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THE WHITE HOUSE
WASHINGTON

September 8, 1999

Came -
Mayors event
9/8

GUN LEGISLATION EVENT WITH MAYORS AND POLICE CHIEFS

DATE: Thursday, September 9, 1999
LOCATION: Old Executive Office Building
BRIEFING TIME: 10:00am-10:20am
EVENT TIME: 10:35am- 11:30am
FROM: Mickey Ibarra, Bruce Reed

I. PURPOSE

The U. S. Conference of Mayors (USCM) organized an event, with mayors and their police chiefs, to call on Congress for action on gun legislation to reduce youth violence. This event will bring focus to the importance of gun safety legislation and the COPS program.

II. BACKGROUND

The United States Conference of Mayors, as you know, has been very active on the issue of gun safety. They have participated in the White House conference on school safety and issued a report on school violence and kids.

Today, the USCM will lead a bipartisan delegation of 49 mayors and 29 police chiefs to Washington D.C. to demand congressional action on sensible gun safety legislation. The mayors will begin the day with a kick-off event at the White House with you, and then take their message directly to Congress with a bipartisan conference on the steps of the Capitol. Before the event you will greet the leadership of the USCM and other city and county national organizations. They will return to the White House in the afternoon to meet with John Podesta, Bruce Reed, Gene Sperling, George Frampton and Mickey Ibarra to discuss your domestic policy agenda.

In your remarks today you will unveil: (1) new reports from the Justice and Treasury Departments showing the effectiveness and importance of the National Instant Criminal Background Check System (NICS); (2) a \$15 million gun buyback initiative sponsored by the Department of Housing and Urban Development; and (3) \$147 million in COPS grants to help communities hire 1,600 additional officers, including 750 officers for schools.

National Instant Criminal Background Check System (NICS) Report. In its first seven months of operation (November 1998-June 1999), the NICS conducted over 4.7 million

background checks and blocked an estimated 100,000 prohibited gun sales – bringing the total number of sales stopped to felons, fugitives, and other prohibited persons to over 400,000 since the Brady Law took effect. Key findings of the report:

- Vast majority of checks completed swiftly. Over 75 percent of NICS checks are completed within 30 seconds; 95 percent, within 2 hours. When a check cannot be completed within 24 hours, the individual being checked is nearly 20 times more likely to be a felon or other prohibited buyer than the average purchaser.
- Most denied sales to felons. Of sales denied by the FBI, 76 percent were based on a felony conviction; 11 percent, domestic violence misdemeanors or restraining orders.
- High costs of shorter background check timeframes. If the FBI had only 24 hours to do a background check, instead of 3 business days under current law, 20,000 prohibited purchasers – over 41 percent of FBI denials – would have received guns.

ATF Enforcement Report. This report details the way the ATF, FBI and local law enforcement work together to ensure effective and thorough enforcement of the Brady Law. Although the vast majority of NICS checks are completed within three business days, in some limited instances this may not be sufficient time. In following up on incomplete checks, the NICS may discover that a gun has been transferred to a prohibited person. In such an instance, the FBI immediately contacts ATF, which handles these cases as a top enforcement priority. Treasury has added 60 additional federal law enforcement agents to assist ATF in investigating and recovering weapons transferred to prohibited persons. And since the NICS took effect, ATF has opened over 1000 criminal investigations involving individuals who have illegally attempted to purchase firearms – over 200 of which have been referred to U.S. Attorneys for federal prosecution.

HUD Gun Buy Back: Taking Guns Off the Streets. You will announce a \$15 million HUD initiative to help create gun buyback programs in communities across the country. Police departments and several cities have initiated similar programs, allowing citizens to turn in their guns in exchange for money, vouchers for gifts or clothing, and other items of value. The funds will enable public housing authorities (PHAs) to partner with local law enforcement departments to establish gun buyback programs – removing up to 300,000 guns from circulation by the end of the year.

The initiative will encourage a cap of \$50 for each working gun, and encourage PHAs to provide the awards in the form of gift certificates for goods or services rather than cash. Every HUD-sponsored buyback will be run by a local police department – with no amnesty given for any crimes committed with returned firearms. And to ensure the permanent removal from circulation of guns retrieved, all guns must be destroyed unless there is a need for an ongoing law enforcement investigation.

COPS Grants: Putting More Police Officers on Our Streets and in our Schools. You will

also announce that the Justice Department will release more than \$146 million in Community Oriented Policing Services (COPS) grants to fund nearly 1,600 additional officers. \$61 million will be provided to 151 state and local law enforcement agencies to hire over 850 new officers for our streets; and \$85 million will be awarded to 319 state and local police departments to put over 750 police officers in schools.

III. PARTICIPANTS

Briefing Participants

Mickey Ibarra

Bruce Reed

Barbara Hunt

Paul Glastris

Leanne Shimabakuro

Stage Participants:

Secretary Andrew Cuomo

Secretary Larry Summers

Attorney General Janet Reno

30 Police Chiefs (See attached list)

Program Participants:

YOU

Mayor Wellington Webb, Denver, CO

Police Commissioner John Timoney, Philadelphia, PA

See attached list of audience participants.

IV. SEQUENCE OF EVENTS

- **YOU** will receive a briefing in the Oval Office and proceed to the Old Executive Office Building.
- **YOU** will briefly greet the leadership of the city and county organizations of elected officials.
- Off stage announcement of Secretary Cuomo, Secretary Summers and Attorney General Reno.
- Off stage announcement of **YOU**, Mayor Wellington Webb and Police Commissioner John Timoney.
- Mayor Webb makes opening remarks and introduces Police Commissioner John Timoney.
- Police Commissioner John Timoney makes brief remarks.
- Mayor Wellington Webb introduces **YOU**.
- **YOU** make remarks, work a ropeline, and depart.

V. REMARKS

To be provided by speechwriting.

VI. ATTACHMENTS

- A. List of Greeters
- B. List of Mayors, Police Chiefs (on-stage), and other guests
- C. U.S. Conference of Mayors Press Release

GUNS LEGISLATION EVENT WITH MAYORS AND POLICE CHIEFS
Meet and Greet List

United States Conference of Mayors

Wellington Webb - President

Joseph Ganim - Co-Chair, Gun Task Force

Clarence Harmon - Co-Chair, Gun Task Force

J. Thomas Cochran - Executive Director

Edward Rendell- Mayor of Philadelphia

National Association of Counties

C. Vernon Gray - President

Jane Hague- 1st Vice President

Javier Gonzales - 2nd Vice President

Kenneth Mayfield -3rd Vice President

Betty Lou Ward - Immediate Past President

Larry Naake - Executive Director

Wayne Curry, County Executive

National League of Cities

Clarence Anthony - President

Dennis Archer- 2nd Vice President

Don Borut - Executive Director

National Conference of Black Mayors

Jesse Norwood -President

Marlyn Murrell - 2nd Vice President

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MAYOR (#49)	CITY
Anthony, Clarence	City of South Bay, FL and President NLC
Archer, Dennis	City of Detroit, MI
Armstrong, David	City of Louisville, KY
Bogaard, Bill	City of Pasadena, CA
Bost, Sara	City of Irvington, NJ
Campbell, Bill	City of Atlanta, GA
Dance, Rosalyn	City of Petersburg, VA
DeStefano, Jr., John	City of New Haven, CT
Del Vecchio, David	City of Lambertville, NJ
DiMaio, John	City of Hackettstown, NJ
Donley, Kerry	City of Alexandria, VA
Eshleman, David	City of Fontana, CA
Finkbeiner, Carty	City of Toledo, OH
Ganim, Joseph	City of Bridgeport, CT
Garner, James	City of Hempstead, NY
Glacken, William	City of Freeport, NY
Guerriero, Patrick	City of Melrose, MA
Harmon, Clarence	City of St. Louis, MO
Helmke, Paul	City of Ft. Wayne, IN
Henry Hays, Patrick	City of North Little Rock, AR
Jennings, Gerald	City of Albany, NY
Kay, Thalia	City of Penberton, NJ
King, Scott	City of Gary, IN
Matacera, Paul	City of North Brunswick, NJ
McDonough, Timothy	City of Hope, NJ
McManus, Patrick	City of Lynn, MA
Menino, Thomas	City of Boston, MA
Miller, Harriet	City of Santa Barbara, CA
Mills, Randal	City of Conyers, GA
Mollis, Ralph	City of North Providence, RI
Morrison, Gus	City of Fremont, CA
Mullins, Rita	Village of Palatine, IL
Murrell, Marilyn	City of Arcadia, CA
Norwood, Jesse	City of Pichard, AL
O'Neill, Beverly	City of Long Beach, CA
Penelas, Alex	Miami-Dade County, FL
Plusquellic, Donald	City of Akron, OH
Puילו, Miquel	City of Santa Ana, CA
Renaud, Eldon	City of Bowling Green, KY
Rendell, Edward	City of Philadelphia, PA
Sahn, Michael	City of Hewlett, NY
Sayles Belton, Sharon	City of Minneapolis, MN
Sims, Jack	City of District Heights, MD
Spadoro, George	City of Edison, NJ
Stanley, Woodrow	City of Flint, MI
Tobey, Bruce	City of Gloucester, MA
Webb, Wellington	City of Denver, CO
Whelan, James	City of Atlantic City, GA
Williams, Anthony	District of Columbia, DC

IGA List

#49 Mayors
 #7 Other Electeds
 #31 Police Chiefs
 #42 Other

Total #129

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Murrell, Marilyn	City of Arcadia, CA
Norwood, Jesse	City of Pichard, AL
O'Neill, Beverly	City of Long Beach, CA
Penelas, Alex	Miami-Dade County, FL
Plusquellic, Donald	City of Akron, OH
Puילו, Miquel	City of Santa Ana, CA
Renaud, Eldon	City of Bowling Green, KY
Rendell, Edward	City of Philadelphia, PA
Sahn, Michael	City of Hewlett, NY
Sayles Belton, Sharon	City of Minneapolis, MN
Sims, Jack	City of District Heights, MD
Spadoro, George	City of Edison, NJ
Stanley, Woodrow	City of Flint, MI
Tobey, Bruce	City of Gloucester, MA
Webb, Wellington	City of Denver, CO
Whelan, James	City of Atlantic City, GA
Williams, Anthony	District of Columbia, DC

