

SECOND AMENDMENT FIREARMS EMPOWERMENT ACT OF 2036

SAFE Act of 2036

PUBLICATION EDITION — ENACTED TEXT

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SECOND AMENDMENT FIREARMS EMPOWERMENT ACT OF 2036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I — GENERAL PROVISIONS AND NATIONAL MILITIA

SEC. 1. SHORT TITLE.

This Act may be cited as the “**Second Amendment Firearms Empowerment Act of 2036**” or the “**SAFE Act of 2036.**”

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.

Congress finds that:

- (1) The Second Amendment to the Constitution of the United States provides:
“A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”
- (2) Each clause and phrase of the Second Amendment is operative and shall be given effect under Federal law consistent with the Constitution.
- (3) The people of the United States possess a constitutional right to keep and bear arms, together with responsibilities arising from the possession, custody, carrying, and use of dangerous weapons.
- (4) A populace containing qualified, competent, screened, and accountable armed persons contributes to the security of homes, communities, and the United States.
- (5) The security of a free State is strengthened when meaningful physical capability exists among qualified members of the populace and is not held exclusively in governmental arsenals.
- (6) For decades, the United States has suffered firearm-related tragedies, including shootings in schools, homes, workplaces, public places, and other settings, culminating in extraordinary acts of mass violence including the attack at R.R. Jones Stadium on September 7, 2035.
- (7) Such tragedies demonstrate that the lawful keeping and bearing of arms must be accompanied by effective systems for determining eligibility, competence, custodial responsibility, and dangerousness.
- (8) Firearm regulation should distinguish sharply between persons who are qualified and accountable to possess and bear arms and persons who, by conduct, adjudication, or demonstrated dangerousness, are not.
- (9) No firearm should be prohibited merely because of its design, capability, configuration, caliber, operating mechanism, detectability, or destructive potential; such characteristics may instead determine the degree of regulation and qualification required for lawful possession and use.
- (10) During declared emergencies, public safety may be strengthened by the continued lawful presence of trained, screened, and accountable armed persons, and emergency powers should not substitute for individualized restrictions authorized by law.
- (11) Uniform national firearms standards are compatible with substantial State and local enforcement, and States should be encouraged to enact materially parallel offenses so routine enforcement may proceed through State and local institutions.
- (12) Federal firearms law should therefore protect and empower qualified persons while providing effective mechanisms to prevent possession by persons who are prohibited, dangerous, or otherwise legally unqualified.

(b) PURPOSES.

The purposes of this Act are:

- (1) to give operative effect in Federal law to each clause of the Second Amendment;
- (2) to establish uniform national standards governing firearms eligibility, licensing, possession, carrying, transfer, custody, and accountability;
- (3) to empower the possession, carry, and lawful use of dangerous weapons by qualified persons, and only qualified persons;

- (4) to establish a national militia founded upon demonstrated legal eligibility, competence, responsible custodianship, and continuing accountability;
- (5) to preserve broad lawful access to firearms, including specialized firearms, for persons who satisfy the applicable requirements of this Act;
- (6) to provide effective Federal procedures for identifying and restricting persons who present an unreasonable danger to themselves or others;
- (7) to provide fair procedures for restoration of firearms eligibility where restoration is authorized by law;
- (8) to establish nationally uniform rights that may not be prohibited by a State, political subdivision, or other subordinate governmental authority where this Act affirmatively authorizes the conduct concerned;
- (9) to encourage State and Tribal enactment and enforcement of materially parallel criminal provisions consistent with this Act; and
- (10) to replace inconsistent and obsolete Federal firearms and militia laws with a coherent national framework.

SEC. 3. SECOND AMENDMENT; RULE OF CONSTRUCTION.

(a) CONSTITUTIONAL TEXT.

For purposes of Federal law administered under this Act, Congress expressly recognizes the Second Amendment in its entirety:

“A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

No clause of that Amendment shall be treated under this Act as surplusage, introductory language without legal effect, or language subordinate to another clause.

(b) NO CONSTITUTIONAL AMENDMENT.

Nothing in this Act shall be construed:

- (1) to amend the Constitution of the United States;
- (2) to limit the authority of courts established under Article III of the Constitution to interpret the Constitution; or
- (3) to declare an Act of Congress superior to the Constitution.

The definitions in this Act govern the administration and enforcement of Federal firearms law enacted pursuant to this Act.

SEC. 4. OPERATIVE SECOND AMENDMENT DEFINITIONS.

For purposes of this Act and Federal firearms law enacted or administered under it:

(1) “A WELL REGULATED MILITIA.”

The term **“a well regulated Militia”** means a national body composed of persons who have demonstrated uniform standards of legal eligibility, psychological fitness where required, technical proficiency, responsible custodianship, and continuing accountability sufficient for the safekeeping and bearing of arms.

Membership shall arise as provided in the national militia provisions of this Act and shall not depend upon sex, profession, ancestry, or an obsolete demographic classification.

(2) “BEING NECESSARY TO THE SECURITY OF A FREE STATE.”

The phrase **“being necessary to the security of a free State”** recognizes that the security of constitutional government includes the existence of meaningful physical capability outside the exclusive possession of governmental institutions and arsenals.

(3) “FREE STATE.”

The term **“free State”** means the United States as a constitutional polity and does not mean a State of the Union considered separately.

(4) “THE PEOPLE.”

The term **“the people”**, as used for purposes of Federal firearms law under this Act, means persons within the populace who are legally eligible to keep or bear arms and who undertake the responsibilities imposed by law upon the possession, custody, carrying, or use of such arms.

An active Federal Firearms License constitutes conclusive evidence that a person has undertaken the heightened responsibilities applicable to licensed firearms possession and national militia membership.

(5) “RIGHT.”

The term “**right**” means an act or course of conduct which a lawfully authorized person may undertake as a matter of law, subject only to applicable lawful limitations.

A right recognized by this Act is not a discretionary governmental favor.

(6) “KEEP.”

The term “**keep**” means to exercise actual physical possession or lawful custodianship over an arm.

Ownership or title, standing alone, does not constitute keeping where another person possesses or exercises custody over the arm.

(7) “BEAR.”

The term “**bear**” means to have an arm carried on or about the person, or otherwise immediately available to the person, in a manner constituting carry under this Act.

(8) “ARMS.”

The term “**Arms**” includes firearms within Class I, Class II, and Class III as established by this Act.

A firearm does not cease to constitute an arm merely because its ordinary statutory purpose or classification is sporting.

(9) “SHALL NOT BE INFRINGED.”

The phrase “**shall not be infringed**” means that the rights and lawful authorities granted to or recognized in a person under this Act shall not be restricted, suspended, or revoked by the Federal Government without due cause recognized by law and access to judicial review.

Due cause shall depend upon objective facts, circumstances, conduct, adjudications, or conditions recognized by this Act or other applicable Federal law.

The mere number, type, capability, monetary value, or unusual nature of firearms lawfully possessed by a person shall not, standing alone, constitute due cause.

SEC. 5. GENERAL DEFINITIONS.

(a) FIREARM.

The term “**firearm**” means a device that projects a projectile by force produced through combustion, ignition, or detonation.

The term does not include a device that projects a projectile exclusively by pneumatic pressure, compressed gas, spring force, electromagnetic force, or another noncombustive means.

(b) EXCLUDED MUZZLE-LOADING ARMS.

A device otherwise satisfying subsection (a) is excluded from regulation as a firearm under this Act if it is:

- (1) designed to be loaded exclusively from the muzzle or forward end of the barrel; and
- (2) incapable of accepting a fixed or self-contained cartridge.

(c) ANTIQUE ARMS.

An actual firearm manufactured before January 1, 1900, is excluded from regulation under this Act.

A reproduction manufactured on or after that date does not acquire antique status merely because it reproduces an earlier design.

Ordinary repair, maintenance, restoration, or replacement of components does not by itself cause an original antique firearm to lose its status under this subsection.

(d) ACCESSORIES.

A suppressor, magazine, optic, stock, grip, accessory, conversion component, or other item that is not itself capable of chambering and firing a projectile is not a firearm solely by reason of its design or intended use with a firearm.

Nothing in this subsection prevents a firearm from being classified according to the configuration in which components are installed or constructively associated with it as provided elsewhere in this Act.

(e) LOADED.

A firearm is loaded when a live round is present in the chamber or cylinder, in an integral magazine, or in a detachable magazine inserted into the firearm.

(f) INTOXICATED.

For purposes of public carry under this Act, a person is intoxicated while alcohol is present in the person's body; while a nonprescribed controlled substance is present in the person's body; while unmetabolized psychoactive cannabinoids are present in the person's body; or while a lawfully prescribed medication materially impairs the person's physical or mental faculties. Lawful use of prescribed medication as directed does not by itself constitute intoxication absent material impairment.

(g) BUREAU; BFE.

The terms "Bureau" and "BFE" mean the Bureau of Firearms and Explosives designated under title XXV.

(h) FEDERAL FIREARMS LICENSEE; FFL.

The terms "Federal Firearms Licensee" and "FFL" mean a natural person holding an active Federal Firearms License issued under title III.

SEC. 6. GENERAL FIREARMS STATUS.**(a) THREE FEDERAL STATUSES.**

For purposes of this Act, every natural person shall have one of the following current Federal firearms statuses:

(1) PROHIBITED.

A person is **Prohibited** if Federal law presently bars that person from independently possessing firearms.

(2) LICENSED.

A person is **Licensed** if the person is not Prohibited and holds an active Federal Firearms License issued under this Act.

(3) ELIGIBLE.

A person is **Eligible** if the person is not Prohibited and does not hold an active Federal Firearms License.

The three statuses are mutually exclusive.

(b) LICENSING REQUIREMENTS ARE NOT PROHIBITIONS.

Failure to satisfy a requirement for issuance, renewal, endorsement, qualification, or certification does not by itself make a person Prohibited.

A person may therefore be Eligible while lacking authority to possess, carry, or use a firearm for which this Act requires an active license, endorsement, or qualification.

(c) STATUS TRANSITIONS.

- (1) An Eligible person becomes Licensed upon issuance of an active Federal Firearms License.
- (2) A Licensed person whose license expires, is voluntarily surrendered, or otherwise terminates without an independent firearms prohibition becomes Eligible.
- (3) An Eligible or Licensed person becomes Prohibited upon the occurrence of a Federal disqualifying event.
- (4) Except as provided in paragraph (5), a Prohibited person becomes Eligible when the applicable prohibition terminates or the person obtains restoration of firearms eligibility as provided by law.
- (5) A person who held an active Federal Firearms License immediately before becoming Prohibited, whose license was suspended solely because of that prohibition, and whose license has not independently expired, been voluntarily surrendered, been revoked, or otherwise terminated, becomes Licensed automatically when the prohibition terminates or restoration becomes effective. Any endorsement or qualification that remains independently current is restored with the license.
- (6) Except as provided in paragraph (5), a person shall not transition directly from Prohibited to Licensed. Restoration first returns the person to Eligible status, after which the person may seek licensure under the ordinary requirements of this Act.

(d) CONSEQUENCES OF STATUS CHANGE.

- (1) A person moving from Licensed to Eligible shall cease independent possession of firearms for which an active Federal Firearms License is required and shall comply with the applicable transfer or safekeeping provisions of this Act.

- (2) A person moving from Licensed or Eligible to Prohibited shall cease independent possession of firearms of every class and shall comply with the applicable surrender, transfer, or safekeeping provisions of this Act.
- (3) A Licensed person becoming Prohibited shall additionally surrender the person's Federal Firearms License credential and any official Federal Firearms License badge then in the person's possession.

SEC. 7. GENERAL FIREARMS ELIGIBILITY AND DISQUALIFICATION.

(a) GENERAL RULE.

A person is Prohibited while any Federal firearms disqualification applicable to that person remains in effect.

(b) CATEGORIES OF DISQUALIFICATION.

Federal disqualification may arise from:

- (1) age-based ineligibility for independent possession;
- (2) a qualifying felony conviction within the applicable disqualification period;
- (3) a qualifying domestic-violence conviction;
- (4) a qualifying violent-felony conviction;
- (5) conviction establishing conduct subject to permanent firearms ineligibility under the Permanent Firearms Ineligibility Schedule maintained by the Bureau;
- (6) an involuntary mental-health commitment producing a firearms disability under this Act;
- (7) a qualifying red-flag or dangerousness adjudication;
- (8) a final dangerousness determination by the Bureau;
- (9) a qualifying foreign conviction or adjudication;
- (10) a formal criminal charge, supported by a judicial determination of probable cause, for an offense that would create a firearms disability upon conviction, during the pendency of that charge; or
- (11) another Federal firearms disqualification expressly established by law after enactment of this Act.

(c) MATTERS NOT CONSTITUTING DISQUALIFICATION STANDING ALONE.

Absent another lawful basis, a person shall not become Prohibited solely because of:

- (1) arrest without a qualifying formal charge;
- (2) accusation or unsubstantiated allegation;
- (3) voluntary mental-health treatment;
- (4) psychiatric or psychological diagnosis standing alone;
- (5) lawful political belief or expression;
- (6) lawful firearm ownership;
- (7) the number or capability of firearms lawfully owned;
- (8) failure to qualify for a Federal Firearms License;
- (9) expiration or voluntary surrender of a Federal Firearms License;
- (10) failure to hold a particular Class III endorsement or firearm-system qualification;
- (11) fugitive status standing alone, where the underlying charge or adjudication does not independently create a firearms disability under this Act;
- (12) substance use, substance dependence, addiction, treatment for addiction, or another drug-related status standing alone;
- (13) citizenship, nationality, immigration classification, or renunciation of United States citizenship standing alone; or
- (14) expungement, sealing, set-aside, pardon, clemency, or restoration of civil rights standing alone.

(d) DEFINITIONS FOR CONVICTION- AND ADJUDICATION-BASED DISQUALIFICATION.

(1) **QUALIFYING ORDINARY FELONY CONVICTION.** — An adult conviction in any jurisdiction of the United States for an offense treated as a felony by that jurisdiction, other than a qualifying violent felony, qualifying domestic-violence conviction, or conviction whose proven conduct is subject to permanent firearms ineligibility under section 95.

(2) **QUALIFYING VIOLENT FELONY.** — An adult conviction in any jurisdiction of the United States for an offense treated as a felony by that jurisdiction, in the commission of which another person was physically harmed or was placed in reasonable fear of physical harm, where that harm or fear is established by the conviction or by facts necessarily adjudicated in connection with the conviction.

(3) **QUALIFYING DOMESTIC-VIOLENCE CONVICTION.** — An adult conviction in any jurisdiction of the United States for an offense involving physical harm, attempted physical harm, threatened physical harm, or conduct placing another person in reasonable fear of physical harm, where the victim was a current or former spouse, intimate partner, co-parent, household member, or other person within a domestic relationship recognized by the convicting jurisdiction, and the domestic relationship and relevant conduct are established by the conviction or facts necessarily adjudicated with it.

(4) **INVOLUNTARY MENTAL-HEALTH COMMITMENT.** — A formal involuntary commitment to inpatient mental-health treatment ordered by a court or other lawful adjudicative authority after notice and an opportunity to be heard, or an emergency commitment later judicially affirmed. Voluntary treatment, observation, diagnosis alone, or temporary evaluation without such adjudication does not constitute a qualifying commitment.

(5) **QUALIFYING FOREIGN CONVICTION OR ADJUDICATION.** — A final foreign conviction or adjudication may create a disability under this Act only if BFE determines, from reliable judicial records and the underlying proven conduct, that the conduct would have created a materially equivalent disability under this Act had it occurred in a jurisdiction of the United States and that the foreign proceeding afforded fundamentally fair process.

(6) **QUALIFYING RED-FLAG ADJUDICATION.** — A final judicial dangerousness determination entered under section 80 or a materially equivalent State, Tribal, or territorial proceeding satisfying the substantive and procedural standards of that section.

(e) ORDINARY FELONY DISABILITY.

A qualifying ordinary felony conviction creates a firearms disability until the later of 10 years after commission of the offense or 5 years after completion of every component of the sentence, including incarceration, probation, parole, and court-ordered supervision or treatment, unless another provision of this Act imposes a longer disability.

(f) VIOLENT-FELONY AND DOMESTIC-VIOLENCE DISABILITY.

A qualifying violent-felony conviction or domestic-violence conviction creates an indefinite firearms disability subject to enhanced restoration under this Act unless permanent firearms ineligibility applies.

(g) DISHONORABLE DISCHARGE.

