

118TH CONGRESS
2D SESSION

H. R. 9266

To amend title 10, United States Code, to restrict the sale and procurement of certain weapons and ammunition by the Department of Defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2024

Mr. KIM of New Jersey (for himself, Mr. RASKIN, and Mr. ROBERT GARCIA of California) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, 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

A BILL

To amend title 10, United States Code, to restrict the sale and procurement of certain weapons and ammunition by the Department of Defense, 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 “Stop Militarizing Our
5 Streets Act of 2024”.

1 **SEC. 2. RESTRICTION ON SALES AND PROCUREMENT BY**
2 **DEPARTMENT OF DEFENSE OF CERTAIN**
3 **WEAPONS AND AMMUNITION.**

4 (a) RESTRICTION.—

5 (1) IN GENERAL.—Chapter 763 of title 10,
6 United States Code, is amended by inserting after
7 section 7544 the following:

8 **“§ 7545. Restriction on sales and procurement of cer-**
9 **tain weapons and ammunition**

10 “(a) PROHIBITIONS RELATING TO CERTAIN HIGHLY
11 DANGEROUS MILITARY-GRADE WEAPONS AND AMMUNI-
12 TION.—

13 “(1) SALES IN COMMERCIAL MARKETPLACE.—
14 The Secretary of Defense or a private operator of a
15 government-owned plant may not sell to any dealer,
16 directly or through a private contractor, in the com-
17 mercial marketplace—

18 “(A) any military-grade assault weapon; or

19 “(B) any covered ammunition.

20 “(2) PROCUREMENT.—The Secretary of De-
21 fense may not procure any item from a dealer or
22 manufacturer of firearms or ammunition that sells a
23 military-grade assault weapon or covered ammuni-
24 tion in the commercial marketplace.

25 “(b) LIMITATIONS RELATING TO OTHER WEAPONS
26 AND AMMUNITION.—

1 “(1) APPLICABILITY.—The provisions of this
2 subsection shall apply to all firearms and ammuni-
3 tion, other than military-grade assault weapons and
4 covered ammunition.

5 “(2) SALES IN COMMERCIAL MARKETPLACE.—
6 The Secretary of Defense or a private operator of a
7 government-owned plant may not sell any firearm or
8 ammunition to any dealer in the commercial market-
9 place that fails to meet the requirements described
10 in paragraph (4).

11 “(3) PROCUREMENT.—The Secretary of De-
12 fense may not procure any item from a dealer or pri-
13 vate manufacturer of firearms or ammunition that
14 sells firearms or ammunition in the commercial mar-
15 ketplace if the dealer or private manufacturer—

16 “(A) directly sells firearms or ammunition
17 to individual purchasers in the commercial mar-
18 ketplace and fails to meet the requirements de-
19 scribed in paragraph (4); or

20 “(B) sells any firearm or ammunition to
21 any dealer in the commercial marketplace that
22 fails to meets the requirements described in
23 paragraph (4).

1 “(4) REQUIREMENTS.—The requirements de-
2 scribed in this paragraph for any dealer of firearms
3 or ammunition are the following:

4 “(A) The dealer must—

5 “(i) with respect to a dealer of fire-
6 arms, have a license under chapter 44 of
7 title 18;

8 “(ii) with respect to a dealer of am-
9 munition, have a license under subsection
10 (d)(1); and

11 “(iii) comply with all requirements
12 under Federal law for licensees under
13 chapter 44 of title 18.

14 “(B) In each of the previous 3 calendar
15 years, the Attorney General has traced not
16 more than 24 firearms used in crimes back to
17 the dealer with a time-to-crime of less than 3
18 years.

19 “(C) With respect to a dealer that sells
20 ammunition, during any 30-day period, the
21 dealer may not transfer to the same individual
22 purchaser—

23 “(i) more than 500 rounds of covered
24 ammunition; or

1 “(ii) more than 1000 rounds of other
2 ammunition.

3 “(D) The dealer must agree to a minimum
4 code of conduct that includes the following:

5 “(i) A refusal to transfer a firearm or
6 ammunition until the NICS background
7 check system has verified that the transfer
8 is not prohibited.

