

119TH CONGRESS
1ST SESSION

S. _____

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

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

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 AND POSSESSION OF**
7 **FIREARMS.**

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

1 **“§ 935. License for the acquisition, receipt, and pos-**
2 **session of firearms**

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

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

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

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

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

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

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

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

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

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

6 “(II) has submitted proof of
7 identity;

8 “(III) has submitted the finger-
9 prints of the individual; and

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

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

19 “(C) the Attorney General shall issue or
20 deny a license under this section not later than
21 30 days after the date on which the application
22 for such license is received;

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

1 days after the date on which the license is
2 issued;

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

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

9 “(3) BACKGROUND INVESTIGATION.—

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

13 “(i) conduct a background investiga-
14 tion on the applicant; and

15 “(ii) deny any license if receipt or
16 transfer of a firearm would violate sub-
17 section (d), (g), or (n) of section 922 or
18 any provision of State law.

19 “(B) POSES A DANGER OF BODILY IN-
20 JURY.—

21 “(i) INFORMATION FROM STATE AND
22 LOCAL OFFICIALS.—After receiving the no-
23 tice described in paragraph (2)(F), rel-
24 evant State and local officials may submit
25 to the Attorney General information dem-

1 onstrating that the individual poses a sig-
2 nificant danger of bodily injury to self or
3 others by possessing, purchasing, or receiv-
4 ing a firearm.

5 “(ii) DENIAL.—

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

16 “(aa) history of threats or
17 acts of violence toward self or
18 others;

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

23 “(cc) whether the applicant
24 is the subject of or has violated a
25 domestic violence or stalking re-

1 straining order or protection
2 order;

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

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

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

16 “(gg) any recent acquisition
17 of firearms, ammunition, or other
18 deadly weapons;

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

22 “(ii) history of unsafe stor-
23 age or handling of firearms.

24 “(II) JUDICIAL REVIEW.—An ap-
25 plicant denied a license under sub-

1 clause (I) may file an action in the
2 appropriate district court of the
3 United States for seeking review of
4 the denial.

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

11 “(4) REVOCATION.—

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

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

19 “(ii) after a regular background inves-
20 tigation conducted by the Attorney Gen-
21 eral, the receipt or transfer of a firearm
22 would violate subsection (d), (g), or (n) of
23 section 922 or any provision of State law.

24 “(B) NOTICE AND OPPORTUNITY FOR A
25 HEARING.—

1 “(i) NOTICE.—Upon determining that
2 the licensee should have their license re-
3 voked under subparagraph (A), the Attor-
4 ney General shall provide notice to the li-
5 censee and to relevant State and local offi-
6 cials of the determination.

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

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

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

25 “(5) RENEWAL.—The Attorney General—

1 “(A) shall establish procedures for the re-
2 newal of a license that requires that the appli-
3 cant satisfies the requirements described in
4 paragraph (2); and

5 “(B) may develop procedures and proc-
6 esses to consolidate renewal applications for in-
7 dividuals with multiple firearm purchasing li-
8 censes.

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

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

21 “(d) STATE LICENSES.—

22 “(1) IN GENERAL.—Subsection (a) shall not
23 apply to an individual in a State if the Attorney
24 General determines that the State has a process for
25 issuing a State firearm license to eligible individuals

1 in the State with substantially similar requirements
2 to those described in subsection (b).

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

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

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

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

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

12 “(aa) POINT-OF-SALE BACKGROUND CHECKS.—

13 “(1) IN GENERAL.—It shall be unlawful for any
14 person who is not a licensed importer, licensed man-
15 ufacturer, or licensed dealer to transfer a firearm to
16 any other person who is not so licensed, unless a li-
17 censed importer, licensed manufacturer, or licensed
18 dealer has first taken possession of the firearm for
19 the purpose of complying with subsection (t).

20 “(2) COMPLIANCE.—Upon taking possession of
21 a firearm under paragraph (1), a licensee shall com-
22 ply with all requirements of this chapter as if the li-
23 censee were transferring the firearm from the inven-
24 tory of the licensee to the unlicensed transferee.

1 “(3) RETURN.—If a transfer of a firearm de-
2 scribed in paragraph (1) will not be completed for
3 any reason after a licensee takes possession of the
4 firearm (including because the transfer of the fire-
5 arm to, or receipt of the firearm by, the transferee
6 would violate this chapter), the return of the firearm
7 to the transferor by the licensee shall not constitute
8 the transfer of a firearm for purposes of this chap-
9 ter.”.

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

12 Section 922 of title 18, United States Code, as
13 amended by section 3 of this Act, is amended by adding
14 at the end the following:

15 “(bb) PROHIBITION ON TRANSFER TO CERTAIN UN-
16 LICENSED PERSONS.—It shall be unlawful for any person
17 to—

18 “(1) sell or otherwise dispose of a firearm to
19 any person if such person does not have a license
20 issued under section 935 or a substantially similar
21 State law, as determined by the Attorney General,
22 during the previous 30 days; or

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