

117TH CONGRESS
1ST SESSION

S. 1558

To amend chapter 44 of title 18, United States Code, to ensure that all firearms are traceable, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2021

Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. MARKEY, Mr. MENENDEZ, Mrs. FEINSTEIN, Ms. WARREN, Mr. WHITEHOUSE, Mr. REED, Mr. CASEY, Ms. HIRONO, Mr. PADILLA, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to ensure that all firearms are traceable, 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 “Untraceable Firearms
5 Act of 2021”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) without the enactment of this Act, the Bu-
 2 reau of Alcohol, Tobacco, Firearms and Explosives
 3 has the authority to regulate ghost guns (as defined
 4 in section 921(a) of title 18, United States Code, as
 5 amended by section 3 of this Act) and unfinished
 6 frames and receivers; and

7 (2) the purpose of this Act is to clarify and
 8 strengthen such authority.

9 **SEC. 3. REQUIREMENT THAT ALL FIREARMS BE TRACE-**
 10 **ABLE.**

11 (a) DEFINITIONS.—Section 921(a) of title 18, United
 12 States Code, is amended—

13 (1) in paragraph (10), by adding at the end the
 14 following: “The term ‘manufacturing firearms’ shall
 15 include assembling a functional firearm or molding,
 16 machining, or 3D printing a frame or receiver, and
 17 shall not include making or fitting special barrels,
 18 stocks, or trigger mechanisms to firearms.”;

19 (2) by inserting after paragraph (29) the fol-
 20 lowing:

21 “(30)(A) The term ‘frame or receiver’—

22 “(i) means a part of a weapon that provides or
 23 is intended to provide the housing or structure to
 24 hold or integrate 1 or more fire control components,
 25 even if pins or other attachments are required to

1 connect those components to the housing or struc-
2 ture;

3 “(ii) includes a frame or receiver, blank, cast-
4 ing, or machined body, that requires modification,
5 including machining, drilling, filing or molding, to be
6 used as part of a functional firearm, and which is
7 designed and intended to be used in the assembly of
8 a functional firearm, unless the piece of material has
9 had—

10 “(I) its size or external shape altered solely
11 to facilitate transportation or storage; or

12 “(II) solely its chemical composition al-
13 tered.

14 “(B) For purposes of subparagraph (A)(i), if a weap-
15 on with more than 1 part that provides the housing or
16 a structure designed to hold or integrate 1 or more fire
17 control or essential components, each such part shall be
18 considered a frame or receiver, unless the Attorney Gen-
19 eral has provided otherwise by regulation with respect to
20 the specific make and model of weapon on or before Janu-
21 ary 1, 2022.”; and

22 (3) by adding at the end the following:

23 “(36) The term ‘ghost gun’—

24 “(A) means a firearm, including a frame or re-
25 ceiver, that lacks a unique serial number engraved

1 or cast on the frame or receiver by a licensed manu-
2 facturer or importer in accordance with this chapter;
3 and

4 “(B) does not include—

5 “(i) a firearm that has been rendered per-
6 manently inoperable;

7 “(ii) a firearm identified by means of a
8 unique serial number assigned by a State agen-
9 cy and engraved or cast on the receiver or
10 frame of the weapon before the effective date of
11 the Untraceable Firearms Act of 2021 in ac-
12 cordance with a State law;

13 “(iii) a firearm manufactured or imported
14 before December 16, 1968; or

15 “(iv) a firearm identified as provided for
16 under section 5842 of the Internal Revenue
17 Code of 1986.

18 “(37) The term ‘fire control component’—

19 “(A) means a component necessary for the fire-
20 arm to initiate or complete the firing sequence; and

21 “(B) includes a hammer, bolt or breechblock,
22 cylinder, trigger mechanism, firing pin, striker, and
23 slide rails.”.

1 (b) PROHIBITION; REQUIREMENTS.—Section 922 of
2 title 18, United States Code, is amended by adding at the
3 end the following:

4 “(aa)(1) The Congress finds and declares the fol-
5 lowing:

6 “(A) Firearms tracing is the systematic track-
7 ing of the movement of a firearm recovered by law
8 enforcement officials from the first sale of a firearm
9 by the manufacturer or importer through the dis-
10 tribution chain (including the wholesaler and re-
11 tailer) to the first retail purchaser.

12 “(B) Law enforcement agencies across the
13 country work with the Bureau of Alcohol, Tobacco,
14 Firearms and Explosives to trace firearms and
15 thereby obtain investigative leads in the fight
16 against violent crime and terrorism.

17 “(C) The ability of law enforcement agencies to
18 trace a firearm is dependent on the serial number or
19 other marks on the firearm that identify the manu-
20 facturer or importer who manufactured or imported
21 the firearm and that are unique to the firearm.

