

To regulate the sale of firearms at gun shows.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1999

Mr. BLAGOJEVICH introduced the following bill; which was referred to the Committee on the Judiciary

To regulate the sale of firearms 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 Account-
5 ability Act”.

6 EXTENSION OF BRADY BACKGROUND CHECKS TO GUN
7 SHOWS

8 SEC. 2. (a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of

1 Federal firearms licensees and nonlicensed firearms
2 sellers;

3 (2) traditional gun shows, as well as flea mar-
4 kets and other organized events, at which a large
5 number of firearms are offered for sale by Federal
6 firearms licensees and nonlicensed firearms sellers,
7 form a significant part of the national firearms mar-
8 ket;

9 (3) firearms and ammunition that are exhibited
10 or offered for sale or exchange at gun shows, flea
11 markets, and other organized events move easily in
12 and substantially affect interstate commerce;

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

19 (5) gun shows, flea markets, and other orga-
20 nized events at which firearms are exhibited or of-
21 fered for sale or exchange, provide a convenient and
22 centralized commercial location at which firearms
23 may be bought and sold anonymously, often without
24 background checks and without records that enable
25 gun tracing;

1 (6) at gun shows, flea markets, and other orga-
2 nized events at which guns are exhibited or offered
3 for sale or exchange, criminals and other prohibited
4 persons obtain guns without background checks and
5 frequently use guns that cannot be traced to later
6 commit crimes;

7 (7) many persons who buy and sell firearms at
8 gun shows, flea markets, and other organized events
9 cross State lines to attend these events and engage
10 in the interstate transportation of firearms obtained
11 at these events;

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

15 (9) firearms associated with gun shows have
16 been transferred illegally to residents of another
17 State by Federal firearms licensees and nonlicensed
18 firearms sellers, and have been involved in subse-
19 quent crimes including drug offenses, crimes of vio-
20 lence, property crimes, and illegal possession of fire-
21 arms by felons and other prohibited persons; and

22 (10) Congress has the power, under the inter-
23 state commerce clause and other provisions of the
24 Constitution of the United States, to ensure, by en-
25 actment of this Act, that criminals and other prohib-

1 ited persons do not obtain firearms at gun shows,
2 flea markets, and other organized events.

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

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

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

13 “(B) at which—

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

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

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

20 “(36) GUN SHOW PROMOTER.—The term ‘gun show
21 promoter’ means any person who organizes, plans, pro-
22 motes, or operates a gun show.

23 “(37) GUN SHOW VENDOR.—The term ‘gun show
24 vendor’ means any person who exhibits, sells, offers for
25 sale, transfers, or exchanges 1 or more firearms at a gun

1 show, regardless of whether or not the person arranges
 2 with the gun show promoter for a fixed location from
 3 which to exhibit, sell, offer for sale, transfer, or exchange
 4 1 or more firearms.”.

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

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

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

11 “(a) REGISTRATION OF GUN SHOW PROMOTERS.—

12 It shall be unlawful for any person to organize, plan, pro-
 13 mote, or operate a gun show unless that person—

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

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

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

21 “(1) before commencement of the gun show,
 22 verifies the identity of each gun show vendor partici-
 23 pating in the gun show by examining a valid identi-
 24 fication document (as defined in section 1028(d)(1))
 25 of the vendor containing a photograph of the vendor;

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

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

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

8 “(3) notifies each person who attends the gun
9 show of the requirements of this chapter, in accord-
10 ance with such regulations as the Secretary shall
11 prescribe;

12 “(4) maintains a copy of the records described
13 in paragraphs (1) and (2) at the permanent place of
14 business of the gun show promoter for such period
15 of time and in such form as the Secretary shall re-
16 quire by regulation.

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

19 “(1) IN GENERAL.—If any part of a firearm
20 transaction takes place at a gun show, it shall be
21 unlawful for any person who is not licensed under
22 this chapter to transfer a firearm to another person
23 who is not licensed under this chapter, unless the
24 firearm is transferred through a licensed importer,

1 licensed manufacturer, or licensed dealer in accord-
2 ance with subsection (e).

