

SECOND AMENDMENT FIREARMS EMPOWERMENT ACT OF 2036

SAFE Act of 2036

PUBLICATION COMPANION

NONSTATUTORY MATERIAL

Explanatory Note • Presidential Signing Statement • BFE Implementation Outline

*This companion is not part of the SAFE Act of 2036 and has no legal effect.
It accompanies the separately published enacted text.*

NONSTATUTORY EXPLANATORY NOTE

Purpose. This note summarizes the architecture and policy philosophy of the SAFE Act of 2036 for readers. It does not amend, interpret, narrow, expand, or supersede the enacted text. Where this note and the Act differ, the Act controls.

The SAFE Act is built around four linked principles: broad lawful access, rigorous qualification, universal accountability, and individualized prohibition rather than categorical weapon prohibition.

1. Broad lawful access

The Act rejects design-based firearm bans as the organizing principle of federal firearms law. A firearm may be subject to a higher regulatory class because of its capability, configuration, ammunition, detectability, or destructive potential, but those characteristics generally determine the qualifications required for lawful possession and use rather than whether the firearm may exist in civilian hands at all. See §§ 10–19 and 203.

2. Rigorous qualification

The Act distinguishes three personal statuses: Prohibited, Eligible, and Licensed. An Eligible person may lawfully possess firearms that do not require an active Federal Firearms License. A Licensed person has satisfied the additional screening, training, competency, and continuing-accountability requirements required for licensed possession. Class III authority adds weapon-type endorsements and, where applicable, ammunition-specific qualifications. See §§ 6, 20–34.

3. Universal accountability

Permanent firearm transfers run through a common licensed-transfer and BFE approval system. Licensed firearms, Class III weapons, serialization, custody changes, loss or theft, and specialized transfers are tied to auditable records. Knowing participants on both sides of an unprocessed transfer may be liable, while voluntary reconciliation remains available before independent government discovery. See §§ 39–56 and 165.

4. Individualized prohibition rather than weapon prohibition

The Act directs restrictive force toward people whose status, conduct, adjudication, or demonstrated dangerousness justifies restriction. It provides temporary-prohibition procedures, surrender and safekeeping, judicial review, and restoration mechanisms. Prohibition ordinarily removes possession authority rather than ownership, and the Act supplies procedures for safekeeping and lawful disposition. See §§ 76–99.

Rights and responsibilities

The Act treats the right to keep and bear arms as a legal right rather than a discretionary favor, while attaching affirmative responsibilities to licensed possession, transfer, custody, storage, carry, and use. Emergency declarations do not become blanket firearm-suspension authorities, and State or local governments may not recreate prohibited categorical restrictions through taxes, licensing barriers, or parallel rules that conflict with affirmative federal rights. See §§ 3–4, 57–75, and 131–139.

Implementation

The Act deliberately leaves technical and administrative details to the Bureau of Firearms and Explosives where those details require forms, schedules, testing protocols, technical standards, curricula, portal workflows, inspection procedures, or data interfaces. Those regulations implement the statute; they do not create authority to narrow rights that Congress affirmatively granted. Section 203 expressly preserves that rule of construction.

STATEMENT BY PRESIDENT ALEX VALEN

Upon Signing the Second Amendment Firearms Empowerment Act of 2036

December 17, 2036

Today I signed the Second Amendment Firearms Empowerment Act of 2036, the SAFE Act.

For too long, the national firearms debate was framed as a choice between two failures: prohibit more weapons, or accept weak accountability for the people who possess them. This law rejects that choice.

The Second Amendment protects a right. Rights do not become discretionary favors because the objects involved are dangerous. But dangerous tools also create responsibilities, and a government that recognizes a right may still insist that people exercising the most consequential forms of that right are qualified, competent, screened, and accountable.

The SAFE Act therefore does something federal firearms law has rarely done coherently. It separates the question of what a firearm is from the question of who may lawfully possess it. A weapon is not prohibited merely because it is powerful, unusual, automatic, difficult to detect, or capable of destructive effects. Those characteristics determine the level of qualification, licensing, storage, inspection, and accountability required. The law regulates capability without pretending that capability itself is guilt.

That principle runs in the other direction as well. A person who is prohibited, demonstrably dangerous, or otherwise legally unqualified does not become safer because the weapon available to that person happens to fit an approved list. The law acts on the person, the conduct, the adjudication, and the risk. It provides procedures for temporary restriction when danger is real, judicial review when government acts, and restoration when the legal basis for prohibition no longer justifies continued disability.

The law also makes accountability universal. Permanent transfers are processed. Licensed firearms are traceable. Lost and stolen firearms are reported. Dealers have duties, not merely privileges. When specific and articulable facts make an otherwise approved sale one that should be refused, the dealer has an affirmative obligation to refuse it. A system that grants broad lawful access must also be able to identify who lawfully possessed a firearm, who transferred it, and where responsibility changed hands.

The national militia established by this Act is not a ceremonial label. It is the body of active Federal Firearms Licensees who have met uniform standards of eligibility, competence, custodianship, and continuing accountability. The phrase “well regulated” is treated as operative. So is the right of the people to keep and bear arms. The law does not require us to erase one clause to respect the other.

