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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

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

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

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”.

1 **SEC. 2. LICENSE FOR THE ACQUISITION OR RECEIPT OF AS-**

2 **SAULT WEAPONS.**

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

6 **“§ 935. License for the acquisition or receipt of as-**

7 **sault weapons**

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

11 “(1) an assault weapons license issued under
12 this section; or

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

20 “(b) ESTABLISHMENT OF SYSTEM FOR ISSUING
21 FEDERAL ASSAULT WEAPONS LICENSES.—

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

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

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

6 “(i) has completed training in fire-
7 arms safety, including hands-on testing
8 and firing testing, to demonstrate safe use
9 and sufficient accuracy of a firearm; and

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

12 “(I) has submitted to a back-
13 ground investigation and criminal his-
14 tory check of the individual in accord-
15 ance with paragraph (3);

16 “(II) has submitted proof of the
17 identity of the individual;

18 “(III) has submitted the finger-
19 prints of the individual; and

20 “(IV) has paid a fee of \$130 for
21 applying for, or renewing, such a li-
22 cense;

23 “(B) such a license shall be available at
24 designated local offices, which shall be located
25 in urban and rural areas;

1 “(C) the Attorney General shall issue or
2 deny such a license, or return the application
3 without action, not later than 30 days after the
4 date on which the application for the license, or
5 for the renewal of the license, is received;

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

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

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

14 “(A) IN GENERAL.—Before issuing a li-
15 cense under this section, the Attorney General
16 shall—

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

24 “(ii) deny the license if receipt of a
25 firearm by the applicant would violate sub-

3 “(B) POSES A DANGER OF BODILY IN-
4 JURY.—

- 1 “(aa) history of threats or
2 acts of violence toward self or
3 others;
- 4 “(bb) history of use, at-
5 tempted use, or threatened use of
6 physical force by the applicant
7 against another person;
- 8 “(cc) whether the applicant
9 is the subject of or has violated a
10 domestic violence or stalking re-
11 straining order or protection
12 order;
- 13 “(dd) any prior arrest, pend-
14 ing charge, or conviction for a
15 violent or serious crime or dis-
16 orderly persons offense, stalking
17 offense, or domestic violence of-
18 fense;
- 19 “(ee) any prior arrest, pend-
20 ing charge, or conviction for an
21 offense involving cruelty to ani-
22 mals;
- 23 “(ff) history of drug or alco-
24 hol abuse or involvement in drug
25 trafficking;

1 “(gg) any recent acquisition
2 of firearms, ammunition, or other
3 deadly weapons; and

4 “(hh) involvement in fire-
5 arms trafficking or unlawful fire-
6 arms transfers; and

7 “(ii) history of unsafe stor-
8 age or handling of firearms.

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

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

21 “(4) REVOCATION.—

22 “(A) IN GENERAL.—The Attorney General
23 shall revoke a license issued under this section
24 if the Attorney General determines—

1 “(i) that the licensee poses a signifi-
2 cant danger of bodily injury to self or oth-
3 ers by possessing, purchasing, or receiving
4 a firearm; or

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

10 “(B) NOTICE AND OPPORTUNITY FOR A
11 HEARING.—

12 “(i) NOTICE.—Upon determining that
13 the licensee should have their license re-
14 voked under subparagraph (A), the Attorney
15 General shall provide notice to the li-
16 censee and to relevant State and local offi-
17 cials of the determination.

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

1 “(C) PROCEDURES.—The Attorney Gen-
2 eral shall establish procedures to ensure that,
3 when the license issued to an individual is re-
4 voked under this paragraph, the individual sur-
5 renders any assault weapon owned or possessed
6 by the individual.

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

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

16 “(c) EXCEPTIONS.—Subsection (a) shall not apply
17 to—

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

23 “(2) the owner of an assault weapon who law-
24 fully possessed the weapon continuously since before
25 the date of the enactment of this section;

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

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

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

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

23 “(A) in the presence and under the super-
24 vision of the transferor; and

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

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

7 “(I) has no reason to believe that the
8 transferee intends to use the firearm un-
9 lawfully; and

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

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

19 “(e) REGULATIONS.—

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

24 “(A) a requirement that the NICS system
25 prioritize criminal background checks pursuant

1 to this section over criminal background checks
2 pursuant to chapter 53 of the Internal Revenue
3 Code of 1986; and

