

PROTECTING OUR KIDS ACT

JUNE 6, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 7910]

The Committee on the Judiciary, to whom was referred the bill (H.R. 7910) to amend title 18, United States Code, to provide for an increased age limit on the purchase of certain firearms, prevent gun trafficking, modernize the prohibition on untraceable firearms, encourage the safe storage of firearms, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

- (a) **SHORT TITLE.**—This Act may be cited as the “Protecting Our Kids Act”.
- (b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—RAISE THE AGE**

- Sec. 101. Prohibition on Federal firearms licensee selling or delivering certain semiautomatic centerfire rifles or semiautomatic centerfire shotguns to a person under 21 years of age, with exceptions.
- Sec. 102. Operation of the Federal Bureau of Investigation's public access line.

**TITLE II—PREVENT GUN TRAFFICKING**

- Sec. 201. Prohibition on straw purchases of firearms; prohibition on gun trafficking.
- Sec. 202. Prohibition on disposition of firearm to person intending unlawful further disposition.
- Sec. 203. Penalties.
- Sec. 204. Firearms subject to forfeiture.

**TITLE III—UNTRACEABLE FIREARMS**

- Sec. 301. Requirement that all firearms be traceable.
- Sec. 302. Modernization of the prohibition on undetectable firearms.

**TITLE IV—SAFE STORAGE**

- Sec. 401. Ethan's Law.
- Sec. 402. Safe guns, safe kids.
- Sec. 403. Kimberly Vaughan Firearm Safe Storage.

**TITLE V—CLOSING THE BUMP STOCK LOOPHOLE**

- Sec. 501. Bump stocks.

**TITLE VI—KEEP AMERICANS SAFE**

- Sec. 601. Definitions.
- Sec. 602. Restrictions on large capacity ammunition feeding devices.
- Sec. 603. Penalties.
- Sec. 604. Use of Byrne grants for buy-back programs for large capacity ammunition feeding devices.

**TITLE VII—MISCELLANEOUS**

- Sec. 701. NICS Report.

**TITLE I—RAISE THE AGE****SEC. 101. PROHIBITION ON FEDERAL FIREARMS LICENSEE SELLING OR DELIVERING CERTAIN SEMIAUTOMATIC CENTERFIRE RIFLES OR SEMIAUTOMATIC CENTERFIRE SHOTGUNS TO A PERSON UNDER 21 YEARS OF AGE, WITH EXCEPTIONS.**

(a) **IN GENERAL.**—Section 922(b)(1) of title 18, United States Code, is amended to read as follows:

“(1)(A) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe has not attained 18 years of age;

“(B) any semiautomatic centerfire rifle or semiautomatic centerfire shotgun that has, or has the capacity to accept, an ammunition feeding device with a capacity exceeding 5 rounds, to any individual who the licensee knows or has reasonable cause to believe has not attained 21 years of age and is not a qualified individual; or

“(C) if the firearm or ammunition is not a semiautomatic centerfire rifle or semiautomatic centerfire shotgun described in subparagraph (B) and is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe has not attained 21 years of age;”.

(b) **CONFORMING AMENDMENT.**—Section 922(c)(1) of such title is amended by striking “in the case of any firearm” and all that follows through “eighteen years or more of age” and inserting “(1) in the case of a semiautomatic centerfire rifle or semiautomatic centerfire shotgun that has, or has the capacity to accept, an ammunition feeding device with a capacity exceeding 5 rounds, I am at least 21 years of age or a qualified individual (as defined in section 921(a)(30) of title 18, United States Code), (2) in the case of a firearm other than a shotgun, a rifle, or such a semiautomatic centerfire rifle or semiautomatic centerfire shotgun, I am at least 21 years of age, or (3) in the case of any other shotgun or rifle, I am at least 18 years of age”.

(c) **QUALIFIED INDIVIDUAL DEFINED.**—Section 921(a) of such title is amended by inserting after paragraph (29) the following:

“(30) The term ‘qualified individual’ means—

“(A) a member of the Armed Forces on active duty; and

“(B) a full-time employee of the United States, a State, or a political subdivision of a State who in the course of his or her official duties is authorized to carry a firearm.

“(31) The term ‘ammunition feeding device’ means a magazine, belt, drum, feed strip, or similar device, but does not include an attached tubular device which is only capable of operating with .22 caliber rimfire ammunition.”.

**SEC. 102. OPERATION OF THE FEDERAL BUREAU OF INVESTIGATION'S PUBLIC ACCESS LINE.**

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation (in this section referred to as the “FBI”) shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding operation of the FBI's public access line.

(b) **MATTERS INCLUDED.**—The report required by subsection (a) shall, at a minimum, include the following:

(1) A description of the protocols and procedures in effect with respect to information-sharing between the public access line and the field offices of the FBI.

(2) Recommendations for improving the protocols and procedures to improve the information-sharing.

## **TITLE II—PREVENT GUN TRAFFICKING**

**SEC. 201. PROHIBITION ON STRAW PURCHASES OF FIREARMS; PROHIBITION ON GUN TRAFFICKING.**

(a) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended—

(1) in section 921(a), by adding at the end the following:

“(37) The term ‘family members’ means spouses, domestic partners, parents and their children, including step-parents and their step-children, siblings, aunts or uncles and their nieces or nephews, or grandparents and their grandchildren.”; and

(2) by adding at the end the following:

**“§ 932. Gun trafficking**

“(a) It shall be unlawful for any person (other than a licensee under this chapter), in or otherwise affecting interstate or foreign commerce, to knowingly purchase or acquire, or attempt to purchase or acquire, a firearm for the possession of a third party.

“(b) It shall be unlawful for any person (other than a licensee under this chapter), in or otherwise affecting interstate or foreign commerce, to hire, solicit, command, induce, or otherwise endeavor to persuade another person to purchase, or attempt to purchase, any firearm for the purpose of obtaining the firearm for the person or selling or transferring the firearm to a third party.

“(c) The Attorney General shall ensure that the firearm transaction record form required to be completed in connection with a firearm transaction includes a statement outlining the penalties that may be imposed for violating subsection (a).

“(d) This section shall not apply to any firearm, if the purchaser or person acquiring the firearm has no reason to believe that the recipient of the firearm will use or intends to use the firearm in a crime or is prohibited from purchasing or possessing firearms under State or Federal law and the firearm—

“(1) is purchased or acquired by any person, or that any person attempts to purchase or acquire, as a bona fide gift between family members; or

“(2) is purchased or acquired by an agent of a lawful business, or that an agent of a lawful business attempts to purchase or acquire, for the purpose of transferring to another agent of the business, for lawful use in the business.”.

(b) **FORFEITURE.**—Section 982(a)(5) of such title is amended—

(1) in subparagraph (D), by striking “or” at the end; and

(2) by inserting after subparagraph (E) the following:

“(F) section 922(a)(1)(A) (related to unlicensed firearms sales);

“(G) section 922(d) (relating to illegal gun transfers); or

“(H) section 932 (relating to gun trafficking);”.

(c) **MONEY LAUNDERING AMENDMENT.**—Section 1956(c)(7)(D) of such title is amended by striking “section 924(n)” and inserting “section 922(a)(1)(A), 922(d), 924(n), or 932”.

(d) **CLERICAL AMENDMENT.**—The table of sections for such chapter is amended by adding at the end the following:

“932. Gun trafficking.”.

**SEC. 202. PROHIBITION ON DISPOSITION OF FIREARM TO PERSON INTENDING UNLAWFUL FURTHER DISPOSITION.**

Section 922(d) of title 18, United States Code, is amended in the 1st sentence—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by inserting after and below paragraph (9) the following:

“(10) intends to sell or otherwise dispose of the firearm or ammunition in violation of a Federal law, or to sell or otherwise dispose of the firearm or ammunition to a person in another State in violation of a law of that State.”.

**SEC. 203. PENALTIES.**

Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(8) Whoever knowingly violates section 922(a)(1)(A) or 932 shall be fined under this title, imprisoned not more than 10 years, or both.”.

**SEC. 204. FIREARMS SUBJECT TO FORFEITURE.**

Section 924(d) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting “or 932” after “section 924”; and

(2) in paragraph (3)—

(A) in subparagraph (E), by striking “and” at the end;

(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(G) any offense under section 932.”.

## **TITLE III—UNTRACEABLE FIREARMS**

**SEC. 301. REQUIREMENT THAT ALL FIREARMS BE TRACEABLE.**

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, as amended by this Act, is further amended—

(1) in paragraph (10), by adding at the end the following: “The term ‘manufacturing firearms’ shall include assembling a functional firearm or molding, machining, or 3D printing a frame or receiver, and shall not include making or fitting special barrels, stocks, or trigger mechanisms to firearms.”; and

(2) by adding at the end the following:

“(38) The term ‘ghost gun’—

“(A) means a firearm, including a frame or receiver, that lacks a unique serial number engraved or cast on the frame or receiver by a licensed manufacturer or importer in accordance with this chapter; and

“(B) does not include—

“(i) a firearm that has been rendered permanently inoperable;

“(ii) a firearm that, not later than 30 months after the date of enactment of this paragraph, has been identified by means of a unique serial number, assigned by a State agency, engraved or cast on the receiver or frame of the firearm in accordance with State law;

“(iii) a firearm manufactured or imported before December 16, 1968; or

“(iv) a firearm identified as provided for under section 5842 of the Internal Revenue Code of 1986.

“(39) The term ‘fire control component’—

“(A) means a component necessary for the firearm to initiate or complete the firing sequence; and

“(B) includes a hammer, bolt or breechblock, cylinder, trigger mechanism, firing pin, striker, and slide rails.

“(40)(A) The term ‘frame or receiver’—

“(i) means a part of a weapon that provides or is intended to provide the housing or structure to hold or integrate 1 or more fire control components, even if pins or other attachments are required to connect those components to the housing or structure;

“(ii) includes a frame or receiver, blank, casting, or machined body, that requires modification, including machining, drilling, filing or molding, to be used as part of a functional firearm, and which is designed and intended to be used in the assembly of a functional firearm, unless the piece of material has had—

“(I) its size or external shape altered solely to facilitate transportation or storage; or

“(II) solely its chemical composition altered.

“(B) For purposes of subparagraph (A)(i), if a weapon with more than 1 part that provides the housing or a structure designed to hold or integrate 1 or more fire control or essential components, each such part shall be considered a frame or receiver, unless the Attorney General has provided otherwise by regulation or other formal determination with respect to the specific make and model of weapon on or before January 1, 2023.”.

(b) PROHIBITION; REQUIREMENTS.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

“(aa)(1)(A) Except as provided in subparagraph (B), it shall be unlawful for any person to manufacture, sell, offer to sell, transfer, purchase, or receive a ghost gun in or affecting interstate or foreign commerce.

“(B) Subparagraph (A) shall not apply to—

“(i) the manufacture of a firearm by a licensed manufacturer if the licensed manufacturer complies with section 923(i) before selling or transferring the firearm to another person;

“(ii) the offer to sell, sale, or transfer of a firearm to, or purchase or receipt of a firearm by, a licensed manufacturer or importer before the date that is 30 months after the date of enactment of this subsection; or

“(iii) transactions between licensed manufacturers and importers on any date.

“(2) It shall be unlawful for a person other than a licensed manufacturer or importer to engrave or cast a serial number on a firearm in or affecting interstate or foreign commerce unless specifically authorized by the Attorney General.

“(3) Beginning on the date that is 30 months after the date of enactment of this subsection, it shall be unlawful for any person other than a licensed manufacturer or importer to knowingly possess a ghost gun in or affecting interstate or foreign commerce.

“(4) Beginning on the date that is 30 months after the date of enactment of this subsection, it shall be unlawful for any person other than a licensed manufacturer or importer to possess a ghost gun in or affecting interstate or foreign commerce with the intent to sell or transfer the ghost gun with or without further manufacturing or to manufacture a firearm with the ghost gun.

“(5)(A) It shall be unlawful for any person to sell, offer to sell, or transfer, in or affecting interstate or foreign commerce, to any person other than a licensed manufacturer a machine that has the sole or primary function of manufacturing firearms.

“(B) Except as provided in subparagraph (A), beginning on the date that is 180 days after the date of enactment of this subsection, it shall be unlawful for any person other than a licensed manufacturer to possess, purchase, or receive, in or affecting interstate or foreign commerce, a machine that has the sole or primary function of manufacturing firearms.

“(C) Subparagraph (B) shall not apply to a person who is engaged in the business of selling manufacturing equipment to a licensed manufacturer who possesses a machine with the intent to sell or transfer the machine to a licensed manufacturer.”.

(c) REQUIREMENTS.—

(1) REMOVAL OF SERIAL NUMBERS.—Section 922(k) of title 18, United States Code, is amended—

(A) by striking “importer’s or manufacturer’s” each place it appears; and

(B) by inserting “authorized by this chapter or under State law” before “removed” each place it appears.

(2) LICENSED IMPORTERS AND MANUFACTURERS.—Section 923(i) of title 18, United States Code, is amended—

(A) by inserting “(1)(A)” before “Licensed”; and

(B) by adding at the end the following: “The serial number shall be engraved or cast on the frame or receiver in a manner sufficient to identify the firearm and the manufacturer or importer that put the serial number on the firearm.

“(2)(A) Not later than 180 days after the date of enactment of this paragraph, the Attorney General shall prescribe regulations for engraving a unique serial number onto a ghost gun.

“(B) The regulations prescribed under subparagraph (A) shall—

“(i) allow an owner of a firearm described in subparagraph (A) to have a unique serial number engraved on the firearm by a licensed manufacturer or importer; and

“(ii) require that a serial number be engraved on the frame or receiver in a manner sufficient to identify the firearm and the licensed manufacturer or importer that put the serial number on the firearm.

“(C) The regulations authorized under this paragraph shall expire on the date that is 30 months after the date of enactment of this paragraph.”.

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B), by striking “or (q)” and inserting “(q), (aa)(1), (aa)(2), (aa)(4), or (aa)(5)”;

(2) in subsection (c)

(A) in paragraph (1)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting “functional” before “firearm” each place it appears;

- (ii) in subparagraph (B), in the matter preceding clause (i), by inserting “functional” before “firearm”; and
- (iii) in subparagraph (D)(ii), by inserting “functional” before “firearm”; and
- (B) in paragraph (4), by striking “all or part of the firearm” and all that follows through “person.” and inserting the following: “all or part of the functional firearm, or otherwise make the presence of the functional firearm known to another person, in order to intimidate that person, regardless of whether the functional firearm is directly visible to that person.”;
- (3) in subsection (d)(1), by striking “or (k)” and inserting “(k), (aa)(1), (aa)(2), (aa)(4), or (aa)(5)”;
- (4) in subsection (e)(1), by inserting “through the possession of a functional firearm” before “and has three”; and
- (5) by adding at the end the following:
  - “(q) A person who violates section 922(aa)(3) shall—
  - “(1) in the case of the first violation by the person, be fined under this title, imprisoned not more than 1 year, or both; or
  - “(2) in the case of any subsequent violation by the person, be fined under this title, imprisoned not more than 5 years, or both.”.

**SEC. 302. MODERNIZATION OF THE PROHIBITION ON UNDETECTABLE FIREARMS.**

Section 922(p) of title 18, United States Code, is amended—

- (1) in paragraph (1)—
  - (A) in the matter preceding subparagraph (A), by striking “any firearm”;
  - (B) by amending subparagraph (A) to read as follows:
    - “(A) an undetectable firearm; or”;
    - (C) in subparagraph (B), by striking “any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate” and inserting the following: “a major component of a firearm which, if subjected to inspection by the types of detection devices commonly used at airports for security screening, would not generate”;
- (2) in paragraph (2)—
  - (A) by amending subparagraph (A) to read as follows:
    - “(A) the term ‘undetectable firearm’ means a firearm, as defined in section 921(a)(3)(A), of which no major component is wholly made of detectable material.”;
    - (B) by striking subparagraph (B) and inserting the following:
      - “(B) the term ‘major component’, with respect to a firearm—
      - “(i) means the slide or cylinder or the frame or receiver of the firearm; and
      - “(ii) in the case of a rifle or shotgun, includes the barrel of the firearm; and”;
      - (C) by striking subparagraph (C) and all that follows through the end of the undesignated matter following subparagraph (C) and inserting the following:
        - “(C) the term ‘detectable material’ means any material that creates a magnetic field equivalent to or more than 3.7 ounces of 17–4 pH stainless steel.”;
  - (3) in paragraph (3)—
    - (A) in the first sentence, by inserting “, including a prototype,” after “of a firearm”; and
    - (B) by striking the second sentence; and
    - (4) in paragraph (5), by striking “shall not apply to any firearm which” and all that follows and inserting the following: “shall not apply to—
    - “(A) any firearm received by, in the possession of, or under the control of the United States; or
    - “(B) the manufacture, importation, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or licensed importer pursuant to a contract with the United States.”.

## TITLE IV—SAFE STORAGE

**SEC. 401. ETHAN’S LAW.**

(a) **SECURE GUN STORAGE OR SAFETY DEVICE.**—Section 922(z) of title 18, United States Code, is amended by adding at the end the following:

- “(4) **SECURE GUN STORAGE BY OWNERS.**—
- “(A) **OFFENSE.**—

“(i) IN GENERAL.—Except as provided in clause (ii), it shall be unlawful for a person to store or keep any firearm that has moved in, or that has otherwise affected, interstate or foreign commerce on the premises of a residence under the control of the person if the person knows, or reasonably should know, that—

“(I) a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor; or

“(II) a resident of the residence is ineligible to possess a firearm under Federal, State, or local law.

“(ii) EXCEPTION.—Clause (i) shall not apply to a person if the person—

“(I) keeps the firearm—

“(aa) secure using a secure gun storage or safety device; or

“(bb) in a location which a reasonable person would believe to be secure; or

“(II) carries the firearm on his or her person or within such close proximity thereto that the person can readily retrieve and use the firearm as if the person carried the firearm on his or her person.

“(B) PENALTY.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, any person who violates subparagraph (A) shall be fined \$500 per violation.

“(ii) FORFEITURE OF IMPROPERLY STORED FIREARM.—Any firearm stored in violation of subparagraph (A) shall be subject to seizure and forfeiture in accordance with the procedures described in section 924(d).

“(C) MINOR DEFINED.—In this paragraph, the term ‘minor’ means an individual who has not attained 18 years of age.”.

(b) FIREARM SAFE STORAGE PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended by adding at the end the following:

## **“PART PP—FIREARM SAFE STORAGE PROGRAM**

### **“SEC. 3061. FIREARM SAFE STORAGE PROGRAM.**

“(a) IN GENERAL.—The Assistant Attorney General shall make grants to an eligible State or Indian Tribe to assist the State or Indian Tribe in carrying out the provisions of any State or Tribal law that is functionally identical to section 922(z)(4) of title 18, United States Code.

“(b) ELIGIBLE STATE OR INDIAN TRIBE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a State or Indian Tribe shall be eligible to receive grants under this section on and after the date on which the State or Indian Tribe enacts legislation functionally identical to section 922(z)(4) of title 18, United States Code.

“(2) FIRST YEAR ELIGIBILITY EXCEPTION.—

“(A) IN GENERAL.—A covered State or Indian Tribe shall be eligible to receive a grant under this section during the 1-year period beginning on the date of enactment of this part.

“(B) COVERED STATE OR INDIAN TRIBE.—In this paragraph, the term ‘covered State or Indian Tribe’ means a State or Indian Tribe that, before the date of enactment of this part, enacted legislation that is functionally identical to section 922(z)(4) of title 18, United States Code.

“(c) USE OF FUNDS.—Funds awarded under this section may be used by a State or Indian Tribe to assist law enforcement agencies or the courts of the State or Indian Tribe in enforcing and otherwise facilitating compliance with any State law functionally identical to section 922(z)(4), of title 18, United States Code.

“(d) APPLICATION.—An eligible State or Indian Tribe desiring a grant under this section shall submit to the Assistant Attorney General an application at such time, in such manner, and containing or accompanied by such information, as the Assistant Attorney General may reasonably require.

“(e) INCENTIVES.—For each of fiscal years 2023 through 2027, the Attorney General shall give affirmative preference to all Bureau of Justice Assistance discretionary grant applications of a State or Indian Tribe that has enacted legislation functionally identical to section 922(z)(4) of title 18, United States Code.”.

### **SEC. 402. SAFE GUNS, SAFE KIDS.**

Paragraph (4)(B) of section 922(z) of title 18, United States Code, as added by this Act, is amended by adding at the end the following:

“(iii) ENHANCED PENALTY.—If a person violates subparagraph (A) and a minor or a resident who is ineligible to possess a firearm under Federal, State, or local law obtains the firearm and causes injury or death to such minor, resident, or any other individual, the person shall be fined under this title, imprisoned for not more than 5 years, or both.”.

**SEC. 403. KIMBERLY VAUGHAN FIREARM SAFE STORAGE.**

(a) BEST PRACTICES FOR SAFE FIREARM STORAGE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—

(i) Not later than 180 days after the enactment of this Act, the Attorney General shall establish voluntary best practices relating to safe firearm storage solely for the purpose of public education.

(ii) The Attorney General shall give not less than ninety days public notice, and shall afford interested parties opportunity for hearing, before establishing such best practices.

(B) REQUIREMENTS.—In establishing the best practices required under subparagraph (A), the Attorney General shall outline such best practices for preventing firearm loss, theft, and other unauthorized access for the following locations:

(i) Businesses.

(ii) Vehicles.

(iii) Private homes.

(iv) Off-site storage facilities.

(v) Any other such place the Attorney General deems appropriate to provide such guidance.

(C) PUBLICATION.—Not later than 1 year after the enactment of this Act, the Attorney General shall publish, in print and on a public website, the best practices created pursuant to subparagraph (A) and shall review such best practices and update them not less than annually.

(b) PROMOTION OF SAFE FIREARM STORAGE.—

(1) IN GENERAL.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

“(m) Beginning on January 1, 2025, licensed manufacturers and licensed importers that serialize not less than 250 firearms annually pursuant to subsection (i) shall provide a clear and conspicuous written notice with each manufactured or imported handgun, rifle, or shotgun that—

“(1) is attached or adhered to, or appears on or within any packaging of, each handgun, rifle, or shotgun; and

“(2) states ‘SAFE STORAGE SAVES LIVES’ followed by the address of the public website established by the Attorney General pursuant to section 403(a) of the Protecting Our Kids Act.”.

(c) SAFE STORAGE DEVICES FOR ALL FIREARM SALES.—

(1) IN GENERAL.—Section 922(z) of title 18, United States Code, is amended by striking “handgun” each place it appears and inserting “handgun, rifle, or shotgun”.

(2) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 180 days after the enactment of this Act.

(d) KIMBERLY VAUGHAN SAFE FIREARM STORAGE GRANT PROGRAM.—Part PP of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.), as added by this Act, is amended by adding at the end the following:

**“SEC. 3062. KIMBERLY VAUGHAN FIREARM SAFE STORAGE GRANT PROGRAM.**

“(a) AUTHORIZATION.—The Attorney General may award grants to States and Indian Tribes for the development, implementation, and evaluation of Safe Firearm Storage Assistance Programs.

“(b) APPLICATION REQUIREMENTS.—Each applicant for a grant under this section shall—

“(1) submit to the Attorney General an application at such time, in such a manner, and containing such information as the Attorney General may require; and

“(2) to the extent practicable, identify State, local, Tribal, and private funds available to supplement the funds received under this section.

