

103D CONGRESS
1ST SESSION

S. CON. RES. 57

Providing for correcting the enrollment of H.R. 1025.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 22, 1993

Mr. DOLE submitted the following concurrent resolution; which was ordered to lie over, under the rule

CONCURRENT RESOLUTION

Providing for correcting the enrollment of H.R. 1025.

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That the Enrolling Clerk of the House of
3 Representatives is directed to make the following change
4 in the enrollment of H.R. 1025.

5 Strike all after the enacting clause and insert the
6 following:

7 **TITLE _____—BRADY HANDGUN**
8 **CONTROL**

9 **SEC. ____01. SHORT TITLE.**

10 This title may be cited as the “Brady Handgun Vio-
11 lence Prevention Act”.

1 **SEC. ____02. FEDERAL FIREARMS LICENSEE REQUIRED TO**
2 **CONDUCT CRIMINAL BACKGROUND CHECK**
3 **BEFORE TRANSFER OF FIREARM TO NON-**
4 **LICENSEE.**

5 (a) INTERIM PROVISION.—

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

9 “(s)(1) Beginning on the date that is 90 days after
10 the date of enactment of this subsection and ending either
11 on the day before the date that is 48 months after such
12 date of enactment unless the Attorney General extends the
13 date by twelve additional months or on the day that the
14 Attorney General notifies the licensees in all the States
15 under section ____03(d) of the Brady Handgun Violence
16 Prevention Act, whichever occurs earlier, it shall be unlaw-
17 ful for any licensed importer, licensed manufacturer, or
18 licensed dealer to sell, deliver, or transfer a handgun to
19 an individual who is not licensed under section 923, un-
20 less—

21 “(A) after the most recent proposal of such
22 transfer by the transferee—

23 “(i) the transferor has—

24 “(I) received from the transferee a
25 statement of the transferee containing the
26 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 trans-
5 feree furnishes the statement, provided no-
6 tice of the contents of the statement to the
7 chief law enforcement officer of the place
8 of residence of the transferee; and

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

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

24 “(II) the transferor has received notice
25 from the chief law enforcement officer that the

1 officer has no information indicating that re-
2 ceipt or possession of the handgun by the trans-
3 feree would violate Federal, State, or local law;

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

13 “(C)(i) the transferee has presented to the
14 transferor a permit that—

15 “(I) allows the transferee to possess or ac-
16 quire a handgun; and

17 “(II) was issued not more than 5 years
18 earlier by the State in which the transfer is to
19 take place; and

20 “(ii) the law of the State provides that such a
21 permit is to be issued only after an authorized gov-
22 ernment official has verified that the information
23 available to such official does not indicate that pos-
24 session of a handgun by the transferee would be in
25 violation 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
8 would be in violation of law;

9 “(E) the Secretary has approved the transfer
10 under section 5812 of the Internal Revenue Code of
11 1986; or

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

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

19 “(ii) the business premises of the trans-
20 feror at which the transfer is to occur are ex-
21 tremely remote in relation to the chief law
22 enforcement officer; and

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

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

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

10 “(A) the name, address, and date of birth ap-
11 pearing on a valid identification document (as de-
12 fined in section 1028(d)(1)) of the transferee con-
13 taining a photograph of the transferee and a de-
14 scription of the identification used;

15 “(B) a statement that transferee—

16 “(i) is not under indictment for, and has
17 not been convicted in any court of, a crime pun-
18 ishable by imprisonment for a term exceeding 1
19 year;

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

21 “(iii) is not an unlawful user of or addicted
22 to any controlled substance (as defined in sec-
23 tion 102 of the Controlled Substances Act);

1 “(iv) has not been adjudicated as a mental
2 defective or been committed to a mental institu-
3 tion;

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

6 “(vi) has not been discharged from the
7 Armed Forces under dishonorable conditions;
8 and

9 “(vii) is not a person who, having been a
10 citizen of the United States, has renounced
11 such citizenship;

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

13 “(D) notice that the transferee intends to ob-
14 tain a handgun from the transferor.

