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ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

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April 12, 2000

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

As you know, I have been working diligently for nearly a year to forge a meaningful gun safety and juvenile justice package that can pass and be signed into law. I have met with you and communicated with leaders of both the Democratic and Republican parties in both the House and the Senate. I have drafted and circulated compromise proposals and openly invited a dialogue with any Member willing to make headway rather than headlines.

Unfortunately, I have become increasingly disappointed with what I view to be the strategy of leading House Democrats to avoid *any* compromise on gun safety legislation. Last November, Ranking Democratic Member John Conyers abruptly backed away from months of encouraging negotiations. I responded by sending a compromise proposal directly to Minority Leader Gephardt and asked for his comments. The Minority Leader has never responded to that letter.

I was encouraged by the meeting you called last month with Senator Hatch, Senator Leahy, Representative Conyers and me. I was especially delighted that Rep. Conyers accepted your request to renew our negotiations. However, my hope quickly faded when Rep. Conyers refused to meet or even allow our staffs to meet unless a conference meeting was called. Any conference would be much more productive if Rep. Conyers and I could present an offer of compromise to the Senate Conferees. While I was pleased with Rep. Conyers' comments during our debate on the floor yesterday, it has become clear to me since we met last month that House Democratic Leaders do not want a compromise. They have again rejected meaningful negotiations and chosen soundbites at the expense of sound policies. It is with this background that I appeal directly to you. When we met last month, you repeatedly expressed that you wanted a bill more than you wanted a political issue. I believe you meant what you said.

I have refused to become discouraged by the refusals of House Democratic leaders to act. Rather, I have chosen to rely upon your pledge to work with leaders of your party and focused my efforts on those House Republican conferees whose support is necessary to move a conference report that includes gun safety provisions.

I am pleased to report that a majority of House Republican conferees on gun-related provisions have signed a conference report to support a package that includes:

- Child safety locks
- Ban on high capacity ammunition clips
- Preventing juvenile possession of assault weapons
- Preventing juveniles who commit serious crimes from owning guns
- Gun show background check system without loopholes

This proposal is similar in many respects to those that I have circulated in the past but with one significant exception. It directly addresses the concern that you expressed in our meeting last month that a three business day waiting period should apply not only to purchasers with unresolved arrest records but include purchasers who have red flags for other disqualifying offenses like unlawful drug use, mental incapacity, dishonorable discharge, domestic violence or stalking.

For this proposal to move forward, it needs only the signatures of three Democratic conferees on the gun safety provisions—only three Democratic Members. As you know, the controversy has always been focused on gun-related provisions. Once we have agreement on the gun safety proposals among the appropriate House conferees, I believe the remaining juvenile justice, education and cultural provisions will be easy to conclude. Respectfully, we need you to weigh in and help secure these three signatures.

Mr. President, I would also urge you to persuade Representative John Dingell, the senior Democratic Member in the House, to support these reasonable gun safety provisions. Last June, Rep. Dingell led an effort to weaken the gun show background check proposal that Rep. McCollum and I advanced on the House floor. With the support of forty-five Democratic Members, Rep. Dingell's provision passed and effectively ended our chance to retain Democratic support for gun safety measures. Ultimately, Democrats in the House voted *against* the final gun safety package, which included child safety locks, by a margin of 196-10. In fact, only eight of the forty-five Democrats who supported the Dingell amendment ultimately supported the final package.

I urge you to support this package as a substantial advancement that can be enacted into law. Please resist those who would reject this compromise as an attempt to hold child safety trigger locks as a political hostage. I believe the fate of truly meaningful gun safety legislation rests with you and your ability to convince three Democratic Members of Congress to accept *this* proposal. I am convinced you have a unique opportunity to persuade those Members to accept this compromise and move forward.

Sincerely,


HENRY J. HYDE
Chairman

cc: The Honorable J. Dennis Hastert
The Honorable Richard A. Gephardt
The Honorable Richard K. Arney
The Honorable John Conyers, Jr.
The Honorable Orrin G. Hatch
The Honorable Patrick J. Leahy
The Honorable Bill McCollum
The Honorable George W. Gekas
The Honorable Howard Coble
The Honorable Lamar S. Smith
The Honorable Charles T. Canady
The Honorable Bob Barr
The Honorable Robert C. "Bobby" Scott
The Honorable Zoe Lofgren
The Honorable Sheila Jackson Lee
The Honorable Martin T. Meehan

1 **TITLE ____—FIREARMS**
2 **PROVISIONS**

3 **SEC. ____01. MANDATORY TRANSFER OF SECURE GUN STOR-**
4 **AGE OR SAFETY DEVICE.**

5 (a) **UNLAWFUL ACTS.**—Section 922 of title 18,
6 United States Code, is amended by inserting after sub-
7 section (y) the following:

8 “(z)(1) Except as provided in paragraph (2), it shall
9 be unlawful for any licensed manufacturer, licensed im-
10 porter, or licensed dealer to sell, deliver, or transfer any
11 handgun to any person not licensed under this chapter,
12 unless the transferee is provided with a secure gun storage
13 or safety device, as defined in section 921(a)(34), for the
14 handgun.