“(c) REPORTING REQUIREMENT.—

“(1) GRANTEE REPORT.—A recipient of a grant under this section shall submit to the Attorney General an annual report, which includes the following information:

“(A) The amount distributed to each Safe Firearm Storage Assistance Program in the jurisdiction.



“(B) The number of safe firearm storage devices distributed by each such Safe Firearm Storage Assistance Program.

A recipient of a grant under this section may not include any personally identifying information of recipients of safe firearms storage devices pursuant to a Safe Firearm Storage Assistance Program that received funding pursuant to this section.

“(2) ATTORNEY GENERAL REPORT.—Beginning 13 months after the first grants are awarded under this section, and annually thereafter, the Attorney General shall submit to Congress a report, which shall include following information:

“(A) A list of grant recipients during the previous year, including the funds awarded, cumulatively and disaggregated by grantee.

“(B) The information collected pursuant to subsection (d)(1).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General to carry out this section \$10,000,000 for each of fiscal years 2023 through 2033, to remain available until expended.

“(e) USE OF FUNDS.—Funds awarded under this section shall be allocated as follows:

“(1) Not less than 75 percent of the funds received by a grantee shall be used to create or to provide resources for Safe Firearm Storage Assistance Programs in the jurisdiction.

“(2) Not more than 25 percent of the funds received by a grantee may be made available to nonprofit organizations to partner with units of local government to purchase and distribute safe firearm storage devices.

“(f) DEFINITIONS.—For purposes of this section:

“(1) The term ‘safe firearm storage device’ means a device that is—

“(A) designed and marketed for the principal purpose of denying unauthorized access to, or rendering inoperable, a firearm or ammunition; and

“(B) secured by a combination lock, key lock, or lock based on biometric information which, once locked, is incapable of being opened without the combination, key, or biometric information, respectively.

“(2) The term ‘Safe Firearm Storage Assistance Program’ means a program—

“(A) carried out by a unit of local government or an Indian tribe; and

“(B) solely for the purpose of acquiring and distributing safe firearm storage devices to the public.”

(e) PREVENT FAMILY FIRE SAFE FIREARM STORAGE CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 45U. SAFE FIREARM STORAGE CREDIT.**

“(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the safe firearm storage credit determined under this section for the taxable year is an amount equal to 10 percent of amounts received from the first retail sale of a safe firearm storage device for use within the United States.

“(b) LIMITATION.—

“(1) IN GENERAL.—The amount taken into account under subsection (a) with respect to a safe firearm storage device shall not exceed \$400.

“(2) VALUE.—If, in connection with a sale of a safe firearm storage device, the transferee receives other property, the amount taken into account under subsection (a) shall be limited to the amount received solely with respect to the safe firearm storage device, which shall be determined based on the value of the safe firearm storage device relative to the value of such other property.

“(c) SAFE FIREARM STORAGE DEVICE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘safe firearm storage device’ means a device that is—

“(A) designed and marketed for the principal purpose of denying unauthorized access to, or rendering inoperable, a firearm or ammunition, and

“(B) secured by a combination lock, key lock, or lock based on biometric information which, once locked, is incapable of being opened without the combination, key, or biometric information, respectively.

“(2) EXCLUSION.—The term ‘safe firearm storage device’ does not include—

“(A) any device which is incorporated to any extent into the design of a firearm or of ammunition, or

“(B) any device that, as of the day of the sale described in subsection (a), has been subject to a mandatory recall by the Consumer Product Safety Commission.

“(3) FIREARM; AMMUNITION.—The terms ‘firearm’ and ‘ammunition’ have the meanings given such terms in section 921 of title 18, United States Code (with-

out regard to all that follows ‘firearm silencer, or bump stock’ in paragraph (3) of such section).

“(d) TERMINATION.—This section shall not apply to sales after December 31, 2030.”

(2) CREDIT MADE PART OF GENERAL BUSINESS.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting “, plus”, and by adding at the end the following new paragraph:

“(34) the safe firearm storage credit determined under section 45U.”.

(3) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 45U. Safe firearm storage credit.”.

(4) REPORT.—The Secretary of the Treasury shall make publicly available an annual report of the total amount of credit against tax determined under section 45U of such Code for taxable years ending in the preceding calendar year, disaggregated by State.

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

## TITLE V—CLOSING THE BUMP STOCK LOOPHOLE

### SEC. 501. BUMP STOCKS.

(a) IN GENERAL.—Section 5845 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by striking “and (8) a destructive device.” and inserting “(8) a destructive device; and (9) a bump stock.”; and

(2) by adding at the end the following new subsections:

“(n) BUMP STOCK.—The term ‘bump stock’ means any of the following:

“(1) Any manual, power-driven, or electronic device that is designed such that when the device is attached to a semiautomatic weapon, the device eliminates the need for the operator of a semiautomatic weapon to make a separate movement for each individual function of the trigger and—

“(A) materially increases the rate of fire of the semiautomatic weapon, or

“(B) approximates the action or rate of fire of a machinegun.

“(2) Any part or combination of parts that is designed and functions to eliminate the need for the operator of a semiautomatic weapon to make a separate movement for each individual function of the trigger and—

“(A) materially increases the rate of fire of a semiautomatic weapon, or

“(B) approximates the action or rate of fire of a machinegun.

“(3) Any semiautomatic weapon that has been modified in any way that eliminates the need for the operator of the semiautomatic weapon to make a separate movement for each individual function of the trigger and—

“(A) materially increases the rate of fire of the semiautomatic weapon, or

“(B) approximates the action or rate of fire of a machinegun.

“(o) SEMIAUTOMATIC WEAPON.—The term ‘semiautomatic weapon’ means any repeating weapon that—

“(1) utilizes a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or shell casing and chamber the next round, and

“(2) requires a separate function of the trigger to fire each cartridge or shell.”.

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) Section 921(a) of title 18, United States Code, as amended by this Act, is further amended—

(A) in paragraph (3), by striking “muffler or firearm silencer” and inserting “muffler, firearm silencer, or bump stock”; and

(B) by adding at the end the following:

“(41) The term ‘bump stock’ has the meaning given such term in section 5845(n) of the National Firearms Act (26 U.S.C. 5845(n)).”.

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

(A) in each of subsections (a)(4) and (b)(4), by inserting “bump stock,” before “machinegun”; and

(B) in subsection (o)(1), by inserting “or bump stock” before the period.

## TITLE VI—KEEP AMERICANS SAFE

### SEC. 601. DEFINITIONS.

Section 921(a) of title 18, United States Code, as amended by this Act, is further amended by adding at the end the following:

“(42) The term ‘large capacity ammunition feeding device’—

“(A) means a magazine, belt, drum, feed strip, helical feeding device, or similar device, including any such device joined or coupled with another in any manner, that has an overall capacity of, or that can be readily restored, changed, or converted to accept, more than 10 rounds of ammunition; and

“(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

“(43) The term ‘qualified law enforcement officer’ has the meaning given the term in section 926B.”.

### SEC. 602. RESTRICTIONS ON LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (u) the following:

“(v)(1) It shall be unlawful for a person to import, sell, manufacture, transfer, or possess, in or affecting interstate or foreign commerce, a large capacity ammunition feeding device.

“(2) Paragraph (1) shall not apply to the possession of any large capacity ammunition feeding device otherwise lawfully possessed on or before the date of enactment of this subsection.

“(3) Paragraph (1) shall not apply to—

“(A) the importation for, manufacture for, sale to, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a sale or transfer to or possession by a qualified law enforcement officer employed by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State for purposes of law enforcement (whether on or off-duty), or a sale or transfer to or possession by a campus law enforcement officer for purposes of law enforcement (whether on or off-duty);

“(B) the importation for, or sale or transfer to a licensee under title I of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

“(C) the possession, by an individual who is retired in good standing from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device—

“(i) sold or transferred to the individual by the agency upon such retirement; or

“(ii) that the individual purchased, or otherwise obtained, for official use before such retirement; or

“(D) the importation, sale, manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Attorney General.

“(4) For purposes of paragraph (3)(A), the term ‘campus law enforcement officer’ means an individual who is—

“(A) employed by a private institution of higher education that is eligible for funding under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

“(B) responsible for the prevention or investigation of crime involving injury to persons or property, including apprehension or detention of persons for such crimes;

“(C) authorized by Federal, State, or local law to carry a firearm, execute search warrants, and make arrests; and

“(D) recognized, commissioned, or certified by a government entity as a law enforcement officer.”.

(b) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, as amended by this Act, is further amended by inserting after subparagraph (A) of paragraph (1) the following:

“(B) A large capacity ammunition feeding device manufactured after the date of enactment of this subparagraph shall be identified by a serial number and the date on which the device was manufactured or made, legibly and conspicuously engraved

or cast on the device, and such other identification as the Attorney General shall by regulations prescribe.”.

(c) SEIZURE AND FORFEITURE OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 924(d) of title 18, United States Code, as amended by this Act, is further amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking “Any firearm or ammunition involved in” and inserting “Any firearm or ammunition or large capacity ammunition feeding device involved in”;

(ii) by inserting “(v),” after “(k),”; and

(iii) by striking “any firearm or ammunition intended” and inserting “any firearm or ammunition or large capacity ammunition feeding device intended”; and

(B) by inserting “or large capacity ammunition feeding device” after “firearms or ammunition” each place the term appears;

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “or large capacity ammunition feeding device” after “firearms or ammunition”; and

(B) in subparagraph (C), by inserting “or large capacity ammunition feeding devices” after “firearms or quantities of ammunition”; and

(3) in paragraph (3)(E), by inserting “922(v),” after “922(n),”.

#### SEC. 603. PENALTIES.

Section 924(a)(1)(B) of title 18, United States Code, as amended by this Act, is further amended by inserting “(v),” after “(q),”.

#### SEC. 604. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 501(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152(a)(1)) is amended by adding at the end the following:

“(I) Compensation for surrendered large capacity ammunition feeding devices, as that term is defined in section 921 of title 18, United States Code, under buy-back programs for large capacity ammunition feeding devices.”.

## TITLE VII—MISCELLANEOUS

#### SEC. 701. NICS REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, with respect to the preceding year, the demographic data of persons who were determined to be ineligible to purchase a firearm based on a background check performed by the National Instant Criminal Background Check System, including race, ethnicity, national origin, sex, gender, age, disability, average annual income, and English language proficiency, if available.

### Purpose and Summary

H.R. 7910, the “Protecting Our Kids Act” is a comprehensive bill that contains numerous measures focused on addressing gun violence, gun safety, responsible gun ownership, regulation of certain firearms and components, gun trafficking, and public safety. The bill was introduced on May 31, 2022, by Chairman Jerrold Nadler (D-NY), with Crime Subcommittee Chairwoman Sheila Jackson Lee (D-TX), and Representative Mike Thompson (D-CA) as original cosponsors.

### Background and Need for the Legislation

#### I. OVERVIEW

Today, more Americans carry guns, legally and illegally, than ever. Fueled, in part, by politics and anxieties brought on by the pandemic, firearm sales have surged in recent years, along with po-

lice recovery of illegal firearms. There are nearly 400 million firearms circulating in America—more guns than people—and gun violence is responsible for more than 32,000 deaths every year. In the last two weeks, 31 people have been murdered and another 20 injured at the hands of two 18-year-olds legally armed with semiautomatic assault rifles. These latest attacks primarily targeted the most vulnerable of our communities—the young and the elderly.

H.R. 7910 would employ a variety of strategies to effectively reduce gun violence across the country by raising the age that certain semiautomatic firearms can lawfully be possessed, limiting the accessibility of large capacity magazines, prohibiting straw purchasing, promoting the safe storage of firearms, and building on existing regulations to take ghost guns and bump stocks out of our communities.

Mass shootings are, unfortunately, a common occurrence in the United States. The country recorded 692 mass shootings with four or more injuries last year, up from 610 in 2020 and 417 in 2019. There have already been 214 mass shootings in 2022. The incidents of the last two weeks—mass murders committed by young people with semiautomatic weapons—are tragically illustrative of gun violence issues faced by our nation. First, in Buffalo, New York, a gunman motivated by white supremacy targeted a grocery store in a predominantly Black neighborhood and killed 10 people. Then, just 10 days later, another 18-year-old killed 19 fourth graders and two teachers in Uvalde, Texas. It was the deadliest school shooting since the 2012 attack in Sandy Hook, Connecticut. Following the Uvalde attack, President Joe Biden called for passage of “common-sense gun laws.”

Though garnering major public attention, firearm safety issues go beyond mass shootings and are a daily threat to communities and law enforcement. America’s gun violence epidemic consists of much more than high-profile media events. In 2020, firearm deaths replaced motor vehicle accidents as the leading cause of death for Americans ages 1 to 19, according to an analysis of the Centers for Disease Control and Prevention data published in the *New England Journal of Medicine*. Every 16 hours, a woman in America is shot and killed by a current or former intimate partner. Suicides account for 60 percent of all gun deaths. The proliferation of ghost guns—guns that lack serial numbers—presents a particular challenge to law enforcement by circumventing established methods of tracing guns, connecting guns and individuals to a crime, removing guns from criminal entities, and seeking justice for victims of gun violence.

The COVID-19 pandemic has placed unprecedented pressure on public systems to address all aspects of gun violence as U.S. gun deaths have spiked during the pandemic. Some 20,726 people died from homicides, unintentional deaths and other types of gun violence—not including suicides—in 2021, and 19,486 died in 2020, up from 15,468 in 2019, according to the Gun Violence Archive.<sup>1</sup> 48% of Americans believe gun violence is a very big problem in the

<sup>1</sup> Gun Violence Archive, *Past Summary Ledgers*, available at <https://www.gunviolencearchive.org/past-tolls>.

country, according to a Pew Research Center survey conducted in April 2021.<sup>2</sup>

Incidents of domestic violence, suicides involving firearms, and violent crime have surged as the pandemic has lingered. Recent incidents have shown that gun violence continues to be a persistent threat. Prior to the attacks in Buffalo and Uvalde, a minor with access to a gun shot and killed four and injured seven at Oxford High School in Michigan in December 2021; a man used a handgun to take four people hostage at Congregation Beth Israel in Colleyville, Texas in January 2022; and two young, Latino NYPD officers were shot and killed while responding to a domestic disturbance call that same month. Just this past weekend, a young man shot and killed one person and injured seven others during a Memorial Day celebration in Taft, Oklahoma, and six people—all under the age of 16—were victims of a shootout in Chattanooga, Tennessee. These horrific incidents represent just a small sample of the more than 200 mass shootings and additional individual acts of gun violence that have harmed our communities and taken away family members just this year.

As Americans continue to lose loved ones to gun violence, guns are more available than ever. Gun purchases began to surge in early 2020 and remained relatively high for more than a year. Between 18.5 million and 19.9 million firearms were sold in 2021, making it the second-busiest year for gun sales on record. 2020 was a record-breaking year—22.8 million firearms were sold. Meanwhile, the Federal Bureau of Investigation (FBI) ran 38.9 million background checks in 2021 and 39.7 million in 2020,<sup>3</sup> although the FBI's data does not correspond precisely with purchases because not all background checks are associated with individual sales of new guns, and there continue to be many gun sales for which no background check is required. According to the National Shooting Sports Foundation's annual surveys of gun retailers and National Instant Criminal Background Check System background checks, an estimated 5.4 million people in the United States became first-time gun purchasers in 2021, while 8.4 million background checks were performed for first-time buyers in 2020.<sup>4</sup>

Following two years of record-breaking gun sales, gun violence prevention advocates fear the rise in gun sales has magnified the risk of gun injuries and violence. The increasing number of guns in our communities is especially troubling given that many guns are stored loaded and unsecured such that they are accessible to minors and more likely to fall into the wrong hands.

H.R. 7910 would (1) raise the lawful age to purchase certain semiautomatic centerfire rifles from 18 to 21 years old; (2) establish a new federal offense for the import, sale, manufacture, transfer, or possession of large capacity magazines, with exceptions for certain law enforcement uses and the possession (but not sale) of grandfathered magazines; allow state and local governments to use the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG)

<sup>2</sup> Pew Research Center, *Americans' views of the problems facing the nation* (April 15, 2021) available at <https://www.pewresearch.org/politics/2021/04/15/americans-views-of-the-problems-facing-the-nation/>.

<sup>3</sup> FBI, *NICS Firearm Background Checks: Month/Year*, available at [https://www.fbi.gov/file-repository/nics\\_firearm\\_checks\\_-\\_month\\_year.pdf/view](https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view).

<sup>4</sup> National Shooting Sports Foundation, *NSSF Retailer Surveys Indicate 5.4 Million First-Time Buyers in 2021* (January 25, 2022).

Program to compensate individuals who surrender large capacity magazines through a buyback program; (3) establish new federal offenses for gun trafficking and straw purchasers and authorize seizure of the property and proceeds of the offense; (4) establish voluntary best practices for safe firearm storage, require most firearms to include a label that says “Safe Storage Saves Lives,” require dealers to provide a secure gun storage or safety device with the sale of a shotgun or rifle (as already required for handguns), and award grants for Safe Firearm Storage Assistance Programs; (5) establish requirements to regulate the storage of firearms on residential premises and create criminal penalties for violation of the requirements; (6) build on the Bureau of Alcohol, Tobacco, Firearms and Explosives’ (ATF) regulatory bump stock ban by listing bump stocks under the National Firearms Act (like machineguns) and statutorily banning the manufacture, sale, or possession of bump stocks for civilian use; and (7) build on ATF’s regulatory ban of ghost guns by ensuring that ghost guns are subject to existing federal firearm regulation by amending the definition of “firearm” to include gun kits and partial receivers and changing the definition of “manufacturing firearms” to include assembling firearms using 3D printing.

## II. ISSUES ADDRESSED BY H.R. 7910

### A. *The Age for Purchase Eligibility*

Under federal law, only those 21 years of age or older are legally allowed to purchase handguns at licensed gun dealers.<sup>5</sup> However, the age restriction does not extend to semiautomatic rifles. Historical data shows that 18- to 20-year-olds are uniquely likely to engage in impulsive, emotional, and risky behavior, providing further support for limiting access to firearms to such individuals. One in eight school shootings are perpetrated by shooters aged 18 to 20, and 18- to 20-year-olds commit gun homicides at four times higher the rate of adults 21 and older.<sup>6</sup> Neuroscientific and sociological research also demonstrates that young adults under the age of 21 have less capacity to control impulsivity, make good decisions, and appreciate the consequences of their actions than older individuals.

It should also be noted that the national legal drinking age is 21, and credit card applicants under the age of 21 require a cosigner or “financial information . . . indicating an independent means of repaying any obligation arising from” credit obligations related to the card.<sup>7</sup> Recently, the Food and Drug Administration announced that, as of December 20, 2019, the Federal Food, Drug, and Cosmetic Act had been amended to “raise the federal minimum age of sale of tobacco products from 18 to 21 years.”<sup>8</sup> Finally, in all states

<sup>5</sup> 18 U.S.C. § 922(b).

<sup>6</sup> Brown JD, Goodin, AJ, *Mass Casualty Shooting Venues, Types of Firearms, and Age of Perpetrators in the United States, 1982–2018*, Am J Public Health (Oct. 2018), available at <https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2018.304584>.

<sup>7</sup> 15 U.S.C. § 1637(c)(8).

<sup>8</sup> U.S. Food & Drug Administration, *Retail Sales of Tobacco Products*, available at <https://www.fda.gov/tobacco-products/compliance-enforcement-training/retail-sales-tobacco-products>.

that have legalized marijuana use, including California, the age threshold is also 21 for recreational use.<sup>9</sup>

A review of some of the deadliest mass shootings in America over the last two decades highlights the risk associated with allowing individuals under the age of 21 to legally access semiautomatic assault rifles:

- In 1999, an 18-year-old male and 17-year-old male carried out a massacre at Columbine High School in Littleton, Colorado, leaving 15 dead and 21 injured.
- In 2012, a 20-year-old male murdered 26 people, including 20 first and second graders, and injure another two in Newtown, Connecticut.
- In 2018, a 19-year-old male murdered 17 students and teachers and wounded another 14 at Marjory Stoneman Douglas High School in Parkland, Florida.
- In 2019, a 19-year-old male killed four people and wounded 17 at the Gilroy Garlic Festival in Gilroy, California.
- On May 14, 2022, an 18-year-old male murdered 10 people and injured 13 at a Tops supermarket in Buffalo, New York.
- On May 24, 2022, an 18-year-old murdered 19 children and two teachers at Robb Elementary School in Uvalde, Texas.

So far, six states—Florida, Washington, Vermont, California, Illinois, and Hawaii—have increased the minimum purchase age for long guns to 21. These laws have been shown to prevent firearms suicide attempts by teenagers, who frequently lack impulse control. One study found that laws of this nature resulted in a 9% decline in firearms suicide rates among 18- to 20-year-olds.<sup>10</sup> Yet these laws have been challenged in the federal courts.<sup>11</sup>

#### *B. Gun Trafficking, Straw Purchasers, and Impacted Communities*

Gun violence is responsible for a more than four-year reduction in life expectancy for Black men in America.<sup>12</sup> While gun violence touches Americans in diverse communities across the country, homicides are largely concentrated in urban areas with high minority populations. The most recent 5-year average of CDC data on gun deaths shows that approximately 80% of them occur in such areas.<sup>13</sup>

The overwhelming majority of guns recovered in a crime start as a legal sale from a licensed dealer. Irresponsible gun dealers are the source of many crime guns, and a scourge on these communities. These dealers often willfully engage in illegal or corrupt behavior—selling guns that they know will be trafficked into areas of high crime.

<sup>9</sup> Insurance Institute for Highway Safety, Highway Loss Data Institute, *Marijuana laws by state* (May 2022), available at <https://www.iihs.org/topics/alcohol-and-drugs/marijuana-laws-table>.

<sup>10</sup> Webster D, Vernick JS, Zepli AM, *Association Between Youth-Focused Firearm Laws and Youth Suicides*, JAMA (Aug. 2004), available at <https://jamanetwork.com/journals/jama/fullarticle/199194>.

<sup>11</sup> See *Hirschfeld v. Bureau of Alcohol, Firearms, Tobacco & Explosives*, 5 F4th 407 (2021); *Jones v. Bonta*, 2022 WL 148517.

<sup>12</sup> Kalesan B, Vyliparambil MA, Suo Y, Siracuse JJ, Fagan JA, Branas CC & Galea S, Cross-sectional study of loss of life expectancy at different ages related to firearms deaths among black and white Americans, BMJ Evidence-Based Medicine, available at <https://time.com/5471069/guns-life-expectancy/>.

<sup>13</sup> Kegler SR, Stone DM, Mercy JA, Dahlberg LL. *Firearm Homicides and Suicides in Major Metropolitan Areas—United States, 2015–2016 and 2018–2019*. MMWR Morb Mortal Wkly Rep 2022;71:14–18. DOI: <http://dx.doi.org/10.15585/mmwr.mm7101a3>.



Guns move easily from states with weak gun laws into states with strong gun laws, undermining state-level gun laws and creating significant threats to public safety. Every year, thousands of guns are diverted from legal to illegal markets. Most of the cities chronically impacted by gun violence do not have many, if any, federally licensed gun dealers within their city limits. Instead, gun dealers typically sit outside these communities, frequently in less diverse and more affluent suburbs, and profit from irresponsible or illegal sales that drive guns into cities that later turn up at crime scenes. In Chicago, for example there are no gun dealers inside city limits, and the state of Illinois has strict gun laws. But crime gun tracing undertaken by the city of Chicago has shown how guns are trafficked from dealers in surrounding counties, and even from neighboring Indiana.

