

117TH CONGRESS  
1ST SESSION

# S. 1558

To amend chapter 44 of title 18, United States Code, to ensure that all firearms are traceable, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 11, 2021

Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. MARKEY, Mr. MENENDEZ, Mrs. FEINSTEIN, Ms. WARREN, Mr. WHITEHOUSE, Mr. REED, Mr. CASEY, Ms. HIRONO, Mr. PADILLA, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend chapter 44 of title 18, United States Code, to ensure that all firearms are traceable, 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 “Untraceable Firearms  
5 Act of 2021”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) without the enactment of this Act, the Bu-  
2 reau of Alcohol, Tobacco, Firearms and Explosives  
3 has the authority to regulate ghost guns (as defined  
4 in section 921(a) of title 18, United States Code, as  
5 amended by section 3 of this Act) and unfinished  
6 frames and receivers; and

7 (2) the purpose of this Act is to clarify and  
8 strengthen such authority.

9 **SEC. 3. REQUIREMENT THAT ALL FIREARMS BE TRACE-**  
10 **ABLE.**

11 (a) DEFINITIONS.—Section 921(a) of title 18, United  
12 States Code, is amended—

13 (1) in paragraph (10), by adding at the end the  
14 following: “The term ‘manufacturing firearms’ shall  
15 include assembling a functional firearm or molding,  
16 machining, or 3D printing a frame or receiver, and  
17 shall not include making or fitting special barrels,  
18 stocks, or trigger mechanisms to firearms.”;

19 (2) by inserting after paragraph (29) the fol-  
20 lowing:

21 “(30)(A) The term ‘frame or receiver’—

22 “(i) means a part of a weapon that provides or  
23 is intended to provide the housing or structure to  
24 hold or integrate 1 or more fire control components,  
25 even if pins or other attachments are required to

1 connect those components to the housing or struc-  
2 ture;

3 “(ii) includes a frame or receiver, blank, cast-  
4 ing, or machined body, that requires modification,  
5 including machining, drilling, filing or molding, to be  
6 used as part of a functional firearm, and which is  
7 designed and intended to be used in the assembly of  
8 a functional firearm, unless the piece of material has  
9 had—

10 “(I) its size or external shape altered solely  
11 to facilitate transportation or storage; or

12 “(II) solely its chemical composition al-  
13 tered.

14 “(B) For purposes of subparagraph (A)(i), if a weap-  
15 on with more than 1 part that provides the housing or  
16 a structure designed to hold or integrate 1 or more fire  
17 control or essential components, each such part shall be  
18 considered a frame or receiver, unless the Attorney Gen-  
19 eral has provided otherwise by regulation with respect to  
20 the specific make and model of weapon on or before Janu-  
21 ary 1, 2022.”; and

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

23 “(36) The term ‘ghost gun’—

24 “(A) means a firearm, including a frame or re-  
25 ceiver, that lacks a unique serial number engraved

1 or cast on the frame or receiver by a licensed manu-  
2 facturer or importer in accordance with this chapter;  
3 and

4 “(B) does not include—

5 “(i) a firearm that has been rendered per-  
6 manently inoperable;

7 “(ii) a firearm identified by means of a  
8 unique serial number assigned by a State agen-  
9 cy and engraved or cast on the receiver or  
10 frame of the weapon before the effective date of  
11 the Untraceable Firearms Act of 2021 in ac-  
12 cordance with a State law;

13 “(iii) a firearm manufactured or imported  
14 before December 16, 1968; or

15 “(iv) a firearm identified as provided for  
16 under section 5842 of the Internal Revenue  
17 Code of 1986.

18 “(37) The term ‘fire control component’—

19 “(A) means a component necessary for the fire-  
20 arm to initiate or complete the firing sequence; and

21 “(B) includes a hammer, bolt or breechblock,  
22 cylinder, trigger mechanism, firing pin, striker, and  
23 slide rails.”.

1 (b) PROHIBITION; REQUIREMENTS.—Section 922 of  
2 title 18, United States Code, is amended by adding at the  
3 end the following:

4 “(aa)(1) The Congress finds and declares the fol-  
5 lowing:

6 “(A) Firearms tracing is the systematic track-  
7 ing of the movement of a firearm recovered by law  
8 enforcement officials from the first sale of a firearm  
9 by the manufacturer or importer through the dis-  
10 tribution chain (including the wholesaler and re-  
11 tailer) to the first retail purchaser.

12 “(B) Law enforcement agencies across the  
13 country work with the Bureau of Alcohol, Tobacco,  
14 Firearms and Explosives to trace firearms and  
15 thereby obtain investigative leads in the fight  
16 against violent crime and terrorism.

17 “(C) The ability of law enforcement agencies to  
18 trace a firearm is dependent on the serial number or  
19 other marks on the firearm that identify the manu-  
20 facturer or importer who manufactured or imported  
21 the firearm and that are unique to the firearm.

