

Eshoo	Lazio	Rangel
Etheridge	Leach	Regula
Evans	Lee	Rivers
Farr	Levin	Roemer
Fattah	Lewis (GA)	Rogan
Filner	Lipinski	Ros-Lehtinen
Forbes	Lofgren	Rothman
Ford	Lowe	Roukema
Fossella	Luther	Roybal-Allard
Frank (MA)	Maloney (CT)	Rush
Franks (NJ)	Maloney (NY)	Sabo
Frelinghuysen	Markey	Sanchez
Frost	Matsui	Sanders
Ganske	McCarthy (MO)	Sawyer
Gejdenson	McCarthy (NY)	Scarborough
Gephardt	McCollum	Schakowsky
Gilchrest	McDermott	Scott
Gonzalez	McGovern	Serrano
Greenwood	McKinney	Shaw
Gutierrez	McNulty	Shays
Hall (OH)	Meehan	Sherman
Hastings (FL)	Meeke (FL)	Slaughter
Hinche	Meeke (NY)	Smith (NJ)
Hinojosa	Menendez	Smith (WA)
Hoefel	Millender-	Snyder
Holt	McDonald	Spratt
Hooley	Miller (FL)	Stabenow
Horn	Miller, George	Stark
Hoyer	Mink	Stupak
Hyde	Moakley	Tauscher
Inslee	Moore	Thompson (CA)
Jackson (IL)	Moran (VA)	Thompson (MS)
Jackson-Lee	Morella	Thurman
(TX)	Nadler	Tierney
Jefferson	Napolitano	Towns
Johnson (CT)	Neal	Udall (CO)
Johnson, E. B.	Northup	Udall (NM)
Jones (OH)	Olver	Upton
Kaptur	Ose	Velazquez
Kelly	Owens	Vento
Kennedy	Pallone	Visclosky
Kildee	Pascrell	Waters
Kilpatrick	Pastor	Watt (NC)
Kind (WI)	Payne	Waxman
King (NY)	Pelosi	Weiner
Kleczka	Peterson (MN)	Wexler
Klink	Pomeroy	Weygand
Kucinich	Porter	Wolf
Kuykendall	Price (NC)	Woolsey
LaFalce	Pryce (OH)	Wu
Lantos	Quinn	Wynn
Larson	Ramstad	Young (FL)

NOT VOTING—6

Brown (CA)	Houghton	Salmon
Carson	Minge	Thomas

So the amendment was agreed to.
After some further time,

**FRIDAY, JUNE 18 (LEGISLATIVE
DAY OF JUNE 17), 1999**

¶66.33 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. MCCARTHY of New York:

Strike section 2(b) and all that follows through the end of the bill and insert the following:

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

“(35) GUN SHOW.—The term ‘gun show’ means any event—

“(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

“(B) at which there are 2 or more gun show vendors.

“(36) GUN SHOW PROMOTER.—The term ‘gun show promoter’ means any person who organizes, plans, promotes, or operates a gun show.

“(37) GUN SHOW VENDOR.—The term ‘gun show vendor’ means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location

from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.”

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

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

“§931. Regulation of firearms transfers at gun shows

“(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

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

“(2) pays a registration fee, in an amount determined by the Secretary.

“(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) before admitting a gun show vendor, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

“(2) before admitting a gun show vendor, requires such gun show vendor to sign—

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

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

“(3) notifies each person who attends the gun show of the applicable requirements of this section, in accordance with such regulations as the Secretary shall prescribe; and

“(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

“(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

“(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

“(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

“(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

“(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

“(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

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

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

“(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

“(A) of such compliance; and

“(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

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

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

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

“(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

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

“(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

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

“(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

“(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

“(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall,

not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

“(1) shall be in a form specified by the Secretary by regulation;

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

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

“(g) FIREARM TRANSACTION DEFINED.—In this section, the term ‘firearm transaction’—

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

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

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

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

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

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

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

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

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

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

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

“(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

“(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

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

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

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

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

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

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

“(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.”.

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer,

licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

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

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

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

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

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

(A) in paragraph (5), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”;

(B) by adding at the end the following:

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

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

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: “, as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date which the licensee first contacts the system with respect to the transfer. In no event shall such records be used for the creation of a national firearms registry”.

(h) INTERSTATE SHIPMENT OF LICENSEES.—Nothing in this section shall affect the right of a licensed importer, licensed manufacturer or licensed dealer to receive or ship firearms in interstate commerce in accordance with the provisions of this chapter.

