

108TH CONGRESS  
1ST SESSION

# S. 969

To enhance the security and safety of the Nation by increasing the time allowed to track terrorists during periods of elevated alert, closing loopholes that have allowed terrorists to acquire firearms, maintaining records of certain handgun transfers during periods of heightened terrorist risk, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 1, 2003

Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. CORZINE, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To enhance the security and safety of the Nation by increasing the time allowed to track terrorists during periods of elevated alert, closing loopholes that have allowed terrorists to acquire firearms, maintaining records of certain handgun transfers during periods of heightened terrorist risk, 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 “Homeland Security  
5 Gun Safety Act of 2003”.

1 **SEC. 2. SUSPENSION OF CERTAIN ADMINISTRATIVE PROVI-**  
2 **SIONS DURING PERIODS OF HEIGHTENED**  
3 **THREAT CONDITION.**

4 Section 922 of title 18, United States Code, is  
5 amended—

6 (1) in subsection (s)(6), by adding at the end  
7 the following:

8 “(D)(i) Subparagraph (B)(i) shall not apply during  
9 any period in which the threat condition under the Home-  
10 land Security Advisory System is elevated, high, or severe.

11 “(ii) The provision under clause (i) shall remain in  
12 effect until the threat condition has been at the lowest  
13 level for 180 consecutive days.”; and

14 (2) in subsection (t)—

15 (A) in paragraph (1)(B)(ii), by inserting  
16 “subject to paragraph (7),” before “3 business  
17 days”; and

18 (B) by adding at the end the following:

19 “(7)(A) Paragraphs (1)(B)(ii) and (2)(C) shall not  
20 apply during any period in which the threat condition  
21 under the Homeland Security Advisory System is elevated,  
22 high, or severe.

23 “(B) The provision under subparagraph (A) shall re-  
24 main in effect until the threat condition has been at the  
25 lowest level for 180 consecutive days.”.

1 **SEC. 3. FIREARM STORAGE AND TRANSFER REQUIRE-**  
2 **MENTS.**

3 (a) **LIMITATIONS ON HANDGUN SALES.**—Section  
4 922(b) of title 18, United States Code, is amended—

5 (1) in paragraph (4), by striking “and” at the  
6 end;

7 (2) in paragraph (5), by striking the period at  
8 the end and inserting a semicolon; and

9 (3) by inserting after paragraph (5), the fol-  
10 lowing:

11 “(6) any firearm to a qualified purchaser if the  
12 licensee knows, or has reasonable cause to believe,  
13 that—

14 “(A) the purchaser intends to transfer the  
15 firearm to an individual who would otherwise be  
16 ineligible to purchase a firearm under this  
17 chapter; or

18 “(B) the gun will be used in the commis-  
19 sion of a crime.”.

20 (b) **REPORTING REQUIREMENT.**—Section  
21 922(s)(6)(C) of title 18, United States Code, is amended  
22 to read as follows:

23 “(C) If a chief law enforcement officer determines  
24 that a person is ineligible to receive a handgun, the officer  
25 shall—

1           “(i) notify the Bureau of Alcohol, Tobacco,  
2           Firearms, and Explosives of the person’s attempt to  
3           purchase a firearm; and

4           “(ii) not later than 20 business days after a re-  
5           quest from such person, provide the person with a  
6           written explanation of the reasons for such deter-  
7           mination.”.

8           (c) MULTIPLE HANDGUN SALES.—Section 922 of  
9           title 18, United States Code, is amended by inserting after  
10          subsection (y) the following:

11          “(z) PROHIBITION AGAINST MULTIPLE HANDGUN  
12          SALES OR PURCHASES.—

13                 “(1) SALES.—It shall be unlawful for any li-  
14                 censed dealer—

15                         “(A) during any 30-day period, to sell 2 or  
16                         more handguns to an individual who is not li-  
17                         censed under section 923; or

18                         “(B) to sell a handgun to an individual  
19                         who—

20                                 “(i) is not licensed under section 923;

21                                 and

22                                 “(ii) purchased a handgun during the  
23                                 30-day period ending on the date of the  
24                                 sale.

1           “(2) PURCHASES.—It shall be unlawful for any  
2 individual who is not licensed under section 923 to  
3 purchase 2 or more handguns during any 30-day pe-  
4 riod.

5           “(3) EXCHANGES.—Paragraph (1) does not  
6 apply to an exchange of 1 handgun for 1 handgun.”.

7           (d) SECURITY STANDARDS FOR STORAGE AND DIS-  
8 PLAY OF FIREARMS.—

9           (1) RULEMAKING AUTHORITY.—Not later than  
10 180 days after the date of enactment of this Act, the  
11 Attorney General shall, by regulation, prescribe se-  
12 curity standards, to prevent theft or other loss of  
13 firearms, for the storage and display of firearms by  
14 firearms dealers that are licensed under chapter 44  
15 of title 18, United States Code.

16           (2) PENALTIES FOR VIOLATION OF STAND-  
17 ARDS.—If a licensed firearms dealer fails to comply  
18 with the standards prescribed pursuant to paragraph  
19 (1), the Attorney General—

20                   (A) shall suspend the license of such dealer  
21 until the dealer is found to be in compliance  
22 with such standards; and

23                   (B) may assess a fine in accordance with  
24 section 3571 of title 18, United States Code.