Gun violence in communities of color is often driven by two factors: easy access to guns and a small group of people at high risk of engaging in violence—sometimes no more than 0.25% to 1% of the city’s population.<sup>14</sup> One study from the Urban Institute found that it “remains too easy for this [small] group to obtain guns. In the hands of these high-risk people, guns escalate minor disputes into fatal incidents, and firearm violence poses a particular risk to law enforcement officers. Limiting easy access to guns by this group is an essential step in reducing gun violence.”<sup>15</sup>

Access to guns is a critical driver of chronic violence. Gun trafficking is the diversion of firearms from the legal market into the hands of criminals or others who cannot legally possess guns. The most frequent type of trafficking channel identified in ATF investigations is straw purchasing—purchasing a weapon for someone who is prohibited from having one—from federally licensed firearms dealers. Often, guns recovered during crimes were recovered from someone who was not legally allowed to possess a gun. These individuals obtain their firearms from a myriad of sources: straw purchasing or “off the books” sales by negligent gun dealers, theft, and the “underground” gun market. Cutting off access for these individuals can reduce the number of guns available for criminal use.

### *C. Untraceable Firearms—Ghost Guns*

Ghost guns are firearms constructed with component parts that can be obtained anonymously, without a background check, and which lack serial numbers. Sometimes referred to as “do-it-yourself guns,” ghost guns are assembled by unlicensed persons, rather than manufacturers, and generally evade all regulations that apply to the licensed firearms industry. While ghost guns may be made with 3D printers, the overwhelming number of ghost guns are assembled from parts or “kits.” Numerous online and brick-and-mortar retailers offer ghost gun kits which contain all the parts needed to assemble a firearm, including unfinished receivers, tools, and step-by-step instructions. In recent years, there has been a large increase in the availability of these components, and at least 16

<sup>14</sup> Brady Campaign to Prevent Gun Violence, *Crime Guns in Impacted Communities*, available at <https://brady-static.s3.amazonaws.com/Report/crime-guns-in-impacted-communities/CrimeGunsInImpactedCommunities-report.pdf>.

<sup>15</sup> Bieler S, Kijakazi K, La Vigne NG, Vinik N, Overton S, *Engaging Communities in Reducing Gun Violence: A Road Map for Safer Communities* (April 27, 2016), available at <https://www.urban.org/research/publication/engaging-communities-reducing-gun-violence-road-map-safer-communities>.

companies that sell ghost gun kits have reported order backlogs and shipping delays due to overwhelming demand.

Ghost guns have been linked nationwide to homicides, suicides, mass shootings, robberies, shooting deaths of law enforcement officers, and domestic violence. Since ghost guns are devoid of serial numbers and other identifying marks, such guns recovered in crime are not traceable by law enforcement. The absence of a manufacturing record, serial number, or background check is exactly what draws prohibited persons to ghost guns and makes them the perfect guns to use in committing crimes. The threat ghost guns pose to public safety and law enforcement has risen in recent years. In Southern California, for instance, even prior to the pandemic-inspired surge in sales, the ATF reported that almost half of all new investigations involved ghost guns.<sup>16</sup> Likewise, the District of Columbia has reported a dramatic increase in ghost guns recovered in crimes, from just three in 2017 to 116 recovered in 2019.<sup>17</sup> In 2021, almost 20,000 suspected ghost guns were recovered by law enforcement in criminal investigations and reported to the ATF.<sup>18</sup>

Earlier this year, the ATF published a final rule to curtail the proliferation of ghost guns by requiring serialization and background checks for certain gun kits and to require the serialization of some existing ghost guns.<sup>19</sup> This rule will go into effect in August.

#### *D. Safe Storage and Child Access Prevention*

An overwhelming amount of research shows that easy access to firearms leads to an increased risk of gun violence among young people. Studies estimate that 70–90% of guns used in youth suicides, unintentional shootings among children, and school shootings perpetrated by shooters under the age of 18 are acquired from the minor’s home or the home of a relative or friend.<sup>20</sup> An estimated 4.6 million children in the U.S. live in homes with at least one loaded, unlocked firearm,<sup>21</sup> and many young people are able to access these guns. One study found one in five children handled a gun without parental permission or supervision.<sup>22</sup> The American

<sup>16</sup> Hitt, Brandi, “Ghost guns” investigation: Law enforcement seeing unserialized firearms on daily basis in SoCal, KABC Television, (Jan. 30, 2020).

<sup>17</sup> Hermann P, *D.C. police see rise in devices that convert guns into fully automatic weapons*, The Washington Post (Sept. 4, 2021), available at [https://www.washingtonpost.com/local/public-safety/guns-auto-sears-automatic/2021/09/04/0be57914-0020-11ec-ba7e-2cf966e88e93\\_story.html](https://www.washingtonpost.com/local/public-safety/guns-auto-sears-automatic/2021/09/04/0be57914-0020-11ec-ba7e-2cf966e88e93_story.html).

<sup>18</sup> Press Release, The White House, *Fact Sheet: The Biden Administration Cracks Down on Ghost Guns, Ensures That ATF Has the Leadership it Needs to Enforce Our Gun Laws* (April 11, 2022) available at <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/11/fact-sheet-the-biden-administration-cracks-down-on-ghost-guns-ensures-that-atf-has-the-leadership-it-needs-to-enforce-our-gun-laws/>.

<sup>19</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/11/fact-sheet-the-biden-administration-cracks-down-on-ghost-guns-ensures-that-atf-has-the-leadership-it-needs-to-enforce-our-gun-laws/>; <https://www.atf.gov/rules-and-regulations/definition-frame-or-receiver>.

<sup>20</sup> Renee M. Johnson, et al., *Who Are the Owners of Firearms Used in Adolescent Suicides?*, *Suicide and Life-threatening Behavior* 40, no. 6 (2010): 609–611; Guohua Li, et al., *Factors Associated with the Intent of Firearm-related Injuries in Pediatric Trauma Patients*, *Archives of Pediatrics & Adolescent Medicine* 150, no. 11 (1996): 1160–1165; John Woodrow Cox and Steven Rich, *The Gun is Not in the Closet*, The Washington Post, (August 1, 2018) <https://wapo.st/2M2HSH6>. See also, Bryan Vossekuil, et al., “The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States,” U.S. Secret Service and U.S. Department of Education, July 2004, <https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>; Tawnell D. Hobbs, *Most Guns Used in School Shootings Come From Home*, The Wall Street Journal, (April 5, 2018) <https://on.wsj.com/2Eydv2f>.

<sup>21</sup> Deborah Azrael, Joanna Cohen, Carmel Salhi, and Matthew Miller, “Firearm Storage in Gun-owning Households with Children: Results of a 2015 National Survey,” *Journal of Urban Health* 95, no. 3 (2018): 295–304.

<sup>22</sup> <https://www.bradyunited.org/program/end-family-fire>.

Academy of Pediatrics recommends that if parents keep firearms in their home, all firearms should be locked, unloaded, and stored separately from ammunition. However, only 3 of 10 adults in households with children report storing all guns unloaded and locked up.<sup>23</sup>

The presence of unsecured firearms in the home increases the risk of unintentional and intentional shootings. Nearly 40% of all unintentional shooting deaths among children 11–14 years of age occur in the home of a friend, and in 16% of unintentional firearm deaths among children younger than 13 years of age, the gun was mistaken for a toy.<sup>24</sup> A major factor contributing to the risk of suicide for minors is the ease with which they can access firearms. Over 75% of firearms used in youth suicide attempts and unintentional firearm injuries were stored in the residence of the victim, a relative, or a friend.<sup>25</sup>

The Oxford High School shooting that left four students dead, the Santa Fe High School shooting that left 10 dead, including 17-year-old Kimberly Vaughan, and the accidental killing of 15-year-old Ethan Song further underscore the need to ensure that minors do not have unsupervised access to guns. The United States Secret Service and the Department of Education report that in 65% of deadly school shootings, the attacker obtained the firearm from his or her own home or the home of a relative.<sup>26</sup> And in nearly 80% of gunfire incidents at schools where the perpetrator is under 18, the shooter obtained the firearm from their home or the home of extended family or friends.<sup>27</sup>

Safe storage practices are also important to keep firearms away from dangerous individuals. In the last decade, nearly 2 million firearms have been reported stolen.<sup>28</sup> Unregulated, stolen guns present a danger to society and handicap police investigations. Gun owners who do not secure their guns are at higher risk of someone stealing them. An increased risk of gun theft may increase the likelihood of further crime occurring.<sup>29</sup> These guns are then trafficked through unregulated markets, giving people who cannot pass a background check a method of obtaining guns. Between 2010 and 2016, police recovered more than 23,000 stolen firearms that were used to commit kidnappings, armed robberies, sexual assaults, murders, and other violent crimes.<sup>30</sup> Stolen firearms complicate

<sup>23</sup> Monuteaux MC, Azrael D, Miller M, *Association of Increased Safe Household Firearm Storage With Firearm Suicide and Unintentional Death Among US Youths*, JAMA Pediatr. (May 2019), available at <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2733158>.

<sup>24</sup> Michaels, PhD., N, Nationwide Children's Hospital, *Gun Safety*, available at <https://www.nationwidechildrens.org/research/areas-of-research/center-for-injury-research-and-policy/injury-topics/general/gun-safety>.

<sup>25</sup> Miller M & Hemenway, *The Relationship Between Firearms and Suicide: A Review of the Literature*, 4 Aggression & Violent Behavior (1999): 59, 62–65.

<sup>26</sup> U.S. Secret Service & U.S. Dep't of Education, *The Final Report & Findings of the Safe School Initiative—Implications for the Prevention of School Attacks in the United States*, available at <https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.

<sup>27</sup> U.S. Secret Service & U.S. Dep't of Homeland Security, National Threat Assessment Center, *Protecting America's Schools: A US Secret Service Analysis of Targeted School Violence* (Nov. 2019) available at [https://www.secretservice.gov/sites/default/files/2020-04/Protecting\\_Americas\\_Schools.pdf](https://www.secretservice.gov/sites/default/files/2020-04/Protecting_Americas_Schools.pdf).

<sup>28</sup> Parsons C & Vargas EW, Center for American Progress, *Gun Theft in the United States: A State-by-State Analysis* (Mar 4, 2020), available at <https://www.americanprogress.org/article/gun-theft-united-states-state-state-analysis/>.

<sup>29</sup> <https://everytownresearch.org/report/unload-lock-and-separate-secure-storage-practices-to-reduce-gun-violence/>.

<sup>30</sup> Freskos B, The Trace, *Missing Pieces* (Nov 20, 2017), available at <https://www.thetrace.org/2017/11/stolen-guns-violent-crime-america/>.

and slow law enforcement investigations into violent crimes because investigators often must uncover the trafficking pattern of the firearm in order to identify a suspect.<sup>31</sup>

To safely store firearms, gun owners need to follow three practices: (1) all ammunition inside of the gun should be unloaded, including chamber rounds; (2) ammunition should be locked in a secure location separate from where the firearms are locked; and (3) gun owners should use a firearm locking device. Locking devices, safes, and lock boxes thwart gun theft because they have biometric technology, combinations, or keys.

Thirteen states have laws concerning firearm locking devices. These state laws aimed at reducing minors' access to firearms vary greatly by state, from imposing criminal liability for negligent storage regardless of any harm that occurs, or imposing criminal liability for unsecured weapons after a death or injury occurs, to prohibiting provision of a firearm to a minor. Massachusetts and Oregon remain the only states that require all firearms to be locked when not in use. Likewise, Connecticut, Colorado, and California impose a looser version of the Massachusetts law and impose the regulation only in distinct situations.

Currently, there are no federal laws that mandate safe storage, though federal law does require safe storage devices to be made available when a federal firearm licensee sells a handgun<sup>32</sup> and provides immunity from certain civil actions if an owner secured a handgun with a safety device.<sup>33</sup> Existing federal law is narrow in scope: it applies only to dealers and does not require gun owners to use the safety device given to them at the time of purchase. The Department of Justice recently announced a new rule to ensure that federal firearms licensees have safe storage devices available that are compatible with the firearms available for purchase.<sup>34</sup>

### *E. Bump Stocks*

Historically, the gun industry has evaded national gun laws through the creation of supplemental and unregulated devices to augment firing capabilities. Such devices can turn a regular gun into one that is as deadly as a machinegun. Although machineguns have been illegal in the United States for decades, bump stocks have allowed gun manufacturers to circumvent the law to produce weapons like the ones used in the mass shooting that occurred in Las Vegas, Nevada. During the 2017 massacre in Las Vegas, 58 people were killed and more than 800 were injured at the Route 91 Harvest Music Festival.<sup>35</sup> The shooter used bump stocks which he was able to purchase due to a loophole in the law that allowed these accessories to be purchased, even though they enable a semi-automatic rifle to mimic the rate of fire of an automatic weapon.

<sup>31</sup> <https://www.everytown.org/solutions/report-lost-and-stolen-guns/>.

<sup>32</sup> 18 U.S.C. § 922(z)(1).

<sup>33</sup> 18 U.S.C. § 922(z)(3).

<sup>34</sup> 87 FR 182, <https://www.federalregister.gov/documents/2022/01/04/2021-28398/secure-gun-storage-and-definition-of-antique-firearm>; Department of Justice, *Justice Department Announces New Rule to Help Enhance Safe and Secure Storage of Firearms; Publishes Best Practices Guide for Federal Firearms Licensees*, Jan. 3, 2022, <https://www.justice.gov/opa/pr/justice-department-announces-new-rule-help-enhance-safe-and-secure-storage-firearms-publishes>.

<sup>35</sup> *Victims and relatives of Las Vegas Strip mass shooting to receive \$800m settlement*, The Guardian (Sep 30, 2020), available at <https://www.theguardian.com/us-news/2020/sep/30/las-vegas-strip-shooting-800m-settlement>.

A bump stock attaches to a semi-automatic rifle to increase the rate of fire. Bump stocks harness a gun's recoil energy to rapidly move the firearm back and forth, bumping the shooter's stationary finger against the trigger. Federal law generally bans civilian ownership of machineguns manufactured after May 1986, including any parts used to convert an otherwise legal firearm into an illegal machinegun. It defines a machinegun as a weapon which fires "automatically more than one shot, without manual reloading, by a single function of the trigger." In 2018, the ATF issued a rule re-interpreting the terms "single function of the trigger" and "automatically" and clarifying the meaning of "machinegun" to ban bump stocks.<sup>36</sup>

Gun Owners of America and other groups challenged the ATF rule and asked for a preliminary injunction to block it. The district court denied the challengers' request. Bump stocks remain illegal for now, following the Sixth Circuit Court of Appeals decision to uphold the ATF's bump stock ban.<sup>37</sup> Bump stock proponents are seeking U.S. Supreme Court review, and several state attorneys general have urged the Supreme Court to overturn the ban. Congressional action to ban bump stocks could ensure that these extremely deadly devices remain illegal and do not threaten the safety of our communities.

#### *F. Large Capacity Magazines*

Generally, a magazine is a spring-loaded container for ammunition that may or may not be detachable from a firearm. Following the discharge of a round, the spring mechanism in the magazine forces a new round into the firearm's breach, enabling it to fire another round.<sup>38</sup> A firearm that can accommodate a detachable magazine may be fitted with magazines of variable size.<sup>39</sup> For example, a rifle with a detachable magazine may be able to accommodate magazines that hold a multitude of rounds. Certain rifles can accommodate drum magazines, which hold ammunition in a circular mode and may accommodate hundreds of rounds.<sup>40</sup>

With the passage of the Violent Crime Control and Law Enforcement Act of 1994, Congress banned the possession or transfer of magazines capable of holding more than 10 rounds of ammunition.<sup>41</sup> Those who possessed magazines on or before the date of enactment that exceeded 10 rounds were "grandfathered in," and could therefore continue to possess banned magazines.<sup>42</sup> The federal ban expired in 2004.<sup>43</sup> Since then, nine states and the District of Columbia have adopted restrictions on the size of magazines.<sup>44</sup>

Large capacity magazines have been used in many high-profile mass shootings. The shooter who murdered 20 children and six school employees at Sandy Hook Elementary School in Newtown,

<sup>36</sup> See Bump Stock-Type Devices (Final Rule), 83 Fed. Reg. 66,514–01.

<sup>37</sup> *Gun Owners of America, Inc. v. Merrick Garland*, 19 F.4th 890 (2021).

<sup>38</sup> *Glossary (Magazine)*, NAT'L RIFE ASSOC. INST. FOR LEG. ACTION, <https://www.nrila.org/for-the-press/glossary> (last visited Aug. 22, 2019).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> See Pub. L. No. 103–322, 108 Stat. 1796, 1996–2010 (1994).

<sup>42</sup> *Id.* at 108 Stat.1999.

<sup>43</sup> *Id.* at 108 Stat. 2000.

<sup>44</sup> The nine states are: California, Colorado, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, New York, and Vermont. Large Capacity Magazines, GIFFORDS L. CTR, <https://lawcenter.giffords.org/gun-laws/policy-areas/hardware-ammunition/large-capacity-magazines/> (last visited Aug. 23, 2019).

CT used a 30-round magazine to carry out his attack. The larger magazine he used allowed him to fire 154 rounds in under five minutes. The shooter who targeted U.S. Representative Gabrielle Giffords, killing six and injuring the Congresswoman and six others, used a handgun with a 33-round magazine. The perpetrator of the Pulse nightclub massacre in Orlando, Florida killed 49 people using a rifle with a 30-round magazine and a handgun with a 17-round magazine. More recently, the perpetrators of the mass casualty shootings in Dayton, Ohio and El Paso, Texas used high-capacity magazines to gun down their victims.<sup>45</sup> The Dayton shooter had a 100-round drum magazine, which enabled him to kill nine people in less than a minute.<sup>46</sup>

The sale of high-capacity magazines in the United States has also contributed to mass murders beyond our borders. In 2011, a shooter killed 67 people, including many children, at a summer camp in Norway using 30-round magazines purchased by mail from a dealer in the United States.<sup>47</sup>

An analysis of mass casualty shootings that reviewed incidents between 1982 and 2012 found that large capacity ammunition magazines were recovered in over half of the incidents.<sup>48</sup> Not only were high-capacity magazines used in half of the mass casualty incidents, but, on average, their use caused twice as many fatalities, and 14 times as many injuries.<sup>49</sup> Even removing the 2017 Las Vegas shooting from the analysis, between 2009 and 2017, firearms with high capacity magazines resulted in twice as many fatalities and six times as many people shot per incident on average.<sup>50</sup> According to one recent poll, 70% of Americans support a ban on large-capacity magazines.<sup>51</sup>

### Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearing was used to develop H.R. 7910:

On May 20, 2021, the Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on “An Unending Crisis: Essential Steps to Reducing Gun Violence and Mass Shootings.” The Subcommittee heard testimony from:

- The Honorable Vikki Goodwin, Member of the House of Representatives, State of Texas;
- Fred Guttenberg, Author and Gun Safety Advocate;
- J. Adam Skaggs, Chief Counsel and Policy Director, Giffords Law Center to Prevent Gun Violence;

<sup>45</sup> Laura Santhanam, *What We Know About the El Paso and Dayton Shooters’ Guns*, PBS NEWS HOUR (Aug. 6, 2019), <https://www.pbs.org/newshour/nation/why-the-weapons-used-in-this-weekends-shootings-are-controversial>.

<sup>46</sup> Ben Kesling & Zusha Elinson, *Dayton Shooter Used AR-15 Pistol, Smaller Version of Popular Rifle*, WALL ST. J. (Aug. 5, 2019), <https://www.wsj.com/articles/dayton-shooter-used-ar-15-pistol-smaller-version-of-popular-rifle-11565045046>.

<sup>47</sup> Reid J. Epstein, *Norway Shooter: Ammo from U.S.*, POLITICO (Jul. 28 2019), <https://www.politico.com/story/2011/07/norway-shooter-ammo-from-us-060154>.

<sup>48</sup> Mark Follman, et al., *More Than Half of Mass Shooters Used Assault Weapons and High-Capacity Magazines*, MOTHER JONES (Feb. 27, 2013), <https://www.motherjones.com/politics/2013/02/assault-weapons-high-capacity-magazines-mass-shootings-feinstein/>.

<sup>49</sup> EVERYTOWN FOR GUN SAFETY, *MASS SHOOTINGS IN THE UNITED STATES: 2009–2017* (6 Dec. 2019), [https://everytownresearch.org/reports/mass-shootings-analysis/#foot\\_note\\_anchor\\_55](https://everytownresearch.org/reports/mass-shootings-analysis/#foot_note_anchor_55).

<sup>50</sup> *Id.*

<sup>51</sup> Steven Shepard, *Gun Control Support Surges in Polls*, POLITICO (Feb. 28, 2018), <https://www.politico.com/story/2018/02/28/gun-control-polling-parkland-430099>.

- Michael E. Grady, Senior Pastor, Prince of Peace Christian Fellowship; and
- Dianna Muller, Founder, The DC Project.

The hearing explored the facts and data on gun violence and a range of policy proposals to reduce gun violence.

### **Committee Consideration**

On June 2, 2022 the Committee met in open session and ordered the bill, H.R. 7910, favorably reported, as amended, by a rollcall vote of 25 to 19, a quorum being present.