15 “(4) Any transferor of a handgun who, after such
16 transfer, receives a report from a chief law enforcement
17 officer containing information that receipt or possession
18 of the handgun by the transferee violates Federal, State,
19 or local law shall, within 1 business day after receipt of
20 such request, communicate any information related to the
21 transfer that the transferor has about the transfer and
22 the transferee to—

23 “(A) the chief law enforcement officer of the
24 place of business of the transferor; and

1 “(B) the chief law enforcement officer of the
2 place of residence of the transferee.

3 “(5) Any transferor who receives information, not
4 otherwise available to the public, in a report under this
5 subsection shall not disclose such information except to
6 the transferee, to law enforcement authorities, or pursuant
7 to the direction of a court of law.

8 “(6)(A) Any transferor who sells, delivers, or other-
9 wise transfers a handgun to a transferee shall retain the
10 copy of the statement of the transferee with respect to
11 the handgun transaction, and shall retain evidence that
12 the transferor has complied with subclauses (III) and (IV)
13 of paragraph (1)(A)(i) with respect to the statement.

14 “(B) Unless the chief law enforcement officer to
15 whom a statement is transmitted under paragraph
16 (1)(A)(i)(IV) determines that a transaction would violate
17 Federal, State, or local law—

18 “(i) the officer shall, within 20 business days
19 after the date the transferee made the statement on
20 the basis of which the notice was provided, destroy
21 the statement, any record containing information de-
22 rived from the statement, and any record created as
23 a result of the notice required by paragraph
24 (1)(A)(i)(III);

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

5 “(iii) the information contained in the state-
6 ment shall not be used for any purpose other than
7 to carry out this subsection.

8 “(C) If a chief law enforcement officer determines
9 that an individual is ineligible to receive a handgun and
10 the individual requests the officer to provide the reason
11 for such determination, the officer shall provide such rea-
12 sons to the individual in writing within 20 business days
13 after receipt of the request.

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

18 “(A) for failure to prevent the sale or transfer
19 of a handgun to a person whose receipt or posses-
20 sion of the handgun is unlawful under this section;
21 or

22 “(B) for preventing such a sale or transfer to
23 a person who may lawfully receive or possess a
24 handgun.

1 “(8) For purposes of this subsection, the term ‘chief
2 law enforcement officer’ means the chief of police, the
3 sheriff, or an equivalent officer or the designee of any such
4 individual.

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

9 (2) HANDGUN DEFINED.—Section 921(a) of
10 title 18, United States Code, is amended by adding
11 at the end the following:

12 “(29) The term ‘handgun’ means—

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

16 “(B) any combination of parts from which a
17 firearm described in subparagraph (A) can be as-
18 sembled.”.

19 (b) PERMANENT PROVISION.—Section 922 of title
20 18, United States Code, as amended by subsection (a)(1),
21 is amended by adding at the end the following:

22 “(t)(1) Beginning on the date that is 30 days after
23 the Attorney General notifies licensees under section
24 ____03(e) of the Brady Handgun Violence Prevention Act
25 that the national instant criminal background check sys-

1 tem is established, a licensed importer, licensed manufac-
2 turer, or licensed dealer shall not transfer a firearm to
3 any other person who is not licensed under this chapter,
4 unless—

5 “(A) before the completion of the transfer, the
6 licensee contacts the national instant criminal back-
7 ground check system established under section
8 ____03 of that Act;

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

11 “(ii) 3 business days (meaning a day on which
12 State offices are open) have elapsed since the li-
13 censee contacted the system, and the system has not
14 notified the licensee that the receipt of a firearm by
15 such other person would violate subsection (g) or (n)
16 of this section; and

17 “(C) the transferor has verified the identity of
18 the transferee by examining a valid identification
19 document (as defined in section 1028(d)(1) of this
20 title) of the transferee containing a photograph of
21 the transferee.

22 “(2) If receipt of a firearm would not violate section
23 922 (g) or (n) or State law, the system shall—

24 “(A) assign a unique identification number to
25 the transfer;

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

2 “(C) destroy all records of the system with re-
3 spect to the call (other than the identifying number
4 and the date the number was assigned) and all
5 records of the system relating to the person or the
6 transfer.

