

105TH CONGRESS  
2D SESSION

# S. 2185

To protect children from firearms violence.

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IN THE SENATE OF THE UNITED STATES

JUNE 17, 1998

Mr. KENNEDY (for himself, Mrs. BOXER, Mr. DODD, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To protect children from firearms violence.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Children’s Gun Violence Prevention Act of 1998”.

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

Sec. 1. Short title; table of contents.

TITLE I—THE CHILDREN’S FIREARM SAFETY ACT OF 1998

Sec. 101. Prohibition on manufacture or importation of unsafe handguns.

Sec. 102. Consumer Product Safety Commission study.

TITLE II—THE CHILDREN’S FIREARMS AGE LIMIT ACT OF 1998

Sec. 201. Extension of juvenile handgun ban to semiautomatic assault weapons.

Sec. 202. Increased penalty for transferring handgun or semiautomatic assault weapon to juvenile for use in a crime of violence.

TITLE III—THE CHILDREN’S FIREARM DEALER’S RESPONSIBILITY ACT OF 1998

Sec. 301. Automatic revocation of license of firearms dealer who willfully sells firearm to a minor.

Sec. 302. 2 forms of identification required from firearms purchasers under age 24.

Sec. 303. Minimum safety and security standards for gun shops.

TITLE IV—THE CHILDREN’S FIREARM ACCESS PREVENTION ACT OF 1998

Sec. 401. Short title.

Sec. 402. Children and firearms safety.

TITLE V—THE CHILDREN’S FIREARM INJURY SURVEILLANCE ACT OF 1998

Sec. 501. Short title.

Sec. 502. Surveillance program regarding injuries to children resulting from firearms.

TITLE VI—THE CHILDREN’S FIREARM EDUCATION ACT OF 1998

Sec. 601. Short title; purposes.

Sec. 602. Competitive grants for children’s firearm education.

Sec. 603. Dissemination of best practices.

Sec. 604. Definitions.

Sec. 605. Amendment to Safe and Drug-Free Schools and Communities Act of 1994.

TITLE VII—THE CHILDREN’S FIREARM TRACKING ACT OF 1998

Sec. 701. Youth Crime Gun Interdiction Initiative.

1 **TITLE I—THE CHILDREN’S**  
2 **FIREARM SAFETY ACT OF 1998**

3 **SEC. 101. PROHIBITION ON MANUFACTURE OR IMPORTA-**  
4 **TION OF UNSAFE HANDGUNS.**

5 Section 922 of title 18, United States Code, is  
6 amended by inserting after subsection (x) the following:

7 “(y)(1) Beginning on the date that is 18 months after  
8 the date of enactment of this subsection it shall be unlaw-

1 ful for any person to manufacture or import an unsafe  
2 handgun.

3 “(2) The term ‘unsafe handgun’ means—

4 “(A) any handgun which the Secretary deter-  
5 mines, when new, fires in any of 5 successive trials  
6 in which the handgun (loaded with an empty case  
7 with a primer installed and having built-in manual  
8 handgun safety devices deactivated so that the hand-  
9 gun is ready to fire) is dropped onto a solid slab of  
10 concrete from a height of one meter from each of  
11 the following positions:

12 “(i) normal firing position;

13 “(ii) upside down;

14 “(iii) on grip;

15 “(iv) on the muzzle;

16 “(v) on either side;

17 “(vi) on the exposed hammer or striker;

18 “(vii) if there is no hammer or striker, the  
19 rearmost part of the firearm; and

20 “(viii) any other position which the Sec-  
21 retary determines is necessary to determine  
22 whether the handgun is subject to accidental  
23 discharge;

24 “(B) any handgun without a child resistant  
25 trigger mechanism reasonably designed to prevent a

1 child who has not attained 5 years of age from oper-  
2 ating the weapon when it is ready to fire. Such  
3 mechanism may include:

4 “(i) any handgun without a trigger resist-  
5 ant to a ten pound pull; or

6 “(ii) any handgun, under rules determined  
7 by the Secretary, which is designed so that the  
8 hand of an average child who has not attained  
9 5 years of age is unable to grip the trigger;

10 “(C) any semiautomatic pistol which does not  
11 have a magazine safety disconnect that prevents the  
12 pistol from being fired once the magazine or clip is  
13 removed from the weapon.