### **Committee Votes**

In compliance with clause 3(b) of House rule XIII, the following rollcall votes occurred during the Committee's consideration of H.R. 7910:

1. An amendment by Mr. Massie to create an exemption from conviction for gun trafficking if the purchaser or person acquiring the firearm transfers the firearm to a victim of domestic violence for her or his protection was defeated by a rollcall vote of 20 to 24. The vote was as follows:

Roll Call No. |

Date: 6/2/22

## COMMITTEE ON THE JUDICIARY

House of Representatives

117<sup>th</sup> CongressAmendment # 3 (Am2) to HR 7910 offered by Rep. Massie

☐ PASSED  
☒ FAILED

|                            | AYES | NOS | PRES. |
|----------------------------|------|-----|-------|
| Jerrold Nadler (NY-10)     |      | ✓   |       |
| Zoe Lofgren (CA-19)        |      | ✓   |       |
| Sheila Jackson Lee (TX-18) |      | ✓   |       |
| Steve Cohen (TN-09)        |      | ✓   |       |
| Hank Johnson (GA-04)       |      | ✓   |       |
| Ted Deutch (FL-22)         |      | ✓   |       |
| Karen Bass (CA-37)         |      | ✓   |       |
| Hakeem Jeffries (NY-08)    |      | ✓   |       |
| David Cicilline (RI-01)    |      | ✓   |       |
| Eric Swalwell (CA-15)      |      | ✓   |       |
| Ted Lieu (CA-33)           |      | ✓   |       |
| Jamie Raskin (MD-08)       |      | ✓   |       |
| Pramila Jayapal (WA-07)    |      | ✓   |       |
| Val Demings (FL-10)        |      | ✓   |       |
| Lou Correa (CA-46)         |      | ✓   |       |
| Mary Gay Scanlon (PA-05)   |      | ✓   |       |
| Sylvia Garcia (TX-29)      |      | ✓   |       |
| Joseph Neguse (CO-02)      |      | ✓   |       |
| Lucy McBath (GA-06)        |      | ✓   |       |
| Greg Stanton (AZ-09)       | ✓    |     |       |
| Madeleine Dean (PA-04)     |      | ✓   |       |
| Veronica Escobar (TX-16)   |      | ✓   |       |
| Mondaire Jones (NY-17)     |      | ✓   |       |
| Deborah Ross (NC-02)       |      | ✓   |       |
| Cori Bush (MO-01)          |      | ✓   |       |
|                            | AYES | NOS | PRES. |
| Jim Jordan (OH-04)         | ✓    |     |       |
| Steve Chabot (OH-01)       | ✓    |     |       |
| Louie Gohmert (TX-01)      | ✓    |     |       |
| Darrell Issa (CA-50)       | ✓    |     |       |
| Ken Buck (CO-04)           | ✓    |     |       |
| Matt Gaetz (FL-01)         | ✓    |     |       |
| Mike Johnson (LA-04)       | ✓    |     |       |
| Andy Biggs (AZ-05)         | ✓    |     |       |
| Tom McClintock (CA-04)     | ✓    |     |       |
| Greg Steube (FL-17)        | ✓    |     |       |
| Tom Tiffany (WI-07)        | ✓    |     |       |
| Thomas Massie (KY-04)      | ✓    |     |       |
| Chip Roy (TX-21)           | ✓    |     |       |
| Dan Bishop (NC-09)         | ✓    |     |       |
| Michelle Fischbach (MN-07) | ✓    |     |       |
| Victoria Spartz (IN-05)    | ✓    |     |       |
| Scott Fitzgerald (WI-05)   | ✓    |     |       |
| Cliff Bentz (OR-02)        | ✓    |     |       |
| Burgess Owens (UT-04)      | ✓    |     |       |
|                            | AYES | NOS | PRES. |
| TOTAL                      | 20   | 21  |       |



2. An amendment by Mr. Massie to exempt anyone registered for the Selective Service from the age limit for purchasing certain semiautomatic centerfire rifles and shotguns was defeated by a rollcall vote of 19 to 24. The vote was as follows:

Roll Call No. 2Date: 6/2/22

## COMMITTEE ON THE JUDICIARY

House of Representatives

117<sup>th</sup> CongressAmendment # 5 (Am.) to H.R. 7910 offered by Rep. Massie
☐ PASSED  
☒ FAILED

|                            | AYES | NOS | PRES. |
|----------------------------|------|-----|-------|
| Jerrold Nadler (NY-10)     |      | ✓   |       |
| Zoe Lofgren (CA-19)        |      | ✓   |       |
| Sheila Jackson Lee (TX-18) |      | ✓   |       |
| Steve Cohen (TN-09)        |      | ✓   |       |
| Hank Johnson (GA-04)       |      | ✓   |       |
| Ted Deutch (FL-22)         |      |     |       |
| Karen Bass (CA-37)         |      | ✓   |       |
| Hakeem Jeffries (NY-08)    |      | ✓   |       |
| David Cicilline (RI-01)    |      | ✓   |       |
| Eric Swalwell (CA-15)      |      | ✓   |       |
| Ted Lieu (CA-33)           |      | ✓   |       |
| Jamie Raskin (MD-08)       |      | ✓   |       |
| Pramila Jayapal (WA-07)    |      | ✓   |       |
| Val Demings (FL-10)        |      | ✓   |       |
| Lou Correa (CA-46)         |      | ✓   |       |
| Mary Gay Scanlon (PA-05)   |      | ✓   |       |
| Sylvia Garcia (TX-29)      |      | ✓   |       |
| Joseph Neguse (CO-02)      |      | ✓   |       |
| Lucy McBath (GA-06)        |      | ✓   |       |
| Greg Stanton (AZ-09)       |      | ✓   |       |
| Madeleine Dean (PA-04)     |      | ✓   |       |
| Veronica Escobar (TX-16)   |      | ✓   |       |
| Mondaire Jones (NY-17)     |      | ✓   |       |
| Deborah Ross (NC-02)       |      | ✓   |       |
| Cori Bush (MO-01)          |      | ✓   |       |
|                            | AYES | NOS | PRES. |
| Jim Jordan (OH-04)         | ✓    |     |       |
| Steve Chabot (OH-01)       | ✓    |     |       |
| Louie Gohmert (TX-01)      | ✓    |     |       |
| Darrell Issa (CA-50)       | ✓    |     |       |
| Ken Buck (CO-04)           | ✓    |     |       |
| Matt Gaetz (FL-01)         | ✓    |     |       |
| Mike Johnson (LA-04)       | ✓    |     |       |
| Andy Biggs (AZ-05)         | ✓    |     |       |
| Tom McClintock (CA-04)     | ✓    |     |       |
| Greg Steube (FL-17)        | ✓    |     |       |
| Tom Tiffany (WI-07)        | ✓    |     |       |
| Thomas Massie (KY-04)      | ✓    |     |       |
| Chip Roy (TX-21)           | ✓    |     |       |
| Dan Bishop (NC-09)         | ✓    |     |       |
| Michelle Fischbach (MN-07) | ✓    |     |       |
| Victoria Spartz (IN-05)    | ✓    |     |       |
| Scott Fitzgerald (WI-05)   | ✓    |     |       |
| Cliff Bentz (OR-02)        | ✓    |     |       |
| Burgess Owens (UT-04)      | ✓    |     |       |
|                            | AYES | NOS | PRES. |
| TOTAL                      | 19   | 24  |       |

3. An amendment by Mr. Massie to exempt a spouse of a member of the Armed Forces on active duty from the age limit for purchasing certain semiautomatic centerfire rifles and shotguns was defeated by a rollcall vote of 19 to 24. The vote was as follows:

Roll Call No. 3

Date: 6/2/22

## COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 9 (AM) to H.R. 7910 offered by Rep. Massie

☐ PASSED  
☒ FAILED

|                            | AYES | NOS | PRES. |
|----------------------------|------|-----|-------|
| Jerrold Nadler (NY-10)     |      | ✓   |       |
| Zoe Lofgren (CA-19)        |      | ✓   |       |
| Sheila Jackson Lee (TX-18) |      | ✓   |       |
| Steve Cohen (TN-09)        |      | ✓   |       |
| Hank Johnson (GA-04)       |      | ✓   |       |
| Ted Deutch (FL-22)         |      | ✓   |       |
| Karen Bass (CA-37)         |      | ✓   |       |
| Hakeem Jeffries (NY-08)    |      | ✓   |       |
| David Cicilline (RI-01)    |      | ✓   |       |
| Eric Swalwell (CA-15)      |      | ✓   |       |
| Ted Lieu (CA-33)           |      | ✓   |       |
| Jamie Raskin (MD-08)       |      | ✓   |       |
| Pramila Jayapal (WA-07)    |      | ✓   |       |
| Val Demings (FL-10)        |      | ✓   |       |
| Lou Correa (CA-46)         |      | ✓   |       |
| Mary Gay Scanlon (PA-05)   |      | ✓   |       |
| Sylvia Garcia (TX-29)      |      | ✓   |       |
| Joseph Neguse (CO-02)      |      | ✓   |       |
| Lucy McBath (GA-06)        |      | ✓   |       |
| Greg Stanton (AZ-09)       |      | ✓   |       |
| Madeleine Dean (PA-04)     |      | ✓   |       |
| Veronica Escobar (TX-16)   |      | ✓   |       |
| Mondaire Jones (NY-17)     |      | ✓   |       |
| Deborah Ross (NC-02)       |      | ✓   |       |
| Cori Bush (MO-01)          |      |     |       |
|                            | AYES | NOS | PRES. |
| Jim Jordan (OH-04)         | ✓    |     |       |
| Steve Chabot (OH-01)       | ✓    |     |       |
| Louie Gohmert (TX-01)      | ✓    |     |       |
| Darrell Issa (CA-50)       | ✓    |     |       |
| Ken Buck (CO-04)           | ✓    |     |       |
| Matt Gaetz (FL-01)         | ✓    |     |       |
| Mike Johnson (LA-04)       | ✓    |     |       |
| Andy Biggs (AZ-05)         | ✓    |     |       |
| Tom McClintock (CA-04)     | ✓    |     |       |
| Greg Steube (FL-17)        | ✓    |     |       |
| Tom Tiffany (WI-07)        | ✓    |     |       |
| Thomas Massie (KY-04)      | ✓    |     |       |
| Chip Roy (TX-21)           | ✓    |     |       |
| Dan Bishop (NC-09)         | ✓    |     |       |
| Michelle Fischbach (MN-07) | ✓    |     |       |
| Victoria Spartz (IN-05)    | ✓    |     |       |
| Scott Fitzgerald (WI-05)   | ✓    |     |       |
| Cliff Bentz (OR-02)        | ✓    |     |       |
| Burgess Owens (UT-04)      | ✓    |     |       |
|                            | AYES | NOS | PRES. |
| TOTAL                      | 19   | 29  |       |

4. An amendment by Mr. Gaetz to add a sense of Congress that Congress disfavors the enactment of laws that authorize a court to issue an extreme risk protection order was defeated by a rollcall vote of 18 to 24. The vote was as follows:

Roll Call No. 4

Date: 6/2/22

## COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 10 (AND) to H.R. 7910 offered by Rep. Gaetz

☐ PASSED  
☒ FAILED

|                            | AYES | NOS | PRES. |
|----------------------------|------|-----|-------|
| Jerrold Nadler (NY-10)     |      | ✓   |       |
| Zoe Lofgren (CA-19)        |      | ✓   |       |
| Sheila Jackson Lee (TX-18) |      | ✓   |       |
| Steve Cohen (TN-09)        |      | ✓   |       |
| Hank Johnson (GA-04)       |      | ✓   |       |
| Ted Deutch (FL-22)         |      | ✓   |       |
| Karen Bass (CA-37)         |      | ✓   |       |
| Hakeem Jeffries (NY-08)    |      | ✓   |       |
| David Cicilline (RI-01)    |      | ✓   |       |
| Eric Swalwell (CA-15)      |      | ✓   |       |
| Ted Lieu (CA-33)           |      | ✓   |       |
| Jamie Raskin (MD-08)       |      | ✓   |       |
| Pramila Jayapal (WA-07)    |      | ✓   |       |
| Val Demings (FL-10)        |      | ✓   |       |
| Lou Correa (CA-46)         |      | ✓   |       |
| Mary Gay Scanlon (PA-05)   |      | ✓   |       |
| Sylvia Garcia (TX-29)      |      | ✓   |       |
| Joseph Neguse (CO-02)      |      | ✓   |       |
| Lucy McBath (GA-06)        |      | ✓   |       |
| Greg Stanton (AZ-09)       |      | ✓   |       |
| Madeleine Dean (PA-04)     |      | ✓   |       |
| Veronica Escobar (TX-16)   |      | ✓   |       |
| Mondaire Jones (NY-17)     |      | ✓   |       |
| Deborah Ross (NC-02)       |      | ✓   |       |
| Cori Bush (MO-01)          |      |     |       |
|                            | AYES | NOS | PRES. |
| Jim Jordan (OH-04)         | ✓    |     |       |
| Steve Chabot (OH-01)       | ✓    |     |       |
| Louie Gohmert (TX-01)      | ✓    |     |       |
| Darrell Issa (CA-50)       | ✓    |     |       |
| Ken Buck (CO-04)           | ✓    |     |       |
| Matt Gaetz (FL-01)         | ✓    |     |       |
| Mike Johnson (LA-04)       | ✓    |     |       |
| Andy Biggs (AZ-05)         | ✓    |     |       |
| Tom McClintock (CA-04)     | ✓    |     |       |
| Greg Steube (FL-17)        | ✓    |     |       |
| Tom Tiffany (WI-07)        | ✓    |     |       |
| Thomas Massie (KY-04)      | ✓    |     |       |
| Chip Roy (TX-21)           | ✓    |     |       |
| Dan Bishop (NC-09)         | ✓    |     |       |
| Michelle Fischbach (MN-07) | ✓    |     |       |
| Victoria Spartz (IN-05)    |      |     |       |
| Scott Fitzgerald (WI-05)   | ✓    |     |       |
| Cliff Bentz (OR-02)        | ✓    |     |       |
| Burgess Owens (UT-04)      | ✓    |     |       |
|                            | AYES | NOS | PRES. |
| TOTAL                      | 18   | 29  |       |

5. A motion to report H.R. 7910, as amended, was agreed to by a rollcall vote of 25 to 19. The vote was as follows:

Roll Call No. 5

Date: 6/2/22

## COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Final Passage on: HR 7910

☒ PASSED  
☐ FAILED

|                            | AYES | NOS | PRES. |
|----------------------------|------|-----|-------|
| Jerrold Nadler (NY-10)     | ✓    |     |       |
| Zoe Lofgren (CA-19)        | ✓    |     |       |
| Sheila Jackson Lee (TX-18) | ✓    |     |       |
| Steve Cohen (TN-09)        | ✓    |     |       |
| Hank Johnson (GA-04)       | ✓    |     |       |
| Ted Deutch (FL-22)         | ✓    |     |       |
| Karen Bass (CA-37)         | ✓    |     |       |
| Hakeem Jeffries (NY-08)    | ✓    |     |       |
| David Cicilline (RI-01)    | ✓    |     |       |
| Eric Swalwell (CA-15)      | ✓    |     |       |
| Ted Lieu (CA-33)           | ✓    |     |       |
| Jamie Raskin (MD-08)       | ✓    |     |       |
| Pramila Jayapal (WA-07)    | ✓    |     |       |
| Val Demings (FL-10)        | ✓    |     |       |
| Lou Correa (CA-46)         | ✓    |     |       |
| Mary Gay Scanlon (PA-05)   | ✓    |     |       |
| Sylvia Garcia (TX-29)      | ✓    |     |       |
| Joseph Neguse (CO-02)      | ✓    |     |       |
| Lucy McBath (GA-06)        | ✓    |     |       |
| Greg Stanton (AZ-09)       | ✓    |     |       |
| Madeleine Dean (PA-04)     | ✓    |     |       |
| Veronica Escobar (TX-16)   | ✓    |     |       |
| Mondaire Jones (NY-17)     | ✓    |     |       |
| Deborah Ross (NC-02)       | ✓    |     |       |
| Cori Bush (MO-01)          | ✓    |     |       |
|                            | AYES | NOS | PRES. |
| Jim Jordan (OH-04)         |      | ✓   |       |
| Steve Chabot (OH-01)       |      | ✓   |       |
| Louie Gohmert (TX-01)      |      | ✓   |       |
| Darrell Issa (CA-50)       |      | ✓   |       |
| Ken Buck (CO-04)           |      | ✓   |       |
| Matt Gaetz (FL-01)         |      | ✓   |       |
| Mike Johnson (LA-04)       |      | ✓   |       |
| Andy Biggs (AZ-05)         |      | ✓   |       |
| Tom McClintock (CA-04)     |      | ✓   |       |
| Greg Steube (FL-17)        |      | ✓   |       |
| Tom Tiffany (WI-07)        |      | ✓   |       |
| Thomas Massie (KY-04)      |      | ✓   |       |
| Chip Roy (TX-21)           |      | ✓   |       |
| Dan Bishop (NC-09)         |      | ✓   |       |
| Michelle Fischbach (MN-07) |      | ✓   |       |
| Victoria Spartz (IN-05)    |      | ✓   |       |
| Scott Fitzgerald (WI-05)   |      | ✓   |       |
| Cliff Bentz (OR-02)        |      | ✓   |       |
| Burgess Owens (UT-04)      |      | ✓   |       |
|                            | AYES | NOS | PRES. |
| TOTAL                      | 25   | 19  |       |



### **Committee Oversight Findings**

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House rule X, are incorporated in the descriptive portions of this report.

### **Committee Estimate of Budgetary Effects**

Pursuant to clause 3(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

### **New Budget Authority and Congressional Budget Office Cost Estimate**

Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause (3)(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

### **Duplication of Federal Programs**

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 7910 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

### **Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 7910 would employ a variety of strategies to effectively reduce gun violence across the country by raising the age that certain semiautomatic firearms can lawfully be possessed, limiting the accessibility of large capacity magazines, prohibiting straw purchasing, promoting the safe storage of firearms, and building on existing regulations to take ghost guns and bump stocks out of our communities.

### **Advisory on Earmarks**

In accordance with clause 9 of House rule XXI, H.R. 7910 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of House rule XXI.

### **Section-by-Section Analysis**

The following discussion describes the bill as reported by the Committee.

*Sec. 1. Short Title.* Section 1 sets forth the short title of the bill as the “Protecting Our Kids Act” and includes a table of contents for the Act.

#### **TITLE I—RAISE THE AGE**

*Sec. 101. Prohibition on Federal Firearms Licensee Selling or Delivering Certain Semiautomatic Centerfire Rifles or Semiautomatic*

*Centerfire Shotguns to a Person Under 21 Years of Age, With Exceptions.* Section 101 amends section 922(b)(1) of title 18 of the U.S. Code to prohibit anyone under the age of 21 from purchasing a semiautomatic centerfire rifle or semiautomatic centerfire shotgun that has or can accept a magazine of more than 5 rounds. It includes an exemption for active-duty military members, as well as full-time law enforcement officers.

*Sec. 102. Operation of the Federal Bureau of Investigation's Public Access Line.* Section 102 requires the FBI to submit a report to Congress regarding the FBI's Public Access Line (PAL) that must include, at minimum, a description of the protocols and procedures in effect with response to information-sharing between the PAL and the field offices of the FBI, as well as recommendations for improving the protocols and procedures to improve the information-sharing.

## TITLE II—PREVENT GUN TRAFFICKING

*Sec. 201. Prohibition on Straw Purchases of Firearms; Prohibition on Gun Trafficking.* Section 201 amends chapter 44 of title 18 of the U.S. Code to make it unlawful for a person (other than a federal licensee) to knowingly purchase or acquire a firearm for a third party or to request someone to purchase a firearm on their behalf. It also requires the Attorney General to include a statement of the applicable penalties for violating this Section on firearm transaction records. Section 201 also amends section 982(a)(5) of Title 18 of the U.S. Code to require forfeiture of any property that is traceable to the gross proceeds obtained from unlicensed firearms sales, illegal gun transfers, or gun trafficking, from a person convicted of a violation of those crimes or conspiracy to commit those crimes. It further amends Section 1956(c)(7) of title 18 of the U.S. code to include unlicensed firearms sales, illegal gun transfers, and gun trafficking among the specified unlawful activities whose proceeds are covered by the statute prohibiting money laundering.

*Sec. 202. Prohibition on Disposition of Firearm to Person Intending Unlawful Further Disposition.* Section 202 amends section 922(d) of title 18 of the U.S. Code to prohibit the disposition of a firearm or ammunition to anyone who intends to sell or otherwise dispose of it in violation of federal law, or to a person in another state in violation of a law of that state.

*Sec. 203. Penalties.* Section 203 amends section 924(a) of title 18 of the U.S. Code to establish a maximum penalty of 10 years in prison for a knowing violation of the straw purchaser statute established in Section 201.

*Sec. 204. Firearms Subject to Forfeiture.* Section 204 amends section 924(d) of title 18 of the U.S. Code to require the forfeiture of any firearm or ammunition by a person found in violation of the prohibition established in Section 201.

## TITLE III—UNTRACEABLE FIREARMS

*Sec. 301. Requirement That All Firearms Be Traceable.* Section 301 amends Section 921(a) of Title 18 of the U.S. Code to define the terms “ghost gun,” “fire control component,” and “frame or receiver.” It amends the definition of “manufacturer” so that “manufacturing firearms” includes assembling firearms using 3D printing technology.

It further amends section 922 to establish criminal offenses for the following activities, absent appropriate licenses: the manufacture, sale, offer to sell, transfer, purchase, receipt, knowing possession, or possession with intent to sell of a ghost gun in or affecting interstate or foreign commerce; engraving or casting a serial number on a firearm in or affecting interstate or foreign commerce; the sale, offer to sell, or transfer, possession, purchase, or receipt, in or affecting interstate or foreign commerce, of a machine that has the sole or primary function of manufacturing firearms.

Section 301 updates existing federal firearms serialization requirements in accordance with the Act and requires the Attorney General to prescribe regulations for engraving unique serial numbers onto ghost guns. It establishes criminal penalties for the offenses established within the section.

*Sec. 302. Modernization of the Prohibition on Undetectable Firearms.* Section 302 amends section 922(p) of title 18 of the U.S. Code to modernize the existing prohibition against the manufacture, import, sale, shipment, delivery, possession, transfer, or receipt of undetectable firearms and major components thereof.

#### TITLE IV—SAFE STORAGE

*Sec. 401. Ethan's Law.* Section 401 amends section 922(z) of title 18 of the U.S. Code to prohibit any person from keeping any firearm unsecured on their premises if they should reasonably expect that a minor or other resident who cannot lawfully possess a firearm may gain access to that firearm. If a person stores their firearm using a secure safety device, within a secure location, or within readily retrievable proximity to that person, then the firearm is considered safely and securely stored.

This section establishes a penalty of a \$500 fine for each instance in which a person fails to securely store a firearm as required by Ethan's Law. It also requires the seizure and forfeiture of any improperly stored firearm. Section 401 also amends title I of the Omnibus Crime Control and Safe Streets Acts of 1968 (34 U.S.C. §10101 et seq.) to allow States and Tribes to receive grants to assist law enforcement agencies and courts in implementing State law that similarly prohibits unsecure storage of firearms.

*Sec. 402. Safe Guns, Safe Kids.* Section 402 amends section 922(z) of title 18 of the U.S. Code to add an enhanced penalty of up to 5 years in prison for the owner of an unsecured firearm if a minor or resident who cannot lawfully possess a firearm gains access to that unsecured firearm and causes injury as a result.

*Sec. 403. Kimberly Vaughan Firearm Safe Storage.* Section 403 requires the Attorney General to establish voluntary best practices relating to safe firearm storage and to publish them on a website and in print. Section 403 amends section 923 of title 18 of the U.S. Code to require gun dealers and manufacturers who serialize at least 250 firearms annually to provide a clear written notice with each manufactured or imported handgun, rifle, or shotgun that states "Safe Storage Saves Lives," followed by the address of the public website setting forth the best practices established by the Attorney General.

Section 403 also amends section 922(z) of title 18 of the U.S. Code to expand the current requirement that federal firearms licensees provide safe firearm storage devices during sales of hand-

guns to include sales of rifles and shotguns as well. This section also amends part PP of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) to create a 10-year, \$10 million grant program for States and Indian Tribes for the development, implementation, and evaluation of Safe Firearm Storage Assistance Programs. These programs will be carried out by units of local government and nonprofit organizations with the sole purpose of acquiring and distributing safe firearm storage devices.

Section 403 also establishes the grant application and reporting requirements for the grantees and the Attorney General. It amends the Internal Revenue Code of 1986 to allow for a 10% credit against tax for retail sales of external safe firearm storage devices, with a maximum \$40 credit per item sold.

#### TITLE V—CLOSING THE BUMP STOCK LOOPHOLE

*Sec. 501. Bump Stocks.* Section 501 amends section 5845 of the Internal Revenue Code and sections 921 and 922 of title 18 of the U.S. Code to define the term “bump stock” and regulate bump stocks similarly to machineguns—requiring that they be registered with the ATF under the National Firearms Act and generally prohibiting the manufacture, sale, or possession of bump stocks for civilian use.

#### TITLE VI—KEEP AMERICANS SAFE

*Sec. 601. Definitions.* Section 601 amends section 921(a) of title 18 to define “large capacity ammunition feeding device,” commonly known as a high-capacity magazine, and “qualified law enforcement officer.” It defines “high-capacity ammunition feeding device” as a device such as a magazine, belt, drum, feed strip, and helical feeding device and includes devices that can be joined together, restored, changed, or converted to increase the ability of a device to feed more than ten rounds of ammunition to a firearm. It also defines the term “qualified law enforcement officer” to give it the same meaning as in the statute which authorizes carrying of concealed firearms by qualified law enforcement officers.

