

117TH CONGRESS  
1ST SESSION

# S. 1108

To regulate large capacity ammunition feeding devices.

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## IN THE SENATE OF THE UNITED STATES

APRIL 14, 2021

Mr. MENENDEZ (for himself, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MURPHY, Mr. MARKEY, Mr. MERKLEY, Mr. REED, Ms. WARREN, Ms. ROSEN, Ms. CORTEZ MASTO, Mr. KING, Mr. BOOKER, Ms. DUCKWORTH, Mr. CARPER, Mr. DURBIN, Mr. COONS, Ms. SMITH, Mr. CARDIN, Ms. KLOBUCHAR, Mr. PADILLA, Mr. CASEY, Mr. KAINE, Mr. SANDERS, Mrs. MURRAY, Ms. HIRONO, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To regulate large capacity ammunition feeding devices.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keep Americans Safe  
5 Act”.

### 6 **SEC. 2. DEFINITIONS.**

7 Section 921(a) of title 18, United States Code, is  
8 amended by inserting after paragraph (29) the following:

1       “(30) The term ‘large capacity ammunition feeding  
2 device’—

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

9           “(B) does not include an attached tubular de-  
10 vice designed to accept, and capable of operating  
11 only with, .22 caliber rimfire ammunition.

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

14   **SEC. 3. RESTRICTIONS ON LARGE CAPACITY AMMUNITION**  
15                           **FEEDING DEVICES.**

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

19       “(v)(1) It shall be unlawful for a person to import,  
20 sell, manufacture, transfer, or possess, in or affecting  
21 interstate or foreign commerce, a large capacity ammuni-  
22 tion feeding device.

23       “(2) Paragraph (1) shall not apply to the possession  
24 of any large capacity ammunition feeding device otherwise

1 lawfully possessed on or before the date of enactment of  
2 the Keep Americans Safe Act.

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

4 “(A) the importation for, manufacture for, sale  
5 to, transfer to, or possession by the United States  
6 or a department or agency of the United States or  
7 a State or a department, agency, or political subdivi-  
8 sion of a State, or a sale or transfer to or possession  
9 by a qualified law enforcement officer employed by  
10 the United States or a department or agency of the  
11 United States or a State or a department, agency,  
12 or political subdivision of a State for purposes of law  
13 enforcement (whether on or off-duty), or a sale or  
14 transfer to or possession by a campus law enforce-  
15 ment officer for purposes of law enforcement (wheth-  
16 er on or off-duty);

17 “(B) the importation for, or sale or transfer to  
18 a licensee under title I of the Atomic Energy Act of  
19 1954 (42 U.S.C. 2011 et seq.) for purposes of estab-  
20 lishing and maintaining an on-site physical protec-  
21 tion system and security organization required by  
22 Federal law, or possession by an employee or con-  
23 tractor of such licensee on-site for such purposes or  
24 off-site for purposes of licensee-authorized training  
25 or transportation of nuclear materials;

1           “(C) the possession, by an individual who is re-  
2           tired in good standing from service with a law en-  
3           forcement agency and is not otherwise prohibited  
4           from receiving ammunition, of a large capacity am-  
5           munition feeding device—

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

8                   “(ii) that the individual purchased, or oth-  
9           erwise obtained, for official use before such re-  
10          tirement; or

11          “(D) the importation, sale, manufacture, trans-  
12          fer, or possession of any large capacity ammunition  
13          feeding device by a licensed manufacturer or licensed  
14          importer for the purposes of testing or experimen-  
15          tation authorized by the Attorney General.

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

19                   “(A) employed by a private institution of higher  
20          education that is eligible for funding under title IV  
21          of the Higher Education Act of 1965 (20 U.S.C.  
22          1070 et seq.);

23                   “(B) responsible for the prevention or investiga-  
24          tion of crime involving injury to persons or property,

1 including apprehension or detention of persons for  
 2 such crimes;

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

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

8 (b) IDENTIFICATION MARKINGS FOR LARGE CAPAC-  
 9 ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of  
 10 title 18, United States Code, is amended by adding at the  
 11 end the following: “A large capacity ammunition feeding  
 12 device manufactured after the date of enactment of the  
 13 Keep Americans Safe Act shall be identified by a serial  
 14 number and the date on which the device was manufac-  
 15 tured or made, legibly and conspicuously engraved or cast  
 16 on the device, and such other identification as the Attor-  
 17 ney General shall by regulations prescribe.”.

18 (c) SEIZURE AND FORFEITURE OF LARGE CAPACITY  
 19 AMMUNITION FEEDING DEVICES.—Section 924(d) of title  
 20 18, United States Code, is amended—

21 (1) in paragraph (1)—

22 (A) in the first sentence—

23 (i) by striking “Any firearm or ammu-  
 24 nition involved in” and inserting “Any fire-

1 arm or ammunition or large capacity am-  
 2 munition feeding device involved in”;

3 (ii) by striking “or (k)” and inserting  
 4 “(k), or (v)”;

5 (iii) by striking “any firearm or am-  
 6 munition intended” and inserting “any  
 7 firearm or ammunition or large capacity  
 8 ammunition feeding device intended”; and

9 (B) in the second and third sentences, by  
 10 inserting “or large capacity ammunition feeding  
 11 device” after “firearms or ammunition” each  
 12 place the term appears;

13 (2) in paragraph (2)—

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

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

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

1 **SEC. 4. PENALTIES.**

2 Section 924(a)(1)(B) of title 18, United States Code,  
3 is amended by striking “or (q)” and inserting “(q), or  
4 (v)”.

5 **SEC. 5. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS**  
6 **FOR LARGE CAPACITY AMMUNITION FEED-**  
7 **ING DEVICES.**

8 Section 501(a)(1) of title I of the Omnibus Crime  
9 Control and Safe Streets Act of 1968 (34 U.S.C.  
10 10152(a)(1)) is amended by adding at the end the fol-  
11 lowing:

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

17 **SEC. 6. SEVERABILITY.**

18 If any provision of this Act, an amendment made by  
19 this Act, or the application of such provision or amend-  
20 ment to any person or circumstance is held to be unconsti-  
21 tutional, the remainder of this Act, the amendments made  
22 by this Act, and the application of such provision or  
23 amendment to any person or circumstance shall not be af-  
24 fected thereby.

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