

110TH CONGRESS  
1ST SESSION

# H. R. 4900

To reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2007

Mr. KING of Iowa (for himself and Mr. SPACE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bureau of Alcohol,  
5 Tobacco, Firearms, and Explosives Reform and Firearms  
6 Modernization Act of 2007”.

## 1 SEC. 2. TABLE OF CONTENTS.

### 2 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

#### TITLE I—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES MODERNIZATION AND REFORM

- Sec. 101. Graduated penalties for civil violations by Federal firearms licensees.
- Sec. 102. Consideration of Federal firearms license applications.
- Sec. 103. Definition of willfully.
- Sec. 104. Establishment of formal inspection, examination, and investigative guidelines.
- Sec. 105. Limitations on use of firearms purchaser information.
- Sec. 106. Liquidation of inventory in Federal firearms license expiration, surrender, or revocation cases.
- Sec. 107. Opportunity to cure violations after acquisition of firearms business.
- Sec. 108. Standards for criminal violations of recordkeeping requirements.
- Sec. 109. Authority to collect information on explosives stored under State law; regulations governing storage of explosives made applicable to storage of explosives by agencies operating under State law.
- Sec. 110. Effective date.

#### TITLE II—FIREARMS CORRECTIONS AND IMPROVEMENTS

- Sec. 201. Correction of nonsubstantive error in age limit provision.
- Sec. 202. Possession and transfer of machineguns for industry testing and security contracting.
- Sec. 203. Elimination of obsolete language added by the Brady Handgun Violence Prevention Act.
- Sec. 204. Ban on tax or fee for background check by the national instant criminal background check system.
- Sec. 205. Elimination of written permission requirement for supervised handgun use.
- Sec. 206. Modification of procedures for sharing of multiple handgun sales reports.
- Sec. 207. Ban on electronic retrieval of inactive licensee information.
- Sec. 208. Trace disclosure.
- Sec. 209. Barrel and receiver importation.
- Sec. 210. Clarifications relating to manufacturing of firearms.

#### TITLE III—CRIMINAL GUN ENFORCEMENT IMPROVEMENTS

- Sec. 301. Possession of firearms by dangerous felons.

1 **TITLE I—BUREAU OF ALCOHOL,**  
2 **TOBACCO, FIREARMS, AND**  
3 **EXPLOSIVES MODERNIZA-**  
4 **TION AND REFORM**

5 **SEC. 101. GRADUATED PENALTIES FOR CIVIL VIOLATIONS**  
6 **BY FEDERAL FIREARMS LICENSEES.**

7 (a) IN GENERAL.—Section 923 of title 18, United  
8 States Code, is amended by striking subsections (e) and  
9 (f) and inserting the following:

10 “(e)(1)(A) If the Attorney General determines that  
11 a licensee under this section has willfully violated any pro-  
12 vision of this chapter or any regulation prescribed under  
13 this chapter, the Attorney General may—

14 “(i) if the violation is of a minor nature—

15 “(I) impose on the licensee a civil money  
16 penalty of not more than \$1,000 for each such  
17 violation, except that the total amount of pen-  
18 alties imposed on a licensee under this sub-  
19 clause for violations arising from a single in-  
20 spection or examination shall not exceed  
21 \$5,000; or

22 “(II) suspend the license for not more than  
23 30 days, and specify the circumstances under  
24 which the suspension is to be terminated, if, in  
25 the period for which the license is in effect,

1           there have been at least 2 prior occasions on  
2           which the licensee has been determined to have  
3           violated this chapter; or

4           “(ii) if the violation is of a serious nature—

5                   “(I) impose on the licensee a civil money  
6                   penalty of not more than \$2,500 for each such  
7                   violation, except that the total amount of pen-  
8                   alties imposed on a licensee under this sub-  
9                   clause for a violation arising from a single in-  
10                  spection or examination shall not exceed  
11                  \$15,000;

12                   “(II) suspend the license for not more than  
13                   90 days, and specify the circumstances under  
14                   which the suspension is to be terminated;

15                   “(III) revoke the license; or

16                   “(IV) take the actions described in sub-  
17                   clauses (I) and (II), or subclauses (I) and (III).

18           “(B)(i)(I) In determining the amount of a civil money  
19           penalty to impose under subparagraph (A) on a licensee,  
20           the nature and severity of the violation involved, the size  
21           of the firearms business operated by the licensee, and the  
22           prior record of the licensee shall be considered.

23           “(II) On request of the licensee, the Attorney General  
24           may consider the ability of the licensee to pay a civil  
25           money penalty, and may allow the licensee to submit docu-

1 ments and information to establish the ability of the li-  
2 censee to pay. The Attorney General shall not make part  
3 of any public record any document or information so sub-  
4 mitted, and shall return to the licensee any such document  
5 or information.

