

113TH CONGRESS
1ST SESSION

S. 1149

To reauthorize the ban on undetectable firearms, and to extend the ban to undetectable firearm receivers and undetectable ammunition magazines.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2013

Mr. NELSON (for himself and Mr. SCHUMER) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To reauthorize the ban on undetectable firearms, and to extend the ban to undetectable firearm receivers and undetectable ammunition magazines.

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 “Undetectable Firearms
5 Modernization Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) according to data from the Federal Bureau
9 of Investigation, 8,583 of the 12,664 murders in the
10 United States in 2011 were committed using a fire-

1 arm, and more than 57 percent of the murders that
2 occurred in New York State were perpetrated with
3 a firearm;

4 (2) the ability to produce a receiver for a fire-
5 arm in the home would circumvent a number of
6 laws, because the receiver is the component of the
7 firearm that bears its serial number, as required by
8 regulations;

9 (3) digital manufacturing technologies, includ-
10 ing but not limited to computer numerical control
11 mills (“CNC mills”), 3-dimensional printers (“3D
12 printers”), and laser cutting machines, are quickly
13 advancing to a point where it will soon be possible
14 to fabricate fully operational firearm components;
15 and

16 (4) some commercially available products that
17 utilize digital manufacturing technologies to manu-
18 facture objects are able to manufacture these objects
19 using materials that are unable to be detected by
20 traditional metal detectors, and may not present an
21 accurate image on an x-ray.

1 **SEC. 3. REAUTHORIZATION OF BAN ON UNDETECTABLE**
 2 **FIREARMS.**

3 Section 2(f)(2) of the Undetectable Firearms Act of
 4 1988 (18 U.S.C. 922 note) is amended by striking “25”
 5 and inserting “35”.

6 **SEC. 4. BAN EXTENDED TO UNDETECTABLE FIREARM RE-**
 7 **CEIVERS MADE BY INDIVIDUALS.**

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

10 (1) in paragraph (1)—

11 (A) in the matter preceding subparagraph
 12 (A), by striking “It shall be unlawful” and all
 13 that follows and inserting “It shall be unlaw-
 14 ful—”; and

15 (B) by striking subparagraphs (A) and (B)
 16 and inserting the following:

17 “(A) for any person to manufacture, import,
 18 sell, ship, deliver, possess, transfer, or receive any
 19 firearm—

20 “(i) that, after removal of grips, stocks,
 21 and magazines, is not as detectable as the Se-
 22 curity Exemplar, by walk-through metal detec-
 23 tors calibrated and operated to detect the Secu-
 24 rity Exemplar; or

25 “(ii) any major component of which, when
 26 subjected to inspection by the types of x-ray

1 machines commonly used at airports, does not
2 generate an image that accurately depicts the
3 shape of the component, except that barium
4 sulfate or other compounds may be used in the
5 fabrication of the component; and

6 “(B) for any person—

7 “(i) to import, sell, ship, deliver, possess,
8 transfer, or receive any receiver for a rifle, or
9 receiver for a handgun, manufactured by a per-
10 son who is not a licensed manufacturer—

11 “(I) that is not as detectable as the
12 Receiver Security Exemplar for a rifle or
13 for a handgun, as the case may be, by
14 walk-through metal detectors calibrated
15 and operated to detect that Receiver Secu-
16 rity Exemplar; or

17 “(II) which, when subjected to inspec-
18 tion by the types of x-ray machines com-
19 monly used at airports, does not generate
20 an image that accurately depicts the shape
21 of the receiver, except that barium sulfate
22 or other compounds may be used in the
23 fabrication of the receiver; or

24 “(ii) who is not a licensed manufacturer to
25 manufacture any receiver for a rifle, or receiver

1 for a handgun, described in subclause (I) or
2 (II) of clause (i).”;

3 (2) in paragraph (2)—

4 (A) by striking “and” at the end of sub-
5 paragraph (B);

6 (B) by striking the period at the end of
7 subparagraph (C) and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(D) the term ‘Receiver Security Exemplar’
10 means, with respect to a rifle or a handgun, an ob-
11 ject, to be fabricated at the direction of the Attorney
12 General, that is—

13 “(i) constructed of, during the 12-month
14 period beginning on the date of the enactment
15 of this subparagraph, 3.7 ounces of material
16 type 17–4 PH stainless steel in a shape resem-
17 bling the lower receiver for a rifle or for a
18 handgun, as the case may be; and

