

Union Calendar No. 186

103D CONGRESS
1ST SESSION

H. R. 1025

[Report No. 103-344]

A BILL

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.

NOVEMBER 10, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 186

103^D CONGRESS
1ST SESSION

H. R. 1025

[Report No. 103-344]

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 1993

Mr. SCHUMER (for himself, Mr. SENSENBRENNER, Mr. SYNAR, Mr. MAZZOLI, Mr. GIBBONS, Mr. GLICKMAN, Mr. BRYANT, Mr. SAWYER, Mr. STARK, Mr. FAZIO, Mr. STUDDS, Mr. REYNOLDS, Mr. McDERMOTT, Mr. JACOBS, Mr. MANTON, Ms. PELOSI, Mr. PORTER, Mr. TOWNS, Mr. BERMAN, Mr. BORSKI, Mr. BACCHUS of Florida, Mrs. SCHROEDER, Mr. MORAN, Ms. SLAUGHTER, Mr. FILNER, Mr. BOEHLERT, Mr. HALL of Ohio, Mr. BARRETT of Wisconsin, Mr. SHAYS, Mr. SKAGGS, Mrs. ROUKEMA, Mr. KLEIN, Mr. EVANS, Mr. MINETA, Mr. DERRICK, Mr. LIPINSKI, Mr. KLUG, Mr. ANDREWS of Maine, Mr. DEUTSCH, Mr. EDWARDS of California, Mr. YATES, Mr. TORRICELLI, Mr. WHEAT, Mr. TUCKER, Mr. ROEMER, Ms. FURSE, Ms. MOLINARI, Mrs. BYRNE, Mrs. BENTLEY, Mrs. MALONEY, Mr. CARDIN, Mr. GEJDENSON, Mr. MEEHAN, Mr. FINGERHUT, Mr. SANGMEISTER, Mr. NADLER, Mr. MARKEY, Mr. HUGHES, Mr. DELLUMS, Mr. OWENS, Ms. WATERS, Mr. DE LUGO, Mr. HYDE, Mr. STOKES, Mr. WAXMAN, Mr. DURBIN, Mr. ACKERMAN, Mr. BONIOR, Mr. SERRANO, Mr. COYNE, Mr. LANTOS, Mr. MFUME, Mrs. MORELLA, Ms. DELAURO, Mr. ANDREWS of New Jersey, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. HOAGLAND, Mr. MILLER of California, Mr. REED, Mr. HOYER, Mr. HOCHBRUECKNER, Mr. JOHNSTON of Florida, Mr. SABO, Mr. BROWN of California, Mr. LEWIS of Georgia, Mr. FOGLETTA, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. GOSS, Mrs. KENNELLY, Mr. BEILENSON, Ms. KAPTUR, Mrs. MINK, Mr. MATSUI, Mr. FLAKE, Ms. VELÁZQUEZ, Mrs. LOWEY, and Mr. WYNN) introduced the following bill; which was referred to the Committee on the Judiciary

APRIL 20, 1993

Additional sponsors: Mr. LEACH, Mr. ENGEL, Mr. GONZALEZ, Ms. MARGOLIES-MEZVINSKY, Mr. LAFALCE, Ms. BROWN of Florida, Mr. MOAKLEY, Mr. WATT, Mr. MANN, Ms. ROYBAL-ALLARD, Mr. WYDEN, Mr. RUSH, Ms. SCHENK, Ms. WOOLSEY, Mr. LEVIN, Mr. KLECZKA, Ms. HARMAN, Mr. MENENDEZ, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CASTLE, Mr. CLAY, Mr. MCHALE, Mr. TORRES, Mr. ABERCROMBIE, Mr. FORD of Michigan, Mr. SCOTT, Mr. VENTO, Mr. BECERRA, Mr. DICKS, Mr. HAMBURG, Mrs. MEEK, Ms. ESHOO, Ms. SHEPHERD, Mr. LAZIO, Mr. TRAFICANT, Mr. DIAZ-BALART, Mr. BLACKWELL, Mr. KENNEDY, Mr. ROMERO-BARCELÓ, Mr. FORD of Tennessee, Ms. MCKINNEY, Mr. HASTINGS, Mr. WASHINGTON, Mrs. CLAYTON, Mr. PAYNE of New Jersey, and Mr. BATEMAN

