119TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
119–80

FEDERAL LAW ENFORCEMENT OFFICER SERVICE WEAPON PURCHASE ACT OF 2025

APRIL 28, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2255]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary to whom was referred the bill (H.R. 2255) to allow Federal law enforcement officers to purchase retired service weapons, 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.

This Act may be cited as the "Federal Law Enforcement Officer Service Weapon Purchase Act of 2025".

SEC. 2. PURCHASE OF RETIRED FIREARMS BY FEDERAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of General Services shall establish a program under which a Federal law enforcement officer may purchase a retired firearm from the Federal agency that issued the firearm to such officer.

(b) LIMITATIONS.—A Federal law enforcement officer may purchase a retired firearm under subsection (a) if—

(1) the purchase is made during the six-month period beginning on the date the firearm was so retired; and

(2) with respect to such purchase, the officer is in good standing with the Federal agency that employs or employed such officer.

(c) COST.—A firearm purchased under this section shall be sold at the salvage value for such firearm taking into account the age and condition of the firearm.

(d) DEFINITIONS.—In this section—

(1) the term "Federal law enforcement officer" has the meaning given that term in section 115(c)(1) of title 18, United States Code, and includes a retired Federal law enforcement officer;

(2) the term "firearm" has the meaning given that term in section 921(a) of title 18, United States Code, excluding any machinegun (as defined in section 921(a)(24) of such title) not lawfully possessed before section 922(o) of such title took effect;

(3) the term "retired firearm" means any firearm that has been declared surplus by the applicable agency; and

(4) the term "salvage value" means the value of an asset after it has become useless to the owner or the amount expected to be obtained when a fixed asset is disposed of at the end of its useful life.

Purpose and Summary

H.R. 2255, the Federal Law Enforcement Officer Service Weapon Purchase Act of 2025, introduced by Rep. Russell Fry (R–SC), would allow current and retired federal law enforcement officers to purchase retired service weapons that have been issued to them during their service life at salvage value.

Background and Need for the Legislation

Under current policy, federal agencies are required to destroy retired firearms by "crushing, cutting, breaking, or deforming each firearm to ensure that they are rendered completely inoperable and incapable of being made operable for any purpose except the recovery of basic material for reuse."[1] Additionally, "destruction of firearms must be performed by an entity authorized" by the head of an agency, and the destruction "must be witnessed by two additional agency employees authorized by the agency head or designee."[2] These actions all come at a cost to the American taxpayer.

For example, in 2022, the Fraternal Order of Police notified Congress that multiple federal law enforcement agencies were in the process of replacing their service weapons.[3] These transitions accounted for the destruction of approximately 20,000 firearms, cost-

[1] 41 C.F.R. § 102–40.175(f).

[2] 41 C.F.R. § 102–40.175(e).

[3] Letter to Sen. Cornyn et. al. from Patrick Yoes, National President Fraternal Order of Police (May 18, 2022). https://fop.net/letter/s-4150-the-federal-law-enforcement-service-weapon-purchase-act/.

ing the taxpayer roughly $8 million.[4] These disposal costs are in addition to the millions of dollars spent to acquire the firearms in the first place.

Under the Federal Law Enforcement Officer Service Weapon Purchase Act, the Administrator of the General Services would be required to establish a program to allow current and retired federal law enforcement officers to purchase a retired firearm from the agency that issued the firearm to that officer.[5] In order to be eligible to participate in the program, the officer must be in good standing with the agency and any firearm sold through the program must be sold within six months of the date when the firearm was retired.[6] The firearm must also be sold for salvage value.[7] Not only would this legislation cause agencies and taxpayers to avoid the cost of disposing of these firearms, it would also recoup some of the taxpayer dollars for the initial purchase of the firearm. Finally, the bill would allow current or retired federal law enforcement officers who used these firearms in the course of their official duties to purchase the firearms.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearings were used to develop H.R. 2255: “The Right to Self Defense” a hearing held on March 4, 2025, before the Subcommittee on Crime and Federal Government Surveillance of the Committee on the Judiciary. The Subcommittee heard testimony from the following witnesses:

- Doug Ritter, Founder and Chair of Knife Rights, Inc. and Knife Rights Foundation;
- Diana Muller, Founder of Women for Gun Rights;
- Dave McDermott, Founding Partner of McDermott Law Group and USCCA Network Attorney; and
- Gregory Jackson, Jr., Former Deputy Director, White House Office of Gun Violence Prevention.