7 “(3) Paragraph (1) shall not apply to a firearm
8 transfer between a licensee and another person if—

9 “(A)(i) such other person has presented to the
10 licensee a permit that—

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

13 “(II) was issued not more than 5 years
14 earlier by the State in which the transfer is to
15 take place; and

16 “(ii) the law of the State provides that such a
17 permit is to be issued only after an authorized gov-
18 ernment official has verified that the information
19 available to such official does not indicate that pos-
20 session of a firearm by such other person would be
21 in violation of law;

22 “(B) the Secretary has approved the transfer
23 under section 5812 of the Internal Revenue Code of
24 1986; or

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

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

8 “(ii) the business premises of the licensee
9 at which the transfer is to occur are extremely
10 remote in relation to the chief law enforcement
11 officer (as defined in subsection (s)(8)); and

12 “(iii) there is an absence of telecommuni-
13 cations facilities in the geographical area in
14 which the business premises are located.

15 “(4) If the national instant criminal background
16 check system notifies the licensee that the information
17 available to the system does not demonstrate that the re-
18 ceipt of a firearm by such other person would violate sub-
19 section (g) or (n) or State law, and the licensee transfers
20 a firearm to such other person, the licensee shall include
21 in the record of the transfer the unique identification num-
22 ber provided by the system with respect to the transfer.

23 “(5) If the licensee knowingly transfers a firearm to
24 such other person and knowingly fails to comply with
25 paragraph (1) of this subsection with respect to the trans-

1 fer and, at the time such other person most recently pro-
2 posed the transfer, the national instant criminal back-
3 ground check system was operating and information was
4 available to the system demonstrating that receipt of a
5 firearm by such other person would violate subsection (g)
6 or (n) or State law of this section, the Secretary may, after
7 notice and opportunity for a hearing, suspend for not more
8 than 6 months or revoke any license issued to the licensee
9 under section 923, and may impose on the licensee a civil
10 fine of not more than \$5,000.

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

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

19 “(B) for preventing such a sale or transfer to
20 a person who may lawfully receive or possess a fire-
21 arm.”.

22 (c) PENALTY.—Section 924(a) of title 18, United
23 States Code, is amended—

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

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

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

5 **SEC. ____03. NATIONAL INSTANT CRIMINAL BACKGROUND**
6 **CHECK SYSTEM.**

7 (a) DETERMINATION OF TIMETABLES.—Not later
8 than 6 months after the date of enactment of this Act,
9 the Attorney General shall—

10 (1) determine the type of computer hardware
11 and software that will be used to operate the na-
12 tional instant criminal background check system and
13 the means by which State criminal records systems
14 and the telephone or electronic device of licensees
15 will communicate with the national system;

16 (2) investigate the criminal records system of
17 each State and determine for each State a timetable
18 by which the State should be able to provide crimi-
19 nal records on an on-line capacity basis to the
20 national system; and

21 (3) notify each State of the determinations
22 made pursuant to paragraphs (1) and (2).

23 (b) ESTABLISHMENT OF SYSTEM.

24 (1) DETERMINATIONS.—Not later than the date
25 that is 24 months after the date of enactment of

1 this Act, the Attorney General shall determine
2 whether—

3 (A) the equipment used to link State crimi-
4 nal history records systems to the national
5 criminal history records system and the equip-
6 ment necessary to operate the national instant
7 criminal background check system are oper-
8 ational; and

9 (B) any group of States that—

10 (i) have at least 80 percent of the
11 population of the United States; and

12 (ii) have reported during a 12-month
13 period at least 80 percent of the number of
14 crimes of violence reported by all of the
15 States during that period,

16 have achieved and maintained in each state at
17 least 80 percent currency of case dispositions in
18 computerized criminal history files for all cases
19 in which there has been an event of activity
20 within the last 5 years; and

21 (C) if such determinations are made in the
22 affirmative, the Attorney General shall certify
23 that the national system is established.

24 (2) ESTABLISHMENT.—If the Attorney General
25 makes an affirmative finding with respect to the

1 matters described in paragraph (1) (A) and (B), the
2 Attorney General shall establish a national instant
3 criminal background check system that any licensee
4 may contact, by telephone and by other electronic
5 means in addition to the telephone, for information,
6 to be supplied immediately, on whether receipt of a
7 firearm by a prospective transferee would violate
8 section 922 of title 18, United States Code, or State
9 law.