A discharge from the Armed Forces under dishonorable conditions shall be treated as the equivalent of an ordinary felony conviction for firearms-eligibility purposes. If the final military record establishes underlying conduct that would constitute a qualifying violent felony under section 7(d)(2), the violent-felony provisions of this Act apply instead. Conduct satisfying the Permanent Firearms Ineligibility framework remains subject to that framework.

(h) JUVENILE CONDUCT.

A juvenile adjudication or offense does not create a conviction-based firearms disability unless the person was adjudicated or convicted as an adult. Juvenile conduct may nevertheless be considered by a qualified psychological evaluator or in a lawful dangerousness proceeding.

(i) ACTUAL INNOCENCE; CLEMENCY; RECORD CLEARING.

A conviction vacated or reversed on grounds establishing actual innocence shall be treated for purposes of this Act as though the conviction had not occurred. Expungement, sealing, set-aside, pardon, commutation, clemency, or restoration of civil rights that does not establish actual innocence does not itself erase a firearms consequence under this Act, and the person remains subject to the restoration pathway applicable to the underlying conduct.

(j) IMMIGRATION AND CITIZENSHIP.

Firearms status under this Act is immigration agnostic. Immigration or citizenship status neither grants nor removes firearms eligibility under this Act, although separate immigration and foreign-entry laws remain otherwise applicable.

(k) SUBSTANCE POLICY.

This Act does not create a firearms disability merely from substance use, addiction, treatment, or drug-law status. Substance-related behavior that independently establishes dangerousness is governed only through the dangerousness procedures of this Act. Temporary intoxication is governed by the public-carry provisions of this Act.

(l) TRUTHFUL ELIGIBILITY INQUIRIES.

A person does not commit an offense merely by truthfully submitting a firearm transfer request, eligibility inquiry, restoration application, or other request for determination under this Act and receiving an adverse decision.

A denial, standing alone, does not constitute evidence that the applicant committed a criminal offense. Knowingly false statements, false sworn submissions, fraudulent identification, and related conduct remain subject to otherwise applicable Federal law.

SEC. 8. RELATIONSHIP TO GENERALLY APPLICABLE FEDERAL LAW.

Except where this Act expressly provides a different rule, generally applicable Federal law governing judicial procedure, evidence, perjury, false statements, identity fraud, limitations periods, subpoenas, warrants, appellate procedure, or other matters of general Federal law shall remain applicable according to its terms.

Nothing in this Act shall be construed to create a duplicative offense, procedure, or remedy where existing Federal law adequately governs the same conduct or question, unless Congress expressly provides otherwise in this Act.

SEC. 9. NATIONAL MILITIA.**(a) ESTABLISHMENT.**

There is established a national militia of the United States consisting of all natural persons who hold an active Federal Firearms License issued under this Act.

Membership in the national militia arises automatically upon issuance of the license and terminates when the license expires, is surrendered, suspended, revoked, or otherwise ceases to be active.

(b) PURPOSE.

The national militia constitutes the body of qualified persons contemplated by the Second Amendment who have demonstrated the legal eligibility, competence, responsible custodianship, and continuing accountability required by this Act for licensed possession and bearing of arms.

(c) MEMBERSHIP NOT A PUBLIC OFFICE.

Membership in the national militia:

- (1) does not create a public office;
- (2) does not confer law-enforcement authority;
- (3) does not confer arrest, investigative, command, or coercive authority;
- (4) does not establish military rank;
- (5) does not authorize a member to act on behalf of the United States, a State, or a political subdivision except pursuant to a lawful call to service; and
- (6) does not entitle a member to compensation, benefits, immunities, or privileges except as otherwise provided by law.

(d) DUTY OF MEMBERS.

A member of the national militia shall, when lawfully called to national or State service, answer such call and perform duties reasonably within the member's abilities, qualifications, physical capabilities, and circumstances.

No routine drill, assembly, training schedule, or continuing military service is required solely by reason of national militia membership.

(e) LAWFUL CALL TO SERVICE.

A call to militia service may be issued:

- (1) by Congress pursuant to its constitutional authority;
- (2) by the President pursuant to lawful authority delegated by Congress or otherwise provided by law; or
- (3) by the Governor or equivalent chief executive of a State for lawful State service consistent with Federal law and this Act.

Nothing in this subsection creates authority to call the militia where such authority does not otherwise exist under the Constitution or Federal law.

(f) PRIVATE ARMS IN MILITIA SERVICE.

A firearm lawfully registered to a member of the national militia may accompany that member into lawful militia service when reasonably appropriate to the member's assigned duties, qualifications, and circumstances.

Such firearm:

- (1) remains private property unless lawfully acquired by the government through another process;
- (2) does not become government property merely because it is used in militia service; and
- (3) remains subject to lawful safety, command, accountability, and operational requirements while employed in such service.

(g) NATIONAL GUARD AND OTHER ORGANIZED FORCES.

A member of the National Guard or another organized State military force may possess an enhanced or additional militia status under otherwise applicable law.

Such status shall not diminish the protections, requirements, or eligibility standards established by this Act except where Congress expressly provides otherwise.

(h) SUPERSESSION OF INCONSISTENT MILITIA DEFINITIONS.

Federal statutory definitions of the militia inconsistent with this section are superseded to the extent of the inconsistency. Conforming repeals and amendments shall be made as provided elsewhere in this Act.

TITLE II — FIREARM CLASSIFICATION

SEC. 10. THREE CUMULATIVE CLASSES OF FIREARMS.

(a) GENERAL RULE.

Every firearm regulated under this Act shall have a highest applicable classification of Class I, Class II, or Class III.

- (1) Class I, Sporting Firearms;
- (2) Class II, Defensive Firearms;
- (3) Class III, Specialized Firearms.

(b) CUMULATIVE CLASSIFICATION.

The classes are cumulative regulatory tiers. A Class II firearm is also a Class I firearm for purposes of this Act, and a Class III firearm is also a Class II and Class I firearm. Classification in a higher class adds the requirements and liabilities applicable to that higher class without extinguishing the lower classifications.

The highest applicable class determines the additional licensing, endorsement, training, storage, and other heightened requirements that apply.

(c) CLASS III CRITERIA.

A firearm may receive Class III status only under a criterion expressly established by this Act. BFE may interpret and administer those criteria but may not create an additional substantive Class III criterion by regulation.

SEC. 11. CLASS I — SPORTING FIREARMS.

(a) DEFINITION.

A firearm's highest applicable classification is Class I, Sporting Firearm, if:

- (1) it is capable of being fired only while in a configuration having an overall length of not less than 20 inches;
- (2) its bore diameter does not exceed 0.50 inch, unless the applicable caliber or bore is included within the Sporting Arms Schedule maintained under section 16; and
- (3) it is incapable of semiautomatic or automatic fire as those terms are defined by this Act.

(b) CHARACTER OF CLASSIFICATION.

Classification as a Sporting Firearm reflects the ordinary statutory treatment of the firearm and does not prohibit its lawful defensive use where otherwise authorized by this Act or other applicable law.

(c) ELIGIBLE PERSONS.

An Eligible person who is not otherwise Prohibited may independently possess a firearm whose highest applicable classification is Class I without holding a Federal Firearms License, subject to the transfer, carry, use, and other provisions of this Act.

SEC. 12. CLASS II — DEFENSIVE FIREARMS.

(a) DEFINITION.

A firearm's highest applicable classification is Class II, Defensive Firearm, if:

- (1) it is capable of being fired in a configuration having an overall length of less than 20 inches; or
 - (2) it is capable of semiautomatic fire;
- and the firearm does not satisfy a Class III criterion under section 13.

(b) LICENSE REQUIRED.

Except as otherwise expressly provided by this Act, independent possession of a Class II firearm requires an active Federal Firearms License.

(c) POSSESSION AND CARRY DISTINGUISHED.

An active Federal Firearms License authorizes lawful acquisition, possession, storage, and transport of Class II firearms.

Public defensive carry of a particular Class II firearm may additionally require the applicable firearm-family qualification established under this Act.

Failure to hold such carry qualification does not by itself make possession of the firearm unlawful.

SEC. 13. CLASS III — SPECIALIZED FIREARMS.**(a) DEFINITION.**

A firearm is a Class III, Specialized Firearm if it satisfies one or more of the following criteria:

(1) AUTOMATIC FIRE.

The firearm is capable of automatic fire.

(2) BORE DIAMETER.

The firearm has a bore diameter greater than 0.50 inch and is not exempted by the Sporting Arms Schedule.

(3) CLASS III AMMUNITION ASSOCIATION.

The firearm is loaded, configured, or constructively associated as provided by this Act with Class III ammunition that is designed to be fired or launched from a separate firearm.

(4) UNDETECTABILITY.

The firearm fails the minimum firearm-detectability standard established by BFE under section 161.

(b) EXCLUSIVITY.

No characteristic other than those stated in subsection (a) or another Class III criterion expressly enacted by Congress shall independently cause a firearm to be classified as Class III. BFE may issue technical standards and interpretations necessary to determine whether a firearm satisfies a stated criterion, but may not create additional substantive Class III criteria.

(c) ENDORSEMENT REQUIRED.

Except as otherwise expressly provided by this Act, independent possession of a Class III firearm requires:

(1) an active Federal Firearms License bearing Class III authority; and

(2) the applicable Class III weapon-type endorsement covering the firearm concerned.

(d) TYPE-SPECIFIC AUTHORITY.

Class III authority does not confer universal authority to possess every Class III firearm. Authority extends only to categories or types for which the licensee has completed applicable safety training and holds the corresponding endorsement.

(e) OPERATIONAL QUALIFICATION.

Possession authority is distinct from any qualification required for public defensive carry, operation, discharge, employment of explosive or other specialized ammunition, or another active use of a particular Class III system.

SEC. 14. AUTOMATIC AND SEMIAUTOMATIC FIRE.**(a) AUTOMATIC FIRE.**

The term “**automatic fire**” means a firing function in which:

(1) more than one round may be discharged through a single pull or single completed action of the trigger or other firing control; or

(2) repeated rounds may be discharged as the result of one continuous action applied by the shooter to the trigger or other firing control.

(b) CONTINUOUS ACTION.

For purposes of subsection (a)(2), a continuous action includes sustained physical movement or pressure in a single direction.

A mechanical cycle, reset, displacement, interruption, or temporary change in trigger position occurring within that continuous action does not convert the continuous action into multiple distinct trigger actions.

(c) FUNCTIONAL STANDARD.

Classification under this section depends upon the functional firing behavior of the firearm and shall not depend upon the terminology, mechanical label, marketing description, or nominal resetting characteristics of the trigger or firing mechanism.

(d) SEMIAUTOMATIC FIRE.

The term “semiautomatic fire” means a firing function in which:

- (1) one round is discharged for each distinct completed action of the trigger or other firing control; and
- (2) following discharge, the firearm automatically performs the mechanical actions necessary to prepare another round for firing without a separate manual cycling action by the shooter.

SEC. 15. CLASS III AMMUNITION.

(a) EXPLOSIVE-PROJECTILE AMMUNITION.

The term “explosive projectile” means a projectile containing an explosive charge intended to detonate or explosively function upon impact, by proximity, after a timed interval, or upon another condition associated with firing or flight. Ammunition containing such a projectile is Class III ammunition.

(b) ARMOR-PIERCING AMMUNITION.

Armor-piercing ammunition is Class III ammunition. For purposes of this Act, armor-piercing ammunition means ammunition of a traditional handgun caliber capable of defeating normal law-enforcement body armor under the technical test standard established by BFE. BFE shall define the testing methodology, body-armor benchmark, firearm and barrel configuration, test conditions, and handgun-caliber schedule in the BFE Administrative Code.

(c) SELF-DETONATING EXPLOSIVE AMMUNITION.

Self-detonating explosive ammunition means a completed explosive weapon designed to produce its destructive effect without being fired, launched, or discharged from a separate firearm. Self-detonating explosive ammunition is Class III ammunition.

(d) DUAL STATUS OF SELF-DETONATING EXPLOSIVE WEAPONS.

A completed self-detonating explosive weapon is deemed to be both a Class III firearm and Class III ammunition for all purposes of this Act, regardless of whether its destructive effect depends upon projection of a conventional projectile. Such a weapon shall be serialized and registered before becoming functional. Following lawful detonation or other destruction, the registered custodian shall promptly report the item as DESTROYED in the BFE portal, and the serial number shall be permanently retired and never reused.

(e) AMMUNITION EXCLUSIVE TO CLASS III FIREARMS.

A cartridge, shell, round, or other ammunition that can be chambered and fired only in a Class III firearm is Class III ammunition.

(f) ORDINARY AMMUNITION USABLE IN HIGHER-CLASS FIREARMS.

Ammunition does not become Class III solely because it may also be fired in a Class III firearm if the same ammunition may ordinarily be chambered and fired in a lower-class firearm.

(g) EXCLUSIONS.

Tracer ammunition, nonexplosive incendiary ammunition, expanding or hollow-point ammunition, and inert solid projectiles are not Class III ammunition merely because of those characteristics. They become Class III only if they independently satisfy another criterion in this section.

(h) CONSTRUCTIVE ASSOCIATION.

A firearm capable of firing or launching Class III ammunition that requires a separate firearm to function shall be treated as Class III where compatible Class III ammunition is under the same custody or control and the circumstances permit ready combination of the firearm and ammunition.

(i) REGISTERED CLASS III FIREARM EXCEPTION.

Where compatible Class III ammunition is maintained in immediate association with a registered and appropriately endorsed Class III firearm capable of firing that ammunition, the ammunition shall be presumed associated with that

registered Class III firearm and shall not, by its presence alone, cause every other compatible firearm within the same lawful storage environment to be classified as Class III. The presumption may be rebutted by evidence demonstrating a different intended or actual association.

SEC. 16. SPORTING ARMS SCHEDULE.

(a) ESTABLISHMENT.

BFE shall maintain a **Sporting Arms Schedule** identifying calibers, gauges, bore sizes, and firearm types exceeding 0.50 inch in bore diameter that remain appropriately classified as sporting arms and are therefore exempt from Class III classification solely on the basis of bore diameter.

(b) EFFECT OF LISTING.

A firearm included within the Sporting Arms Schedule shall not become Class III solely because its bore exceeds 0.50 inch.

Nothing in this section exempts:

- (1) automatic fire;
- (2) explosive-projectile ammunition; or
- (3) another independently applicable Class III criterion.

(c) ADMINISTRATION.

BFE shall administer and periodically update the Sporting Arms Schedule according to objective technical, historical, sporting, hunting, recreational, and other relevant evidence.

The detailed schedule, technical specifications, application procedures, and administrative standards shall be established in the BFE Administrative Code.

(d) JUDICIAL CHALLENGE.

A person directly affected by inclusion, exclusion, or classification under the Sporting Arms Schedule may seek review in an appropriate United States district court under the judicial-review provisions of this Act.

SEC. 17. CONVERSION AND CONSTRUCTIVE CONFIGURATION.

(a) GENERAL RULE.

A component that is not itself capable of chambering and firing a projectile is not independently regulated as a firearm merely because it can alter the classification or firing characteristics of a firearm.

(b) INSTALLED COMPONENTS.

When such a component is installed in a firearm, the firearm shall be classified according to its resulting functional configuration.

(c) CONSTRUCTIVE CONFIGURATION.

A firearm shall also be treated as existing in a higher-class configuration where:

- (1) the firearm and a compatible conversion component are under the same custody or control; and
- (2) the circumstances permit ready combination of the component and firearm into that higher-class configuration.

(d) INTENTIONAL CONVERSION.

A person intentionally modifying a firearm in a manner that would cause it to enter a higher class shall satisfy the possession, licensing, endorsement, serialization, registration, and other requirements applicable to the resulting firearm before the conversion becomes functionally complete.

SEC. 18. INERT FIREARMS.

(a) INERT STATUS.

A previously regulated firearm may be designated **INERT** when it has been modified, deactivated, or disassembled to such an extent that restoring it to operational condition would be functionally equivalent to new manufacture rather than ordinary repair or replacement of a readily removable part.

(b) EFFECT.

While a firearm remains lawfully designated INERT:

- (1) it is not subject to ordinary active-firearm possession requirements;
- (2) continuing Federal registry updates are not required except as provided by BFE regulation; and
- (3) its existing serial number and historical registry record shall remain associated with the inert artifact.

(c) REACTIVATION.

Reactivation of an inert firearm shall be treated as new manufacture for purposes of satisfying the applicable requirements of this Act before the firearm becomes functional.

