

108TH CONGRESS  
1ST SESSION

# S. 1951

To promote rural safety and improve rural law enforcement.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 25, 2003

Mr. DASCHLE (for himself and Mr. JOHNSON) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To promote rural safety and improve rural law enforcement.

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 “Rural Safety Act of  
5 2003”.

6 **TITLE I—SMALL COMMUNITY**  
7 **LAW ENFORCEMENT IM-**  
8 **PROVEMENT GRANTS**

9 **SEC. 101. SMALL COMMUNITY GRANT PROGRAM.**

10 Section 1703 of title I of the Omnibus Crime Control  
11 and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is  
12 amended by adding at the end the following:

1 “(d) RETENTION GRANTS.—

2 “(1) IN GENERAL.—The Attorney General may  
3 make grants to units of local government and tribal  
4 governments located outside a Standard Metropoli-  
5 tan Statistical Area, which grants shall be targeted  
6 specifically for the retention for 1 additional year of  
7 police officers funded through the COPS Universal  
8 Hiring Program, the COPS FAST Program, the  
9 Tribal Resources Grant Program-Hiring, or the  
10 COPS in Schools Program.

11 “(2) PREFERENCE.—In making grants under  
12 this subsection, the Attorney General shall give pref-  
13 erence to grantees that demonstrate financial hard-  
14 ship or severe budget constraint that impacts the en-  
15 tire local budget and may result in the termination  
16 of employment for police officers described in para-  
17 graph (1).

18 “(3) LIMIT ON GRANT AMOUNTS.—The total  
19 amount of a grant made under this subsection shall  
20 not exceed 20 percent of the original grant to the  
21 grantee.

22 “(4) AUTHORIZATION OF APPROPRIATIONS.—

23 “(A) IN GENERAL.—There are authorized  
24 to be appropriated to carry out this subsection

1           \$15,000,000 for each of fiscal years 2005  
2           through 2009.

3           “(B) SET-ASIDE.—Of the amount made  
4           available for grants under this subsection for  
5           each fiscal year, 10 percent shall be awarded to  
6           tribal governments.”.

7   **SEC. 102. SMALL COMMUNITY TECHNOLOGY GRANT PRO-**  
8           **GRAM.**

9           Section 1701 of title I of the Omnibus Crime Control  
10          and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is  
11          amended by striking subsection (k) and inserting the fol-  
12          lowing:

13          “(k) LAW ENFORCEMENT TECHNOLOGY PRO-  
14          GRAM.—

15                 “(1) IN GENERAL.—Grants made under sub-  
16          section (a) may be used to assist the police depart-  
17          ments of units of local government and tribal gov-  
18          ernments located outside a Standard Metropolitan  
19          Statistical Area, in employing professional, scientific,  
20          and technological advancements that will help those  
21          police departments to—

22                         “(A) improve police communications  
23                         through the use of wireless communications,  
24                         computers, software, videocams, databases, and  
25                         other hardware and software that allow law en-

1           forcement agencies to communicate and operate  
2           more effectively; and

3                   “(B) develop and improve access to crime  
4           solving technologies, including DNA analysis,  
5           photo enhancement, voice recognition, and other  
6           forensic capabilities.

7                   “(2) COST SHARE REQUIREMENT.—A recipient  
8           of a grant made under subsection (a) and used in  
9           accordance with this subsection shall provide match-  
10          ing funds from non-Federal sources in an amount  
11          equal to not less than 10 percent of the total  
12          amount of the grant made under this subsection,  
13          subject to a waiver by the Attorney General for ex-  
14          treme hardship.

15                   “(3) ADMINISTRATION.—The COPS Office  
16          shall administer the grant program under this sub-  
17          section.

18                   “(4) NO SUPPLANTING.—Federal funds pro-  
19          vided under this subsection shall be used to supple-  
20          ment and not to supplant local funds allocated to  
21          technology.

22                   “(5) AUTHORIZATION OF APPROPRIATIONS.—

23                           “(A) IN GENERAL.—There are authorized  
24          to be appropriated \$40,000,000 for each of fis-

1 cal years 2005 through 2009 to carry out this  
2 subsection.

3 “(B) SET-ASIDE.—Of the amount made  
4 available for grants under this subsection for  
5 each fiscal year, 10 percent shall be awarded to  
6 tribal governments.”.

