

115TH CONGRESS
2D SESSION

H. R. 7115

To prohibit the sale, acquisition, distribution in commerce, or import into the United States of certain firearm receiver castings or blanks, assault weapon parts kits, and machinegun parts kits and the marketing or advertising of such castings or blanks and kits on any medium of electronic communications, to require homemade firearms to have serial numbers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2018

Mr. PALLONE (for himself, Mr. SIRES, Ms. NORTON, Mr. CÁRDENAS, Mr. KHANNA, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. HASTINGS, Ms. CLARKE of New York, Mr. CARBAJAL, Mr. SOTO, Mr. MCGOVERN, Ms. KELLY of Illinois, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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 prohibit the sale, acquisition, distribution in commerce, or import into the United States of certain firearm receiver castings or blanks, assault weapon parts kits, and machinegun parts kits and the marketing or advertising of such castings or blanks and kits on any medium of electronic communications, to require homemade firearms to have serial numbers, 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 “3–D Firearms Prohibi-

5 tions Act”.

6 **SEC. 2. DO-IT-YOURSELF ASSAULT WEAPON BAN.**

7 (a) BANNED HAZARDOUS PRODUCTS.—Notwith-

8 standing section 3(a)(5)(E) of the Consumer Product

9 Safety Act (15 U.S.C. 2052(a)(5)(E)), the following shall

10 be considered banned hazardous products under section

11 8 of such Act (15 U.S.C. 2057):

12 (1) A firearm receiver casting or firearm re-

13 ceiver blank or unfinished handgun frame that—

14 (A) at the point of sale does not meet the

15 definition of a firearm in section 921(a) of title

16 18, United States Code; and

17 (B) after purchase by a consumer, can be

18 completed by the consumer to the point at

19 which such casting or blank functions as a fire-

20 arm frame or receiver for a semiautomatic as-

21 sault weapon or machinegun or the frame of a

22 handgun.

23 (2) An assault weapon parts kit.

24 (3) A machinegun parts kit.

1 (b) ENFORCEMENT.—Subsection (a) shall be treated
 2 as a ban under section 19 of the Consumer Product Safety
 3 Act (15 U.S.C. 2068).

4 (c) CONSULTATION.—In enforcing this section, the
 5 Consumer Product Safety Commission shall periodically
 6 consult with the Bureau of Alcohol, Tobacco, Firearms
 7 and Explosives regarding effective strategies for and
 8 methods of enforcement.

9 **SEC. 3. PROHIBITION OF ADVERTISING DO-IT-YOURSELF**
 10 **ASSAULT WEAPONS.**

11 (a) IN GENERAL.—It shall be unlawful to market or
 12 advertise, on any medium of electronic communications,
 13 including over the Internet, for the sale of any of the fol-
 14 lowing:

15 (1) A firearm receiver casting or firearm re-
 16 ceiver blank or unfinished handgun frame that—

17 (A) at the point of sale does not meet the
 18 definition of a firearm in section 921(a) of title
 19 18, United States Code; and

20 (B) after purchase by a consumer, can be
 21 completed by the consumer to the point at
 22 which such casting or blank functions as a fire-
 23 arm frame or receiver for a semiautomatic as-
 24 sault weapon or machinegun or the frame of a
 25 handgun.

1 (2) An assault weapon parts kit.

2 (3) A machinegun parts kit.

3 (b) ENFORCEMENT BY THE FEDERAL TRADE COM-
 4 MISSION.—A violation of subsection (a) shall be treated
 5 as a violation of a rule defining an unfair or deceptive
 6 act or practice described under section 18(a)(1)(B) of the
 7 Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).
 8 The Federal Trade Commission shall enforce this section
 9 in the same manner, by the same means, and with the
 10 same jurisdiction, powers, and duties as though all appli-
 11 cable terms and provisions of the Federal Trade Commis-
 12 sion Act (15 U.S.C. 41 et seq.) were incorporated into and
 13 made a part of this Act.

14 (c) RULE OF CONSTRUCTION.—Nothing contained in
 15 this Act shall be construed to limit the authority of the
 16 Federal Trade Commission under any other provision of
 17 law.

18 **SEC. 4. REQUIREMENT THAT HOMEMADE FIREARMS HAVE**
 19 **SERIAL NUMBERS.**

20 (a) IN GENERAL.—Chapter 44 of title 18, United
 21 States Code, is amended by inserting after section 923 the
 22 following:

23 **“§ 923A. Serial numbers for homemade firearms**

24 “(a) REQUEST.—A person who has attained 18 years
 25 of age and desires to make a firearm, or obtain a unique

1 serial number or other identifying mark for a firearm, may
2 request a licensed dealer to issue a unique serial number
3 or other identifying mark for the firearm, which request
4 shall describe the firearm involved, and state whether the
5 firearm will be (or is) a handgun.

