

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 1025**

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**AMENDMENT**

***In the Senate of the United States,***

*November 20 (legislative day, November 2), 1993.*

*Resolved,* That the bill from the House of Representatives (H.R. 1025) entitled “An Act to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1       ***TITLE I—BRADY HANDGUN***  
2                               ***CONTROL***

3       ***SEC. 101. SHORT TITLE.***

4               *This title may be cited as the “Brady Handgun Violence Prevention Act”.*

6       ***SEC. 102. FEDERAL FIREARMS LICENSEE REQUIRED TO***  
7                               ***CONDUCT CRIMINAL BACKGROUND CHECK***  
8                               ***BEFORE TRANSFER OF FIREARM TO NON-LI-***  
9                               ***CENSEE.***

10       *(a) INTERIM PROVISION.—*

11               *(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the*  
12               *following:*  
13

1       “(s)(1) Beginning on the date that is 90 days after  
2 the date of enactment of this subsection and ending either  
3 on the day before the date that is 48 months after such date  
4 of enactment unless the Attorney General extends the date  
5 by twelve additional months, or on the day that the Attor-  
6 ney General notifies the licensees in all of the States under  
7 section 103(d) of the Brady Handgun Violence Prevention  
8 Act, whichever occurs earlier, it shall be unlawful for any  
9 licensed importer, licensed manufacturer, or licensed dealer  
10 to sell, deliver, or transfer a handgun to an individual who  
11 is not licensed under section 923, unless—

12               “(A) after the most recent proposal of such trans-  
13 fer by the transferee—

14                       “(i) the transferor has—

15                               “(I) received from the transferee a  
16 statement of the transferee containing the  
17 information described in paragraph (3);

18                               “(II) verified the identity of the trans-  
19 feree by examining the identification docu-  
20 ment presented;

21                               “(III) within 1 day after the transferee  
22 furnishes the statement, provided notice of  
23 the contents of the statement to the chief law  
24 enforcement officer of the place of residence  
25 of the transferee; and

1           “(IV) within 1 day after the transferee  
2           furnishes the statement, transmitted a copy  
3           of the statement to the chief law enforcement  
4           officer of the place of residence of the trans-  
5           feree; and

6           “(ii)(I) 5 business days (meaning days on  
7           which State offices are open) have elapsed from  
8           the date the transferor furnished notice of the  
9           contents of the statement to the chief law enforce-  
10          ment officer, during which period the transferor  
11          has not received information from the chief law  
12          enforcement officer that receipt or possession of  
13          the handgun by the transferee would be in viola-  
14          tion of Federal, State, or local law; or

15          “(II) the transferor has received notice from  
16          the chief law enforcement officer that the officer  
17          has no information indicating that receipt or  
18          possession of the handgun by the transferee  
19          would violate Federal, State, or local law;

20          “(B) the transferee has presented to the trans-  
21          feror a written statement, issued by the chief law en-  
22          forcement officer of the place of residence of the trans-  
23          feree during the 10-day period ending on the date of  
24          the most recent proposal of such transfer by the trans-  
25          feree, stating that the transferee requires access to a

1 *handgun because of a threat to the life of the trans-*  
2 *feree or of any member of the household of the trans-*  
3 *feree;*

4 *“(C)(i) the transferee has presented to the trans-*  
5 *feror a permit that—*

6 *“(I) allows the transferee to possess or ac-*  
7 *quire a handgun; and*

8 *“(II) was issued not more than 5 years ear-*  
9 *lier by the State in which the transfer is to take*  
10 *place; and*

11 *“(ii) the law of the State provides that such a*  
12 *permit is to be issued only after an authorized gov-*  
13 *ernment official has verified that the information*  
14 *available to such official does not indicate that posses-*  
15 *sion of a handgun by the transferee would be in viola-*  
16 *tion of the law;*

17 *“(D) the law of the State requires that, before*  
18 *any licensed importer, licensed manufacturer, or li-*  
19 *icensed dealer completes the transfer of a handgun to*  
20 *an individual who is not licensed under section 923,*  
21 *an authorized government official verify that the in-*  
22 *formation available to such official does not indicate*  
23 *that possession of a handgun by the transferee would*  
24 *be in violation of law;*

1           “(E) the Secretary has approved the transfer  
2 under section 5812 of the Internal Revenue Code of  
3 1986; or

4           “(F) on application of the transferor, the Sec-  
5 retary has certified that compliance with subpara-  
6 graph (A)(i)(III) is impracticable because—

7                   “(i) the ratio of the number of law enforce-  
8 ment officers of the State in which the transfer  
9 is to occur to the number of square miles of land  
10 area of the State does not exceed 0.0025;

11                   “(ii) the business premises of the transferor  
12 at which the transfer is to occur are extremely  
13 remote in relation to the chief law enforcement  
14 officer; and

15                   “(iii) there is an absence of telecommuni-  
16 cations facilities in the geographical area in  
17 which the business premises are located.