3 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
4 son who is subject to the requirement of paragraph
5 (1)—

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

12 “(B) notwithstanding subparagraph (A),
13 shall not transfer the firearm to the transferee
14 if the licensed importer, licensed manufacturer,
15 or licensed dealer through which the transfer is
16 made under subsection (e) makes the notifica-
17 tion described in subsection (e)(3)(B).

18 “(3) ABSENCE OF RECORDKEEPING REQUIRE-
19 MENT.—Nothing in this section shall permit or au-
20 thorize the Secretary to impose recordkeeping re-
21 quirements on any nonlicensed vendor.

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

24 “(1) IN GENERAL.—If any part of a firearm
25 transaction takes place at a gun show, it shall be

1 unlawful for any person who is not licensed under
2 this chapter to receive a firearm from another per-
3 son who is not licensed under this chapter, unless
4 the firearm is transferred through a licensed im-
5 porter, licensed manufacturer, or licensed dealer in
6 accordance with subsection (e).

7 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
8 son who is subject to the requirements of paragraph
9 (1)—

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

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

22 “(e) RESPONSIBILITIES OF LICENSEES.—A licensed
23 importer, licensed manufacturer, or licensed dealer who
24 agrees to assist a person who is not licensed under this
25 chapter in carrying out the responsibilities of that person

1 under subsection (c) or (d) with respect to the transfer
2 of a firearm shall—

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

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

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

18 “(A) of such compliance; and

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

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

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

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

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

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

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

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

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

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

7 “(f) RECORDS OF LICENSEE TRANSFERS.—If any
8 part of a firearm transaction takes place at a gun show,
9 each licensed importer, licensed manufacturer, and li-
10 censed dealer who transfers 1 or more firearms to a person
11 who is not licensed under this chapter shall, not later than
12 10 days after the date on which the transfer occurs, sub-
13 mit to the Secretary a report of the transfer, which
14 report—

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

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

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

22 “(g) FIREARM TRANSACTION DEFINED.—In this sec-
23 tion, the term ‘firearm transaction’—

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

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

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

6 “(7)(A) Whoever knowingly violates section 931(a)
7 shall be fined under this title, imprisoned not more than
8 5 years, or both.

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

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

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

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

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

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

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

1 “(E) In addition to any other penalties imposed
 2 under this paragraph, the Secretary may, with respect to
 3 any person who knowingly violates any provision of section
 4 931—

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

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

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

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

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

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

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

23 “(E) Notwithstanding subparagraph (B), the Sec-
 24 retary may enter during business hours the place of busi-
 25 ness of any gun show promoter and any place where a

1 gun show is held for the purposes of examining the records
2 required by sections 923 and 931 and the inventory of
3 licensees conducting business at the gun show. Such entry
4 and examination shall be conducted for the purposes of
5 determining compliance with this chapter by gun show
6 promoters and licensees conducting business at the gun
7 show and shall not require a showing of reasonable cause
8 or a warrant.”.

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

13 “(3)(A) Except as provided in subparagraph (B), any
14 licensed dealer, licensed importer, licensed manufacturer,
15 or licensed collector who knowingly makes any false state-
16 ment or representation with respect to the information re-
17 quired by this chapter to be kept in the records of a person
18 licensed under this chapter, or violates section 922(m)
19 shall be fined under this title, imprisoned not more than
20 1 year, or both.

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

23 “(i) under paragraph (1) or (3) of section
24 922(b), such person shall be fined under this title,
25 imprisoned not more than 5 years, or both; or

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

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

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

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

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

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

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

19 (g) GUN OWNER PRIVACY AND PREVENTION OF
20 FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section
21 922(t)(2)(C) of title 18, United States Code, is amended
22 by inserting “as soon as possible, consistent with the re-
23 sponsibility of the Attorney General under section 103(h)
24 of the Brady Handgun Violence Prevention Act, to ensure
25 the privacy and security of the system and to prevent sys-

1 tem fraud and abuse, but in no event later than 90 days
2 after the date on which the licensee first contacts the sys-
3 tem with respect to the transfer” before the period.

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

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