

Gun Buyer Proposal A Surprise

*Opposition in GOP;
Issue Looms in Nov.*

By HELEN DEWAR
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President Clinton's proposal for handgun licensing ran into a barrage of opposition in the Republican-controlled Congress but was welcomed by Democratic gun control advocates as a defining anti-crime issue for the November elections.

Clinton's proposal, included in his State of the Union address without advance notice, would require that anyone who seeks to buy a handgun would first have to obtain a license with photo identification showing he or she had passed a background check and a gun safety course.

But Clinton's initiative followed House refusal to act on milder gun control measures last year, and Republicans said it has little chance in this session. Democrats made it clear, however, that GOP reluctance to tighten gun restrictions was likely to figure in this fall's campaign.

Vice President Gore has called for photo identification licenses for handgun purchases, and former senator Bill Bradley, Gore's rival for the Democratic presidential nomination, has called for mandatory licensing and gun registration. But Clinton's plan came as a surprise because last June he said that, while he favored gun registration, he would not propose it because Congress would not go along.

Last night, Clinton's proposal drew a standing ovation from Democrats and applause from about a dozen Republicans who remained seated while clapping.

"I just don't think there's the sentiment for it," said John Feehery, spokesman for House Speaker J. Dennis Hastert (R-Ill.). "This is not something that will move forward in this Congress," said a spokesman for Sen. Larry E. Craig (R-Idaho), a member of the National Rifle Association and the Senate Republican leadership.

Rep. James P. Moran (D-Va.), a gun control supporter, said Republicans run a political risk in opposing such proposals.

"Whether it becomes law this year or next, it should be part of the national debate," he said. "It's clearly going to prove to be a divisive issue in the presidential debate. That's the intent, to show the difference between Al Gore and the Republican candidate."

But some Democrats from areas where gun control is less popular said they would oppose the proposal. "It's just a very sensitive issue to my district and to me personally," said Rep. Ronnie Shows (D-Miss.), adding that his constituents fear licensing would lead to confiscation.

The NRA vowed strong opposition. "What's it going to solve?" asked NRA Executive Vice President Wayne LaPierre. "Criminals could care less. They will not apply. The next step is the knock on the door to confiscate firearms of law-abiding citizens."

'Let Us . . . Set Great Goals For Our Nation'

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Following are excerpts from President Clinton's State of the Union address to Congress last night:

My fellow Americans, the state of our union is the strongest it has ever been. . . . But we must not . . . drift into complacency. . . .

[L]et us . . . set great goals for our nation. [L]et us pledge these things: Every child will begin school ready to learn and graduate ready to succeed. Every family will be able to succeed at home and at work, and no child will be raised in poverty. We will meet the challenge of the aging of America. We will assure quality affordable health care at last for all Americans. We will make America the safest big country on Earth. We will pay off our national debt for the first time since 1835. We will bring prosperity to every American community. We will reverse the course of climate change and leave a safer, cleaner planet. . . .

[Y]ou can't gain ground if you're standing still. For too long, this Congress has been standing still on some of our most pressing national priorities. So let's begin tonight with them.

Again, I ask you to pass a real patients' bill of rights. I ask you to pass common-sense gun-safety legislation. I ask you to pass campaign finance reform. . . . And again I ask you—I implore you to raise the minimum wage. . . .

[W]e are doing something that would have seemed unimaginable seven years ago. We are actually paying down the national debt. If we stay on this path, we can pay down the debt entirely in just 13 years now. . . . [W]e must ensure that the benefits of debt reduction go to preserving two of the most important guarantees we make to every American: Social Security and Medicare. . . . I ask you to work with me to make a bipartisan down payment on Social Security reform, by crediting the interest savings from debt reduction to the Social Security trust fund so that it will be strong and sound for the next 50 years.

But this is just the start of our journey. We must also take the right steps toward reaching our great goals.

Education

Because education is more important than ever, more than ever the key to our children's future, we must make sure all our children have that key. That means quality preschool and after-school, the best-trained teachers in the classroom, and college opportunities for all our children. . . .

[A]ll successful schools have followed the same proven formula: higher standards, more accountability and extra help so children who need it can get it to reach those standards. I have sent Congress a reform plan based on that formula. It holds states and school districts accountable for progress and rewards them for results. . . .

Each year, our national government invests more than \$15 billion in our schools. . . . Let's double our investment to help states and districts turn around their worst-performing schools or shut them down. Let's double our investments in after-school and summer school programs, which boost achievement and keep people off the street and out of trouble. . . . I ask you for another \$1 billion for Head Start, the largest increase in the history of the program. . . . And to make sure all teachers know the subjects they teach, tonight I propose a new teacher quality initiative to recruit more talented people into the classroom, reward good teachers for staying there and give all teachers the training they need. . . .

We know we must connect all our classrooms to the Internet. And we're getting there. . . . But we cannot finish the job when a third of all our schools are in serious disrepair. Many of them have walls and wires so old they're too old for the Internet.

So tonight, I propose to help 5,000 schools a year make immediate and urgent repairs, and again, to help build or modernize 6,000 more to get students out of trailers and into high-tech classrooms. . . .

To make the American dream achievable for all, we must make college affordable for all. For seven years, on a bipartisan basis, we have taken action toward that goal. . . . Yet millions of families still strain to pay college tuition. . . . I propose a landmark \$30 billion college opportunity tax cut [and] a middle-class tax deduction for up to \$10,000 in college tuition costs. . . .

Families

We also need a 21st-century revolution to reward work and strengthen families by giving every parent the tools to succeed at work and at the most important work of all: raising children. . . .

In 1997, we passed the Children's Health Insurance Program, CHIP, so that workers who don't have coverage through their employers at least can get it for their children. . . . Tonight, I propose that we follow Vice President Gore's suggestion to make low-income parents eligible for the insurance that covers their children. Together with our children's initiative . . . this action would enable us to cover nearly a quarter of all the uninsured people in America. Again, I want to ask you to let people between the ages of 55 and 65, the fastest-growing group of uninsured, buy into Medicare. And this year I propose to give them a tax credit to make that choice an affordable one. . . .

And at long last, it also provides funds to give every senior a voluntary choice of affordable coverage for prescription drugs. . . .

Record numbers of Americans are providing for aging or ailing loved ones at home. . . . Last year, I proposed a \$1,000 tax credit for long-term care. Frankly, it wasn't enough. This year, let's triple it to \$3,000. But this year, let's pass it. . . .

We must also make investments that reward work and support families. Nothing does that better than the Earned Income Tax Credit. . . . In my very first address to you, I asked Congress to greatly expand this credit, and you did. . . . I propose another major expansion of the EITC, to reduce the marriage penalty, to make sure it rewards marriage as it rewards work and also to expand the tax credit for families that have more than two children. . . .

For hard-pressed middle-income families, we should also expand the child care tax credit. And I believe strongly we should take the next big step and make that tax credit refundable for low-income families. . . . For people making under \$30,000 a year, that could mean up to \$2,400 for child care costs.

Tens of millions of Americans live from paycheck to paycheck. . . . We should do more to help all working families save and accumulate wealth. That's the idea behind the individual development accounts, the IDAs. I ask you to take that idea to a new level, with new retirement savings accounts that enable every low- and moderate-income family in America to save. . . . I propose to match their contributions, however small, dollar for dollar, every year they save. And I propose to give a major new tax credit to any small business that will provide a meaningful pension to its workers. . . .

We can make these vital investments in health care, education, support for working families, and still offer tax cuts to help pay for college, for retirement, to care for aging parents, to reduce the marriage penalty . . . without forsaking the path of fiscal discipline that got us to this point here tonight. . . .

Crime

Crime in America has dropped for the past seven years. . . . But nobody, nobody here, nobody in America believes we're safe enough. . . .

We must strengthen our gun laws and enforce those already on the books better. . . . I propose to hire more federal and local gun prosecutors and more ATF agents to crack down on illegal gun traffickers and bad-apple dealers. And we must give them the enforcement tools that they need—tools to trace every gun and every bullet used in every gun crime in the United States. . . .

Every state in this country already requires hunters and automobile drivers to have a license. I think they ought to do the same thing for handgun purchases. . . . I propose a plan to ensure that all new handgun buyers must first have a photo license from their state showing they passed a Brady background check and a gun safety course before they get the gun. . . .

[E]very parent I know worries about the impact of violence in the media on their children. . . . I ask the industry to accept the first lady's challenge: to develop a single, voluntary rating system for all children's entertainment that is easier for parents to understand and enforce.

Global Change

[T]o keep our historic economic expansion going . . . we need a 21st-century revolution to open new markets, start new businesses, hire new workers right

THE GUN ISSUE

State Photo Card Is Proposed to Regulate New Handguns

By NEIL A. LEWIS

WASHINGTON, Jan. 27 — President Clinton tonight proposed a nationwide system to regulate all future handgun purchases that would rely on the states to issue licenses with photographs but only to prospective buyers who could show they had no criminal records and had passed gun safety courses.

White House officials said the proposal, already embodied in several bills in Congress, was intended to put handgun ownership on a similar footing with state licensing of drivers and hunters.

The essence of the proposal — using the states to administer a licensing system that would apply only to future handgun purchases — is identical to the campaign proposal of Vice President Al Gore, who stood, smiling contentedly, behind the president during tonight's speech. Mr. Gore's opponent for the Democratic nomination, Bill Bradley, has proposed not only licensing purchasers but all handguns themselves, including the tens of millions in existence.

"Crime in America has dropped for the past seven years — the longest decline on record, thanks to a national consensus we helped forge on community police, sensible gun control, and effective prevention," Mr. Clinton said in the speech, to robust applause.

"But nobody believes America is safe

enough," he said. "So let's set a higher goal: Let's make America the safest big country in the world."

Mr. Clinton's proposal, which would probably face significant Republican opposition, quickly raised difficult questions about the authority of Washington to use the states as an instrument to enforce

Venturing in an area sure to bring in conflict and politics.

federal laws. In June 1997, the Supreme Court narrowly struck down a provision of the so-called Brady Law that required state officials to conduct background checks of prospective handgun purchasers. The court, which in recent years has been involved in a profound debate about the relationship between the states and the federal government, said that the Brady Law provision improperly trampled on state sovereignty.

But White House officials said tonight that they thought the President's proposal would not run afoul of the 1998 decision, *Printz v. U.S.*, because states would not be

required to issue the licenses.

"We have made sure that state participation would be optional, not mandated," said a senior White House official who asked not to be identified. "In states that choose not to participate, we will have federally approved gun dealers or some other federal entity would be used instead to issue the licenses."

The official also said there would likely be some provision that would reimburse the states for the cost of administering the license program.

Vicki Jackson, a law professor at Georgetown University and an authority on state-federal questions, said such a proposal might well be constitutional.

Professor Jackson said that the state of the law was in great flux but that "if the states really have a choice and they can turn down the money for the program and it won't affect their getting money for other programs, it might not be a problem."

It is clear, however, that the states could not be forced to administer such a program, she said.

The proposal drew immediate criticism from the National Rifle Association, whose executive vice president, Wayne LaPierre, said it revealed the Clinton Administration's true agenda of eventually confiscating handguns throughout the nation.

Opening New Markets

To keep our economic expansion going, we need a 21st-century revolution to open new markets, start new businesses, and hire new workers right here in America — in our inner cities, poor rural areas and on Indian reservations.

Our nation's prosperity has not yet reached these places. Over the last six months, I have traveled to many of them — joined by many of you, and many far-sighted business people — to shine a spotlight on the enormous potential in communities from Appalachia to the Mississippi Delta, from Watts to the Pine Ridge Indian Reservation. Everywhere I've gone, I've met talented people eager for opportunity, and able to work. Let's put them to work.