18           “(2) A chief law enforcement officer to whom a trans-  
19 feror has provided notice pursuant to paragraph  
20 (1)(A)(i)(III) shall make a reasonable effort to ascertain  
21 within 5 business days whether receipt or possession would  
22 be in violation of the law, including research in whatever  
23 State and local recordkeeping systems are available and in  
24 a national system designated by the Attorney General.

1       “(3) The statement referred to in paragraph  
2 (1)(A)(i)(I) shall contain only—

3               “(A) the name, address, and date of birth ap-  
4               pearing on a valid identification document (as de-  
5               fined in section 1028(d)(1)) of the transferee contain-  
6               ing a photograph of the transferee and a description  
7               of the identification used;

8               “(B) a statement that transferee—

9                       “(i) is not under indictment for, and has  
10                      not been convicted in any court of, a crime pun-  
11                      ishable by imprisonment for a term exceeding 1  
12                      year;

13                     “(ii) is not a fugitive from justice;

14                     “(iii) is not an unlawful user of or addicted  
15                     to any controlled substance (as defined in section  
16                     102 of the Controlled Substances Act);

17                     “(iv) has not been adjudicated as a mental  
18                     defective or been committed to a mental institu-  
19                     tion;

20                     “(v) is not an alien who is illegally or un-  
21                     lawfully in the United States;

22                     “(vi) has not been discharged from the  
23                     Armed Forces under dishonorable conditions;  
24                     and

1           “(vii) is not a person who, having been a  
2           citizen of the United States, has renounced such  
3           citizenship;

4           “(C) the date the statement is made; and

5           “(D) notice that the transferee intends to obtain  
6           a handgun from the transferor.

7           “(4) Any transferor of a handgun who, after such  
8           transfer, receives a report from a chief law enforcement offi-  
9           cer containing information that receipt or possession of the  
10          handgun by the transferee violates Federal, State, or local  
11          law shall, within 1 business day after receipt of such re-  
12          quest, communicate any information related to the transfer  
13          the transferor has about the transfer and the transferee to—

14                 “(A) the chief law enforcement officer of the place  
15                 of business of the transferor; and

16                 “(B) the chief law enforcement officer of the  
17                 place of residence of the transferee.

18           “(5) Any transferor who receives information, not oth-  
19          erwise available to the public, in a report under this sub-  
20          section shall not disclose such information except to the  
21          transferee, to law enforcement authorities, or pursuant to  
22          the direction of a court of law.

23           “(6)(A) Any transferor who sells, delivers, or otherwise  
24          transfers a handgun to a transferee shall retain the copy  
25          of the statement of the transferee with respect to the hand-



1 *gun transaction, and shall retain evidence that the trans-*  
2 *feror has complied with subclauses (III) and (IV) of para-*  
3 *graph (1)(A)(i) with respect to the statement.*

4       “(B) *Unless the chief law enforcement officer to whom*  
5 *a statement is transmitted under paragraph (1)(A)(i)(IV)*  
6 *determines that a transaction would violate Federal, State,*  
7 *or local law—*

8               “(i) *the officer shall, within 20 business days*  
9 *after the date the transferee made the statement on the*  
10 *basis of which the notice was provided, destroy the*  
11 *statement, any record containing information derived*  
12 *from the statement, and any record created as a result*  
13 *of the notice required by paragraph (1)(A)(i)(III);*

14               “(ii) *the information contained in the statement*  
15 *shall not be conveyed to any person except a person*  
16 *who has a need to know in order to carry out this*  
17 *subsection; and*

18               “(iii) *the information contained in the statement*  
19 *shall not be used for any purpose other than to carry*  
20 *out this subsection.*

21       “(C) *If a chief law enforcement officer determines that*  
22 *an individual is ineligible to receive a handgun and the*  
23 *individual requests the officer to provide the reason for such*  
24 *determination, the officer shall provide such reasons to the*

1 *individual in writing within 20 business days after receipt*  
2 *of the request.*

3 “(7) A chief law enforcement officer or other person  
4 responsible for providing criminal history background in-  
5 formation pursuant to this subsection shall not be liable in  
6 an action at law for damages—

7 “(A) for failure to prevent the sale or transfer of  
8 a handgun to a person whose receipt or possession of  
9 the handgun is unlawful under this section; or

10 “(B) for preventing such a sale or transfer to a  
11 person who may lawfully receive or possess a hand-  
12 gun.

