

118TH CONGRESS
2D SESSION

S. 5032

To amend title 10, United States Code, to restrict the sale and procurement of certain weapons and ammunition by the Department of Defense, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2024

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to restrict the sale and procurement of certain weapons and ammunition by the Department of Defense, 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 “Stop Militarizing Our
5 Streets Act of 2024”.

6 **SEC. 2. RESTRICTION ON SALES AND PROCUREMENT BY**
7 **DEPARTMENT OF DEFENSE OF CERTAIN**
8 **WEAPONS AND AMMUNITION.**

9 (a) RESTRICTION.—

1 (1) IN GENERAL.—Chapter 763 of title 10,
2 United States Code, is amended by inserting after
3 section 7544 the following:

4 **“§ 7545. Restriction on sales and procurement of cer-**
5 **tain weapons and ammunition**

6 “(a) PROHIBITIONS RELATING TO CERTAIN HIGHLY
7 DANGEROUS MILITARY-GRADE WEAPONS AND AMMUNI-
8 TION.—

9 “(1) SALES IN COMMERCIAL MARKETPLACE.—

10 The Secretary of Defense or a private operator of a
11 government-owned plant may not sell to any dealer,
12 directly or through a private contractor, in the com-
13 mercial marketplace—

14 “(A) any military-grade assault weapon; or

15 “(B) any covered ammunition.

16 “(2) PROCUREMENT.—The Secretary of De-
17 fense may not procure any item from a dealer or
18 manufacturer of firearms or ammunition that sells a
19 military-grade assault weapon or covered ammuni-
20 tion in the commercial marketplace.

21 “(b) LIMITATIONS RELATING TO OTHER WEAPONS
22 AND AMMUNITION.—

23 “(1) APPLICABILITY.—The provisions of this
24 subsection shall apply to all firearms and ammuni-

1 tion, other than military-grade assault weapons and
2 covered ammunition.

3 “(2) SALES IN COMMERCIAL MARKETPLACE.—
4 The Secretary of Defense or a private operator of a
5 government-owned plant may not sell any firearm or
6 ammunition to any dealer in the commercial market-
7 place that fails to meet the requirements described
8 in paragraph (4).

9 “(3) PROCUREMENT.—The Secretary of De-
10 fense may not procure any item from a dealer or pri-
11 vate manufacturer of firearms or ammunition that
12 sells firearms or ammunition in the commercial mar-
13 ketplace if the dealer or private manufacturer—

14 “(A) directly sells firearms or ammunition
15 to individual purchasers in the commercial mar-
16 ketplace and fails to meet the requirements de-
17 scribed in paragraph (4); or

18 “(B) sells any firearm or ammunition to
19 any dealer in the commercial marketplace that
20 fails to meets the requirements described in
21 paragraph (4).

22 “(4) REQUIREMENTS.—The requirements de-
23 scribed in this paragraph for any dealer of firearms
24 or ammunition are the following:

25 “(A) The dealer must—

1 “(i) with respect to a dealer of fire-
2 arms, have a license under chapter 44 of
3 title 18;

4 “(ii) with respect to a dealer of am-
5 munition, have a license under subsection
6 (d)(1); and

7 “(iii) comply with all requirements
8 under Federal law for licensees under
9 chapter 44 of title 18.

10 “(B) In each of the previous 3 calendar
11 years, the Attorney General has traced not
12 more than 24 firearms used in crimes back to
13 the dealer with a time to crime of less than 3
14 years.

15 “(C) With respect to a dealer that sells
16 ammunition, during any 30-day period, the
17 dealer may not transfer to the same individual
18 purchaser—

19 “(i) more than 500 rounds of covered
20 ammunition; or

21 “(ii) more than 1000 rounds of other
22 ammunition.

23 “(D) The dealer must agree to a minimum
24 code of conduct that includes the following:

1 “(i) A refusal to transfer a firearm or
2 ammunition until the NICS background
3 check system has verified that the transfer
4 is not prohibited.

