

117TH CONGRESS
2D SESSION

H. R. 8882

To amend title 18, United States Code, to require a license to acquire or receive an assault weapon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2022

Mr. JACOBS of New York introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to require a license to acquire or receive an assault weapon, 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 “Federal Assault Weap-
5 ons Licensing Act”.

6 **SEC. 2. LICENSE FOR THE ACQUISITION OR RECEIPT OF AS-**
7 **SAULT WEAPONS.**

8 (a) IN GENERAL.—Chapter 44 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 **“§ 935. License for the acquisition or receipt of as-**
2 **sault weapons**

3 “(a) IN GENERAL.—Except as provided in subsection
4 (c), it shall be unlawful for any individual to purchase or
5 receive an assault weapon, unless the individual has—

6 “(1) an assault weapons license issued under
7 this section; or

8 “(2) an assault weapons license, or a valid li-
9 cense or permit authorizing the carrying of a con-
10 cealed firearm, issued by a State, unless the Attor-
11 ney General has determined that the requirements
12 which must be met for the issuance of such a license
13 or permit are not substantially similar to the re-
14 quirements of subsection (b).

15 “(b) ESTABLISHMENT OF SYSTEM FOR ISSUING
16 FEDERAL ASSAULT WEAPONS LICENSES.—

17 “(1) IN GENERAL.—The Attorney General shall
18 establish a system for issuing licenses authorizing el-
19 igible individuals to acquire and receive assault
20 weapons while the license is in effect.

21 “(2) APPLICATION REQUIREMENTS.—The sys-
22 tem established under paragraph (1) shall provide
23 that—

24 “(A) an individual is eligible to receive
25 such a license if the individual—

1 “(i) has completed training in fire-
2 arms safety, including hands-on testing
3 and firing testing, to demonstrate safe use
4 and sufficient accuracy of a firearm; and

5 “(ii) as part of the process for apply-
6 ing for such a license—

7 “(I) has submitted to a back-
8 ground investigation and criminal his-
9 tory check of the individual in accord-
10 ance with paragraph (3);

11 “(II) has submitted proof of the
12 identity of the individual;

13 “(III) has submitted the finger-
14 prints of the individual; and

15 “(IV) has paid a fee of \$130 for
16 applying for, or renewing, such a li-
17 cense;

18 “(B) such a license shall be available at
19 designated local offices, which shall be located
20 in urban and rural areas;

21 “(C) the Attorney General shall issue or
22 deny such a license, or return the application
23 without action, not later than 30 days after the
24 date on which the application for the license, or
25 for the renewal of the license, is received;

1 “(D) such a license shall expire on the
2 date that is 5 years after the date on which the
3 license was issued or renewed; and

4 “(E) the Attorney General shall provide
5 notice of an application for such a license to the
6 relevant State and local officials.

7 “(3) BACKGROUND INVESTIGATION AND CRIMI-
8 NAL HISTORY CHECK BY THE NICS SYSTEM.—

9 “(A) IN GENERAL.—Before issuing a li-
10 cense under this section, the Attorney General
11 shall—

12 “(i) cause the national instant crimi-
13 nal background check system established
14 under section 103 of the Brady Handgun
15 Violence Prevention Act (in this section re-
16 ferred to as the ‘NICS system’) to conduct
17 a criminal background check of the appli-
18 cant; and

19 “(ii) deny the license if receipt of a
20 firearm by the applicant would violate sub-
21 section (g) or (n) of section 922 or any
22 provision of State law.

23 “(B) POSES A DANGER OF BODILY IN-
24 JURY.—

1 “(i) INFORMATION FROM STATE AND
2 LOCAL OFFICIALS.—After receiving the no-
3 tice described in paragraph (2)(E), rel-
4 evant State and local officials may submit
5 to the Attorney General information dem-
6 onstrating that the individual poses a sig-
7 nificant danger of bodily injury to self or
8 others by possessing, purchasing, or receiv-
9 ing a firearm.