For business, it's the smart thing to do. For America, it's the right thing to do. And if we don't do it now, when will we ever get around to it?

I ask Congress to give businesses the same incentives to invest in America's new markets that they now have to invest in foreign markets. Tonight, I propose a large new markets tax credit and other incentives to spur \$22 billion in private-sector capital — to create new businesses and new investments in inner cities and rural areas.

Empowerment zones have been creating these opportunities for five years now. We should also increase incentives to invest in them and create more of them.

This is not a Democratic or a Republican issue. It is an American issue. Mr. Speaker, it was a powerful moment last November when you joined me and the Rev. Jesse Jackson in your home state of Illinois, and committed to working toward our common goal, by combining the best ideas from both sides of the aisle. Mr. Speaker, I look forward to working with you.

We must maintain our commitment to community development banks and keep the community reinvestment act strong so all Americans have access to the capital they need to buy homes and build businesses.

We need to make special efforts to address the areas with the highest rates of poverty. My budget includes a special \$110 million initiative to promote economic development in the Mississippi Delta and \$1 billion to increase economic opportunity, health care, education and law enforcement for Native American communities. In this new century, we should honor our historic responsibility to empower the first Americans. I thank leaders and members from both parties who have already expressed an interest in working with us on these efforts.

There's another part of our American community in trouble today — our family farmers. When I signed the Farm Bill in 1996, I said there was a great danger it would work well in good times but not in bad. Well, droughts, floods, and historically low prices have made times very bad for our farmers. We must work together to strengthen the farm safety net, invest in land conservation, and create new markets by expanding our program for bio-based fuels and products.

Today, opportunity for all requires something new: having access to a computer and knowing how to use it. That means we must close the digital divide between those who have these tools and those who don't.

Connecting classrooms and libraries to the Internet is crucial, but it's just a start. My budget ensures that all new teachers are trained to teach 21st-century skills and creates technology centers in 1,000 communities to serve adults. This spring, I will invite high-tech leaders to join me on another new markets tour — to close the digital divide and open opportunity for all our people. I thank the high-tech companies that are already doing so much in this area — and I hope the new tax incentives I have proposed will encourage others to join us.

If we take these steps, we will go a long way toward our goal of bringing opportunity to every community.

Global Change And American Leadership

To realize the full possibilities of the new economy, we must reach beyond our own borders, to shape the revolution that is tearing down barriers and building new networks among nations and individuals, economies and cultures: globalization.

It is the central reality of our time. Change this profound is both liberating and threatening. But there is no turning back. And our open, creative society stands to benefit more than any other — if we understand, and act on, the new realities of interdependence. We must be at the center of every vital global network, as a good neighbor and partner. We cannot build our future without helping others to build theirs.

First, we must forge a new consensus on trade. Those of us who believe passionately in the power of open trade must ensure that it lifts both our living standards and our values, never tolerating abusive child labor or a race to the bottom on the environment and worker protection. Still, open markets and rules-based trade are the best engines we know for raising living standards, reducing global poverty and environmental destruction, and assuring the free flow of ideas. There is only one direction for America on trade: we must go forward.

And we must make developing economies our partners in prosperity — which is why I ask Congress to finalize our groundbreaking African and Caribbean Basin trade initiatives.

Globalization is about more than economics. Our purpose must be to bring the world together around democracy, freedom, and peace, and to oppose those who would tear it apart.

Here are the fundamental challenges I believe America must meet to shape the 21st-century world.

First, we must continue to encourage our former adversaries, Russia and China, to emerge as stable, prosperous, democratic nations. Both are being held back from reaching their full potential: Russia by the legacy of communism, economic turmoil, a cruel and self-defeating war in Chechnya; China by the illusion that it can buy stability at the expense of freedom.

But think how much has changed in the past decade: thousands of former Soviet nuclear weapons eliminated; Russian soldiers serving with ours in the Balkans; Russian people electing their leaders for the first time in a thousand years. And in China, an economy more open to the world than

ever before. No one can know for sure what direction these great countries will choose. But we must do everything in our power to increase the chance they will choose wisely, to be constructive members of the global community.

That is why we must support those Russians struggling for a democratic, prosperous future; continue to reduce both our nuclear arsenals; and help Russia safeguard weapons and materials that remain.

That is why Congress should support the agreement we negotiated to bring China into the W.T.O., by passing Permanent Normal Trade Relations as soon as possible this year. Our markets are already open to China. This agreement will open China's markets to us. And it will advance the cause of peace in Asia and promote the cause of change in China.

A second challenge is to protect our security from conflicts that pose the risk of wider war and threaten our common humanity. America cannot prevent every conflict or stop every outrage. But where our interests are at stake and we can make a difference, we must be peacemakers.

We should be proud of America's role in bringing the Middle East closer than ever to a comprehensive peace: building peace in Northern Ireland; working for peace in East Timor and Africa; promoting reconciliation between Greece and Turkey and in Cyprus; working to defuse crises between India and Pakistan; defending human rights and religious freedom.

And we should be proud of the men and women of our armed forces and those of our allies who stopped the ethnic cleansing in Kosovo — enabling a million innocent people to return to their homes.

When Slobodan Milosevic unleashed his terror on Kosovo, Capt. John Cherrey was one of the brave airmen who turned the tide. And when another American plane went down over Serbia, he flew into the teeth of enemy air defenses to bring his fellow pilot home. Thanks to our armed forces' skill and bravery, we prevailed without losing a single American in combat. Captain Cherrey, we honor you, and promise to finish the job you began.

A third challenge is to keep the inexorable march of technology from giving terrorists and potentially hostile nations the means to undermine our defenses. The advances that have shrunk cell phones to fit in the palms of our hands can also make weapons of terror easier to conceal and easier to use.

We must meet this threat: by making effective agreements to restrain nuclear and missile programs in North Korea, curbing the flow of lethal technology to Iran; preventing Iraq from threatening its neighbors; increasing our preparedness against chemical and biological attack; protecting our vital computer systems from hackers and criminals; and developing a system to defend against new missile threats — while working to preserve our Anti-Ballistic Missile Treaty with Russia.

I hope we can have a constructive bipartisan dialogue this year to build a consensus which will lead eventually to the ratification of the Comprehensive Nuclear Test Ban Treaty.

A fourth challenge is to ensure that the stability of our planet is not threatened by the huge gulf between rich and poor. We cannot accept a world in which part of humanity lives on the cutting edge of a new economy, while the rest live on the bare edge of survival. We must do our part, with expanded trade, expanded aid and the expansion of freedom.

From Nigeria to Indonesia, more people won the right to choose their leaders in 1999 than in 1989, the year the Berlin Wall fell. We must stand by democracies — like Colombia, fighting narco-traffickers for its people's lives, and our children's lives. I have proposed a strong two-year package to help Colombia win this fight; and I ask for your support. And I will propose tough new legislation to go after what drug barons value most — their money.

In a world where 1.2 billion people live on less than a dollar a day, we must do our part in the global endeavor to reduce the debts of the poorest countries so they can invest in education, health and economic growth — as the pope and other religious leaders have urged. Last year, Congress made a down payment on America's share. And I ask for your continued support.

And America must help more nations break the bonds of disease. Last year in Africa, AIDS killed ten times as many people as war did. My budget invests \$150 million more in the fight against this and other infectious killers. Today, I propose a tax credit to speed the development of vaccines for diseases like malaria, TB and AIDS. I ask the private sector and our partners around the world to join us in embracing this cause. Together, we can save millions of lives.

Our final challenge is the most important: to pass a national security budget that keeps our military the best trained and best equipped in the world, with heightened readiness and 21st-century weapons; raises salaries for our servicemen and women; protects our veterans; fully funds the diplomacy that keeps our soldiers out of war; and makes good on our commitment to pay our U.N. dues and arrears. I ask you to pass this budget and I thank you for the extraordinary support you have given — Republicans and Democrats alike — to our men and women in uniform. I especially want to thank Secretary Cohen for symbolizing our bipartisan commitment to our national security — and Janet Cohen, I thank you for tirelessly traveling the world to show our support for the troops.

If we meet all these challenges, America can lead the world toward peace and freedom in an era of globalization.

The New York Times

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Guns-
Licensing

Today's debate: Gun violence

Why gun licensing works

OUR VIEW If it will slow gun deaths — accidental or deliberate — why not?

Within hours of the State of the Union address last week, President Clinton's call to license firearm owners was attracting all manner of criticism. Among the most common: that licensing is unconstitutional and impractical; that it is prelude to gun registration and an eventual ban on gun ownership; that it won't deter criminals.

Criticism aside for a moment, the idea has merit. Gun owners are responsible for almost as many deaths annually as motorists, and they cause more harm in a day than our 195,000 licensed barbers cause in a decade. In that light, asking would-be gun owners to submit to a background check and demonstrate basic safety skills before getting an ID-style license doesn't seem very radical.

Indeed, when it comes to gun licenses, the soundness of the concept is demonstrated by the feebleness of the opposing critique. Consider the roster of complaints.

► **The Constitution.** The Second Amendment begins "A well-regulated . . ." That's exactly what today's gun owners are not. Licensing would change that, helping ensure that gun owners know how to keep and handle weapons safely, and providing a way to back-check gun ownership against such disqualifying traits as felony convictions.

► **The system.** Critics say licensing would be impossibly expensive and complicated. Yet

just such a system is already functioning quite nicely for the nation's 185 million motorists, at no real burden to them. Why would licensing 80 million gun owners be different?

► **The slippery slope.** Why worry that someday the nation's 200 million guns might be registered like its 130 million cars? Gun advocates say the best way to fight gun-related crime is with better law enforcement. Being able to track individual weapons would be a huge step toward that end. As to a ban: With so many weapons in circulation, the odds are nil.

► **The public good.** The most obnoxious argument against licensing is that it won't stop criminals. There are many reasons to think that licenses would deter some, as do gun-purchase background checks and waiting periods, which have prevented hundreds of thousands of improper gun sales. Mandatory safety classes could help weed out emotionally unsuitable applicants. Licenses would make it easier for dealers to know that customers are legitimate.

But this isn't solely about crime anyway. Most firearm-related deaths are either accidents or suicides. Making sure gun owners know how to use and store their weapons safely may not deter criminals from leaving their pistols on the coffee table with the safety off, but it might discourage Uncle George.

Odds are long against Congress agreeing this year on anything as hot as licensing gun owners. But the sooner the debate comes down to earth, the sooner it will move forward in some meaningful way. No doubt that's why the gun lobby refuses to get real.

You can't license freedom

OPPOSING VIEW Owning a gun is a right; driving is a privilege.

By Wayne LaPierre

You can't license the Bill of Rights.

Our Founders couldn't have imagined such chilling conceit. How can a government appoint itself Supreme Dispenser of the very freedoms the writers of the Constitution said were God-given? It can't. That's why Americans will not tolerate a government that tries to license the Second Amendment.

No more than your neighbor would tolerate a license to speak freely, or Methodists would tolerate a license to worship, or this newspaper would tolerate a license to publish its opinions.

The Bill of Rights can't be parceled out on bureaucratic whim through prior restraint.

And don't be fooled by the misleading notion that licensing gun owners is as innocent as registering automobiles.

First, registering cars doesn't pretend to prevent accidents or stop drunk drivers. Its sole purpose is to create a stream of tax revenue.

Second, it certainly doesn't keep a million

or more unlicensed drivers off the road.

Third, driving a car is a convenient privilege. Owning a firearm is a sacred constitutional right.

And everyone knows where photo-ID registration leads. Government with the power to license a freedom also has the power to deprive people of that freedom.

Without exception, history proves that firearm registration ultimately leads to that inevitable knock on the door and the confiscation of guns. It has already happened (with tragic results) in England and Australia; it's under way in South Africa and Canada; and it's now a pet political refrain here.

