

106TH CONGRESS  
2D SESSION

# H. R. 4009

To ban the import of large capacity ammunition feeding devices, to promote the safe storage and use of handguns by consumers, and to extend Brady background checks to gun shows.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2000

Ms. DEGETTE introduced the following bill; which was referred to the  
Committee on the Judiciary

---

## A BILL

To ban the import of large capacity ammunition feeding devices, to promote the safe storage and use of handguns by consumers, and to extend Brady background checks to gun shows.

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 “Child Gun Safety Act  
5       of 2000”.

1       **TITLE I—ASSAULT WEAPONS**

2       **SEC. 101. BAN ON IMPORTING LARGE CAPACITY AMMUNI-**  
3                   **TION FEEDING DEVICES.**

4       Section 922(w) of title 18, United States Code, is  
5 amended—

6           (1) in paragraph (1), by striking “(1) Except as  
7       provided in paragraph (2)” and inserting “(1)(A)  
8       Except as provided in subparagraph (B)”;

9           (2) in paragraph (2), by striking “(2) Para-  
10       graph (1)” and inserting “(B) Subparagraph (A)”;

11          (3) by inserting before paragraph (3) the fol-  
12       lowing:

13       “(2) It shall be unlawful for any person to import  
14       a large capacity ammunition feeding device.”; and

15          (4) in paragraph (4)—

16           (A) by striking “(1)” each place it appears  
17       and inserting “(1)(A)”;

18           (B) by striking “(2)” and inserting  
19       “(1)(B)”.

20       **SEC. 102. PROHIBITION ON TRANSFER TO AND POSSESSION**  
21                   **BY JUVENILES OF SEMIAUTOMATIC ASSAULT**  
22                   **WEAPONS AND LARGE CAPACITY AMMUNI-**  
23                   **TION FEEDING DEVICES.**

24       Section 922(x) of title 18, United States Code, is  
25 amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (A), by striking “or”  
3 at the end;

4 (B) in subparagraph (B), by striking the  
5 period at the end and inserting a semicolon;  
6 and

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

8 “(C) a semiautomatic assault weapon; or

9 “(D) a large capacity ammunition feeding de-  
10 vice.”;

11 (2) in paragraph (2)—

12 (A) in subparagraph (A), by striking “or”  
13 at the end;

14 (B) in subparagraph (B), by striking the  
15 period at the end and inserting a semicolon;  
16 and

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

18 “(C) a semiautomatic assault weapon; or

19 “(D) a large capacity ammunition feeding de-  
20 vice.”; and

21 (3) in paragraph (3)—

22 (A) in subparagraph (B), by inserting “,  
23 semiautomatic assault weapon, or large capacity  
24 ammunition feeding device” after “handgun”;  
25 and

1 (B) in subparagraph (D), by striking “or  
2 ammunition” and inserting “, ammunition,  
3 semiautomatic assault weapon, or large capacity  
4 ammunition feeding device”.

5 **SEC. 103. ENHANCED CRIMINAL PENALTIES FOR TRANS-**  
6 **FERS OF HANDGUNS, AMMUNITION, SEMI-**  
7 **AUTOMATIC ASSAULT WEAPONS, AND LARGE**  
8 **CAPACITY AMMUNITION FEEDING DEVICES**  
9 **TO JUVENILES.**

10 Section 924(a)(6)(B) of title 18, United States Code,  
11 is amended—

12 (1) in clause (i), by striking “1 year” and in-  
13 serting “5 years”; and

14 (2) in clause (ii)—

15 (A) by inserting “, semiautomatic assault  
16 weapon, large capacity ammunition feeding de-  
17 vice, or” after “handgun” each place it appears;  
18 and

19 (B) by striking “10 years” and inserting  
20 “20 years”.

21 **SEC. 104. DEFINITION OF LARGE CAPACITY AMMUNITION**  
22 **FEEDING DEVICE.**

23 Section 921(a)(31) of title 18, United States Code,  
24 is amended by striking “manufactured after the date of

1 enactment of the Violent Crime Control and Law Enforce-  
2 ment Act of 1994”.

3 **SEC. 105. EFFECTIVE DATE.**

4 This title and the amendments made by this title  
5 shall take effect 180 days after the date of the enactment  
6 of this Act.

7 **TITLE II—CHILD HANDGUN**  
8 **SAFETY**

9 **SEC. 201. PURPOSES.**

10 The purposes of this title are as follows:

11 (1) To promote the safe storage and use of  
12 handguns by consumers.

