

115TH 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 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—

8 “(1) has entered into a separate bound record
 9 the make, model, and serial number of the firearm,
 10 and such other information about the transaction as
 11 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
 20 law.

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—

1 “(A) not later than 10 days after the date
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
10 involved in the transfer who is not licensed
11 under this chapter; and

12 “(B) retain a record of the transfer, in-
13 cluding the same information as would be re-
14 quired if the transfer were from the inventory
15 of the licensee, as part of the permanent busi-
16 ness records of the licensee.

17 “(2) LIMITATION.—The Attorney General may
18 not impose any recordkeeping requirement on any
19 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:

22 “(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.

1 “(B) Whoever knowingly violates subsection (b) or (c)
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.

8 “(C) In addition to any other penalties imposed
9 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-
25 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),

1 shall be fined under this title, imprisoned not more than
2 1 year, or both.

3 “(B) If the violation described in subparagraph (A)
4 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
16 section 922” and inserting “section 922(t)”;
17 and

18 (B) by striking “1” and inserting “5”.

19 (2) ELIMINATION OF CERTAIN ELEMENTS OF
20 OFFENSE.—Section 922(t)(5) of such title is amend-
21 ed by striking “and, at the time” and all that fol-
22 lows through “State law”.

23 (h) AUTHORITY TO HIRE PERSONNEL TO INSPECT
24 GUN SHOWS.—The Director of the Bureau of Alcohol, To-
25 bacco, 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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