

115TH CONGRESS  
2D SESSION

# H. R. 5286

To impose a 60-day moratorium on the transfer or receipt of an assault rifle, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2018

Mr. MAST (for himself, Ms. GABBARD, and Mr. KING of New York) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To impose a 60-day moratorium on the transfer or receipt of an assault rifle, 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 “Mass Violence Preven-  
5 tion Reform Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1           (1) On March 11, 2018, President Donald  
2 Trump announced a commission on school safety.

3           (2) The Federal Bureau of Investigation, hav-  
4 ing been alerted twice, failed to identify the threat  
5 posed by Nikolas Cruz.

6           (3) The Broward County Sheriff's Office, hav-  
7 ing sent law enforcement officers to Nikolas Cruz's  
8 home 39 times, failed to identify him as a threat.

9           (4) At least 3 State agencies, having inves-  
10 tigated Nikolas Cruz, failed to identify him as a  
11 threat.

12           (5) Mental illness was identified in Nikolas  
13 Cruz, but he was still sold a gas-operated semiauto-  
14 matic rifle.

15           (6) Nikolas Cruz, who had been expelled by  
16 Marjory Stoneman Douglas High School, was still  
17 able to enter the school's campus on February 14,  
18 2018 in possession of a gas-operated semiautomatic  
19 rifle.

20           (7) Broward County Sheriff's deputies, who  
21 have received extensive tactical training and were in  
22 possession of body armor and firearms, were para-  
23 lyzed from executing an assault on 18-year-old  
24 Nikolas Cruz in possession of a gas-operated semi-  
25 automatic rifle.

1           (8) President Donald Trump proposed a ban on  
2 the rifle accessory known as a “bump stock”.

3           (9) President Donald Trump called on Members  
4 of Congress to draft legislation that would require  
5 background checks for all firearm sales.

6           (10) President Donald Trump called on Mem-  
7 bers of Congress to draft legislation raising the age  
8 of all firearm purchasers to 21 years of age.

9           (11) A gas-operated semiautomatic rifle was the  
10 weapon of choice for Nikolas Cruz, who killed 17  
11 people at Marjory Stoneman Douglas High School,  
12 Parkland, Florida, on February 14, 2018.

13           (12) A gas-operated semiautomatic rifle was the  
14 weapon of choice for Stephen Paddock, who killed  
15 58 people at the Route 91 Harvest Music Festival  
16 in Las Vegas, Nevada, on October 1, 2017.

17           (13) A gas-operated semiautomatic rifle was the  
18 weapon of choice for Omar Mateen, who killed 49  
19 people at the Pulse Nightclub in Orlando, Florida,  
20 on June 12, 2016.

21           (14) Congress is developing legislation to pro-  
22 vide behavioral detection training to those selling  
23 firearms.

1           (15) Congress is developing legislation to pro-  
2           vide funds for strengthening school security and  
3           physical security infrastructure.

4           (16) Individuals adjudicated as posing a threat  
5           to themselves or others should not be permitted to  
6           purchase firearms.

7           (17) A system of due process must be estab-  
8           lished to ensure that citizens are not deprived of  
9           their Second Amendment rights.

10           (18) Americans have declining faith in the sys-  
11           tem of checks designed to preclude future sales of  
12           firearms to those who were clearly deemed a threat.

13 **SEC. 3. MORATORIUM ON THE TRANSFER OR RECEIPT OF**  
14 **AN ASSAULT RIFLE.**

15           (a) IN GENERAL.—During the 60-day period that be-  
16           gins with the day after the date of the enactment of this  
17           Act, it shall be unlawful for any person to transfer or re-  
18           ceive an assault rifle.

19           (b) DEFINITIONS.—In this section:

20           (1) ASSAULT RIFLE.—The term “assault rifle”  
21           means a gas-operated semiautomatic firearm with a  
22           rifled bore.

23           (2) GAS-OPERATED.—The term “gas-operated”  
24           means, with respect to a firearm, that the firearm

1 uses a portion of gas of a firing cartridge to extract  
2 the fired cartridge case and chamber the next round.

3 (3) SEMIAUTOMATIC.—The term “semiauto-  
4 matic” means, with respect to a firearm, that the  
5 firearm is a repeating firearm that utilizes a portion  
6 of the energy of a firing cartridge to extract the  
7 fired cartridge case and chamber the next round,  
8 and that requires a separate pull of the trigger to  
9 fire each cartridge.

10 (4) RIFLED BORE.—The term “rifled bore”  
11 means, with respect to a firearm, that the firearm  
12 is designed or made to spin a fired projectile.

13 (5) FIREARM.—The term “firearm” has the  
14 meaning given the term in section 921(a)(3) of title  
15 18, United States Code.

16 (c) PENALTIES.—Whoever knowingly violates sub-  
17 section (a) shall be subject to the penalties provided for  
18 in section 924(a)(1) of title 18, United States Code.

19 (d) PRESIDENTIAL WAIVER.—The President of the  
20 United States may extend the moratorium established by  
21 subsection (a) until the earlier of—

22 (1) 30 days after the date of the submission of  
23 the report required by section 4; or

24 (2) October 1, 2020.

1 **SEC. 4. REPORT TO THE CONGRESS.**

2       Within 30 days after the date of the enactment of  
3 this Act, the Secretary of Health and Human Services,  
4 the Director of the Federal Bureau of Investigation, and  
5 the Deputy Director of the Bureau of Alcohol, Tobacco,  
6 Firearms, and Explosives shall jointly submit a written re-  
7 port to the Congress that—

8           (1) recommends a legal definition of assault  
9       weapon, including classifying firearms based on  
10       lethality; and

11           (2) makes such other policy recommendations  
12       relating to firearms as are appropriate in the inter-  
13       est of public health.

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