

115TH CONGRESS  
1ST SESSION

# H. R. 4240

To protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2017

Mr. THOMPSON of California (for himself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Public Safety and Second Amendment Rights Protection  
6 Act of 2017”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Rule of construction.
- Sec. 4. Severability.

TITLE I—ENSURING THAT ALL INDIVIDUALS WHO SHOULD BE  
 PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NA-  
 TIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

- Sec. 101. Reauthorization of the National Criminal History Records Improve-  
 ment Program.
- Sec. 102. Improvement of metrics and incentives.
- Sec. 103. Grants to States for improvement of coordination and automation of  
 NICS record reporting.
- Sec. 104. Relief from disabilities program.
- Sec. 105. Clarification that Federal court information is to be made available  
 to the National Instant Criminal Background Check System.
- Sec. 106. Codification of HIPAA authority for covered entities to submit men-  
 tal health records to the National Instant Criminal Back-  
 ground Check System.
- Sec. 107. Publication of NICS index statistics.
- Sec. 108. Effective date.

TITLE II—PROVIDING A RESPONSIBLE AND CONSISTENT  
 BACKGROUND CHECK PROCESS

- Sec. 201. Purpose.
- Sec. 202. Firearms transfers.
- Sec. 203. Penalties.
- Sec. 204. Rule of construction.
- Sec. 205. Effective date.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) Congress supports, respects, and defends  
 6 the fundamental, individual right to keep and bear  
 7 arms guaranteed by the Second Amendment to the  
 8 Constitution of the United States.

9 (2) Congress supports and reaffirms the exist-  
 10 ing prohibition on a national firearms registry.

1           (3) Congress believes the Department of Justice  
2           should prosecute violations of background check re-  
3           quirements to the maximum extent of the law.

4           (4) There are deficits in the background check  
5           system in existence prior to the date of enactment  
6           of this Act and the Department of Justice should  
7           make it a top priority to work with States to swiftly  
8           input missing records, including mental health  
9           records.

10          (5) Congress and the citizens of the United  
11          States agree that in order to promote safe and re-  
12          sponsible gun ownership, dangerous criminals and  
13          the seriously mentally ill should be prohibited from  
14          possessing firearms; therefore, it should be incum-  
15          bent upon all citizens to ensure weapons are not  
16          being transferred to such people.

17 **SEC. 3. RULE OF CONSTRUCTION.**

18          Nothing in this Act, or any amendment made by this  
19          Act, shall be construed to—

20               (1) expand in any way the enforcement author-  
21               ity or jurisdiction of the Bureau of Alcohol, Tobacco,  
22               Firearms and Explosives; or

23               (2) allow the establishment, directly or indi-  
24               rectly, of a Federal firearms registry.

1 **SEC. 4. SEVERABILITY.**

2 If any provision of this Act or an amendment made  
 3 by this Act, or the application of a provision or amend-  
 4 ment to any person or circumstance, is held to be invalid  
 5 for any reason in any court of competent jurisdiction, the  
 6 remainder of this Act and amendments made by this Act,  
 7 and the application of the provisions and amendment to  
 8 any other person or circumstance, shall not be affected.

9 **TITLE I—ENSURING THAT ALL**  
 10 **INDIVIDUALS WHO SHOULD**  
 11 **BE PROHIBITED FROM BUY-**  
 12 **ING A GUN ARE LISTED IN**  
 13 **THE NATIONAL INSTANT**  
 14 **CRIMINAL BACKGROUND**  
 15 **CHECK SYSTEM**

16 **SEC. 101. REAUTHORIZATION OF THE NATIONAL CRIMINAL**  
 17 **HISTORY RECORDS IMPROVEMENT PRO-**  
 18 **GRAM.**

19 Section 106(b) of Public Law 103–159 (34 U.S.C.  
 20 40302(b)) is amended—

21 (1) in paragraph (1), in the matter preceding  
 22 subparagraph (A), by striking “of this Act” and in-  
 23 serting “of the Public Safety and Second Amend-  
 24 ment Rights Protection Act of 2017”; and

25 (2) by striking paragraph (2) and inserting the  
 26 following:

1 “(2) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated for grants  
3 under this subsection \$100,000,000 for each of fis-  
4 cal years 2018 through 2021.”.