13 (2) To prevent unauthorized persons from gain-  
14 ing access to or use of a handgun, including children  
15 who may not be in possession of a handgun, unless  
16 it is under one of the circumstances provided for in  
17 the Youth Handgun Safety Act.

18 (3) To avoid hindering industry from supplying  
19 law-abiding citizens firearms for all lawful purposes,  
20 including hunting, self-defense, collecting, and com-  
21 petitive or recreational shooting.

22 **SEC. 202. FIREARMS SAFETY.**

23 (a) UNLAWFUL ACTS.—

24 (1) MANDATORY TRANSFER OF SECURE GUN  
25 STORAGE OR SAFETY DEVICE.—Section 922 of title

1       18, United States Code, is amended by inserting  
2       after subsection (y) the following:

3       “(z)(1) Except as provided in paragraph (2) of this  
4       subsection, it shall be unlawful for any licensed manufac-  
5       turer, licensed importer, or licensed dealer to sell, deliver,  
6       or transfer any handgun to any person other than any  
7       person licensed under the provisions of this chapter, unless  
8       the transferee is provided with a secure gun storage or  
9       safety device, as described in section 921(a)(35), for the  
10      handgun.

11      “(2) Paragraph (1) shall not apply to the—

12           “(A)(i) manufacture for, transfer to, or posses-  
13      sion by, the United States or a State or a depart-  
14      ment or agency of the United States, or a State or  
15      a department, agency, or political subdivision of a  
16      State, of a handgun; or

17           “(ii) transfer to, or possession by, a law en-  
18      forcement officer employed by an entity referred to  
19      in clause (i) of a handgun for law enforcement pur-  
20      poses (whether on or off duty); or

21           “(B) transfer to, or possession by, a rail police  
22      officer employed by a rail carrier and certified or  
23      commissioned as a police officer under the laws of  
24      a State of a handgun for purposes of law enforce-  
25      ment (whether on or off duty);

1           “(C) transfer to any person of a handgun listed  
2           as a curio or relic by the Secretary pursuant to sec-  
3           tion 921(a)(13); or

4           “(D) transfer to any person of a handgun for  
5           which a secure gun storage or safety device is tem-  
6           porarily unavailable for the reasons described in the  
7           exceptions stated in section 923(e), provided that  
8           the licensed manufacturer, licensed importer, or li-  
9           censed dealer delivers to the transferee within 10  
10          calendar days from the date of the delivery of the  
11          handgun to the transferee a secure gun storage or  
12          safety device for the handgun.

13          “(3)(A) Notwithstanding any other provision of law,  
14          a person who has lawful possession and control of a hand-  
15          gun, and who uses a secure gun storage or safety device  
16          with the handgun, shall be entitled to immunity from a  
17          civil liability action as described in this paragraph.

18          “(B) A qualified civil liability action may not be  
19          brought in any Federal or State court. The term ‘qualified  
20          civil liability action’ means a civil action brought by any  
21          person against a person described in subparagraph (A) for  
22          damages resulting from the criminal or unlawful misuse  
23          of the handgun by a third party, where—

24                 “(i) the handgun was accessed by another per-  
25                 son who did not have the permission or authoriza-

1       tion of the person having lawful possession and con-  
 2       trol of the handgun to have access to it; and

3               “(ii) at the time access was gained by the per-  
 4       son not so authorized, the handgun had been made  
 5       inoperable by use of a secure gun storage or safety  
 6       device.

7       The term ‘qualified civil liability action’ shall not include  
 8       an action brought against the person having lawful posses-  
 9       sion and control of the handgun for negligent entrustment  
 10      or negligence per se.”.

11       (b) CIVIL PENALTIES.—Section 924 of title 18,  
 12      United States Code, is amended—

13               (1) in subsection (a)(1), by striking “or (f)”  
 14       and inserting “(f), or (p)”; and

15               (2) by adding at the end the following:

16       “(p)(1)(A) With respect to each violation of section  
 17      922(z)(1) by a licensed manufacturer, licensed importer,  
 18      or licensed dealer, the Secretary may, after notice and op-  
 19      portunity for hearing—

20               “(i) suspend for up to six months, or revoke,  
 21       the license issued to the licensee under this chapter  
 22       that was used to conduct the firearms transfer; or

23               “(ii) subject the licensee to a civil penalty in an  
 24       amount equal to not more than \$2,500.



