

116TH CONGRESS
1ST SESSION

S. 2449

To amend title 18, United States Code, to require licenses to acquire or receive firearms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2019

Mr. BOOKER (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to require licenses to acquire or receive 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.**

4 This Act may be cited as the “Federal Firearm Li-
5 censing Act”.

6 **SEC. 2. LICENSE FOR THE PURCHASE OF FIREARMS.**

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

1 **“§ 932. License for the acquisition or receipt of fire-**
2 **arms**

3 “(a) IN GENERAL.—Except as provided in subsection
4 (d), it shall be unlawful for any individual to purchase or
5 receive a firearm unless the individual has a valid Federal
6 firearm license.

7 “(b) ESTABLISHMENT OF FEDERAL LICENSE TO
8 PURCHASE OR RECEIVE FIREARMS.—

9 “(1) IN GENERAL.—The Attorney General shall
10 establish a Federal system for issuing a Federal fire-
11 arm license to eligible individuals for firearms trans-
12 ferred to such individual.

13 “(2) REQUIREMENTS.—The system established
14 under paragraph (1) shall require that—

15 “(A) an individual shall be eligible to re-
16 ceive such a license if the individual—

17 “(i) has completed training in fire-
18 arms safety, including—

19 “(I) a written test, to dem-
20 onstrate knowledge of applicable fire-
21 arms laws; and

22 “(II) hands-on testing, including
23 firing testing, to demonstrate safe use
24 and sufficient accuracy of a firearm;

25 “(ii) as part of the process for apply-
26 ing for such a license—

1 “(I) has submitted to a back-
2 ground investigation and criminal his-
3 tory check of the individual;

4 “(II) has submitted proof of
5 identity;

6 “(III) has submitted the finger-
7 prints of the individual; and

8 “(IV) has submitted identifying
9 information on the firearm that the
10 person intends to obtain, including the
11 make, model, and serial number, and
12 the identity of the firearm seller or
13 transferor;

14 “(B) a license issued under the system is
15 available at a designated local office, which
16 shall be located in both urban and rural areas;

17 “(C) the Attorney General shall issue or
18 deny a license under this section not later than
19 30 days after the date on which the application
20 for such license is received;

21 “(D) each license issued under this section
22 shall be valid for the purchase of a single fire-
23 arm, which shall be purchased not later than 30
24 days after the date on which the license is
25 issued;

1 “(E) a license issued under the system
2 shall expire on the date that is 5 years after the
3 date on which the license was issued; and

4 “(F) the Attorney General shall provide
5 notice of an application for a license under this
6 section to the relevant State and local officials.

7 “(3) BACKGROUND INVESTIGATION.—

8 “(A) IN GENERAL.—Before issuing a li-
9 cense under this section, the Attorney General
10 shall—

11 “(i) conduct a background investiga-
12 tion on the applicant; and

13 “(ii) deny any license if receipt of a
14 firearm would violate subsection (g) or (n)
15 of section 922 or any provision of State
16 law.

17 “(B) POSES A DANGER OF BODILY IN-
18 JURY.—

19 “(i) INFORMATION FROM STATE AND
20 LOCAL OFFICIALS.—After receiving the no-
21 tice described in paragraph (2)(F), rel-
22 evant State and local officials may submit
23 to the Attorney General information dem-
24 onstrating that the individual poses a sig-
25 nificant danger of bodily injury to self or

1 others by possessing, purchasing, or receiv-
2 ing a firearm.

3 “(ii) DENIAL.—

4 “(I) IN GENERAL.—The Attorney
5 General may deny a license under this
6 section if the Attorney General deter-
7 mines that the applicant poses a sig-
8 nificant danger of bodily injury to self
9 or others by possessing, purchasing,
10 or receiving a firearm, after exam-
11 ining factors the Attorney General
12 considers are relevant to the deter-
13 mination, including—

14 “(aa) history of threats or
15 acts of violence toward self or
16 others;

17 “(bb) history of use, at-
18 tempted use, or threatened use of
19 physical force by the applicant
20 against another person;

21 “(cc) whether the applicant
22 is the subject of or has violated a
23 domestic violence or stalking re-
24 straining order or protection
25 order;

1 “(dd) any prior arrest, pend-
2 ing charge, or conviction for a
3 violent or serious crime or dis-
4 orderly persons offense, stalking
5 offense, or domestic violence of-
6 fense;

7 “(ee) any prior arrest, pend-
8 ing charge, or conviction for an
9 offense involving cruelty to ani-
10 mals;

11 “(ff) history of drug or alco-
12 hol abuse or involvement in drug
13 trafficking;

14 “(gg) any recent acquisition
15 of firearms, ammunition, or other
16 deadly weapons; and

17 “(hh) involvement in fire-
18 arms trafficking or unlawful fire-
19 arms transfers; and

20 “(ii) history of unsafe stor-
21 age or handling of firearms.