Other Electced (#7)	City
Curry, Wayne	County Executive Prince George's County
Gray, C. Vernon	City Councilmember, Howard County, MD & President NACO
Hague, Jane	County Councilmember, King County, WA & President Elect NACO
Gonzales, Javier	Commissioner, Santa Fe County, NN & 1 nd Vice President, NACO
Mayfield, Kenneth	Commissioner, Dallas County, TX & 2 nd Vice President, NACO
Ward, Betty Lou	Commissioner, Wake County, NC & Past President, NACO
Kookesh, Albert	Alaska State Senator, Co-Chair of Alaska Federation of Natives

Police Chiefs (#31)	City
Alvarez, Carlos	Director-Police Dept. Miami-Dade County, FL
Coppinger, Kevin	Deputy Chief City of Lynn, MA
Hampton, Trevor	City of Flint, MI
Henderson, Ronald	City of St. Louis, MO
Herndon, Robert	City of Allendale, NJ
Irvine, Edward	City of Akron, OH
Jones, Morris	City of Petersburg, VA
Jones, Daniel	City of South Bay, FL
Keeney, H. Fred	City of District Heights, MD
Keller, Jerry	Sheriff Clark County, Las Vegas, NV
Kunz, Jr., Leonard	City of Hackettstown, NJ
Leon, Carlos	City of El Paso, TX
Lucas, A.J.	City of Conyers, GA
Luman, Robert	City of Long Beach
Muccino, John	Captain-NJ State Police, City of Hope, NJ

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Napoleon, J. D. Benny	City of Detroit, MI
Navarre, Michael	City of Toledo, OH
Nielsen, Jack	Assistant Police Chief, City of Albany, NY
Pennington, Richard	Superintendent of Police, City of New Orleans, LA
Ramsey, Charles	District of Columbia, DC
Russo, James	City of Hempstead, NY
Sanchez, Tom	City of Denver, CO
Sherrard, Eugene	City of Louisville, KY
Smith, Richard	City of Melrose, MA
Stamper, Norm	City of Seattle, WA
Torres, Hector	Acting Chief of Police, City of Bridgeport, CT
Treschuk, Terrence	City of Rockville, MD
Tuliano, Jr., Paul	City of Pemberton, NJ
Venegas, Jr., Arturo	City of Sacramento, CA
Watson, Cheyenne	Commissioner of Police Dept., City of District Heights, MD
Wearing, Melvin	City of New Haven, CT

NAME (#42)	ORGANIZATION/AFFILIATION
Cochran, J. Thomas	USCM
Gatton, David	USCM
Somers, Edward	USCM
Headley, Jubi	USCM
Edwards, Carol	USCM
Amoroso, Katahleen	USCM
Lowe, Eugene	USCM
Swann, Crystal	USCM
Brown, Mike	USCM
DeKoven Waxman, Laura	USCM
Hathcox, David	USCM
Saalfank, Marie Susanne	USCM
Naughton, Eric	USCM
Hurley, Nolan	USCM
Naake, Larry	Executive Director, NACO
Crow, Rebecca	Staff Asst. to the Mayor, City of Louisville, KY
Arthur, Jill	City of Santa Anna, CA
Bailey, Joel	Deputy Mayor City of Akron, OH
Bascom, Brooke	Coordinator to the Mayor, City of St. Louis Comm., MO
Cox, Frances	Staff Assistant, City of Seattle, WA
Hart Kajer, Andrea	Director of Government Relations, City of Minneapolis, MN
Hudson, Andrew	Press Secretary, City of Denver, CO
Magnus, Ron	Deputy for Regional/National Affairs, DC
Martinez, Jim	Political Director, City of Denver, CO
Mayer, Virginia	DC Office, City of Boston, MA
Price, Marjorie	Government Relations, City of Denver, CO
Sanchez, Virginia	Director of IGA, Miami-Dade County, FL
Sklar, Mitchell	Executive Director, City of Princeton, NJ

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Walsh, Juliana	Federal Coordinator, Miami-Dade County, FL
Wareck, James	Deputy Director, DC
Welsh, Peter	Chief of Policy & Planning, City of Boston, MA
Strogoff, Judy Hope	Press Corps, Colorado "Statesman", Denver, CO
Schauble, Chris	Reporter, City of Denver, CO
White, Joshua	Photographer, City of Denver, CO
McNealey, Judith	Director IGA, City of Detroit, MI
Shackelford, Lottie	Miami-Dade County, FL
Moore, Christopher	
Lewis, Rita	DC Rep., City of Denver, CO
Wilcox, Kevin	NACO
Smith, Sheila	Denver Weekly News
Kelley, Colline	Staff Assistant, City of Palatine
Hightower, Michael Hon.	NACO

**For Immediate Release
September 3, 1999**

Contacts:

Jubi Headley

The U.S. Conference of Mayors

(202) 861-6707

Andrew Hudson

Spokesman for Mayor Wellington E. Webb

Office: (303) 640-2722

Pager: (303) 640-0780

NEWS ADVISORY:

**MAYORS, POLICE CHIEFS TO CONVERGE ON CAPITAL
Local officials to meet at White House, rally Congress to pass gun
safety measures**

WASHINGTON, DC – A bipartisan group of more than 75 mayors and police chiefs from around the nation will join Denver Mayor Wellington E. Webb, President of the U.S. Conference of Mayors in Washington, D.C. next Thursday, September 9, 1999 to urge Congress to pass sensible gun safety reform measures.

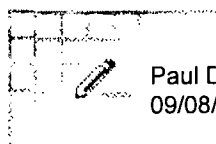
Mayors and police chiefs from every region of the country will be on hand to meet with President Clinton and with their local congressional delegations. In addition, a delegation of inter-faith leaders representing the Christian, Jewish and Muslim faiths will gather with the Mayors for a rally on the steps of the U.S. Capitol to call national attention to the gun safety issue. (A schedule of events and roster of participants, as well as a statement from Mayor Webb, are attached.)

Mayor Wellington Webb, joined by other Mayors and police chiefs, Wednesday, September 8, 1999 at 3:30 p.m. at the United States Conference of Mayors, located at 1620 Eye Street, NW.

The day will start out with an event at the White House at 10:00 a.m. At 12:30 p.m., a rally will be held on the east steps of the U.S. Capitol and at 1:30 p.m. a lunch will be held at the Library of Congress in which leaders from both chambers of Congress have been invited to speak. At 2:30 p.m., the mayors and police chiefs will disperse to meet one-on-one with their local congressional delegations.

In May, as part of its consideration of juvenile crime legislation, the Senate passed several measures that would close certain loopholes in current law that facilitates juvenile access to guns. The USCM supports key provisions of the Senate bill, including:

requiring background checks to be conducted at all gun show events prior to approving gun sales, closing loopholes that permit importation of high-capacity ammunition clips and allow teens to legally possess assault weapons, and requiring that child safety locks be sold with handguns.



Paul D. Glastris
09/08/99 08:55:58 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: again final guns speech

Draft 9/8/99 8:40 p.m.

Glastris

**PRESIDENT WILLIAM J. CLINTON
REMARKS TO MAYORS AND POLICE CHIEFS
ON GUNS AND CRIME
PRESIDENTIAL HALL
THE WHITE HOUSE
September 9, 1999**

Acknowledgments: Mayor Webb; Philadelphia Police Commissioner John Timoney; Sec. Summers; AG Reno; Sec. Cuomo; Dep. AG Holder; Treasury Undersecretary of Enforcement Jim Johnson

Many of you here today were with me in the White House back in January of 1994. On that day I asked you to "walk a beat in the halls of Congress" to convince lawmakers to pass our crime bill—to put more police on the streets, to ban assault weapons, to keep guns out of the hands of those who shouldn't have them, and to fund local solutions to local problems.

Back then, it looked to many people as if the crime rate would rise forever; that nothing could turn it around. But we didn't believe that, and we let Congress know that, and our message was heard. We did pass our 1994 Crime Bill. And, with the vigorous leadership of mayors and law enforcement chiefs across America, our crime strategy has worked beyond all expectations. The murder rate is down to its lowest level in 30 years. Overall crime is at its lowest level in 25 years. Violent crime has dropped by 27 percent in the last six years alone. And in many smaller ways, crimes like vandalism that undermine our quality of life, have dropped, and we're beginning to restore civility to our everyday lives.

Of course, another reason crime is falling is that we have turned the economy around, with 19.4 million new jobs and the lowest unemployment rate in 29 years. Still, there is no question that community policing has been central to our success. This May, I was proud to announce that since I signed the Crime Bill in 1994 we've funded 100,000 community police officers to work with local citizens, identify problems, and help bring people and life back to

our streets. Working together—federal, state, and local government; mayors, police, and ordinary citizens—we have created a new consensus on fighting crime and violence, a consensus that works.

But as we have been reminded in recent months—from Los Angeles to Littleton—gun violence is still far too much a part of American life. We have learned a tremendous amount in the last six years about what it takes to reduce violence, and I believe we can reduce it even further. But to achieve that goal, you must once again walk that beat in the halls of Congress.

As mayors and police chiefs, Republicans and Democrats, you work on the front lines. You know what must be done to make your cities vibrant and your streets safe. You know the cost of inaction. You know that only the federal government can provide you with the tools you need to do your jobs. I will do my part to provide those tools.

That is why I am pleased to announce that today, the Justice Department will release \$146 million in grants to hundreds of law enforcement agencies across America. These grants will allow local agencies to hire nearly 1600 more police officers, including over 750 officers who will walk a new beat: the halls of America's schools to protect our children. I doubt that there is a mayor or police chief in this room who hasn't used community policing to make the streets safer, with good results. It is time we brought community policing to our schools, to make them safer, too.

I am also happy to announce today that the Department of Housing and Urban Development will invest \$15 million to help public housing agencies, working with the police, to get guns off the street through gun buy-back programs. Efforts like these, where citizens can exchange their guns for clothing, food, or even small sums of cash, have been successfully pioneered at the local level. I believe the federal government can lend a hand. We know that too many neighborhoods are awash in guns, and that it is not just through crime that guns lead to tragedy. The rate of accidental shooting deaths for children under fifteen in the U.S. is nine times higher than the other 25 industrialized nations combined. Every gun turned in through buy-backs means one less potential tragedy.

There is more we must do to help you. In my balanced budget, I have proposed, among other things, to put 30,000 to 50,000 more officers in our neighborhoods, particularly those that need it most.

