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NEWS

U. S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

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FIREARMS COMPROMISE

DOLE PLAN PASSES SENATE; FIVE DAY WAIT TO END WHEN RELIABLE INSTANT CHECK SYSTEM DEVELOPED

WASHINGTON - SENATE REPUBLICAN LEADER BOB DOLE (R-KS) TODAY MADE THE FOLLOWING STATEMENT UPON INTRODUCTION OF THE DOLE/METZENBAUM FIREARMS AMENDMENT. THE DOLE/METZENBAUM AMENDMENT PASSED BY A VOTE OF 67-32.

WE HAVE BEEN PREPARING FOR THIS VOTE FOR A LONG TIME. THE QUESTION IS HOW WE BEST GUARANTEE TO THE AMERICAN PEOPLE THAT CONGRESS HAS DONE EVERYTHING WE ARE ABLE TO ENSURE THOSE WHO HAVE LOST THEIR RIGHT TO POSSESS FIREARMS ARE, IN FACT, KEPT FROM OBTAINING GUNS.

EVERY SENATOR IS DEEPLY SADDENED EACH AND EVERY TIME A GUN IS USED BY ONE INDIVIDUAL AGAINST ANOTHER. SO, THERE IS NO QUESTION THAT EVERY SENATOR WANTS SOME SANITY BROUGHT TO THE RUNAWAY USE OF FIREARMS TO THREATEN, MAIM AND KILL MEMBERS OF OUR SOCIETY.

THIS IS AN EMOTIONAL ISSUE, ONE THAT SHAKES MANY SENATORS TO THE CORE OF THEIR BELIEFS. BUT AT THE CORE OF EACH AND EVERY SENATOR IS THE DESIRE TO ENACT A SYSTEM TO KEEP GUNS IN THEIR RIGHTFUL PLACE, WHILE PUNISHING THOSE WHO MISUSE THE CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS.

ON MANY OCCASIONS, THE MAJORITY LEADER HAS SAID THAT BOTH SIDES TO THIS DEBATE ACTUALLY AGREE ON MORE ISSUES THAN THOSE ON WHICH THEY DISAGREE. THAT STATEMENT CONTAINS MORE TRUTH THAN ANY OTHER ENTERED INTO THIS DEBATE.

WITH THAT IN MIND, THE MAJORITY LEADER AND I, ALONG WITH THE ASSISTANCE OF A GREAT MANY OF OUR COLLEAGUES, HAVE BEEN WORKING FOR SEVERAL WEEKS TO CRAFT WHAT IS NOW BEING CALLED THE COMPROMISE APPROACH.

THE NEED FOR A BACKGROUND CHECK

AT THE OUTSET, LET ME BE CLEAR ABOUT MY VIEWS. TO LOOK THE AMERICAN PEOPLE IN THE EYE AND TELL THEM WE HAVE DONE THE BEST WE COULD TO GUARANTEE GUNS SOLD IN STORES THROUGHOUT THE COUNTRY WERE BEING PURCHASED ONLY BY THOSE ALLOWED TO OWN FIREARMS, WE MUST DO A BACKGROUND CHECK EACH AND EVERY TIME ANY GUN IS SOLD. THE 1968 GUN CONTROL ACT IS VERY SPECIFIC ABOUT WHO HAS FORFEITED THIS TRULY AMERICAN RIGHT. ONLY WHEN WE HAVE A SYSTEM TO CHECK THE NAME OF THE PROSPECTIVE PURCHASER AGAINST THE LIST OF THOSE WHO FORFEITED THE RIGHT TO GUN OWNERSHIP CAN WE GIVE THAT GUARANTEE TO THE AMERICAN PEOPLE.

WAITING PERIODS -- OF ANY LENGTH -- DO NOT INHERENTLY CONTAIN THIS GUARANTEE. AND, BACKGROUND CHECKS AGAINST LISTS CONTAINING ONLY PARTIAL INFORMATION GIVE ONLY A PARTIAL GUARANTEE. THEREFORE, I DO NOT SUPPORT WAITING PERIODS IN AND OF THEMSELVES. NOR DO I SUPPORT A SYSTEM WHEREBY EACH STATE WOULD CHECK RECORDS AVAILABLE ONLY TO THAT STATE AND NO OTHER STATE.

THE SO-CALLED "COMPROMISE" CONTAINS THIS TOTAL SYSTEM. HOWEVER, IT ALSO GIVES TO THOSE WHO SUPPORT THE WAITING PERIODS OF THE BRADY BILL THE WAITING PERIODS THEY SUPPORT.