*Sec. 602. Restrictions on Large Capacity Ammunition Feeding Devices.* Section 602 amends section 922 of title 18 to prohibit importation, sale, manufacture, transfer, or possession of large capacity ammunition feeding devices. This section provides exceptions for: (1) large capacity ammunition feeding devices possessed prior to the date of enactment; (2) the importation for, manufacture for, sale to, transfer to, or possession by Federal, State, local, and campus law enforcement officers for law enforcement purposes; (3) the importation for, manufacture for, sale to, transfer to, or possession by licensees or employees and contractors of licensees for purposes of establishing and maintaining an on-site physical protection system and security organization on-site or off-site for training purposes or transportation of nuclear materials under title I of the Atomic Energy Act of 1954; (4) possession by retired law enforcement officers in good standing and not otherwise prohibited from receiving ammunition; and (5) the importation, manufacture, sale, transfer, or possession by a licensed manufacturer or importer for testing or experimentation authorized by the Attorney General.

Section 602 defines “campus law enforcement officer” to include individuals employed by private institutions of higher education who are responsible for prevention or investigation of crime; are authorized by law to carry a firearm, execute search warrants, and make arrests; and are recognized, commissioned, or certified as law enforcement officers.

It also amends Section 923(i) of title 18 to require that large capacity ammunition feeding devices manufactured after enactment of the Act be identified, legibly and conspicuously, by a serial number, date of manufacture, and any other identification as determined by the Attorney General through regulation.

Section 602 also amends section 924(d) of title 18 to require seizure and forfeiture of large capacity feeding devices possessed, manufactured, or imported in violation of the Act. It also authorizes the return of such items upon acquittal of the owner or possessor, or dismissal of the case against them.

*Sec. 603. Penalties.* Section 603 sets penalties for possession or importation in violation of the Act. A person convicted of knowingly importing, selling, manufacturing, transferring, or possessing, in or affecting interstate or foreign commerce, a large capacity ammunition feeding device, would be fined, imprisoned for not more than five years, or both.

*Sec. 604. Use of Byrne Grants for Buy-Back Programs for Large Capacity Ammunition Feeding Devices.* The bill would authorize the use of Byrne JAG grants for State and local “buy-back” programs to provide compensation for surrendered large capacity ammunition feeding devices.

#### TITLE VII—MISCELLANEOUS

*Sec. 701. NICS Report.* Section 701 would require the Attorney General to submit annual reports to Congress on the demographic data of those who were determined to be ineligible to purchase a firearm in the preceding year based on a background check performed by the National Instant Criminal Background Check System. The reports would include demographic data on the race, ethnicity, national origin, sex, gender, age, disability, average annual income, and English language proficiency of such individuals, if available.

#### **Changes in Existing Law Made by the Bill, as Reported**

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

### **TITLE 18, UNITED STATES CODE**

\* \* \* \* \*

### **PART I—CRIMES**

\* \* \* \* \*

## CHAPTER 44—FIREARMS

Sec.

921. Definitions.

\* \* \* \* \*

932. Gun trafficking.

**§ 921. Definitions**

(a) As used in this chapter—

(1) The term “person” and the term “whoever” include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(2) The term “interstate or foreign commerce” includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(3) The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm [muffler or firearm silencer] *muffler, firearm silencer, or bump stock*; or (D) any destructive device. Such term does not include an antique firearm.

(4) The term “destructive device” means—

(A) any explosive, incendiary, or poison gas—

(i) bomb,

(ii) grenade,

(iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 7684(2), 7685, or 7686 of title 10; or any other device which the Attorney

General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

(5) The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The term “short-barreled shotgun” means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than twenty-six inches.

(7) The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.

(8) The term “short-barreled rifle” means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

(9) The term “importer” means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term “licensed importer” means any such person licensed under the provisions of this chapter.

(10) The term “manufacturer” means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution; and the term “licensed manufacturer” means any such person licensed under the provisions of this chapter. *The term “manufacturing firearms” shall include assembling a functional firearm or molding, machining, or 3D printing a frame or receiver, and shall not include making or fitting special barrels, stocks, or trigger mechanisms to firearms.*

(11) The term “dealer” means (A) any person engaged in the business of selling firearms at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term “licensed dealer” means any dealer who is licensed under the provisions of this chapter.

(12) The term “pawnbroker” means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

(13) The term “collector” means any person who acquires, holds, or disposes of firearms as curios or relics, as the Attorney General shall by regulation define, and the term “licensed collector” means any such person licensed under the provisions of this chapter.

(14) The term “indictment” includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(15) The term “fugitive from justice” means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

(16) The term “antique firearm” means—

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

(B) any replica of any firearm described in subparagraph (A) if such replica—

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term “antique firearm” shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

(17)(A) The term “ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(B) The term “armor piercing ammunition” means—

(i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or

(ii) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

(C) The term “armor piercing ammunition” does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.

(18) The term “Attorney General” means the Attorney General of the United States

(19) The term “published ordinance” means a published law of any political subdivision of a State which the Attorney General determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Attorney General, which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.



(20) The term “crime punishable by imprisonment for a term exceeding one year” does not include—

(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(21) The term “engaged in the business” means—

(A) as applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured;

(B) as applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition manufactured;

(C) as applied to a dealer in firearms, as defined in section 921(a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms;

(D) as applied to a dealer in firearms, as defined in section 921(a)(11)(B), a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms;

(E) as applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported; and

(F) as applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

(22) The term “with the principal objective of livelihood and profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: *Provided*, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. For purposes of this paragraph, the term “terrorism” means activity, directed against United States persons, which—

(A) is committed by an individual who is not a national or permanent resident alien of the United States;

(B) involves violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

(C) is intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(23) The term “machinegun” has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)).

(24) The terms “firearm silencer” and “firearm muffler” mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

(25) The term “school zone” means—

(A) in, or on the grounds of, a public, parochial or private school; or

(B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

(26) The term “school” means a school which provides elementary or secondary education, as determined under State law.

(27) The term “motor vehicle” has the meaning given such term in section 13102 of title 49, United States Code.

(28) The term “semiautomatic rifle” means any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(29) The term “handgun” means—

(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

(30) The term “qualified individual” means—

(A) a member of the Armed Forces on active duty; and

(B) a full-time employee of the United States, a State, or a political subdivision of a State who in the course of his or her official duties is authorized to carry a firearm.

(31) The term “ammunition feeding device” means a magazine, belt, drum, feed strip, or similar device, but does not include an attached tubular device which is only capable of operating with .22 caliber rimfire ammunition.

(32) The term “intimate partner” means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

(33)(A) Except as provided in subparagraph (C), the term “misdemeanor crime of domestic violence” means an offense that—

(i) is a misdemeanor under Federal, State, Tribal, or local law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(34) The term “secure gun storage or safety device” means—

(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

(35) The term “body armor” means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(36) The term “local law enforcement authority” means a bureau, office, department or other authority of a State or local government or Tribe that has jurisdiction to investigate a violation or potential violation of, or enforce, a State, local, or Tribal law.

(37) *The term “family members” means spouses, domestic partners, parents and their children, including step-parents and their step-children, siblings, aunts or uncles and their nieces or nephews, or grandparents and their grandchildren.*

(38) *The term “ghost gun”—*

*(A) means a firearm, including a frame or receiver, that lacks a unique serial number engraved or cast on the frame or receiver by a licensed manufacturer or importer in accordance with this chapter; and*

*(B) does not include—*

*(i) a firearm that has been rendered permanently inoperable;*

*(ii) a firearm that, not later than 30 months after the date of enactment of this paragraph, has been identified by means of a unique serial number, assigned by a State agency, engraved or cast on the receiver or frame of the firearm in accordance with State law;*

*(iii) a firearm manufactured or imported before December 16, 1968; or*

*(iv) a firearm identified as provided for under section 5842 of the Internal Revenue Code of 1986.*

(39) *The term “fire control component”—*

*(A) means a component necessary for the firearm to initiate or complete the firing sequence; and*

*(B) includes a hammer, bolt or breechblock, cylinder, trigger mechanism, firing pin, striker, and slide rails.*

(40)(A) *The term “frame or receiver”—*

*(i) means a part of a weapon that provides or is intended to provide the housing or structure to hold or integrate 1 or more fire control components, even if pins or other attachments are required to connect those components to the housing or structure;*

*(ii) includes a frame or receiver, blank, casting, or machined body, that requires modification, including machining, drilling, filing or molding, to be used as part of a functional firearm, and which is designed and intended to be used in the assembly of a functional firearm, unless the piece of material has had—*

*(I) its size or external shape altered solely to facilitate transportation or storage; or*

*(II) solely its chemical composition altered.*

*(B) For purposes of subparagraph (A)(i), if a weapon with more than 1 part that provides the housing or a structure designed to hold or integrate 1 or more fire control or essential components, each such part shall be considered a frame or receiver, unless the Attorney General has provided otherwise by regulation or other formal determination with respect to the specific make and model of weapon on or before January 1, 2023.*

(41) *The term “bump stock” has the meaning given such term in section 5845(n) of the National Firearms Act (26 U.S.C. 5845(n)).*

(42) *The term “large capacity ammunition feeding device”—*

*(A) means a magazine, belt, drum, feed strip, helical feeding device, or similar device, including any such device joined or coupled with another in any manner, that has an overall capacity of, or that can be readily restored, changed, or converted to accept, more than 10 rounds of ammunition; and*

*(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.*

*(43) The term “qualified law enforcement officer” has the meaning given the term in section 926B.*

(b) For the purposes of this chapter, a member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.

## **§ 922. Unlawful acts**

(a) It shall be unlawful—

(1) for any person—

(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or

(B) except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce;

(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

(A) this paragraph and subsection (b)(3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector;

(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or other-

wise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, *bump stock*, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity;

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter;

(7) for any person to manufacture or import armor piercing ammunition, unless—

(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

(B) the manufacture of such ammunition is for the purpose of exportation; or

(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General;

(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—

- (A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;
- (B) is for the purpose of exportation; or
- (C) is for the purpose of testing or experimentation and has been authorized by the Attorney General;
- (9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.
- (b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—
  - [(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age;]
  - (1)(A) *any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe has not attained 18 years of age;*
  - (B) *any semiautomatic centerfire rifle or semiautomatic centerfire shotgun that has, or has the capacity to accept, an ammunition feeding device with a capacity exceeding 5 rounds, to any individual who the licensee knows or has reasonable cause to believe has not attained 21 years of age and is not a qualified individual; or*
  - (C) *if the firearm or ammunition is not a semiautomatic centerfire rifle or semiautomatic centerfire shotgun described in subparagraph (B) and is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe has not attained 21 years of age;*
  - (2) any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance;
  - (3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States), and (B) shall not apply to the loan or rental of a fire-

arm to any person for temporary use for lawful sporting purposes;

(4) to any person any destructive device, *bump stock*, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity; and

(5) any firearm or armor-piercing ammunition to any person unless the licensee notes in his records, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors. Paragraph (4) of this subsection shall not apply to a sale or delivery to any research organization designated by the Attorney General.

(c) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer) only if—

(1) the transferee submits to the transferor a sworn statement in the following form:

“Subject to penalties provided by law, I swear that, [in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age] *(1) in the case of a semiautomatic centerfire rifle or semiautomatic centerfire shotgun that has, or has the capacity to accept, an ammunition feeding device with a capacity exceeding 5 rounds, I am at least 21 years of age or a qualified individual (as defined in section 921(a)(30) of title 18, United States Code), (2) in the case of a firearm other than a shotgun, a rifle, or such a semiautomatic centerfire rifle or semiautomatic centerfire shotgun, I am at least 21 years of age, or (3) in the case of any other shotgun or rifle, I am at least 18 years of age;* that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are

Signature \_\_\_\_\_ Date \_\_\_\_\_.”

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with



a description of the firearm, in a form prescribed by the Attorney General, to the chief law enforcement officer of the transferee's place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g).

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; **[or]**

(9) has been convicted in any court of a misdemeanor crime of domestic violence**[.]**; *or*

*(10) intends to sell or otherwise dispose of the firearm or ammunition in violation of a Federal law, or to sell or otherwise dispose of the firearm or ammunition to a person in another State in violation of a law of that State.*

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter. No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.

(f)(1) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

(2) It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(h) It shall be unlawful for any individual, who to that individual's knowledge and while being employed for any person described in any paragraph of subsection (g) of this section, in the course of such employment—

(1) to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or

(2) to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the [importer's or manufacturer's] serial number *authorized by this chapter or under State law* removed, obliterated, or altered or to possess or receive any firearm which has had the [importer's or manufacturer's] serial number *authorized by this chapter or under State law* removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.

(l) Except as provided in section 925(d) of this chapter, it shall be unlawful for any person knowingly to import or bring into the

United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(o)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun *or bump stock*.

(2) This subsection does not apply with respect to—

(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof; or

(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect.

(p)(1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive **any firearm**—

**[(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or]**

*(A) an undetectable firearm; or*

**[(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate] a major component of a firearm which, if subjected to inspection by the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.**

(2) For purposes of this subsection—

**[(A) the term “firearm” does not include the frame or receiver of any such weapon;**

**[(B) the term “major component” means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm; and**

**[(C) the term “Security Exemplar” means an object, to be fabricated at the direction of the Attorney General, that is—**

**[(i) constructed of, during the 12-month period beginning on the date of the enactment of this subsection, 3.7 ounces of material type 17–4 PH stainless steel in a shape resembling a handgun; and**

**[(ii) suitable for testing and calibrating metal detectors:**

*Provided, however,* That at the close of such 12-month period, and at appropriate times thereafter the Attorney General shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a “Security Exemplar” which contains 3.7 ounces of material type 17–4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology.】

(A) *the term “undetectable firearm” means a firearm, as defined in section 921(a)(3)(A), of which no major component is wholly made of detectable material;*

(B) *the term “major component”, with respect to a firearm—*  
*(i) means the slide or cylinder or the frame or receiver of the firearm; and*

*(ii) in the case of a rifle or shotgun, includes the barrel of the firearm; and*

(C) *the term “detectable material” means any material that creates a magnetic field equivalent to or more than 3.7 ounces of 17–4 pH stainless steel.*

(3) Under such rules and regulations as the Attorney General shall prescribe, this subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm, *including a prototype*, by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. 【The Attorney General shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of prototype firearms or the development of new technology.】

(4) The Attorney General shall permit the conditional importation of a firearm by a licensed importer or licensed manufacturer, for examination and testing to determine whether or not the unconditional importation of such firearm would violate this subsection.

(5) This subsection 【shall not apply to any firearm which—】  
*shall not apply to—*

【(A) has been certified by the Secretary of Defense or the Director of Central Intelligence, after consultation with the Attorney General and the Administrator of the Federal Aviation Administration, as necessary for military or intelligence applications; and

【(B) is manufactured for and sold exclusively to military or intelligence agencies of the United States.】

(A) *any firearm received by, in the possession of, or under the control of the United States; or*

(B) *the manufacture, importation, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or licensed importer pursuant to a contract with the United States.*

(6) This subsection shall not apply with respect to any firearm manufactured in, imported into, or possessed in the United States before the date of the enactment of the Undetectable Firearms Act of 1988.

(q)(1) The Congress finds and declares that—

(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary the House of Representatives and the Committee on the Judiciary of the Senate;

(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm—

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; or

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm—

(i) on private property not part of school grounds;

(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

(iv) by a law enforcement officer acting in his or her official capacity.

(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.

(r) It shall be unlawful for any person to assemble from imported parts any semiautomatic rifle or any shotgun which is identical to any rifle or shotgun prohibited from importation under section 925(d)(3) of this chapter as not being particularly suitable for or readily adaptable to sporting purposes except that this subsection shall not apply to—

(1) the assembly of any such rifle or shotgun for sale or distribution by a licensed manufacturer to the United States or any department or agency thereof or to any State or any department, agency, or political subdivision thereof; or

(2) the assembly of any such rifle or shotgun for the purposes of testing or experimentation authorized by the Attorney General.

(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that is 60 months after such date of enactment, it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun (other than the return of a handgun to the person from whom it was received) to an individual who is not licensed under section 923, unless—

(A) after the most recent proposal of such transfer by the transferee—

(i) the transferor has—

(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

(II) verified the identity of the transferee by examining the identification document presented;

(III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and

(IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

(ii)(I) 5 business days (meaning days on which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

(C)(i) the transferee has presented to the transferor a permit that—

(I) allows the transferee to possess or acquire a handgun; and

(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

(E) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

(F) on application of the transferor, the Attorney General has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;



(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

(B) a statement that the transferee—

(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, and has not been convicted in any court of a misdemeanor crime of domestic violence;

(ii) is not a fugitive from justice;

(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

(v) is not an alien who—

(I) is illegally or unlawfully in the United States; or

(II) subject to subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

(C) the date the statement is made; and

(D) notice that the transferee intends to obtain a handgun from the transferor.

(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall, within 1 business day after receipt of such request, communicate any information related to the transfer that the transferor has about the transfer and the transferee to—

(A) the chief law enforcement officer of the place of business of the transferor; and

(B) the chief law enforcement officer of the place of residence of the transferee.

(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not dis-

close such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.

(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement, any record containing information derived from the statement, and any record created as a result of the notice required by paragraph (1)(A)(i)(III);

(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reason for such determination, the officer shall provide such reasons to the individual in writing within 20 business days after receipt of the request.

(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

(8) For purposes of this subsection, the term “chief law enforcement officer” means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

(9) The Attorney General shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.

(t)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section 103(d) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless—

(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103 of that Act;

(B)(i) the system provides the licensee with a unique identification number; or

(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system,

and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section, or State, local, or Tribal law; and

(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d) of this title) of the transferee containing a photograph of the transferee.

(2) If receipt of a firearm would not violate subsection (g) or (n) or State, local or Tribal law, the system shall—

(A) assign a unique identification number to the transfer;

(B) provide the licensee with the number; and

(C) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

(3) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

(A)(i) such other person has presented to the licensee a permit that—

(I) allows such other person to possess or acquire a firearm; and

(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

(B) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

(C) on application of the transferor, the Attorney General has certified that compliance with paragraph (1)(A) is impracticable because—

(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n) or State local, or Tribal law, and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

(5) If the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant

criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section or State local, or Tribal law, the Attorney General may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than \$5,000.

(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a firearm.

(u) It shall be unlawful for a person to steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.

*(v)(1) It shall be unlawful for a person to import, sell, manufacture, transfer, or possess, in or affecting interstate or foreign commerce, a large capacity ammunition feeding device.*

*(2) Paragraph (1) shall not apply to the possession of any large capacity ammunition feeding device otherwise lawfully possessed on or before the date of enactment of this subsection.*

*(3) Paragraph (1) shall not apply to—*

*(A) the importation for, manufacture for, sale to, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a sale or transfer to or possession by a qualified law enforcement officer employed by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State for purposes of law enforcement (whether on or off-duty), or a sale or transfer to or possession by a campus law enforcement officer for purposes of law enforcement (whether on or off-duty);*

*(B) the importation for, or sale or transfer to a licensee under title I of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;*

*(C) the possession, by an individual who is retired in good standing from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device—*

*(i) sold or transferred to the individual by the agency upon such retirement; or*

- (ii) *that the individual purchased, or otherwise obtained, for official use before such retirement; or*
  - (D) *the importation, sale, manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Attorney General.*
- (4) *For purposes of paragraph (3)(A), the term “campus law enforcement officer” means an individual who is—*
  - (A) *employed by a private institution of higher education that is eligible for funding under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);*
  - (B) *responsible for the prevention or investigation of crime involving injury to persons or property, including apprehension or detention of persons for such crimes;*
  - (C) *authorized by Federal, State, or local law to carry a firearm, execute search warrants, and make arrests; and*
  - (D) *recognized, commissioned, or certified by a government entity as a law enforcement officer.*
- (x)(1) *It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—*
  - (A) *a handgun; or*
  - (B) *ammunition that is suitable for use only in a handgun.*
- (2) *It shall be unlawful for any person who is a juvenile to knowingly possess—*
  - (A) *a handgun; or*
  - (B) *ammunition that is suitable for use only in a handgun.*
- (3) *This subsection does not apply to—*
  - (A) *a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—*
    - (i) *in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;*
    - (ii) *with the prior written consent of the juvenile’s parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—*
      - (I) *during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or*
      - (II) *with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile’s parent or legal guardian and at*

the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

(y) PROVISIONS RELATING TO ALIENS ADMITTED UNDER NON-IMMIGRANT VISAS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "alien" has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(B) the term "nonimmigrant visa" has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

(2) EXCEPTIONS.—Subsections (d)(5)(B), (g)(5)(B), and (s)(3)(B)(v)(II) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is—

(A) admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;

(B) an official representative of a foreign government who is—

(i) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(ii) en route to or from another country to which that alien is accredited;

(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

(3) WAIVER.—

(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5), if—

(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

(ii) the Attorney General approves the petition.

(B) PETITION.—Each petition under subparagraph (B) shall—

(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire a firearm or ammunition and certifying that the alien would not, absent the application of subsection (g)(5)(B), otherwise be prohibited from such acquisition under subsection (g).

(C) APPROVAL OF PETITION.—The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (g)(5)(B) with respect to the petitioner—

(i) would be in the interests of justice; and

(ii) would not jeopardize the public safety.

(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any **[handgun]** *handgun, rifle, or shotgun* to any person other than any person licensed under this chapter, unless the transferee is provided with a secure gun storage or safety device (as defined in section 921(a)(34)) for that **[handgun]** *handgun, rifle, or shotgun*.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A)(i) the manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a **[handgun]** *handgun, rifle, or shotgun*; or

(ii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a **[handgun]** *handgun, rifle, or shotgun* for law enforcement purposes (whether on or off duty); or

(B) the transfer to, or possession by, a rail police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State of a **[handgun]** *handgun, rifle, or shotgun* for purposes of law enforcement (whether on or off duty);

(C) the transfer to any person of a **[handgun]** *handgun, rifle, or shotgun* listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

(D) the transfer to any person of a **[handgun]** *handgun, rifle, or shotgun* for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the **[handgun]** *handgun, rifle, or shotgun* to the transferee a secure gun storage or safety device for the **[handgun]** *handgun, rifle, or shotgun*.

(3) LIABILITY FOR USE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a person who has lawful possession and control of a **[handgun]** *handgun, rifle, or shotgun*, and who uses a secure gun storage or safety device with the **[handgun]** *handgun, rifle, or shotgun*, shall be entitled to immunity from a qualified civil liability action.

(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

(C) DEFINED TERM.—As used in this paragraph, the term “qualified civil liability action”—

(i) means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the **[handgun]** *handgun, rifle, or shotgun* by a third party, if—

(I) the **[handgun]** *handgun, rifle, or shotgun* was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the **[handgun]** *handgun, rifle, or shotgun* to have access to it; and

(II) at the time access was gained by the person not so authorized, the **[handgun]** *handgun, rifle, or shotgun* had been made inoperable by use of a secure gun storage or safety device; and

(ii) shall not include an action brought against the person having lawful possession and control of the **[handgun]** *handgun, rifle, or shotgun* for negligent entrustment or negligence per se.

(4) SECURE GUN STORAGE BY OWNERS.—

(A) OFFENSE.—

(i) IN GENERAL.—*Except as provided in clause (ii), it shall be unlawful for a person to store or keep any firearm that has moved in, or that has otherwise affected, interstate or foreign commerce on the premises of a residence under the control of the person if the person knows, or reasonably should know, that—*



(I) a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor; or

(II) a resident of the residence is ineligible to possess a firearm under Federal, State, or local law.