9 “(ii) The implementation of a security
10 system, including adequate locks, exterior
11 lighting, surveillance cameras, alarm sys-
12 tems, and other anti-theft measures and
13 practices that the Attorney General may
14 through regulations prescribe.

15 “(iii) A refusal to sell firearms in any
16 marketplace, including online or at a gun
17 show, unless the marketplace requires
18 every firearm seller to complete a NICS
19 background check on prospective firearm
20 purchasers.

21 “(iv) A refusal to transfer firearms or
22 ammunition to any person that exhibits
23 signs of alcohol or drug intoxication or
24 cognitive or mental instability (as those
25 terms are defined by the Attorney General,

1 in coordination with the Secretary of
2 Health and Human Services).

3 “(v) A refusal to transfer a firearm or
4 ammunition to any person the dealer
5 knows or has reason to believe poses a
6 danger to that person or others.

7 “(vi) With respect to firearms, the im-
8 plementation and maintenance of a re-
9 motely searchable electronic record of—

10 “(I) the make, model, caliber or
11 gauge, and serial number of every
12 firearm in the inventory of the dealer;
13 and

14 “(II) the performance of quar-
15 terly inventory checks.

16 “(E) With respect to ammunition, the
17 dealer must implement and maintain a remotely
18 searchable electronic record of—

19 “(i) importation;

20 “(ii) production;

21 “(iii) shipment;

22 “(iv) receipt;

23 “(v) sale; and

24 “(vi) any other disposition of ammuni-
25 tion at the place of business of the dealer

1 for such period, and in such form, as the
2 Attorney General may by regulations pre-
3 scribe.

4 “(F) The dealer must implement a manda-
5 tory training course developed by the Attorney
6 General, in coordination with the Secretary of
7 Health and Human Services, where appro-
8 priate—

9 “(i) which, with respect to each em-
10 ployee of the dealer authorized to engage
11 in the transfer of firearms or ammunition
12 in the course of the business—

13 “(I) an employee as of the date
14 of enactment of this section completes
15 not later than 90 days after the date
16 of enactment of this section; and

17 “(II) an employee hired after the
18 date of enactment of this section com-
19 plete not later than 30 days after the
20 date on which the employee is hired;
21 and

22 “(ii) that trains employees on—

23 “(I) how to recognize and iden-
24 tify—

25 “(aa) straw purchasers; and

1 “(bb) any other fraudulent
2 activity described in chapter 44
3 of title 18, United States Code;

4 “(II) indicators that a person is
5 attempting to purchase a firearm or
6 ammunition illegally;

7 “(III) how to recognize and iden-
8 tify indicators that an individual in-
9 tends to use a firearm for unlawful
10 purposes;

11 “(IV) how to recognize and iden-
12 tify indicators that an individual in-
13 tends to use a firearm for self-harm;

14 “(V) how to prevent theft or bur-
15 glary of firearms and ammunition;

16 “(VI) how to respond in the cir-
17 cumstances described in subclauses (I)
18 through (V) and the applicable report-
19 ing requirements;

20 “(VII) how to verify the age of a
21 purchaser of a firearm or ammuni-
22 tion;

23 “(VIII) with respect to a dealer
24 of ammunition, how to detect whether
25 a single purchaser has reached the ap-

1 plicable ammunition purchase limit to
2 prevent a violation of subparagraph
3 (C); and

4 “(IX) other reasonable business
5 practices that the Attorney General
6 determines will deter firearm traf-
7 ficking or deter the provision of a fire-
8 arm to an individual who indicates an
9 intent to use a firearm for unlawful
10 purposes or for self-harm.

11 “(G) Not later than 30 days after the date
12 on which the Bureau of Alcohol, Tobacco, Fire-
13 arms and Explosives releases to the dealer re-
14 sults of any compliance inspection conducted by
15 the Bureau, the dealer must report the results
16 of the inspection to any manufacturer or whole-
17 saler dealer from which the dealer obtains fire-
18 arms or ammunition.

