

115TH CONGRESS
2D SESSION

H. R. 6024

To provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2018

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

A BILL

To provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Blair Holt Firearm Owner Licensing and Record of Sale
6 Act of 2018”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

TITLE I—LICENSING

Sec. 101. Licensing requirement.

Sec. 102. Issuance, revocation, and renewal of firearm owner licenses.

Sec. 103. Relief from denial or revocation of firearm owner licenses.

TITLE II—RECORD OF SALE OR TRANSFER

Sec. 201. Sale or transfer requirements for qualifying firearms.

Sec. 202. Firearm records.

TITLE III—ADDITIONAL PROHIBITIONS

Sec. 301. Universal background check requirement.

Sec. 302. Failure to maintain or permit inspection of records.

Sec. 303. Failure to report loss or theft of firearm.

Sec. 304. Failure to provide notice of change of address.

Sec. 305. Child access prevention.

TITLE IV—ENFORCEMENT

Sec. 401. Criminal penalties.

TITLE V—FIREARM INJURY INFORMATION AND RESEARCH

Sec. 501. Duties of the Attorney General.

TITLE VI—EFFECT ON STATE LAW

Sec. 601. Effect on State law.

Sec. 602. Certification of State firearm licensing systems and State firearm record of sale systems.

TITLE VII—RELATIONSHIP TO OTHER LAW

Sec. 701. Subordination to Arms Export Control Act.

TITLE VIII—INAPPLICABILITY

Sec. 801. Inapplicability to governmental authorities.

TITLE IX—EFFECTIVE DATE

Sec. 901. Effective date of amendments.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the manufacture, distribution, and importa-
4 tion of firearms is inherently commercial in nature;

5 (2) firearms regularly move in interstate com-
6 merce;

1 (3) to the extent that firearms trafficking is
2 intrastate in nature, it arises out of and is substan-
3 tially connected with a commercial transaction that,
4 when viewed in the aggregate, substantially affects
5 interstate commerce;

6 (4) because the intrastate and interstate traf-
7 ficking of firearms are so commingled, full regula-
8 tion of interstate commerce requires the incidental
9 regulation of intrastate commerce;

10 (5) firearm-related assaults in the United
11 States—

12 (A) during the 16-year period between
13 2001 and 2016, were associated with the major-
14 ity of homicides and half of all suicides; and

15 (B) during the 15-year period between
16 2001 and 2015, were the seventh leading cause
17 of nonfatal violent injuries;

18 (6) on the afternoon of May 10, 2007, Blair
19 Holt, a junior at Julian High School in Chicago, was
20 killed on a public bus riding home from school when
21 he used his body to shield a girl who was in the line
22 of fire after a young man boarded the bus and start-
23 ed shooting;

24 (7) since 2007, when 32 students and teachers
25 were killed at Virginia Tech, 7 of the 11 most deadly

1 mass shootings in the United States have taken
2 place;

3 (8) since 2012, when 20 first graders and
4 teachers were murdered with an assault rifle at
5 Sandy Hook Elementary School in Newtown, Con-
6 necticut, more than 230 school shootings have oc-
7 curred in the United States;

8 (9) in 2015, there were 294 mass shootings, in-
9 cluding, notably, the shooting at Umpqua Commu-
10 nity College in Oregon, the Charleston church shoot-
11 ing in South Carolina, the theatre shooting in La-
12 fayette, Louisiana, and the Isla Vista community
13 shootings in California;

14 (10) since 2016, the country has witnessed 4 of
15 the 10 worst gun massacres in modern United
16 States history; and

17 (11) in February 2018, 17 members of the
18 Marjory Stoneman Douglas High School community
19 in Parkland, Florida, lost their lives at the hands of
20 a 19-year-old armed with an AR-15 semiautomatic
21 assault rifle.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) firearms trafficking is prevalent and wide-
25 spread in and among the States, and it is usually

1 impossible to distinguish between intrastate traf-
2 ficking and interstate trafficking; and

3 (2) it is in the national interest and within the
4 role of the Federal Government to ensure that the
5 regulation of firearms is uniform among the States,
6 that law enforcement can quickly and effectively
7 trace firearms used in crime, and that firearms own-
8 ers know how to use and safely store their firearms.

9 (c) PURPOSES.—The purposes of this Act and the
10 amendments made by this Act are—

11 (1) to protect the public against the unreason-
12 able risk of injury and negligent or reckless death
13 associated with the unrecorded sale or transfer of
14 qualifying firearms to criminals and youths;

15 (2) to ensure that owners of qualifying firearms
16 are knowledgeable in the safe use, handling, and
17 storage of those firearms;

18 (3) to restrict the availability of qualifying fire-
19 arms to criminals, youth, and other persons prohib-
20 ited by Federal law from receiving firearms;

21 (4) to facilitate the tracing of qualifying fire-
22 arms used in crime by Federal and State law en-
23 forcement agencies; and

24 (5) to hold criminally and civilly liable those
25 who facilitate the transfer of qualifying firearms,

1 causing risk of injury and negligent or reckless
2 death associated with the transfer of those quali-
3 fying firearms.

4 **SEC. 3. DEFINITIONS.**

5 (a) IN GENERAL.—In this Act, the terms “firearm”,
6 “qualifying firearm”, and “State” have the meanings
7 given those terms in section 921(a) of title 18, United
8 States Code, as amended by subsection (b).

9 (b) TITLE 18, UNITED STATES CODE.—Section
10 921(a) of title 18, United States Code, is amended by add-
11 ing at the end the following:

12 “(36) The term ‘detachable ammunition feeding de-
13 vice’—

14 “(A) means a magazine, belt, drum, feed strip,
15 or similar device that—

16 “(i) is capable of being detached from a
17 semiautomatic rifle; and

18 “(ii) has a capacity of, or that can be read-
19 ily restored or converted to accept, more than
20 10 rounds of ammunition; and

21 “(B) does not include an attached tubular de-
22 vice designed to accept, and capable of operating
23 only with, .22 caliber rimfire ammunition.

