

118TH CONGRESS
1ST SESSION

H. R. 6172

To amend title 18, United States Code, to prevent bulk sales of ammunition, promote recordkeeping and reporting about ammunition, end ammunition straw purchasing, and require a background check before the transfer of ammunition by certain Federal firearms licensees to non-licensees.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2023

Mr. ROBERT GARCIA of California (for himself and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prevent bulk sales of ammunition, promote recordkeeping and reporting about ammunition, end ammunition straw purchasing, and require a background check before the transfer of ammunition by certain Federal firearms licensees to non-licensees.

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 “Ammunition Mod-
5 ernization and Monitoring Oversight Act” or the “AMMO
6 Act”.

1 **SEC. 2. FEDERAL LICENSE REQUIRED TO DEAL IN AMMUNI-**
2 **TION.**

3 (a) IN GENERAL.—Section 922(a)(1)(B) of title 18,
4 United States Code, is amended—

5 (1) by striking “or licensed manufacturer” and
6 inserting “licensed manufacturer, or licensed deal-
7 er”; and

8 (2) by striking “or manufacturing” and insert-
9 ing “manufacturing, or dealing in”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) DEFINITION OF DEALER.—Section
12 921(a)(11)(A) of such title is amended by inserting
13 “or ammunition” after “firearms”.

14 (2) LICENSE FEE.—Section 923(a)(3)(B) of
15 such title is amended by striking “who is not a deal-
16 er in destructive devices” and inserting “in firearms
17 other than destructive devices or ammunition for
18 firearms other than destructive devices”.

19 **SEC. 3. AMMUNITION RECORDKEEPING REQUIREMENT**
20 **FOR CERTAIN LICENSEES.**

21 Section 923(g)(1) of title 18, United States Code, is
22 amended—

23 (1) in subparagraph (A), by inserting “or am-
24 munition” after “firearms”; and

1 (2) in each of subparagraphs (B)(iii) and
2 (C)(ii), by inserting “, or of ammunition,” after
3 “firearms”.

4 **SEC. 4. PROHIBITION ON STRAW PURCHASE OF AMMUNI-**
5 **TION.**

6 Section 932 of title 18, United States Code, is
7 amended in each of subsections (b) and (c)(2), by insert-
8 ing “or ammunition” after “firearm” each place it ap-
9 pears.

10 **SEC. 5. RESTRICTION ON BULK AMMUNITION SALES.**

11 (a) IN GENERAL.—Section 922 of title 18, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 “(aa)(1) It shall be unlawful for any person licensed
15 under this chapter to transfer to a person not so li-
16 censed—

17 “(A) more than 100 rounds of .50 caliber am-
18 munition or more than 1,000 rounds of any other
19 caliber of ammunition in any period of 5 consecutive
20 days; or

21 “(B) any ammunition if—

22 “(i) the transferee has not provided to the
23 transferor a written certification, signed by the
24 transferee, attesting that the purchase of the
25 ammunition would not result in the transferee

1 having acquired more than 100 rounds of .50
2 caliber ammunition or more than 1,000 rounds
3 of any other caliber of ammunition, in the 5-
4 day period ending with the date of the transfer;
5 or

6 “(ii) the transferor knows or has reason to
7 believe that the transfer would result in the
8 transferee having acquired more than 100
9 rounds of .50 caliber ammunition or more than
10 1,000 rounds of any other caliber of ammuni-
11 tion, in the 5-day period ending with the date
12 of the transfer.

13 “(2)(A) It shall be unlawful for a person licensed
14 under this chapter to transfer ammunition to a person not
15 so licensed, unless the transferee—

16 “(i) has presented to the licensee a valid identi-
17 fication document (as defined in section 1028(d)) on
18 which appears—

19 “(I) the name and address of the trans-
20 feree;

21 “(II) a number unique to the transferee;
22 and

23 “(III) the signature of the transferee; and

24 “(ii) has entered the name, address, and signa-
25 ture of the transferee on, and otherwise completed,

1 such form as the Attorney General shall prescribe,
2 which shall include the written certification de-
3 scribed in paragraph (1)(B), and a statement of the
4 penalties for violating this subsection.

5 “(B) It shall be unlawful for any person in connection
6 with the purchase or attempted purchase of ammunition
7 to knowingly make any false or fictitious oral or written
8 statement or to furnish or exhibit any false, fictitious, or
9 misrepresented identification, intended or likely to deceive
10 the seller with respect to any fact material to the lawful-
11 ness of the sale of the ammunition under this chapter.

