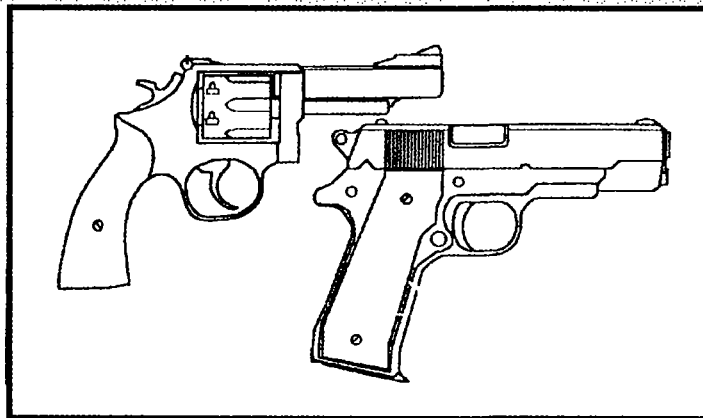




DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Brady Law Implementation

State by State Summary



Date:

as of February 23, 1994

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Designating the Chief Law Enforcement Officer

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DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

LIST OF STATES SUBJECT TO THE FEDERAL FIVE DAY WAITING PERIOD OR
STATES HAVING ALTERNATIVE SYSTEMS AS DEFINED IN THE LAW
As of 2-23-94

STATES WHICH MUST COMPLY WITH THE FEDERAL 5-DAY WAITING PERIOD

Alabama	Minnesota	Puerto Rico
Alaska	Mississippi **	Rhode Island
Arizona	Montana	South Carolina
Arkansas	Nevada	South Dakota **
Colorado *	New Hampshire	Tennessee
Georgia **	New Mexico	Texas
Idaho	North Carolina *	Utah *
Kansas	North Dakota **	Vermont
Kentucky	Ohio	Washington State *
Louisiana	Oklahoma	West Virginia
Maine	Pennsylvania **	Wyoming
Marianas Islands		

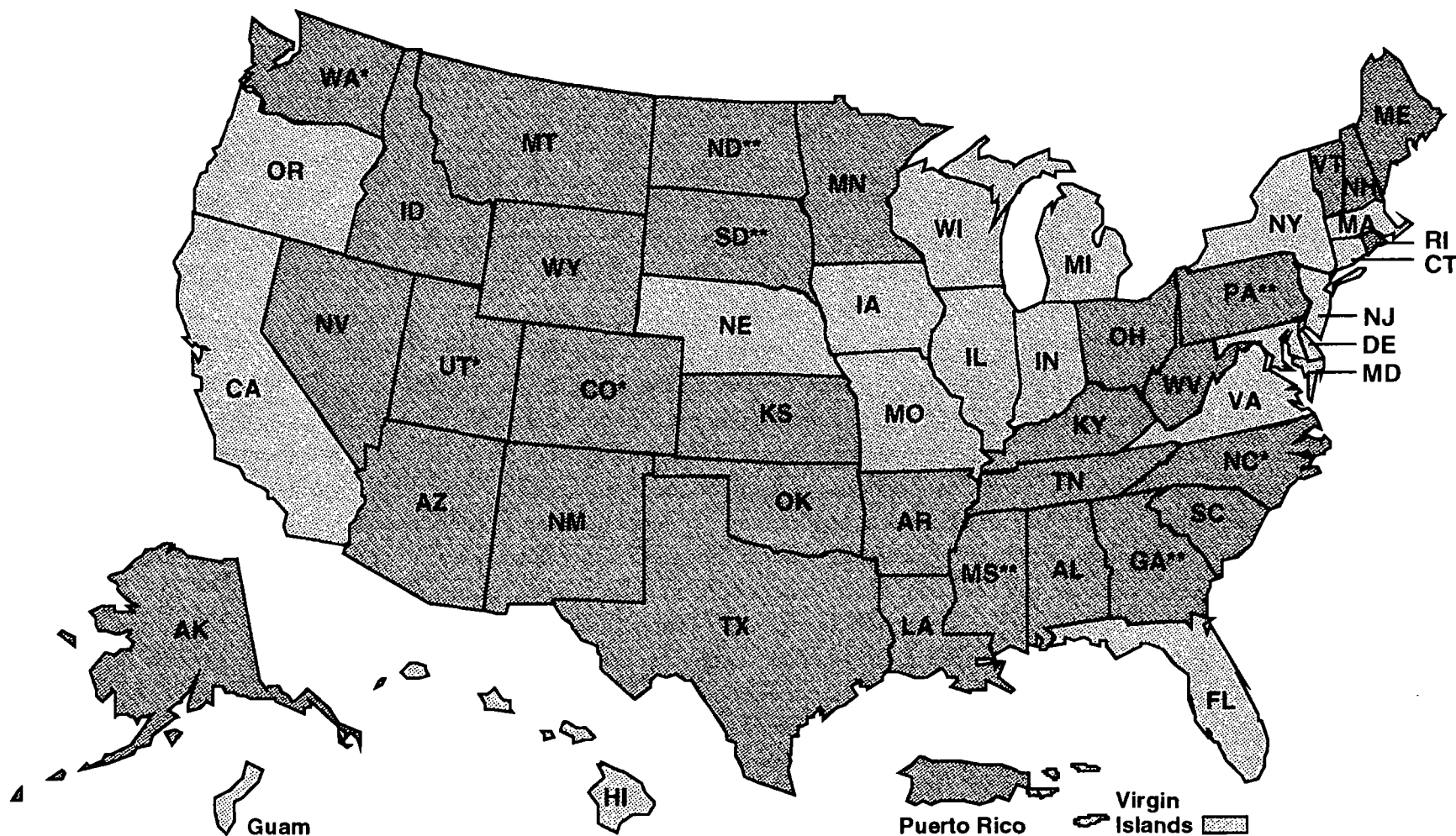
* Legislation pending to qualify as an "alternate state".

** In these States, the Federal 5-day waiting period does not apply to transfers of handguns to persons holding valid permits/licenses to carry handguns issued within 5 years of the proposed purchase.

STATES WHICH MEET ONE OF THE ALTERNATIVES TO THE FEDERAL 5-DAY
WAITING PERIOD

California	—	Permit or other approval type system
Connecticut	—	Permit or other approval type system
Delaware	—	"Instant check"
Florida	—	"Instant check"
Guam	—	Permit or other approval type system
Hawaii	—	Permit or other approval-type system
Illinois	—	Permit and "instant check"
Indiana	—	Permit or other approval-type system
Iowa	—	Permit or other approval-type system
Maryland	—	Permit or other approval-type system
Massachusetts	—	Permit or other approval-type system
Michigan	—	Permit or other approval-type system
Missouri	—	Permit or other approval-type system
Nebraska	—	Permit or other approval-type system
New Jersey	—	Permit or other approval-type system
New York	—	Permit or other approval-type system
Oregon	—	Permit or other approval-type system
Wisconsin	—	"Instant check"
Virginia	—	"Instant check"
Virgin Islands	—	Permit or other approval type system

Status of States Under the Brady Law



LIST OF CHIEF LAW ENFORCEMENT OFFICERS FOR PURPOSES OF THE BRADY LAW (Public Law 103-159, November 30, 1993)

Beginning on February 28, 1994, the Brady law imposes a 5-day waiting period on the sale of a handgun by Federal firearms licensees to nonlicensees in States that do not already require a prior background check. In this regard, the law requires licensees to notify the Chief Law Enforcement Officer (CLEO) of the purchaser's residence upon the proposed sale of the handgun. The CLEO is required to make a reasonable effort to ascertain within 5 business days whether the buyer's receipt or possession of a handgun would be in violation of law.

The following list of CLEOs was developed from information provided by the law enforcement community.

Alabama

As of February 16, 1994, the Chief Law Enforcement Officer in Alabama is the County Sheriff. They will also receive the reporting on the multiple sale of handguns.

Alaska

As of February 16, 1994, the Chief Law Enforcement Officer in Alaska is the Chief of Police in areas having a Police Department or the Alaska State Troopers in areas without a Chief of Police. They will also receive the reporting on the multiple sale of handguns.

Arizona

As of February 16, 1994, the Chief Law Enforcement Officer in Arizona is the Chief of Police in incorporated areas and the County Sheriff in unincorporated areas. However, in Maricopa County, the Chief of Police, Phoenix Police Department, is the Chief Law Enforcement Officer for both the City of Phoenix and all other municipalities in the metropolitan Phoenix area, and the County Sheriff is the Chief Law Enforcement Officer for the unincorporated areas of the County. In the reporting of multiple sale of handguns the forms should be sent to the Chief of Police in incorporated areas or the County Sheriff in unincorporated areas. However, in the City of Phoenix and all other municipalities in the metropolitan areas, the forms should be sent to the Chief of Police, Phoenix Police Department.

Arkansas

As of February 16, 1994, the Chief Law Enforcement Officer in Arkansas is the Arkansas State Police. They will also receive the reporting on the multiple sale of handguns.

Colorado

As of February 16, 1994, the Colorado Bureau of Investigation will be the recipient of reporting on the multiple sale of handguns.

Georgia

As of February 16, 1994, the Chief Law Enforcement Officer in Georgia is the County Sheriff except as indicated. They will also receive the reporting on the multiple sale of handguns. (See attached letter)

Idaho

As of the February 18, 1994, the Chief Law Enforcement Officer in Idaho is the Idaho Department of Law Enforcement, Bureau of Criminal Identification. The Chief of Police in incorporated areas or the County Sheriff in unincorporated areas will receive the reporting on the multiple sale of handguns.

Kansas

As of February 17, 1994, the Chief Law Enforcement Officer in Kansas is the County Sheriff, except for the incorporated cities and towns in Johnson County where the Chiefs of Police are the Chief Law Enforcement Officers. The Kansas Bureau of Investigation will receive the reporting on the multiple sale of handguns.

Kentucky

As of February 18, 1994, the Chief Law Enforcement Officer can be either the Chief of Police in incorporated areas or the County Sheriff in unincorporated areas. They will also receive the reporting on the multiple sale of handguns.

Louisiana

As of February 16, 1994, the Chief Law Enforcement Officer in Louisiana is the Sheriff, except in Orleans Parish where the Chief Law Enforcement Officer is the Superintendent of Police for New Orleans. They will also receive the reporting on the multiple sale of handguns.

Maine

As of February 16, 1994, the Chief Law Enforcement Officer in Maine is the Chief of Police in areas having a municipal police department and the State Police in all other areas. They will also receive the reporting of the multiple sale of handguns.

Minnesota

As of February 16, 1994, the Chief Law Enforcement Officer in Minnesota is the Municipal Police Chief. However, where there is no local police agency, the County Sheriff will be the Chief Law Enforcement Officer. They will also receive the reporting of the multiple sale of handguns.

Mississippi

As of February 16, 1994, the Chief Law Enforcement Officer in Mississippi is the Chief of Police in incorporated areas and the County Sheriff in unincorporated areas. They will also receive the reporting of the multiple sale of handguns.

Montana

As of February 16, 1994, the Chief Law Enforcement Officer is either the Chief of Police in incorporated areas or the County Sheriff in unincorporated areas. They will also receive the reporting of the multiple sale of handguns.

Nevada

As of February 16, 1994, the Chief Law Enforcement Officer in Nevada is the Department of Motor Vehicles and Public Safety, Nevada Highway Patrol, Records and Identification Services. They will also receive the reporting of the multiple sale of handguns.

New Hampshire

As of February 16, 1994 the Chief Law Enforcement in New Hampshire is the Chief of Police or the County Sheriff in areas not covered by a Chief of Police. They will also receive the reporting on the multiple sale of handguns.

New Mexico

As of February 16, 1994, the Chief Law Enforcement Officer in New Mexico is the Chief of Police in incorporated areas and the County Sheriff in unincorporated areas. They will also receive the reporting of the multiple sale of handguns.

North Carolina

As of February 17, 1994, the Chief Law Enforcement Officer in North Carolina is the County Sheriff. They will also receive the reporting on the multiple sale of handguns.

North Dakota

As of February 16, 1994 the Chief Law Enforcement Officer in North Dakota is the County Sheriff. They will also receive the reporting on the multiple sale of handguns.

Ohio

As of February 18, 1994, the Chief Law Enforcement Officer in Ohio is the Attorney General whose designated representative is the Superintendent of the Bureau of Criminal Identification and Investigation. They will also receive the reporting on the multiple sale of handguns.

Oklahoma

As of February 16, 1994, the Chief Law Enforcement Officer in Oklahoma is the Chief of Police in incorporated cities and towns, except that the County Sheriff is the Chief Law Enforcement Officer in incorporated cities and towns having no police authority of their own. The Chief Law Enforcement Officer in unincorporated areas is the County Sheriff. They will also receive the reporting on the multiple sale of handguns.

