

114TH CONGRESS
1ST SESSION

H. R. 3830

To reduce gun violence, increase mental health counseling, and enhance the tracking of lost and stolen firearms.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2015

Ms. VELÁZQUEZ (for herself and Mr. JEFFRIES) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Judiciary and Energy and Commerce, 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

A BILL

To reduce gun violence, increase mental health counseling,
and enhance the tracking of lost and stolen firearms.

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 “Reducing Gun Violence
5 in our Neighborhoods Act of 2015”.

6 **SEC. 2. TAX ON FIREARMS.**

7 (a) IN GENERAL.—Section 4181 of the Internal Rev-
8 enue Code of 1986 is amended—

1 (1) by striking “There is hereby” and inserting
2 the following:

3 “(a) IN GENERAL.—There is hereby”, and

4 (2) by adding at the end the following new sub-
5 section:

6 “(b) ADDITIONAL TAX ON FIREARMS.—In addition
7 to the tax imposed by subsection (a), there is hereby im-
8 posed upon the sale by the manufacturer, producer, or im-
9 porter of any firearm a tax in the amount of \$100.”.

10 (b) EXEMPTION FOR FIREARMS ACQUIRED FOR LAW
11 ENFORCEMENT.—Section 4182 of such Code is amended
12 by redesignating subsection (d) as subsection (e) and by
13 inserting after subsection (c) the following new subsection:

14 “(d) EXEMPTION FROM ADDITIONAL TAX FOR FIRE-
15 ARMS ACQUIRED FOR LAW ENFORCEMENT.—The tax im-
16 posed by section 4181(b) shall not apply to any firearm
17 which is purchased by the United States or by a State
18 or local government for police or other law enforcement
19 purposes.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to sales in calendar months begin-
22 ning after the date of the enactment of this Act.

1 **SEC. 3. ESTABLISHMENT OF GUN VIOLENCE REDUCTION**
2 **AND MENTAL HEALTH COUNSELING TRUST**
3 **FUND.**

4 (a) IN GENERAL.—Subchapter A of chapter 98 of the
5 Internal Revenue Code of 1986 is amended by adding at
6 the end the following new section:

7 **“SEC. 9512. GUN VIOLENCE REDUCTION AND MENTAL**
8 **HEALTH COUNSELING TRUST FUND.**

9 “(a) CREATION OF TRUST FUND.—There is estab-
10 lished in the Treasury of the United States a trust fund
11 to be known as the ‘Gun Violence Reduction and Mental
12 Health Counseling Trust Fund’, consisting of such
13 amounts as may be appropriated or credited to such fund
14 as provided in this section or section 9602(b).

15 “(b) TRANSFERS TO TRUST FUND.—There are here-
16 by appropriated to the Gun Violence Reduction and Men-
17 tal Health Counseling Trust Fund amounts equivalent to
18 taxes received in the Treasury under section 4181(b).

19 “(c) EXPENDITURES.—Amounts in the Gun Violence
20 Reduction and Mental Health Counseling Trust Fund
21 shall be available, without need of further appropriation
22 and without regard to any fiscal year limitation, as fol-
23 lows:

24 “(1) 50 percent of such amounts for making ex-
25 penditures to carry out, with respect to block grants
26 for community mental health services, subparts I

1 and III of part B of title XIX of the Public Health
2 Service Act (42 U.S.C. 300x et seq.), and

3 “(2) 50 percent of such amounts for making ex-
4 penditures to carry out subpart 1 of part E of the
5 Omnibus Crime Control and Safe Streets Act of
6 1968 (42 U.S.C. 3750 et seq.).

7 Amounts made available under this subsection shall sup-
8 plement and not supplant amounts otherwise made avail-
9 able to carry out the provisions referred to this sub-
10 section.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for subchapter A of chapter 98 of such Code is amended
13 by adding at the end the following new item:

“Sec. 9512. Gun Violence Reduction and Mental Health Counseling Trust
Fund.”.

14 **SEC. 4. PASSIVE CAPABILITY TO IDENTIFY LOST AND STO-**
15 **LEN FIREARMS.**

16 (a) ESTABLISHMENT OF NATIONAL STANDARD.—

17 (1) IN GENERAL.—The Attorney General shall,
18 in consultation with the National Institute for
19 Standards and Technology, establish in regulations a
20 national standard for the incorporation of a passive
21 identification capability into all firearms sold in the
22 United States.