5 **SEC. 102. IMPROVEMENT OF METRICS AND INCENTIVES.**

6 Section 102(b) of the NICS Improvement Amend-  
7 ments Act of 2007 (34 U.S.C. 40916) is amended to read  
8 as follows:

9 “(b) IMPLEMENTATION PLAN.—

10 “(1) IN GENERAL.—Not later than 1 year after  
11 the date of enactment of the Public Safety and Sec-  
12 ond Amendment Rights Protection Act of 2017, the  
13 Attorney General, in coordination with the States,  
14 shall establish, for each State or Indian tribal gov-  
15 ernment applying for a grant under section 103, a  
16 4-year implementation plan to ensure maximum co-  
17 ordination and automation of the reporting of  
18 records or making of records available to the Na-  
19 tional Instant Criminal Background Check System.

20 “(2) BENCHMARK REQUIREMENTS.—Each 4-  
21 year plan established under paragraph (1) shall in-  
22 clude annual benchmarks, including both qualitative  
23 goals and quantitative measures, to enable the At-  
24 torney General to assess implementation of the 4-  
25 year plan.

1 “(3) PENALTIES FOR NON-COMPLIANCE.—

2 “(A) IN GENERAL.—During the 4-year pe-  
3 riod covered by a 4-year plan established under  
4 paragraph (1), the Attorney General shall with-  
5 hold—

6 “(i) 10 percent of the amount that  
7 would otherwise be allocated to a State  
8 under section 505 of the Omnibus Crime  
9 Control and Safe Streets Act of 1968 (42  
10 U.S.C. 3755) if the State does not meet  
11 the benchmark established under para-  
12 graph (2) for the first year in the 4-year  
13 period;

14 “(ii) 11 percent of the amount that  
15 would otherwise be allocated to a State  
16 under section 505 of the Omnibus Crime  
17 Control and Safe Streets Act of 1968 (42  
18 U.S.C. 3755) if the State does not meet  
19 the benchmark established under para-  
20 graph (2) for the second year in the 4-year  
21 period;

22 “(iii) 13 percent of the amount that  
23 would otherwise be allocated to a State  
24 under section 505 of the Omnibus Crime  
25 Control and Safe Streets Act of 1968 (42

1 U.S.C. 3755) if the State does not meet  
 2 the benchmark established under para-  
 3 graph (2) for the third year in the 4-year  
 4 period; and

5 “(iv) 15 percent of the amount that  
 6 would otherwise be allocated to a State  
 7 under section 505 of the Omnibus Crime  
 8 Control and Safe Streets Act of 1968 (42  
 9 U.S.C. 3755) if the State does not meet  
 10 the benchmark established under para-  
 11 graph (2) for the fourth year in the 4-year  
 12 period.

13 “(B) FAILURE TO ESTABLISH A PLAN.—A  
 14 State that fails to establish a plan under para-  
 15 graph (1) shall be treated as having not met  
 16 any benchmark established under paragraph  
 17 (2).”.

18 **SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**  
 19 **ORDINATION AND AUTOMATION OF NICS**  
 20 **RECORD REPORTING.**

21 (a) IN GENERAL.—The NICS Improvement Amend-  
 22 ments Act of 2007 (34 U.S.C. 40902 et seq.) is amend-  
 23 ed—

24 (1) by striking section 103 and inserting the  
 25 following:

1 **“SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**  
2 **ORDINATION AND AUTOMATION OF NICS**  
3 **RECORD REPORTING.**

4 “(a) AUTHORIZATION.—From amounts made avail-  
5 able to carry out this section, the Attorney General shall  
6 make grants to States, Indian Tribal governments, and  
7 State court systems, in a manner consistent with the Na-  
8 tional Criminal History Improvement Program and con-  
9 sistent with State plans for integration, automation, and  
10 accessibility of criminal history records, for use by the  
11 State, or units of local government of the State, Indian  
12 Tribal government, or State court system to improve the  
13 automation and transmittal of mental health records and  
14 criminal history dispositions, records relevant to deter-  
15 mining whether a person has been convicted of a mis-  
16 demeanor crime of domestic violence, court orders, and  
17 mental health adjudications or commitments to Federal  
18 and State record repositories in accordance with section  
19 102 and the National Criminal History Improvement Pro-  
20 gram.

