

HJR

9

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 27, 1999

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 2/18/99

The STATE AFFAIRS Committee considered:

HJR 9

HOUSE JOINT RESOLUTION NO. 9

DESTROY BRADY BILL RECORDS

Urging the President of the United States and the Congress to act to ensure that federal agencies do not retain records relating to lawful purchase or ownership of firearms gathered through the Brady Handgun Bill instant check system.

recommends it be replaced with the following committee substitute \_\_\_\_\_ [ ] the same title [ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee [ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) \_\_\_\_\_ [ ] fiscal note(s) \_\_\_\_\_

[x] zero fiscal note(s) STA [ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>				
<i>Hal Smalley</i>	✓			
<i>Bruce Bertell</i>			✓	
<i>John Caldwell</i>	✓			
<i>Bill Hudson</i>	✓			
<i>Scott Ogan</i>				✓

CHAIR'S SIGNATURE *Jeannette James*



REPRESENTATIVE ERIC CROFT

## Sponsor Statement

### HJR 9

#### Preventing the Unlawful Retention of Gun Owner Records

When the United State Congress passed the Brady Bill in 1993 to establish a system to keep firearms out of the hands of criminals, it was clear that this system was not to be used by government as a way to monitor legitimate firearm ownership by law-abiding Americans.

The Brady Bill established the "national instant criminal background check system" to check criminal backgrounds during firearm purchases. In order to ensure that non-criminal records were not retained, language was included that directly addressed this fundamental issue. Under the section referring to lawful firearm purchases, the code clearly states the intent to "destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer."<sup>1</sup>

The problem arose when the Administration gave this clear statutory language a novel interpretation. Final regulations purporting to implement the Brady Bill state that all information regarding legitimate firearm purchases would be retained for "audit" purposes and "will be destroyed after not more than six months after the transfer is allowed."<sup>2</sup>

By extending the holding of non-criminal records for up to one hundred and eighty days, the Administration has violated both the spirit and letter of the original Brady Bill.

HJR 9 urges the President of the United States and the Congress to prevent federal agencies from using the Brady Bill Act as a vehicle to unlawfully collect data about legitimate firearm owners. HJR 9 also requests that necessary statutory changes be implemented to ensure this does not occur again in the future.

The sponsor and co-sponsors of HJR 9 respectfully ask you to join us in seeing that this message is clearly heard at our nation's capitol.

---

<sup>1</sup> 18 USC Sec. 922 (t)(2)(c)

<sup>2</sup> 28 CFR Sec. 25.9 (a) (1)



**BRADY CHECKS  
SUMMARY 1994 - 1998**

	<b>AST TOTAL REQUESTS</b>	<b>AST TOTAL APPROVED</b>	<b>AST TOTAL DENIED</b>	<b>PD'S TOTAL REQUESTS</b>	<b>PD'S TOTAL APPROVED</b>	<b>PD'S TOTAL DENIED</b>	<b>TOTAL REQUESTS</b>	<b>TOTAL APPROVED</b>	<b>TOTAL DENIED</b>
JANUARY	1256	1236	20	1894	1842	52	3150	3078	72
FEBRUARY	1041	1020	21	2342	2282	60	3383	3302	81
MARCH	2007	1957	50	3692	3590	102	5699	5547	152
APRIL	2034	1983	51	4054	3942	112	6088	5925	163
MAY	1540	1509	31	3254	3167	87	4794	4676	118
JUNE	1619	1595	24	2747	2669	78	4366	4264	102
JULY	1889	1833	56	3288	3220	68	5177	5053	124
AUGUST	1609	1554	55	3494	3401	93	5103	4955	148
SEPTEMBER	1492	1446	46	3430	3365	65	4922	4811	111
OCTOBER	2150	2090	60	4430	4291	139	6580	6381	199
NOVEMBER	1906	1856	50	3079	3006	73	4985	4862	123
DECEMBER	1394	1350	44	3275	3180	95	4669	4530	139
<b>TOTAL</b>	<b>19937</b>	<b>19429</b>	<b>508</b>	<b>38979</b>	<b>37955</b>	<b>1024</b>	<b>58916</b>	<b>57384</b>	<b>1532</b>