10 “(ii) DENIAL.—

11 “(I) IN GENERAL.—The Attorney
12 General may deny a license under this
13 section if the Attorney General deter-
14 mines that the applicant poses a sig-
15 nificant danger of bodily injury to self
16 or others by possessing, purchasing,
17 or receiving a firearm, after exam-
18 ining factors the Attorney General
19 considers are relevant to the deter-
20 mination, including—

21 “(aa) history of threats or
22 acts of violence toward self or
23 others;

24 “(bb) history of use, at-
25 tempted use, or threatened use of

1 physical force by the applicant
2 against another person;

3 “(cc) whether the applicant
4 is the subject of or has violated a
5 domestic violence or stalking re-
6 straining order or protection
7 order;

8 “(dd) any prior arrest, pend-
9 ing charge, or conviction for a
10 violent or serious crime or dis-
11 orderly persons offense, stalking
12 offense, or domestic violence of-
13 fense;

14 “(ee) any prior arrest, pend-
15 ing charge, or conviction for an
16 offense involving cruelty to ani-
17 mals;

18 “(ff) history of drug or alco-
19 hol abuse or involvement in drug
20 trafficking;

21 “(gg) any recent acquisition
22 of firearms, ammunition, or other
23 deadly weapons;

1 “(hh) involvement in fire-
2 arms trafficking or unlawful fire-
3 arms transfers; and

4 “(ii) history of unsafe stor-
5 age or handling of firearms.

6 “(II) JUDICIAL REVIEW.—An ap-
7 plicant denied a license under sub-
8 clause (I) may file an action in the
9 appropriate district court of the
10 United States seeking review of the
11 denial.

12 “(C) RULE OF CONSTRUCTION.—This
13 paragraph shall not be construed to modify any
14 other requirement for a background investiga-
15 tion relating to the acquisition or receipt of a
16 firearm in effect on the day before the date of
17 the enactment of this section.

18 “(4) REVOCATION.—

19 “(A) IN GENERAL.—The Attorney General
20 shall revoke a license issued under this section
21 if the Attorney General determines—

22 “(i) that the licensee poses a signifi-
23 cant danger of bodily injury to self or oth-
24 ers by possessing, purchasing, or receiving
25 a firearm; or

1 “(ii) after a criminal background
2 check conducted in accordance with para-
3 graph (3)(A), that the possession of a fire-
4 arm would violate subsection (g) or (n) of
5 section 922 or any provision of State law.

6 “(B) NOTICE AND OPPORTUNITY FOR A
7 HEARING.—

8 “(i) NOTICE.—Upon determining that
9 the licensee should have their license re-
10 voked under subparagraph (A), the Attor-
11 ney General shall provide notice to the li-
12 censee and to relevant State and local offi-
13 cials of the determination.

14 “(ii) HEARING.—For revocations
15 under subparagraph (A)(i), the Attorney
16 General shall provide a licensee an oppor-
17 tunity for a hearing in the appropriate dis-
18 trict court of the United States not later
19 than 30 days after the date on which a li-
20 cense is revoked under this paragraph to
21 appeal the revocation.

22 “(C) PROCEDURES.—The Attorney Gen-
23 eral shall establish procedures to ensure that,
24 when the license issued to an individual is re-
25 voked under this paragraph, the individual sur-

1 renders any assault weapon owned or possessed
2 by the individual.

3 “(D) RETURN OF FIREARMS.—An assault
4 weapon surrendered under the procedures es-
5 tablished under subparagraph (C) may be re-
6 turned to the individual only if the license of
7 the individual under this section is reinstated.

8 “(5) RENEWAL.—The Attorney General shall
9 establish procedures for the renewal of a license
10 issued under this section, that shall require the li-
11 censee to satisfy the requirements of paragraph (2).