13 “(8) For purposes of this subsection, the term ‘chief  
14 law enforcement officer’ means the chief of police, the sheriff,  
15 or an equivalent officer or the designee of any such individ-  
16 ual.

17 “(9) The Secretary shall take necessary actions to en-  
18 sure that the provisions of this subsection are published and  
19 disseminated to licensed dealers, law enforcement officials,  
20 and the public.”.

21 (2) *HANDGUN DEFINED.*—Section 921(a) of title  
22 18, United States Code, is amended by adding at the  
23 end the following:

24 “(29) The term ‘handgun’ means—

1           “(A) a firearm which has a short stock and is  
2           designed to be held and fired by the use of a single  
3           hand; and

4           “(B) any combination of parts from which a  
5           firearm described in subparagraph (A) can be assem-  
6           bled.”.

7           (b) *PERMANENT PROVISION.*—Section 922 of title 18,  
8           United States Code, as amended by subsection (a)(1), is  
9           amended by adding at the end the following:

10          “(t)(1) Beginning on the date that is 30 days after  
11          the Attorney General notifies licensees under section  
12          103(d)(1) of the Brady Handgun Violence Prevention Act  
13          that the national instant criminal background check system  
14          is established, and upon notification by the Attorney Gen-  
15          eral to licensees that the system is operational and capable  
16          of supplying information immediately (during which 30-  
17          day period subsection (s) shall remain in effect), a licensed  
18          importer, licensed manufacturer, or licensed dealer shall not  
19          transfer a firearm to any other person who is not licensed  
20          under this chapter, unless—

21                 “(A) before the completion of the transfer, the li-  
22                 censee contacts the national instant criminal back-  
23                 ground check system established under section 103 of  
24                 that Act;

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

3           “(ii) 3 business days (meaning a day on which  
4           State offices are open) have elapsed since the licensee  
5           contacted the system, and the system has not notified  
6           the licensee that the receipt of a firearm by such other  
7           person would violate subsection (g) or (n) of this sec-  
8           tion; and

9           “(C) the transferor has verified the identity of  
10          the transferee by examining a valid identification  
11          document (as defined in section 1028(d)(1) of this  
12          title) of the transferee containing a photograph of the  
13          transferee.

14          “(2) If receipt of a firearm would not violate section  
15          922 (g) or (n) or State law, the system shall—

16                 “(A) assign a unique identification number to  
17                 the transfer;

18                 “(B) provide the licensee with the number; and

19                 “(C) destroy all records of the system with re-  
20                 spect to the call (other than the identifying number  
21                 and the date the number was assigned) and all  
22                 records of the system relating to the person or the  
23                 transfer.

24          “(3) Paragraph (1) shall not apply to a firearm trans-  
25          fer between a licensee and another person if—

1           “(A)(i) such other person has presented to the li-  
2           censee a permit that—

3                   “(I) allows such other person to possess or  
4                   acquire a firearm; and

5                   “(II) was issued not more than 5 years ear-  
6                   lier by the State in which the transfer is to take  
7                   place; and

8                   “(ii) the law of the State provides that such a  
9                   permit is to be issued only after an authorized gov-  
10                  ernment official has verified that the information  
11                  available to such official does not indicate that posses-  
12                  sion of a firearm by such other person would be in  
13                  violation of law;

14                  “(B) the Secretary has approved the transfer  
15                  under section 5812 of the Internal Revenue Code of  
16                  1986; or

17                  “(C) on application of the transferor, the Sec-  
18                  retary has certified that compliance with paragraph  
19                  (1)(A) is impracticable because—

20                   “(i) the ratio of the number of law enforce-  
21                   ment officers of the State in which the transfer  
22                   is to occur to the number of square miles of land  
23                   area of the State does not exceed 0.0025;

24                   “(ii) the business premises of the licensee at  
25                   which the transfer is to occur are extremely re-

1           *mote in relation to the chief law enforcement of-*  
2           *ficer (as defined in subsection (s)(8)); and*

3                   *“(iii) there is an absence of telecommuni-*  
4           *cations facilities in the geographical area in*  
5           *which the business premises are located.*

6           *“(4) If the national instant criminal background check*  
7           *system notifies the licensee that the information available*  
8           *to the system does not demonstrate that the receipt of a fire-*  
9           *arm by such other person would violate subsection (g) or*  
10          *(n) or State law, and the licensee transfers a firearm to*  
11          *such other person, the licensee shall include in the record*  
12          *of the transfer the unique identification number provided*  
13          *by the system with respect to the transfer.*