7 **SEC. 103. RURAL 9-1-1 SERVICE.**

8 (a) PURPOSE.—The purpose of this section is to pro-  
9 vide access to, and improve a communications infrastruc-  
10 ture that will ensure a reliable and seamless communica-  
11 tion between, law enforcement, fire, and emergency med-  
12 ical service providers in units of local government and trib-  
13 al governments located outside a Standard Metropolitan  
14 Statistical Area and in States.

15 (b) AUTHORITY TO MAKE GRANTS.—The Office of  
16 Justice Programs of the Department of Justice shall make  
17 grants, in accordance with such regulations as the Attor-  
18 ney General may prescribe, to units of local government  
19 and tribal governments located outside a Standard Metro-  
20 politan Statistical Area for the purpose of establishing or  
21 improving 9-1-1 service in those communities. Priority in  
22 making grants under this section shall be given to commu-  
23 nities that do not have 9-1-1 service.

24 (c) DEFINITION.—In this section, the term “9-1-1  
25 service” refers to telephone service that has designated 9-

1 1-1 as a universal emergency telephone number in the  
2 community served for reporting an emergency to appro-  
3 priate authorities and requesting assistance.

4 (d) LIMIT ON GRANT AMOUNT.—The total amount  
5 of a grant made under this section shall not exceed  
6 \$250,000.

7 (e) FUNDING.—

8 (1) IN GENERAL.—There are authorized to be  
9 appropriated to carry out this section \$25,000,000  
10 for fiscal year 2005, to remain available until ex-  
11 pended.

12 (2) SET-ASIDE.—Of the amount made available  
13 for grants under this section, 10 percent shall be  
14 awarded to tribal governments.

15 **SEC. 104. JUVENILE OFFENDER ACCOUNTABILITY.**

16 (a) PURPOSES.—The purposes of this section are  
17 to—

18 (1) hold juvenile offenders accountable for their  
19 offenses;

20 (2) involve victims and the community in the  
21 juvenile justice process;

22 (3) obligate the offender to pay restitution to  
23 the victim and to the community through community  
24 service or through financial or other forms of res-  
25 titution; and

1           (4) equip juvenile offenders with the skills need-  
2           ed to live responsibly and productively.

3           (b) **AUTHORITY TO MAKE GRANTS.**—The Office of  
4 Justice Programs of the Department of Justice shall make  
5 grants, in accordance with such regulations as the Attor-  
6 ney General may prescribe, to units of rural local govern-  
7 ments and tribal governments located outside a Standard  
8 Metropolitan Statistical Area to establish restorative jus-  
9 tice programs, such as victim and offender mediation,  
10 family and community conferences, family and group con-  
11 ferences, sentencing circles, restorative panels, and repar-  
12 ative boards, as an alternative to, or in addition to, incar-  
13 ceration.

14          (c) **PROGRAM CRITERIA.**—A program funded by a  
15 grant made under this section shall—

16           (1) be fully voluntary by both the victim and  
17           the offender (who must admit responsibility), once  
18           the prosecuting agency has determined that the case  
19           is appropriate for this program;

20           (2) include as a critical component account-  
21           ability conferences, at which the victim will have the  
22           opportunity to address the offender directly, to de-  
23           scribe the impact of the offense against the victim,  
24           and the opportunity to suggest possible forms of res-  
25           titution;

1           (3) require that conferences be attended by the  
2 victim, the offender and, when possible, the parents  
3 or guardians of the offender, and the arresting offi-  
4 cer; and

5           (4) provide an early, individualized assessment  
6 and action plan to each juvenile offender in order to  
7 prevent further criminal behavior through the devel-  
8 opment of appropriate skills in the juvenile offender  
9 so that the juvenile is more capable of living produc-  
10 tively and responsibly in the community.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—

12           (1) IN GENERAL.—There are authorized to be  
13 appropriated to carry out this section—

14                   (A) \$10,000,000 for fiscal year 2005 for  
15 grants to establish programs; and

16                   (B) \$5,000,000 for each of fiscal years  
17 2006 and 2007 to continue programs estab-  
18 lished in fiscal year 2005.

