

103D CONGRESS
1ST SESSION

H. R. 1025

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. FALOMAVAEGA, 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. FOGLIETTA, 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

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”.

6 **SEC. 2. FEDERAL FIREARMS LICENSEE REQUIRED TO CON-**
 7 **DUCT CRIMINAL BACKGROUND CHECK BE-**
 8 **FORE TRANSFER OF FIREARM TO**
 9 **NONLICENSEE.**

10 (a) INTERIM PROVISION.—

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

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

11 “(A) after the most recent proposal of such
12 transfer by the transferee—

13 “(i) the transferor has—

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

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

20 “(III) within 1 day after the trans-
21 feree furnishes the statement, provided no-
22 tice of the contents of the statement to the
23 chief law enforcement officer of the place
24 of residence of the transferee; and

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

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

16 “(II) the transferor has received notice
17 from the chief law enforcement officer that the
18 officer has no information indicating that re-
19 ceipt or possession of the handgun by the trans-
20 feree would violate Federal, State, or local law;

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

1 the transferee, stating that the transferee requires
2 access to a handgun because of a threat to the life
3 of the transferee or of any member of the household
4 of the transferee;

5 “(C)(i) the transferee has presented to the
6 transferor a permit that—

7 “(I) allows the transferee to possess a
8 handgun; and

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

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

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

1 paragraph shall not apply to a State that, on the
2 date of certification pursuant to section 3(d) of the
3 Brady Handgun Violence Prevention Act, is not in
4 compliance with the timetable established pursuant
5 to section 3(c) of such Act;

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

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

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

16 “(ii) the business premises of the trans-
17 feror at which the transfer is to occur are ex-
18 tremely remote in relation to the chief law en-
19 forcement officer; and

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

23 “(2) A chief law enforcement officer to whom a trans-
24 feror has provided notice pursuant to paragraph
25 (1)(A)(i)(III) shall make a reasonable effort to ascertain

1 within 5 business days whether the transferee has a crimi-
2 nal record or whether there is any other legal impediment
3 to the transferee's receiving a handgun, including research
4 in whatever State and local recordkeeping systems are
5 available and in a national system designated by the Attor-
6 ney General.

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

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

14 “(B) a statement that transferee—

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

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

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

23 “(iv) has not been adjudicated as a mental
24 defective or been committed to a mental institu-
25 tion;

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

3 “(vi) has not been discharged from the
4 Armed Forces under dishonorable conditions;
5 and

6 “(vii) is not a person who, having been a
7 citizen of the United States, has renounced
8 such citizenship;

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

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

12 “(4) Any transferor of a handgun who, after such
13 transfer, receives a report from a chief law enforcement
14 officer containing information that receipt or possession
15 of the handgun by the transferee violates Federal, State,
16 or local law shall immediately communicate all information
17 the transferor has about the transfer and the transferee
18 to—

19 “(A) the chief law enforcement officer of the
20 place of business of the transferor; and

21 “(B) the chief law enforcement officer of the
22 place of residence of the transferee.

23 “(5) Any transferor who receives information, not
24 otherwise available to the public, in a report under this
25 subsection shall not disclose such information except to

1 the transferee, to law enforcement authorities, or pursuant
2 to the direction of a court of law.

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

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

13 “(i) the officer shall, within 20 business days
14 after the date the transferee made the statement on
15 the basis of which the notice was provided, destroy
16 the statement and any record containing information
17 derived from the statement;

18 “(ii) the information contained in the statement
19 shall not be conveyed to any person except a person
20 who has a need to know in order to carry out this
21 subsection; and

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

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

5 “(A) for failure to prevent the sale or transfer
6 of a handgun to a person whose receipt or posses-
7 sion of the handgun is unlawful under this section;
8 or

9 “(B) for preventing such a sale or transfer to
10 a person who may lawfully receive or possess a
11 handgun.

