

116TH CONGRESS
1ST SESSION

H. R. 4062

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

JULY 25, 2019

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 2019”.

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 2019, 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 2019, 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 rolled fingerprints of the ap-
9 plicant;

10 “(x) the date on which the application
11 was submitted; and

12 “(xi) the signature of the applicant.

13 “(B) REGULATIONS GOVERNING SUBMIS-
14 SION.—

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

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

1 “(II) require the applicant to
2 provide a valid identification docu-
3 ment of the applicant, containing a
4 photograph of the applicant, to the li-
5 censed dealer or to the office or agen-
6 cy of the Federal Government, as ap-
7 plicable, at the time of submission of
8 the application to that licensed dealer,
9 office, or agency; and

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

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

19 “(C) FEES.—

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

1 “(ii) FEE AMOUNT.—The amount of
2 the fee collected under this subparagraph
3 shall be not less than the amount deter-
4 mined by the Attorney General to be nec-
5 essary to ensure that the total amount of
6 all fees collected under this subparagraph
7 during a fiscal year is sufficient to cover
8 the costs of carrying out this subsection
9 during that fiscal year, except that such
10 amount shall not exceed \$10.

11 “(3) ISSUANCE OF LICENSES.—

12 “(A) IN GENERAL.—Not later than 30
13 days after the date on which an application is
14 submitted under paragraph (2), the Attorney
15 General shall issue a firearm owner license to
16 an applicant who has submitted an application
17 that meets the requirements under paragraph
18 (2), if, after conducting a fingerprint-based na-
19 tionwide criminal background check using the
20 rolled fingerprints of the applicant submitted in
21 the application, the Attorney General deter-
22 mines that the applicant—

23 “(i) is not prohibited by subsection (g)
24 or (n) of section 922 from receiving a
25 qualifying firearm;

1 “(ii)(I) is not younger than 21 years
2 old; or

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

5 “(aa) has submitted written
6 proof of the consent of the parent or
7 legal guardian of the applicant re-
8 quired under paragraph
9 (2)(A)(v)(II)(aa); and

10 “(bb) has not been convicted of a
11 misdemeanor, other than a traffic of-
12 fense, or adjudged delinquent;

13 “(iii) was not a patient in a mental
14 health facility during the 5-year period
15 preceding the date on which the applica-
16 tion is submitted;

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

19 “(v) is not subject to an order of pro-
20 tection prohibiting the applicant from pos-
21 sessing a firearm;

22 “(vi) has not been convicted of a cov-
23 ered offense during the 5-year period pre-
24 ceding the date on which the application is
25 submitted;

1 “(vii) has not been adjudged delin-
2 quent for an act of juvenile delinquency
3 that if committed by an adult would be a
4 felony;

5 “(viii) if the individual was a patient
6 in a mental health facility during a period
7 ending more than 5 years before the date
8 on which the application is submitted, has
9 received a qualifying mental health evalua-
10 tion;

11 “(ix) does not have a mental condition
12 that makes the applicant a clear and
13 present danger to the individual or others;
14 and

15 “(x) has not intentionally made a
16 false statement in the application under
17 paragraph (2).

18 “(B) EFFECT OF ISSUANCE TO PROHIB-
19 ITED INDIVIDUALS.—A firearm owner license
20 issued under this paragraph shall be null and
21 void if issued to an individual who is prohibited
22 by subsection (g) or (n) of section 922 from re-
23 ceiving a firearm.

24 “(C) FORM OF LICENSES.—A firearm
25 owner license issued under this paragraph shall

1 be in the form of a tamper-resistant card, and
2 shall include—

3 “(i) the photograph of the licensed in-
4 dividual submitted with the application
5 under paragraph (2);

6 “(ii) the address of the licensed indi-
7 vidual;

8 “(iii) the date of birth of the licensed
9 individual;

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

11 “(v) the height and weight of the li-
12 censed individual;

13 “(vi) a license number, unique to each
14 licensed individual;

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

17 “(I) the date that is 5 years after
18 the initial anniversary of the date of
19 birth of the licensed individual fol-
20 lowing the date on which the license is
21 issued; or