19           (2) SET-ASIDE.—Of the amount made available  
20 for grants under this section for each fiscal year, 10  
21 percent shall be awarded to tribal governments.

1     **TITLE II—CRACKING DOWN ON**  
2                     **METHAMPHETAMINE**

3     **SEC. 201. METHAMPHETAMINE TREATMENT PROGRAMS IN**  
4                     **RURAL AREAS.**

5             Subpart I of part B of title V of the Public Health  
6     Service Act (42 U.S.C. 290bb et seq.) is amended by in-  
7     serting after section 509 the following:

8     **“SEC. 510. METHAMPHETAMINE TREATMENT PROGRAMS IN**  
9                     **RURAL AREAS.**

10            “(a) IN GENERAL.—The Secretary, acting through  
11     the Director of the Center for Substance Abuse Treat-  
12     ment, shall make grants to community-based public and  
13     nonprofit private entities for the establishment of sub-  
14     stance abuse (particularly methamphetamine) prevention  
15     and treatment pilot programs in units of local government  
16     and tribal governments located outside a Standard Metro-  
17     politan Statistical Area.

18            “(b) ADMINISTRATION.—Grants made in accordance  
19     with this section shall be administered by a single State  
20     agency designated by a State to ensure a coordinated ef-  
21     fort within that State.

22            “(c) APPLICATION.—To be eligible to receive a grant  
23     under subsection (a), a public or nonprofit private entity  
24     shall prepare and submit to the Secretary an application

1 at such time, in such manner, and containing such infor-  
2 mation as the Secretary may require.

3 “(d) USE OF FUNDS.—A recipient of a grant under  
4 this section shall use amounts received under the grant  
5 to establish a methamphetamine abuse prevention and  
6 treatment pilot program that serves one or more rural  
7 areas. Such a pilot program shall—

8 “(1) have the ability to care for individuals on  
9 an in-patient basis;

10 “(2) have a social detoxification capability, with  
11 direct access to medical services within 50 miles;

12 “(3) provide neuro-cognitive skill development  
13 services to address brain damage caused by meth-  
14 amphetamine use;

15 “(4) provide after-care services, whether as a  
16 single-source provider or in conjunction with commu-  
17 nity-based services designed to continue neuro-cog-  
18 nitive skill development to address brain damage  
19 caused by methamphetamine use;

20 “(5) provide appropriate training for the staff  
21 employed in the program; and

22 “(6) use scientifically based best practices in  
23 substance abuse treatment, particularly in meth-  
24 amphetamine treatment.

1       “(e) AMOUNT OF GRANTS.—The amount of a grant  
2 under this section shall be at least \$19,000 but not greater  
3 than \$100,000.

4       “(f) AUTHORIZATION OF APPROPRIATIONS.—

5           “(1) IN GENERAL.—There is authorized to be  
6 appropriated \$2,000,000 to carry out this section.

7           “(2) SET-ASIDE.—Of the amount made avail-  
8 able for grants under this section, 10 percent shall  
9 be awarded to tribal governments to ensure the pro-  
10 vision of services under this section.”.

11 **SEC. 202. METHAMPHETAMINE PREVENTION EDUCATION.**

12       Section 519E of the Public Health Service Act (42  
13 U.S.C. 290bb–25e) is amended—

14           (1) in subsection (c)(1)—

15               (A) in subparagraph (F), by striking  
16 “and” at the end;

17               (B) in subparagraph (G), by striking the  
18 period and inserting “; and”; and

19               (C) by adding at the end the following:

20                   “(H) to fund programs that educate rural  
21 communities, particularly parents, teachers, and  
22 others who work with youth, concerning the  
23 early signs and effects of methamphetamine  
24 use, however, as a prerequisite to receiving  
25 funding, these programs shall—

1 “(i) prioritize methamphetamine pre-  
2 vention and education;

3 “(ii) have past experience in commu-  
4 nity coalition building and be part of an  
5 existing coalition that includes medical and  
6 public health officials, educators, youth-  
7 serving community organizations, and  
8 members of law enforcement;

9 “(iii) utilize professional prevention  
10 staff to develop research and science-based  
11 prevention strategies for the community to  
12 be served;

13 “(iv) demonstrate the ability to oper-  
14 ate a community-based methamphetamine  
15 prevention and education program;