Pennsylvania

As of February 18, 1994, the Chief Law Enforcement Officer in Pennsylvania is the County Sheriff except in Philadelphia County where the Chief Law Enforcement Officer shall be the Commissioner of the Philadelphia Police Department. They will also receive the reporting on the multiple sale of handguns.

Puerto Rico

As of February 17, 1994, the Chief Law Enforcement Officer in Puerto Rico is the Police Superintendent, Firearms Bureau Chief. The Superintendent will also receive the reporting on the multiple sale of handguns.

Rhode Island

As of February 16, 1994, the Chief Law Enforcement Officer in Rhode Island is the Chief of Police. The reporting on the multiple sale of handguns will be sent to the Rhode Island State Police Detective Division.

South Carolina

As of February 16, 1994, the Chief Law Enforcement Officer in South Carolina is the South Carolina Law Enforcement Division. South Carolina Law prohibits the sale of more than one handgun during any 30-day period to a nonlicensee.

South Dakota

As of February 17, 1994, the Chief Law Enforcement Officer in South Dakota is the County Sheriff. They will also receive the reporting on the multiple sale of handguns.

Tennessee

As of February 18, 1994, the Chief Law Enforcement Officer in Tennessee is the Chief of Police in municipalities or the County Sheriff in other areas. They will also receive the reporting on the multiple sale of handguns.

Texas

As of February 16, 1994, the Chief Law Enforcement Officer in Texas is the Chief of Police in incorporated cities and towns and the County Sheriff in unincorporated areas. They will also receive the reporting on the multiple sale of handguns.

Utah

As of February 16, 1994, the Chief Law Enforcement Officer is the Utah Department of Public Safety, Bureau of Criminal Identification. They will also receive the reporting on the multiple sale of handguns.

Vermont

As of February 17, 1994, the Chief Law Enforcement Officer in Vermont is the Chief of Police or the County Sheriff, or the State Police depending on the area. They will also receive the reporting on the multiple sale of handguns. (See attached letter)

Washington

As of February 16, 1994, the Chief Law Enforcement Officer in Washington is the Chief of Police in incorporated areas or the County Sheriff in unincorporated areas. They will also receive the reporting on the multiple sale of handguns.

West Virginia

As of February 17, 1994, the Chief Law Enforcement Officer in West Virginia is the West Virginia State Police. They will also receive the reporting on the multiple sale of handguns.

Wyoming

As of February 16, 1994, the Chief Law Enforcement in Wyoming is the Chief of Police or in other areas the County Sheriff. They will also receive the reporting on the multiple sale of handguns. (See attached letter)

FOR THE PURPOSES OF THE BACKGROUND CHECKS REQUIRED BY THE BRADY LAW, THESE STATES WILL CONTINUE TO FOLLOW THE PROCEDURES UNDER THEIR EXISTING STATE LAW.

California	Permit or other Approval-type system
Connecticut	Permit or other Approval-type system
Delaware	"Instant check"
Florida	"Instant Check"
Hawaii	Permit or other Approval-type system
Illinois	Permit and "Instant Check"
Indiana	Permit or other Approval-type system
Iowa	Permit or other Approval-type system
Maryland	Permit or other Approval-type system
Massachusetts	Permit or other Approval-type system
Michigan	Permit or other Approval-type system
Missouri	Permit or other Approval-type system
Nebraska	Permit or other Approval-type system
New Jersey	Permit or other Approval-type system
New York	Permit or other Approval-type system
Oregon	Permit or Other Approval-type system
Wisconsin	"Instant Check"
Virginia	"Instant Check"

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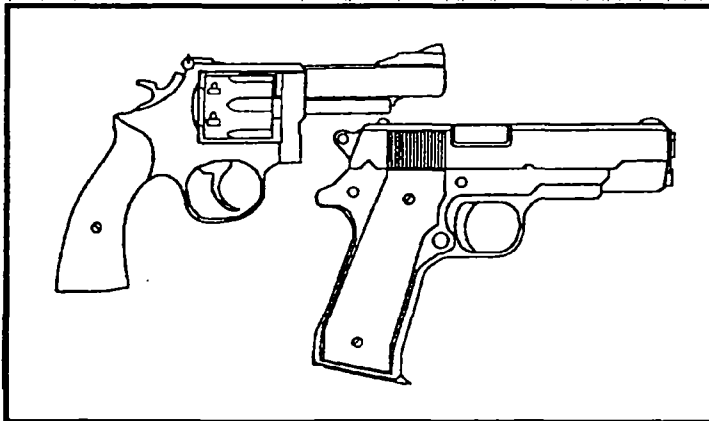
Divider Title: _____



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Regulations Implementing

The Brady Handgun Violence Prevention Act



February 1994

Federal Register

Monday
February 14, 1994

Part III

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

**Implementation of Public Law 103-159,
Including the Brady Handgun Violence
Prevention Act; Rule and Proposed Rule**

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[T.D. ATF-354; (93F-057P)]

RIN: 1512-AB23

Implementation of Public Law 103-159, including the Brady Handgun Violence Prevention Act

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Temporary rule (Treasury decision).

SUMMARY: This temporary rule implements the provisions of Public Law 103-159, including the Brady Handgun Violence Prevention Act. These regulations implement the law by imposing a waiting period of 5 days before a licensed firearms importer, manufacturer, or dealer may lawfully transfer a handgun to a nonlicensed individual. Regulations are also prescribed with regard to reporting requirements for multiple handgun sales, labeling of packages containing a firearm, theft of firearms from firearms licensees, and increased license fees for dealers in firearms. The temporary rule will remain in effect until superseded by final regulations. In the Proposed Rules section of this Federal Register, ATF is also issuing a notice of proposed rulemaking inviting comments on the temporary rule for a 90-day period following the publication date of this temporary rule.

EFFECTIVE DATES: The temporary regulations are effective on February 28, 1994, except for §§ 178.31 (b) and (d), 178.33a, 178.42(c), and 178.126a, which were effective on November 30, 1993.

ADDRESSES: Send written comments to: Chief, Revenue Programs Division; Bureau of Alcohol, Tobacco and Firearms; Washington, DC 20091-0221. **FOR FURTHER INFORMATION CONTACT:** James P. Ficareta, Revenue Programs Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 (202-927-8230).

SUPPLEMENTARY INFORMATION:

Background

On November 30, 1993, Public Law 103-159 (107 Stat. 1536) was enacted, amending the Gun Control Act of 1968 (GCA), as amended (18 U.S.C. Chapter 44). Title I of Public Law 103-159, cited as the "Brady Handgun Violence Prevention Act" (hereinafter, "the Act"),

provides for a national waiting period of 5 days before a licensed importer, manufacturer, or dealer may lawfully transfer a handgun to a nonlicensed individual (interim provision), and for the establishment of a national instant criminal background check system to be queried by firearms licensees before transferring any firearm to nonlicensed individuals (permanent provision). The permanent system will be effective on November 30, 1998. Violations of either the interim or permanent provision are punishable by a fine or imprisonment for not more than 1 year, or both.

Titles II and III of Public Law 103-159 relate to reporting requirements for multiple handgun sales, labeling of packages containing a firearm, thefts of firearms from licensed firearms dealers, and increased license fees for dealers in firearms. Regulations implementing these provisions are also part of this Treasury decision.

Waiting Period (Interim Provision)

The Act provides that the waiting period provisions of the law become effective on February 28, 1994, and cease to apply on November 30, 1998. The Act imposes a waiting period of 5 business days (defined in the statute as days on which State offices are open) before a licensee may sell or deliver a handgun. As defined in the Act, the term "handgun" means—

(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and (B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

Basically, the waiting period provision makes it unlawful for any licensed firearms importer, manufacturer, or dealer to sell, deliver, or transfer a handgun to a nonlicensed individual (transferee), unless the licensee—

(1) Obtains a statement of the transferee's intent to obtain a handgun containing the transferee's name, address, and date of birth appearing on a valid photo identification, a description of the identification document, a statement that the transferee is not a felon, under indictment, or otherwise prohibited from receiving or possessing the handgun under Federal law, and the date the statement is made;

(2) Verifies the identity of the transferee by examining the identification document presented;

(3) Within 1 day after the transferee furnishes the statement, contacts the chief law enforcement officer of the place of residence of the transferee and advises such officer of the contents of the statement;

(4) Within 1 day after the transferee furnishes the statement, transmits to the chief law enforcement officer of the place of residence of the transferee a copy of the statement; and

(5) Waits 5 business days from the date the licensee furnished notice of the contents of the statement to the chief law enforcement officer before transferring the handgun to the transferee (during which period the licensee has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of law); or receives notice from the chief law enforcement officer of the place of residence of the transferee that the officer has no information that the transferee's receipt or possession of the handgun would violate the law.

In addition to the items in (1) above, the regulations request certain additional optional information about the transferee to facilitate the transfer of a handgun and assist law enforcement officials in verifying the transferee's eligibility to possess a handgun. This optional information includes the social security number, height, weight, sex, and place of birth of the transferee. The optional information will help minimize the misidentification of handgun purchasers as felons or other prohibited persons whose receipt and possession of firearms violate the law. For example, this information would distinguish the transferee from a prohibited buyer having the same name and date of birth as the transferee and, therefore, help expedite the transfer.

Subsequent to the sale or transfer of the handgun, the law requires a licensee, who receives a report from the chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law, shall within 1 day communicate any information the licensee has concerning the transfer to the chief law enforcement officer of the place of business of the licensee and to the chief law enforcement officer of the place of residence of the transferee.

As provided in the Act, the term "chief law enforcement officer" means "the chief of police, the sheriff, or an equivalent officer or the designee of any such individual." The law requires that the chief law enforcement officer within 5 business days make a reasonable effort to determine whether the transferee is prohibited by law from receiving or possessing the handgun sought to be purchased. Except for records relating to a proposed handgun sale that would violate the law, law enforcement officers are required to destroy within 20 days the purchaser's statement, any record

containing information derived from the statement, and any record created as a result of the notice referred to in (3) above. Furthermore, these records may only be used to carry out the purposes of the Act, and no information in the records may be conveyed to any person for purposes other than complying with the Act.

The Act also provides that an individual who is determined to be ineligible to purchase a handgun under the waiting period provision may request that the chief law enforcement officer who made the determination provide reasons for that determination. The officer must provide such reasons to the individual in writing within 20 business days after receipt of the request.

Alternatives to the Waiting Period

The statute provides the following alternatives to the waiting period provision:

(1) The transferee provides a written statement issued within the last 10 days by the chief law enforcement officer of the transferee's place of residence that the transferee requires a handgun because of a threat to the life of the transferee or any member of the transferee's household;

(2) The transferee presents to the licensee a permit issued by the State within the past 5 years to possess a handgun and the law of the State requires verification that the transferee is not prohibited by law from possessing the handgun;

(3) Purchases in States which require that, before any licensee transfers a handgun to an individual, an authorized government official has verified that possession of the handgun by the transferee would not violate the law (e.g., a background check);

(4) Purchases of handguns which are subject to the National Firearms Act and which have been approved for transfer under 27 CFR part 179 (Machine Guns, Destructive Devices, and Certain Other Firearms);

(5) Purchases of handguns for which the Secretary has certified that compliance with the 5-day waiting period procedure is impracticable because the purchaser resides in a rural area, the premises of the licensee are remote in relation to the chief law enforcement officer of the area, and there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

Additional Provisions of Public Law 103-159

Titles II and III of Public Law 103-159 provide additional amendments to the GCA. These provisions, which became effective on November 30, 1993, are as follows:

(1) *Multiple sales reports.* In addition to furnishing reports of multiple handgun sales to ATF, licensees are required to submit such reports to the "department of State police or State law enforcement agency of the State or local law enforcement agency of the jurisdiction in which the sale or other disposition took place."

(2) *Common carriers.* Common or contract carriers are prohibited from requiring or causing any label or other written notice to be placed on the outside of any package, luggage, or other container indicating that such package contains a firearm. In addition, common or contract carriers who deliver firearms in interstate or foreign commerce are required to obtain written acknowledgement of receipt from the recipient of the package or other container.

(3) *Theft of firearms.* It is unlawful for any person to steal from the person or premises of a Federal firearms licensee any firearm in the licensee's business inventory which has been shipped or transported in interstate or foreign commerce.

(4) *License fees.* License fees for all dealers in firearms (other than destructive devices), including pawnbrokers, have been increased to \$200 for 3 years, except that the fee for renewal of a license is \$90 for 3 years.