6 “(III) The total amount of penalties imposed on a  
7 licensee under subparagraph (A) with respect to violations  
8 of a minor nature and of a serious nature arising from  
9 a single inspection or examination shall not exceed  
10 \$15,000.

11 “(ii) For purposes of subparagraph (A), violation of  
12 a provision of this chapter with respect to 2 or more fire-  
13 arms during a single transaction shall be considered a sin-  
14 gle violation of the provision.

15 “(iii) The Attorney General may defer, or suspend,  
16 in whole or in part, the imposition of a civil money penalty  
17 on a licensee whose license is suspended under this para-  
18 graph.

19 “(C) For purposes of subparagraph (A):

20 “(i) A violation of this chapter shall be consid-  
21 ered to be of a serious nature if the violation—

22 “(I) results in or could have resulted in the  
23 transfer of a firearm or ammunition to a person  
24 prohibited from possessing or receiving the fire-

1 arm or ammunition under this chapter or under  
2 State or local law;

3 “(II) obstructs or could have obstructed  
4 a bona fide criminal investigation or prosecu-  
5 tion, or an inspection or examination under this  
6 chapter; or

7 “(III) prevents or could have prevented a  
8 licensee from complying with subsection (a)(7),  
9 (a)(8), (b)(1), (b)(3), (b)(4), (j), (k), (o), or (p)  
10 of section 922, subsection (g)(7) of this section,  
11 or subsection (b) or (h) of section 924.

12 “(ii) A violation of this chapter shall be consid-  
13 ered to be of a minor nature if the violation is not  
14 of a serious nature.

15 “(D) The Attorney General may not commence an  
16 enforcement action under subparagraph (A) with respect  
17 to a violation, after the 5-year period that begins with—

18 “(i) the date the violation occurred; or

19 “(ii) if the licensee intentionally obstructed dis-  
20 covery of the violation, the date the violation is dis-  
21 covered.

22 “(2)(A) Not less than 30 days before the effective  
23 date of any penalty imposed on a licensee by reason of  
24 a determination made under paragraph (1), the Attorney  
25 General shall send the licensee a written notice—

1           “(i) of the determination, and the grounds on  
2           which the determination was made;

3           “(ii) of the nature of the penalty; and

4           “(iii) that the licensee may, within 30 days  
5           after receipt of the notice, request a hearing to re-  
6           view the determination.

7           “(B) A hearing to review a determination made under  
8           paragraph (1) with respect to a licensee shall not be held  
9           unless the licensee requests such a hearing within 30 days  
10          after receiving the notice of the determination sent pursu-  
11          ant to subparagraph (A).

12          “(C) On timely receipt from the licensee of a request  
13          for such a review, the Attorney General shall stay the im-  
14          position under paragraph (1) of any penalty involved,  
15          pending resolution of the review, unless, in the case of a  
16          suspension or revocation of a licensee, the Attorney Gen-  
17          eral establishes, at a hearing before an administrative law  
18          judge, by clear and convincing evidence, that the continued  
19          operation by the licensee of the business poses an imme-  
20          diate and grave threat to public safety.

21          “(3)(A) Within 90 days after timely receipt from a  
22          licensee of a request to review a determination made under  
23          paragraph (1) (or at such later time as is agreed to by  
24          the Attorney General and the licensee), an administrative

1 law judge shall hold a hearing, at a location convenient  
2 to the licensee, to review the determination.

3 “(B) Not less than 30 days before the hearing, the  
4 Attorney General shall deliver to the licensee—

5 “(i) a document identifying each person whom  
6 the Attorney General intends to call as a witness  
7 during the hearing;

8 “(ii) a copy of each document which will be in-  
9 troduced as evidence at the hearing; and

10 “(iii) copies of all documents on which the de-  
11 termination is based.

12 “(C) Within 90 days after the hearing, the adminis-  
13 trative law judge shall issue a written decision setting  
14 forth findings of fact and conclusions of law, and a deci-  
15 sion as to whether to affirm, modify, or reverse the deter-  
16 mination.

17 “(D) On request of the licensee, the Attorney General  
18 shall stay the effective date of any penalty, suspension,  
19 or revocation until there has been a final, nonreviewable  
20 judgment with respect to the determination involved, un-  
21 less, in the case of a suspension or revocation of a licensee,  
22 the Attorney General establishes, at a hearing before an  
23 administrative law judge, by clear and convincing evi-  
24 dence, that the continued operation by the licensee of the



1 business poses an immediate and grave threat to public  
2 safety.

3 “(E) The action of an administrative law judge under  
4 this subsection shall be considered final agency action for  
5 all purposes, and may be reviewed only as provided in sub-  
6 section (f).