16 “(v) establish prevalence of use  
17 through a community needs assessment;

18 “(vi) establish goals and objectives  
19 based on a needs assessment; and

20 “(vii) demonstrate measurable out-  
21 comes on a yearly basis.”;

22 (2) in subsection (e)—

23 (A) by striking “subsection (a),  
24 \$10,000,000” and inserting “subsection (a)—

25 “(1) \$10,000,000”;

1 (B) by striking the period at the end and  
2 inserting “; and”; and

3 (C) by adding at the end the following:

4 “(2) \$5,000,000 for each of fiscal years 2005  
5 through 2009 to carry out the programs referred to  
6 in subsection (c)(1)(H).”; and

7 (3) by adding at the end the following:

8 “(f) SET-ASIDE.—Of the amount made available for  
9 grants under this section, 10 percent shall be used to as-  
10 sist tribal governments.

11 “(g) AMOUNT OF GRANTS.—The amount of a grant  
12 under this section, with respect to each rural community  
13 involved, shall be at least \$19,000 but not greater than  
14 \$100,000.”.

15 **SEC. 203. METHAMPHETAMINE CLEANUP.**

16 (a) IN GENERAL.—The Attorney General shall,  
17 through the Department of Justice or through grants to  
18 States or units of local government and tribal governments  
19 located outside a Standard Metropolitan Statistical Area,  
20 in accordance with such regulations as the Attorney Gen-  
21 eral may prescribe, provide for—

22 (1) the cleanup of methamphetamine labora-  
23 tories and related hazardous waste in units of local  
24 government and tribal governments located outside a  
25 Standard Metropolitan Statistical Area; and

1           (2) the improvement of contract-related re-  
2           sponse time for cleanup of methamphetamine labora-  
3           tories and related hazardous waste in units of local  
4           government and tribal governments located outside a  
5           Standard Metropolitan Statistical Area by providing  
6           additional contract personnel, equipment, and facili-  
7           ties.

8           (b) AUTHORIZATION OF APPROPRIATIONS.—

9           (1) IN GENERAL.—There is authorized to be  
10          appropriated \$20,000,000 for fiscal year 2005 to  
11          carry out this section.

12          (2) FUNDING ADDITIONAL.—Amounts author-  
13          ized by this section are in addition to amounts oth-  
14          erwise authorized by law.

15          (3) SET-ASIDE.—Of the amount made available  
16          for grants under this section, 10 percent shall be  
17          awarded to tribal governments.

## 18       **TITLE III—LAW ENFORCEMENT** 19                               **TRAINING**

### 20       **SEC. 301. SMALL TOWN AND RURAL TRAINING PROGRAM.**

21          (a) IN GENERAL.—There is established a Rural Po-  
22          licing Institute, which shall be administered by the Na-  
23          tional Center for State and Local Law Enforcement  
24          Training of the Federal Law Enforcement Training Cen-

1 ter (FLETC) as part of the Small Town and Rural Train-  
2 ing (STAR) Program to—

3 (1) assess the needs of law enforcement in units  
4 of local government and tribal governments located  
5 outside a Standard Metropolitan Statistical Area;

6 (2) develop and deliver expert training pro-  
7 grams regarding topics such as drug enforcement,  
8 airborne counterdrug operations, domestic violence,  
9 hate and bias crimes, computer crimes, law enforce-  
10 ment critical incident planning related to school  
11 shootings, and other topics identified in the training  
12 needs assessment to law enforcement officers in  
13 units of local government and tribal governments lo-  
14 cated outside a Standard Metropolitan Statistical  
15 Area; and

16 (3) conduct outreach efforts to ensure that  
17 training programs under the Rural Policing Institute  
18 reach law enforcement officers in units of local gov-  
19 ernment and tribal governments located outside a  
20 Standard Metropolitan Statistical Area.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There are authorized to be  
23 appropriated \$10,000,000 for fiscal year 2005, and  
24 \$5,000,000 for each of fiscal years 2006 through

1 2009 to carry out this section, including contracts,  
2 staff, and equipment.

3 (2) SET-ASIDE.—Of the amount made available  
4 for grants under this section for each fiscal year, 10  
5 percent shall be awarded to tribal governments.

