

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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

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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 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:

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—

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.



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.—

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

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 Atto-  
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).”.