14          *“(5) If the licensee knowingly transfers a firearm to*  
15          *such other person and knowingly fails to comply with para-*  
16          *graph (1) of this subsection with respect to the transfer and,*  
17          *at the time such other person most recently proposed the*  
18          *transfer, the national instant criminal background check*  
19          *system was operating and information was available to the*  
20          *system demonstrating that receipt of a firearm by such*  
21          *other person would violate subsection (g) or (n) or State*  
22          *law of this section, the Secretary may, after notice and op-*  
23          *portunity for a hearing, suspend for not more than 6*  
24          *months or revoke any license issued to the licensee under*

1 *section 923, and may impose on the licensee a civil fine*  
2 *of not more than \$5,000.*

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

8 *“(A) for failure to prevent the sale or transfer of*  
9 *a firearm to a person whose receipt or possession of*  
10 *the firearm is unlawful under this section; or*

11 *“(B) for preventing such a sale or transfer to a*  
12 *person who may lawfully receive or possess a fire-*  
13 *arm.”.*

14 *(c) PENALTY.—Section 924(a) of title 18, United*  
15 *States Code, is amended—*

16 *(1) in paragraph (1), by striking “paragraph (2)*  
17 *or (3) of”; and*

18 *(2) by adding at the end the following:*

19 *“(5) Whoever knowingly violates subsection (s) or (t)*  
20 *of section 922 shall be fined not more than \$1,000, impris-*  
21 *oned for not more than 1 year, or both.”.*

1 **SEC. 103. NATIONAL INSTANT CRIMINAL BACKGROUND**

2 **CHECK SYSTEM.**

3 (a) *DETERMINATION OF TIMETABLES.*—Not later than  
4 6 months after the date of enactment of this Act, the Attor-  
5 ney General shall—

6 (1) *determine the type of computer hardware*  
7 *and software that will be used to operate the national*  
8 *instant criminal background check system and the*  
9 *means by which State criminal records systems and*  
10 *the telephone or electronic device of licensees will com-*  
11 *municate with the national system;*

12 (2) *investigate the criminal records system of*  
13 *each State and determine for each State a timetable*  
14 *by which the State should be able to provide criminal*  
15 *records on an on-line capacity basis to the national*  
16 *system; and*

17 (3) *notify each State of the determinations made*  
18 *pursuant to paragraphs (1) and (2).*

19 (b) *ESTABLISHMENT OF SYSTEM.*—

20 (1) *DETERMINATIONS.*—Not later than the date  
21 that is 24 months after the date of enactment of this  
22 Act, the Attorney General shall determine whether—

23 (A) *the equipment used to link State crimi-*  
24 *nal history records systems to the national*  
25 *criminal history records system and the equip-*  
26 *ment necessary to operate the national instant*



1 *criminal background check system are oper-*  
2 *ational; and*

3 *(B) any group of States that—*

4 *(i) have at least 80 percent of the pop-*  
5 *ulation of the United States; and*

6 *(ii) have reported during a 12-month*  
7 *period at least 80 percent of the number of*  
8 *crimes of violence reported by all of the*  
9 *States during that period,*

10 *have achieved and maintained in each State at*  
11 *least 70 percent currency of case dispositions in*  
12 *computerized criminal history files for all cases*  
13 *in which there has been an event of activity*  
14 *within the last 5 years; and*

15 *(C) if such determinations are made in the*  
16 *affirmative, the Attorney General shall certify*  
17 *that the national system is established.*

18 *(2) ESTABLISHMENT.—If the Attorney General*  
19 *makes an affirmative finding with respect to the mat-*  
20 *ters described in paragraph (1) (A) and (B), the At-*  
21 *torney General shall establish a national instant*  
22 *criminal background check system that any licensee*  
23 *may contact, by telephone and by other electronic*  
24 *means in addition to the telephone, for information,*  
25 *to be supplied immediately, on whether receipt of a*

1 *firearm by a prospective transferee would violate sec-*  
2 *tion 922 of title 18, United States Code or State law.*

3 (c) *EXPEDITED ACTION BY THE ATTORNEY GEN-*  
4 *ERAL.—The Attorney General shall expedite—*

5 (1) *the upgrading and indexing of State crimi-*  
6 *nal history records in the Federal criminal records*  
7 *system maintained by the Federal Bureau of Inves-*  
8 *tigation;*

9 (2) *the development of hardware and software*  
10 *systems to link State criminal history check systems*  
11 *into the national instant criminal background check*  
12 *system established by the Attorney General pursuant*  
13 *to this section; and*