2.6%

**BRADY CHECKS  
SUMMARY 1994 - 1998**

	<b>AST TOTAL REQUESTS</b>	<b>AST TOTAL APPROVED</b>	<b>AST TOTAL DENIED</b>	<b>PD'S TOTAL REQUESTS</b>	<b>PD'S TOTAL APPROVED</b>	<b>PD'S TOTAL DENIED</b>	<b>TOTAL REQUESTS</b>	<b>TOTAL APPROVED</b>	<b>TOTAL DENIED</b>
JANUARY	1256	1236	20	1894	1842	52	3150	3078	72
FEBRUARY	1041	1020	21	2342	2282	60	3383	3302	81
MARCH	2007	1957	50	3692	3590	102	5699	5547	152
APRIL	2034	1983	51	4054	3942	112	6088	5925	163
MAY	1540	1509	31	3254	3167	87	4794	4676	118
JUNE	1619	1595	24	2747	2669	78	4366	4264	102
JULY	1889	1833	56	3288	3220	68	5177	5053	124
AUGUST	1609	1554	55	3494	3401	93	5103	4955	148
SEPTEMBER	1492	1446	46	3430	3365	65	4922	4811	111
OCTOBER	2150	2090	60	4430	4291	139	6580	6381	199
NOVEMBER	1906	1856	50	3079	3006	73	4985	4862	123
DECEMBER	1394	1350	44	3275	3180	95	4669	4530	139
<b>TOTAL</b>	<b>19937</b>	<b>19429</b>	<b>508</b>	<b>38979</b>	<b>37955</b>	<b>1024</b>	<b>58916</b>	<b>57384</b>	<b>1532</b>

2.6%

**BRADY CHECKS  
SUMMARY 1994 - 1998**

	<b>AST TOTAL REQUESTS</b>	<b>AST TOTAL APPROVED</b>	<b>AST TOTAL DENIED</b>	<b>PD'S TOTAL REQUESTS</b>	<b>PD'S TOTAL APPROVED</b>	<b>PD'S TOTAL DENIED</b>	<b>TOTAL REQUESTS</b>	<b>TOTAL APPROVED</b>	<b>TOTAL DENIED</b>
JANUARY	1256	1236	20	1894	1842	52	3150	3078	72
FEBRUARY	1041	1020	21	2342	2282	60	3383	3302	81
MARCH	2007	1957	50	3692	3590	102	5699	5547	152
APRIL	2034	1983	51	4054	3942	112	6088	5925	163
MAY	1540	1509	31	3254	3167	87	4794	4676	118
JUNE	1619	1595	24	2747	2669	78	4366	4264	102
JULY	1889	1833	56	3288	3220	68	5177	5053	124
AUGUST	1609	1554	55	3494	3401	93	5103	4955	148
SEPTEMBER	1492	1446	46	3430	3365	65	4922	4811	111
OCTOBER	2150	2090	60	4430	4291	139	6580	6381	199
NOVEMBER	1906	1856	50	3079	3006	73	4985	4862	123
DECEMBER	1394	1350	44	3275	3180	95	4669	4530	139
<b>TOTAL</b>	<b>19937</b>	<b>19429</b>	<b>508</b>	<b>38979</b>	<b>37955</b>	<b>1024</b>	<b>58916</b>	<b>57384</b>	<b>1532</b>

