

112TH CONGRESS
1ST SESSION

H. R. 1093

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2011

Mr. KING of Iowa (for himself and Mr. ALTMIRE) 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

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 Act of 2011”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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. Liquidation of inventory in Federal firearms license expiration, surrender, or revocation cases.
 Sec. 106. Opportunity to cure violations after acquisition of firearms business.
 Sec. 107. Standards for criminal violations of recordkeeping requirements.
 Sec. 108. 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. Updating the Brady Handgun Violence Prevention Act.
 Sec. 204. Elimination of written permission requirement for supervised handgun use.
 Sec. 205. Modification of procedures for sharing of multiple handgun sales reports; protection of gun owners' privacy.
 Sec. 206. Barrel and receiver importation.
 Sec. 207. Clarifications relating to manufacturing of firearms.

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-

1 vision of this chapter or any regulation prescribed under
2 this chapter, the Attorney General may—

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

4 “(I) for a first such violation, issue a
5 written warning to the licensee; and

6 “(II) for a second or subsequent such
7 violation—

8 “(aa) impose on the licensee a
9 civil money penalty of not more than
10 \$500 for each such violation, with no
11 interest to accrue on the amount of
12 such a penalty, except that the total
13 amount of penalties imposed on a li-
14 censee under this subclause—

15 “(AA) for violations arising
16 from a single inspection or exam-
17 ination shall not exceed \$2,500;
18 and

19 “(BB) for a single calendar
20 year shall not exceed \$5,000; or

21 “(bb) suspend the license for not
22 more than 30 days, and specify the
23 circumstances under which the sus-
24 pension is to be terminated, if, in the
25 period for which the license is in ef-

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

5 “(ii) if the violation is of a serious na-
6 ture—

7 “(I) impose on the licensee a civil
8 money penalty of not more than \$1,500 for
9 each such violation, with no interest to ac-
10 cruer on the amount of such a penalty, ex-
11 cept that the total amount of penalties im-
12 posed on a licensee under this subclause—

13 “(aa) for a violation arising from
14 a single inspection or examination
15 shall not exceed \$7,500; and

16 “(bb) for a single calendar year
17 shall not exceed \$15,000;

18 “(II) suspend the license for not more
19 than 90 days, and specify the cir-
20 cumstances under which the suspension is
21 to be terminated;

22 “(III) revoke the license; or

23 “(IV) take the actions described in
24 subclauses (I) and (II), or subclauses (I)
25 and (III).

1 “(B)(i)(I) In determining the amount of a civil money
2 penalty to impose under subparagraph (A) on a licensee,
3 the nature and severity of the violation involved, the size
4 of the firearms business operated by the licensee, and the
5 prior record of the licensee shall be considered.

6 “(II) On request of the licensee, the Attorney General
7 may consider the ability of the licensee to pay a civil
8 money penalty, and may allow the licensee to submit docu-
9 ments and information to establish the ability of the li-
10 censee to pay. The Attorney General shall not make part
11 of any public record any document or information so sub-
12 mitted, and shall return to the licensee any such document
13 or information.

14 “(III) The total amount of penalties imposed on a
15 licensee under subparagraph (A) with respect to violations
16 of a minor nature and of a serious nature arising from
17 a single inspection or examination shall not exceed \$7,500,
18 and the total of all such penalties for a single calendar
19 year shall not exceed \$15,000.

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

24 “(iii) The Attorney General may defer, or suspend,
25 in whole or in part, the imposition of a civil money penalty

1 on a licensee whose license is suspended under this para-
2 graph.

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

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

6 “(I) results in the transfer of a firearm or
7 ammunition to a person prohibited from pos-
8 sessing or receiving the firearm or ammunition
9 under this chapter or under State or local law;

10 “(II) obstructs a bona fide criminal in-
11 vestigation or prosecution, or an inspection or
12 examination under this chapter; or

13 “(III) prevents a licensee from complying
14 with subsection (a)(7), (a)(8), (b)(1), (b)(3),
15 (b)(4), (j), (k), (o), or (p) of section 922, sub-
16 section (g)(7) of this section, or subsection (b)
17 or (h) of section 924.

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

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

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

1 “(ii) if the licensee intentionally obstructed dis-
2 covery of the violation, the date the violation is dis-
3 covered.

