

118TH CONGRESS  
1ST SESSION

# H. R. 4992

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 HOUSE OF REPRESENTATIVES

JULY 27, 2023

Mr. ESPAILLAT (for himself, Ms. DEAN of Pennsylvania, Mr. SCHNEIDER, and Mr. THOMPSON of California) introduced the following bill; which was 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 “Ghost Guns and  
5 Untraceable Firearms Act of 2023”.

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

7 It is the sense of Congress that—

8 (1) irrespective of the enactment of this Act,  
9 the Bureau of Alcohol, Tobacco, Firearms, and Ex-

1 explosives has the authority to regulate ghost guns (as  
2 defined in section 921(a) of title 18, United States  
3 Code, as amended by section 3 of this Act) and un-  
4 finished frames and receivers; and

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

7 **SEC. 3. REQUIREMENT THAT ALL FIREARMS BE TRACE-**  
8 **ABLE.**

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

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

17 (2) by inserting after paragraph (30) the fol-  
18 lowing:

19 “(31)(A) The term ‘frame or receiver’—

20 “(i) means a part of a weapon that pro-  
21 vides or is intended to provide the housing or  
22 structure to hold or integrate 1 or more fire  
23 control components, without regard to whether  
24 pins or other attachments are required to con-

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

3           “(ii) includes—

4                   “(I) a forged, cast, printed, extruded,  
5                   or machined body or similar article that is  
6                   designed to, or may readily be completed,  
7                   assembled, or otherwise converted to, pro-  
8                   vide the housing or structure, without re-  
9                   gard to whether the housing or structure  
10                  has been indexed, drilled, or machined in  
11                  any way, and without regard to whether  
12                  the article is sold, distributed, or marketed  
13                  with or for any associated template, jig,  
14                  mold, equipment, tool, instructions, or  
15                  guide; and

16                   “(II) an object that is marketed or  
17                   sold to become or be used as the frame or  
18                   receiver of a functional firearm once com-  
19                   pleted, assembled, or converted.

20           “(B) For purposes of subparagraph (A)(i), if a  
21           weapon has more than 1 part that provides the  
22           housing or a structure designed to hold or integrate  
23           1 or more fire control or essential components, each  
24           such part shall be considered a frame or receiver,  
25           unless the Attorney General has provided otherwise

1 by regulation with respect to the specific make and  
2 model of weapon on or before January 1, 2024.”;  
3 and

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

5 “(38) The term ‘ghost gun’—

6 “(A) means a firearm, including a frame  
7 or receiver, that lacks a unique serial number  
8 engraved or cast on the frame or receiver by a  
9 licensed manufacturer or importer in accord-  
10 ance with this chapter; and

11 “(B) does not include—

12 “(i) a firearm that has been rendered  
13 permanently inoperable;

14 “(ii) a firearm identified by means of  
15 a unique serial number assigned by a State  
16 agency and engraved or cast on the frame  
17 or receiver of the weapon before the effec-  
18 tive date of the Ghost Guns and  
19 Untraceable Firearms Act of 2023 in ac-  
20 cordance with a State law;

21 “(iii) a firearm manufactured or im-  
22 ported before December 16, 1968; or

23 “(iv) a firearm identified as provided  
24 for under section 5842 of the Internal Rev-  
25 enue Code of 1986.

1           “(39) The term ‘fire control component’—

2                   “(A) means a component necessary for the  
3           firearm to initiate or complete the firing se-  
4           quence; and

5                   “(B) includes a hammer, bolt or breech-  
6           block, cylinder, trigger mechanism, firing pin,  
7           striker, and slide rails.”.

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

11          “(aa)(1) Congress finds and declares the following:

12                   “(A) Firearms tracing is the systematic track-  
13           ing of the movement of a firearm recovered by law  
14           enforcement officials from the first sale of a firearm  
15           by the manufacturer or importer through the dis-  
16           tribution chain (including the wholesaler and re-  
17           tailer) to the first retail purchaser.

18                   “(B) Law enforcement agencies across the  
19           country work with the Bureau of Alcohol, Tobacco,  
20           Firearms, and Explosives to trace firearms and  
21           thereby obtain investigative leads in the fight  
22           against violent crime and terrorism.

23                   “(C) The ability of law enforcement agencies to  
24           trace a firearm is dependent on the serial number or  
25           other marks on the firearm that identify the manu-

1        factorer or importer who manufactured or imported  
2        the firearm and that are unique to the firearm.

3           “(D) Interstate gun trafficking interferes with  
4        lawful commerce in firearms and significantly con-  
5        tributes to gun crime. Of the 361,587 firearms  
6        traced by the Bureau of Alcohol, Tobacco, Firearms,  
7        and Explosives in 2021, 99,172 of those firearms  
8        were originally sold by a licensed firearms dealer in  
9        a State other than the State where the firearms  
10       were recovered. These guns made up 27.4 percent of  
11       all firearm recoveries in 2021.

12           “(E) Even before the sale of a firearm, the gun,  
13        its component parts, and the raw materials from  
14        which they are made have considerably moved in  
15        interstate commerce.

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

23           “(2)(A) Except as provided in subparagraph (B), it  
24        shall be unlawful for any person to manufacture, sell, offer

1 to sell, transfer, purchase, or receive a ghost gun in or  
2 affecting interstate or foreign commerce.

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

4 “(i) the manufacture of a firearm by a licensed  
5 manufacturer if the licensed manufacturer complies  
6 with section 923(i) before selling or transferring the  
7 firearm to another person;

8 “(ii) the offer to sell, sale, or transfer of a  
9 ghost gun to, or purchase or receipt of a ghost gun  
10 by, a licensed dealer, licensed manufacturer, or li-  
11 censed importer before the date that is 1 year after  
12 the date of enactment of the Ghost Guns and  
13 Untraceable Firearms Act of 2023; or

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

16 “(3) It shall be unlawful for a person other than a  
17 licensed manufacturer or importer to engrave or cast a  
18 serial number on a firearm in or affecting interstate or  
19 foreign commerce unless specifically authorized by the At-  
20 torney General.

