

110TH CONGRESS
2^D SESSION

H. R. 6676

To amend chapter 44 of title 18, United States Code, to require background checks for employees authorized to possess or transfer firearms or ammunition in the course of a licensed firearms business.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2008

Mrs. MCCARTHY of New York (for herself, Mr. KIRK, Mr. CONYERS, Mr. MORAN of Virginia, Mr. SHAYS, Mr. RANGEL, Mr. CASTLE, Mr. ROTHMAN, and Mr. KENNEDY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to require background checks for employees authorized to possess or transfer firearms or ammunition in the course of a licensed firearms business.

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

1 “(2) The Attorney General may temporarily waive
2 the applicability of paragraph (1) to an employer with re-
3 spect to an employee about whom the employer has sub-
4 mitted to the Attorney General the information described
5 in paragraph (3) if the Attorney General determines that
6 the Attorney General will be unable to make a determina-
7 tion under paragraph (3) with respect to the employee in
8 a timely manner.

9 “(3)(A) If the Attorney General receives from a li-
10 censed dealer the name and other identifying information
11 of an employee who will be authorized by the licensed deal-
12 er to possess or transfer a firearm in the course of employ-
13 ment with the licensed dealer, the Attorney General shall
14 determine whether it would be unlawful for the employee
15 to receive a firearm under Federal law or under the law
16 of any State or locality in which the employee may be so
17 authorized. In making the determination, the Attorney
18 General may take into account a letter or document issued
19 under subparagraph (B).

20 “(B)(i) If the Attorney General determines that such
21 a receipt of a firearm by the employee would not be unlaw-
22 ful, the Attorney General shall notify the licensed dealer
23 in writing or electronically of the determination, and issue
24 to the employee a letter of clearance, which confirms the
25 determination.

1 “(ii) If the Attorney General determines that such a
2 receipt of a firearm by the employee would be unlawful,
3 the Attorney General shall notify the licensed dealer in
4 writing or electronically of the determination, and issue
5 to the employee a document that—

6 “(I) confirms the determination;

7 “(II) explains the grounds for the determina-
8 tion;

9 “(III) provides information on how the dis-
10 ability may be relieved; and

11 “(IV) explains how the determination may be
12 appealed.”.

13 (b) PENALTIES.—

14 (1) ADMINISTRATIVE.—Section 923(e) of such
15 title is amended by inserting “knowingly violated
16 subsection (m)(1) or” before “willfully violated”.

17 (2) CRIMINAL.—Section 924(a)(1)(D) of such
18 title is amended by inserting “knowingly violates sec-
19 tion 923(m)(1) or” before “willfully”.

20 (c) CORRECTION OF ERRONEOUS SYSTEM INFORMA-
21 TION.—Section 103(g) of the Brady Handgun Violence
22 Prevention Act (18 U.S.C. 922 note) is amended—

23 (1) by inserting “or by an employee of the indi-
24 vidual” after “transferee” the 1st place it appears;
25 and

1 (2) by inserting “or employee, as the case may
2 be,” after “transferee” each subsequent place it ap-
3 pears.

4 (d) EFFECTIVE DATE.—The amendment made by
5 this section shall apply to conduct engaged in after the
6 3-month period that begins with the date of the enactment
7 of this Act.

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