15 “(2) Paragraph (1) shall not apply to the—
16 “(A)(i) manufacture for, transfer to, or posses-
17 sion by, the United States or a department or agen-
18 cy of the United States, or a State or a department,
19 agency, or political subdivision of a State, of a hand-
20 gun; or

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

1 “(B) transfer to, or possession by, a rail police
2 officer employed by a rail carrier and certified or
3 commissioned as a police officer under the laws of
4 a State of a handgun for purposes of law enforce-
5 ment (whether on or off duty);

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

9 “(D) transfer to any person of a handgun for
10 which a secure gun storage or safety device is tem-
11 porarily unavailable for the reasons described in the
12 exceptions stated in section 923(e), if the licensed
13 manufacturer, licensed importer, or licensed dealer
14 delivers to the transferee within 10 calendar days
15 after the date of the delivery of the handgun to the
16 transferee a secure gun storage or safety device for
17 the handgun.

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

23 “(B) A qualified civil liability action may not be
24 brought in any Federal or State court. In this subpara-
25 graph, the term ‘qualified civil liability action’ means a

1 civil action brought by any person against a person de-
2 scribed in subparagraph (A) for damages resulting from
3 the unlawful use of the handgun by a third party, if—

4 “(i) the handgun was accessed by another per-
5 son without the authorization of the person so de-
6 scribed; and

7 “(ii) when the handgun was so accessed, the
8 handgun had been made inoperable by use of a se-
9 cure gun storage or safety device.

10 A ‘qualified civil liability action’ shall not include an action
11 brought against the person having lawful possession and
12 control of the handgun for negligent entrustment or neg-
13 ligence per se.

14 “(4)(A) This subsection shall not be construed to—

15 “(i) create a cause of action against any Fed-
16 eral firearms licensee or any other person for any
17 civil liability; or

18 “(ii) establish any standard of care.

19 “(B) Notwithstanding any other provision of law, evi-
20 dence regarding compliance or noncompliance with this
21 subsection shall not be admissible as evidence in any pro-
22 ceeding of any court, agency, board, or other entity, except
23 with respect to an action to enforce paragraphs (1) and
24 (2), or to give effect to paragraph (3).”.

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

3 (1) in subsection (a)(1), by inserting “or (p)”
4 before “of this section”; and

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

6 “(p)(1)(A) With respect to each violation of section
7 922(z)(1) by a licensed manufacturer, licensed importer,
8 or licensed dealer, the Secretary may, after notice and op-
9 portunity for hearing—

10 “(i) suspend for not more than 6 months, or re-
11 voke, the license issued to the licensee under this
12 chapter that was used to conduct the firearms trans-
13 action; or

14 “(ii) impose on the licensee to a civil penalty of
15 not more than \$2,500.

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

18 “(2) The suspension or revocation of a license or the
19 imposition of a civil penalty under paragraph (1) shall not
20 preclude any administrative remedy that is otherwise
21 available to the Secretary.”.

22 **SEC. ____ 02. PROHIBITING JUVENILES FROM POSSESSING**
23 **SEMIAUTOMATIC ASSAULT WEAPONS.**

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

1 (1) in paragraph (1)—

2 (A) by striking “or” at the end of subpara-
3 graph (A);

4 (B) by striking the period at the end of
5 subparagraph (B) 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) by striking “or” at the end of subpara-
13 graph (A);

14 (B) by striking the period at the end of
15 subparagraph (B) 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
20 device.”; and

21 (3) by striking paragraph (3) and inserting the
22 following:

23 “(3) This subsection shall not apply to—

24 “(A) a temporary transfer of a handgun, am-
25 munition, a large capacity ammunition feeding de-

1 vice, or a semiautomatic assault weapon to a juvenile
2 or to the temporary possession or use of a handgun,
3 ammunition, a large capacity ammunition feeding
4 device, or a semiautomatic assault weapon by a
5 juvenile—

6 “(i) if the handgun, ammunition, large ca-
7 pacity ammunition feeding device, or semiauto-
8 matic assault weapon are possessed and used by
9 the juvenile—

10 “(I) in the course of employment;

11 “(II) in the course of ranching or
12 farming related to activities at the resi-
13 dence of the juvenile (or on property used
14 for ranching or farming at which the juve-
15 nile, with the permission of the property
16 owner or lessee, is performing activities re-
17 lated to the operation of the farm or
18 ranch);

19 “(III) for target practice;

20 “(IV) for hunting; or

21 “(V) for a course of instruction in the
22 safe and lawful use of a firearm;

23 “(ii) clause (i) shall apply only if the juve-
24 nile’s possession and use of a handgun, ammu-
25 nition, a large capacity ammunition feeding de-

