

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.

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## 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

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## 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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