6 “(b) CONSIDERATION.—

7 “(1) TREATMENT OF REQUEST AS TRANSFER
8 PROPOSAL.—A request made of a licensed dealer
9 pursuant to subsection (a) with respect to a firearm
10 shall be treated as a proposed transfer of the fire-
11 arm from the licensed dealer to the applicant, for
12 purposes of section 922(t) of this title and section
13 103 of the Brady Handgun Violence Prevention Act,
14 except that the Firearms Transaction Record in-
15 volved shall indicate that what is being transferred
16 is a serial number and not a firearm.

17 “(2) ISSUANCE OF SERIAL NUMBER.—A li-
18 censed dealer may issue to an applicant a unique se-
19 rial number and identifying mark for a firearm pur-
20 suant to such a request if, applying paragraph (1)
21 of this subsection to the request, section 922(t) or
22 other law would not prohibit the licensed dealer from
23 transferring the firearm to the applicant.

24 “(3) FEE AUTHORITY.—A licensed dealer may
25 charge an applicant a fee for each serial number and

1 identifying mark assigned and issued under this sec-
2 tion, in an amount that is not more than the actual
3 costs associated with assigning and issuing the serial
4 number and identifying mark, and a fee for con-
5 tacting the national instant criminal background
6 check system with respect to the applicant.

7 “(c) PROHIBITIONS; REQUIREMENTS.—

8 “(1) BAN ON MAKING FIREARM BEFORE OB-
9 TAINING SERIAL NUMBER.—

10 “(A) IN GENERAL.—It shall be unlawful
11 for any person, in or affecting interstate or for-
12 eign commerce, to make a firearm, unless the
13 person has obtained a serial number and identi-
14 fying mark for the firearm under this section.

15 “(B) MAKE DEFINED.—In subparagraph
16 (A), the term ‘make’ means produce, construct,
17 or fabricate by any means.

18 “(2) PRESENTATION OF FIREARM FOR WHICH
19 SERIAL NUMBER IS ISSUED FOR VERIFICATION BY
20 ISSUING DEALER.—Within 90 days after a person
21 obtains a serial number and identifying mark for a
22 firearm under this section, the person shall present
23 the firearm to the licensed dealer who issued the se-
24 rial number and identifying mark. On presentation,
25 the licensed dealer shall verify that the serial num-

1 ber has been stamped on or otherwise permanently
2 affixed to the firearm and that the firearm matches
3 the description provided by the person when the re-
4 quest for the serial number and identifying mark
5 was made.

6 “(3) BAN ON POSSESSION OR TRANSFER OF
7 FIREARM WITHOUT SERIAL NUMBER.—It shall be
8 unlawful for any person, in or affecting interstate or
9 foreign commerce, to possess or transfer a firearm
10 made after 1968 by a person who is not a licensed
11 manufacturer, unless—

12 “(A) a serial number and identifying mark
13 for the firearm has been issued under this sec-
14 tion;

15 “(B) within 10 days after the issuance, the
16 serial number and identifying mark is stamped
17 on or otherwise permanently affixed to the fire-
18 arm; and

19 “(C) if the firearm is made from polymer
20 plastic, 3.7 ounces of material type 17–4 PH
21 stainless steel, on which the unique serial num-
22 ber or identifying mark is stamped or otherwise
23 permanently affixed, are embedded within the
24 plastic.

1 “(4) EXCEPTIONS.—This subsection shall not
2 apply to—

3 “(A) a firearm to which a serial number
4 has been assigned pursuant to section 923 of
5 this title or chapter 53 of the Internal Revenue
6 Code of 1986; or

7 “(B) a licensed manufacturer.

8 “(d) ADMINISTRATIVE PROVISIONS.—

9 “(1) ESTABLISHMENT OF TRACEABILITY SYS-
10 TEM.—

11 “(A) IN GENERAL.—Within 180 days after
12 the date of the enactment of this section, the
13 Attorney General shall, in consultation with li-
14 censed dealers, establish a system that enables
15 the Attorney General to identify any licensed
16 dealer who issues a serial number and identi-
17 fying mark pursuant to this section.

18 “(B) STANDARDS.—The system estab-
19 lished under subparagraph (A) shall include
20 standards for serial numbers issued pursuant to
21 this section, which shall ensure that the serial
22 numbers are at least as unique and capable of
23 being traced, and at least as difficult to oblit-
24 erate, as serial numbers issued pursuant to sec-
25 tion 923(i).