6 **TITLE IV—SECURE STORAGE OF**  
7 **FIREARMS ACT OF 2003**

8 **SEC. 401. SHORT TITLE.**

9 This title may be cited as the “Secure Storage of  
10 Firearms Act of 2003”.

11 **SEC. 402. FINDINGS.**

12 Congress makes the following findings:

13 (1) Helping responsible gun owners to provide  
14 for the secure storage of firearms in their homes  
15 would reduce access by children to firearms and help  
16 protect children from both accidental and intentional  
17 shootings, and would make firearms less likely to be  
18 stolen and later used in the commission of crimes.

19 (2) Americans own over 223,000,000 firearms,  
20 including 77,000,000 handguns, and approximately  
21 41 percent of American households contain at least  
22 1 firearm.

23 (3) Approximately 25 percent of middle school  
24 and high school children have handled a firearm  
25 without adult supervision, and an estimated 90 per-

1 cent of accidental shootings by children are linked to  
2 the presence of an unlocked, loaded firearm in the  
3 home.

4 (4) In 1998—

5 (A) 121 children under the age of 15 and  
6 260 persons between the ages of 15 and 24  
7 were killed in accidental shootings;

8 (B) 154 children under the age of 15 and  
9 2,510 persons between the ages of 15 and 24  
10 committed suicide using a firearm; and

11 (C) 317 children under the age of 15 and  
12 4,559 persons between the ages of 15 and 24  
13 were murdered with a firearm.

14 (5) As of 1998, suicide was the sixth leading  
15 cause of death among children between the ages of  
16 5 and 14 and the third leading cause of death  
17 among people between the ages of 15 and 24. Fire-  
18 arms were used in 57 percent of all suicides.

19 (6) In February 1999, an analysis of firearms  
20 used in crimes committed during the 3 preceding  
21 years in 27 cities was released by the Bureau of Al-  
22cohol, Tobacco and Firearms. The Bureau of Alco-  
23hol, Tobacco and Firearms found that 35 percent of  
24 the 76,260 guns used in crimes committed by 18- to  
25 24-year-olds had been stolen from private residences

1 or gun dealers. Many of these guns were undoubt-  
2 edly stolen during the course of the more than  
3 5,000,000 burglaries committed in the United States  
4 each year.

5 **SEC. 403. DEMONSTRATION PROGRAM FOR LAW ENFORCE-**  
6 **MENT GUN SAFES AND GUN STORAGE RACKS.**

7 (a) IN GENERAL.—Title I of the Omnibus Crime  
8 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
9 et seq.) is amended by adding at the end the following:  
10 **“PART CC—DEMONSTRATION PROGRAM FOR**  
11 **LAW ENFORCEMENT GUN SAFES AND GUN**  
12 **STORAGE RACKS**

13 **“SEC. 2901. DEFINITIONS.**

14 “In this part—

15 “(1) the term ‘Director’ means the Director of  
16 the Bureau of Justice Assistance of the Department  
17 of Justice;

18 “(2) the term ‘firearm’ has the meaning given  
19 the term in section 921(a) of title 18, United States  
20 Code;

21 “(3) the term ‘gun safe’ means a safe, gun safe,  
22 gun case, lock box, or other device that is designed  
23 to be or can be used to store a firearm and that is  
24 designed to be unlocked only by means of a key, a  
25 combination, or other similar means;

1           “(4) the term ‘gun storage rack’ means a sta-  
2           tionary device affixed to a permanent structure that  
3           is designed to be used to store a firearm and that  
4           is designed to be unlocked only by means of a key,  
5           a combination, or other similar means;

6           “(5) the term ‘Indian tribe’ has the meaning  
7           given the term in section 4(e) of the Indian Self-De-  
8           termination and Education Assistance Act (25  
9           U.S.C. 450b(e));

10           “(6) the term ‘law enforcement officer’ means  
11           any officer, agent, or employee of a State, unit of  
12           local government, or Indian tribe authorized by law  
13           or by a government agency to engage in or supervise  
14           the prevention, detection, or investigation of any vio-  
15           lation of criminal law, or authorized by law to super-  
16           vise sentenced criminal offenders;

17           “(7) the term ‘qualified law enforcement officer’  
18           means a State, local, or tribal law enforcement offi-  
19           cer who—