24 “(37) The term ‘firearm owner license’ means a li-
25 cense issued under section 923(m).

1 “(38) The term ‘qualifying firearm’—

2 “(A) means—

3 “(i) a handgun; or

4 “(ii) a semiautomatic rifle that is capable
5 of accepting a detachable ammunition feeding
6 device; and

7 “(B) does not include an antique firearm.”.

8 **TITLE I—LICENSING**

9 **SEC. 101. LICENSING REQUIREMENT.**

10 Section 922 of title 18, United States Code, is
11 amended by adding at the end the following:

12 “(aa) FIREARM LICENSING REQUIREMENT.—

13 “(1) IN GENERAL.—Subject to paragraph (2),
14 it shall be unlawful for any individual other than a
15 licensed importer, licensed manufacturer, licensed
16 dealer, or licensed collector to possess a qualifying
17 firearm on or after the applicable date, unless that
18 individual has a valid—

19 “(A) firearm owner license; or

20 “(B) State firearm license.

21 “(2) EXEMPTIONS.—

22 “(A) IN GENERAL.—Paragraph (1) shall
23 not apply to—

1 “(i) a Federal, State, local, or tribal
2 law enforcement officer while engaged in
3 the performance of official duties;

4 “(ii) a member of the Armed Forces
5 or National Guard while engaged in the
6 performance of official duties;

7 “(iii) a Federal employee who is re-
8 quired to carry a qualifying firearm in the
9 capacity of that individual as a Federal
10 employee while engaged in the performance
11 of official duties;

12 “(iv) a member of a bona fide vet-
13 erans organization that received the quali-
14 fying firearm directly from the Armed
15 Forces, including a member of the color
16 guard of the veterans organization, while
17 using the qualifying firearm for a ceremo-
18 nial purpose with blank ammunition;

19 “(v) an unemancipated minor who is
20 under the direct supervision of an indi-
21 vidual who—

22 “(I) has a valid firearm owner li-
23 cense or State firearm license; and

24 “(II) is, with respect to the
25 minor—

- 1 “(aa) a parent;
- 2 “(bb) a legal guardian; or
- 3 “(cc) any other individual
- 4 standing in loco parentis;
- 5 “(vi) an individual with a valid hunt-
- 6 ing license issued by a State while the indi-
- 7 vidual is—
- 8 “(I) hunting in the State that
- 9 issued the license; and
- 10 “(II) accompanied by an indi-
- 11 vidual who has a valid firearm owner
- 12 license or State firearm license; or
- 13 “(vii) an individual who is—
- 14 “(I)(aa) on a firing or shooting
- 15 range; or
- 16 “(bb) participating in a firearms
- 17 safety or training course recognized
- 18 by—
- 19 “(AA) a Federal, State,
- 20 local, or tribal law enforcement
- 21 agency; or
- 22 “(BB) a national or state-
- 23 wide shooting sports organiza-
- 24 tion;

1 “(II) otherwise eligible to obtain
2 a firearm owner license; and

3 “(III) under the direct super-
4 vision of an individual who—

5 “(aa) has a valid firearm
6 owner license or State firearm li-
7 cense; and

8 “(bb) is not less than 21
9 years of age.

10 “(B) INDIVIDUALS WITH STATE FIREARM
11 LICENSES.—Not later than 60 days after the
12 date on which an individual who has a State
13 firearm license moves from the State in which
14 the State firearm license of the individual was
15 issued to a different State, the individual
16 shall—

17 “(i) if the State to which the indi-
18 vidual has moved has a State firearm
19 owner licensing system certified by the At-
20 torney General under section 933, apply
21 for—

22 “(I) a State firearm license
23 under that State system; or

24 “(II) a firearm owner license; or

1 “(ii) if the State to which the indi-
2 vidual has moved does not have a State
3 firearm licensing system certified by the
4 Attorney General under section 933, apply
5 for a firearm owner license.

6 “(3) DEFINITIONS.—In this subsection—

7 “(A) the term ‘applicable date’ means,
8 with respect to a qualifying firearm that is ac-
9 quired by the individual—

10 “(i) before the date of enactment of
11 the Blair Holt Firearm Owner Licensing
12 and Record of Sale Act of 2018, 2 years
13 after that date of enactment; and

14 “(ii) on or after the date of enactment
15 of the Blair Holt Firearm Owner Licensing
16 and Record of Sale Act of 2018, 1 year
17 after that date of enactment; and

18 “(B) the term ‘State firearm license’
19 means a firearm license issued under a firearm
20 licensing system established by a State that has
21 been certified by the Attorney General under
22 section 933.

23 “(bb) DENIAL OR REVOCATION OF FIREARM OWNER
24 LICENSES.—It shall be unlawful for any individual who
25 is denied a firearm owner license under paragraph (3)(D)

1 of section 923(m) or receives a revocation notice under
2 paragraph (5)(B)(i) of that section to knowingly—

3 “(1) fail to surrender the firearm owner license
4 of the individual in accordance with paragraph
5 (6)(A)(i) of that section;

6 “(2) fail to submit a firearm disposition record
7 in accordance with paragraph (6)(A)(ii) of that sec-
8 tion;

9 “(3) make a false statement in a firearm dis-
10 position record submitted under paragraph (6)(A)(ii)
11 of that section; or

12 “(4) fail to transfer any qualifying firearm of
13 the individual in accordance with paragraph
14 (6)(A)(iii) of that section.”.