12 “(c) EXCEPTIONS.—Subsection (a) shall not apply
13 to—

14 “(1) a member of the Armed Forces on active
15 duty, a qualified law enforcement officer (as defined
16 in section 926B), a qualified retired law enforcement
17 officer (as defined in section 926C), a corrections of-
18 ficer, or a law enforcement officer;

19 “(2) the owner of an assault weapon who law-
20 fully possessed the weapon continuously since before
21 the date of the enactment of this section;

22 “(3) a transfer to an executor, administrator,
23 trustee, or personal representative of an estate or a
24 trust by operation of law upon death;

1 “(4) a transfer approved by the Attorney Gen-
2 eral under section 5812 of the Internal Revenue
3 Code of 1986;

4 “(5) a temporary transfer that is necessary to
5 prevent imminent death or great bodily harm, in-
6 cluding harm to self or another, domestic violence,
7 dating partner violence, sexual assault, stalking, or
8 domestic abuse, if the possession by the transferee
9 lasts only for so long as is immediately necessary to
10 prevent the imminent death or great bodily harm,
11 domestic violence, dating partner violence, sexual as-
12 sault, stalking, or domestic abuse, as the case may
13 be; or

14 “(6) a temporary transfer if the transferor has
15 no reason to believe that the transferee will use or
16 intends to use the firearm in a crime or is prohibited
17 from possessing a firearm under State or Federal
18 law, and the transfer takes place and the trans-
19 feree’s possession of the firearm is exclusively—

20 “(A) in the presence and under the super-
21 vision of the transferor; and

22 “(B)(i) at a shooting range or in a shoot-
23 ing gallery or other area designated for the pur-
24 pose of target shooting; or

1 “(ii) while reasonably necessary for the
2 purposes of hunting, trapping, pest control on
3 a farm or ranch, or fishing, if the transferor—

4 “(I) has no reason to believe that the
5 transferee intends to use the firearm un-
6 lawfully; and

7 “(II) has reason to believe that the
8 transferee will comply with all licensing
9 and permit requirements for the hunting,
10 trapping, pest control on a farm or ranch,
11 or fishing, as the case may be.

12 “(d) RETENTION OF APPLICATION FEES.—Amounts
13 collected from application fees paid under this section
14 shall be available, without fiscal year limitation, for proc-
15 essing applications submitted pursuant to this section.

16 “(e) REGULATIONS.—

17 “(1) IN GENERAL.—The Attorney General may
18 promulgate such regulations as the Attorney General
19 determines are necessary to carry out this section,
20 which shall include—

21 “(A) a requirement that the NICS system
22 prioritize criminal background checks pursuant
23 to this section over criminal background checks
24 pursuant to chapter 53 of the Internal Revenue
25 Code of 1986; and

1 “(B) a procedure for a person whose appli-
2 cation for a license under this section has been
3 returned without action to be informed of the
4 reasons therefor.

5 “(2) RECORDS OF LICENSE HOLDERS.—

6 “(A) IN GENERAL.—Notwithstanding the
7 2nd sentence of section 926(a) of this title, the
8 Attorney General shall keep a record of the
9 holders of a license issued under this section,
10 and shall enable the NICS system to access the
11 record in conducting criminal background
12 checks pursuant to this section.

13 “(B) LIMITATION ON FBI ACCESS.—The
14 Director of the Federal Bureau of Investigation
15 may not access the record except for the pur-
16 pose of—

17 “(i) conducting a criminal background
18 check pursuant to this section; or

19 “(ii) confiscating a license issued
20 under this section, in the case that the li-
21 censee becomes ineligible to receive a fire-
22 arm under Federal law.”.

23 (b) DEFINITIONS.—Section 921(a) of such title is
24 amended—

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

3 “(30) The term ‘semiautomatic pistol’ means any re-
4 peating pistol that—

5 “(A) utilizes a portion of the energy of a firing
6 cartridge to extract the fired cartridge case and
7 chamber the next round; and

8 “(B) requires a separate pull of the trigger to
9 fire each cartridge.