My administration is trying to do its part to renew our cities and reduce violence. You are clearly doing your part. Now, it is time for Congress to do its part. Unfortunately, so far that has not happened. The Republican budget would cut our successful COPS policing program by more than half. Their reckless tax plan would threaten law enforcement across the board, forcing reductions in the number of federal agents and cutting deeply into support for state and local law enforcement.

To make matters worse, Congress has yet to pass a common-sense juvenile crime bill to prevent youth violence and keep guns out of the wrong hands. It has been over a month

since House and Senate conferees met, and nearly five months since the shootings at Columbine. I'm still waiting, and America is still waiting, for Congress to act. It shouldn't take another tragedy to make this a priority.

Now that lawmakers are back in town, it would be unconscionable for them to leave again without send me a balanced, bipartisan juvenile crime bill that closes the gun show loophole, requires child safety locks on guns, and bans the importation of large-capacity ammunition clips. We need the conferees to pass legislation immediately that will strengthen our gun laws, not weaken them. Legislation that applies to all gun shows, not a bill that allows criminals to turn flea markets and parking lots into open-air gun bazaars. Legislation that strengthens, not weakens, the Brady background checks.

The Brady checks are working. They have stopped over 410,000 felons, fugitives, and other prohibited persons from buying guns since 1993. In just the last seven months, since our new national instant criminal background check system went into effect, 100,000 illegal purchases have been stopped. Today, the Justice and Treasury Departments are releasing reports analyzing the effectiveness of the instant check system.

The reports make two things very clear. First, the system provides law enforcement with a powerful new crime-fighting tool while causing little inconvenience for law-abiding gun purchasers. 73 percent of gun checks are completed within minutes, and 95 percent in two hours or less. Second, the report shows that it is critically important to give law enforcement sufficient time to thoroughly check records. Less than five percent of background checks take longer than 24 hours. But gun purchasers whose checks do take longer than 24 hours are almost 20 times more likely to be convicted felons or otherwise prohibited from owning firearms. These are precisely the people the background checks are supposed to be stopping. So I ask Congress not to listen to the gun lobby, and not to handcuff law enforcement by limiting the length of time for background checks. These reports show that the Brady gun checks Congress passed are working. Now, Congress must act again, and pass a balanced, bipartisan juvenile crime bill that strengthens the Brady system, not weakens it.

In 1994, working together, we put in place a strategy for reducing crime that is essentially very simple: More police, fewer guns. We must not let Congress lead us in the other direction: Fewer police, more guns.

Rather, we must build on our new consensus strategy, to make our streets safer and our schools more secure. If we do, we can make America the safest big nation on Earth in the 21st Century.

Thank you and God bless you.

Message Sent To: _____

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Michele Ballantyne/WHO/EOP@EOP
Jordan Tamagni/WHO/EOP@EOP
Mickey Ibarra/WHO/EOP@EOP
Eric P. Liu/OPD/EOP@EOP

**PRESIDENT CLINTON UNVEILS INITIATIVES TO
PROTECT OUR COMMUNITIES FROM GUN VIOLENCE**
September 9, 1999

Joined by Mayors and Police Chiefs from across the nation, President Clinton today urged Congress to help keep our communities safe from gun violence by quickly passing common sense gun legislation. The President also unveiled: (1) new reports from the Justice and Treasury Departments showing the effectiveness and importance of the National Instant Criminal Background Check System (NICS); (2) a \$15 million gun buyback initiative sponsored by the Department of Housing and Urban Development; and (3) \$147 million in COPS grants to help communities hire 1,600 additional officers, including 750 officers for schools.

KEEPING GUNS OUT OF THE WRONG HANDS. Today, the Justice and Treasury Departments released reports from the FBI and the Bureau of Alcohol, Tobacco, and Firearms that underscore the importance of the Brady Background Checks and enforcement of our gun laws.

National Instant Criminal Background Check System (NICS) Report. In its first seven months of operation (November 1998-June 1999), the NICS conducted over 4.7 million background checks and blocked an estimated 100,000 prohibited gun sales – bringing the total number of sales stopped to felons, fugitives, and other prohibited persons to over 400,000 since the Brady Law took effect. Key findings of the report:

- Vast majority of checks completed swiftly. Over 75 percent of NICS checks are completed within 30 seconds; 95 percent, within 2 hours. When a check cannot be completed within 24 hours, the individual being checked is nearly 20 times more likely to be a felon or other prohibited buyer than the average purchaser.
- Most denied sales to felons. Of sales denied by the FBI, 76 percent were based on a felony conviction; 11 percent for domestic violence misdemeanors or restraining orders.
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investigations involving individuals who have illegally attempted to purchase firearms – over 200 of which have been referred to U.S. Attorneys for federal prosecution.

GIVING COMMUNITIES TOOLS TO REDUCE GUN VIOLENCE. The President today also announced two important tools for communities to combat crime and gun violence: a new HUD gun buyback initiative and funds for hundreds of communities to hire more police officers.

HUD Gun Buy Back: Taking Guns Off the Streets. The President announced a \$15 million HUD initiative to help create gun buyback programs in communities across the country. Police departments and several cities have initiated similar programs, allowing citizens to turn in their guns in exchange for money, vouchers for gifts or clothing, and other items of value. The funds will enable public housing authorities (PHAs) to partner with local law enforcement departments to establish gun buyback programs – removing up to 300,000 guns from circulation by the end of the year.

The initiative will encourage a cap of \$50 for each working gun, and encourage PHAs to provide the awards in the form of gift certificates for goods or services rather than cash. Every HUD-sponsored buyback will be run by a local police department – with no amnesty given for any crimes committed with returned firearms. And to ensure the permanent removal from circulation of guns retrieved, all guns must be destroyed unless there is a need for an ongoing law enforcement investigation.

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FIGHTING FOR COMMON SENSE GUN LEGISLATION. Finally, the President renewed his call on Congress to pass sensible legislation supported by a bipartisan coalition of Mayors and Chiefs. The President urged Congress to complete work on juvenile crime legislation and pass a final bill that includes the common sense gun provisions passed in the Senate to close the gun show loophole, require child safety locks for handguns, bar the importation of large capacity ammunition clips, and ban violent juveniles from owning guns for life.

**Gun Event
Questions and Answers
September 9, 1999**

ATF Report

Q: The report indicates that there were 2,000 persons identified as prohibited, yet were able to buy guns in spite of a NICS check. Doesn't this show that the system isn't really working?

A: NICS is working well. In its first 7 months of operation, over 100,000 prohibited persons were stopped from buying firearms. A full 95 percent of NICS background checks were completed in less than 2 hours. However, it is clear that in a very limited number of cases, 3 business days is not sufficient. The Brady Law does not prohibit gun dealers from transferring the gun after the 3-day period has expired, and occasionally, a prohibited gun buyer will receive a firearm because the FBI was unable to obtain the needed criminal records on the purchaser from state law enforcement officials within 3 business days.

We are working to address this problem in several ways. First, the Justice Department has actively worked with the states to improve their records systems, and has provided \$273 million to states for this purpose through the National Criminal History Information Program. Second, the FBI is working with State and local officials to improve the retrieval from State courts of the information needed to complete background checks (e.g., confirming whether arrests resulted in convictions). The Administration also proposed as part of its omnibus gun legislation unveiled this spring a provision to extend the period available to law enforcement to conduct a check from 3 business days to 5 business days.

Q: Why has ATF only retrieved guns from 300 of the 2,000 persons identified as prohibited but who were able to buy guns under NICS?

A: The ATF has made investigations of these cases a top priority. Investigating such persons requires significant resources, since ATF must independently confirm the person's prohibited status – which usually involves obtaining authenticated copies of court records and investigations. The FBI and ATF have put in place a system for referring these cases from FBI to ATF immediately, and the Treasury Department recently implemented a plan to temporarily assisting 60 additional federal agents from other Treasury law enforcement bureaus to help ATF investigate these cases and recover weapons.

Q: With over 100,000 persons denied guns by the NICS since last November, why has ATF referred only 200 cases for federal prosecution?

A: This figure does not take into account ATF referrals to state and local law enforcement. ATF has opened approximately 1,000 criminal investigations involving persons who were denied firearms at the point of sale, 200 of which have so far been referred to U.S. Attorneys. (ATF gives priority to cases involving potential and active violent offenders for referral to federal prosecution.)

FBI Report on NICS

Q: Why haven't there been more prosecutions of individuals who tried to buy guns but were stopped by the Brady Law?

A: Let me begin by saying that the success of the Brady Law and the National Instant Criminal Background Check System (NICS) should not be measured by criminal prosecutions that result from lying on the firearms form. The Brady Law has been a vital tool for law enforcement to keep their communities safe, and its success should be measured by how many guns were prevented from getting into the wrong hands. That said, since the NICS took effect last November, the ATF has opened about 1,000 investigations involving individuals who illegally attempted to buy firearms – and 200 of these cases have been referred for federal prosecution thus far.

Q: The timing of the reports might suggest that they are politically-driven. Were they?

A: No. The NICS has been up and running since November 30, 1998. The agencies released these reports to provide a mid-year analysis of implementation and enforcement of the NICS in its first year. NICS has proven to be extremely successful at keeping guns out the hands of more than 100,000 felons and other prohibited persons in just seven months. We can expect to see regular reports on the performance of the NICS by the agencies in the future.

HUD Gun Buyback Initiative

Q: Is there any evidence to suggest that gun buybacks actually reduce gun crime?

A: One thing we do know is that fewer guns in the community can help reduce the incidence of gun violence, including gun-related accidents, suicides, and other unintentional uses of guns. For instance, people living in a home with a gun have a suicide risk that is five times greater than those who live in a home without a gun.

Unfortunately, there haven't been any truly comprehensive studies of buy back programs, and there certainly has never been a program of this magnitude launched before today -- which could help communities to buy back a total of 300,000 guns. That is why HUD

will make money available from the initiative to study the effects of buybacks, and identify promising practices to help make the programs more effective. However, it is also important to note that another important element of gun buyback programs is the impact they have on communities and their citizens. Gun buybacks give people an opportunity to get involved with law enforcement in local efforts to reduce violence, and they give residents hope that they can change their communities for the better.

Q: Do you really think removing 300,000 guns from circulation when there are over 200 million guns privately owned guns will make any sort of difference?