10 (c) EXPEDITED ACTION BY THE ATTORNEY GEN-
11 ERAL.—The Attorney General shall expedite—

12 (1) the upgrading and indexing of State crimi-
13 nal history records in the Federal criminal records
14 system maintained by the Federal Bureau of Inves-
15 tigation;

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

21 (3) the current revitalization initiatives by the
22 Federal Bureau of Investigation for technologically
23 advanced fingerprint and criminal records identifica-
24 tion.

1 (d) NOTIFICATION OF LICENSEES.—On establish-
2 ment of the system under this section, the Attorney Gen-
3 eral shall notify each licensee and the chief law enforce-
4 ment officer of each State of the existence and purpose
5 of the system and the means to be used to contact the
6 system.

7 (e) ADMINISTRATIVE PROVISIONS.—

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

19 (2) OTHER AUTHORITY.—The Attorney General
20 shall develop such computer software, design and ob-
21 tain such telecommunications and computer hard-
22 ware, and employ such personnel, as are necessary
23 to establish and operate the system in accordance
24 with this section.

1 (f) WRITTEN REASONS PROVIDED ON REQUEST.—

2 If the national instant criminal background check system
3 determines that an individual is ineligible to receive a fire-
4 arm and the individual requests the system to provide the
5 reasons for the determination, the system shall provide
6 such reasons to the individual, in writing, within 5 busi-
7 ness days after the date of the request.

8 (g) CORRECTION OF ERRONEOUS SYSTEM INFORMA-

9 TION.—If the system established under this section in-
10 forms an individual contacting the system that receipt of
11 a firearm by a prospective transferee would violate sub-
12 section (g) or (n) of section 922 of title 18, United States
13 Code or State law, the prospective transferee may request
14 the Attorney General to provide the prospective transferee
15 with the reasons therefor. Upon receipt of such a request,
16 the Attorney General shall immediately comply with the
17 request. The prospective transferee may submit to the At-
18 torney General information to correct, clarify, or supple-
19 ment records of the system with respect to the prospective
20 transferee. After receipt of such information, the Attorney
21 General shall immediately consider the information, inves-
22 tigate the matter further, and correct all erroneous Fed-
23 eral records relating to the prospective transferee and give
24 notice of the error to any Federal department or agency

1 or any State that was the source of such erroneous
2 records.

3 (h) REGULATIONS.—After 90 days’ notice to the pub-
4 lic and an opportunity for hearing by interested parties,
5 the Attorney General shall prescribe regulations to ensure
6 the privacy and security of the information of the system
7 established under this section.

8 (i) PROHIBITION RELATING TO ESTABLISHMENT OF
9 REGISTRATION SYSTEMS WITH RESPECT TO FIRE-
10 ARMS.—No department, agency, officer, or employee of
11 the United States may—

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

17 (2) use the system established under this sec-
18 tion to establish any system for the registration of
19 firearms, firearm owners, or firearm transactions or
20 dispositions, except with respect to persons, prohib-
21 ited by section 922 (g) or (n) of title 18, United
22 States Code or State law, from receiving a firearm.

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

24 (1) LICENSEE.—The term “licensee” means a
25 licensed importer (as defined in section 921(a)(9) of

1 title 18, United States Code), a licensed manufac-
2 turer (as defined in section 921(a)(10) of that title),
3 or a licensed dealer (as defined in section 921(a)(11)
4 of that title).

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

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

16 **SEC. ___ 04. REMEDY FOR ERRONEOUS DENIAL OF FIRE-**
17 **ARM.**

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 sec-
3 tion ____03 of the Brady Firearm Violation Preven-
4 tion Act; 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,
10 or responsible for denying the transfer, or against the
11 United States, as the case may be, for an order directing
12 that the erroneous information be corrected or that the
13 transfer be approved, as the case may be. In any action
14 under this section, the court, in its discretion, may allow
15 the prevailing party a reasonable attorney’s fee as part
16 of the costs.”.

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

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

21 **SEC. ____05. RULE OF CONSTRUCTION.**

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

1 **SEC. ____06. 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
7 the 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
11 paragraph:

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
16 Attorney General under section ____03 of the Brady
17 Handgun Violence Prevention Act, for the purpose
18 of implementing 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
24 the date of enactment of this Act have the lowest
25 percent currency of case dispositions in computer-

1 ized criminal history files, make a grant to each
2 State to be 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), may be appropriated from the
14 Violent Crime Reduction Trust Fund established by
15 section 1115 of title 31, United States Code, a total
16 of \$200,000,000 for fiscal year 1994 and all fiscal
17 years thereafter.