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

8 “(i) of the determination, and the grounds on
9 which the determination was made;

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

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

14 “(B) A hearing to review a determination made under
15 paragraph (1) with respect to a licensee shall not be held
16 unless the licensee requests such a hearing within 30 days
17 after receiving the notice of the determination sent pursu-
18 ant to subparagraph (A) of this paragraph.

19 “(C) On timely receipt from the licensee of a request
20 for a review described in subparagraph (B), the Attorney
21 General shall stay the imposition under paragraph (1) of
22 any penalty involved, pending resolution of the review, un-
23 less, in the case of a suspension or revocation of a licensee,
24 the Attorney General establishes, at a hearing before an
25 administrative law judge, by clear and convincing evi-

1 dence, that the continued operation by the licensee of the
2 business poses an immediate and grave threat to public
3 safety.

4 “(3)(A) Within 90 days after timely receipt from a
5 licensee of a request to review a determination made under
6 paragraph (1) (or at such later time as is agreed to by
7 the Attorney General and the licensee), an administrative
8 law judge shall hold a hearing, at a location convenient
9 to the licensee, to review the determination.

10 “(B) Not less than 30 days before a hearing de-
11 scribed in subparagraph (A), the Attorney General shall
12 deliver to the licensee—

13 “(i) a document identifying each person whom
14 the Attorney General intends to call as a witness
15 during the hearing;

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

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

20 “(C) Within 90 days after a hearing described in sub-
21 paragraph (A), the administrative law judge shall issue a
22 written decision setting forth findings of fact and conclu-
23 sions of law, and a decision as to whether to affirm, mod-
24 ify, or reverse the determination. The administrative law
25 judge shall award to the licensee a reasonable attorney’s

1 fee with respect to any part of the decision or determina-
2 tion on which the licensee prevails.

3 “(D) On request of the licensee, the Attorney General
4 shall stay the effective date of any penalty, suspension,
5 or revocation until there has been a final, nonreviewable
6 judgment with respect to the determination involved, un-
7 less, in the case of a suspension or revocation of a licensee,
8 the Attorney General establishes, at a hearing before an
9 administrative law judge, by clear and convincing evi-
10 dence, that the continued operation by the licensee of the
11 business poses an immediate and grave threat to public
12 safety.

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

17 “(4) This subsection shall not be interpreted to affect
18 the authority of the Attorney General under section
19 922(t)(5).

20 “(f)(1) Within 60 days after a party receives a notice
21 issued under subsection (d)(3) of a decision to deny a li-
22 cense, or a notice issued under subsection (e)(3)(C) of a
23 determination to impose a civil money penalty or to sus-
24 pend or revoke a license, the party may file a petition with
25 the United States district court for the district in which

1 the party resides or has a principal place of business for
2 a de novo review of the decision or determination.

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

8 “(3) If the court determines that the licensee did not
9 willfully violate any provision of, or any regulation pre-
10 scribed under, this chapter, the court shall—

11 “(A) vacate the revocation, suspension, or fine,
12 and remand the matter to the Attorney General for
13 further consideration; and

14 “(B) award to the licensee a reasonable attor-
15 ney’s fee with respect to any part of the decision or
16 determination on which the licensee prevails.

17 “(4) If criminal proceedings are instituted against a
18 licensee alleging any violation of this chapter or of a regu-
19 lation prescribed under this chapter, and the licensee is
20 acquitted of the charges, or the proceedings are termi-
21 nated, other than upon motion of the Government before
22 trial on the charges, the Attorney General shall be abso-
23 lutely barred from denying a license under this chapter,
24 suspending or revoking a license granted under this chap-
25 ter, or imposing a civil money penalty under subsection

1 (e), if the action would be based in whole or in part on
2 the facts which form the basis of the criminal charges.
3 The Attorney General may not institute a proceeding to
4 suspend or revoke a license granted under this chapter,
5 or to impose a civil money penalty under subsection (e),
6 more than 1 year after the filing of the indictment or in-
7 formation.”.

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

12 “(3) If the Attorney General denies an application
13 for a license, an administrative law judge of the Depart-
14 ment of Justice shall, on request by the aggrieved party,
15 promptly hold a hearing to review the denial, at a location
16 convenient to the aggrieved party. If, after the hearing,
17 the administrative law judge decides not to reverse the de-
18 nial, the administrative law judge shall give notice of the
19 final denial decision to the aggrieved party.”.