14 (3) *the current revitalization initiatives by the*  
15 *Federal Bureau of Investigation for technologically*  
16 *advanced fingerprint and criminal records identifica-*  
17 *tion.*

18 (d) *NOTIFICATION OF LICENSEES.—On establishment*  
19 *of the system under this section, the Attorney General shall*  
20 *notify each licensee and the chief law enforcement officer*  
21 *of each State of the existence and purpose of the system and*  
22 *the means to be used to contact the system.*

23 (e) *STATES IN COMPLIANCE WITH TIMETABLE.—At*  
24 *any time at which the Attorney General determines that—*

1           (1) *a State is in compliance with the timetable*  
2 *set for that State under subsection (a); and*

3           (2) *the State has achieved and maintains at*  
4 *least 70 percent currency of case dispositions in com-*  
5 *puterized criminal history files for all cases in which*  
6 *there has been an event of activity within the last 5*  
7 *years,*

8 *the Attorney General shall notify each licensee in the State*  
9 *and the chief law enforcement officer of the State of the de-*  
10 *termination.*

11        *(f) ADMINISTRATIVE PROVISIONS.—*

12           (1) *AUTHORITY TO OBTAIN OFFICIAL INFORMA-*  
13 *TION.—Notwithstanding any other law, the Attorney*  
14 *General may secure directly from any department or*  
15 *agency of the United States such information on per-*  
16 *sons for whom receipt of a firearm would violate sub-*  
17 *section (g) or (n) of section 922 of title 18, United*  
18 *States Code or State law, as is necessary to enable the*  
19 *system to operate in accordance with this section. On*  
20 *request of the Attorney General, the head of such de-*  
21 *partment or agency shall furnish such information to*  
22 *the system.*

23           (2) *OTHER AUTHORITY.—The Attorney General*  
24 *shall develop such computer software, design and ob-*  
25 *tain such telecommunications and computer hard-*

1        *ware, and employ such personnel, as are necessary to*  
2        *establish and operate the system in accordance with*  
3        *this section.*

4        *(g) WRITTEN REASONS PROVIDED ON REQUEST.—If*  
5        *the national instant criminal background check system de-*  
6        *termines that an individual is ineligible to receive a fire-*  
7        *arm and the individual requests the system to provide the*  
8        *reasons for the determination, the system shall provide such*  
9        *reasons to the individual, in writing, within 5 business*  
10       *days after the date of the request.*

11       *(h) CORRECTION OF ERRONEOUS SYSTEM INFORMA-*  
12       *TION.—If the system established under this section informs*  
13       *an individual contacting the system that receipt of a fire-*  
14       *arm by a prospective transferee would violate subsection (g)*  
15       *or (n) of section 922 of title 18, United States Code or State*  
16       *law, the prospective transferee may request the Attorney*  
17       *General to provide the prospective transferee with the rea-*  
18       *sons therefor. Upon receipt of such a request, the Attorney*  
19       *General shall immediately comply with the request. The*  
20       *prospective transferee may submit to the Attorney General*  
21       *information that to correct, clarify, or supplement records*  
22       *of the system with respect to the prospective transferee. After*  
23       *receipt of such information, the Attorney General shall im-*  
24       *mediately consider the information, investigate the matter*  
25       *further, and correct all erroneous Federal records relating*

1 *to the prospective transferee and give notice of the error to*  
2 *any Federal department or agency or any State that was*  
3 *the source of such erroneous records.*

4 *(i) REGULATIONS.—After 90 days’ notice to the public*  
5 *and an opportunity for hearing by interested parties, the*  
6 *Attorney General shall prescribe regulations to ensure the*  
7 *privacy and security of the information of the system estab-*  
8 *lished under this section.*

9 *(j) PROHIBITION RELATING TO ESTABLISHMENT OF*  
10 *REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—*  
11 *No department, agency, officer, or employee of the United*  
12 *States may—*

13 *(1) require that any record or portion thereof*  
14 *generated by the system established under this section*  
15 *be recorded at or transferred to a facility owned,*  
16 *managed, or controlled by the United States or any*  
17 *State or political subdivision thereof; or*

18 *(2) use the system established under this section*  
19 *to establish any system for the registration of fire-*  
20 *arms, firearm owners, or firearm transactions or dis-*  
21 *positions, except with respect to persons, prohibited*  
22 *by section 922 (g) or (n) of title 18, United States*  
23 *Code or State law, from receiving a firearm.*

24 *(k) DEFINITIONS.—As used in this section:*

1           (1) *LICENSEE.*—The term “licensee” means a li-  
2           censed importer (as defined in section 921(a)(9) of  
3           title 18, United States Code), a licensed manufacturer  
4           (as defined in section 921(a)(10) of that title), or a  
5           licensed dealer (as defined in section 921(a)(11) of  
6           that title).