1 “(B) An action of the Secretary under this paragraph  
2 may be reviewed only as provided in section 923(f).

3 “(2) The suspension or revocation of a license or the  
4 imposition of a civil penalty under paragraph (1) does not  
5 preclude any administrative remedy that is otherwise  
6 available to the Secretary.”.

7 (c) LIABILITY; EVIDENCE.—

8 (1) LIABILITY.—Nothing in this title shall be  
9 construed to—

10 (A) create a cause of action against any  
11 Federal firearms licensee or any other person  
12 for any civil liability; or

13 (B) establish any standard of care.

14 (2) EVIDENCE.—Notwithstanding any other  
15 provision of law, evidence regarding compliance or  
16 noncompliance with the amendments made by this  
17 Act shall not be admissible as evidence in any pro-  
18 ceeding of any court, agency, board, or other entity,  
19 except with respect to an action to enforce para-  
20 graphs (1) and (2) of section 922(z) of title 18,  
21 United States Code, or to give effect to paragraph  
22 (3) of such section 922(z).

23 (3) RULE OF CONSTRUCTION.—Nothing in this  
24 subsection shall be construed to bar a governmental  
25 action to impose a penalty under section 924(p) of

1 title 18, United States Code, for a failure to comply  
2 with section 922(z) of that title.

3 **SEC. 203. EFFECTIVE DATE.**

4 This title and the amendments made by this title  
5 shall take effect 180 days after the date of the enactment  
6 of this Act.

7 **TITLE III—GUN SHOWS**

8 **SEC. 301. EXTENSION OF BRADY BACKGROUND CHECKS TO**  
9 **GUN SHOWS.**

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

11 (1) more than 4,400 traditional gun shows are  
12 held annually across the United States, attracting  
13 thousands of attendees per show and hundreds of  
14 Federal firearms licensees and nonlicensed firearms  
15 sellers;

16 (2) traditional gun shows, as well as flea mar-  
17 kets and other organized events, at which a large  
18 number of firearms are offered for sale by Federal  
19 firearms licensees and nonlicensed firearms sellers,  
20 form a significant part of the national firearms mar-  
21 ket;

22 (3) firearms and ammunition that are exhibited  
23 or offered for sale or exchange at gun shows, flea  
24 markets, and other organized events move easily in  
25 and substantially affect interstate commerce;

1           (4) in fact, even before a firearm is exhibited or  
2           offered for sale or exchange at a gun show, flea mar-  
3           ket, or other organized event, the gun, its component  
4           parts, ammunition, and the raw materials from  
5           which it is manufactured have moved in interstate  
6           commerce;

7           (5) gun shows, flea markets, and other orga-  
8           nized events at which firearms are exhibited or of-  
9           fered for sale or exchange, provide a convenient and  
10          centralized commercial location at which firearms  
11          may be bought and sold anonymously, often without  
12          background checks and without records that enable  
13          gun tracing;

14          (6) at gun shows, flea markets, and other orga-  
15          nized events at which guns are exhibited or offered  
16          for sale or exchange, criminals and other prohibited  
17          persons obtain guns without background checks and  
18          frequently use guns that cannot be traced to later  
19          commit crimes;

20          (7) many persons who buy and sell firearms at  
21          gun shows, flea markets, and other organized events  
22          cross State lines to attend these events and engage  
23          in the interstate transportation of firearms obtained  
24          at these events;

1           (8) gun violence is a pervasive, national prob-  
2           lem that is exacerbated by the availability of guns at  
3           gun shows, flea markets, and other organized events;

4           (9) firearms associated with gun shows have  
5           been transferred illegally to residents of another  
6           State by Federal firearms licensees and nonlicensed  
7           firearms sellers, and have been involved in subse-  
8           quent crimes including drug offenses, crimes of vio-  
9           lence, property crimes, and illegal possession of fire-  
10          arms by felons and other prohibited persons; and

11          (10) Congress has the power, under the inter-  
12          state commerce clause and other provisions of the  
13          Constitution of the United States, to ensure, by en-  
14          actment of this Act, that criminals and other prohib-  
15          ited persons do not obtain firearms at gun shows,  
16          flea markets, and other organized events.