2.6%

**BRADY CHECKS  
SUMMARY 1994 - 1998**

	<b>AST TOTAL REQUESTS</b>	<b>AST TOTAL APPROVED</b>	<b>AST TOTAL DENIED</b>	<b>PD'S TOTAL REQUESTS</b>	<b>PD'S TOTAL APPROVED</b>	<b>PD'S TOTAL DENIED</b>	<b>TOTAL REQUESTS</b>	<b>TOTAL APPROVED</b>	<b>TOTAL DENIED</b>
JANUARY	1256	1236	20	1894	1842	52	3150	3078	72
FEBRUARY	1041	1020	21	2342	2282	60	3383	3302	81
MARCH	2007	1957	50	3692	3590	102	5699	5547	152
APRIL	2034	1983	51	4054	3942	112	6088	5925	163
MAY	1540	1509	31	3254	3167	87	4794	4676	118
JUNE	1619	1595	24	2747	2669	78	4366	4264	102
JULY	1889	1833	56	3288	3220	68	5177	5053	124
AUGUST	1609	1554	55	3494	3401	93	5103	4955	148
SEPTEMBER	1492	1446	46	3430	3365	65	4922	4811	111
OCTOBER	2150	2090	60	4430	4291	139	6580	6381	199
NOVEMBER	1906	1856	50	3079	3006	73	4985	4862	123
DECEMBER	1394	1350	44	3275	3180	95	4669	4530	139
<b>TOTAL</b>	<b>19937</b>	<b>19429</b>	<b>508</b>	<b>33979</b>	<b>37955</b>	<b>1024</b>	<b>58916</b>	<b>57384</b>	<b>1532</b>

2.6%

**BRADY CHECKS  
SUMMARY 1994 - 1998**

	<b>AST TOTAL REQUESTS</b>	<b>AST TOTAL APPROVED</b>	<b>AST TOTAL DENIED</b>	<b>PD'S TOTAL REQUESTS</b>	<b>PD'S TOTAL APPROVED</b>	<b>PD'S TOTAL DENIED</b>	<b>TOTAL REQUESTS</b>	<b>TOTAL APPROVED</b>	<b>TOTAL DENIED</b>
JANUARY	1256	1236	20	1894	1842	52	3150	3078	72
FEBRUARY	1041	1020	21	2342	2282	60	3383	3302	81
MARCH	2007	1957	50	3692	3590	102	5699	5547	152
APRIL	2034	1983	51	4054	3942	112	6088	5925	163
MAY	1540	1509	31	3254	3167	87	4794	4676	118
JUNE	1619	1595	24	2747	2669	78	4366	4264	102
JULY	1889	1833	56	3288	3220	68	5177	5053	124
AUGUST	1609	1554	55	3494	3401	93	5103	4955	148
SEPTEMBER	1492	1446	46	3430	3365	65	4922	4811	111
OCTOBER	2150	2090	60	4430	4291	139	6580	6381	199
NOVEMBER	1906	1856	50	3079	3006	73	4985	4862	123
DECEMBER	1394	1350	44	3275	3180	95	4669	4530	139
<b>TOTAL.</b>	<b>19937</b>	<b>19429</b>	<b>508</b>	<b>38979</b>	<b>37955</b>	<b>1024</b>	<b>58916</b>	<b>57384</b>	<b>1532</b>

2.6/0

**BRADY CHECKS  
SUMMARY 1994 - 1998**

	<b>AST TOTAL REQUESTS</b>	<b>AST TOTAL APPROVED</b>	<b>AST TOTAL DENIED</b>	<b>PD'S TOTAL REQUESTS</b>	<b>PD'S TOTAL APPROVED</b>	<b>PD'S TOTAL DENIED</b>	<b>TOTAL REQUESTS</b>	<b>TOTAL APPROVED</b>	<b>TOTAL DENIED</b>
JANUARY	1256	1236	20	1894	1842	52	3150	3078	72
FEBRUARY	1041	1020	21	2342	2282	60	3383	3302	81
MARCH	2007	1957	50	3692	3590	102	5699	5547	152
APRIL	2034	1983	51	4054	3942	112	6088	5925	163
MAY	1540	1509	31	3254	3167	87	4794	4676	118
JUNE	1619	1595	24	2747	2669	78	4366	4264	102
JULY	1889	1833	56	3288	3220	68	5177	5053	124
AUGUST	1609	1554	55	3494	3401	93	5103	4955	148
SEPTEMBER	1492	1446	46	3430	3365	65	4922	4811	111
OCTOBER	2150	2090	60	4430	4291	139	6580	6381	199
NOVEMBER	1906	1856	50	3079	3006	73	4985	4862	123
DECEMBER	1394	1350	44	3275	3180	95	4669	4530	139
<b>TOTAL</b>	<b>19937</b>	<b>19429</b>	<b>508</b>	<b>38979</b>	<b>37955</b>	<b>1024</b>	<b>58916</b>	<b>57384</b>	<b>1532</b>