5 “(ii) The implementation of a security
6 system, including adequate locks, exterior
7 lighting, surveillance cameras, alarm sys-
8 tems, and other anti-theft measures and
9 practices that the Attorney General may
10 through regulations prescribe.

11 “(iii) A refusal to sell firearms in any
12 marketplace, including online or at a gun
13 show, unless the marketplace requires
14 every firearm seller to complete a NICS
15 background check on prospective firearm
16 purchasers.

17 “(iv) A refusal to transfer firearms or
18 ammunition to any person that exhibits
19 signs of alcohol or drug intoxication or
20 cognitive or mental instability (as those
21 terms are defined by the Attorney General,
22 in coordination with the Secretary of
23 Health and Human Services).

24 “(v) A refusal to transfer a firearm or
25 ammunition to any person the dealer

1 knows or has reason to believe poses a
2 danger to that person or others.

3 “(vi) With respect to firearms, the im-
4 plementation and maintenance of a re-
5 motely searchable electronic record of—

6 “(I) the make, model, caliber or
7 gauge, and serial number of every
8 firearm in the inventory of the dealer;
9 and

10 “(II) the performance of quar-
11 terly inventory checks.

12 “(E) With respect to ammunition, the
13 dealer must implement and maintain a remotely
14 searchable electronic record of—

15 “(i) importation;

16 “(ii) production;

17 “(iii) shipment;

18 “(iv) receipt;

19 “(v) sale; and

20 “(vi) any other disposition of ammuni-
21 tion at the place of business of the dealer
22 for such period, and in such form, as the
23 Attorney General may by regulations pre-
24 scribe.

1 “(F) The dealer must implement a manda-
2 tory training course developed by the Attorney
3 General, in coordination with the Secretary of
4 Health and Human Services, where appro-
5 priate—

6 “(i) which, with respect to each em-
7 ployee of the dealer authorized to engage
8 in the transfer of firearms or ammunition
9 in the course of the business—

10 “(I) an employee as of the date
11 of enactment of this section completes
12 not later than 90 days after the date
13 of enactment of this section; and

14 “(II) an employee hired after the
15 date of enactment of this section com-
16 plete not later than 30 days after the
17 date on which the employee is hired;
18 and

19 “(ii) that trains employees on—

20 “(I) how to recognize and iden-
21 tify—

22 “(aa) straw purchasers; and

23 “(bb) any other fraudulent
24 activity described in chapter 44
25 of title 18, United States Code;

1 “(II) indicators that a person is
2 attempting to purchase a firearm or
3 ammunition illegally;

4 “(III) how to recognize and iden-
5 tify indicators that an individual in-
6 tends to use a firearm for unlawful
7 purposes;

8 “(IV) how to recognize and iden-
9 tify indicators that an individual in-
10 tends to use a firearm for self-harm;

11 “(V) how to prevent theft or bur-
12 glary of firearms and ammunition;

13 “(VI) how to respond in the cir-
14 cumstances described in subclauses (I)
15 through (V) and the applicable report-
16 ing requirements;

17 “(VII) how to verify the age of a
18 purchaser of a firearm or ammuni-
19 tion;

20 “(VIII) with respect to a dealer
21 of ammunition, how to detect whether
22 a single purchaser has reached the ap-
23 plicable ammunition purchase limit to
24 prevent a violation of subparagraph
25 (C); and

1 “(IX) other reasonable business
2 practices that the Attorney General
3 determines will deter firearm traf-
4 ficking or deter the provision of a fire-
5 arm to an individual who indicates an
6 intent to use a firearm for unlawful
7 purposes or for self-harm.

8 “(G) Not later than 30 days after the date
9 on which the Bureau of Alcohol, Tobacco, Fire-
10 arms and Explosives releases to the dealer re-
11 sults of any compliance inspection conducted by
12 the Bureau, the dealer must report the results
13 of the inspection to any manufacturer or whole-
14 saler dealer from which the dealer obtains fire-
15 arms or ammunition.

