Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Washington, DC 20226

October 30, 1998

RESCINDED

Open Letter to All Indiana 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. Of course, you must still comply with any waiting period requirements under State law.
4. If you have initiated a NICS check 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. However, there are no permits in your State that qualify as an alternative to a NICS check.

Final Regulations and Forms 4473

On October 29, 1998, ATF published final regulations implementing the permanent provisions of the Brady law. 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.

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Questions

If you have any questions, please contact your local ATF office. Questions regarding NICS operational issues should be directed to the FBI at 1-877-444-6427.

Jimmy Wooten
Assistant Director
Firearms, Explosives and Arson

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