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

8 “(2) RECORDS OF LICENSE HOLDERS.—

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

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

20 “(i) conducting a criminal background
21 check pursuant to this section; or

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

1 (b) DEFINITIONS.—Section 921(a) of such title is
2 amended—

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

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

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

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

12 “(31) The term ‘semiautomatic shotgun’ means any
13 repeating shotgun that—

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

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

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

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

23 “(A) A semiautomatic rifle that has—

24 “(i) a magazine that is not a fixed maga-
25 zine; and

- 1 “(ii) any of the following:
- 2 “(I) A pistol grip.
- 3 “(II) A forward grip.
- 4 “(III) A folding, telescoping, or de-
- 5 tachable stock, or is otherwise foldable or
- 6 adjustable in a manner that operates to re-
- 7 duce the length, size, or any other dimen-
- 8 sion, or otherwise enhances the
- 9 concealability, of the weapon.
- 10 “(IV) A grenade launcher.
- 11 “(V) A barrel shroud.
- 12 “(B) A semiautomatic rifle that has a fixed
- 13 magazine with the capacity to accept more than 15
- 14 rounds, except for an attached tubular device de-
- 15 signed to accept, and capable of operating only with,
- 16 .22 caliber rimfire ammunition.
- 17 “(C) Any part, combination of parts, compo-
- 18 nent, device, attachment, or accessory that is de-
- 19 signed or functions to accelerate the rate of fire of
- 20 a semiautomatic firearm but not convert the semi-
- 21 automatic firearm into a machinegun.
- 22 “(D) A semiautomatic pistol that has—
- 23 “(i) a magazine that is not a fixed maga-
- 24 zine; and
- 25 “(ii) any of the following:

- 1 “(I) A second pistol grip.
- 2 “(II) A barrel shroud.
- 3 “(III) The capacity to accept a de-
- 4 tachable magazine at some location outside
- 5 of the pistol grip.
- 6 “(IV) A semiautomatic version of an
- 7 automatic firearm.
- 8 “(V) A manufactured weight of 50
- 9 ounces or more when unloaded.
- 10 “(VI) A stabilizing brace or similar
- 11 component.
- 12 “(E) A semiautomatic pistol with a fixed maga-
- 13 zine that has the capacity to accept more than 15
- 14 rounds.
- 15 “(F) A semiautomatic shotgun that has—
- 16 “(i) the capacity to utilize a magazine that
- 17 is not a fixed magazine; and
- 18 “(ii) any of the following:
 - 19 “(I) A folding, telescoping, or detach-
 - 20 able stock.
 - 21 “(II) A pistol grip or bird’s head grip.
 - 22 “(III) A fixed magazine with the ca-
 - 23 pacity to accept more than 5 rounds.
 - 24 “(IV) The ability to accept a detach-
 - 25 able magazine.

- 1 “(V) A forward grip.
- 2 “(VI) A grenade launcher.
- 3 “(G) Any shotgun with a revolving cylinder.
- 4 “(H) All of the following rifles, copies, dupli-
- 5 cates, variants, or altered facsimiles with the capa-
- 6 bility of any such weapon thereof:
 - 7 “(i) All AK types, including the following:
 - 8 “(I) AK, AK47, AK47S, AK-74,
 - 9 AKM, AKS, ARM, MAK90, MISR,
 - 10 NHM90, NHM91, Rock River Arms LAR-
 - 11 47, SA85, SA93, Vector Arms AK-47,
 - 12 VEPR, WASR-10, and WUM.
 - 13 “(II) IZHMASH Saiga AK.
 - 14 “(III) MAADI AK47 and ARM.
 - 15 “(IV) Norinco 56S, 56S2, 84S, and
 - 16 86S.
 - 17 “(V) Poly Technologies AK47 and
 - 18 AKS.
 - 19 “(VI) SKS with a detachable maga-
 - 20 zine.
- 21 “(ii) All AR types, including the following:
 - 22 “(I) AR-10.
 - 23 “(II) AR-15.
 - 24 “(III) Alexander Arms Overmatch
 - 25 Plus 16.

- 1 “(IV) Armalite M15 22LR Carbine.
- 2 “(V) Armalite M15-T.
- 3 “(VI) Barrett REC7.
- 4 “(VII) Beretta AR-70.
- 5 “(VIII) Black Rain Ordnance Recon
- 6 Scout.
- 7 “(IX) Bushmaster ACR.
- 8 “(X) Bushmaster Carbon 15.
- 9 “(XI) Bushmaster MOE series.
- 10 “(XII) Bushmaster XM15.
- 11 “(XIII) Chiappa Firearms MFour ri-
- 12 fles.
- 13 “(XIV) Colt Match Target rifles.
- 14 “(XV) CORE Rifle Systems CORE15
- 15 rifles.
- 16 “(XVI) Daniel Defense M4A1 rifles.
- 17 “(XVII) Devil Dog Arms 15 Series ri-
- 18 fles.
- 19 “(XVIII) Diamondback DB15 rifles.
- 20 “(XIX) DoubleStar AR rifles.
- 21 “(XX) DPMS Tactical rifles.
- 22 “(XXI) DSA Inc. ZM-4 Carbine.
- 23 “(XXII) Heckler & Koch MR556.
- 24 “(XXIII) High Standard HSA-15 ri-
- 25 fles.