1 vice, or a semiautomatic assault weapon under
2 this subparagraph are in accordance with State
3 and local law, and the following conditions are
4 met—

5 “(I) except when a parent or guardian
6 of the juvenile is in the immediate and su-
7 pervisory presence of the juvenile, the juve-
8 nile shall have in the juvenile’s possession
9 at all times when a handgun, ammunition,
10 a large capacity ammunition feeding de-
11 vice, or a semiautomatic assault weapon is
12 in the possession of the juvenile, the prior
13 written consent of the juvenile’s parent or
14 guardian who is not prohibited by Federal,
15 State, or local law from possessing a fire-
16 arm or ammunition; and

17 “(II)(aa) during transportation by the
18 juvenile directly from the place of transfer
19 to a place at which an activity described in
20 clause (i) is to take place the firearm shall
21 be unloaded and in a locked container or
22 case, and during the transportation by the
23 juvenile of that firearm, directly from the
24 place at which such an activity took place
25 to the transferor, the firearm shall also be

1 unloaded and in a locked container or case;
2 or
3 “(bb) with respect to employment,
4 ranching or farming activities as described
5 in clause (i), a juvenile may possess and
6 use a handgun, ammunition, a large capac-
7 ity ammunition feeding device, or a semi-
8 automatic assault weapon with the prior
9 written approval of the juvenile’s parent or
10 legal guardian, if the approval is on file
11 with the adult who is not prohibited by
12 Federal, State, or local law from pos-
13 sessed a firearm or ammunition and that
14 person is directing the ranching or farming
15 activities of the juvenile;
16 “(B) a juvenile who is a member of the Armed
17 Forces of the United States or the National Guard
18 who possesses or is armed with a handgun, ammuni-
19 tion, a large capacity ammunition feeding device, or
20 a semiautomatic assault weapon in the line of duty;
21 “(C) a transfer by inheritance of title (but not
22 possession) of a handgun, ammunition, a large ca-
23 pacity ammunition feeding device, or a semiauto-
24 matic assault weapon to a juvenile; or

1 “(D) the possession of a handgun, ammunition,
2 a large capacity ammunition feeding device, or a
3 semiautomatic assault weapon taken in lawful de-
4 fense of the juvenile or other persons in the resi-
5 dence of the juvenile or a residence in which the ju-
6 venile is an invited guest.

7 “(4) A handgun, ammunition, a large capacity am-
8 munition feeding device, or a semiautomatic assault weap-
9 on, the possession of which is transferred to a juvenile in
10 circumstances in which the transferor is not in violation
11 of this subsection, shall not be subject to permanent con-
12 fiscation by the Government if its possession by the juve-
13 nile subsequently becomes unlawful because of the conduct
14 of the juvenile, but shall be returned to the lawful owner
15 when such handgun, ammunition, large capacity ammuni-
16 tion feeding device, or semiautomatic assault weapon is
17 no longer required by the Government for the purposes
18 of investigation or prosecution.

19 “(5) For purposes of this subsection, the term ‘juve-
20 nile’ means a person who is less than 18 years of age.

21 “(6)(A) In a prosecution of a violation of this sub-
22 section, the court shall require the presence of a juvenile
23 defendant’s parent or legal guardian at all proceedings.

24 “(B) The court may use the contempt power to en-
25 force subparagraph (A).

1 “(C) The court may excuse attendance of a parent
2 or legal guardian of a juvenile defendant at a proceeding
3 in a prosecution of a violation of this subsection for good
4 cause shown.

5 “(7) For purposes of this subsection, the term ‘large
6 capacity ammunition feeding device’ has the same mean-
7 ing as in section 921(a)(31) of title 18, except that the
8 term also includes any device described in such section
9 that was manufactured before the effective date of the
10 Violent Crime Control and Law Enforcement Act of
11 1994.”.

12 **SEC. ____ 03. PROHIBITING VIOLENT JUVENILE OFFENDERS**
13 **FROM POSSESSING FIREARMS.**

14 (a) DEFINITION.—Section 921(a)(20) of title 18,
15 United States Code, is amended—

16 (1) by inserting “(A)” after “(20)”;

17 (2) by redesignating subparagraphs (A) and
18 (B) as clauses (i) and (ii), respectively;

19 (3) by inserting after subparagraph (A) the fol-
20 lowing:

21 “(B) For purposes of subsections (d) and (g) of sec-
22 tion 922, the term ‘adjudicated to have committed an act
23 of violent juvenile delinquency’ means an adjudication of
24 delinquency in Federal or State court, based on a finding
25 of the commission of an act by a person prior to his or

1 her eighteenth birthday that, if committed by an adult,
2 would be a serious violent felony (as defined in section
3 3559(c)(2)(F)(i)) had Federal jurisdiction existed and
4 been exercised.”; and

5 (4) by striking “What constitutes” and all that
6 follows through “this chapter,” and inserting the fol-
7 lowing:

8 “(C) What constitutes a conviction of such a crime
9 or an adjudication of an act of violent juvenile delinquency
10 shall be determined in accordance with the law of the ju-
11 risdiction in which the proceedings were held. Any State
12 conviction or adjudication of an act of violent juvenile de-
13 linquency that has been expunged or set aside, or for
14 which a person has been pardoned or has had civil rights
15 restored, by the jurisdiction in which the conviction or ad-
16 judication of an act of violent juvenile delinquency oc-
17 curred shall not be considered to be a conviction or adju-
18 dication of an act of violent juvenile delinquency for pur-
19 poses of this chapter.”.