7 “(4) This subsection shall not be interpreted to affect  
8 the authority of the Attorney General under section  
9 922(t)(5).

10 “(f)(1) Within 60 days after a party receives a notice  
11 issued under subsection (d)(3) of a decision to deny a li-  
12 cense, or a notice issued under subsection (e)(3)(C) of a  
13 determination to impose a civil money penalty or to sus-  
14 pend or revoke a license, the party may file a petition with  
15 the United States district court for the district in which  
16 the party resides or has a principal place of business for  
17 a de novo review of the decision or determination.

18 “(2) In a proceeding conducted under this paragraph,  
19 the court shall, on application of a party, consider any evi-  
20 dence submitted by the parties to the proceeding whether  
21 or not the evidence was considered at the hearing held  
22 under subsection (d)(3) or (e)(3).

23 “(3) If the court decides that the decision or deter-  
24 mination was not authorized, the court shall order the At-

1 torney General to take such action as may be necessary  
2 to comply with the judgment of the court.

3       “(4) If criminal proceedings are instituted against a  
4 licensee alleging any violation of this chapter or of a regu-  
5 lation prescribed under this chapter, and the licensee is  
6 acquitted of the charges, or the proceedings are termi-  
7 nated, other than upon motion of the Government before  
8 trial on the charges, the Attorney General shall be abso-  
9 lutely barred from denying a license under this chapter,  
10 suspending or revoking a license granted under this chap-  
11 ter, or imposing a civil money penalty under subsection  
12 (e), if the action would be based in whole or in part on  
13 the facts which form the basis of the criminal charges.  
14 The Attorney General may not institute a proceeding to  
15 suspend or revoke a license granted under this chapter,  
16 or to impose a civil money penalty under subsection (e),  
17 more than 1 year after the filing of the indictment or in-  
18 formation.”.

19       (b) CONFORMING AMENDMENT TO PROCEDURE AP-  
20 PPLICABLE TO DENIAL OF APPLICATION FOR LICENSE.—  
21 Section 923(d) of such title is amended by adding at the  
22 end the following:

23       “(3) If the Attorney General denies an application  
24 for a license, an administrative law judge of the Depart-  
25 ment of Justice shall, on request by the aggrieved party,

1 promptly hold a hearing to review the denial, at a location  
2 convenient to the aggrieved party. If, after the hearing,  
3 the administrative law judge decides not to reverse the de-  
4 nial, the administrative law judge shall give notice of the  
5 final denial decision to the aggrieved party.”.

6 **SEC. 102. CONSIDERATION OF FEDERAL FIREARMS LI-**  
7 **CENSE APPLICATIONS.**

8 (a) IN GENERAL.—Section 923(d) of title 18, United  
9 States Code, as amended by section 101(b) of this Act,  
10 is amended by redesignating paragraphs (2) and (3) as  
11 paragraphs (3) and (4) and inserting after paragraph (1)  
12 the following:

13 “(2) The Attorney General shall make a preliminary  
14 determination as to whether to approve or deny an appli-  
15 cation submitted under subsection (a) or (b). If the pre-  
16 liminary determination is to deny the application, the At-  
17 torney General shall notify the applicant in writing of the  
18 preliminary determination and the reasons for the prelimi-  
19 nary determination, and shall afford the applicant an op-  
20 portunity to supplement the application with additional in-  
21 formation and to request a hearing on the application. If  
22 the applicant, in a timely manner, requests such a hearing,  
23 the Attorney General shall hold the hearing at a location  
24 convenient to the applicant, and shall notify the applicant  
25 in writing of the time and place of the hearing.”.

1 (b) CONFORMING AMENDMENT.—Section 923(f) of  
2 such title, as amended by section 2(a) of this Act, is  
3 amended by striking “(d)(3)” each place it appears and  
4 inserting “(d)(4)”.

5 **SEC. 103. DEFINITION OF WILLFULLY.**

6 Section 923(e) of title 18, United States Code, as  
7 amended by section 101(a) of this Act, is amended by add-  
8 ing at the end the following:

9 “(5) For purposes of this subsection, the term ‘will-  
10 fully’ means, with respect to conduct of a person, that the  
11 person knew of a legal duty, and engaged in the conduct  
12 knowingly and in intentional disregard of the duty.”.

13 **SEC. 104. ESTABLISHMENT OF FORMAL INSPECTION, EXAM-  
14 INATION, AND INVESTIGATIVE GUIDELINES.**

15 The Attorney General shall establish guidelines for  
16 how the Bureau of Alcohol, Tobacco, Firearms, and Ex-  
17 plosives is to conduct inspections, examinations, or inves-  
18 tigation of possible violations of chapters 40 and 44 of  
19 title 18, United States Code.

