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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To ensure greater accountability by licensed firearms dealers.

IN THE HOUSE OF REPRESENTATIVES

Mr. LANDEVIN introduced the following bill; which was referred to the
Committee on _____

A BILL

To ensure greater accountability by licensed firearms dealers.

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 “Keeping Gun Dealers
5 Honest Act of 2018”.

6 **SEC. 2. INCREASING THE NUMBER OF ALLOWED COMPLI-**
7 **ANCE INSPECTIONS OF FIREARMS DEALERS.**

8 Section 923(g)(1)(B)(ii)(I) of title 18, United States
9 Code, is amended by striking “once” and inserting “3
10 times”.

1 **SEC. 3. INCREASING PENALTIES ON FIREARMS LICENSEES.**

2 Section 924(a)(3) of title 18, United States Code, is
3 amended by striking “one year” and inserting “5 years”.

4 **SEC. 4. SERIOUS RECORDKEEPING OFFENSES THAT AID**
5 **GUN TRAFFICKING.**

6 Section 924(a)(3) of title 18, United States Code, is
7 amended by striking the period and inserting “; but if the
8 violation is in relation to an offense under subsection
9 (a)(6) or (d) of section 922, shall be fined under this title,
10 imprisoned not more than 10 years, or both.”.

11 **SEC. 5. SUSPENSION OF FIREARMS DEALER’S LICENSE AND**
12 **CIVIL PENALTIES FOR VIOLATIONS OF THE**
13 **GUN CONTROL ACT.**

14 Subsections (e) and (f) of section 923 of title 18,
15 United States Code, are amended to read as follows:

16 “(e) The Attorney General may, after notice and op-
17 portunity for hearing, suspend or revoke any license issued
18 under this section, or may subject the licensee to a civil
19 penalty of not more than \$10,000 per violation, if the
20 holder of the license has violated any provision of this
21 chapter or any rule or regulation prescribed by the Attor-
22 ney General under this chapter or fails to have secure gun
23 storage or safety devices available at any place in which
24 firearms are sold under the license to persons who are not
25 licensees (except that in any case in which a secure gun
26 storage or safety device is temporarily unavailable because

1 of theft, casualty loss, consumer sales, backorders from
2 a manufacturer, or any other similar reason beyond the
3 control of the licensee, the dealer shall not be considered
4 to be in violation of the requirement to make available
5 such a device). The Attorney General may, after notice
6 and opportunity for hearing, suspend or revoke the license
7 of, or assess a civil penalty of not more than \$10,000 on,
8 a dealer who transfers armor piercing ammunition. The
9 Attorney General may at any time compromise, mitigate,
10 or remit the liability with respect to any violation of this
11 chapter or any rule or regulation prescribed by the Attor-
12 ney General under this chapter. The Attorney General's
13 actions under this subsection may be reviewed only as pro-
14 vided in subsection (f).

15 “(f)(1) Any person whose application for a license is
16 denied and any holder of a license which is suspended or
17 revoked or who is assessed a civil penalty shall receive a
18 written notice from the Attorney General stating specifi-
19 cally the grounds upon which the application was denied
20 or upon which the license was suspended or revoked or
21 the civil penalty assessed. Any notice of a suspension or
22 revocation of a license shall be given to the holder of the
23 license before the effective date of the suspension or rev-
24 ocation.

1 “(2) If the Attorney General denies an application
2 for a license, or suspends or revokes a license, or assesses
3 a civil penalty, the Attorney General shall, upon request
4 by the aggrieved party, promptly hold a hearing to review
5 the denial, suspension, revocation, or assessment. In the
6 case of a suspension or revocation of a license, the Attor-
7 ney General shall, on the request of the holder of the li-
8 cense, stay the effective date of the suspension or revoca-
9 tion. A hearing under this paragraph shall be held at a
10 location convenient to the aggrieved party.

