

115TH CONGRESS
2D SESSION

H. R. 5383

To prevent the purchase of ammunition by prohibited purchasers.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2018

Ms. WASSERMAN SCHULTZ (for herself, Mr. HASTINGS, Ms. NORTON, Mr. JOHNSON of Georgia, Mr. SIRES, Ms. JAYAPAL, Ms. FRANKEL of Florida, Ms. SCHAKOWSKY, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. MOORE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARK of Massachusetts, Ms. TSONGAS, Mr. COURTNEY, Mr. DESAULNIER, Mr. COHEN, Mr. YARMUTH, Mr. HIMES, Ms. LOFGREN, Mr. SERRANO, Mr. VARGAS, Mr. KEATING, Mr. CLEAVER, Mr. ESPAILLAT, Mr. LEWIS of Georgia, Mr. RUIZ, Mr. TAKANO, Ms. HANABUSA, Mr. TONKO, Mr. MOULTON, Mr. CUMMINGS, Mrs. CAROLYN B. MALONEY of New York, Mrs. WATSON COLEMAN, Ms. CASTOR of Florida, and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prevent the purchase of ammunition by prohibited purchasers.

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 “Ammunition Back-
5 ground Check Act of 2018”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to enhance the background
3 check process in the United States to prevent the purchase
4 of ammunition by individuals prohibited from doing so.

5 **SEC. 3. TRANSFERS OF FIREARMS OR AMMUNITION.**

6 (a) IN GENERAL.—Section 922 of title 18, United
7 States Code, is amended—

8 (1) by striking subsection (s) and redesignating
9 subsection (t) as subsection (s);

10 (2) in subsection (s) (as so redesignated)—

11 (A) by inserting “or ammunition” after
12 “firearm” each place it appears except in para-
13 graph (3);

14 (B) in paragraph (1)(B)(ii), by inserting
15 “in the case of a firearm,” before “3”;

16 (C) in paragraph (3)—

17 (i) by striking all that precedes sub-
18 paragraph (B) and inserting the following:

19 “(3)(A) Paragraph (1) shall not apply to a transfer
20 between a licensee and another person if—

21 “(i) in the case of a firearm transfer—

22 “(I) such other person has presented to
23 the licensee a permit that—

24 “(aa) allows such other person to pos-
25 sess or acquire a firearm; and

1 “(bb) was issued not more than 5
2 years earlier by the State in which the
3 transfer is to take place; and

4 “(II) the law of the State provides that
5 such a permit is to be issued only after an au-
6 thorized government official has verified that
7 the information available to such official does
8 not indicate that possession of a firearm by
9 such other person would be in violation of law;
10 or

11 “(ii) in the case of an ammunition transfer—

12 “(I) such other person has presented to
13 the licensee a permit that—

14 “(aa) allows such other person to pos-
15 sess or acquire ammunition, or to possess
16 or acquire a firearm; and

17 “(bb) was issued not more than 5
18 years earlier by the State in which the
19 transfer is to take place; and

20 “(II) the law of the State provides that
21 such a permit is to be issued only after an au-
22 thorized government official has verified that
23 the information available to such official does
24 not indicate that possession of ammunition by

1 such other person would be in violation of
2 law;” and

3 (ii) in subparagraph (C)(ii), by strik-
4 ing “(as defined in subsection (s)(8))”; and
5 (D) by adding at the end the following:

6 “(7) In this subsection:

7 “(A) The term ‘chief law enforcement officer’
8 means the chief of police, the sheriff, or an equiva-
9 lent officer or the designee of any such individual.

10 “(B) The term ‘gun show or event’ has the
11 meaning given the term in subsection (t)(4).”; and

12 (3) by inserting after subsection (s) (as so re-
13 designated) the following:

14 “(t)(1) Beginning on the date that is 180 days after
15 the date of the enactment of this subsection and except
16 as provided in paragraph (2), it shall be unlawful for any
17 person other than a licensed dealer, licensed manufac-
18 turer, or licensed importer to complete the transfer of am-
19 munition to any other person who is not licensed under
20 this chapter, if the transfer occurs—

21 “(A) at a gun show or event, on the curtilage
22 thereof; or

23 “(B) pursuant to an advertisement, posting,
24 display or other listing on the Internet or in a publi-
25 cation by the transferor of the intent of the trans-

1 feror to transfer, or by the transferee of the intent
2 of the transferee to acquire, the ammunition.

3 “(2) Paragraph (1) shall not apply if—

4 “(A) the transfer is made after a licensed im-
5 porter, licensed manufacturer, or licensed dealer has
6 first taken possession of the ammunition for the
7 purpose of complying with subsection (s), and on
8 taking possession of the ammunition, the licensee
9 complies with all requirements of this chapter as if
10 the licensee were transferring the ammunition from
11 the business inventory of the licensee to the unli-
12 censed transferee;

13 “(B) the transfer is made between an unli-
14 censed transferor and an unlicensed transferee resid-
15 ing in the same State, which takes place in the
16 State, if—

17 “(i) the Attorney General certifies that the
18 State has in effect requirements under law that
19 are generally equivalent to the requirements of
20 this subsection; and

21 “(ii) the transfer is conducted in compli-
22 ance with the laws of the State;

23 “(C) the transfer is made between spouses, be-
24 tween parents or spouses of parents and their chil-
25 dren or spouses of their children, between siblings or

1 spouses of siblings, or between grandparents or
2 spouses of grandparents and their grandchildren or
3 spouses of their grandchildren, or between aunts or
4 uncles or their spouses and their nieces or nephews
5 or their spouses, or between first cousins, if the
6 transferor does not know or have reasonable cause
7 to believe that the transferee is prohibited from re-
8 ceiving or possessing a firearm under Federal, State,
9 or local law; or

10 “(D) the Attorney General has approved the
11 transfer under section 5812 of the Internal Revenue
12 Code of 1986.