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

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

20 (2) HANDGUN DEFINED.—Section 921(a) of
21 such title is amended by adding at the end the fol-
22 lowing:

23 “(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 as-
6 sembled.”.

7 (b) PERMANENT PROVISION.—Section 922 of title
8 18, United States Code, as amended by subsection (a)(1)
9 of this section, is amended by adding at the end the follow-
10 ing:

11 “(t)(1) Beginning on the date that the Attorney Gen-
12 eral certifies under section 3(d)(1) of the Brady Handgun
13 Violence Prevention Act that the national instant criminal
14 background check system is established (except as pro-
15 vided in paragraphs (2) and (3) of such section), a li-
16 censed importer, licensed manufacturer, or licensed dealer
17 shall not transfer a firearm to any other person who is
18 not such a licensee, unless—

19 “(A) before the completion of the transfer, the
20 licensee contacts the national instant criminal back-
21 ground check system established under section 3 of
22 such Act;

23 “(B) the system notifies the licensee that the
24 system has not located any record that demonstrates
25 that the receipt of a firearm by such other person

1 would violate subsection (g) or (n) of this section or
2 any State or local law; and

3 “(C) the transferor has verified the identity of
4 the transferee by examining a valid identification
5 document (as defined in section 1028(d)(1) of this
6 title) of the transferee containing a photograph of
7 the transferee.

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

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

12 “(I) allows such other person to possess a
13 firearm; and

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

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

23 “(B) the Secretary has approved the transfer
24 under section 5812 of the Internal Revenue Code of
25 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 (u)(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 “(3) 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), and the licensee transfers a firearm to
20 such other person, the licensee shall include in the record
21 of the transfer the unique identification number provided
22 by the system with respect to the transfer.

23 “(4) In addition to the authority provided under sec-
24 tion 923(e), if the licensee knowingly transfers a firearm
25 to such other person and knowingly fails to comply with

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

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

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

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

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

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

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

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

7 **SEC. 3. NATIONAL INSTANT CRIMINAL BACKGROUND**
8 **CHECK SYSTEM.**

9 (a) ESTABLISHMENT OF SYSTEM.—The Attorney
10 General of the United States shall establish a national in-
11 stant criminal background check system that any licensee
12 may contact for information on whether receipt of a fire-
13 arm by a prospective transferee thereof would violate sub-
14 section (g) or (n) of section 922 of title 18, United States
15 Code, or any State or local law.

16 (b) EXPEDITED ACTION BY THE ATTORNEY GEN-
17 ERAL.—The Attorney General shall expedite—

18 (1) the upgrading and indexing of State crimi-
19 nal history records in the Federal criminal records
20 system maintained by the Federal Bureau of Inves-
21 tigation;

22 (2) the development of hardware and software
23 systems to link State criminal history check systems
24 into the national instant criminal background check

1 system established by the Attorney General pursuant
2 to this section; and

3 (3) the current revitalization initiatives by the
4 Federal Bureau of Investigation for technologically
5 advanced fingerprint and criminal records identifica-
6 tion.

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

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

16 (B) 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 na-
20 tional system; and

21 (C) notify each State of the determinations
22 made pursuant to subparagraphs (A) and (B).

23 (2) The Attorney General shall require as a part of
24 the State timetable that the State achieve, by the end of
25 5 years after the date of enactment of this Act, at least

1 80 percent currency of case dispositions in computerized
2 criminal history files for all cases in which there has been
3 an event of activity within the last 5 years and continue
4 to maintain such a system.

5 (d) NATIONAL SYSTEM CERTIFICATION.—(1) On the
6 date that is 30 months after the date of enactment of this
7 Act, and at any time thereafter, the Attorney General shall
8 determine whether—

9 (A) the national system has achieved at least
10 80 percent currency of case dispositions in comput-
11 erized criminal history files for all cases in which
12 there has been an event of activity within the last
13 5 years on a national average basis; and

14 (B) the States are in compliance with the time-
15 table established pursuant to subsection (c),

16 and, if so, shall certify that the national system is estab-
17 lished.

