

117TH CONGRESS  
1ST SESSION

# H. R. 1691

To direct the Secretary of Homeland Security to issue guidance to identify firearms business operations of licensed manufacturers and licensed dealers as essential businesses during certain national emergencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2021

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Secretary of Homeland Security to issue guidance to identify firearms business operations of licensed manufacturers and licensed dealers as essential businesses during certain national emergencies, 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 “Second Amendment  
5 Protection Act”.

1 **SEC. 2. GUIDANCE ON ESSENTIAL BUSINESS.**

2 Not later than 180 days after the date of enactment  
3 of this Act, the Secretary of Homeland Security shall issue  
4 guidance to identify firearms business operations of li-  
5 censed manufacturers and licensed dealers, as such terms  
6 are defined in section 921(a) of title 18, United States  
7 Code, as essential businesses for purposes of any State  
8 or local government order relating to a National Emer-  
9 gency declared under section 201 of the National Emer-  
10 gencies Act (50 U.S.C. 1622) or a major disaster declared  
11 under section 401 of the Robert T. Stafford Disaster Re-  
12 lief and Emergency Assistance Act (42 U.S.C. 5170a).

13 **SEC. 3. AUTHORITY TO CONDUCT INTERSTATE FIREARMS**  
14 **TRANSACTIONS.**

15 (a) FIREARMS DISPOSITIONS.—Section 922(b)(3)(A)  
16 of title 18, United States Code, is amended—

17 (1) by striking “rifle or shotgun” and inserting  
18 “firearm”;

19 (2) by striking “located” and inserting “located  
20 or temporarily located”; and

21 (3) by striking “both such States” and insert-  
22 ing “the State in which the transfer is conducted  
23 and the State of residence of the transferee”.

24 (b) DEALER LOCATION.—Section 923 of such title is  
25 amended—

26 (1) in subsection (j)—

1 (A) in the first sentence, by striking “, and  
2 such location is in the State which is specified  
3 on the license”; and

4 (B) in the last sentence—

5 (i) by inserting “transfer,” after  
6 “sell,”; and

7 (ii) by striking all that follows “Act”  
8 and inserting a period; and

9 (2) by adding at the end the following:

10 “(m) Nothing in this chapter shall be construed to  
11 prohibit the sale, transfer, delivery, or other disposition  
12 of a firearm or ammunition—

13 “(1) by a person licensed under this chapter to  
14 another person so licensed, at any location in any  
15 State; or

16 “(2) by a licensed importer, licensed manufac-  
17 turer, or licensed dealer to a person not licensed  
18 under this chapter, at a temporary location de-  
19 scribed in subsection (j) in any State.”.

1 **SEC. 4. ALLOWING A MEMBER OF THE ARMED FORCES ON**  
2 **ACTIVE DUTY, OR A SPOUSE OF THE MEMBER**  
3 **TO OWN A FIREARM IN THEIR PLACE OF RES-**  
4 **IDENCE AND IN THE STATE IN WHICH STA-**  
5 **TIONED.**

6 Section 921 of title 18, United States Code, is  
7 amended by striking subsection (b) and inserting the fol-  
8 lowing:

9 “(b) For purposes of this chapter:

10 “(1) A member of the Armed Forces on active  
11 duty, or a spouse of the member, is a resident of—

12 “(A) the State in which the person main-  
13 tains legal residence;

14 “(B) the State in which the permanent  
15 duty station of the member is located; and

16 “(C) the State in which the member main-  
17 tains a place of abode from which the member  
18 commutes each day to the permanent duty sta-  
19 tion.

20 “(2) An officer or employee of the United  
21 States (other than a member of the Armed Forces)  
22 stationed outside the United States for a period ex-  
23 ceeding one year, or a spouse residing with such an  
24 officer or employee, is a resident of the State in  
25 which the person maintains legal residence.”.

