

115 TH CONGRESS 1ST SESSION H.R. 1612

To require criminal background checks on all firearms transactions occurring at gun shows.

IN THE HOUSE OF REPRESENTATIVES

March 17, 2017

Mrs. Carolyn B. Maloney of New York (for herself, Mr. Blumenauer, Mr. Brendan F. Boyle of Pennsylvania, Mr. Cicilline, Mr. Cohen, Mr. Conyers, Mr. Crowley, Mr. Cummings, Ms. Delauro, Mr. Michael F. Doyle of Pennsylvania, Mr. Engel, Mr. Grijalva, Mr. Keating, Mr. Langevin, Mr. Lynch, Ms. McCollum, Mr. McGovern, Mr. Meeks, Mr. Nadler, Ms. Norton, Mr. O'Rourke, Ms. Pingree, Mr. Pocan, Mr. Quigley, Mr. Vargas, Ms. Kelly of Illinois, Mr. Serrano, Mrs. Watson Coleman, Ms. Wasserman Schultz, and Mrs. Lowey) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require criminal background checks on all firearms transactions occurring at 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 "Gun Show Loophole
- 5 Closing Act of 2017".

1 SEC. 2. GUN SHOW BACKGROUND CHECK.

2	(a) FINDINGS.—The Congress finds that—
3	(1) approximately 5,200 traditional gun shows
4	are held annually across the United States, attract-
5	ing thousands of attendees per show and hundreds
6	of Federal firearms licensees and unlicensed fire-
7	arms sellers; and
8	(2) gun shows at which firearms are exhibited
9	or offered for sale or exchange provide a convenient
10	and centralized commercial location where criminals
11	and other prohibited persons obtain firearms without
12	background checks and without records that enable
13	firearm tracing.
14	(b) Definitions.—Section 921(a) of title 18, United
15	States Code, is amended by adding at the end the fol-
16	lowing:
17	"(36) Gun Show.—The term 'gun show'—
18	"(A) means any event at which 50 or more fire-
19	arms are offered or exhibited for sale, exchange, or
20	transfer, if one or more of the firearms has been
21	shipped or transported in, or otherwise affects, inter-
22	state or foreign commerce;
23	"(B) does not include an offer or exhibit of fire-
24	arms for sale, exchange, or transfer by an individual
25	from the personal collection of that individual, at the

1	private residence of that individual, if the individual
2	is not required to be licensed under section 923; and
3	"(C) does not include an offer or exhibit of fire-
4	arms for sale, exchange, or transfer at events—
5	"(i) where not more than 100 firearms are
6	offered or exhibited for sale, exchange or trans-
7	$\mathbf{fer};$
8	"(ii) that are conducted by private, not-for-
9	profit organizations whose primary purpose is
10	owning and maintaining real property for the
11	purpose of hunting activities; and
12	"(iii) that are attended only by permanent
13	or annual dues-paying members of the organi-
14	zations, and the members of the immediate
15	families of the dues-paying members.
16	"(37) Gun Show Vendor.—The term 'gun show
17	vendor' means a person who is not licensed under section
18	923 and who exhibits, sells, offers for sale, transfers, or
19	exchanges a firearm at a gun show, regardless of whether
20	or not the person arranges with the gun show operator
21	for a fixed location from which to exhibit, sell, offer for
22	sale, transfer, or exchange the firearm.".
23	(c) REGULATION OF FIREARMS TRANSFERS AT GUN
24	Shows.—

1	(1) In General.—Chapter 44 of such title is
2	amended by adding at the end the following:
3	"§ 932. Regulation of firearms transfers at gun shows
4	"(a) Registration of Gun Show Operators.—
5	It shall be unlawful for a person to operate a gun show,
6	unless—
7	"(1) the person has attained 21 years of age;
8	"(2) the person (and, if the person is a corpora-
9	tion, partnership, or association, each individual pos-
10	sessing, directly or indirectly, the power to direct or
11	cause the direction of the management and policies
12	of the corporation, partnership, or association) is not
13	prohibited by subsection (g) or (n) of section 922
14	from transporting, shipping, or receiving firearms or
15	ammunition in interstate or foreign commerce;
16	"(3) the person has not willfully violated any
17	provision of this chapter or regulation issued under
18	this chapter;
19	"(4) the person has registered with the Attor-
20	ney General as a gun show operator, in accordance
21	with regulations promulgated by the Attorney Gen-
22	eral, and as part of the registration—
23	"(A) has provided the Attorney General
24	with a photograph and the fingerprints of the
25	person; and