20 **SEC. 105. LIMITATIONS ON USE OF FIREARMS PURCHASER  
21 INFORMATION.**

22 Section 923(g)(1)(D) of title 18, United States Code,  
23 is amended in the last sentence by inserting “, except that  
24 information identifying a person who has purchased or re-  
25 ceived firearms or ammunition and who is not prohibited

1 from doing so may not be so made available or so provided  
2 unless the agency involved has certified that the agency  
3 will not disclose the information to any entity other than  
4 a court, federal, State or local law enforcement agency,  
5 or prosecutor” before the period.

6 **SEC. 106. LIQUIDATION OF INVENTORY IN FEDERAL FIRE-**  
7 **ARMS LICENSE EXPIRATION, SURRENDER, OR**  
8 **REVOCAION CASES.**

9 Section 923 of title 18, United States Code, is  
10 amended by adding at the end the following:

11 “(m)(1) Except as provided in paragraph (2), a per-  
12 son whose license issued under this chapter is expired, sur-  
13 rendered, or revoked shall be afforded 60 days from the  
14 effective date of the expiration, surrender, or revocation  
15 to liquidate the firearms inventory of the person, which  
16 time may be extended upon a showing of reasonable cause.  
17 During such 60-day period (including any extension of the  
18 period), the license involved shall continue to be considered  
19 valid.

20 “(2) Paragraph (1) shall not apply with respect to  
21 a person if a United States District Court for the judicial  
22 district in which the person resides or in which the prin-  
23 cipal place of business of the person subject to the license  
24 is located finds, by clear and convincing evidence, that the

1 continued operation by the person of the business poses  
2 an immediate and grave threat to public safety.”.

3 **SEC. 107. OPPORTUNITY TO CURE VIOLATIONS AFTER AC-**  
4 **QUISITION OF FIREARMS BUSINESS.**

5 Section 923 of title 18, United States Code, is further  
6 amended by adding at the end the following:

7 “(n) If the Attorney General is made aware that a  
8 business licensed under this chapter has transferred to a  
9 surviving spouse or child of the licensee, to an executor,  
10 administrator, or other legal representative of a deceased  
11 licensee; or to a receiver or trustee in bankruptcy, or an  
12 assignee for benefit of creditors, and, before the transfer,  
13 or on the first inspection or examination by the Attorney  
14 General of the records of the licensee after the transfer,  
15 the licensee is found to be operating the business in viola-  
16 tion of this chapter, the Attorney General—

17 “(1) shall notify the transferee of the violation  
18 by the transferor; and

19 “(2) shall not presume that the transferee is  
20 committing the violation.”.

21 **SEC. 108. STANDARDS FOR CRIMINAL VIOLATIONS OF REC-**  
22 **ORDKEEPING REQUIREMENTS.**

23 Section 922(m) of title 18, United States Code, is  
24 amended—

1 (1) by striking “any false entry” and inserting  
2 “a materially false entry”;

3 (2) by striking “appropriate entry” and insert-  
4 ing “a materially significant entry”; and

5 (3) by striking “properly maintain” and insert-  
6 ing “retain custody of”.

7 **SEC. 109. AUTHORITY TO COLLECT INFORMATION ON EX-**  
8 **PLOSIVES STORED UNDER STATE LAW; REGU-**  
9 **LATIONS GOVERNING STORAGE OF EXPLO-**  
10 **SIVES MADE APPLICABLE TO STORAGE OF**  
11 **EXPLOSIVES BY AGENCIES OPERATING**  
12 **UNDER STATE LAW.**

13 (a) AUTHORITY TO COLLECT INFORMATION ON EX-  
14 PLOSIVES STORED UNDER STATE LAW.—

15 (1) IN GENERAL.—Section 846 of title 18,  
16 United States Code, is amended by adding at the  
17 end the following:

18 “(c) Each agency operating under the law of any  
19 State or political subdivision thereof that stores or keeps  
20 explosive materials shall submit to the Attorney General,  
21 at such time as the Attorney General shall prescribe in  
22 regulations, a written report that specifies each location  
23 at which the agency stores or keeps explosive materials  
24 that have been shipped or transported in interstate or for-

1 eign commerce, and the types and amounts of such explo-  
 2 sive materials that are stored or kept at the location.”.

3 (2) REGULATIONS.—Within 6 months after the  
 4 date of the enactment of this section, the Attorney  
 5 General shall prescribe the regulations referred to in  
 6 section 846(c) of title 18, United States Code.