1 **SEC. 5. RECIPROCITY FOR THE CARRYING OF CERTAIN**  
2 **CONCEALED FIREARMS.**

3 (a) IN GENERAL.—Chapter 44 of title 18, United  
4 States Code, is amended by inserting after section 926C  
5 the following:

6 **“§ 926D. Reciprocity for the carrying of certain con-**  
7 **cealed firearms**

8 “(a) Notwithstanding any provision of the law of any  
9 State or political subdivision thereof (except as provided  
10 in subsection (b)) and subject only to the requirements  
11 of this section, a person who is not prohibited by Federal  
12 law from possessing, transporting, shipping, or receiving  
13 a firearm, who is carrying a valid identification document  
14 containing a photograph of the person, and who is car-  
15 rying a valid license or permit which is issued pursuant  
16 to the law of a State and which permits the person to  
17 carry a concealed firearm or is entitled to carry a con-  
18 cealed firearm in the State in which the person resides,  
19 may possess or carry a concealed handgun (other than a  
20 machine gun or destructive device) that has been shipped  
21 or transported in interstate or foreign commerce, in any  
22 State that—

23 “(1) has a statute under which residents of the  
24 State may apply for a license or permit to carry a  
25 concealed firearm; or

1           “(2) does not prohibit the carrying of concealed  
2           firearms by residents of the State for lawful pur-  
3           poses.

4           “(b) This section shall not be construed to supersede  
5 or limit the laws of any State that—

6           “(1) permit private persons or entities to pro-  
7           hibit or restrict the possession of concealed firearms  
8           on their property; or

9           “(2) prohibit or restrict the possession of fire-  
10          arms on any State or local government property, in-  
11          stallation, building, base, or park.

12          “(c)(1) A person who carries or possesses a concealed  
13 handgun in accordance with subsections (a) and (b) may  
14 not be arrested or otherwise detained for violation of any  
15 law or any rule or regulation of a State or any political  
16 subdivision thereof related to the possession, transpor-  
17 tation, or carrying of firearms unless there is probable  
18 cause to believe that the person is doing so in a manner  
19 not provided for by this section. Presentation of facially  
20 valid documents as specified in subsection (a) is prima  
21 facie evidence that the individual has a license or permit  
22 as required by this section.

23          “(2) When a person asserts this section as a defense  
24 in a criminal proceeding, the prosecution shall bear the  
25 burden of proving, beyond a reasonable doubt, that the

1 conduct of the person did not satisfy the conditions set  
2 forth in subsections (a) and (b).

3 “(3) When a person successfully asserts this section  
4 as a defense in a criminal proceeding, the court shall  
5 award the prevailing defendant a reasonable attorney’s  
6 fee.

7 “(d)(1) A person who is deprived of any right, privi-  
8 lege, or immunity secured by this section, under color of  
9 any statute, ordinance, regulation, custom, or usage of any  
10 State or any political subdivision thereof, may bring an  
11 action in any appropriate court against any other person,  
12 including a State or political subdivision thereof, who  
13 causes the person to be subject to the deprivation, for  
14 damages or other appropriate relief.

15 “(2) The court shall award a plaintiff prevailing in  
16 an action brought under paragraph (1) damages and such  
17 other relief as the court deems appropriate, including a  
18 reasonable attorney’s fee.

19 “(e) In subsection (a):

20 “(1) The term ‘identification document’ means  
21 a document made or issued by or under the author-  
22 ity of the United States Government, a State, or a  
23 political subdivision of a State which, when com-  
24 pleted with information concerning a particular indi-

1       vidual, is of a type intended or commonly accepted  
2       for the purpose of identification of individuals.

3               “(2) The term ‘handgun’ includes any magazine  
4       for use in a handgun and any ammunition loaded  
5       into the handgun or its magazine.

6               “(f)(1) A person who possesses or carries a concealed  
7       handgun under subsection (a) shall not be subject to the  
8       prohibitions of section 922(q) with respect to that hand-  
9       gun.

10              “(2) A person possessing or carrying a concealed  
11       handgun in a State under subsection (a) may do so in  
12       any of the following areas in the State that are open to  
13       the public:

14                      “(A) A unit of the National Park System.

15                      “(B) A unit of the National Wildlife Refuge  
16       System.

17                      “(C) Public land under the jurisdiction of the  
18       Bureau of Land Management.