Where technically appropriate, the firearm's original serial number may be restored to active status rather than replaced, subject to BFE verification.

SEC. 19. GENERAL RULE OF TECHNICAL ADMINISTRATION.

BFE may issue regulations, technical standards, classification guidance, weapon-type taxonomies, training categories, compatibility determinations, and other administrative materials necessary to implement this title.

Such authority shall not permit BFE to:

- (1) create a fourth firearm class;
- (2) create an additional Class III criterion;
- (3) convert an accessory into a firearm where the item does not satisfy the statutory firearm definition;
- (4) narrow a right or authority affirmatively granted by this Act; or
- (5) impose a substantive licensing or possession restriction not authorized by this Act.

TITLE III — FEDERAL FIREARMS LICENSING**SEC. 20. FEDERAL FIREARMS LICENSE.****(a) ESTABLISHMENT.**

There is established a personal Federal firearms credential known as the **Federal Firearms License**.

A Federal Firearms License:

- (1) shall be issued only to a natural person;
- (2) constitutes evidence that the holder is a Licensed person under this Act;
- (3) authorizes the holder to exercise the authorities expressly granted to Federal Firearms Licensees under this Act; and
- (4) automatically establishes the holder's membership in the national militia.

(b) PERSONAL CREDENTIAL.

A Federal Firearms License is a credential of the individual licensee and is not a license of a business, premises, corporation, partnership, association, or other entity.

Nothing in this subsection prevents a business or other entity from owning firearms or employing Federal Firearms Licensees as custodians or responsible persons as otherwise provided by this Act.

(c) CLASSES SHOWN ON LICENSE.

A Federal Firearms License shall reflect the highest class of firearms for which the licensee presently holds general licensed authority:

- (1) **Class II**; or
- (2) **Class III**, where the licensee holds one or more active Class III endorsements.

Class III status does not imply authority for every Class III weapon type.

SEC. 21. AUTHORITIES OF A FEDERAL FIREARMS LICENSEE.

Subject to the qualifications and limitations otherwise imposed by this Act, an active Federal Firearms License authorizes the holder to:

- (1) independently acquire, keep, possess, store, and transport Class II firearms;
- (2) publicly carry Class II firearms for which the licensee holds the applicable current carry qualification;
- (3) facilitate lawful firearm transfers through the BFE system;
- (4) serve as lawful custodian for firearms owned by another person or entity;
- (5) possess firearms as custodian of record for a corporation, organization, government agency, estate, or other lawful owner;
- (6) apply for and maintain one or more Class III endorsements;
- (7) obtain such instructor, gunsmith, manufacturer, importer, or other professional certifications as may be established under this Act; and
- (8) exercise all other firearm authorities expressly granted to Licensed persons by this Act.

Possession authority under this section is distinct from any separate qualification required for public carry or specialized use.

SEC. 22. ELIGIBILITY FOR INITIAL LICENSURE.

(a) MINIMUM REQUIREMENTS.

BFE shall issue a Federal Firearms License to an applicant who:

- (1) is at least 21 years of age;
- (2) is not Prohibited;
- (3) submits a current psychological certification meeting the requirements of subsection (b);
- (4) completes the training requirement established by section 23 or establishes an approved equivalency;
- (5) successfully completes the required written and practical examinations;
- (6) submits a complete application, including the firearm inventory required under section 26; and
- (7) satisfies the other requirements expressly imposed by this Act.

(b) INITIAL PSYCHOLOGICAL CERTIFICATION.

An initial applicant shall submit a certification issued not more than 6 months before application by a licensed psychologist or psychiatrist stating that, based upon an appropriate professional evaluation, the evaluator has identified no indication that the applicant presents an unreasonable danger to themselves or others.

A diagnosis, treatment history, use of lawful medication, or voluntary receipt of mental-health care shall not independently require denial.

(c) BFE BACKGROUND AND SUITABILITY INVESTIGATION.

BFE shall conduct a comprehensive background and suitability investigation of each initial applicant comparable in rigor to the screening customarily used for armed law-enforcement applicants. The investigation shall verify identity, criminal history, disqualifying judicial and administrative records, material employment or disciplinary history where lawfully available, and other records relevant to requirements expressly established by this Act. The investigation may not become a free-standing character, political, ideological, lifestyle, or moral-fitness test and shall not authorize denial for a reason not stated in Federal law.

(d) SHALL-ISSUE REQUIREMENT.

The Federal Firearms License is a **shall-issue credential**.

If the applicant satisfies the requirements of this Act, BFE shall issue the license.

BFE shall not deny a license because of:

- (1) the number, type, capability, or monetary value of firearms the applicant owns or intends to own;
- (2) lawful political, religious, social, or ideological views;
- (3) lawful participation in firearms organizations or activities;
- (4) the applicant's stated desire to possess unusually capable or uncommon firearms; or
- (5) any other consideration not authorized by Federal law.

SEC. 23. INITIAL TRAINING.**(a) FORTY-HOUR COURSE.**

Except as provided for approved equivalency, the required initial Federal Firearms License curriculum shall consist of 40 hours of instruction and practical training. BFE may prescribe the content and sequencing of that curriculum but may not require additional instructional hours as a condition of initial licensure.

(b) SUBJECT MATTER.

The curriculum shall provide instruction sufficient to establish safe and competent handling of firearms and familiarity with the responsibilities imposed upon Federal Firearms Licensees under this Act.

(c) PROFESSIONAL EQUIVALENCY.

BFE shall recognize substantially equivalent prior firearms training and qualification, including qualifying military, law-enforcement, civilian professional, and other documented training of comparable scope and rigor.

(d) PROOF OF EQUIVALENCY.

An applicant claiming equivalency shall provide documentation sufficient for BFE to verify the training and shall successfully complete a BFE knowledge examination demonstrating retained competence.

(e) ACT-SPECIFIC LEGAL INSTRUCTION.

No prior firearms training shall substitute for required instruction concerning this Act, Federal firearms eligibility, lawful transfers, custodial responsibility, reporting duties, and use of the BFE transfer and licensing system. An equivalency applicant shall complete the supplemental instruction concerning this Act prescribed by BFE.

(f) SPECIALIZED TRAINING.

Nothing in this section limits additional training expressly required for a voluntary specialized authority, including a Class III endorsement, ammunition manufacture or importation, professional certification, or cabin-carry qualification.

SEC. 24. WRITTEN AND PRACTICAL EXAMINATIONS.**(a) GENERAL REQUIREMENT.**

An initial applicant shall demonstrate sufficient knowledge and practical competence through written and practical examinations prescribed by BFE.

(b) OBJECTIVE STANDARDS.

Examinations shall be administered according to objective published standards.

BFE may prescribe differing practical standards appropriate to different firearm types or functional families.

(c) FAILURE OF EQUIVALENCY APPLICANT.

An applicant seeking to substitute prior training for the 40-hour course who fails to demonstrate the claimed knowledge or practical competence shall complete the current BFE-approved 40-hour course before again relying upon such equivalency for initial licensure.

(d) REEXAMINATION AFTER FULL COURSE.

An applicant who has completed the required 40-hour course may repeat an examination as permitted by BFE regulation until the applicant satisfies the applicable standard or abandons the application.

SEC. 25. TERM, RENEWAL, QUALIFICATIONS, AND CONTINUING STATUS.**(a) TERM.**

A Federal Firearms License shall be valid for 5 years unless earlier surrendered, suspended, revoked, or expired according to law.

(b) RENEWAL.

A licensee who remains Eligible and satisfies the continuing requirements of this Act shall be entitled to renewal. Renewal shall be shall-issue and shall not require repetition of the initial 40-hour course solely because the license term has expired.

(c) RISK-TRIGGERED PSYCHOLOGICAL REEXAMINATION.

BFE may require a renewing Class II licensee to obtain a new psychological evaluation where credible intervening information reasonably warrants renewed psychological review but does not independently establish a firearms disqualification. The triggering information shall not itself constitute grounds for denial. If the evaluation or other evidence establishes a possible firearms disqualification, BFE shall proceed under the applicable dangerousness or prohibition provisions of this Act.

(d) TIMELY RENEWAL APPLICATION.

Where a licensee submits a complete renewal application within the period prescribed by BFE before expiration, the existing license shall remain active until BFE issues a final decision. Administrative delay shall not cause an otherwise active license to expire while a timely complete renewal remains pending.

(e) CURRENT FIREARM QUALIFICATION.

For purposes of this section, a current firearm qualification is a BFE-recognized practical proficiency qualification on at least one firearm family or functional system for which the licensee has authority. Successful completion of the initial practical examination establishes an initial current qualification for the firearm family or system tested, subject thereafter to the qualification-renewal schedule established by BFE under this Act.

(f) NINETY DAYS WITHOUT ANY FIREARM QUALIFICATION.

If an active licensee remains without any current BFE-recognized firearm qualification for 90 consecutive days, the Federal Firearms License automatically expires at the end of the 90th day. Restoration of any current firearm qualification before expiration resets the 90-day period.

(g) CHARACTER OF EARLY EXPIRATION.

Expiration under subsection (f) is not a revocation and does not make the person Prohibited. The ordinary consequences of license expiration under section 28 apply, and the person may later apply for a new Federal Firearms License through the ordinary process.

SEC. 26. INITIAL FIREARM INVENTORY.**(a) INVENTORY REQUIRED.**

As part of an initial Federal Firearms License application, the applicant shall provide BFE with a complete inventory of firearms then owned, possessed, or held in the applicant's lawful custody.

(b) EFFECT OF LICENSURE.

Upon issuance of the license, firearms identified in the inventory shall enter the BFE licensed inventory system as required by this Act.

(c) GOOD-FAITH DISCREPANCIES.

A good-faith inventory error or omission shall be subject to administrative correction.

Knowingly false statements, concealment, fraudulent submissions, or other deceptive conduct remain subject to otherwise applicable Federal law.

(d) IMPLEMENTATION.

The information fields, documentation, ownership indicators, photographs, serialization procedures, and other technical requirements of the inventory shall be prescribed in the BFE Administrative Code.

SEC. 27. DEADLINES FOR BFE ACTION AND DELAY PAYMENTS.**(a) INITIAL AND RENEWAL APPLICATIONS.**

BFE shall approve or deny a complete initial or renewal Federal Firearms License application within 90 calendar days after the application becomes complete.

(b) GENERAL DELAY PAYMENT.

Except where this Act expressly establishes a different consequence, whenever BFE fails to issue a required decision within a mandatory statutory deadline, BFE shall pay the affected applicant or requester \$100 for each calendar day beginning on the first calendar day after the deadline and continuing until the required decision is issued.

(c) AUTOMATIC AND NON-DISCRETIONARY.

A payment required by this section is automatic and non-discretionary and shall not require a separate damages claim. Payment mechanics shall be prescribed by regulation.

(d) JUDICIAL REVIEW.

Where BFE misses a mandatory decision deadline, the affected person may seek judicial relief without further administrative exhaustion where authorized by the judicial-review provisions of this Act.

(e) SPECIFIC STATUTORY CONSEQUENCES.

Where another provision expressly provides automatic approval, expiration of a hold, or another specific consequence for missed action, that specific consequence controls. The existence of such a consequence does not authorize BFE to extend the deadline.

(f) NO DEEMED INITIAL LICENSE DECISION.

Failure to decide an initial or renewal license application within 90 days does not itself create provisional licensing authority or constitute approval or denial.

SEC. 28. EFFECT OF LICENSE TERMINATION.**(a) LICENSED TO ELIGIBLE.**

If a Federal Firearms License expires, is voluntarily surrendered, or otherwise terminates while the person remains Eligible, the person shall cease independent possession of firearms requiring Licensed status.

Firearms whose highest applicable classification is Class I may remain in the person's lawful possession.

(b) LICENSED TO PROHIBITED.

If the termination, suspension, or revocation results from a firearms disqualification, the person shall surrender or otherwise relinquish possession of **all firearms of every class**, together with the person's Federal Firearms License credential and any official Federal Firearms License badge.

(c) SAFEKEEPING AFTER ORDINARY EXPIRATION.

Where a license terminates without a firearms prohibition, BFE shall provide for lawful safekeeping of affected Class II and Class III firearms.

BFE may conduct such collection directly or delegate collection and safekeeping to a State or local law-enforcement agency acting on behalf of BFE.

(d) SAFEKEEPING RECEIPT.

The safeguarding authority shall provide a written receipt identifying each firearm taken into custody and shall ensure that the corresponding BFE record reflects the safekeeping status.

(e) GRACE PERIOD AND TRANSFER PERIOD.

The former licensee shall have:

- (1) 30 days after termination to renew the license or arrange lawful disposition; and
- (2) an additional 180 days thereafter during which ownership remains with the former licensee and the firearm may be lawfully transferred to another authorized person or entity.

(f) VESTING OF TITLE.

The safeguarding authority shall provide written notice of the deadlines in subsection (e) promptly after taking custody. If the firearm has not been lawfully returned, transferred, or otherwise disposed of before expiration of those periods, title shall vest automatically in the governmental agency maintaining safekeeping custody upon expiration of the applicable period.

After title vests, the former owner retains no ownership interest in the firearm or in proceeds from any later lawful sale.

The safeguarding agency may thereafter retain, lawfully transfer, sell, or destroy the firearm according to applicable law.

(g) CREDENTIAL AFTER ORDINARY EXPIRATION.

Upon ordinary expiration or surrender of the Federal Firearms License, the physical credential and any official badge cease to evidence current authority. The former licensee shall return, destroy, or otherwise retire them in the manner prescribed by BFE. Electronic BFE status controls regardless of possession of an expired physical credential or badge.

TITLE IV — CLASS III ENDORSEMENTS

SEC. 29. CLASS III ENDORSEMENT.

(a) GENERAL RULE.

A Federal Firearms Licensee may obtain one or more Class III endorsements authorizing possession of specified categories or types of Class III firearms.

(b) TYPE-SPECIFIC AUTHORITY.

A Class III endorsement shall identify the categories or types of Class III firearms for which the licensee has completed the required safety training.

Possession authority extends only to the endorsed categories or types.

(c) ADDITION OF ENDORSEMENTS.

A licensee may add an additional Class III weapon type during the existing license term upon satisfying the applicable requirements.

Addition of an endorsement does not:

- (1) restart the 5-year Federal Firearms License term;
- (2) require repetition of unrelated Class III training; or
- (3) expand authority beyond the newly endorsed weapon type.

(d) NARROW SUSPENSION.

Failure to maintain a qualification or requirement applicable solely to one Class III weapon type shall ordinarily affect only that endorsement.

Nothing in this subsection limits broader action where the facts establish general dangerousness, general firearms ineligibility, or another license-wide defect.

SEC. 30. CLASS III ELIGIBILITY REQUIREMENTS.

A licensee may receive a Class III endorsement only after satisfying:

- (1) the general requirements for an active Federal Firearms License;
- (2) the safety-training requirements applicable to the Class III weapon type;
- (3) any storage and initial inspection requirements applicable under this Act;
- (4) any system-specific proficiency requirement applicable to the intended possession or use; and
- (5) such other substantive requirements as this Act expressly imposes.

SEC. 31. CLASS III RENEWAL.

(a) FIVE-YEAR LICENSE CYCLE.

Class III endorsements shall remain tied to the underlying 5-year Federal Firearms License term.

(b) FRESH PSYCHOLOGICAL CERTIFICATION.

At each 5-year renewal of a Federal Firearms License bearing one or more Class III endorsements, the applicant shall submit a psychological certification issued not more than 6 months before renewal by a licensed psychologist or psychiatrist.

The certification shall state that the evaluator has identified no indication that the applicant presents an unreasonable danger to themselves or others.

(c) CONTINUING ENDORSEMENT REQUIREMENTS.

Renewal of a Class III endorsement may require proof that the licensee continues to satisfy the safety, storage, inspection, and other requirements applicable to the endorsed weapon type.

Technical documentation and renewal procedures shall be prescribed in the BFE Administrative Code.

SEC. 32. CLASS III SAFETY TRAINING AND OPERATIONAL QUALIFICATION.**(a) SAFETY TRAINING.**

Possession of a Class III firearm requires completion of BFE-approved safety training covering the applicable weapon type.

(b) OPERATIONAL QUALIFICATION.

Where a licensee intends to publicly carry, discharge, operate, employ, or otherwise actively use a Class III firearm in a manner for which demonstrated proficiency is required, BFE may require an additional operational qualification appropriate to the system.

