

117TH CONGRESS
1ST SESSION

H. R. 3299

To help reduce gun violence through background checks and the National Firearms Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2021

Mrs. DEMINGS (for herself, Mr. THOMPSON of California, Mr. ESPAILLAT, Mr. QUIGLEY, Ms. JACKSON LEE, Mr. NEGUSE, Mr. DEUTCH, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on 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

A BILL

To help reduce gun violence through background checks and the National Firearms Act, 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 “Protecting Our Com-
5 munities Act”.

1 **SEC. 2. FIREARM ASSEMBLY KITS CONSIDERED TO BE**
2 **FIREARMS.**

3 Section 921(a) of title 18, United States Code, is
4 amended—

5 (1) in paragraph (3), by striking “or (D) any
6 destructive device” and inserting “; (D) any destruc-
7 tive device; or (E) any combination of parts designed
8 or intended for use in converting any device into a
9 firearm and from which a firearm may be readily as-
10 sembled”; and

11 (2) in paragraph (4)—

12 (A) by adding “and” at the end of sub-
13 paragraph (A);

14 (B) by striking “and” at the end of sub-
15 paragraph (B) and inserting a period; and

16 (C) by striking subparagraph (C).

17 **SEC. 3. LAW ENFORCEMENT PROTECTION.**

18 (a) **ARMOR-PIERCING, CONCEALABLE WEAPONS.—**

19 (1) **IN GENERAL.—**Section 5845(a) of the In-
20 ternal Revenue Code of 1986 is amended by striking
21 “and (8)” and inserting “; (8) an armor-piercing,
22 concealable weapon; and (9)”.

23 (2) **ARMOR-PIERCING, CONCEALABLE WEAP-**
24 **ON.—**Section 5845 of such Code is amended by add-
25 ing at the end the following new subsection:

1 “(n) ARMOR-PIERCING, CONCEALABLE WEAPON.—

2 The term ‘armor-piercing, concealable weapon’ means any
3 weapon or device capable of being concealed on the person
4 and from which can be discharged through the energy of
5 an explosive any of the following rounds of ammunition:

6 “(1) .450 Bushmaster.

7 “(2) 5.56mm (including the 5.56x45mm NATO
8 and .223 Remington).

9 “(3) 7.62mm (including the 7.62x39mm, .308
10 Winchester, 7.62 NATO, 7.62x51mm NATO, .30
11 carbine, 7.62x33mm, or .300 AAC Blackout).

12 “(4) .50 BMG.

13 “(5) 5.7x28mm.

14 “(6) Any other round determined by the Bu-
15 reau of Alcohol, Tobacco, Firearms and Explosives
16 to be capable of, when fired by such weapon or de-
17 vice, penetrating the standard body armor worn by
18 law enforcement officers.”.

19 (3) CONFORMING AMENDMENTS.—

20 (A) Section 921(a) of title 18, United
21 States Code, is amended by adding at the end
22 the following:

23 “(36) The term ‘armor-piercing, concealable weapon’
24 has the meaning given such term in section 5845(n) of
25 the National Firearms Act (26 U.S.C. 5845(n)).”.

1 (B) Section 922 of title 18, United States
2 Code, is amended—

3 (i) in subsection (a)(4), by striking
4 “or short-barreled rifle,” and inserting
5 “short-barreled rifle, or armor-piercing,
6 concealable weapon,”; and

7 (ii) in subsection (b)(4) by striking
8 “or short-barreled rifle,” and inserting
9 “short-barreled rifle, or armor-piercing,
10 concealable weapon,”.

11 (C) Section 924(c)(1)(B)(i) of title 18,
12 United States Code, is amended by inserting
13 “armor-piercing, concealable weapon,” after
14 “short-barreled shotgun,”.

15 (4) EFFECTIVE DATE.—

16 (A) IN GENERAL.—The amendments made
17 by this subsection shall take effect on the date
18 of the enactment of this Act.

19 (B) APPLICATION TO POSSESSION ON
20 DATE OF ENACTMENT.—Notwithstanding sub-
21 paragraph (A), any person on the date of the
22 enactment of this Act possessing a device de-
23 scribed in section 5845(a)(8) of the Internal
24 Revenue Code of 1986 (as amended by this sec-
25 tion) shall, not later than the end of the 18th

1 month beginning after the date of the enact-
2 ment of this Act, register such weapon or device
3 with the Secretary of the Treasury and include
4 with such registration the information required
5 under section 5841(a) of such Code. Such reg-
6 istration shall become a part of the National
7 Firearms Registration and Transfer Record re-
8 quired to be maintained by such section.