22 “(D) Interstate gun trafficking interferes with  
23 lawful commerce in firearms and significantly con-  
24 tributes to gun crime. Of the 254,700 firearms  
25 traced by the Bureau of Alcohol, Tobacco, Firearms

1 and Explosives in 2018, 71,910 of those firearms  
2 were originally sold by a licensed firearms dealer in  
3 a State other than the State where the firearms  
4 were recovered. These guns made up 28.2 percent of  
5 all firearm recoveries in 2018.

6 “(E) Even before the sale of a firearm, the gun,  
7 its component parts, and the raw materials from  
8 which they are made have considerably moved in  
9 interstate commerce.

10 “(F) If unserialized and untraceable firearms  
11 may be constructed and transported freely from  
12 State to State, ordinary citizens and foreign visitors  
13 may fear to travel to or through certain parts of the  
14 country due to concern about violent crime and gun  
15 violence, and law enforcement agencies may be un-  
16 able to address it.

17 “(2)(A) Except as provided in subparagraph (B), it  
18 shall be unlawful for any person to manufacture, sell, offer  
19 to sell, transfer, purchase, or receive a ghost gun in or  
20 affecting interstate or foreign commerce.

21 “(B) Subparagraph (A) shall not apply to—

22 “(i) the manufacture of a firearm by a licensed  
23 manufacturer if the licensed manufacturer complies  
24 with section 923(i) before selling or transferring the  
25 firearm to another person;

1           “(ii) the offer to sell, sale, or transfer of a fire-  
2           arm to, or purchase or receipt of a firearm by, a li-  
3           censed manufacturer or importer before the date  
4           that is 30 months after the date of enactment of the  
5           Untraceable Firearms Act of 2021; or

6           “(iii) transactions between licensed manufactur-  
7           ers and importers on any date.

8           “(3) It shall be unlawful for a person other than a  
9           licensed manufacturer or importer to engrave or cast a  
10          serial number on a firearm in or affecting interstate or  
11          foreign commerce unless specifically authorized by the At-  
12          torney General.

13          “(4) Beginning on the date that is 30 months after  
14          the date of enactment of the Untraceable Firearms Act  
15          of 2021, it shall be unlawful for any person other than  
16          a licensed manufacturer or importer to knowingly possess  
17          a ghost gun in or affecting interstate or foreign commerce.

18          “(5) Beginning on the date that is 30 months after  
19          the date of enactment of the Untraceable Firearms Act  
20          of 2021, it shall be unlawful for any person other than  
21          a licensed manufacturer or importer to possess a ghost  
22          gun in or affecting interstate or foreign commerce with  
23          the intent to sell or transfer the ghost gun with or without  
24          further manufacturing or to manufacture a firearm with  
25          the ghost gun.

1       “(6)(A) It shall be unlawful for any person to sell,  
2 offer to sell, or transfer, in or affecting interstate or for-  
3 eign commerce, to any person other than a licensed manu-  
4 facturer a machine that has the sole or primary function  
5 of manufacturing firearms.

6       “(B) Except as provided in subparagraph (A), begin-  
7 ning on the date that is 180 days after the date of enact-  
8 ment of the Untraceable Firearms Act of 2021, it shall  
9 be unlawful for any person other than a licensed manufac-  
10 turer to possess, purchase, or receive, in or affecting inter-  
11 state or foreign commerce, a machine that has the sole  
12 or primary function of manufacturing firearms.

13       “(C) Subparagraph (B) shall not apply to a person  
14 who is engaged in the business of selling manufacturing  
15 equipment to a licensed manufacturer who possesses a ma-  
16 chine with the intent to sell or transfer the machine to  
17 a licensed manufacturer.”.

18       (c) REQUIREMENTS.—

19           (1) REMOVAL OF SERIAL NUMBERS.—Section  
20       922(k) of title 18, United States Code, is amend-  
21       ed—

22                   (A) by striking “importer’s or manufactur-  
23                   er’s” each place it appears; and

24                   (B) by inserting “authorized by this chap-  
25                   ter or under State law” before “removed”.



1           (2) LICENSED IMPORTERS AND MANUFACTUR-  
2           ERS.—Section 923(i) of title 18, United States  
3           Code, is amended—

4                   (A) by inserting “(1)” before “Licensed”;

5                   and

6                   (B) by adding at the end the following:

7                   “The serial number shall be engraved or cast  
8                   on the frame or receiver in a manner sufficient  
9                   to identify the firearm and the manufacturer or  
10                  importer that put the serial number on the fire-  
11                  arm.

12           “(2)(A) Not later than 180 days after the date of  
13           enactment of the Untraceable Firearms Act of 2021, the  
14           Attorney General shall prescribe regulations for engraving  
15           a unique serial number onto a ghost gun.