20 (b) PROHIBITION.—Section 922 of title 18, United
21 States Code, is amended—

22 (1) in subsection (d)—

23 (A) in paragraph (8), by striking “or” at
24 the end;

1 (B) in paragraph (9), by striking the pe-
2 riod at the end and inserting “; or”; and

3 (C) by inserting after paragraph (9) the
4 following:

5 “(10) has been adjudicated to have committed
6 an act of violent juvenile delinquency.”; and

7 (2) in subsection (g)—

8 (A) in paragraph (8), by striking “or” at
9 the end;

10 (B) in paragraph (9), by striking the
11 comma at the end and inserting “; or”; and

12 (C) by inserting after paragraph (9) the
13 following:

14 “(10) who has been adjudicated to have com-
15 mitted an act of violent juvenile delinquency,”.

16 (e) EFFECTIVE DATE.—The amendments made by
17 this section shall apply only to acts of violent juvenile de-
18 linquency that occur 180 days or more after the date of
19 the enactment of this Act.

20 **SEC. ___4. MANDATORY BACKGROUND CHECK AT GUN**
21 **SHOWS.**

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

1 “(35) The term ‘gun show’ means an event which is
2 sponsored to foster the collecting, competitive use, sport-
3 ing use, or any other legal use of firearms, and—

4 “(A) at which 50 or more firearms are offered
5 or exhibited for sale, transfer, or exchange, if 1 or
6 more of the firearms has been shipped or trans-
7 ported in, or the event otherwise affects, interstate
8 or foreign commerce; and

9 “(B) at which there are not less than 5 firearm
10 vendors.

11 “(36) The term ‘curtilage area’, with respect to a gun
12 show, means any building or structure in which, and any
13 land on which, the gun show is held, and includes all real
14 property in close proximity to the gun show on which ac-
15 tivities in furtherance of firearms transactions occur.

16 “(37) The term ‘gun show organizer’ means any per-
17 son who organizes or conducts a gun show.

18 “(38) The term ‘gun show vendor’ means any person
19 who, at a fixed, assigned, or contracted location, exhibits,
20 sells, offers for sale, transfers, or exchanges 1 or more
21 firearms at a gun show.”.

22 (b) TIME LIMIT FOR NATIONAL INSTANT CRIMINAL
23 BACKGROUND CHECKS.—Section 103(e) of the Brady
24 Handgun Violence Prevention Act (18 U.S.C. 922 note)
25 is amended by adding at the end the following:

1 “(3) DEADLINE FOR COMPLETION OF CHECKS
2 REQUESTED FROM GUN SHOWS.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), the Attorney General shall
5 ensure that each background check conducted
6 through the national instant criminal back-
7 ground check system pursuant to a request
8 made from a gun show is completed within 24
9 hours after an authorized person has contacted
10 the system to request the check.

11 “(B) EXCEPTION.—The requirement of
12 subparagraph (A) shall not apply if the system
13 indicates that—

14 “(i) the person being checked has
15 been arrested for an offense described in
16 section 922(g) of title 18, United States
17 Code, and the disposition of the arrest has
18 not been communicated to the Attorney
19 General; or

20 “(ii) there is an official record that
21 the person being checked may be a person
22 described in such section 922(g), and there
23 is no official disposition record to the con-
24 trary.”.

1 (c) REGULATION OF FIREARMS TRANSFERS AT GUN
2 SHOWS.—

3 (1) IN GENERAL.—Chapter 44 of such title is
4 amended by adding at the end the following:

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

6 “(a)(1) A person who is not a licensed importer, li-
7 censed manufacturer, or licensed dealer, and who desires
8 to be registered as an instant check registrant shall submit
9 to the Secretary an application which—

10 “(A) contains a certification by the applicant
11 that the applicant meets the requirements of sub-
12 paragraphs (A) through (D) of section 923(d)(1);

13 “(B) contains a photograph and fingerprints of
14 the applicant; and

15 “(C) is in such form as the Secretary shall by
16 regulation prescribe.