But it's just the first step toward abolishing the Second Amendment. Every scheme in the gun-hater's law bag is promoted as an end in itself that might provide some perceived public good. When it doesn't, it always leads to another scheme and then another.

This one must stop now. Licensing access to the Bill of Rights will never be acceptable to Americans who care about their freedoms.

Wayne LaPierre is executive director of the National Rifle Association.

A New Hampshire message: Money is corrupting politics

The voters of New Hampshire sent a strong message to Washington, D.C., and the rest of the country Tuesday: Get serious about campaign-finance reform.

John McCain and Bill Bradley, the candidates who talk most about cleaning up the special-interest money that makes everyone in politics look soiled, may never win the presidency. But they scored impressively in New Hampshire's primaries, running uphill against candidates backed strongly by the Republican and Democratic establishments.

What's more, while defenders of the status quo long have claimed that the public doesn't care about how special-interest money drives politics, New Hampshire shows otherwise.

Not only did reform candidates run strongly, voters in the Republican primary said by 5-1 in an exit poll that campaign reform would help improve government. Democratic primary voters placed it in the top five issues influencing their choice, ahead of taxes and world affairs albeit below the economy, Social Security and Medicare. Believe it or not, among GOP primary voters it ranked with abortion and education as a concern.

None of that should be surprising. In a 1998 poll, 74% of New Hampshire voters said they want comprehensive campaign reform. Polls in eight other states have shown solid majorities not only for closing the loophole that lets corporations, unions and individuals make unlimited and otherwise illegal contributions, but also for public financing of campaigns, and enforceable limits on private contributions.

In the present system, even those who talk reform wind up looking beholden to special-interest money. McCain's campaign has been heavily fueled by industries dependent on the favor of the Senate Commerce Committee, which he heads. Bradley's treasury is conspicuously dependent on Wall Street, where he had alliances when he was in the Senate and where

Where they stand

All four major candidates have talked about campaign reform. Their positions:

► **Bill Bradley:** Ban soft money to national parties and prohibit state party committees from spending their soft money on federal elections. Increase taxpayer financing of elections and require all broadcasters to give candidates free time.

► **George W. Bush:** Ban soft money from businesses and unions, but not from others; raise individual contribution limits.

► **Al Gore:** Ban soft money and increase public financing; require TV networks to give candidates free time.

► **John McCain:** Ban soft money; abolish matching funds for presidential candidates; make congressional candidates raise more than half their money in home states; raise individual contribution limit.

Source: The Associated Press; USA TODAY research

he worked after leaving Washington.

In the weeks ahead, keeping their campaigns going against such well-financed opponents as Al Gore and George W. Bush likely will require more such apparent hypocrisy.

The Supreme Court put it simply two weeks ago in upholding the principle of limiting political contributions: The public has an interest in not only stopping outright corruption, but also curbing the appearance of impropriety that undermines confidence in democracy.

Reform is slow. Efforts to close the so-called "soft money" loophole exploited by special interests and money-hungry politicians remain stymied by a Senate filibuster. Conversion to the public financing of elections, under way in four states, likely will be on the ballot in two more elections this November.

But the claim that nobody cares has been unmasked by the voters of New Hampshire.

Guns -
Licensing

New Pressure for Gun Control

President Clinton has moved the nation's gun control debate an important step forward with his State of the Union proposal for a national system of photo licensing and safety testing for handgun buyers. The proposal puts fresh political pressures on an indifferent Republican Congress, which has yet to approve the more modest gun control measures the administration called for last spring following the Colorado school shootings.

Mr. Clinton's plan — identical to Vice President Al Gore's campaign proposal — would essentially treat handgun ownership as seriously as society treats the licensing of drivers. The president could make a good plan even better by requiring not only licensing of buyers but also the registration of all handguns themselves, including the tens of millions now in circulation. That is the course urged by Mr. Gore's Democratic opponent, Bill Bradley.

No one expects this Congress to approve a

dramatic overhaul of existing regulations. But the Republicans should at least be willing to hold hearings on the Clinton plan's common-sense provisions. One would require buyers to show that they can handle a weapon safely. Buyers would also have to show that they are aware of their legal responsibility to keep loaded guns away from children. Mr. Clinton has also requested \$280 million to better enforce existing gun laws — a deft response to complaints from the gun lobby that too little is done to enforce laws already on the books.

Gun control will obviously be an issue in the fall elections. During the State of the Union speech, Republican lawmakers stood up to honor Tom Mauer, who lost his son, Daniel, in the Columbine High School massacre. But not many clapped when Mr. Clinton called for meaningful action to prevent similar tragedies in the future. That sort of duplicity seems unlikely to sit well with voters.

A Wedge in the Cuban Embargo

Cubans have been told for many years that the decades-long American trade embargo against their country prevents them from buying even aspirin from their northern neighbor. President Fidel Castro has long used American restrictions on the sale of medicines and medical supplies to Cuba as an example of Washington's apparent inhumanity — and a source of his own legitimacy. So last week's American health care exhibition in Havana raised eyebrows, if not actual sales. The exhibition was evidence of incremental changes in the embargo over the last few years that suggest the Clinton administration knows what ought to be done even as it avoids actually doing it.

Nearly 100 companies sent representatives to last week's exhibition, the first American trade show in Cuba since the embargo was imposed four decades ago. In turn, some 8,000 Cuban medical

professionals got a look at everything from sophisticated surgical equipment to Pepto-Bismol.

Under the 1992 Cuban Democracy Act, medical supplies are technically eligible for sale to Cuba. But they are subject to a complex web of licensing and certification requirements that have made it all but impossible to make an actual sale. Over the last several years the Clinton administration has quietly eased some of these requirements. But significant obstacles remain — not least the embargo's prohibition against direct banking relationships between the United States and Cuba.

The exhibition shows that American businesses are eager to open the Cuban market. The administration's policy of nibbling away at an obsolete embargo merely cedes a potentially lucrative market to foreign competitors. The time is long overdue for a bolder form of engagement.

Austria's Uglier Voice

By Salman Rushdie

LONDON
Three years ago, on the occasion of the 50th anniversary of Austria's liberation from Nazism, an extraordinary rally took place on the Heldenplatz in central Vienna. Beneath the balcony from which Adolf Hitler had once harangued his roaring gang, Austrian artists, intellectuals and politicians, as well as their friends and supporters from elsewhere, united to celebrate Hitler's downfall, and by doing so to cleanse the old square of its association with evil.

It was my privilege to be one of the speakers that night, and it was clear to me that the event's more contemporary purpose was to give shape and voice to the "good Austria," that passionate and substantial constituency of which surprisingly little is heard outside Austria itself.

Salman Rushdie is the author of "The Satanic Verses" and "The Ground Beneath Her Feet."

The supporters of Jörg Haider, head of Austria's Freedom Party, understood this too, and the rally accordingly became the focus of much ultra-rightist derision. Then, unfortunately, it began to rain.

This was neo-Nazi rain, incessant, absolutist, intolerant, determined to have its way. The rally's organizers were worried. A poor turnout would be celebrated by the Haiderites, and the event could backfire.

When I came out onto the stage, however, I saw an unforgettable sight. The Heldenplatz was packed, as full as Times Square on Millennium Eve. The crowd was soaked to the skin, joyous, cheering, youthful. The people had come to make a statement they cared greatly about, and they weren't going to let a little water get in the way.

Fat-cat politics opens Europe to demagogues.

That memory makes the news of Jörg Haider's surge toward power — eerily reminiscent of the career of the Hitlerish central figure in Brecht's "Resistible Rise of Arturo Ui" — all the more unpalatable. In Haider's growing popularity we can see the defeat of those idealistic young people standing shoulder to shoulder in the pouring rain.

But it won't do to see Haider's triumph simply as a victory of evil

over good. The success of extremist leaders is invariably linked to failures in the system they seek to supplant or at least take control of. The tyranny of the shah of Iran created the tyranny of the ayatollahs. The lazy corruption of the old, secularist Algeria gave birth to the Armed Islamic Group and the Islamic Salvation Front. And the long-running Austrian "grand coalition," that backslapping, jobs-for-the-boys establishment fix, has disillusioned the voters enough to make them turn toward Haider.

The European papers are full of tales of fat-cat corruption these days, and the revelations are a gift to a populist demagogue of the Haider type. When the heirs of the late Italian Prime Minister Bettino Craxi, who was convicted of corruption, shrug their shoulders and call the stories of slush funds for Craxi, Germany's Helmut Kohl and France's François Mitterrand an irrelevance, they make things much worse. The more Europe looks like a "grand coalition" of arrogant leaders for whom ends easily justify means, the more ammunition the Haider has.

Haider has said he will not himself enter the government — so much easier to run things through proxies and stooges, so much less, well, exposed. According to the political theorist Karl-Markus Gauss, Haider has pulled off a more European trick. Like Jean-Marie Le Pen in France or Umberto Bossi in Italy, he has won the support of the wealthy, successful bourgeoisie. What these people hate about immigrants, Gauss believes, is not their race but their poverty.

"This system is corrupt," say the placards of the German anti-Kohl

protesters. They're right, and the fight against that corruption and the fight against Jörg Haider are one and the same. The European Union must devote as much energy to rooting out the slush-fund artists in its own ranks as to closing ranks against Haider and his Freedom Party.

At the end of Brecht's play, the actor playing Arturo Ui steps forward and addresses the audience directly, warning them against complacency. Ui/Hitler may have fallen, he reminds us, but "the bitch that bore him is in heat again." The European Union must set its house in order quickly, unless it wishes history to remember it as the latest incarnation of that sleazy canine. □

Full - Carter - ...
Q+A ...

PRESIDENT CLINTON PROPOSES STATE LICENSES FOR HANDGUN PURCHASES

January 27, 2000

Guns - Licensing

In the State of the Union address tonight, President Clinton will propose a system of state-based licenses for handgun purchases. Under the proposal, every purchaser of a handgun must first have a valid state-issued photo license, showing that the buyer has passed a Brady background check and a gun safety training requirement. The President's proposal is part of a comprehensive strategy to keep guns out of the wrong hands and reduce gun violence and accidental shootings. The President also will highlight recent proposals to launch the largest gun enforcement initiative ever and fund the development of "smart gun" technology that can limit a gun's use to its authorized owner. Finally, he will call again on Congress to pass common-sense gun measures.

Every state requires licenses for hunters and auto drivers. They should do the same for handgun purchases

A STATE-BASED LICENSING SYSTEM FOR HANDGUN PURCHASES. President Clinton tonight will propose a state-based licensing system that would apply to all handgun purchases. Individuals seeking to buy a handgun would be required to obtain a photo license from their state of residence, and to present the license when they purchase a handgun. States would issue a license only if the applicant has: (1) passed a Brady background check; and (2) shown proof of having completed a certified safety course or exam. Under the President's proposal, state participation would be optional, not mandated. For states that choose to adopt a licensing system, federal funds would be provided to help cover the initial development costs. For states that choose not to participate, federally-approved gun dealers or a federal entity would be authorized to issue licenses, in an arrangement comparable to the current Brady check system.

KEEPING CRIMINALS, FUGITIVES, AND OTHER PROHIBITED PERSONS FROM BUYING HANDGUNS. Under the President's proposal, each state licensing authority would regularly cross-check criminal history and other available records to identify license holders who, since obtaining a license, have become prohibited from possessing firearms. Prohibited persons (felons, for instance) would then lose their licenses and their firearms.

PREVENTING ACCIDENTAL SHOOTINGS AND UNAUTHORIZED GUN USE. A recent survey has shown that a third of all handgun owners leave their guns loaded and unlocked. Moreover, the accidental gun death rate of children under 15 in the United States is nine times higher than in 25 other industrialized nations combined. Under the President's plan, applicants for a handgun license would be required to complete a certified firearms safety course or exam. States or certified private entities would administer these safety courses.