16 “(H) The dealer does not maintain finan-
17 cial ties valued at more than \$1,000,000 annu-
18 ally with an entity that—

19 “(i) during the 5-year period pre-
20 ceding the date of a sale or procurement
21 described in paragraph (2) or (3), sepa-
22 rated from the dealer through a spin-off
23 transaction; and

24 “(ii) does not comply with the require-
25 ments of this paragraph.

1 “(5) INSPECTION RESULTS.—With respect to
2 an inspection of a dealer described in paragraph
3 (4)(G), not later than 30 days after the date of the
4 inspection, the Director of the Bureau of Alcohol,
5 Tobacco, Firearms and Explosives shall send to the
6 Department of Defense a copy of the report.

7 “(6) REGULATIONS.—The Attorney General
8 may promulgate necessary regulations to implement
9 the requirements of this subsection.

10 “(7) INTERDEPARTMENT COORDINATION.—The
11 Attorney General, in coordination with the Secretary
12 of Defense, shall monitor compliance with paragraph
13 (4) by dealers.

14 “(8) PENALTY.—A dealer that violates para-
15 graph (4) may not participate in a sale or purchase
16 described in paragraph (2) or (3).

17 “(9) DATA SHARING.—Notwithstanding any
18 other law, the Attorney General may share crime
19 gun trace data with the Department of Defense as
20 necessary to carry out this section.

21 “(c) REPORTING REQUIREMENTS.—

22 “(1) GOVERNMENT-OWNED PLANT REPORT.—
23 Not less frequently than annually, each government-
24 owned plant that produces any ammunition or fire-
25 arms that are commercially sold shall submit to

1 Congress a report that includes, for the year covered
2 by the report—

3 “(A) the number of customers of the plant
4 for ammunition or firearms in the commercial
5 marketplace, disaggregated by the State in
6 which the customer is located;

7 “(B) the revenue of the plant from sales of
8 ammunition or firearms in the commercial mar-
9 ketplace;

10 “(C) the amount of ammunition or fire-
11 arms sold by the plant in the commercial mar-
12 ketplace;

13 “(D) an operational plan for avoiding any
14 diversion of firearms or ammunition into the il-
15 legal market or to customers not authorized for
16 purchase under this section; and

17 “(E) steps taken to implement the plan de-
18 scribed in subparagraph (D).

19 “(2) DEPARTMENT OF DEFENSE REPORT.—Not
20 less frequently than annually, the Secretary of De-
21 fense shall submit to Congress a report containing
22 the following:

23 “(A) A list of manufacturers and dealers
24 from which the Secretary procures firearms

1 that also sell firearms in the commercial mar-
2 ket.

3 “(B) A list of the types of firearms those
4 dealers sell in the commercial market.

5 “(C) The amount of money the Secretary
6 pays to those dealers for firearms each year.

7 “(d) LICENSES FOR DEALING AMMUNITION.—

8 “(1) IN GENERAL.—The Attorney General shall
9 make licenses available to dealers of ammunition,
10 who may apply for such licenses for the purpose of
11 subsection (b)(4)(A)(ii) to be eligible to make the
12 sales or purchases described in paragraph (2) or (3)
13 of subsection (b).

14 “(2) REQUIREMENTS.—In making licenses
15 available in accordance with paragraph (1), the At-
16 torney General shall apply in a substantially similar
17 manner the requirements under chapter 44 of title
18 18 for licenses of dealers of firearms to dealers of
19 ammunition.

20 “(3) NICS SYSTEM.—

21 “(A) IN GENERAL.—Not later than 180
22 days after the date of enactment of the Stop
23 Militarizing Our Streets Act of 2024, the Attor-
24 ney General shall authorize a dealer of ammuni-
25 tion licensed in accordance with paragraph (1)

1 to access and use the NICS background check
2 system in accordance with laws applicable to
3 the use of the NICS background check system.