17 “(2)(A) The Secretary shall approve an application
18 submitted pursuant to paragraph (1) which meets the re-
19 quirements of paragraph (1). On approval of the applica-
20 tion and payment by the applicant of a fee of \$100 for
21 3 years, and upon renewal of valid registration a fee of
22 \$50 for 3 years, the Secretary shall issue to the applicant
23 an instant check registration, and advise the Attorney
24 General of the United States of the same, which entitles
25 the registrant to contact the national instant criminal

1 background check system established under section 103
2 of the Brady Handgun Violence Prevention Act for infor-
3 mation about any individual desiring to obtain a firearm
4 at a gun show from any transferor who has requested the
5 assistance of the registrant in complying with subsection
6 (c) with respect to the transfer of the firearm, and receive
7 information from the system regarding the individual, dur-
8 ing the 3-year period that begins with the date the reg-
9 istration is issued.

10 “(B) The Secretary shall approve or deny an applica-
11 tion submitted pursuant to paragraph (1) within 60 days
12 after the Secretary receives the application. If the Sec-
13 retary fails to so act within such period, the applicant may
14 bring an action under section 1361 of title 28 to compel
15 the Secretary to so act.

16 “(3) An instant check registrant shall keep all
17 records or documents which the registrant collects pursu-
18 ant to this section during a gun show at a premises, or
19 a portion thereof designated by the registrant, that is open
20 for inspection by the Secretary. The Secretary shall estab-
21 lish by regulation the procedure for the inspection, at a
22 premises or a gun show, of the records required to be kept
23 under this section in a manner for a registrant that af-
24 fords the registrant procedural rights and protections
25 identical to those afforded a licensee under subsections

1 (g)(1)(A), (g)(1)(B), and (j) of section 923. An instant
2 check registrant shall remit to the Secretary all records
3 required to be kept by the registrant under this sub-
4 section, when the registration is no longer valid, has ex-
5 pired, or has been revoked.

6 “(4)(A) This subsection shall not be construed—

7 “(i) as creating a cause of action against any
8 instant check registrant or any other person, includ-
9 ing the transferor, for any civil liability; or

10 “(ii) as establishing any standard of care.

11 “(B) Notwithstanding any other provision of law, ex-
12 cept to give effect to subparagraph (C), evidence regarding
13 the use or nonuse by a transferor of the services of an
14 instant check registrant under this section shall not be ad-
15 missible as evidence in any proceeding of any court, agen-
16 cy, board, or other entity for the purposes of establishing
17 liability based on a civil action brought on any theory for
18 harm caused by a product or by negligence.

19 “(C)(i) Notwithstanding any other provision of law,
20 a person who is—

21 “(I) an instant check registrant who assists in
22 having a background check performed in accordance
23 with this section;

24 “(II) a licensee who acquires a firearm at a gun
25 show from a nonlicensee, for transfer to another

1 nonlicensee in attendance at the show, for the pur-
2 pose of effectuating a sale, trade, or transfer be-
3 tween the 2 nonlicensees, all in the manner pre-
4 scribed for the acquisition and disposition of fire-
5 arms under this chapter; or

6 “(III) a nonlicensee disposing of a firearm, who
7 utilizes the services of an instant check registrant
8 pursuant to subclause (I) or a licensee pursuant to
9 subclause (II),

10 shall be entitled to immunity from a civil liability action
11 as described in this subparagraph.

12 “(ii) A qualified civil liability action may not be
13 brought in any Federal or State court. The term ‘qualified
14 civil liability action’ means a civil action brought by any
15 person against a person described in clause (i) for dam-
16 ages resulting from the unlawful use of the firearm by the
17 transferee or a third party, but shall not include an
18 action—

19 “(I) brought against a transferor convicted
20 under section 924(h), or a comparable or identical
21 State felony law, by a party directly harmed by the
22 transferee’s criminal conduct, as defined in section
23 924(h); or

24 “(II) brought against a transferor for negligent
25 entrustment or negligence per se.

1 “(4) A registration issued under this subsection may
2 be revoked pursuant to the procedures provided for license
3 revocations under section 923.

4 “(b) It shall be unlawful for any person to organize
5 or conduct a gun show unless the person—

6 “(1) registers with the Secretary in accordance
7 with regulations promulgated by the Secretary,
8 which shall not require the payment of any fee for
9 such registration;

10 “(2) before commencement of the gun show—

11 “(A) records and verifies the identity of
12 each individual who is to be a gun show vendor
13 at the gun show by examining, but not retain-
14 ing, a copy of, a valid identification document
15 (as defined in section 1028(d)(1)) of the indi-
16 vidual containing a photograph of the indi-
17 vidual; and

18 “(B) provides to each such individual a
19 copy of the document provided by the Secretary
20 under subsection (c); and

21 “(3) maintains a copy of the records described
22 in paragraph (2) at the permanent place of business
23 of the gun show organizer for such period of time
24 and in such form as the Secretary shall require by
25 regulation.

1 “(c) The Secretary shall provide to each gun show
2 organizer registered with the Secretary pursuant to sub-
3 section (b)(1) a document which sets forth all Federal laws
4 that apply to firearms transactions at gun shows, includ-
5 ing all related recordkeeping requirements, verbatim.