NINETY DAYS AFTER ENACTMENT, A FEDERAL WAITING PERIOD OF FIVE BUSINESS DAYS WOULD BE IMPOSED ON THE STATES. THIS WAITING PERIOD APPLIES ONLY TO HANDGUNS WHICH IS THE IDENTICAL APPLICATION CONTAINED IN THE BRADY BILL. THE BRADY BILL ALSO CONTAINS A PROVISION UNDER WHICH ANY STATE THAT CONDUCTS BACKGROUND CHECKS ON PROSPECTIVE HANDGUN PURCHASERS IS EXEMPT FROM THIS FEDERAL WAITING PERIOD. THE COMPROMISE CONTAINS THIS PRINCIPLE AS WELL.

THE WAITING PERIOD YIELDS TO INSTANT CHECKS

TWO AND ONE HALF YEARS AFTER ENACTMENT, A FEDERAL -- 50 STATE -- BACKGROUND CHECK IS PUT INTO PLACE ONLY IF THE ATTORNEY GENERAL CERTIFIES THAT THE SYSTEM CONTAINS 5 YEARS OF CRIMINAL HISTORIES WITH 80% RELIABILITY. WHEN THE SYSTEM IS CERTIFIED, CONSISTENT WITH THE BRADY BILL, THE FEDERAL WAITING PERIOD IS REMOVED.

THAT, IN A NUTSHELL, IS THE BASIC OUTLINE OF THE COMPROMISE -- 2 1/2 YEARS OF A FEDERAL WAITING PERIOD FOLLOWED BY A FEDERAL BACKGROUND CHECK.

(MORE)

DEVELOPING THE BEST SYSTEM

IN NEGOTIATING THIS COMPROMISE, MANY PROVISIONS WERE ADDED SO ENSURE WE COULD GIVE AN IRON-CLAD GUARANTEE TO THE AMERICAN PEOPLE THAT WE HAVE DEVELOPED THE BEST SYSTEM. SIX MONTHS AFTER THE DATE OF ENACTMENT, THE ATTORNEY GENERAL WILL ANNOUNCE TWO DECISIONS -- FIRST, HE MUST DESIGNATE THE SYSTEM TO BE USED INCLUDING THE "SOFTWARE" EACH STATE GOVERNMENT AND FEDERAL AGENCY MUST USE FOR THEIR RECORDS. SECOND, AFTER REVIEWING THE CONDITION OF THE RECORDS ON A STATE-BY-STATE BASIS, HE WILL ESTABLISH A TIMETABLE FOR EACH OF THE STATES TO COMPUTERIZE CRIMINAL RECORDS TO GUARANTEE THAT IN FIVE YEARS EACH OF THE STATES ARE FULLY COMPUTERIZED AND ARE AT LEAST 80% ACCURATE FOR AT LEAST FIVE PREVIOUS YEARS.

TWO AND ONE HALF YEARS AFTER ENACTMENT, THE ATTORNEY GENERAL WILL DECIDE IF THE BACKGROUND CHECK SYSTEM CAN BE CERTIFIED FOR OPERATION. IN ORDER TO CERTIFY, THE STATES HAVE THE CAPACITY TO OPERATE, THAT THE STATES ARE IN COMPLIANCE WITH THE TIMETABLES ESTABLISHED EARLIER, AND THAT THE SYSTEM POSSESSES A NATIONAL AVERAGE DATA BANK OF CRIMINAL RECORDS FOR THE PREVIOUS FIVE YEARS WHICH IS AT LEAST 80% ACCURATE. STATES NOT CAPABLE OR NOT ON SCHEDULE WITH THEIR TIMETABLE WILL REMAIN UNDER THE FIVE BUSINESS DAY WAITING PERIOD. ONCE OPERATIONAL, THE SYSTEM WILL CHECK THE BACKGROUND OF PURCHASERS OF ALL FIREARMS, NOT JUST HANDGUNS AS IS ENVISIONED BY THE BRADY BILL.

THERE IS ONE REMAINING GUARANTEE WE CAN GIVE THE AMERICAN PEOPLE. IF ANY STATE DOES NOT ACHIEVE THE FIVE YEAR GOAL OF POSSESSING FIVE YEARS OF CRIMINAL RECORDS WITH 80% ACCURACY WITHIN SIX YEARS OF ENACTMENT, THAT STATE IS AGAIN SUBJECTED TO THE FIVE BUSINESS DAY WAITING PERIOD UNTIL IT COMES INTO COMPLIANCE.