17          (b) DEFINITIONS.—Section 921(a) of title 18, United  
18          States Code, is amended by adding at the end the fol-  
19          lowing:

20          “(35) The term ‘gun show’ means any event—

21                  “(A) at which 50 or more firearms are offered  
22                  or exhibited for sale, transfer, or exchange, if 1 or  
23                  more of the firearms has been shipped or trans-  
24                  ported in, or otherwise affects, interstate or foreign  
25                  commerce; and

1 “(B) at which—

2 “(i) not less than 20 percent of the exhibi-  
3 tors are firearm exhibitors;

4 “(ii) there are not less than 10 firearm ex-  
5 hibitors; or

6 “(iii) 50 or more firearms are offered for  
7 sale, transfer, or exchange.

8 “(36) The term ‘gun show promoter’ means any per-  
9 son who organizes, plans, promotes, or operates a gun  
10 show.

11 “(37) The term ‘gun show vendor’ means any person  
12 who exhibits, sells, offers for sale, transfers, or exchanges  
13 1 or more firearms at a gun show, regardless of whether  
14 or not the person arranges with the gun show promoter  
15 for a fixed location from which to exhibit, sell, offer for  
16 sale, transfer, or exchange 1 or more firearms.”.

17 (c) REGULATION OF FIREARMS TRANSFERS AT GUN  
18 SHOWS.—

19 (1) IN GENERAL.—Chapter 44 of title 18,  
20 United States Code, is amended by adding at the  
21 end the following:

22 **“§ 931. Regulation of firearms transfers at gun shows**

23 “(a) It shall be unlawful for any person to organize,  
24 plan, promote, or operate a gun show unless that person—

1           “(1) registers with the Secretary in accordance  
2           with regulations promulgated by the Secretary; and

3           “(2) pays a registration fee, in an amount de-  
4           termined by the Secretary.

5           “(b) It shall be unlawful for any person to organize,  
6           plan, promote, or operate a gun show unless that person—

7           “(1) before commencement of the gun show,  
8           verifies the identity of each gun show vendor partici-  
9           pating in the gun show by examining a valid identi-  
10          fication document (as defined in section 1028(d)(1))  
11          of the vendor containing a photograph of the vendor;

12          “(2) before commencement of the gun show, re-  
13          quires each gun show vendor to sign—

14                 “(A) a ledger with identifying information  
15                 concerning the vendor; and

16                 “(B) a notice advising the vendor of the  
17                 obligations of the vendor under this chapter;

18          “(3) notifies each person who attends the gun  
19          show of the requirements of this chapter, in accord-  
20          ance with such regulations as the Secretary shall  
21          prescribe; and

22          “(4) maintains a copy of the records described  
23          in paragraphs (1) and (2) at the permanent place of  
24          business of the gun show promoter for such period

1 of time and in such form as the Secretary shall re-  
2 quire by regulation.

3 “(c)(1) If any part of a firearm transaction takes  
4 place at a gun show, it shall be unlawful for any person  
5 who is not licensed under this chapter to transfer a fire-  
6 arm to another person who is not licensed under this chap-  
7 ter, unless the firearm is transferred through a licensed  
8 importer, licensed manufacturer, or licensed dealer in ac-  
9 cordance with subsection (e).

10 “(2) A person who is subject to the requirement of  
11 paragraph (1)—

12 “(A) shall not transfer the firearm to the trans-  
13 feree until the licensed importer, licensed manufac-  
14 turer, or licensed dealer through which the transfer  
15 is made under subsection (e) makes the notification  
16 described in subsection (e)(3)(A); and

17 “(B) notwithstanding subparagraph (A), shall  
18 not transfer the firearm to the transferee if the li-  
19 censed importer, licensed manufacturer, or licensed  
20 dealer through which the transfer is made under  
21 subsection (e) makes the notification described in  
22 subsection (e)(3)(B).

23 “(3) Nothing in this section shall permit or authorize  
24 the Secretary to impose recordkeeping requirements on  
25 any nonlicensed vendor.

1       “(d)(1) If any part of a firearm transaction takes  
2 place at a gun show, it shall be unlawful for any person  
3 who is not licensed under this chapter to receive a firearm  
4 from another person who is not licensed under this chap-  
5 ter, unless the firearm is transferred through a licensed  
6 importer, licensed manufacturer, or licensed dealer in ac-  
7 cordance with subsection (e).

8       “(2) A person who is subject to the requirement of  
9 paragraph (1)—

10           “(A) shall not receive the firearm from the  
11 transferor until the licensed importer, licensed man-  
12 ufacturer, or licensed dealer through which the  
13 transfer is made under subsection (e) makes the no-  
14 tification described in subsection (e)(3)(A); and

15           “(B) notwithstanding subparagraph (A), shall  
16 not receive the firearm from the transferor if the li-  
17 censed importer, licensed manufacturer, or licensed  
18 dealer through which the transfer is made under  
19 subsection (e) makes the notification described in  
20 subsection (e)(3)(B).