SEPTEMBER 9, 1993

Additional sponsors: Mr. HENRY, Mr. DIXON, Mr. PALLONE, Mr. THOMPSON, Mr. VISCLOSKY, and Mr. UNDERWOOD

NOVEMBER 10, 1993

Additional sponsors: Mr. PASTOR, Mr. FARR of California, and Mr. DOOLEY

NOVEMBER 10, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 22, 1993]

A BILL

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.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Brady Handgun Vio-*
 5 *lence Prevention Act”.*

1 **SEC. 2. FEDERAL FIREARMS LICENSEE REQUIRED TO CON-**
2 **DUCT CRIMINAL BACKGROUND CHECK BE-**
3 **FORE TRANSFER OF FIREARM TO**
4 **NONLICENSEE.**

5 (a) *INTERIM PROVISION.*—

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

9 “(s)(1) Beginning on the date that is 90 days after
10 the date of enactment of this subsection and ending on the
11 day before the date that the Attorney General certifies under
12 section 3(d)(1) of the Brady Handgun Violence Prevention
13 Act that the national instant criminal background check
14 system is established (except as provided in paragraphs (2)
15 and (3) of such section), it shall be unlawful for any li-
16 censed importer, licensed manufacturer, or licensed dealer
17 to sell, deliver, or transfer a handgun to an individual who
18 is not licensed under section 923, unless—

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

21 “(i) the transferor has—

22 “(I) received from the transferee a
23 statement of the transferee containing the
24 information described in paragraph (3);

1 “(II) verified the identity of the trans-
2 feree by examining the identification docu-
3 ment presented;

4 “(III) within 1 day after the transferee
5 furnishes the statement, provided notice of
6 the contents of the statement to the chief law
7 enforcement officer of the place of residence
8 of the transferee; and

9 “(IV) within 1 day after the transferee
10 furnishes the statement, transmitted a copy
11 of the statement to the chief law enforcement
12 officer of the place of residence of the trans-
13 feree; and

14 “(ii)(I) 5 business days (as defined by days
15 in which State offices are open) have elapsed
16 from the date the transferor furnished notice of
17 the contents of the statement to the chief law en-
18 forcement officer, during which period the trans-
19 feror has not received information from the chief
20 law enforcement officer that receipt or possession
21 of the handgun by the transferee would be in vio-
22 lation of Federal, State, or local law; or

23 “(II) the transferor has received notice from
24 the chief law enforcement officer that the officer
25 has no information indicating that receipt or

1 *possession of the handgun by the transferee*
2 *would violate Federal, State, or local law;*

3 “(B) *the transferee has presented to the trans-*
4 *feror a written statement, issued by the chief law en-*
5 *forcement officer of the place of residence of the trans-*
6 *feree during the 10-day period ending on the date of*
7 *the most recent proposal of such transfer by the trans-*
8 *feree, stating that the transferee requires access to a*
9 *handgun because of a threat to the life of the trans-*
10 *feree or of any member of the household of the trans-*
11 *feree;*

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

14 “(I) *allows the transferee to possess a hand-*
15 *gun; and*

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

19 “(ii) *the law of the State provides that such a*
20 *permit is to be issued only after an authorized gov-*
21 *ernment official has verified that the information*
22 *available to such official does not indicate that posses-*
23 *sion of a handgun by the transferee would be in viola-*
24 *tion of the law;*