6 “(d)(1) It shall be unlawful, at a gun show or the
7 curtilage area of a gun show, for a person who is not li-
8 censed under section 923 to sell, transfer, or exchange to
9 another person who is not licensed under section 923, a
10 firearm that is accessible at the gun show or in the
11 curtilage area of the gun show, unless—

12 “(A) the firearm is transferred through a li-
13 censed importer, licensed manufacturer, or licensed
14 dealer in accordance with paragraph (2)(B) and oth-
15 erwise in accordance with law; or

16 “(B)(i) before the completion of the transfer,
17 an instant check registrant contacts the national in-
18 stant ~~criminal background check system~~ established
19 under section 103 of the Brady Handgun Violence
20 Prevention Act;

21 “(ii)(I) the system provides the registrant with
22 a unique identification number; or

23 “(II) 3 business days (meaning a day on which
24 State offices are open) have elapsed since the reg-
25 istrant contacted the system, and the system has not

1 notified the registrant that the receipt of a firearm
2 by such other person would violate subsection (g) or
3 (n) of section 922;

4 “(iii) the registrant notifies the person that the
5 registrant has complied with clauses (i) and (ii), or
6 of any receipt by the registrant of a notification
7 from the national instant criminal background check
8 system established under section 103 of the Brady
9 Handgun Violence Prevention Act that the transfer
10 would violate section 922 or State law; and

11 “(iv) the transferor and the registrant have
12 verified the identity of the transferee by examining
13 a valid identification document (as defined in section
14 1028(d)(1) of this title) of the transferee containing
15 a photograph of the transferee.

16 “(2)(A) The rules of paragraphs (2), (3), and (4) of
17 section 922(t) shall apply to firearms transfers assisted
18 by instant check registrants under this section in the same
19 manner in which such rules apply to firearms transfers
20 made by licensees.

21 “(B)(i) The licensee or registrant may personally de-
22 liver or ship the firearm to the prospective transferee in
23 accordance with clause (ii) if the gun show has terminated,
24 and—

1 “(I)(aa) 3 business days has elapsed since the
2 licensee or registrant contacted the system from the
3 gun show and the licensee or registrant has not re-
4 ceived notification from the system that receipt of a
5 firearm by the prospective transferee would violate
6 subsection (g) or (n) of section 922 or State law; or

7 “(bb) the licensee or registrant has received no-
8 tification from the system that receipt of a firearm
9 by the prospective transferee would not violate sub-
10 section (g) or (n) of section 922 or State law; and

11 “(II) State and local law would have permitted
12 the licensee or registrant to immediately deliver the
13 firearm to the prospective transferee if the condi-
14 tions described in item (aa) or (bb) had occurred
15 during the gun show.

16 “(ii)(I) The licensee may personally deliver the fire-
17 arm to the prospective transferee at a location other than
18 the business premises of the licensee, without regard to
19 whether the location is in the State specified on the license
20 of the licensee, or may ship the firearm by common carrier
21 to the prospective transferee.

22 “(II) The registrant may personally deliver the fire-
23 arm to a prospective transferee who is a resident of the
24 State of which the registrant is a resident, or may ship

1 the firearm by common carrier to such a prospective trans-
2 feree.

3 “(3) An instant check registrant who agrees to assist
4 a person who is not licensed under section 923 in com-
5 plying with subsection (c) with respect to the transfer of
6 a firearm shall—

7 “(A) enter the name, age, address, and other
8 identifying information on the transferee (or, if the
9 transferee is a corporation or other business entity,
10 the identity and principal and local places of busi-
11 ness of the transferee) as the Secretary may require
12 by regulation into a separate bound record;

13 “(B) record the unique identification number
14 provided by the system on a form specified by the
15 Secretary;

16 “(C) on completion of the functions required by
17 paragraph (1)(B) to be performed by the registrant
18 with respect to the transfer, notify the transferor
19 that the registrant has performed such functions;
20 and

21 “(D) on completion of the background check by
22 the system, retain a record of the background check
23 as part of the permanent business records of the
24 registrant.

1 “(4) This section shall not be construed to permit or
2 authorize the Secretary to impose recordkeeping require-
3 ments on any vendor who is not licensed under section
4 923, except to the extent that the vendor is acting as an
5 instant check registrant.

6 “(d) It shall be unlawful for any person to receive
7 a firearm from another person that the person knows has
8 been transferred to the recipient in violation of this sec-
9 tion.

10 “(e) It shall be unlawful for any person to structure,
11 assist in structuring, or attempt to structure or assist in
12 structuring a firearms transaction, for the purpose of
13 evading any requirement of subsection (c).”.

14 (2) PENALTIES.—Section 924(a) of such title is
15 amended by adding at the end the following:

16 “(7)(A) Whoever knowingly violates subsection (b),
17 (c)(1), or (c)(2) of section 931 shall be—

18 “(i) fined under this title, imprisoned ~~not~~ more
19 than 1 year, or both; or

20 “(ii) in the case of a second or subsequent con-
21 viction of such a violation, fined under this title, im-
22 prisoned not more than 5 years, or both.