Executive Order 12866

It has been determined that this temporary rule is not a significant regulatory action, because the economic effects flow directly from the underlying statute and not from this temporary rule. Therefore, it is found that this temporary rule is not likely to (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, of State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Administrative Procedure Act

Because this document merely implements the law and because immediate guidance is necessary to implement the provisions of the law, it is found to be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. § 553(b), or subject to the effective date limitation in section 553(d).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this temporary rule because the agency was not required to publish a notice of proposed rulemaking under 5 U.S.C. 553 or any other law.

Paperwork Reduction Act

This regulation is being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in this regulation has been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control number 1512-0520. The estimated average annual burden associated with the collection of information in this regulation is 2.52 hours per respondent or recordkeeper.

For further information concerning this collection of information, and where to submit comments on the collection of information and the accuracy of the estimated burden, and suggestions for reducing this burden, refer to the preamble to the cross-reference notice of proposed rulemaking published elsewhere in this issue of the Federal Register.

Drafting Information

The author of this document is James P. Ficaretta, Revenue Programs Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 178

Administrative practice and procedure, Arms and ammunition, Authority delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, and Transportation.

Authority and Issuance

27 CFR Part 178—Commerce in Firearms and Ammunition is amended as follows:

Paragraph 1. The authority citation for 27 CFR part 178 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921-930; 44 U.S.C. 3504(h).

Par. 2. Section 178.1(a) is revised to read as follows:

§ 178.1 Scope of regulations.

(a) *General.* The regulations contained in this part relate to commerce in firearms and ammunition and are promulgated to implement Title I, State Firearms Control Assistance (18 U.S.C. Chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213) as amended by Pub. L. 99-308 (100 Stat. 449), Pub. L. 99-360 (100 Stat. 766), Pub. L. 99-408 (100 Stat. 920), and Pub. L. 103-159 (107 Stat. 1536).

Par. 3. Section 178.11 is amended by revising the definition for "handgun," and by adding definitions for "chief law enforcement officer" and "identification document," to read as follows:

§ 178.11 Meaning of terms.

Chief law enforcement officer. The chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

Handgun. (a) Any firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(b) Any combination of parts from which a firearm described in paragraph (a) can be assembled.

Identification document. A document containing the name, residence address, date of birth, and photograph of the holder and which was made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

Par. 4. Section 178.31 is amended by redesignating paragraph (b) as paragraph (c), and by adding new paragraphs (b) and (d), to read as follows:

§ 178.31 Delivery by common or contract carrier.

(b) No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the

outside of any package, luggage, or other container indicating that such package, luggage, or other container contains a firearm.

(d) No common or contract carrier shall deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.

Par. 5. Section 178.33a is added to Subpart C to read as follows:

§ 178.33a Theft of firearms.

No person shall steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.

Par. 6. Section 178.42 is amended by revising the introductory text, and by revising paragraph (c) to read as follows:

§ 178.42 License fees.

Each applicant shall pay a fee for obtaining a firearms license or ammunition license, a separate fee being required for each business or collecting activity at each place of such business or activity, as follows:

(c) For a dealer:

(1) In destructive devices—\$1,000 per year.

(2) Who is not a dealer in destructive devices—\$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years.

Par. 7. Section 178.96(b) is amended by revising the first sentence to read as follows:

§ 178.96 Out-of-State and mail order sales.

(b) A licensed importer, licensed manufacturer, or licensed dealer may sell a rifle, shotgun, or handgun that is not subject to the waiting period provisions of § 178.102(a) to a nonlicensee who does not appear in person at the licensee's business premises if the nonlicensee is a resident of the same State in which the licensee's business premises are located, and the nonlicensee furnishes to the licensee the firearms transaction record, Form 4473, required by § 178.124.

Par. 8. Section 178.102 is added to subpart F to read as follows:

§ 178.102 Sales or deliveries of handguns after February 27, 1994, and before November 30, 1998.

(a) *Waiting period.* Except as provided in paragraph (b), a licensed importer, licensed manufacturer, or licensed dealer shall not sell, deliver, or transfer a handgun to any individual who is not licensed under this part.

(1) The licensee shall:

(i) Receive from the transferee a statement of intent to obtain a handgun on Form 5300.35 in accordance with § 178.130;

(ii) Verify the identity of the transferee by examining the identification document presented, and noting on Form 5300.35 the type of identification used;

(iii) Within 1 day after the transferee furnishes the statement, provide notice of the contents of the statement on Form 5300.35, in the manner prescribed by paragraph (a)(3) of this section, to the chief law enforcement officer of the place of residence of the transferee; and

(iv) Within 1 day after the transferee furnishes the statement to the licensee, transmit a copy of Form 5300.35 to the chief law enforcement officer of the place of residence of the transferee.

(2)(i) The licensee shall not sell, deliver, or transfer a handgun to any individual unless 5 business days (meaning days on which State offices are open) have elapsed from the date the licensee furnished actual notice of the contents of the statement to the chief law enforcement officer, during which period the licensee has not received information from such officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

(ii) The licensee has received notice from the chief law enforcement officer within the 5 business days that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law.

Example 1. A licensee furnishes actual notice of the contents of the statement to the chief law enforcement officer on Tuesday. If State offices are not open on Saturday and Sunday, 5 business days would have elapsed on the following Tuesday. The licensee may deliver the handgun on the next day, Wednesday.

Example 2. A licensee furnishes actual notice of the contents of the statement to the chief law enforcement officer on Saturday. If State offices are not open on Saturday and Sunday, 5 business days would have elapsed on the following Friday. The licensee may deliver the handgun on the next day, Saturday.

(3) The notice required by paragraph (a)(1)(iii) of this section shall be actual notice and shall be given in a manner

acceptable to such officer. For example, if the chief law enforcement officer will only accept notice in writing and not by telephone, notice shall be given by the licensee to the chief law enforcement officer in writing. In that case, the 5-day waiting period prescribed by paragraph (a)(2)(i) of this section begins at the time such written notice is received by the chief law enforcement officer. If the licensee sends notice to such officer by mail, the licensee shall send the notice by registered or certified mail (return receipt requested).

(4) The law requires that notice of the contents of the transferee's statement of intent to obtain a handgun and the statement be provided by the licensee to the chief law enforcement officer of the place of residence of the transferee. Under the law, the chief law enforcement officer means "the chief of police, the sheriff, or an equivalent officer or the designee of any such individual." Where the State or local law enforcement officials have notified the licensee that a particular official has been designated to receive the notice and statement specified in paragraphs (a)(1)(iii) and (iv) of this section, the licensee shall provide the information to that designated official.

(b) *Alternatives to waiting period.* The provisions of paragraph (a) of this section shall not apply if—

(1) The transferee has presented to the licensee a written statement, issued by the chief law enforcement officer of the transferee's place of residence, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee. The written statement must have been issued by the chief law enforcement officer during the 10-day period ending on the date that the transferee has informed the licensee of the transferee's intention to obtain a handgun. The written statement shall be on a letter bearing the letterhead of the chief law enforcement officer and shall be signed by the officer and dated;

(2) The transferee has presented to the licensee a permit or license that—

(i) Allows the transferee to possess or acquire a handgun;

(ii) Was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(iii) The law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of Federal, State, or local law;

(3) The law of the State requires that, before any licensed importer, licensed

manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under this part, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

(4) The handgun is subject to the provisions of the National Firearms Act and has been approved for transfer under 27 CFR part 179; or

(5) On application of the licensee, in accordance with the provisions of § 178.150, the Director has certified that compliance with paragraph (a) of this section is impracticable.

(6) The documents referred to in paragraphs (b) (1) and (2) of this section shall be retained in the records of the licensee in accordance with the provisions of § 178.131.

(c) *Disclosure of information.* (1) Any licensed importer, licensed manufacturer, or licensed dealer who, after the transfer of a handgun to a nonlicensee, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall, within 1 business day (meaning a day on which State offices are open) after receipt of the report, communicate any information the licensee has concerning the transfer and the transferee, including a copy of Form 4473 required by § 178.124, to the chief law enforcement officer of the place of business of the licensee and to the chief law enforcement officer of the place of residence of the transferee. The licensee may also provide this information to the local ATF office.

(2) Any licensed importer, licensed manufacturer, or licensed dealer who receives information from a chief law enforcement officer regarding the transfer of a handgun to a nonlicensee, not otherwise available to the public, shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

(Approved by the Office of Management and Budget under control number 1512-0520)

Par. 9. Section 178.126a is amended by revising the second sentence to read as follows:

§ 178.126a Reporting multiple sales or other disposition of pistols and revolvers.

* * * The report shall be prepared on Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers. Not later than the close of business on the day that the multiple

sale or other disposition occurs, the licensee shall forward two copies of Form 3310.4 to the ATF office specified thereon and one copy to the State police or to the local law enforcement agency in which the sale or other disposition took place. Where the State or local law enforcement officials have notified the licensee that a particular official has been designated to receive Forms 3310.4, the licensee shall forward such forms to that designated official.

Par. 10. Section 178.129(b) and the parenthetical text at the end of the section are revised to read as follows:

§ 178.129 Record retention.

(b) *Firearms transaction record and statement of intent to obtain a handgun.* Licensees shall retain each Form 4473 and Form 4473(LV) for a period of not less than 20 years after the date of sale or disposition. Licensees shall retain each Form 5300.35 for a period of not less than 5 years after notice of the intent to obtain the handgun was forwarded to the chief law enforcement officer.

(Paragraph (b) approved by the Office of Management and Budget under control number 1512-0520; all other recordkeeping approved by the Office of Management and Budget under control number 1512-0129.)

Par. 11. Sections 178.130 and 178.131 are added to Subpart H to read as follows:

§ 178.130 Statement of intent to obtain a handgun after February 27, 1994, and before November 30, 1998.

(a)(1) Except as provided in §§ 178.102(b) and 178.131, a licensed importer, licensed manufacturer, or licensed dealer shall not sell, deliver, or transfer a handgun unless the licensee has received from the transferee a statement of intent to obtain a handgun on Form 5300.35 in duplicate. The statement shall contain the transferee's name, address, and date of birth. The transferee must date and execute the sworn statement contained on the form showing that the transferee is not under indictment for a crime punishable by imprisonment for a term exceeding 1 year; has not been convicted in any court of such a crime; is not a fugitive from justice; is not an unlawful user of or addicted to any controlled substance; has not been adjudicated as a mental defective or been committed to a mental institution; is not an alien who is illegally or unlawfully in the United States; has not been discharged from the Armed Forces under dishonorable conditions; and is not a person who,

having been a citizen of the United States, has renounced such citizenship.

(2) In order to facilitate the transfer of a handgun and enable the chief law enforcement officer to verify the identity of the person acquiring the handgun, Form 5300.35 requests certain additional optional information. This information includes the social security number, height, weight, sex, and place of birth of the transferee. Such information may help avoid the possibility of the transferee being misidentified as a felon or other prohibited person.

(b) Upon receipt of Form 5300.35 from the transferee, the licensee shall:

(1) Verify the identity of the transferee by examining the identification document presented and note on Form 5300.35 the type of identification used; and

(2) Complete Form 5300.35 to show that notice of the transferee's statement of intent to obtain a handgun and a copy of the form have been provided to the chief law enforcement officer in compliance with § 178.102(a).

(c) The licensee shall retain the original Form 5300.35 as part of the records required to be kept under this subpart. If the sale, delivery, or transfer of the handgun to the transferee is made, Form 5300.35 shall be attached to the firearms transaction record, Form 4473, executed upon delivery of the handgun as provided in § 178.124. If the sale, delivery, or transfer is not made, the licensee shall retain Form 5300.35 as part of the records required to be kept under this subpart. Forms 5300.35 with respect to which a sale, delivery, or transfer did not take place shall be retained in alphabetical (by name of transferee) or chronological (by date of transferee's sworn statement) order.

(d) The requirements of this section shall be in addition to any other recordkeeping requirements contained in this part.

(e) A licensee may obtain, upon request, an emergency supply of Forms 5300.35 from any regional director (compliance).

(Approved by the Office of Management and Budget under control number 1512-0520)

§ 178.131 Handgun transactions not subject to the waiting period.

(a)(1) A licensed importer, licensed manufacturer, or licensed dealer whose sale, delivery, or transfer of a handgun is made pursuant to the alternative provisions of § 178.102(b) and is not subject to the waiting period prescribed by § 178.102(a) shall maintain the records required by this paragraph (a).

(2) If the transfer is pursuant to a written statement of the chief law enforcement officer in accordance with § 178.102(b)(1), the licensee shall retain such statement and attach it to the firearms transaction record, Form 4473, executed upon delivery of the handgun.

(3) If the transfer is pursuant to a permit or license in accordance with § 178.102(b)(2), the licensee shall retain a copy of such permit or license and attach it to the firearms transaction record, Form 4473, executed upon delivery of the handgun.

