

106TH CONGRESS
1ST SESSION

H. R. 902

To regulate the sale of firearms at gun shows.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 1999

Mr. BLAGOJEVICH (for himself, Mr. SHAYS, Mr. CASTLE, Mr. CONYERS, Mr. SCOTT, Mrs. MCCARTHY of New York, Mrs. MORELLA, Mr. KENNEDY of Rhode Island, Mr. WEYGAND, Ms. KILPATRICK, Mr. UNDERWOOD, Mrs. MALONEY of New York, Mr. MORAN of Virginia, Mr. FORD, Mr. MARKEY, Mr. WAXMAN, Mr. WEXLER, Mr. PASCARELL, Mr. JACKSON of Illinois, Mr. NADLER, Mr. DAVIS of Illinois, Ms. DEGETTE, Ms. DELAURO, Mr. LIPINSKI, Ms. PELOSI, Mr. MCGOVERN, Mrs. TAUSCHER, and Mrs. CHRISTIAN-CHRISTENSEN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) more than 4,400 traditional gun shows are
2 held annually across the United States, attracting
3 thousands of attendees per show and hundreds of
4 Federal firearms licensees and nonlicensed firearms
5 sellers;

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

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

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

22 (5) gun shows, flea markets, and other orga-
23 nized events at which firearms are exhibited or of-
24 fered for sale or exchange, provide a convenient and
25 centralized commercial location at which firearms

1 may be bought and sold anonymously, often without
2 background checks and without records that enable
3 gun tracing;

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

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

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

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

1 (10) Congress has the power, under the inter-
2 state commerce clause and other provisions of the
3 Constitution of the United States, to ensure, by en-
4 actment of this Act, that criminals and other prohib-
5 ited persons do not obtain firearms at gun shows,
6 flea markets, and other organized events.

7 **SEC. 3. EXTENSION OF BRADY BACKGROUND CHECKS TO**
8 **GUN SHOWS.**

9 (a) DEFINITIONS.—Section 921(a) of title 18, United
10 States Code, is amended by adding at the end the follow-
11 ing:

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

14 “(A) at which 50 or more firearms are offered
15 or exhibited for sale, transfer, or exchange, if 1 or
16 more of the firearms has been shipped or trans-
17 ported in, or otherwise affects, interstate or foreign
18 commerce; and

19 “(B) at which 2 or more persons are offering
20 or exhibiting 1 or more firearms for sale, transfer,
21 or exchange.

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

1 “(37) GUN SHOW VENDOR.—The term ‘gun show
2 vendor’ means any person who exhibits, sells, offers for
3 sale, transfers, or exchanges 1 or more firearms at a gun
4 show, regardless of whether or not the person arranges
5 with the gun show promoter for a fixed location from
6 which to exhibit, sell, offer for sale, transfer, or exchange
7 1 or more firearms.”

8 (b) REGULATION OF FIREARMS TRANSFERS AT GUN
9 SHOWS.—

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

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

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

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

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

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

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

24 “(1) not later than 30 days before commence-
25 ment of the gun show, notifies the Secretary of the

1 date, time, duration, and location of the gun show
2 and any other information concerning the gun show
3 as the Secretary may require by regulation;

4 “(2) not later than 72 hours before commence-
5 ment of the gun show, submits to the Secretary an
6 updated list of all gun show vendors planning to par-
7 ticipate in the gun show and any other information
8 concerning such vendors as the Secretary may re-
9 quire by regulation;

10 “(3) before commencement of the gun show,
11 verifies the identity of each gun show vendor partici-
12 pating in the gun show by examining a valid identi-
13 fication document (as defined in section 1028(d)(1))
14 of the vendor containing a photograph of the vendor;

15 “(4) before commencement of the gun show, re-
16 quires each gun show vendor to sign—

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

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

22 “(5) notifies each person who attends the gun
23 show of the requirements of this chapter, in accord-
24 ance with such regulations as the Secretary shall
25 prescribe;

1 “(6) not later than 5 days after the last day of
2 the gun show, submits to the Secretary a copy of the
3 ledger and notice described in paragraph (4); and

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

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

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

19 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
20 son who is subject to the requirement of paragraph
21 (1)—

22 “(A) shall not transfer the firearm to the
23 transferee until the licensed importer, licensed
24 manufacturer, or licensed dealer through which
25 the transfer is made under subsection (e)

1 makes the notification described in subsection
2 (e)(3)(A); and

3 “(B) notwithstanding subparagraph (A),
4 shall not transfer the firearm to the transferee
5 if the licensed importer, licensed manufacturer,
6 or licensed dealer through which the transfer is
7 made under subsection (e) makes the notifica-
8 tion described in subsection (e)(3)(B).