20 **SEC. 102. CONSIDERATION OF FEDERAL FIREARMS LI-**
21 **CENSE APPLICATIONS.**

22 (a) IN GENERAL.—Section 923(d) of title 18, United
23 States Code, as amended by section 101(b) of this Act,
24 is amended—

1 (1) by redesignating paragraphs (2) and (3) as
2 paragraphs (3) and (4), respectively; and

3 (2) by inserting after paragraph (1) the fol-
4 lowing:

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

18 (b) CONFORMING AMENDMENT.—Section 923(f) of
19 such title, as amended by section 101(a) of this Act, is
20 amended by striking “(d)(3)” each place it appears and
21 inserting “(d)(4)”.

22 **SEC. 103. DEFINITION OF WILLFULLY.**

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

1 “(5) For purposes of this subsection, the term ‘will-
2 fully’ means, with respect to conduct of a person, that the
3 person knew of a legal duty, and engaged in the conduct
4 knowingly and in intentional disregard of the duty. Repeti-
5 tion of a recordkeeping violation, regardless of frequency,
6 shall not be considered evidence that the licensee com-
7 mitted the violation knowingly and in intentional disregard
8 of a legal duty.’”.

9 **SEC. 104. ESTABLISHMENT OF FORMAL INSPECTION, EXAM-**
10 **INATION, AND INVESTIGATIVE GUIDELINES.**

11 (a) **IN GENERAL.**—The Attorney General shall estab-
12 lish guidelines for how the Bureau of Alcohol, Tobacco,
13 Firearms, and Explosives is to conduct inspections, exami-
14 nations, or investigations of possible violations of chapters
15 40 and 44 of title 18, United States Code.

16 (b) **PERSONNEL MATTERS.**—In no case shall the
17 amount of fines imposed on licensees under chapter 40
18 or 44 of title 18, United States Code, or the number of
19 warnings issued, or suspensions or revocations of licenses
20 under such chapters, be considered in the retention, pro-
21 motion, or transfer of any officer, agent, or employee of
22 the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

1 **SEC. 105. LIQUIDATION OF INVENTORY IN FEDERAL FIRE-**
2 **ARMS LICENSE EXPIRATION, SURRENDER, OR**
3 **REVOCAION CASES.**

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

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

15 “(2) Paragraph (1) shall not apply with respect to
16 a person if a United States district court for the judicial
17 district in which the person resides or in which the prin-
18 cipal place of business of the person subject to the license
19 is located finds, by clear and convincing evidence, that the
20 continued operation by the person of the business poses
21 an immediate and grave threat to public safety.”.

22 **SEC. 106. OPPORTUNITY TO CURE VIOLATIONS AFTER AC-**
23 **QUISITION OF FIREARMS BUSINESS.**

24 Section 923 of title 18, United States Code, as
25 amended by section 105 of this Act, is amended by adding
26 at the end the following:

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

11 “(1) shall notify the transferee of the violation
12 by the transferor; and

13 “(2) shall not presume that the transferee is
14 committing the violation.”.

15 **SEC. 107. STANDARDS FOR CRIMINAL VIOLATIONS OF REC-**
16 **ORDKEEPING REQUIREMENTS.**

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

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

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

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

1 **SEC. 108. EFFECTIVE DATE.**

2 This title and the amendments made by this title
3 shall take effect 180 days after the date of the enactment
4 of this Act.

5 **TITLE II—FIREARMS CORREC-**
6 **TIONS AND IMPROVEMENTS**

7 **SEC. 201. CORRECTION OF NONSUBSTANTIVE ERROR IN**
8 **AGE LIMIT PROVISION.**

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

11 “(1) any firearm or ammunition to any indi-
12 vidual who the licensee knows or has reasonable
13 cause to believe has not attained 18 years of age,
14 and, if the firearm is other than a shotgun or rifle,
15 or the ammunition is for a firearm other than a
16 shotgun or rifle, to any individual who the licensee
17 knows or has reasonable cause to believe has not at-
18 tained 21 years of age;”.

19 **SEC. 202. POSSESSION AND TRANSFER OF MACHINEGUNS**
20 **FOR INDUSTRY TESTING AND SECURITY CON-**
21 **TRACTING.**

22 (a) **MACHINEGUNS FOR FEDERAL CONTRACTORS.—**
23 Section 922(a)(4) of title 18, United States Code, is
24 amended by striking “except” and all that follows and in-
25 serting “except—

1 “(A) as specifically authorized by the At-
2 torney General consistent with public safety and
3 necessity; or

4 “(B) to comply with a contract between
5 any person and the United States which re-
6 quires that person to provide national security
7 services for the United States or any training
8 related to such services;”.