10 “(31) The term ‘semiautomatic shotgun’ means any
11 repeating shotgun that—

12 “(A) utilizes a portion of the energy of a firing
13 cartridge to extract the fired cartridge case and
14 chamber the next round; and

15 “(B) requires a separate pull of the trigger to
16 fire each cartridge.”; and

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

18 “(36) The term ‘assault weapon’ means any of the
19 following, regardless of country of manufacture or caliber
20 of ammunition accepted:

21 “(A) A semiautomatic rifle that has—

22 “(i) a magazine that is not a fixed maga-
23 zine; and

24 “(ii) any of the following:

25 “(I) A pistol grip.

1 “(II) A forward grip.

2 “(III) A folding, telescoping, or de-
3 tachable stock, or is otherwise foldable or
4 adjustable in a manner that operates to re-
5 duce the length, size, or any other dimen-
6 sion, or otherwise enhances the
7 concealability, of the weapon.

8 “(IV) A grenade launcher.

9 “(V) A barrel shroud.

10 “(B) A semiautomatic rifle that has a fixed
11 magazine with the capacity to accept more than 15
12 rounds, except for an attached tubular device de-
13 signed to accept, and capable of operating only with,
14 .22 caliber rimfire ammunition.

15 “(C) Any part, combination of parts, compo-
16 nent, device, attachment, or accessory that is de-
17 signed or functions to accelerate the rate of fire of
18 a semiautomatic firearm but not convert the semi-
19 automatic firearm into a machinegun.

20 “(D) A semiautomatic pistol that has—

21 “(i) a magazine that is not a fixed maga-
22 zine; and

23 “(ii) any of the following:

24 “(I) A second pistol grip.

25 “(II) A barrel shroud.

1 “(III) The capacity to accept a de-
2 tachable magazine at some location outside
3 of the pistol grip.

4 “(IV) A semiautomatic version of an
5 automatic firearm.

6 “(V) A manufactured weight of 50
7 ounces or more when unloaded.

8 “(VI) A stabilizing brace or similar
9 component.

10 “(E) A semiautomatic pistol with a fixed maga-
11 zine that has the capacity to accept more than 15
12 rounds.

13 “(F) A semiautomatic shotgun that has—

14 “(i) the capacity to utilize a magazine that
15 is not a fixed magazine; and

16 “(ii) any of the following:

17 “(I) A folding, telescoping, or detach-
18 able stock.

19 “(II) A pistol grip or bird’s head grip.

20 “(III) A fixed magazine with the ca-
21 pacity to accept more than 5 rounds.

22 “(IV) The ability to accept a detach-
23 able magazine.

24 “(V) A forward grip.

25 “(VI) A grenade launcher.

1 “(G) Any shotgun with a revolving cylinder.

2 “(H) All of the following rifles, copies, dupli-
3 cates, variants, or altered facsimiles with the capa-
4 bility of any such weapon thereof:

5 “(i) All AK types, including the following:

6 “(I) AK, AK47, AK47S, AK-74,
7 AKM, AKS, ARM, MAK90, MISR,
8 NHM90, NHM91, Rock River Arms LAR-
9 47, SA85, SA93, Vector Arms AK-47,
10 VEPR, WASR-10, and WUM.

11 “(II) IZHMAASH Saiga AK.

12 “(III) MAADI AK47 and ARM.

13 “(IV) Norinco 56S, 56S2, 84S, and
14 86S.

15 “(V) Poly Technologies AK47 and
16 AKS.

17 “(VI) SKS with a detachable maga-
18 zine.

19 “(ii) All AR types, including the following:

20 “(I) AR-10.

21 “(II) AR-15.

22 “(III) Alexander Arms Overmatch
23 Plus 16.

24 “(IV) Armalite M15 22LR Carbine.