The hearing examined the individual’s right to self-defense, protected by the Second Amendment, and also examined the efficacy of gun control policies and the related effect on public safety. In particular, Ms. Muller, a retired law enforcement officer, testified about how law enforcement officers are unable to purchase their service weapons when they retire.

Committee Consideration

On March 25, 2025, the Committee met in open session and ordered the bill, H.R. 2255, favorably reported with an amendment in the nature of a substitute by a roll call vote of 14–9, a quorum being present.

[4] *Id.*
[5] H.R. 2255, Federal Law Enforcement Officer Service Weapon Purchase Act, § 2, 119th Cong. (2025).
[6] *Id.*
[7] *Id.*

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following roll call votes occurred during the Committee's consideration of H.R. 2255:

1. Vote on amendment #1 to the H.R. 2255 ANS, offered by Mr. Goldman—failed 10 ayes to 15 nays.
2. Vote on amendment #2 to the H.R. 2255 ANS, offered by Mr. Raskin—failed 11 ayes to 14 nays.
3. Vote on amendment #4 to the H.R. 2255 ANS, offered by Mr. Raskin—failed 9 ayes to 15 nays.
4. Vote on favorably reporting H.R. 2255, as amended—passed 14 ayes to 9 nays.

Date: 3/25/25

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Vote on: Goldman Amndt #1 to HR 2255 ANS

Roll Call #: 4

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) *Chairman*				MR. RASKIN (MD) *Ranking Member*	✓		
MR. ISSA (CA)		✓		MR. NADLER (NY)	✓		
MR. BIGGS (AZ)		✓		MS. LOFGREN (CA)			
MR. McCLINTOCK (CA)		✓		MR. COHEN (TN)			
MR. TIFFANY (WI)				MR. JOHNSON (GA)	✓		
MR. MASSIE (KY)		✓		MR. SWALWELL (CA)			
MR. ROY (TX)				MR. LIEU (CA)			
MR. FITZGERALD (WI)				MS. JAYAPAL (WA)			
MR. CLINE (VA)		✓		MR. CORREA (CA)			
MR. GOODEN (TX)		✓		MS. SCANLON (PA)	✓		
MR. VAN DREW (NJ)		✓		MR. NEGUSE (CO)			
MR. NEHLS (TX)				MS. McBATH (GA)	✓		
MR. MOORE (AL)		✓		MS. ROSS (NC)			
MR. KILEY (CA)		✓		MS. BALINT (VT)	✓		
MS. HAGEMAN (WY)				MR. GARCIA (IL)	✓		
MS. LEE (FL)				MS. KAMLAGER-DOVE (CA)	✓		
MR. HUNT (TX)				MR. MOSKOWITZ (FL)			
MR. FRY (SC)		✓		MR. GOLDMAN (NY)	✓		
MR. GROTHMAN (WI)		✓		MS. CROCKETT (TX)	✓		
MR. KNOTT (NC)		✓					
MR. HARRIS (NC)		✓					
MR. ONDER (MO)		✓					
MR. SCHMIDT (KS)							
MR. GILL (TX)							
MR. BAUMGARTNER (WA)		✓					

Roll Call Totals: Ayes: 10 Nays: 15 Present:

Passed: ____________ Failed: X

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 3/25/2

Vote on: Raskin Amndt #2 to HR 2255 ANS

Roll Call #: 5

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) *Chairman*				MR. RASKIN (MD) *Ranking Member*	✓		
MR. ISSA (CA)				MR. NADLER (NY)	✓		
MR. BIGGS (AZ)				MS. LOFGREN (CA)			
MR. McCLINTOCK (CA)		✓		MR. COHEN (TN)			
MR. TIFFANY (WI)				MR. JOHNSON (GA)			
MR. MASSIE (KY)		✓		MR. SWALWELL (CA)	✓		
MR. ROY (TX)		✓		MR. LIEU (CA)			
MR. FITZGERALD (WI)		✓		MS. JAYAPAL (WA)			
MR. CLINE (VA)		✓		MR. CORREA (CA)			
MR. GOODEN (TX)		✓		MS. SCANLON (PA)	✓		
MR. VAN DREW (NJ)		✓		MR. NEGUSE (CO)			
MR. NEHLS (TX)				MS. McBATH (GA)	✓		
MR. MOORE (AL)		✓		MS. ROSS (NC)			
MR. KILEY (CA)				MS. BALINT (VT)	✓		
MS. HAGEMAN (WY)				MR. GARCIA (IL)	✓		
MS. LEE (FL)				MS. KAMLAGER-DOVE (CA)	✓		
MR. HUNT (TX)				MR. MOSKOWITZ (FL)	✓		
MR. FRY (SC)		✓		MR. GOLDMAN (NY)	✓		
MR. GROTHMAN (WI)		✓		MS. CROCKETT (TX)	✓		
MR. KNOTT (NC)		✓					
MR. HARRIS (NC)		✓					
MR. ONDER (MO)		✓					
MR. SCHMIDT (KS)							
MR. GILL (TX)							
MR. BAUMGARTNER (WA)		✓					

Roll Call Totals: Ayes: 11 Nays: 14 Present: X

Passed: ____________ Failed: ____________

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 3/25/25

Vote on: Raskin Amndt #4 to HR 2255 ANS

Roll Call #: 10

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) *Chairman*		✓		MR. RASKIN (MD) *Ranking Member*	✓		
MR. ISSA (CA)				MR. NADLER (NY)	✓		
MR. BIGGS (AZ)				MS. LOFGREN (CA)			
MR. McCLINTOCK (CA)		✓		MR. COHEN (TN)			
MR. TIFFANY (WI)				MR. JOHNSON (GA)	✓		
MR. MASSIE (KY)		✓		MR. SWALWELL (CA)			
MR. ROY (TX)		✓		MR. LIEU (CA)			
MR. FITZGERALD (WI)		✓		MS. JAYAPAL (WA)			
MR. CLINE (VA)		✓		MR. CORREA (CA)			
MR. GOODEN (TX)				MS. SCANLON (PA)	✓		
MR. VAN DREW (NJ)		✓		MR. NEGUSE (CO)			
MR. NEHLS (TX)				MS. McBATH (GA)			
MR. MOORE (AL)		✓		MS. ROSS (NC)	✓		
MR. KILEY (CA)				MS. BALINT (VT)	✓		
MS. HAGEMAN (WY)		✓		MR. GARCIA (IL)			
MS. LEE (FL)				MS. KAMLAGER-DOVE (CA)			
MR. HUNT (TX)				MR. MOSKOWITZ (FL)	✓		
MR. FRY (SC)		✓		MR. GOLDMAN (NY)	✓		
MR. GROTHMAN (WI)		✓		MS. CROCKETT (TX)	✓		
MR. KNOTT (NC)		✓					
MR. HARRIS (NC)		✓					
MR. ONDER (MO)		✓					
MR. SCHMIDT (KS)							
MR. GILL (TX)							
MR. BAUMGARTNER (WA)		✓					