HIGHLIGHTING OTHER INITIATIVES ON FIREARMS ENFORCEMENT AND SMART GUN TECHNOLOGY. The President tonight will also describe his proposal for the largest gun enforcement initiative in history. This \$280 million initiative includes: 1) 500 new ATF agents and inspectors; 2) over 1,000 new federal, state and local gun prosecutors; 3) comprehensive crime gun tracing; 4) funding increases for ballistics testing; and 5) local media campaigns. President Clinton will also call on Congress to support research in "smart gun" technologies that can limit a gun's use to its authorized owner. The President's budget provides \$10 million to fund such research. Finally, the President will emphasize again that it is long past time for Congress to pass common-sense gun measures to close the gun show loophole, ban the importation of high-capacity ammunition clips and require child safety locks.

The President is determined

GUNS-
Licensing

Summary: Licensing Legislation

Purpose: The purpose of the legislation is to create a state-based photo license for all prospective handgun purchasers, including those on the secondary market, showing that they have passed a thorough background check and have passed a firearms safety course.

The License: The Secretary of the Treasury will recognize a license issued by a State if the license is issued for a period not to exceed five years, and the license displays a color photograph of the licensee and their date of birth, address, physical description and license expiration. Similar to the NICS system, if a State chooses not to issue licenses, the Secretary will issue the license. Licenses require a \$44 Federal application fee and a \$26 renewal fee, and fees are based on the cost to the Treasury Department for processing applications. The proceeds would go into the general fund. States would be allowed to charge fees as authorized under State law.

Obtaining the License: The bill provides flexibility on where individuals may obtain licenses, and the Secretary of the Treasury and the States are required only to issue the license according to standards set forth in the legislation. The license may be granted to persons who are 21 or older, can legally possess firearms, have passed a NICS check and an FBI fingerprint card check, and have submitted a certificate establishing that they have passed a firearms safety training program within the past six months. Active duty law enforcement officers and active-duty members of the United States Armed Forces are exempted from the safety course requirements.

Firearms Safety Training: Training programs must meet standards outlined in the legislation requiring courses to: (1) provide at least four hours of training, and renewal courses require 2 hours; (2) conduct on a pass/fail basis; (3) address laws on firearms and use of deadly force, proper behavior when armed and confronted by a law enforcement officer, safe handling and storage of firearms with emphasis on reducing the risk of accidental injuries to a child, and the safe use of a gun, including the actual firing of a gun in the presence of an instructor. In order to run a certified course, individuals must apply to the Secretary and pay a fee of \$500 for each place where they conduct training. They must also submit fingerprint cards for all instructors.

Issuing the License: The legislation requires that all licenses must be issued within 30 days of receipt of the results of the criminal history check by the FBI. Technological advances will soon reduce the amount of time needed to complete the checks. Individuals who need a gun sooner for self protection may provide an approval note from their local law enforcement agency.

Ensuring the validity of licenses: The bill still requires gun dealers to conduct NICS checks in addition to checking a valid license, and, as a result, they will have greater assurances that the license is valid. Since private sellers have no means of ensuring license validity, the bill requires the Secretary and participating States to create a system that allows private sellers to check, by telephone or other electronic means, the validity of a license. In addition, the bill requires that NICS checks be conducted at least once every year to determine if license holders have committed crimes or other offenses that would require the revocation of their license.

Effective Date of the Legislation and Costs: The legislation calls for the Act to be effective within 24 months after enactment, and authorizes sums as are necessary to implement the law.

Registration

**Handgun Licensing
Questions and Answers
January 27, 2000**

Q: Wasn't the Brady Law struck down by the Supreme Court under a scheme similar to this? Isn't your proposal unconstitutional?

A: No. The original Brady law was ruled unconstitutional because it mandated state and local law enforcement to conduct background checks on handgun purchasers until the National Instant Check System (NICS) took effect. Under our licensing proposal, state participation would be optional, not mandatory. For states that choose not to adopt a licensing system, federally-approved gun dealers or a federal entity (like the FBI) would be authorized to issue licenses. This is comparable to the way the revised Brady NICS system now operates.

Q: Are you planning to send legislation to Congress for this proposal?

A: What the President outlined tonight are the broad principles of a plan. These principles are that: 1) licensing should be state-based and a state option; 2) to get a license, a handgun purchaser must first pass a Brady background check and a gun safety requirement. We hope to work with the Congress and others to move this plan forward and to develop its details.

Q: How much will this proposal cost? And is it funded in the budget?

A: The ultimate program costs will depend on many variables: for instance, a dozen states already have some form of licensing in place, and that could significantly reduce the funding needed for what is otherwise a new program. The budget does not contain funds specifically for this proposal.

Q: Under your proposal, would showing a gun license substitute for a Brady background check at a gun store?

A: Absolutely not. This proposal would supplement and not replace Brady background checks, which would still be required for sales at federally-licensed gun dealers. In addition, under the President's proposal, each state licensing authority would regularly cross-check criminal history and other available records to identify license holders who, since obtaining a license, have become prohibited from possessing firearms. Prohibited persons (felons, for instance) would then lose their licenses and their firearms.

Q: How do you know criminals won't just produce fake licenses?

A: As with other forms of identification, states have an interest in producing licenses that are difficult to counterfeit. And while no identification is absolutely foolproof, requiring handgun purchasers to produce a handgun license before they are able to buy a gun will

greatly improve upon our current system, which allows criminals to buy firearms from private sellers with no ID, no background check, and no questions asked.

Q: How would you know if private sellers would actually require buyers to show a license? How would you enforce this?

A: One way this licensing plan could work would be to include penalties for sellers or buyers who fail to abide by the license requirement. That is one of the issues we hope to work with Congress and others in determining. But in general, we believe that like the Brady law, our proposal will be another useful tool to keep guns out of the wrong hands.

Q: Is this registration? What is the difference between licensing and registration?

A: No, this is not registration. Registration generally requires firearms owners to register all firearms in their possession with a central government authority. Our licensing proposal would encourage states to create licensing systems that cover prospective sales, not possession, to ensure that all handgun purchasers are legally eligible to possess firearms and know how to safely handle and store them.

Q: Why didn't you embrace handgun registration instead of licensing?

A: The President has stated previously that he believes gun registration is a good idea. But he also believes that the best next step to strengthen our gun laws is a state-based licensing system to help ensure that handgun purchasers may legally possess firearms and can safely handle and store them. This will help law enforcement efforts to keep guns out of the wrong hands, and it can help prevent many accidental shootings.

Q: Aren't you doing this just to support the Vice President's proposal?

A: The President and Vice President have worked together for seven years to reduce gun violence in this country. It is no surprise that they both agree that licensing will help strengthen our nation's gun laws. And they both agree that Congress must enact long-overdue gun measures to close the gun show loophole and require child safety locks.

Q: How many states now have licensing systems?

A: We are aware of at least 12 states that already have some form of a gun licensing system: CT, HI, IL, IA, MA, MI, MN, MO, NE, NJ, NY and NC.

THE HANDGUN SAFETY ACT OF 2000

SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE.

This provision states that the Act may be cited as "The Handgun Safety Act of 2000."

SEC. 2. CONGRESSIONAL FINDINGS.

This section includes findings establishing that Congress has the power, under the Commerce Clause, the Necessary and Proper Clause, and other provisions of the Constitution, to establish a nationwide handgun licensing system.

The Congressional findings establish that gun violence, including gun-related crimes, accidents, and suicides, is a pervasive, nationwide problem. Gun violence takes an incredible toll on the lives of our young people. Between 1987 and 1997, 14,913 people, including 2,328 children aged 14 and younger, died from unintentional shootings. In 1998, the most recent year for which statistics are available, 29,849 people died from gun-related injuries.

Gun violence takes an economic toll as well. For every fatal shooting, there are at least three non-fatal firearms injuries. The medical costs of gun-related fatalities and injuries each year are estimated to exceed \$2 billion, and lost lifetime productivity from gun violence is estimated at \$20 billion or more per year.

The Congressional findings clarify that the bill has two major purposes. One is to ensure that purchasers of handguns are subject to minimum safety training requirements. By establishing minimum standards for handgun safety training requirements, the bill will create consistency for such training requirements throughout the country.

The second purpose of the bill is to make it more difficult for criminals and other prohibited persons to obtain handguns through gun traffickers. The Congressional findings establish that handgun violence is a pervasive, national problem that is exacerbated by the availability of handguns through gun traffickers, and the trafficking of handguns across State lines. A nationwide State-based licensing system will help combat trafficking and reduce handgun violence by requiring a comprehensive criminal background check before issuance of a handgun license. The fingerprint-based background check required by this bill will make it more difficult for felons and other prohibited persons to acquire a handgun through the use of false identification documents. Furthermore, since unlicensed handgun sellers represent a significant source of the handguns sold to prohibited persons and firearms traffickers, it is necessary to regulate the sale of handguns by both Federal firearms licensees (FFLs) and unlicensed

handgun sellers. It should be noted that Federal law currently imposes no background check requirement on the sale of handguns by unlicensed handgun sellers. By requiring handgun purchasers to obtain a license, the bill ensures that all such purchasers have been subjected to a fingerprint-based background check.

SEC. 3. DEFINITIONS.

The purpose of this Act is to establish a system of State-based licenses for handgun purchasers. Accordingly, this section defines the term "qualified handgun license" to mean a State handgun license that has been recognized by the Secretary of the Treasury, or a handgun license issued by the Secretary pursuant to this Act. An individual with a recognized State handgun license will not require a Federal license in order to obtain a handgun.

This section also defines the term "unlicensed handgun seller" to include any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who sells or delivers a handgun that has been shipped in interstate or foreign commerce to an individual who is not a licensed importer, licensed manufacturer, licensed dealer or licensed collector.

SEC. 4. HANDGUN LICENSE REQUIREMENT.

Scope of Coverage

The bill requires purchasers to obtain a handgun license for purchases from FFLs as well as transactions in the secondary market. Unlicensed handgun sellers represent a significant source of the handguns sold to prohibited persons and firearms traffickers. Furthermore, if handgun licenses were only required for purchases from FFLs, prohibited persons and others wishing to avoid the licensing requirement could simply purchase their handguns from unlicensed handgun sellers.

Accordingly, Section 4 makes it unlawful for an FFL to sell or deliver any handgun to anyone other than another FFL, unless the transferee has presented a qualified handgun license. It also makes it unlawful for an unlicensed handgun seller to sell or deliver any handgun that has been shipped or transported in interstate or foreign commerce to another unlicensed person, unless the transferee has presented to the unlicensed handgun seller a qualified handgun license. Finally, it would be unlawful for anyone other than an FFL to acquire or receive a handgun that has been shipped or transported in interstate or foreign commerce, unless at the time of receipt or acquisition, the person was in possession of a valid, qualified handgun license.

Section 4 also requires unlicensed handgun sellers to verify the validity of handgun licenses, in accordance with regulations to be prescribed by the Secretary. As

set forth in Section 6 of the bill, the Secretary of the Treasury will establish a handgun licensing checks system that any unlicensed handgun seller may contact by telephone, or other electronic means, for information to be supplied immediately on whether a State or Federal handgun license is valid. The Secretary may promulgate regulations directing unlicensed handgun sellers to contact the State to verify the validity of a State license if the State already has such a system in place.