(c) SYSTEM-APPROPRIATE STANDARDS.

Qualification standards shall reflect the actual safe operation and employment of the firearm type and need not duplicate standards designed for unrelated firearms.

(d) HISTORICAL AND PROFESSIONAL EQUIVALENCY.

BFE shall recognize appropriate military, law-enforcement, manufacturer, civilian professional, and foreign-government training records as full or partial evidence of Class III competence where those records establish substantially equivalent training or experience.

Where skills are stale or uncertain, BFE may require a reasonable skills-confirmation assessment.

(e) FAILURE OF QUALIFICATION.

Failure of an operational qualification ordinarily affects only the authority associated with that qualification and does not by itself extinguish ownership or general possession authority otherwise granted by a valid endorsement.

SEC. 33. EXPLOSIVE-PROJECTILE QUALIFICATION.**(a) ADDITIONAL QUALIFICATION.**

A Class III licensee shall not possess or employ explosive-projectile ammunition merely by virtue of holding a compatible firearm endorsement.

The licensee shall also hold the applicable explosive-projectile qualification.

(b) INERT TRAINING.

BFE may permit qualification using inert projectiles, simulators, or equivalent training systems where those methods reliably establish the required safety and proficiency.

(c) LIMITED EFFECT.

A qualification obtained solely with non-explosive ammunition does not confer authority to possess or employ explosive-projectile ammunition unless the explosive-projectile requirement has separately been satisfied.

SEC. 34. CLASS III AMMUNITION AUTHORITY.**(a) GENERAL RULE.**

Independent possession of Class III ammunition designed to be fired or launched from a separate firearm requires an active Federal Firearms License, the applicable Class III weapon-type endorsement covering at least one firearm type capable of lawfully employing that ammunition, and the BFE-recognized ammunition-type qualification applicable to the ammunition concerned.

(b) CORRESPONDING WEAPON AUTHORITY REQUIRED.

For Class III ammunition that requires a separate firearm to function, the corresponding Class III weapon-type endorsement is necessary but not sufficient. The licensee shall also hold the ammunition-type qualification applicable to the ammunition concerned. A weapon-type endorsement does not by itself create Class III ammunition authority.

(c) DUAL-STATUS SELF-DETONATING EXPLOSIVE WEAPONS.

For an item treated as both a Class III firearm and Class III ammunition under section 15(d), BFE shall provide coordinated or integrated weapon and ammunition authority covering the same article. The weapon-type endorsement and ammunition qualification may be obtained concurrently, and no separate host firearm is required. BFE may recognize a

single course or assessment as satisfying both requirements where it establishes the competence required for the dual-status article.

(d) TYPE-SPECIFIC AMMUNITION AUTHORITY.

Authority is specific to the relevant Class III ammunition category, including explosive-projectile ammunition, armor-piercing ammunition, self-detonating explosive ammunition, and any other category expressly created by this Act. Authority for one ammunition category does not create authority for another.

(e) SPECIALIZED TRAINING AND TECHNICAL ADMINISTRATION.

BFE shall prescribe specialized training, qualification, ammunition-compatibility, integrated dual-status qualification, and technical standards for each Class III ammunition category in the BFE Administrative Code, consistent with the substantive categories established by this Act.

TITLE V — LICENSE CREDENTIALS AND IDENTIFIERS

SEC. 35. FEDERAL FIREARMS LICENSE CREDENTIAL.

(a) ISSUANCE.

BFE shall issue each Federal Firearms Licensee an official credential card identifying the person as an active Federal Firearms Licensee.

(b) EVIDENTIARY EFFECT.

The credential card constitutes official physical evidence of Federal Firearms License status.

The BFE electronic record remains the authoritative Federal record of current status.

(c) VERIFICATION.

BFE shall provide a means by which the authenticity and current validity of a presented credential may be electronically verified.

(d) INFORMATION PROTECTION.

Public or third-party verification shall disclose only information reasonably necessary to establish:

- (1) identity;
- (2) current license validity;
- (3) applicable license class;
- (4) relevant firearm-family or Class III qualifications where necessary to verify authority; and
- (5) other limited credential information authorized by this Act.

Verification shall not disclose psychological records, underlying criminal-history information, home address, storage locations, detailed firearm inventory, or other protected information merely because a credential is presented.

SEC. 36. OFFICIAL FEDERAL FIREARMS LICENSE BADGE.

(a) OPTIONAL BADGE.

An active Federal Firearms Licensee may obtain from BFE an official visual identifier known as the **Federal Firearms License badge**.

The badge shall use a distinctive triangular design sufficient to distinguish it from conventional law-enforcement shields, stars, and insignia.

(b) PURPOSE.

The badge serves as visible evidence that the wearer is an active Federal Firearms Licensee and may lawfully possess or carry firearms according to the licensee's current authorities.

(c) NO GOVERNMENTAL AUTHORITY.

Possession or display of the badge:

- (1) does not make the holder a law-enforcement officer or public official;
- (2) does not confer arrest, investigative, command, emergency, or coercive authority;

- (3) does not authorize entry into restricted governmental areas; and
- (4) does not create any authority beyond that otherwise granted to the licensee by law.

(d) OFFICIAL ISSUE.

BFE shall control the manufacture and issuance of official badges and shall associate each badge with the Federal Firearms Licensee to whom it is issued.

(e) CREDENTIAL CONTROLS.

The badge is evidence of licensure but is not itself the Federal Firearms License.

Where the badge, credential card, and BFE electronic record conflict, the current BFE record controls, absent fraud, technical error, or contrary court order.

(f) LOST, STOLEN, DAMAGED, OR TERMINATED CREDENTIALS.

A licensee shall promptly report a lost, stolen, or damaged license credential or badge.

Upon suspension, revocation, expiration, or other termination requiring surrender, the licensee shall relinquish the credential and badge as required by this Act.

Replacement, return, destruction, shipping, verification, and technical procedures shall be prescribed in the BFE Administrative Code.

SEC. 37. FEES.

(a) APPLICATION AND RENEWAL.

No Federal fee shall be charged for:

- (1) an initial Federal Firearms License application;
- (2) ordinary renewal of a Federal Firearms License; or
- (3) ordinary issuance of an endorsement where this Act does not expressly authorize cost recovery.

(b) REPLACEMENT CREDENTIAL.

BFE may charge a small and reasonable administrative fee for replacement of a physical license credential.

(c) BADGE.

BFE may charge a reasonable purchase or replacement fee reflecting the cost of manufacture, administration, and delivery of an official Federal Firearms License badge.

(d) OTHER AUTHORIZED COST RECOVERY.

Nothing in this section prohibits fees expressly authorized elsewhere in this Act for unusually resource-intensive proceedings, including enhanced restoration investigations.

SEC. 38. BFE ADMINISTRATIVE AUTHORITY.

BFE shall prescribe regulations necessary to administer this title, including regulations governing:

- (1) application forms and portal procedures;
- (2) credential appearance and security features;
- (3) electronic verification;
- (4) examination administration;
- (5) training documentation and equivalency;
- (6) weapon-family and Class III endorsement taxonomies;
- (7) replacement and return of damaged credentials;
- (8) inventory formatting and reconciliation;
- (9) professional certification records; and
- (10) other technical matters necessary to implement the licensing system.

Nothing in this section authorizes BFE to impose a substantive licensing condition, firearm prohibition, or limitation on an authority granted by this Act that Congress has not otherwise authorized.

TITLE VI — TRANSFERS, BACKGROUND CHECKS, AND FIREARM ACCOUNTABILITY

SEC. 39. GENERAL TRANSFER RULE.

(a) TRANSFER DEFINED.

For purposes of this title, “transfer” means an intentional change in independent physical possession or custody of a firearm. Bare legal title, ownership, supervised temporary handling, and a temporary custodial arrangement expressly authorized elsewhere in this Act are not transfers merely because title or access changes.

(b) GENERAL RULE.

Every permanent transfer of firearm possession or custody shall be administered by an active Federal Firearms Licensee and entered into the BFE portal as required by this Act. A sale, gift, trade, resale, inheritance distribution, or other change of independent custody is governed by the same rule.

(c) ELIGIBLE UNLICENSED RECIPIENT.

A firearm may be transferred to an Eligible person who is not Licensed only through an FFL using the BFE transfer system, and the facilitating licensee shall obtain BFE approval before the recipient takes independent possession.

(d) LICENSED RECIPIENT.

A firearm that the recipient is lawfully authorized to possess may be transferred directly between appropriately qualified licensees, subject to the portal-entry and reporting requirements applicable to the firearm and recipient. Where this Act expressly permits delayed reporting for a qualified licensee-to-licensee transfer, compliance within that period satisfies this section.

(e) CLASS-SPECIFIC AUTHORITY.

No transfer may be completed if the recipient lacks the Federal status, license, endorsement, or other authority required for independent possession of the firearm concerned.

(f) CLASS I TRANSFERS.

An Eligible person may receive a firearm whose highest applicable classification is Class I after approval through the transfer process established by this title.

(g) CLASS II TRANSFERS.

A Class II firearm may be transferred for independent possession only to a Licensed person.

(h) CLASS III TRANSFERS.

A Class III firearm may be transferred for independent possession only to a Licensed person holding the applicable Class III weapon-type endorsement and satisfying any additional possession requirements imposed by this Act.

(i) CLASS III AMMUNITION TRANSFERS.

A permanent transfer of Class III ammunition shall be administered by an active Federal Firearms Licensee, entered into the BFE portal, and completed only to a person holding the Class III ammunition authority applicable to the ammunition concerned. Ordinary ammunition is governed by section 162 instead.

SEC. 40. BFE TRANSFER ELIGIBILITY DETERMINATION.

(a) REQUIRED SUBMISSION.

A transfer requiring an eligibility determination shall be submitted through the BFE system in the manner prescribed by regulation. The submission shall include sufficient information to establish the identity of the proposed recipient and determine current Federal firearms status.

(b) IDENTITY VERIFICATION.

The recipient shall establish identity using an active Federal Firearms License credential, if one is held, or another government-issued photographic identity credential accepted by BFE.

(c) SWORN RESPONSES.

The proposed recipient shall truthfully answer the eligibility questions required by BFE and shall certify the submission under penalty of perjury. A truthful response that establishes ineligibility may result in denial of the transfer but does not

itself constitute an offense. Knowingly false statements, fraudulent identification, perjury, identity fraud, and related conduct remain subject to otherwise applicable Federal law.

(d) LIMITED RESPONSE TO TRANSFEROR.

The person initiating the transfer check shall receive only APPROVED, DENIED, TEMPORARY HOLD, or an equivalent status necessary to administer the transaction, together with a transaction or reference number. The initiating person shall not receive the underlying reason for a denial or hold.

(e) NICS AND OTHER BACKEND DATA.

BFE may use the National Instant Criminal Background Check System and other authorized Federal, State, Tribal, and territorial data systems as backend information sources. BFE, applying the eligibility standards of this Act, is the Federal decision-maker for transfer determinations under this Act.

(f) ORDINARY TEMPORARY HOLD.

BFE may place a transaction on TEMPORARY HOLD only where additional review is genuinely necessary. Unless BFE establishes a lawful basis to deny or otherwise restrict the transfer within 72 hours after imposition of the hold, the transaction automatically becomes APPROVED.

(g) FUGITIVE IDENTIFICATION.

If the transfer process identifies the proposed recipient as a fugitive from justice, the transferor shall receive only a TEMPORARY HOLD or other limited transaction status. BFE shall promptly notify the appropriate local law-enforcement agency that the identified person is attempting a firearm transaction and shall provide sufficient identifying information and the transaction location for lawful action. Fugitive status standing alone does not create a firearms prohibition under this Act; an underlying qualifying charge or other independent disqualification controls eligibility.

(h) SUBJECT INQUIRY AND ADMINISTRATIVE REVIEW.

A person receiving an adverse determination may use the BFE reference number to obtain the basis for the decision directly from BFE and request immediate administrative review. BFE shall decide a complete transfer-denial review request within 5 business days. The denial remains effective during review unless reversed by BFE or stayed by a court. Delay beyond the deadline is subject to section 27.

(i) DENIAL NOT EVIDENCE OF CRIME.

A denied transfer, standing alone, does not establish probable cause, criminal intent, or evidence that the applicant committed an offense.

SEC. 41. LICENSEE JUDGMENT AND DEALER-DECLINED TRANSACTIONS.

(a) BFE APPROVAL AS REBUTTABLE PRESUMPTION.

A BFE approval creates a rebuttable presumption that completion of the transfer is lawful and reasonable, except where the affirmative duty to refuse under subsection (b) applies.

(b) DUTY TO REFUSE WHERE PARTICULAR FACTS ESTABLISH UNREASONABLE RISK.

A licensee shall refuse to complete a transfer where facts or circumstances personally known or reasonably apparent to the licensee at the time of the proposed transaction establish an unreasonable and particularized risk that the firearm will be unlawfully used or possessed.

(c) CONFIDENTIAL LICENSEE DECLINE.

A licensee refusing a transaction under subsection (b) shall submit a confidential DEALER DECLINED report through the BFE system.

The prospective recipient shall be informed only that the transaction was not approved through the Federal system and shall not be informed that the licensee personally initiated the decline or of the licensee's confidential observations.

(d) TEMPORARY HOLD.

Submission of a DEALER DECLINED report creates a temporary Federal acquisition hold.

BFE shall, within **72 hours**:

- (1) clear the hold;
- (2) impose a restriction otherwise authorized by this Act; or
- (3) obtain such judicial process as may be required by law.

If none of those actions occurs within 72 hours, the hold expires automatically.

(e) LIMITED EFFECT.

A DEALER DECLINED hold:

- (1) prevents new firearm acquisition during the hold;
- (2) does not by itself suspend an existing Federal Firearms License;
- (3) does not by itself prohibit continued possession of firearms already lawfully held; and
- (4) does not constitute a finding of dangerousness or criminal conduct.

(f) BFE REVIEW.

BFE shall review each DEALER DECLINED report and may consider repeated independent reports, together with the underlying facts, in determining whether further lawful review is warranted.

(g) CIVIL LIABILITY FOR FAILURE TO REFUSE.

A licensee who completes a transfer in violation of subsection (b) may be civilly liable under sections 106 through 108 for death, physical injury, property damage, or another concrete compensable loss proximately caused by a criminal act committed with the transferred firearm, if the plaintiff proves that facts or circumstances personally known or reasonably apparent to the licensee at the time of transfer required refusal under subsection (b). The rebuttable presumption described in subsection (a) does not apply to a transfer completed in violation of subsection (b).

SEC. 42. TEMPORARY TRANSFERS AND LENDING.**(a) LICENSEE-TO-LICENSEE TEMPORARY TRANSFER.**

A Licensed person may temporarily entrust a firearm to another Licensed person otherwise authorized to possess that firearm without immediate registry reassignment if the temporary transfer lasts less than 30 days.

(b) THIRTY-DAY RULE.

If such possession continues for 30 days or more, the applicable BFE registry or custodial record shall be updated.

(c) NONLICENSED PERSONS.

An Eligible person who is not Licensed may receive a firearm for independent possession only through the transfer process required by this Act.

(d) SUPERVISED TEMPORARY USE.

Nothing in this section prohibits supervised temporary handling or use of a firearm by another person where:

- (1) the lawful custodian retains responsibility for the firearm;
- (2) the circumstances do not constitute an independent transfer of possession; and
- (3) the use is otherwise lawful.

SEC. 43. MINORS AND YOUNG ADULTS.**(a) PERSONS UNDER 18 YEARS OF AGE.**

A person under 18 years of age may not independently receive, possess, or control a firearm. Such person may handle or use a firearm under lawful temporary supervision or entrustment where the responsible adult retains legal custodial responsibility. Legal title and beneficial ownership are governed by otherwise applicable property law.

(b) PERSONS 18 THROUGH 20 YEARS OF AGE.

A person who is at least 18 but under 21 years of age and otherwise Eligible may receive and independently possess firearms whose highest applicable classification is Class I. Where the person resides with a parent or legal guardian, BFE may require parental or guardian consent for acquisition as prescribed by regulation. A person living independently may establish that status in the manner prescribed by BFE.

(c) LICENSING AGE.

No person under 21 years of age may hold a Federal Firearms License.

TITLE VII — OWNERSHIP, POSSESSION, CUSTODY, AND REGISTRATION

SEC. 44. OWNERSHIP DISTINGUISHED FROM POSSESSION.

(a) GENERAL RULE.