14 “(D) a handgun sold without a mechanism rea-  
15 sonable designed, under rules determined by the Sec-  
16 retary, to prevent the discharge of the weapon by  
17 unauthorized users, including but not limited to the  
18 following devices:

19 “(i) a detachable, key activated or com-  
20 bination lock which prevents the trigger from  
21 being pulled or the hammer from striking the  
22 primer; or

23 “(ii) a solenoid use-limitation device which  
24 prevents, by use of a magnetically activated  
25 relay, the firing of the weapon unless a magnet

1 of the appropriate strength is placed in proxim-  
2 ity to the handle of the gun.

3 “(3) Paragraph (1) shall not apply to—

4 “(A) the manufacture or importation of a hand-  
5 gun, by a licensed manufacturer or licensed im-  
6 porter, for use by the United States or a department  
7 or agency of the United States or a State or a de-  
8 partment, agency, or political subdivision of a State;  
9 or

10 “(B) the manufacture or importation by a li-  
11 censed manufacturer or licensed importer for the  
12 purposes of testing or experimentation authorized by  
13 the Secretary.

14 “(4) This subsection shall not be construed to pre-  
15 empt or limit in any way any causes of action available  
16 under the law of any State against a manufacturer of a  
17 firearm.”.

18 **SEC. 102. CONSUMER PRODUCT SAFETY COMMISSION**  
19 **STUDY.**

20 (a) **STUDY.**—Notwithstanding any other provision of  
21 law, the Consumer Product Safety Commission, in con-  
22 sultation with the Bureau of Alcohol, Tobacco and Fire-  
23 arms, shall conduct a study to determine how the safety  
24 of handguns can be improved so as to prevent their unau-  
25 thorized use or discharge by children who have not at-

1 tained 18 years of age. The study shall include the testing  
2 and evaluation of—

3 (1) locking devices that, while installed on a  
4 handgun, prevent the handgun from being dis-  
5 charged, and that can be removed or deactivated by  
6 means of a key or a mechanically, electronically, or  
7 electro-mechanically operated combination lock;

8 (2) locking devices that are incorporated into  
9 the design of a handgun, that, when activated, pre-  
10 vent a handgun from being discharged, and that can  
11 be deactivated by means of a key or a mechanically,  
12 electronically, or electro-mechanically operated com-  
13 bination lock;

14 (3) storage boxes, cases, or safes equipped with  
15 a mechanically, electronically, or electro-mechanically  
16 operated lock that, when activated, prevents access  
17 to a firearm located in the storage box, case, or safe.

18 (b) REPORT TO THE CONGRESS.—Within 1 year after  
19 the date of the enactment of this Act, the Consumer Prod-  
20 uct Safety Commission shall submit to the Congress a re-  
21 port that details the results of the study required by sub-  
22 section (a) and that includes recommendations on how  
23 handgun safety can be improved and how changes in  
24 handgun design can reduce unauthorized access to guns  
25 by children who have not attained 18 years of age.

1 (c) LIMITATION ON AUTHORIZATION OF APPROPRIA-  
2 TIONS.—To carry out this section, there are authorized  
3 to be appropriated to the Director of the Consumer Prod-  
4 uct Safety Commission \$1,500,000 for fiscal year 1999.

5 **TITLE II—THE CHILDREN’S FIRE-**  
6 **ARMS AGE LIMIT ACT OF 1998**

7 **SEC. 201. EXTENSION OF JUVENILE HANDGUN BAN TO**  
8 **SEMIAUTOMATIC ASSAULT WEAPONS.**

9 Section 922(x) of title 18, United States Code, is  
10 amended in each of paragraphs (1) and (2)—

11 (1) by striking “or” at the end of subparagraph  
12 (A);

13 (2) by striking the period at the end of sub-  
14 paragraph (B) and inserting “; or”; and

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

16 “(C) a semiautomatic assault weapon.”.

17 **SEC. 202. INCREASED PENALTY FOR TRANSFERRING HAND-**  
18 **GUN OR SEMIAUTOMATIC ASSAULT WEAPON**  
19 **TO JUVENILE FOR USE IN A CRIME OF VIO-**  
20 **LENCE.**

21 Section 924(a)(6)(B)(ii) of title 18, United States  
22 Code, is amended by striking “10” and inserting “20”.

1 **TITLE III—THE CHILDREN’S**  
 2 **FIREARM DEALER’S RESPON-**  
 3 **SIBILITY ACT OF 1998**

4 **SEC. 301. AUTOMATIC REVOCATION OF LICENSE OF FIRE-**  
 5 **ARMS DEALER WHO WILLFULLY SELLS FIRE-**  
 6 **ARM TO A MINOR.**

7 Section 923(e) of title 18, United States Code, is  
 8 amended by inserting after the 3rd sentence the following:  
 9 “The Secretary, after notice and opportunity for hearing,  
 10 shall revoke the license of a dealer who willfully sells a  
 11 firearm to an individual who has not attained 18 years  
 12 of age.”.