22 “(II) in the case of a license re-
23 newed under paragraph (4), the date
24 that is 5 years after the anniversary
25 of the date of birth of the licensed in-

1 dividual following the date on which
2 the license is renewed;

3 “(viii) a facsimile of the rolled finger-
4 prints of the individual submitted in the
5 application of the individual under para-
6 graph (2)(A)(ix) in an encrypted, embed-
7 ded, and machine-readable format;

8 “(ix) the signature of the licensed in-
9 dividual provided on the application under
10 paragraph (2), or a facsimile of the signa-
11 ture; and

12 “(x) centered at the top of the license,
13 capitalized, and in boldface type, the fol-
14 lowing:

15 **‘FIREARM OWNER LICENSE—NOT**
16 **VALID FOR ANY OTHER PURPOSE’.**

17 “(D) DENIAL.—

18 “(i) IN GENERAL.—If the Attorney
19 General determines that an applicant does
20 not meet the requirements under subpara-
21 graph (A), the Attorney General shall pro-
22 vide written notice to the applicant that
23 states—

24 “(I) the specific grounds on
25 which the denial is based; and

1 “(II) the requirements for
2 issuance of a firearm owner license
3 under subparagraph (A).

4 “(ii) NOTICE TO LOCAL LAW EN-
5 FORCEMENT.—The Attorney General shall
6 transmit a copy of the notice described in
7 clause (i) to the sheriff and law enforce-
8 ment agency having jurisdiction where the
9 individual to whom the denial pertains re-
10 sides.

11 “(E) CHANGE OF ADDRESS.—A licensed
12 individual shall immediately notify the Attorney
13 General if the licensed individual moves from
14 the residence address listed on the firearm
15 owner license of that licensed individual.

16 “(4) RENEWAL OF LICENSES.—

17 “(A) APPLICATIONS FOR RENEWAL OF LI-
18 CENSES.—

19 “(i) IN GENERAL.—A licensed indi-
20 vidual seeking to renew a firearm owner li-
21 cense shall, not later than 60 days before
22 the expiration date of the firearm owner li-
23 cense, submit to the Attorney General, in
24 accordance with the regulations promul-

1 gated under subparagraph (B), an applica-
2 tion for renewal of the license.

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

5 “(I) a current, passport-sized
6 photograph of the licensed individual
7 that provides a clear, accurate like-
8 ness of the licensed individual;

9 “(II) current proof of identity of
10 the licensed individual; and

11 “(III) the address of the licensed
12 individual.

13 “(iii) REGULATIONS GOVERNING SUB-
14 MISSION.—The Attorney General shall pro-
15 mulgate regulations specifying procedures
16 for the submission of applications under
17 this subparagraph.

18 “(B) ISSUANCE OF RENEWED LICENSES.—

19 Upon approval of an application submitted
20 under subparagraph (A), the Attorney General
21 shall issue a renewed license, which shall meet
22 the requirements of paragraph (3)(C), except
23 that the license shall include the current photo-
24 graph and address of the licensed individual, as
25 provided in the application submitted under

1 subparagraph (A) of this paragraph, and the
2 expiration date of the renewed license, in ac-
3 cordance with paragraph (3)(C)(vii)(II).

4 “(5) REVOCATION OF LICENSES.—

5 “(A) IN GENERAL.—If a licensed indi-
6 vidual becomes an individual who the Attorney
7 General determines does not meet the require-
8 ments under paragraph (3)(A) of this sub-
9 section—

10 “(i) the firearm owner license is re-
11 voked; and

12 “(ii) the individual shall surrender the
13 firearm owner license to the Attorney Gen-
14 eral in accordance with paragraph (6)(A)
15 of this subsection.

16 “(B) NOTICE.—

17 “(i) IN GENERAL.—Upon receipt by
18 the Attorney General of notice that a li-
19 censed individual has become an individual
20 described in subparagraph (A), the Attor-
21 ney General shall provide written notice to
22 the individual that—

23 “(I) the firearm owner license is
24 revoked; and

1 “(II) states the specific grounds
2 on which the revocation is based.

3 “(ii) NOTICE TO LOCAL LAW EN-
4 FORCEMENT.—The Attorney General shall
5 transmit a copy of the notice described in
6 clause (i) to the sheriff and law enforce-
7 ment agency having jurisdiction where the
8 individual to which the denial pertains re-
9 sides.