21 “(b) USE OF GRANT AMOUNTS.—Grants awarded to  
22 States, Indian Tribal governments, or State court systems  
23 under this section may only be used to—

24 “(1) carry out, as necessary, assessments of the  
25 capabilities of the courts of the State or Indian Trib-  
26 al government for the automation and transmission



1 of arrest and conviction records, court orders, and  
2 mental health adjudications or commitments to Fed-  
3 eral and State record repositories;

4 “(2) implement policies, systems, and proce-  
5 dures for the automation and transmission of arrest  
6 and conviction records, court orders, and mental  
7 health adjudications or commitments to Federal and  
8 State record repositories;

9 “(3) create electronic systems that provide ac-  
10 curate and up-to-date information which is directly  
11 related to checks under the National Instant Crimi-  
12 nal Background Check System, including court dis-  
13 position and corrections records;

14 “(4) assist States or Indian Tribal governments  
15 in establishing or enhancing their own capacities to  
16 perform background checks using the National In-  
17 stant Criminal Background Check System; and

18 “(5) develop and maintain the relief from dis-  
19 abilities program in accordance with section 105.

20 “(c) ELIGIBILITY.—

21 “(1) IN GENERAL.—To be eligible for a grant  
22 under this section, a State, Indian Tribal govern-  
23 ment, or State court system shall certify, to the sat-  
24 isfaction of the Attorney General, that the State, In-  
25 dian Tribal government, or State court system—

1           “(A) is not prohibited by State law or  
2           court order from submitting mental health  
3           records to the National Instant Criminal Back-  
4           ground Check System; and

5           “(B) subject to paragraph (2), has imple-  
6           mented a relief from disabilities program in ac-  
7           cordance with section 105.

8           “(2) RELIEF FROM DISABILITIES PROGRAM.—  
9           For purposes of obtaining a grant under this sec-  
10          tion, a State, Indian Tribal government, or State  
11          court system shall not be required to meet the eligi-  
12          bility requirement described in paragraph (1)(B)  
13          until the date that is 2 years after the date of enact-  
14          ment of the Public Safety and Second Amendment  
15          Rights Protection Act of 2017.

16          “(d) FEDERAL SHARE.—

17                 “(1) STUDIES, ASSESSMENTS, NON-MATERIAL  
18                 ACTIVITIES.—The Federal share of a study, assess-  
19                 ment, creation of a task force, or other non-material  
20                 activity, as determined by the Attorney General, car-  
21                 ried out with a grant under this section shall be not  
22                 more than 25 percent.

23                 “(2) INFRASTRUCTURE OR SYSTEM DEVELOP-  
24                 MENT.—The Federal share of an activity involving  
25                 infrastructure or system development, including

1 labor-related costs, for the purpose of improving  
2 State or Indian Tribal government record reporting  
3 to the National Instant Criminal Background Check  
4 System carried out with a grant under this section  
5 may amount to 100 percent of the cost of the activ-  
6 ity.

7 “(e) GRANTS TO INDIAN TRIBES.—Up to 5 percent  
8 of the grant funding available under this section may be  
9 reserved for Indian tribal governments for use by Indian  
10 tribal judicial systems.

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to carry out this section  
13 \$100,000,000 for each of fiscal years 2016 through  
14 2019.”;

15 (2) by striking title III; and

16 (3) in section 401(b), by inserting after “of this  
17 Act” the following: “and 18 months after the date  
18 of enactment of the Public Safety and Second  
19 Amendment Rights Protection Act of 2017”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
21 The table of sections in section 1(b) of the NICS Improve-  
22 ment Amendments Act of 2007 (34 U.S.C. 10101 note)  
23 is amended by striking the item relating to section 103  
24 and inserting the following:

“Sec. 103. Grants to States for improvement of coordination and automation  
of NICS record reporting.”.

1 **SEC. 104. RELIEF FROM DISABILITIES PROGRAM.**

2 Section 105 of the NICS Improvement Amendments  
3 Act of 2007 (34 U.S.C. 40915) is amended by adding at  
4 the end the following:

5 “(c) PENALTIES FOR NON-COMPLIANCE.—

6 “(1) 10 PERCENT REDUCTION.—During the 1-  
7 year period beginning 2 years after the date of en-  
8 actment of the Public Safety and Second Amend-  
9 ment Rights Protection Act of 2017, the Attorney  
10 General shall withhold 10 percent of the amount  
11 that would otherwise be allocated to a State under  
12 section 505 of the Omnibus Crime Control and Safe  
13 Streets Act of 1968 if the State has not imple-  
14 mented a relief from disabilities program in accord-  
15 ance with this section.

