

114TH CONGRESS
1ST SESSION

H. R. 4009

To amend chapter 44 of title 18, United States Code, to treat flamethrowers the same as machineguns.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2015

Mr. ENGEL (for himself, Mrs. CAROLYN B. MALONEY of New York, and Mr. HASTINGS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to treat flamethrowers the same as machineguns.

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 “Flamethrowers? Real-
5 ly? Act”.

1 **SEC. 2. FLAMETHROWERS TREATED THE SAME AS MA-**
2 **CHINEGUNS FOR PURPOSES OF ALL FED-**
3 **ERAL CRIMINAL LAWS RELATING TO FIRE-**
4 **ARMS.**

5 (a) **DEFINITION OF FLAMETHROWER.**—Section
6 921(a) of title 18, United States Code, is amended by add-
7 ing at the end the following:

8 “(36) The term ‘flamethrower’ means any nonsta-
9 tionary or transportable device designed or intended to ig-
10 nite and then emit or propel a burning stream of a com-
11 bustible or flammable substance a distance of at least 6
12 feet.”.

13 (b) **INCLUSION IN DEFINITION OF FIREARM.**—Sec-
14 tion 921(a)(3)(A) of such title is amended by inserting
15 “, including a flamethrower” before the semicolon.

16 (c) **BAN ON POSSESSION OR TRANSFER.**—Section
17 922(o) of such title is amended—

18 (1) in paragraph (1), by inserting “or flame-
19 thrower” after “machinegun”; and

20 (2) in paragraph (2)—

21 (A) by striking “or” at the end of subpara-
22 graph (A);

23 (B) by striking the period at the end of
24 subparagraph (B) and inserting “; or”; and

25 (C) by adding at the end the following:

1 “(C) any otherwise lawful transfer or otherwise
2 lawful possession of a flamethrower that was law-
3 fully possessed before the date this subparagraph
4 takes effect.”.

5 (d) BAN ON UNAUTHORIZED TRANSPORT IN INTER-
6 STATE OR FOREIGN COMMERCE.—Section 922 of such
7 title is amended in each of subsections (a)(4) and (b)(4)
8 by inserting “flamethrower,” before “machinegun”.

9 (e) ENHANCED PENALTIES FOR USING, CARRYING,
10 OR POSSESSING DURING AND IN RELATION TO A CRIME
11 OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section
12 924(e)(1) of such title is amended in each of subpara-
13 graphs (B)(ii) and (C)(ii) by inserting “, a flamethrower,”
14 after “machinegun”.

15 (f) PENALTIES FOR CONSPIRING TO COMMIT AN OF-
16 FENSE SUBJECT TO CERTAIN ENHANCED PENALTIES.—
17 Section 924(o) of such title is amended by inserting “,
18 flamethrower,” after “machinegun”.

19 (g) EXCEPTION FROM REQUIREMENT TO ALLOW IM-
20 PORTATION OF AN UNSERVICEABLE FIREARM THAT IS A
21 CURIO OR MUSEUM PIECE.—Section 925(d)(2) of such
22 title is amended by inserting “a flamethrower or” before
23 “a machinegun”.

24 (h) EXCEPTION FROM CONCEALED FIREARMS AL-
25 LOWED TO BE CARRIED BY QUALIFIED LAW ENFORCE-

1 MENT OFFICERS.—Section 926B(e)(3) of such title is
2 amended by redesignating subparagraphs (B) and (C) as
3 subparagraphs (C) and (D), respectively, and inserting
4 after subparagraph (A) the following:

5 “(B) any flamethrower;”.

6 (i) EXCEPTION FROM CONCEALED FIREARMS AL-
7 LOWED TO BE CARRIED BY QUALIFIED RETIRED LAW
8 ENFORCEMENT OFFICERS.—Section 926C(e)(1)(C) of
9 such title is amended by redesignating clauses (ii) and (iii)
10 as clauses (iii) and (iv), respectively, and inserting after
11 clause (i) the following:

12 “(ii) any flamethrower;”.

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