(4) If the transfer is pursuant to a verification of eligibility to possess a handgun (e.g., an instant record check) by a government official in accordance with § 178.102(b)(3), the licensee shall attach to the firearms transaction record, Form 4473, executed upon delivery of the handgun, a statement showing the date of verification, any identifying number assigned to the transaction by the official, and the name, location, and title of the official.

(5) If the transfer is pursuant to a certification by ATF in accordance with §§ 178.102(b)(5) and 178.150, the licensee shall maintain the certification as part of the records required to be kept under this subpart and for the period prescribed for the retention of Form 5300.35 in § 178.129(b).

(b) The requirements of this section shall be in addition to any other recordkeeping requirements contained in this part.

(Approved by the Office of Management and Budget under control number 1512-0520)

§ 178.150 [Redesignated as § 178.151.]

Par. 12. Section 178.150 of Subpart I is redesignated as § 178.151, and new § 178.150 is added to read as follows:

§ 178.150 Alternative to handgun waiting period in certain geographical locations.

(a) The provisions of § 178.102(b)(5) shall be applicable when the Director has certified that compliance with the waiting period provisions of § 178.102(a) is impracticable because:

(1) The ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

(2) The business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

(3) There is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(b) A licensee who desires to obtain a certification under this section shall submit a written request to the Director. Each request shall be executed under the penalties of perjury and contain information sufficient for the Director to make such certification. Such information shall include statistical data, official reports, or other statements of government agencies pertaining to the ratio of law enforcement officers to the number of square miles of land area of a State and statements of government agencies and private utility companies regarding the absence of telecommunications facilities in the geographical area in which the licensee's business premises are located.

Signed: January 21, 1994.

Daniel R. Black,
Acting Director.

Approved: January 27, 1994.

John P. Simpson,
Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 94-3227 Filed 2-11-94; 8:45 am]
BILLING CODE 4810-31-U

DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 178****[Notice No. 789; (93F-057P)]****RIN: 1512-AB23****Implementation of Public Law 103-159, Including the Brady Handgun Violence Prevention Act****AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.**ACTION:** Proposed rulemaking cross referenced to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this Federal Register, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations regarding the implementation of Public Law 103-159, including the Brady Handgun Violence Prevention Act, enacted November 30, 1993. These regulations implement the law by imposing a 5-day waiting period before a Federally licensed firearms importer, manufacturer, or dealer may lawfully transfer a handgun to a nonlicensed individual. Regulations are also prescribed with regard to reporting requirements for multiple handgun sales, labeling of packages containing a firearm, theft of firearms from firearms licensees, and increased license fees for dealers in firearms. The temporary regulations also serve as the text of this notice of proposed rulemaking for final regulations.

DATES: Written comments must be received on or before May 16, 1994.

ADDRESSES: Send written comments to: Chief, Revenue Programs Division; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091-0221; ATTN: Notice No. 789.

FOR FURTHER INFORMATION CONTACT: James P. Ficareta, Revenue Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

SUPPLEMENTARY INFORMATION:**Executive Order 12866**

It has been determined that this proposed regulation is not a significant regulatory action as defined by Executive Order 12866, because the economic effects flow directly from the underlying statute and not from this notice of proposed rulemaking. Accordingly, this proposal is not subject to the analysis required by this Executive order.

Regulatory Flexibility Act

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The revenue effects of this rulemaking on small businesses flow directly from the underlying statute. Likewise, any secondary or incidental effects, and any reporting, recordkeeping, or other compliance burdens flow directly from the statute.

Paperwork Reduction Act

The collection of information contained in this notice has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the collection of information should be sent to the Office of Management and Budget, Paperwork Reduction Project 1512-0520, Washington, DC 20503, with copies to the Chief, Information Programs Branch, room 3110, Bureau of Alcohol, Tobacco, and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

The collection of information in this proposed regulation is in 27 CFR 178.130. This information is required by the Bureau of Alcohol, Tobacco and Firearms to comply with the provisions of Public Law 103-159 (107 Stat. 1536). This information will be used to prevent the purchase of handguns by convicted felons and other persons who are prohibited by law from receiving or possessing firearms, which is the purpose of Public Law 103-159. The likely respondents and recordkeepers are individuals and small businesses. Estimated total annual reporting and recordkeeping burden: 516,750 hours.

Estimated number of respondents and recordkeepers: 8,213,450. Estimated annual frequency of responses: on occasion.

Public Participation

ATF requests comments on the temporary regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

The temporary regulations in this issue of the Federal Register amend the regulations in 27 CFR part 178. For the text of the temporary regulations, see T.D. ATF-354 published in the Rules and Regulations section of this issue of the Federal Register.

Drafting Information

The author of this document is James P. Ficareta, Revenue Programs Division, Bureau of Alcohol, Tobacco and Firearms.

Signed: January 21, 1994.

Daniel R. Black,
Acting Director.

Approved: January 27, 1994.

John P. Simpson,
Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 94-3226 Filed 2-11-94; 8:45 am]

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Divider Title: _____

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
STATEMENT OF INTENT TO OBTAIN A HANDGUN(S)

Prepare in duplicate. All entries must be in ink. Before completing, please see notices and instructions on the back of this form.

SECTION A - TO BE COMPLETED PERSONALLY BY THE TRANSFEREE (BUYER). THE BUYER MUST PRINT ITEMS 1, 2, 3, 4, AND 5 OF THIS SECTION.

1. TRANSFEREE'S (BUYER'S) NAME (Last, (and maiden, if applicable), first, middle) _____ 2. DATE OF BIRTH (Month, day, year) _____

3. RESIDENCE ADDRESS (No., street, county, city, State, and ZIP code) _____

4. OPTIONAL INFORMATION - THE INFORMATION REQUESTED IN THIS ITEM (4) IS OPTIONAL BUT WILL HELP AVOID THE POSSIBILITY OF BEING MISIDENTIFIED AS A FELON OR OTHER PROHIBITED PERSON.

SOCIAL SECURITY NUMBER	HEIGHT	WEIGHT	SEX

PLACE OF BIRTH _____

5. STATEMENT OF TRANSFEREE (BUYER), EACH QUESTION MUST BE ANSWERED WITH "YES" OR "NO" CHECKED IN THE APPROPRIATE BOX FOR EACH QUESTION.

	YES	NO		YES	NO
a. Are you under indictment or information* in any court for a crime punishable by imprisonment for a term exceeding one year? *A formal accusation of a crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury.			c. Are you a fugitive from justice?		
b. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? (Note: A "YES" answer is necessary if the judge could have given a sentence of more than one year. A "YES" answer is not required if you have been pardoned for the crime or the conviction has been expunged or set aside, or you have had your civil rights restored, and under the law where the conviction occurred, you are not prohibited from receiving or possessing any firearm.)			d. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?		
			e. Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?		
			f. Have you been discharged from the Armed Forces under dishonorable conditions?		
			g. Are you illegally in the United States?		
			h. Are you a person who, having been a citizen of the United States, has renounced his/her citizenship?		

I hereby certify that the answers to the above are true and correct. I understand that a person who answers "Yes" to any of the above questions is prohibited from purchasing and/or possessing a firearm, except as otherwise provided by Federal law. I also understand that the making of any false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony.

TRANSFEREE'S (BUYER'S) SIGNATURE _____ DATE _____

SECTION B - TO BE COMPLETED BY THE TRANSFEROR (SELLER) (SEE NOTICES AND INSTRUCTIONS ON REVERSE.)

6. TRADE/CORPORATE NAME, ADDRESS, AND TELEPHONE NUMBER OF TRANSFEROR (SELLER) _____ FEDERAL FIREARMS LICENSE NUMBER _____

7. THE TRANSFEREE (BUYER) HAS IDENTIFIED HIMSELF/HERSELF TO ME BY USING A DRIVER'S LICENSE OR OTHER IDENTIFICATION THAT CONTAINS THE TRANSFEREE'S (BUYER'S) NAME, DATE OF BIRTH, RESIDENCE ADDRESS AND PHOTOGRAPH.

TYPE OF IDENTIFICATION

☐ DRIVER'S LICENSE ☐ OTHER (Specify) _____

NUMBER ON IDENTIFICATION _____

8. CONTENTS OF THE STATEMENT IN SECTION A OF THIS FORM WERE RECEIVED BY _____ OF _____ ON _____ BY _____
 (Chief Law Enforcement Officer) (Law Enforcement Agency) (Date)

☐ TELEPHONE ☐ TELEFAX ☐ IN PERSON ☐ OTHER (Specify) _____
 (Check the appropriate answer.)

9. A COPY OF THE STATEMENT IN SECTION A OF THIS FORM WAS TRANSMITTED TO THE CHIEF LAW ENFORCEMENT OFFICER ON _____ BY _____
 (Date) (Check the appropriate answer.)

☐ MAIL ☐ TELEFAX ☐ IN PERSON ☐ OTHER (Specify) _____

10. ON _____, THE CHIEF LAW ENFORCEMENT OFFICER PROVIDED REASON TO BELIEVE THAT THIS TRANSFER
 (Date)

☐ WOULD ☐ WOULD NOT VIOLATE FEDERAL, STATE, OR LOCAL LAWS. AGENCY IDENTIFIER _____

11. TRANSFEROR'S (SELLER'S) SIGNATURE _____ TRANSFEROR'S TITLE _____ DATE _____

INSTRUCTIONS FOR ATF F 5300.35

NOTICE

The Brady Handgun Violence Prevention Act is effective on February 28, 1994, and imposes a 5-day waiting period on the transfer of a handgun(s).

PRIVACY ACT

Disclosure of the individual's social security number is voluntary. Under 18 U.S.C. 923(a), ATF has the authority to solicit this information. The number may be used to verify the individual's identity.

WARNING

Any seller who knowingly transfers a handgun(s) to any person prohibited from receiving or possessing any firearm violates the law even though the seller has met the waiting period requirements.

INSTRUCTIONS TO TRANSFEREE (BUYER)

1. The buyer must personally complete Section A of the form and certify (sign) that the answers are true and correct.

If the buyer is unable to read and/or write, the answers may be written by other persons, excluding the licensee. Two persons (other than the dealer) will then sign as witnesses to the buyer's answers and signature.

2. The buyer shall print the responses to Section A, Items 1, 2, 3, 4, and 5.
3. The buyer must provide a valid government-issued photo identification to the seller that contains the buyer's name, date of birth, and residence address.

INSTRUCTIONS TO TRANSFEROR (SELLER)

NOTE: This form need not be completed if the proposed transfer of a handgun(s) is subject to any of the exceptions contained in 27 CFR 178.

1. You may use Forms 5300.35 supplied by ATF or use photocopies of such forms. If photocopies are used, the photocopies must include the instructions.
2. The Federal 5-day waiting period is inapplicable and this form need not be completed if the transfer is subject to any of the alternatives in 27 CFR 178.102(b). Generally, these include transfers (a) pursuant to an official's written statement of the buyer's need for a handgun based upon a threat to life; (b) to buyers having a State permit whose records have been checked and an official has verified eligibility to possess firearms; (c) of National Firearms Act weapons approved by ATF; and (d) certified by ATF as exempt because compliance with the waiting period is impractical. See section 178.102(b) for a detailed explanation of these alternatives.

If the transfer is subject to an alternative, the seller must obtain the supporting documentation required by section 178.131. A handgun(s) must not be transferred to any buyer who fails to provide such information."

3. If the proposed transfer of a handgun(s) is subject to the 5-day waiting period, the buyer must complete Section A, and the seller must complete Section B.
4. The seller must:
 - (a) ensure that the buyer completes Section A and signs and dates the statement;
 - (b) if the buyer's name is illegible, print the buyer's name above the name of the buyer; and
 - (c) establish the identity of the buyer by requiring the buyer to provide a valid government-issued photo identification bearing the buyer's name, date of birth, and residence address.