20                   “(A) resides with, or is regularly visited in  
21                   the residence of the officer by, 1 or more indi-  
22                   viduals who have not attained the age of 18  
23                   years; and

1           “(B) regularly stores the firearm issued to  
2           that officer in the residence of that officer when  
3           the officer is off duty;

4           “(8) the term ‘State’ means each of the 50  
5           States, the District of Columbia, the Commonwealth  
6           of Puerto Rico, the United States Virgin Islands,  
7           American Samoa, Guam, and the Northern Mariana  
8           Islands; and

9           “(9) the term ‘unit of local government’ means  
10          a county, municipality, town, township, village, par-  
11          ish, borough, or other unit of general government  
12          below the State level.

13   **“SEC. 2902. PROGRAM AUTHORIZED.**

14          “(a) IN GENERAL.—The Director may carry out a  
15          5-year demonstration program to make grants to States,  
16          units of local government, and Indian tribes to assist  
17          qualified law enforcement officers in the acquisition and  
18          installation of gun safes or gun storage racks in their resi-  
19          dences.

20          “(b) APPLICATIONS.—

21                  “(1) IN GENERAL.—To request a grant make  
22          under this section, the chief executive of a State,  
23          unit of local government, or Indian tribe shall sub-  
24          mit to the Director an application in such form and

1 containing such information as the Director may  
2 reasonably require.

3 “(2) PREFERENTIAL CONSIDERATION.—In  
4 making grants under this section, the Director may  
5 give preferential consideration, if feasible, to an ap-  
6 plication from a jurisdiction that—

7 “(A) has a strong community education  
8 program that emphasizes the need for, and pro-  
9 vides specific information regarding, the safe  
10 storage of firearms;

11 “(B) has the greatest need for gun safes  
12 and gun storage racks, based on the percentage  
13 of qualified law enforcement officers in the ju-  
14 risdiction who do not have a gun safe or gun  
15 storage rack in their residence; or

16 “(C) has, or will institute, a mandatory  
17 policy that requires qualified law enforcement  
18 officers to use gun safes or gun storage racks  
19 whenever feasible.

20 “(c) USES OF FUNDS.—Grants made under this sec-  
21 tion shall be—

22 “(1) distributed directly to the State, unit of  
23 local government, or Indian tribe; and

24 “(2) used to assist qualified law enforcement of-  
25 ficers in the jurisdiction of the grantee in the acqui-

1 sition and installation of gun safes or gun storage  
2 racks in their residences.

3 “(d) ALLOCATION.—

4 “(1) SMALLER UNITS OF LOCAL GOVERN-  
5 MENT.—Not less than 50 percent of the total  
6 amount made available for each fiscal year for  
7 grants under this section shall be made to units of  
8 local government with fewer than 100,000 residents.

9 “(2) SET ASIDE.—Of the amounts made avail-  
10 able for grants under this section, the Director shall  
11 set aside 10 percent, which shall be used by Indian  
12 tribes.”.

13 (b) REGULATIONS.—Not later than 90 days after the  
14 date of enactment of this Act, the Director of the Bureau  
15 of Justice Assistance of the Department of Justice shall  
16 promulgate regulations to implement section 2902(b)(1)  
17 of title I of the Omnibus Crime Control and Safe Streets  
18 Act of 1968 (as added by this section), which shall include  
19 a description of the information that must be included in  
20 each application submitted under that section and the re-  
21 quirements that the States, units of local government, and  
22 Indian tribes must meet in submitting those applications.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
24 1001(a) of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by  
 2 adding at the end the following:

3 “(24) There are authorized to be appropriated to  
 4 carry out part CC, \$10,000,000 for each of fiscal years  
 5 2005 through 2009.”.

6 **SEC. 404. CREDIT FOR PURCHASE OF GUN SAFES AND GUN**  
 7 **STORAGE RACKS.**

8 (a) CREDIT FOR PURCHASE OF GUN SAFES AND GUN  
 9 STORAGE RACKS.—

10 (1) IN GENERAL.—Subpart A of part IV of sub-  
 11 chapter A of chapter 1 of the Internal Revenue Code  
 12 of 1986 (relating to nonrefundable personal credits)  
 13 is amended by adding at the end the following:

14 **“SEC. 25B. GUN SAFES AND GUN STORAGE RACKS.**

15 “(a) IN GENERAL.—In the case of an individual,  
 16 there shall be allowed as a credit against the tax imposed  
 17 by this chapter for the taxable year an amount equal to  
 18 so much of the gun safe or gun storage rack acquisition  
 19 expenses paid during such taxable year by such individual  
 20 as do not exceed \$100.