1 “(D) the law of the State requires that, before
2 any licensed importer, licensed manufacturer, or li-
3 censed dealer completes the transfer of a handgun to
4 an individual who is not licensed under section 923,
5 an authorized government official verify that the in-
6 formation available to such official does not indicate
7 that possession of a handgun by the transferee would
8 be in violation of law, except that this subparagraph
9 shall not apply to a State that, on the date of certifi-
10 cation pursuant to section 3(d) of the Brady Hand-
11 gun Violence Prevention Act, is not in compliance
12 with the timetable established pursuant to section 3(c)
13 of such Act;

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

17 “(F) on application of the transferor, the Sec-
18 retary has certified that compliance with subpara-
19 graph (A)(i)(III) 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 transferor
25 at which the transfer is to occur are extremely

1 *remote in relation to the chief law enforcement*
2 *officer; 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 “(2) *A chief law enforcement officer to whom a trans-*
7 *feror has provided notice pursuant to paragraph*
8 *(1)(A)(i)(III) shall make a reasonable effort to ascertain*
9 *within 5 business days whether the transferee has a crimi-*
10 *nal record or whether there is any other legal impediment*
11 *to the transferee’s receiving a handgun, including research*
12 *in whatever State and local recordkeeping systems are*
13 *available and in a national system designated by the Attor-*
14 *ney General.*

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

17 “(A) *the name, address, and date of birth ap-*
18 *pearing on a valid identification document (as de-*
19 *finied in section 1028(d)(1)) of the transferee contain-*
20 *ing a photograph of the transferee and a description*
21 *of the identification used;*

22 “(B) *a statement that transferee—*

23 “(i) *is not under indictment for, and has*
24 *not been convicted in any court of, a crime pun-*

1 *ishable by imprisonment for a term exceeding 1*
2 *year;*

3 *“(ii) is not a fugitive from justice;*

4 *“(iii) is not an unlawful user of or addicted*
5 *to any controlled substance (as defined in section*
6 *102 of the Controlled Substances Act);*

7 *“(iv) has not been adjudicated as a mental*
8 *defective or been committed to a mental institu-*
9 *tion;*

10 *“(v) is not an alien who is illegally or un-*
11 *lawfully in the United States;*

12 *“(vi) has not been discharged from the*
13 *Armed Forces under dishonorable conditions;*
14 *and*

15 *“(vii) is not a person who, having been a*
16 *citizen of the United States, has renounced such*
17 *citizenship;*

18 *“(C) the date the statement is made; and*

19 *“(D) notice that the transferee intends to obtain*
20 *a handgun from the transferor.*

21 *“(4) Any transferor of a handgun who, after such*
22 *transfer, receives a report from a chief law enforcement offi-*
23 *cer containing information that receipt or possession of the*
24 *handgun by the transferee violates Federal, State, or local*

1 *law shall immediately communicate all information the*
2 *transferor has about the transfer and the transferee to—*

3 “(A) *the chief law enforcement officer of the place*
4 *of business of the transferor; and*

5 “(B) *the chief law enforcement officer of the*
6 *place of residence of the transferee.*

7 “(5) *Any transferor who receives information, not oth-*
8 *erwise available to the public, in a report under this sub-*
9 *section shall not disclose such information except to the*
10 *transferee, to law enforcement authorities, or pursuant to*
11 *the direction of a court of law.*

12 “(6)(A) *Any transferor who sells, delivers, or otherwise*
13 *transfers a handgun to a transferee shall retain the copy*
14 *of the statement of the transferee with respect to the hand-*
15 *gun transaction, and shall retain evidence that the trans-*
16 *feror has complied with subclauses (III) and (IV) of para-*
17 *graph (1)(A)(i) with respect to the statement.*

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

22 “(I) *the officer shall, within 20 business days*
23 *after the date the transferee made the statement on the*
24 *basis of which the notice was provided, destroy the*

1 *statement and any record containing information de-*
2 *rived from the statement;*

3 *“(II) the information contained in the statement*
4 *shall not be conveyed to any person except a person*
5 *who has a need to know in order to carry out this*
6 *subsection; and*