5. Within 1 day after the buyer furnishes the statement, the seller to provide actual notice of the contents of this statement to the Chief Law Enforcement Officer of the place of residence of the buyer. (See Item 8 on the form.)
6. Within 1 day after the buyer furnishes the statement, the seller shall sign and date the form in Item 11 and transmit a copy of this form, including its instructions to the Chief Law Enforcement Officer of the place of residence of the buyer. See Item 9 on the form.)
7. The seller shall delay delivery of the handgun(s) until 5 business days (meaning days on which State Offices are open) have elapsed from the actual date the seller has furnished notice of the contents of the statement to the Chief Law Enforcement Officer. (Unless, within the 5-day period, the seller has received notice from the Chief Law Enforcement Officer of the place of residence of the buyer that the buyer's receipt or possession of the handgun(s) would not violate the law.)
8. After the seller has provided actual notice of the contents of the buyer's intent to obtain a handgun(s) to the Chief Law Enforcement Officer, this form must be maintained as part of the seller's permanent records, regardless of whether the transfer occurs.
9. If prior to the expiration of the 5-day waiting period or prior to actual delivery of the handgun(s) to the buyer, the seller receives notification from the Chief Law Enforcement Officer that the officer has reason to believe that the possession or receipt of a handgun by the buyer would violate the law, the seller is **prohibited** from transferring the handgun(s) to the buyer. Include in Item 10 any agency number or other identifier assigned by the Chief Law Enforcement Officer to the transaction.
10. Any seller, who after the transfer of a handgun(s) receives a report from a Chief Law Enforcement Officer containing information that the receipt or possession of the handgun(s) by the buyer would violate the law, shall within 1 business day communicate all information that the seller has about the transfer and the buyer to a) the Chief Law Enforcement Officer of the place of business of the seller and b) the Chief Law Enforcement Officer of the place of residence of the buyer. The seller may also provide this information to the local ATF office.
11. After the seller has provided a copy of this form to the Chief Law Enforcement Officer, any subsequent proposal(s) made by the same buyer to obtain a handgun(s) require the execution of a new ATF Form 5300.35.
12. After the seller has completed the handgun(s) transaction, the original ATF Form 5300.35 becomes part of the seller's permanent records. ATF Form 5300.35 must be attached to the ATF Form 4473 that reflects the handgun transfer.

INSTRUCTIONS TO CHIEF LAW ENFORCEMENT OFFICIALS

1. This form contains the statement of intent to obtain a handgun(s) by the person identified in Section A. The seller may not lawfully deliver the handgun(s) to the buyer until 5 business days have elapsed from the date the seller furnished actual notice of the contents of this statement to you, or you have notified the seller within the 5-day period that you have no information that the buyer's receipt or possession of the handgun(s) would violate Federal, State, or local law.
2. You are required to make a reasonable effort to ascertain within the 5-day period whether the buyer's receipt or possession of a handgun(s) would violate the law, including research in whatever State and local recordkeeping systems are available to you, and in the National Crime Information Center, to include a wanted person check and the Interstate Identification Index. For your information, the receipt or possession of a handgun by a person who falls within any category of persons listed in Section A, Item 5, would violate Federal law.
3. At the earliest possible time, you should advise the seller you have reason to believe that if the buyer's receipt or possession of the handgun(s) would violate the law. Unless you notify the seller that the buyer's receipt or possession of a handgun(s) would violate the law, the seller may deliver the handgun(s) to the buyer. Notification either during or after the 5-day

(Continued on reverse)

waiting period may prevent the unlawful receipt of a handgun(s). You are not required to notify the seller of the circumstances upon which your advice was based.

4. Unless you determine that the buyer's receipt or possession of the handgun(s) may violate the law, you shall, within 20 business days from the date of the buyer's statement, destroy this form, any record containing information derived from this form, and any record created as a result of the notice of the contents of this form.
5. If you determine that the buyer is ineligible to receive or possess a handgun(s), you should maintain this form. The buyer may request that you provide the reason(s) for such determination, and you must provide such reason(s) to the buyer within 20 business days after the receipt of the request. Your retention of this form may assist you in responding to such inquiries.

DEFINITIONS

1. The term "Chief Law Enforcement Officer" means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.
2. The term "handgun" means (a) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and (b) any combination of parts from which a firearm described by (a) can be assembled.

Paperwork Reduction Act Notice

The information required on this form is in accordance with the Paperwork Reduction Act of 1980. The purpose of the information is to determine the eligibility of the transferee (buyer) to receive firearms under Federal law. The information is subject to inspection by ATF officers. The information on this form is required by 18 U.S.C. sections 922 and 923.

The estimated average burden associated with this collection is 6 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Information Programs Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, and the Office of Management and Budget, Paperwork Reduction Project (1512-0520), Washington, DC 20503.

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
STATEMENT OF INTENT TO OBTAIN A HANDGUN(S)

Prepare in duplicate. All entries must be in ink. Before completing, please see notices and instructions on the back of this form.

SECTION A - TO BE COMPLETED PERSONALLY BY THE TRANSFEREE (BUYER). THE BUYER MUST PRINT ITEMS 1, 2, 3, 4, AND 5 OF THIS SECTION.

1. TRANSFEREE'S (BUYER'S) NAME (Last, (and maiden, if applicable), first, middle) _____ 2. DATE OF BIRTH (Month, day, year) _____

3. RESIDENCE ADDRESS (No., street, county, city, State, and ZIP code) _____

4. OPTIONAL INFORMATION - THE INFORMATION REQUESTED IN THIS ITEM (4) IS OPTIONAL BUT WILL HELP AVOID THE POSSIBILITY OF BEING MISIDENTIFIED AS A FELON OR OTHER PROHIBITED PERSON.

SOCIAL SECURITY NUMBER	HEIGHT	WEIGHT	SEX
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PLACE OF BIRTH _____

5. STATEMENT OF TRANSFEREE (BUYER), EACH QUESTION MUST BE ANSWERED WITH "YES" OR "NO" CHECKED IN THE APPROPRIATE BOX FOR EACH QUESTION.

	YES	NO		YES	NO
a. Are you under indictment or information* in any court for a crime punishable by imprisonment for a term exceeding one year? *A formal accusation of a crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury.			c. Are you a fugitive from justice?		
b. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? (Note: A "YES" answer is necessary if the judge could have given a sentence of more than one year. A "YES" answer is not required if you have been pardoned for the crime or the conviction has been expunged or set aside, or you have had your civil rights restored, and under the law where the conviction occurred, you are not prohibited from receiving or possessing any firearm.)			d. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?		
			e. Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?		
			f. Have you been discharged from the Armed Forces under dishonorable conditions?		
			g. Are you illegally in the United States?		
			h. Are you a person who, having been a citizen of the United States, has renounced his/her citizenship?		

I hereby certify that the answers to the above are true and correct. I understand that a person who answers "Yes" to any of the above questions is prohibited from purchasing and/or possessing a firearm, except as otherwise provided by Federal law. I also understand that the making of any false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony.

TRANSFEREE'S (BUYER'S) SIGNATURE _____ DATE _____

SECTION B - TO BE COMPLETED BY THE TRANSFEROR (SELLER) (SEE NOTICES AND INSTRUCTIONS ON REVERSE.)

6. TRADE/CORPORATE NAME, ADDRESS, AND TELEPHONE NUMBER OF TRANSFEROR (SELLER) _____ FEDERAL FIREARMS LICENSE NUMBER _____

7. THE TRANSFEREE (BUYER) HAS IDENTIFIED HIMSELF/HERSELF TO ME BY USING A DRIVER'S LICENSE OR OTHER IDENTIFICATION THAT CONTAINS THE TRANSFEREE'S (BUYER'S) NAME, DATE OF BIRTH, RESIDENCE ADDRESS AND PHOTOGRAPH.

TYPE OF IDENTIFICATION _____ NUMBER ON IDENTIFICATION _____
☐ DRIVER'S LICENSE ☐ OTHER (Specify) _____

8. CONTENTS OF THE STATEMENT IN SECTION A OF THIS FORM WERE RECEIVED BY _____ OF _____ ON _____ BY _____
 (Chief Law Enforcement Officer) (Law Enforcement Agency) (Date)

☐ TELEPHONE ☐ TELEFAX ☐ IN PERSON ☐ OTHER (Specify) _____
 (Check the appropriate answer.)

9. A COPY OF THE STATEMENT IN SECTION A OF THIS FORM WAS TRANSMITTED TO THE CHIEF LAW ENFORCEMENT OFFICER ON _____ BY _____
 (Date) (Check the appropriate answer.)

☐ MAIL ☐ TELEFAX ☐ IN PERSON ☐ OTHER (Specify) _____

10. ON _____, THE CHIEF LAW ENFORCEMENT OFFICER PROVIDED REASON TO BELIEVE THAT THIS TRANSFER
 (Date)

☐ WOULD ☐ WOULD NOT VIOLATE FEDERAL, STATE, OR LOCAL LAWS. AGENCY IDENTIFIER _____

11. TRANSFEROR'S (SELLER'S) SIGNATURE _____ TRANSFEROR'S TITLE _____ DATE _____

INSTRUCTIONS FOR ATF F 5300.35

NOTICE

The Brady Handgun Violence Prevention Act is effective on February 28, 1994, and imposes a 5-day waiting period on the transfer of a handgun(s).

PRIVACY ACT

Disclosure of the individual's social security number is voluntary. Under 18 U.S.C. 923(a), ATF has the authority to solicit this information. The number may be used to verify the individual's identity.

WARNING

Any seller who knowingly transfers a handgun(s) to any person prohibited from receiving or possessing any firearm violates the law even though the seller has met the waiting period requirements.

INSTRUCTIONS TO TRANSFEREE (BUYER)

1. The buyer must personally complete Section A of the form and certify (sign) that the answers are true and correct.

If the buyer is unable to read and/or write, the answers may be written by other persons, excluding the licensee. Two persons (other than the dealer) will then sign as witnesses to the buyer's answers and signature.

2. The buyer shall print the responses to Section A, Items 1, 2, 3, 4, and 5.
3. The buyer must provide a valid government-issued photo identification to the seller that contains the buyer's name, date of birth, and residence address.

INSTRUCTIONS TO TRANSFEROR (SELLER)

NOTE: This form need not be completed if the proposed transfer of a handgun(s) is subject to any of the exceptions contained in 27 CFR 178.

1. You may use Forms 5300.35 supplied by ATF or use photocopies of such forms. If photocopies are used, the photocopies must include the instructions.
2. The Federal 5-day waiting period is inapplicable and this form need not be completed if the transfer is subject to any of the alternatives in 27 CFR 178.102(b). Generally, these include transfers (a) pursuant to an official's written statement of the buyer's need for a handgun based upon a threat to life; (b) to buyers having a State permit whose records have been checked and an official has verified eligibility to possess firearms; (c) of National Firearms Act weapons approved by ATF; and (d) certified by ATF as exempt because compliance with the waiting period is impractical. See section 178.102(b) for a detailed explanation of these alternatives.

If the transfer is subject to an alternative, the seller must obtain the supporting documentation required by section 178.131. A handgun(s) must not be transferred to any buyer who fails to provide such information."

3. If the proposed transfer of a handgun(s) is subject to the 5-day waiting period, the buyer must complete Section A, and the seller must complete Section B.
4. The seller must:
 - (a) ensure that the buyer completes Section A and signs and dates the statement;
 - (b) if the buyer's name is illegible, print the buyer's name above the name of the buyer; and
 - (c) establish the identity of the buyer by requiring the buyer to provide a valid government-issued photo identification bearing the buyer's name, date of birth, and residence address.

5. Within 1 day after the buyer furnishes the statement, the seller to provide actual notice of the contents of this statement to the Chief Law Enforcement Officer of the place of residence of the buyer. (See Item 8 on the form.)
6. Within 1 day after the buyer furnishes the statement, the seller shall sign and date the form in Item 11 and transmit a copy of this form, including its instructions to the Chief Law Enforcement Officer of the place of residence of the buyer. See Item 9 on the form.)
7. The seller shall delay delivery of the handgun(s) until 5 business days (meaning days on which State Offices are open) have elapsed from the actual date the seller has furnished notice of the contents of the statement to the Chief Law Enforcement Officer. (Unless, within the 5-day period, the seller has received notice from the Chief Law Enforcement Officer of the place of residence of the buyer that the buyer's receipt or possession of the handgun(s) would not violate the law.)
8. After the seller has provided actual notice of the contents of the buyer's intent to obtain a handgun(s) to the Chief Law Enforcement Officer, this form must be maintained as part of the seller's permanent records, regardless of whether the transfer occurs.
9. If prior to the expiration of the 5-day waiting period or prior to actual delivery of the handgun(s) to the buyer, the seller receives notification from the Chief Law Enforcement Officer that the officer has reason to believe that the possession or receipt of a handgun by the buyer would violate the law, the seller is **prohibited** from transferring the handgun(s) to the buyer. Include in Item 10 any agency number or other identifier assigned by the Chief Law Enforcement Officer to the transaction.
10. Any seller, who after the transfer of a handgun(s) receives a report from a Chief Law Enforcement Officer containing information that the receipt or possession of the handgun(s) by the buyer would violate the law, shall within 1 business day communicate all information that the seller has about the transfer and the buyer to a) the Chief Law Enforcement Officer of the place of business of the seller and b) the Chief Law Enforcement Officer of the place of residence of the buyer. The seller may also provide this information to the local ATF office.
11. After the seller has provided a copy of this form to the Chief Law Enforcement Officer, any subsequent proposal(s) made by the same buyer to obtain a handgun(s) require the execution of a new ATF Form 5300.35.
12. After the seller has completed the handgun(s) transaction, the original ATF Form 5300.35 becomes part of the seller's permanent records. ATF Form 5300.35 must be attached to the ATF Form 4473 that reflects the handgun transfer.