(i) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

It was decided in the { Yeas 193 negative } Nays 235

¶66.34 [Roll No. 235] AYES—193

- Abercrombie Capps Dooley Ackerman Capuano Doyle Allen Cardin Edwards Andrews Castle Engel Baldacci Clay Eshoo Baldwin Clayton Evans Barrett (WI) Clyburn Farr Bateman Condit Fattah Becerra Conyers Filner Bentsen Coyne Forbes Bereuter Crowley Ford Berkley Cummings Frank (MA) Berman Davis (FL) Franks (NJ) Berry Davis (IL) Frelinghuysen Bilbray Davis (VA) Frost Blagojevich DeFazio Ganske Blumenauer DeGette Gejdenson Boehlert Delahunt Gephart Bonior DeLauro Gilchrist Borski Deutsch Gonzales Brady (PA) Diaz-Balart Goodling Brown (FL) Dicks Greenwood Brown (OH) Dixon Gutierrez Campbell Doggett Hall (OH)

- Hastings (FL) Matsui Rothman Hinchey McCarthy (MO) Roukema Hinojosa McCarthy (NY) Roybal-Allard Hoefel McDermott Rush Holt McGovern Sabo Hooley McKinney Sanchez Horn McNulty Sanders Hoyer Meehan Sawyer Inslee Meek (FL) Schakowsky Jackson (IL) Meeks (NY) Scott Jackson-Lee Menendez Serrano (TX) Millender Shaw Jefferson McDonald Shays Johnson (CT) Miller, George Sherman Johnson, E. B. Mink Slaughter Jones (OH) Moakley Smith (NJ) Kaptur Moore Snyder Kennedy Moran (VA) Spratt Kildee Morella Stabenow Kilpatrick Nadler Stark King (NY) Napolitano Stupak Kleczka Neal Tauscher Klink Olver Thompson (CA) Kucinich Ose Thompson (MS) Kuykendall Owens Tierney LaFalce Pallone Towns Lantos Pascrell Udall (CO) Larson Pastor Udall (NM) Lazio Payne Upton Leach Pelosi Velazquez Lee Pomeroy Vento Levin Porter Visclosky Lewis (GA) Price (NC) Waters Lipinski Quinn Watt (NC) Lofgren Ramstad Waxman Lowey Rangel Weiner Luther Reyes Wexler Maloney (CT) Rivers Weygand Maloney (NY) Rodriguez Woolsey Markey Rogan Wu Martinez Ros-Lehtinen Wynn

NOES—235

- Aderholt Dreier Kingston Archer Duncan Knollenberg Armey Dunn Kolbe Bachus Ehlers LaHood Baird Ehrlich Lamson Baker Emerson Largent Ballenger English Latham Barcia Etheridge LaTourette Barr Everett Lewis (CA) Barrett (NE) Ewing Lewis (KY) Bartlett Fletcher Linder Barton Foley LoBiondo Bass Fossella Lucas (KY) Biggart Fowler Lucas (OK) Bilirakis Gallegly Manzullo Bishop Gekas Mascara Bilely Gibbons McCollum Blunt Gillmor McCrery Boehner Gilman McHugh Bonilla Goode McInnis Bono Goodlatte McIntosh Boswell Gordon McIntyre Boucher Goss McKeon Boyd Graham Metcalf Brady (TX) Granger Mica Bryant Green (TX) Miller (FL) Burr Green (WI) Miller, Gary Burton Gutknecht Mollohan Buyer Hall (TX) Moran (KS) Callahan Hansen Murtha Calvert Hastings (WA) Myrick Camp Hayes Nethercutt Canady Hayworth Ney Cannon Hefley Northup Chabot Herger Norwood Chambliss Hill (IN) Nussle Chenoweth Hill (MT) Oberstar Clement Hillery Obey Coble Hilliard Ortiz Coburn Hobson Oxley Collins Hoekstra Packard Combest Holden Paul Cook Hostettler Pease Cooksey Hulshof Peterson (MN) Costello Hunter Peterson (PA) Cox Hutchinson Petri Cramer Hyde Phelps Crane Isakson Pickering Cubin Istook Pickett Cunningham Jenkins Pitts Danner John Pombo Deal Johnson, Sam Portman DeLay Jones (NC) Pryce (OH) DeMint Kanjorski Radanovich Dickey Kasich Rahall Dingell Kelly Regula Doolittle Kind (WI) Reynolds