19 “(H) The dealer does not maintain finan-
20 cial ties valued at more than \$1,000,000 annu-
21 ally with an entity that—

22 “(i) during the 5-year period pre-
23 ceding the date of a sale or procurement
24 described in paragraph (2) or (3), sepa-

1 rated from the dealer through a spin-off
2 transaction; and

3 “(ii) does not comply with the require-
4 ments of this paragraph.

5 “(5) INSPECTION RESULTS.—With respect to
6 an inspection of a dealer described in paragraph
7 (4)(G), not later than 30 days after the date of the
8 inspection, the Director of the Bureau of Alcohol,
9 Tobacco, Firearms and Explosives shall send to the
10 Department of Defense a copy of the report.

11 “(6) REGULATIONS.—The Attorney General
12 may promulgate necessary regulations to implement
13 the requirements of this subsection.

14 “(7) INTERDEPARTMENT COORDINATION.—The
15 Attorney General, in coordination with the Secretary
16 of Defense, shall monitor compliance with paragraph
17 (4) by dealers.

18 “(8) PENALTY.—A dealer that violates para-
19 graph (4) may not participate in a sale or purchase
20 described in paragraph (2) or (3).

21 “(9) DATA SHARING.—Notwithstanding any
22 other law, the Attorney General may share crime
23 gun trace data with the Department of Defense as
24 necessary to carry out this section.

25 “(c) REPORTING REQUIREMENTS.—

1 “(1) GOVERNMENT-OWNED PLANT REPORT.—
2 Not less frequently than annually, each government-
3 owned plant that produces any ammunition or fire-
4 arms that are commercially sold shall submit to
5 Congress a report that includes, for the year covered
6 by the report—

7 “(A) the number of customers of the plant
8 for ammunition or firearms in the commercial
9 marketplace, disaggregated by the State in
10 which the customer is located;

11 “(B) the revenue of the plant from sales of
12 ammunition or firearms in the commercial mar-
13 ketplace;

14 “(C) the amount of ammunition or fire-
15 arms sold by the plant in the commercial mar-
16 ketplace;

17 “(D) an operational plan for avoiding any
18 diversion of firearms or ammunition into the il-
19 legal market or to customers not authorized for
20 purchase under this section; and

21 “(E) steps taken to implement the plan de-
22 scribed in subparagraph (D).

23 “(2) DEPARTMENT OF DEFENSE REPORT.—Not
24 less frequently than annually, the Secretary of De-

1 fense shall submit to Congress a report containing
2 the following:

3 “(A) A list of manufacturers and dealers
4 from which the Secretary procures firearms
5 that also sell firearms in the commercial mar-
6 ket.

7 “(B) A list of the types of firearms those
8 dealers sell in the commercial market.

9 “(C) The amount of money the Secretary
10 pays to those dealers for firearms each year.

11 “(d) LICENSES FOR DEALING AMMUNITION.—

12 “(1) IN GENERAL.—The Attorney General shall
13 make licenses available to dealers of ammunition,
14 who may apply for such licenses for the purpose of
15 subsection (b)(4)(A)(ii) to be eligible to make the
16 sales or purchases described in paragraph (2) or (3)
17 of subsection (b).

18 “(2) REQUIREMENTS.—In making licenses
19 available in accordance with paragraph (1), the At-
20 torney General shall apply in a substantially similar
21 manner the requirements under chapter 44 of title
22 18 for licenses of dealers of firearms to dealers of
23 ammunition.

24 “(3) NICS SYSTEM.—

1 “(A) IN GENERAL.—Not later than 180
2 days after the date of enactment of the Stop
3 Militarizing Our Streets Act of 2024, the Attor-
4 ney General shall authorize a dealer of ammuni-
5 tion licensed in accordance with paragraph (1)
6 to access and use the NICS background check
7 system in accordance with laws applicable to
8 the use of the NICS background check system.

