adding at the end the following:

''(iv) if the firearm is used to injure another person, be sentenced to a term of imprisonment of not less than 15 years.''; and

(2) in subsection (h), by striking ''imprisoned not more than 10 years'' and inserting ''imprisoned not less than 5 years and not more than 10 years''.

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

(a) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a serious violent felony, shall be—

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

''(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

''(B) For purposes of this paragraph—

''(i) the term 'juvenile' has the meaning given the term in section 922(x); and

''(ii) the term 'serious violent felony' has the meaning given the term in section 3559(c)(2)(F).''.

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

SEC. 606. INCREASING PENALTIES ON GUN KINGPINS.

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

(b) SENTENCING GUIDELINES INCREASE FOR CERTAIN VIOLATIONS AND OFFENSES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

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

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

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

SEC. 607. SERIOUS RECORDKEEPING OFFENSES THAT AID GUN TRAFFICKING.

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

SEC. 608. TERMINATION OF FIREARMS DEALER'S LICENSE UPON FELONY CONVICTION.

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

SEC. 609. INCREASED PENALTY FOR TRANSACTIONS INVOLVING FIREARMS WITH OBLITERATED SERIAL NUMBERS.

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

(1) in paragraph (1)(B), by striking ''(k),''; and

(2) in paragraph (2), by inserting ''(k),'' after ''(j),''.

SEC. 610. FORFEITURE FOR GUN TRAFFICKING.

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

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

SEC. 611. INCREASED PENALTY FOR FIREARMS CONSPIRACY.

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

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

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

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

(1) by striking ''violent felony or a serious drug offense, or both,'' and inserting ''violent felony, a serious drug offense or a violation of section 922(g)(1), or a combination of such offenses,''; and

(2) by adding at the end the following: ''No more than two convictions for violations of section 922(g)(1) shall be considered in determining whether a person has three previous convictions for purposes of this subsection.''.

SEC. 613. SERIOUS JUVENILE DRUG TRAFFICKING OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

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

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

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

''(10) The court, in imposing a sentence on a person convicted of any crime of violence (as defined in section 16 of this title) or any felony under Federal law, shall order that the person forfeit to the United States any firearm (as defined in section 921(a)(3) of this title) used or intended to be used to commit or to facilitate the commission of the offense.''.

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

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

(c) AUTHORITY TO FORFEIT PROPERTY UNDER SECTION 924(d).—Section 924(d) of title 18, United States Code, is amended by adding at the end the following:

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

(d) 120-DAY RULE FOR ADMINISTRATIVE FORFEITURE.—Section 924(d)(1) of title 18, United States Code, is amended by adding ''administrative'' after ''Any'' in the last sentence.

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

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

(2) by adding at the end the following:

''(b) The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsection 413(d) which shall not apply to forfeitures under this section.''.

SEC. 615. SEPARATE LICENSES FOR GUNSMITHS.

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

''(11) The term 'dealer' means (A) any person engaged in the business as a firearms dealer, (B) any person engaged in the business as a gunsmith, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.''.

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

''(12) The term 'firearms dealer' means any person who is engaged in the business of selling firearms at wholesale or retail.

''(13) The term 'gunsmith' means any person, other than a licensed manufacturer, licensed importer, or licensed dealer, who is engaged in the business of repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms.''.

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

''(3) If the applicant is a dealer who is—

''(A) a dealer in destructive devices or ammunition for destructive devices, a fee of $1,000 per year;

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

''(C) a gunsmith, a fee of $100 for 3 years, except that the fee for renewal of a valid license shall be $50 for 3 years.''.

SEC. 616. PERMITS AND BACKGROUND CHECKS FOR PURCHASES OF EXPLOSIVES.

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

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

''(A) to transport, ship, cause to be transported, or receive any explosive materials; or

''(B) to distribute explosive materials to any person other than a licensee or permittee.''; and

(2) in subsection (b)—

(A) by adding ''or'' at the end of paragraph (1);

(B) by striking ''; or'' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3).

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

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

''(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103(d) of the Brady Handgun Violence Prevention Act;

''(B)(i) the system provides the licensee with a unique identification number; or

''(ii) 5 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of explosive materials by such other person would violate subsection (i) of this section;

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

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

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

''(A) assign a unique identification number to the transfer; and

''(B) provide the licensee with the number.

''(3) Paragraph (1) shall not apply to the transfer of explosive materials between a licensee and another person if on application of the transferor, the Secretary has certified that compliance with paragraph (1)(A) is impracticable because—

''(A) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

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

''(C) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

''(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of explosive materials by such other person would violate subsection (i) or State law, and the licensee transfers explosive materials to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

''(5) If the licensee knowingly transfers explosive materials to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer, the Secretary may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 843 and may impose on the licensee a civil fine of not more than $5,000.

''(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

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

''(B) for preventing such a sale or transfer to a person who may lawfully receive or possess explosive materials.''.