15 **SEC. 102. ISSUANCE, REVOCATION, AND RENEWAL OF FIRE-**
16 **ARM OWNER LICENSES.**

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

19 (1) in subsection (d)(1)(F)(iii), by inserting
20 “under subsection (a) or (b)” after “Federal fire-
21 arms license”;

22 (2) in subsection (l), by inserting “under sub-
23 section (a) or (b)” after “a firearms license is
24 issued”; and

25 (3) by adding at the end the following:

1 “(m) FIREARM OWNER LICENSES.—

2 “(1) DEFINITIONS.—In this subsection—

3 “(A) the term ‘clinical psychologist’ means
4 a psychologist licensed or registered to practice
5 psychology in the State in which the psycholo-
6 gist practices who—

7 “(i) has—

8 “(I) a doctoral degree from a re-
9 gionally accredited university, college,
10 or professional school; and

11 “(II) not less than 2 years of su-
12 pervised experience in health services,
13 of which—

14 “(aa) not less than 1 year is
15 of postdoctoral experience; and

16 “(bb) not less than 1 year is
17 of experience in an organized
18 health service program; or

19 “(ii) has—

20 “(I) a graduate degree in psy-
21 chology from a regionally accredited
22 university or college; and

23 “(II) not less than 6 years of ex-
24 perience as a psychologist, of which

1 not less than 2 years are of supervised
2 experience in health services;

3 “(B) the term ‘covered offense’ means bat-
4 tery, assault, aggravated assault, or violation of
5 an order of protection, in which a firearm was
6 used or possessed;

7 “(C) the term ‘identification document’ has
8 the meaning given the term in section 1028(d);

9 “(D) the term ‘licensed individual’ means
10 an individual issued a firearm owner license
11 under paragraph (3);

12 “(E) the term ‘physician’ means a doctor
13 of medicine legally authorized to practice medi-
14 cine by the State in which the physician per-
15 forms that function or action;

16 “(F) the term ‘qualified examiner’ means a
17 medical professional authorized to conduct a
18 qualifying mental health evaluation by the State
19 in which the evaluation occurs; and

20 “(G) the term ‘qualifying mental health
21 evaluation’ means a mental evaluation by a
22 physician, clinical psychologist, or qualified ex-
23 aminer resulting in a certification by the physi-
24 cian, clinical psychologist, or qualified examiner

1 that an individual is not a clear and present
2 danger to the individual or others.

3 “(2) APPLICATIONS.—

4 “(A) IN GENERAL.—An individual applying
5 for a firearm owner license under this sub-
6 section shall submit to the Attorney General, in
7 accordance with the regulations promulgated
8 under subparagraph (B), an application that in-
9 cludes—

10 “(i) a current, passport-sized photo-
11 graph of the applicant that provides a
12 clear, accurate likeness of the applicant;

13 “(ii) the name, address, and date and
14 place of birth of the applicant;

15 “(iii) any other name that the appli-
16 cant has ever used or by which the appli-
17 cant has ever been known;

18 “(iv) with respect to each category of
19 person prohibited by Federal law, or by the
20 law of the State of residence of the appli-
21 cant, from obtaining a firearm, a state-
22 ment that the applicant is not a person
23 prohibited from receiving a firearm;

1 “(v)(I) a certification by the applicant
2 that the applicant is not younger than 21
3 years old; or

4 “(II) in the case of an applicant who
5 is younger than 21 years old—

6 “(aa) written proof of the con-
7 sent of the parent or legal guardian of
8 the applicant for the applicant to pos-
9 sess and acquire a qualifying firearm,
10 provided that the parent or legal
11 guardian—

12 “(AA) is not an individual
13 prohibited by subsection (g) or
14 (n) of section 922 from receiving
15 a firearm; and

16 “(BB) submits an affidavit
17 with the application affirming
18 that the parent or legal guardian
19 is not an individual prohibited by
20 subsection (g) or (n) of section
21 922 from receiving a firearm;
22 and

23 “(bb) a certification by the appli-
24 cant that the applicant has not been
25 convicted of a misdemeanor, other

1 than a traffic offense, or adjudged de-
2 linquent;

3 “(vi) a certification by the applicant
4 that the applicant—

5 “(I) was not a patient in a men-
6 tal health facility during the 5-year
7 period preceding the date on which
8 the application is submitted;

9 “(II) is not an individual with an
10 intellectual or developmental dis-
11 ability;

12 “(III) is not subject to an order
13 of protection prohibiting the applicant
14 from possessing a firearm;

15 “(IV) has not been convicted of a
16 covered offense during the 5-year pe-
17 riod preceding the date on which the
18 application is submitted; and

19 “(V) has not been adjudged de-
20 linquent for an act of juvenile delin-
21 quency that if committed by an adult
22 would be a felony;

23 “(vii) if the individual was a patient
24 in a mental health facility during a period
25 ending more than 5 years before the date

1 on which the application is submitted, a
2 qualifying mental health evaluation;

3 “(viii) an authorization by the appli-
4 cant to release to the Attorney General, or
5 an authorized representative of the Attor-
6 ney General, any mental health records
7 pertaining to the applicant;

8 “(ix) the date on which the applica-
9 tion was submitted; and

10 “(x) the signature of the applicant.

11 “(B) REGULATIONS GOVERNING SUBMIS-
12 SION.—

13 “(i) IN GENERAL.—The Attorney
14 General shall promulgate regulations speci-
15 fying procedures for the submission of an
16 application under subparagraph (A) to the
17 Attorney General that shall—

18 “(I) provide for submission of the
19 application through a licensed dealer
20 or an office or agency of the Federal
21 Government designated by the Attor-
22 ney General;

23 “(II) require the applicant to
24 provide a valid identification docu-
25 ment of the applicant, containing a

1 photograph of the applicant, to the li-
2 censed dealer or to the office or agen-
3 cy of the Federal Government, as ap-
4 plicable, at the time of submission of
5 the application to that licensed dealer,
6 office, or agency; and

7 “(III) require that a completed
8 application be forwarded to the Attor-
9 ney General not later than 48 hours
10 after the application is submitted to
11 the licensed dealer or office or agency
12 of the Federal Government.

13 “(ii) DEFINITION.—In this paragraph,
14 the term ‘agency’ has the meaning given
15 the term in section 551 of title 5.

16 “(C) FEES.—

17 “(i) IN GENERAL.—The Attorney
18 General shall charge and collect from each
19 applicant for a license under this sub-
20 section a fee in an amount determined in
21 accordance with clause (ii).