2.6%

**BRADY CHECKS  
SUMMARY 1994 - 1998**

	<b>AST TOTAL REQUESTS</b>	<b>AST TOTAL APPROVED</b>	<b>AST TOTAL DENIED</b>	<b>PD'S TOTAL REQUESTS</b>	<b>PD'S TOTAL APPROVED</b>	<b>PD'S TOTAL DENIED</b>	<b>TOTAL REQUESTS</b>	<b>TOTAL APPROVED</b>	<b>TOTAL DENIED</b>
JANUARY	1256	1236	20	1894	1842	52	3150	3078	72
FEBRUARY	1041	1020	21	2342	2282	60	3383	3302	81
MARCH	2007	1957	50	3692	3590	102	5699	5547	152
APRIL	2034	1983	51	4054	3942	112	6088	5925	163
MAY	1540	1509	31	3254	3167	87	4794	4676	118
JUNE	1619	1595	24	2747	2669	78	4366	4264	102
JULY	1889	1833	56	3288	3220	68	5177	5053	124
AUGUST	1609	1554	55	3494	3401	93	5103	4955	148
SEPTEMBER	1492	1446	46	3430	3365	65	4922	4811	111
OCTOBER	2150	2090	60	4430	4291	139	6580	6381	199
NOVEMBER	1906	1856	50	3079	3006	73	4985	4862	123
DECEMBER	1394	1350	44	3275	3180	95	4669	4530	139
<b>TOTAL</b>	<b>19937</b>	<b>19429</b>	<b>508</b>	<b>38979</b>	<b>37955</b>	<b>1024</b>	<b>58916</b>	<b>57384</b>	<b>1532</b>

2.69%

**BRADY CHECKS  
SUMMARY 1994 - 1998**

	AST TOTAL REQUESTS	AST TOTAL APPROVED	AST TOTAL DENIED	PD'S TOTAL REQUESTS	PD'S TOTAL APPROVED	PD'S TOTAL DENIED	TOTAL REQUESTS	TOTAL APPROVED	TOTAL DENIED
JANUARY	1256	1236	20	1894	1842	52	3150	3078	72
FEBRUARY	1041	1020	21	2342	2282	60	3383	3302	81
MARCH	2007	1957	50	3692	3590	102	5699	5547	152
APRIL	2034	1983	51	4054	3942	112	6088	5925	163
MAY	1540	1509	31	3254	3167	87	4794	4676	118
JUNE	1619	1595	24	2747	2669	78	4366	4264	102
JULY	1889	1833	56	3288	3220	68	5177	5053	124
AUGUST	1609	1554	55	3494	3401	93	5103	4955	148
SEPTEMBER	1492	1446	46	3430	3365	65	4922	4811	111
OCTOBER	2150	2090	60	4430	4291	139	6580	6381	199
NOVEMBER	1906	1856	50	3079	3006	73	4985	4862	123
DECEMBER	1394	1350	44	3275	3180	95	4669	4530	139
<b>TOTAL</b>	<b>19937</b>	<b>19429</b>	<b>508</b>	<b>38979</b>	<b>37955</b>	<b>1024</b>	<b>58916</b>	<b>57384</b>	<b>1532</b>

2.6%

**Testimony of the Alaska Outdoor Council on HJR 9,  
By Dick Bishop, vice president  
Feb. 18, 1999 before the House State Affairs Committee**

Madam Chair, I'm Dick Bishop of Fairbanks, vice president of, and part-time lobbyist for the Alaska Outdoor Council, on whose behalf I am testifying.