Roll Call Totals: Ayes: 9 Nays: 15 Present: X

Passed: ____________ Failed: X

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 3/25/2

Vote on: Final Passage of HR 2255, as amended

Roll Call #: 7

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) *Chairman*	✓			MR. RASKIN (MD) *Ranking Member*		✓	
MR. ISSA (CA)				MR. NADLER (NY)		✓	
MR. BIGGS (AZ)				MS. LOFGREN (CA)			
MR. McCLINTOCK (CA)	✓			MR. COHEN (TN)			
MR. TIFFANY (WI)				MR. JOHNSON (GA)		✓	
MR. MASSIE (KY)	✓			MR. SWALWELL (CA)			
MR. ROY (TX)	✓			MR. LIEU (CA)			
MR. FITZGERALD (WI)				MS. JAYAPAL (WA)			
MR. CLINE (VA)	✓			MR. CORREA (CA)			
MR. GOODEN (TX)				MS. SCANLON (PA)		✓	
MR. VAN DREW (NJ)	✓			MR. NEGUSE (CO)			
MR. NEHLS (TX)				MS. McBATH (GA)		✓	
MR. MOORE (AL)	✓			MS. ROSS (NC)		✓	
MR. KILEY (CA)				MS. BALINT (VT)		✓	
MS. HAGEMAN (WY)	✓			MR. GARCIA (IL)			
MS. LEE (FL)				MS. KAMLAGER-DOVE (CA)			
MR. HUNT (TX)				MR. MOSKOWITZ (FL)			
MR. FRY (SC)	✓			MR. GOLDMAN (NY)		✓	
MR. GROTHMAN (WI)	✓			MS. CROCKETT (TX)		✓	
MR. KNOTT (NC)	✓						
MR. HARRIS (NC)	✓						
MR. ONDER (MO)	✓						
MR. SCHMIDT (KS)							
MR. GILL (TX)							
MR. BAUMGARTNER (WA)	✓						

Roll Call Totals: Ayes: 14 Nays: 9 Present:

Passed: X Failed:

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 rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974* has been timely submitted prior to filing of the report and is included in the report. Such a cost estimate is included in this report.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the enclosed cost estimate for H.R. 2255 from the Director of the Congressional Budget Office:

H.R.2255, Federal Law Enforcement Officer Service Weapon Purchase Act of 2025
As ordered reported by the House Committee on the Judiciary on March 25, 2025

By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	a	a
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	a	a
Spending Subject to Appropriation (Outlays)	*	*	not estimated

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2036?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

a = decrease of more than $500,000 in direct spending and deficits; * = between zero and $500,00.

H.R. 2255 would allow federal law enforcement officers to purchase their retired handguns at salvage value from the federal agency that issued their handgun. Salvage value is the value of an asset that is no longer of use or the estimated value of a disposed asset at the end of its useful life.

CBO expects that implementing the bill would increase administrative costs both for the General Services Administration to develop regulations to implement the program and for law enforcement agencies to participate in the program. Based on the cost of similar activities, we estimate that those costs would total less than $500,000 over the 2025–2030 period. Any related spending would be subject to the availability of appropriated funds.

Collections from handgun sales authorized under H.R. 2255 would be classified in the budget as offsetting receipts—that is, as reductions in direct spending—and deposited in the Treasury. CBO is unaware of any comprehensive information about the pace at which federal law enforcement agencies replace handguns or how many they expect would be sold rather than destroyed. However, using information about the number of law enforcement officers employed at federal agencies who potentially would be purchasers, CBO estimates that on-budget receipts from sales of those guns could exceed $500,000 over the 2025–2035 period. For example, if law enforcement agencies replaced 10 percent of their handguns every year and 10 percent of those guns were sold to law enforcement officers at salvage prices, receipts would total $2 million over the 2025–2035 period, CBO estimates.

The program under H.R. 2255 would include the Postal Inspection Service, a law enforcement agency within the Postal Service. Cash flows for the Postal Service are recorded in the federal budget in the Postal Service Fund and are classified as off-budget direct spending. CBO estimates that any receipts from handgun sales by the Postal Service would not be significant in any year or over the 2025–2035 period.

The CBO staff contacts for this estimate are Matthew Pickford (for the General Services Administration and law enforcement) and Jeremy Crimm (for the Postal Service). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

Committee Estimate of Budgetary Effects

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, 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*.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 2255 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. 2255 would allow current and retired federal law enforcement officers to purchase retired service weapons that have been issued to them during their service life at salvage value.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 2255 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

Federal Mandates Statement

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act*.