1	"(B) has certified that the person meets
2	the requirements of subparagraphs (A) through
3	(D) of section 923(d)(1);
4	"(5) the person has not willfully failed to dis-
5	close any material information required, and has not
6	made any false statement as to any material fact, in
7	connection with the registration; and
8	"(6) the person has paid the Attorney General
9	a fee for the registration, in an amount determined
10	by the Attorney General.
11	"(b) Responsibilities of Gun Show Opera-
12	TORS.—
13	"(1) In general.—It shall be unlawful for a
14	person to operate a gun show, unless the person—
15	"(A) not later than 30 days before the
16	commencement of the gun show, notifies the
17	Attorney General, in writing, of the date, time,
18	duration, and location of the gun show, and the
19	identity of each person who will be a gun show
20	vendor at the gun show;
21	"(B) before commencement of the gun
22	show—
23	"(i) verifies the identity of each indi-
24	vidual who will be a gun show vendor at
25	the gun show by examining a valid identi-

1	fication document (as defined in section
2	1028(d)(3)) of the individual containing a
3	photograph of the individual; and
4	"(ii) requires each such individual to
5	sign—
6	"(I) a ledger, and enter into the
7	ledger identifying information con-
8	cerning the individual; and
9	"(II) a notice which sets forth
10	the obligations of a gun show vendor
11	under this chapter; and
12	"(C) notifies each person who attends the
13	gun show of the requirements of this chapter,
14	in accordance with such regulations as the At-
15	torney General shall prescribe.
16	"(2) Recordkeeping.—A person who oper-
17	ates, or has operated, a gun show shall maintain
18	records demonstrating compliance with paragraph
19	(1)(B), at such place, for such period of time, and
20	in such form as the Attorney General shall require
21	by regulation, or transmit the records to the Attor-
22	ney General.
23	"(c) Background Check Required Before
24	TRANSFER OF FIREARM BETWEEN UNLICENSED PER-
25	sons.—It shall be unlawful for a person who is not li-

- 1 censed under this chapter to transfer possession of, or title
- 2 to, a firearm at, or on the curtilage of, a gun show, to
- 3 another person who is not so licensed, or for a person who
- 4 is not so licensed to receive possession of, or title to, a
- 5 firearm at, or on the curtilage of, a gun show from another
- 6 person who is not so licensed, unless a licensed importer,
- 7 licensed manufacturer, or licensed dealer—
- "(1) has entered into a separate bound record
 the make, model, and serial number of the firearm,
 and such other information about the transaction as
 the Attorney General may require by regulation; and
- 12 "(2) has notified the prospective transferor and 13 prospective transferee of the firearm that the na-14 tional instant criminal background check system es-15 tablished under section 103 of the Brady Handgun 16 Violence Prevention Act has provided the licensee 17 with a unique identification number, indicating that 18 receipt of the firearm by the prospective transferee 19 would not violate section 922 of this title or State
- 21 "(d) Recordkeeping Requirements.—
- 22 "(1) IN GENERAL.—A licensee who provides a 23 notice pursuant to subsection (c)(2) with respect to 24 the transfer of a firearm shall—

law.

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"(A) not later than 10 days after the date 1 2 of the transfer, submit to the Attorney General 3 a report of the transfer, which report shall 4 specify the make, model, and serial number of 5 the firearm, and contain such other information 6 and be on such form, as the Attorney General 7 shall require by regulation, except that the re-8 port shall not include the name of or other 9 identifying information relating to any person involved in the transfer who is not licensed 10 11 under this chapter; and

- "(B) retain a record of the transfer, including the same information as would be required if the transfer were from the inventory of the licensee, as part of the permanent business records of the licensee.
- "(2) LIMITATION.—The Attorney General may not impose any recordkeeping requirement on any gun show vendor by reason of this section.".
- 20 (2) Penalties.—Section 924(a) of such title is 21 amended by adding at the end the following:
- "(8)(A) Whoever knowingly violates subsection (a) or 23 (d) of section 932 shall be fined under this title, impris-24 oned not more than 5 years, or both.

