

115TH CONGRESS  
1ST SESSION

# S. 1945

To regulate large capacity ammunition feeding devices.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2017

Mr. MENENDEZ (for himself, Mr. WHITEHOUSE, Mr. REED, Mr. KAINE, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Mr. MARKEY, Mr. CARPER, Ms. WARREN, Ms. HIRONO, Mr. CARDIN, Mr. BOOKER, Ms. HASSAN, Mr. SANDERS, Mrs. MURRAY, Mr. BLUMENTHAL, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To regulate large capacity ammunition feeding devices.

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 “Keep Americans Safe  
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 921(a) of title 18, United States Code, is  
8 amended by inserting after paragraph (29) the following:

9 “(30) The term ‘large capacity ammunition feeding  
10 device’—

1           “(A) means a magazine, belt, drum, feed strip,  
2           helical feeding device, or similar device, including  
3           any such device joined or coupled with another in  
4           any manner, that has an overall capacity of, or that  
5           can be readily restored, changed, or converted to ac-  
6           cept, more than 10 rounds of ammunition; and

7           “(B) does not include an attached tubular de-  
8           vice designed to accept, and capable of operating  
9           only with, .22 caliber rimfire ammunition.

10          “(31) The term ‘qualified law enforcement officer’  
11 has the meaning given the term in section 926B.”.

12 **SEC. 3. RESTRICTIONS ON LARGE CAPACITY AMMUNITION**  
13 **FEEDING DEVICES.**

14          (a) IN GENERAL.—Section 922 of title 18, United  
15 States Code, is amended by inserting after subsection (u)  
16 the following:

17          “(v)(1) It shall be unlawful for a person to import,  
18 sell, manufacture, transfer, or possess, in or affecting  
19 interstate or foreign commerce, a large capacity ammuni-  
20 tion feeding device.

21          “(2) Paragraph (1) shall not apply to the possession  
22 of any large capacity ammunition feeding device otherwise  
23 lawfully possessed on or before the date of enactment of  
24 the Keep Americans Safe Act.

25          “(3) Paragraph (1) shall not apply to—

1           “(A) the importation for, manufacture for, sale  
2 to, transfer to, or possession by the United States  
3 or a department or agency of the United States or  
4 a State or a department, agency, or political subdivi-  
5 sion of a State, or a sale or transfer to or possession  
6 by a qualified law enforcement officer employed by  
7 the United States or a department or agency of the  
8 United States or a State or a department, agency,  
9 or political subdivision of a State for purposes of law  
10 enforcement (whether on or off-duty), or a sale or  
11 transfer to or possession by a campus law enforce-  
12 ment officer for purposes of law enforcement (wheth-  
13 er on or off-duty);

14           “(B) the importation for, or sale or transfer to  
15 a licensee under title I of the Atomic Energy Act of  
16 1954 for purposes of establishing and maintaining  
17 an on-site physical protection system and security  
18 organization required by Federal law, or possession  
19 by an employee or contractor of such licensee on-site  
20 for such purposes or off-site for purposes of licensee-  
21 authorized training or transportation of nuclear ma-  
22 terials;

23           “(C) the possession, by an individual who is re-  
24 tired in good standing from service with a law en-  
25 forcement agency and is not otherwise prohibited

1 from receiving ammunition, of a large capacity am-  
2 munition feeding device—

3 “(i) sold or transferred to the individual by  
4 the agency upon such retirement; or

5 “(ii) that the individual purchased, or oth-  
6 erwise obtained, for official use before such re-  
7 tirement; or

8 “(D) the importation, sale, manufacture, trans-  
9 fer, or possession of any large capacity ammunition  
10 feeding device by a licensed manufacturer or licensed  
11 importer for the purposes of testing or experimen-  
12 tation authorized by the Attorney General.

13 “(4) For purposes of paragraph (3)(A), the term  
14 ‘campus law enforcement officer’ means an individual who  
15 is—

16 “(A) employed by a private institution of higher  
17 education that is eligible for funding under title IV  
18 of the Higher Education Act of 1965 (20 U.S.C.  
19 1070 et seq.);

20 “(B) responsible for the prevention or investiga-  
21 tion of crime involving injury to persons or property,  
22 including apprehension or detention of persons for  
23 such crimes;

1           “(C) authorized by Federal, State, or local law  
2           to carry a firearm, execute search warrants, and  
3           make arrests; and

4           “(D) recognized, commissioned, or certified by  
5           a government entity as a law enforcement officer.”.

6           (b) IDENTIFICATION MARKINGS FOR LARGE CAPAC-  
7           ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of  
8           title 18, United States Code, is amended by adding at the  
9           end the following: “A large capacity ammunition feeding  
10          device manufactured after the date of enactment of the  
11          Keep Americans Safe Act shall be identified by a serial  
12          number and the date on which the device was manufac-  
13          tured or made, legibly and conspicuously engraved or cast  
14          on the device, and such other identification as the Attor-  
15          ney General shall by regulations prescribe.”.

16          (c) SEIZURE AND FORFEITURE OF LARGE CAPACITY  
17          AMMUNITION FEEDING DEVICES.—Section 924(d) of title  
18          18, United States Code, is amended—

19                 (1) in paragraph (1)—

20                         (A) by inserting “or large capacity ammu-  
21                         nition feeding device” after “firearm or ammu-  
22                         nition” each place the term appears;

23                         (B) by inserting “or large capacity ammu-  
24                         nition feeding device” after “firearms or ammu-  
25                         nition” each place the term appears; and

1 (C) by striking “or (k)” and inserting  
2 “(k), or (v)”;

3 (2) in paragraph (2)(C), by inserting “or large  
4 capacity ammunition feeding devices” after “fire-  
5 arms or quantities of ammunition”; and

6 (3) in paragraph (3)(E), by inserting “922(v),”  
7 after “922(n),”.

8 **SEC. 4. PENALTIES.**

9 Section 924(a)(1)(B) of title 18, United States Code,  
10 is amended by striking “or (q)” and inserting “(q), or  
11 (v)”.

12 **SEC. 5. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS**  
13 **FOR LARGE CAPACITY AMMUNITION FEED-**  
14 **ING DEVICES.**

15 Section 501(a)(1) of title I of the Omnibus Crime  
16 Control and Safe Streets Act of 1968 (34 U.S.C.  
17 10152(a)(1)) is amended by adding at the end the fol-  
18 lowing:

19 “(I) Compensation for surrendered large  
20 capacity ammunition feeding devices, as that  
21 term is defined in section 921 of title 18,  
22 United States Code, under buy-back programs  
23 for large capacity ammunition feeding devices.”.

**1 SEC. 6. SEVERABILITY.**

2       If any provision of this Act, an amendment made by  
3 this Act, or the application of such provision or amend-  
4 ment to any person or circumstance is held to be unconsti-  
5 tutional, the remainder of this Act, the amendments made  
6 by this Act, and the application of such provision or  
7 amendment to any person or circumstance shall not be af-  
8 fected thereby.

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