

116TH CONGRESS
1ST SESSION

S. _____

To regulate large capacity ammunition feeding devices.

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To regulate large capacity ammunition feeding devices.

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 “Keep Americans Safe
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 921(a) of title 18, United States Code, is
8 amended by inserting after paragraph (29) the following:

9 “(30) The term ‘large capacity ammunition feeding
10 device’—

11 “(A) means a magazine, belt, drum, feed strip,
12 helical feeding device, or similar device, including

1 any such device joined or coupled with another in
2 any manner, that has an overall capacity of, or that
3 can be readily restored, changed, or converted to ac-
4 cept, more than 10 rounds of ammunition; and

5 “(B) does not include an attached tubular de-
6 vice designed to accept, and capable of operating
7 only with, .22 caliber rimfire ammunition.

8 “(31) The term ‘qualified law enforcement officer’
9 has the meaning given the term in section 926B.”.

10 **SEC. 3. RESTRICTIONS ON LARGE CAPACITY AMMUNITION**

11 **FEEDING DEVICES.**

12 (a) IN GENERAL.—Section 922 of title 18, United
13 States Code, is amended by inserting after subsection (u)
14 the following:

15 “(v)(1) It shall be unlawful for a person to import,
16 sell, manufacture, transfer, or possess, in or affecting
17 interstate or foreign commerce, a large capacity ammuni-
18 tion feeding device.

19 “(2) Paragraph (1) shall not apply to the possession
20 of any large capacity ammunition feeding device otherwise
21 lawfully possessed on or before the date of enactment of
22 the Keep Americans Safe Act.

23 “(3) Paragraph (1) shall not apply to—

24 “(A) the importation for, manufacture for, sale
25 to, transfer to, or possession by the United States

1 or a department or agency of the United States or
2 a State or a department, agency, or political subdivi-
3 sion of a State, or a sale or transfer to or possession
4 by a qualified law enforcement officer employed by
5 the United States or a department or agency of the
6 United States or a State or a department, agency,
7 or political subdivision of a State for purposes of law
8 enforcement (whether on or off-duty), or a sale or
9 transfer to or possession by a campus law enforce-
10 ment officer for purposes of law enforcement (wheth-
11 er on or off-duty);

12 “(B) the importation for, or sale or transfer to
13 a licensee under title I of the Atomic Energy Act of
14 1954 (42 U.S.C. 2011 et seq.) for purposes of estab-
15 lishing and maintaining an on-site physical protec-
16 tion system and security organization required by
17 Federal law, or possession by an employee or con-
18 tractor of such licensee on-site for such purposes or
19 off-site for purposes of licensee-authorized training
20 or transportation of nuclear materials;

21 “(C) the possession, by an individual who is re-
22 tired in good standing from service with a law en-
23 forcement agency and is not otherwise prohibited
24 from receiving ammunition, of a large capacity am-
25 munition feeding device—

1 “(i) sold or transferred to the individual by
2 the agency upon such retirement; or

3 “(ii) that the individual purchased, or oth-
4 erwise obtained, for official use before such re-
5 tirement; or

6 “(D) the importation, sale, manufacture, trans-
7 fer, or possession of any large capacity ammunition
8 feeding device by a licensed manufacturer or licensed
9 importer for the purposes of testing or experimen-
10 tation authorized by the Attorney General.

11 “(4) For purposes of paragraph (3)(A), the term
12 ‘campus law enforcement officer’ means an individual who
13 is—

14 “(A) employed by a private institution of higher
15 education that is eligible for funding under title IV
16 of the Higher Education Act of 1965 (20 U.S.C.
17 1070 et seq.);

18 “(B) responsible for the prevention or investiga-
19 tion of crime involving injury to persons or property,
20 including apprehension or detention of persons for
21 such crimes;

22 “(C) authorized by Federal, State, or local law
23 to carry a firearm, execute search warrants, and
24 make arrests; and

1 firearm or ammunition or large capacity
2 ammunition feeding device intended”; and

3 (B) in the second and third sentences, by
4 inserting “or large capacity ammunition feeding
5 device” after “firearms or ammunition” each
6 place the term appears;

7 (2) in paragraph (2)—

8 (A) in subparagraph (A), by inserting “or
9 large capacity ammunition feeding device” after
10 “firearms or ammunition”; and

11 (B) in subparagraph (C), by inserting “or
12 large capacity ammunition feeding devices”
13 after “firearms or quantities of ammunition”;
14 and

15 (3) in paragraph (3)(E), by inserting “922(v),”
16 after “922(n),”.

17 **SEC. 4. PENALTIES.**

18 Section 924(a)(1)(B) of title 18, United States Code,
19 is amended by striking “or (q)” and inserting “(q), or
20 (v)”.

21 **SEC. 5. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS**
22 **FOR LARGE CAPACITY AMMUNITION FEED-**
23 **ING DEVICES.**

24 Section 501(a)(1) of title I of the Omnibus Crime
25 Control and Safe Streets Act of 1968 (34 U.S.C.

1 10152(a)(1)) is amended by adding at the end the fol-
2 lowing:

3 “(I) Compensation for surrendered large
4 capacity ammunition feeding devices, as that
5 term is defined in section 921 of title 18,
6 United States Code, under buy-back programs
7 for large capacity ammunition feeding devices.”.

8 **SEC. 6. SEVERABILITY.**

9 If any provision of this Act, an amendment made by
10 this Act, or the application of such provision or amend-
11 ment to any person or circumstance is held to be unconsti-
12 tutional, the remainder of this Act, the amendments made
13 by this Act, and the application of such provision or
14 amendment to any person or circumstance shall not be af-
15 fected thereby.