1 “(2) INFORMATION ON COMPLIANCE WITH, AND
 2 ENFORCEMENT OF, THIS SECTION.—The Attorney
 3 General shall maintain, and make available on re-
 4 quest, information on—

5 “(A) the number of serial numbers and
 6 identifying marks issued under this section; and

7 “(B) the number of arrests for violations
 8 of this section.”.

9 (b) PENALTIES.—Section 924(a) of such title is
 10 amended—

11 (1) in paragraph (2), by inserting “or section
 12 923A(c)” after “922”; and

13 (2) in paragraph (5), by adding at the end the
 14 following: “For purposes of this paragraph, the
 15 issuance of a serial number and identifying mark for
 16 a firearm in violation of section 923A shall be con-
 17 sidered a transfer of the firearm in violation of sec-
 18 tion 922(t).”.

19 (c) CLERICAL AMENDMENT.—The table of sections
 20 for chapter 44 of such title is amended by inserting after
 21 the item relating to section 923 the following:

“923A. Serial number requirement for homemade firearms.”.

22 **SEC. 5. DEFINITIONS.**

23 (a) TERMS.—For purposes of this Act—

24 (1) the term “ammunition feeding device”
 25 means a magazine, belt, drum, feed strip, or similar

1 device, but does not include an attached tubular de-
2 vice designed to accept, and capable of operating
3 only with, .22 caliber rimfire ammunition, and an
4 ammunition feeding device shall be considered de-
5 tachable if the device can be removed from a firearm
6 without disassembly of the firearm action;

7 (2) the term “assault weapon parts kit” means
8 any part or combination of parts designed and in-
9 tended to enable a consumer who possesses all such
10 necessary parts to assemble a semiautomatic assault
11 weapon;

12 (3) the term “machinegun parts kit” means any
13 part or combination of parts designed and intended
14 to enable a consumer who possesses all such nec-
15 essary parts to assemble a machinegun or convert a
16 firearm into a machinegun;

17 (4) the term “semiautomatic assault weapon”
18 means—

19 (A) a semiautomatic rifle or semiautomatic
20 shotgun that has the capacity to accept a de-
21 tachable ammunition feeding device; or

22 (B) a semiautomatic pistol that has—

23 (i) the capacity to accept a detachable
24 ammunition feeding device; and

1 (ii) any one of the features described
2 in subsection (b);

3 (5) the term “machinegun” has the meaning
4 given such term in section 5845(b) of the Internal
5 Revenue Code of 1986;

6 (6) the term “semiautomatic pistol” means any
7 repeating pistol that utilizes a portion of the energy
8 of a firing cartridge to extract the fixed cartridge
9 case and chamber the next round and requires a
10 separate pull of the trigger to fire each cartridge;

11 (7) the term “semiautomatic rifle” has the
12 meaning given such term in section 921(a)(28) of
13 title 18, United States Code; and

14 (8) the term “semiautomatic shotgun” means
15 any repeating shotgun that utilizes a portion of the
16 energy of a firing cartridge to extract the fixed car-
17 tridge case and chamber the next round and requires
18 a separate pull of a trigger to fire each cartridge.

19 (b) SPECIAL FEATURES OF A SEMIAUTOMATIC PIS-
20 TOL.—The special features described in subsection
21 (a)(3)(B)(ii) are—

22 (1) an ammunition magazine that attaches to
23 the pistol outside of the pistol grip;

1 (2) a threaded barrel capable of accepting a
2 barrel extender, flash suppressor, forward handgrip,
3 or silencer;

4 (3) a shroud that is attached to, or partially or
5 completely encircles, the barrel and that permits the
6 shooter to hold the firearm with the nontrigger hand
7 without being burned;

8 (4) a second hand grip;

9 (5) a manufactured weight of 50 ounces or
10 more when the pistol is unloaded; and

11 (6) a semiautomatic version of an automatic
12 firearm.

13 **SEC. 6. CONSTRUCTION.**

14 Nothing in this Act shall be construed as limiting the
15 ability of a State to enact more restrictive gun-related
16 laws, or bans on firearm receiver castings, firearm receiver
17 blanks, assault weapon parts kits, or machinegun parts
18 kits.

19 **SEC. 7. EFFECTIVE DATE.**

20 (a) IN GENERAL.—Except as provided in subsection
21 (b), this Act and the amendments made by this Act, shall
22 take effect 180 days after the date of the enactment of
23 this Act.

24 (b) EXCEPTIONS.—Subsections (a), (b), and (d), and
25 the second sentence of subsection (c)(2), of section 923A

1 of title 18, United States Code, as added by the amend-
2 ment made by section 4(a) of this Act, shall take effect
3 on the date of the enactment of this Act.