(ii) *EXCEPTION.*—Clause (i) shall not apply to a person if the person—

(I) keeps the firearm—

(aa) secure using a secure gun storage or safety device; or

(bb) in a location which a reasonable person would believe to be secure; or

(II) carries the firearm on his or her person or within such close proximity thereto that the person can readily retrieve and use the firearm as if the person carried the firearm on his or her person.

(B) *PENALTY.*—

(i) *IN GENERAL.*—Except as otherwise provided in this subparagraph, any person who violates subparagraph (A) shall be fined \$500 per violation.

(ii) *FORFEITURE OF IMPROPERLY STORED FIREARM.*—Any firearm stored in violation of subparagraph (A) shall be subject to seizure and forfeiture in accordance with the procedures described in section 924(d).

(iii) *ENHANCED PENALTY.*—If a person violates subparagraph (A) and a minor or a resident who is ineligible to possess a firearm under Federal, State, or local law obtains the firearm and causes injury or death to such minor, resident, or any other individual, the person shall be fined under this title, imprisoned for not more than 5 years, or both.

(C) *MINOR DEFINED.*—In this paragraph, the term “minor” means an individual who has not attained 18 years of age.

(aa)(1)(A) Except as provided in subparagraph (B), it shall be unlawful for any person to manufacture, sell, offer to sell, transfer, purchase, or receive a ghost gun in or affecting interstate or foreign commerce.

(B) Subparagraph (A) shall not apply to—

(i) the manufacture of a firearm by a licensed manufacturer if the licensed manufacturer complies with section 923(i) before selling or transferring the firearm to another person;

(ii) the offer to sell, sale, or transfer of a firearm to, or purchase or receipt of a firearm by, a licensed manufacturer or importer before the date that is 30 months after the date of enactment of this subsection; or

(iii) transactions between licensed manufacturers and importers on any date.

(2) It shall be unlawful for a person other than a licensed manufacturer or importer to engrave or cast a serial number on a firearm in or affecting interstate or foreign commerce unless specifically authorized by the Attorney General.

(3) Beginning on the date that is 30 months after the date of enactment of this subsection, it shall be unlawful for any person other

*than a licensed manufacturer or importer to knowingly possess a ghost gun in or affecting interstate or foreign commerce.*

*(4) Beginning on the date that is 30 months after the date of enactment of this subsection, it shall be unlawful for any person other than a licensed manufacturer or importer to possess a ghost gun in or affecting interstate or foreign commerce with the intent to sell or transfer the ghost gun with or without further manufacturing or to manufacture a firearm with the ghost gun.*

*(5)(A) It shall be unlawful for any person to sell, offer to sell, or transfer, in or affecting interstate or foreign commerce, to any person other than a licensed manufacturer a machine that has the sole or primary function of manufacturing firearms.*

*(B) Except as provided in subparagraph (A), beginning on the date that is 180 days after the date of enactment of this subsection, it shall be unlawful for any person other than a licensed manufacturer to possess, purchase, or receive, in or affecting interstate or foreign commerce, a machine that has the sole or primary function of manufacturing firearms.*

*(C) Subparagraph (B) shall not apply to a person who is engaged in the business of selling manufacturing equipment to a licensed manufacturer who possesses a machine with the intent to sell or transfer the machine to a licensed manufacturer.*

### **§ 923. Licensing**

(a) No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility for licensing as the Attorney General shall by regulation prescribe and shall include a photograph and fingerprints of the applicant. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

(1) If the applicant is a manufacturer—

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;

(B) of firearms other than destructive devices, a fee of \$50 per year; or

(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of \$10 per year.

(2) If the applicant is an importer—

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year; or

(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of \$50 per year.

(3) If the applicant is a dealer—

(A) in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or

(B) who is not a dealer in destructive devices, a fee of \$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years.

(b) Any person desiring to be licensed as a collector shall file an application for such license with the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility as the Attorney General shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.

(c) Upon the filing of a proper application and payment of the prescribed fee, the Attorney General shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license. Nothing in this chapter shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter to dispositions by a person other than a licensed manufacturer, importer, or dealer. If any firearm is so disposed of by a licensee within one year after its transfer from his business inventory into such licensee's personal collection or if such disposition or any other acquisition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such firearm shall be deemed part of such licensee's business inventory, except that any licensed manufacturer, importer, or dealer who has maintained a firearm as part of a personal collection for one year and who sells or otherwise disposes of such firearm shall record the description of the firearm in a bound volume, containing the name and place of residence and date of birth of the transferee if the transferee is an individual, or the identity and principal and local places of business of the transferee if the transferee is a corporation or other business entity: *Provided*, That no other recordkeeping shall be required.

(d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

(A) the applicant is twenty-one years of age or over;

(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (n) of this chapter;

(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(E) the applicant has in a State (i) premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this

chapter or from which he intends to conduct such collecting within a reasonable period of time;

(F) the applicant certifies that—

(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

(ii)(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

(iii) that the applicant has sent or delivered a form to be prescribed by the Attorney General, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license; and

(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).

(2) The Attorney General must approve or deny an application for a license within the 60-day period beginning on the date it is received. If the Attorney General fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Attorney General to act. If the Attorney General approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

(e) The Attorney General may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has willfully violated any provision of this chapter or any rule or regulation prescribed by the Attorney General under this chapter or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device). The Attorney General may, after notice and opportunity for hearing, revoke the license of a dealer who willfully transfers armor piercing ammunition. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.

(f)(1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Attorney General stating specifically the grounds

upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

(2) If the Attorney General denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Attorney General shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

(3) If after a hearing held under paragraph (2) the Attorney General decides not to reverse his decision to deny an application or revoke a license, the Attorney General shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a de novo judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding whether or not such evidence was considered at the hearing held under paragraph (2). If the court decides that the Attorney General was not authorized to deny the application or to revoke the license, the court shall order the Attorney General to take such action as may be necessary to comply with the judgment of the court.

(4) If criminal proceedings are instituted against a licensee alleging any violation of this chapter or of rules or regulations prescribed under this chapter, and the licensee is acquitted of such charges, or such proceedings are terminated, other than upon motion of the Government before trial upon such charges, the Attorney General shall be absolutely barred from denying or revoking any license granted under this chapter where such denial or revocation is based in whole or in part on the facts which form the basis of such criminal charges. No proceedings for the revocation of a license shall be instituted by the Attorney General more than one year after the filing of the indictment or information.

(g)(1)(A) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at his place of business for such period, and in such form, as the Attorney General may by regulations prescribe. Such importers, manufacturers, and dealers shall not be required to submit to the Attorney General reports and information with respect to such records and the contents thereof, except as expressly required by this section. The Attorney General, when he has reasonable cause to believe a violation of this chapter has occurred and that evidence thereof may be found on such premises, may, upon demonstrating such cause before a Federal magistrate judge and securing from such magistrate judge a warrant authorizing entry, enter during business hours the premises (including places of storage) of any licensed firearms importer, licensed manufacturer, licensed dealer, licensed collector, or any licensed importer or manufacturer of ammunition, for the purpose of inspecting or examining—

(i) any records or documents required to be kept by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector under this chapter or rules or regulations under this chapter, and

(ii) any firearms or ammunition kept or stored by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector, at such premises.

(B) The Attorney General may inspect or examine the inventory and records of a licensed importer, licensed manufacturer, or licensed dealer without such reasonable cause or warrant—

(i) in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee;

(ii) for ensuring compliance with the record keeping requirements of this chapter—

(I) not more than once during any 12-month period; or

(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee; or

(iii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

(C) The Attorney General may inspect the inventory and records of a licensed collector without such reasonable cause or warrant—

(i) for ensuring compliance with the record keeping requirements of this chapter not more than once during any twelve-month period; or

(ii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

(D) At the election of a licensed collector, the annual inspection of records and inventory permitted under this paragraph shall be performed at the office of the Attorney General designated for such inspections which is located in closest proximity to the premises where the inventory and records of such licensed collector are maintained. The inspection and examination authorized by this paragraph shall not be construed as authorizing the Attorney General to seize any records or other documents other than those records or documents constituting material evidence of a violation of law. If the Attorney General seizes such records or documents, copies shall be provided the licensee within a reasonable time. The Attorney General may make available to any Federal, State, or local law enforcement agency any information which he may obtain by reason of this chapter with respect to the identification of persons prohibited from purchasing or receiving firearms or ammunition who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition, and he may provide information to the extent such information may be contained in the records required to be maintained by this chapter, when so requested by any Federal, State, or local law enforcement agency.

(2) Each licensed collector shall maintain in a bound volume the nature of which the Attorney General may by regulations prescribe, records of the receipt, sale, or other disposition of firearms. Such records shall include the name and address of any person to whom

the collector sells or otherwise disposes of a firearm. Such collector shall not be required to submit to the Attorney General reports and information with respect to such records and the contents thereof, except as expressly required by this section.

(3)(A) Each licensee shall prepare a report of multiple sales or other dispositions whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totalling two or more, to an unlicensed person. The report shall be prepared on a form specified by the Attorney General and forwarded to the office specified thereon and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place, not later than the close of business on the day that the multiple sale or other disposition occurs.

(B) Except in the case of forms and contents thereof regarding a purchaser who is prohibited by subsection (g) or (n) of section 922 of this title from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph, and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph.

(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business discontinuance to the Attorney General. However, where State law or local ordinance requires the delivery of records to other responsible authority, the Attorney General may arrange for the delivery of such records to such other responsible authority.

(5)(A) Each licensee shall, when required by letter issued by the Attorney General, and until notified to the contrary in writing by the Attorney General, submit on a form specified by the Attorney General, for periods and at the times specified in such letter, all record information required to be kept by this chapter or such lesser record information as the Attorney General in such letter may specify.

(B) The Attorney General may authorize such record information to be submitted in a manner other than that prescribed in subparagraph (A) of this paragraph when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this chapter. A licensee may use an alternate method of reporting if the licensee describes the proposed alternate method of reporting and the need therefor in a letter application submitted to the Attorney General,

and the Attorney General approves such alternate method of reporting.

(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Attorney General and to the appropriate local authorities.

(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Attorney General for information contained in the records required to be kept by this chapter as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Attorney General may require. The Attorney General shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information.

(h) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

(i)(1)(A) Licensed importers and licensed manufacturers shall identify by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Attorney General shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer. *The serial number shall be engraved or cast on the frame or receiver in a manner sufficient to identify the firearm and the manufacturer or importer that put the serial number on the firearm.*

*(B) A large capacity ammunition feeding device manufactured after the date of enactment of this subparagraph shall be identified by a serial number and the date on which the device was manufactured or made, legibly and conspicuously engraved or cast on the device, and such other identification as the Attorney General shall by regulations prescribe.*

*(2)(A) Not later than 180 days after the date of enactment of this paragraph, the Attorney General shall prescribe regulations for engraving a unique serial number onto a ghost gun.*

*(B) The regulations prescribed under subparagraph (A) shall—*

*(i) allow an owner of a firearm described in subparagraph*

*(A) to have a unique serial number engraved on the firearm by a licensed manufacturer or importer; and*

*(ii) require that a serial number be engraved on the frame or receiver in a manner sufficient to identify the firearm and the licensed manufacturer or importer that put the serial number on the firearm.*

*(C) The regulations authorized under this paragraph shall expire on the date that is 30 months after the date of enactment of this paragraph.*

(j) A licensed importer, licensed manufacturer, or licensed dealer may, under rules or regulations prescribed by the Attorney General, conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, State, or local organization, or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms



in the community, and such location is in the State which is specified on the license. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the licensee and retained on the location specified on the license. Nothing in this subsection shall authorize any licensee to conduct business in or from any motorized or towed vehicle. Notwithstanding the provisions of subsection (a) of this section, a separate fee shall not be required of a licensee with respect to business conducted under this subsection. Any inspection or examination of inventory or records under this chapter by the Attorney General at such temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at such temporary location. Nothing in this subsection shall be construed to authorize the Attorney General to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license. Nothing in this subsection shall be construed to diminish in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, which is in effect before the date of the enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct "curios or relics" firearms transfers and business away from their business premises with another licensee without regard as to whether the location of where the business is conducted is located in the State specified on the license of either licensee.

(k) Licensed importers and licensed manufacturers shall mark all armor piercing projectiles and packages containing such projectiles for distribution in the manner prescribed by the Attorney General by regulation. The Attorney General shall furnish information to each dealer licensed under this chapter defining which projectiles are considered armor piercing ammunition as defined in section 921(a)(17)(B).

(l) The Attorney General shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.

(m) *Beginning on January 1, 2025, licensed manufacturers and licensed importers that serialize not less than 250 firearms annually pursuant to subsection (i) shall provide a clear and conspicuous written notice with each manufactured or imported handgun, rifle, or shotgun that—*

*(1) is attached or adhered to, or appears on or within any packaging of, each handgun, rifle, or shotgun; and*

*(2) states "SAFE STORAGE SAVES LIVES" followed by the address of the public website established by the Attorney General pursuant to section 403(a) of the Protecting Our Kids Act.*

#### **§ 924. Penalties**

(a)(1) Except as otherwise provided in this subsection, subsection (b), (c), (f), or (p) of this section, or in section 929, whoever—

(A) knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or

in applying for any license or exemption or relief from disability under the provisions of this chapter;

(B) knowingly violates subsection (a)(4), (f), (k), **[or (q)]** (q), (v), (aa)(1), (aa)(2), (aa)(4), or (aa)(5) of section 922;

(C) knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922(l); or

(D) willfully violates any other provision of this chapter, shall be fined under this title, imprisoned not more than five years, or both.

(2) Whoever knowingly violates subsection (a)(6), (d), (g), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both.

(3) Any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly—

(A) makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or

(B) violates subsection (m) of section 922, shall be fined under this title, imprisoned not more than one year, or both.

(4) Whoever violates section 922(q) shall be fined under this title, imprisoned for not more than 5 years, or both. Notwithstanding any other provision of law, the term of imprisonment imposed under this paragraph shall not run concurrently with any other term of imprisonment imposed under any other provision of law. Except for the authorization of a term of imprisonment of not more than 5 years made in this paragraph, for the purpose of any other law a violation of section 922(q) shall be deemed to be a misdemeanor.

(5) Whoever knowingly violates subsection (s) or (t) of section 922 shall be fined under this title, imprisoned for not more than 1 year, or both.

(6)(A)(i) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

(ii) A juvenile is described in this clause if—

(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

(B) A person other than a juvenile who knowingly violates section 922(x)—

(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having rea-

sonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.

(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both.

(8) *Whoever knowingly violates section 922(a)(1)(A) or 932 shall be fined under this title, imprisoned not more than 10 years, or both.*

(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined under this title, or imprisoned not more than ten years, or both.

(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a *functional* firearm, or who, in furtherance of any such crime, possesses a *functional* firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

(i) be sentenced to a term of imprisonment of not less than 5 years;

(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and

(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

(B) If the *functional* firearm possessed by a person convicted of a violation of this subsection—

(i) is a short-barreled rifle, short-barreled shotgun, or semi-automatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or

(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

(C) In the case of a violation of this subsection that occurs after a prior conviction under this subsection has become final, the person shall—

(i) be sentenced to a term of imprisonment of not less than 25 years; and

(ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

(D) Notwithstanding any other provision of law—

(i) a court shall not place on probation any person convicted of a violation of this subsection; and

(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of im-

prisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the *functional* firearm was used, carried, or possessed.

(2) For purposes of this subsection, the term “drug trafficking crime” means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.

(3) For purposes of this subsection the term “crime of violence” means an offense that is a felony and—

(A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(4) For purposes of this subsection, the term “brandish” means, with respect to a firearm, to display **all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.** *all or part of the functional firearm, or otherwise make the presence of the functional firearm known to another person, in order to intimidate that person, regardless of whether the functional firearm is directly visible to that person.*

(5) Except to the extent that a greater minimum sentence is otherwise provided under this subsection, or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries armor piercing ammunition, or who, in furtherance of any such crime, possesses armor piercing ammunition, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime or conviction under this section—

(A) be sentenced to a term of imprisonment of not less than 15 years; and

(B) if death results from the use of such ammunition—

(i) if the killing is murder (as defined in section 1111), be punished by death or sentenced to a term of imprisonment for any term of years or for life; and

(ii) if the killing is manslaughter (as defined in section 1112), be punished as provided in section 1112.

(d)(1) **Any firearm or ammunition involved in** *Any firearm or ammunition or large capacity ammunition feeding device involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), [or (k)] (k), (v), (aa)(1), (aa)(2), (aa)(4), or (aa)(5) of section 922, or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of section 922(l), or knowing violation of section 924 or 932, or willful violation of any other provision of this chapter or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, or [any firearm or ammu-*

dition intended] *any firearm or ammunition or large capacity ammunition feeding device intended* to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1986 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter: *Provided*, That upon acquittal of the owner or possessor, or dismissal of the charges against him other than upon motion of the Government prior to trial, or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished firearms or ammunition *or large capacity ammunition feeding device* shall be returned forthwith to the owner or possessor or to a person delegated by the owner or possessor unless the return of the firearms or ammunition *or large capacity ammunition feeding device* would place the owner or possessor or his delegate in violation of law. Any action or proceeding for the forfeiture of firearms or ammunition *or large capacity ammunition feeding device* shall be commenced within one hundred and twenty days of such seizure.

(2)(A) In any action or proceeding for the return of firearms or ammunition *or large capacity ammunition feeding device* seized under the provisions of this chapter, the court shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

(B) In any other action or proceeding under the provisions of this chapter, the court, when it finds that such action was without foundation, or was initiated vexatiously, frivolously, or in bad faith, shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

(C) Only those firearms or quantities of ammunition *or large capacity ammunition feeding devices* particularly named and individually identified as involved in or used in any violation of the provisions of this chapter or any rule or regulation issued thereunder, or any other criminal law of the United States or as intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure, forfeiture, and disposition.

(D) The United States shall be liable for attorneys' fees under this paragraph only to the extent provided in advance by appropriation Acts.

(3) The offenses referred to in paragraphs (1) and (2)(C) of this subsection are—

(A) any crime of violence, as that term is defined in section 924(c)(3) of this title;

(B) any offense punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

(C) any offense described in section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of this title, where the firearm or ammunition intended to be used in any such offense is involved in a pattern of activities which includes a violation of any offense

described in section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of this title;

(D) any offense described in section 922(d) of this title where the firearm or ammunition is intended to be used in such offense by the transferor of such firearm or ammunition;

(E) any offense described in section 922(i), 922(j), 922(l), 922(n), 922(v), or 924(b) of this title; **[and]**

(F) any offense which may be prosecuted in a court of the United States which involves the exportation of firearms or ammunition**[.]; and**

(G) *any offense under section 932.*

(e)(1) In the case of a person who violates section 922(g) of this title *through the possession of a functional firearm* and has three previous convictions by any court referred to in section 922(g)(1) of this title for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be fined under this title and imprisoned not less than fifteen years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).

(2) As used in this subsection—

(A) the term “serious drug offense” means—

(i) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46 for which a maximum term of imprisonment of ten years or more is prescribed by law; or

(ii) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), for which a maximum term of imprisonment of ten years or more is prescribed by law;

(B) the term “violent felony” means any crime punishable by imprisonment for a term exceeding one year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that—

(i) has as an element the use, attempted use, or threatened use of physical force against the person of another; or

(ii) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; and

(C) the term “conviction” includes a finding that a person has committed an act of juvenile delinquency involving a violent felony.

(f) In the case of a person who knowingly violates section 922(p), such person shall be fined under this title, or imprisoned not more than 5 years, or both.

(g) Whoever, with the intent to engage in conduct which—

(1) constitutes an offense listed in section 1961(1),

(2) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46,

(3) violates any State law relating to any controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))), or

(4) constitutes a crime of violence (as defined in subsection (c)(3)),

travels from any State or foreign country into any other State and acquires, transfers, or attempts to acquire or transfer, a firearm in such other State in furtherance of such purpose, shall be imprisoned not more than 10 years, fined in accordance with this title, or both.

(h) Whoever knowingly transfers a firearm, knowing that such firearm will be used to commit a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)) shall be imprisoned not more than 10 years, fined in accordance with this title, or both.

(i)(1) A person who knowingly violates section 922(u) shall be fined under this title, imprisoned not more than 10 years, or both.

(2) Nothing contained in this subsection shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this subsection operate to the exclusion of State laws on the same subject matter, nor shall any provision of this subsection be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this subsection.

(j) A person who, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in that section.

(k) A person who, with intent to engage in or to promote conduct that—

(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46;

(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

(3) constitutes a crime of violence (as defined in subsection (c)(3)),

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.

(l) A person who steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.

(m) A person who steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 10 years, or both.

(n) A person who, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts

to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.

(o) A person who conspires to commit an offense under subsection (c) shall be imprisoned for not more than 20 years, fined under this title, or both; and if the firearm is a machinegun or destructive device, or is equipped with a firearm silencer or muffler, shall be imprisoned for any term of years or life.

(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

(1) IN GENERAL.—

(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

(i) suspend for not more than 6 months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

(ii) subject the licensee to a civil penalty in an amount equal to not more than \$2,500.

(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided under section 923(f).

(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) shall not preclude any administrative remedy that is otherwise available to the Secretary.

(q) A person who violates section 922(aa)(3) shall—

(1) in the case of the first violation by the person, be fined under this title, imprisoned not more than 1 year, or both; or

(2) in the case of any subsequent violation by the person, be fined under this title, imprisoned not more than 5 years, or both.

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### **§932. Gun trafficking**

(a) It shall be unlawful for any person (other than a licensee under this chapter), in or otherwise affecting interstate or foreign commerce, to knowingly purchase or acquire, or attempt to purchase or acquire, a firearm for the possession of a third party.

(b) It shall be unlawful for any person (other than a licensee under this chapter), in or otherwise affecting interstate or foreign commerce, to hire, solicit, command, induce, or otherwise endeavor to persuade another person to purchase, or attempt to purchase, any firearm for the purpose of obtaining the firearm for the person or selling or transferring the firearm to a third party.

(c) The Attorney General shall ensure that the firearm transaction record form required to be completed in connection with a firearm transaction includes a statement outlining the penalties that may be imposed for violating subsection (a).

(d) This section shall not apply to any firearm, if the purchaser or person acquiring the firearm has no reason to believe that the recipient of the firearm will use or intends to use the firearm in a crime or is prohibited from purchasing or possessing firearms under State or Federal law and the firearm—



*(1) is purchased or acquired by any person, or that any person attempts to purchase or acquire, as a bona fide gift between family members; or*

*(2) is purchased or acquired by an agent of a lawful business, or that an agent of a lawful business attempts to purchase or acquire, for the purpose of transferring to another agent of the business, for lawful use in the business.*

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## CHAPTER 46—FORFEITURE

\* \* \* \* \*

### § 982. Criminal forfeiture

(a)(1) The court, in imposing sentence on a person convicted of an offense in violation of section 1956, 1957, or 1960 of this title, shall order that the person forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property.

(2) The court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate—

(A) section 215, 656, 657, 1005, 1006, 1007, 1014, 1341, 1343, or 1344 of this title, affecting a financial institution, or

(B) section 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 555, 842, 844, 1028, 1029, or 1030 of this title,

shall order that the person forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.

(3) The court, in imposing a sentence on a person convicted of an offense under—

(A) section 666(a)(1) (relating to Federal program fraud);

(B) section 1001 (relating to fraud and false statements);

(C) section 1031 (relating to major fraud against the United States);

(D) section 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of insured financial institution);

(E) section 1341 (relating to mail fraud); or

(F) section 1343 (relating to wire fraud),

involving the sale of assets acquired or held by the the Federal Deposit Insurance Corporation, as conservator or receiver for a financial institution or any other conservator for a financial institution appointed by the Office of the Comptroller of the Currency, or the National Credit Union Administration, as conservator or liquidating agent for a financial institution, shall order that the person forfeit to the United States any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of such violation.