Exception for Certain Handgun Transferees

There is one exception to the requirement for a qualified handgun license. If a prospective purchaser presents a written statement from his or her local chief law enforcement officer stating that a handgun is needed immediately because of a threat to that person's life or that of a family member, then the prospective purchaser, if otherwise eligible, will not be subject to the handgun license requirement. This exception is consistent with the exception set forth in the interim provisions of the Brady law. The transferor must keep a record of the transfer in accordance with regulations to be prescribed by the Secretary.

New Recordkeeping Requirements

Under existing law, FFLs are required to keep records of all firearms transfers. This section would require unlicensed handgun sellers to keep certain records of handgun transfers, including information establishing that the transferee had a valid handgun license. Without these limited recordkeeping requirements, it would be impossible to enforce the handgun license requirements imposed on transactions by unlicensed sellers of handguns.

Unlicensed handgun sellers would be required to record the response provided by the Federal government or the State when the seller checked the validity of the transferee's handgun license. Unlicensed handgun sellers would also be required to record certain identifying information about the transferee and the handgun being transferred. This information may assist law enforcement in tracing handguns sold by unlicensed handgun sellers in the event such handguns are subsequently used in crimes.

Penalty Provisions

The bill does not include any new penalties specific to violations of the handgun license requirements. Existing law provides that where a specific penalty is not otherwise provided, a willful violation of the Gun Control Act is a felony subject to punishment by a fine and imprisonment for up to 5 years. Accordingly, willful violations of the handgun licensing requirements would be punished as felonies.

SEC. 5. ISSUANCE OF HANDGUN LICENSES.

Standards for Issuance of Handgun Licenses.

Section 5 of the bill sets forth the standards for recognizing State handgun licenses, as well as the procedure for issuing Federal handgun licenses. The purpose of the Act is to establish a system of State-based licenses for handgun purchases. Accordingly, this section provides that the Secretary of the Treasury shall recognize a license issued by a State to acquire a handgun if the license is issued for a period not to exceed 5 years, and the State license displays a color photograph of the license holder, as well as the license holder's name, date of birth, residence address and physical description, and the date the license expires.

The bill provides certain minimum standards that must be met before issuance of either a State or Federal handgun license. This ensures that anyone in possession of a qualified handgun license will have met the same basic standards. The most important requirements are for a criminal background check and a required firearms safety course. In addition, an applicant for a handgun license must be at least 21, and he or she must not have made any false statements as to any material fact in connection with the application. An application will be denied if the applicant is prohibited from possessing firearms under Federal, State or local law.

Handgun Licensing Checks System

As set forth in sections 4 and 6, an unlicensed handgun seller must verify the validity of a transferee's handgun license in accordance with regulations to be prescribed by the Secretary. The Secretary shall establish a handgun licensing checks system that any unlicensed handgun seller may contact, by telephone or other electronic means in addition to telephone, for information, to be supplied immediately, on whether a qualified handgun license is valid.

Section 5 provides that one of the prerequisites for obtaining Federal recognition of State licenses is that the State must agree to either establish a handgun licensing checks system that unlicensed handgun sellers and NICS may contact directly, or provide data about its handgun licenses to the Secretary of the Treasury, so that the data may be included in the Federal handgun licensing checks system. This allows unlicensed handgun sellers to check the validity of qualified handgun licenses issued by States as well as those issued by the Federal government. It also ensures that NICS will have access to this data, so that it can check the validity of handgun licenses possessed by individuals purchasing handguns from FFLs.

Required Background Check

The bill requires a background check prior to the issuance of a handgun license, to prevent the issuance of licenses to convicted felons and other persons prohibited from possessing firearms. Most States that currently issue licenses to acquire or carry handguns require a background check.

The bill provides that the issuing authority must initiate both a NICS check and an FBI fingerprint card background check. The FBI fingerprint check complements the name-based NICS check. While a NICS check is very effective, it can be circumvented by criminals who use false identification documents to evade detection. The fingerprint check is much more comprehensive.

To allow adequate time to conduct a criminal background check, the bill provides that the Secretary must act to approve or deny a license application within 30 days of receipt of the results of a criminal history records check from the FBI. It is anticipated that technological advances will soon reduce the amount of time necessary for the FBI to conduct a background check based on fingerprint cards. Accordingly, rather than build in a deadline based on the current period necessary to do a fingerprint-based background check, the bill provides a deadline for the Treasury Department based on the date that the results are received from the FBI.

An exception from the 30-day deadline is provided for cases where the information available to the Secretary indicates that the applicant may be prohibited from receiving or possessing a firearm under Federal, State, or local law and additional time is necessary to gather the information needed to determine whether the applicant is prohibited. In such cases, the Secretary will provide notice to the applicant that there is information indicating that the applicant may be prohibited, and provide the applicant with an opportunity to respond to such notice.

Because the licenses are valid for up to 5 years, it is important for the issuing authority to check periodically to make sure that license holders have not committed crimes or otherwise incurred firearms disabilities since the license was issued. Accordingly, the bill requires the issuing authority to conduct NICS checks at least once every 12 months to determine if license holders have incurred firearms disabilities under Federal, State or local law. The issuing authority would also be required to revoke or terminate the license upon the date that a license holder becomes prohibited from possessing firearms.

This section provides that qualifying licenses may be valid for a period not to exceed 5 years. This gives both the State and Federal issuing authorities the discretion to implement a program whereby license renewals are "staggered" based on the license holder's date of birth.

This section also provides for a \$44 Federal application fee, along with a \$26 fee for renewal of licenses. Neither fee is a user fee; the proceeds would go into the general fund. However, the amounts of the fees are based on the approximate cost to the Treasury Department of processing applications and issuing Federal handgun licenses, including the amount charged by the FBI for conducting background checks based on fingerprint cards. The fee for renewal of a license is lower because no fingerprint card check is required for license renewals. It should be noted that the license fees would not

cover the additional personnel and technology costs that will be incurred by the FBI in processing these additional fingerprint cards. States that participate in the handgun licensing system may continue to charge whatever fees are authorized under State law for the issuance and renewal of handgun licenses.

Required Safety Training

The bill requires an applicant for a handgun license to submit a certificate establishing that within the past 6 months, he or she has satisfactorily completed a firearms safety training program approved by the Secretary. This requirement ensures that everyone acquiring a handgun receives very basic training in the fundamentals of the safe handling and storage of a firearm. The Secretary will periodically publish a list of such approved courses.

Standards for Approval of Firearms Safety Training Programs

Section 5 also sets forth certain minimum standards for approved firearms safety training programs. Again, these standards ensure that minimum requirements will be met throughout the country with respect to required safety training. Many States already require handgun safety training prior to the issuance of a license to acquire or carry a handgun. The standards set forth in the bill are similar to those already in place in many States.

The bill provides that anyone purchasing a handgun is required to establish successful completion of a 4-hour firearms safety course (with a 2-hour refresher course required for anyone renewing a handgun license). This is intended to set a baseline to ensure that the course teaches the basics of handgun safety. Many States already require much longer safety courses before issuance of a license to carry a concealed handgun. For example, the safety course required in South Carolina must be at least 8 hours in duration, while Arizona requires a course of at least 16 hours. Texas law requires the completion of a handgun proficiency course that includes between 10 to 15 hours of instruction; the refresher course must be at least 4 hours in duration.

The bill sets minimum standards for the content of the course. The course must be conducted on a pass/fail basis, with testing on each of the required topics of instruction. The course must address the following required topics: knowledge of State law relating to firearms and the use of deadly force, including criminal penalties and potential civil liability; knowledge of Federal law relating to the possession and transfer of firearms; proper behavior when armed and confronted by a law enforcement officer; the safe handling and storage of firearms, with an emphasis on storage practices that reduce the possibility of accidental injury to a child; and the safe use of a firearm, including the actual firing of a handgun in the presence of an instructor.

To get approval of a firearms safety course, the organizer must apply to the Secretary. The application shall include a fee of \$500 for each place at which the applicant intends to conduct training. The organizer must submit fingerprint cards for each instructor for a criminal background check. Every student who successfully completes the instruction must be provided with a certificate showing the name of the organization conducting the instruction, the course title, the printed name and signature

of the primary training instructor, the student's printed name, and the date of successful completion of the instruction.

To enable law enforcement authorities to verify that handgun license applicants have in fact completed a firearms safety course, this section also imposes certain recordkeeping requirements on the persons and organizations that conduct such courses. Upon request, the Secretary shall be allowed access at reasonable times to all records related to an applicant's handgun course, and shall be allowed access to course facilities during times of instruction. Upon request, the Secretary shall also be provided with documentation to confirm the attendance and completion records (including testing records) of a student who applies for a permit.

Finally, certain individuals are exempt from the requirement to complete a firearms safety course prior to receiving a handgun license. Active-duty law enforcement officers and active-duty members of the United States Armed Forces are already trained in the safe handling and storage of firearms. Accordingly, these individuals are not required to complete a gun safety course prior to receiving a qualified handgun license.

SEC. 6. establishment of handgun licensing checks system.

Section 6 provides that no later than 24 months after this act is enacted, the Secretary of the Treasury shall establish a handgun licensing checks system that any unlicensed handgun seller may contact, by telephone or other electronic means in addition to telephone, for information, to be supplied immediately, on whether a qualified handgun license is valid. This system will enable law-abiding unlicensed handgun sellers to ensure that the person to whom they are transferring a handgun has not simply created a fraudulent license.

FFLs must initiate a NICS check prior to transferring a firearm to an unlicensed purchaser. Section 6 provides that NICS will have automatic access to the handgun licensing checks system, so that the validity of a handgun license can be checked by NICS at the same time that a criminal background check is conducted.

As set forth in section 5, one of the prerequisites for obtaining Federal recognition of State licenses is that the State must agree to either establish a handgun licensing checks system that unlicensed handgun sellers and NICS may contact directly, or provide handgun license data to the Secretary of the Treasury, so that the data may be included in the Federal handgun licensing checks system.

SEC. 7. TECHNICAL AMENDMENT.

Section 7 adds a heading for the new sections 931 and 932 in the chapter analysis for Chapter 44 of Title 18, United States Code.

SEC. 8. CONFORMING CHANGE TO THE BRADY ACT.

The Brady Act requires that all persons who seek to obtain a firearm from a federal firearms licensee must undergo an instant background check. However, this background check requirement currently does not apply to purchasers who present the firearms dealer with a valid State permit in States that meet certain basic standards with regard to background checks.

The permit exception creates a significant loophole in the Brady Act, because the exception allows a person with a qualifying permit to evade a background check for up to five years from the date that the permit was issued. Thus, under current law, persons who have been disqualified from possessing a firearm after they receive their permit may nonetheless obtain a firearm from an FFL by presenting a permit to the licensee and avoiding a background check at the time of purchase. Because a background check should be performed in connection with every purchase of a firearm from an FFL, this section repeals the Brady Act's permit exception.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

This section authorizes the appropriation of such sums as are necessary to enable the Secretary to implement this Act. The bill sets forth a State-based licensing system, and it is expected that many States will issue qualifying handgun licenses. However, States are not required to participate in this system. Accordingly, the Federal government must implement a "back-up" system of issuing handgun licenses for residents of those States that do not participate in this system. The Bureau of Alcohol, Tobacco and Firearms (ATF) will require significant additional resources to implement such a licensing system.

SEC. 10. EFFECTIVE DATE.

This section provides that the amendments made by this Act shall be effective 24 months after the date of enactment. This allows sufficient time to implement the new licensing system at both the Federal and State levels.

Many States will require some time to decide whether they wish to participate in this State-based licensing system. In some States, additional legislation at the State level may be required to implement such a system. In other States, changes to State procedures and regulations will be necessary.

Finally, the Department of the Treasury, through ATF, will need adequate time to implement a new Federal handgun licensing system for the residents of those States that do not wish to participate in the system. The bill requires the Treasury Department to create a system that allows both NICS and unlicensed handgun sellers to check the validity of each qualified handgun license at the time a handgun is sold.