The AOC is vitally interested in the safe and ethical exercise of the individual right to keep and bear arms.

The Outdoor Council strongly supports HJR 9. We thank Representative Croft for introducing the measure, and his cosponsors for their strong bipartisan support. This is an issue that knows no party lines.

Regulations mandating retention of data on lawful firearms purchases under the so-called Brady Bill's instant check provisions are a cynical subversion of the clear meaning of that law. The law's provision mandating destruction of those records does not mean some Tuesday next week, or 6 months later.

The purpose of the instant check is to determine if a firearms purchase is legal. Once that determination is made, there is no rationale under the law for retaining that record. The purpose of the law has been fulfilled when attempted illegal purchases are forestalled.

As anyone who has worked in or with government knows, it is all too easy for bureaucracies to overlook or ignore statutory requirements and regulations. The 6-month destruction deadline easily becomes no deadline, through neglect, or for an ulterior motive. Or it might be revised in a future regulation, to one year, or 5 years, -- or permanent retention.

There's not much good to be said about the Brady bill, but at least it was agreed that it was not to be the first step in an all out gun registration system. We applaud the National Rifle Association's legal challenge to this foot in the door regulation.

I wonder who decided there should be 6-month data retention? It appears to fit right in with President Clinton's patronizing political campaign to demonize all gunowners.

The Alaska Outdoor Council urges the Legislature to promptly pass HJR 9. We also recommend that you transmit the resolution to every state legislature and every governor, in addition to the distribution outlined in the resolution.

Thank you for your efforts, and for this opportunity to testify.



LEGISLATIVE INFORMATION OFFICE  
119 N. CUSHMAN, SUITE 101  
FAIRBANKS, AK 99701  
452-4448

DATE: 2/18/99

Please accept the enclosed original(s) of written  
testimony for the

Alaska State Affairs Cmte teleconference scheduled on

HSR 9: . A copy of this testimony was  
transmitted to your committee via fax.

Thank you,  
*Fran / Feb 20*



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the HSTA  
 Committee on HJR 9 Committee Name  
 Dated 2/18/99  
 Bill / Subject

*See attached*

SIGNED:

*Ruthanne H. Bentley*  
 Testifier

*Alaska Outdoor Council*  
 Representing

*1555 BUS'S BRIND, FAI 99709 907 4556151*  
 Address / Phone Number

# s t a n d i n g   g u a r d

**"**Insta-check"—the Bill Clinton/Sarah Brady version—is a reality check for the nation's gun owners.

It is a cold, harsh warning that we must never place trust in the idea that honor, integrity, truth, and the rule of law have anything to do with the Clinton Administration or with Bill Clinton's allies in Congress. They attempt to rule by stealth—outside the law.

"Instant check," or "Insta-Check" as Clinton has styled it, is the ultimate White House spin. It is a far cry from the system Congress intended to create in 1993.

In the 1999 reality, and in practice, the National Instant Check System (NICS) has been twisted by contorted FBI regulations into a firearms *owner registration* system that could be the baseline for future government action against peaceable citizens who choose to exercise their right to own and use firearms.

Janet Reno and Bill Clinton, Al Gore and Sarah Brady ultimately want to be gun collectors. But the firearms they want to collect belong to the people. Those firearms are private property, owned by private citizens. They belong to you and me.

But they can't collect your guns if they don't know you have them. And your lawful, private ownership of firearms is none of government's business.

In 1993, when the rabidly anti-gun Congress enacted the Brady bill, NRA and our friends fought hard to make sure that when the waiting period was replaced by the Instant Check System, the government didn't have the power to retain any information on you or any firearms you might buy from a licensed dealer. The "instant check," as envisioned by those who wrote protections into the law in 1993, meant *instant destruction of records on those transactions not flagged as prohibited.*

Under *Title 18 USC 922(r)(2)(c)*, all information relating to law-abiding firearms purchasers and the guns they buy must be instantly "destroyed." There's no shading to that word. There's no nuance in the law.