19                      “(D) Land administered and managed by the  
20       Army Corps of Engineers.

21                      “(E) Land administered and managed by the  
22       Bureau of Reclamation.

23                      “(F) Land administered and managed by the  
24       Forest Service.”.



1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for such chapter is amended by inserting after the item  
3 relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

4 (c) SEVERABILITY.—Notwithstanding any other pro-  
5 vision of this Act, if any provision of this section, or any  
6 amendment made by this section, or the application of  
7 such provision or amendment to any person or cir-  
8 cumstance is held to be unconstitutional, this section and  
9 amendments made by this section and the application of  
10 such provision or amendment to other persons or cir-  
11 cumstances shall not be affected thereby.

12 (d) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect 90 days after the date of the  
14 enactment of this Act.

15 **SEC. 6. RECIPROCITY FOR THE CARRYING OF HANDGUNS.**

16 (a) IN GENERAL.—Chapter 44 of title 18, United  
17 States Code, is further amended by inserting after section  
18 926D the following:

19 **“§ 926E. Reciprocity for the carrying of handguns**

20 “(a) Notwithstanding any provision of the law of any  
21 State or political subdivision thereof (except as provided  
22 in subsection (b)) and subject only to the requirements  
23 of this section, a person who is not prohibited by Federal  
24 law from possessing, transporting, shipping, or receiving  
25 a firearm, who is carrying a valid identification document

1 containing a photograph of the person, and who is car-  
2 rying a valid license or permit which is issued pursuant  
3 to the law of a State and which permits the person to  
4 carry a handgun or is entitled to carry a handgun in the  
5 State in which the person resides, may possess or carry  
6 a handgun (other than a machine gun or destructive de-  
7 vice) that has been shipped or transported in interstate  
8 or foreign commerce, in any State that—

9           “(1) has a statute under which residents of the  
10       State may apply for a license or permit to carry a  
11       handgun; or

12           “(2) does not prohibit the carrying of handguns  
13       by residents of the State for lawful purposes.

14       “(b) This section shall not be construed to supersede  
15 or limit the laws of any State that—

16           “(1) permit private persons or entities to pro-  
17       hibit or restrict the possession of handguns on their  
18       property; or

19           “(2) prohibit or restrict the possession of hand-  
20       guns on any State or local government property, in-  
21       stallation, building, base, or park.

22       “(c)(1) A person who carries or possesses a handgun  
23 in accordance with subsections (a) and (b) may not be ar-  
24 rested or otherwise detained for violation of any law or  
25 any rule or regulation of a State or any political subdivi-

1 sion thereof related to the possession, transportation, or  
2 carrying of firearms unless there is probable cause to be-  
3 lieve that the person is doing so in a manner not provided  
4 for by this section. Presentation of facially valid docu-  
5 ments as specified in subsection (a) is prima facie evidence  
6 that the individual has a license or permit as required by  
7 this section.

8       “(2) When a person asserts this section as a defense  
9 in a criminal proceeding, the prosecution shall bear the  
10 burden of proving, beyond a reasonable doubt, that the  
11 conduct of the person did not satisfy the conditions set  
12 forth in subsections (a) and (b).

13       “(3) When a person successfully asserts this section  
14 as a defense in a criminal proceeding, the court shall  
15 award the prevailing defendant a reasonable attorney’s  
16 fee.

17       “(d)(1) A person who is deprived of any right, privi-  
18 lege, or immunity secured by this section, under color of  
19 any statute, ordinance, regulation, custom, or usage of any  
20 State or any political subdivision thereof, may bring an  
21 action in any appropriate court against any other person,  
22 including a State or political subdivision thereof, who  
23 causes the person to be subject to the deprivation, for  
24 damages or other appropriate relief.

1       “(2) The court shall award a plaintiff prevailing in  
2 an action brought under paragraph (1) damages and such  
3 other relief as the court deems appropriate, including a  
4 reasonable attorney’s fee.

5       “(e) In subsection (a):

6               “(1) The term ‘identification document’ means  
7 a document made or issued by or under the author-  
8 ity of the United States Government, a State, or a  
9 political subdivision of a State which, when com-  
10 pleted with information concerning a particular indi-  
11 vidual, is of a type intended or commonly accepted  
12 for the purpose of identification of individuals.