The scope of the Federal system will depend in large part upon the number of States that choose to participate in the State-based system. However, it is anticipated that the Treasury Department will require 2 years to implement the Federal component of the State-based licensing system.

A BILL

To amend title 18, United States Code, to implement a State-based licensing system for the acquisition of handguns.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1. Short title. This Act may be cited as the "Handgun Safety Act of 2000".

Sec. 2. Congressional findings. The Congress finds and declares--

(1) gun violence, including gun-related crimes, accidents, and suicides, is a pervasive, nationwide problem;

(2) Between 1987 and 1997, 14,913 people, including 2,328 children age 14 and younger, died from unintentional shootings;

(3) In 1998, 29,849 people died of gunshot wounds. For every fatal shooting, there are at least three non-fatal firearms injuries. The medical costs of gun-related fatalities and injuries each year are estimated to exceed \$2 billion, and lost lifetime productivity from gun violence is estimated at \$20 billion or more per year;

(4) firearms and ammunition move easily in interstate commerce;

(5) because gun violence creates a serious threat to public health and safety, consistency in laws governing training in the safe handling of handguns for purchasers thereof is necessary and desirable;

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(6) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for providing training to handgun purchasers on the safe handling and storage of handguns are necessary and desirable;

(7) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

(8) the illegal movement of firearms, and handguns in particular, across state lines is a widespread and pervasive national problem;

(9) the illegal movement of handguns across state lines substantially affects the national market for firearms, because gun traffickers purchase handguns in states in which there are few restrictions and transport them for resale to jurisdictions with stronger restrictions;

(10) handguns sold by traffickers are often obtained by criminals and other prohibited persons who frequently use guns that cannot be traced to commit crimes;

(11) handgun violence is a pervasive, national problem that is exacerbated by the availability of handguns through gun traffickers;

(12) firearms from traffickers have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession by felons and other prohibited persons;

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(13) because gun trafficking is often an interstate activity, individual States and localities are often severely hampered in combating illegal handgun purchases--even States and localities that have made strong efforts to prevent, detect, and punish gun-related crime and illegal trafficking of firearms;

(14) unlicensed handgun sellers represent a significant source of the handguns sold to prohibited persons and firearms traffickers;

(15) transfers of handguns by unlicensed sellers, in the aggregate, affect the supply of guns, and thus affect the interstate market for guns;

(16) only through adequate federal control over the sale of handguns by both licensed and unlicensed sellers can the grave problem of handgun trafficking be properly dealt with, and effective State and local regulation of handgun traffic be made possible;

(17) an effective system of federal regulation requires a national program of licensing of handgun purchasers;

(18) a nationwide State-based licensing system will help combat trafficking and reduce handgun violence by requiring a comprehensive fingerprint-based criminal background check which will make it more difficult for felons and other prohibited persons to acquire a handgun through the use of false identification documents; and

(19) Congress has the power, under the Commerce Clause, the Necessary and Proper Clause, and other provisions of the Constitution, to establish a nationwide

handgun purchaser licensing system and ensure, by enactment of this Act, that purchasers of handguns are subject to minimum safety training requirements, and that criminals and other prohibited persons do not obtain handguns through gun traffickers."

Sec. 3. Definitions. Section 921(a) of title 18, United States Code, is amended by inserting after paragraph (34) the following:

"(35) The term "qualified handgun license" means--

"(A) a State handgun license that has been recognized by the Secretary pursuant to section 931 of this title; or

"(B) a handgun license issued by the Secretary pursuant to section 932 of this title.

"(36) The term "unlicensed handgun seller" means any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who sells or delivers a handgun that has been shipped or transported in interstate or foreign commerce to an individual other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector."

Sec. 4. Handgun License Requirement.--

(a) Section 922(a) of title 18, United States Code, is amended by--

(1) striking "and" at the end of paragraph (8);

(2) striking the period at the end of paragraph (9), and inserting ";"; and

(3) inserting after paragraph (9) the following--

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"(10) for any unlicensed handgun seller to sell or deliver any handgun that has been shipped or transported in interstate or foreign commerce to any individual (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) unless the transferee has presented to the unlicensed handgun seller a qualified handgun license; the unlicensed handgun seller has verified the validity of the license in accordance with regulations prescribed by the Secretary; and the unlicensed handgun seller has kept a record of the response provided when checking the validity of the transferee's license, the date of the transfer, the name and address of the transferee, any identifying number from the license, the name of the manufacturer and/or importer of the handgun; the handgun's type, model, caliber or gauge, and serial number, as well as the date of issuance and expiration date of the license, in accordance with regulations to be prescribed by the Secretary, and;

"(11) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to acquire or receive any handgun that has been shipped or transported in interstate or foreign commerce, unless at the time of receipt or acquisition, such person was in possession of a valid qualified handgun license."

(b) Section 922(b) of title 18 is amended by--

- (1) striking "and" at the end of paragraph (4);
- (2) striking the period at the end of paragraph (5), and inserting "; and"; and
- (3) inserting after paragraph (5) the following--

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"(6) any handgun to any individual (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) unless the transferee has presented to the licensee a qualified handgun license."

(c) Section 925 of title 18 is amended by inserting after subsection (f) the following:

"(g) Notwithstanding the provisions of sections 922(a)(10) and (11), and 922(b)(6), an individual who acquires a handgun from an unlicensed handgun seller, a licensed importer, a licensed manufacturer, a licensed dealer, or a licensed collector shall not be required to present a qualified handgun license if the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of a member of the household of the transferee, and the transferor maintains a record of the transfer as prescribed by regulations to be issued by the Secretary. For purposes of this paragraph, the term "chief law enforcement officer" means the chief of police, the sheriff, or an equivalent officer of a law enforcement agency, or the designee of any such officer."

Sec. 5. Issuance of handgun licenses. Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

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" 931. State handgun licenses recognized by the Secretary:

"(a) The Secretary shall recognize a license issued by a State to acquire a handgun under the following conditions:

"(1) the State license is issued for a period not to exceed 5 years;

"(2) the State license displays a color photograph of the license holder, as well as the license holder's name, date of birth, residence address, and physical description, and the date the license expires;

"(3) State law requires the revocation or termination of the license upon the date that the license holder becomes prohibited from possessing firearms pursuant to Federal or State law, and requires that the license holder be given notice of any such revocation or termination and notice that the license holder's continued possession of firearms would be in violation of law;

"(4) the State initiates NICS checks on license holders at least once every 12 months to determine if any have incurred firearms disabilities under Federal, State, or local law;

"(5) the State has either--

"(A) established a handgun licensing checks system that any unlicensed handgun seller may contact by telephone, or by other electronic means in addition to the telephone, for information, to be supplied immediately, on whether a State handgun license is valid, and that the

National Instant Criminal Background Check System (NICS) may access for information on whether handgun licenses are valid in connection with the transfer of a handgun by a Federal firearms licensee; or

"(B) provided the Secretary with sufficient data on State handgun licenses so that the Secretary may advise unlicensed handgun sellers whether a State handgun license is valid, and the Secretary shall provide this information to NICS; and

"(6) State laws or regulations impose the following minimum standards on the issuance of a handgun license:

"(A) the applicant must be at least twenty-one years of age;

"(B) the applicant has not knowingly failed to disclose any material information required, or has not made any false statement as to any material fact in connection with his application;

"(C) a criminal background check, including a check of the National Instant Criminal Background Check System (NICS) as well as an FBI fingerprint card check, reveals no information indicating that the applicant is prohibited from possessing firearms under section 922(g) or (n) of this title, or State or local law; and

"(D) the applicant has submitted a certificate establishing that within the past 6 months, he or she has satisfactorily completed a firearms safety

training program approved by the Secretary pursuant to subsection (c) of this section, or for renewal of a license, that he or she has satisfactorily completed a refresher firearms safety training program approved by the Secretary pursuant to subsection (c) of this section; *Provided that* States may exempt active-duty law enforcement officers and active-duty members of the United States Armed Forces from the requirements of this subparagraph.

"(b) The Secretary shall periodically publish a list of States that issue handgun licenses recognized pursuant to this section.

"(c) A person or organization that wishes to obtain approval of a handgun safety course shall apply to the Secretary, on a form provided by the Secretary, for approval of the course. Each applicant shall pay a fee of \$500 for obtaining such approval, a separate fee being required for each place in which the applicant is to conduct training. The Secretary shall approve a handgun safety course that meets the following requirements:

"(1) the course is at least 4 hours in length, except that a refresher course must be at least 2 hours in length;

"(2) the course is conducted on a pass or fail basis, and satisfactory completion of the course means that a student has passed a test that includes each of the required topics of instruction set forth in paragraph (3) of this

subsection;

"(3) the course addresses all of the following required topics of instruction in a format approved by the Secretary:

"(A) knowledge of State law relating to firearms and the use of deadly force, including criminal penalties and potential civil liability;

"(B) knowledge of Federal law relating to the possession and transfer of firearms;

"(C) proper behavior when armed and confronted by a law enforcement officer;

"(D) the safe handling and storage of firearms, with an emphasis on storage practices that reduce the possibility of accidental injury to a child; and

"(E) the safe use of a firearm, including the actual firing of a handgun in the presence of an instructor.

"(4) the course is instructed by instructors who are not prohibited by Federal or State law from receiving or possessing firearms, who have each submitted two fingerprint cards to the Secretary for a criminal background check, and who are qualified to teach these subject areas in accordance with regulations to be prescribed by the Secretary;

"(5) the person or organization conducting the course will ensure that a

student who has successfully completed instruction will be provided with a certificate showing the name of the organization conducting the instruction, course title, printed name and signature of the primary training instructor, the student's printed name, and the date of successful completion of the instruction; and

"(6) in accordance with regulations to be prescribed by the Secretary, the person or organization will agree that:

"(A) the person or organization will keep adequate records of approved handgun courses, in accordance with regulations prescribed by the Secretary;

"(B) upon request, the Secretary shall be allowed access at reasonable times to all records related to an applicant's handgun course;

"(C) upon request, the Secretary shall be allowed access to course facilities during times of instruction; and

"(D) upon request, the Secretary shall be provided with documentation to confirm the attendance and completion records (including testing records) of a student who applies for a license.

"(d) Any person whose application for approval of a handgun safety training course is denied shall receive a written notice from the Secretary stating

specifically the grounds upon which the application was denied. Denials by the Secretary of an application for approval of a handgun training course shall be subject to the provisions of chapter 5, title 5, United States Code. Any person aggrieved by the action of the Secretary shall have the right to judicial review of such action in accordance with the provisions of chapter 7, title 5 of the United States Code.

"(e) The Secretary shall periodically publish a list of handgun safety courses recognized pursuant to this section.

"§ 932. Federal handgun licenses.

" (a) Upon the filing of a proper application in the form prescribed by the Secretary by regulation and payment of the prescribed fee, the Secretary shall issue a Federal handgun license to a qualified applicant who resides in a State that does not issue licenses recognized by the Secretary pursuant to section 931(a) of this title. The applicant must be identified in the application form in such manner as the Secretary may by regulations prescribe, except that the identification must include the applicant's fingerprints and photograph. An application shall be approved if--

"(1) the applicant is at least twenty-one years of age;

"(2) the applicant has not knowingly failed to disclose any material information required, and has not made any false statement as to any material fact in connection with his application;

"(3) a criminal background check, including a check of the National

Instant Criminal Background Check System (NICS) as well as an FBI fingerprint card check, reveals no information indicating that the applicant is prohibited from possessing firearms under section 922(g) or (n) of this title, or State or local law; and

"(4) the applicant submits a certificate establishing that within the past 6 months, he or she has satisfactorily completed a firearms safety training program approved by the Secretary pursuant to section 931 of this title, *Provided that*, an active-duty law enforcement officer or active-duty member of the United States Armed Forces shall be exempt from the requirements of this subparagraph.