10 “(6) SURRENDER OF LICENSES AND QUALI-
11 FYING FIREARMS.—

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

18 “(i) in the case of an individual who
19 receives a revocation notice, surrender the
20 firearm owner license of the individual—

21 “(I) by bringing the firearm
22 owner license to an office of—

23 “(aa) the Federal Bureau of
24 Investigation;

1 “(bb) the Bureau of Alcohol,
2 Tobacco, Firearms, and Explo-
3 sives; or

4 “(cc) a United States Attor-
5 ney; or

6 “(II) by mailing the firearm
7 owner license to the Attorney General;

8 “(ii) if the individual owns or has cus-
9 tody and control of a qualifying firearm,
10 complete a firearm disposition record de-
11 scribed in subparagraph (B) and—

12 “(I) in the case of an individual
13 who receives a denial notice, submit
14 that firearm disposition record to an
15 entity described in clause (i); and

16 “(II) in the case of an individual
17 who receives a revocation notice, sub-
18 mit that firearm disposition record at
19 the same time that the individual sur-
20 renders the firearm owner license
21 under clause (i); and

22 “(iii) transfer any qualifying firearm
23 that is owned by or under the custody and
24 control of the individual to—

25 “(I) any location other than—

1 “(aa) a location to which the
2 individual has immediate access;

3 “(bb) a residence of the in-
4 dividual;

5 “(cc) a vehicle of the indi-
6 vidual; or

7 “(dd) a storage space of the
8 individual; or

9 “(II) if applicable, any person
10 other than a member of the household
11 of the individual.

12 “(B) FIREARM DISPOSITION RECORDS.—
13 The Attorney General shall prescribe a form for
14 a firearm disposition record to be completed
15 under subparagraph (A)(ii) that shall require
16 an individual completing the firearm disposition
17 record to disclose—

18 “(i) the make, model, and serial num-
19 ber of each qualifying firearm that is
20 owned by or under the custody and control
21 of the individual on the date on which the
22 firearm disposition record is completed by
23 the individual;

24 “(ii) the location where each quali-
25 fying firearm described in clause (i) will be

1 located after the individual submits the
2 firearm disposition record; and

3 “(iii) if any qualifying firearm de-
4 scribed in clause (i) will be transferred to
5 the ownership or custody and control of
6 another person, the name, address, and, if
7 applicable, firearm owner license number
8 of the transferee.

9 “(C) RESPONSIBILITIES OF RECEIVING EN-
10 TITIES.—At the time at which an entity de-
11 scribed in subparagraph (A)(i) receives a fire-
12 arm owner license and firearm disposition
13 record under subparagraph (A), the entity
14 shall—

15 “(i) provide to the individual surren-
16 dering the firearm owner license and sub-
17 mitting the firearm disposition record—

18 “(I) a receipt showing that the
19 individual surrendered the firearm
20 owner license to the entity; and

21 “(II) a copy of the firearm dis-
22 position record submitted by the indi-
23 vidual; and

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

4 “(I) transmit to the Attorney
 5 General—

6 “(aa) the firearm owner li-
 7 cense; and

8 “(bb) the firearm disposition
 9 record; and

10 “(II) maintain a copy of the doc-
 11 uments described in subclause (I) of
 12 this clause.

13 “(D) RIGHT TO RECLAIM FIREARM.—An
 14 individual who transfers a qualifying firearm
 15 under subparagraph (A)(iii) may reclaim the
 16 qualifying firearm after a successful application
 17 for relief or appeal under section 925(g).”.

18 **SEC. 103. RELIEF FROM DENIAL OR REVOCATION OF FIRE-**
 19 **ARM OWNER LICENSES.**

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

22 “(g) RELIEF FROM DENIAL OR REVOCATION OF
 23 FIREARM OWNER LICENSES.—

24 “(1) APPLICATION TO THE ATTORNEY GEN-
 25 ERAL.—

1 “(A) IN GENERAL.—If the Attorney Gen-
2 eral denies a firearm owner license to an indi-
3 vidual under subsection (m)(3)(D) of section
4 923 or revokes the firearm owner license of an
5 individual under subsection (m)(5) of that sec-
6 tion, the individual may, not later than 60 days
7 after the date on which the denial or revocation
8 occurs, make an application to the Attorney
9 General for relief from that denial or revoca-
10 tion.