11 “(3) If after a hearing held under paragraph (2) the
12 Attorney General decides not to reverse the decision to
13 deny an application or suspend or revoke a license or as-
14 sess a civil penalty, the Attorney General shall give notice
15 of the decision to the aggrieved party. The aggrieved party
16 may at any time within 60 days after the date notice is
17 given under this paragraph file a petition with the United
18 States district court for the district in which the party
19 resides or in which the party’s principal place of business
20 is located for a de novo judicial review of the denial, sus-
21 pension, revocation, or assessment. In a proceeding con-
22 ducted under this subsection, the court may consider any
23 evidence submitted by the parties to the proceeding wheth-
24 er or not such evidence was considered at the hearing held
25 under paragraph (2). If the court decides that the Attor-

1 ney General was not authorized to deny the application
2 or to suspend or revoke the license or to assess the civil
3 penalty, the court shall order the Attorney General to take
4 such action as may be necessary to comply with the judg-
5 ment of the court.”.

6 **SEC. 6. TERMINATION OF FIREARMS DEALER’S LICENSE**
7 **UPON FELONY CONVICTION.**

8 Section 925(b) of title 18, United States Code, is
9 amended by striking “until any conviction pursuant to the
10 indictment becomes final” and inserting “until the date
11 of any conviction pursuant to the indictment”.

12 **SEC. 7. AUTHORITY TO HIRE ADDITIONAL PERSONNEL.**

13 The Director of the Bureau of Alcohol, Tobacco,
14 Firearms and Explosives may hire at least 80 additional
15 personnel for the purpose of carrying out additional in-
16 spections as provided for in the amendments made by this
17 Act.

1 **SEC. 8. AUTHORITY TO REQUIRE LICENSED DEALER TO**
2 **CONDUCT A PHYSICAL INVENTORY AND PRO-**
3 **VIDE INVENTORY RECORD IF DEALER HAS**
4 **UNLAWFULLY TRANSFERRED A FIREARM OR**
5 **10 OR MORE CRIME GUNS ARE TRACED TO**
6 **THE DEALER.**

7 (a) IN GENERAL.—Section 923(g)(1) of title 18,
8 United States Code, is amended by adding at the end the
9 following:

10 “(E) The Attorney General may require a licensed
11 importer, licensed manufacturer, or licensed dealer to con-
12 duct a physical inventory of the firearms in the business
13 inventory of the licensee, and provide the Attorney General
14 with a detailed record of the physical inventory if—

15 “(i) the licensee has been convicted of transfer-
16 ring a firearm unlawfully; or

17 “(ii) the Attorney General finds that 10 or
18 more firearms used in a crime under Federal, State,
19 or local law have been traced back to the licensee.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) Section 923(j) of such title is amended in
22 the 6th sentence by inserting “, except as required
23 under subsection (g)(1)(E)” before the period.

24 (2) The 5th proviso of the item relating to “Bu-
25 reau of Alcohol, Tobacco, Firearms and Explosives”
26 in title II of division B of the Consolidated and Fur-

1 ther Continuing Appropriations Act, 2013 (127
2 Stat. 248; Public Law 113–6) is amended by insert-
3 ing “, except as required under subsection (g)(1)(E)
4 of such section 923” before the colon.

5 **SEC. 9. ISSUANCE OF LICENSES.**

6 Section 923 of title 18, United States Code, is
7 amended—

8 (1) in subsection (c), by striking “shall issue”
9 and inserting “may issue”; and

10 (2) in subsection (d)(1), by striking “shall be”
11 and inserting “may be”.

12 **SEC. 10. LIABILITY STANDARDS.**

13 Section 923 of title 18, United States Code, is
14 amended in each of subsections (c) and (d), by striking
15 “willfully” each place it appears.

16 **SEC. 11. REGULATORY FLEXIBILITY.**

17 Section 926(a) of title 18, United States Code, is
18 amended by striking “only”.

19 **SEC. 12. REPORT TO THE CONGRESS.**

20 The Director of the Bureau of Alcohol, Tobacco,
21 Firearms and Explosives shall submit biennial reports to
22 the Congress on the implementation of this Act, which
23 shall include a statement by the Director as to what addi-
24 tional resources, if any, are necessary in order to imple-
25 ment this Act, and any recommendations of the Director

1 for how better to ensure that firearms dealers are com-
2 plying with all laws and regulations that apply with re-
3 spect to dealing in firearms, and that noncompliant fire-
4 arms dealers are subject to appropriate action in a timely
5 manner.