7 *“(III) the information contained in the state-*
8 *ment shall not be used for any purpose other than to*
9 *carry out this subsection.*

10 *“(ii) Subparagraph (A) shall not be construed to im-*
11 *pose a requirement contrary to State or local law or regula-*
12 *tion.*

13 *“(7) A chief law enforcement officer or other person*
14 *responsible for providing criminal history background in-*
15 *formation pursuant to this subsection shall not be liable in*
16 *an action at law for damages—*

17 *“(A) for failure to prevent the sale or transfer of*
18 *a handgun to a person whose receipt or possession of*
19 *the handgun is unlawful under this section; or*

20 *“(B) for preventing such a sale or transfer to a*
21 *person who may lawfully receive or possess a hand-*
22 *gun.*

23 *“(8) For purposes of this subsection, the term ‘chief*
24 *law enforcement officer’ means the chief of police, the sheriff,*

1 *or an equivalent officer or the designee of any such individ-*
2 *ual.*

3 “(9) *The Secretary shall take necessary actions to en-*
4 *sure that the provisions of this subsection are published and*
5 *disseminated to licensed dealers, law enforcement officials,*
6 *and the public.”.*

7 (2) *HANDGUN DEFINED.*—*Section 921(a) of such*
8 *title is amended by adding at the end the following:*

9 “(29) *The term ‘handgun’ means—*

10 “(A) *a firearm which has a short stock and is*
11 *designed to be held and fired by the use of a single*
12 *hand; and*

13 “(B) *any combination of parts from which a*
14 *firearm described in subparagraph (A) can be assem-*
15 *bled.”.*

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

19 “(t)(1) *Beginning on the date that the Attorney Gen-*
20 *eral certifies under section 3(d)(1) of the Brady Handgun*
21 *Violence Prevention Act that the national instant criminal*
22 *background check system is established (except as provided*
23 *in paragraphs (2) and (3) of such section), a licensed im-*
24 *porter, licensed manufacturer, or licensed dealer shall not*

1 *transfer a firearm to any other person who is not such a*
2 *licensee, unless—*

3 “(A) *before the completion of the transfer, the li-*
4 *icensee contacts the national instant criminal back-*
5 *ground check system established under section 3 of*
6 *such Act;*

7 “(B) *the system notifies the licensee that the sys-*
8 *tem has not located any record that demonstrates that*
9 *the receipt of a firearm by such other person would*
10 *violate subsection (g) or (n) of this section or any*
11 *State or local law; and*

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

17 “(2) *Paragraph (1) shall not apply to a firearm trans-*
18 *fer between a licensee and another person if—*

19 “(A)(i) *such other person has presented to the li-*
20 *icensee a permit that—*

21 “(I) *allows such other person to possess a*
22 *firearm; and*

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

1 “(ii) the law of the State provides that such a
2 permit is to be issued only after an authorized gov-
3 ernment official has verified that the information
4 available to such official does not indicate that posses-
5 sion of a firearm by such other person would be in
6 violation of law;

7 “(B) the Secretary has approved the transfer
8 under section 5812 of the Internal Revenue Code of
9 1986; or

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

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

17 “(ii) the business premises of the licensee at
18 which the transfer is to occur are extremely re-
19 mote in relation to the chief law enforcement of-
20 ficer (as defined in subsection (s)(8)); and

21 “(iii) there is an absence of telecommuni-
22 cations facilities in the geographical area in
23 which the business premises are located.

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

1 to the system does not demonstrate that the receipt of a fire-
2 arm by such other person would violate subsection (g) or
3 (n), and the licensee transfers a firearm to such other per-
4 son, the licensee shall include in the record of the transfer
5 the unique identification number provided by the system
6 with respect to the transfer.