21       “(e) A licensed importer, licensed manufacturer, or  
22 licensed dealer who agrees to assist a person who is not  
23 licensed under this chapter in carrying out the responsibil-  
24 ities of that person under subsection (c) or (d) with re-  
25 spect to the transfer of a firearm shall—



1           “(1) enter such information about the firearm  
2           as the Secretary may require by regulation into a  
3           separate bound record;

4           “(2) record the transfer on a form specified by  
5           the Secretary;

6           “(3) comply with section 922(t) as if transfer-  
7           ring the firearm from the inventory of the licensed  
8           importer, licensed manufacturer, or licensed dealer  
9           to the designated transferee (although a licensed im-  
10          porter, licensed manufacturer, or licensed dealer  
11          complying with this subsection shall not be required  
12          to comply again with the requirements of section  
13          922(t) in delivering the firearm to the nonlicensed  
14          transferor), and notify the nonlicensed transferor  
15          and the nonlicensed transferee—

16               “(A) of such compliance; and

17               “(B) if the transfer is subject to the re-  
18          quirements of section 922(t)(1), of any receipt  
19          by the licensed importer, licensed manufacturer,  
20          or licensed dealer of a notification from the na-  
21          tional instant criminal background check sys-  
22          tem that the transfer would violate section 922  
23          or would violate State law;

1           “(4) not later than 10 days after the date on  
2           which the transfer occurs, submit to the Secretary a  
3           report of the transfer, which report—

4                   “(A) shall be on a form specified by the  
5                   Secretary by regulation; and

6                   “(B) shall not include the name of or other  
7                   identifying information relating to any person  
8                   involved in the transfer who is not licensed  
9                   under this chapter;

10           “(5) if the licensed importer, licensed manufac-  
11           turer, or licensed dealer assists a person other than  
12           a licensee in transferring, at 1 time or during any  
13           5 consecutive business days, 2 or more pistols or re-  
14           volvers, or any combination of pistols and revolvers  
15           totaling 2 or more, to the same nonlicensed person,  
16           in addition to the reports required under paragraph  
17           (4), prepare a report of the multiple transfers, which  
18           report shall be—

19                   “(A) prepared on a form specified by the  
20                   Secretary; and

21                   “(B) not later than the close of business  
22                   on the date on which the transfer occurs, for-  
23                   warded to—

24                           “(i) the office specified on the form  
25                           described in subparagraph (A); and

1                   “(ii) the appropriate State law en-  
2                   forcement agency of the jurisdiction in  
3                   which the transfer occurs; and

4                   “(6) retain a record of the transfer as part of  
5                   the permanent business records of the licensed im-  
6                   porter, licensed manufacturer, or licensed dealer.

7                   “(f) If any part of a firearm transaction takes place  
8                   at a gun show, each licensed importer, licensed manufac-  
9                   turer, and licensed dealer who transfers 1 or more fire-  
10                  arms to a person who is not licensed under this chapter  
11                  shall, not later than 10 days after the date on which the  
12                  transfer occurs, submit to the Secretary a report of the  
13                  transfer, which report—

14                  “(1) shall be in a form specified by the Sec-  
15                  retary by regulation;

16                  “(2) shall not include the name of or other  
17                  identifying information relating to the transferee;  
18                  and

19                  “(3) shall not duplicate information provided in  
20                  any report required under subsection (e)(4).

21                  “(g) In this section, the term ‘firearm transaction’—

22                  “(1) includes the offer for sale, sale, transfer,  
23                  or exchange of a firearm; and

24                  “(2) does not include the mere exhibition of a  
25                  firearm.”.

1           (2) PENALTIES.—Section 924(a) of title 18,  
2       United States Code, is amended by adding at the  
3       end the following:

4       “(7)(A) Whoever knowingly violates section 931(a)  
5       shall be fined under this title, imprisoned not more than  
6       5 years, or both.

7       “(B) Whoever knowingly violates subsection (b) or (c)  
8       of section 931, shall be—

9           “(i) fined under this title, imprisoned not more  
10       than 2 years, or both; and

11          “(ii) in the case of a second or subsequent con-  
12       viction, such person shall be fined under this title,  
13       imprisoned not more than 5 years, or both.