This Act primarily regulates firearm possession, custody, carrying, transfer, and use and does not generally regulate bare legal title.

(b) OWNERSHIP WITHOUT POSSESSION.

A person or entity may hold legal title to a firearm without independently possessing or exercising custody over it.

A person who is Prohibited may retain legal ownership of a firearm where all actual possession and custody remain with persons lawfully authorized under this Act.

(c) NO CONSTRUCTIVE POSSESSION FROM TITLE ALONE.

Ownership, inheritance, beneficial interest, corporate ownership, or other title interest does not alone constitute possession for purposes of this Act.

SEC. 45. ENTITY-OWNED FIREARMS.

(a) OWNERSHIP BY ENTITY.

A corporation, partnership, association, nonprofit organization, government agency, estate, trust, or other lawful entity may own firearms.

(b) NATURAL-PERSON CUSTODY.

Only natural persons may exercise physical possession or custodianship of firearms.

(c) CUSTODIAN OF RECORD.

An entity-owned Class II or Class III firearm shall have a designated Licensed custodian of record who is authorized to possess the firearm.

Where Class III authority is required, the custodian shall hold the applicable endorsement.

(d) MULTIPLE AUTHORIZED POSSESSORS.

An entity may authorize any number of qualified natural persons to possess or use an entity-owned firearm, provided each such person independently satisfies the requirements applicable to the firearm and use concerned.

(e) CHANGE OF CUSTODIAN.

A change in custodian of record is an administrative custody reassignment rather than a transfer of title.

The applicable BFE record shall be updated within 30 days.

SEC. 46. SUPERVISED HANDLING BY NONLICENSED PERSONS.

(a) GENERAL RULE.

A lawful custodian may permit another person to handle or use a firearm temporarily under circumstances in which the custodian retains legally sufficient supervision and responsibility.

(b) CUSTODIAL RESPONSIBILITY.

The lawful custodian remains responsible for determining whether the temporary access is reasonable under the circumstances and may incur liability for knowingly or unreasonably granting access that results in unlawful use.

(c) PROFESSIONAL AND INSTITUTIONAL SETTINGS.

This section applies to lawful supervised use in households, commercial ranges, firearms businesses, museums, manufacturers, vessels, estates, government facilities, and other settings in which a qualified custodian retains responsibility.

SEC. 47. FEDERAL FIREARM REGISTRY.**(a) PURPOSE.**

BFE shall maintain a Federal firearm registry sufficient to establish lawful possession, custody, status, and traceability as required by this Act.

(b) CLASS II AND CLASS III FIREARMS.

Class II and Class III firearms shall have a current registered custodian of record or other permanent custodial status recognized by BFE. A temporary authorized possessor under section 42 or section 54 need not replace the custodian of record during the permitted temporary period.

(c) CLASS I FIREARMS OWNED OR POSSESSED BY LICENSEES.

Firearms whose highest applicable classification is Class I and that are owned or held as the licensee's continuing lawful inventory shall be included in that licensee's registered inventory. Short-term possession under an authorized temporary loan, repair, instruction, or service arrangement may be recorded as temporary status without changing the permanent custodian of record.

(d) CLASS I FIREARMS OF ELIGIBLE NONLICENSEES.

An Eligible nonlicensee is not required to maintain an ongoing personal Federal registry of firearms whose highest applicable classification is Class I solely because the person lawfully owns or possesses them.

Post-enactment transfer records shall remain available for lawful tracing according to Federal law.

(e) PRE-ACT CLASS I FIREARMS.

No retroactive registration is required solely because an Eligible nonlicensee lawfully possessed a firearm whose highest applicable classification is Class I before the effective date of this Act.

(f) STATUS RATHER THAN TITLE.

The Federal registry shall prioritize lawful possession and custodial responsibility.

Where ownership information is maintained, such information shall not alter the distinction between legal title and possession established by this Act.

SEC. 48. REGISTRY UPDATES.**(a) THIRTY-DAY REPORTING PERIOD.**

Except where contemporaneous recording is otherwise required, a Licensed person shall report within 30 days:

- (1) a change of residence or other required contact information;
- (2) a licensee-to-licensee transfer requiring registry reassignment;
- (3) a change in custodian of record;
- (4) an administrative movement or reassignment of a registered firearm; or
- (5) another material change BFE is authorized to track under this Act.

(b) CONTEMPORANEOUS RECORDING.

A transfer requiring an eligibility determination for the recipient shall be recorded as part of the transfer transaction.

(c) MINOR ERRORS.

Nonwillful registry errors shall be subject to correction under the administrative-compliance provisions of this Act.

SEC. 49. LOST, STOLEN, DESTROYED, AND RECOVERED FIREARMS.**(a) REPORTING.**

A person responsible for a firearm shall report its loss or theft without delay upon discovery to appropriate law enforcement.

A Federal Firearms Licensee shall additionally ensure that the applicable BFE record is updated.

(b) CLASS I REPORTING BY NONLICENSEE; LAW-ENFORCEMENT PORTAL DUTY.

Where a firearm whose highest applicable classification is Class I and which is held by an Eligible nonlicensee is timely and truthfully reported lost or stolen to an appropriate State, Tribal, or local law-enforcement agency, the reporting person has completed the reporting duty imposed on that person by subsection (a). A law-enforcement officer who receives or formally accepts the report shall ensure without delay that the report is entered into or transmitted to BFE through the BFE portal, a cooperative interface, or another authorized channel. That portal-entry duty is an administrative compliance obligation of the officer as a Federal Firearms Licensee and is subject to section 105 and other applicable license discipline. BFE is responsible for any Federal trace or status action required after receipt. Nothing in this subsection makes the reporting person responsible for a later failure by law enforcement to complete the Federal entry or compels an officer to administer Federal regulatory functions beyond duties otherwise imposed by this Act on a Federal Firearms Licensee.

(c) DESTROYED FIREARMS.

A registered firearm that is permanently destroyed shall be reported to BFE and its registry status changed accordingly.

(d) RECOVERY.

A recovered firearm shall be reconciled with the BFE system as required by law before subsequent transfer or reassignment.

(e) LIABILITY AND DOCUMENTATION.

A timely documented lost-or-stolen report may constitute evidence that the prior lawful possessor did not voluntarily entrust the firearm and may rebut any presumption arising from later unlawful use.

TITLE VIII — SERIALIZATION AND MANUFACTURE

SEC. 50. SERIAL NUMBER REQUIRED FOR NEW FIREARMS.

(a) GENERAL RULE.

A newly manufactured firearm subject to this Act shall receive a unique serial number approved or reserved through the BFE system before the firearm becomes functional.

(b) HOME AND PERSONAL MANUFACTURE.

A person manufacturing a firearm for personal use shall comply with the serialization and eligibility requirements applicable to the resulting firearm before functional completion.

(c) LICENSED MAKER.

A Licensed person manufacturing a firearm shall enter the firearm into the applicable BFE system before functional completion.

(d) UNLICENSED MAKER.

An Eligible person who is not Licensed and who manufactures a firearm whose highest applicable classification is Class I shall complete such lawful self-transfer, eligibility, or facilitated registration procedure as BFE requires before the firearm becomes functional.

(e) CLASS II AND CLASS III.

No personally manufactured Class II or Class III firearm may become functional unless the maker already possesses the Federal status, license, endorsement, storage approval, and other authority required for possession of the completed firearm.

SEC. 51. SERIAL NUMBER ADMINISTRATION.

(a) UNIQUE IDENTIFIER.

BFE shall approve or assign serial numbers and prevent intentional duplication.

Manufacturers may maintain lawful serial-number conventions where the numbers are reserved and validated through the BFE system.

(b) NO REUSE.

A serial number assigned to a firearm shall never be reassigned to another firearm after destruction, retirement, replacement, or other removal of the original firearm from active status.

(c) RECEIVER COMPONENTS.

BFE shall designate the component or components that constitute the serialized receiver structure for each firearm type.

Where a firearm requires more than one integral serialized component, BFE may permit use of a common base serial with distinguishing suffixes or other linked identifiers.

(d) REPLACEMENT RECEIVER.

A replacement serialized receiver component shall receive a new serial number unless BFE determines that reactivation of an existing lawful serial is appropriate.

The replacement shall remain linked to the firearm's prior trace history.

SEC. 52. LEGACY UNSERIALIZED FIREARMS.**(a) NO AUTOMATIC CRIMINALIZATION.**

Lawful possession of a preexisting unserialized firearm does not become unlawful solely because this Act takes effect.

(b) FIRST POST-ACT REGULATORY EVENT.

A legacy unserialized firearm shall be serialized when it first enters a post-enactment Federal regulatory event requiring identification, including:

- (1) transfer;
- (2) registration;
- (3) entry into a Licensed inventory;
- (4) inheritance administration requiring Federal transfer processing;
- (5) reclassification into a higher firearm class; or
- (6) another event requiring registry entry under this Act.

(c) COMPLIANCE.

BFE shall provide a practical process for lawful serialization of legacy firearms.

SEC. 53. COMMERCIAL MANUFACTURE AND IMPORTATION.**(a) ENTITY ACTIVITY.**

A lawful business or other entity may manufacture or import firearms if it complies with otherwise applicable law and designates one or more qualified Federal Firearms Licensees responsible for Federal firearms accountability.

(b) FFL OF RECORD.

A natural person designated under subsection (a) shall serve as an **FFL of Record** for the entity and shall be responsible, within the scope of the designation, for:

- (1) serialization;
- (2) BFE inventory accountability;
- (3) lawful custody;
- (4) transfer compliance; and
- (5) other Federal firearm duties imposed upon the entity by this Act.

(c) MULTIPLE RESPONSIBLE LICENSEES.

An entity may designate more than one FFL of Record.

(d) TEMPORARY ABSENCE OF QUALIFIED RESPONSIBLE PERSON.

If an entity has no qualified FFL of Record, activity requiring such designation shall cease until a qualified person is designated.

(e) CLASS III ACTIVITY.

Commercial manufacture or importation of a Class III firearm requires an FFL of Record holding the appropriate Class III authority for the firearm type concerned.

(f) NO SEPARATE FEDERAL RETAIL DEALER LICENSE.

Nothing in this Act requires a separate Federal retail firearms-dealer license merely because a lawful business sells or transfers firearms.

Federal transfer authority derives from the qualified natural person acting as the Federal Firearms Licensee.

State and local business licensing, zoning, taxation, and other generally applicable commercial regulation remain governed by otherwise applicable law except to the extent preempted by this Act.

SEC. 54. TEMPORARY COMMERCIAL AND PROFESSIONAL CUSTODY.**(a) GUNSMITHS, MANUFACTURERS, AND OTHER PROFESSIONALS.**

A qualified Licensed person may temporarily receive a firearm for lawful repair, modification, manufacture, inspection, testing, instruction, or other professional purpose.

(b) THIRTY-DAY RECORD RULE.

Temporary custody between otherwise qualified Licensed persons lasting less than 30 days need not result in permanent registry reassignment unless otherwise required by law.

Custody continuing for 30 days or more shall be reflected in the BFE system.

(c) APPRENTICES AND EMPLOYEES.

A nonlicensed employee or apprentice may handle a firearm under the direct responsibility of a qualified Licensed custodian.

The supervising licensee remains legally responsible for the custodial arrangement.

TITLE IX — COMPLIANCE RECONCILIATION**SEC. 55. VOLUNTARY COMPLIANCE FOR PREVIOUSLY UNDISCOVERED FIREARMS VIOLATIONS.****(a) GENERAL RULE.**

A person who voluntarily brings a firearm, transfer, serialization status, registry status, storage condition, or other firearms-regulatory matter into compliance through the BFE system before the underlying regulatory violation has been independently discovered by the government shall not be prosecuted for the prior firearms-regulatory violation necessarily disclosed by that voluntary compliance.

(b) LIMITATION.

The protection in subsection (a) applies only to the prior firearms-regulatory noncompliance disclosed or necessarily revealed by the reconciliation.

It does not provide immunity for:

- (1) homicide;
- (2) assault;
- (3) robbery;
- (4) theft;
- (5) fraud unrelated to the regulatory correction;
- (6) an independently prosecutable offense committed with the firearm; or
- (7) another offense that is distinct from the firearms-regulatory violation being corrected.

(c) PURPOSE.

This section shall be administered to encourage voluntary entry of firearms and custodial relationships into lawful status rather than to discourage correction through fear of prosecution for previously undiscovered regulatory noncompliance.

SEC. 56. BFE TECHNICAL AUTHORITY.

BFE may issue regulations necessary to implement this title, including rules governing:

- (1) portal submissions;

- (2) identity verification;
- (3) inventory and registry fields;
- (4) transfer records;
- (5) serialization formats;
- (6) FFL-of-Record designations;
- (7) legacy-firearm reconciliation;
- (8) commercial inventory procedures;
- (9) temporary professional custody; and
- (10) other technical and administrative matters necessary to carry out this title.

Such regulations may administer, but may not materially narrow, the substantive rights and authorities established by this Act.

TITLE X — CARRY, TRANSPORT, STORAGE, AND USE

SEC. 57. NATIONAL FIREARM CARRY AUTHORITY.

(a) GENERAL LICENSED AUTHORITY.

An active Federal Firearms License authorizes the licensee to carry a firearm openly or concealed throughout the territorial jurisdiction of the United States, subject to:

- (1) the class and endorsement requirements of this Act;
- (2) any firearm-family, system, or defensive-carry qualification applicable to the firearm concerned;
- (3) the active-security provisions of section 59;
- (4) the private-property provisions of section 60;
- (5) the intoxication provisions of section 62; and
- (6) otherwise applicable Federal law not inconsistent with this Act.

(b) CLASS II CARRY.

A Licensed person may publicly carry a Class II firearm only while holding the applicable current carry qualification for that firearm family or functional system.

(c) CLASS III CARRY.

A Licensed person may publicly carry a Class III firearm only while holding:

- (1) the applicable Class III weapon-type endorsement; and
- (2) the operational or defensive-carry qualification applicable to that firearm.

(d) OPEN OR CONCEALED.

Except where this Act expressly provides otherwise, lawful Federal carry authority does not depend upon whether the firearm is openly visible or concealed.

(e) STATE AND LOCAL LAW.

A State or political subdivision may not prohibit or criminalize firearm carry that is affirmatively authorized by this Act, subject to the preemption and savings provisions established elsewhere in this Act.

SEC. 58. DEFINITION OF CARRY.

(a) GENERAL RULE.

For purposes of this Act, a person **carries** a firearm when the firearm is:

- (1) on the person;
- (2) about the person; or
- (3) immediately available to the person for use.

(b) SECURED TRANSPORT NOT CARRY.

A firearm is not carried merely because it is transported:

- (1) unloaded and inaccessible within a vehicle; or
- (2) within a locked or otherwise lawfully secured container that is not immediately available for use.

Nothing in this subsection limits a Licensed person's authority to carry a firearm during lawful transport where the person otherwise satisfies the applicable carry requirements.

SEC. 59. ACTIVE SECURITY SCREENING.

(a) ACTIVE SECURITY SCREENING DEFINED.

The term “**active security screening**” means a system intended and generally capable of detecting firearms or other dangerous weapons before persons enter a secured area.

Such screening may include:

- (1) physical searches or pat-downs;
- (2) magnetometers;
- (3) body scanners; or
- (4) other technology or procedures reasonably capable of detecting firearms or dangerous weapons.

(b) SECURED AREAS.

A governmental or other facility may exclude firearms from an area protected by active security screening.

(c) FUNCTION OF BUILDING NOT SUFFICIENT.

The governmental, judicial, educational, administrative, or other function of a building does not by itself create a Federal exception to otherwise lawful carry authority.

Where firearms are excluded on the basis of secured status, the facility shall actually maintain active security screening reasonably capable of enforcing that exclusion.

(d) SCREENING FAILURE.

If the primary screening system becomes unavailable, the facility may maintain secured status through reasonable substitute screening procedures.

Signs, cameras, access-control doors, or notices standing alone do not constitute active security screening.

SEC. 60. PRIVATE PROPERTY.

(a) PROPERTY OWNER AUTHORITY.

Nothing in this Act requires a private property owner or lawful occupier to permit an armed person to remain on private property.

(b) REQUEST TO LEAVE.

A person lawfully carrying a firearm who is directed by the lawful owner or occupier to leave the premises shall leave as required by otherwise applicable trespass law.

(c) NO INDEPENDENT FEDERAL FIREARMS OFFENSE.

The mere presence of a sign or private policy prohibiting firearms does not, standing alone, convert otherwise lawful firearm possession or carry into a Federal firearms offense under this Act.