7 (b) REGULATIONS GOVERNING STORAGE OF EXPLO-  
 8 SIVES MADE APPLICABLE TO STORAGE OF EXPLOSIVES  
 9 BY AGENCIES OPERATING UNDER STATE LAW.—Subpart  
 10 K of part 555 of subchapter C of chapter II of title 27,  
 11 Code of Federal Regulations, shall apply with respect to  
 12 the storage by agencies operating under the law of any  
 13 State or political subdivision thereof of explosive materials  
 14 that have been shipped or transported in interstate or for-  
 15 eign commerce.

16 **SEC. 110. EFFECTIVE DATE.**

17 This title and the amendments made by this title  
 18 shall take effect at the end of the 180-day period that be-  
 19 gins with the date of the enactment of this Act.

20 **TITLE II—FIREARMS CORREC-**  
 21 **TIONS AND IMPROVEMENTS**

22 **SEC. 201. CORRECTION OF NONSUBSTANTIVE ERROR IN**  
 23 **AGE LIMIT PROVISION.**

24 Section 922(b)(1) of title 18, United States Code, is  
 25 amended to read as follows:



1           “(1) any firearm or ammunition to any indi-  
2           vidual who the licensee knows or has reasonable  
3           cause to believe has not attained 18 years of age,  
4           and, if the firearm is other than a shotgun or rifle,  
5           or the ammunition is for a firearm other than a  
6           shotgun or rifle, to any individual who the licensee  
7           knows or has reasonable cause to believe has not at-  
8           tained 21 years of age;”.

9   **SEC. 202. POSSESSION AND TRANSFER OF MACHINEGUNS**  
10                   **FOR INDUSTRY TESTING AND SECURITY CON-**  
11                   **TRACTING.**

12           (a) MACHINEGUNS FOR FEDERAL CONTRACTORS.—  
13           Section 922(a)(4) of title 18, United States Code, is  
14           amended by striking “except” and all that follows and in-  
15           serting “except—

16                   “(A) as specifically authorized by the At-  
17                   torney General consistent with public safety and  
18                   necessity; or

19                   “(B) to comply with a contract between  
20                   any person and the United States which re-  
21                   quires that person to provide national security  
22                   services for the United States or any training  
23                   related to such services;”.

24           (b) SALE OR DELIVERY OF MACHINEGUNS TO FED-  
25           ERAL CONTRACTORS.—Section 922(b) of such title is

1 amended by adding at the end the following: “Paragraphs  
2 (2) and (4) of this subsection shall not apply to a sale  
3 or delivery to comply with a contract between any person  
4 and the United States which requires that person to pro-  
5 vide national security services for the United States or any  
6 training related to the services.”.

7 (c) POST-86 MACHINEGUNS FOR TESTING, RE-  
8 SEARCH AND DEVELOPMENT, TRAINING, AND SECU-  
9 RITY.—Section 922(o) of such title is amended—

10 (1) in paragraph (2)—

11 (A) by striking “or” at the end of subpara-  
12 graph (A); and

13 (B) by redesignating subparagraph (B) as  
14 subparagraph (F) and inserting after subpara-  
15 graph (A) the following:

16 “(B) a transfer to, or possession by, a person  
17 to comply with a contract between that person and  
18 the United States which requires the person to pro-  
19 vide national security services for the United States  
20 or any training related to the services;

21 “(C) a transfer to, or possession by, a licensed  
22 manufacturer or licensed importer solely for testing,  
23 research, design, or development of ammunition or a  
24 firearm;

1           “(D) a possession by a licensed manufacturer  
2           or licensed importer for the purposes of training per-  
3           sons to whom a machinegun, manufactured or im-  
4           ported by the licensee, may be transferred as de-  
5           scribed in subparagraph (A) or (B);

6           “(E) a transfer to or possession by a licensed  
7           manufacturer, licensed importer, or licensed dealer  
8           for a professional theatrical purpose if the licensee—

9                   “(i) is registered under section 5802 of the  
10                  National Firearms Act;

11                   “(ii) holds a valid permit or license under  
12                  State law to engage in business as a theatrical  
13                  firearms dealer or equivalent statutory designa-  
14                  tion;

15                   “(iii) derives not less than 80 percent of  
16                  income from the firearms business from the use  
17                  of firearms by professional motion picture or  
18                  television productions that are distributed to or  
19                  produced for a national or international audi-  
20                  ence;

21                   “(iv) before possessing a machinegun  
22                  under this subparagraph, provides the Attorney  
23                  General with documentation that—

24                           “(I) the licensee meets the require-  
25                           ments of clauses (i) through (iii); and

1                   “(II) the transfer or possession, as  
2                   the case may be, is for such purpose; and