13 **SEC. 302. 2 FORMS OF IDENTIFICATION REQUIRED FROM**  
 14 **FIREARMS PURCHASERS UNDER AGE 24.**

15 Section 922(t)(1)(C) of title 18, United States Code,  
 16 is amended by inserting “(or, if the licensee knows or has  
 17 reasonable case to believe that the transferee has not at-  
 18 tained 24 years of age, 2)” before “valid”.

19 **SEC. 303. MINIMUM SAFETY AND SECURITY STANDARDS**  
 20 **FOR GUN SHOPS.**

21 (a) IN GENERAL.—Section 923 of title 18, United  
 22 States Code, is amended by adding at the end the follow-  
 23 ing:

24 “(m) SAFETY AND SECURITY STANDARDS FOR GUN  
 25 SHOPS.—

1           “(1) IN GENERAL.—Not later than 1 year after  
2 the date of enactment of this subsection, the Sec-  
3 retary of the Treasury, acting through the Director  
4 of the Bureau of Alcohol, Tobacco, and Firearms,  
5 shall issue final regulations that establish minimum  
6 firearm safety and security standards that shall  
7 apply to dealers who are issued a license under this  
8 section.

9           “(2) MINIMUM STANDARDS.—The regulations  
10 issued under this subsection shall include minimum  
11 safety and security standards for—

12                   “(A) a place of business in which a dealer  
13 covered by the regulations conducts business or  
14 stores firearms;

15                   “(B) windows, the front door, storage  
16 rooms, containers, alarms, and other items of a  
17 place of business referred to in subparagraph  
18 (A) that the Secretary of the Treasury, acting  
19 through the Director of the Bureau of Alcohol,  
20 Tobacco and Firearms, determines to be appro-  
21 priate; and

22                   “(C) the storage and handling of the fire-  
23 arms contained in a place of business referred  
24 to in subparagraph (A).”.

1 (b) INSPECTIONS.—Section 923(g)(1) of title 18,  
2 United States Code, is amended—

3 (1) in subparagraph (A)—

4 (A) in clause (i), by striking “, and” and  
5 inserting a semicolon;

6 (B) in clause (ii), by striking the period at  
7 the end and inserting “; and”; and

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

9 “(iii) with respect the place of business of a li-  
10 censed dealer, the safety and security measures  
11 taken by the dealer to ensure compliance with the  
12 regulations issued under subsection (m).”; and

13 (2) in subparagraph (B)—

14 (A) in the matter preceding clause (i), by  
15 inserting “and the place of business of a li-  
16 censed dealer” after “licensed dealer”;

17 (B) in clause (ii), by striking “or” at the  
18 end;

19 (C) in clause (iii), by striking the period at  
20 the end and inserting “; or”; and

21 (D) by adding at the end the following:

22 “(iv) not more than once during any 12-month  
23 period, for ensuring compliance by a licensed dealer  
24 with the regulations issued under subsection (m).”.

1 (c) PENALTIES.—Section 924(a)(1) of title 18,  
2 United States Code, is amended—

3 (1) in subparagraph (C), by striking “or” at  
4 the end;

5 (2) by redesignating subparagraph (D) as sub-  
6 paragraph (E); and

7 (3) by inserting after subparagraph (C) the fol-  
8 lowing:

9 “(D) being a licensed dealer, knowingly  
10 fails to comply with any applicable regulation  
11 issued under section 923(m); and”.

