

118TH CONGRESS  
2D SESSION

# S. 3812

To provide firearm licensees an opportunity to correct statutory and regulatory violations, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2024

Ms. ERNST (for herself, Mrs. BLACKBURN, Mr. BRAUN, Mr. BUDD, Mr. CASIDY, Mr. CRAMER, Mr. DAINES, Ms. LUMMIS, Mr. MARSHALL, Mr. MULLIN, Mr. RICKETTS, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of Florida, Mr. TILLIS, Mr. VANCE, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide firearm licensees an opportunity to correct statutory and regulatory violations, 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.**

4 This Act may be cited as the “Fighting Irrational  
5 Regulatory Enforcement to Avert Retailers’ Misfortune  
6 Act” or the “FIREARM Act”.

1 **SEC. 2. FIREARM LICENSING REVOCATIONS AND DENIALS.**

2 (a) SELF-REPORTED VIOLATIONS; OPPORTUNITY TO  
3 CORRECT VIOLATIONS.—Section 923(e) of title 18,  
4 United States Code, is amended—

5 (1) by inserting “(1)” after “(e)”; and

6 (2) by adding at the end the following:

7 “(2)(A) The Attorney General may not bring an en-  
8 forcement action to revoke, or deny a renewal of, a license  
9 for a violation of any provision of this chapter or any im-  
10 plementing regulation thereof on the basis of a self-re-  
11 ported violation.

12 “(B) In the case of a self-reported violation, the At-  
13 torney General shall—

14 “(i) assist the licensee to correct the self-re-  
15 ported violation; and

16 “(ii) provide the licensee with instructions and  
17 compliance training designed to assist the licensee in  
18 avoiding repetition of the self-reported violation in  
19 the future.

20 “(3)(A) Before initiating an enforcement action  
21 under this subsection, the Attorney General shall provide  
22 the licensee with actual notice of the violation giving rise  
23 to the enforcement action, which shall include, at a min-  
24 imum—

25 “(i) a detailed explanation of the substance of  
26 the violation;

1           “(ii) all evidence or documentation in the pos-  
 2           session of the Attorney General regarding the en-  
 3           forcement action; and

4           “(iii) a statement that the Attorney General  
 5           will not initiate the enforcement action if the li-  
 6           censee corrects the violation by the date that is 30  
 7           business days after the date on which the licensee  
 8           receives the notice.

9           “(B) The Attorney General may bring an enforce-  
 10          ment action under this subsection against a licensee de-  
 11          scribed in subparagraph (A) if—

12           “(i) 30 business days have elapsed since the  
 13          date on which the licensee received the notice of the  
 14          violation required under that subparagraph; and

15           “(ii) the licensee has not corrected the violation.

16          “(4) The Attorney General may not bring an enforce-  
 17          ment action on the basis of any violation of any provision  
 18          of this chapter or any implementing regulation thereof  
 19          that has been corrected pursuant to paragraph (2) or  
 20          (3).”.

21          (b) DIRECT JUDICIAL REVIEW OF LICENSE REVOCATION.  
 22          TIONS.—Section 923(f) of title 18, United States Code,  
 23          is amended—

24           (1) in paragraph (2), by striking “If” and in-  
 25          serting “Except as provided in paragraph (3), if”;

1           (2) by redesignating paragraphs (3) and (4) as  
2 paragraphs (4) and (5), respectively; and

3           (3) by inserting after paragraph (2) the fol-  
4 lowing:

5           “(3)(A) During the 10-business-day period beginning  
6 on the date on which a license holder receives a written  
7 notice of revocation of the license under paragraph (1),  
8 the license holder, in lieu of requesting a hearing under  
9 paragraph (2), may file a petition with the United States  
10 district court for the district in which the license holder  
11 resides or has his or her principle place of business for  
12 a judicial review of the revocation.

13           “(B) If a license holder files a petition with a United  
14 States district court under subparagraph (A), the Attor-  
15 ney General shall stay the effective date of the revocation  
16 until the court issues a judgment.

17           “(C) In a proceeding conducted under this para-  
18 graph, the court may consider any evidence submitted by  
19 the parties to the proceeding.

20           “(D) If the court decides that the Attorney General  
21 was not authorized to revoke the license, the court shall  
22 order the Attorney General to take such action as may  
23 be necessary to comply with the judgment of the court.”.

1           (c) DEFINITIONS.—Section 921(a) of title 18, United  
2 States Code, is amended by adding at the end the fol-  
3 lowing:

4           “(38) The term ‘self-reported violation’ means a vio-  
5 lation by a licensee of any provision of this chapter or any  
6 implementing regulation thereof that the licensee reports  
7 to the Attorney General before the Attorney General dis-  
8 covers the violation during an inspection of the licensee  
9 under this chapter.

10          “(39) The term ‘willfully’ has the meaning given the  
11 term in section 5336(h) of title 31, except that—

12                   “(A) the term only includes conduct resulting  
13 from or achieved through deliberate planning or spe-  
14 cific intent;

15                   “(B) willfulness shall not be inferred from pre-  
16 vious conduct; and

17                   “(C) minor, clerical, or curable conduct is pre-  
18 sumptively not willful.”.

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