A: We believe it will make a difference, although we agree that it certainly isn't a solution on its own. HUD's buyback program is just one more tool that we are giving communities and law enforcement to improve public safety and reduce gun violence. But Congress has an important opportunity to give communities even more tools to reduce gun violence, which is why they should pass common sense gun legislation that requires Brady background checks at gun shows, bans the importation of large capacity ammunition clips, and requires child safety locks for guns.

TREASURY



NEWS

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TREASURY RELEASES REPORT ON CRIMINAL BACKGROUND CHECK SYSTEM

The Treasury Department on Thursday released a Bureau of Alcohol, Tobacco and Firearms (ATF) report on the National Instant Criminal Background Check System (NICS), which is designed to prevent potentially dangerous criminals from buying firearms from licensed gun dealers. The system enables law enforcement to conduct pre-sale background checks on gun purchasers to determine whether a purchaser is prohibited from possessing a gun under Federal law prior to the sale.

The NICS report details actions taken by ATF as part of the permanent provisions of the Brady law that became effective on November 30, 1998. ATF regulates Federal firearm licensees (FFLs) who access NICS and has authority to enforce the Gun Control Act including the Brady law.

"The instant background check program is one of the ways we're working with State and local law enforcement agencies to keep guns out of the hands of potentially dangerous people," said Treasury Secretary Lawrence H. Summers.

In implementing the permanent provisions of the Brady law, last year ATF issued regulations governing Federal firearms licensees (FFLs) participation in NICS. The law currently requires FFLs including pawnbrokers, to initiate a criminal background check through NICS prior to selling or transferring any firearm to an unlicensed individual. ATF implemented the Brady law with the FBI. The FBI administers the NICS system and conducts the background checks required under the Brady law while ATF enforces the law.

"The Treasury and Justice Departments are working to stop illegal gun purchases," Treasury Under Secretary for Enforcement James E. Johnson said. "NICS is critical to ATF's enforcement efforts."

ATF Director John W. Magaw said, "NICS is working. It is closing a loophole that allowed prohibited persons to unlawfully acquire firearms from licensed dealers."

The report shows that FFLs have generally been in compliance with the requirements of the law and have prevented prohibited persons from buying and/or redeeming firearms at gun stores and pawnbrokers.

- 30 -

LS-87



National Instant Criminal Background Check System (NICS)



The First Seven Months
(November 30, 1998 - June 30, 1999)

Federal Bureau of Investigation
Criminal Justice Information Services Division

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EXECUTIVE SUMMARY

In November 1993, the Brady Handgun Violence Prevention Act of 1994 (Brady Act) was signed into law requiring Federal Firearms Licensees (FFLs) to request background checks on individuals attempting to purchase a firearm. The permanent provisions of the Brady Act, which went into effect on November 30, 1998, required the Attorney General to establish a National Instant Criminal Background Check System (NICS) that any FFL may contact by telephone, or other electronic means in addition to the telephone, for information to be supplied immediately, on whether the receipt of a firearm by a prospective transferee would violate Federal or state law.

In its first seven months of operation, the NICS has proven to be a highly effective system in processing over 4.7 million inquiries. Each NICS background check includes automated searches of approximately 34.7 million criminal records, 700,000 records on wanted persons, and 940,000 records on other prohibited persons. Since its establishment, the NICS has ensured the timely transfer of firearms to individuals who are not specifically prohibited under Federal law, while denying transfers to more than 100,000 felons, fugitives, and other prohibited persons.

In many ways, the NICS represents a partnership among the Federal Bureau of Investigation (FBI), the Bureau of Alcohol, Tobacco, and Firearms (ATF), and state, local, and other Federal agencies. For example, the FBI worked together with state and local law enforcement to design the NICS. Federal and state agencies contribute records on disqualified persons for inclusion in the NICS. States may serve as points of contacts (POCs) to support their Federal Firearms Licensees (FFLs) in conducting NICS checks. Among the most significant examples of this partnership is that in addition to preventing more than one thousand wanted persons from purchasing firearms, the FBI's NICS examiners have actively contacted Federal, state and local law enforcement agencies to provide information which resulted in the apprehension of many of these fugitives from justice.

This report contains a synopsis regarding the background of NICS, how a background check works, statistics for the first seven months of operation, privacy and security issues, success stories and commendations received from various entities.

BACKGROUND OF THE NICS

Situation Before the Brady Handgun Violence Prevention Act

Since the passage of the Gun Control Act in 1968, certain individuals, such as convicted felons, have been prohibited from possessing firearms under Federal law. Until the passage of the Brady Act in 1993, however, there was no mechanism to prevent these individuals from obtaining firearms. Firearms were sold, even by FFLs, on the "honor system." Virtually the only recourse that federal law enforcement had against felons and other prohibited people who sought to purchase firearms was to prosecute them *after* they gained illegal possession of the firearm.

Brady Act Requires Background Checks

The Brady Act put an end to the "honor system" by requiring background checks on firearms purchasers buying firearms from FFLs. The Brady Act called for implementation in two phases: from February 28, 1994 until November 30, 1998, the rules of "Interim Brady" applied; since November 30, 1998, the provisions of "Permanent Brady" have been in place. During Interim Brady, the Brady Act applied only to handgun sales, and background checks were conducted by state and local law enforcement for these sales. During this time, there was no centralized mechanism for firearms background checks, and the Brady Act relied on the willingness of local sheriffs and other state law enforcement officials to do the background checks. Under Interim Brady, law enforcement officials had up to a maximum of five business days to complete background checks. The Interim Brady system was extremely effective, preventing over 310,000 felons, fugitives, and other prohibited people from getting handguns.

Brady Act Requires a National System for Conducting Instant Background Checks

The Brady Act also required the Attorney General to develop within five years a national system for conducting criminal background checks instantly. The Brady Act requires that the national system, the NICS, be utilized by any FFL to determine whether a prospective firearms transfer would violate Federal or state laws.

State and Local Officials Assist the FBI in Designing the NICS

To ensure that the national system required by the Brady Act would meet the needs of state and local law enforcement, the FBI created the Brady Act Task Group. This group was composed of representatives from the ATF and state and local officials who assisted the FBI in identifying the requirements for the NICS and in designing the system. Between 1994 and 1998, the Brady Act Task Group held formal meetings to provide detailed comments and recommendations to the FBI's NICS system developers. This task group was instrumental in preparing the NICS concept of operations. The concept called for firearms background checks to include a check of databases at the state and national levels. In this regard, when an FFL

conducts a NICS check, a name search is conducted for any matching records in three different databases at the national level, which are managed by the FBI. These include:

- The National Crime Information Center (NCIC) which contains approximately 700,000 records on wanted persons and subjects of protective/restraining orders;
- The Interstate Identification Index (III) which contains approximately 34.7 million criminal history records; and
- The NICS Index which contains about 940,000 records of prohibited persons, as outlined in the Brady Act, such as individuals who have received dishonorable discharges from the Armed Services, individuals who have renounced their citizenship, mental defectives, illegal/unlawful aliens and others.

Establishment of the NICS Program Office

On August 1, 1998, the FBI's Criminal Justice Information Services Division established the NICS Program Office. This entity had the responsibility to closely coordinate the final stages of the development of NICS and the transition to an operational program. This included coordinating a multitude of functions and projects including: staffing; development of a training manual; training of employees; developing work procedure manuals; documenting state statutes regarding prohibitive NICS categories; enrollment of FFLs; acquiring space, desks, phones and computers; testing computer applications; setting up a management structure; creating reports on operations; preparing budget estimates; preparing workload projections; creating and modifying work schedules, etc. In addition, coordination of employee input resulted in the creation of the following NICS mission statement:

To enforce the provisions of the Brady Handgun Violence Prevention Act by utilizing an effective system to ensure the timely transfer of firearms to individuals who are not specifically prohibited under Federal law and denying the transfer to those who are prohibited from possessing or receiving such firearms through:

- 1) Effective leadership in the management and operation of NICS;
- 2) Timely, accurate and complete responses to NICS background checks; and
- 3) Timely and effective customer service to other Federal, State, and local law enforcement agencies, Federal Firearms Licensees, and other users of NICS.

FBI's Continuing Partnership with the States

The FBI has continued to seek and act upon the advice of state and local law enforcement in its operation of the NICS. Proven mechanisms are in place for the continuous improvement of

NICS operations. For example, regional and national meetings are held twice each year in which the FBI provides status reports on the NICS to state, local and Federal advisory groups and receives recommendations for NICS system and operational enhancements. In addition, the FBI's NICS Program Office has hosted two NICS State Participant Conferences—one was held while under the provisions of interim Brady and the other took place after permanent Brady was implemented. The second conference was held on June 23-24, 1999, during which the FBI presented briefings and received supportive feedback on its NICS operation to date. Finally, the FBI has incorporated NICS information into its Law Enforcement Online (LEO) program, and, in conjunction with the Department of Justice, has established the NICS Web Site (www.fbi.gov/programs/nics/index.htm) to ensure the rapid, continual dissemination of important new information about the NICS.

WHAT IS A NICS CHECK AND HOW DOES IT WORK?

Legal Requirements for the NICS Background Check

Permanent Brady prohibits a FFL from transferring a firearm until the FFL has contacted the NICS and *either* the transfer has been allowed *or* three business days have passed without an indication from the NICS that the prospective purchaser is prohibited from possessing a firearm. Once contacted, the NICS is expected to provide information regarding whether the prospective firearm purchaser is prohibited from possessing a firearm under Federal or state law.

Prohibited categories include:

- (1) convicted felons and people under indictment for a felony;
- (2) fugitives from justice;
- (3) unlawful drug users or drug addicts;
- (4) individuals who have been involuntarily committed to a mental institution or determined to be mentally incompetent;
- (5) illegal aliens and legal aliens admitted under a non-immigrant visa;
- (6) individuals who have been dishonorably discharged from the military;
- (7) persons who have renounced their citizenship;
- (8) persons subject to certain domestic violence restraining orders; and
- (9) persons convicted of misdemeanor crimes of domestic violence.

Actions Involved in a NICS Check

Applicant Completes Bureau of Alcohol, Tobacco and Firearms (ATF) Form 4473

To illustrate how the NICS works, consider a person who seeks to buy a handgun from an FFL at a gun store or a gun show. Currently, there are 48,837 type one (gun dealer) and type two (pawn broker) license holders in the United States and U.S. territories enrolled with the NICS Operations Center. It has been determined that approximately 15 percent of the licensed dealers

account for 80 percent of the NICS transactions. The purchaser must provide photo identification to the FFL. The purchaser and the FFL then complete their respective parts of the ATF Form 4473, the "Firearms Transaction Record." The completed ATF Form 4473 will contain information such as name, address, and date of birth, and certification from the purchaser that they are not prohibited under Federal or state law from purchasing or possessing a firearm.