3                   “(v) establishes that the number of ma-  
4                   chineguns sought by the licensee is reasonable  
5                   for the film, production, or performance for  
6                   which the machineguns are requested; or”); and  
7                   (2) by adding at the end the following:

8                   “(3) A person who receives, possesses, transports, im-  
9                   ports, or uses a weapon, ammunition, or a device under  
10                  subsection (b) of this section, shall be subject to a back-  
11                  ground check every 3 years by the Attorney General, based  
12                  on fingerprints and including a background check under  
13                  section 103(b) of the Brady Handgun Violence Protection  
14                  Act (Public Law 103–159; 18 U.S.C. 922 note) to deter-  
15                  mine whether the person is prohibited from possessing or  
16                  receiving a firearm under Federal or State law. Any per-  
17                  son who receives, possesses, transports, imports, or uses  
18                  a weapon, ammunition or a device under subsection (b)  
19                  of this section shall be subject to subsections (g) and (n)  
20                  of this section.”.

21                  (d)   IMPORTATION   OF   MACHINEGUNS.—Section  
22                  925(d) of such title is amended—

23                         (1) in paragraph (3), by striking “or” at the  
24                         end;

1           (2) in paragraph (4), by striking the period and  
2           inserting a semicolon; and

3           (3) by inserting after paragraph (4) the fol-  
4           lowing:

5           “(5) is imported or brought in for a purpose de-  
6           scribed in section 922(o)(2); or

7           “(6) a machinegun being imported or brought  
8           in for a purpose described in section 922(o)(2)(E).”.

9           (e) IMPORTATION UNDER THE NATIONAL FIREARMS  
10          ACT.—Section 5844 of the National Firearms Act (26  
11          U.S.C. 5844) is amended—

12           (1) by striking “or” at the end of paragraph  
13           (2); and

14           (2) by inserting after paragraph (3) the fol-  
15           lowing:

16           “(4) a machinegun being imported or brought  
17           in to comply with a contract between any person and  
18           the United States which requires the person to pro-  
19           vide national security services for the United States  
20           or any training related to the services;

21           “(5) a machinegun being imported or brought  
22           in by a registered importer or registered manufac-  
23           turer for the purpose of training persons who ac-  
24           quire machineguns pursuant to paragraph (1) that  
25           were manufactured or imported by the registrant; or

1           “(6) a machinegun being imported or brought  
2           in for a purpose described in section 922(o)(2)(E) of  
3           title 18, United States Code;”.

4           (f) NATIONAL SECURITY SERVICES DEFINED.—Sec-  
5           tion 921(a) of such title is amended by adding at the end  
6           the following:

7           “(36) The term ‘national security services’ means any  
8           protective, defensive, or security services provided pursu-  
9           ant to a contract with a department or agency of the  
10          United States.

11          “(37) The term ‘professional theatrical purpose’  
12          means the use of firearms in a motion picture or television  
13          production which is expected to be produced, distributed,  
14          marketed, or shown by a member of a nationally recog-  
15          nized professional trade association related primarily to  
16          motion picture and television production, as determined  
17          by the Attorney General.”.

18          (g) EFFECTIVE DATE.—The amendments made by  
19          this section shall take effect after the 180-day period that  
20          begins with the date of the enactment of this Act.

21       **SEC. 203. ELIMINATION OF OBSOLETE LANGUAGE ADDED**  
22                               **BY THE BRADY HANDGUN VIOLENCE PRE-**  
23                               **VENTION ACT.**

24          Section 922 of title 18, United States Code, is  
25          amended—

1 (1) by striking subsection (s); and

2 (2) in subsection (t)(1), by striking “Begin-  
3 ning” and all that follows through “a licensed” and  
4 inserting “A licensed”.

5 **SEC. 204. BAN ON TAX OR FEE FOR BACKGROUND CHECK**  
6 **BY THE NATIONAL INSTANT CRIMINAL BACK-**  
7 **GROUND CHECK SYSTEM.**

8 Section 922(t) of title 18, United States Code, is  
9 amended by adding at the end the following:

10 “(7) The Attorney General shall not charge any tax  
11 or fee for any background check conducted pursuant to  
12 this subsection.”.

13 **SEC. 205. ELIMINATION OF WRITTEN PERMISSION RE-**  
14 **QUIREMENT FOR SUPERVISED HANDGUN**  
15 **USE.**

16 Section 922(x)(3)(A) of title 18, United States Code,  
17 is amended—

18 (1) in clause (ii), by striking subclause (II) and  
19 inserting the following:

20 “(II) with respect to ranching or  
21 farming activities, target practice, hunting,  
22 or a course of instruction in the safe and  
23 lawful use of a handgun, as described in  
24 clause (i), a juvenile may possess and use  
25 a handgun or ammunition without the

1 prior written consent, if the parent or legal  
2 guardian is present at all times and the ju-  
3 venile acts at the direction of a parent,  
4 legal guardian, or other adult who is not  
5 prohibited by Federal, State, or local law  
6 from possessing a firearm;” and

7 (2) in clause (iii), by inserting “except as pro-  
8 vided in clause (ii)(II),” after “(iii)”.