12 **TITLE IV—THE CHILDREN’S**  
13 **FIREARM ACCESS PREVEN-**  
14 **TION ACT OF 1998**

15 **SEC. 401. SHORT TITLE.**

16 This title may be cited as the “Children’s Firearm  
17 Access Prevention Act of 1998”.

18 **SEC. 402. CHILDREN AND FIREARMS SAFETY.**

19 (a) SECURE GUN STORAGE OR SAFETY DEVICE.—  
20 Section 921(a) of title 18, United States Code, is amended  
21 by adding at the end the following:

22 “(34) The term ‘secure gun storage or safety device’  
23 means—

24 “(A) a device that, when installed on a firearm,  
25 is designed to prevent the firearm from being oper-

1       ated without first deactivating or removing the de-  
2       vice;

3               “(B) a device incorporated into the design of  
4       the firearm that is designed to prevent the operation  
5       of the firearm by anyone not having access to the  
6       device; or

7               “(C) a safe, gun safe, gun case, lock box, or  
8       other device that is designed to be or can be used  
9       to store a firearm and that is designed to be un-  
10      locked only by means of a key, a combination, or  
11      other similar means.”.

12      (b) PROHIBITION AND PENALTIES.—Section 922 of  
13      such title is further amended by adding at the end the  
14      following:

15              “(z)(1) In this subsection, the term ‘juvenile’ means  
16      an individual who has not attained 18 years of age.

17              “(2) Except as provided in paragraph (3), any person  
18      who—

19              “(A) keeps a loaded firearm, or an unloaded  
20      firearm and ammunition for the firearm, any of  
21      which has been shipped or transported in interstate  
22      or foreign commerce or otherwise substantially af-  
23      fects interstate or foreign commerce, on premises  
24      under the custody or control of the person; and

1           “(B) knows, or reasonably should know, that a  
2           juvenile is capable of gaining access to the firearm  
3           without the permission of a parent or legal guardian  
4           of the juvenile;

5 shall, if a juvenile obtains access to the firearm and there-  
6 by causes death or bodily injury to the juvenile or any  
7 other person, or exhibits the firearm in a public place or  
8 in violation of subsection (q), be imprisoned not more than  
9 1 year, fined not more than \$10,000, or both.

10          “(3) Paragraph (2) shall not apply if—

11           “(A) the person uses a secure gun storage or  
12           safety device for the firearm;

13           “(B) the person is a peace officer, a member of  
14           the Armed Forces, or a member of the National  
15           Guard, and the juvenile obtains the firearm during,  
16           or incidental to, the performance of the official du-  
17           ties of the person in that capacity;

18           “(C) the juvenile obtains, or obtains and dis-  
19           charges, the firearm in a lawful act of self-defense  
20           or defense of 1 or more other persons; or

21           “(D) the person has no reasonable expectation,  
22           based on objective facts and circumstances, that a  
23           juvenile is likely to be present on the premises on  
24           which the firearm is kept.

1       “(4) This subsection shall not be construed to pre-  
 2       empt any provision of the law of any State, the purpose  
 3       of which is to prevent children from injuring themselves  
 4       or others with firearms, or to preempt or limit in any way  
 5       any causes of action available under the law of any State  
 6       against a manufacturer of a firearm.”.

7       (c) **ROLE OF LICENSED FIREARMS DEALERS.**—Sec-  
 8       tion 926 of such title is amended by adding at the end  
 9       the following:

10       “(d) The Secretary shall ensure that a copy of section  
 11       922(z) appears on the form required to be obtained by  
 12       a licensed dealer from a prospective transferee of a fire-  
 13       arm.”.

14       **TITLE V—THE CHILDREN’S FIRE-**  
 15       **ARM INJURY SURVEILLANCE**  
 16       **ACT OF 1998**

17       **SEC. 501. SHORT TITLE.**

18       This title may be cited as the “Children’s Firearm  
 19       Injury Surveillance Act of 1998”.

20       **SEC. 502. SURVEILLANCE PROGRAM REGARDING INJURIES**  
 21       **TO CHILDREN RESULTING FROM FIREARMS.**

22       (a) **IN GENERAL.**—

23               (1) **PROGRAM OF GRANTS.**—The Secretary of  
 24       Health and Human Services may make grants to  
 25       State and local departments of health and State and

1 local law enforcement agencies for purposes of estab-  
2 lishing and maintaining children’s firearm-related in-  
3 jury surveillance systems.

4 (2) ADMINISTRATION OF PROGRAM.—The Sec-  
5 retary of Health and Human Services shall carry out  
6 this section acting through the Director of the Cen-  
7 ters for Disease Control and Prevention. Such Direc-  
8 tor shall carry out this section through the Director  
9 of the National Center for Injury Prevention and  
10 Control (in this section referred to as the “Director  
11 of the Center”).