22 “(ii) FEE AMOUNT.—The amount of
23 the fee collected under this subparagraph
24 shall be not less than the amount deter-
25 mined by the Attorney General to be nec-

1 essary to ensure that the total amount of
2 all fees collected under this subparagraph
3 during a fiscal year is sufficient to cover
4 the costs of carrying out this subsection
5 during that fiscal year, except that such
6 amount shall not exceed \$10.

7 “(3) ISSUANCE OF LICENSES.—

8 “(A) IN GENERAL.—Not later than 30
9 days after the date on which an application is
10 submitted under paragraph (2), the Attorney
11 General shall issue a firearm owner license to
12 an applicant who has submitted an application
13 that meets the requirements under paragraph
14 (2), if the Attorney General determines that the
15 applicant—

16 “(i) is not prohibited by subsection (g)
17 or (n) of section 922 from receiving a
18 qualifying firearm;

19 “(ii)(I) is not younger than 21 years
20 old; or

21 “(II) is younger than 21 years old
22 and—

23 “(aa) has submitted written
24 proof of the consent of the parent or
25 legal guardian of the applicant re-

1 quired under paragraph
2 (2)(A)(v)(II)(aa); and

3 “(bb) has not been convicted of a
4 misdemeanor, other than a traffic of-
5 fense, or adjudged delinquent;

6 “(iii) was not a patient in a mental
7 health facility during the 5-year period
8 preceding the date on which the applica-
9 tion is submitted;

10 “(iv) is not an individual with an in-
11 tellectual or developmental disability;

12 “(v) is not subject to an order of pro-
13 tection prohibiting the applicant from pos-
14 sessing a firearm;

15 “(vi) has not been convicted of a cov-
16 ered offense during the 5-year period pre-
17 ceding the date on which the application is
18 submitted;

19 “(vii) has not been adjudged delin-
20 quent for an act of juvenile delinquency
21 that if committed by an adult would be a
22 felony;

23 “(viii) if the individual was a patient
24 in a mental health facility during a period
25 ending more than 5 years before the date

1 on which the application is submitted, has
2 received a qualifying mental health evalua-
3 tion;

4 “(ix) does not have a mental condition
5 that makes the applicant a clear and
6 present danger to the individual or others;
7 and

8 “(x) has not intentionally made a
9 false statement in the application under
10 paragraph (2).

11 “(B) EFFECT OF ISSUANCE TO PROHIB-
12 ITED INDIVIDUALS.—A firearm owner license
13 issued under this paragraph shall be null and
14 void if issued to an individual who is prohibited
15 by subsection (g) or (n) of section 922 from re-
16 ceiving a firearm.

17 “(C) FORM OF LICENSES.—A firearm
18 owner license issued under this paragraph shall
19 be in the form of a tamper-resistant card, and
20 shall include—

21 “(i) the photograph of the licensed in-
22 dividual submitted with the application
23 under paragraph (2);

24 “(ii) the address of the licensed indi-
25 vidual;

1 “(iii) the date of birth of the licensed
2 individual;

3 “(iv) the sex of the licensed individual;

4 “(v) the height and weight of the li-
5 censed individual;

6 “(vi) a license number, unique to each
7 licensed individual;

8 “(vii) the expiration date of the li-
9 cense, which shall be—

10 “(I) the date that is 5 years after
11 the initial anniversary of the date of
12 birth of the licensed individual fol-
13 lowing the date on which the license is
14 issued; or

15 “(II) in the case of a license re-
16 newed under paragraph (4), the date
17 that is 5 years after the anniversary
18 of the date of birth of the licensed in-
19 dividual following the date on which
20 the license is renewed;

21 “(viii) the signature of the licensed in-
22 dividual provided on the application under
23 paragraph (2), or a facsimile of the signa-
24 ture; and

1 “(ix) centered at the top of the li-
2 cense, capitalized, and in boldface type, the
3 following:

4 ‘FIREARM OWNER LICENSE—NOT VALID
5 FOR ANY OTHER PURPOSE’.

6 “(D) DENIAL.—

7 “(i) IN GENERAL.—If the Attorney
8 General determines that an applicant does
9 not meet the requirements under subpara-
10 graph (A), the Attorney General shall pro-
11 vide written notice to the applicant that
12 states—

13 “(I) the specific grounds on
14 which the denial is based; and

15 “(II) the requirements for
16 issuance of a firearm owner license
17 under subparagraph (A).

18 “(ii) NOTICE TO LOCAL LAW EN-
19 FORCEMENT.—The Attorney General shall
20 transmit a copy of the notice described in
21 clause (i) to the sheriff and law enforce-
22 ment agency having jurisdiction where the
23 individual to whom the denial pertains re-
24 sides.

1 “(E) CHANGE OF ADDRESS.—A licensed
2 individual shall immediately notify the Attorney
3 General if the licensed individual moves from
4 the residence address listed on the firearm
5 owner license of that licensed individual.

6 “(4) RENEWAL OF LICENSES.—

7 “(A) APPLICATIONS FOR RENEWAL OF LI-
8 CENSES.—

9 “(i) IN GENERAL.—A licensed indi-
10 vidual seeking to renew a firearm owner li-
11 cense shall, not later than 60 days before
12 the expiration date of the firearm owner li-
13 cense, submit to the Attorney General, in
14 accordance with the regulations promul-
15 gated under subparagraph (B), an applica-
16 tion for renewal of the license.

17 “(ii) CONTENTS.—An application sub-
18 mitted under clause (i) shall include—

19 “(I) a current, passport-sized
20 photograph of the licensed individual
21 that provides a clear, accurate like-
22 ness of the licensed individual;

23 “(II) current proof of identity of
24 the licensed individual; and

1 “(III) the address of the licensed
2 individual.

3 “(iii) REGULATIONS GOVERNING SUB-
4 MISSION.—The Attorney General shall pro-
5 mulgate regulations specifying procedures
6 for the submission of applications under
7 this subparagraph.

