

GUN SHOW LOOPHOLE CLOSING ACT OF 2009 - FACT SHEET

Introduced by Rep. Mike Castle and Rep. Carolyn McCarthy

Under federal law, any person who buys a firearm from a licensed gun dealer at a gun show must first pass a background check through the FBI's National Instant Criminal Background Check System (NICS). But federal law does not require a background check when someone buys a firearm from an unlicensed seller. This means that in most states a person can go to a gun show and buy a gun from an unlicensed seller without a background check. Every year across the country there are thousands of gun shows and ATF has estimated that at least 25% of the sellers these events are unlicensed. Not surprisingly, criminals, terrorists and other dangerous people seek out unlicensed sellers at gun shows to obtain firearms without a background check.

Legislation introduced by Reps. Castle and McCarthy aims to close the gun show loophole by requiring NICS criminal background checks on all firearms transactions occurring at gun shows:

- **Gun Show Definition** - gun shows are defined to include any event at which 50 or more firearms are offered or exhibited for sale. Definition does not include sales by legitimate collectors from their private residences or occasional sales by non-profit hunting organizations.
- **Role of Gun Show Operators** - requires that gun show operators register with ATF; share and maintain information regarding date, time, duration, location, and identity of vendors at the gun show; and verify vendor identity, require they sign a ledger, and ensure receipt of information about legal obligations.
- **Background Checks Required for All Transactions** - if an unlicensed gun show vendor wanted to sell a firearm at a gun show, the transaction would have to be processed through a licensed importer, manufacturer, or dealer who would be responsible for conducting a NICS criminal background check on the purchaser; confirming that the transfer would not violate state or federal law before completing the sale, and maintaining a record of the transaction.
- **Improves Firearms Tracing** - licensed importers, manufacturers, and dealers that have completed a NICS criminal background check on behalf of an unlicensed gun show vendor would be required to submit information to ATF including the make, model and serial number of the firearm transferred at the gun show. As under current law, no personal information about either the seller or the purchaser would be given to the ATF. Currently, information on this secondary firearms market is not transmitted to ATF.
- **Firearm Transfers** - will be done by licensed importers, manufacturers, and dealers only.
- **Multiple Sales** - multiple sales at gun shows by unlicensed vendors will be reported to ATF by licensed importers, manufacturers, and dealers.
- **Increases Penalties** - for (1) serious record-keeping violations by licensees; and (2) violations of criminal background check requirements under the Act.
- **Inspection Authority for ATF** - ATF would have inspection authority to enter a gun show during its operation or the place where records are kept for inspections to determine compliance under this Act; ATF is authorized to hire 40 additional Industry Operations Investigators for this purpose.
- **Report to Congress** - requires biennial reports to Congress on how firearms are sold at gun shows, how section is being carried out, whether firearms are being sold without background checks, and what resources or improvements are needed.