25 “(V) Armalite M15-T.

- 1 “(VI) Barrett REC7.
- 2 “(VII) Beretta AR-70.
- 3 “(VIII) Black Rain Ordnance Recon
4 Scout.
- 5 “(IX) Bushmaster ACR.
- 6 “(X) Bushmaster Carbon 15.
- 7 “(XI) Bushmaster MOE series.
- 8 “(XII) Bushmaster XM15.
- 9 “(XIII) Chiappa Firearms MFour ri-
10 fles.
- 11 “(XIV) Colt Match Target rifles.
- 12 “(XV) CORE Rifle Systems CORE15
13 rifles.
- 14 “(XVI) Daniel Defense M4A1 rifles.
- 15 “(XVII) Devil Dog Arms 15 Series ri-
16 fles.
- 17 “(XVIII) Diamondback DB15 rifles.
- 18 “(XIX) DoubleStar AR rifles.
- 19 “(XX) DPMS Tactical rifles.
- 20 “(XXI) DSA Inc. ZM-4 Carbine.
- 21 “(XXII) Heckler & Koch MR556.
- 22 “(XXIII) High Standard HSA-15 ri-
23 fles.
- 24 “(XXIV) Jesse James Nomad AR-15
25 rifle.

- 1 “(XXV) Knight’s Armament SR–15.
- 2 “(XXVI) Lancer L15 rifles.
- 3 “(XXVII) MGI Hydra Series rifles.
- 4 “(XXVIII) Mossberg MMR Tactical
5 rifles.
- 6 “(XXIX) Noreen Firearms BN 36
7 rifle.
- 8 “(XXX) Olympic Arms.
- 9 “(XXXI) POF USA P415.
- 10 “(XXXII) Precision Firearms AR ri-
11 fles.
- 12 “(XXXIII) Remington R–15 rifles.
- 13 “(XXXIV) Rhino Arms AR rifles.
- 14 “(XXXV) Rock River Arms LAR–15.
- 15 “(XXXVI) Sig Sauer SIG516 rifles
16 and MCX rifles.
- 17 “(XXXVII) Smith & Wesson M&P15
18 rifles.
- 19 “(XXXVIII) Stag Arms AR rifles.
- 20 “(XXXIX) Sturm, Ruger & Co.
21 SR556 and AR–556 rifles.
- 22 “(XL) Uselton Arms Air-Lite M–4 ri-
23 fles.
- 24 “(XLI) Windham Weaponry AR ri-
25 fles.

- 1 “(XLII) WMD Guns Big Beast.
- 2 “(XLIII) Yankee Hill Machine Com-
- 3 pany, Inc. YHM-15 rifles.
- 4 “(iii) Barrett M107A1.
- 5 “(iv) Barrett M82A1.
- 6 “(v) Beretta CX4 Storm.
- 7 “(vi) Calico Liberty Series.
- 8 “(vii) CETME Sporter.
- 9 “(viii) Daewoo K-1, K-2, Max 1, Max 2,
- 10 AR 100, and AR 110C.
- 11 “(ix) Fabrique Nationale/FN Herstal
- 12 FAL, LAR, 22 FNC, 308 Match, L1A1
- 13 Sporter, PS90, SCAR, and FS2000.
- 14 “(x) Feather Industries AT-9.
- 15 “(xi) Galil Model AR and Model ARM.
- 16 “(xii) Hi-Point Carbine.
- 17 “(xiii) HK-91, HK-93, HK-94, HK-
- 18 PSG-1, and HK USC.
- 19 “(xiv) IWI TAVOR, Galil ACE rifle.
- 20 “(xv) Kel-Tec Sub-2000, SU-16, and
- 21 RFB.
- 22 “(xvi) SIG AMT, SIG PE-57, Sig Sauer
- 23 SG 550, Sig Sauer SG 551, and SIG MCX.
- 24 “(xvii) Springfield Armory SAR-48.
- 25 “(xviii) Steyr AUG.