12 “(C)(i) Within 30 calendar days after the date a per-
13 son licensed under this chapter transfers ammunition in
14 a transaction subject to paragraph (1), the licensee shall
15 transmit to the Attorney General a paper or electronic
16 copy of the form completed by the transferee pursuant to
17 subparagraph (A) of this paragraph.

18 “(ii) The Attorney General shall determine, on the
19 basis of the forms transmitted pursuant to clause (i) of
20 this subparagraph, whether a transfer of ammunition has
21 been made in violation of paragraph (1)(A).

22 “(iii) Within 60 days after receipt of a form pursuant
23 to clause (i), the Attorney General shall destroy the form
24 unless the form is needed in an ongoing bona fide criminal
25 investigation or prosecution.

1 “(D) A licensee who transfers ammunition in a trans-
2 action subject to paragraph (1) shall keep the form re-
3 ferred to in subparagraph (C) of this paragraph in paper
4 or electronic form for not fewer than 2 years.”.

5 (b) PENALTIES.—Section 924(a) of such title is
6 amended by adding at the end the following:

7 “(9)(A) A person licensed under this chapter who
8 knowingly violates paragraph (1) or (2)(A) of section
9 922(aa) shall be fined not less than \$50,000 and not more
10 than \$250,000, and—

11 “(i) in the case of the 2nd such violation by the
12 person, the person shall be prohibited from selling a
13 firearm or ammunition for 60 days; or

14 “(ii) in the case of the 3rd such violation by the
15 person, all licenses issued to the person under this
16 chapter shall be revoked.

17 “(B) A person who knowingly violates section
18 922(aa)(2)(B) shall be—

19 “(i) fined not more than—

20 “(I) \$20,000, in the case of the 1st such
21 violation by the person; or

22 “(II) \$50,000, in the case of any subse-
23 quent such violation by the person;

24 “(ii) imprisoned not more than 5 years; or

25 “(iii) both.

1 “(C) Whoever knowingly violates subparagraph (C)(i)
 2 or (D) of section 922(aa)(2) shall be fined not more than
 3 \$10,000.”.

4 (c) SIGNAGE REQUIREMENT.—

5 (1) IN GENERAL.—Section 923(g) of such title
 6 is amended by adding at the end the following:

7 “(8) Each person licensed under this chapter shall
 8 post at the premises of the licensee subject to the license
 9 a sign on which there is set forth, in accordance with regu-
 10 lations prescribed by the Attorney General—

11 “(A) a summary of paragraphs (1) and (2)(B)
 12 of section 922(aa), and the penalties for making
 13 false statements on a written certification made pur-
 14 suant to section 922(aa)(1)(B)(i); and

15 “(B) a summary of the provisions of section
 16 932 relating to ammunition, and the penalties for
 17 violating those provisions.”.

18 (2) PENALTY.—Section 924 of such title is
 19 amended by adding at the end the following:

20 “(q) CIVIL PENALTY FOR FAILURE OF LICENSEE TO
 21 POST SIGN ABOUT RESTRICTIONS ON AMMUNITION
 22 SALES.—

23 “(1) IN GENERAL.—

24 “(A) CIVIL PENALTY.—With respect to
 25 each violation of section 923(g)(8) by a person

1 licensed under this chapter, the Attorney Gen-
2 eral may, after notice and opportunity for hear-
3 ing, subject the licensee to a civil penalty in an
4 amount equal to \$10,000.

5 “(B) REVIEW.—An action under this para-
6 graph may be reviewed only as provided under
7 section 923(f).

8 “(2) ADMINISTRATIVE REMEDIES.—The imposi-
9 tion of a civil penalty under paragraph (1) shall not
10 preclude any administrative remedy that is otherwise
11 available to the Attorney General.”.

12 **SEC. 6. BACKGROUND CHECK REQUIRED BEFORE TRANS-**
13 **FER OF AMMUNITION BY CERTAIN FEDERAL**
14 **FIREARMS LICENSEES TO NON-LICENSEES.**

15 (a) IN GENERAL.—Section 922 of title 18, United
16 States Code, is amended—

17 (1) by striking subsection (s) and redesignating
18 subsection (t) as subsection (s);

19 (2) in subsection (s) (as so redesignated)—

20 (A) in paragraph (1)(B)(i), by inserting
21 “indicating that the receipt of a firearm or am-
22 munition by such other person would not violate
23 subsection (g) or (n) of this section, or State,
24 local, or Tribal law” before the semicolon;

1 (B) in paragraph (3)(C)(ii), by striking
2 “(as defined in subsection (s)(8))”; and

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

4 “(7) In this subsection, the term ‘chief law enforce-
5 ment officer’ means the chief of police, the sheriff, or an
6 equivalent officer or the designee of any such individual.”;
7 and