Nothing in this subsection limits otherwise applicable trespass, contract, employment, or property law.

SEC. 61. CLASS I PUBLIC CARRY.

(a) GENERAL RULE.

A loaded firearm whose highest applicable classification is Class I shall not ordinarily be carried in public.

(b) PERMITTED CIRCUMSTANCES.

A loaded firearm whose highest applicable classification is Class I may be possessed or carried:

- (1) within the person's residence or other lawful premises;
- (2) at a lawful place and time of hunting, target shooting, sporting use, training, or other lawful discharge;

- (3) during transport or handling otherwise authorized by this Act; or
- (4) where specific and objectively reasonable circumstances create an elevated danger to life or serious bodily safety sufficient to justify defensive readiness.

(c) GENERALIZED FEAR INSUFFICIENT.

Generalized concern about crime or personal safety, without particularized circumstances, does not by itself satisfy subsection (b)(4).

SEC. 62. INTOXICATION AND PUBLIC CARRY.

(a) PUBLIC CARRY PROHIBITED DURING INTOXICATION.

A person who is intoxicated may not carry a firearm openly or concealed in public.

(b) NO CHANGE OF FEDERAL STATUS.

Temporary intoxication does not:

- (1) change a person's Federal status from Licensed to Prohibited or Eligible;
- (2) suspend or revoke the person's Federal Firearms License in the BFE system; or
- (3) create a separate administrative licensing proceeding solely by reason of the temporary intoxication.

(c) PRIVATE PREMISES.

This section does not prohibit an otherwise lawful person from possessing, storing, handling, or carrying a firearm within that person's residence or other lawful private premises solely because the person is intoxicated.

(d) AUTOMATIC RESTORATION OF CARRY AUTHORITY.

The limitation imposed by subsection (a) ends when the intoxication ends, without further administrative action.

SEC. 63. LAW-ENFORCEMENT AND MILITARY PERSONNEL.

(a) LAW-ENFORCEMENT OFFICERS.

A law-enforcement officer has no general exemption from the Federal Firearms License and carry requirements of this Act merely by reason of employment as a law-enforcement officer. A law-enforcement officer who possesses, carries, or exercises independent custody over a firearm in the course of official duties shall therefore hold an active Federal Firearms License.

Government training, qualification, psychological evaluation, and other professional requirements may satisfy corresponding requirements of this Act where recognized as equivalent by BFE.

(b) MILITARY DUTY.

A member of the Armed Forces or National Guard may possess and use government-owned firearms without a personal Federal Firearms License while acting:

- (1) under lawful orders; and
- (2) within the scope of official military duty.

(c) LIMITATION.

The military exception in subsection (b) does not extend to privately owned firearms or off-duty personal carry merely because the person is a member of the Armed Forces or National Guard.

TITLE XI — FIREARM CUSTODY AND STORAGE

SEC. 64. GENERAL CUSTODIAL RESPONSIBILITY.

(a) REASONABLE CUSTODY.

A lawful firearm possessor or custodian shall exercise reasonable judgment concerning access to firearms under that person's custody.

(b) NO GENERAL FEDERAL LOCKING MANDATE.

Except where this Act expressly establishes a storage requirement, nothing in this Act requires every firearm to be physically inaccessible, locked, unloaded, or stored according to a single Federal method.

(c) RESPONSIBILITY FOR ACCESS.

A lawful custodian may incur civil or criminal liability as otherwise provided by law where the custodian:

- (1) knowingly grants firearm access under circumstances presenting an unreasonable risk of unlawful use; or
- (2) unreasonably fails to safeguard a firearm and that failure materially contributes to unlawful use.

(d) REASONABLE SAFEGUARDS.

Evidence that reasonable safeguards were overcome by theft, force, fraud, or other circumstances beyond the custodian's reasonable control may rebut liability arising from subsequent unlawful possession or use.

SEC. 65. CLASS III STORAGE.**(a) GENERAL RULE.**

A Class III firearm shall at all times be:

- (1) under the immediate physical control of a person lawfully authorized to possess it; or
- (2) maintained in an approved secure storage system.

(b) SECURE STORAGE.

Approved permanent Class III storage shall provide not fewer than **two independent layers of physical security**.

BFE shall establish technical standards for qualifying storage systems in the BFE Administrative Code.

(c) MULTIPLE STORAGE LOCATIONS.

A Class III licensee may maintain any number of approved permanent storage locations.

Each permanent location used for Class III storage shall independently satisfy the applicable approval and inspection requirements.

(d) OWNERSHIP UNAFFECTED.

Temporary governmental safekeeping, inspection failure, storage correction, or other custody action under this title does not alter legal ownership except where this Act expressly provides for transfer of title.

SEC. 66. CLASS III AMMUNITION STORAGE.**(a) GENERAL RULE.**

Class III ammunition that is not under the immediate physical control of an appropriately authorized person shall be maintained in approved secure ammunition storage.

(b) SECURITY.

Approved fixed Class III ammunition storage shall provide not fewer than two independent layers of physical security.

(c) EXPLOSIVE AMMUNITION.

Where explosive-projectile or self-detonating explosive ammunition is stored, the storage system shall additionally satisfy fire-resistant magazine, blast, and hazard-control requirements appropriate to the actual explosive hazard.

(d) NONEXPLOSIVE CLASS III AMMUNITION.

Armor-piercing or other nonexplosive Class III ammunition is not subject to explosive-material storage requirements solely because it is Class III ammunition.

(e) HAZARD IDENTIFICATION.

Fixed storage of explosive or other hazardous Class III ammunition shall comply with applicable nationally recognized fire and hazardous-material identification standards prescribed by regulation.

(f) TRANSPORT REGULATION.

Hazardous-material placarding and transportation requirements shall be governed by applicable Department of Transportation law and regulation. Nothing in this Act creates a duplicative Federal transportation placarding system.

TITLE XII — TRANSPORTATION

SEC. 67. CLASS III FIREARM TRANSPORT.

(a) ORDINARY TRANSPORT.

A Class III firearm transported between lawful storage, training, maintenance, transfer, sporting, professional, or other lawful locations shall ordinarily be:

- (1) unloaded; and
- (2) maintained in a secured container or other approved transport configuration.

(b) SECURED CONTAINER.

A secured Class III transport arrangement shall provide not fewer than two layers of physical security.

A locked vehicle, locked container, physical attachment, or the continuous physical control of the authorized licensee may constitute a qualifying security layer as prescribed by BFE regulation.

(c) DEFENSIVE CARRY.

A Class III firearm being lawfully carried for defensive purposes by a person holding the applicable endorsement and operational qualification need not be unloaded or stored as ordinary cargo.

(d) MOBILE STORAGE DURING TRAVEL.

A lawful secured transport arrangement may continue for the duration of genuine travel or transportation activity.

When a location ceases to function as temporary travel storage and becomes a continuing storage location, the applicable permanent-storage requirements shall apply.

SEC. 68. CLASS III AMMUNITION TRANSPORT.

(a) NONEXPLOSIVE CLASS III AMMUNITION.

Armor-piercing and other nonexplosive Class III ammunition shall be transported under secure custody in the manner prescribed by BFE, but shall not be subjected to explosive-material transport requirements solely because of Class III status.

(b) LIMITED READY EXPLOSIVE AMMUNITION.

A person lawfully authorized to possess the applicable explosive Class III ammunition may carry less than 5 kilograms of total explosive-ammunition mass in loaded magazines, ready containers, or another lawful configuration while the ammunition remains under the person's actual physical control.

(c) FIVE KILOGRAMS OR MORE.

Transportation of 5 kilograms or more of explosive Class III ammunition shall use an approved mobile magazine or transport container satisfying applicable crash, fire, security, and hazardous-material requirements.

(d) HAZARDOUS-MATERIAL LAW.

Transportation of explosive Class III ammunition remains subject to otherwise applicable hazardous-material transportation law to the extent based upon the actual explosive hazard.

TITLE XIII — CLASS III INSPECTION AND COMPLIANCE

SEC. 69. CLASS III STORAGE INSPECTIONS.

(a) INITIAL INSPECTION.

Before a person first exercises possession authority under a Class III endorsement requiring approved storage, the applicable storage location shall be inspected and approved.

(b) PERIODIC INSPECTIONS.

An approved permanent Class III storage location shall be subject to periodic inspection.

Routine inspections shall occur:

- (1) no more frequently than once every 90 days absent independent lawful cause; and
- (2) not less frequently than once every 3 years.

(c) INSPECTING AUTHORITY.

An inspection may be conducted by:

- (1) BFE; or
- (2) a State or local law-enforcement agency authorized by BFE to conduct the inspection.

(d) SCOPE.

An inspection under this section shall be limited to matters reasonably related to:

- (1) regulated firearms;
- (2) regulated ammunition;
- (3) firearm records;
- (4) approved storage;
- (5) authorized access; and
- (6) compliance with duties arising directly under the Class III provisions of this Act.

An inspection does not authorize a general search of unrelated property or records.

SEC. 70. UNSCHEDULED INSPECTION ORDERS.**(a) JUDICIAL ORDER.**

Where reasonable grounds exist to believe that a Class III storage location or regulated inventory may not comply with this Act, BFE or another authorized governmental authority may seek a judicial **inspection order**.

(b) STANDARD.

An inspection order may issue upon a showing of reasonable grounds relevant to regulatory compliance.

An inspection order is not a criminal search warrant and does not require a showing that a criminal offense has probably occurred.

(c) NO FORCIBLE ENTRY SOLELY ON INSPECTION ORDER.

An inspection order does not, by itself, authorize forcible entry into private premises.

(d) REFUSAL.

A person may refuse entry pursuant solely to an inspection order.

Such refusal:

- (1) constitutes grounds for revocation of the affected Class III authority; and
- (2) may be considered together with other facts in determining whether probable cause exists for issuance of a search warrant under otherwise applicable law.

(e) SEARCH WARRANTS.

Nothing in this section alters ordinary Federal constitutional or statutory requirements governing criminal search warrants.

SEC. 71. STORAGE NONCOMPLIANCE AND SAFEKEEPING.**(a) CORRECTION.**

Where an inspection identifies a deficiency capable of immediate lawful correction, the person shall be permitted to correct the deficiency as provided by BFE regulation.

(b) SAFEKEEPING.

Where a material Class III storage deficiency cannot be immediately corrected, BFE or an authorized law-enforcement agency may take the affected firearm or ammunition into temporary safekeeping until compliance is restored.

(c) FIXED OR DIFFICULT-TO-MOVE FIREARMS.

Where physical removal is unreasonable, BFE may authorize secure in-place measures sufficient to prevent unauthorized operation or access pending correction.

(d) OWNERSHIP.

Safekeeping under this section does not transfer ownership.

(e) COST.

Safekeeping under this section shall ordinarily be provided without charge.

Where the same person incurs **three or more separate inspection violations requiring safekeeping within 5 years**, the safeguarding agency may seek reasonable reimbursement for subsequent safekeeping costs.

(f) RETURN.

Once BFE verifies compliance, safeguarded property shall be returned without unnecessary delay to a person lawfully authorized to possess it.

TITLE XIV — DEFENSIVE AND EXIGENT USE

SEC. 72. DEFENSIVE OR EXIGENT FIREARM USE.

(a) REPORTING DUTY.

A person who engages in defensive or exigent use of a firearm shall report the use to appropriate local law enforcement without unnecessary delay after circumstances reasonably permit reporting.

(b) USE DEFINED.

For purposes of this section, **use** includes:

- (1) discharge of the firearm;
- (2) pointing the firearm at another person; or
- (3) presenting or displaying the firearm in a manner reasonably likely to cause alarm as part of the defensive or exigent event.

Ordinary lawful carry, including a holstered handgun or ordinarily slung long gun, does not by itself constitute use.

(c) INITIAL INFORMATION.

The initial report shall provide information reasonably sufficient to identify:

- (1) the reporting person;
- (2) the location and approximate time of the event; and
- (3) the firearm or firearms involved.

The person shall make the firearm reasonably available for lawful examination where required by otherwise applicable law.

(d) EXPLANATION AND COUNSEL.

A person may reasonably delay a detailed narrative or follow-up statement for the purpose of obtaining legal counsel.

Absent extraordinary circumstances, a delay not exceeding 24 hours for that purpose shall be considered reasonable.

(e) CONTINUING EMERGENCY.

No reporting delay violates this section while conditions of immediate danger reasonably prevent safe reporting.

The duty arises without unnecessary delay after those conditions have ended.

SEC. 73. EXIGENT POSSESSION AND USE.

(a) TEMPORARY SUSPENSION OF POSSESSION RESTRICTIONS.

During an objectively reasonable exigent emergency involving an immediate threat of death or serious bodily harm, firearm-possession restrictions under this Act are temporarily suspended to the extent reasonably necessary to permit defense of life.

(b) DURATION.

The exigency continues only for the period reasonably necessary to:

- (1) respond to the immediate threat;

- (2) escape from the danger;
- (3) protect another person;
- (4) render necessary aid; or
- (5) reach a position of reasonable safety.

Ordinary requirements of this Act resume when the exigency ends.

(c) PROHIBITED PERSONS.

A person who would otherwise be Prohibited does not violate this Act merely by taking temporary possession of or using a firearm to the extent objectively necessary during a qualifying exigency.

(d) TEMPORARY EMERGENCY ENTRUSTMENT.

A lawful custodian may temporarily entrust a firearm, including a Class III firearm, to another person where such entrustment is objectively necessary to respond to the exigency and does not unreasonably endanger the public.

(e) NO AUTOMATIC TRANSFER LIABILITY.

A temporary emergency entrustment authorized by this section does not constitute an unlawful transfer solely because ordinary transfer procedures could not reasonably be completed during the emergency.

(f) POST-EMERGENCY COMPLIANCE.

When the exigency ends:

- (1) ordinary possession and custody requirements immediately resume;
- (2) firearms shall be returned, transferred, surrendered, or otherwise reconciled as required by law; and
- (3) any required defensive-use report shall be made without unnecessary delay.

SEC. 74. PLANNED USE OF EXPLOSIVE CLASS III AMMUNITION.

(a) GENERAL RULE.

Planned non-exigent use of explosive Class III ammunition, including explosive-projectile and self-detonating explosive ammunition where applicable, shall occur only under a fire, explosive, blast, impact-area, or other hazard-mitigation plan appropriate to the circumstances and approved as required by BFE regulation.

(b) EXIGENCY.

Subsection (a) does not prohibit objectively necessary defensive or emergency use where compliance with a preapproved plan is impracticable, provided the use does not create an unreasonable danger to the public beyond that justified by the exigency.

SEC. 75. BFE TECHNICAL AUTHORITY.

BFE may issue regulations implementing this title concerning:

- (1) storage-system specifications;
- (2) inspection scheduling and forms;
- (3) approved transport containers;
- (4) hazardous-ammunition magazines;
- (5) fire-resistance and physical-security standards;
- (6) inspection documentation;
- (7) safekeeping procedures;
- (8) reporting methods;
- (9) intoxication guidance consistent with applicable law;
- (10) hazard-mitigation plans; and
- (11) other technical matters necessary to administer this title.

Such regulations shall implement the substantive rights and duties established by this Act and shall not create additional firearm prohibitions or possession restrictions not authorized by Congress.

TITLE XV — DANGEROUSNESS AND TEMPORARY PROHIBITION

SEC. 76. FEDERAL DANGEROUSNESS REVIEW.

(a) SUBMISSION OF INFORMATION.

Any person may submit information or evidence to BFE requesting review of another person's firearms eligibility on the ground that the person presents a danger to themselves or others. A submission shall be made under penalty of perjury and shall distinguish facts within the affiant's direct personal knowledge from hearsay, inference, opinion, or information obtained from another source.

(b) EFFECT OF SUBMISSION.

Submission of information does not by itself make the subject Prohibited, suspend a Federal Firearms License, require surrender of firearms, or establish dangerousness.

(c) EXISTING FEDERAL CRIMINAL LAW.

Knowingly false sworn statements, perjury, false statements to the Federal Government, and related misconduct are governed by otherwise applicable Federal law. Nothing in this Act creates a duplicative criminal offense where existing Federal law adequately governs the conduct.

(d) CIVIL ACTION FOR MALICIOUS FALSE SUBMISSION.

A person whose firearms rights or status are materially restricted because another person knowingly made a materially false dangerousness submission with malicious intent may bring a Federal civil action against the false affiant for actual damages, reasonable attorney's fees and costs, and punitive damages where warranted by the evidence.