1 “(xix) Sturm, Ruger & Co. Mini-14 Tac-
2 tical Rifle M-14/20CF.

3 “(xx) All Thompson rifles, including the
4 following:

5 “(I) Thompson M1SB.

6 “(II) Thompson T1100D.

7 “(III) Thompson T150D.

8 “(IV) Thompson T1B.

9 “(V) Thompson T1B100D.

10 “(VI) Thompson T1B50D.

11 “(VII) Thompson T1BSB.

12 “(VIII) Thompson T1-C.

13 “(IX) Thompson T1D.

14 “(X) Thompson T1SB.

15 “(XI) Thompson T5.

16 “(XII) Thompson T5100D.

17 “(XIII) Thompson TM1.

18 “(XIV) Thompson TM1C.

19 “(xxi) UMAREX UZI rifle.

20 “(xxii) UZI Mini Carbine, UZI Model A
21 Carbine, and UZI Model B Carbine.

22 “(xxiii) Valmet M62S, M71S, and M78.

23 “(xxiv) Vector Arms UZI Type.

24 “(xxv) Weaver Arms Nighthawk.

25 “(xxvi) Wilkinson Arms Linda Carbine.

1 “(I) All of the following pistols, copies, dupli-
2 cates, variants, or altered facsimiles with the capa-
3 bility of any such weapon thereof:

4 “(i) All AK types, including the following:

5 “(I) Centurion 39 AK pistol.

6 “(II) CZ Scorpion pistol.

7 “(III) Draco AK-47 pistol.

8 “(IV) HCR AK-47 pistol.

9 “(V) IO Inc. Hellpup AK-47 pistol.

10 “(VI) Krinkov pistol.

11 “(VII) Mini Draco AK-47 pistol.

12 “(VIII) PAP M92 pistol.

13 “(IX) Yugo Krebs Krink pistol.

14 “(ii) All AR types, including the following:

15 “(I) American Spirit AR-15 pistol.

16 “(II) Bushmaster Carbon 15 pistol.

17 “(III) Chiappa Firearms M4 Pistol

18 GEN II.

19 “(IV) CORE Rifle Systems CORE15
20 Roscoe pistol.

21 “(V) Daniel Defense MK18 pistol.

22 “(VI) DoubleStar Corporation AR pis-
23 tol.

24 “(VII) DPMS AR-15 pistol.

1 “(VIII) Jesse James Nomad AR-15
2 pistol.

3 “(IX) Olympic Arms AR-15 pistol.

4 “(X) Osprey Armament MK-18 pis-
5 tol.

6 “(XI) POF USA AR pistols.

7 “(XII) Rock River Arms LAR 15 pis-
8 tol.

9 “(XIII) Uselton Arms Air-Lite M-4
10 pistol.

11 “(iii) Calico pistols.

12 “(iv) DSA SA58 PKP FAL pistol.

13 “(v) Encom MP-9 and MP-45.

14 “(vi) Heckler & Koch model SP-89 pistol.

15 “(vii) Intratec AB-10, TEC-22 Scorpion,
16 TEC-9, and TEC-DC9.

17 “(viii) IWI Galil Ace pistol, UZI PRO pis-
18 tol.

19 “(ix) Kel-Tec PLR 16 pistol.

20 “(x) All MAC types, including the fol-
21 lowing:

22 “(I) MAC-10.

23 “(II) MAC-11.

1 “(III) Masterpiece Arms MPA A930
2 Mini Pistol, MPA460 Pistol, MPA Tactical
3 Pistol, and MPA Mini Tactical Pistol.

4 “(IV) Military Armament Corp.
5 Ingram M-11.

6 “(V) Velocity Arms VMAC.

7 “(xi) Sig Sauer P556 pistol.

8 “(xii) Sites Spectre.

9 “(xiii) All Thompson types, including the
10 following:

11 “(I) Thompson TA510D.