FFLs Contact the State Law Enforcement Agency Serving as a POC for NICS Checks

In states that agree to conduct Brady background checks, once the ATF's Form 4473 is completed, the FFL contacts the state POC for a NICS check. A state POC is a state agency that agrees to conduct Brady background checks, including NICS checks, on prospective gun purchasers. In states that have agreed to serve as POCs, FFLs contact the state POC for a Brady background check, rather than contacting the FBI. Currently, 16 states serve as a full POC for NICS (checks on handguns and long guns) and 11 states serve as partial POC for NICS (states perform checks for handgun purchases, FBI processes checks for long gun purchases). (See **Appendix A.**)

A state POC will access the state's independent criminal history database as well as the NICS. The NICS provides access to millions of criminal history records from all 50 states and the District of Columbia. A state's database typically contains references not only to those of the state's records which are part of the NICS databases, but also to the state's records and manual records—including many final dispositions—which are not part of the NICS. Many states also have access to records about people in the other prohibited categories, such as people who have been involuntarily committed to a mental institution or are under a domestic violence restraining order.

By contrast, where the FFL contacts the FBI directly, the FBI will access only those state records available through the NICS databases. Records which are maintained exclusively by states will not be available through the NICS. Although some of these records can be provided to the FBI and be included in the NICS database, many are not available to the FBI when it performs the NICS check. This is perhaps the most important reason for states to serve as POCs.

In Other States, FFLs Contact the FBI for NICS Checks

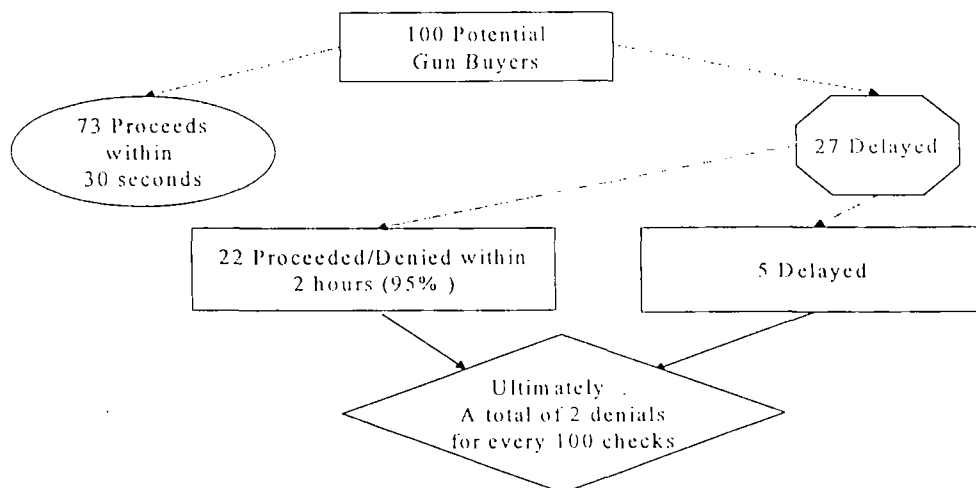
In states that have not agreed to serve as state POCs, once the ATF Form 4473 is completed, the FFL contacts the NICS at the FBI, by telephone through a toll free number, to request a background check. (Refer to NICS Operation Workflow Diagram—**Appendix B**—for overview of activities described on next several pages.) NICS is available for background checks 17 hours a day, seven days a week, including holidays (except Thanksgiving and Christmas). The call is received at one of two call centers located in Moundsville, West Virginia and Uniontown, Pennsylvania.

A call center customer service representative (CSR) enters the buyer's descriptive information into the NICS computer to initiate a search of the NICS databases. Once this information is entered and sent to NICS, one of two responses will be returned from NICS—proceed or delay—along with a NICS Transaction Number (NTN) for that particular transaction. The call center CSR does not have access to or receive any other information in NICS relative to criminal history information, wanted persons information or any other NICS index protected information. Most of the time, the NICS responds immediately with a "proceed" response, because there is no disqualifying or potentially disqualifying information in the system. In these instances, the FFL can complete the sale, and the purchaser can leave the gun store or gun show with the firearm. Sometimes, of course, the NICS identifies disqualifying or potentially disqualifying information in the system and a delay response is generated. In these cases, the NICS will forward the information to the FBI Operations Center where an FBI employee, known as a NICS examiner, must take additional time to review the record to determine whether it is complete, whether it matches the prospective buyer, and whether it contains disqualifying arrest and disposition information.

NICS Responses to Requests for Background Checks Must be Timely and Accurate

Under Permanent Brady, as soon as the NICS is able to determine accurately that there is no information demonstrating that the buyer is a prohibited person, the gun transfer is allowed to proceed. This means that there is no federal waiting period. As described in greater detail below, 73 percent of all prospective gun purchasers are authorized by the NICS to make their purchase *immediately* (within approximately 30 seconds on average after information is entered into NICS). The NICS provides a definitive response ("proceed" or "deny") to 95 percent of all requests within two hours of receipt of information to search NICS. Only five percent of prospective purchasers have to wait more than two hours for a NICS response, and these persons are given their response as soon as the NICS obtains the necessary information. A purchaser whose NICS checks takes more than 24 hours to complete is almost 20 times more likely to be a prohibited person than the average gun buyer. This process is further illustrated as follows:

NICS Operations Transaction Breakdown



RESULTS FROM THE FIRST SEVEN MONTHS OF NICS OPERATIONS

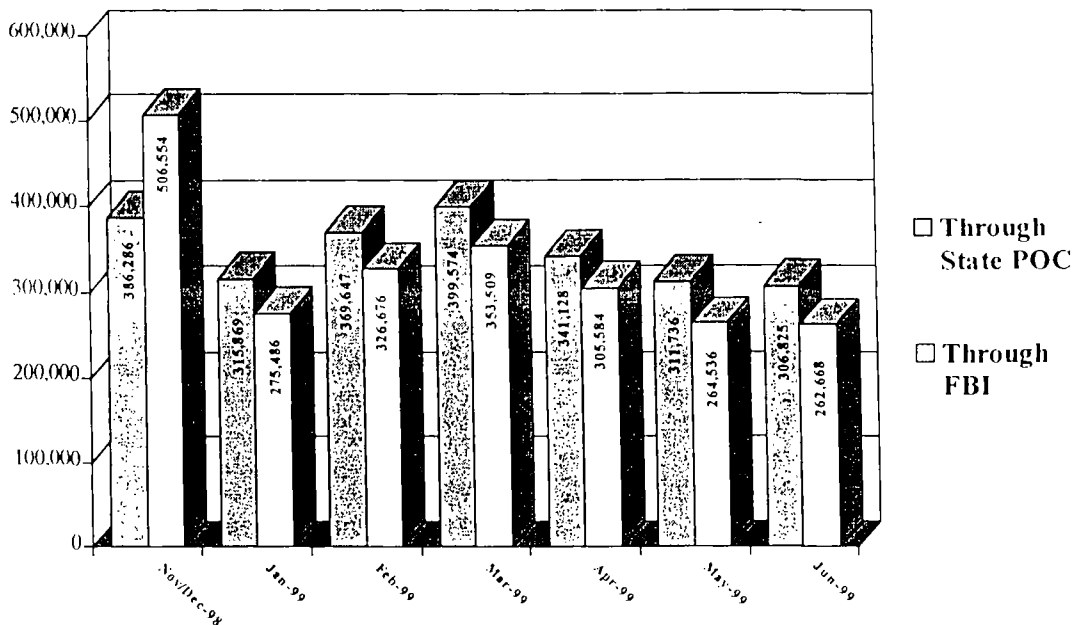
Number of NICS Checks

In the first seven months of operation, through June 30, 1999, there were 4,726,078 checks run through the NICS. Of these, 2,295,013 were handled by the FBI, while 2,431,065 were handled by state POCs. The chart below shows queries by month, divided between FBI and state POCs.

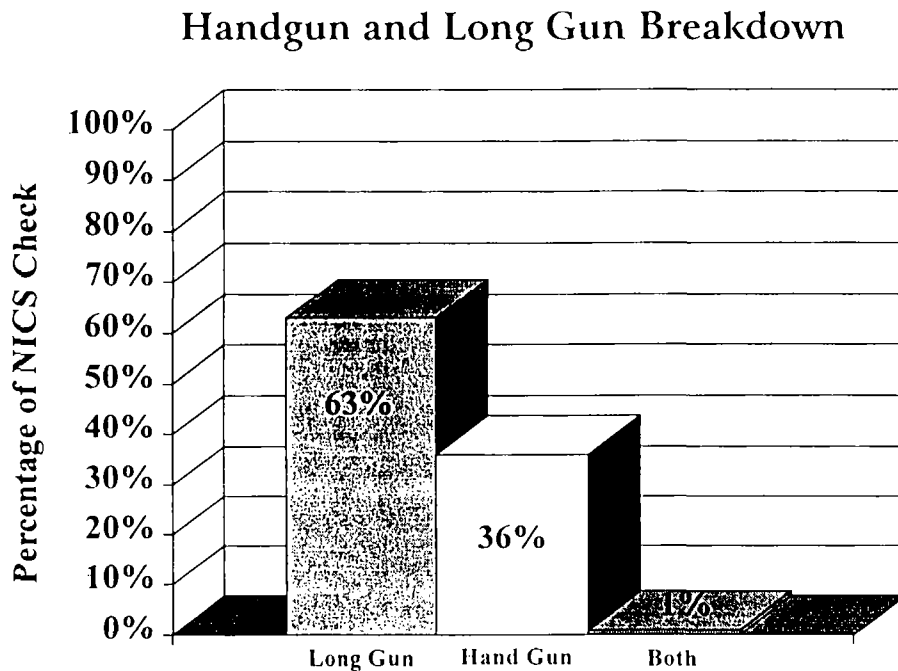
MONTH(S)	STATE	FBI	TOTAL
November/December '98	386,286	506,554	892,840
January '99	315,869	275,486	591,355
February '99	369,647	326,676	696,323
March '99	399,574	353,509	753,083
April '99	341,128	305,584	646,712
May '99	311,736	264,536	576,272
June '99	306,825	262,668	569,493
6 Month Total (Jan - June)	2,044,779	1,788,459	3,833,238
7 Month Total (Nov/Dec - June)	2,431,065	2,295,013	4,726,078

The state and FBI monthly transaction totals are graphically illustrated as follows:

Monthly Breakdown of NICS Queries



With the establishment of the NICS, background checks were required for the first time in connection with the purchase of long guns. Experience has shown that there are significantly more NICS inquiries for long gun purchases than for handgun purchases, as illustrated below.