(c) ADMINISTRATIVE PROVISIONS.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f), by inserting ''or explosive materials'' after ''firearm''; and

(2) in subsection (g), by inserting ''or that receipt of explosive materials by a prospective transferee would violate section 842(i) of such title, or State law,'' after ''State law,''.

(d) REMEDY FOR ERRONEOUS DENIAL OF EXPLOSIVE MATERIALS.—

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

''§ 843A. Remedy for erroneous denial of explosive materials

''Any person denied explosive materials pursuant to section 842(q)—

''(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

''(2) who was not prohibited from receipt of explosive materials pursuant to section 842(i),

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.''.

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

''843A. Remedy for erroneous denial of explosive materials.''.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue final regulations with respect to the amendments made by subsection (a).

(2) NOTICE TO STATES.—On the issuance of regulations pursuant to paragraph (1), the Secretary of the Treasury shall notify the States of the regulations so that the States may consider revising their explosives laws.

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

(1) by inserting '', including fingerprints and a photograph of the applicant'' before the period at the end of the first sentence; and

(2) by striking the second sentence and inserting, ''Each applicant for a license shall pay for each license a fee established by the Secretary that shall not exceed $300. Each applicant for a permit shall pay for each permit a fee established by the Secretary that shall not exceed $100.''.

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

(1) by redesignating subsection (a) as subsection (a)(1); and

(2) by inserting after subsection (a)(1) the following new paragraph:

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

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

SEC. 617. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVES.

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

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period and inserting ''or who has been committed to a mental institution;''; and

(3) by adding at the end the following:

''(7) being an alien—

''(A) is illegally or unlawfully in the United States; or

''(B) except as provided in subsection (q)(2), has been admitted to the United States under a nonimmigrant visa (as that term is

defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

''(8) has been discharged from the Armed Forces under dishonorable conditions;

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

''(10) is subject to a court order that—

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

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

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

''(11) has been convicted in any court of a misdemeanor crime of domestic violence; or

''(12) has been adjudicated delinquent.''.

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

(1) in paragraph (3), by striking ''or'' at the end; and

(2) by adding at the end the following:

''(5) who, being an alien—

''(A) is illegally or unlawfully in the United States; or

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

''(6) who has been discharged from the Armed Forces under dishonorable conditions;

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

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

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

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

''(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

''(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

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

''(10) who has been adjudicated delinquent.''.

(c) DEFINITION.—Section 841 of title 18, United States Code, is amended by adding at the end the following:

''(r)(1) Except as provided in paragraph (2), 'misdemeanor crime of domestic violence' means an offense that—

''(A) is a misdemeanor under Federal or State law; and

''(B) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

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

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

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

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

''(II) the person knowingly and intelligently waived the right to have the case tried by jury, by guilty plea or otherwise.

''(B) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

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

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

''(r)(1) For purposes of this subsection—

''(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

''(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

''(2) Sections (d)(7)(B) and (i)(5)(B) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

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

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

''(ii) the Attorney General approves the petition.

''(B) Each petition under subparagraph (B) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of subsection (i)(5)(B), otherwise be prohibited from such an acquisition under subsection (i).

''(C) The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (i)(5)(B) with respect to the petitioner—

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

''(ii) would not jeopardize the public safety.''.

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

''(d) Notwithstanding any other provision of this section, no person convicted of a misdemeanor crime of domestic violence may ship or transport any explosive materials in interstate or foreign commerce or to receive or possess any explosive materials which have been shipped or transported in interstate or foreign commerce.''.

TITLE VII—PUNISHING GANG VIOLENCE AND DRUG TRAFFICKING TO MINORS

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

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

(1) in subsection (b), by striking ''one year'' and inserting ''3 years''; and

(2) in subsection (c), by striking ''one year'' and inserting ''5 years''.

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

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

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

(2) in subsection (b), by striking ''one year'' and inserting ''5 years''.

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

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

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

(2) in subsection (b), by striking ''three years'' each place that term appears and inserting ''5 years''.

SEC. 704. CRIMINAL STREET GANGS.

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

(1) in subsection (a), in the second undesignated paragraph—

(A) by striking ''5'' and inserting ''3'';

(B) by inserting '', whether formal or informal'' after ''or more persons''; and

(C) in subparagraph (A), by inserting ''or activities'' after ''purposes'';

(2) in subsection (b), by inserting after ''10 years'' the following: ''and such person shall be subject to the forfeiture prescribed in section 412 of the Controlled Substances Act (21 U.S.C. 853)'';

(3) in subsection (c)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

''(3) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

''(4) that is a violation of section 844, 875, or 876 (relating to extortion and threats), section 1084 (relating to gambling), section 1955 (relating to gambling), or chapter 73 (relating to obstruction of justice);

''(5) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense involving a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

''(6) that is a violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating to alien smuggling); and

''(7) a conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (6).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3663(c)(4) of title 18, United

States Code, is amended by striking ''chapter 46'' and inserting ''section 521, chapter 46,''.