"HAMMERS" ON THE JUSTICE DEPARTMENT

FURTHER, WE HAVE PUT TWO WHAT I WILL CALL "HAMMERS" CONTAINED IN THE BILL. TO ENSURE THE JUSTICE DEPARTMENT DOES ITS PART, IF THE HARDWARE IS NOT READY IN 2 1/2 YEARS, THE DEPARTMENT OF JUSTICE WILL LOSE 5% OF IS GENERAL ADMINISTRATIVE FUNDS EACH AND EVERY DAY UNTIL THE SYSTEM IS UP AND RUNNING. SECOND, TO ENSURE STATES DO THEIR PART, ANY STATE NOT COOPERATING COULD LOSE UP TO 50% OF THE FUNDS RECEIVED BY STATE POLICE AGENCIES FROM THE FEDERAL GOVERNMENT UNDER THE STATE AND LOCAL LAW ENFORCEMENT GRANT PROGRAM.

AT THIS POINT, LET ME STATE THE REASON FOR THE HAMMER ON THE JUSTICE DEPARTMENT. THE 1988 DRUG BILL CONTAINED A REQUIREMENT THAT THE DEPARTMENT ESTABLISH A SYSTEM TO CHECK FELONY RECORDS OF PROSPECTIVE GUN PURCHASERS. NOTWITHSTANDING THE REPEATED EFFORTS OF THE ATTORNEY GENERAL TO ESTABLISH THE SYSTEM, IT DOES NOT EXIST. THE NAY SAYERS AND HAND WRINGERS HAVE FRUSTRATED THE VERY ABLE EFFORTS OF THE ATTORNEY GENERAL. THE COMPROMISE SAYS ENOUGH IS ENOUGH. FORGET THE GOLD PLATING AND GET THE SYSTEM TO AT LEAST 80% RELIABILITY. THIS IS NOT INTENDED TO CREATE AN INCENTIVE FOR THE ATTORNEY GENERAL TO MAKE AN INACCURATE CERTIFICATION, AND I AM CERTAIN NO ATTORNEY GENERAL WOULD ENGAGE IN THAT PRACTICE.

HELPING THE STATES

THE BILL ALSO CONTAINS ASSISTANCE TO STATES IN THE FORM OF \$100 MILLION TO HELP CREATE COMPUTER BASES.

ON ALL OF THESE MATTERS, THE DISTINGUISHED MAJORITY LEADER AND I, ALONG WITH A GREAT MANY OF OUR COLLEAGUES ARE IN AGREEMENT.

THERE IS ONE ITEM OF DISAGREEMENT. WITH RESPECT TO WAITING PERIODS ESTABLISHED BY THE STATES, A SEPARATE PROCEDURE IS ESTABLISHED FOR TREATMENT. THE BRADY BILL HAS AS ITS BASIC PREMISE THAT SINCE FIREARMS ARE EASILY TRANSPORTABLE ACROSS STATE LINES, A FEDERAL SYSTEM IS NEEDED. SECOND, THE BRADY BILL ESTABLISHED THE PRINCIPLE THAT, IF BACKGROUND CHECKS ARE CONDUCTED, NO WAITING PERIOD IS REQUIRED.

IF A STATE HAS A WAITING PERIOD, THAT WAITING PERIOD WILL REMAIN IN EFFECT FOR A MINIMUM OF FIVE YEARS. ONLY IF ALL FIFTY STATES HAVE RECORDS WITH 80% RELIABILITY WILL THERE BE ANY EFFECT ON STATE-IMPOSED WAITING PERIODS. HOWEVER, ONLY IF TWO STRINGENT CONDITIONS ARE MET, STATE WAITING PERIODS MAY BE PREEMPTED. FIRST, THE SYSTEM MUST BE IN PLACE IN ALL 50 STATES. SECOND, AFTER A MINIMUM OF FIVE YEARS, ONLY IF ALL 50 STATES HAVE FIVE YEARS OF RECORDS WITH AT LEAST 80% ACCURACY, WILL PREEMPTION OCCUR.

I BELIEVE THIS IS FULLY CONSISTENT WITH THE BRADY BILL. WE MUST REMEMBER, THE BRADY BILL SAYS IF THERE IS A CHECK, THERE IS NO NEED FOR A WAIT. THE PREEMPTION PROVISION TAKES IT A STEP FURTHER AND SAYS ONLY IF THERE IS A RELIABLE CHECK, IS THERE NO NEED FOR STATE WAITING PERIODS.

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