12 (b) CERTAIN USES OF GRANT.—The Director of the  
13 Center shall ensure that grants under subsection (a) are  
14 used to establish systems for gathering information re-  
15 garding fatal and nonfatal firearm injuries involving chil-  
16 dren who have not attained 21 years of age, including in-  
17 formation with respect to—

18 (1) mortality;

19 (2) morbidity;

20 (3) disability;

21 (4) the type and characteristic of the firearm  
22 used in the shooting;

23 (5) the relationship of the victim to the per-  
24 petrator; and

25 (6) the time and circumstances of the shooting.

1 (c) PRIORITY FOR CERTAIN STATES.—In making  
 2 grants under this section, the Director of the Center shall  
 3 give priority to States and communities in which firearm-  
 4 related injuries for children are a significant public health  
 5 problem.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—For the  
 7 purpose of carrying out this section, there is authorized  
 8 to be appropriated \$5,000,000 for each of the fiscal years  
 9 1999 through 2003.

10 **TITLE VI—THE CHILDREN’S**  
 11 **FIREARM EDUCATION ACT OF**  
 12 **1998**

13 **SEC. 601. SHORT TITLE; PURPOSES.**

14 (a) SHORT TITLE.—This title may be cited as the  
 15 “Children’s Firearm Education Act of 1998”.

16 (b) PURPOSES.—The purposes of this title are—

17 (1) to award grants to assist local educational  
 18 agencies, in consultation with community groups and  
 19 law enforcement agencies, to educate children about  
 20 and preventing violence; and

21 (2) to assist communities in developing partner-  
 22 ships between public schools, community organiza-  
 23 tions, law enforcement, and parents in educating  
 24 children about preventing gun violence.

1 **SEC. 602. COMPETITIVE GRANTS FOR CHILDREN'S FIRE-**  
2 **ARM EDUCATION.**

3 (a) **ALLOCATION OF COMPETITIVE GRANTS.—**

4 (1) **GRANTS BY THE SECRETARY.—**For any fis-  
5 cal year in which the amount appropriated to carry  
6 out this title does not equal or exceed \$50,000,000,  
7 the Secretary is authorized to award competitive  
8 grants described under subsection (b).

9 (2) **GRANTS BY THE STATES.—**For any fiscal  
10 year in which the amount appropriated to carry out  
11 this title exceeds \$50,000,000, the Secretary shall  
12 make allotments to State educational agencies pur-  
13 suant to subsection (a)(3) to award competitive  
14 grants described in subsection (b).

15 (3) **FORMULA.—**Except as provided in para-  
16 graph (4), funds appropriated to carry out this title  
17 shall be allocated among the States as follows:

18 (A) 75 percent of such amount shall be al-  
19 located proportionately based upon the popu-  
20 lation that is less than 18 years of age in the  
21 State;

22 (B) 25 percent of such amount shall be al-  
23 located proportionately based upon the popu-  
24 lation that is less than 18 years of age in the  
25 State that is incarcerated.

1           (4) MINIMUM ALLOTMENT.—If the amount ap-  
2           propriated to carry out this title exceeds  
3           \$50,000,000, each State shall receive a minimum  
4           grant award each fiscal year of not less than  
5           \$500,000.

6           (b) AUTHORIZATION OF COMPETITIVE GRANTS.—  
7           The Secretary or the State educational agency, as the case  
8           may be, is authorized to award grants to eligible local edu-  
9           cational agencies for the purposes of educating children  
10          about preventing gun violence.

11          (1) ASSURANCES.—

12                (A) The Secretary or the State educational  
13                agency, as the case may be, shall ensure that  
14                not less than 90 percent of the funds allotted  
15                under this title are distributed to local edu-  
16                cational agencies.

17                (B) In awarding the grants, the Secretary  
18                or the State educational agency, as the case  
19                may be, shall ensure, to the maximum extent  
20                practicable—

21                    (i) an equitable geographic distribu-  
22                    tion of grant awards;

23                    (ii) an equitable distribution of grant  
24                    awards among programs that serve public  
25                    elementary school students, public second-

1           ary school students, and a combination of  
2           both; and

3                   (iii) that urban, rural and suburban  
4           areas are represented within the grants  
5           that are awarded.