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

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

- 1 “(xvii) Springfield Armory SAR-48.
- 2 “(xviii) Steyr AUG.
- 3 “(xix) Sturm, Ruger & Co. Mini-14 Tac-
- 4 tical Rifle M-14/20CF.
- 5 “(xx) All Thompson rifles, including the
- 6 following:
 - 7 “(I) Thompson M1SB.
 - 8 “(II) Thompson T1100D.
 - 9 “(III) Thompson T150D.
 - 10 “(IV) Thompson T1B.
 - 11 “(V) Thompson T1B100D.
 - 12 “(VI) Thompson T1B50D.
 - 13 “(VII) Thompson T1BSB.
 - 14 “(VIII) Thompson T1-C.
 - 15 “(IX) Thompson T1D.
 - 16 “(X) Thompson T1SB.
 - 17 “(XI) Thompson T5.
 - 18 “(XII) Thompson T5100D.
 - 19 “(XIII) Thompson TM1.
 - 20 “(XIV) Thompson TM1C.
 - 21 “(xxi) UMAREX UZI rifle.
 - 22 “(xxii) UZI Mini Carbine, UZI Model A
 - 23 Carbine, and UZI Model B Carbine.
 - 24 “(xxiii) Valmet M62S, M71S, and M78.
 - 25 “(xxiv) Vector Arms UZI Type.

- 1 “(xxv) Weaver Arms Nighthawk.
- 2 “(xxvi) Wilkinson Arms Linda Carbine.
- 3 “(I) All of the following pistols, copies, dupli-
- 4 cates, variants, or altered facsimiles with the capa-
- 5 bility of any such weapon thereof:
 - 6 “(i) All AK types, including the following:
 - 7 “(I) Centurion 39 AK pistol.
 - 8 “(II) CZ Scorpion pistol.
 - 9 “(III) Draco AK-47 pistol.
 - 10 “(IV) HCR AK-47 pistol.
 - 11 “(V) IO Inc. Hellpup AK-47 pistol.
 - 12 “(VI) Krinkov pistol.
 - 13 “(VII) Mini Draco AK-47 pistol.
 - 14 “(VIII) PAP M92 pistol.
 - 15 “(IX) Yugo Krebs Krink pistol.
 - 16 “(ii) All AR types, including the following:
 - 17 “(I) American Spirit AR-15 pistol.
 - 18 “(II) Bushmaster Carbon 15 pistol.
 - 19 “(III) Chiappa Firearms M4 Pistol
 - 20 GEN II.
 - 21 “(IV) CORE Rifle Systems CORE15
 - 22 Roscoe pistol.
 - 23 “(V) Daniel Defense MK18 pistol.
 - 24 “(VI) DoubleStar Corporation AR pis-
 - 25 tol.

- 1 “(VII) DPMS AR-15 pistol.
- 2 “(VIII) Jesse James Nomad AR-15
- 3 pistol.
- 4 “(IX) Olympic Arms AR-15 pistol.
- 5 “(X) Osprey Armament MK-18 pis-
- 6 tol.
- 7 “(XI) POF USA AR pistols.
- 8 “(XII) Rock River Arms LAR 15 pis-
- 9 tol.
- 10 “(XIII) Uselton Arms Air-Lite M-4
- 11 pistol.
- 12 “(iii) Calico pistols.
- 13 “(iv) DSA SA58 PKP FAL pistol.
- 14 “(v) Encom MP-9 and MP-45.
- 15 “(vi) Heckler & Koch model SP-89 pistol.
- 16 “(vii) Intratec AB-10, TEC-22 Scorpion,
- 17 TEC-9, and TEC-DC9.
- 18 “(viii) IWI Galil Ace pistol, UZI PRO pis-
- 19 tol.
- 20 “(ix) Kel-Tec PLR 16 pistol.
- 21 “(x) All MAC types, including the fol-
- 22 lowing:
 - 23 “(I) MAC-10.
 - 24 “(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) IZHMASH Saiga 12S EXP–
2 01.
3 “(IV) IZHMASH Saiga 12K.
4 “(V) IZHMASH Saiga 12K–030.
5 “(VI) IZHMASH 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) of
11 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.—

5 “(10) PENALTIES FOR POINT-OF-SALE BACKGROUND
6 CHECK VIOLATIONS BY NON-LICENSEES.—Whoever
7 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.