13 “(3)(A) Notwithstanding any other provision of this
14 chapter, except for section 923(m), the Attorney General
15 may implement this subsection with regulations.

16 “(B) Regulations promulgated under this paragraph
17 may not include any provision requiring licensees to facili-
18 tate transfers in accordance with paragraph (2)(A).

19 “(C) Regulations promulgated under this paragraph
20 may not include any provision requiring persons not li-
21 censed under this chapter to keep records of background
22 checks of ammunition transfers.

23 “(D) Regulations promulgated under this paragraph
24 may not include any provision limiting the amount of any

1 fee a licensee may charge to facilitate a transfer in accord-
 2 ance with paragraph (2)(A).

3 “(4) In this subsection, the term ‘gun show or
 4 event’—

5 “(A) means any event at which 75 or more fire-
 6 arms are offered or exhibited for sale, exchange, or
 7 transfer, if 1 or more of the firearms has been
 8 shipped or transported in, or if the event otherwise
 9 affects, interstate or foreign commerce; and

10 “(B) does not include an offer or exhibit of fire-
 11 arms for sale, exchange, or transfer by an individual
 12 from the personal collection of the individual, at the
 13 private residence of the individual, if the individual
 14 is not required to be licensed under section 923.”.

15 (b) PROHIBITION OF NATIONAL AMMUNITION REG-
 16 ISTRY.—Section 923 of such title is amended by adding
 17 at the end the following:

18 “(m) The Attorney General may not consolidate or
 19 centralize the records of the—

20 “(1) acquisition or disposition of ammunition,
 21 or any portion thereof, maintained by—

22 “(A) a person with a valid, current license
 23 issued under this chapter; or

24 “(B) an unlicensed transferor under sec-
 25 tion 922(t); or

1 “(2) possession or ownership of ammunition,
 2 maintained by any medical or health insurance enti-
 3 ty.”.

4 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

5 (1) SECTION 922.—Section 922(y)(2) of title
 6 18, United States Code, is amended, in the matter
 7 preceding subparagraph (A), by striking “,
 8 (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and
 9 (g)(5)(B)”.

10 (2) CONSOLIDATED AND FURTHER CONTINUING
 11 APPROPRIATIONS ACT, 2012.—Section 511 of title V
 12 of division B of the Consolidated and Further Con-
 13 tinuing Appropriations Act, 2012 (34 U.S.C. 40901
 14 note) is amended by striking “subsection 922(t)”
 15 each place it appears and inserting “subsection (s)
 16 or (t) of section 922”.

17 **SEC. 4. PENALTIES.**

18 Section 924 of title 18, United States Code, is
 19 amended—

20 (1) in subsection (a)—

21 (A) in paragraph (5), by striking “(s) or
 22 (t) of section 922” and inserting “section
 23 922(s)”; and

24 (B) by adding at the end the following:

1 “(8) Whoever makes or attempts to transfer ammuni-
2 tion in violation of section 922(t) to a person not licensed
3 under this chapter who is prohibited from receiving ammu-
4 nition by subsection (g) or (n) of section 922 or State law,
5 to a law enforcement officer, or to a person acting at the
6 direction of, or with the approval of, a law enforcement
7 officer authorized to investigate or prosecute a violation
8 of section 922(t), shall be fined under this title, impris-
9 oned not more than 5 years, or both.”; and

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

11 “(q) IMPROPER USE OF STORAGE OF RECORDS.—
12 Any person who knowingly violates section 923(m) shall
13 be fined under this title, imprisoned not more than 15
14 years, or both.”.

15 **SEC. 5. RULES OF CONSTRUCTION.**

16 (a) Nothing in this Act or an amendment made by
17 this Act (except the amendments made by section 3(a)(2))
18 shall be construed to extend background check require-
19 ments to transfers other than those made at gun shows
20 or on the curtilage thereof, or pursuant to an advertise-
21 ment, posting, display, or other listing on the Internet or
22 in a publication by the transferor of the intent of the
23 transferor to transfer, or the transferee of the intent of
24 the transferee to acquire, the ammunition.

1 (b) Nothing in this Act or an amendment made by
2 this Act shall be construed to extend background check
3 requirements to transfers of ammunition for purposes of
4 lawful hunting or sporting by a transferee in the presence
5 of, or on the premises of, the transferor, or to possession
6 of ammunition for purposes of examination or evaluation
7 by a prospective transferee in the presence of, or on the
8 premises of, the transferor.

9 **SEC. 6. EFFECTIVE DATE.**

10 This title and the amendments made by this title
11 shall take effect 180 days after the date of enactment of
12 this Act.

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