9 (b) SALE OR DELIVERY OF MACHINEGUNS TO FED-
10 ERAL CONTRACTORS.—Section 922(b) of title 18, United
11 States Code, is amended by adding at the end the fol-
12 lowing: “Paragraphs (2) and (4) of this subsection shall
13 not apply to a sale or delivery to comply with a contract
14 between any person and the United States which requires
15 that person to provide national security services for the
16 United States or any training related to the services.”.

17 (c) POST-86 MACHINEGUNS FOR TESTING, RE-
18 SEARCH AND DEVELOPMENT, TRAINING, AND SECU-
19 RITY.—Section 922(o) of title 18, United States Code, is
20 amended—

21 (1) in paragraph (2)—

22 (A) in subparagraph (A), by striking “or”
23 at the end;

24 (B) by redesignating subparagraph (B) as
25 subparagraph (F); and

1 (C) by inserting after subparagraph (A)
2 the following:

3 “(B) a transfer to, or possession by, a person
4 to comply with a contract between that person and
5 the United States which requires the person to pro-
6 vide national security services for the United States
7 or any training related to the services;

8 “(C) a transfer to, or possession by, a licensed
9 manufacturer or licensed importer solely for testing,
10 research, design, or development of ammunition or a
11 firearm;

12 “(D) a possession by a licensed manufacturer
13 or licensed importer for the purposes of training per-
14 sons to whom a machinegun, manufactured or im-
15 ported by the licensee, may be transferred as de-
16 scribed in subparagraph (A) or (B);

17 “(E) a transfer to or possession by a licensed
18 manufacturer, licensed importer, or licensed dealer
19 for a professional theatrical purpose if the licensee—

20 “(i) is registered under section 5802 of the
21 National Firearms Act;

22 “(ii) holds a valid permit or license under
23 State law to engage in business as a theatrical
24 firearms dealer or equivalent statutory designa-
25 tion;

1 “(iii) derives not less than 80 percent of
2 income from the firearms business from the use
3 of firearms by professional motion picture or
4 television productions that are distributed to or
5 produced for a national or international audi-
6 ence;

7 “(iv) before possessing a machinegun
8 under this subparagraph, provides the Attorney
9 General with documentation that—

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

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

14 “(v) establishes that the number of ma-
15 chineguns sought by the licensee is reasonable
16 for the film, production, or performance for
17 which the machineguns are requested; or”;

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

19 “(3) Every 3 years, the Attorney General shall deter-
20 mine whether a person described in paragraph (2)(B) is
21 prohibited by Federal or State law from possessing or re-
22 ceiving a firearm, based on information in the national in-
23 stant criminal background check system established under
24 section 103(b) of the Brady Handgun Violence Protection
25 Act (Public Law 103–159; 18 U.S.C. 922 note) and the

1 fingerprints of the person. The Attorney General may re-
2 quire such a person to allow the Attorney General to ob-
3 tain the fingerprints of the person for this purpose.”.

4 (d) IMPORTATION OF MACHINEGUNS.—Section
5 925(d) of title 18, United States Code, is amended—

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

8 (2) in paragraph (4), by striking the period and
9 inserting “; or”; and

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

12 “(5) is imported or brought in for a purpose de-
13 scribed in section 922(o)(2).”.

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

17 (1) in paragraph (2), by striking “or” at the
18 end; and

19 (2) by inserting after paragraph (3) the fol-
20 lowing:

21 “(4) a machinegun being imported or brought
22 in to comply with a contract between any person and
23 the United States which requires the person to pro-
24 vide national security services for the United States
25 or any training related to the services;

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

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

9 (f) NATIONAL SECURITY SERVICES DEFINED.—Sec-
10 tion 921(a) of title 18, United States Code, is amended
11 by adding at the end the following:

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

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

23 (g) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect 180 days after the date of
25 the enactment of this Act.