22 “(D) Interstate gun trafficking interferes with
23 lawful commerce in firearms and significantly con-
24 tributes to gun crime. Of the 254,700 firearms
25 traced by the Bureau of Alcohol, Tobacco, Firearms

1 and Explosives in 2018, 71,910 of those firearms
2 were originally sold by a licensed firearms dealer in
3 a State other than the State where the firearms
4 were recovered. These guns made up 28.2 percent of
5 all firearm recoveries in 2018.

6 “(E) Even before the sale of a firearm, the gun,
7 its component parts, and the raw materials from
8 which they are made have considerably moved in
9 interstate commerce.

10 “(F) If unserialized and untraceable firearms
11 may be constructed and transported freely from
12 State to State, ordinary citizens and foreign visitors
13 may fear to travel to or through certain parts of the
14 country due to concern about violent crime and gun
15 violence, and law enforcement agencies may be un-
16 able to address it.

17 “(2)(A) Except as provided in subparagraph (B), it
18 shall be unlawful for any person to manufacture, sell, offer
19 to sell, transfer, purchase, or receive a ghost gun in or
20 affecting interstate or foreign commerce.

21 “(B) Subparagraph (A) shall not apply to—

22 “(i) the manufacture of a firearm by a licensed
23 manufacturer if the licensed manufacturer complies
24 with section 923(i) before selling or transferring the
25 firearm to another person;

1 “(ii) the offer to sell, sale, or transfer of a fire-
2 arm to, or purchase or receipt of a firearm by, a li-
3 censed manufacturer or importer before the date
4 that is 30 months after the date of enactment of the
5 Untraceable Firearms Act of 2021; or

6 “(iii) transactions between licensed manufactur-
7 ers and importers on any date.

8 “(3) It shall be unlawful for a person other than a
9 licensed manufacturer or importer to engrave or cast a
10 serial number on a firearm in or affecting interstate or
11 foreign commerce unless specifically authorized by the At-
12 torney General.

13 “(4) Beginning on the date that is 30 months after
14 the date of enactment of the Untraceable Firearms Act
15 of 2021, it shall be unlawful for any person other than
16 a licensed manufacturer or importer to knowingly possess
17 a ghost gun in or affecting interstate or foreign commerce.

18 “(5) Beginning on the date that is 30 months after
19 the date of enactment of the Untraceable Firearms Act
20 of 2021, it shall be unlawful for any person other than
21 a licensed manufacturer or importer to possess a ghost
22 gun in or affecting interstate or foreign commerce with
23 the intent to sell or transfer the ghost gun with or without
24 further manufacturing or to manufacture a firearm with
25 the ghost gun.

1 “(6)(A) It shall be unlawful for any person to sell,
 2 offer to sell, or transfer, in or affecting interstate or for-
 3 eign commerce, to any person other than a licensed manu-
 4 facturer a machine that has the sole or primary function
 5 of manufacturing firearms.

6 “(B) Except as provided in subparagraph (A), begin-
 7 ning on the date that is 180 days after the date of enact-
 8 ment of the Untraceable Firearms Act of 2021, it shall
 9 be unlawful for any person other than a licensed manufac-
 10 turer to possess, purchase, or receive, in or affecting inter-
 11 state or foreign commerce, a machine that has the sole
 12 or primary function of manufacturing firearms.

13 “(C) Subparagraph (B) shall not apply to a person
 14 who is engaged in the business of selling manufacturing
 15 equipment to a licensed manufacturer who possesses a ma-
 16 chine with the intent to sell or transfer the machine to
 17 a licensed manufacturer.”.

18 (c) REQUIREMENTS.—

19 (1) REMOVAL OF SERIAL NUMBERS.—Section
 20 922(k) of title 18, United States Code, is amend-
 21 ed—

22 (A) by striking “importer’s or manufactur-
 23 er’s” each place it appears; and

24 (B) by inserting “authorized by this chap-
 25 ter or under State law” before “removed”.

1 (2) LICENSED IMPORTERS AND MANUFACTUR-
2 ERS.—Section 923(i) of title 18, United States
3 Code, is amended—

4 (A) by inserting “(1)” before “Licensed”;
5 and

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

7 “The serial number shall be engraved or cast
8 on the frame or receiver in a manner sufficient
9 to identify the firearm and the manufacturer or
10 importer that put the serial number on the fire-
11 arm.

12 “(2)(A) Not later than 180 days after the date of
13 enactment of the Untraceable Firearms Act of 2021, the
14 Attorney General shall prescribe regulations for engraving
15 a unique serial number onto a ghost gun.