7           (2) *OTHER TERMS.*—The terms “firearm”,  
8           “handgun”, “licensed importer”, “licensed manufac-  
9           turer”, and “licensed dealer” have the meanings stat-  
10          ed in section 921(a) of title 18, United States Code,  
11          as amended by subsection (a)(2).

12          (1) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
13          authorized to be appropriated, from the Violent Crime Re-  
14          duction Trust Fund established by section 1115 of title 31,  
15          United States Code, such sums as are necessary to enable  
16          the Attorney General to carry out this section.

17          **SEC. 104. REMEDY FOR ERRONEOUS DENIAL OF FIREARM.**

18          (a) *IN GENERAL.*—Chapter 44 of title 18, United  
19          States Code, is amended by inserting after section 925 the  
20          following new section:

21          **“§ 925A. Remedy for erroneous denial of firearm**

22          “Any person denied a firearm pursuant to subsection  
23          (s) or (t) of section 922—

24                  “(1) due to the provision of erroneous informa-  
25          tion relating to the person by any State or political

1        *subdivision thereof, or by the national instant crimi-*  
2        *nal background check system established under section*  
3        *103 of the Brady Firearm Violation Prevention Act;*  
4        *or*

5                *“(2) who was not prohibited from receipt of a*  
6        *firearm pursuant to subsection (g) or (n) of section*  
7        *922,*

8        *may bring an action against the State or political subdivi-*  
9        *sion responsible for providing the erroneous information, or*  
10        *responsible for denying the transfer, or against the United*  
11        *States, as the case may be, for an order directing that the*  
12        *erroneous information be corrected or that the transfer be*  
13        *approved, as the case may be. In any action under this*  
14        *section, the court, in its discretion, may allow the prevail-*  
15        *ing party a reasonable attorney’s fee as part of the costs.”.*

16        *(b) TECHNICAL AMENDMENT.—The chapter analysis*  
17        *for chapter 44 of title 18, United States Code, is amended*  
18        *by inserting after the item relating to section 925 the follow-*  
19        *ing new item:*

*“925A. Remedy for erroneous denial of firearm.”.*

20        **SEC. 105. RULE OF CONSTRUCTION.**

21        *This Act and the amendments made by this Act shall*  
22        *not be construed to alter or impair any right or remedy*  
23        *under section 552a of title 5, United States Code.*

1 **SEC. 106. FUNDING FOR IMPROVEMENT OF CRIMINAL**  
2 **RECORDS.**

3 (a) *USE OF FORMULA GRANTS.*—Section 509(b) of  
4 title I of the Omnibus Crime Control and Safe Streets Act  
5 of 1968 (42 U.S.C. 3759(b)) is amended—

6 (1) in paragraph (2) by striking “and” after the  
7 semicolon;

8 (2) in paragraph (3) by striking the period and  
9 inserting “; and”; and

10 (3) by adding at the end the following new para-  
11 graph:

12 “(4) the improvement of State record systems  
13 and the sharing with the Attorney General of all of  
14 the records described in paragraphs (1), (2), and (3)  
15 of this subsection and the records required by the At-  
16 torney General under section 103 of the Brady Hand-  
17 gun Violence Prevention Act, for the purpose of imple-  
18 menting that Act.”

19 (b) *ADDITIONAL FUNDING.*—

20 (1) *GRANTS FOR THE IMPROVEMENT OF CRIMI-*  
21 *NAL RECORDS.*—The Attorney General, through the  
22 Bureau of Justice Statistics, shall, subject to appro-  
23 priations and with preference to States that as of the  
24 date of enactment of this Act have the lowest percent  
25 currency of case dispositions in computerized crimi-



1 *nal history files, make a grant to each State to be*  
2 *used—*

3 *(A) for the creation of a computerized*  
4 *criminal history record system or improvement*  
5 *of an existing system;*

6 *(B) to improve accessibility to the national*  
7 *instant criminal background system; and*

8 *(C) upon establishment of the national sys-*  
9 *tem, to assist the State in the transmittal of*  
10 *criminal records to the national system.*

11 *(2) AUTHORIZATION OF APPROPRIATIONS.—*

12 *There are authorized to be appropriated for grants*  
13 *under paragraph (1), from the Violent Crime Reduc-*  
14 *tion Trust Fund established by section 1115 of title*  
15 *31, United States Code, a total of \$200,000,000 for*  
16 *fiscal year 1994 and all fiscal years thereafter.*