16 “(2) 11 PERCENT REDUCTION.—During the 1-  
17 year period after the expiration of the period de-  
18 scribed in paragraph (1), the Attorney General shall  
19 withhold 11 percent of the amount that would other-  
20 wise be allocated to a State under section 505 of the  
21 Omnibus Crime Control and Safe Streets Act of  
22 1968 if the State has not implemented a relief from  
23 disabilities program in accordance with this section.

24 “(3) 13 PERCENT REDUCTION.—During the 1-  
25 year period after the expiration of the period de-  
26 scribed in paragraph (2), the Attorney General shall

1 withhold 13 percent of the amount that would other-  
 2 wise be allocated to a State under section 505 of the  
 3 Omnibus Crime Control and Safe Streets Act of  
 4 1968 if the State has not implemented a relief from  
 5 disabilities program in accordance with this section.

6 “(4) 15 PERCENT REDUCTION.—After the expi-  
 7 ration of the 1-year period described in paragraph  
 8 (3), the Attorney General shall withhold 15 percent  
 9 of the amount that would otherwise be allocated to  
 10 a State under section 505 of the Omnibus Crime  
 11 Control and Safe Streets Act of 1968 if the State  
 12 has not implemented a relief from disabilities pro-  
 13 gram in accordance with this section.

14 “(5) REALLOCATION.—Amounts not allocated  
 15 under section 505 of the Omnibus Crime Control  
 16 and Safe Streets Act of 1968 to a State for failure  
 17 to implement a relief from disabilities program shall  
 18 be reallocated to States that are in compliance.”.

19 **SEC. 105. CLARIFICATION THAT FEDERAL COURT INFOR-**  
 20 **MATION IS TO BE MADE AVAILABLE TO THE**  
 21 **NATIONAL INSTANT CRIMINAL BACKGROUND**  
 22 **CHECK SYSTEM.**

23 Section 103(e)(1) of Public Law 103–159 (34 U.S.C.  
 24 40901(e)(1)) is amended by adding at the end the fol-  
 25 lowing:

“(F) APPLICATION TO FEDERAL  
COURTS.—In this subsection—

“(i) the terms ‘department or agency  
of the United States’ and ‘Federal depart-  
ment or agency’ include a Federal court;  
and

“(ii) for purposes of any request, sub-  
mission, or notification, the Director of the  
Administrative Office of the United States  
Courts shall perform the functions of the  
head of the department or agency.”.

**SEC. 106. CODIFICATION OF HIPAA AUTHORITY FOR COV-  
ERED ENTITIES TO SUBMIT MENTAL HEALTH  
RECORDS TO THE NATIONAL INSTANT CRIMI-  
NAL BACKGROUND CHECK SYSTEM.**

A covered entity (as defined in section 160.103 of  
title 45, Code of Federal Regulations, or any successor  
regulation) may use or disclose protected health informa-  
tion (as defined in such section) for purposes of reporting  
to the National Instant Criminal Background Check Sys-  
tem the identity of an individual who is prohibited from  
possessing a firearm under section 922(g)(4) of title 18,  
United States Code, provided the covered entity—

(1) is a State agency or other entity that is, or  
contains an entity that is—

1 (A) an entity designated by the State to  
2 report, or which collects information for pur-  
3 poses of reporting, on behalf of the State, to  
4 the National Instant Criminal Background  
5 Check System; or

6 (B) a court, board, commission, or other  
7 lawful authority that makes the commitment or  
8 adjudication that causes an individual to be-  
9 come subject to such section 922(g)(4);

10 (2) discloses the information only to—

11 (A) the National Instant Criminal Back-  
12 ground Check System; or

13 (B) an entity designated by the State to  
14 report, or which collects information for pur-  
15 poses of reporting, on behalf of the State, to  
16 the National Instant Criminal Background  
17 Check System; and

18 (3)(A) discloses only the limited demographic  
19 and certain other information needed for purposes of  
20 reporting to the National Instant Criminal Back-  
21 ground Check System; and

22 (B) does not disclose diagnostic or clinical in-  
23 formation for such purposes.

1 **SEC. 107. PUBLICATION OF NICS INDEX STATISTICS.**

2 Not later than 180 days after the date of enactment  
3 of this Act, and biannually thereafter, the Attorney Gen-  
4 eral shall make the National Instant Criminal Background  
5 Check System index statistics available on a publically ac-  
6 cessible Internet website.