Note: NICS inquiries require information as to whether the purchase is for a long gun, handgun or both. NICS does not include information pertaining to make, model or serial number of firearms being purchased.

"Immediate Proceeds "-There is No Disqualifying Information in the NICS

Of the total 2,295,013 NICS checks handled by the FBI, 1,665,232 (73 percent) resulted in an immediate "proceed" determination to the FFL (indicating that no records regarding the prospective buyer have been located by the NICS, and that the gun can be transferred under the Brady Act). The average amount of time that it takes for NICS to provide an immediate proceed after information is entered into NICS is within 30 seconds.

"Delays "-There is Potentially Disqualifying Information in the NICS

The other **27 percent** of NICS checks are delayed, because additional time is required to determine whether a firearms purchaser is prohibited from possessing a firearm. If information needed to finish the background check is available electronically, the background check is

completed within two hours. Of the **27 percent** of NICS checks for which additional information is required, most (**80 percent**) are completed **within two hours** by performing additional electronic checks. In other words, **95 percent** of all NICS checks are completed within two hours.

The remaining five percent of checks cannot be completed electronically and require more time to finish. The FBI must contact the state or local entity that has the information (usually the disposition) to complete the record. For example, the check of criminal history records, comprised primarily of state submissions, is a critical element of a NICS check. Usually, these records contain information to show that an individual was arrested, the crime charged, and whether or not the person was found guilty of the crime. Sometimes, however, the criminal history record will only show that the person was arrested, without showing the disposition of that arrest (that is, whether the arrest resulted in a conviction). Under Department of Justice interpretation of current Federal law, an arrest alone is insufficient to disqualify a prospective purchaser from obtaining a firearm. Final disposition information from the states is therefore critical to the NICS.

The first seven months of NICS operation demonstrate the connection between the lack of state arrest disposition information and the delays in NICS responses. Where the NICS shows a potentially disqualifying criminal history record for a prospective purchaser, *but* does not have electronic access to final disposition information, a NICS examiner must take steps to obtain that information from non-electronic sources. Often, this will require direct contact with the local court where the information is held. The ability to obtain the required disposition information depends on several factors, including whether the court is open (courts are typically closed on weekends), the availability of the court clerk to assist, and accessibility of the disposition information. For these reasons, the Brady Act allows the NICS three business days to complete a check.

The Brady Act allows the NICS three "business" days to complete a check, rather than three days or 72 hours. (A "72 hour" rule would mean that, if a purchase were initiated on a Saturday morning and arrest disposition information was needed, the FBI would have only approximately eight business hours - on Monday - to obtain this information in order to complete the check.) Of the 49,160 NICS denials issued by the FBI during the first seven months of NICS operation, over 11,000 (22%) would not have been issued if the law allowed only 72 hours to complete a check, instead of three business days.

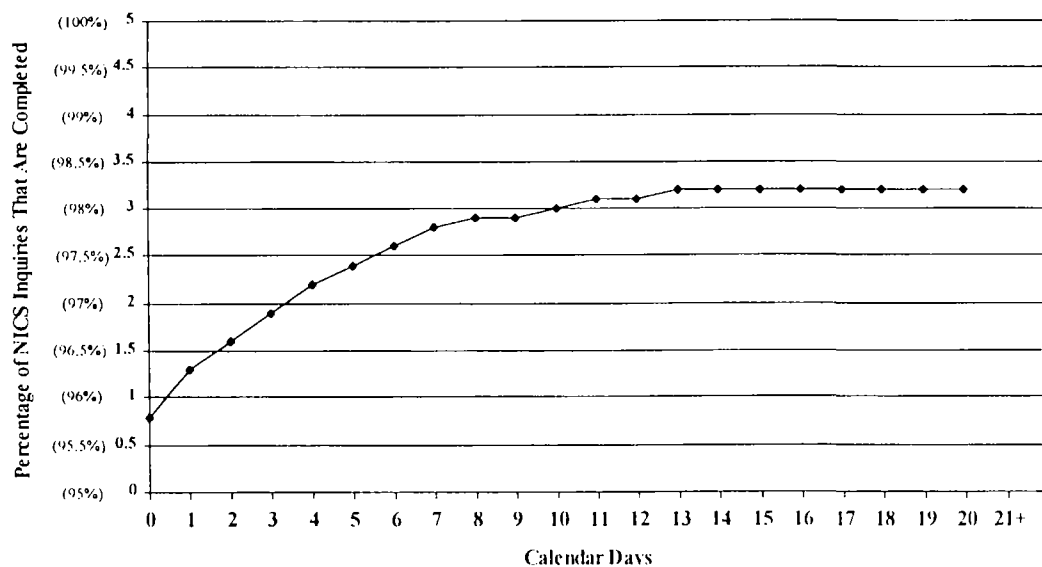
Some examples illustrate the impact of a 72 hour rule. The following denied persons, who tried to buy a gun on Saturday in past months, would not have been stopped from purchasing a firearm: a person convicted of rape in Virginia who tried to buy a gun on Saturday, May 15, 1999; a person convicted in Texas of Aggravated Kidnaping with Attempt to Rape a Child who tried to buy a gun on Saturday, February 27, 1999; a person convicted of domestic violence in Kansas who tried to buy a gun on Saturday, January 30, 1999.

Reducing the time limit for checks from three business days to lesser periods, such as 48 hours or 24 hours, would mean correspondingly greater decreases in the ability of the NICS to prevent unlawful purchases. Of the FBI NICS denials during the first seven months, approximately 15,000 (31%) would not have been stopped if a 48-hour limit had been in place, and approximately 20,000 (41%) would not have been stopped if a 24-hour limit had been in place.

"Default Proceeds"—Although There is Potentially Disqualifying Information in the NICS, Three Business Days have Passed Since the NICS Check was Initiated

A portion of the five percent of NICS checks that require more than two hours to complete cannot be completed within the three-business day time period currently provided under the Brady Act. As illustrated in the graph which follows, approximately 60 percent (three) of the remaining five percent are resolved within ten calendar days. There is relatively little activity depicting receipt of disposition information after 13 calendar days.

Allocation of the Five Percent of NICS Inquiries That Are Not Completed in Two Hours



Note - 95% of all inquiries are completed within two hours. This chart represents the five percent of inquiries not completed within two hours.

As soon as the NICS examiner receives information to complete the check—such as the disposition of an arrest—contact is immediately made with the relevant FFL to provide the result of the NICS check whether or not within the statutory three business day period. However, the Brady Act allows FFLs to transfer firearms after three business days, even if the check is incomplete.

These situations can be called "default proceeds," because the FBI does not actually issue a "proceed" for the firearms transfer. Rather, the FBI provides the FFL with information that efforts are continuing to obtain data to complete the background check. When a final disposition is unable to be retrieved within the three business days, the NICS Operations Center contacts and advises the FFL verbally through a prepared script that the NICS is still in the process of reviewing the matter and cannot give either a 'PROCEED' or a 'DENIAL' response for this sale. The FFL is also advised that if they are not contacted by the NICS by the close of business that day, the Brady Act does not prohibit the transfer of the firearm the following day or at any time within 30 days. Additionally, the FFL is advised that the NICS will be continuing to review the matter for two more weeks and will contact the FFL within that time if NICS discovers definitive information regarding the transaction. Sometimes, the FBI will receive information (usually a disposition of an arrest) after the three business days which indicates the purchaser is prohibited from purchasing or possessing a firearm. The FBI will contact the FFL to determine whether or not the firearm has been transferred.

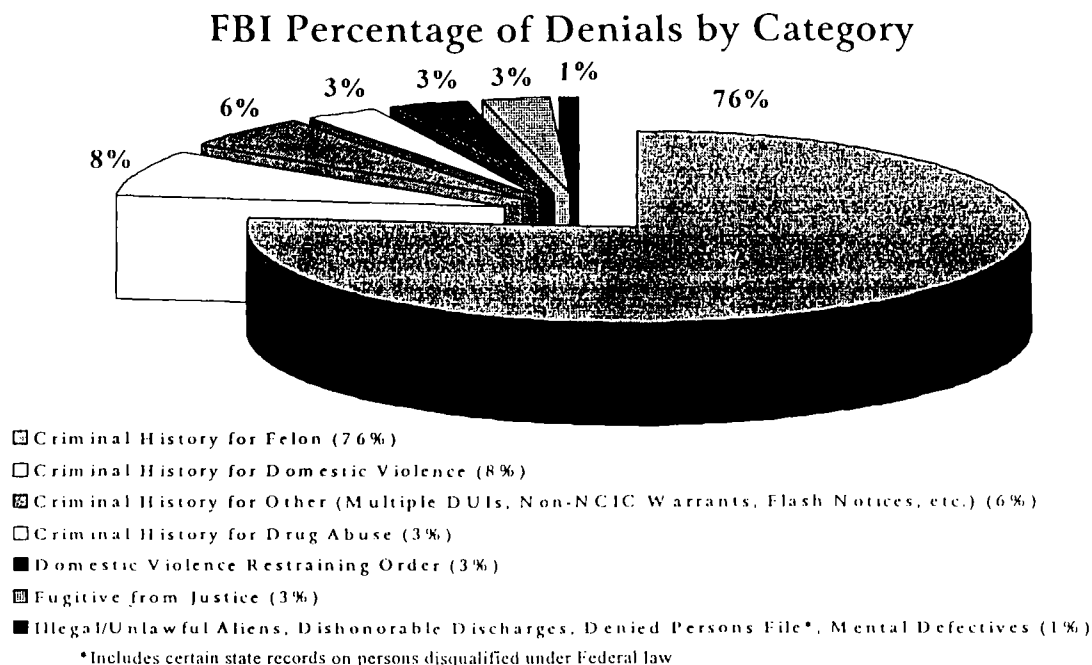
Retrievals

When the FBI determines that an FFL has already transferred the firearm to an individual determined by the NICS to be a prohibited person, the FBI notifies local law enforcement where the firearm was sold or where the purchaser lives, if different, and the ATF that a prohibited person received a firearm. During the first seven months of NICS operations, there were 1,786 occasions where information demonstrating a purchaser was prohibited was received after three business days, and it was determined that the firearm had been transferred to the purchaser, thus necessitating local law enforcement or ATF having to retrieve the firearm(s) from the prohibited person.