17 **SEC. 107. WITHHOLDING OF DEPARTMENT OF JUSTICE**  
18 **FUNDS.**

19 *If the Attorney General does not certify the national*  
20 *instant criminal background check system pursuant to sec-*  
21 *tion 103(a) by—*

22 *(1) 24 months after the date of enactment of this*  
23 *Act the general administrative funds appropriated to*  
24 *the Department of Justice for the fiscal year begin-*  
25 *ning in the calendar year in which the date that is*

1       24 months after the date of enactment of this Act falls  
2       shall be reduced by 5 percent on a monthly basis; and

3               (2) 36 months after the date of enactment of this  
4       Act the general administrative funds appropriated to  
5       the Department of Justice for the fiscal year begin-  
6       ning in the calendar year in which the date that is  
7       36 months after the date of enactment of this Act falls  
8       shall be reduced by 10 percent on a monthly basis.

9       **SEC. 108. WITHHOLDING STATE FUNDS.**

10       Effective on the date of enactment of this Act, the At-  
11       torney General may reduce by up to 50 percent the alloca-  
12       tion to a State for a fiscal year under title I of the Omnibus  
13       Crime Control and Safe Streets Act of 1968 of a State that  
14       is not in compliance with the timetable established for such  
15       State under section 103(a).

16       **TITLE II—MULTIPLE FIREARM**  
17       **PURCHASES TO STATE AND**  
18       **LOCAL POLICE**

19       **SEC. 201. REPORTING REQUIREMENT.**

20       Section 923(g)(3) of title 18, United States Code, is  
21       amended—

22               (1) in the second sentence by inserting after  
23       “thereon,” the following: “, and to the department of  
24       State police or State law enforcement agency of the  
25       State or local law enforcement agency of the local ju-

1     *isdiction in which the sale or other disposition took*  
2     *place,”;*

3             *(2) by inserting “(A)” after “(3)”;* and

4             *(3) by adding at the end thereof the following:*

5             *“(B) Except in the case of forms and contents*  
6     *thereof regarding a purchaser who is prohibited by*  
7     *subsection (g) or (n) of section 922 of this title from*  
8     *receipt of a firearm, the department of State police or*  
9     *State law enforcement agency or local law enforce-*  
10    *ment agency of the local jurisdiction shall not disclose*  
11    *any such form or the contents thereof to any person*  
12    *or entity, and shall destroy each such form and any*  
13    *record of the contents thereof no more than 20 days*  
14    *from the date such form is received. No later than the*  
15    *date that is 6 months after the effective date of this*  
16    *subparagraph, and at the end of each 6-month period*  
17    *thereafter, the department of State police or State law*  
18    *enforcement agency or local law enforcement agency*  
19    *of the local jurisdiction shall certify to the Attorney*  
20    *General of the United States that no disclosure con-*  
21    *trary to this subparagraph has been made and that*  
22    *all forms and any record of the contents thereof have*  
23    *been destroyed as provided in this subparagraph.”.*

1     **TITLE III—FEDERAL FIREARMS**  
2                     **LICENSE REFORM**

3     **SEC. 301. SHORT TITLE.**

4             *This title may be cited as the “Federal Firearms Li-*  
5 *cence Reform Act of 1993”.*

6     **SEC. 302. PREVENTION OF THEFT OF FIREARMS.**

7             (a) *COMMON CARRIERS.*—Section 922(e) of title 18,  
8 *United States Code, is amended by adding at the end the*  
9 *following: “No common or contract carrier shall require or*  
10 *cause any label, tag, or other written notice to be placed*  
11 *on the outside of any package, luggage, or other container*  
12 *that such package, luggage, or other container contains a*  
13 *firearm.”.*

14            (b) *RECEIPT REQUIREMENT.*—Section 922(f) of title  
15 *18, United States Code, is amended—*

16                (1) *by inserting “(1)” after “(f)”;* and

17                (2) *by adding at the end the following new para-*  
18 *graph:*

19                “(2) *It shall be unlawful for any common or contract*  
20 *carrier to deliver in interstate or foreign commerce any fire-*  
21 *arm without obtaining written acknowledgement of receipt*  
22 *from the recipient of the package or other container in*  
23 *which there is a firearm.”.*

24            (c) *LICENSING.*—Section 923(c) of title 18, *United*  
25 *States Code, is amended by inserting after the first sentence*