23 “(B) Whoever knowingly violates subsection (c)(3) or
24 (d) of section 931 shall be fined under this title, impris-
25 oned not more than 3 years, or both.

1 “(C) In addition to any other penalties imposed
2 under this paragraph, the Secretary may, with respect to
3 any person who knowingly violates subsection (b), (c), or
4 (d) of section 931—

5 “(i) impose a civil fine in an amount equal to
6 not more than \$2,500; and

7 “(ii) if the person is registered pursuant to sec-
8 tion 931(a), after notice and opportunity for a hear-
9 ing, suspend for not more than 6 months or revoke
10 the registration of that person under section
11 931(a).”.

12 (3) CONFORMING AMENDMENT.—Section 923(j)
13 of such title is amended in the first sentence by
14 striking “or event” and all that follows through
15 “community”.

16 (4) CLERICAL AMENDMENT.—The section anal-
17 ysis for chapter 44 of such title is amended by add-
18 ing at the end the following:

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

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

21 “(E)(i) When the Secretary has reasonable cause to
22 believe that evidence of a violation of this chapter may
23 be found at the place of business of a gun show organizer
24 or any place where a gun show is being held, the Secretary
25 may, upon demonstrating such cause before a Federal

1 magistrate and securing from the magistrate a warrant
2 authorizing entry, enter during business hours any such
3 place (including any place of storage of the gun show orga-
4 nizer), for the purpose of inspecting or examining any
5 records or documents required to be kept by the gun show
6 organizer under this chapter or rules or regulations under
7 this chapter.

8 “(ii) The Secretary may enter during business hours
9 the place of business of any gun show organizer and any
10 place where a gun show is being held, without such reason-
11 able cause or warrant, for the purpose of inspecting or
12 examining the records required by section 923 or 931 and
13 the inventory of licensees conducting business at the gun
14 show in the course of a reasonable inquiry during the
15 course of a criminal investigation of a person or persons
16 other than the organizer or licensee or when such exam-
17 ination may be required for determining the disposition
18 of one or more particular firearms in the course of a bona
19 fide criminal investigation.”.

20 (e) INCREASED PENALTIES FOR SERIOUS RECORD-
21 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)
22 of such title is amended to read as follows:

23 “(3)(A) Except as provided in subparagraph (B), any
24 licensed dealer, licensed importer, licensed manufacturer,
25 or licensed collector who knowingly makes any false state-

1 ment or representation with respect to the information re-
2 quired by this chapter to be kept in the records of a person
3 licensed under this chapter, or violates section 922(m)
4 shall be fined under this title, imprisoned not more than
5 1 year, or both.

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

8 “(i) under paragraph (1) or (3) of section
9 922(b), such person shall be fined under this title,
10 imprisoned not more than 5 years, or both; or

11 “(ii) under subsection (a)(6) or (d) of section
12 922, such person shall be fined under this title, im-
13 prisoned not more than 10 years, or both.”.

14 (f) INCREASED PENALTIES FOR VIOLATIONS OF
15 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

16 (1) PENALTIES.—Section 924(a) of such title is
17 amended—

18 (A) in paragraph (5), by striking “sub-
19 section (s) or (t) of section 922” and inserting
20 “section 922(s)”; and

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

22 “(8)(A) Whoever knowingly violates section 922(t)
23 shall be fined under this title, imprisoned not more than
24 3 years, or both.

1 “(B) In the case of a second or subsequent conviction
2 under this paragraph, the person shall be fined under this
3 title, imprisoned not more than 5 years, or both.”.

4 (2) ELIMINATION OF CERTAIN ELEMENTS OF
5 OFFENSE.—Section 922(t)(5) of such title is amend-
6 ed by striking “and, at the time” and all that fol-
7 lows through “State law”.

8 (g) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect 180 days after the date of
10 the enactment of this Act.

11 **SEC. ___ 5. GUN OWNER PRIVACY; PROHIBITION ON BACK-**
12 **GROUND CHECK FEE.**

13 (a) PROHIBITION ON BACKGROUND CHECK FEE.—

14 (1) IN GENERAL.—Chapter 33 of title 28,
15 United States Code, is amended by adding at the
16 end the following:

17 **“§ 540B. Prohibition on fee for background check in**
18 **connection with firearm transfer**

19 “No officer, employee, or agent of the United States,
20 including a State or local officer or employee acting on
21 behalf of the United States, may charge or collect any fee
22 in connection with any background check required in con-
23 nection with the transfer of a firearm (as defined in sec-
24 tion 921(a)(3) of title 18).”.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENTS.—The section analysis for chapter 33 of title
3 28, United States Code, is amended by inserting
4 after the item relating to section 540A the following:

“540B. Prohibition on fee for background check in connection with firearm
transfer.”.