INSTRUCTIONS TO CHIEF LAW ENFORCEMENT OFFICIALS

1. This form contains the statement of intent to obtain a handgun(s) by the person identified in Section A. The seller may not lawfully deliver the handgun(s) to the buyer until 5 business days have elapsed from the date the seller furnished actual notice of the contents of this statement to you, or you have notified the seller within the 5-day period that you have no information that the buyer's receipt or possession of the handgun(s) would violate Federal, State, or local law.
2. You are required to make a reasonable effort to ascertain within the 5-day period whether the buyer's receipt or possession of a handgun(s) would violate the law, including research in whatever State and local recordkeeping systems are available to you, and in the National Crime Information Center, to include a wanted person check and the Interstate Identification Index. For your information, the receipt or possession of a handgun by a person who falls within any category of persons listed in Section A, Item 5, would violate Federal law.
3. At the earliest possible time, you should advise the seller you have reason to believe that if the buyer's receipt or possession of the handgun(s) would violate the law. Unless you notify the seller that the buyer's receipt or possession of a handgun(s) would violate the law, the seller may deliver the handgun(s) to the buyer. Notification either during or after the 5-day

(Continued on reverse)

waiting period may prevent the unlawful receipt of a handgun(s). You are not required to notify the seller of the circumstances upon which your advice was based.

4. Unless you determine that the buyer's receipt or possession of the handgun(s) may violate the law, you shall, within 20 business days from the date of the buyer's statement, destroy this form, any record containing information derived from this form, and any record created as a result of the notice of the contents of this form.
5. If you determine that the buyer is ineligible to receive or possess a handgun(s), you should maintain this form. The buyer may request that you provide the reason(s) for such determination, and you must provide such reason(s) to the buyer within 20 business days after the receipt of the request. Your retention of this form may assist you in responding to such inquiries.

DEFINITIONS

1. The term "Chief Law Enforcement Officer" means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.
2. The term "handgun" means (a) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and (b) any combination of parts from which a firearm described by (a) can be assembled.

Paperwork Reduction Act Notice

The information required on this form is in accordance with the Paperwork Reduction Act of 1980. The purpose of the information is to determine the eligibility of the transferee (buyer) to receive firearms under Federal law. The information is subject to inspection by ATF officers. The information on this form is required by 18 U.S.C. sections 922 and 923.

The estimated average burden associated with this collection is 6 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Information Programs Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, and the Office of Management and Budget, Paperwork Reduction Project (1512-0520), Washington, DC 20503.

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**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226**

DIRECTOR

**OPEN LETTER TO ALL FEDERAL FIREARMS LICENSEES NOT SUBJECT TO
THE WAITING PERIOD PROVISIONS OF THE BRADY LAW:**

The purpose of this letter is to advise you of your responsibilities under Public Law 103-159, commonly referred to as the "Brady Law."

Beginning on February 28, 1994, the Brady Law imposes a 5-day waiting period on the sale of handguns in States that do not already require a prior background check. ATF has made a preliminary determination that your State has a system that already subjects handgun purchasers to a prior background check. Therefore, sales made in compliance with the existing permit or background check system in your State will not be subject to the waiting period procedure. Regulations will, however, require that you maintain records to demonstrate that a sale was made under the State system. If the sale is made to a handgun permit holder, the permit must have been issued within 5 years.

Additionally, the Brady law :

- **requires you to furnish multiple sales reports to the State or local law enforcement agency of the jurisdiction in which the sale or other disposition took place (Use the enclosed order form to request a supply of the revised ATF Form 3310.4. In the interim, you are to forward the "Post of Duty" copy of the current ATF Form 3310.4 to the appropriate State or local law enforcement agency.) ;**
- **requires you to sign for the receipt of firearms that have moved in interstate commerce by common carrier, i.e., UPS, Federal Express, etc.;**
- **makes it a Federal crime for any person to steal a firearm from your business inventory;**

(NOTE: Report any theft of firearms to your local ATF office.)

- **increases the licensing fee for all firearms dealers, including pawnbrokers, to \$200 for 3 years, except that the fee for renewal of a valid license is \$90 for 3 years.**

Regulations explaining the requirements of the Brady law will be published prior to February 28, 1994.

For your information, effective March 1, 1994, out-of-business firearms records are to be submitted to the following address:

ATF Firearms Out-of-Business Records Center
Spring Mills Office Park
2020 Stonewall Jackson Drive
Falling Waters, West Virginia 25419

We have enclosed a list of questions and answers addressing various aspects of the Act that should be of additional assistance to you. If you have any questions concerning these new requirements, contact your local ATF office or the Firearms and Explosives Division at (202) 927-8300.


John W. Magaw
Director

Enclosures



DIRECTOR

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

**OPEN LETTER TO ALL FEDERAL FIREARMS LICENSEES SUBJECT TO THE
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The purpose of this letter is to advise you of your responsibilities under Public Law 103-159, commonly referred to as the "Brady Law."

Beginning on February 28, 1994, the Brady Law imposes a 5-day waiting period on the sale of a handgun in States that do not already require a prior background check. ATF has made a preliminary determination that your State does not currently impose a requirement that handgun purchasers must undergo a background check. Therefore, your sales to non-licensees will be subject to the waiting period procedures.

In brief, before you sell a handgun to anyone who is not an FFL you must:

- 1. have the purchaser complete and sign ATF Form 5300.35, Statement Of Intent To Obtain A Handgun (copies of this form will be provided to you prior to the effective date);**
- 2. examine the purchaser's photo identification, and verify that it identifies the purchaser and agrees with the information on the ATF Form 5300.35;**
- 3. within one day after the purchaser completes the form, notify the Chief Law Enforcement Officer where the purchaser lives of the information on ATF Form 5300.35;**
- 4. within one day after the purchaser completes the form, send a copy of it to the Chief Law Enforcement Officer;**
- 5. wait 5 business days (days on which State offices are open) from the date the Chief Law Enforcement Officer received notice of the sale before transferring the handgun.**

If you are advised by the officer that he has reason to believe the purchaser is prohibited from possessing the handgun, the transfer must not be made.

The law defines Chief Law Enforcement Officer to mean the chief of police, sheriff or equivalent officer or designee. In some jurisdictions there may be more than one official that meets this definition. You should contact any one of the listed officials and follow their advice as to which agency you should contact and what procedures you should follow in providing the required notice.

Additionally, the Brady Law:

- requires you to furnish multiple sales reports to the State or local law enforcement agency of the jurisdiction in which the sale or other disposition took place (Use the enclosed order form to request a supply of the revised ATF Form 3310.4. In the interim, you are to forward the "Post of Duty" copy of the current ATF Form 3310.4 to the appropriate State or local law enforcement agency);
- requires you to sign for the receipt of firearms that have moved in interstate commerce by common carrier, i.e., UPS, Federal Express, etc.;
- makes it a Federal crime for any person to steal a firearm from your business inventory;

(NOTE: Report any theft of firearms to your local ATF office.)

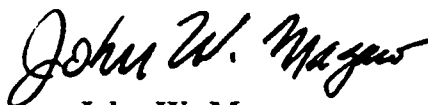
- increases the licensing fee for all firearms dealers, including pawnbrokers, to \$200 for 3 years, except that the fee for renewal of a valid license is \$90 for 3 years.

Regulations explaining the requirements of the Brady law will be published prior to February 28, 1994.

For your information, effective March 1, 1994, out-of-business firearms records are to be submitted to the following address:

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Spring Mills Office Park
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We have enclosed a list of questions and answers addressing various aspects of the Act that should be of additional assistance to you. If you have any questions concerning these new requirements, contact your local ATF office or the Firearms and Explosives Division at (202) 927-8300.



**John W. Magaw
Director**

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Divider Title: _____



DIRECTOR

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

JAN 21 1994

OPEN LETTER TO STATE AND LOCAL
LAW ENFORCEMENT OFFICIALS

The purpose of this letter is to disseminate information to all State and local law enforcement agencies regarding Public Law 103-159, 107 Stat. 1536 (hereafter, "the Act"), signed by the President on November 30, 1993. It is also intended to provide law enforcement agencies with the Bureau of Alcohol, Tobacco and Firearms' (ATF) interpretation of the Act so that you will be better able to fulfill the requirements the Act imposes on "Chief Law Enforcement Officers" (CLEO) throughout the Nation. ATF places a high priority on ensuring that you are provided with accurate and reliable information regarding this matter.

First, we hope that you will undertake a thorough reading of the Act, a copy of which we have enclosed with this letter. Your examination will reveal that the Act contains three separate sections; Title I, Brady Handgun Violence Protection Act (hereafter, "Brady"), commonly referred to as the Brady Bill, is effective February 28, 1994; Title II, Multiple Firearm Purchases to State and Local Police, was effective November 30, 1993; and Title III, Federal Firearms License Reform Act of 1993, was also effective November 30, 1993.

OVERVIEW

By way of background, the Act amended the Gun Control Act of 1968 (GCA). Consequently, ATF is the Federal agency responsible for implementing the Act, except for those functions expressly charged to the U.S. Attorney General. You should be aware that all of the Brady provisions we will be covering in this letter are interim provisions. The permanent provisions of Brady, establishing a national instant criminal background system, are initially the responsibility of the Department of Justice (DOJ). We will provide a more detailed view of the Attorney General's functions later in this letter.

Since 1968, the GCA has required that all manufacturers, importers, dealers, and pawnbrokers in firearms have to be licensed by ATF. Additionally, under the GCA, Federal firearms licensees (FFL) can generally sell firearms to residents of their own State, must abide by State and local laws in making their sales, and must keep detailed records of all firearms transactions. Required records and firearms inventories are subject to ATF inspections. In addition, FFLs are prohibited from selling firearms to anyone they know or have reasonable cause to believe:

- is under indictment for or convicted of a felony
- is a fugitive from justice
- is an unlawful user of or addicted to controlled substances
- has been adjudicated a mental defective or committed to a mental institution
- ~~is~~ an illegal alien
- has a dishonorable discharge or
- has renounced his citizenship

Until Brady, the only Federal requirement aimed at preventing a felon or other prohibited person from purchasing a firearm was that purchasers complete a Federal form, ATF F 4473, on which they would certify to their name, residence, and that they do not fall within one of the above categories of persons prohibited from receiving a firearm.

Brady has added an additional means of screening out prohibited purchasers by imposing a 5 business day waiting period during which time the dealer is required to notify the CLEO of the purchaser's residence of the proposed sale of a handgun. You should also be aware that Brady's 5-day waiting period applies to unlicensed individuals who are attempting to obtain a handgun(s).

ATF is closely coordinating our implementation of Brady with the DOJ. Under Brady, the DOJ is responsible for the development of a national instant criminal background check system that will replace the 5-day waiting period system within 5 years. DOJ is also responsible for designating the national system of records that the CLEO should check when making a determination about the purchaser's eligibility to

acquire a handgun. The U.S. Attorney General has designated the National Crime Information Center (NCIC), including a wanted person check and the Interstate Identification Index. For your convenience, we have enclosed a draft copy of ATF F 5300.35 (Interim) that ATF will use for the Brady statement. If you will examine the instructions part of the form, you will see a reference to the NCIC in item 2 under the "Instructions to Chief Law Enforcement Officers" caption.

The contents of the buyer's statement of intent to obtain a handgun is specifically limited by Brady. The only identifying information we can require the buyer to provide to the FFL is the buyer's name, address, and date of birth. Obviously, it is often not possible to conduct a reasonably accurate criminal background check with only this information. While we cannot insist on more information, we are asking the buyers, on ATF F 5300.35 (see enclosure), to provide their social security number, place of birth, and other descriptive information on an optional basis. In asking for this information, we explain that it is in the buyer's self-interest to provide the additional information to "help avoid the possibility of being misidentified as a felon or other prohibited person."

Due to time constraints we faced in getting a form designed, approved, printed, and distributed prior to February 28, we were not able to fully consult with State and local law enforcement officials in our initial form design. However, we believe that it is essential that the form is designed in such a way as to meet the CLEO's needs. Consequently, the initial form is being introduced as a temporary form, with a limited printing. Before we finalize the form, we want the comments and recommendations of the State and local officials who will be using it.

TITLE I - BRADY

The greatest immediate task before us is to implement the waiting period aspect of Brady by February 28, 1994. Prior to that date, ATF will issue temporary regulations telling dealers how to comply with the new law, and ATF will also distribute the Brady statement form, ATF F 5300.35. In the interim, we will be working with you to ensure State and local law enforcement officials understand the law by ensuring that you know your responsibilities, liabilities, and options.