Advisory Committee Statement

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104–1).

Section-by-Section Analysis

Sec. 1. Short Title: The "Federal Law Enforcement Officer Service Weapon Purchase Act of 2025."

Sec. 2. Purchase of Retired Handguns by Federal Law Enforcement Officers: Requires the Administrator of the General Services Administration to establish a program under which a current or retired federal law enforcement officer in good standing may purchase a retired handgun from the federal agency that issued the handgun to such officer.

Dissenting Views

I oppose H.R. 2255, the Federal Law Enforcement Officer Service Weapon Purchase Act.

Federal agencies are currently prohibited from selling functional or repairable firearms that are no longer needed. Under this regulation, when an agency no longer has a need for a firearm, it can transfer it to another law enforcement entity or destroy it. This regulation helps ensure that federally owned firearms don't fall into the wrong hands, but it misses an opportunity to save money by selling surplus firearms to the responsible law enforcement officers who used them.

In the 117th Congress, our former colleague, Congresswoman Val Demings (D–FL), introduced bipartisan legislation to allow a federal agency to sell, at fair market value, a surplus handgun to the law enforcement officer who had been using it.[1] Under the Demings bill, these sales would have required a background check and the proceeds from the sales would have been used for gun violence prevention or gun safety training and education.

Last Congress, Congressman Russell Fry (R–SC) introduced a bill similar to the Demings proposal, but it was not bipartisan, did not require a background check, and did not provide any direction about what the funds resulting from these sales should be used for. Still, Democratic Members of this Committee felt it was a reasonable bill, and it passed out of this Committee on a voice vote. If Republicans had simply stuck with that version, I suspect it would

[1] "H.R. 3096, Federal Law Enforcement Officer Service Weapon Purchase Act." *Congressional Record 167:81* (May 11, 2021) p. H2193.

have received broad support on the Floor and might very well have been signed into law by now. But they instead chose to substantially change the bill by adopting new amendments when it was brought to the Floor.

One amendment changed the sale price from "fair market value" to "salvage value," effectively making it so that the federal government would be subsidizing gun sales.

Another amendment expanded the bill significantly by allowing surplus firearms to be sold not only to active federal law enforcement in good standing, but also to *retired* law enforcement officers. Because the Fry bill had no background check requirement, this would create a situation in which it would be possible for an officer to retire, commit a crime that makes him or her ineligible to purchase and possess firearms, but then *still be able* to buy a firearm from the federal government without a background check. Agencies have no reason to track the behavior of their *former* law enforcement officers, so they could unknowingly sell a surplus firearm to someone who cannot lawfully buy a gun, and all of this would occur without a background check that might otherwise prevent an illegal sale.

Another amendment expanded the types of guns that agencies could sell. Originally the bill just applied to surplus *handguns*, but it was amended to apply to any surplus firearm (other than machine guns), including assault weapons, destructive devices like grenades, and even firearms that are subject to heightened restrictions under the National Firearms Act.

Given that the bill had already removed the background check provision, these amendments would make it so that current and retired law enforcement officers would be able to buy an assault weapon, grenade, or a National Firearms Act weapon from the government at a discount and without a background check, opening a significant loophole in the background check system. This led many Democrats to oppose the bill on final passage when it came up for a vote last Congress.[2]

All of these flawed amendments appear in H.R. 2255, the version of the Fry bill that the Committee considered. So in place of a reasonable bipartisan bill, Republicans are digging in on a proposal that opens up significant loopholes in our gun laws—loopholes that we identified last Congress when we considered this bill. It is disappointing that Republicans could not resist politicizing a traditionally bipartisan matter.

Because this bill creates unacceptable risks of a dangerous weapon being sold to a person who may not legally have one, I must oppose this legislation in its current form, and I urge my colleagues to do the same.