11 “(B) RELIEF.—The Attorney General may
12 grant relief to an applicant under subparagraph
13 (A), if the applicant establishes to the satisfac-
14 tion of the Attorney General that the cir-
15 cumstances relating to the denial or revocation,
16 and the criminal record and personal reputation
17 of the applicant, are such that—

18 “(i) the applicant will not be likely to
19 act in a manner dangerous to public safe-
20 ty; and

21 “(ii) relief under this subparagraph
22 would not be contrary to the public inter-
23 est.

24 “(C) NOTICE IN THE FEDERAL REG-
25 ISTER.—If the Attorney General grants relief

1 under subparagraph (B), the Attorney General
2 shall promptly publish in the Federal Register
3 a notice—

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

5 “(ii) that describes the reasons for
6 granting the relief.

7 “(2) APPEAL.—

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

13 “(B) HEARING.—A court that receives a
14 petition under subparagraph (A) shall hold a
15 hearing to determine whether to grant the peti-
16 tioner relief described in paragraph (1)(A) not
17 later than 72 hours after the petitioner files the
18 petition.

19 “(C) NOTICE AND OPPORTUNITY TO BE
20 HEARD.—

21 “(i) IN GENERAL.—The court shall
22 provide the petitioner with notice and the
23 opportunity to be heard at a hearing under
24 this paragraph, sufficient to protect the
25 due process rights of the petitioner.

1 “(ii) RIGHT TO COUNSEL.—

2 “(I) IN GENERAL.—At a hearing
3 under this paragraph, the petitioner
4 may be represented by counsel who
5 is—

6 “(aa) chosen by the peti-
7 tioner; and

8 “(bb) authorized to practice
9 at such a hearing.

10 “(II) COURT-PROVIDED COUN-
11 SEL.—If the petitioner is financially
12 unable to obtain representation by
13 counsel, the court, at the request of
14 the petitioner, shall ensure to the ex-
15 tent practicable that the petitioner is
16 represented by an attorney for the
17 Legal Services Corporation with re-
18 spect to the petition.

19 “(D) BURDEN OF PROOF; STANDARD.—At
20 a hearing under this paragraph, the Attorney
21 General—

22 “(i) shall have the burden of proving
23 all material facts; and

24 “(ii) shall be required to demonstrate,
25 by clear and convincing evidence, that the

1 petitioner is prohibited under section
2 923(m)(3)(A) from receiving a firearm
3 owner license.”.

4 **TITLE II—RECORD OF SALE OR**
5 **TRANSFER**

6 **SEC. 201. SALE OR TRANSFER REQUIREMENTS FOR QUALI-**
7 **FYING FIREARMS.**

8 Section 922 of title 18, United States Code, as
9 amended by section 101 of this Act, is amended by adding
10 at the end the following:

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

20 “(1) the transferee presents to a licensed dealer
21 a valid firearm owner license issued to the trans-
22 feree—

23 “(A) under subsection (m) of section 923;
24 or

1 “(B) pursuant to a State firearm licensing
 2 system certified under section 933 established
 3 by the State in which the transfer or receipt oc-
 4 curs;

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

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

19 **SEC. 202. FIREARM RECORDS.**

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

23 **“§ 932. Firearm records**

24 “(a) SUBMISSION OF SALE OR TRANSFER RE-
 25 PORTS.—Not later than 14 days after the date on which

1 the transfer of a qualifying firearm is processed by a li-
2 censed dealer under section 922(cc), the licensed dealer
3 shall submit to the Attorney General (or, in the case of
4 a licensed dealer located in a State that has a State fire-
5 arm licensing and record of sale system certified under
6 section 933, to the head of the State agency that admin-
7 isters that system) a report of that transfer, which shall
8 include information relating to—

9 “(1) the manufacturer of the qualifying fire-
10 arm;

11 “(2) the model name or number of the quali-
12 fying firearm;

13 “(3) the serial number of the qualifying fire-
14 arm;