As you begin to thoroughly examine the contents of Brady, you should keep in mind its primary intent is to provide law enforcement an opportunity to screen out unlawful purchasers. Our goal is to see that Brady is as effective as possible at keeping handguns out of the wrong hands.

We believe that a typical example of a handgun sale, as envisioned under Brady, would be:

An individual goes to an FFL and fills out an ATF F 5300.35 (Statement of Intent To Obtain A Handgun) and certifies that he/she is not a prohibited person. The FFL is required to complete the form and verify the identity of the person by examining a valid government-issued identification document that contains the individual's name, address, date of birth, and photograph. Within 1 day, the FFL contacts the individual's CLEO and provides the name, address, and date of birth to the CLEO. Also, within 1 day, the FFL forwards a copy of ATF F 5300.35 to the CLEO. The FFL must then wait 5 business days to provide the CLEO the opportunity to respond. Upon being notified, and within the 5 days, the CLEO makes a "reasonable effort" to determine whether the individual is a prohibited person under the law.

The CLEO makes a determination based upon information available to him/her. The CLEO finds nothing that would give him/her "reason to believe" that the individual is a prohibited person and, although not required to do so, the CLEO contacts the FFL and tells the FFL it is okay to sell the handgun.

MAJOR ISSUES

Under Brady, there are several major issues that we face as we attempt to implement its requirements, such as:

- What States have existing laws that would qualify as alternatives to the 5-day waiting period?
- Who are the CLEOs for purposes of the criminal record checking requirements?
- What form of notice must the FFL make to the CLEO?

- What is a "reasonable effort?"

ATF's nearly 25 years of previous experience with the Federal firearms laws under the GCA provides us with a solid foundation to correctly interpret many of these issues, and, coupled with the input and assistance from the law enforcement community, we are confident that these and other issues will soon be resolved.

ALTERNATIVES TO BRADY

One major aspect of Brady is that there are a series of alternatives to the notice and 5-day waiting period requirements. Some of these alternatives will essentially make those Brady requirements inapplicable in many States. ATF's Office of Chief Counsel has completed a study of all States to determine which States currently have laws that would qualify as alternatives to the 5-day waiting period requirements. For your convenience, we have enclosed a list of our preliminary findings.

The five alternatives to the 5-day waiting period generally are:

1. Threat to life - Allows the transferee (buyer) to present the FFL a written statement from the buyer's CLEO stating that the buyer needs a handgun because the buyer or his/her household member has received a threat on his/her life. The written statement must be dated within the 10-day period of the buyer's most recent attempt to obtain a handgun. An example of this transaction would typically be a situation where the buyer receives a threat against his/her life and goes to an FFL expecting to immediately obtain a handgun for personal protection. (This would be the beginning of the above 10-day period.) After being told about the 5-day waiting period by the FFL, the buyer contacts his/her CLEO and requests the CLEO to issue such letter. If the CLEO agrees with the buyer's request, the buyer returns to the FFL, presents the written statement, and purchases the handgun. **You should be advised that Brady does not compel the CLEO to issue such letter.**

ATF does not anticipate very many of these type of transactions occurring. However, because of the potential impact of this type of transaction, you should bear this alternative in mind when deciding who the designated CLEOs may be in your State.

2. Purchase permits - A buyer goes to an FFL and presents a State permit to obtain a handgun that was issued not more than 5 years earlier. The permit must be from the State where the transfer of the handgun is to take place. The permit must also have been issued only after an authorized government official has verified that available information does not indicate that the buyer's possession of a handgun would violate the law.

ATF believes that this alternative provision will apply in the alternative States listed on the enclosed list of States. We should point out that this section of Brady does not specify what information must be checked by the authorized government official in verifying the buyer's status to possess a handgun. ATF believes that a State meets the requirements of this section of Brady if the State law requires, that prior to the issuance of the permit, an authorized government official has verified that the "available information" does not indicate that possession by the buyer (transferee) would violate the law.

3. Instant check systems - A buyer goes to an FFL to purchase a handgun in a State that has an instant check system that requires the FFL to verify (usually while the buyer waits) the buyer's eligibility to possess a handgun by contacting an authorized government official prior to completing the transaction. Such systems are generally designed to work through computer terminals or "900 number" telephone-links from the FFL to a central point within the State where the buyer's background check is made.

ATF believes that this alternate provision of Brady will apply in the alternative States with instant check systems that are listed on the enclosed list of States. As in the case of purchaser permits, this section of Brady does not specify what information the authorized government official must check prior to notifying the FFL of the buyer's status to possess a handgun. It is ATF's position that States meet the requirements of this section of Brady if the law of the State requires that, prior to the transfer of a handgun, an authorized government official has verified that the "available information" does not indicate that possession by the buyer (transferee) would violate the law.

4. Secretary approval - Some handguns are subject to transfer approval under section 5812 of the Internal Revenue Code of 1986. For example, smooth bore pistols or revolvers. These firearms are required to be registered with ATF, and transfers of these firearms require the approval of ATF. Strict background checks are made on any individual who desires to receive approval to possess this type of firearm. Only a relatively small number of FFLs are qualified to handle firearms transactions of this kind. Additionally, a transfer tax is levied and paid before any transfer to an individual is approved by ATF.
5. Impractical transactions - There may be some areas of the Nation where the FFL is located in a place that is extremely remote in relation to the CLEO and the ratio of CLEOs in the State to number of square miles of land area does not exceed .0025. This would also need to be an area where there are no telecommunications systems. If an FFL's business location meets these requirements, he/she can request that ATF certify that the FFL need not meet the requirement to notify the CLEO of the buyer's intent to obtain a handgun because it is impractical.

Before ATF will issue any certification to an FFL stating that because his/her business location is "extremely remote" it would be "impractical" for him/her to comply with the notification of the CLEO, we will require additional data. ATF regulations will require that the FFL provide sufficient written data to support all of the criteria that would make his/her location qualify.

The following captions, CLEO, FORM OF NOTICE TO CLEO, and REASONABLE EFFORT, will cover information that will be critical to law enforcement officials in those states that will be subject to the 5-day waiting period requirements of Brady.

CLEO

On February 28, 1994, in States and for sales that are not alternatives to Brady, FFLs will begin contacting the CLEO for the jurisdiction where the buyer lives in order to provide the CLEO with certain information identifying a potential buyer. The law defines the term "chief law enforcement officer" to mean, "the chief of police, the sheriff, or an equivalent officer, or the designee of any such individual." While the law

itself is broad enough, in some cases, to give the FFL more than one official to contact, we believe the law will clearly permit law enforcement officials to agree that, within a given jurisdiction, one agency will serve the role as CLEO. It is essential that State and local law enforcement officials agree, within a given jurisdiction, that one agency will serve the role of chief law enforcement officer, for purposes of which agency should receive the notice of handgun sales. Letters have been sent to all State Attorney Generals advising them of this key issue.

In the coming weeks, ATF representatives from the Office of Law Enforcement, Compliance Operations, and Assistant Chief Counsel will be meeting with law enforcement officials of each State for the purpose of explaining the provisions of Brady and its effect on your jurisdiction. Initially, these meetings will be targeted for those States that are subject to the 5-day waiting period requirements of Brady, as shown on the enclosed list of States.

We urge you to work with your counterparts on the State and local level to decide who will be the CLEO for your area. Your discussions should also include consideration of the designation of the CLEO for the purposes of the "threat to life" alternative that was previously referenced and the "multiple sales reports" that are referred to later in this letter. Once you have reached a determination, ATF will be able to inform the FFLs when they begin calling us on February 28. ATF's regulations will make it clear to FFLs that they will be required to abide by instructions from State and local officials as to which agency to contact.

FORM OF NOTICE TO CLEO

Brady requires that within 1 day of the buyer's completion of the ATF F 5300.35, the FFL must "provide notice" to the CLEO of the contents of the form. If that is done orally, the FFL must also within 1 day, transmit a copy of the ATF F 5300.35 to the CLEO. The law clearly contemplates that notice of the contents of the ATF F 5300.35 will often be separate from the form being sent through the mail. Nonetheless, if the ATF F 5300.35 is faxed to the CLEO for example, both notice and transmittal of ATF F 5300.35 occur simultaneously. In any event, ATF's position is that the 5-day waiting period runs from the time the CLEO receives actual notice of the contents of the ATF F 5300.35, not from the time ATF F 5300.35 is

received by the CLEO.

While Brady permits oral notice of the contents of ATF F 5300.35, ATF does not view this as an obligation that CLEOs must set up a system to accept this information over the telephone. Just as we will require FFLs, by regulation, to comply with your designation as to which agency will serve as the CLEO, we will also require FFLs, by regulation, to abide by your instructions as to the manner in which you will accept actual notice of a buyer's attempt to obtain a handgun.

REASONABLE EFFORT

Brady requires the CLEO to "make a reasonable effort to ascertain within 5 business days whether the buyer's receipt or possession of a handgun would be in violation of law, including research in whatever State and local recordkeeping systems are available and in a national system to be designated by the Attorney General." Receipt or possession of firearms would violate the Federal law if the buyer falls in any of the categories in item 6 of ATF F 5300.35, i.e. felons, fugitives, etc. State and local laws may expand on these categories and include, for example, violent misdemeanors or habitual drunkards.

The obvious question that Brady raises is what will constitute a "reasonable effort," both in terms of an initial criminal record search and the degree of followup on searches with incomplete findings. Before we answer this question, we need to provide you with a little more background information.

In terms of the initial search, the law clearly anticipates some minimal effort to check commonly available records. It is not realistic to expect the CLEO to have available, or check, every conceivable record system that may contain information relating to categories of prohibited persons. The vast majority of persons who are prohibited from possessing a handgun are prohibited by virtue of some criminal background. Accordingly, a reasonable effort should be made to determine whether the buyer has a criminal record that would make the sale unlawful. Criminal record systems can reveal that the buyer is a fugitive, is under indictment, or has been convicted of a felony. The criminal record systems may also indicate that the buyer is possibly an unlawful user of controlled substances or has had mental health problems. In some States, centralized mental health records may be available. Since Federal prohibitions include persons

adjudicated mentally defective or who have been committed to a mental institution, these records could also be searched if accessible.

With potentially thousands of law enforcement agencies functioning as CLEOs, it is difficult to prescribe precisely what must be done in every instance. The level of research may justifiably vary among law enforcement agencies. In rural, sparsely populated counties where many handgun purchasers are personally known to the CLEO, little or no research may be necessary in many cases. In densely populated urban areas, every potential buyer might be run through the available computer records to determine whether any disqualifying information is on file. Each law enforcement agency serving as the CLEO will have to set its own standards based on its own circumstances, i.e., the availability of resources, access to records, and taking into account the law enforcement priorities of the jurisdiction. The law is designed so that the law enforcement authority who is doing the check, is the one who is most likely to have to deal with the consequences of the buyer obtaining a handgun. Therefore, the CLEO of the buyer's residence has a vested interest in conducting an appropriate check and ultimately is in the best position to determine what is reasonable.

Brady does not require you to report back to the FFL with your findings on the buyer's status. However, unless the FFL hears from you, he/she can complete the sale after 5 business days have elapsed from the time the FFL gave you actual notice of the contents of the buyer's statement, as contained on ATF F 5300.35. If, during the 5 days, you obtain information that would indicate that the buyer is prohibited under Federal, State, or local law from receiving or possessing a handgun, you can choose from a number of responsible options. First, you may decide to simply notify the FFL that the transaction would be illegal, in which case the FFL would be prohibited from completing the sale. If the ineligible buyer is a fugitive, or someone you already have under investigation, you may set up a surveillance and arrest the buyer when he/she returns to pick up the handgun. You may choose to turn the matter over to another law enforcement agency that has an interest in the buyer. These options, and variations of these options, are virtually limitless and will ultimately be determined by your particular circumstances.

Now, getting back to the question of what constitutes a

"reasonable effort." To answer this question, it is necessary to examine various key elements of the GCA and the Brady amendments. As noted earlier, under the GCA, the FFL need not have definitive information that the buyer is a prohibited person. He/she is prohibited from making a sale if he/she has **"reasonable cause to believe"** that the buyer is a prohibited person. An example of this would be if you told an FFL not to sell a firearm to a person whom you knew had recently been convicted of a felony or had recently been indicted for a felony offense. Since the enactment of the GCA in 1968, this very situation has occurred many thousands of times. Brady now makes it unlawful for the FFL to sell a handgun unless 5 days have lapsed and the FFL has not received information from the CLEO that receipt or possession of the handgun by the buyer would violate the law. Brady also requires the CLEO to destroy the buyers statement (ATF F 5300.35) and any record generated from the statement within 20 days after it was made, unless the CLEO determines that a transaction would violate Federal, State, or local law. Finally, Brady provides that the CLEO shall not be liable for damages for preventing a sale or transfer of a handgun to a buyer who may lawfully receive or possess a handgun.