I. Overview of Concerns With H.R. 2255

A. REMOVAL OF BACKGROUND CHECK REQUIREMENT

The Brady Handgun Violence Prevention Act of 1993 required the establishment of a national namecheck system to be used by federal firearms licensees (FFLs). In response, the Bureau of Alco-

[2] "Federal Law Enforcement Officers Service Weapon Purchase Act: Roll Vote Nos. 218–222." *Congressional Record 169:83* (May 17, 2023) pp. H2401–H–2405.

hol, Tobacco, Firearms and Explosives (ATF) developed the National Instant Criminal Background Check System (NICS). NICS is operated by the Federal Bureau of Investigation (FBI).[3] When FFLs run a NICS check, the name of a potential firearm purchaser is searched for in three databases that contain records relevant to whether a person might be prohibited from possessing a firearm.[4] Since its inception, NICS has been a critical tool in helping to keep firearms out of the hands of those who are not legally allowed to possess them.[5] The efficacy of the NICS system depends on complete, accurate, and timely submission of records to the three databases, which each contain different types of records, such as criminal history records, protection orders, and wanted persons. Congress has worked to improve NICS through the Fix NICS Act of 2018 which increased the number and accuracy of records in NICS.

In the 117th Congress, this legislation, then led by Congresswoman Demings, required a NICS check for a law enforcement officer to purchase a service weapon under the Act. By removing this requirement, the legislation relies solely on an agency's determination that the officer is in good standing. One might assume that an officer could not be in good standing if he or she was prohibited from possessing a firearm, but the reality is that an agency may not instantly become aware of circumstances that would lead a person to be prohibited. Further, even if the agency does learn of a relevant circumstance, the officer's standing may not automatically change, or a clerical error could lead the agency to still regard the officer as in good standing. NICS was designed to search the relevant records, and Congress has worked to improve its completeness, accuracy, and timeliness in subsequent legislation. An agency's determination that an officer is in good standing should not substitute for a system that has been carefully designed and improved for the specific purpose of determining if a person is legally allowed to possess a firearm.

Existing ATF regulations illustrate that background checks are the gold standard for determining who may possess a firearm. Currently, a law enforcement officer may obtain a firearm for official use without undergoing a background check, but ATF regulations require much more than a simple showing that the officer is in good standing. For an officer to purchase a firearm for official use without undergoing a background check, the officer must present a certification on agency letterhead that the officer will use the firearm in official duties and that a records check reveals the purchasing officer has no convictions for misdemeanor crimes of domestic violence.[6] This demonstrates that a NICS check carries significant weight and any substitute process should at least include a search of certain criminal records.

NICS checks are not only the best way to identify prohibited purchasers but would also promote public trust in the program established by this Act. Since members of the public must undergo a NICS check when purchasing a firearm in many circumstances, they will be more confident of the process when law enforcement

[3] Federal Bureau of Investigation, *About NICS*, https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics/about-nics.

[4] Department of Justice, *The Department of Justice's Semiannual Report on the Fix NICS Act* (Sept. 2022), https://www.justice.gov/d9/nics_semiannual_report_-_september_2022.pdf.

[5] *Id.*

[6] 27 CFR 478.134.

is held to this same standard when a service weapon is transferred. The requirement that the officer receiving the firearm pass a background check is a meaningful step to ensure that guns do not fall into the wrong hands. This requirement should not have been stripped from this legislation.

B. EXPANSION TO RETIRED OFFICERS

The Fry bill now allows *retired* federal officers to purchase their surplus weapons. In the 118th Congress, the Committee favorably reported by voice vote a version of this bill that applied only to *active* federal law enforcement officers. When the bill was brought to the Floor for consideration by the House, the bill was amended to apply to retired federal law enforcement officers. The bill now before the 119th Congress also includes retired officers. Given that Republicans already stripped the background check requirement from the bill, this expansion creates a significant loophole through which a retired officer might be able to obtain a firearm from their former agency even if they are a prohibited purchaser who could not pass a background check. This is possible because a person could be employed by a federal law enforcement agency, be in good standing, retire, and then become a person who is prohibited from purchasing and possessing firearms, such as by being convicted of a felony, renouncing their citizenship, or being an unlawful user of a controlled substance. The employing agency could then decide to retire a firearm that had been issued to the person while they were employed and transfer the firearm to the retired officer without having any reason to know that the officer was now prohibited from purchasing firearms. While the "good standing" requirement may prevent sales to active law enforcement who then become prohibited purchasers, agencies do not continuously track those who have retired from federal law enforcement. In short, there is no "good standing" when it comes to retired officers, so without a background check, this bill could arm prohibited purchasers.