18 **SEC. ___ 07. WITHHOLDING OF DEPARTMENT OF JUSTICE**

19 **FUNDS**

20 If the Attorney General does not certify the national
21 instant criminal background check system pursuant to
22 section ___ 03(a) by—

23 (1) 24 months after the date of enactment of
24 this Act the general administrative funds appro-
25 priated to the Department of Justice for the fiscal

1 year beginning in the calendar year in which the
2 date that is 24 months after the date of enactment
3 of this Act falls shall be reduced by 5 percent on a
4 monthly basis; and

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

12 **SEC. ___ 08. WITHHOLDING STATE FUNDS.**

13 Effective on the date of enactment of this Act, the
14 Attorney General may reduce by up to 50 percent the allo-
15 cation to a State for a fiscal year under title I of the Om-
16 nibus Crime Control and Safe Streets Act of 1968 of a
17 State that is not in compliance with the timetable estab-
18 lished for such State under section ___ 03(a).

19 **TITLE ___—MULTIPLE FIREARM**
20 **PURCHASES TO STATE AND**
21 **LOCAL POLICE**

22 **SEC. ___ 01. REPORTING REQUIREMENT.**

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

1 (1) in the second sentence by inserting after
2 “thereon,” the following: “, and to the department
3 of State police or State law enforcement agency of
4 the State or local law enforcement agency of the
5 local jurisdiction in which the sale or other disposi-
6 tion took place,”;

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

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

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

1 been made and that all forms and any record of the
2 contents thereof have been destroyed as provided in
3 this subparagraph.”.

4 **TITLE ____—FEDERAL FIREARMS**
5 **LICENSE REFORM**

6 **SEC. ____01. SHORT TITLE.**

7 This title may be cited as the “Federal Firearms Li-
8 cense Reform Act of 1993”.

9 **SEC. ____02. PREVENTION OF THEFT OF FIREARMS.**

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

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

19 (1) by inserting “(1)” after “(f)”; and

20 (2) by adding at the end the following new
21 paragraph:

22 “(2) It shall be unlawful for any common or contract
23 carrier to deliver in interstate or foreign commerce any
24 firearm without obtaining written acknowledgement of re-

1 ceipt from the recipient of the package or other container
2 in which there is a firearm.”.

3 (c) UNLAWFUL ACTS.—Section 922 of title 18,
4 United States Code, as amended by section ____02(b), is
5 amended by adding at the end the following new sub-
6 section:

7 “(u) It shall be unlawful for a person to steal or un-
8 lawfully take or carry away from the person or the prem-
9 ises of a person who is licensed to engage in the business
10 of importing, manufacturing, or dealing in firearms, any
11 firearm in the licensee’s business inventory that has been
12 shipped or transported in interstate or foreign com-
13 merce.”.

14 (d) PENALTIES.—Section 924 of title 18, United
15 States Code, is amended by adding at the end the follow-
16 ing new 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 “(2) Nothing contained in this subsection shall be
21 construed as indicating an intent on the part of Congress
22 to occupy the field in which provisions of this subsection
23 operate to the exclusion of State laws on the same subject
24 matter, nor shall any provision of this subsection be con-
25 strued as invalidating any provision of State law unless

1 such provision is inconsistent with any of the purposes of
2 this subsection.”.

3 **SEC. ___ 03. LICENSE APPLICATION FEES FOR DEALERS IN**
4 **FIREARMS.**

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

7 (1) in subparagraph (B) by striking “a pawn-
8 broker dealing in firearms other than” and inserting
9 “not a dealer in”;

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

14 (3) by striking subparagraph (C).

15 Section 503(a) of title I of the Omnibus Safe Streets
16 and Crime Control Act of 1968 (42 U.S.C. 3753(a)) is
17 amended by adding at the end the following new para-
18 graph:

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

22 “(A) within 30 days after the date on
23 which any person in the State is adjudicated as
24 a mental defective or committed to a mental in-

1 stitution, notice of the adjudication or commit-
2 ment; and

3 “(B) within 30 days after the date on
4 which the Department of Justice requests it, a
5 copy of the certified record of the adjudication
6 or commitment.”.

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