14       “(C) Whoever willfully violates section 931(d), shall  
15       be—

16          “(i) fined under this title, imprisoned not more  
17       than 2 years, or both; and

18          “(ii) in the case of a second or subsequent con-  
19       viction, such person shall be fined under this title,  
20       imprisoned not more than 5 years, or both.

21       “(D) Whoever knowingly violates subsection (e) or (f)  
22       of section 931 shall be fined under this title, imprisoned  
23       not more than 5 years, or both.

24       “(E) In addition to any other penalties imposed  
25       under this paragraph, the Secretary may, with respect to

1 any person who knowingly violates any provision of section  
2 931—

3 “(i) if the person is registered pursuant to sec-  
4 tion 931(a), after notice and opportunity for a hear-  
5 ing, suspend for not more than 6 months or revoke  
6 the registration of that person under section 931(a);  
7 and

8 “(ii) impose a civil fine in an amount equal to  
9 not more than \$10,000.”.

10 (3) TECHNICAL AND CONFORMING AMEND-  
11 MENTS.—Chapter 44 of title 18, United States  
12 Code, is amended—

13 (A) in the chapter analysis, by adding at  
14 the end the following:

“931. Regulation of firearms transfers at gun shows.”; and

15 (B) in the first sentence of section 923(j),  
16 by striking “a gun show or event” and inserting  
17 “an event”.

18 (d) INSPECTION AUTHORITY.—Section 923(g)(1) of  
19 title 18, United States Code, is amended by adding at the  
20 end the following:

21 “(E) Notwithstanding subparagraph (B), the Sec-  
22 retary may enter during business hours the place of busi-  
23 ness of any gun show promoter and any place where a  
24 gun show is held for the purposes of examining the records  
25 required by sections 923 and 931 and the inventory of

1 licensees conducting business at the gun show. Such entry  
2 and examination shall be conducted for the purposes of  
3 determining compliance with this chapter by gun show  
4 promoters and licensees conducting business at the gun  
5 show and shall not require a showing of reasonable cause  
6 or a warrant.”.

7 (e) INCREASED PENALTIES FOR SERIOUS RECORD-  
8 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)  
9 of title 18, United States Code, is amended to read as  
10 follows:

11 “(3)(A) Except as provided in subparagraph (B), any  
12 licensed dealer, licensed importer, licensed manufacturer,  
13 or licensed collector who knowingly makes any false state-  
14 ment or representation with respect to the information re-  
15 quired by this chapter to be kept in the records of a person  
16 licensed under this chapter, or violates section 922(m)  
17 shall be fined under this title, imprisoned not more than  
18 1 year, or both.

19 “(B) If the violation described in subparagraph (A)  
20 is in relation to an offense—

21 “(i) under paragraph (1) or (3) of section  
22 922(b), such person shall be fined under this title,  
23 imprisoned not more than 5 years, or both; or

1           “(ii) under subsection (a)(6) or (d) of section  
2           922, such person shall be fined under this title, im-  
3           prisoned not more than 10 years, or both.”.

4           (f) INCREASED PENALTIES FOR VIOLATIONS OF  
5 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

6           (1) PENALTIES.—Section 924(a) of title 18,  
7           United States Code, is amended—

8                   (A) in paragraph (5), by striking “sub-  
9                   section (s) or (t) of section 922” and inserting  
10                  “section 922(s)”; and

11                  (B) by adding at the end the following:

12           “(8) Whoever knowingly violates section 922(t) shall  
13           be fined under this title, imprisoned not more than 5  
14           years, or both.”.

15           (2) ELIMINATION OF CERTAIN ELEMENTS OF  
16           OFFENSE.—Section 922(t)(5) of title 18, United  
17           States Code, is amended by striking “and, at the  
18           time” and all that follows through “State law”.

19           (g) GUN OWNER PRIVACY AND PREVENTION OF  
20 FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section  
21 922(t)(2)(C) of title 18, United States Code, is amended  
22 by inserting before the period at the end the following:  
23           “, as soon as possible, consistent with the responsibility  
24           of the Attorney General under section 103(h) of the Brady  
25           Handgun Violence Prevention Act to ensure the privacy

1 and security of the system and to prevent system fraud  
2 and abuse, but in no event later than 90 days after the  
3 date on which the licensee first contacts the system with  
4 respect to the transfer”.

5 (h) EFFECTIVE DATE.—This title and the amend-  
6 ments made by this title shall take effect 180 days after  
7 the date of the enactment of this Act.

○