

115TH CONGRESS  
2D SESSION

# H. R. 4901

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2018

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

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## 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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