7 **SEC. 108. EFFECTIVE DATE.**

8 The amendments made by this title shall take effect  
9 180 days after the date of enactment of this Act.

10 **TITLE II—PROVIDING A RESPON-**  
11 **SIBLE AND CONSISTENT**  
12 **BACKGROUND CHECK PROC-**  
13 **ESS**

14 **SEC. 201. PURPOSE.**

15 The purpose of this title is to enhance the current  
16 background check process in the United States to ensure  
17 criminals and the mentally ill are not able to purchase fire-  
18 arms.

19 **SEC. 202. FIREARMS TRANSFERS.**

20 (a) IN GENERAL.—Section 922 of title 18, United  
21 States Code, is amended—

22 (1) by repealing subsection (s);

23 (2) by redesignating subsection (t) as sub-  
24 section (s);

25 (3) in subsection (s), as redesignated—



1 (A) in paragraph (3)(C)(ii), by striking  
2 “(as defined in subsection (s)(8))”; and

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

4 “(7) In this subsection—

5 “(A) the term ‘chief law enforcement offi-  
6 cer’ means the chief of police, the sheriff, or an  
7 equivalent officer or the designee of any such  
8 individual; and

9 “(B) the term ‘gun show or event’ has the  
10 meaning given the term in subsection (t)(4).”;  
11 and

12 (4) by inserting after subsection (s), as redesign-  
13 nated, the following:

14 “(t)(1) Beginning on the date that is 180 days after  
15 the date of enactment of this subsection and except as pro-  
16 vided in paragraph (2), it shall be unlawful for any person  
17 other than a licensed dealer, licensed manufacturer, or li-  
18 censed importer to complete the transfer of a firearm to  
19 any other person who is not licensed under this chapter,  
20 if such transfer occurs—

21 “(A) at a gun show or event, on the curtilage  
22 thereof; or

23 “(B) pursuant to an advertisement, posting,  
24 display or other listing on the Internet or in a publi-

1 cation by the transferor of his intent to transfer, or  
2 the transferee of his intent to acquire, the firearm.

3 “(2) Paragraph (1) shall not apply if—

4 “(A) the transfer is made after a licensed im-  
5 porter, licensed manufacturer, or licensed dealer has  
6 first taken possession of the firearm for the purpose  
7 of complying with subsection (s), and upon taking  
8 possession of the firearm, the licensee complies with  
9 all requirements of this chapter as if the licensee  
10 were transferring the firearm from the licensee’s  
11 business inventory to the unlicensed transferee, ex-  
12 cept that when processing a transfer under this  
13 chapter the licensee may accept in lieu of conducting  
14 a background check a valid permit issued within the  
15 previous 5 years by a State, or a political subdivision  
16 of a State, that allows the transferee to possess, ac-  
17 quire, or carry a firearm, if the law of the State, or  
18 political subdivision of a State, that issued the per-  
19 mit requires that such permit is issued only after an  
20 authorized government official has verified that the  
21 information available to such official does not indi-  
22 cate that possession of a firearm by the unlicensed  
23 transferee would be in violation of Federal, State, or  
24 local law;

1           “(B) the transfer is made between an unli-  
2           censed transferor and an unlicensed transferee resid-  
3           ing in the same State, which takes place in such  
4           State, if—

5                   “(i) the Attorney General certifies that  
6                   State in which the transfer takes place has in  
7                   effect requirements under law that are generally  
8                   equivalent to the requirements of this section;  
9                   and

10                   “(ii) the transfer was conducted in compli-  
11                   ance with the laws of the State;

12           “(C) the transfer is made between spouses, be-  
13           tween parents or spouses of parents and their chil-  
14           dren or spouses of their children, between siblings or  
15           spouses of siblings, or between grandparents or  
16           spouses of grandparents and their grandchildren or  
17           spouses of their grandchildren, or between aunts or  
18           uncles or their spouses and their nieces or nephews  
19           or their spouses, or between first cousins, if the  
20           transferor does not know or have reasonable cause  
21           to believe that the transferee is prohibited from re-  
22           ceiving or possessing a firearm under Federal, State,  
23           or local law; or

1           “(D) the Attorney General has approved the  
2           transfer under section 5812 of the Internal Revenue  
3           Code of 1986.