Denials

Since November 30, 1998, the FBI and the state POCs each have performed approximately one-half of the NICS checks. While the FBI tracks the number of denials that it issues, the FBI does not routinely receive information about denials from the state POCs. In the first seven months of NICS operation, the FBI blocked 49,160 illegal gun sales, a denial rate of 2.13 percent. Based on the information received from individual states, the FBI estimates that a

comparable number of denials have been issued by the state POCs, for an estimated total of 100,000 denials under Permanent Brady. The FBI denials by prohibited category are illustrated as follows:



As reflected by the preceding chart, the overwhelming majority of NICS denials by the FBI are for people with criminal convictions. This includes individuals who have been convicted of a felony, a misdemeanor crime of domestic violence, or drug crimes which establish illegal drug use or drug addiction.

Detailed information on each denial transaction is referred to ATF for investigation.

Dispositions

To try to prevent as many prohibited people as possible from obtaining firearms, the FBI is continuing to work with the states on improving NICS' direct access to state final disposition information, and to assist states in improving the accuracy and completeness of the records that are available to the NICS system for background checks. In addition, FBI representatives have been attending state court clerk conferences to encourage states to provide the needed disposition information on an expeditious basis. Finally, because states that serve as POCs have access to more records that will contain dispositions, the FBI is working to encourage more states to serve as POCs for the NICS.

Additional time beyond the current three business days would improve the ability of NICS to obtain information on prohibited persons before a transfer of a firearm takes place.

Appeals

When an individual is denied a firearms transfer on the basis of a NICS check, that person may appeal this decision directly to the FBI. An important measure of the accuracy of NICS background checks is the number of appeals that have been generated, and more importantly, the number of decisions that have been overturned on appeal. Regarding the 49,160 denials issued from November 30, 1998 through June 30, 1999, the FBI has received only 6,896 appeals which represent less than 15 percent of these denials. Of the 5,169 appeals on which a decision has been reached, 3,823 (74 percent) have sustained the denial, while 1,346 (26 percent) have overturned the denial. Of those overturned upon appeal, approximately 30 percent were the result of information missing from the original record, such as an expungement or restoration of rights.

PRIVACY AND SECURITY ISSUES

Because the NICS contains an extensive amount of sensitive personal information about individual criminal histories and other disqualifying information, there is the potential that the system will be used improperly. Congress recognized this possibility and required the Attorney General to ensure the privacy and security of the system. To fulfill this responsibility, instances of fraud and abuse must be identified. Only by conducting audits of those entities and individuals who have access to the system can fraud and abuse be detected and punished. To perform audits, the FBI must have access not only to the records of prospective firearms purchasers who are denied, it must also have access—at least for a limited period of time—to records of firearms purchasers who are approved.

Basic security audits are essential to preventing the invasions of privacy that would result from misuse of the system. Audits allow the FBI to detect both persons who misuse the system to perform unauthorized background checks as well as felons who assume the identity of a qualified person to buy firearms illegally. Audits also enable the FBI to determine whether false names are submitted to the NICS by FFLs to evade the name check system. For instance, a corrupt FFL may send in one name (known to have no disqualifying record) for a NICS check, but record a different name on the firearms transaction record. If the record of the name sent to the system were destroyed immediately, there would be no way of proving that the dealer had deliberately evaded the background check system by sending it a false name. The audit log contains information relating to each NICS background check requested by FFLs and allows the FBI to audit use of the system by FFLs and POCs. The audit log also allows the FBI to perform quality control checks on the system's operation by a review of the accuracy of the responses given by the NICS record examiners to FFLs.

Thus far, NICS audits conducted by the FBI based on the current NICS rule (the interim audit system) have uncovered multiple instances involving improper use of the system. For example, the audit log has helped the FBI to identify an FFL who was transferring firearms without doing background checks and has aided in identifying several possible "straw purchases" that were forwarded to the ATF for investigation. The audits have also been used to identify

FFLs who have been conducting NICS inquiries on persons outside of the context of a gun transfer. The Federal firearms laws require that the individual completing the ATF Form 4473 must be buying the firearm for himself or herself or as a gift. Any individual who is not buying the firearm for himself or herself or as a gift, but who completes this form, violates the law. Another example would be if an individual knowingly and willingly purchases a firearm for a person who has been previously denied the purchase of a gun. These incidents are referred to as "straw purchases."

A Department of Justice, NICS Regulation, "Final Rule," was published in the *Federal Register* on October 30, 1998. This final rule provides that the FBI may retain records of all NICS transactions for six months, and that the FBI will work to reduce the retention period to the shortest practicable period of time (less than six months) that would allow basic security audits of the NICS. The final rule also provides that records be retained for a longer period if necessary to pursue identified cases of misuse of the system. In addition, the final rule mandates that the information in the Audit Log be used only for the purpose of conducting audits of the use and performance of the system or pursuing cases of misuse of the system.

Pursuant to the final rule, on March 1, 1999, the Department of Justice issued a notice of proposed rulemaking in the *Federal Register* to further reduce the retention period to 90 days. The proposed regulation will also establish a system for conducting audits. With this system, the FBI will provide information from the audit log to the ATF in connection with specific ATF inspections of FFLs, so the ATF inspectors can compare the information in the audit log to the information kept by the FFLs. ATF inspectors will be subject to the same strict requirements regarding the use and destruction of information from the audit log as the FBI. However, giving ATF the ability to use information in the audit log in the course of an on-site inspection will significantly improve the effectiveness of the audits. The FBI is currently finalizing this regulation.

SUCCESS STORIES

NICS has thus far fulfilled its mission. As a result of the concerted efforts of NICS personnel, firearms transfers to non-prohibited purchasers have been accomplished with minimal inconvenience to both the FFL and purchaser. There, of course, have been individuals who have been denied the ability to purchase a firearm. Following are some examples of instances, within different prohibitive categories, where NICS has been successful in obtaining relevant information to deny a firearms transfer.

The NICS Has Assisted in Capturing Wanted Persons

Not only has the NICS prevented more than a thousand wanted persons from purchasing firearms, but the FBI's NICS Examiners also have actively contacted Federal, state, and local law enforcement agencies to provide information which resulted in their apprehension. The following examples illustrate the success of the NICS in helping capture wanted persons:

- On 3/24/99, the NICS identified a person wanted for burglary in Arkansas. The Van Buren, Arkansas, Police Department, was preparing to put this subject on its Ten Most Wanted List. The subject was apprehended.
- On 3/12/99, the NICS identified a person wanted in connection with a major marijuana and cocaine drug ring. The subject was at the top of Colorado's Wanted Persons list. The subject was picked up by the U.S. Marshals' Service in McAllen, Texas.
- On 3/11/99, the NICS identified a person wanted in Oscoda, Michigan, for eight years, for Aggravated Assault with a deadly weapon against a family member. The Texas Highway Patrol picked him up and held him in Texas awaiting extradition to Michigan.
- On 3/1/99, the NICS identified a person wanted for theft and violating a \$5,000 bond. The subject is now in the custody of the Gallup, Texas Police Department.
- On 2/28/99, the NICS identified a person wanted in California for obstructing a court order. He had violated his probation and his whereabouts were unknown. A NICS Examiner informed California that the subject was in Washington State attempting to purchase a firearm. With assistance from another NICS Examiner, all authorities were contacted and the subject was apprehended and extradited to California.
- The Logan Detachment of the West Virginia State Police notified the NICS that, based upon a NICS check, a person wanted for aggravated assault with a gun in Indiana, was arrested on 2/11/99 while still in the gun store by the West Virginia State Police.
- Other examples of wanted persons taken into custody by local law enforcement agencies when identified by the NICS include:
 - An individual from Missouri wanted for fraud was arrested on 2/3/99 by the sheriff's office.
 - A military deserter from New York was arrested by the New York State Police on 1/30/99.
 - An individual from Wisconsin wanted for perjury was arrested on 1/26/99 by the Wisconsin State Patrol.
 - A fugitive from New Mexico wanted for fraud was arrested on 1/13/99.
 - An individual from Louisiana wanted for theft was arrested on 1/12/99 by the New Orleans Police Department.

- A fugitive from Texas wanted for assault was arrested on 1/10/99 by the State police. This individual had two outstanding warrants from the county and eight traffic warrants.
- A person wanted in Cleveland, Ohio, for carrying a concealed weapon was arrested by the State Police in Wheeling, West Virginia.

Mental Defectives Prevented from Purchasing a Firearm

- A man who has been committed to a State hospital on three occasions for threats against elected officials in the State of Washington was denied.

Individuals Who Had Controlled Substance Related Charges Prevented from Purchasing a Firearm

- A man wanted for felony marijuana and cocaine drug ring involvements in Texas was arrested.
- An individual in Louisiana with multiple drug charges was apprehended.
- A man from Louisiana with a drug conviction within the past year and on probation was denied and information of his attempt to purchase a firearm was turned over to his probation officer.

Individuals With Domestic Violence Charges Prevented From Purchasing a Firearm

- A man in Florida with an outstanding warrant for domestic battery and controlled dangerous substance/cocaine was arrested.
- A man in Louisiana charged with domestic violence was apprehended.
- Two individuals charged with domestic battery in West Virginia were arrested.
- An individual charged with menacing-domestic violence was identified.

Dishonorably Discharged Individuals Prevented From Purchasing a Firearm

- An individual who was charged with rape/sodomy of a child and dishonorably discharged from the military.
- An individual in the military who was convicted of stealing by force and violence and dishonorably discharged.

Illegal Aliens Prevented From Purchasing a Firearm

- An illegal/unlawful alien who had been arrested on three separate occasions by United States Immigration and Naturalization Service (INS) in Laredo, Texas, was apprehended.
- An illegal alien who attempted to purchase a gun in Texas was identified.

INS Deported Felons Prevented From Purchasing a Firearm

- An arrest was made of a deportable alien by the Portland, Oregon, INS and returned to Mexico.
- An individual with an immigration violation was voluntarily returned to Mexico.

