

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5005

To make technical changes to Federal firearms laws and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2006

Mr. SMITH of Texas introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To make technical changes to Federal firearms laws 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 “Firearms Corrections  
5       and Improvements Act”.

6       **SEC. 2. CORRECTION OF NONSUBSTANTIVE ERROR IN AGE**  
7       **LIMIT PROVISION.**

8       Section 922(b)(1) of title 18, United States Code, is  
9       amended to read as follows:

10               “(1) any firearm or ammunition to any indi-  
11       vidual who the licensee knows or has reasonable

1 cause to believe has not attained 18 years of age,  
2 and, if the firearm is other than a shotgun or rifle,  
3 or the ammunition is for a firearm other than a  
4 shotgun or rifle, to any individual who the licensee  
5 knows or has reasonable cause to believe has not at-  
6 tained 21 years of age;”.

7 **SEC. 3. POSSESSION AND TRANSFER OF MACHINEGUNS**  
8 **FOR INDUSTRY TESTING AND SECURITY CON-**  
9 **TRACTING.**

10 (a) MACHINEGUNS FOR FEDERAL CONTRACTORS.—  
11 Section 922(a)(4) of title 18, United States Code, is  
12 amended by striking “except” and all that follows and in-  
13 serting “except—

14 “(A) as specifically authorized by the At-  
15 torney General consistent with public safety and  
16 necessity; or

17 “(B) to comply with a contract between  
18 any person and the United States which re-  
19 quires that person to provide national security  
20 services for the United States or any training  
21 related to such services;”.

22 (b) SALE OR DELIVERY OF MACHINEGUNS TO FED-  
23 ERAL CONTRACTORS.—Section 922(b) of such title is  
24 amended by adding at the end the following: “Paragraphs  
25 (2) and (4) of this subsection shall not apply to a sale

1 or delivery to comply with a contract between any person  
2 and the United States which requires that person to pro-  
3 vide national security services for the United States or any  
4 training related to the services.”.

5 (c) POST-86 MACHINEGUNS FOR TESTING, RE-  
6 SEARCH AND DEVELOPMENT, TRAINING, AND SECU-  
7 RITY.—Section 922(o) of such title is amended—

8 (1) in paragraph (2)—

9 (A) by striking “or” at the end of subpara-  
10 graph (A); and

11 (B) by redesignating subparagraph (B) as  
12 subparagraph (E) and inserting after subpara-  
13 graph (A) the following:

14 “(B) a transfer to, or possession by, a person  
15 to comply with a contract between that person and  
16 the United States which requires the person to pro-  
17 vide national security services for the United States  
18 or any training related to the services;

19 “(C) a transfer to, or possession by, a licensed  
20 manufacturer or licensed importer solely for testing,  
21 research, design, or development of ammunition or a  
22 firearm;

23 “(D) a possession by a licensed manufacturer  
24 or licensed importer for the purposes of training per-  
25 sons to whom a machinegun, manufactured or im-

1       ported by the licensee, may be transferred as de-  
2       scribed in subparagraph (A) or (B); or”; and

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

4       “(3) A person shall not transfer a machinegun to an-  
5       other person in the circumstances described in paragraph  
6       (2)(B) of this subsection, unless the Attorney General has  
7       notified the person that the Attorney General has deter-  
8       mined, based on the fingerprints of such other person and  
9       on information in the national instant criminal back-  
10      ground check system established under section 103 of the  
11      Brady Handgun Violence Prevention Act, that such other  
12      person is not prohibited from possessing or receiving a  
13      firearm under Federal or State law.”.

14      (d) IMPORTATION OF MACHINEGUNS.—Section  
15      925(d) of such title is amended—

16              (1) in paragraph (3), by striking “or” at the  
17      end;

18              (2) in paragraph (4), by striking the period and  
19      inserting “; or”; and

20              (3) by inserting after paragraph (4) the fol-  
21      lowing:

22              “(5) is imported or brought in for a purpose de-  
23      scribed in subparagraph (B), (C), or (D) of section  
24      922(o)(2).”.

1 (e) IMPORTATION UNDER THE NATIONAL FIREARMS  
2 ACT.—Section 5844 of the National Firearms Act (26  
3 U.S.C. 5844) is amended—

4 (1) in paragraph (3), by inserting “or” after  
5 the semicolon; and

6 (2) by inserting after paragraph (3) the fol-  
7 lowing:

8 “(4) a machinegun being imported or brought  
9 in to comply with a contract between any person and  
10 the United States which requires the person to pro-  
11 vide national security services for the United States  
12 or any training related to the services; or

13 “(5) a machinegun being imported or brought  
14 in by a registered importer or registered manufac-  
15 turer for the purposes of training persons who ac-  
16 quire machineguns pursuant to paragraph (1) that  
17 were manufactured or imported by the registrant.”.

18 (f) NATIONAL SECURITY SERVICES DEFINED.—Sec-  
19 tion 921(a) of such title is amended by adding at the end  
20 the following:

21 “(36) The term ‘national security services’ means any  
22 protective, defensive, or security service provided pursuant  
23 to a contract or subcontract with a department or agency  
24 of the United States.”.

1 (g) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect after the 180-day period that  
3 begins with the date of the enactment of this Act.