7 “(4) In addition to the authority provided under sec-
8 tion 923(e), if the licensee knowingly transfers a firearm
9 to such other person and knowingly fails to comply with
10 paragraph (1) of this subsection with respect to the transfer
11 and, at the time such other person most recently proposed
12 the transfer, the national instant criminal background
13 check system was operating and information was available
14 to the system demonstrating that receipt of a firearm by
15 such other person would violate subsection (g) or (n) of this
16 section, the Secretary may, after notice and opportunity for
17 a hearing, suspend for not more than 6 months or revoke
18 any license issued to the licensee under section 923, and
19 may impose on the licensee a civil fine of not more than
20 \$5,000.

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

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

4 “(B) for preventing such a sale or transfer to a
5 person who may lawfully receive or possess a hand-
6 gun.”.

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

9 (1) in paragraph (1), by striking “paragraph (2)
10 or (3) of”; and

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

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

15 **SEC. 3. NATIONAL INSTANT CRIMINAL BACKGROUND**

16 **CHECK SYSTEM.**

17 (a) *ESTABLISHMENT OF SYSTEM.*—The Attorney Gen-
18 eral of the United States shall establish a national instant
19 criminal background check system that any licensee may
20 contact for information on whether receipt of a firearm by
21 a prospective transferee thereof would violate subsection (g)
22 or (n) of section 922 of title 18, United States Code, or any
23 State or local law.

24 (b) *EXPEDITED ACTION BY THE ATTORNEY GEN-*
25 *ERAL.*—The Attorney General shall expedite—

1 (1) *the upgrading and indexing of State criminal history records in the Federal criminal records system maintained by the Federal Bureau of Investigation;*

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

3 (3) *the current revitalization initiatives by the Federal Bureau of Investigation for technologically advanced fingerprint and criminal records identification.*

4 (c) *PROVISION OF STATE CRIMINAL RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 6 months after the date of enactment of this Act, the Attorney General shall—*

5 (A) *determine the type of computer hardware and software that will be used to operate the national instant criminal background check system and the means by which State criminal records systems will communicate with the national system, which shall be based upon the Interstate Identification Index (“III”) unless the Attorney General finds that the III will not*

1 *provide a satisfactory basis for the national instant*
2 *criminal background check system;*

3 *(B) investigate the criminal records system of*
4 *each State and determine for each State a timetable*
5 *by which the State should be able to provide criminal*
6 *records on an on line capacity basis to the national*
7 *system; and*

8 *(C) notify each State of the determinations made*
9 *pursuant to subparagraphs (A) and (B).*

10 *(2) The Attorney General shall require as a part of*
11 *the State timetable that the State achieve, by the end of*
12 *5 years after the date of enactment of this Act, at least 80*
13 *percent currency of case dispositions in computerized crimi-*
14 *nal history files for all cases in which there has been an*
15 *event of activity within the last 5 years and continue to*
16 *maintain such a system.*

17 *(d) NATIONAL SYSTEM CERTIFICATION.—(1) On the*
18 *date that is 30 months after the date of enactment of this*
19 *Act, and at any time thereafter, the Attorney General shall*
20 *determine whether—*

21 *(A) the national system has achieved at least 80*
22 *percent currency of case dispositions in computerized*
23 *criminal history files for all cases in which there has*
24 *been an event of activity within the last 5 years on*
25 *a national average basis; and*

1 (B) the States are in compliance with the time-
2 table established pursuant to subsection (c),
3 and, if so, shall certify that the national system is estab-
4 lished.

5 (2) If, on the date of certification in paragraph (1)
6 of this subsection, a State is not in compliance with the
7 timetable established pursuant to subsection (c) of this sec-
8 tion, section 922(s) of title 18, United States Code, shall
9 remain in effect in such State and section 922(t) of such
10 title shall not apply to the State. The Attorney General shall
11 certify if a State subject to the provisions of section 922(s)
12 under the preceding sentence achieves compliance with its
13 timetable after the date of certification in paragraph (1)
14 of this subsection, and section 922(s) of title 18, United
15 States Code, shall not apply to such State and section
16 922(t) of such title shall apply to the State.

