

.....
(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To amend title 18, United States Code, to prevent bulk sales of ammunition, promote recordkeeping and reporting about ammunition, end ammunition straw purchasing, and require a background check before the transfer of ammunition by certain Federal firearms licensees to non-licensees.

IN THE HOUSE OF REPRESENTATIVES

Mr. ROBERT GARCIA of California introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 18, United States Code, to prevent bulk sales of ammunition, promote recordkeeping and reporting about ammunition, end ammunition straw purchasing, and require a background check before the transfer of ammunition by certain Federal firearms licensees to non-licensees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ammunition Mod-
3 ernization and Monitoring Oversight Act” or the “AMMO
4 Act”.

5 **SEC. 2. FEDERAL LICENSE REQUIRED TO DEAL IN AMMUNI-**
6 **TION.**

7 (a) IN GENERAL.—Section 922(a)(1)(B) of title 18,
8 United States Code, is amended—

9 (1) by striking “or licensed manufacturer” and
10 inserting “licensed manufacturer, or licensed deal-
11 er”; and

12 (2) by striking “or manufacturing” and insert-
13 ing “manufacturing, or dealing in”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) DEFINITION OF DEALER.—Section
16 921(a)(11)(A) of such title is amended by inserting
17 “or ammunition” after “firearms”.

18 (2) LICENSE FEE.—Section 923(a)(3)(B) of
19 such title is amended by striking “who is not a deal-
20 er in destructive devices” and inserting “in firearms
21 other than destructive devices or ammunition for
22 firearms other than destructive devices”.

23 **SEC. 3. AMMUNITION RECORDKEEPING REQUIREMENT**
24 **FOR CERTAIN LICENSEES.**

25 Section 923(g)(1) of title 18, United States Code, is
26 amended—

1 (1) in subparagraph (A), by inserting “or am-
2 munition” after “firearms”; and

3 (2) in each of subparagraphs (B)(iii) and
4 (C)(ii), by inserting “, or of ammunition,” after
5 “firearms”.

6 **SEC. 4. PROHIBITION ON STRAW PURCHASE OF AMMUNI-**
7 **TION.**

8 Section 932 of title 18, United States Code, is
9 amended in each of subsections (b) and (c)(2), by insert-
10 ing “or ammunition” after “firearm” each place it ap-
11 pears.

12 **SEC. 5. RESTRICTION ON BULK AMMUNITION SALES.**

13 (a) IN GENERAL.—Section 922 of title 18, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 “(aa)(1) It shall be unlawful for any person licensed
17 under this chapter to transfer to a person not so li-
18 censed—

19 “(A) more than 100 rounds of .50 caliber am-
20 munition or more than 1,000 rounds of any other
21 caliber of ammunition in any period of 5 consecutive
22 days; or

23 “(B) any ammunition if—

24 “(i) the transferee has not provided to the
25 transferor a written certification, signed by the

1 transferee, attesting that the purchase of the
2 ammunition would not result in the transferee
3 having acquired more than 100 rounds of .50
4 caliber ammunition or more than 1,000 rounds
5 of any other caliber of ammunition, in the 5-
6 day period ending with the date of the transfer;
7 or

8 “(ii) the transferor knows or has reason to
9 believe that the transfer would result in the
10 transferee having acquired more than 100
11 rounds of .50 caliber ammunition or more than
12 1,000 rounds of any other caliber of ammuni-
13 tion, in the 5-day period ending with the date
14 of the transfer.

15 “(2)(A) It shall be unlawful for a person licensed
16 under this chapter to transfer ammunition to a person not
17 so licensed, unless the transferee—

18 “(i) has presented to the licensee a valid identi-
19 fication document (as defined in section 1028(d)) on
20 which appears—

21 “(I) the name and address of the trans-
22 feree;

23 “(II) a number unique to the transferee;
24 and

25 “(III) the signature of the transferee; and

1 “(ii) has entered the name, address, and signa-
2 ture of the transferee on, and otherwise completed,
3 such form as the Attorney General shall prescribe,
4 which shall include the written certification de-
5 scribed in paragraph (1)(B), and a statement of the
6 penalties for violating this subsection.

7 “(B) It shall be unlawful for any person in connection
8 with the purchase or attempted purchase of ammunition
9 to knowingly make any false or fictitious oral or written
10 statement or to furnish or exhibit any false, fictitious, or
11 misrepresented identification, intended or likely to deceive
12 the seller with respect to any fact material to the lawful-
13 ness of the sale of the ammunition under this chapter.