9 “(B) AUTHORIZATION.—A dealer of am-
10 munition authorized under subparagraph (A)
11 may use the NICS background check system for
12 the purpose of subsection (b)(4)(D) to be eligi-
13 ble to make the sales or purchases described in
14 paragraph (2) or (3) of subsection (b).

15 “(C) AMMUNITION BACKGROUND
16 CHECKS.—A dealer of ammunition licensed in
17 accordance with paragraph (1) may perform a
18 NICS background check on an individual pur-
19 chasing ammunition from the dealer.

20 “(e) REGULATIONS.—The Attorney General shall
21 promulgate a rule with requirements for dealers to comply
22 with the recordkeeping requirement described in sub-
23 section (b)(4)(E).

24 “(f) DEFINITIONS.—In this section:

1 “(1) AMMUNITION; FIREARM; MANUFAC-
2 TURER.—The terms ‘ammunition’, ‘firearm’, and
3 ‘manufacturer’ have the meaning given those terms
4 in section 921(a) of title 18.

5 “(2) COVERED AMMUNITION.—The term ‘cov-
6 ered ammunition’—

7 “(A) means ammunition that is .22 caliber
8 or larger; and

9 “(B) includes .223 Remington ammunition
10 and 7.62 North Atlantic Treaty Organization
11 ammunition.

12 “(3) DEALER.—The term ‘dealer’—

13 “(A) has the meaning given the term in
14 section 921 of title 18; and

15 “(B) includes any person engaged in the
16 business of selling ammunition at wholesale or
17 retail, including an unlicensed private vendor of
18 ammunition.

19 “(4) FINANCIAL TIES.—The term ‘financial
20 ties’—

21 “(A) has the meaning given the term by
22 the Secretary of Defense in a regulation; and

23 “(B) includes a revenue sharing agreement
24 or a transfer of assets through a purchase or
25 sale transaction.

1 “(5) GAS-OPERATED.—The term ‘gas-operated’,
2 with respect to a firearm, means that the firearm
3 harnesses or traps a portion of the high-pressure gas
4 from a fired cartridge to cycle the action using—

5 “(A) a long stroke piston, in which gas is
6 vented from the barrel to a piston that is me-
7 chanically fixed to the bolt group and moves to
8 cycle the action;

9 “(B) a short stroke piston, in which gas is
10 vented from the barrel to a piston that moves
11 separately from the bolt group so that the en-
12 ergy is imparted through a gas piston to cycle
13 the action;

14 “(C) a system that traps and vents gas
15 from the barrel or the chamber to directly
16 strike or impinge the bolt, bolt carrier, or slide
17 assembly to unlock and cycle the action;

18 “(D) a hybrid system that combines ele-
19 ments of a system described in subparagraph
20 (C) with a system described in subparagraph
21 (A) or (B) to capture gas vented from the bar-
22 rel to cycle the action; or

23 “(E) a blowback-operated system that di-
24 rectly uses the expanding gases of the ignited
25 propellant powder acting on the cartridge case

1 to drive the breechblock or breech bolt rear-
2 ward.

3 “(6) GOVERNMENT-OWNED PLANT.—The term
4 ‘government-owned plant’ means a facility owned by
5 the Federal Government that produces firearms or
6 ammunition.

7 “(7) GUN SHOW.—The term ‘gun show’ means
8 a gun show or an event described in section
9 478.100(b) of title 27, Code of Federal Regulations,
10 or any successor regulation.

11 “(8) LARGE-CAPACITY AMMUNITION FEEDING
12 DEVICE.—The term ‘large-capacity ammunition
13 feeding device’—

14 “(A) means a magazine, belt, drum, feed
15 strip, or similar device, including any such de-
16 vice joined or coupled with another in any man-
17 ner, that has an overall capacity of, or that can
18 be readily restored, changed, or converted to ac-
19 cept, more than 10 rounds of ammunition; and

20 “(B) does not include an attached tubular
21 device designed to accept, and capable of oper-
22 ating only with, .22 caliber rimfire ammunition.