8 “(B) ISSUANCE OF RENEWED LICENSES.—
9 Upon approval of an application submitted
10 under subparagraph (A), the Attorney General
11 shall issue a renewed license, which shall meet
12 the requirements of paragraph (3)(C), except
13 that the license shall include the current photo-
14 graph and address of the licensed individual, as
15 provided in the application submitted under
16 subparagraph (A) of this paragraph, and the
17 expiration date of the renewed license, in ac-
18 cordance with paragraph (3)(C)(vii)(II).

19 “(5) REVOCATION OF LICENSES.—

20 “(A) IN GENERAL.—If a licensed indi-
21 vidual becomes an individual who the Attorney
22 General determines does not meet the require-
23 ments under paragraph (3)(A) of this sub-
24 section—

1 “(i) the firearm owner license is re-
2 voked; and

3 “(ii) the individual shall surrender the
4 firearm owner license to the Attorney Gen-
5 eral in accordance with paragraph (6)(A)
6 of this subsection.

7 “(B) NOTICE.—

8 “(i) IN GENERAL.—Upon receipt by
9 the Attorney General of notice that a li-
10 censed individual has become an individual
11 described in subparagraph (A), the Attor-
12 ney General shall provide written notice to
13 the individual that—

14 “(I) the firearm owner license is
15 revoked; and

16 “(II) states the specific grounds
17 on which the revocation is based.

18 “(ii) NOTICE TO LOCAL LAW EN-
19 FORCEMENT.—The Attorney General shall
20 transmit a copy of the notice described in
21 clause (i) to the sheriff and law enforce-
22 ment agency having jurisdiction where the
23 individual to which the denial pertains re-
24 sides.

1 “(6) SURRENDER OF LICENSES AND QUALI-
2 FYING FIREARMS.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (F), an individual who is denied a fire-
5 arm owner license under paragraph (3)(D) or
6 receives a revocation notice under paragraph
7 (5)(B)(i) shall, not later than 48 hours after re-
8 ceiving notice of the denial or revocation—

9 “(i) in the case of an individual who
10 receives a revocation notice, surrender the
11 firearm owner license of the individual—

12 “(I) by bringing the firearm
13 owner license to an office of—

14 “(aa) the Federal Bureau of
15 Investigation;

16 “(bb) the Bureau of Alcohol,
17 Tobacco, Firearms, and Explo-
18 sives; or

19 “(cc) a United States Attor-
20 ney; or

21 “(II) by mailing the firearm
22 owner license to the Attorney General;

23 “(ii) if the individual owns or has cus-
24 tody and control of a qualifying firearm,

1 complete a firearm disposition record de-
2 scribed in subparagraph (B) and—

3 “(I) in the case of an individual
4 who receives a denial notice, submit
5 that firearm disposition record to an
6 entity described in clause (i); and

7 “(II) in the case of an individual
8 who receives a revocation notice, sub-
9 mit that firearm disposition record at
10 the same time that the individual sur-
11 renders the firearm owner license
12 under clause (i); and

13 “(iii) transfer any qualifying firearm
14 that is owned by or under the custody and
15 control of the individual to—

16 “(I) any location other than—

17 “(aa) a location to which the
18 individual has immediate access;

19 “(bb) a residence of the in-
20 dividual;

21 “(cc) a vehicle of the indi-
22 vidual; or

23 “(dd) a storage space of the
24 individual; or

1 “(II) if applicable, any person
2 other than a member of the household
3 of the individual.

4 “(B) FIREARM DISPOSITION RECORDS.—
5 The Attorney General shall prescribe a form for
6 a firearm disposition record to be completed
7 under subparagraph (A)(ii) that shall require
8 an individual completing the firearm disposition
9 record to disclose—

10 “(i) the make, model, and serial num-
11 ber of each qualifying firearm that is
12 owned by or under the custody and control
13 of the individual on the date on which the
14 firearm disposition record is completed by
15 the individual;

16 “(ii) the location where each quali-
17 fying firearm described in clause (i) will be
18 located after the individual submits the
19 firearm disposition record; and

20 “(iii) if any qualifying firearm de-
21 scribed in clause (i) will be transferred to
22 the ownership or custody and control of
23 another person, the name, address, and, if
24 applicable, firearm owner license number
25 of the transferee.

1 “(C) RESPONSIBILITIES OF RECEIVING EN-
2 TITIES.—At the time at which an entity de-
3 scribed in subparagraph (A)(i) receives a fire-
4 arm owner license and firearm disposition
5 record under subparagraph (A), the entity
6 shall—

7 “(i) provide to the individual surren-
8 dering the firearm owner license and sub-
9 mitting the firearm disposition record—

10 “(I) a receipt showing that the
11 individual surrendered the firearm
12 owner license to the entity; and

13 “(II) a copy of the firearm dis-
14 position record submitted by the indi-
15 vidual; and

16 “(ii) if the entity is an entity de-
17 scribed in item (aa), (bb), or (cc) of sub-
18 paragraph (A)(i)(I)—

19 “(I) transmit to the Attorney
20 General—

21 “(aa) the firearm owner li-
22 cense; and

23 “(bb) the firearm disposition
24 record; and

1 “(II) maintain a copy of the doc-
2 uments described in subclause (I) of
3 this clause.

4 “(D) RIGHT TO RECLAIM FIREARM.—An
5 individual who transfers a qualifying firearm
6 under subparagraph (A)(iii) may reclaim the
7 qualifying firearm after a successful application
8 for relief or appeal under section 925(g).”.