(e) CORRECTION OF FALSELY INDUCED ORDER.

If BFE determines that an emergency or final dangerousness action materially depended upon a knowingly false malicious statement, BFE shall terminate the affected action to the extent unsupported by independent evidence, immediately correct the subject's Federal status, and preserve the false submission for appropriate civil or criminal proceedings.

SEC. 77. EMERGENCY DANGEROUSNESS DECISION.

(a) AUTHORITY.

An authorized BFE official may issue an emergency dangerousness decision where probable cause exists to believe that a person presently poses an immediate danger to themselves or others involving access to firearms.

(b) DIRECT-KNOWLEDGE AFFIDAVITS.

For purposes of the emergency determination, specific facts:

- (1) presented under penalty of perjury;
 - (2) expressly represented as within the affiant's direct personal knowledge; and
 - (3) not facially contradictory or manifestly unreliable,
- may be assumed true for purposes of determining probable cause.

(c) IMMEDIATE EFFECT.

Upon issuance of an emergency dangerousness decision:

- (1) the subject becomes temporarily Prohibited;
- (2) any active Federal Firearms License is immediately suspended;
- (3) the subject shall immediately cease possession of firearms of every class; and
- (4) the subject shall comply with the surrender requirements of this title.

(d) PROVISIONAL CHARACTER.

An emergency dangerousness decision is provisional and does not constitute a final dangerousness adjudication.

(e) FIVE-BUSINESS-DAY REVIEW.

An emergency dangerousness decision expires automatically unless BFE completes a full review and affirms the prohibition within **5 business days** after issuance.

SEC. 78. NOTICE OF EMERGENCY DECISION.**(a) PROMPT NOTICE.**

BFE shall promptly provide the subject with notice of:

- (1) the emergency decision;
- (2) the general factual basis for the decision;
- (3) the surrender obligation;
- (4) the right to submit responsive information or evidence; and
- (5) the deadline for final BFE review.

(b) CONTACT INFORMATION OF RECORD.

Where the subject has a current BFE record, including an active or recent Federal Firearms License, transfer record, or other reliable BFE contact record, notice may be transmitted using the contact information of record.

(c) CERTIFIED MAIL.

Where reliable electronic or BFE contact information is unavailable, BFE shall send notice by certified mail to the subject's last known home address.

(d) PERSONAL SERVICE.

Where the circumstances warrant immediate personal service or collection of firearms, BFE may transmit the emergency decision to the subject's local law-enforcement agency for personal service and enforcement of the surrender requirement.

(e) EFFECTIVE UPON ISSUANCE.

An otherwise lawful emergency decision takes effect when issued and is not suspended merely because the subject delays, avoids, or refuses receipt of notice.

(f) AUDITABLE RECORD.

BFE shall maintain an auditable record of issuance and all material notice and service attempts.

Technical notice procedures shall be prescribed in the BFE Administrative Code.

SEC. 79. FINAL DANGEROUSNESS DETERMINATION.**(a) STANDARD.**

BFE may affirm a firearms prohibition after emergency review, or impose a nonemergency dangerousness prohibition, only upon **clear and convincing evidence** that the person presently presents an unreasonable danger to themselves or others if permitted access to firearms.

(b) NONEMERGENCY NOTICE AND OPPORTUNITY TO RESPOND.

Before imposing a nonemergency final dangerousness prohibition, BFE shall provide the subject with prompt notice of the general factual basis for the proposed action and a meaningful opportunity to submit responsive evidence and argument. BFE may withhold only information whose disclosure is lawfully restricted, and any withholding shall be described sufficiently to permit meaningful review to the extent consistent with law.

(c) FULL REVIEW.

Before final determination, BFE shall reasonably consider:

- (1) the evidence supporting the dangerousness allegation;
- (2) the subject's response;
- (3) reliable corroborating or contradictory information;
- (4) relevant criminal, behavioral, medical, or other lawful records; and
- (5) any other material evidence properly before the Bureau.

(d) WRITTEN DECISION.

A final dangerousness determination shall be issued in writing and shall state the material basis for the decision with sufficient specificity to permit meaningful review.

(e) INDEFINITE EFFECT.

A final dangerousness prohibition remains in force until lawfully restored under this Act.

It does not expire merely because a temporary State, local, or other underlying order expires.

SEC. 80. JUDICIAL RED-FLAG DANGEROUSNESS ORDERS.

(a) PETITION.

A person possessing direct personal information that another person presents an immediate and unreasonable danger to themselves or others involving access to firearms may present sworn testimony or evidence to a qualified judicial officer under State, Tribal, territorial, or Federal procedure consistent with this section.

(b) TEMPORARY EX PARTE ORDER.

A judicial officer may issue a temporary ex parte firearms prohibition upon probable cause supported by specific and articulable facts demonstrating immediate danger. The order shall be transmitted promptly to BFE and shall have the temporary consequences under this Act applicable to an emergency dangerousness decision.

(c) ADVERSARIAL HEARING.

An adversarial hearing shall occur within 5 business days after issuance of the temporary order. The subject shall receive notice of the general factual basis, an opportunity to appear and respond, and the ordinary procedural protections afforded by the issuing jurisdiction.

(d) FINAL STANDARD.

A final red-flag firearms prohibition may issue only upon clear and convincing evidence that the person presently presents an unreasonable danger to themselves or others if permitted access to firearms. A final order creates a Federal firearms disability under this Act until restored under section 86.

(e) FEDERAL REVIEW.

A person subject to a final qualifying red-flag adjudication may seek review in an appropriate United States district court under the judicial-review provisions of this Act after exhaustion of the issuing jurisdiction's ordinary review procedure, unless an exception to exhaustion applies.

SEC. 81. SUBSTANCE-RELATED CONDUCT.

Substance use, substance dependence, addiction, treatment, or another drug-related status does not standing alone create a Federal firearms prohibition under this Act. Where substance-related conduct independently establishes dangerousness, the person shall be evaluated under the same dangerousness procedures and standards applicable to other conduct. Temporary intoxication is governed separately by the public-carry provisions of this Act. Nothing in this section creates, amends, or displaces substantive drug policy established by separate Federal law.

TITLE XVI — SURRENDER AND SAFEKEEPING

SEC. 82. SURRENDER UPON PROHIBITION.

(a) GENERAL RULE.

A person who becomes Prohibited shall immediately relinquish actual possession and custody of all firearms of every class.

(b) LICENSE CREDENTIALS.

A person whose Federal Firearms License is suspended, revoked, or rendered inactive by a firearms prohibition shall also surrender:

- (1) the Federal Firearms License credential card; and
- (2) each official Federal Firearms License badge then in the person's possession.

(c) LOST OR STOLEN CREDENTIAL.

A credential or badge that is genuinely lost, stolen, destroyed, or otherwise unavailable for surrender shall be reported to BFE without delay.

Physical impossibility of surrender does not constitute refusal where the person truthfully reports the circumstances.

SEC. 83. LAWFUL METHODS OF RELINQUISHMENT.

A person subject to a surrender obligation may, as permitted by the nature of the prohibition and applicable law:

- (1) transfer firearms to another person lawfully authorized to possess them;
- (2) place firearms into BFE safekeeping;
- (3) place firearms into safekeeping with a State or local law-enforcement agency acting under this Act; or
- (4) comply with another lawful custodial disposition recognized by BFE.

A temporary surrender or safekeeping arrangement does not transfer ownership unless this Act or another applicable law expressly provides otherwise.

SEC. 84. FAILURE TO COMPLY WITH SURRENDER ORDER.**(a) OFFENSE.**

A person who knowingly refuses to comply with a lawful firearm-surrender order issued under this Act commits a Federal misdemeanor punishable by:

- (1) imprisonment for not more than 1 year;
- (2) a fine of not more than \$10,000; or
- (3) both.

(b) SEARCH WARRANTS.

This section creates no special search-warrant authority.

A refusal to surrender, evidence of continuing possession, registry information, witness information, or other facts may be considered under otherwise applicable law in determining whether probable cause exists for issuance of a search warrant.

Nothing in this Act alters ordinary constitutional or statutory requirements governing search warrants.

SEC. 85. SAFEKEEPING DURING TEMPORARY PROHIBITION.**(a) NO FORFEITURE; OWNERSHIP DURING PROHIBITION.**

A firearms prohibition under this Act restricts possession and does not by itself extinguish lawful ownership. Firearms surrendered because of a temporary prohibition remain the property of the lawful owner unless ownership is later transferred according to law or vests under subsection (d).

(b) LAW-ENFORCEMENT SAFEKEEPING.

BFE or a State or local law-enforcement agency acting on its behalf may safeguard firearms during the pendency of the prohibition.

(c) RECEIPT.

The safeguarding authority shall issue a receipt identifying the firearms taken into custody and shall ensure that applicable BFE records reflect the custodial status.

(d) FINAL DISPOSITION.

After final adjudication, if no separate lawful order controls disposition:

- (1) firearms shall be returned if the owner is then legally authorized to possess them;
- (2) if the owner is not then legally authorized to possess the firearms, ownership remains with the owner for 180 days after final adjudication, during which the owner may direct and complete a lawful transfer to another authorized person or entity; or
- (3) the safeguarding authority shall provide written notice of the 180-day deadline promptly after final adjudication; if a firearm described in paragraph (2) has not been lawfully transferred before expiration of that period, title shall automatically vest in the governmental agency maintaining safekeeping custody upon expiration of the 180-day period.
- (4) After title vests under paragraph (3), the former owner retains no ownership interest in the firearm or in proceeds from any later lawful sale, and the safeguarding agency may retain, lawfully transfer, sell, or destroy the firearm according to applicable law.

TITLE XVII — RESTORATION OF FIREARMS ELIGIBILITY

SEC. 86. NONCRIMINAL RESTORATION PATHWAY.

(a) APPLICATION.

A person subject to an indefinite firearms prohibition arising from:

- (1) a BFE dangerousness determination;
 - (2) a qualifying red-flag or comparable dangerousness adjudication;
 - (3) an involuntary mental-health commitment; or
 - (4) another noncriminal dangerousness disability designated by this Act,
- may seek restoration of firearms eligibility.

(b) PSYCHOLOGICAL CERTIFICATIONS.

The applicant shall submit current certifications from **two independent licensed psychologists or psychiatrists** stating that, based upon appropriate professional evaluation, the applicant no longer presents an unreasonable danger to themselves or others.

(c) LIMITED PROFESSIONAL RELEASE.

As part of the application, the applicant shall authorize the certifying professionals to respond to reasonable BFE inquiries relevant to the restoration determination.

(d) BFE REVIEW.

BFE shall review the certifications and other reasonably relevant evidence and shall either:

- (1) grant restoration; or
- (2) issue a written denial explaining the material basis for denial.

(e) NO ADDITIONAL WAITING PERIOD.

Where the underlying order, commitment, or other legal impediment has ended and the applicant otherwise satisfies this section, This Act imposes no additional mandatory waiting period before restoration may be sought.

SEC. 87. ENHANCED RESTORATION FOR VIOLENT OFFENSES.

(a) APPLICABILITY.

A person subject to an indefinite firearms disability arising from a qualifying domestic-violence conviction or violent felony may seek restoration only through the enhanced restoration process established by this section.

(b) MINIMUM TIME.

An application may not be filed until at least 5 years after completion of every component of the sentence, including imprisonment, probation, parole, court-ordered treatment, and other criminal-justice supervision.

(c) ORDINARY RESTORATION REQUIREMENTS INCLUDED.

An enhanced-restoration applicant shall satisfy all requirements applicable to the noncriminal restoration process, including the two independent psychological certifications.

(d) APPLICATION FEE.

BFE may charge a reasonable fee calculated to recover the expected cost of the enhanced investigation.

(e) INITIAL ADMINISTRATIVE SCREENING.

Before commencing the full enhanced investigation, BFE may deny an application based solely upon the facts and materials presented if those materials establish that the applicant cannot presently satisfy the enhanced-restoration standard. Where BFE denies the application before commencement of the full investigation, the enhanced-investigation fee shall be returned.

(f) REAPPLICATION PERIOD.

A denial shall state the material reasons and specify an earliest date for reapplication between 90 days and 5 years after the denial according to the nature and severity of the deficiency. A later application shall be evaluated on the then-current record.

(g) FULL ENHANCED INVESTIGATION.

An application proceeding beyond administrative screening shall receive a full enhanced investigation including review of criminal and post-conviction history, in-person investigation, relevant field interviews, victim input where reasonably available, an independent in-person BFE psychological evaluation, and other reasonable inquiry relevant to the statutory restoration standard.

(h) WHOLE-PERSON STANDARD.

BFE shall evaluate the applicant as a whole person and consider the totality of the record rather than treating satisfaction of individual checklist items as independently dispositive.

(i) BURDEN OF PROOF.

The applicant bears the burden of establishing by clear and convincing evidence that the applicant no longer presents an unreasonable danger to themselves or others and that restoration is consistent with public safety.

(j) VICTIM INPUT.

Victim input is relevant evidence but does not constitute an absolute veto over restoration.

(k) NOTICE OF MATERIAL ADVERSE INFORMATION.

Before issuing a final denial after the full enhanced investigation, BFE shall provide the applicant a meaningful written summary of material adverse information relied upon and a reasonable opportunity to rebut, explain, or supplement that information, subject to lawful protection of confidential sources, privileged material, and information whose disclosure would create a substantial safety or investigative risk.

SEC. 88. RECORDS ACCESS IN ENHANCED RESTORATION.**(a) BROAD RELEASE.**

An enhanced-restoration applicant shall execute a broad records-access waiver authorizing BFE to obtain records reasonably capable of bearing upon the applicant's conduct, rehabilitation, character, or present dangerousness.

(b) INCLUDED RECORDS.

The waiver may include records relating to:

- (1) criminal conduct;
- (2) criminal investigations and adjudications;
- (3) supervision and correctional history;
- (4) workplace conduct and disciplinary history;
- (5) school disciplinary history;
- (6) mental-health evaluation and treatment;
- (7) counseling;
- (8) treatment completion;
- (9) complaints and internal investigations; and
- (10) other comparable records materially relevant to the restoration determination.

(c) DIRECT CONTACT WITH CUSTODIANS.

The waiver shall permit BFE to obtain responsive records directly from record custodians without requiring a new consent from the applicant for each request.

(d) REFUSAL BY THIRD-PARTY CUSTODIAN.

A third party's refusal to honor a valid release shall not by itself be attributed to the applicant.

BFE may issue an administrative subpoena for records materially relevant to a full enhanced-restoration investigation. A subpoena shall identify the records sought with reasonable particularity and may be enforced by the United States district court for the district in which the recipient resides, is found, or transacts business. The recipient or applicant may move to quash or modify the subpoena on grounds recognized by Federal law, including undue burden, privilege, irrelevance, or material overbreadth.

(e) NO SELECTIVE REVOCATION.

An applicant may not selectively revoke material portions of the required waiver while maintaining the enhanced-restoration application.

Withdrawal of the required authorization may result in termination of the application.

SEC. 89. ENHANCED-RESTORATION LOCATION VERIFICATION.

During the active enhanced investigation, the applicant shall remain reasonably available for electronic location verification through a BFE-approved system.

The purpose of such verification is limited to investigation of the restoration application and verification of material representations made by the applicant.

Technical requirements, interruption procedures, connectivity exceptions, notifications, and verification methods shall be established in the BFE Administrative Code.

SEC. 90. INFORMATION DISCOVERED DURING RESTORATION INVESTIGATION.

Information obtained through records review, interviews, psychological evaluation, or other enhanced-restoration investigation shall be used primarily for:

- (1) the restoration determination; and
- (2) enforcement directly related to the restoration application or compliance with this Act.

Where the investigation reveals credible evidence of a separate serious Federal offense, BFE may refer that information to the appropriate law-enforcement authority.

SEC. 91. COURT-AUTHORIZED ACCESS TO ENHANCED RESTORATION.**(a) LIMITED JUDICIAL REMEDY.**

Where a court determines under the judicial-review provisions of this Act that permanent preclusion from enhanced restoration is unwarranted, the court may order that person **eligible to apply for enhanced restoration**.

The court shall not, solely by such order, grant firearms eligibility.

(b) FULL INVESTIGATION REQUIRED.

A court-authorized applicant shall:

- (1) bypass preliminary administrative denial under section 87(e);
- (2) proceed directly to a full enhanced investigation; and
- (3) remain subject to the ordinary enhanced-investigation fee and all substantive restoration requirements.