8 (3) by inserting after subsection (s) (as so re-
9 designated) the following:

10 “(t)(1) A licensed importer, licensed manufacturer, or
11 licensed dealer shall not transfer ammunition to another
12 person not licensed under this chapter, unless—

13 “(A) before the completion of the transfer, the
14 licensee contacts the national instant criminal back-
15 ground check system established under section 103
16 of the Brady Handgun Violence Prevention Act;

17 “(B) the system provides the licensee with a
18 unique identification number indicating that—

19 “(i) the receipt of a firearm or ammunition
20 by such other person would not violate sub-
21 section (g) or (n) of this section, or State, local,
22 or Tribal law; and

23 “(ii) if such other person has not attained
24 21 years of age, that a transfer of a firearm or

1 ammunition to such other person would not vio-
2 late subsection (d) of this section; and

3 “(C) the licensee has verified the identity of
4 such other person by examining a valid identification
5 document (as defined in section 1028(d) of this title)
6 of such other person containing a photograph of
7 such other person.

8 “(2) Paragraph (1) shall not apply to an ammunition
9 transfer between a licensee and another person if—

10 “(A) such other person has presented to the li-
11 censee a permit that—

12 “(i) allows such other person to possess or
13 acquire ammunition, or to possess or acquire a
14 firearm; and

15 “(ii) was issued not more than 5 years ear-
16 lier by the State in which the transfer is to take
17 place; and

18 “(B) the law of the State provides that such a
19 permit is to be issued only after an authorized gov-
20 ernment official has verified that the information
21 available to such official does not indicate that pos-
22 session of ammunition by such other person would
23 be in violation of law.

24 “(3) Paragraphs (2) and (4) through (7) of sub-
25 section (s) shall apply with respect to ammunition trans-

1 fers pursuant to this subsection in the same manner in
2 which such paragraphs apply with respect to firearm
3 transfers.

4 “(4) It shall be unlawful for a licensed importer, li-
5 censed manufacturer, or licensed dealer to transfer posses-
6 sion of ammunition to another person not so licensed un-
7 less the licensee has provided such other person with a
8 notice of the prohibition under paragraph (1), and such
9 other person has certified that such other person has been
10 provided with this notice on a form prescribed by the At-
11 torney General.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) SECTION 922.—Section 922(y)(2) of title
14 18, United States Code, is amended, in the matter
15 preceding subparagraph (A), by striking “,
16 (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and
17 (g)(5)(B)”.

18 (2) CONSOLIDATED AND FURTHER CONTINUING
19 APPROPRIATIONS ACT, 2012.—Section 511 of title V
20 of division B of the Consolidated and Further Con-
21 tinuing Appropriations Act, 2012 (34 U.S.C. 40901
22 note) is amended by striking “subsection 922(t)”
23 each place it appears and inserting “subsection (s)
24 or (t) of section 922”.

1 (c) RULES OF CONSTRUCTION.—Nothing in this sec-
2 tion, or any amendment made by this section, shall be con-
3 strued to—

4 (1) authorize the establishment, directly or indi-
5 rectly, of a national firearms or ammunition reg-
6 istry; or

7 (2) interfere with the authority of a State,
8 under section 927 of title 18, United States Code,
9 to enact a law on the same subject matter as this
10 section.

11 (d) AUTHORIZATION OF INCREASED FUNDING FOR
12 THE NICS SYSTEM.—In addition to any amount other-
13 wise authorized to be appropriated for the background
14 check system established under section 103 of the Brady
15 Handgun Violence Prevention Act, there are authorized to
16 be appropriated not more than \$150,000,000 for upgrad-
17 ing and maintaining the system.

18 **SEC. 7. REPORTING REQUIREMENT.**

19 Within 6 months after the effective date of this Act
20 and annually thereafter, the Director of the Bureau of Al-
21 cohool, Tobacco, Firearms, and Explosives shall prepare,
22 publish in the Federal Register, and otherwise make avail-
23 able to the public a report on the violations of section
24 922(aa) of title 18, United States Code, that occurred dur-
25 ing the period covered by the report, and the information

1 reported pursuant to paragraph (2)(C) of such section (in-
2 cluding geographic data, total sales data, crime statistics,
3 information on repeat offenders, or caliber types involved)
4 during the period covered by the report, which shall in-
5 clude an identification of any trend in the violations or
6 information that Federal, State, or local law enforcement
7 authorities may find useful.

8 **SEC. 8. EFFECTIVE DATE.**

9 This Act and the amendments made by this Act shall
10 take effect on the 120th day after the date of the enact-
11 ment of this Act.

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