22 “(II) JUDICIAL REVIEW.—An ap-
23 plicant denied a license under sub-
24 clause (I) may file an action in the
25 appropriate district court of the

1 United States for seeking review of
2 the denial.

3 “(C) RULE OF CONSTRUCTION.—Nothing
4 in this paragraph may be construed to modify
5 any other requirement for a background inves-
6 tigation relating to the acquisition or receipt of
7 a firearm in effect on the day before the date
8 of enactment of this section.

9 “(4) REVOCATION.—

10 “(A) IN GENERAL.—The Attorney General
11 shall revoke a license issued under this section
12 if the Attorney General determines that—

13 “(i) the licensee poses a significant
14 danger of bodily injury to self or others by
15 possessing, purchasing, or receiving a fire-
16 arm; or

17 “(ii) after a regular background inves-
18 tigation conducted by the Attorney Gen-
19 eral, the possession of a firearm would vio-
20 late subsection (g) or (n) of section 922 or
21 any provision of State law.

22 “(B) NOTICE AND OPPORTUNITY FOR A
23 HEARING.—

24 “(i) NOTICE.—Upon determining that
25 the licensee should have their license re-

1 voked under subparagraph (A), the Attor-
2 ney General shall provide notice to the li-
3 censee and to relevant State and local offi-
4 cials of the determination.

5 “(ii) HEARING.—For revocations
6 under subparagraph (A)(i), the Attorney
7 General shall provide a licensee an oppor-
8 tunity for a hearing in the appropriate dis-
9 trict court of the United States not later
10 than 30 days after the date on which a li-
11 cense is revoked under this paragraph to
12 appeal the revocation.

13 “(C) PROCEDURES.—The Attorney Gen-
14 eral shall establish procedures to ensure that
15 any firearm is removed from any individual
16 when the individual’s license is revoked under
17 this paragraph.

18 “(D) RETURN OF FIREARMS.—A firearm
19 removed under the procedures established under
20 subparagraph (C) may be returned to the indi-
21 vidual only if the individual’s license is rein-
22 stated.

23 “(5) RENEWAL.—The Attorney General shall
24 establish procedures for the renewal of a license that

1 requires that the applicant satisfies the requirements
2 described in paragraph (2).

3 “(6) ENROLLMENT IN RAP BACK.—The Attor-
4 ney General shall enroll each individual who is
5 issued a license under this section in the Rap Back
6 service.

7 “(c) RECORDKEEPING.—It shall be unlawful for any
8 individual to sell or otherwise dispose of a firearm to a
9 person unless the individual reports the transaction to the
10 Attorney General not later than 3 business days after the
11 date on which the firearm is sold or transferred, which
12 shall include identifying information on the firearm seller
13 and on the firearm transferee, including the make, model,
14 and serial number.

15 “(d) STATE LICENSES.—

16 “(1) IN GENERAL.—Subsection (a) shall not
17 apply to an individual in a State if the Attorney
18 General determines that the State has a process for
19 issuing a State firearm license to eligible individuals
20 in the State with substantially similar requirements
21 to those described in subsection (b).

22 “(e) REGULATIONS.—The Attorney General may pro-
23 mulgate regulations that the Attorney General determines
24 are necessary to carry out this section.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for such chapter is amended by adding at the end the fol-
 3 lowing:

“932. License for the acquisition or receipt of firearms.”.

4 **SEC. 3. POINT-OF-SALE BACKGROUND CHECK.**

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

7 “(aa)(1)(A) It shall be unlawful for any person who
 8 is not a licensed importer, licensed manufacturer, or li-
 9 censed dealer to transfer a firearm to any other person
 10 who is not so licensed, unless a licensed importer, licensed
 11 manufacturer, or licensed dealer has first taken possession
 12 of the firearm for the purpose of complying with sub-
 13 section (t).

14 “(B) Upon taking possession of a firearm under sub-
 15 paragraph (A), a licensee shall comply with all require-
 16 ments of this chapter as if the licensee were transferring
 17 the firearm from the inventory of the licensee to the unli-
 18 censed transferee.

19 “(C) If a transfer of a firearm described in subpara-
 20 graph (A) will not be completed for any reason after a
 21 licensee takes possession of the firearm (including because
 22 the transfer of the firearm to, or receipt of the firearm
 23 by, the transferee would violate this chapter), the return
 24 of the firearm to the transferor by the licensee shall not

1 constitute the transfer of a firearm for purposes of this
2 chapter.”.

3 **SEC. 4. PROHIBITION ON TRANSFER TO CERTAIN UNLI-**
4 **CENSED PERSONS.**

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

7 “(aa) PROHIBITION ON TRANSFER TO CERTAIN UN-
8 LICENSED PERSONS.—It shall be unlawful for any person
9 to—

10 “(1) sell or otherwise dispose of a firearm to
11 any person if such person does not have a license
12 issued under section 932 or a substantially similar
13 State law, as determined by the Attorney General,
14 during the previous 30 days; or

15 “(2) fail to report to the relevant law enforce-
16 ment agencies the sale or disposal described in para-
17 graph (1).”.

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