C. CHANGING "HANDGUN" TO "FIREARM"

The version of the Fry bill that the Committee marked up in the 118th Congress only allowed the transfer of surplus handguns. When Republicans brought the bill to the floor for consideration by the House, they expanded it to apply to firearms, as defined by 18 U.S.C. 921(a), except most machineguns. 18 U.S.C. 921(a) defines firearms as:

> (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; or (D) any destructive device. Such term does not include an antique firearm.[7]

Thus, this change makes it so that the bill allows federal law enforcement officers, including a retired officer, to purchase not only a handgun, but also a semiautomatic assault weapon or even a grenade without undergoing a background check. This is especially concerning given that this expansion would allow firearms that are

[7] 18 U.S.C. § 921(a).

subject to the heightened restrictions of the National Firearms Act (such as short-barreled rifles) to be transferred without any of the procedural safeguards that Congress has required for decades for those especially dangerous firearms.

This change is so dangerous that even Republicans seemed to recognize the concern during our Committee's markup of H.R. 2255. Rep. Thomas Massie (R–KY) offered an amendment that would have excluded those especially dangerous firearms regulated by the National Firearms Act—such as short barreled rifles, poison gas bombs, grenades, or grenade launchers—from purchase under the legislation.[8] However, when Democrats would not commit to supporting the bill on final passage with the Massie amendment because the bill would not also require background checks or limit sales to active law enforcement officers only, Rep. Massie withdrew his amendment. I subsequently introduced the exact same text, as drafted by Rep. Massie, and Republicans inexplicably opted to oppose the amendment—insisting that the bill should allow for the sale of National Firearms Act weapons without a background check, even after acknowledging that excluding these weapons from purchase under the bill would "improve" it.

D. CHANGING "FAIR MARKET VALUE" TO "SALVAGE VALUE"

Finally, the current Fry bill carries forward the 118th Floor amendment that changed the price the officer pays for the retired firearm from the "fair market value" to the "salvage value." By lowering the price of the firearms sold under this act, the federal government will recoup less money and is effectively subsidizing these firearm sales with taxpayer money.

II. CONCLUSION

This bill could easily be modified to pose a lower risk to public safety by restoring the background check provision from previous versions of the bill, limiting the bill to active law enforcement, and only allowing for the transfer of handguns, rather than other types of firearms, including destructive devices. But instead of a more limited bill with commonsense safeguards, Republicans have elected to advance a dangerous bill riddled with loopholes—even in the wake of a deadly mass shooting using a retired service weapon.[9] Because this bill creates unacceptable risks of a dangerous weapon being sold to or accessed by a person who may not legally have one, I must oppose this legislation in its current form and I urge my colleagues to do the same.

JAMIE RASKIN,
Ranking Member.

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[8] *Markup of the Federal Law Enforcement Officer Service Weapon Purchase Act Before the H. Committee on the Judiciary*, H.R. 2255, p. 107, 119th Cong. (2025).

[9] The recent mass shooting at Florida State University (FSU) illustrates the risk associated with selling retired service weapons even to current law enforcement officers. On April 17, 2025, a 20-year-old opened fire at FSU using a retired service weapon—a handgun his mother previously used as a sheriff's deputy and purchased when her agency upgraded their equipment. Sergio Candido & Hunter Geisel, *What we know about the victims of the FSU Mass Shooting*, CBS NEWS MIAMI (Apr. 19, 2025), https://www.cbsnews.com/miami/news/who-are-the-victims-of-the-fsu-mass-shooting/.