9 **SEC. 206. MODIFICATION OF PROCEDURES FOR SHARING**  
10 **OF MULTIPLE HANDGUN SALES REPORTS.**

11 Section 923(g)(3)(A) of title 18, United States Code,  
12 is amended—

13 (1) by striking “and to the department of State  
14 police” and all that follows through “took place”;  
15 and

16 (2) by adding at the end the following: “On re-  
17 quest by a State or local law enforcement agency of  
18 the jurisdiction in which the sale or other disposition  
19 took place, the Attorney General may provide the re-  
20 port to the agency, unless the agency failed to make  
21 the certification required by subparagraph (B) for  
22 the most recent 6-month period for which the certifi-  
23 cation is so required.”.



1 **SEC. 207. BAN ON ELECTRONIC RETRIEVAL OF INACTIVE**  
2 **LICENSEE INFORMATION.**

3 Subsection 923(g)(4) of title 18, United States Code,  
4 is amended by adding at the end the following: “The At-  
5 torney General shall not electronically retrieve information  
6 gathered pursuant to this paragraph by name or by any  
7 personal identification code.”.

8 **SEC. 208. TRACE DISCLOSURE.**

9 (a) IN GENERAL.—Section 923(g) of title 18, United  
10 States Code, is amended by adding at the end the fol-  
11 lowing:

12 “(8)(A) Notwithstanding any other provision of law,  
13 information required to be kept by licensees pursuant to  
14 this subsection, or required to be reported pursuant to  
15 paragraphs (3) and (7) of this subsection, and information  
16 in the firearms trace system database maintained by the  
17 National Trace Center of the Bureau of Alcohol, Tobacco,  
18 Firearms, and Explosives, including all information re-  
19 ceived or generated by the Bureau in connection with a  
20 request to trace a firearm—

21 “(i) shall not be disclosed by the Attorney Gen-  
22 eral to any entity, except—

23 “(I) to an official of a Federal, State,  
24 local, or foreign law enforcement agency, or a  
25 Federal, State, or local prosecutor, solely in  
26 connection with bona fide criminal investigative

1 purposes or prosecutions, not to be used or dis-  
2 closed for any other purpose;

3 “(II) to a Federal official for national se-  
4 curity, intelligence, or counterterrorism pur-  
5 poses, and not to be used or disclosed for any  
6 other purpose;

7 “(III) for use in an action or proceeding  
8 commenced by the Attorney General to enforce  
9 this chapter, the National Firearms Act, or  
10 chapter 3 of the Arms Export Control Act, or  
11 a review of such an action or proceeding; or

12 “(IV) for use in an action or proceeding  
13 commenced by the Secretary of the Treasury to  
14 enforce part III of subchapter D of chapter 32  
15 of the Internal Revenue Code of 1986, or a re-  
16 view of such an action or proceeding; and

17 “(ii) shall not be disclosed to any Federal,  
18 State, local, or foreign law enforcement agency, or a  
19 Federal, State, or local prosecutor, except in connec-  
20 tion with bona fide criminal investigative purposes or  
21 prosecutions.

22 Nothing in this paragraph shall be construed to pre-  
23 vent the sharing or exchanging of the information  
24 among and between Federal, State, local, or foreign  
25 law enforcement agencies and Federal, State, or

1 local prosecutors solely in connection with bona fide  
2 criminal investigative purposes or prosecutions, or  
3 among and between national security, intelligence, or  
4 counterterrorism officials solely in connection with  
5 national security, intelligence, or counterterrorism  
6 purposes.

7 “(B) Information in the firearms trace system data-  
8 base maintained by the National Trace Center of the Bu-  
9 reau of Alcohol, Tobacco, Firearms, and Explosives, in-  
10 cluding all information received or generated by the Bu-  
11 reau in connection with a request to trace a firearm, shall  
12 be immune from legal process, shall not be subject to sub-  
13 poena or other discovery, shall not be used, relied on, or  
14 disclosed in any manner, and shall not be admissible as  
15 evidence, nor shall testimony or other evidence based on  
16 the information be admissible as evidence, in any civil ac-  
17 tion pending on or filed after the effective date of this  
18 subparagraph in any State or Federal court, or in any ad-  
19 ministrative proceeding other than a proceeding com-  
20 menced by the Bureau to enforce this chapter, the Na-  
21 tional Firearms Act, or chapter 3 of the Arms Export  
22 Control Act, or a review of such an action or proceeding.