21 “(4) Beginning on the date that is 1 year after the  
22 date of enactment of the Ghost Guns and Untraceable  
23 Firearms Act of 2023, it shall be unlawful for any person  
24 other than a licensed manufacturer or importer in the con-

1 duct of their business to knowingly possess a ghost gun  
2 in or affecting interstate or foreign commerce.

3 “(5) Beginning on the date that is 1 year after the  
4 date of enactment of the Ghost Guns and Untraceable  
5 Firearms Act of 2023, it shall be unlawful for any person  
6 other than a licensed manufacturer or importer to possess  
7 a ghost gun in or affecting interstate or foreign commerce  
8 with the intent to sell or transfer the ghost gun with or  
9 without further manufacturing or to manufacture a fire-  
10 arm with the ghost gun.

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

16 “(B) Except as provided in subparagraph (D), begin-  
17 ning on the date of the enactment of the Ghost Guns and  
18 Untraceable Firearms Act of 2023, it shall be unlawful  
19 for any person other than a licensed manufacturer to pur-  
20 chase or receive, in or affecting interstate or foreign com-  
21 merce, a machine that has the sole or primary function  
22 of manufacturing firearms.

23 “(C) Except as provided in subparagraph (D), begin-  
24 ning on the date that is 180 days after the date of the  
25 enactment of the Ghost Guns and Untraceable Firearms



1 Act of 2023, it shall be unlawful for any person other than  
2 a licensed manufacturer to possess, in or affecting inter-  
3 state or foreign commerce, a machine that has the sole  
4 or primary function of manufacturing firearms.

5 “(D) Subparagraphs (B) and (C) shall not apply to  
6 a person who is engaged in the business of selling manu-  
7 facturing equipment to a licensed manufacturer who pos-  
8 sesses a machine that has the sole or primary function  
9 of manufacturing firearms with the intent to sell or trans-  
10 fer the machine to a licensed manufacturer.”.

11 (c) REQUIREMENTS.—

12 (1) REMOVAL OF SERIAL NUMBERS.—Section  
13 922(k) of title 18, United States Code, is amend-  
14 ed—

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

17 (B) by inserting “required by this chapter  
18 or under State law” before “removed” each  
19 place it appears.

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

23 (A) by inserting “(1)” before “Licensed”;  
24 and

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

2 “The serial number shall be engraved or cast  
3 on the frame or receiver in a manner sufficient  
4 to identify the firearm and the manufacturer or  
5 importer that put the serial number on the fire-  
6 arm.

7 “(2) Not later than 180 days after the date of  
8 enactment of the Ghost Guns and Untraceable Fire-  
9 arms Act of 2023, the Attorney General shall update  
10 the regulations for engraving a unique serial number  
11 onto a ghost gun so that, after the date that is 1  
12 year after such date of enactment, a licensed dealer  
13 or gunsmith shall no longer have the authority to  
14 engrave a serial number onto a ghost gun.”.

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

17 (1) in subsection (a)(1)(B), by striking “or (q)”  
18 and inserting “(q), (aa)(2), (aa)(3), (aa)(5), or  
19 (aa)(6)”;

20 (2) in subsection (c)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A), in the matter  
23 preceding clause (i), by inserting “func-  
24 tional” before “firearm” each place it ap-  
25 pears;

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

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

6 (B) in paragraph (4), by striking “all or  
7 part of the firearm” and all that follows  
8 through “person.” and inserting the following:  
9 “all or part of the functional firearm, or other-  
10 wise make the presence of the functional fire-  
11 arm known to another person, in order to in-  
12 timidate that person, regardless of whether the  
13 functional firearm is directly visible to that per-  
14 son.”;

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

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

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

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

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

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

4 **SEC. 4. MODERNIZATION OF THE PROHIBITION ON**  
5 **UNDETECTABLE FIREARMS.**

6           Section 922(p) of title 18, United States Code, is  
7 amended—

8           (1) in paragraph (1)—

9                   (A) in the matter preceding subparagraph  
10                   (A), by striking “any firearm”;

11                   (B) by amending subparagraph (A) to read  
12                   as follows:

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

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

23           (2) in paragraph (2)—

24                   (A) by amending subparagraph (A) to read  
25                   as follows:

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

5           (B) by striking subparagraph (B) and in-  
6 sserting the following:

7           “(B) the term ‘major component’, with re-  
8 spect to a firearm—

9                   “(i) means the slide or cylinder or the  
10 frame or receiver of the firearm; and

11                   “(ii) in the case of a rifle or shotgun,  
12 includes the barrel of the firearm; and”;

13           and

14           (C) by striking subparagraph (C) and all  
15 that follows through the end of the undesig-  
16 nated matter following subparagraph (C) and  
17 inserting the following:

18           “(C) the term ‘detectable material’ means  
19 any material that creates a magnetic field  
20 equivalent to or more than 3.7 ounces of 17-  
21 4 pH stainless steel.”;

22           (3) in paragraph (3)—

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

25                   (B) by striking the second sentence; and

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

4                   “(A) any firearm received by, in the pos-  
5                   session of, or under the control of the United  
6                   States; or

7                   “(B) the manufacture, importation, posses-  
8                   sion, transfer, receipt, shipment, or delivery of  
9                   a firearm by a licensed manufacturer or li-  
10                  censed importer pursuant to a contract with the  
11                  United States.”.

○