5 (b) PROTECTION OF GUN OWNER PRIVACY AND
6 OWNERSHIP RIGHTS.—

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

10 **“§ 932. Gun owner privacy and ownership rights**

11 “Notwithstanding any other provision of law, no de-
12 partment, agency, or instrumentality of the United States
13 or officer, employee, or agent of the United States, includ-
14 ing a State or local officer or employee acting on behalf
15 of the United States—

16 “(1) shall perform any national instant criminal
17 background check through the system established
18 pursuant to section 103 of the Brady Handgun Vio-
19 lence Prevention Act (18 U.S.C. 922 note) (referred
20 to in this section as the “system”) if that system
21 does not require and result in the immediate de-
22 struction of all information, in any form whatsoever
23 or through any medium, about any person who is de-
24 termined, through the use of the system, not to be

1 prohibited by subsection (g) or (n) of section 922 of
2 title 18, United States Code, or by State law, from
3 receiving a firearm, except that this subsection shall
4 not apply to the retention or transfer of information
5 relating to—

6 “(A) any unique identification number pro-
7 vided by the national instant criminal back-
8 ground check system pursuant to section
9 922(t)(1)(B)(i) of title 18, United States Code;
10 or

11 “(B) the date on which that number is
12 provided; or

13 “(2) shall continue to operate the system (in-
14 cluding requiring a background check before the
15 transfer of a firearm) unless—

16 “(A) the ‘NICS Index’ complies with the
17 requirements of section 552a(e)(5) of title 5,
18 United States Code; and

19 “(B) the agency responsible for the system
20 and the system’s compliance with Federal law
21 does not invoke the exceptions under sub-
22 sections (j)(2), (k)(2), and (k)(3) of section
23 552a of title 5, United States Code, except if
24 specifically identifiable information is compiled

1 for a particular law enforcement investigation
2 or specific criminal enforcement matter.”.

3 (2) TECHNICAL AND CONFORMING AMEND-
4 MENTS.—The section analysis for chapter 44 of title
5 18, United States Code, is further amended by add-
6 ing at the end the following:

“932. Gun owner privacy and ownership rights.”.

7 (c) CIVIL REMEDIES.—Any person aggrieved by a
8 violation of section 540B of title 28, or 931 of title 18,
9 United States Code, as added by this section, may bring
10 an action in the district court of the United States for
11 the district in which the person resides. Any person who
12 is successful with respect to any such action shall receive
13 actual damages, punitive damages, and such other rem-
14 edies as the court may determine to be appropriate, in-
15 cluding a reasonable attorney’s fee.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the date of the enactment
18 of this Act, except that the amendments made by sub-
19 section (a) shall take effect as of October 1, 1998.

20 **SEC. ___06. BAN ON IMPORTING LARGE CAPACITY AMMU-**
21 **NITION FEEDING DEVICES.**

22 Section 922(w) of title 18, United States Code, is
23 amended—

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

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

6 (3) by inserting before paragraph (3) the fol-
7 lowing:

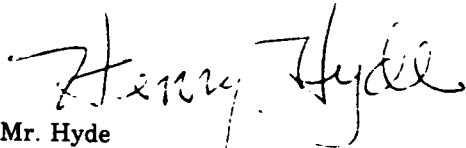


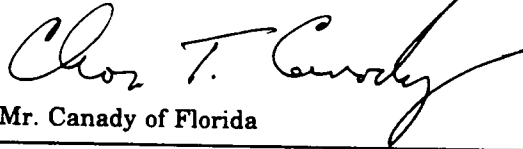
8 “(2) It shall be unlawful for any person to import
9 a large capacity ammunition feeding device.”; and

10 (4) in paragraph (4)—

11 (A) by striking “(1)” each place it appears
12 and inserting “(1)(A)”;

13 (B) by striking “(2)” and inserting
14 “(1)(B)”.

H.R. 1501

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference:	
 Mr. Hyde	
 Mr. McCollum	
 Mr. Gekas	
Mr. Coble	
Mr. Smith of Texas	
 Mr. Canady of Florida	
Mr. Barr of Georgia	

H.R. 1501—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
Mr. Conyers	
Mr. Frank of Massachusetts	
Mr. Scott	
Mr. Berman	
Ms. Lofgren	
Provided, that Ms. Jackson-Lee is appointed in lieu of Mr. Frank of Massachusetts for consideration of secs. 741, 1501, 1505, 1534-35, and titles V, VI, and IX of the Senate amendment.	
Ms. Jackson-Lee of Texas	
Provided, that Mr. Meehan is appointed in lieu of Mr. Berman for consideration of secs. 741, 1501, 1505, 1534-35, and titles V, VI, and IX of the Senate amendment.	

H.R. 1501—Continued

<i>Managers on the part of the HOUSE</i>	<i>Managers on the part of the SENATE</i>
Mr. Meehan	