12 “(II) Thompson TA5.

13 “(xiv) All UZI types, including Micro-UZI.

14 “(J) All of the following shotguns, copies, dupli-
15 cates, variants, or altered facsimiles with the capa-
16 bility of any such weapon thereof:

17 “(i) DERYA Anakon MC-1980, Anakon
18 SD12.

19 “(ii) Doruk Lethal shotguns.

20 “(iii) Franchi LAW-12 and SPAS 12.

21 “(iv) All IZHMASH Saiga 12 types, in-
22 cluding the following:

23 “(I) IZHMASH Saiga 12.

24 “(II) IZHMASH Saiga 12S.

1 “(III) IZHMAISH Saiga 12S EXP–

2 01.

3 “(IV) IZHMAISH Saiga 12K.

4 “(V) IZHMAISH Saiga 12K–030.

5 “(VI) IZHMAISH Saiga 12K–040

6 Taktika.

7 “(v) Streetsweeper.

8 “(vi) Striker 12.

9 “(K) All belt-fed semiautomatic firearms, in-
10 cluding TNW M2HB and FN M2495.

11 “(L) Any combination of parts from which a
12 firearm described in subparagraphs (A) through (K)
13 can be assembled.

14 “(M) The frame or receiver of a rifle or shot-
15 gun described in subparagraph (A), (B), (C), (F),
16 (G), (H), (J), or (K).

17 “(37) The term ‘barrel shroud’—

18 “(A) means a shroud that is attached to, or
19 partially or completely encircles, the barrel of a fire-
20 arm so that the shroud protects the user of the fire-
21 arm from heat generated by the barrel; and

22 “(B) does not include—

23 “(i) a slide that partially or completely en-
24 closes the barrel; or

1 “(ii) an extension of the stock along the
2 bottom of the barrel which does not encircle or
3 substantially encircle the barrel.

4 “(38) The term ‘detachable magazine’ means an am-
5 munition feeding device that can be removed from a fire-
6 arm without disassembly of the firearm action.

7 “(39) The term ‘fixed magazine’ means an ammuni-
8 tion feeding device that is contained in and not removable
9 from or permanently fixed to the firearm.

10 “(40) The term ‘folding, telescoping, or detachable
11 stock’ means a stock that folds, telescopes, detaches or
12 otherwise operates to reduce the length, size, or any other
13 dimension, or otherwise enhances the concealability, of a
14 firearm.

15 “(41) The term ‘forward grip’ means a grip located
16 forward of the trigger that functions as a pistol grip.

17 “(42) The term ‘grenade launcher’ means an attach-
18 ment for use on a firearm that is designed to propel a
19 grenade or other similar destructive device.

20 “(43) The term ‘pistol grip’ means a grip, a thumb-
21 hole stock or Thordsen-type grip or stock, or any other
22 characteristic that can function as a grip.

23 “(44) The term ‘belt-fed semiautomatic firearm’
24 means any repeating firearm that—

1 “(A) utilizes a portion of the energy of a firing
2 cartridge to extract the fired cartridge case and
3 chamber the next round;

4 “(B) requires a separate pull of the trigger to
5 fire each cartridge; and

6 “(C) has the capacity to accept a belt ammuni-
7 tion feeding device.”.

8 (c) PROHIBITION ON TRANSFER TO CERTAIN UNLI-
9 CENSED PERSONS.—Section 922 of such title is amended
10 by adding at the end the following:

11 “(aa) PROHIBITION ON TRANSFER TO CERTAIN UN-
12 LICENSED PERSONS.—It shall be unlawful for any person
13 to—

14 “(1) sell or otherwise dispose of an assault
15 weapon to any person if such person does not have
16 a license issued under section 935 or a substantially
17 similar State law, as determined by the Attorney
18 General, during the previous 30 days; or

19 “(2) fail to report to the relevant law enforce-
20 ment agencies the sale or disposal described in para-
21 graph (1).”.