"(b) A handgun license shall display a color photograph of the license holder, as well as the license holder's name, date of birth, residence address, and physical description, the date the license expires and any other information required by the Secretary pursuant to regulation.

"(c) The Secretary shall act to approve or deny a license application within 30 days of receipt of the results of the criminal history records check from the Federal Bureau of Investigation, except where the information available to the Secretary indicates that an applicant may be prohibited from receiving or possessing a firearm under Federal, State or local law and additional time is necessary to gather the information needed to determine whether the applicant is prohibited, *Provided that*, in

such cases the Secretary will provide notice to the applicant that there is information indicating that the applicant may be prohibited, and provide the applicant with an opportunity to respond to such notice.

"(d) A handgun license issued under this section shall be valid for a period not to exceed 5 years, in accordance with regulations prescribed by the Secretary. Any such license may be renewed upon the expiration of the initial licensing period, and periodically thereafter, for periods (not to exceed 5 years each) to be prescribed by the Secretary. The Secretary shall by regulation prescribe the application requirements and form for such renewal applications. An applicant for renewal must submit evidence of satisfactory completion of a refresher course approved by the Secretary pursuant to section 931 of this title.

"(e) An applicant for a Federal handgun license shall pay a fee for obtaining such a license in the amount of \$44, and a fee for renewing any such license in the amount of \$26.

"(f) A license issued pursuant to this paragraph shall terminate automatically upon the date that the license holder becomes a person who is prohibited from possessing firearms pursuant to section 922(g) or 922(n) or State or local law. The Secretary shall initiate NICS checks on license holders at least once every 12 months to determine if any have incurred firearms disabilities under Federal, State, or local law. When the Secretary learns that a license holder is prohibited from possessing a firearm,

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he shall notify the license holder that the license has terminated by operation of law, and that the license holder's continued possession of firearms is in violation of law. The Secretary's failure to issue such a letter does not affect the automatic termination of the license.

"(g) Any person whose application for a Federal handgun license is denied shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied.

"(h) Denials by the Secretary of an application for a Federal handgun license or an application to renew a Federal handgun license shall be subject to the provisions of chapter 5, title 5, United States Code. Any person aggrieved by the action of the Secretary shall have the right to judicial review of such action in accordance with the provisions of chapter 7, title 5 of the United States Code."

SEC. 6. establishment of handgun licensing checks system.

Not later than 24 months after the date of the enactment of this Act, the Secretary of the Treasury shall establish a handgun licensing checks system that any unlicensed handgun seller may contact by telephone, or by other electronic means in addition to the telephone, for information, to be supplied immediately, on whether a qualified handgun license is valid. The National Instant Criminal Background Check System (NICS) shall have instant access to this system, so that the validity of a handgun licenses shall be checked automatically as part of the NICS check required when

handguns are transferred by Federal firearms licensees.

sec. 7. Technical Amendment.—Chapter 44 of title 18, United States Code, is amended in the chapter analysis by adding at the end the following:

"931. State handgun licenses recognized by the Secretary.

"932. Federal handgun licenses."

SEC. 8. Conforming Change to the Brady law. Section 922(t)(3) of title 18, United States Code, is amended by striking subparagraph (A), and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B).

Sec. 9. Authorization of appropriations. There are authorized to be appropriated such sums as are necessary to enable the Secretary to implement this Act.

sec. 10. effective date. The amendments made by this Act shall be effective 24 months after the date of enactment.

Guns -
Licensing

There are a few Constitutional issues to consider. First, the Brady issue (from the *Printz* decision) of whether local law enforcement could, under the 10th Amendment, be "commandeered" to carry out federal functions. Second, whether recent federalism cases on age discrimination and state immunity from lawsuits would impair our ability to do licensing. And third, whether there is a sufficient interstate commerce hook to justify federal action.

- On the first, we have designed our licensing scheme precisely to avoid the pitfalls of *Printz*. It is wholly constitutional to condition receipt of relevant federal funding (law enforcement money, for instance) upon state compliance with a federal regulatory scheme. What is unconstitutional, post-*Printz*, is simply compelling states to enact or administer the scheme. Our proposal does not mandate that states do anything; it allows them to opt out of creating a licensing scheme and creates a federal backup for such states. This is similar to the Brady system now in place.
- On the second, recent rulings on federalism and age discrimination do not have direct bearing on our plan. These rulings are about a state's sovereign immunity from suits under federal and state law (and hold that such immunity trumps even Congress's Commerce Clause power to regulate). But unlike, say, ADEA, our proposal does not create rights to be vindicated against state governments. It's true that recent cases speak to the Court's general shift toward states' rights, but that doesn't signal an actual constitutional weakness in our plan.
- On the third, documents like the gun commerce and gun trafficking reports are just some of the ample evidence of a justifiable interstate commerce link. Any licensing bill we sent up would have plenty of findings that speak to this. In the 1995 Lopez case, which POTUS may vaguely remember as an unfavorable guns/federal regulation case, it was held that the Gun-Free Schools Act posited a far too attenuated chain of inferences (guns in schools can result in crime, crime can affect the national economy by raising interstate insurance costs, discouraging interstate travel, making students less productive workers later etc.). But our licensing scheme would not suffer from this kind of implausibly forced commerce nexus.

JACK REED
RHODE ISLAND

COMMITTEES

ARMED SERVICES

BANKING

HEALTH AND EDUCATION

AGING

United States Senate

WASHINGTON, DC 20510-3903

December 17, 1999

Mr. Bruce Reed
Assistant to the President for Domestic Policy
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear Bruce:

I am writing to seek your support for legislation I am introducing early next year, the Handgun Safety and Registration Act of 2000. I understand that the Administration is now preparing a broad strategy for the upcoming year to reduce gun violence in our communities. I believe handgun registration is a crucial component of any effort to prevent these weapons from falling into the wrong hands and to enable law enforcement agencies nationwide to more easily trace handguns used in crime.

Many Americans are unaware that there is a successful federal weapons registration system already in place under the 1934 National Firearms Act (NFA). As you know, the NFA requires registration of all machine guns, short-barrel shotguns and short-barrel rifles, silencers, bombs, grenades, and other specialized weapons.

The Handgun Safety and Registration Act would require the registration of all handguns under the NFA within one year of enactment. The bill would help law enforcement more effectively trace handguns used in crime by making registration data available on-line to state and local law enforcement agencies. Tracing methods used today are extremely cumbersome and favor criminals over the police. When a crime gun is recovered, a state or local law enforcement agency contacts ATF with the name of the manufacturer and the serial number of the handgun -- if it has not been removed by the criminal. ATF in turn contacts the manufacturer, which provides the name of the wholesale or retail dealer to whom the handgun was sold. ATF then contacts the dealer to obtain the name of the individual or another retail dealer who purchased the handgun.

All too often, this is where the trail goes cold, and another gun crime may go unsolved. If the individual handgun owner has sold the gun to another person in a private sale, there is no way for law enforcement to follow the path of the handgun without time-consuming detective work and a good deal of luck. Subsequent private transfers or gun show sales are similarly unrecorded. Even before the first retail sale, law enforcement is completely dependent upon the record keeping of gun manufacturers and gun dealers to follow the trail of a handgun from manufacture to criminal use. There is currently no law enforcement database of handgun production or sales in the United States. The Handgun Safety and Registration Act would give the advantage back to the police by making handgun registration data available to law enforcement in an easily accessible format.

*Guns -
Licensing*

PLEASE RESPOND TO:

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WASHINGTON, DC 20510-3903
(202) 224-4642

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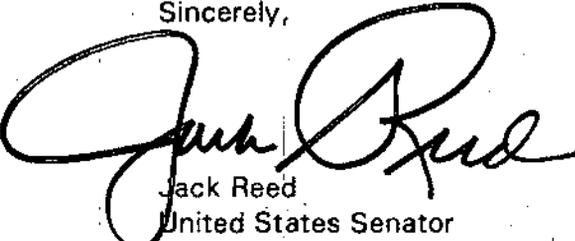
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Eric
return
-BR*

In addition to improving law enforcement's tracing capabilities, the Handgun Safety and Registration Act would help to prevent handguns from ending up in the possession of people who are likely to commit gun crimes. The bill would require registration of all handguns, including those currently in private possession, and would make it a felony for any person to transfer a handgun to another individual without prior law enforcement approval. As it currently does for all NFA weapons, ATF would conduct a background check on the transferee through the National Crime Information Center (NCIC), the Treasury Enforcement Criminal System (TECS), and the National Law Enforcement Tracking System (NLETS). This would provide a clear incentive for all handgun owners and dealers to exercise great caution when they choose to sell or otherwise transfer a handgun to another person.

It is my hope that by requiring registration of all handguns under the National Firearms Act, we can give law enforcement officials the tools to conduct faster and more reliable tracing of handguns used in crime, and prevent handguns from falling into criminal hands in the first place. Handgun Control, Inc. has expressed support for this effort, along with the Violence Policy Center and Physicians for Social Responsibility.

I look forward to discussing this legislation with you in the near future and to working with the Administration to pass sensible, effective gun legislation next year. I have enclosed a copy of the bill and a summary for your review. If you have any questions, please do not hesitate to contact me or Steve Eichenauer of my staff at 202-224-4642.

Sincerely,



Jack Reed
United States Senator

Enclosures



Handgun Safety and Registration Act of 2000 Summary

- Adds handguns to the list of weapons registered by the Secretary of the Treasury, Bureau of Alcohol, Tobacco, and Firearms (ATF), under the National Firearms Act (NFA), which currently covers machine guns, short-barrel shotguns, short-barrel rifles, silencers, bombs, grenades, and other specialized weapons. **[Subsection 2(a)]**
- Requires all handguns, including those currently in private possession, to be registered with ATF within one year of enactment. If a handgun is transferred to another individual during the one-year transition period, the bill requires the handgun to be registered prior to the transfer. **[Subsection 2(f)]**
- Imposes federal law enforcement background checks on all handgun transfers, including both primary and secondary transfers. For all NFA weapons, ATF conducts background checks through the National Crime Information Center (NCIC), the Treasury Enforcement Criminal System (TECS), and the National Law Enforcement Tracking System (NLETS).
- To ensure compliance with the Handgun Safety and Registration Act, the bill requires the Secretary to take measures to inform the public of the requirements of the Act, such as public service announcements. **[Subsection 2(h)]**
- Requires ATF to share handgun registration data with local, state, and federal law enforcement officials to enhance tracing capabilities (exempts handgun registration information from the disclosure restrictions of the Internal Revenue Code of 1986, of which the NFA is a part). **[Subsection 2(e)]**
- Imposes a tax of \$5 on handgun registration and transfers, rather than the \$200 tax imposed on most NFA weapons. **[Subsections 2(b) and 2(f)(1)]**
- Imposes a \$50 tax on the making of a handgun, rather than the \$200 tax imposed on the making of most NFA weapons. **[Subsection 2(c)]**
- Permits the continued importation of handguns by excluding handguns from the general prohibition on importation of NFA firearms under section 5844 of the NFA. **[Subsection 2(d)]**
- Only required participation by state and local law enforcement is the Chief Law Enforcement Officer's completion of the "Law Enforcement Certification" portion of ATF registration or transfer form (as currently required for all NFA weapons). State and local law enforcement agencies are not required to administer the registration program or send forms to ATF. On a voluntary basis, they may choose to provide ATF registration documents to the public.