23 “(9) MILITARY-GRADE ASSAULT WEAPON.—The
24 term ‘military-grade assault weapon’ means a fire-
25 arm that—

1 “(A) is semi-automatic;

2 “(B) is—

3 “(i) gas-operated or has been modified
4 to operate as a gas-operated firearm;

5 “(ii) recoil-operated or has been modi-
6 fied to operate as a recoil-operated firearm,
7 unless the firearm is a handgun or pistol;
8 or

9 “(iii) designed and functions, or can
10 be readily modified, to materially increase
11 the rate of fire of the firearm; and

12 “(C) has—

13 “(i) a fixed ammunition feeding device
14 with the capacity to accept more than 10
15 rounds of ammunition; or

16 “(ii) the capacity to accept a large-ca-
17 pacity ammunition feeding device.

18 “(10) NICS BACKGROUND CHECK.—The term
19 ‘NICS background check’ means a background check
20 through the national instant criminal background
21 check system established under section 103 of the
22 Brady Handgun Violence Prevention Act (34 U.S.C.
23 40901).

24 “(11) RECOIL-OPERATED.—The term ‘recoil-op-
25 erated’ with respect to a firearm, means that the

1 firearm uses the recoil force to unlock the breech
2 bolt and complete the cycle of extracting, ejecting,
3 and reloading.

4 “(12) SEMI-AUTOMATIC.—The term ‘semi-auto-
5 matic’, with respect to a firearm, means any repeat-
6 ing firearm, other than a machine gun, that—

7 “(A) uses a portion of the energy of a fir-
8 ing cartridge or shell to extract the fired car-
9 tridge case or fired shell casing and chamber
10 the next round; and

11 “(B) requires a separate pull, release,
12 push, or other method of initiation of the trig-
13 ger to fire each cartridge or shell.

14 “(13) SPIN-OFF TRANSACTION.—The term
15 ‘spin-off transaction’ means a transaction that sepa-
16 rates a division or line of business from a parent
17 company of an entity.

18 “(14) STRAW PURCHASE.—The term ‘straw
19 purchase’—

20 “(A) with respect to a firearm, means a
21 purchase described in section 932(b) of title 18;
22 and

23 “(B) with respect to ammunition, means a
24 purchase described in 932(b) of title 18, except
25 that, for the purpose of this subparagraph, any

1 reference in that section to ‘firearm’ shall be
2 deemed to be a reference to ‘ammunition’.

3 “(15) TIME-TO-CRIME.—The term ‘time-to-
4 crime’ means the period of time between the retail
5 sale of a firearm and the recovery of the firearm by
6 a law enforcement agency as a result of the use or
7 suspected use of the firearm in a crime.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of such chapter is amended
10 by inserting after the item relating to section 7544
11 the following new item:

“7545. Restriction on sales and procurement of certain weapons and ammuni-
tion.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) COOPERATIVE ACTIVITIES WITH NON-ARMY
14 ENTITIES.—Section 7544(c) of title 10, United
15 States Code, is amended by adding at the end the
16 following new paragraph:

17 “(5) The non-Army entity abides by the com-
18 mercial sale restrictions set forth in section 7545 of
19 this title.”.

20 (2) POLICY.—Section 7552 of such title is
21 amended, in the matter preceding paragraph (1), by
22 striking “It” and inserting “Subject to the restric-
23 tions set forth under section 7545 of this title, it”.

1 (3) ARMAMENT RETOOLING AND MANUFAC-
2 TURING SUPPORT INITIATIVE.—Section 7553(b) of
3 such title is amended, in the matter preceding para-
4 graph (1), by striking “The” and inserting “Subject
5 to the restrictions set forth under section 7545 of
6 this title, the”.

7 (c) AUTHORIZATION OF APPROPRIATIONS FOR IN-
8 CREASED NICS FUNDING.—There are authorized to be
9 appropriated to the Attorney General such sums as are
10 necessary to carry out the amendments made by this sec-
11 tion, including to upgrade and maintain the national in-
12 stant criminal background check system established under
13 section 103 of the Brady Handgun Violence Prevention
14 Act (34 U.S.C. 40901).

○