(4) With respect to an offense listed in subsection (a)(3) committed for the purpose of executing or attempting to execute any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent statements, pretenses, representations, or promises, the gross receipts of such an offense shall in-

clude any property, real or personal, tangible or intangible, which is obtained, directly or indirectly, as a result of such offense.

(5) The court, in imposing sentence on a person convicted of a violation or conspiracy to violate—

(A) section 511 (altering or removing motor vehicle identification numbers);

(B) section 553 (importing or exporting stolen motor vehicles);

(C) section 2119 (armed robbery of automobiles);

(D) section 2312 (transporting stolen motor vehicles in interstate commerce); **[or]**

(E) section 2313 (possessing or selling a stolen motor vehicle that has moved in interstate commerce);

(F) *section 922(a)(1)(A) (related to unlicensed firearms sales);*

(G) *section 922(d) (relating to illegal gun transfers); or*

(H) *section 932 (relating to gun trafficking),*

shall order that the person forfeit to the United States any property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, as a result of such violation.

(6)(A) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 274(a), 274A(a)(1), or 274A(a)(2) of the Immigration and Nationality Act or section 555, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States, regardless of any provision of State law—

(i) any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense of which the person is convicted; and

(ii) any property real or personal—

(I) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the person is convicted; or

(II) that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of which the person is convicted.

(B) The court, in imposing sentence on a person described in subparagraph (A), shall order that the person forfeit to the United States all property described in that subparagraph.

(7) The court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.

(8) The court, in sentencing a defendant convicted of an offense under section 1028, 1029, 1341, 1342, 1343, or 1344, or of a conspiracy to commit such an offense, if the offense involves telemarketing (as that term is defined in section 2325), shall order that the defendant forfeit to the United States any real or personal property—

(A) used or intended to be used to commit, to facilitate, or to promote the commission of such offense; and

(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.

(b)(1) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).

(2) The substitution of assets provisions of subsection 413(p) shall not be used to order a defendant to forfeit assets in place of the actual property laundered where such defendant acted merely as an intermediary who handled but did not retain the property in the course of the money laundering offense unless the defendant, in committing the offense or offenses giving rise to the forfeiture, conducted three or more separate transactions involving a total of \$100,000 or more in any twelve month period.

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## CHAPTER 95—RACKETEERING

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### § 1956. Laundering of monetary instruments

(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—

(A)(i) with the intent to promote the carrying on of specified unlawful activity; or

(ii) with intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or

(B) knowing that the transaction is designed in whole or in part—

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both. For purposes of this paragraph, a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.

(2) Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States—

(A) with the intent to promote the carrying on of specified unlawful activity; or

(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole or in part—

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the monetary instrument or funds involved in the transportation, transmission, or transfer, whichever is greater, or imprisonment for not more than twenty years, or both. For the purpose of the offense described in subparagraph (B), the defendant's knowledge may be established by proof that a law enforcement officer represented the matter specified in subparagraph (B) as true, and the defendant's subsequent statements or actions indicate that the defendant believed such representations to be true.

(3) Whoever, with the intent—

(A) to promote the carrying on of specified unlawful activity;

(B) to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity; or

(C) to avoid a transaction reporting requirement under State or Federal law,

conducts or attempts to conduct a financial transaction involving property represented to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, shall be fined under this title or imprisoned for not more than 20 years, or both. For purposes of this paragraph and paragraph (2), the term “represented” means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a Federal official authorized to investigate or prosecute violations of this section.

(b) PENALTIES.—

(1) IN GENERAL.—Whoever conducts or attempts to conduct a transaction described in subsection (a)(1) or (a)(3), or section 1957, or a transportation, transmission, or transfer described in subsection (a)(2), is liable to the United States for a civil penalty of not more than the greater of—

(A) the value of the property, funds, or monetary instruments involved in the transaction; or

(B) \$10,000.

(2) JURISDICTION OVER FOREIGN PERSONS.—For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if service of process upon the foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found, and—

(A) the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

(B) the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

(C) the foreign person is a financial institution that maintains a bank account at a financial institution in the United States.

(3) COURT AUTHORITY OVER ASSETS.—A court may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.

(4) FEDERAL RECEIVER.—

(A) IN GENERAL.—A court may appoint a Federal Receiver, in accordance with subparagraph (B) of this paragraph, to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, to satisfy a civil judgment under this subsection, a forfeiture judgment under section 981 or 982, or a criminal sentence under section 1957 or subsection (a) of this section, including an order of restitution to any victim of a specified unlawful activity.

(B) APPOINTMENT AND AUTHORITY.—A Federal Receiver described in subparagraph (A)—

(i) may be appointed upon application of a Federal prosecutor or a Federal or State regulator, by the court having jurisdiction over the defendant in the case;

(ii) shall be an officer of the court, and the powers of the Federal Receiver shall include the powers set out in section 754 of title 28, United States Code; and

(iii) shall have standing equivalent to that of a Federal prosecutor for the purpose of submitting requests to obtain information regarding the assets of the defendant—

(I) from the Financial Crimes Enforcement Network of the Department of the Treasury; or

(II) from a foreign country pursuant to a mutual legal assistance treaty, multilateral agreement, or other arrangement for international law enforcement assistance, provided that such requests are in accordance with the policies and procedures of the Attorney General.

(c) As used in this section—

(1) the term “knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity” means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, Federal, or foreign law, regardless of whether or not such activity is specified in paragraph (7);

(2) the term “conducts” includes initiating, concluding, or participating in initiating, or concluding a transaction;

(3) the term “transaction” includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with

respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

(4) the term “financial transaction” means (A) a transaction which in any way or degree affects interstate or foreign commerce (i) involving the movement of funds by wire or other means or (ii) involving one or more monetary instruments, or (iii) involving the transfer of title to any real property, vehicle, vessel, or aircraft, or (B) a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree;

(5) the term “monetary instruments” means (i) coin or currency of the United States or of any other country, travelers’ checks, personal checks, bank checks, and money orders, or (ii) investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

(6) the term “financial institution” includes—

(A) any financial institution, as defined in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder; and

(B) any foreign bank, as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101);

(7) the term “specified unlawful activity” means—

(A) any act or activity constituting an offense listed in section 1961(1) of this title except an act which is indictable under subchapter II of chapter 53 of title 31;

(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving—

(i) the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act);

(ii) murder, kidnapping, robbery, extortion, destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16);

(iii) fraud, or any scheme or attempt to defraud, by or against a foreign bank (as defined in paragraph 7 of section 1(b) of the International Banking Act of 1978));

(iv) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

(v) smuggling or export control violations involving—

(I) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

(II) an item controlled under regulations under the Export Administration Regulations (15 C.F.R. Parts 730–774);

(vi) an offense with respect to which the United States would be obligated by a multilateral treaty, either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States; or

(vii) trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or harboring a person, including a child, for commercial sex acts;

(C) any act or acts constituting a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act (21 U.S.C. 848);

(D) an offense under section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member), section 152 (relating to concealment of assets; false oaths and claims; bribery), section 175c (relating to the variola virus), section 215 (relating to commissions or gifts for procuring loans), section 351 (relating to congressional or Cabinet officer assassination), any of sections 500 through 503 (relating to certain counterfeiting offenses), section 513 (relating to securities of States and private entities), section 541 (relating to goods falsely classified), section 542 (relating to entry of goods by means of false statements), section 545 (relating to smuggling goods into the United States), section 549 (relating to removing goods from Customs custody), section 554 (relating to smuggling goods from the United States), section 555 (relating to border tunnels), section 641 (relating to public money, property, or records), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), section 657 (relating to lending, credit, and insurance institutions), section 658 (relating to property mortgaged or pledged to farm credit agencies), section 666 (relating to theft or bribery concerning programs receiving Federal funds), section 793, 794, or 798 (relating to espionage), section 831 (relating to prohibited transactions involving nuclear materials), section 844(f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce), section 875 (relating to interstate communications), section 922(l) (relating to the unlawful importation of firearms), **section 924(n)** *section 922(a)(1)(A), 922(d), 924(n), or 932* (relating to firearms trafficking), section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country), section 1005 (relating to fraudulent bank entries), 1006 (relating to fraudulent Federal credit institution entries), 1007 (relating to Federal Deposit Insurance transactions), 1014 (relating to fraudulent loan or credit applications), section 1030 (relating to computer fraud and abuse), 1032 (relating to con-

cealment of assets from conservator, receiver, or liquidating agent of financial institution), section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons), section 1201 (relating to kidnapping), section 1203 (relating to hostage taking), section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction), section 1708 (theft from the mail), section 1751 (relating to Presidential assassination), section 2113 or 2114 (relating to bank and postal robbery and theft), section 2252A (relating to child pornography) where the child pornography contains a visual depiction of an actual minor engaging in sexually explicit conduct, section 2260 (production of certain child pornography for importation into the United States), section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms), section 2319 (relating to copyright infringement), section 2320 (relating to trafficking in counterfeit goods and services), section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), section 2332g (relating to missile systems designed to destroy aircraft), section 2332h (relating to radiological dispersal devices), section 2339A or 2339B (relating to providing material support to terrorists), section 2339C (relating to financing of terrorism), or section 2339D (relating to receiving military-type training from a foreign terrorist organization) of this title, section 46502 of title 49, United States Code, a felony violation of the Chemical Diversion and Trafficking Act of 1988 (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 422 of the Controlled Substances Act (relating to transportation of drug paraphernalia), section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, section 16 (relating to offenses and punishment) of the Trading with the Enemy Act, any felony violation of section 15 of the Food and Nutrition Act of 2008 (relating to supplemental nutrition assistance program benefits fraud) involving a quantity of benefits having a value of not less than \$5,000, any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming), any felony violation of the Foreign Agents Registration Act of 1938, any felony violation of the Foreign Corrupt Practices Act, section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) (relating to prohibitions governing atomic weapons), or section 104(a) of the North Korea Sanctions Enforce-



ment Act of 2016 (relating to prohibited activities with respect to North Korea);  
environmental crimes

(E) a felony violation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Ocean Dumping Act (33 U.S.C. 1401 et seq.), the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), or the Resources Conservation and Recovery Act (42 U.S.C. 6901 et seq.);

(F) any act or activity constituting an offense involving a Federal health care offense; or

(G) any act that is a criminal violation of subparagraph (A), (B), (C), (D), (E), or (F) of paragraph (1) of section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)(1)), section 2203 of the African Elephant Conservation Act (16 U.S.C. 4223), or section 7(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5305a(a)), if the endangered or threatened species of fish or wildlife, products, items, or substances involved in the violation and relevant conduct, as applicable, have a total value of more than \$10,000;

(8) the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(9) the term “proceeds” means any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity.

(d) Nothing in this section shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.

(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General. Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney General may direct, and the National Enforcement Investigations Center of the Environmental Protection Agency.

(f) There is extraterritorial jurisdiction over the conduct prohibited by this section if—

(1) the conduct is by a United States citizen or, in the case of a non-United States citizen, the conduct occurs in part in the United States; and

(2) the transaction or series of related transactions involves funds or monetary instruments of a value exceeding \$10,000.

(g) NOTICE OF CONVICTION OF FINANCIAL INSTITUTIONS.—If any financial institution or any officer, director, or employee of any financial institution has been found guilty of an offense under this section, section 1957 or 1960 of this title, or section 5322 or 5324 of title 31, the Attorney General shall provide written notice of such fact to the appropriate regulatory agency for the financial institution.

(h) Any person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

(i) VENUE.—(1) Except as provided in paragraph (2), a prosecution for an offense under this section or section 1957 may be brought in—

(A) any district in which the financial or monetary transaction is conducted; or

(B) any district where a prosecution for the underlying specified unlawful activity could be brought, if the defendant participated in the transfer of the proceeds of the specified unlawful activity from that district to the district where the financial or monetary transaction is conducted.

(2) A prosecution for an attempt or conspiracy offense under this section or section 1957 may be brought in the district where venue would lie for the completed offense under paragraph (1), or in any other district where an act in furtherance of the attempt or conspiracy took place.

(3) For purposes of this section, a transfer of funds from 1 place to another, by wire or any other means, shall constitute a single, continuing transaction. Any person who conducts (as that term is defined in subsection (c)(2)) any portion of the transaction may be charged in any district in which the transaction takes place.

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## OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

\* \* \* \* \*

### TITLE I—JUSTICE SYSTEM IMPROVEMENT

\* \* \* \* \*

#### PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

### Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program

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#### SEC. 501. DESCRIPTION.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the

formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

- (A) Law enforcement programs.
- (B) Prosecution and court programs.
- (C) Prevention and education programs.
- (D) Corrections and community corrections programs.
- (E) Drug treatment and enforcement programs.
- (F) Planning, evaluation, and technology improvement programs.
- (G) Crime victim and witness programs (other than compensation).
- (H) Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

*(I) Compensation for surrendered large capacity ammunition feeding devices, as that term is defined in section 921 of title 18, United States Code, under buy-back programs for large capacity ammunition feeding devices.*

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

- (1) neighborhood or community-based organizations that are private and nonprofit; or
- (2) units of local government.

(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

- (1) Any security enhancements or any equipment to any non-governmental entity that is not engaged in criminal justice or public safety.
- (2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

- (A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);
  - (B) luxury items;
  - (C) real estate;
  - (D) construction projects (other than penal or correctional institutions); or
  - (E) any similar matters.
- (e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.
- (f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.
- (g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

\* \* \* \* \*

## **PART PP—FIREARM SAFE STORAGE PROGRAM**

### **SEC. 3061. FIREARM SAFE STORAGE PROGRAM.**

(a) *IN GENERAL.*—The Assistant Attorney General shall make grants to an eligible State or Indian Tribe to assist the State or Indian Tribe in carrying out the provisions of any State or Tribal law that is functionally identical to section 922(z)(4) of title 18, United States Code.

(b) *ELIGIBLE STATE OR INDIAN TRIBE.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), a State or Indian Tribe shall be eligible to receive grants under this section on and after the date on which the State or Indian Tribe enacts legislation functionally identical to section 922(z)(4) of title 18, United States Code.

(2) *FIRST YEAR ELIGIBILITY EXCEPTION.*—

(A) *IN GENERAL.*—A covered State or Indian Tribe shall be eligible to receive a grant under this section during the 1-year period beginning on the date of enactment of this part.

(B) *COVERED STATE OR INDIAN TRIBE.*—In this paragraph, the term “covered State or Indian Tribe” means a State or Indian Tribe that, before the date of enactment of this part, enacted legislation that is functionally identical to section 922(z)(4) of title 18, United States Code.

(c) *USE OF FUNDS.*—Funds awarded under this section may be used by a State or Indian Tribe to assist law enforcement agencies or the courts of the State or Indian Tribe in enforcing and otherwise facilitating compliance with any State law functionally identical to section 922(z)(4), of title 18, United States Code.

(d) *APPLICATION.*—An eligible State or Indian Tribe desiring a grant under this section shall submit to the Assistant Attorney General an application at such time, in such manner, and containing or accompanied by such information, as the Assistant Attorney General may reasonably require.

(e) *INCENTIVES.*—For each of fiscal years 2023 through 2027, the Attorney General shall give affirmative preference to all Bureau of Justice Assistance discretionary grant applications of a State or Indian Tribe that has enacted legislation functionally identical to section 922(z)(4) of title 18, United States Code.

**SEC. 3062. KIMBERLY VAUGHAN FIREARM SAFE STORAGE GRANT PROGRAM.**

(a) *AUTHORIZATION.*—The Attorney General may award grants to States and Indian Tribes for the development, implementation, and evaluation of Safe Firearm Storage Assistance Programs.

(b) *APPLICATION REQUIREMENTS.*—Each applicant for a grant under this section shall—

(1) submit to the Attorney General an application at such time, in such a manner, and containing such information as the Attorney General may require; and

(2) to the extent practicable, identify State, local, Tribal, and private funds available to supplement the funds received under this section.

(c) *REPORTING REQUIREMENT.*—

(1) *GRANTEE REPORT.*—A recipient of a grant under this section shall submit to the Attorney General an annual report, which includes the following information:

(A) The amount distributed to each Safe Firearm Storage Assistance Program in the jurisdiction.

(B) The number of safe firearm storage devices distributed by each such Safe Firearm Storage Assistance Program.

A recipient of a grant under this section may not include any personally identifying information of recipients of safe firearms storage devices pursuant to a Safe Firearm Storage Assistance Program that received funding pursuant to this section.

(2) *ATTORNEY GENERAL REPORT.*—Beginning 13 months after the first grants are awarded under this section, and annually thereafter, the Attorney General shall submit to Congress a report, which shall include following information:

(A) A list of grant recipients during the previous year, including the funds awarded, cumulatively and disaggregated by grantee.

(B) The information collected pursuant to subsection (d)(1).

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Attorney General to carry out this section \$10,000,000 for each of fiscal years 2023 through 2033, to remain available until expended.

(e) *USE OF FUNDS.*—Funds awarded under this section shall be allocated as follows:

(1) Not less than 75 percent of the funds received by a grantee shall be used to create or to provide resources for Safe Firearm Storage Assistance Programs in the jurisdiction.

(2) Not more than 25 percent of the funds received by a grantee may be made available to nonprofit organizations to partner with units of local government to purchase and distribute safe firearm storage devices.

(f) *DEFINITIONS.*—For purposes of this section:

(1) The term “safe firearm storage device” means a device that is—

(A) designed and marketed for the principal purpose of denying unauthorized access to, or rendering inoperable, a firearm or ammunition; and

(B) secured by a combination lock, key lock, or lock based on biometric information which, once locked, is incapable of being opened without the combination, key, or biometric information, respectively.

(2) The term “Safe Firearm Storage Assistance Program” means a program—

(A) carried out by a unit of local government or an Indian tribe; and

(B) solely for the purpose of acquiring and distributing safe firearm storage devices to the public.

\* \* \* \* \*

## INTERNAL REVENUE CODE OF 1986

\* \* \* \* \*

### Subtitle A—Income Taxes

\* \* \* \* \*

## CHAPTER 1—NORMAL TAXES AND SURTAXES

\* \* \* \* \*

### Subchapter A—DETERMINATION OF TAX LIABILITY

\* \* \* \* \*

## PART IV—CREDITS AGAINST TAX

\* \* \* \* \*

### Subpart D—BUSINESS RELATED CREDITS

Sec. 38. General business credit.

\* \* \* \* \*

Sec. 45U. Safe firearm storage credit.

#### SEC. 38. GENERAL BUSINESS CREDIT.

(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

(1) the business credit carryforwards carried to such taxable year,

(2) the amount of the current year business credit, plus

(3) the business credit carrybacks carried to such taxable year.

(b) **CURRENT YEAR BUSINESS CREDIT.**—For purposes of this subpart, the amount of the current year business credit is the sum of the following credits determined for the taxable year:

- (1) the investment credit determined under section 46,
- (2) the work opportunity credit determined under section 51(a),
- (3) the alcohol fuels credit determined under section 40(a),
- (4) the research credit determined under section 41(a),
- (5) the low-income housing credit determined under section 42(a),
- (6) the enhanced oil recovery credit under section 43(a),
- (7) in the case of an eligible small business (as defined in section 44(b)), the disabled access credit determined under section 44(a),
- (8) the renewable electricity production credit under section 45(a),
- (9) the empowerment zone employment credit determined under section 1396(a),
- (10) the Indian employment credit as determined under section 45A(a),
- (11) the employer social security credit determined under section 45B(a),
- (12) the orphan drug credit determined under section 45C(a),
- (13) the new markets tax credit determined under section 45D(a),
- (14) in the case of an eligible employer (as defined in section 45E(c)), the small employer pension plan startup cost credit determined under section 45E(a),
- (15) the employer-provided child care credit determined under section 45F(a),
- (16) the railroad track maintenance credit determined under section 45G(a),
- (17) the biodiesel fuels credit determined under section 40A(a),
- (18) the low sulfur diesel fuel production credit determined under section 45H(a),
- (19) the marginal oil and gas well production credit determined under section 45I(a),
- (20) the distilled spirits credit determined under section 5011(a),
- (21) the advanced nuclear power facility production credit determined under section 45J(a),
- (22) the nonconventional source production credit determined under section 45K(a),
- (23) the new energy efficient home credit determined under section 45L(a),
- (24) the portion of the alternative motor vehicle credit to which section 30B(g)(1) applies,
- (25) the portion of the alternative fuel vehicle refueling property credit to which section 30C(d)(1) applies,
- (26) the mine rescue team training credit determined under section 45N(a),
- (27) in the case of an eligible agricultural business (as defined in section 45O(e)), the agricultural chemicals security credit determined under section 45O(a),

(28) the differential wage payment credit determined under section 45P(a),

(29) the carbon dioxide sequestration credit determined under section 45Q(a),

(30) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies,

(31) the small employer health insurance credit determined under section 45R,

(32) in the case of an eligible employer (as defined in section 45S(c)), the paid family and medical leave credit determined under section 45S(a), **[plus]**

(33) in the case of an eligible employer (as defined in section 45T(c)), the retirement auto-enrollment credit determined under section 45T(a) **[.]**, *plus*

(34) *the safe firearm storage credit determined under section 45U.*

(c) LIMITATION BASED ON AMOUNT OF TAX.—

(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of the taxpayer's net income tax over the greater of—

- (A) the tentative minimum tax for the taxable year, or
- (B) 25 percent of so much of the taxpayer's net regular tax liability as exceeds \$25,000.

For purposes of the preceding sentence, the term “net income tax” means the sum of the regular tax liability and the tax imposed by section 55, reduced by the credits allowable under subparts A and B of this part, and the term “net regular tax liability” means the regular tax liability reduced by the sum of the credits allowable under subparts A and B of this part.

(2) EMPOWERMENT ZONE EMPLOYMENT CREDIT MAY OFFSET 25 PERCENT OF MINIMUM TAX.—

(A) IN GENERAL.—In the case of the empowerment zone employment credit—

- (i) this section and section 39 shall be applied separately with respect to such credit, and
- (ii) for purposes of applying paragraph (1) to such credit—

(I) 75 percent of the tentative minimum tax shall be substituted for the tentative minimum tax under subparagraph (A) thereof, and

(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the empowerment zone employment credit and the specified credits).

(B) EMPOWERMENT ZONE EMPLOYMENT CREDIT.—For purposes of this paragraph, the term “empowerment zone employment credit” means the portion of the credit under subsection (a) which is attributable to the credit determined under section 1396 (relating to empowerment zone employment credit).

(4) SPECIAL RULES FOR SPECIFIED CREDITS.—

(A) IN GENERAL.—In the case of specified credits—

- (i) this section and section 39 shall be applied separately with respect to such credits, and



(ii) in applying paragraph (1) to such credits—

(I) the tentative minimum tax shall be treated as being zero, and

(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the specified credits).