1 (2) PASSIVE IDENTIFICATION CAPABILITY DE-
2 FINED.—In this section, the term “passive identi-
3 fication capability” means a technology that—

4 (A) enables a firearm to be identified by a
5 mobile or fixed reading device; and

6 (B) does not emit or broadcast an elec-
7 tronic signal or other information that would
8 enable the firearm or its owner to be monitored
9 or tracked.

10 (3) CONSIDERATIONS.—In developing the
11 standard, the Attorney General shall give equal pri-
12 ority to the following:

13 (A) The right of firearm owners to main-
14 tain their full right to privacy under the 4th
15 Amendment and their right to legally own fire-
16 arms under the 2nd Amendment.

17 (B) The ability of law enforcement authori-
18 ties to use the capability to track lost and sto-
19 len guns.

20 (C) The ability of manufacturers to incor-
21 porate the capability using existing firearm
22 manufacturing processes.

23 (D) The resistance to tampering and de-
24 struction of the technology used to incorporate
25 the capability.

1 (b) PROHIBITION; PENALTY.—

2 (1) PROHIBITION.—It shall be unlawful for a
3 person, in or affecting interstate or foreign com-
4 merce, to manufacture a firearm that does not have
5 a passive identification capability that meets the na-
6 tional standard established under subsection (a).

7 (2) CIVIL PENALTY.—After notice and oppor-
8 tunity for hearing, the Attorney General shall im-
9 pose on a person who violates paragraph (1) a civil
10 money penalty in such amount, not exceeding
11 \$1,000 per firearm, as the Attorney General shall
12 prescribe in regulations.

13 (3) EFFECTIVE DATE.—This subsection shall
14 take effect on such date as the Attorney General
15 shall prescribe in regulations that is not later than
16 3 years after the establishment of the national
17 standard under subsection (a).

18 **SEC. 5. REPORTING OF LOST AND STOLEN FIREARMS.**

19 (a) IN GENERAL.—Within 1 year after the date of
20 the enactment of this Act, the Director of the Bureau of
21 Alcohol, Tobacco, Firearms, and Explosives shall establish
22 a database of firearms reported to be lost or stolen in the
23 United States, which shall be known as the “National
24 Database of Lost and Stolen Firearms”.

1 (b) CONTENTS.—The database shall include the fol-
2 lowing information with respect to each firearm reported
3 to the database:

4 (1) A description of the firearm, including the
5 type of the firearm.

6 (2) Whether the firearm is reported lost or sto-
7 len.

8 (3) The date of the report.

9 (4) The name of the owner of the firearm, if
10 known.

11 (5) The name and location of the person from
12 whom the firearm was obtained, if known.

13 (6) The location where the firearm is reported
14 to have been lost or stolen.

15 (7) Whether the firearm has been reported to
16 the database as having been recovered, since being
17 reported to the database as lost or stolen.

18 (c) AVAILABILITY OF DATABASE.—The information
19 in the database shall be made available to all Federal,
20 State, and local law enforcement authorities.

21 (d) REPORTING OF LOST OR STOLEN FIREARMS TO
22 LOCAL LAW ENFORCEMENT AUTHORITIES.—

23 (1) REPORTING REQUIREMENT.—Section 922
24 of title 18, United States Code, is amended by add-
25 ing at the end the following:

1 “(aa) Within 48 hours after a person who owns a
2 firearm that has been shipped or transported in interstate
3 or foreign commerce discovers the theft or loss of the fire-
4 arm, the person shall report the theft or loss to local law
5 enforcement authorities.”.

6 (2) PENALTY.—Section 924 of such title is
7 amended by adding at the end the following:

8 “(q) PENALTY FOR FAILURE TO REPORT LOSS OR
9 THEFT OF FIREARM.—Whoever violates section 922(aa)
10 shall be fined \$10,000 with respect to each firearm in-
11 volved in the violation.”.

12 (e) REQUIREMENT THAT LOCAL LAW ENFORCE-
13 MENT AUTHORITIES REPORT LOST OR STOLEN FIRE-
14 ARMS TO THE NATIONAL REGISTRY.—Within 7 days after
15 a local law enforcement authority receives a report that
16 a firearm is lost or stolen, the authority shall transmit
17 the report to the National Database of Lost and Stolen
18 Firearms.

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