1 **SEC. 4. LICENSING REQUIREMENTS.**

2 (a) REQUIREMENT OF LICENSEES TO COMPLY WITH  
 3 MINIMUM STANDARDS.—Section 923(e) of title 18,  
 4 United States Code, is amended by striking “or fails” and  
 5 adding the following: “, fails to comply with the require-  
 6 ments under subsection (d)(1), or fails”.

7 (b) UNLIMITED INSPECTIONS.—Section  
 8 923(g)(1)(B) of title 18, United States Code, is amended  
 9 by striking “without such reasonable cause or war-  
 10 rant—” and all that follows and inserting “at any time  
 11 without such reasonable cause or warrant.”.

12 (c) SECONDHAND FIREARM PURCHASES; CRIMINAL  
 13 BACKGROUND CHECKS.—Section 923 of title 18, United  
 14 States Code, is amended by adding at the end the fol-  
 15 lowing:

16 “(m)(1) A licensed importer, licensed dealer, or li-  
 17 censed collector shall, before purchasing a firearm from  
 18 a person who is not licensed under this chapter, check the  
 19 make, model, and serial number of the firearm against the  
 20 Stolen Gun File of the National Crime Information Cen-  
 21 ter.

22 “(2) If a record of the firearm under paragraph (1)  
 23 is contained in the Stolen Gun File, the licensee who ac-  
 24 quired such information shall immediately report the  
 25 make, model, and serial number of the firearm of an unli-

1 censed person and the name of the person who offered  
2 to sell the firearm to—

3           “(A) the National Crime Information Center;

4           “(B) the Bureau of Alcohol, Tobacco, Firearms,  
5           and Explosives; and

6           “(C) local law enforcement.

7           “(n)(1) Each licensee shall submit to the Attorney  
8 General the name and other identifying information of  
9 each responsible person or employee who will be author-  
10 ized by the licensee to handle or possess firearms in the  
11 course of employment with the licensee. Upon the receipt  
12 of such information from the licensee, the Attorney Gen-  
13 eral shall determine whether the responsible person or em-  
14 ployee is described under section 922(d).

15           “(2) If the Attorney General determines that the re-  
16 sponsible person or employee is not described under sec-  
17 tion 922(d), the Attorney General shall notify the licensee  
18 in writing or electronically of the determination and issue,  
19 to the responsible person or employee, a letter of clear-  
20 ance, which confirms the determination.

21           “(3) If the Attorney General determines that the re-  
22 sponsible person or employee is described under section  
23 922(d), the Attorney General shall notify the licensee in  
24 writing or electronically of the determination and issue to

1 the responsible person or employee, as the case may be,  
2 a document that—

3 “(A) confirms the determination;

4 “(B) explains the grounds for the determina-  
5 tion;

6 “(C) provides information on how the disability  
7 may be relieved; and

8 “(D) explains how the determination may be  
9 appealed.”.

10 **SEC. 5. PENALTIES.**

11 (a) ENHANCED PENALTIES.—Section 924(a) of title  
12 18, United States Code, is amended—

13 (1) in paragraph (2), by striking “or (o)” and  
14 inserting “(o), or (z)”;

15 (2) in paragraph (3), by striking “one year”  
16 and inserting “5 years”; and

17 (3) in paragraph (6)(B)(i), by striking “1 year”  
18 and inserting “5 years”.

19 (b) MANDATORY SUSPENSION OF LICENSE WHEN  
20 LICENSEE CHARGED WITH CRIME.—Section 924 of title

21 18, United States Code, is amended by adding at the end  
22 the following:

23 “(p) A license issued to a person under this chapter  
24 shall be suspended when the licensee is charged with a

1 violation of this chapter. Such suspension shall continue  
2 until—

3 “(1) the licensee is convicted of the violation, at  
4 which time the license shall be revoked; or

5 “(2) the licensee is acquitted, at which time the  
6 license shall be restored.”.

7 (c) PENALTY FOR FAILURE TO REPORT MISSING  
8 FIREARMS.—Section 924 of title 18, United States Code,  
9 as amended by subsection (b), is further amended by add-  
10 ing at the end the following:

11 “(q)(1) A person who violates section 923(g)(6), or  
12 makes a false statement relating to firearms, shall, imme-  
13 diately upon discovery by the Attorney General of such  
14 conduct, have any license issued under this chapter imme-  
15 diately suspended for not less than 48 hours. A suspension  
16 under this subsection shall not terminate until the Attor-  
17 ney General completes an investigation of the conduct that  
18 necessitated such suspension.

19 “(2) A dealer, importer, manufacturer, or collector li-  
20 censed under this chapter who violates section 923(g), or  
21 knowingly makes a false statement in connection with the  
22 firearms of such licensee, may be fined under this title  
23 and imprisoned not more than 5 years.”.

1 **SEC. 6. EXPLOSIVE MATERIALS.**

2 Section 845(a)(5) of title 18, United States Code, is  
3 amended by striking “fifty pounds” and inserting “5  
4 pounds”.

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated for fiscal  
7 year 2004—

8 (1) \$50,000,000 to hire not less than 500 new  
9 inspectors within the Bureau of Alcohol, Tobacco,  
10 Firearms, and Explosives, Department of Justice;  
11 and

12 (2) \$100,000,000 to hire not less than 1000  
13 new agents within the Bureau of Alcohol, Tobacco,  
14 Firearms, and Explosives, Department of Justice.

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