6           (2) PRIORITY.—In awarding grants under this  
7           subsection, the Secretary or the State educational  
8           agency, as the case may be, shall give priority to a  
9           local educational agency that—

10                   (A) coordinates with other Federal, State,  
11           and local programs that educate children about  
12           personal health, safety, and responsibility, in-  
13           cluding programs carried out under the Safe  
14           and Drug-Free Schools and Communities Act  
15           of 1994 (20 U.S.C. 7101 et seq.);

16                   (B) serves a population with a high inci-  
17           dence of students found in possession of a  
18           weapon on school property or students sus-  
19           pended or expelled for bringing a weapon onto  
20           school grounds or engaging in violent behavior  
21           on school grounds;

22                   (C) forms a partnership that includes not  
23           less than 1 local educational agency working in  
24           consultation with not less than 1 public or pri-  
25           vate nonprofit agency or organization with ex-

1           perience in violence prevention or 1 local law  
2           enforcement agency.

3           (3) PEER REVIEW; CONSULTATION.—

4                   (A)(i) Before grants are awarded, the Sec-  
5           retary shall submit grant applications to a peer  
6           review panel for evaluation.

7                   (ii) Such panel shall be composed of not  
8           less than 1 representative from a local edu-  
9           cational agency, State educational agency, a  
10          local law enforcement agency, and a public or  
11          private nonprofit organization with experience  
12          in violence prevention.

13                   (B) The Secretary shall submit grant ap-  
14          plications to the Attorney General for consulta-  
15          tion.

16          (c) ELIGIBLE GRANT RECIPIENTS.—

17                   (1) IN GENERAL.—Except as provided in para-  
18          graph (2), an eligible grant recipient is a local edu-  
19          cational agency that may work in partnership with  
20          1 or more of the following:

21                           (A) A public or private nonprofit agency or  
22                           organization with experience in violence preven-  
23                           tion.

24                           (B) A local law enforcement agency.

25                           (C) An institution of higher education.

1           (2) EXCEPTION.—A State educational agency  
2 may, with the approval of a local educational agency,  
3 submit an application on behalf of such local edu-  
4 cational agency or a consortium of such agencies.

5 (d) LOCAL APPLICATIONS; REPORTS.—

6           (1) APPLICATIONS.—Each local educational  
7 agency that wishes to receive a grant under this title  
8 shall submit an application to the Secretary and the  
9 State educational agency that includes—

10           (A) a description of the proposed activities  
11 to be funded by the grant and how each activity  
12 will further the goal of educating children about  
13 preventing gun violence;

14           (B) how the program will be coordinated  
15 with other programs that educate children  
16 about personal health, safety, and responsibil-  
17 ity, including programs carried out under the  
18 Safe and Drug-Free Schools and Communities  
19 Act of 1994 (20 U.S.C. 7101 et seq.); and

20           (C) the age and number of children that  
21 the programs will serve.

22           (2) REPORTS.—Each local educational agency  
23 that receives a grant under this title shall submit a  
24 report to the Secretary and to the State educational  
25 agency not later than 18 months and 36 months

1 after the grant is awarded. Each report shall include  
2 information regarding—

3 (A) the activities conducted to educate  
4 children about gun violence;

5 (B) how the program will continue to edu-  
6 cate children about gun violence in the future;  
7 and

8 (C) how the grant is being coordinated  
9 with other Federal, State, and local programs  
10 that educate children about personal health,  
11 safety, and responsibility, including programs  
12 carried out under the Safe and Drug-Free  
13 Schools and Communities Act of 1994 (20  
14 U.S.C. 7101 et seq.).

15 (e) AUTHORIZED ACTIVITIES.—

16 (1) REQUIRED ACTIVITIES.—Grants authorized  
17 under subsection (b) shall be used for the following  
18 activities:

19 (A) Supporting existing programs that  
20 educate children about personal health, safety,  
21 and responsibility, including programs carried  
22 out under the Safe and Drug-Free Schools and  
23 Communities Act of 1994 (20 U.S.C. 7101 et  
24 seq).

1           (B) Educating children about the effects of  
2 gun violence.

3           (C) Educating children to identify dan-  
4 gerous situations in which guns are involved  
5 and how to avoid and prevent such situations.

6           (D) Educating children how to identify  
7 threats and other indications that their peers  
8 are in possession of a gun and may use a gun,  
9 and what steps they can take in such situations.

10          (E) Developing programs to give children  
11 access to adults to whom they can report in a  
12 confidential manner about problems relating to  
13 guns.

14          (2) PERMISSIBLE ACTIVITIES.—Grants author-  
15 ized under subsection (b) may be used for the follow-  
16 ing:

17           (A) Encouraging schoolwide programs and  
18 partnerships that involve teachers, students,  
19 parents, administrators, other staff, and mem-  
20 bers of the community in reducing gun inci-  
21 dents in public elementary and secondary  
22 schools.