SEC. 705. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

(a) DEFINITION OF CRIMINAL STREET GANG.—In this section, the term ''criminal street gang'' has the meaning given that term in section 521(a) of title 18, United States Code.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code, if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) FACTORS TO BE CONSIDERED.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person posed by the offense.

(c) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 706. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) TRAVEL ACT AMENDMENT.—Section 1952 of title 18, United States Code, is amended to read as follows:

''§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

''(a) PROHIBITED CONDUCT AND PENALTIES.—

''(1) IN GENERAL.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

''(i) distribute the proceeds of any unlawful activity; or

''(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

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

''(2) CRIMES OF VIOLENCE.—Whoever—

''(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

''(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

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

''(b) DEFINITIONS.—In this section:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(3) UNLAWFUL ACTIVITY.—The term 'unlawful activity' means—

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

''(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than $10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States; or

''(C) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.''.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

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

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code, recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

SEC. 707. GANG-RELATED WITNESS INTIMIDATION AND RETALIATION.

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

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

(2) by inserting after subsection (a) the following:

''(b) Whoever travels in interstate or foreign commerce with intent by bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding, and thereafter engages or endeavors to engage in such conduct, shall be fined under this title or imprisoned not more than 10 years, or both; and if serious bodily injury (as defined in section 1365 of this title) results, shall be so fined or imprisoned for not more than 20 years, or both; and if death results, shall be so fined and imprisoned for any term of years or for life, or both, and may be sentenced to death.''.

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

''(j) Whoever conspires to commit any offense defined in this section or section 1513 of this title shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.''.

(c) WITNESS RELOCATION SURVEY AND TRAINING PROGRAM.—

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

(2) TRAINING.—Based on the results of such survey, the Attorney General shall make available to State and local law enforcement agencies training to assist those law enforcement agencies in developing and managing witness protection and relocation programs.

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

(d) FEDERAL-STATE COORDINATION AND COOPERATION REGARDING NOTIFICATION OF INTERSTATE WITNESS RELOCATION.—

(1) ATTORNEY GENERAL TO PROMOTE INTERSTATE COORDINATION.—The Attorney General shall engage in activities, including the establishment of a model Memorandum of Understanding under paragraph (2), which promote coordination among State and local witness interstate relocation programs.

(2) MODEL MEMORANDUM OF UNDERSTANDING.—The Attorney General shall establish a model Memorandum of Understanding for States and localities that engage in interstate witness relocation. Such a model Memorandum of Understanding shall include a requirement that notice be provided to the jurisdiction to which the relocation has been made by the State or local law enforcement agency that relocates a witness to another State who has been arrested for or convicted of a crime of violence as described in section 16 of title 18, United States Code.

(3) BYRNE GRANT ASSISTANCE.—The Attorney General is authorized to expend up to 10 percent of the total amount appropriated under section 511 of subpart 2 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 for purposes of making grants pursuant to section 510 of that Act to those jurisdictions that have interstate witness relocation programs and that have substantially followed the model Memorandum of Understanding.

(4) GUIDELINES AND DETERMINATION OF ELIGIBILITY.—The Attorney General shall establish guidelines relating to the implementation of paragraph (4) and shall determine, consistent with such guidelines, which jurisdictions are eligible for grants under paragraph (4).

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

(1) by striking ''and'' at the end of paragraph (25);

(2) by striking the period at the end paragraph (26) and inserting ''; and''; and

(3) by adding at the end the following:

''(27) developing and maintaining witness security and relocation programs, including providing training of personnel in the effective management of such programs.''.

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

It was decided in the affirmative ..... { Yeas ..... 249 / Nays 181

¶65.8 [Roll No. 211]

AYES—249

Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Castle
Chabot
Chambliss
Clement
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hobson
Holden
Holt
Hooley
Horn
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Spence
Stabenow
Stearns
Stump
Sununu
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thune
Toomey
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NOES—181

Abercrombie
Ackerman
Allen
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonilla
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Cannon
Capuano
Cardin
Carson
Chenoweth
Clay
Clayton
Clyburn
Coble
Coburn
Conyers
Cooksey
Coyne
Crowley
Cummings
Danner
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Ehlers
Engel
Eshoo
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Goode
Gutierrez
Hall (TX)
Hastings (FL)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Hostettler
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pease
Pelosi
Pickett
Pombo
Price (NC)
Pryce (OH)
Rahall
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skeen
Slaughter
Smith (NJ)
Snyder
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Towns
Udall (CO)
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weygand
Wilson
Wise
Woolsey
Wynn

NOT VOTING—4

Brown (CA)
Davis (IL)
Houghton
Kasich

So the amendment was agreed to.

After some further time,

¶65.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SALMON:

Add at the end the following:

SEC. ___. AIMEE'S LAW.

(a) SHORT TITLE.—This section may be cited as ''Aimee's Law''.

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term ''dangerous sexual offense'' means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term ''murder'' has the meaning given the term under applicable State law.

(3) RAPE.—The term ''rape'' has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term ''sexual abuse'' has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given the term under applicable State law.

(c) REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of