21 “(b) GUN SAFE OR GUN STORAGE RACK ACQUISI-  
 22 TION EXPENSES.—For purposes of this section, the term  
 23 ‘gun safe or gun storage rack acquisition expenses’ means  
 24 expenses for the acquisition and installation of a gun safe  
 25 (as defined in section 2901 of title I of the Omnibus Crime

1 Control and Safe Streets Act of 1968) or gun storage rack  
2 (as defined in section 2901 of title I of the Omnibus Crime  
3 Control and Safe Streets Act of 1968) in the residence  
4 of the taxpayer.

5 “(c) SPECIAL RULES.—

6 “(1) DENIAL OF DOUBLE BENEFIT.—No deduc-  
7 tion shall be allowed under this chapter for any ex-  
8 penditure for which credit is allowed under this sec-  
9 tion.

10 “(2) MARRIED COUPLES MUST FILE JOINT RE-  
11 TURN.—If the taxpayer is married at the close of  
12 the taxable year, the credit shall be allowed under  
13 subsection (a) only if the taxpayer and the tax-  
14 payer’s spouse file a joint return for the taxable  
15 year.

16 “(3) MARITAL STATUS.—Marital status shall be  
17 determined in accordance with section 7703.

18 “(d) ELECTION TO HAVE CREDIT NOT APPLY.—A  
19 taxpayer may elect to have this section not apply for any  
20 taxable year.

21 “(e) REGULATIONS.—The Secretary shall prescribe  
22 such regulations as may be necessary to carry out the pro-  
23 visions of this section.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-  
25 tions for subpart A of part IV of subchapter A of

1 chapter 1 of the Internal Revenue Code of 1986 is  
2 amended by inserting after the item relating to sec-  
3 tion 25A the following new item:

“Sec. 25B. Gun safes and gun storage racks.”.

4 (3) EFFECTIVE DATE.—The amendments made  
5 by this subsection shall apply to taxable years begin-  
6 ning after December 31, 2004.

7 (b) NOTIFICATION OF TAX CREDIT.—

8 (1) NEW LICENSED DEALERS.—

9 (A) IN GENERAL.—Section 923(d)(1) of  
10 title 18, United States Code, is amended—

11 (i) in subparagraph (F), by striking  
12 “and” at the end;

13 (ii) in subparagraph (G), by striking  
14 the period at the end and inserting “;  
15 and”; and

16 (iii) by adding at the end the fol-  
17 lowing:

18 “(H) in the case of an application to be licensed  
19 as a dealer, the applicant certifies that the applicant  
20 will comply with the notification requirement of sec-  
21 tion 922(z).”.

22 (B) EFFECTIVE DATE.—The amendments  
23 made by this paragraph shall apply with respect  
24 to any application submitted under section 923

1 of title 18, United States Code, on or after Jan-  
2 uary 1, 2005.

3 (2) EXISTING LICENSED DEALERS.—

4 (A) IN GENERAL.—Section 922 of title 18,  
5 United States Code, is amended by inserting  
6 after subsection (y) the following:

7 “(z) SECURE STORAGE OF FIREARMS TAX CRED-  
8 IT.—It shall be unlawful for any licensed dealer to sell,  
9 deliver, or otherwise transfer a firearm to any person, un-  
10 less the licensed dealer notifies that person of the income  
11 tax credit for which the individual may be eligible under  
12 section 25B of the Internal Revenue Code of 1986 for gun  
13 safe or gun storage rack acquisition expenses.”.

14 (B) PENALTY.—Section 924(a) of title 18,  
15 United States Code, is amended by adding at  
16 the end the following:

17 “(7) A licensed dealer who knowingly violates section  
18 922(z) shall be fined not more than \$100.”.

19 (C) EFFECTIVE DATE.—The amendments  
20 made by this paragraph shall apply with respect  
21 to any sale, delivery, or transfer of a firearm  
22 occurring on or after January 1, 2005.

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