16 “(B) The regulations prescribed under subparagraph
17 (A) shall—

18 “(i) allow an owner of a firearm described in
19 subparagraph (A) to have a unique serial number
20 engraved on the firearm by a licensed manufacturer
21 or importer; and

22 “(ii) require that a serial number be engraved
23 on the frame or receiver in a manner sufficient to
24 identify the firearm and the manufacturer or im-
25 porter that put the serial number on the firearm.

1 “(C) The regulations authorized under this para-
 2 graph shall expire on the date that is 30 months after
 3 the date of enactment of the Untraceable Firearms Act
 4 of 2021.”.

5 (d) PENALTIES.—Section 924 of title 18, United
 6 States Code, is amended—

7 (1) in subsection (a)(1)(B), by striking “or (q)”
 8 and inserting “(q), (aa)(2), (aa)(3), (aa)(5), or
 9 (aa)(6)”;

10 (2) in subsection (c)

11 (A) in paragraph (1)—

12 (i) in subparagraph (A), in the matter
 13 preceding clause (i), by inserting “func-
 14 tional” before “firearm” each place it ap-
 15 pears;

16 (ii) in subparagraph (B), in the mat-
 17 ter preceding clause (i), by inserting “func-
 18 tional” before “firearm”; and

19 (iii) in subparagraph (D)(ii), by in-
 20 serting “functional” before “firearm”; and

21 (B) in paragraph (4), by striking “all or
 22 part of the firearm” and all that follows
 23 through “person.” and inserting the following:
 24 “all or part of the functional firearm, or other-
 25 wise make the presence of the functional fire-

1 arm known to another person, in order to in-
 2 timidate that person, regardless of whether the
 3 functional firearm is directly visible to that per-
 4 son.”;

5 (3) in subsection (d)(1), by striking “or (k)”
 6 and inserting “(k), (aa)(2), (aa)(3), (aa)(5), or
 7 (aa)(6)”;

8 (4) in subsection (e)(1), by inserting “through
 9 the possession of a functional firearm” before “and
 10 has three”; and

11 (5) by adding at the end the following:

12 “(q) A person who violates section 922(aa)(4) shall—

13 “(1) in the case of the first violation by the per-
 14 son, be fined under this title, imprisoned not more
 15 than 1 year, or both; or

16 “(2) in the case of any subsequent violation by
 17 the person, be fined under this title, imprisoned not
 18 more than 5 years, or both.”.

19 **SEC. 4. MODERNIZATION OF THE PROHIBITION ON UNDE-**
 20 **TECTABLE FIREARMS.**

21 Section 922(p) of title 18, United States Code, is
 22 amended—

23 (1) in paragraph (1)—

24 (A) in the matter preceding subparagraph

25 (A), by striking “any firearm”;

1 (B) by amending subparagraph (A) to read
2 as follows:

3 “(A) an undetectable firearm; or”; and

4 (C) in subparagraph (B), by striking “any
5 major component of which, when subjected to
6 inspection by the types of x-ray machines com-
7 monly used at airports, does not generate” and
8 inserting the following: “a major component of
9 a firearm which, if subjected to inspection by
10 the types of detection devices commonly used at
11 airports for security screening, would not gen-
12 erate”;

13 (2) in paragraph (2)—

14 (A) by amending subparagraph (A) to read
15 as follows:

16 “(A) the term ‘undetectable firearm’ means a
17 firearm, as defined in section 921(a)(3)(A), of which
18 no major component is wholly made of detectable
19 material;”;

20 (B) by striking subparagraph (B) and in-
21 serting the following:

22 “(B) the term ‘major component’, with respect
23 to a firearm—

24 “(i) means the slide or cylinder or the
25 frame or receiver of the firearm; and

1 “(ii) in the case of a rifle or shotgun, in-
2 cludes the barrel of the firearm; and”;

3 (C) by striking subparagraph (C) and all
4 that follows through the end of the undesig-
5 nated matter following subparagraph (C) and
6 inserting the following:

7 “(C) the term ‘detectable material’ means any
8 material that creates a magnetic field equivalent to
9 or more than 3.7 ounces of 17–4 pH stainless
10 steel.”;

11 (3) in paragraph (3)—

12 (A) in the first sentence, by inserting “, in-
13 cluding a prototype,” after “of a firearm”; and

14 (B) by striking the second sentence; and

15 (4) in paragraph (5), by striking “shall not
16 apply to any firearm which” and all that follows and
17 inserting the following: “shall not apply to—

18 “(A) any firearm received by, in the possession
19 of, or under the control of the United States; or

20 “(B) the manufacture, importation, possession,
21 transfer, receipt, shipment, or delivery of a firearm
22 by a licensed manufacturer or licensed importer pur-
23 suant to a contract with the United States.”.

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