9 (b) **USE OF NATIONAL FIREARMS ACT TAXES.**—Part
10 I of subchapter B of chapter 53 of the Internal Revenue
11 Code of 1986 is amended redesignating section 5849 as
12 section 5850 and by inserting after section 5847 the fol-
13 lowing new section:

14 **“SEC. 5849. USE OF TAXES.**

15 “To carry out the purposes of this chapter and to
16 supplement appropriations otherwise made available for
17 such purposes, the Bureau of Alcohol, Tobacco, Firearms
18 and Explosives may spend the amounts collected under
19 subchapter A for fiscal years 2021 and thereafter.”.

20 **SEC. 4. REPORTING OF BACKGROUND CHECK DENIALS.**

21 (a) **REPORTING TO STATE AUTHORITIES.**—

22 (1) **IN GENERAL.**—Chapter 44 of title 18,
23 United States Code, is amended by inserting after
24 section 925A the following:

1 **“§ 925B. Reporting of background check denials to**
2 **State authorities**

3 “(a) IN GENERAL.—If the national instant criminal
4 background check system established under section 103
5 of the Brady Handgun Violence Prevention Act (18 U.S.C.
6 922 note) provides a notice pursuant to section 922(t) of
7 this title that the receipt of a firearm by a person would
8 violate subsection (g) or (n) of section 922 of this title
9 or State law, the Attorney General shall, in accordance
10 with subsection (b) of this section—

11 “(1) report to the law enforcement authorities
12 of the State where the person sought to acquire the
13 firearm and, if different, the law enforcement au-
14 thorities of the State of residence of the person—

15 “(A) that the notice was provided;

16 “(B) of the specific provision of law that
17 would have been violated;

18 “(C) of the date and time the notice was
19 provided;

20 “(D) of the location where the firearm was
21 sought to be acquired; and

22 “(E) of the identity of the person; and

23 “(2) where practicable, report the incident to
24 local law enforcement authorities and State and local
25 prosecutors in the jurisdiction where the firearm was

1 sought and in the jurisdiction where the person re-
2 sides.

3 “(b) REQUIREMENTS FOR REPORT.—A report is
4 made in accordance with this subsection if the report is
5 made within 24 hours after the provision of the notice de-
6 scribed in subsection (a), except that the making of the
7 report may be delayed for so long as is necessary to avoid
8 compromising an ongoing investigation.

9 “(c) RULE OF CONSTRUCTION.—Nothing in sub-
10 section (a) shall be construed to require a report with re-
11 spect to a person to be made to the same State authorities
12 that originally issued the notice with respect to the per-
13 son.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions for such chapter is amended by inserting after
16 the item relating to section 925A the following:

“925B. Reporting of background check denials to State authorities.”.

17 (b) ANNUAL REPORT TO CONGRESS.—

18 (1) IN GENERAL.—Chapter 44 of title 18,
19 United States Code, as amended by subsection
20 (a)(1) of this section, is amended by inserting after
21 section 925B the following:

22 “§ 925C. Annual report to Congress

23 “Not later than 1 year after the date of the enact-
24 ment of this section, and annually thereafter, the Attorney

1 General shall submit to the Congress a report detailing
2 the following, broken down by Federal judicial district:

3 “(1) With respect to each category of persons
4 prohibited by section 922(g) from receiving or pos-
5 sessing a firearm who are so denied a firearm—

6 “(A) the number of cases referred to the
7 Bureau of Alcohol, Tobacco, Firearms and Ex-
8 plosives;

9 “(B) the number of cases with respect to
10 which an investigation was opened by a field di-
11 vision of the Bureau of Alcohol, Tobacco, Fire-
12 arms and Explosives;

13 “(C) the number of arrests made; and

14 “(D) the number of convictions obtained
15 by Federal authorities in connection with the
16 denial.

17 “(2) The number of background check notices
18 reported to State authorities pursuant to section
19 925B (including the number of the notices that
20 would have been so reported but for section
21 925B(c)).”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions for such chapter, as amended by subsection
24 (a)(2) of this section, is amended by inserting after
25 the item relating to section 925B the following:

“925C. Annual report to Congress.”.

1 **SEC. 5. CODIFICATION OF REGULATIONS CLASSIFYING**
2 **BUMP STOCKS AS MACHINEGUNS.**

3 The amendments to parts 447, 478, and 479 of title
4 27, Code of Federal Regulations, made by the final rule
5 promulgated by the Department of Justice, entitled
6 “Bump-Stock-Type Devices”, and published December 26,
7 2018 (83 Fed. Reg. 66514), shall have the force and effect
8 of law.

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