



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, DC 20226

NOV 10 1998

OPEN LETTER TO ALL TEXAS FEDERAL FIREARMS LICENSEES

Permanent Provisions of the Brady Law. The purpose of this letter is to advise you of your responsibilities under the permanent provisions of the Brady law, 18 U.S.C. § 922(t). On November 30, 1998, the interim provisions of the Brady law will cease to apply, and the permanent provisions of the Brady law will take effect.

The permanent provisions of the Brady law provide for the establishment of a National Instant Criminal Background Check System (NICS) that licensees must contact before transferring any firearm to unlicensed individuals. While the interim provisions apply only to handguns, the permanent provisions of Brady will apply to all firearms. In addition, under permanent Brady there will no longer be an exemption for the redemption of a firearm from pawn.

Notification from the Attorney General. On October 30, 1998, the Department of Justice published a final rule in the Federal Register, announcing the establishment of the NICS as of October 31, 1998. Accordingly, licensees will be required to comply with permanent Brady as of November 30, 1998. Copies of the Justice Department's final rule are available on DOJ's Home Page on the Internet at <http://www.fbi.gov/programs/nics/index.htm>, and DOJ is mailing copies of the final rule to licensees.

Initiation of NICS Checks. To request a background check for any firearm transaction you must contact the Federal Bureau of Investigation's NICS Operations Center by dialing 1-877-FBI-NICS (1-877-324-6427). Your call will be answered by an automated menu that allows you to select from several customer services including initiating a NICS background check.

Transfers Subject to NICS Check Requirement. As of November 30, 1998, you will be required to initiate a NICS check prior to transferring a firearm to anyone who is not a licensee. The following steps must be followed prior to transferring a firearm:

1. Have the transferee complete and sign ATF Form 4473, Firearms Transaction Record.
2. Verify the identity of the transferee through a Government-issued photo identification (for example, a driver's license).
3. Contact NICS. You will get either a "proceed," "denied" or "delayed" response from the system. If you get a "delayed" response and there is no additional response from the system, you may transfer the firearm after three business days have elapsed.
4. If you have received a transaction number from NICS for a proposed firearms transaction, but the transfer of the firearm is not completed, you must retain the Form 4473 in your records for a period of not less than 5 years. If the transfer is completed, the Form 4473 must be retained for at least 20 years.

Alternatives to a NICS Check. The Brady law provides that certain permits may qualify as alternatives to a NICS check. The concealed weapons permit in your State qualified as an alternative to a background check under the interim provisions of Brady, and will continue to qualify as an alternative to the NICS check required by permanent Brady. Of course all such transactions must still comply with State law.

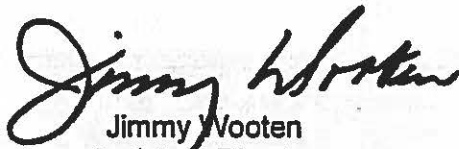
Although the Texas Peace Officer License (TCLEOSE Card) qualified as an alternative to a background check under the interim provisions of Brady, this permit will not qualify as an alternative to the NICS check required by permanent Brady. However, Texas Peace Officer Licenses issued prior to November 30, 1998, will be "grandfathered" as Brady alternatives for the duration of the permit, not to exceed 5 years from the date of issuance. Of course all such transactions must still comply with State law. Please note that Texas Peace Officer Licenses issued on or after November 30, 1998, will not qualify as alternatives to the NICS check.

If you transfer a firearm to an unlicensed person pursuant to a permit alternative, you must comply with the following requirements:

1. Have the transferee complete and sign ATF Form 4473, Firearms Transaction Record.
2. Verify the identity of the transferee through a Government-issued photo identification (for example, a driver's license).
3. Verify that the permit was issued within the past 5 years by the State in which the transfer is to occur and that the permit has not expired under State law. In the case of a Texas Peace Officer license, verify that the license was issued prior to November 30, 1998 and within the past 5 years.
4. Either retain a copy of the transferee's permit and attach it to the Form 4473, or record on the Form 4473 any identifying number from the permit, the date of issuance, and the expiration date of the permit.

Final Regulations and Forms 4473. On October 29, 1998, ATF published final regulations implementing the permanent provisions of the Brady law. The ATF final regulations are available on ATF's home page on the Internet at http://www.atf.treas.gov/core/regulations/brady_regs.htm. ATF has also modified ATF Form 4473, Firearms Transaction Record, to reflect the changes in the background check system. A copy of the final regulations and a small supply of Forms 4473 will be mailed to each licensee under separate cover before November 30, 1998.

Questions. If you have any questions, please contact your local ATF office. Questions regarding NICS operational issues should be directed to the FBI at (304) 625-2750.



Jimmy Wooten
Assistant Director
(Firearms, Explosives and Arson)