4 “(B) AUTHORIZATION.—A dealer of am-
5 munition authorized under subparagraph (A)
6 may use the NICS background check system for
7 the purpose of subsection (b)(4)(D) to be eligi-
8 ble to make the sales or purchases described in
9 paragraph (2) or (3) of subsection (b).

10 “(C) AMMUNITION BACKGROUND
11 CHECKS.—A dealer of ammunition licensed in
12 accordance with paragraph (1) may perform a
13 NICS background check on an individual pur-
14 chasing ammunition from the dealer.

15 “(e) REGULATIONS.—The Attorney General shall
16 promulgate a rule with requirements for dealers to comply
17 with the recordkeeping requirement described in sub-
18 section (b)(4)(E).

19 “(f) DEFINITIONS.—In this section:

20 “(1) AMMUNITION; FIREARM; MANUFAC-
21 Turer.—The terms ‘ammunition’, ‘firearm’, and
22 ‘manufacturer’ have the meaning given those terms
23 in section 921(a) of title 18.

24 “(2) COVERED AMMUNITION.—The term ‘cov-
25 ered ammunition’—

1 “(A) means ammunition that is larger
2 than .22 caliber; and

3 “(B) includes .223 Remington ammunition
4 and 7.62 North Atlantic Treaty Organization
5 ammunition.

6 “(3) DEALER.—The term ‘dealer’—

7 “(A) has the meaning given the term in
8 section 921 of title 18; and

9 “(B) includes any person engaged in the
10 business of selling ammunition at wholesale or
11 retail, including an unlicensed private vendor of
12 ammunition.

13 “(4) FINANCIAL TIES.—The term ‘financial
14 ties’—

15 “(A) has the meaning given the term by
16 the Secretary of Defense in a regulation; and

17 “(B) includes a revenue sharing agreement
18 or a transfer of assets through a purchase or
19 sale transaction.

20 “(5) GAS-OPERATED.—The term ‘gas-operated’,
21 with respect to a firearm, means that the firearm
22 harnesses or traps a portion of the high-pressure gas
23 from a fired cartridge to cycle the action using—

24 “(A) a long stroke piston, in which gas is
25 vented from the barrel to a piston that is me-

1 mechanically fixed to the bolt group and moves to
2 cycle the action;

3 “(B) a short stroke piston, in which gas is
4 vented from the barrel to a piston that moves
5 separately from the bolt group so that the en-
6 ergy is imparted through a gas piston to cycle
7 the action;

8 “(C) a system that traps and vents gas
9 from the barrel or the chamber to directly
10 strike or impinge the bolt, bolt carrier, or slide
11 assembly to unlock and cycle the action;

12 “(D) a hybrid system that combines ele-
13 ments of a system described in subparagraph
14 (C) with a system described in subparagraph
15 (A) or (B) to capture gas vented from the bar-
16 rel to cycle the action; or

17 “(E) a blowback-operated system that di-
18 rectly uses the expanding gases of the ignited
19 propellant powder acting on the cartridge case
20 to drive the breechblock or breech bolt rear-
21 ward.

22 “(6) GOVERNMENT-OWNED PLANT.—The term
23 ‘government-owned plant’ means a facility owned by
24 the Federal Government that produces firearms or
25 ammunition.

1 “(7) GUN SHOW.—The term ‘gun show’ means
2 a gun show or an event described in section
3 478.100(b) of title 27, Code of Federal Regulations,
4 or any successor regulation.

5 “(8) LARGE-CAPACITY AMMUNITION FEEDING
6 DEVICE.—The term ‘large-capacity ammunition
7 feeding device’—

8 “(A) means a magazine, belt, drum, feed
9 strip, or similar device, including any such de-
10 vice joined or coupled with another in any man-
11 ner, that has an overall capacity of, or that can
12 be readily restored, changed, or converted to ac-
13 cept, more than 10 rounds of ammunition; and

14 “(B) does not include an attached tubular
15 device designed to accept, and capable of oper-
16 ating only with, .22 caliber rimfire ammunition.