15 “(4) the date on which the qualifying firearm
16 was received by the transferee;

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

19 “(A) under section 923(m); or

20 “(B) in accordance with a State firearm li-
21 censing system certified under section 933 es-
22 tablished by the State in which the transfer or
23 receipt occurs; and

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

1 “(b) FEDERAL RECORD OF SALE SYSTEM.—Not
 2 later than 270 days after the date of enactment of the
 3 Blair Holt Firearm Owner Licensing and Record of Sale
 4 Act of 2019, the Attorney General shall establish and
 5 maintain a Federal record of sale system, which shall in-
 6 clude the information included in each report submitted
 7 to the Attorney General under subsection (a).”.

8 (b) ELIMINATION OF PROHIBITION ON ESTABLISH-
 9 MENT OF SYSTEM OF REGISTRATION.—Section 926(a) of
 10 title 18, United States Code, is amended by striking the
 11 second sentence.

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

“932. Firearm records.”.

15 **TITLE III—ADDITIONAL** 16 **PROHIBITIONS**

17 **SEC. 301. UNIVERSAL BACKGROUND CHECK REQUIRE-** 18 **MENT.**

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

22 “(dd) UNIVERSAL BACKGROUND CHECK REQUIRE-
 23 MENT.—

24 “(1) REQUIREMENT.—Except as provided in
 25 paragraph (2), it shall be unlawful for any person

1 other than a licensed importer, licensed manufac-
2 turer, licensed dealer, or licensed collector to sell, de-
3 liver, or otherwise transfer a firearm to any person
4 other than such a licensee, unless the transfer is
5 processed through a licensed dealer in accordance
6 with subsection (t).

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

15 **SEC. 302. FAILURE TO MAINTAIN OR PERMIT INSPECTION**
16 **OF RECORDS.**

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

20 “(ee) FAILURE TO MAINTAIN OR PERMIT INSPEC-
21 TION OF RECORDS.—It shall be unlawful for a licensed
22 manufacturer or a licensed dealer to fail to comply with
23 section 932, or to fail to maintain such records or supply
24 such information as the Attorney General may require in

1 order to ascertain compliance with that section and the
2 regulations and orders issued under that section.”.

3 **SEC. 303. FAILURE TO REPORT LOSS OR THEFT OF FIRE-**
4 **ARM.**

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

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

14 **SEC. 304. FAILURE TO PROVIDE NOTICE OF CHANGE OF AD-**
15 **DRESS.**

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

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

1 **SEC. 305. CHILD ACCESS PREVENTION.**

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

5 “(hh) CHILD ACCESS PREVENTION.—

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

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

16 “(A) that person—

17 “(i) knows, or recklessly disregards
18 the risk, that a child is capable of gaining
19 access to the firearm; and

20 “(ii) either—

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

1 “(II) knows, or reasonably should
2 know, that possession of the firearm
3 by a child is unlawful under Federal
4 or State law; and

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

9 “(3) EXCEPTIONS.—Paragraph (2) shall not
10 apply if—

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

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

19 “(C) the child uses the firearm in a lawful
20 act of self-defense or defense of 1 or more other
21 persons; or

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

TITLE IV—ENFORCEMENT

SEC. 401. CRIMINAL PENALTIES.

(a) FAILURE TO POSSESS FIREARM OWNER LICENSE; FAILURE TO COMPLY WITH DENIAL AND REVOCATION REQUIREMENTS; FAILURE TO COMPLY WITH QUALIFYING FIREARM SALE OR TRANSFER REQUIREMENTS; FAILURE TO MAINTAIN OR PERMIT INSPECTION OF RECORDS.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

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

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

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

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

TITLE VI—EFFECT ON STATE LAW

SEC. 601. EFFECT ON STATE LAW.

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

(b) RULE OF INTERPRETATION.—A provision of State law is not inconsistent with this Act or an amendment made by this Act if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than a corresponding prohibition or penalty imposed by this Act or an amendment made by this Act.

SEC. 602. CERTIFICATION OF STATE FIREARM LICENSING SYSTEMS AND STATE FIREARM RECORD OF SALE SYSTEMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, as amended by section 202 of this Act, is 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.