The attack at R.R. Jones Stadium demonstrated the cost of systems that fail to identify danger early enough, fail to preserve accountability, or assume that broad prohibition is the only available response to mass violence. No statute can promise that violence will disappear. This one does something more credible: it assigns duties before the violence, creates intervention mechanisms when danger becomes individualized, and imposes severe consequences when firearms are used to commit violent felonies.

This law also limits government. A declared emergency is not a blank check to suspend lawful possession or carry. States remain important enforcement partners, but they may not nullify nationally protected rights by recreating the same prohibition under another name. Administrative agencies may write the forms, standards, schedules, and technical rules needed to make the system work, but they may not use regulation to shrink what Congress has affirmatively authorized.

The SAFE Act is not a declaration that firearms are harmless. It is legislation built on the opposite premise. Firearms are consequential enough that the law should know who is qualified to possess them, require competence where competence matters, preserve records where accountability matters, intervene against dangerous people through due process, and punish criminal misuse severely.

Broad lawful access and serious regulation are not opposites. In this law, each is what makes the other sustainable.

I am signing it because constitutional rights are strongest when the rules around them are clear, demanding, reviewable, and applied to people rather than slogans.

APPENDIX A — BFE ADMINISTRATIVE CODE IMPLEMENTATION OUTLINE

Status. This appendix is a publication-planning outline only. It is not the BFE Administrative Code, does not add requirements, and does not itself exercise delegated rulemaking authority. Its purpose is to demonstrate that the Act’s administrative delegations have defined regulatory destinations rather than unresolved gaps.

Drafting rule. Each administrative provision should identify its statutory authority, avoid duplicating statutory rules, and distinguish mandatory legal requirements from forms, technical specifications, schedules, testing protocols, and workflow details. Section 203 controls: administrative implementation may not narrow an affirmative authority granted by the Act.

Administrative-code module	Statutory landing points	Regulatory content
Part 1 — Status, Eligibility, and Disqualification	§§ 6–9, 76–99	Status coding; disqualification records; dangerousness case workflow; notice; hearing administration; safekeeping interfaces; restoration submissions; verification and record-retention rules.
Part 2 — Firearm Classification and Technical Standards	§§ 10–19, 161–166	Sporting Arms Schedule; handgun-caliber schedule; detectability testing; armor-piercing and other Class III ammunition tests; classification petitions; technical measurement methods.
Part 3 — Federal Firearms Licensing	§§ 20–28	Application forms; screening releases; training and qualification evidence; examinations; renewal workflows; suspension coding; termination and post-license disposition procedures.
Part 4 — Class III Endorsements and Ammunition Authority	§§ 29–34	Weapon-type taxonomy; endorsement applications; system-specific qualification schedules; integrated firearm/ammunition treatment for dual-status articles; ammunition-specific qualification and renewal.
Part 5 — Credentials, Identifiers, and Badges	§§ 35–38	Credential format; anti-counterfeit features; badge issue and replacement; identifier standards; verification interfaces; surrender procedures.
Part 6 — Transfers and Background-Check Portal	§§ 39–43, 165	Portal submissions; identity verification; approval/denial/hold codes; DEALER DECLINED workflow; 72-hour review; recipient acknowledgments; transaction-number and audit rules.
Part 7 — Ownership, Registry, Serialization, and Reconciliation	§§ 44–56	Licensed-firearm registry fields; custody changes; loss/theft entry; recovery; serialization methods; manufacturer/importer records; voluntary reconciliation; legacy-record conversion.
Part 8 — Carry, Storage, Custody, and Transportation	§§ 57–75, 167–174	Carry qualifications; approved storage specifications; transport declarations; common-carrier procedures; airline checked-transport workflow; optional cabin-carry curriculum; exigent-use reporting.
Part 9 — Class III Inspection and Compliance	§§ 69–71	Inspection forms; scheduling; deficiency notices; corrective-action periods; reinspection; secure-storage verification; documentation standards.
Part 10 — Professional Certifications	§§ 109–112	Instructor, gunsmith, armorer, and other professional certification criteria; equivalencies; renewal; suspension; records and verification.
Part 11 — BFE Adjudication, Advisory Opinions, and Judicial Record	§§ 113–130, 140–143	Agency decision formats; service; administrative records; advisory-opinion petitions; publication/redaction; deadlines; official portal functions; data governance.
Part 12 — Reciprocity, Transition, and Legacy Conversion	§§ 144–160	Foreign credential evaluation; reciprocity documentation; transition applications; legacy firearm and license conversion; temporary procedures; agency coordination.
Part 13 — Special Applications and Technical Programs	§§ 161–178	Undetectability standards; AP testing; specialized destructive-device treatment; aviation implementation; inheritance, shipment, seizure, and other special-case workflows.
Part 14 — Fees, Payment Systems, Records, and Regulatory Transition	§§ 193–198	Fee collection and retention; statutory payment processing; records disposal; legacy regulation rescission/conformance; implementation accounting and audit trails.

Publication control

The enacted-text publication should remain separate from this companion. Future BFE regulations, explanatory essays, implementation manuals, legislative history, or policy advocacy should likewise be published as separate materials and should never be silently merged into the statutory text.