18 (2) If, on the date of certification in paragraph (1)
19 of this subsection, a State is not in compliance with the
20 timetable established pursuant to subsection (c) of this
21 section, section 922(s) of title 18, United States Code,
22 shall remain in effect in such State and section 922(t) of
23 such title shall not apply to the State. The Attorney Gen-
24 eral shall certify if a State subject to the provisions of
25 section 922(s) under the preceding sentence achieves com-

1 pliance with its timetable after the date of certification
2 in paragraph (1) of this subsection, and section 922(s) of
3 title 18, United States Code, shall not apply to such State
4 and section 922(t) of such title shall apply to the State.

5 (3) Six years after the date of enactment of this Act,
6 the Attorney General shall certify whether or not a State
7 is in compliance with subsection (c)(2) of this section and
8 if the State is not in compliance, section 922(s) of title
9 18, United States Code, shall apply to the State and sec-
10 tion 922(t) of such title shall not apply to the State. The
11 Attorney General shall certify if a State subject to the pro-
12 visions of section 922(s) under the preceding sentence
13 achieves compliance with the standards in subsection
14 (c)(2) of this section, and section 922(s) of title 18, United
15 States Code, shall not apply to the State and section
16 922(t) of such title shall apply to the State.

17 (e) NOTIFICATION OF LICENSEES.—On establish-
18 ment of the system under this section, the Attorney Gen-
19 eral shall notify each licensee and the chief law enforce-
20 ment officer of each State of the existence and purpose
21 of the system and the means to be used to contact the
22 system.

23 (f) ADMINISTRATIVE PROVISIONS.—

24 (1) AUTHORITY TO OBTAIN OFFICIAL INFORMA-
25 TION.—Notwithstanding any other law, the Attorney

1 General may secure directly from any department or
2 agency of the United States such information on
3 persons for whom receipt of a firearm would violate
4 subsection (g) or (n) of section 922 of title 18, Unit-
5 ed States Code, or any State or local law, as is nec-
6 essary to enable the system to operate in accordance
7 with this section. On request of the Attorney Gen-
8 eral, the head of such department or agency shall
9 furnish such information to the system.

10 (2) OTHER AUTHORITY.—The Attorney General
11 shall develop such computer software, design and ob-
12 tain such telecommunications and computer hard-
13 ware, and employ such personnel, as are necessary
14 to establish and operate the system in accordance
15 with this section.

16 (g) CORRECTION OF ERRONEOUS SYSTEM INFORMA-
17 TION.—If the system established under this section in-
18 forms an individual contacting the system that receipt of
19 a firearm by a prospective transferee would violate sub-
20 section (g) or (n) of section 922 of title 18, United States
21 Code, or any State or local law, the prospective transferee
22 may request the Attorney General to provide the prospec-
23 tive transferee with the reasons therefor. Upon receipt of
24 such a request, the Attorney General shall immediately
25 comply with the request. The prospective transferee may

1 submit to the Attorney General information that to cor-
2 rect, clarify, or supplement records of the system with re-
3 spect to the prospective transferee. After receipt of such
4 information, the Attorney General shall immediately con-
5 sider the information, investigate the matter further, and
6 correct all erroneous Federal records relating to the pro-
7 spective transferee and give notice of the error to any Fed-
8 eral department or agency or any State that was the
9 source of such erroneous records.

10 (h) REGULATIONS.—After 90 days notice to the pub-
11 lic and an opportunity for hearing by interested parties,
12 the Attorney General shall prescribe regulations to ensure
13 the privacy and security of the information of the system
14 established under this section.