16           “(B) The regulations prescribed under subparagraph  
17           (A) shall—

18                   “(i) allow an owner of a firearm described in  
19                   subparagraph (A) to have a unique serial number  
20                   engraved on the firearm by a licensed manufacturer  
21                   or importer; and

22                   “(ii) require that a serial number be engraved  
23                   on the frame or receiver in a manner sufficient to  
24                   identify the firearm and the manufacturer or im-  
25                   porter that put the serial number on the firearm.

1 “(C) The regulations authorized under this para-  
2 graph shall expire on the date that is 30 months after  
3 the date of enactment of the Untraceable Firearms Act  
4 of 2021.”.

5 (d) PENALTIES.—Section 924 of title 18, United  
6 States Code, is amended—

7 (1) in subsection (a)(1)(B), by striking “or (q)”  
8 and inserting “(q), (aa)(2), (aa)(3), (aa)(5), or  
9 (aa)(6)”;

10 (2) in subsection (c)

11 (A) in paragraph (1)—

12 (i) in subparagraph (A), in the matter  
13 preceding clause (i), by inserting “func-  
14 tional” before “firearm” each place it ap-  
15 pears;

16 (ii) in subparagraph (B), in the mat-  
17 ter preceding clause (i), by inserting “func-  
18 tional” before “firearm”; and

19 (iii) in subparagraph (D)(ii), by in-  
20 serting “functional” before “firearm”; and

21 (B) in paragraph (4), by striking “all or  
22 part of the firearm” and all that follows  
23 through “person.” and inserting the following:  
24 “all or part of the functional firearm, or other-  
25 wise make the presence of the functional fire-

1 arm known to another person, in order to in-  
2 timidate that person, regardless of whether the  
3 functional firearm is directly visible to that per-  
4 son.”;

5 (3) in subsection (d)(1), by striking “or (k)”  
6 and inserting “(k), (aa)(2), (aa)(3), (aa)(5), or  
7 (aa)(6)”;

8 (4) in subsection (e)(1), by inserting “through  
9 the possession of a functional firearm” before “and  
10 has three”; and

11 (5) by adding at the end the following:

12 “(q) A person who violates section 922(aa)(4) shall—

13 “(1) in the case of the first violation by the per-  
14 son, be fined under this title, imprisoned not more  
15 than 1 year, or both; or

16 “(2) in the case of any subsequent violation by  
17 the person, be fined under this title, imprisoned not  
18 more than 5 years, or both.”.

19 **SEC. 4. MODERNIZATION OF THE PROHIBITION ON UNDE-**  
20 **TECTABLE FIREARMS.**

21 Section 922(p) of title 18, United States Code, is  
22 amended—

23 (1) in paragraph (1)—

24 (A) in the matter preceding subparagraph

25 (A), by striking “any firearm”;

1 (B) by amending subparagraph (A) to read  
2 as follows:

3 “(A) an undetectable firearm; or”; and

4 (C) in subparagraph (B), by striking “any  
5 major component of which, when subjected to  
6 inspection by the types of x-ray machines com-  
7 monly used at airports, does not generate” and  
8 inserting the following: “a major component of  
9 a firearm which, if subjected to inspection by  
10 the types of detection devices commonly used at  
11 airports for security screening, would not gen-  
12 erate”;

13 (2) in paragraph (2)—

14 (A) by amending subparagraph (A) to read  
15 as follows:

16 “(A) the term ‘undetectable firearm’ means a  
17 firearm, as defined in section 921(a)(3)(A), of which  
18 no major component is wholly made of detectable  
19 material;”;

20 (B) by striking subparagraph (B) and in-  
21 serting the following:

22 “(B) the term ‘major component’, with respect  
23 to a firearm—

24 “(i) means the slide or cylinder or the  
25 frame or receiver of the firearm; and

1           “(ii) in the case of a rifle or shotgun, in-  
2           cludes the barrel of the firearm; and”;

3           (C) by striking subparagraph (C) and all  
4           that follows through the end of the undesig-  
5           nated matter following subparagraph (C) and  
6           inserting the following:

7           “(C) the term ‘detectable material’ means any  
8           material that creates a magnetic field equivalent to  
9           or more than 3.7 ounces of 17-4 pH stainless  
10          steel.”;

11          (3) in paragraph (3)—

12           (A) in the first sentence, by inserting “, in-  
13           cluding a prototype,” after “of a firearm”; and

14           (B) by striking the second sentence; and

15          (4) in paragraph (5), by striking “shall not  
16          apply to any firearm which” and all that follows and  
17          inserting the following: “shall not apply to—

18           “(A) any firearm received by, in the possession  
19           of, or under the control of the United States; or

20           “(B) the manufacture, importation, possession,  
21           transfer, receipt, shipment, or delivery of a firearm  
22           by a licensed manufacturer or licensed importer pur-  
23           suant to a contract with the United States.”.

○