Other Individuals Prevented from Purchasing a Firearm

- An individual from West Virginia, who was under indictment and had charges of malicious wounding, night time burglary and battery on a correctional officer, was arrested.
- An individual in Kansas, who was previously convicted of felony attempted terroristic threats.

COMMENDATIONS

The NICS Program has received many commendations for denying firearms to ineligible persons as well as other NICS initiatives.

- Dallas County, Texas, DIVERT Court Program, illustrates this appreciation and points to the long-term impact of a single denial. On 4/29/99, the Program Manager of DIVERT wrote to a NICS Supervisor:

"...DIVERT is a judicially-supervised pre-indictment diversion court that provides substance abuse treatment to offenders charged with a State jail felony of possession. The program lasts for one year and includes substance abuse counseling in the community, random urinalysis testing, substance abuse education, and scheduled court attendance. Graduation from the program results in dismissal of the charge. The goal of the program is to return sober, law abiding citizens to the community.

Under the terms and conditions of DIVERT, it is the order of this court that participants 'do not possess a firearm during the term of diversion.' Following your inquiry, the community treatment provider was notified

that a 24-year-old ... participating in her group had attempted to purchase a firearm at a local gun show. That evening during group session, the counselor asked the young man to share with the group his motivation and/or desire to purchase or own a gun. He reported to the case manager the next day that the group had 'processed him,' asking him questions and providing him an opportunity to express his feeling and views. He said he no longer had a desire to purchase a gun, and felt that the group was instrumental in helping him make a better decision about owning a gun at this time in his life.

This letter is to thank you for doing your job—for allowing us this 'therapeutic opportunity' to make a difference in this young man's life. Keep up the good work!"

- During a proceed call with a Federal firearm licensee, the Rio Grande Training Company, Las Cruces, New Mexico, commented on the professionalism of the NICS staff.
- Bexar County, Texas, Sheriff's Office sent a facsimile to a NICS Examiner expressing appreciation for the information she provided.
- A representative from Gander Mountain, Bloomington, Minnesota, expressed: "Thanks to everyone for taking a hard job that was a hornet's nest and making it work. Keep up the good work."
- Holt and Associates, Auctioneers from Colorado Springs, Colorado, stated: "We have had the opportunity to use your NICS Program Services. I am prompted to advise you that the reception was outstanding and that the personnel who assisted were most helpful, courteous, and did make your job much easier. We were conducting an estate auction that included a collection of firearms, and our buyers were from several states. This could have caused a great deal of difficulty for the buyers. I want you to know you have a great staff. In this busy world, too many people don't stop to say -- thanks, good job."
- A licensed gun dealer in Kansas wrote to commend the NICS on its performance running checks for him at a recent gun show: "First of all, I would compliment you for the professionalism that your people extend to us...This past weekend I attended a gun show in Wichita, Kansas. During that period, I ran 40-50 checks with several delays. I was quite surprised at how fast these delays were investigated. The customers also made comments as to how fast the delays were taken care of...Again, thanks for a job well done."

- A famous entertainer attempting to purchase gold-plated pistols which were used in the television series *Have Gun Will Travel* at a cost of \$22,500 whose transaction was delayed but later proceeded because of a "hit" in one of the databases. The FFL commented, "Keep up the good work. I intend to spread the word that NICS is doing a good job."
- The Chief Information Officer from the Administrative Office of Courts in Montgomery, Alabama wrote a letter dated 7/11/99 to the NICS Program Office complimenting two members of the NICS staff who attended the Alabama Court Clerks Conference regarding the receipt of dispositions. An excerpt from this letter follows:

"...(the two representatives*) were there to give a presentation on NICS and to answer questions from the clerks. As you probably know, the NICS program in Alabama has been received with a lack of enthusiasm and the reception given to (the two representatives*) when they arrived on Thursday was cool. Despite this start, your two representatives worked diligently to change the situation and in just a day and a half they had made remarkable progress. Our clerks were sorry to see them leave so soon and they were invited back. The problems of dispositions for NICS in the State of Alabama are not over. However, the attitude has definitely changed and I anticipate that increased cooperation will be seen by your staff. Thank you for devoting some personal attention to this problem.

(The two representatives*) were as confident as any program representatives I have seen. They simply could not be flustered even by the most pointed question or comment. They did not let a potential negative situation overwhelm them but, rather, handled it with tenacity and style... I would like to extend the compliments of the Alabama Judicial System to them."

(*The names of these representatives have been omitted.)

CONCLUSION

The NICS has been working successfully for more than seven months to ensure the timely transfer of firearms to individuals who are not specifically prohibited by Federal law from possessing a firearm. In addition, the NICS has prevented the acquisition of firearms by an estimated 100,000 criminals, fugitives, and others who should not have firearms. The NICS staff has provided timely and effective customer service to other Federal, state and local law enforcement agencies, FFLs, and other users of NICS.

Partnership with the states has been successful through the transition from design and development to the operation of the NICS. The cooperation with the states continues via conferences, seminars, and telephonic communications for future enhancements to the NICS.

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An excellent, detailed baseline of statistical data has been collected which will help the NICS Program Office in evaluating and improving performance of the NICS, based on analysis of patterns and trends (e.g., workloads, response times, etc.). By assuring that effective audits of the system are conducted and by assuring that adequate time and resources are provided to complete thorough checks, the NICS will be able to perform even more effectively in the future.

**NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM
POINT OF CONTACT (POC) STATES AND TERRITORIES**

- **Full Participants (16):** States which conduct NICS checks for all firearms purchases and for permits for handguns and long guns:

Arizona	Nevada
California	New Jersey
Colorado	Pennsylvania
Connecticut	South Carolina
Florida	Tennessee
Georgia	Utah
Hawaii	Vermont
Illinois	Virginia

(NICS performs pre-pawn checks for Florida.)

- **Partial Participants (11):** States which perform checks for handgun permits, while the FBI performs NICS checks for long gun purchases:

Iowa	New York
Michigan	North Carolina
Nebraska	

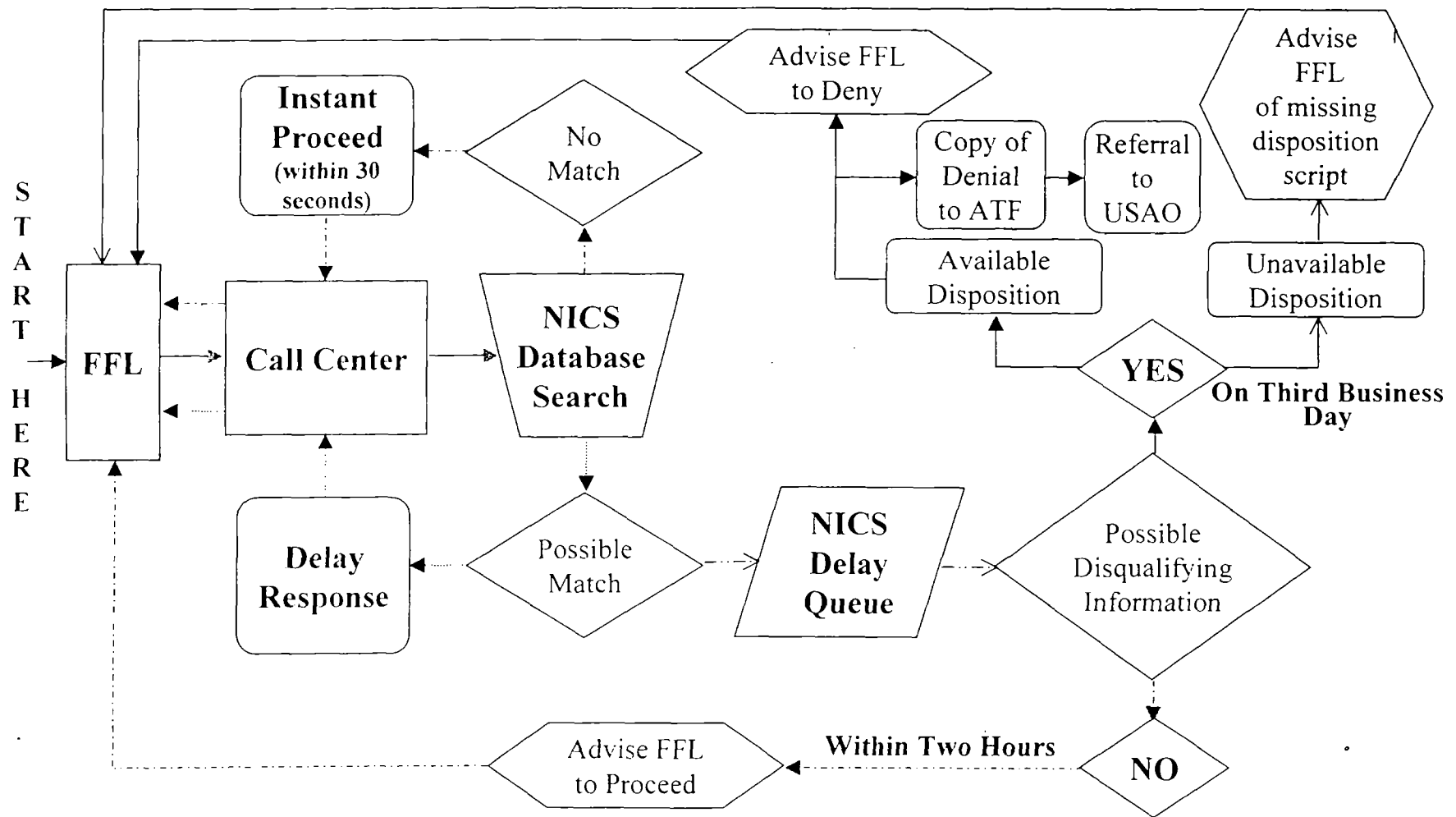
States which perform NICS checks for handgun purchases, while the FBI performs NICS checks for long gun purchases:

Indiana	Oregon
Maryland	Washington
New Hampshire	Wisconsin

- **Non-Participants (26):** The FBI performs NICS checks on both handguns and long guns for:

Alabama	Montana
Alaska	New Mexico
Arkansas	North Dakota
Delaware	Ohio
Idaho	Oklahoma
Kansas	Puerto Rico
Kentucky	Rhode Island
Louisiana	South Dakota
Maine	Texas
Massachusetts	U.S. Virgin Islands
Minnesota	West Virginia
Mississippi	Wyoming
Missouri	Washington, D.C.

NICS Operations Work Flow Diagram



APPENDIX B