1 *the following: “A licensee may, in person, transfer or deliver*  
2 *firearms to, and receive firearms from, another licensee at*  
3 *any location without regard to the State which is specified*  
4 *on the license.”.*

5 *(d) UNLAWFUL ACTS.—Section 922 of title 18, United*  
6 *States Code, as amended by section 302(b), is amended by*  
7 *adding at the end the following new subsection:*

8 *“(u) It shall be unlawful for a person to steal or un-*  
9 *lawfully take or carry away from the person or the premises*  
10 *of a person who is licensed to engage in the business of im-*  
11 *porting, manufacturing, or dealing in firearms, any fire-*  
12 *arm in the licensee’s business inventory that has been*  
13 *shipped or transported in interstate or foreign commerce.”.*

14 *(e) PENALTIES.—Section 924 of title 18, United States*  
15 *Code, is amended by adding at the end the following new*  
16 *subsection:*

17 *“(i)(1)(A) A person who knowingly violates section*  
18 *922(u) shall be fined not more than \$10,000, imprisoned*  
19 *not more than 10 years, or both.*

20 *“(B) A person who, during any robbery (as defined*  
21 *in section 1951) or riot (as defined in section 2104), violates*  
22 *section 922(u), shall be sentenced to imprisonment for 30*  
23 *years, no part of which may be suspended or, if a death*  
24 *results, to life imprisonment without release.*

1       “(2) Nothing contained in this subsection shall be con-  
2       strued as indicating an intent on the part of Congress to  
3       occupy the field in which provisions of this subsection oper-  
4       ate to the exclusion of State laws on the same subject matter,  
5       nor shall any provision of this subsection be construed as  
6       invalidating any provision of State law unless such provi-  
7       sion is inconsistent with any of the purposes of this sub-  
8       section.”.

9       **SEC. 303. LICENSE APPLICATION FEES FOR DEALERS IN**  
10                                   **FIREARMS.**

11       Section 923(a)(3) of title 18, United States Code, is  
12       amended—

13               (1) in subparagraph (B) by striking “a pawn-  
14       broker dealing in firearms other than” and inserting  
15       “not a dealer in”;

16               (2) in subparagraph (B) by striking “\$25 per  
17       year” and inserting “\$200 for 3 years, except that the  
18       renewal of a valid license shall be \$90 for 3 years.”;  
19       and

20               (3) by striking subparagraph (C).

21       **SEC. 304. DEFINITION OF ANTIQUE FIREARMS.**

22       Section 921(a)(16)(A) of title 18, United States Code,  
23       is amended by striking “1898” and inserting “1918”.

1 **SEC. 305. COMMUNICATION WITH LICENSEES.**

2 *Section 926 of title 18, United States Code, is amend-*  
3 *ed—*

4 *(1) by inserting at the end of subsection (b) the*  
5 *following: “In addition to such other requirements of*  
6 *law as may be applicable, no rule or regulation shall*  
7 *be effective until 30 days after a copy has been pro-*  
8 *vided to all persons licensed under this chapter.”; and*

9 *(2) by inserting at the end thereof the following*  
10 *new subsections:*

11 *“(d) The Secretary shall publish and provide to all li-*  
12 *censees, not less than on a quarterly basis each year, all*  
13 *official rulings concerning this chapter and concerning*  
14 *chapter 53 of title 26, United States Code.*

15 *“(e) The Secretary shall publish and provide to all li-*  
16 *censees, at such times as he shall deem necessary, the names*  
17 *and license numbers of all revoked firearms licensees.”.*

18 **TITLE IV—MENTAL DEFECTIVES**

19 **SEC. 401. NOTIFICATION OF ADJUDICATIONS OF PERSONS**

20 **AS MENTAL DEFECTIVES AND COMMITMENTS**

21 **TO MENTAL INSTITUTIONS.**

22 *Section 503(a) of title I of the Omnibus Safe Streets*  
23 *and Crime Control Act of 1968 (42 U.S.C. 3753(a)) is*  
24 *amended by adding at the end the following new paragraph:*

1           “(12) A certification that the State has estab-  
2           lished a plan under which the State will provide to  
3           the Department of Justice, without fee—

4                   “(A) within 30 days after the date on which  
5                   any person in the State is adjudicated as a men-  
6                   tal defective or committed to a mental institu-  
7                   tion, notice of the adjudication or commitment;  
8                   and

9                   “(B) within 30 days after the date on which  
10                  the Department of Justice requests it, a copy of  
11                  the certified record of the adjudication or com-  
12                  mitment.”.

Attest:

Secretary.



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HR 1025 EAS—4

HR 1025 EAS—5