9 **SEC. 103. RELIEF FROM DENIAL OR REVOCATION OF FIRE-**
10 **ARM OWNER LICENSES.**

11 Section 925 of title 18, United States Code, is
12 amended by adding at the end the following:

13 “(g) RELIEF FROM DENIAL OR REVOCATION OF
14 FIREARM OWNER LICENSES.—

15 “(1) APPLICATION TO THE ATTORNEY GEN-
16 ERAL.—

17 “(A) IN GENERAL.—If the Attorney Gen-
18 eral denies a firearm owner license to an indi-
19 vidual under subsection (m)(3)(D) of section
20 923 or revokes the firearm owner license of an
21 individual under subsection (m)(5) of that sec-
22 tion, the individual may, not later than 60 days
23 after the date on which the denial or revocation
24 occurs, make an application to the Attorney

1 General for relief from that denial or revoca-
2 tion.

3 “(B) RELIEF.—The Attorney General may
4 grant relief to an applicant under subparagraph
5 (A), if the applicant establishes to the satisfac-
6 tion of the Attorney General that the cir-
7 cumstances relating to the denial or revocation,
8 and the criminal record and personal reputation
9 of the applicant, are such that—

10 “(i) the applicant will not be likely to
11 act in a manner dangerous to public safe-
12 ty; and

13 “(ii) relief under this subparagraph
14 would not be contrary to the public inter-
15 est.

16 “(C) NOTICE IN THE FEDERAL REG-
17 ISTER.—If the Attorney General grants relief
18 under subparagraph (B), the Attorney General
19 shall promptly publish in the Federal Register
20 a notice—

21 “(i) that the relief was granted; and

22 “(ii) that describes the reasons for
23 granting the relief.

24 “(2) APPEAL.—

1 “(A) IN GENERAL.—An applicant who is
2 denied relief under paragraph (1)(B) may file a
3 petition for judicial review of the denial with
4 the district court of the United States for the
5 district in which the applicant resides.

6 “(B) HEARING.—A court that receives a
7 petition under subparagraph (A) shall hold a
8 hearing to determine whether to grant the peti-
9 tioner relief described in paragraph (1)(A) not
10 later than 72 hours after the petitioner files the
11 petition.

12 “(C) NOTICE AND OPPORTUNITY TO BE
13 HEARD.—

14 “(i) IN GENERAL.—The court shall
15 provide the petitioner with notice and the
16 opportunity to be heard at a hearing under
17 this paragraph, sufficient to protect the
18 due process rights of the petitioner.

19 “(ii) RIGHT TO COUNSEL.—

20 “(I) IN GENERAL.—At a hearing
21 under this paragraph, the petitioner
22 may be represented by counsel who
23 is—

24 “(aa) chosen by the peti-
25 tioner; and

1 “(bb) authorized to practice
2 at such a hearing.

3 “(II) COURT-PROVIDED COUN-
4 SEL.—If the petitioner is financially
5 unable to obtain representation by
6 counsel, the court, at the request of
7 the petitioner, shall ensure to the ex-
8 tent practicable that the petitioner is
9 represented by an attorney for the
10 Legal Services Corporation with re-
11 spect to the petition.

12 “(D) BURDEN OF PROOF; STANDARD.—At
13 a hearing under this paragraph, the Attorney
14 General—

15 “(i) shall have the burden of proving
16 all material facts; and

17 “(ii) shall be required to demonstrate,
18 by clear and convincing evidence, that the
19 petitioner is prohibited under section
20 923(m)(3)(A) from receiving a firearm
21 owner license.”.

1 **TITLE II—RECORD OF SALE OR**
2 **TRANSFER**

3 **SEC. 201. SALE OR TRANSFER REQUIREMENTS FOR QUALI-**
4 **FYING FIREARMS.**

5 Section 922 of title 18, United States Code, as
6 amended by section 101 of this Act, is amended by adding
7 at the end the following:

8 “(cc) UNAUTHORIZED SALE OR TRANSFER OF A
9 QUALIFYING FIREARM.—It shall be unlawful for any per-
10 son to sell, deliver, or otherwise transfer a qualifying fire-
11 arm to, or for, any person who is not a licensed importer,
12 licensed manufacturer, licensed dealer, or licensed col-
13 lector, or to receive a qualifying firearm from a person
14 who is not a licensed importer, licensed manufacturer, li-
15 censed dealer, or licensed collector, unless, at the time and
16 place of the transfer or receipt—

17 “(1) the transferee presents to a licensed dealer
18 a valid firearm owner license issued to the trans-
19 feree—

20 “(A) under subsection (m) of section 923;

21 or

22 “(B) pursuant to a State firearm licensing
23 system certified under section 933 established
24 by the State in which the transfer or receipt oc-
25 curs;

1 “(2) the licensed dealer contacts the Attorney
2 General or the head of the State agency that admin-
3 isters the certified system described in paragraph
4 (1)(B), as applicable, and receives notice that the
5 transferee has been issued a firearm owner license
6 described in paragraph (1) and that the firearm
7 owner license remains valid; and

8 “(3) the licensed dealer records on a document
9 (which, in the case of a sale, shall be the sales re-
10 ceipt) a tracking authorization number provided by
11 the Attorney General or the head of the State agen-
12 cy, as applicable, as evidence that the licensed dealer
13 has verified the validity of the firearm owner li-
14 cense.”.

15 **SEC. 202. FIREARM RECORDS.**

16 (a) IN GENERAL.—Chapter 44 of title 18, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 **“§ 932. Firearm records**

20 “(a) SUBMISSION OF SALE OR TRANSFER RE-
21 PORTS.—Not later than 14 days after the date on which
22 the transfer of a qualifying firearm is processed by a li-
23 censed dealer under section 922(cc), the licensed dealer
24 shall submit to the Attorney General (or, in the case of
25 a licensed dealer located in a State that has a State fire-

1 arm licensing and record of sale system certified under
2 section 933, to the head of the State agency that admin-
3 isters that system) a report of that transfer, which shall
4 include information relating to—

5 “(1) the manufacturer of the qualifying fire-
6 arm;

7 “(2) the model name or number of the quali-
8 fying firearm;

9 “(3) the serial number of the qualifying fire-
10 arm;

11 “(4) the date on which the qualifying firearm
12 was received by the transferee;

13 “(5) the number of the valid firearm owner li-
14 cense issued to the transferee—

15 “(A) under section 923(m); or

16 “(B) in accordance with a State firearm li-
17 censing system certified under section 933 es-
18 tablished by the State in which the transfer or
19 receipt occurs; and

20 “(6) the name and address of the individual
21 who transferred the firearm to the transferee.