- To further ensure that registration and transfer forms are readily available to the public, the bill requires ATF to post forms on the Internet in a downloadable format, and to make forms available to state and local law enforcement agencies, the U.S. Postal Service, and regional offices of ATF and other Treasury Department bureaus. **[Subsection 2(g)]**
- Authorizes such appropriations as may be necessary to enable ATF to administer the new handgun registration and background check provisions in the bill. **[Subsection 2(i)]**

How would it work?

- The handgun owner (the registrant) obtains an ATF registration form and FBI fingerprint form FD-258, either from his or her local Chief Law Enforcement Officer, by mail from ATF, at a U.S. Post Office, or from a regional ATF/Treasury Department facility.
- The registrant fills out the registration form and affixes a 2x2 inch photograph of himself taken within the past year.
- The registrant takes the form to his or her Chief Law Enforcement Officer, who completes the "Law Enforcement Certification" portion of the form.
- The registrant completes FBI fingerprint card Form FD-258. Fingerprints must be taken by a person qualified to do so and must be clear, unsmudged and classifiable.
- A check or money order for \$5 is made payable to ATF by the registrant.
- The registrant sends all completed forms, accompanying materials, and tax payment to:
Bureau of Alcohol, Tobacco and Firearms
P.O. Box 73201
Chicago, IL 60673
- If application is approved, the original of the form with the canceled stamp affixed, showing approval, will be returned to the applicant. Otherwise, the tax will be refunded.

Transferring a handgun

Transfer procedures are similar to the registration process described above, except that the transferee completes the reverse of the transfer form, has the Chief Law Enforcement Officer complete the "Law Enforcement Certification," and attaches photos and fingerprint data.

DRAFT

106TH CONGRESS
2D SESSION

S.

IN THE SENATE OF THE UNITED STATES

Mr. REED introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Internal Revenue Code of 1986 to require the registration of handguns, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Handgun Safety and
5 Registration Act of 2000".

6 **SEC. 2. REGISTRATION OF HANDGUNS.**

7 (a) **HANDGUN INCLUDED IN DEFINITION OF FIRE-**
8 **ARM.—**

9 (1) **IN GENERAL.—**Section 5845(a) of the In-
10 ternal Revenue Code of 1986 (defining firearm) is
11 amended by striking "and (8) a destructive device"

1 and inserting “(8) a handgun; and (9) a destructive
2 device”.

3 (2) DEFINITION OF HANDGUN.—Section 5845
4 of the Internal Revenue Code of 1986 (relating to
5 definitions) is amended by adding at the end the fol-
6 lowing:

7 “(n) HANDGUN.—

8 “(1) IN GENERAL.—The term ‘handgun’ means
9 any weapon (including a starter gun) which—

10 “(A) is designed to or may be readily con-
11 verted to expel a projectile by the action of an
12 explosive, and

13 “(B) has a short stock and is designed to
14 be held and fired by the use of a single hand.

15 “(2) DISASSEMBLED PARTS INCLUDED.—Such
16 term shall also include the frame or receiver of any
17 such weapon, and any combination of parts from
18 which a handgun can be assembled if such parts are
19 in the possession or under the control of a person.

20 “(3) EXCLUSION.—Such term shall not include
21 a firearm classified as ‘any other weapon’ under sub-
22 section (e).”

23 (b) TRANSFER TAX IMPOSED ON HANDGUNS.—Sec-
24 tion 5811(a) of the Internal Revenue Code of 1986 (relat-

1 ing to rate) is amended by inserting “or as a handgun
2 under section 5845(a)(8)” after “section 5845(e)”.

3 (c) TAX ON MAKING FIREARMS IMPOSED ON HAND-
4 GUNS.—Section 5821(a) of the Internal Revenue Code of
5 1986 (relating to rate) is amended by inserting “, except,
6 the tax on any firearm classified as a handgun under sec-
7 tion 5845(a)(8) shall be at the rate of \$50 for each such
8 firearm made” after “firearm made”.

9 (d) IMPORTATION POLICY CONTINUED.—

10 (1) IN GENERAL.—Section 5844 of the Internal
11 Revenue Code of 1986 (relating to importation) is
12 amended by adding at the end the following: “This
13 section shall not apply to any firearm classified as
14 a handgun under section 5845(a)(8).”.

15 (2) CONFORMING AMENDMENT.—Section
16 925(d)(3) of title 18, United States Code, is amend-
17 ed by inserting “(without regard to paragraph (8)
18 thereof)” after “section 5845(a)”.

19 (e) SHARING OF REGISTRATION INFORMATION WITH
20 STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—

21 (1) IN GENERAL.—Section 6103(o) of the In-
22 ternal Revenue Code of 1986 (relating to disclosure
23 of returns and return information with respect to
24 certain taxes) is amended by adding at the end the
25 following:

1 “(3) TAXES IMPOSED ON TRANSFER OF HAND-
2 GUNS.—Returns and return information with respect
3 to taxes imposed by part II of subchapter A of chap-
4 ter 53 (relating to tax on transferring firearms) on
5 any firearm classified as a handgun under section
6 5845(a)(8) shall be available in an on-line format for
7 inspection by or disclosure to officers and employees
8 of—

9 “(A) any Federal law enforcement agency,
10 and

11 “(B) any State or local law enforcement
12 agency,

13 whose official duties require such inspection or dis-
14 closure.”.

15 (2) CONFORMING AMENDMENTS.—Section
16 6103(p)(4) of the Internal Revenue Code of 1986 is
17 amended—

18 (A) in the matter preceding subparagraph

19 (A)—

20 (i) by striking “or (o)(1)” and insert-
21 ing “(o)(1), or (o)(3)(A)”,

22 (ii) by striking “or (l)(6)” and insert-
23 ing “(l)(6)”,

24 (iii) by inserting “or (o)(3)(B),” after
25 “(16),”, and

1 (B) in subparagraph (F)(i)—

2 (i) by striking “or (l)(6)” and insert-
3 ing “(l)(6)”, and

4 (ii) by inserting “or (o)(3)(B),” after
5 “(16),”, and

6 (C) in subparagraph (F)(ii), by striking
7 “or (o)(1)” and inserting “, (o)(1), or
8 (o)(3)(A)”.

9 (f) TRANSITION RULE FOR NONREGISTERED HAND-
10 GUNS.—

11 (1) IN GENERAL.—Any person possessing any
12 firearm classified as a handgun under section
13 5845(a)(8) of the Internal Revenue Code of 1986
14 not registered in the National Firearms Registration
15 and Transfer Record maintained by the Secretary of
16 the Treasury under section 5841 of such Code shall
17 register such handgun—

18 (A) within 1 year of the date of the enact-
19 ment of this Act, or

20 (B) upon the transfer of such handgun be-
21 fore such 1 year anniversary date.

22 (2) TREATMENT OF REGISTRATION AS TRANS-
23 FER.—For purposes of any tax imposed by part II
24 of subchapter A of chapter 53 of the Internal Reve-
25 nue Code of 1986 (relating to tax on transferring

1 firearms) on any firearm classified as a handgun
2 under section 5845(a)(8) of such Code, any registra-
3 tion of such handgun under paragraph (1)(A) shall
4 be considered a transfer of such handgun.

5 (3) NONAPPLICATION OF PENALTY.—Section
6 5861(d) of the Internal Revenue Code of 1986 shall
7 not apply with respect to the possession of any
8 handgun before the date of the registration of such
9 handgun under paragraph (1).

10 (g) PROVISION OF REGISTRATION FORMS.—

11 (1) AVAILABILITY.—To promote and assist
12 compliance with the handgun registration require-
13 ments under the Internal Revenue Code of 1986, as
14 amended by this section, the Secretary of the Treas-
15 ury shall make available such registration and fin-
16 gerprint forms as may be required by the public for
17 compliance with such requirements—

18 (A) to State and local law enforcement
19 agencies and facilities of the Department of the
20 Treasury throughout the States, the United
21 States Postal Service, and such other agencies
22 and departments of the Federal Government as
23 the Secretary determines would aid in making
24 such forms available to the public; and

1 (B) through the Internet in a downloadable
2 format.

3 (2) SINGLE FORM.—The Secretary of the
4 Treasury shall make available registration forms
5 that allow an individual to register the possession or
6 transfer of more than 1 firearm classified as a hand-
7 gun under section 5845(a)(8) of the Internal Reve-
8 nue Code of 1986 on a single form.

9 (h) PROGRAM OF PUBLIC AWARENESS.—Within 60
10 days after the date of the enactment of this Act, the Sec-
11 retary of the Treasury shall commence a program to
12 broaden public awareness of the handgun registration re-
13 quirements under the Internal Revenue Code of 1986, as
14 amended by this section. Such program may include vol-
15 untary cooperative efforts with Federal, State, and local
16 law enforcement agencies and public service announce-
17 ments as deemed appropriate by the Secretary.

18 (i) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such sums as may be
20 necessary for the Secretary of the Treasury to carry out
21 the provisions of and amendments made by this Act.

22 (j) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the date of the enactment
24 of this Act.

PRESIDENT CLINTON PROPOSES STATE LICENSES FOR HANDGUN PURCHASES

January 27, 2000 -- EMBARGOED

In the State of the Union address tonight, President Clinton will propose a system of state-based licenses for handgun purchases. Under the proposal, every purchaser of a handgun must first have a valid state-issued photo license, showing that the buyer has passed a Brady background check and a gun safety training requirement. The President's proposal is part of a comprehensive strategy to keep guns out of the wrong hands and reduce gun violence and accidental shootings. The President also will highlight recent proposals to launch the largest gun enforcement initiative ever and fund the development of "smart gun" technology that can limit a gun's use to its authorized owner. Finally, he will call again on Congress to pass common-sense gun measures.

A STATE-BASED LICENSING SYSTEM FOR HANDGUN PURCHASES. President Clinton tonight will propose a state-based licensing system that would apply to all handgun purchases. Individuals seeking to buy a handgun would be required to obtain a photo license from their state of residence, and to present the license when they purchase a handgun. States would issue a license only if the applicant has: (1) passed a Brady background check; and (2) shown proof of having completed a certified safety course or exam. Under the President's proposal, state participation would be optional, not mandated. For states that choose not to participate, federally-approved gun dealers or a federal entity would be authorized to issue licenses, in an arrangement comparable to the current Brady check system.

KEEPING CRIMINALS, FUGITIVES, AND OTHER PROHIBITED PERSONS FROM BUYING HANDGUNS. Under the President's proposal, each state licensing authority would regularly cross-check criminal history and other available records to identify license holders who, since obtaining a license, have become prohibited from possessing firearms. Prohibited persons (felons, for instance) would then lose their licenses and their firearms.

PREVENTING ACCIDENTAL SHOOTINGS AND UNAUTHORIZED GUN USE. A recent survey has shown that a third of all handgun owners leave their guns loaded and unlocked. Moreover, the accidental gun death rate of children under 15 in the United States is nine times higher than in 25 other industrialized nations combined. Under the President's plan, applicants for a handgun license would be required to complete a certified firearms safety course or exam. States or certified private entities would administer these safety courses.

HIGHLIGHTING OTHER INITIATIVES ON FIREARMS ENFORCEMENT AND SMART GUN TECHNOLOGY. The President tonight will also describe his proposal for the largest gun enforcement initiative in history. This \$280 million initiative includes: 1) 500 new ATF agents and inspectors; 2) over 1,000 new federal, state and local gun prosecutors; 3) comprehensive crime gun tracing; 4) funding increases for ballistics testing; and 5) local media campaigns. President Clinton will also call on Congress to support research in "smart gun" technologies that can limit a gun's use to its authorized owner. The President's budget provides \$10 million to fund such research. Finally, the President will emphasize again that it is long past time for Congress to pass common-sense gun measures to close the gun show loophole, ban the importation of high-capacity ammunition clips and require child safety locks.