

107TH CONGRESS
1ST SESSION

H. R. 278

To assist State and local governments in conducting community gun buy
back programs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2001

Mr. KENNEDY of Rhode Island (for himself and Mr. CROWLEY) introduced the
following bill; which was referred to the Committee on the Judiciary

A BILL

To assist State and local governments in conducting
community gun buy back programs.

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 “Gun Buy Back Part-
5 nership Grant Act of 2001”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) 36,000 Americans are killed by guns every
9 year;

1 (2) 10 children are killed by handguns every
2 day;

3 (3) guns are present in almost 35 percent of all
4 American homes, and the presence of a gun in a
5 home triples the risk of homicide in that home;

6 (4) nearly \$4,000,000,000 is spent every year
7 on health care expenditures for firearms-related in-
8 juries; and

9 (5) according to studies, between 1985 and
10 1994, 709 law enforcement officers in the United
11 States were feloniously killed in the line of duty, and
12 more than 92 percent of such law enforcement offi-
13 cers were killed by the use of a gun.

14 (b) PURPOSE.—The purpose of this Act is to reduce
15 the number of guns on the streets by helping State and
16 local law enforcement departments conduct community
17 gun buy back programs.

18 **SEC. 3. PROGRAM AUTHORIZED.**

19 (a) GRANTS.—The Director of the Bureau of Justice
20 Assistance may make grants to States or units of local
21 government to conduct community gun buy back pro-
22 grams.

23 (b) DISTRIBUTION AND USE OF FUNDS.—The Direc-
24 tor of the Bureau of Justice Assistance shall distribute
25 each grant made under subsection (a) directly to the State

1 or unit of local government involved, which shall use the
2 grant only to conduct a community gun buy back program.

3 (c) MINIMUM AMOUNT.—Unless all applications sub-
4 mitted by any State or unit of local government pursuant
5 to this Act have been funded, each qualifying State or unit
6 of local government shall be allocated in each fiscal year
7 pursuant to subsection (a) not less than 0.50 percent of
8 the total amount appropriated for the fiscal year pursuant
9 to this Act.

10 (d) MAXIMUM AMOUNT.—During a fiscal year, the
11 Director of the Bureau of Justice Assistance shall not,
12 under this Act, provide a qualifying State or unit of local
13 government with more than 5 percent of the total amount
14 appropriated for the fiscal year pursuant to this Act.

15 (e) MATCHING FUNDS.—A grant made under this
16 Act shall not be used to cover more than 50 percent of
17 the cost of conducting a community gun buy back pro-
18 gram, except to the extent that the Director of the Bureau
19 of Justice Assistance waives such requirement, in whole
20 or in part, after determining the existence of a fiscal hard-
21 ship on the part of the grant recipient.

22 (f) PREFERENTIAL CONSIDERATION.—In awarding
23 grants under this Act, the Director of the Bureau of Jus-
24 tice Assistance shall give preferential consideration to an
25 application from a jurisdiction which will conduct a com-

1 munity gun buy back program that will destroy all guns
2 received by the program. For purposes of the preceding
3 sentence a community gun buy back program which will
4 donate to a State or local museum for display any inoper-
5 able gun that is a curio or relic or that has historic signifi-
6 cance shall be treated in the same manner as a community
7 gun buy back program that will destroy all guns received
8 by the program.

9 **SEC. 4. APPLICATIONS.**

10 (a) STATE APPLICATIONS.—To request a grant
11 under this Act, the chief executive of a State shall submit
12 an application to the Director of the Bureau of Justice
13 Assistance, signed by the Attorney General of the State
14 requesting the grant, in such form and containing such
15 information as the Director may reasonably require.

16 (b) LOCAL APPLICATIONS.—To request a grant
17 under this Act, the chief executive of a unit of local gov-
18 ernment shall submit an application to the Director of the
19 Bureau of Justice Assistance, signed by the chief law en-
20 forcement officer of the unit of local government request-
21 ing the grant, in such form and containing such informa-
22 tion as the Director may reasonably require.

23 (c) RENEWAL.—A State or unit of local government
24 shall be eligible to receive a grant under this Act annually.

1 (d) REGULATIONS.—Not later than 90 days after the
2 date of enactment of this Act, the Director of the Bureau
3 of Justice Assistance shall promulgate regulations to im-
4 plement this Act, which shall specify the information that
5 must be included and the requirements that the States
6 and units of local government must meet in submitting
7 the applications for grants under this Act.

8 **SEC. 5. DEFINITIONS.**

9 In this Act:

10 (1) COMMUNITY GUN BUY BACK PROGRAM.—

11 The term “community gun buy back program”
12 means a program conducted by State or local law
13 enforcement authorities under which such authori-
14 ties purchase or accept donations of guns from per-
15 sons desiring to dispose of them.

16 (2) GUN.—The term “gun” means a firearm
17 (as defined in section 921(a)(3) of title 18, United
18 States Code).

19 (3) QUALIFYING STATE OR UNIT OF LOCAL
20 GOVERNMENT.—The term “qualifying State or unit
21 of local government” means a State or unit of local
22 government whose application for a grant under this
23 Act meets the applicable requirements prescribed by
24 or under this Act.

