

105TH CONGRESS  
1ST SESSION

# H. R. 2880

To amend title 23, United States Code, to encourage States to require background checks requested in connection with the Brady Handgun Violence Prevention Act.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23, United States Code, to encourage States to require background checks requested in connection with the Brady Handgun Violence Prevention Act.

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. BACKGROUND CHECKS RELATED TO THE PUR-**  
4 **CHASE OF A HANDGUN.**

5 Chapter 1 of title 23, United States Code, is amended  
6 by added at the end the following:

1 **“§ 162. Background checks related to the purchase of**  
2 **a handgun**

3 “(a) WITHHOLDING OF APPORTIONMENTS FOR NON-  
4 COMPLIANCE.—

5 “(1) FISCAL YEAR 2001.—The Secretary shall  
6 withhold 5 percent of the amount required to be ap-  
7 portioned to any State under each of paragraphs  
8 (1), (3), and (5)(B) of section 104(b) on October 1,  
9 2000, if the State does not meet the requirement of  
10 paragraph (3) on such date.

11 “(2) THEREAFTER.—The Secretary shall with-  
12 hold 10 percent (including any amounts withheld  
13 under paragraph (1)) of the amount required to be  
14 apportioned to any State under each of paragraphs  
15 (1), (3), and (5)(B) of section 104(b) on October 1,  
16 2001, and on October 1 of each fiscal year there-  
17 after, if the State does not meet the requirement of  
18 paragraph (3) on such date.

19 “(3) REQUIREMENT.—A State meets the re-  
20 quirement of this paragraph if the State has enacted  
21 and is enforcing a law to ensure that, if a law en-  
22 forcement agency of that State receives a notice pro-  
23 vided pursuant to section 922(s)(1)(A)(i)(III) of title  
24 18, United States Code, with respect to the transfer  
25 of a handgun, the agency ascertains whether receipt  
26 or possession of the handgun by the transferee

1 would be in violation of the law, including research  
2 in whatever State and local recordkeeping systems  
3 are available.

4 “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-  
5 ANCE AND NONCOMPLIANCE.—

6 “(1) PERIOD OF AVAILABILITY OF WITHHELD  
7 FUNDS.—

8 “(A) FUNDS WITHHELD ON OR BEFORE  
9 SEPTEMBER 30, 2002.—Any funds withheld  
10 under subsection (a) from apportionment to any  
11 State on or before September 30, 2002, shall  
12 remain available until the end of the third fiscal  
13 year following the fiscal year for which such  
14 funds are authorized to be appropriated.

15 “(B) FUNDS WITHHELD AFTER SEPTEMBER  
16 BER 30, 2002.—No funds withheld under this  
17 section from apportionment to any State after  
18 September 30, 2002, shall be available for ap-  
19 portionment to such State.

20 “(2) APPORTIONMENT OF WITHHELD FUNDS  
21 AFTER COMPLIANCE.—If, before the last day of the  
22 period for which funds withheld under subsection (a)  
23 from apportionment are to remain available for ap-  
24 portionment to a State under paragraph (1), the  
25 State meets the requirement of subsection (a)(3),

1 the Secretary shall, on the first day on which the  
2 State meets such requirement, apportion to the  
3 State the funds withheld under subsection (a) that  
4 remain available for apportionment to the State.

5 “(3) PERIOD OF AVAILABILITY OF SUBSE-  
6 QUENTLY APPORTIONED FUNDS.—Any funds appor-  
7 tioned pursuant to paragraph (2) shall remain avail-  
8 able for expenditure until the end of the third fiscal  
9 year following the fiscal year in which such funds  
10 are so apportioned. Sums not obligated at the end  
11 of such period shall lapse.

12 “(4) EFFECT OF NONCOMPLIANCE.—If, at the  
13 end of the period for which funds withheld under  
14 subsection (a) from apportionment are available for  
15 apportionment to a State under paragraph (1), the  
16 State does not meet the requirement of subsection  
17 (a)(3), such funds shall lapse.”.

18 (c) CLERICAL AMENDMENT.—The table of sections at  
19 the beginning of such chapter is amended by adding at  
20 the end the following:

“162. Background checks related to the purchase of a handgun.”.

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