17 (3) Six years after the date of enactment of this Act,
18 the Attorney General shall certify whether or not a State
19 is in compliance with subsection (c)(2) of this section and
20 if the State is not in compliance, section 922(s) of title 18,
21 United States Code, shall apply to the State and section
22 922(t) of such title shall not apply to the State. The Attor-
23 ney General shall certify if a State subject to the provisions
24 of section 922(s) under the preceding sentence achieves com-
25 pliance with the standards in subsection (c)(2) of this sec-

1 *tion, and section 922(s) of title 18, United States Code,*
2 *shall not apply to the State and section 922(t) of such title*
3 *shall apply to the State.*

4 *(e) NOTIFICATION OF LICENSEES.—On establishment*
5 *of the system under this section, the Attorney General shall*
6 *notify each licensee and the chief law enforcement officer*
7 *of each State of the existence and purpose of the system and*
8 *the means to be used to contact the system.*

9 *(f) ADMINISTRATIVE PROVISIONS.—*

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

21 *(2) OTHER AUTHORITY.—The Attorney General*
22 *shall develop such computer software, design and ob-*
23 *tain such telecommunications and computer hard-*
24 *ware, and employ such personnel, as are necessary to*

1 *establish and operate the system in accordance with*
2 *this section.*

3 (g) *CORRECTION OF ERRONEOUS SYSTEM INFORMA-*
4 *TION.—If the system established under this section informs*
5 *an individual contacting the system that receipt of a fire-*
6 *arm by a prospective transferee would violate subsection (g)*
7 *or (n) of section 922 of title 18, United States Code, or any*
8 *State or local law, the prospective transferee may request*
9 *the Attorney General to provide the prospective transferee*
10 *with the reasons therefor. Upon receipt of such a request,*
11 *the Attorney General shall immediately comply with the re-*
12 *quest. The prospective transferee may submit to the Attor-*
13 *ney General information to correct, clarify, or supplement*
14 *records of the system with respect to the prospective trans-*
15 *feree. After receipt of such information, the Attorney Gen-*
16 *eral shall immediately consider the information, investigate*
17 *the matter further, and correct all erroneous Federal records*
18 *relating to the prospective transferee and give notice of the*
19 *error to any Federal department or agency or any State*
20 *that was the source of such erroneous records.*

21 (h) *REGULATIONS.—After 90 days notice to the public*
22 *and an opportunity for hearing by interested parties, the*
23 *Attorney General shall prescribe regulations to ensure the*
24 *privacy and security of the information of the system estab-*
25 *lished under this section.*

1 (i) *PROHIBITIONS RELATING TO ESTABLISHMENT OF*
2 *REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—*

3 *No department, agency, officer, or employee of the United*
4 *States may—*

5 (1) *require that any record or portion thereof*
6 *maintained by the system established under this sec-*
7 *tion be recorded at or transferred to a facility owned,*
8 *managed, or controlled by the United States or any*
9 *State or political subdivision thereof; or*

10 (2) *use the system established under this section*
11 *to establish any system for the registration of fire-*
12 *arms, firearm owners, or firearm transactions or dis-*
13 *positions, except with respect to persons prohibited by*
14 *section 922 (g) or (n) of title 18, United States Code,*
15 *from receiving a firearm.*

16 (j) *DEFINITIONS.—As used in this section:*

17 (1) *LICENSEE.—The term “licensee” means a li-*
18 *icensed importer, licensed manufacturer, or licensed*
19 *dealer under section 923 of title 18, United States*
20 *Code.*

21 (2) *OTHER TERMS.—The terms “firearm”, “li-*
22 *icensed importer”, “licensed manufacturer”, and “li-*
23 *icensed dealer” have the meanings stated in section*
24 *921(a) (3), (9), (10), and (11), respectively, of title*
25 *18, United States Code.*

