

117TH CONGRESS
1ST SESSION

S. 2319

To amend chapter 44 of title 18, United States Code, to prohibit the distribution of 3D printer plans for the printing of firearms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2021

Mr. MARKEY (for himself, Mr. MENENDEZ, Mr. REED, Mr. SCHATZ, Mr. CASEY, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. WHITEHOUSE, Ms. DUCKWORTH, Mr. DURBIN, Mr. SANDERS, Mr. PADILLA, Mr. MURPHY, Mr. VAN HOLLEN, Ms. SMITH, Mr. LEAHY, Mr. KAINE, Mr. CARDIN, Ms. KLOBUCHAR, Ms. BALDWIN, Mr. BOOKER, Mr. COONS, Ms. HIRONO, Mrs. GILLIBRAND, Mr. BROWN, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to prohibit the distribution of 3D printer plans for the printing of firearms, 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 “3D Printed Gun Safety
5 Act of 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Three dimensional, or “3D” printing, in-
4 volves the programming of a 3D printing machine
5 with a computer file that provides the schematics for
6 the item to be printed.

7 (2) Recent technological developments have al-
8 lowed for the 3D printing of firearms and firearm
9 parts, including parts made out of plastic, by unli-
10 censed individuals in possession of relatively inexpen-
11 sive 3D printers.

12 (3) Because 3D printing allows individuals to
13 make their own firearms out of plastic, they may be
14 able to evade detection by metal detectors at security
15 checkpoints, increasing the risk that a firearm will
16 be used to perpetrate violence on an airplane or
17 other area where people congregate.

18 (4) The availability of online schematics for the
19 3D printing of firearms and firearm parts increases
20 the risk that dangerous people, including felons, do-
21 mestic abusers, and other people prohibited from
22 possessing firearms under Federal law, will obtain a
23 firearm through 3D printing.

24 (5) On June 7, 2013, an assailant used a gun
25 he had constructed by himself to kill his father,
26 brother, and 3 other people at Santa Monica College

1 in California. The person had failed a background
2 check when he tried to purchase a gun from a li-
3 censed gun dealer. The gun he used was made from
4 an unfinished AR-15-style receiver, similar to a re-
5 ceiver that can now be made with a 3D printer.

6 (6) Firearms tracing is a powerful investigative
7 tool. When law enforcement agencies recover fire-
8 arms that have been used in crimes, the agencies
9 work with the Bureau of Alcohol, Tobacco, Firearms
10 and Explosives to trace these firearms to their first
11 retail purchaser. The agencies can use that informa-
12 tion to investigate and solve the crimes. In 2019
13 alone, the Bureau of Alcohol, Tobacco, Firearms and
14 Explosives traced and recovered 269,250 firearms.

15 (7) Firearms tracing depends on the ability to
16 identify firearms based on their serial number. Tra-
17 ditionally, when a firearm is manufactured domesti-
18 cally or imported from abroad, it is engraved with
19 a serial number and markings that identify the man-
20 ufacturer or importer, make, model, and caliber, and
21 are unique to the firearm. Firearms made by unli-
22 censed individuals with 3D printers, however, do not
23 contain genuine serial numbers.

24 (8) Criminals seek firearms without serial num-
25 bers because they cannot be traced. In July 2018,

1 the Los Angeles Police Department completed a 6-
2 month-long investigation that resulted in the seizure
3 of 45 firearms, some of which had been assembled
4 without serial numbers in order to be untraceable. If
5 the schematics for 3D printing firearms and firearm
6 parts are available online, people intending to com-
7 mit gun crimes may create similarly untraceable
8 firearms in order to avoid accountability for these
9 crimes.

10 (9) Interstate gun trafficking, including the
11 trafficking of untraceable firearms, interferes with
12 lawful commerce in firearms and significantly con-
13 tributes to gun crime. Of the 269,250 firearms
14 traced by the Bureau of Alcohol, Tobacco, Firearms
15 and Explosives in 2019, 75,513 of those firearms
16 were originally sold by a licensed firearms dealer in
17 a State other than the State where they were recov-
18 ered. These guns made up 28.0 percent of all fire-
19 arm recoveries in 2019.

20 (10) The proliferation of 3D-printed firearms
21 threatens to undermine the entire Federal firearms
22 regulatory scheme and to endanger public safety and
23 national security. By making illegal the distribution
24 of certain computer code that can be used automati-
25 cally to program 3D printers and create firearms—

1 the only means of combating this unique threat—
2 Congress seeks not to regulate the rights of com-
3 puter programmers under the First Amendment to
4 the Constitution of the United States, but rather to
5 curb the pernicious effects of untraceable—and po-
6 tentially undetectable—firearms.

7 **SEC. 3. PROHIBITION.**

8 Section 922 of title 18, United States Code, is
9 amended by adding at the end the following:

10 “(aa) It shall be unlawful for any person to inten-
11 tionally distribute, over the internet or by means of the
12 World Wide Web, digital instructions in the form of Com-
13 puter Aided Design files or other code that can automati-
14 cally program a 3-dimensional printer or similar device to
15 produce a firearm or complete a firearm from an unfin-
16 ished frame or receiver.”

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