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- "(B) Whoever knowingly violates subsection (b) or (c) 1 2 of section 932, shall be— 3 "(i) fined under this title, imprisoned not more 4 than 2 years, or both; and 5 "(ii) in the case of a second or subsequent con-6 viction, fined under this title, imprisoned not more 7 than 5 years, or both. "(C) In addition to any other penalties imposed 8 under this paragraph, the Attorney General may, with re-10 spect to any person who knowingly violates any provision 11 of section 932— 12 "(i) if the person is registered pursuant to sec-13 tion 932(a), after notice and opportunity for a hear-14 ing, suspend for not more than 6 months or revoke 15 the registration of that person under section 932(a); 16 and 17 "(ii) impose a civil fine in an amount equal to 18 not more than \$10,000.". 19 (3) CLERICAL AMENDMENT.—The table of con-20 tents for such chapter is amended by adding at the 21 end the following: "Sec. 932. Regulation of firearms transfers at gun shows.". 22 (d) Inspection Authority.—Section 923(g)(1) of 23 such title is amended by adding at the end the following:
- 24 "(E) Notwithstanding subparagraph (B) of this para-
- graph, the Attorney General may enter during business

- 1 hours any place where a gun show operator operates a
- 2 gun show or is required to maintain records pursuant to
- 3 section 932(b)(2), for purposes of examining the records
- 4 required by sections 923 and 932 and the inventory of
- 5 licensees conducting business at the gun show. The entry
- 6 and examination shall be conducted for the purposes of
- 7 determining compliance with this chapter by gun show op-
- 8 erators and licensees conducting business at the gun show,
- 9 and shall not require a showing of reasonable cause or
- 10 a warrant.".
- 11 (e) Reports of Multiple Sales Assisted by Li-
- 12 CENSEES AT GUN SHOWS.—Section 923(g)(3)(A) of such
- 13 title is amended by inserting "or provides pursuant to sec-
- 14 tion 932(c)(2) notice with respect to," after "sells or oth-
- 15 erwise disposes of,".
- 16 (f) Increased Penalties for Serious Record-
- 17 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)
- 18 of such title is amended to read as follows:
- 19 "(3)(A) Except as provided in subparagraph (B), any
- 20 licensed dealer, licensed importer, licensed manufacturer,
- 21 or licensed collector who knowingly makes any false state-
- 22 ment or representation with respect to the information re-
- 23 quired by this chapter to be kept in the records of a person
- 24 licensed under this chapter, or violates section 922(m),

shall be fined under this title, imprisoned not more than 2 1 year, or both. 3 "(B) If the violation described in subparagraph (A) is in relation to an offense— 5 "(i) under paragraph (1) or (3) of section 6 922(b), such person shall be fined under this title, 7 imprisoned not more than 5 years, or both; or 8 "(ii) under subsection (a)(6) or (d) of section 9 922, such person shall be fined under this title, im-10 prisoned not more than 10 years, or both.". 11 (g) Increased Penalties for Violations of 12 CRIMINAL BACKGROUND CHECK REQUIREMENTS.— 13 (1) Penalties.—Section 924(a)(5) of such 14 title is amended— 15 (A) by striking "subsection (s) or (t) of section 922" and inserting "section 922(t)"; 16 17 and (B) by striking "1" and inserting "5". 18 19 (2) Elimination of certain elements of 20 OFFENSE.—Section 922(t)(5) of such title is amended by striking "and, at the time" and all that fol-21 lows through "State law". 22 23 (h) AUTHORITY TO HIRE PERSONNEL TO INSPECT GUN SHOWS.—The Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may hire at least 40 addi-

- 1 tional Industry Operations Investigators for the purpose
- 2 of carrying out inspections of gun shows (as defined in
- 3 section 921(a)(36) of title 18, United States Code).
- 4 (i) Report to the Congress.—The Director of the
- 5 Bureau of Alcohol, Tobacco, Firearms, and Explosives
- 6 shall submit biennial reports to the Congress on how fire-
- 7 arms (as defined in section 921(a)(3) of title 18, United
- 8 States Code) are sold at gun shows (as defined in para-
- 9 graph (36) of such section), how this section is being car-
- 10 ried out, whether firearms are being sold without back-
- 11 ground checks conducted by the national instant criminal
- 12 background check system established under section 103
- 13 of the Brady Handgun Violence Prevention Act, what re-
- 14 sources are needed to carry out this section, and any rec-
- 15 ommendations for improvements to ensure that firearms
- 16 are not sold without the background checks.
- 17 (j) Effective Date.—This section and the amend-
- 18 ments made by this section shall take effect 180 days after
- 19 the date of enactment of this Act.

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