17 “(9) MILITARY-GRADE ASSAULT WEAPON.—The
18 term ‘military-grade assault weapon’ means a fire-
19 arm that—

20 “(A) is semi-automatic;

21 “(B) is—

22 “(i) gas-operated or has been modified
23 to operate as a gas-operated firearm;

1 “(ii) recoil-operated or has been modi-
2 fied to operate as a recoil-operated firearm,
3 except for recoil-operated handguns; or

4 “(iii) designed and functions, or can
5 be readily modified, to materially increase
6 the rate of fire of the firearm; and

7 “(C) has—

8 “(i) a fixed ammunition feeding device
9 with the capacity to accept more than 10
10 rounds of ammunition; or

11 “(ii) the capacity to accept a large-ca-
12 pacity ammunition feeding device.

13 “(10) NICS BACKGROUND CHECK.—The term
14 ‘NICS background check’ means a background check
15 through the national instant criminal background
16 check system established under section 103 of the
17 Brady Handgun Violence Prevention Act (34 U.S.C.
18 40901).

19 “(11) RECOIL-OPERATED.—The term ‘recoil-op-
20 erated’ with respect to a firearm, means that the
21 firearm uses the recoil force to unlock the breech
22 bolt and complete the cycle of extracting, ejecting,
23 and reloading.

1 “(12) SEMI-AUTOMATIC.—The term ‘semi-auto-
2 matic’, with respect to a firearm, means any repeat-
3 ing firearm, other than a machine gun, that—

4 “(A) uses a portion of the energy of a fir-
5 ing cartridge or shell to extract the fired car-
6 tridge case or fired shell casing and chamber
7 the next round; and

8 “(B) requires a separate pull, release,
9 push, or other method of initiation of the trig-
10 ger to fire each cartridge or shell.

11 “(13) SPIN-OFF TRANSACTION.—The term
12 ‘spin-off transaction’ means a transaction that sepa-
13 rates a division or line of business from a parent
14 company of an entity.

15 “(14) STRAW PURCHASE.—The term ‘straw
16 purchase’—

17 “(A) with respect to a firearm, means a
18 purchase described in section 932(b) of title 18;
19 and

20 “(B) with respect to ammunition, means a
21 purchase described in 932(b) of title 18, except
22 that, for the purpose of this subparagraph, any
23 reference in that section to ‘firearm’ shall be
24 deemed to be a reference to ‘ammunition’.

1 “(15) TIME TO CRIME.—The term ‘time to
2 crime’ means the period of time between the retail
3 sale of a firearm and the recovery of the firearm by
4 a law enforcement agency as a result of the use or
5 suspected use of the firearm in a crime.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by inserting after the item relating to section 7544
9 the following new item:

“7545. Restriction on sales and procurement of certain weapons and ammuni-
tion.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) COOPERATIVE ACTIVITIES WITH NON-ARMY
12 ENTITIES.—Section 7544(c) of title 10, United
13 States Code, is amended by adding at the end the
14 following new paragraph:

15 “(5) The non-Army entity abides by the com-
16 mercial sale restrictions set forth in section 7545 of
17 this title.”.

18 (2) POLICY.—Section 7552 of such title is
19 amended, in the matter preceding paragraph (1), by
20 striking “It” and inserting “Subject to the restric-
21 tions set forth under section 7545 of this title, it”.

22 (3) ARMAMENT RETOOLING AND MANUFAC-
23 TURING SUPPORT INITIATIVE.—Section 7553(b) of
24 such title is amended, in the matter preceding para-

1 graph (1), by striking “The” and inserting “Subject
2 to the restrictions set forth under section 7545 of
3 this title, the”.

4 (c) AUTHORIZATION OF APPROPRIATIONS FOR IN-
5 CREASED NICS FUNDING.—There are authorized to be
6 appropriated to the Attorney General such sums as are
7 necessary to carry out the amendments made by this sec-
8 tion, including to upgrade and maintain the national in-
9 stant criminal background check system established under
10 section 103 of the Brady Handgun Violence Prevention
11 Act (34 U.S.C. 40901).

○