15 (i) PROHIBITIONS RELATING TO ESTABLISHMENT OF
16 REGISTRATION SYSTEMS WITH RESPECT TO FIRE-
17 ARMS.—No department, agency, officer, or employee of
18 the United States may—

19 (1) require that any record or portion thereof
20 maintained by the system established under this sec-
21 tion be recorded at or transferred to a facility
22 owned, managed, or controlled by the United States
23 or any State or political subdivision thereof; or

24 (2) use the system established under this sec-
25 tion to establish any system for the registration of

1 firearms, firearm owners, or firearm transactions or
2 dispositions, except with respect to persons prohib-
3 ited by section 922 (g) or (n) of title 18, United
4 States Code, from receiving a firearm.

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

6 (1) LICENSEE.—The term “licensee” means a
7 licensed importer, licensed manufacturer, or licensed
8 dealer under section 923 of title 18, United States
9 Code.

10 (2) OTHER TERMS.—The terms “firearm”, “li-
11 censed importer”, “licensed manufacturer”, and “li-
12 censed dealer” have the meanings stated in section
13 921(a) (3), (9), (10), and (11), respectively, of title
14 18, United States Code.

15 **SEC. 4. FUNDING FOR IMPROVEMENT OF CRIMINAL**
16 **RECORDS.**

17 (a) IMPROVEMENTS IN STATE RECORDS.—

18 (1) USE OF FORMULA GRANTS.—Section 509(b)
19 of title I of the Omnibus Crime Control and Safe
20 Streets Act of 1968 (42 U.S.C. 3759(b)) is amend-
21 ed—

22 (A) in paragraph (2) by striking “and”
23 after the semicolon;

24 (B) in paragraph (3) by striking the period
25 and inserting “; and”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(4) the improvement of State record systems
4 and the sharing with the Attorney General of all of
5 the records described in paragraphs (1), (2), and (3)
6 of this subsection and the records required by the
7 Attorney General under section 3 of the Brady
8 Handgun Violence Prevention Act, for the purpose
9 of implementing such Act.”.

10 (2) ADDITIONAL FUNDING.—

11 (A) GRANTS FOR THE IMPROVEMENT OF
12 CRIMINAL RECORDS.—The Attorney General,
13 through the Bureau of Justice Statistics, shall,
14 subject to appropriations and with preference to
15 States that as of the date of enactment of this
16 Act have the lowest percent currency of case
17 dispositions in computerized criminal history
18 files, make a grant to each State to be used—

19 (i) for the creation of a computerized
20 criminal history record system or improve-
21 ment of an existing system;

22 (ii) to improve accessibility to the na-
23 tional instant criminal background system;
24 and

1 (iii) upon establishment of the na-
2 tional system, to assist the State in the
3 transmittal of criminal records to the na-
4 tional system.

5 (B) AUTHORIZATION OF APPROPRIA-
6 TIONS.—There are authorized to be appro-
7 priated for grants under subparagraph (A) a
8 total of \$100,000,000 for fiscal year 1992 and
9 all fiscal years thereafter.

10 (b) WITHHOLDING STATE FUNDS.—Effective on the
11 date of enactment of this Act the Attorney General may
12 reduce by up to 50 percent the allocation to a State for
13 a fiscal year under title I of the Omnibus Crime Control
14 and Safe Streets Act of 1968 of a State that is not in
15 compliance with the timetable established for such State
16 under section 3(c) of this Act.

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

21 (1) 30 months after the date of enactment of
22 this Act the general administrative funds appro-
23 priated to the Department of Justice for the fiscal
24 year beginning in the calendar year in which the
25 date that is 30 months after the date of enactment

1 of this Act falls shall be reduced by 5 percent on a
2 monthly basis; and

3 (2) 42 months after the date of enactment of
4 this Act the general administrative funds appro-
5 priated to the Department of Justice for the fiscal
6 year beginning in the calendar year in which the
7 date that is 42 months after the date of enactment
8 of this Act falls shall be reduced by 10 percent on
9 a monthly basis.

○

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