1 **SEC. 4. REMEDY FOR ERRONEOUS DENIAL OF HANDGUN.**

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

5 **“§ 925A. Remedy for erroneous denial of handgun**

6 “Any person who is denied a handgun pursuant to sec-
7 tion 922(s) of this title due to the provision of erroneous
8 information relating to the person by any State or political
9 subdivision thereof, or by the national instant criminal
10 background check system established under section 3(a) of
11 the Brady Handgun Violence Prevention Act, and who has
12 exhausted the administrative remedies available for the cor-
13 rection of such erroneous information, may bring an action
14 against any official of the State or political subdivision re-
15 sponsible for providing the erroneous information, or
16 against the United States, as the case may be, for an order
17 directing that the erroneous information be corrected. In
18 any action under this section, the court, in its discretion,
19 may allow the prevailing party a reasonable attorney’s fee
20 as part of the costs.”.

21 (b) *CLERICAL AMENDMENT.*—The table of sections for
22 such chapter is amended by inserting after the item relating
23 to section 925 the following:

“925A. Remedy for erroneous denial of handgun.”.

1 **SEC. 5. FUNDING FOR IMPROVEMENT OF CRIMINAL**
2 **RECORDS.**

3 (a) *IMPROVEMENTS IN STATE RECORDS.*—

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

7 (A) in paragraph (2) by striking “and”
8 after the semicolon;

9 (B) in paragraph (3) by striking the period
10 and inserting “; and”; and

11 (C) by adding at the end the following new
12 paragraph:

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

20 (2) *ADDITIONAL FUNDING.*—

21 (A) *GRANTS FOR THE IMPROVEMENT OF*
22 *CRIMINAL RECORDS.*—The Attorney General,
23 through the Bureau of Justice Statistics, shall,
24 subject to appropriations and with preference to
25 States that as of the date of enactment of this
26 Act have the lowest percent currency of case dis-

1 *positions in computerized criminal history files,*
2 *make a grant to each State to be used—*

3 *(i) for the creation of a computerized*
4 *criminal history record system or improve-*
5 *ment of an existing system;*

6 *(ii) to improve accessibility to the na-*
7 *tional instant criminal background system;*
8 *and*

9 *(iii) upon establishment of the national*
10 *system, to assist the State in the transmit-*
11 *tal of criminal records to the national sys-*
12 *tem.*

13 *(B) AUTHORIZATION OF APPROPRIA-*
14 *TIONS.—There are authorized to be appropriated*
15 *for grants under subparagraph (A) a total of*
16 *\$100,000,000 for fiscal year 1992 and all fiscal*
17 *years thereafter.*

18 *(b) WITHHOLDING STATE FUNDS.—Effective on the*
19 *date of enactment of this Act the Attorney General may re-*
20 *duce by up to 50 percent the allocation to a State for a*
21 *fiscal year under title I of the Omnibus Crime Control and*
22 *Safe Streets Act of 1968 of a State that is not in compliance*
23 *with the timetable established for such State under section*
24 *3(c) of this Act.*

1 (c) *WITHHOLDING OF DEPARTMENT OF JUSTICE*
2 *FUNDS.*—*If the Attorney General does not certify the na-*
3 *tional instant criminal background check system pursuant*
4 *to section 3(d)(1) by—*

5 (1) *30 months after the date of enactment of this*
6 *Act the general administrative funds appropriated to*
7 *the Department of Justice for the fiscal year begin-*
8 *ning in the calendar year in which the date that is*
9 *30 months after the date of enactment of this Act falls*
10 *shall be reduced by 5 percent on a monthly basis; and*

11 (2) *42 months after the date of enactment of this*
12 *Act the general administrative funds appropriated to*
13 *the Department of Justice for the fiscal year begin-*
14 *ning in the calendar year in which the date that is*
15 *42 months after the date of enactment of this Act falls*
16 *shall be reduced by 10 percent on a monthly basis.*

HR 1025 RH—2