4           “(3)(A) Notwithstanding any other provision of this  
5           chapter, except for section 923(m), the Attorney General  
6           may implement this subsection with regulations.

7           “(B) Regulations promulgated under this paragraph  
8           may not include any provision requiring licensees to facili-  
9           tate transfers in accordance with paragraph (2)(A).

10          “(C) Regulations promulgated under this paragraph  
11          may not include any provision requiring persons not li-  
12          censed under this chapter to keep records of background  
13          checks or firearms transfers.

14          “(D) Regulations promulgated under this paragraph  
15          may not include any provision placing a cap on the fee  
16          licensees may charge to facilitate transfers in accordance  
17          with paragraph (2)(A).

18          “(4) For purposes of this subsection, the term ‘gun  
19          show or event’—

20                 “(A) means any event at which 75 or more fire-  
21                 arms are offered or exhibited for sale, exchange, or  
22                 transfer, if 1 or more of the firearms has been  
23                 shipped or transported in, or otherwise affects, inter-  
24                 state or foreign commerce; and

1 “(B) does not include an offer or exhibit of fire-  
 2 arms for sale, exchange, or transfer by an individual  
 3 from the personal collection of that individual, at the  
 4 private residence of that individual, if the individual  
 5 is not required to be licensed under section 923.”.

6 (b) PROHIBITION OF NATIONAL GUN REGISTRY.—  
 7 Section 923 of such title is amended by adding at the end  
 8 the following:

9 “(m) The Attorney General may not consolidate or  
 10 centralize the records of the—

11 “(1) acquisition or disposition of firearms, or  
 12 any portion thereof, maintained by—

13 “(A) a person with a valid, current license  
 14 under this chapter; or

15 “(B) an unlicensed transferor under sec-  
 16 tion 922(t); or

17 “(2) possession or ownership of a firearm,  
 18 maintained by any medical or health insurance enti-  
 19 ty.”.

20 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) SECTION 922.—Section 922(y)(2) of title  
 22 18, United States Code, is amended, in the matter  
 23 preceding subparagraph (A), by striking “,  
 24 (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and  
 25 (g)(5)(B)”.

1           (2) CONSOLIDATED AND FURTHER CONTINUING  
2       APPROPRIATIONS ACT, 2012.—Section 511 of title V  
3       of division B of the Consolidated and Further Con-  
4       tinuing Appropriations Act, 2012 (18 U.S.C. 922  
5       note) is amended by striking “subsection 922(t)”  
6       each place it appears and inserting “subsection (s)  
7       or (t) of section 922”.

8   **SEC. 203. PENALTIES.**

9       Section 924 of title 18, United States Code, is  
10   amended—

11           (1) in subsection (a), by adding at the end the  
12       following:

13       “(8) Whoever makes or attempts to make a transfer  
14   of a firearm in violation of section 922(t) to a person not  
15   licensed under this chapter who is prohibited from receiv-  
16   ing a firearm under subsection (g) or (n) of section 922  
17   or State law, to a law enforcement officer, or to a person  
18   acting at the direction of, or with the approval of, a law  
19   enforcement officer authorized to investigate or prosecute  
20   violations of section 922(t), shall be fined under this title,  
21   imprisoned not more than 5 years, or both.”; and

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

23       “(q) IMPROPER USE OF STORAGE OF RECORDS.—  
24   Any person who knowingly violates section 923(m) shall

1 be fined under this title, imprisoned not more than 15  
2 years, or both.”.

3 **SEC. 204. RULE OF CONSTRUCTION.**

4 Nothing in this title, or an amendment made by this  
5 title, shall be construed—

6 (1) to extend background check requirements to  
7 transfers other than those made at gun shows or on  
8 the curtilage thereof, or pursuant to an advertise-  
9 ment, posting, display, or other listing on the Inter-  
10 net or in a publication by the transferor of the in-  
11 tent of the transferor to transfer, or the transferee  
12 of the intent of the transferee to acquire, the fire-  
13 arm; or

14 (2) to extend background check requirements to  
15 temporary transfers for purposes including lawful  
16 hunting or sporting or to temporary possession of a  
17 firearm for purposes of examination or evaluation by  
18 a prospective transferee.

19 **SEC. 205. EFFECTIVE DATE.**

20 This title and the amendments made by this title  
21 shall take effect 180 days after the date of enactment of  
22 this Act.

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