1 **SEC. 203. UPDATING THE BRADY HANDGUN VIOLENCE PRE-**
2 **VENTION ACT.**

3 Section 922 of title 18, United States Code, is
4 amended—

5 (1) by striking subsection (s);

6 (2) in subsection (t)(1), by striking “Begin-
7 ning” and all that follows through “a licensed” and
8 inserting “A licensed”; and

9 (3) in subsection (t)(5), by striking “informa-
10 tion was available to the system demonstrating
11 that”.

12 **SEC. 204. ELIMINATION OF WRITTEN PERMISSION RE-**
13 **QUIREMENT FOR SUPERVISED HANDGUN**
14 **USE.**

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

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

19 “(II) with respect to ranching or
20 farming activities, target practice, hunting,
21 or a course of instruction in the safe and
22 lawful use of a handgun, as described in
23 clause (i), a juvenile may possess and use
24 a handgun or ammunition without the
25 prior written consent, if the parent or legal
26 guardian is present at all times and the ju-

1 venile acts at the direction of a parent,
2 legal guardian, or other adult who is not
3 prohibited by Federal, State, or local law
4 from possessing a firearm;” and

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

7 **SEC. 205. MODIFICATION OF PROCEDURES FOR SHARING**
8 **OF MULTIPLE HANDGUN SALES REPORTS;**
9 **PROTECTION OF GUN OWNERS’ PRIVACY.**

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

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

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

23 (b) Section 923(g)(4) of such title is amended by add-
24 ing at the end the following: “The Attorney General shall
25 not electronically record information gathered pursuant to

1 this paragraph by name or by any personal identification
2 code.”.

3 (c) Section 923(g)(5)(A) of such title is amended by
4 striking “letter,” and all that follows and inserting “let-
5 ter—

6 “(i) the total number of rifles, shot-
7 guns, pistols, revolvers and other firearms
8 manufactured in, or exported from, the
9 United States by the licensee; and

10 “(ii) information identifying each per-
11 son to whom the licensee transferred a
12 firearm (as defined by section 5845(a) of
13 the National Firearms Act).”.

14 (d) Section 926 of such title is amended by striking
15 all after the section heading and inserting the following:

16 “(a) The Attorney General may prescribe only such
17 rules and regulations as are necessary to carry out the
18 provisions of this chapter, including—

19 “(1) regulations providing that a person li-
20 censed under this chapter, when dealing with an-
21 other person so licensed, shall provide such other li-
22 censed person a certified copy of this license;

23 “(2) regulations providing for the issuance, at
24 a reasonable cost, to a person licensed under this
25 chapter, of certified copies of his license for use as

1 provided under regulations issued under paragraph
2 (1) of this subsection; and

3 “(3) regulations providing for effective receipt
4 and secure storage of firearms relinquished by or
5 seized from persons described in subsection (d)(8) or
6 (g)(8) of section 922.

7 “(b) No such rule or regulation, nor any other admin-
8 istrative action pursuant to the provisions of this chapter,
9 may require that records required to be maintained under
10 this chapter or any portion of the contents of such records,
11 be recorded at or transferred to a facility owned, managed,
12 or controlled by the United States or any State or any
13 political subdivision thereof, except records or portions of
14 records—

15 “(1) obtained in the course of a bona fide
16 criminal investigation;

17 “(2) required for use in an administrative pro-
18 ceeding, or review of a proceeding, under this chap-
19 ter; or

20 “(3) expressly required to be reported under
21 this chapter.

22 “(c) No such rule or regulation, nor any other admin-
23 istrative action pursuant to the provisions of this chapter,
24 may establish any comprehensive or partial system of reg-
25 istration of firearms, firearms owners, or firearms trans-

1 actions or dispositions. Nothing in this section expands or
2 restricts the Attorney General’s authority to inquire into
3 the disposition of any firearm in the course of a criminal
4 investigation.

5 “(d) The Attorney General shall give not less than
6 ninety days public notice, and shall afford interested par-
7 ties opportunity for hearing, before prescribing such rules
8 and regulations.

9 “(e) The Attorney General shall not prescribe rules
10 or regulations that require purchasers of black powder
11 under the exemption provided in section 845(a)(5) to com-
12 plete affidavits or forms attesting to that exemption.”.

13 **SEC. 206. BARREL AND RECEIVER IMPORTATION.**

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

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

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

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

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

1 **SEC. 207. 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 such title is amended by striking
12 “or trigger mechanisms to firearms” and inserting “trig-
13 ger mechanisms, or other parts to firearms, or engraving
14 or otherwise altering the appearance of firearms”.

○