14 “(C)(i) Within 30 calendar days after the date a per-
15 son licensed under this chapter transfers ammunition in
16 a transaction subject to paragraph (1), the licensee shall
17 transmit to the Attorney General a paper or electronic
18 copy of the form completed by the transferee pursuant to
19 subparagraph (A) of this paragraph.

20 “(ii) The Attorney General shall determine, on the
21 basis of the forms transmitted pursuant to clause (i) of
22 this subparagraph, whether a transfer of ammunition has
23 been made in violation of paragraph (1)(A).

24 “(iii) Within 60 days after receipt of a form pursuant
25 to clause (i), the Attorney General shall destroy the form

1 unless the form is needed in an ongoing bona fide criminal
2 investigation or prosecution.

3 “(D) A licensee who transfers ammunition in a trans-
4 action subject to paragraph (1) shall keep the form re-
5 ferred to in subparagraph (C) of this paragraph in paper
6 or electronic form for not fewer than 2 years.”.

7 (b) PENALTIES.—Section 924(a) of such title is
8 amended by adding at the end the following:

9 “(9)(A) A person licensed under this chapter who
10 knowingly violates paragraph (1) or (2)(A) of section
11 922(aa) shall be fined not less than \$50,000 and not more
12 than \$250,000, and—

13 “(i) in the case of the 2nd such violation by the
14 person, the person shall be prohibited from selling a
15 firearm or ammunition for 60 days; or

16 “(ii) in the case of the 3rd such violation by the
17 person, all licenses issued to the person under this
18 chapter shall be revoked.

19 “(B) A person who knowingly violates section
20 922(aa)(2)(B) shall be—

21 “(i) fined not more than—

22 “(I) \$20,000, in the case of the 1st such
23 violation by the person; or

24 “(II) \$50,000, in the case of any subse-
25 quent such violation by the person;

1 “(ii) imprisoned not more than 5 years; or

2 “(iii) both.

3 “(C) Whoever knowingly violates subparagraph (C)(i)
4 or (D) of section 922(aa)(2) shall be fined not more than
5 \$10,000.”.

6 (c) SIGNAGE REQUIREMENT.—

7 (1) IN GENERAL.—Section 923(g) of such title
8 is amended by adding at the end the following:

9 “(8) Each person licensed under this chapter shall
10 post at the premises of the licensee subject to the license
11 a sign on which there is set forth, in accordance with regu-
12 lations prescribed by the Attorney General—

13 “(A) a summary of paragraphs (1) and (2)(B)
14 of section 922(aa), and the penalties for making
15 false statements on a written certification made pur-
16 suant to section 922(aa)(1)(B)(i); and

17 “(B) a summary of the provisions of section
18 932 relating to ammunition, and the penalties for
19 violating those provisions.”.

20 (2) PENALTY.—Section 924 of such title is
21 amended by adding at the end the following:

22 “(q) CIVIL PENALTY FOR FAILURE OF LICENSEE TO
23 POST SIGN ABOUT RESTRICTIONS ON AMMUNITION
24 SALES.—

25 “(1) IN GENERAL.—

1 “(A) CIVIL PENALTY.—With respect to
2 each violation of section 923(g)(8) by a person
3 licensed under this chapter, the Attorney Gen-
4 eral may, after notice and opportunity for hear-
5 ing, subject the licensee to a civil penalty in an
6 amount equal to \$10,000.

7 “(B) REVIEW.—An action under this para-
8 graph may be reviewed only as provided under
9 section 923(f).

10 “(2) ADMINISTRATIVE REMEDIES.—The imposi-
11 tion of a civil penalty under paragraph (1) shall not
12 preclude any administrative remedy that is otherwise
13 available to the Attorney General.”.

14 **SEC. 6. BACKGROUND CHECK REQUIRED BEFORE TRANS-**
15 **FER OF AMMUNITION BY CERTAIN FEDERAL**
16 **FIREARMS LICENSEES TO NON-LICENSEES.**

17 (a) IN GENERAL.—Section 922 of title 18, United
18 States Code, is amended—

19 (1) by striking subsection (s) and redesignating
20 subsection (t) as subsection (s);

21 (2) in subsection (s) (as so redesignated)—

22 (A) in paragraph (1)(B)(i), by inserting
23 “indicating that the receipt of a firearm or am-
24 munition by such other person would not violate

1 subsection (g) or (n) of this section, or State,
2 local, or Tribal law” before the semicolon;

3 (B) in paragraph (3)(C)(ii), by striking
4 “(as defined in subsection (s)(8))”; and

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

6 “(7) In this subsection, the term ‘chief law enforce-
7 ment officer’ means the chief of police, the sheriff, or an
8 equivalent officer or the designee of any such individual.”;
9 and

