

114TH CONGRESS
2D SESSION

H. R. 4356

To ensure greater accountability by licensed firearms dealers.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2016

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

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 “Crackdown on Dead-
5 beat Gun Dealers Act of 2016”.

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 willfully violated any provision
21 of this chapter or any rule or regulation prescribed by the
22 Attorney General under this chapter or fails to have secure
23 gun storage or safety devices available at any place in
24 which firearms are sold under the license to persons who
25 are not licensees (except that in any case in which a secure
26 gun storage or safety device is temporarily unavailable be-

1 cause of theft, casualty loss, consumer sales, backorders
2 from a manufacturer, or any other similar reason beyond
3 the control of the licensee, the dealer shall not be consid-
4 ered 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 willfully transfers armor piercing ammuni-
9 tion. The Attorney General may at any time compromise,
10 mitigate, or remit the liability with respect to any willful
11 violation of this chapter or any rule or regulation pre-
12 scribed by the Attorney General under this chapter. The
13 Attorney General's actions under this subsection may be
14 reviewed only as provided 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 50 additional
15 personnel for the purpose of carrying out additional in-
16 spections as provided for in the amendments made by this
17 Act.

18 **SEC. 8. REPORT TO THE CONGRESS.**

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

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

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