

115TH CONGRESS  
2D SESSION

# S. 3300

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

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 2018

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

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## 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 2018”.

1 **SEC. 2. REQUIREMENT THAT ALL FIREARMS BE TRACE-**  
2 **ABLE.**

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

5 (1) in paragraph (3)—

6 (A) by inserting “, including an unfinished  
7 frame or receiver” after “such weapon”; and

8 (B) by striking “or (D) any destructive de-  
9 vice” and inserting “; (D) any destructive de-  
10 vice; or (E) any combination of parts designed  
11 or intended for use in converting any device  
12 into a firearm and from which a firearm may  
13 be readily assembled”;

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

21 (3) by inserting after paragraph (29) the fol-  
22 lowing:

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

24 “(A) means the part of a firearm that can pro-  
25 vide the action or housing for the hammer, bolt, or  
26 breechblock and firing mechanism;

1           “(B) includes a frame or lower receiver blank,  
2           casting, or machined body that requires further ma-  
3           chining or molding to be used as part of a functional  
4           firearm, and which is designed and intended to be  
5           used in the assembly of a functional firearm; and

6           “(C) does not include a piece of material that  
7           has had—

8                   “(i) its size or external shape altered solely  
9                   to facilitate transportation or storage; or

10                   “(ii) solely its chemical composition al-  
11                   tered.”; and

12           (4) by adding at the end the following:

13           “(36) The term ‘ghost gun’—

14                   “(A) means a firearm, including a frame or re-  
15                   ceiver, that lacks a unique serial number engraved  
16                   or cast in metal or metal alloy on the frame or re-  
17                   ceiver by a licensed manufacturer or importer in ac-  
18                   cordance with this chapter; and

19                   “(B) does not include a firearm that has been  
20                   rendered permanently inoperable.”.

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

24                   “(aa)(1) The Congress finds and declares the fol-  
25                   lowing:

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

7           “(B) Law enforcement agencies across the  
8           country work with the Bureau of Alcohol, Tobacco,  
9           Firearms, and Explosives to trace firearms and  
10          thereby obtain investigative leads in the fight  
11          against violent crime and terrorism.

12          “(C) The ability of law enforcement agencies to  
13          trace a firearm is dependent on the serial number or  
14          other marks on the firearm that identify the manu-  
15          facturer or importer who manufactured or imported  
16          the firearm and that are unique to the firearm.

17          “(D) Interstate gun trafficking interferes with  
18          lawful commerce in firearms and significantly con-  
19          tributes to gun crime. Of the 211,384 firearms  
20          traced by the Bureau of Alcohol, Tobacco, Firearms,  
21          and Explosives in 2016, 60,936 of those firearms  
22          were originally sold by a licensed firearms dealer in  
23          a State other than the State where the firearms  
24          were recovered. These guns made up 28.8 percent of  
25          all firearm recoveries in 2016.

1           “(E) Even before the sale of a firearm, the gun,  
2           its component parts, and the raw materials from  
3           which they are made have considerably moved in  
4           interstate commerce.

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

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

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

17                 “(i) the manufacture of a firearm by a licensed  
18                 manufacturer if the licensed manufacturer complies  
19                 with section 923(i) before selling or transferring the  
20                 firearm to another person;

21                 “(ii) the offer to sell, sale, or transfer of a fire-  
22                 arm to, or purchase or receipt of a firearm by, a li-  
23                 censed manufacturer or importer before January 1,  
24                 2020; or

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

3           “(bb) It shall be unlawful for a person other than  
4 a licensed manufacturer or importer to engrave or cast  
5 a serial number on a firearm in or affecting interstate or  
6 foreign commerce.

7           “(cc) Beginning on January 1, 2020, it shall be un-  
8 lawful for any person other than a licensed manufacturer  
9 or importer to possess a ghost gun in or affecting inter-  
10 state or foreign commerce with the intent to sell or trans-  
11 fer the ghost gun with or without further manufacturing  
12 or to manufacture a firearm with the ghost gun.”.

13           (c) REQUIREMENTS.—Section 923(i) of title 18,  
14 United States Code, is amended by adding at the end the  
15 following: “The serial number shall be engraved or cast  
16 in metal or metal alloy and sufficient to identify the fire-  
17 arm and the manufacturer or importer that put the serial  
18 number on the firearm.”.

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

21           (1) in subsection (a)(1)(B), by striking “or (q)”  
22           and inserting “(q), (aa), (bb), or (cc)”; and

23           (2) in subsection (d)(1), by striking “or (k)”  
24           and inserting “(k), (aa), (bb), or (cc)”.

1 **SEC. 3. MODERNIZATION OF THE PROHIBITION ON UNDE-**  
2 **TECTABLE FIREARMS.**

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

5 (1) in the matter preceding paragraph (1), by  
6 striking “any firearm”;

7 (2) in paragraph (1)—

8 (A) by amending subparagraph (A) to read  
9 as follows:

10 “(A) an undetectable firearm; or”.

11 (B) in subparagraph (B), by striking “any  
12 major component of which, when subjected to  
13 inspection by the types of x-ray machines com-  
14 monly used at airports, does not generate” and  
15 inserting the following: “a major component of  
16 a firearm which, if subjected to inspection by  
17 the types of detection devices commonly used at  
18 airports for security screening, would not gen-  
19 erate”;

20 (3) in paragraph (2)—

21 (A) by amending subparagraph (A) to read  
22 as follows:

23 “(A) the term ‘undetectable firearm’ means a  
24 firearm, as defined in section 921(a)(3)(A), of which  
25 no major component is wholly made of detectable  
26 material;”;

1 (B) by striking subparagraph (B) and in-  
2 serting the following:

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

5 “(i) means the slide or cylinder or the  
6 frame or receiver of the firearm; and

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

9 (C) by striking subparagraph (C) and all  
10 that follows through the end of the undesig-  
11 nated matter following subparagraph (C) and  
12 inserting the following:

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

17 (4) in paragraph (3)—

18 (A) in the first sentence, by inserting  
19 “, including a prototype,” after “of a fire-  
20 arm”; and

21 (B) by striking the second sentence;  
22 and

23 (5) in paragraph (5), by striking “shall not  
24 apply to any firearm which” and all that follows and  
25 inserting the following: “shall not apply to—



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

3           “(B) the manufacture, importation, possession,  
4 transfer, receipt, shipment, or delivery of a firearm  
5 by a licensed manufacturer or licensed importer pur-  
6 suant to a contract with the United States.”.

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