

118TH CONGRESS
1ST SESSION

S. 298

To regulate large capacity ammunition feeding devices.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2023

Mr. MENENDEZ (for himself, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. PADILLA, Mr. MURPHY, Mr. MARKEY, Mr. CASEY, Mr. KAINE, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. CARPER, Mr. DURBIN, Mr. KING, Mr. COONS, Mr. REED, Ms. DUCKWORTH, Mr. VAN HOLLEN, Mrs. MURRAY, Ms. ROSEN, Ms. WARREN, Ms. HIRONO, Mr. BOOKER, Mr. SANDERS, Mr. CARDIN, Ms. CORTEZ MASTO, Ms. KLOBUCHAR, Ms. STABENOW, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 adding at the end the following:

1 “(38) The term ‘large capacity ammunition feeding
2 device’—

3 “(A) means a magazine, belt, drum, feed strip,
4 helical feeding device, or similar device, including
5 any such device joined or coupled with another in
6 any manner, that has an overall capacity of, or that
7 can be readily restored, changed, or converted to ac-
8 cept, more than 10 rounds of ammunition; and

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

12 “(39) The term ‘qualified law enforcement officer’
13 has the meaning given the term in section 926B.”.

14 **SEC. 3. RESTRICTIONS ON LARGE CAPACITY AMMUNITION**
15 **FEEDING DEVICES.**

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

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

23 “(2) Paragraph (1) shall not apply to the possession
24 of any large capacity ammunition feeding device otherwise

1 lawfully possessed on or before the date of enactment of
2 the Keep Americans Safe Act.

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

4 “(A) the importation for, manufacture for, sale
5 to, transfer to, or possession by the United States
6 or a department or agency of the United States or
7 a State or a department, agency, or political subdivi-
8 sion of a State, or a sale or transfer to or possession
9 by a qualified law enforcement officer employed by
10 the United States or a department or agency of the
11 United States or a State or a department, agency,
12 or political subdivision of a State for purposes of law
13 enforcement (whether on or off-duty), or a sale or
14 transfer to or possession by a campus law enforce-
15 ment officer for purposes of law enforcement (wheth-
16 er on or off-duty);

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

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

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

8 “(ii) that the individual purchased, or oth-
9 erwise obtained, for official use before such re-
10 tirement; or

11 “(D) the importation, sale, manufacture, trans-
12 fer, or possession of any large capacity ammunition
13 feeding device by a licensed manufacturer or licensed
14 importer for the purposes of testing or experimen-
15 tation authorized by the Attorney General.

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

19 “(A) employed by a private institution of higher
20 education that is eligible for funding under title IV
21 of the Higher Education Act of 1965 (20 U.S.C.
22 1070 et seq.);

23 “(B) responsible for the prevention or investiga-
24 tion of crime involving injury to persons or property,

1 including apprehension or detention of persons for
2 such crimes;

3 “(C) authorized by Federal, State, or local law
4 to carry a firearm, execute search warrants, and
5 make arrests; and

6 “(D) recognized, commissioned, or certified by
7 a government entity as a law enforcement officer.”.

8 (b) IDENTIFICATION MARKINGS FOR LARGE CAPAC-
9 ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of
10 title 18, United States Code, is amended by adding at the
11 end the following: “A large capacity ammunition feeding
12 device manufactured after the date of enactment of the
13 Keep Americans Safe Act shall be identified by a serial
14 number and the date on which the device was manufac-
15 tured or made, legibly and conspicuously engraved or cast
16 on the device, and such other identification as the Attor-
17 ney General shall by regulations prescribe.”.

18 (c) SEIZURE AND FORFEITURE OF LARGE CAPACITY
19 AMMUNITION FEEDING DEVICES.—Section 924(d) of title
20 18, United States Code, is amended—

21 (1) in paragraph (1)—

22 (A) in the first sentence—

23 (i) by striking “Any firearm or ammu-
24 nition involved in” and inserting “Any fire-

1 arm or ammunition or large capacity am-
2 munition feeding device involved in”;

3 (ii) by striking “or (k)” and inserting
4 “(k), or (v)”;

5 (iii) by striking “any firearm or am-
6 munition intended” and inserting “any
7 firearm or ammunition or large capacity
8 ammunition feeding device intended”;

9 (B) by inserting “or large capacity ammu-
10 nition feeding devices” after “firearms or am-
11 munition” each place the term appears;

12 (2) in paragraph (2)—

13 (A) in subparagraph (A), by inserting “or
14 large capacity ammunition feeding devices”
15 after “firearms or ammunition”;

16 (B) in subparagraph (C), by inserting “or
17 large capacity ammunition feeding devices”
18 after “firearms or quantities of ammunition”;

19 and

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

22 **SEC. 4. PENALTIES.**

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

1 **SEC. 5. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS**
2 **FOR LARGE CAPACITY AMMUNITION FEED-**
3 **ING DEVICES.**

4 Section 501(a)(1) of title I of the Omnibus Crime
5 Control and Safe Streets Act of 1968 (34 U.S.C.
6 10152(a)(1)) is amended by adding at the end the fol-
7 lowing:

8 “(J) Compensation for surrendered large
9 capacity ammunition feeding devices, as that
10 term is defined in section 921 of title 18,
11 United States Code, under buy-back programs
12 for large capacity ammunition feeding devices.”.

13 **SEC. 6. SEVERABILITY.**

14 If any provision of this Act, an amendment made by
15 this Act, or the application of such provision or amend-
16 ment to any person or circumstance is held to be unconsti-
17 tutional, the remainder of this Act, the amendments made
18 by this Act, and the application of such provision or
19 amendment to any person or circumstance shall not be af-
20 fected thereby.

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