But the Justice Department has boldly proclaimed that the Federal Bureau of Investigation (FBI) will keep each and every record of the estimated 14 million annual legal firearms transactions in its massive computer database for at least six months—for "audit purposes." Emphatically, let me tell you, they cannot lawfully keep a single such record. To do so is a knowing, blatant violation of law.

The National Instant Check System—under Bill Clinton and Janet Reno's vision—would be the means to collect and keep unlawful files—dossiers on each of us, inaccessible to us—that could be used in the future to wipe out our civil rights. Under NICS, they are seeking even more power to single out those who choose to buy and own firearms. The President has declared gun shows to be "illegal arms bazaars for criminals and gun runners." We know that is preposterous, but the media will never see the truth. Bill Clinton has ordered "executive actions" to ban all private firearm transfers at gun shows, unless they are run through the NICS registration scheme. Congress never autho-

By Wayne LaPierre  
Executive Vice President

A White House assistant described Clinton/Gore rule by Presidential diktat this way: "Stroke of the pen. Law of the land. Kinda cool." Stroke of the pen, lose your rights—lose your property. This is what

they think is "kinda cool."

I've got news for them. *With respect to Instant Check, all bets are off. The NRA will use every power at our disposal to force the Federal government to obey the law.*

That is why we have gone to Federal court to stop the Justice Department from keeping files on legal gun transactions and on law-abiding firearms purchasers.

The instant check concept is nothing new—it's been in place in some states for almost a decade. When properly administered, it prevents the retail sale of firearms to the few criminals stupid enough to attempt a gun purchase at a dealer, and it does so with a minimum of inconvenience to law-abiding gun buyers. And by its very nature, it also allows for "real time" notification of the authorities when a prohibited person violates Federal law by attempting to purchase a firearm.

These were the same objectives of the Congress when it debated and passed the law creating NICS in 1993. But the Clinton Administration has now twisted implementa-

tion of the NICS system into its own image—a national surveillance system that puts a higher priority on tracking gun purchases by law-abiding citizens than on the arrest and prosecution of those who attempt to violate our Federal firearms laws.

The coming year will be a difficult time in the Congress. The 1998 elections have elevated anti-gun kingpin Chuck Schumer from the U.S. House to the U.S. Senate, and he will waste no time attempting to press his savage anti-gun agenda. But we will meet him and his anti-gun cohorts head-on.

We have filed suit in the courts, and we will also work in Congress to ensure that NICS is administered according to the letter of the law.

Our friends in Congress will call for formal investigations and oversight on NICS operations and on why the Justice Department in Washington fails to arrest felons, fugitives, and the like when they violate Federal gun law. This is critical, especially in light of the enormous success of the independent Federal prosecutions of felons in possession of firearms under Project Exile in Richmond, Virginia.

We will press aggressively for full enforcement of existing laws, which could lock up every violent, armed felon in every corner of the country. And we intend to educate the public about these laws.

Grassroots pressure from NRA members killed the proposed gun tax—at least for the first 10 months of NICS operation. We will again have to fight that battle—among many others—in the year to come. Just as we rolled back portions of bad law with the passage of the Firearms Owners' Protection Act in 1986, we will roll back the sinister and devious effort to contort NICS into a system for subjecting gun buyers to enormous fees, government-sanctions of privacy and civil rights, and centralized registrations the time—help us fight.



28 CFR s 25.9  
28 C.F.R. § 25.9

**CODE OF FEDERAL REGULATIONS  
TITLE 28--JUDICIAL  
ADMINISTRATION  
CHAPTER I--DEPARTMENT OF  
JUSTICE  
PART 25--DEPARTMENT OF JUSTICE  
INFORMATION SYSTEMS  
SUBPART A--THE NATIONAL  
INSTANT CRIMINAL BACKGROUND  
CHECK SYSTEM**

Current through January 1, 1999; 63 FR  
72352

§ 25.9 Retention and destruction of records in  
the system.