10 (3) by inserting after subsection (s) (as so re-
11 designated) the following:

12 “(t)(1) A licensed importer, licensed manufacturer, or
13 licensed dealer shall not transfer ammunition to another
14 person not licensed under this chapter, unless—

15 “(A) before the completion of the transfer, the
16 licensee contacts the national instant criminal back-
17 ground check system established under section 103
18 of the Brady Handgun Violence Prevention Act;

19 “(B) the system provides the licensee with a
20 unique identification number indicating that—

21 “(i) the receipt of a firearm or ammunition
22 by such other person would not violate sub-
23 section (g) or (n) of this section, or State, local,
24 or Tribal law; and

1 “(ii) if such other person has not attained
2 21 years of age, that a transfer of a firearm or
3 ammunition to such other person would not vio-
4 late subsection (d) of this section; and

5 “(C) the licensee has verified the identity of
6 such other person by examining a valid identification
7 document (as defined in section 1028(d) of this title)
8 of such other person containing a photograph of
9 such other person.

10 “(2) Paragraph (1) shall not apply to an ammunition
11 transfer between a licensee and another person if—

12 “(A) such other person has presented to the li-
13 censee a permit that—

14 “(i) allows such other person to possess or
15 acquire ammunition, or to possess or acquire a
16 firearm; and

17 “(ii) was issued not more than 5 years ear-
18 lier by the State in which the transfer is to take
19 place; and

20 “(B) the law of the State provides that such a
21 permit is to be issued only after an authorized gov-
22 ernment official has verified that the information
23 available to such official does not indicate that pos-
24 session of ammunition by such other person would
25 be in violation of law.

1 “(3) Paragraphs (2) and (4) through (7) of sub-
2 section (s) shall apply with respect to ammunition trans-
3 fers pursuant to this subsection in the same manner in
4 which such paragraphs apply with respect to firearm
5 transfers.

6 “(4) It shall be unlawful for a licensed importer, li-
7 censed manufacturer, or licensed dealer to transfer posses-
8 sion of ammunition to another person not so licensed un-
9 less the licensee has provided such other person with a
10 notice of the prohibition under paragraph (1), and such
11 other person has certified that such other person has been
12 provided with this notice on a form prescribed by the At-
13 torney General.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) SECTION 922.—Section 922(y)(2) of title
16 18, United States Code, is amended, in the matter
17 preceding subparagraph (A), by striking “,
18 (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and
19 (g)(5)(B)”.

20 (2) CONSOLIDATED AND FURTHER CONTINUING
21 APPROPRIATIONS ACT, 2012.—Section 511 of title V
22 of division B of the Consolidated and Further Con-
23 tinuing Appropriations Act, 2012 (34 U.S.C. 40901
24 note) is amended by striking “subsection 922(t)”

1 each place it appears and inserting “subsection (s)
2 or (t) of section 922”.

3 (c) RULES OF CONSTRUCTION.—Nothing in this sec-
4 tion, or any amendment made by this section, shall be con-
5 strued to—

6 (1) authorize the establishment, directly or indi-
7 rectly, of a national firearms or ammunition reg-
8 istry; or

9 (2) interfere with the authority of a State,
10 under section 927 of title 18, United States Code,
11 to enact a law on the same subject matter as this
12 section.

13 (d) AUTHORIZATION OF INCREASED FUNDING FOR
14 THE NICS SYSTEM.—In addition to any amount other-
15 wise authorized to be appropriated for the background
16 check system established under section 103 of the Brady
17 Handgun Violence Prevention Act, there are authorized to
18 be appropriated not more than \$150,000,000 for upgrad-
19 ing and maintaining the system.

20 **SEC. 7. REPORTING REQUIREMENT.**

21 Within 6 months after the effective date of this Act
22 and annually thereafter, the Director of the Bureau of Al-
23 cohol, Tobacco, Firearms, and Explosives shall prepare,
24 publish in the Federal Register, and otherwise make avail-
25 able to the public a report on the violations of section

1 922(aa) of title 18, United States Code, that occurred dur-
2 ing the period covered by the report, and the information
3 reported pursuant to paragraph (2)(C) of such section (in-
4 cluding geographic data, total sales data, crime statistics,
5 information on repeat offenders, or caliber types involved)
6 during the period covered by the report, which shall in-
7 clude an identification of any trend in the violations or
8 information that Federal, State, or local law enforcement
9 authorities may find useful.

10 **SEC. 8. EFFECTIVE DATE.**

11 This Act and the amendments made by this Act shall
12 take effect on the 120th day after the date of the enact-
13 ment of this Act.