23           (B) Establishing programs that assist par-  
24 ents in helping educate their children about

1 firearm safety and the prevention of gun vio-  
2 lence.

3 (C) Providing ongoing professional devel-  
4 opment for public school staff and administra-  
5 tors to identify the causes and effects of gun vi-  
6 olence and risk factors and student behavior  
7 that may result in gun violence, including train-  
8 ing sessions to review and update school crisis  
9 response plans and school policies for prevent-  
10 ing the presence of guns on school grounds and  
11 facilities;

12 (D) Providing technical assistance for  
13 school psychologists and counselors to provide  
14 timely counseling and evaluations, in accord-  
15 ance with State and local laws, of students who  
16 possess a weapon on school grounds.

17 (E) Improving security on public elemen-  
18 tary and secondary school campuses to prevent  
19 outside persons from entering school grounds  
20 with firearms.

21 (F) Assisting public schools and commu-  
22 nities in developing crisis response plans when  
23 firearms are found on school campuses and  
24 when gun-related incidents occur.

1 (f) STATE APPLICATIONS; ACTIVITIES AND RE-  
2 PORTS.—

3 (1) STATE APPLICATIONS.—

4 (A) Each State desiring to receive funds  
5 under this title shall, through its State edu-  
6 cational agency, submit an application to the  
7 Secretary of Education at such time and in  
8 such manner as the Secretary shall require.  
9 Such application shall describe—

10 (i) the manner in which funds under  
11 this title for State activities and competi-  
12 tive grants will be used to fulfill the pur-  
13 poses of this title;

14 (ii) the manner in which the activities  
15 and projects supported by this title will be  
16 coordinated with other State and Federal  
17 education, law enforcement, and juvenile  
18 justice programs, including the Safe and  
19 Drug-Free Schools and Communities Act  
20 of 1994;

21 (iii) the manner in which States will  
22 ensure an equitable geographic distribution  
23 of grant awards; and

1 (iv) the criteria which will be used to  
2 determine the impact and effectiveness of  
3 the funds used pursuant to this title.

4 (B) A State educational agency may sub-  
5 mit an application to receive a grant under this  
6 title under paragraph (1) or as an amendment  
7 to the application it submits under the Safe and  
8 Drug-Free Schools and Communities Act of  
9 1994.

10 (3) STATE ACTIVITIES.—Of appropriated  
11 amounts allocated to the States under subsection  
12 (a)(2), the State educational agency may reserve not  
13 more than 10 percent for activities to further the  
14 goals of this title, including—

15 (A) providing technical assistance to eligi-  
16 ble grant recipients in the State;

17 (B) performing ongoing research into the  
18 causes of gun violence among children and  
19 methods to prevent gun violence among chil-  
20 dren; and

21 (C) providing ongoing professional develop-  
22 ment for public school staff and administrators  
23 to identify the causes and indications of gun vi-  
24 olence.

1           (4) STATE REPORTS.—Each State receiving an  
2 allotment under this title shall submit a report to  
3 the Secretary and to the Committees on Education  
4 and the Workforce and Judiciary of the House of  
5 Representatives, and the Committees on Labor and  
6 Human Resources and Judiciary of the Senate, not  
7 later than 12 months and 36 months after receipt  
8 of the grant award. Each report shall include infor-  
9 mation regarding—

10                   (A) the progress of local educational agen-  
11                   cies that received a grant award under this title  
12                   in the State in educating children about fire-  
13                   arms;

14                   (B) the progress of State activities under  
15                   paragraph (1) to advance the goals of this title;  
16                   and

17                   (C) how the State is coordinating funds al-  
18                   located under this title with other State and  
19                   Federal education, law enforcement, and juve-  
20                   nile justice programs, including the Safe and  
21                   Drug-Free Schools and Communities Act of  
22                   1994 (20 U.C.S.C. 7101 et seq.).

23           (g) SUPPLEMENT NOT SUPPLANT.—A State or local  
24 educational agency shall use funds received under this title  
25 only to supplement the amount of funds that would, in

1 the absence of such Federal funds, be made available from  
2 non-Federal sources for reducing gun violence among chil-  
3 dren and educating children about firearms, and not to  
4 supplant such funds.