22 “(b) FEDERAL RECORD OF SALE SYSTEM.—Not
23 later than 270 days after the date of enactment of the
24 Blair Holt Firearm Owner Licensing and Record of Sale
25 Act of 2018, the Attorney General shall establish and

1 maintain a Federal record of sale system, which shall in-
 2 clude the information included in each report submitted
 3 to the Attorney General under subsection (a).”.

4 (b) ELIMINATION OF PROHIBITION ON ESTABLISH-
 5 MENT OF SYSTEM OF REGISTRATION.—Section 926(a) of
 6 title 18, United States Code, is amended by striking the
 7 second sentence.

8 (c) CLERICAL AMENDMENT.—The table of sections
 9 for chapter 44 of title 18, United States Code, is amended
 10 by adding at the end the following:

“932. Firearm records.”.

11 **TITLE III—ADDITIONAL**
 12 **PROHIBITIONS**

13 **SEC. 301. UNIVERSAL BACKGROUND CHECK REQUIRE-**
 14 **MENT.**

15 Section 922 of title 18, United States Code, as
 16 amended by sections 101 and 201 of this Act, is amended
 17 by adding at the end the following:

18 “(dd) UNIVERSAL BACKGROUND CHECK REQUIRE-
 19 MENT.—

20 “(1) REQUIREMENT.—Except as provided in
 21 paragraph (2), it shall be unlawful for any person
 22 other than a licensed importer, licensed manufac-
 23 turer, licensed dealer, or licensed collector to sell, de-
 24 liver, or otherwise transfer a firearm to any person
 25 other than such a licensee, unless the transfer is

1 processed through a licensed dealer in accordance
2 with subsection (t).

3 “(2) EXCEPTION.—Paragraph (1) shall not
4 apply to the infrequent transfer of a firearm by gift,
5 bequest, intestate succession, or other means by an
6 individual to a parent, child, grandparent, or grand-
7 child of the individual, or to any loan of a firearm
8 for any lawful purpose for not more than 30 days
9 between individuals who are personally known to
10 each other.”.

11 **SEC. 302. FAILURE TO MAINTAIN OR PERMIT INSPECTION**
12 **OF RECORDS.**

13 Section 922 of title 18, United States Code, as
14 amended by sections 101, 201, and 301 of this Act, is
15 amended by adding at the end the following:

16 “(ee) FAILURE TO MAINTAIN OR PERMIT INSPEC-
17 TION OF RECORDS.—It shall be unlawful for a licensed
18 manufacturer or a licensed dealer to fail to comply with
19 section 932, or to fail to maintain such records or supply
20 such information as the Attorney General may require in
21 order to ascertain compliance with that section and the
22 regulations and orders issued under that section.”.

1 **SEC. 303. FAILURE TO REPORT LOSS OR THEFT OF FIRE-**
2 **ARM.**

3 Section 922 of title 18, United States Code, as
4 amended by sections 101, 201, 301, and 302 of this Act,
5 is amended by adding at the end the following:

6 “(ff) FAILURE TO REPORT LOSS OR THEFT OF
7 FIREARMS.—It shall be unlawful for any person who owns
8 a qualifying firearm to fail to report the loss or theft of
9 the firearm to the Attorney General within 72 hours after
10 the loss or theft is discovered by the person who owns the
11 qualifying firearm.”.

12 **SEC. 304. FAILURE TO PROVIDE NOTICE OF CHANGE OF AD-**
13 **DRESS.**

14 Section 922 of title 18, United States Code, as
15 amended by sections 101, 201, 301, 302, and 303 of this
16 Act, is amended by adding at the end the following:

17 “(gg) FAILURE TO PROVIDE NOTICE OF CHANGE OF
18 ADDRESS.—It shall be unlawful for any individual to
19 whom a firearm owner license has been issued under sec-
20 tion 923(m) to fail to report to the Attorney General a
21 change in the address of that individual within 60 days
22 of that change of address.”.

23 **SEC. 305. CHILD ACCESS PREVENTION.**

24 Section 922 of title 18, United States Code, as
25 amended by sections 101, 201, 301, 302, 303, and 304
26 of this Act, is amended by adding at the end the following:

1 “(hh) CHILD ACCESS PREVENTION.—

2 “(1) DEFINITION OF CHILD.—In this sub-
3 section, the term ‘child’ means an individual who has
4 not attained 18 years of age.

5 “(2) PROHIBITION AND PENALTIES.—Except as
6 provided in paragraph (3), it shall be unlawful for
7 any person to keep a loaded firearm, or an unloaded
8 firearm and ammunition for the firearm, any one of
9 which has been shipped or transported in interstate
10 or foreign commerce, within any premises that is
11 under the custody or control of that person, if—

12 “(A) that person—

13 “(i) knows, or recklessly disregards
14 the risk, that a child is capable of gaining
15 access to the firearm; and

16 “(ii) either—

17 “(I) knows, or recklessly dis-
18 regards the risk, that a child will use
19 the firearm to cause the death of, or
20 serious bodily injury (as defined in
21 section 1365) to, the child or any
22 other individual; or

23 “(II) knows, or reasonably should
24 know, that possession of the firearm

1 by a child is unlawful under Federal
2 or State law; and

3 “(B) a child uses the firearm and the use
4 of that firearm causes the death of, or serious
5 bodily injury to, the child or any other indi-
6 vidual.

7 “(3) EXCEPTIONS.—Paragraph (2) shall not
8 apply if—

9 “(A) at the time the child obtained access,
10 the firearm was secured with a secure gun stor-
11 age or safety device;

12 “(B) the person is a peace officer, a mem-
13 ber of the Armed Forces, or a member of the
14 National Guard, and the child obtains the fire-
15 arm during, or incidental to, the performance of
16 the official duties of the person in that capacity;

17 “(C) the child uses the firearm in a lawful
18 act of self-defense or defense of one or more
19 other persons; or

20 “(D) the person has no reasonable expecta-
21 tion, based on objective facts and cir-
22 cumstances, that a child is likely to be present
23 on the premises on which the firearm is kept.”.