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

11 “(1) IN GENERAL.—If any part of a firearm
12 transaction takes place at a gun show, it shall be
13 unlawful for any person who is not licensed under
14 this chapter to receive a firearm from another per-
15 son who is not licensed under this chapter, unless
16 the firearm is transferred through a licensed im-
17 porter, licensed manufacturer, or licensed dealer in
18 accordance with subsection (e).

19 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
20 son who is subject to the requirement of paragraph
21 (1)—

22 “(A) shall not receive the firearm from the
23 transferor until the licensed importer, licensed
24 manufacturer, or licensed dealer through which
25 the transfer is made under subsection (e)

1 makes the notification described in subsection
2 (e)(3)(A); and

3 “(B) notwithstanding subparagraph (A),
4 shall not receive the firearm from the transferor
5 if the licensed importer, licensed manufacturer,
6 or licensed dealer through which the transfer is
7 made under subsection (e) makes the notifica-
8 tion described in subsection (e)(3)(B).

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

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

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

20 “(3) comply with section 922(t) as if transfer-
21 ring the firearm from the inventory of the licensed
22 importer, licensed manufacturer, or licensed dealer
23 to the designated transferee (although a licensed im-
24 porter, licensed manufacturer, or licensed dealer
25 complying with this subsection shall not be required

1 to comply again with the requirements of section
2 922(t) in delivering the firearm to the nonlicensed
3 transferor), and notify the nonlicensed transferor
4 and the nonlicensed transferee—

5 “(A) of such compliance; and

6 “(B) if the transfer is subject to the re-
7 quirements of section 922(t)(1), of any receipt
8 by the licensed importer, licensed manufacturer,
9 or licensed dealer of a notification from the na-
10 tional instant criminal background check sys-
11 tem that the transfer would violate section 922
12 or would violate State law;

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

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

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

22 “(5) if the licensed importer, licensed manufac-
23 turer, or licensed dealer assists a person other than
24 a licensee in transferring, at 1 time or during any
25 5 consecutive business days, 2 or more pistols or re-

1 volvers, or any combination of pistols and revolvers
2 totaling 2 or more, to the same nonlicensed person,
3 in addition to the reports required under paragraph
4 (4), prepare a report of the multiple transfers, which
5 report shall be—

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

8 “(B) not later than the close of business
9 on the date on which the transfer occurs, for-
10 warded to—

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

13 “(ii) the appropriate State law en-
14 forcement agency of the jurisdiction in
15 which the transfer occurs; and

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

19 “(f) RECORDS OF LICENSEE TRANSFERS.—If any
20 part of a firearm transaction takes place at a gun show,
21 each licensed importer, licensed manufacturer, and li-
22 censed dealer who transfers 1 or more firearms to a person
23 who is not licensed under this chapter shall, not later than
24 10 days after the date on which the transfer occurs, sub-

1 mit to the Secretary a report of the transfer, which
2 report—

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

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

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

10 “(g) FIREARM TRANSACTION DEFINED.—In this sec-
11 tion, the term ‘firearm transaction’ includes the exhibition,
12 sale, offer for sale, transfer, or exchange of a firearm.”.

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

16 “(7)(A) Whoever knowingly violates section 931(a)
17 shall be fined under this title, imprisoned not more than
18 5 years, or both.

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

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

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

1 “(C) Whoever willfully violates section 931(d), shall
2 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, such person shall be fined under this title,
7 imprisoned not more than 5 years, or both.

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

11 “(E) In addition to any other penalties imposed
12 under this paragraph, the Secretary may, with respect to
13 any person who knowingly violates any provision of section
14 931—

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

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

22 (3) TECHNICAL AND CONFORMING AMEND-
23 MENTS.—Chapter 44 of title 18, United States
24 Code, is amended—

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

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

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

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

8 “(E) Notwithstanding subparagraph (B), the Sec-
9 retary may enter during business hours the place of busi-
10 ness of any gun show promoter and any place where a
11 gun show is held for the purposes of examining the records
12 required by sections 923 and 931 and the inventory of
13 licensees conducting business at the gun show. Such entry
14 and examination shall be conducted for the purposes of
15 determining compliance with this chapter by gun show
16 promoters and licensees conducting business at the gun
17 show and shall not require a showing of reasonable cause
18 or a warrant.”.

19 (d) INCREASED PENALTIES FOR SERIOUS RECORD-
20 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)
21 of title 18, United States Code, is amended to read as
22 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 (e) INCREASED PENALTIES FOR VIOLATIONS OF
 15 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

16 (1) PENALTIES.—Section 924 of title 18,
 17 United States Code, is 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) Whoever knowingly violates section 922(t) shall
 23 be fined under this title, imprisoned not more than 5
 24 years, or both.”.

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

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

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