(B) SPECIFIED CREDITS.—For purposes of this subsection, the term “specified credits” means—

(i) for taxable years beginning after December 31, 2004, the credit determined under section 40,

(ii) the credit determined under section 41 for the taxable year with respect to an eligible small business (as defined in paragraph (5)(A) after application of the rules of paragraph (5)(B)),

(iii) the credit determined under section 42 to the extent attributable to buildings placed in service after December 31, 2007,

(iv) the credit determined under section 45 to the extent that such credit is attributable to electricity or refined coal produced—

(I) at a facility which is originally placed in service after the date of the enactment of this paragraph, and

(II) during the 4-year period beginning on the date that such facility was originally placed in service,

(v) the credit determined under section 45 to the extent that such credit is attributable to section 45(e)(10) (relating to Indian coal production facilities),

(vi) the credit determined under section 45B,

(vii) the credit determined under section 45G,

(viii) the credit determined under section 45R,

(ix) the credit determined under section 45S,

(x) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48,

(xi) the credit determined under section 46 to the extent that such credit is attributable to the rehabilitation credit under section 47, but only with respect to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007, and

(xii) the credit determined under section 51.

(5) RULES RELATED TO ELIGIBLE SMALL BUSINESSES.—

(A) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term “eligible small business” means, with respect to any taxable year—

(i) a corporation the stock of which is not publicly traded,

(ii) a partnership, or

(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed \$50,000,000. For purposes of applying the test under the

preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

(B) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—For purposes of paragraph (4)(B)(ii), any credit determined under section 41 with respect to a partnership or S corporation shall not be treated as a specified credit by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (A) for the taxable year in which such credit is treated as a current year business credit.

(6) SPECIAL RULES.—

(A) MARRIED INDIVIDUALS.—In the case of a husband or wife who files a separate return, the amount specified under subparagraph (B) of paragraph (1) shall be \$12,500 in lieu of \$25,000. This subparagraph shall not apply if the spouse of the taxpayer has no business credit carryforward or carryback to, and has no current year business credit for, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

(B) CONTROLLED GROUPS.—In the case of a controlled group, the \$25,000 amount specified under subparagraph (B) of paragraph (1) shall be reduced for each component member of such group by apportioning \$25,000 among the component members of such group in such manner as the Secretary shall by regulations prescribe. For purposes of the preceding sentence, the term "controlled group" has the meaning given to such term by section 1563(a).

(C) LIMITATIONS WITH RESPECT TO CERTAIN PERSONS.—In the case of a person described in subparagraph (A) or (B) of section 46(e)(1) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the \$25,000 amount specified under subparagraph (B) of paragraph (1) shall equal such person's ratable share (as determined under section 46(e)(2) (as so in effect) of such amount.

(D) ESTATES AND TRUSTS.—In the case of an estate or trust, the \$25,000 amount specified under subparagraph (B) of paragraph (1) shall be reduced to an amount which bears the same ratio to \$25,000 as the portion of the income of the estate or trust which is not allocated to beneficiaries bears to the total income of the estate or trust.

(E) CORPORATIONS.—In the case of a corporation, this subsection shall be applied by treating the corporation as having a tentative minimum tax of zero.

(d) ORDERING RULES.—For purposes of any provision of this title where it is necessary to ascertain the extent to which the credits determined under any section referred to in subsection (b) are used in a taxable year or as a carryback or carryforward—

(1) IN GENERAL.—The order in which such credits are used shall be determined on the basis of the order in which they are listed in subsection (b) as of the close of the taxable year in which the credit is used.

(2) COMPONENTS OF INVESTMENT CREDIT.—The order in which the credits listed in section 46 are used shall be determined on the basis of the order in which such credits are listed

in section 46 as of the close of the taxable year in which the credit is used.

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**SEC. 45U. SAFE FIREARM STORAGE CREDIT.**

(a) *ALLOWANCE OF CREDIT.*—For purposes of section 38, the safe firearm storage credit determined under this section for the taxable year is an amount equal to 10 percent of amounts received from the first retail sale of a safe firearm storage device for use within the United States.

(b) *LIMITATION.*—

(1) *IN GENERAL.*—The amount taken into account under subsection (a) with respect to a safe firearm storage device shall not exceed \$400.

(2) *VALUE.*—If, in connection with a sale of a safe firearm storage device, the transferee receives other property, the amount taken into account under subsection (a) shall be limited to the amount received solely with respect to the safe firearm storage device, which shall be determined based on the value of the safe firearm storage device relative to the value of such other property.

(c) *SAFE FIREARM STORAGE DEVICE.*—For purposes of this section—

(1) *IN GENERAL.*—The term “safe firearm storage device” means a device that is—

(A) designed and marketed for the principal purpose of denying unauthorized access to, or rendering inoperable, a firearm or ammunition, and

(B) secured by a combination lock, key lock, or lock based on biometric information which, once locked, is incapable of being opened without the combination, key, or biometric information, respectively.

(2) *EXCLUSION.*—The term “safe firearm storage device” does not include—

(A) any device which is incorporated to any extent into the design of a firearm or of ammunition, or

(B) any device that, as of the day of the sale described in subsection (a), has been subject to a mandatory recall by the Consumer Product Safety Commission.

(3) *FIREARM; AMMUNITION.*—The terms “firearm” and “ammunition” have the meanings given such terms in section 921 of title 18, United States Code (without regard to all that follows “firearm silencer, or bump stock” in paragraph (3) of such section).

(d) *TERMINATION.*—This section shall not apply to sales after December 31, 2030.

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## Subtitle E—Alcohol, Tobacco, and Certain Other Excise Taxes

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## CHAPTER 53—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

\* \* \* \* \*

### Subchapter B—GENERAL PROVISIONS AND EXEMPTIONS

\* \* \* \* \*

#### PART I—GENERAL PROVISIONS

\* \* \* \* \*

#### SEC. 5845. DEFINITIONS.

For the purpose of this chapter—

(a) **FIREARM.**—The term “firearm” means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) any silencer (as defined in section 921 of title 18, United States Code); [and (8) a destructive device.] (8) *a destructive device*; and (9) *a bump stock*. The term “firearm” shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector’s item and is not likely to be used as a weapon.

(b) **MACHINEGUN.**—The term “machinegun” means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(c) **RIFLE.**—The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(d) **SHOTGUN.**—The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single

projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(e) ANY OTHER WEAPON.—The term “any other weapon” means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

(f) DESTRUCTIVE DEVICE.—The term “destructive device” means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 7684(2), 7685, or 7686 of title 10, United States Code; or any other device which the Secretary finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

(g) ANTIQUE FIREARM.—The term “antique firearm” means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(h) UNSERVICEABLE FIREARM.—The term “unserviceable firearm” means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(i) MAKE.—The term “make”, and the various derivatives of such word, shall include manufacturing (other than by one qualified to

engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

(j) TRANSFER.—The term “transfer” and the various derivatives of such word, shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

(k) DEALER.—The term “dealer” means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

(l) IMPORTER.—The term “importer” means any person who is engaged in the business of importing or bringing firearms into the United States.

(m) MANUFACTURER.—The term “manufacturer” means any person who is engaged in the business of manufacturing firearms.

(n) BUMP STOCK.—*The term “bump stock” means any of the following:*

*(1) Any manual, power-driven, or electronic device that is designed such that when the device is attached to a semiautomatic weapon, the device eliminates the need for the operator of a semiautomatic weapon to make a separate movement for each individual function of the trigger and—*

*(A) materially increases the rate of fire of the semiautomatic weapon, or*

*(B) approximates the action or rate of fire of a machine-gun.*

*(2) Any part or combination of parts that is designed and functions to eliminate the need for the operator of a semiautomatic weapon to make a separate movement for each individual function of the trigger and—*

*(A) materially increases the rate of fire of a semiautomatic weapon, or*

*(B) approximates the action or rate of fire of a machine-gun.*

*(3) Any semiautomatic weapon that has been modified in any way that eliminates the need for the operator of the semiautomatic weapon to make a separate movement for each individual function of the trigger and—*

*(A) materially increases the rate of fire of the semiautomatic weapon, or*

*(B) approximates the action or rate of fire of a machine-gun.*

(o) SEMIAUTOMATIC WEAPON.—*The term “semiautomatic weapon” means any repeating weapon that—*

*(1) utilizes a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or shell casing and chamber the next round, and*

*(2) requires a separate function of the trigger to fire each cartridge or shell.*

\* \* \* \* \*

## COMMITTEE CORRESPONDENCE

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**U.S. House of Representatives**

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 MINORITY STAFF DIRECTOR

June 6, 2022

The Honorable Jerrold Nadler  
 Chair  
 Committee on Judiciary  
 2141 Rayburn House Office Building  
 Washington, D.C. 20515

Dear Chair Nadler,

In recognition of the desire to expedite consideration of H.R. 7910, Protecting Our Kids Act, and as a result of your consultation, the Committee on Ways and Means agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee. This action is taken with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that we maintain our exclusive jurisdiction over provisions amending the Internal Revenue Code, including the National Firearms Act as contained therein.

This action is also taken with the mutual understanding that the Committee on Ways and Means will be appropriately consulted and fully involved as this bill, or similar legislation, moves forward and that we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation. Finally, I would appreciate your response to this letter confirming this understanding and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration of H.R. 7910.

Sincerely,



Richard E. Neal  
 Chair

cc: The Honorable Jim Jordan  
 The Honorable Kevin Brady

Jerrold Nadler, New York  
CHAIRMAN

Jim Jordan, Ohio  
RANKING MEMBER

ONE HUNDRED SEVENTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON THE JUDICIARY  
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June 6, 2022

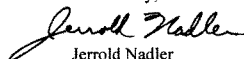
The Honorable Richard Neal  
Chairman  
Committee on Ways and Means  
U.S. House of Representatives  
1102 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Neal:

I am writing to you concerning H.R. 7910, the "Protecting Our Kids Act."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I acknowledge that your Committee will not formally consider H.R. 7910 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 7910 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,  
  
Jerrold Nadler  
Chairman

cc: The Honorable Jim Jordan, Ranking Member, Committee on the Judiciary  
The Honorable Jason Smith, Parliamentarian  
The Honorable Kevin Brady, Ranking Member, Committee on Ways and Means



### Minority Views

H.R. 7910 is an assortment of various Democrat gun-control proposals that would restrict Americans' Second Amendment rights. The legislation, crafted entirely without input from Republicans, would fail to prevent gun violence or improve public safety. Instead, it would unconstitutionally limit the Constitutional rights for young adults to purchase certain firearms, ban detached magazines with a capacity of more than 10 rounds of ammunition, and regulate the storage of firearms in private residences, among other provisions. Republicans believe that life is precious, especially the lives of children, but H.R. 7910 is not the silver-bullet solution to the recent tragedies.

#### H.R. 7910 WOULD RESTRICT AMERICANS' CONSTITUTIONAL RIGHTS

The Second Amendment protects the right of Americans to keep and bear arms, including the right to purchase them. H.R. 7910, however, would restrict this right for a category of Americans, prohibiting 18 to 20 year-olds from purchasing nearly all semiautomatic rifles and shotguns. During the Committee's business meeting, Rep. Steve Cohen conceded that the bill would cause some law-abiding Americans to lose their constitutional rights: "Will [the bill] stop a law-abiding citizen? Sometimes. Maybe. Will it stop non-law-abiding citizens? Yes."<sup>1</sup> Courts have already struck down similar laws as unconstitutional. In May 2022, the liberal U.S. Court of Appeals for the Ninth Circuit overturned a California law banning the sale of long guns and semiautomatic centerfire rifles to anyone under 21 years old as "a severe burden on the core Second Amendment right of self-defense in the home."<sup>2</sup> In a concurrence, one judge wrote separately to emphasize "how California's legal position has no logical stopping point and would ultimately erode fundamental rights enumerated in our Constitution."<sup>3</sup> Similarly, the U.S. Court of Appeals for the Fourth Circuit recently ruled that prohibiting 18 to 20 year-olds from purchasing certain firearms is unconstitutional.<sup>4</sup>

#### H.R. 7910 WOULD PREVENT LAW-ABIDING AMERICANS FROM DEFENDING THEMSELVES

This legislation would prohibit law-abiding 18 to 20 year-olds from purchasing nearly all semiautomatic centerfire rifles and semiautomatic centerfire shotguns.<sup>5</sup> Americans use these firearms to defend themselves. For example, in 2017, Stephen Willeford used his AR-15 to help stop the deadliest mass shooting in Texas history. Mr. Willeford confronted and shot Devin Kelley, who had just fatally shot 26 people in the First Baptist Church in Sutherland Springs, Texas.<sup>6</sup> Mr. Willeford likely prevented further casualties and he was hailed a hero by local law enforcement. Also in 2017, Zach Peters used his AR-15 rifle to stop three masked in-

<sup>1</sup> *Meeting of the H. Comm. on the Judic.*, 117th Cong. (2022) (statement of Rep. Cohen).

<sup>2</sup> *Jones v. Bonta*, No. 20-56174, slip op. at 40 (9th Cir. May 11, 2022).

<sup>3</sup> *Id.* at 71 (Lee, C.J. concurring).

<sup>4</sup> *Hirschfeld v. Bureau of Alcohol, Tobacco, Firearm, and Explosives*, No. 19-2250 (4th Cir. Jul 13, 2021).

<sup>5</sup> H.R. 7910, tit. I, 117th Cong. (2022).

<sup>6</sup> Michael James, *The Man Who Took down the Texas Church Gunman*, USA TODAY (Nov. 7, 2017), [www.usatoday.com/story/news/2017/11/06/man-who-put-end-carnage-texas/838700001/](http://www.usatoday.com/story/news/2017/11/06/man-who-put-end-carnage-texas/838700001/).

truders who broke into his home.<sup>7</sup> In 2013, a 15 year-old boy used his father's AR-15 to defend himself and his sister against two men who broke into their house.<sup>8</sup>

H.R. 7910'S BAN ON "LARGE CAPACITY" MAGAZINES WILL NOT MAKE AMERICANS SAFER AND WILL NOT REDUCE CRIME

H.R. 7910 would ban "large capacity ammunition feeding devices" (LCAFD), which is defined as a magazine that has the capacity to carry more than ten rounds of ammunition.<sup>9</sup> However, LCAFDs also play a role in self-defense. For instance, on April 15, 2018, a Glen St. Mary, Florida resident awoke at 4 a.m. to a home invasion that was motivated by an apparent Facebook dispute.<sup>10</sup> According to reports, seven masked and armed individuals forced their way into a mobile home where one of the residents was armed with an AR-15.<sup>11</sup> The resident fired more than 30 rounds during the event to stop the home invasion.<sup>12</sup> Under H.R. 7910, the resident would not have had access to the rounds necessary to defend his home.

In addition, studies show that the prohibitions on large capacity magazines, such as the ban contained in H.R. 7910, do not result in lower crime. For example, the Violent Crime Control and Law Enforcement Act of 1994 banned magazines with a capacity to carry more than ten rounds. In 2003, the Centers for Disease Control and Prevention (CDC) examined 51 studies that evaluated gun control measures, including the Violent Crime Control and Law Enforcement Act of 1994, and was unable to determine that any ban on "large capacity" magazines reduced crime.<sup>13</sup> In 1997, the Department of Justice's National Institute of Justice found that the 1994 ban was not effective in reducing crime because large capacity "magazines were never used in more than a modest fraction of gun murders."<sup>14</sup> Another study suggested that a "large capacity" magazine prohibition is ineffective because, on average, 3.2 to 3.7 rounds are fired during the course of a criminal shooting involving a semi-automatic handgun.<sup>15</sup>

H.R. 7910'S SAFE STORAGE PROVISIONS MAY BE UNCONSTITUTIONAL AND WILL MAKE AMERICANS LESS SAFE

In *District of Columbia v. Heller*, the Supreme Court held that the Second Amendment prohibits any storage requirement that would render a firearm within the home inoperable "for immediate

<sup>7</sup> Avalon Zappo, *Oklahoma Man Uses AR-15 to Kill Three Teen Home Intruders*, NBC NEWS (Mar. 28, 2017), [Oklahoma Man Uses AR-15 to Kill Three Teen Home Intruders \(nbcnews.com\)](http://Oklahoma Man Uses AR-15 to Kill Three Teen Home Intruders (nbcnews.com)).

<sup>8</sup> Mary Chastain, *15-Year Old Boy Uses AR-15 To Defend Himself; Sister Against Home Invaders*, BREITBART (Jan. 10, 2013), <https://www.breitbart.com/politics/2013/01/10/15-year-old-boy-uses-ar-15-to-defend-house-against-burglars/>.

<sup>9</sup> H.R. 7910, tit. VI, 117th Cong. (2022).

<sup>10</sup> Garrett Pelican, *Deputies: 30 Rounds Fired from AR-15 in Deadly Florida Home Invasion*, WJXT NEWS4JAX (Apr. 17, 2018), [www.news4jax.com/news/2018/04/17/deputies-30-rounds-fired-from-ar-15-in-deadly-florida-home-invasion/](http://www.news4jax.com/news/2018/04/17/deputies-30-rounds-fired-from-ar-15-in-deadly-florida-home-invasion/).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, "FIRST REPORTS EVALUATING THE EFFECTIVENESS OF STRATEGIES FOR PREVENTING VIOLENCE: FIREARMS LAWS. FINDINGS FROM THE TASK FORCE ON COMMUNITY PREVENTATIVE SERVICES," 52 (RR14) (Oct. 3, 2003).

<sup>14</sup> Jeffrey A. Roth and Christopher S. Koper, U.S. Dept of Justice, National Institute of Justice, IMPACT EVALUATION OF THE PUBLIC SAFETY AND RECREATIONAL FIREARMS USE PROTECTION ACT OF 1994: FINAL REPORT (Mar. 1997).

<sup>15</sup> Christopher S. Koper, IMPACT OF HANDGUN TYPES ON GUN ASSAULT OUTCOMES: A COMPARISON OF GUN ASSAULTS INVOLVING SEMIAUTOMATIC PISTOLS AND REVOLVERS (Jun. 2003).

self-defense.”<sup>16</sup> The safe storage provision in H.R. 7910 mandates that all firearms be secured by a gun lock or some other secure container, or that the firearms be kept on the person, in close proximity to the person, or in a place that is reasonably secure.<sup>17</sup> Any law that prevents a firearm from being immediately retrievable is in violation of the plain language of *Heller*. Legislation that requires a firearm owner to run a lock through the components of the firearm or that requires the firearm owner to store the firearm in a manner that restricts the quick possession of the firearm for self-defense is unconstitutional. This restriction may also endanger the firearm owner, her family, and others in an emergency scenario when time is of the essence. It is the prerogative of a law-abiding firearm owner to decide how and where the firearm is stored within the home.

#### H.R. 7910 FAILS TO IMPROVE PUBLIC SAFETY

At the Committee’s business meeting, Chairman Nadler admitted that gun-control laws do not stop criminals from obtaining firearms.<sup>18</sup> In fact, according to the Crime Prevention Research Center, approximately 94% of all mass shootings since 1950 have occurred in gun-free zones.<sup>19</sup> Evil people intent on doing harm will still do us despite H.R. 7910’s onerous restrictions on the rights of law-abiding Americans.

If Democrats were serious about improving public safety, they would focus their efforts on the overwhelming number of shootings that occur in Democrat-run cities. In the weekend following the Committee’s consideration of H.R. 7910, for example, 33 people were shot in Democrat-run Chicago.<sup>20</sup> Many of these Democrat-run jurisdictions, of course, have progressive leaders who have backed efforts to defund the police and championed proposals to disincentivize effective policing. Republicans have urged Democrat leaders on the Committee to convene hearings to address these problems,<sup>21</sup> but they have declined to do so.

#### DEMOCRATS REJECTED REPUBLICAN AMENDMENTS THAT WOULD HAVE IMPROVED THE LEGISLATION

During the Committee’s business meeting to consider H.R. 7910, Republicans offered several amendments to improve the legislation. Chairman Nadler and the Democrat members of the Committee rejected the following common-sense amendments offered by Republicans:

Representative Massie offered an amendment that would have prohibited victims of domestic violence from being subject to criminal penalties for gun trafficking. Under H.R. 7910 as drafted by the Democrats, if the purchaser of a firearm were to lend the firearm to a domestic violence victim for self-defense, the domestic violence victim would be guilty of gun trafficking and could face up to ten

<sup>16</sup> *District of Columbia v. Heller*, 128 S. Ct. 2783 (2008).

<sup>17</sup> H.R. 7910, tit. IV, 117th Cong. (2022).

<sup>18</sup> *Meeting of the H. Comm. on the Judic.*, 117th Cong. (2022) (statement of Rep. Nadler).

<sup>19</sup> Amanda Prestigiaco, *What Percentage of Mass Shootings Happen in ‘Gun Free Zones’? The Number is Stunning*, DAILY WIRE (Feb. 22, 2018), <https://www.dailywire.com/news/what-percentage-mass-shootings-happen-gun-free-amanda-prestigiaco>.

<sup>20</sup> *33 people shot, 6 fatally, in Chicago weekend gun violence*, Chic. Sun Times (Jun. 6, 2022).

<sup>21</sup> See, e.g., Letter from Rep. Andy Biggs et al., H. Comm. on the Judiciary, to Rep. Sheila Jackson Lee, H. Comm. on the Judic. (June 16, 2021).

years in federal prison. Representative Massie's amendment would have ensured that a domestic violence victim could adequately defend herself. During the debate, several Democrats demonstrated a fundamental misunderstanding about the plain language of their legislation. Democrats were curiously unable to imagine a scenario in which someone might seek to borrow a firearm from a neighbor or friend. Although Rep. Stanton voted in favor of the amendment, all other Committee Democrats rejected the amendment.

Representative Massie offered a second amendment that would have allowed 18- to 20-year-old individuals registered for the selective service to purchase semiautomatic centerfire rifles and semiautomatic centerfire shotguns. This amendment would have ensured that individuals who are signed up for the draft and may be called to give their lives in defense of their country would be able to purchase a semiautomatic centerfire rifle or a semiautomatic centerfire shotgun. Chairman Nadler admitted that he supported sending 18-20-year-old men into combat but he still maintained that he did not believe the brains of these young Americans were sufficiently developed to handle a firearm. Committee Democrats rejected the amendment.

Representative Massie offered a third amendment that would have allowed the 18- to 20-year-old spouses of active-duty members of the military to purchase semiautomatic centerfire rifles and semiautomatic centerfire shotguns. This amendment would have ensured that the husbands and wives of service members who are fighting for our country would be able to exercise their Second Amendment right to purchase a semiautomatic centerfire rifle or a semiautomatic centerfire shotgun. Committee Democrats rejected the amendment.

Representative Chabot offered an amendment that would have expressed the sense of Congress that states and local school districts should hire more retired police officers and honorably discharged servicemembers. This amendment would have encouraged state and school districts to utilize funding through the Community Oriented Policing Services (COPS) Secure our Schools grant program. Committee Democrats rejected the amendment.

Representative Tiffany offered an amendment that would have required the Attorney General to coordinate with state attorneys general and state law enforcement officials to prosecute violations of 18 U.S.C. § 922(g), which makes it unlawful for several categories of individuals to purchase or possess firearms. Representative Tiffany offered this amendment in response to the inactions of progressive prosecutors throughout the country, who have continually refused to prosecute broad categories of crimes, including crimes associated with firearms. This amendment would have ensured that the Department of Justice and the Attorney General work with the appropriate state and local law enforcement entities to prosecute violations of federal law. Committee Democrats rejected the amendment.

Representative Gaetz offered an amendment that would have expressed the sense of Congress in opposition to red-flag laws. Committee Democrats rejected this amendment as well.

## CONCLUSION

H.R. 7910 is a Democrat one-size-fits-all gun control bill that would place significant burdens on Americans' Second Amendment rights while failing to meaningfully prevent gun violence or to improve public safety. This bill is a continuation of House Democrats' overarching fight against the fundamental rights of American citizens.

JIM JORDAN,  
*Ranking Member.*