13               “(2) The term ‘handgun’ includes any magazine  
14 for use in a handgun and any ammunition loaded  
15 into the handgun or its magazine.

16       “(f)(1) A person who possesses or carries a handgun  
17 under subsection (a) shall not be subject to the prohibi-  
18 tions of section 922(q) with respect to that handgun.

19       “(2) A person possessing or carrying a handgun in  
20 a State under subsection (a) may do so in any of the fol-  
21 lowing areas in the State that are open to the public:

22               “(A) A unit of the National Park System.

23               “(B) A unit of the National Wildlife Refuge  
24 System.

1           “(C) Public land under the jurisdiction of the  
2 Bureau of Land Management.

3           “(D) Land administered and managed by the  
4 Army Corps of Engineers.

5           “(E) Land administered and managed by the  
6 Bureau of Reclamation.

7           “(F) Land administered and managed by the  
8 Forest Service.”.

9           (b) CLERICAL AMENDMENT.—The table of sections  
10 for such chapter is further amended by inserting after the  
11 item relating to section 926D the following:

“926E. Reciprocity for the carrying of handguns.”.

12           (c) SEVERABILITY.—Notwithstanding any other pro-  
13 vision of this Act, if any provision of this section, or any  
14 amendment made by this section, or the application of  
15 such provision or amendment to any person or cir-  
16 cumstance is held to be unconstitutional, this section and  
17 amendments made by this section and the application of  
18 such provision or amendment to other persons or cir-  
19 cumstances shall not be affected thereby.

20           (d) EFFECTIVE DATE.—The amendments made by  
21 this section shall take effect 90 days after the date of the  
22 enactment of this Act.

1 **SEC. 7. TAX CREDIT FOR FIREARM SAFETY COURSES AND**  
2 **FIREARM SAFETY STORAGE DEVICES.**

3 (a) IN GENERAL.—Subpart A of part IV of sub-  
4 chapter A of chapter 1 of the Internal Revenue Code of  
5 1986 is amended by inserting after section 25D the fol-  
6 lowing new section:

7 **“SEC. 25E. FIREARM SAFETY CREDIT.**

8 “(a) IN GENERAL.—In the case of an individual,  
9 there shall be allowed as a credit against the tax imposed  
10 by this chapter for the taxable year an amount equal to  
11 5 percent of so much of the qualified firearm safety ex-  
12 penditures of the taxpayer for the taxable year as does  
13 not exceed \$2,000.

14 “(b) QUALIFIED FIREARM SAFETY EXPENDI-  
15 TURES.—For purposes of this section—

16 “(1) IN GENERAL.—The term ‘qualified firearm  
17 safety expenditures’ means an amount paid or in-  
18 curred by the taxpayer—

19 “(A) for the purchase of a firearm safety  
20 storage device the first use of which is by the  
21 taxpayer, or

22 “(B) which is required for enrollment and  
23 attendance by the taxpayer in any firearm safe-  
24 ty course which is completed by the taxpayer.

1           “(2) FIREARM SAFETY STORAGE DEVICE.—The  
2 term ‘firearm safety storage device’ means any de-  
3 vice—

4                   “(A) the principal purpose of which is de-  
5 nying unauthorized access to, or rendering in-  
6 operable, a firearm or ammunition, and

7                   “(B) which, when locked, can only be  
8 opened by combination, key, or biometric infor-  
9 mation.

10           “(3) FIREARM SAFETY COURSE.—A course  
11 shall not be treated as a firearm safety course for  
12 purposes of this section unless such course is cer-  
13 tified by the State in which it is held.”.

14           (b) CLERICAL AMENDMENT.—The table of sections  
15 for subpart A of part IV of subchapter A of chapter 1  
16 of such Code is amended by inserting after the item relat-  
17 ing to section 25D the following new item:

“Sec. 25E. Firearm safety credit.”.

18           (c) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply to taxable years beginning after  
20 the date of the enactment of this Act.

○