19 “(ii) suitable for testing and calibrating
20 metal detectors:

21 *Provided, however,* That at the close of such 12-
22 month period, and at appropriate times thereafter
23 the Attorney General shall promulgate regulations to
24 permit the manufacture, importation, sale, shipment,
25 delivery, possession, transfer, or receipt of receivers

1 for a rifle or receivers for a handgun, that were pre-
 2 viously prohibited under this subparagraph that are
 3 as detectable as the ‘Receiver Security Exemplar’ for
 4 a rifle or for a handgun, as the case may be, which
 5 contains 3.7 ounces of material type 17–4 PH stain-
 6 less steel, in a shape resembling the lower receiver
 7 for a rifle or for a handgun, as the case may be, or
 8 such lesser amount as is detectable in view of ad-
 9 vances in state-of-the-art developments in weapons
 10 detection technology.”;

11 (3) in paragraph (3)—

12 (A) by inserting “or receiver” after “fire-
 13 arm” each place it appears; and

14 (B) by inserting “or receivers” after “fire-
 15 arms”;

16 (4) in each of paragraphs (4) and (5), by in-
 17 serting “or receiver” after “firearm” each place it
 18 appears; and

19 (5) in paragraph (6)—

20 (A) by striking “with respect to any fire-
 21 arm” and inserting the following: “with respect
 22 to—

23 “(A) any firearm”;

24 (B) by striking the period and inserting “;
 25 or”; and

1 (C) by adding at the end the following:

2 “(B) any receiver manufactured in, imported
3 into, or possessed in the United States before the
4 date of the enactment of the Undetectable Firearms
5 Modernization Act.”.

6 **SEC. 5. BAN EXTENDED TO UNDETECTABLE AMMUNITION**
7 **MAGAZINES MADE BY INDIVIDUALS.**

8 Section 922(p) of title 18, United States Code, as
9 amended by section 4 of this Act, is amended—

10 (1) in paragraph (1)—

11 (A) by striking “and” at the end of sub-
12 paragraph (A)(ii);

13 (B) by striking the period at the end of
14 subparagraph (B)(ii) and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(C) for any person—

17 “(i) to import, sell, ship, deliver, possess,
18 transfer, or receive any ammunition magazine,
19 manufactured by a person who is not a licensed
20 manufacturer—

21 “(I) that, after removal of the spring
22 and follower, is not as detectable as the
23 Magazine Security Exemplar, by walk-
24 through metal detectors calibrated and op-

erated to detect the Magazine Security Exemplar; or

“(II) which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the magazine; or

“(ii) who is not a licensed manufacturer to manufacture any ammunition magazine described in subclause (I) or (II) of clause (i).”;
(2) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by adding at the end the following:

“(E) the term ‘Magazine 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 subparagraph, 1 ounce of material type 17–4 PH stainless steel in a shape resembling an ammunition magazine; and

1 “(ii) suitable for testing and calibrating
2 metal detectors:

3 *Provided, however,* That at the close of such 12-
4 month period, and at appropriate times thereafter
5 the Attorney General shall promulgate regulations to
6 permit the manufacture, importation, sale, shipment,
7 delivery, possession, transfer, or receipt of ammuni-
8 tion magazines previously prohibited under this sub-
9 paragraph that are as detectable as a ‘Magazine Se-
10 curity Exemplar’ which contains 1 ounce of material
11 type 17–4 PH stainless steel, in a shape resembling
12 an ammunition magazine, or such lesser amount as
13 is detectable in view of advances in state-of-the-art
14 developments in weapons detection technology.”;

15 (3) in paragraph (3)—

16 (A) by striking “firearm or receiver” each
17 place it appears and inserting “firearm, re-
18 ceiver, or ammunition magazine”; and

19 (B) by striking “firearms or receivers” and
20 inserting “firearms, receivers, or ammunition
21 magazines”;

22 (4) in each of paragraphs (4) and (5), by strik-
23 ing “firearm or receiver” each place it appears and
24 inserting “firearm, receiver, or ammunition maga-
25 zine”; and

- 1 (5) in paragraph (6)(B), by inserting “or am-
- 2 munition magazine” after “receiver”.

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