5 (h) DISPLACEMENT.—A local educational agency that  
6 receives a grant award under this title shall ensure that  
7 persons hired to carry out the activities under this title  
8 do not displace persons already employed.

9 (i) HOME SCHOOLS.—Nothing in this title shall be  
10 construed to affect home schools.

11 (j) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated for this section  
13 \$60,000,000 for each of fiscal years 1999, 2000, and  
14 2001.

15 **SEC. 603. DISSEMINATION OF BEST PRACTICES.**

16 (a) MODEL DISSEMINATION.— The Secretary shall  
17 include on the Internet site of the Department of Edu-  
18 cation a description of programs that receive grants under  
19 section 602.

20 (b) GRANT PROGRAM NOTIFICATION.—The Sec-  
21 retary shall publicize the competitive grant program  
22 through its Internet site, publications, and public service  
23 announcements.

24 **SEC. 604. DEFINITIONS.**

25 For purposes of this title—

1           (1) the term “local educational agency” has the  
2 same meaning given such term in section 14101(18)  
3 of the Elementary and Secondary Education Act of  
4 1965 (20 U.S.C. 8701).

5           (2) the term “Secretary” means the Secretary  
6 of Education; and

7           (3) the term “State” means each of the 50  
8 States, the District of Columbia, the Commonwealth  
9 of Puerto Rico, Guam, American Samoa, the Com-  
10 monwealth of the Northern Mariana Islands, and  
11 the United States Virgin Islands.

12 **SEC. 605. AMENDMENT TO SAFE AND DRUG-FREE SCHOOLS**  
13 **AND COMMUNITIES ACT OF 1994.**

14           Section 4116(a)(1) of the Safe and Drug-Free  
15 Schools and Communities Act of 1994 (20 U.S.C. 7116)  
16 is amended—

17           (1) by redesignating subparagraph (C) as sub-  
18 paragraph (D); and by inserting after subparagraph  
19 (B) the following:

20                   “(C) to the extent practicable, provide  
21 timely counseling (without requiring the hiring  
22 of additional staff)—

23                           “(i) and evaluations of any student, in  
24 accordance with State and local law, who  
25 possesses a weapon on school grounds or

1                   who threatens to bring or use a weapon on  
2                   school grounds; and

3                   “(ii) and advice to public school stu-  
4                   dents, staff, and administrators after an  
5                   incident of gun-related violence on school  
6                   grounds;”.

7   **TITLE     VII—THE     CHILDREN’S**  
8       **FIREARM TRACKING ACT OF**  
9       **1998**

10 **SEC. 701. YOUTH CRIME GUN INTERDICTION INITIATIVE.**

11           (a)(1) The Secretary of the Treasury shall endeavor  
12 to expand the number of cities and counties directly par-  
13 ticipating in the Youth Crime Gun Interdiction Initiative  
14 (in this section referred to as the “YCGII”) to 75 cities  
15 or counties by October 1, 2000, to 150 cities or counties  
16 by October 1, 2002, and to 250 cities or counties by Octo-  
17 ber 1, 2003.

18           (2) Cities and counties selected for participation in  
19 the YCGII shall be selected by the Secretary of the Treas-  
20 ury and in consultation with Federal, State and local law  
21 enforcement officials.

22           (b)(1) The Secretary of the Treasury shall, utilizing  
23 the information provided by the YCGII, facilitate the iden-  
24 tification and prosecution of individuals illegally traffick-

1 ing firearms to individuals who have not attained 24 years  
2 of age.

3 (2) The Secretary of the Treasury shall share infor-  
4 mation derived from the YCGII with State and local law  
5 enforcement agencies through on-line computer access, as  
6 soon as such capability is available.

7 (c)(1) The Secretary of the Treasury shall award  
8 grants (in the form of funds or equipment) to States, cit-  
9 ies, and counties for purposes of assisting such entities  
10 in the tracing of firearms and participation in the YCGII.

11 (2) Grants made under this part shall be used—

12 (A) to hire or assign additional personnel for  
13 the gathering, submission and analysis of tracing  
14 data submitted to the Bureau of Alcohol, Tobacco  
15 and Firearms under the YCGII;

16 (B) to hire additional law enforcement person-  
17 nel for the purpose of identifying and arresting indi-  
18 viduals illegally trafficking firearms; and

19 (C) to purchase additional equipment, including  
20 automatic data processing equipment and computer  
21 software and hardware, for the timely submission  
22 and analysis of tracing data.

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