Since it is unlawful for an FFL to transfer a handgun if he has **"reasonable cause to believe"** the buyer is prohibited, ATF believes that this is the standard that should govern the CLEO's notification to FFLs. In other words, where you locate information that would lead you to believe that the buyer might be prohibited from acquiring a handgun, you would be justified in reporting to the FFL that you have **"reasonable cause to believe"** that the buyer is a prohibited person. However, you should make every reasonable effort to determine a disposition of a criminal charge which would be a felony. If the buyer wants to contest his/her status, you can be in the position of shifting the burden of tracking down absolute proof to the buyer. If the buyer can provide you with criminal disposition records or other documents that establish that he/she is not prohibited from receiving or possessing a handgun, you could then notify the FFL that you have withdrawn your objection to the sale.

Note: You are not required to advise the FFL of the circumstances upon which your advice was based. All you need to advise the FFL is that you have reason to believe that the buyer's possession of a handgun would/would not violate the law.

**TITLE II - REPORTS OF MULTIPLE HANDGUNS SALES
TO STATE AND LOCAL POLICE**

This section of the Act (see enclosure) amends section 923(g)(3) of the GCA to read as follows:

- (A) "Each licensee shall prepare a report of multiple sales or other dispositions whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totalling two or more, to an unlicensed person. The report shall be prepared on a form specified by the Secretary and forwarded to the office specified thereon and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place."
- (B) "Except in the case of forms and contents thereof regarding a purchaser who is prohibited by subsection (g) or (n) of section 922 of this title from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph, and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph."

You should note that "the department of State police or State law enforcement agency of the State or local law enforcement agency" referred to in this section of the Act, is somewhat different than what is contained under the definition of a CLEO in Brady. You should also be advised that this section of the Act will apply to all States, not just those States that do not have acceptable alternatives to the 5-day waiting period. However, as in Brady, ATF's regulations will make it clear to FFLs that they will be required to abide by

instructions from State and local officials as to where the multiple sales reports are to be sent.

In practical terms, these amendments will result in your department being notified, through receipt of an ATF F 3310.4, anytime an FFL sells two or more handguns to any unlicensed person during any 5 consecutive business days. This new law does not require you to conduct any inquiry into the buyer's background to ascertain whether his/her receipt or possession of a firearm would be in violation of the law, nor does it contain any provision that would prohibit you from conducting such an inquiry.

ATF will be notifying all FFLs of the new requirements for multiple firearms sales reporting to State or local law enforcement agencies. We will also instruct them to use the current ATF F 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, which is identified as Copy 2-ATF Group/POD, until the amended form is printed and becomes available for their use. For your convenience, we have enclosed a draft copy of the revised ATF F 3310.4.

You may soon be receiving copies of the current ATF F 3310.4 from FFLs in your jurisdiction. You should be advised that this new statute prohibits State and local law enforcement agencies from disclosing the form or the contents thereof to any person or entity and that they shall destroy such form and any record of the contents thereof no more than 20 days from the date such form is received. The only exceptions to this requirement would be in those cases involving a purchaser who is prohibited from receiving a firearm under 18 U.S.C. §§ 922(g) and (n), i.e. convicted felon, fugitive, illegal drug user, mental defective, illegal alien, dishonorably discharged, renounced citizenship, and those under indictment for a felony offense.

Currently, we are not aware of what procedures the U.S. Attorney General will institute to address the 6-month disclosure certifications that are referenced under 18 U.S.C. § 923(g)(3)(B).

TITLE III - FEDERAL FIREARMS LICENSE REFORM ACT OF 1993

COMMON AND CONTRACT CARRIERS

The amendments to the GCA in this section of the Act, covering common and contract carriers, were intended to impact incidents of thefts of firearms from interstate

shipments, and you should be familiar with their content.

First, section 922(e), which is the Federal law that generally requires any person to provide written notice to a common or contract carrier anytime a package or container in which there is any firearm or ammunition is to be shipped, was amended as follows:

"No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm."

The effect of this amendment is that common or contract carriers are now prohibited from requiring or causing the placing of any information on the outside of any package, luggage, or container that would identify the contents as containing a firearm(s). This labeling prohibition also includes the transportation or shipment of any firearm(s) aboard any common or contract carrier by any passenger who delivers the firearm(s) into the custody of the pilot, captain, conductor, or operator for the duration of the trip. However, you should be aware that the Act does not apply to the transportation or shipment of ammunition.

Second, section 922(f), which is the Federal law that generally prohibits common or contract carriers from knowingly transporting or delivering in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would violate the Federal firearms laws, was amended as follows:

"It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of the receipt from the recipient of the package or other container in which there is a firearm."

Although the Act's amendment to section 922(f) requires little clarification, you should note that common and contract carriers are not required to obtain written notification of receipt from the recipient for deliveries of ammunition. Furthermore, we do not believe that the amendment to section 922(f) applies to the return of a firearm by a carrier to a passenger who

placed his/her firearm in the carrier's custody for the duration of the trip.

THEFT OF FIREARMS FROM FFLS AND FFL LICENSE FEES

The amendments to the GCA in this section of the Act, theft of firearms from FFLs, and increases in FFLs license fees, do not require much detailed explanation; however, you should be familiar with their content. We would invite your examination for the purpose of further discussion during informational meetings you may attend with ATF representatives in the coming weeks.

CONCLUSION

As you undertake the task of determining the impact of this new law on your jurisdiction, we want you to know that ATF representatives will be available to assist you at each turn. For example:

- ATF will provide "model laws" from other States that are being used to offset the administrative costs that will be associated with administering Brady.
- ATF's Counsel will be available to assist those States that might be seeking to enact State firearms legislation that would qualify as an alternative to the 5-day waiting period of Brady.
- In cooperation with the Law Enforcement Television Network (LETN), ATF is making telecasts on the new law for the benefit of State and local law enforcement officials. These will be scheduled for broadcast on LETN during the coming weeks.
- ATF's Office of Compliance Operations will begin sending the CLEOs current lists of all FFLs in the CLEO's jurisdiction. They will also begin providing law enforcement officials information on FFL applicants in their jurisdictions.

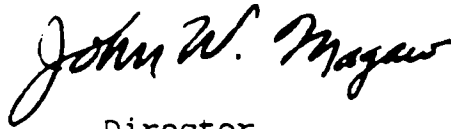
For your convenience, we have enclosed a list of questions and answers that should be of additional assistance to you. If you have any questions, comments or concerns on this new law, please contact your local ATF office. If they do not have an immediate answer for you, they will find the answer and get back to you.

You may also write to us at the following address:

Mr. Terry L. Cates
Chief, Firearms and Explosives Division
Office of Compliance Operations
Bureau of Alcohol, Tobacco and Firearms
650 Massachusetts Avenue NW.
Washington, DC 20226

You may be assured that ATF will continue to be responsive to your needs.

Sincerely yours,

A handwritten signature in cursive script, reading "John W. Magaw".

Director

Enclosures

Clinton Presidential Records Digital Records Marker

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This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

6

Divider Title: _____

SAMPLE FORM

Form available from:
ATF Distribution Center, 7943 Angus Court
Springfield, VA 22153

Form Approved: OMB No. 1512-0006 (8/31/95)

1. TRANSFEREE'S NAME (Buyer) (Last, first, middle)		3. DATE OF BIRTH	
2. RESIDENCE ADDRESS (Number, street, city, state, ZIP code)		4. PLACE OF BIRTH	
		5. RACE	6. SEX
7. TYPE OF IDENTIFICATION		8. NUMBER ON IDENTIFICATION	
9. TOTAL SOLD IN FIVE DAYS			
TYPE (pistol or revolver)	SERIAL NUMBER	MANUFACTURER	CALIBER/QUANTITY
10. NAME & ADDRESS OF LICENSEE MAKING REPORT		11. DATE TRANSFERRED	
12. FFL NUMBER		COPY 3 - STATE OR LOCAL LE AGENCY	

(FOLD ON THIS LINE)

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
**REPORT OF MULTIPLE SALE OR OTHER
DISPOSITION OF PISTOLS AND REVOLVERS**

INSTRUCTIONS

1. This form is to be used by licensees to report all transactions in which an unlicensed person has acquired two or more pistols and/or revolvers at one time or during five consecutive business days.
2. A separate form is to be submitted for each such person.
3. The report is to be submitted to the ATF Law Enforcement Field Division Office for your area no later than the close of business on the day that the multiple sale or other disposition occurs. See the reverse side of this form for the address of the Law Enforcement Field Division Office for your area.
4. Complete items 1 through 11. Remove and retain copy 4 for your official records. Forward copy 3 to the official designated by the State or local authorities to receive the form, or, in the absence of such designation, to the department of State police or State law enforcement agency or local law enforcement agency in the jurisdiction where the handgun transfers occurred.
5. Additional forms may be obtained through the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153, (703) 455-7801.

ATF F 3310.4 (1-94) PREVIOUS EDITIONS ARE OBSOLETE

SAMPLE FORM

Clinton Presidential Records Digital Records Marker

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Divider Title: _____

**United States
Department of the Treasury**



**BUREAU OF
ALCOHOL, TOBACCO AND FIREARMS**

IMPORTANT NOTICE

**TO COMMON AND CONTRACT
CARRIERS DELIVERING FIREARMS**

All common or contract carriers are prohibited from requiring or causing any label or other written notice to be placed on the outside of any package, luggage, or other container indicating that the package contains a firearm.

All common or contract carriers who deliver firearms in interstate or foreign commerce must obtain written acknowledgment of receipt from the recipient of any package containing a firearm.



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226
18 January 1994

DIRECTOR

OPEN LETTER TO ALL COMMON AND CONTRACT CARRIERS

The purpose of this letter is to advise common and contract carriers of the impact that the recent passage of Public Law 103-159, "Brady Handgun Violence Prevention Act", will have on their business operations.

On November 30, 1993, the President signed Public Law 103-159, 107 Stat. 1536 (hereafter, the "Act") which included the Federal Firearms License Reform Act of 1993. Although the Act also includes other amendments to the Gun Control Act of 1968 (GCA), which the Bureau of Alcohol, Tobacco and Firearms (ATF) enforces, we will confine our comments to those amendments that specifically address common and contract carriers. These amendments became effective on November 30, 1993.

First, 18 U.S.C. 922(e), is the section of the GCA that generally requires any person to provide written notice to a common or contract carrier anytime a package or container in which there is any firearm or ammunition to be shipped. This section was amended by the Act by adding a restriction on how the common carrier will mark the package during shipment. The new provision of the law provides:

"No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm."

Apparently the drafters of this amendment were concerned that outside labels or tags specifying that the packages contain firearms simply invite thefts. This labeling prohibition applies both to packages being shipped and to situations where a passenger delivers the firearm(s) into the custody of the pilot, captain, conductor or operator for the duration of the trip. This provision does not prevent a common carrier from employing internal codes or markings that allow the carrier to identify the contents. The Act does not apply to the transportation or shipment of ammunition.

Secondly, 18 U.S.C. 922(f), is the section of the GCA that generally prohibits common or contract carriers from knowingly transporting or delivering in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof

OPEN LETTER TO ALL
COMMON AND CONTRACT CARRIERS

would violate the Federal firearms laws. This provision was amended to impose a new requirement on common carriers to obtain written receipts when delivering firearms. The amended provision provides:

"It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of the receipt from the recipient of the package or other container in which there is a firearm."

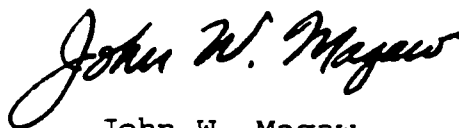
In the past there have been situations where firearms have been drop shipped and left unattended, and where unauthorized persons have appeared to accept deliveries. This new requirement is simply aimed at maintaining an adequate paper trail of the firearms. The provision does not apply to deliveries of ammunition. Furthermore, section 922(f) would not require the receipt for the return of a firearm by a carrier to a passenger who places his or her firearms in the carrier's custody for the duration of the trip.

ATF is preparing regulations for the implementation of the Act. The proposed regulations will cover the Act's changes to the GCA including those affecting common and contract carriers. You will have the opportunity to comment on these regulations during the public comment period. The regulations will be published in the Federal Register in the near future.

Please find enclosed an "Important Notice" addressed to all common and contract carriers that summarizes the content of this letter. We strongly encourage you to distribute this notice to the appropriate personnel throughout your organization.

Should you have any questions or require additional information regarding this letter, please contact your local ATF office. For your convenience, we have enclosed a list of ATF offices.

Sincerely yours,



John W. Magaw
Director

Enclosures