23 “(C) This paragraph shall not be construed to pre-  
24 vent the disclosure of statistical information concerning

1 total production, importation, and exportation by each li-  
2 censed importer and licensed manufacturer.”.

3 (b) EXEMPTION OF LAW ENFORCEMENT OFFICERS  
4 FROM CRIMINAL PENALTIES.—

5 (1) IN GENERAL.—Section 925(a) of such title  
6 is amended by adding at the end the following:

7 “(6) Section 924(a)(1)(D) shall not apply to the vio-  
8 lation of section 923(g)(8) by an official of any Federal,  
9 State, or local law enforcement agency.”.

10 (2) CONFORMING AMENDMENT.—Section  
11 924(a)(1) of such title is amended by striking “in  
12 section 929” and inserting “section 925(a)(6) or  
13 929”.

14 **SEC. 209. BARREL AND RECEIVER IMPORTATION.**

15 (a) IN GENERAL.—Section 925(e) of title 18, United  
16 States Code, is amended—

17 (1) in paragraph (1), by striking “, and” and  
18 inserting a period;

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

20 “(3) All frames or receivers of rifles, or barrels  
21 for firearms other than handguns, if the importation  
22 is for repair or replacement purposes.”.

23 (b) GOVERNMENTAL IMPORTS.—Section 925(a)(1) of  
24 such title is amended by inserting “, barrel,” after “or  
25 importation of any firearm”.

1 **SEC. 210. CLARIFICATIONS RELATING TO MANUFACTURING**  
 2 **OF FIREARMS.**

3 (a) CLARIFICATION OF DEFINITION OF MANUFAC-  
 4 TURING.—Section 921(a)(10) of title 18, United States  
 5 Code, is amended by adding at the end the following: “The  
 6 term ‘manufacturing’ shall not include repairing firearms,  
 7 making or fitting special barrels, stocks, trigger mecha-  
 8 nisms, or other parts to firearms, or engraving or other-  
 9 wise altering the appearance of firearms.”.

10 (b) CLARIFICATION OF DEFINITION OF DEALER.—  
 11 Section 921(a)(11)(B) of title 18, United States Code, is  
 12 amended by striking “or trigger mechanisms to firearms”  
 13 and inserting “trigger mechanisms, or other parts to fire-  
 14 arms, or engraving or otherwise altering the appearance  
 15 of firearms”.

16 **TITLE III—CRIMINAL GUN**  
 17 **ENFORCEMENT IMPROVEMENTS**

18 **SEC. 301. POSSESSION OF FIREARMS BY DANGEROUS FEL-**  
 19 **ONS.**

20 (a) IN GENERAL.—Section 924(e) of title 18, United  
 21 States Code, is amended by striking all that precedes  
 22 paragraph (2) and inserting the following:

23 “(e)(1) In the case of a person who violates section  
 24 922(g) and has previously been convicted by any court re-  
 25 ferred to in section 922(g)(1) of a violent felony or a seri-  
 26 ous drug offense shall—

1           “(A) in the case of 1 such prior conviction, if  
2           more than 10 years has elapsed since the later of  
3           the date of the conviction or the date of the release  
4           of the person from imprisonment for the conviction,  
5           be imprisoned for not more than 15 years, fined  
6           under this title, or both;

7           “(B) in the case of 2 such prior convictions for  
8           violations committed on occasions different from one  
9           another, if not more than 10 years has elapsed since  
10          the later of the date of the most recent such convic-  
11          tion and the date of the release of the person from  
12          imprisonment for the most recent such conviction, be  
13          imprisoned for not more than 20 years, fined under  
14          this title, or both; and

15          “(C) in the case of 3 such prior convictions for  
16          violations committed on occasions different from one  
17          another, if not more than 10 years has elapsed since  
18          the later date of the most recent such conviction or  
19          the date of the release of the person from imprison-  
20          ment for the most recent such conviction, be impris-  
21          oned for any term of years not less than 15 years  
22          or for life and fined under this title, and notwith-  
23          standing any other provision of law, the court shall  
24          not suspend the sentence of, or grant a probationary

1 sentence to, such person with respect to the convic-  
2 tion under section 922(g).’”.

3 (b) AMENDMENT TO SENTENCING GUIDELINES.—

4 Pursuant to its authority under section 994(p) of title 28,  
5 United States Code, the United States Sentencing Com-  
6 mission shall amend the Federal Sentencing Guidelines to  
7 provide for an appropriate increase in the offense level for  
8 violations of section 922(g) of title 18, United States  
9 Code, in accordance with section 924(e) of such title, as  
10 amended by subsection (a) of this section.

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