1 **TITLE IV—ENFORCEMENT**

2 **SEC. 401. CRIMINAL PENALTIES.**

3 (a) FAILURE TO POSSESS FIREARM OWNER LI-
4 CENSE; FAILURE TO COMPLY WITH DENIAL AND REV-
5 OCATION REQUIREMENTS; FAILURE TO COMPLY WITH
6 QUALIFYING FIREARM SALE OR TRANSFER REQUIRE-
7 MENTS; FAILURE TO MAINTAIN OR PERMIT INSPECTION
8 OF RECORDS.—Section 924(a) of title 18, United States
9 Code, is amended by adding at the end the following:

10 “(8) Whoever knowingly violates subsection (aa),
11 (bb), (cc), or (ee) of section 922 shall be fined under this
12 title, imprisoned not more than 10 years, or both.”.

13 (b) FAILURE TO COMPLY WITH UNIVERSAL BACK-
14 GROUND CHECKS; FAILURE TO TIMELY REPORT LOSS OR
15 THEFT OF A QUALIFYING FIREARM; FAILURE TO PRO-
16 VIDE NOTICE OF CHANGE OF ADDRESS.—Section
17 924(a)(5) of title 18, United States Code, is amended by
18 striking “(s) or (t)” and inserting “(t), (dd), (ff), or (gg)”.

19 (c) CHILD ACCESS PREVENTION.—Section 924(a) of
20 title 18, United States Code, as amended by subsection
21 (a) of this section, is amended by adding at the end the
22 following:

23 “(9) Whoever violates section 922(hh) shall be fined
24 under this title, imprisoned not more than 5 years, or
25 both.”.

1 **TITLE V—FIREARM INJURY**
2 **INFORMATION AND RESEARCH**

3 **SEC. 501. DUTIES OF THE ATTORNEY GENERAL.**

4 (a) IN GENERAL.—The Attorney General shall—

5 (1) establish and maintain a firearm injury in-
6 formation clearinghouse to collect, investigate, ana-
7 lyze, and disseminate data and information relating
8 to the causes and prevention of death and injury as-
9 sociated with firearms;

10 (2) conduct continuing studies and investiga-
11 tions of firearm-related deaths and injuries;

12 (3) collect and maintain current production and
13 sales figures for each licensed manufacturer; and

14 (4) conduct a study on the efficacy of firearms
15 that incorporate technology that prevents the use of
16 those firearms by unauthorized users (commonly
17 known as “smart guns”), in the prevention of unin-
18 tended firearm deaths.

19 (b) AVAILABILITY OF INFORMATION.—Periodically,
20 but not less frequently than annually, the Attorney Gen-
21 eral shall submit to Congress and make available to the
22 public a report on the activities and findings of the Attor-
23 ney General under subsection (a).

1 **TITLE VI—EFFECT ON STATE**
2 **LAW**

3 **SEC. 601. EFFECT ON STATE LAW.**

4 (a) IN GENERAL.—This Act and the amendments
5 made by this Act may not be construed to preempt any
6 provision of the law of any State or political subdivision
7 of that State, or prevent a State or political subdivision
8 of that State from enacting any provision of law regulating
9 or prohibiting conduct with respect to firearms, except to
10 the extent that the provision of law is inconsistent with
11 any provision of this Act or an amendment made by this
12 Act, and then only to the extent of the inconsistency.

13 (b) RULE OF INTERPRETATION.—A provision of
14 State law is not inconsistent with this Act or an amend-
15 ment made by this Act if the provision imposes a regula-
16 tion or prohibition of greater scope or a penalty of greater
17 severity than a corresponding prohibition or penalty im-
18 posed by this Act or an amendment made by this Act.

19 **SEC. 602. CERTIFICATION OF STATE FIREARM LICENSING**
20 **SYSTEMS AND STATE FIREARM RECORD OF**
21 **SALE SYSTEMS.**

22 (a) IN GENERAL.—Chapter 44 of title 18, United
23 States Code, as amended by section 202 of this Act, is
24 amended by adding at the end the following:

1 **“§ 933. Certification of State firearm licensing sys-**
2 **tems and State firearm record of sale sys-**
3 **tems**

4 “Upon a written request of the chief executive officer
5 of a State, the Attorney General may certify—

6 “(1) a firearm licensing system established by
7 a State, if State law requires the system to satisfy
8 the requirements applicable to the Federal firearm
9 licensing system established under section 923(m);
10 and

11 “(2) a firearm record of sale system established
12 by a State, if State law requires the head of the
13 State agency that administers the system to submit
14 to the Federal firearm record of sale system estab-
15 lished under section 932(b) a copy of each report
16 submitted to the head of the agency under section
17 932(a), not later than 7 days after receipt of the re-
18 port.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 44 of title 18, United States Code, as amended
21 by section 202 of this Act, is amended by adding at the
22 end the following:

“933. Certification of State firearm licensing systems and State firearm record
of sale systems.”.

1 **TITLE VII—RELATIONSHIP TO**
2 **OTHER LAW**

3 **SEC. 701. SUBORDINATION TO ARMS EXPORT CONTROL**
4 **ACT.**

5 In the event of any conflict between any provision of
6 this Act or an amendment made by this Act, and any pro-
7 vision of the Arms Export Control Act (22 U.S.C. 2751
8 et seq.), the provision of the Arms Export Control Act
9 shall control.

10 **TITLE VIII—INAPPLICABILITY**

11 **SEC. 801. INAPPLICABILITY TO GOVERNMENTAL AUTHORI-**
12 **TIES.**

13 This Act and the amendments made by this Act shall
14 not apply to any department or agency of the United
15 States, of a State, or of a political subdivision of a State,
16 or to any official conduct of any officer or employee of
17 such a department or agency.

18 **TITLE IX—EFFECTIVE DATE**

19 **SEC. 901. EFFECTIVE DATE OF AMENDMENTS.**

20 The amendments made by this Act shall take effect
21 1 year after the date of enactment of this Act.

○