4 **SEC. 4. ELIMINATION OF OBSOLETE LANGUAGE ADDED BY**  
5 **THE BRADY HANDGUN VIOLENCE PREVEN-**  
6 **TION ACT.**

7 Section 922 of title 18, United States Code, is  
8 amended—

9 (1) by striking subsection (s); and

10 (2) in subsection (t), by striking “Beginning”  
11 and all that follows through “a licensed” and insert-  
12 ing “A licensed”.

13 **SEC. 5. BAN ON TAX OR FEE FOR BACKGROUND CHECK BY**  
14 **THE NATIONAL INSTANT CRIMINAL BACK-**  
15 **GROUND CHECK SYSTEM.**

16 Section 922(t) of title 18, United States Code, is  
17 amended by adding at the end the following:

18 “(7) The Attorney General shall not charge any tax  
19 or fee for any background check conducted pursuant to  
20 this subsection.”.

21 **SEC. 6. ELIMINATION OF WRITTEN PERMISSION REQUIRE-**  
22 **MENT FOR SUPERVISED HANDGUN USE.**

23 Section 922(x)(3)(A) of title 18, United States Code,  
24 is amended—

1 (1) in clause (ii), by striking subclause (II) and  
2 inserting the following:

3 “(II) with respect to ranching or  
4 farming activities, target practice, hunting,  
5 or a course of instruction in the safe and  
6 lawful use of a handgun, as described in  
7 clause (i), a juvenile may possess and use  
8 a handgun or ammunition without the  
9 prior written consent, if the parent or legal  
10 guardian is present at all times and the ju-  
11 venile acts at the direction of a parent,  
12 legal guardian, or other adult who is not  
13 prohibited by Federal, State, or local law  
14 from possessing a firearm;” and

15 (2) in clause (iii), by inserting “except as pro-  
16 vided in clause (ii)(II),” after “(iii)”.

17 **SEC. 7. ELIMINATION OF DUPLICATIVE MULTIPLE SALES**  
18 **REPORT REQUIREMENT.**

19 Subsection 923(g)(3) of title 18, United States Code,  
20 is amended—

21 (1) in subparagraph (A)—

22 (A) by striking “(A)”; and

23 (B) in the 2nd sentence, by striking “and  
24 to the department of State police” and all that  
25 follows through “took place”; and

1 (2) by striking subparagraph (B).

2 **SEC. 8. BAN ON ELECTRONIC RETRIEVAL OF FIREARMS**  
3 **PURCHASER INFORMATION.**

4 Subsection 923(g)(4) of title 18, United States Code,  
5 is amended by adding at the end the following: “The At-  
6 torney General shall not electronically retrieve information  
7 gathered pursuant to this paragraph by name or by any  
8 personal identification code.”.

9 **SEC. 9. TRACE DISCLOSURE.**

10 Section 923(g) of title 18, United States Code, is  
11 amended by adding at the end the following:

12 “(8)(A) Information required to be kept by licensees  
13 pursuant to this subsection, or required to be reported  
14 pursuant to paragraphs (3) and (7) of this subsection, and  
15 information in the firearms trace system database main-  
16 tained by the National Trace Center of the Bureau of Al-  
17 cohol, Tobacco, Firearms, and Explosives, shall not be—

18 “(i) disclosed to any entity, except to a Federal,  
19 State, local, or foreign law enforcement agency or a  
20 Federal, State, or local prosecutor solely in connec-  
21 tion with and for use in a bona fide criminal inves-  
22 tigation or prosecution, and only to the extent that  
23 the information pertains to the geographic jurisdic-  
24 tion of the law enforcement agency or prosecutor re-  
25 questing the disclosure; or



1           “(ii) made available for use in any civil action  
2           or proceeding other than—

3                   “(I) an action or proceeding commenced by  
4           the Attorney General to enforce this chapter; or

5                   “(II) a review of such an action or pro-  
6           ceeding.

7           “(B) The information described in subparagraph (A)  
8           shall be immune from legal process, shall not be subject  
9           to subpoena or other discovery, and shall not be admissible  
10          as evidence, and testimony or other evidence relying on  
11          the information shall not be admissible, in any civil action  
12          in a State or Federal court, or in any administrative pro-  
13          ceeding other than a proceeding commenced by the Bu-  
14          reau of Alcohol, Tobacco, Firearms, and Explosives to en-  
15          force this chapter, or a review of such an action or pro-  
16          ceeding.

17          “(C) This subsection shall not be construed to pre-  
18          vent the disclosure of statistical information concerning  
19          total production, importation, and exportation by each li-  
20          censed importer and licensed manufacturer.”.

21       **SEC. 10. BARREL AND RECEIVER IMPORTATION.**

22          (a) IN GENERAL.—Section 925(e) of title 18, United  
23          States Code, is amended—

24                  (1) in paragraph (1), by striking “, and” and  
25          inserting a period;

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

2           “(3) All frames or receivers of rifles, or barrels  
3           for firearms other than handguns, if the importation  
4           is for repair or replacement purposes.”.

5           (b) GOVERNMENTAL IMPORTS.—Section 925(a)(1) of  
6           such title is amended by inserting “, barrel,” after “or  
7           importation of any firearm”.

8           (c) EFFECTIVE DATE.—The amendments made by  
9           this section shall take effect on the date of the enactment  
10          of this Act.

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