22 (d) PENALTIES.—Section 924(a) of such title is
23 amended by adding at the end the following:

24 “(9) Whoever knowingly violates section 935 or
25 922(aa) shall—

1 “(A) in the case of the 1st such violation by the
2 person, be fined not more than \$5,000, imprisoned
3 not more than 1 year, or both; or

4 “(B) in the case of any subsequent such viola-
5 tion by the person, be fined not more than \$15,000,
6 imprisoned not more than 5 years, or both.”.

7 (e) CLERICAL AMENDMENT.—The table of sections
8 for such chapter is amended by adding at the end the fol-
9 lowing:

 “935. License for the acquisition or receipt of assault weapons.”.

10 (f) INFORMATION-SHARING.—Section 103(e)(1)(C)
11 of the Brady Handgun Violence Prevention Act (34 U.S.C.
12 40901(e)(1)(C)) is amended by adding at the end the fol-
13 lowing: “If a State or local agency has any record of any
14 person demonstrating that the person falls within one of
15 the categories of prohibition pertinent to the Interstate
16 Identification Index, the National Crime Information Cen-
17 ter, or any other index of the system, the head of the de-
18 partment or agency shall, not less frequently than quar-
19 terly, provide the pertinent information contained in the
20 record to the Attorney General.”.

21 **SEC. 3. POINT-OF-SALE BACKGROUND CHECKS.**

22 (a) IN GENERAL.—Section 922 of title 18, United
23 States Code, as amended by section 2(c) of this Act, is
24 amended by adding at the end the following:

25 “(bb) POINT-OF-SALE BACKGROUND CHECKS.—

1 “(1) IN GENERAL.—It shall be unlawful for any
2 person who is not a licensed importer, licensed man-
3 ufacturer, or licensed dealer to transfer an assault
4 weapon to any other person who is not so licensed,
5 unless a licensed importer, licensed manufacturer, or
6 licensed dealer has first taken possession of the as-
7 sault weapon for the purpose of complying with sub-
8 section (t).

9 “(2) COMPLIANCE.—Upon taking possession of
10 an assault weapon under paragraph (1), a licensee
11 shall comply with all requirements of this chapter as
12 if the licensee were transferring the assault weapon
13 from the inventory of the licensee to the unlicensed
14 transferee.

15 “(3) RETURN.—If a transfer of an assault
16 weapon described in paragraph (1) will not be com-
17 pleted for any reason after a licensee takes posses-
18 sion of the assault weapon (including because the
19 transfer of the assault weapon to, or receipt of the
20 assault weapon by, the transferee would violate this
21 chapter), the return of the assault weapon to the
22 transferor by the licensee shall not constitute the
23 transfer of a firearm for purposes of this chapter.”.

24 (b) PENALTIES.—

1 (1) VIOLATIONS BY NON-LICENSEES.—Section
2 924(a) of such title, as amended by section 2(d) of
3 this Act, is amended by adding at the end the fol-
4 lowing:

5 “(10) PENALTIES FOR POINT-OF-SALE BACK-
6 GROUND CHECK VIOLATIONS BY NON-LICENSEES.—Who-
7 ever knowingly violates section 922(bb)(1) shall—

8 “(A) in the case of the 1st such violation by the
9 person, be fined under this title, imprisoned not
10 more than 1 year, or both; or

11 “(B) in the case of any subsequent violation by
12 the person, be fined under this title, imprisoned not
13 more than 5 years, or both.”.

14 (2) VIOLATIONS BY LICENSEES.—Section
15 924(a)(5) of such title is amended by striking “(s)
16 or (t)” and inserting “(s), (t), or (bb)(2)”.

17 **SEC. 4. EFFECTIVE DATE.**

18 The amendments made by this Act shall take effect
19 on the date that is 18 months after the date of the enact-
20 ment of this Act.

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