(a) The NICS will retain NICS Index records that indicate that receipt of a firearm by the individuals to whom the records pertain would violate Federal or state law. The NICS will retain such records indefinitely, unless they are canceled by the originating agency. In cases where a firearms disability is not permanent, e.g., a disqualifying restraining order, the NICS will automatically purge the pertinent record when it is no longer disqualifying. Unless otherwise removed, records contained in the NCIC and III files that are accessed during a background check will remain in those files in accordance with established policy.

(b) The FBI will maintain an automated NICS Audit Log of all incoming and outgoing transactions that pass through the system.

(1) The Audit Log will record the following information: type of transaction (inquiry or response), line number, time, date of inquiry, header, message key, ORI, and inquiry/response data (including the name and other identifying information about the prospective transferee and the NTN). In cases of allowed transfers, all information in the

Audit Log related to the person or the transfer, other than the NTN assigned to the transfer and the date the number was assigned, will be destroyed after not more than six months after the transfer is allowed. Audit Log records relating to denials will be retained for 10 years, after which time they will be transferred to a Federal Records Center for storage. The NICS will not be used to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions, except with respect to persons prohibited from receiving a firearm by 18 U.S.C. 922(g) or (n) or by state law.

(2) The Audit Log will be used to analyze system performance, assist users in resolving operational problems, support the appeals process, or support audits of the use of the system. Searches may be conducted on the Audit Log by time frame, i.e., by day or month, or by a particular state or agency. Information in the Audit Log pertaining to allowed transfers may only be used by the FBI for the purpose of conducting audits of the use and performance of the NICS. Such information, however, may be retained and used as long as needed to pursue cases of identified misuse of the system. The NICS, including the NICS Audit Log, may not be used by any department, agency, officer, or employee of the United States to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions. The Audit Log will be monitored and reviewed on a regular basis to detect any possible misuse of the NICS data.

(c) The following records in the FBI-operated terminals of the NICS will be subject to the Brady Act's requirements for destruction:

(1) All inquiry and response messages

(regardless of media) relating to a background check that results in an allowed transfer; and

(2) All information (regardless of media) contained in the NICS Audit Log relating to a background check that results in an allowed transfer.

(d) The following records of state and local law enforcement units serving as POCs will be subject to the Brady Act's requirements for destruction:

(1) All inquiry and response messages (regardless of media) relating to the initiation and result of a check of the NICS that allows a transfer that are not part of a record system created and maintained pursuant to independent state law regarding firearms transactions; and

(2) All other records relating to the person or the transfer created as a result of a NICS check that are not part of a record system created and maintained pursuant to independent state law regarding firearms transactions.

<General Materials (GM) - References,  
Annotations, or Tables>

28 C. F. R. § 25.9

28 CFR § 25.9

END OF DOCUMENT





**REPRESENTATIVE ERIC CROFT**

**MEMO**

To: Representative Jeannette James, Chair  
State Affairs Committee

From: Representative Eric Croft

Date: 5 February '99

Re.: Scheduling HJR 9

---

As my first committee of referral, I would appreciate it if you would schedule HJR 9 at the earliest possible date. Enclosed is a copy of the bill, sponsor statement, and other relevant material.

Please don't hesitate to contact me if I can in any way help expedite this matter.



FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HJR 9

Revision Date: \_\_\_\_\_  
Title: Destroy Brady Bill Records  
Sponsor: \_\_\_\_\_  
Requester: \_\_\_\_\_

Dept. Affected \_\_\_\_\_  
BRU \_\_\_\_\_  
Component \_\_\_\_\_  
Component Serial No. \_\_\_\_\_

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES [ ]						
------------------------	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

POSITIONS						
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Battin, House State Affairs Committee

Phone \_\_\_\_\_  
Phone \_\_\_\_\_  
Date 2/17/99