(c) NO AUTOMATIC RESTORATION.

A court order under this section guarantees access to the enhanced-restoration process, not a favorable restoration outcome.

SEC. 92. EFFECT OF SUCCESSFUL RESTORATION.**(a) FIREARMS DISABILITY REMOVED.**

Successful restoration removes the Federal firearms disability to which the restoration order applies.

(b) CONVICTION OR OTHER HISTORY UNAFFECTED.

Restoration does not:

- (1) pardon a conviction;
- (2) expunge or seal a record;
- (3) vacate an adjudication;
- (4) alter a sentence; or
- (5) change the legal effect of the underlying event for purposes unrelated to Federal firearms eligibility.

(c) STATUS.

Upon successful restoration, the person becomes Eligible unless another firearms prohibition applies or the automatic license-reactivation rule in section 6(c)(5) applies.

If section 6(c)(5) applies, the person becomes Licensed automatically and any independently current endorsement or qualification is restored with the license. If the former license independently expired, was voluntarily surrendered, was revoked, or otherwise terminated, restoration does not revive it and the person may seek licensure under the ordinary requirements of this Act.

(d) MILITIA STATUS.

Restoration alone does not create national militia membership unless it automatically reactivates an otherwise-valid Federal Firearms License under subsection (c).

If the restored person becomes Licensed through automatic reactivation or later issuance of a Federal Firearms License, militia membership follows automatically under this Act.

(e) NO ADDITIONAL WAITING PERIOD.

This Act imposes no additional waiting period after successful restoration before the person may exercise the rights authorized by the person's resulting Federal firearms status or, where necessary, apply for licensure.

SEC. 93. RESTORATION ORDER.

(a) ISSUANCE.

Upon granting restoration, BFE shall issue a written restoration order.

(b) CURRENT ELIGIBILITY CHECK.

Before issuing the order, BFE shall determine whether any independent Federal firearms prohibition presently applies.

(c) CONTENT.

The restoration order shall:

- (1) identify the subject;
- (2) identify the prohibition being removed;
- (3) certify the person's current Federal firearms status as of issuance;
- (4) identify the classes of firearms the person may lawfully receive under their current status;
- (5) where applicable, identify registered Class II and Class III firearms eligible for return;
- (6) direct restoration of affected BFE licensing and registry status, including automatic reactivation under section 6(c)(5) where applicable; and
- (7) authorize immediate return of safeguarded firearms except where a separate lawful hold applies.

(d) EFFECT.

A safeguarding agency may rely upon the restoration order to return firearms without requiring a new Federal transfer transaction or duplicative background check.

The agency may complete its ordinary property-release and chain-of-custody documentation.

(e) NOTICE TO SAFEGUARDING AGENCY.

Where a law-enforcement agency participated in service, surrender, or safekeeping, BFE shall provide that agency with the restoration order and shall separately provide a copy to the subject.

(f) ELECTRONIC VERIFICATION.

BFE shall maintain a means of verifying the authenticity and current validity of a restoration order through the BFE system.

Technical verification methods shall be established by regulation.

SEC. 94. RESTORATION RECORDS AND DESTRUCTION.

(a) PERMANENT LEGAL RESULT.

The fact that a firearms disability was restored, the date of restoration, and the resulting Federal eligibility status shall remain part of the person's BFE eligibility record.

(b) CONFIDENTIAL INVESTIGATIVE MATERIALS.

Underlying psychological evaluations, raw interview materials, location records, records obtained through restoration waivers, and other sensitive investigative materials shall be available only to persons with a direct official need to know while the proceeding remains active.

(c) DESTRUCTION.

After expiration of the applicable appeal period, or after final conclusion of any timely appeal and expiration of any further appeal period, BFE shall destroy the underlying sensitive investigative materials except for the permanent legal result and the minimal administrative record necessary to preserve the validity of the final decision. This destruction is specifically authorized by Congress notwithstanding chapters 31 and 33 of title 44, United States Code, and requires no further disposal authorization from the Archivist, except that material subject to a then-existing preservation order or litigation hold shall be retained only for the duration legally required.

(d) BACKGROUND CHECK OUTPUT.

A future transferor or other ordinary eligibility-check requester shall not receive the underlying restoration history. The operative Federal status controls.

TITLE XVIII — PERMANENT FIREARMS INELIGIBILITY

SEC. 95. PERMANENT FIREARMS INELIGIBILITY FRAMEWORK.**(a) BFE DUTY.**

BFE shall maintain a **Permanent Firearms Ineligibility framework** identifying categories of proven criminal conduct for which the best available scientific and empirical evidence supports permanent, non-restorable firearms ineligibility.

(b) SCIENTIFIC STANDARD.

BFE may designate conduct for permanent ineligibility only where **clear and convincing scientific and empirical evidence** demonstrates that conviction establishing that conduct is associated with an extraordinary and persistent risk of serious violence, sexual predation, deliberate cruelty, or comparable dangerousness sufficient to justify lifetime firearms prohibition.

(c) PERSONAL CULPABILITY REQUIRED.

Permanent ineligibility shall depend upon the convicted person's own culpable conduct.

Felony-murder liability, strict accomplice liability, imputed liability, or another derivative theory does not alone establish permanent ineligibility unless the required culpable behavior is proven as to that individual.

(d) CONTINUING RESEARCH.

BFE shall conduct continuing research into criminal behaviors, offense characteristics, and scientifically demonstrated long-term or lifelong dangerousness relevant to permanent firearms eligibility.

(e) PERIODIC REVIEW.

BFE shall conduct a public review of the Permanent Firearms Ineligibility framework at least once every **5 years** and may revise it sooner when significant new evidence warrants revision.

(f) REMOVAL WHERE EVIDENCE NO LONGER SUPPORTS DESIGNATION.

Where the evidentiary basis for permanent ineligibility is no longer sufficient, BFE shall remove the affected category from permanent status.

A person whose lifetime disability rested solely upon that designation shall thereafter be governed by the ordinary disqualification under this Act or restoration framework otherwise applicable to the person.

(g) ADMINISTRATIVE SCHEDULE.

The specific behaviors, dangerousness factors, statutory crosswalks, and offense mappings used to administer this section shall be maintained in the BFE Administrative Code rather than enumerated in this Act.

SEC. 96. EFFECT OF NEW PERMANENT-INELIGIBILITY DESIGNATION.**(a) PREEXISTING CONVICTIONS.**

A newly adopted permanent-ineligibility designation may apply to a conviction predating the designation only where, on the effective date of the new designation, the person:

- (1) remains subject to any component of the sentence, including imprisonment, probation, or parole; or
- (2) completed the final component of the sentence not more than **10 years** earlier.

(b) NO RETROACTIVE CRIMINAL LIABILITY.

A new designation does not make past lawful possession criminal.

(c) NOTICE BEFORE STATUS CHANGE.

Before a newly adopted permanent-ineligibility designation causes a person with a preexisting conviction to become Prohibited, BFE shall provide notice of the designation, the conviction relied upon, the effective date of the status change, the surrender obligation, and the available judicial challenge. The person becomes Prohibited on the stated effective date after notice, unless a court stays the designation or another provision of this Act authorizes continued status during review.

Any resulting surrender obligation operates prospectively from the effective date of the designation and required notice.

(d) PRIOR ENHANCED RESTORATION.

A person who previously completed enhanced restoration for the affected conviction shall not automatically become Prohibited solely because BFE later places the underlying conduct into permanent-ineligibility status.

Such person shall instead undergo a secondary enhanced review under BFE regulations.

(e) RIGHTS DURING SECONDARY REVIEW.

The person's existing restored firearms rights remain in force during the secondary enhanced review unless BFE independently establishes grounds for an emergency dangerousness decision or another Federal prohibition.

SEC. 97. JUDICIAL CHALLENGE TO PERMANENT INELIGIBILITY.**(a) REVIEW AVAILABLE.**

A person subject to permanent firearms ineligibility may seek review under the judicial-review provisions of this Act.

(b) SCHEDULE-WIDE AND INDIVIDUAL ISSUES.

Review may address:

- (1) whether BFE exceeded its statutory authority in establishing or maintaining a permanent-ineligibility category;
- (2) whether the scientific and empirical record satisfies the statutory standard;
- (3) whether the person's conviction actually established the scheduled conduct;
- (4) whether the timing and retroactivity requirements apply; or
- (5) whether another statutory condition for permanent ineligibility is absent.

(c) LIMITATION ON REMEDY.

A court shall not grant firearms eligibility merely because a permanent-ineligibility determination is successfully challenged.

Where appropriate, the court may instead order that the person is **eligible to enter the enhanced-restoration process**.

(d) COURT-AUTHORIZED APPLICATION.

A person granted eligibility to apply by court order shall receive a full enhanced investigation and may not be administratively denied at the preliminary screening stage based upon the permanent designation challenged in the action.

TITLE XIX — GENERAL RESTORATION ADMINISTRATION**SEC. 98. FUTURE DISQUALIFYING EVENTS.**

A successful restoration does not immunize a person from future firearms disqualification.

A later qualifying criminal event, dangerousness determination, or other Federal prohibition shall be treated under this Act in the same manner as it would be for any other person.

SEC. 99. BFE REGULATORY AUTHORITY.

BFE may issue regulations necessary to administer this title, including regulations concerning:

- (1) dangerousness submissions;
- (2) emergency-decision workflow;
- (3) service and notice;
- (4) investigation procedures;
- (5) restoration applications;
- (6) psychological-evaluation standards;
- (7) enhanced background investigations;
- (8) interview procedures;
- (9) location-verification systems;
- (10) records releases and subpoenas;
- (11) restoration-order verification;
- (12) secondary enhanced reviews;
- (13) permanent-ineligibility research;
- (14) behavioral schedules and statutory crosswalks; and
- (15) other technical and procedural matters necessary to implement this title.

Such regulations shall not alter the burdens of proof, substantive eligibility standards, restoration rights, or judicial remedies established by this Act.

TITLE XX — ENFORCEMENT AND LIABILITY

SEC. 100. KNOWING UNAUTHORIZED FIREARM POSSESSION.

(a) GENERAL RULE.

A person who knowingly possesses a firearm while lacking an authority expressly required by this Act commits a separate Federal offense for each cumulative level of firearms authority knowingly exceeded.

(b) PROHIBITED PERSON.

A person who knowingly possesses any firearm while Prohibited, and who is not protected by an exigent-use provision, shall be subject to imprisonment for not less than 10 years and a fine of \$200,000.

(c) CLASS II WITHOUT FEDERAL FIREARMS LICENSE.

A person who knowingly possesses a Class II firearm without an active Federal Firearms License shall be subject to an additional imprisonment term of not less than 10 years and an additional fine of \$200,000.

(d) CLASS III WITHOUT APPLICABLE AUTHORITY.

A person who knowingly possesses a Class III firearm without the Federal Firearms License and Class III endorsement required for that firearm shall be subject to an additional imprisonment term of not less than 10 years and an additional fine of \$200,000.

(e) CLASS III AMMUNITION WITHOUT APPLICABLE AUTHORITY.

A person who knowingly possesses Class III ammunition without the authority required by section 34 commits a Federal felony punishable by imprisonment for not less than 10 years and a fine of \$200,000. For ammunition designed to be fired or launched from a separate firearm, the required authority includes an active Federal Firearms License, the corresponding Class III weapon-type endorsement, and the applicable ammunition-type qualification. For a dual-status article under section 15(d), the integrated authority permitted by section 34(c) satisfies the ammunition-authority requirement. If a single item is treated as both a Class III firearm and Class III ammunition under section 15(d), its dual status does not create a second possession offense solely from the same act of possession; the cumulative firearm-class offenses remain applicable.

(f) CUMULATIVE PENALTIES.

Because firearm classes are cumulative under section 10, the applicable authorization-level offenses and penalties are cumulative. Terms of imprisonment imposed for separate authorization levels under this section shall run consecutively.

(g) KNOWLEDGE AND POSSESSION.

Knowledge and possession may be established by direct or circumstantial evidence, including evidence of dominion, access, proximity, control, statements, conduct, or other relevant facts. No presumption or inference under this Act alters the Government's constitutional burden of proof in a criminal prosecution.

(h) ADMINISTRATIVE ERRORS EXCLUDED.

A minor, nonwillful reporting, registry, address, inventory, or other administrative error does not constitute knowing unauthorized possession merely because a record was temporarily inaccurate.

SEC. 101. CUMULATIVE ENHANCEMENTS FOR FIREARM USE IN QUALIFYING VIOLENT FELONIES.

(a) QUALIFYING OFFENSE.

For purposes of this section, "qualifying violent felony" has the meaning established in section 7(d)(2).

(b) CLASS I ENHANCEMENT.

A person convicted of a qualifying violent felony who knowingly uses, carries, or possesses a firearm in furtherance of that felony shall receive an additional term of imprisonment of 10 years for the Class I classification of the firearm.

(c) CLASS II ENHANCEMENT.

If the firearm is also Class II, the person shall receive an additional consecutive term of imprisonment of 10 years for the Class II classification.

(d) CLASS III ENHANCEMENT.

If the firearm is also Class III, the person shall receive an additional consecutive term of imprisonment of 10 years for the Class III classification.

(e) BRANDISHING.

If, during and in furtherance of the qualifying violent felony, the person brandishes the firearm by displaying, presenting, or pointing it for the purpose of intimidating, threatening, compelling, or facilitating the offense, the person shall receive an additional consecutive term of imprisonment of 10 years.

(f) DISCHARGE OR DETONATION.

If, during and in furtherance of the qualifying violent felony, the person discharges the firearm or detonates a self-detonating explosive weapon treated as a firearm under section 15(d), the person shall receive an additional consecutive term of imprisonment of 10 years.

(g) CUMULATIVE SENTENCING.

Every enhancement in this section is cumulative and shall run consecutively to the sentence for the underlying felony, to each other applicable enhancement under this section, and to any separate sentence for knowing unauthorized possession or another distinct offense under this Act.

(h) COUNT-BY-COUNT APPLICATION.

Where a defendant is convicted of more than one qualifying violent felony, this section applies independently to each conviction for which the Government proves that the firearm was used, carried, or possessed in furtherance of that felony. Every applicable enhancement shall be imposed separately for each such conviction and shall run consecutively as provided in subsection (g). The same firearm, act of brandishing, discharge, or detonation may support enhancement stacks for more than one qualifying violent-felony conviction where the required nexus is independently proven as to each conviction.

(i) DRUG OFFENSES.

A drug offense does not trigger this section merely because it concerns controlled substances or trafficking. The section applies only where the convicted offense independently satisfies the categorical definition of qualifying violent felony.

SEC. 102. UNLAWFUL PUBLIC CARRY.

A person who knowingly carries a firearm in public without lawful Federal authority, and who is not protected by an exigent-use provision or another lawful exception, commits a Federal misdemeanor punishable by:

- (1) imprisonment for not more than 1 year;
- (2) a fine of not more than \$10,000; or
- (3) both.

SEC. 103. FAILURE TO REPORT DEFENSIVE OR EXIGENT USE.

A person who knowingly and without reasonable justification fails to make a report required under section 72 within the time reasonably permitted by the circumstances commits a Federal misdemeanor punishable by:

- (1) imprisonment for not more than 1 year;
- (2) a fine of not more than \$10,000; or
- (3) both.

Reasonable delay caused by continuing danger, incapacity, emergency conditions, or consultation with counsel shall be considered as provided in section 72.

SEC. 104. MISUSE OF FEDERAL FIREARMS LICENSE BADGE OR IDENTIFIER.

(a) FALSE DISPLAY OR PRESENTATION.

A person who is not an active Federal Firearms Licensee and who knowingly possesses for display, displays, presents, or uses an official Federal Firearms License badge or identifier for the purpose of falsely representing current Federal firearms licensure commits a Federal misdemeanor punishable by:

- (1) imprisonment for not more than 1 year;
- (2) a fine of not more than \$10,000; or
- (3) both.

(b) UNAUTHORIZED MANUFACTURE OR REPRODUCTION.

A person who knowingly manufactures, reproduces, or distributes a counterfeit or unauthorized Federal Firearms License badge or official identifier commits a Federal misdemeanor unless subsection (c) applies.

(c) AGGRAVATED MISUSE.

A person who knowingly manufactures, reproduces, distributes, or uses such counterfeit or unauthorized badge or identifier for the purpose of:

- (1) falsely establishing firearms licensure;
- (2) facilitating unlawful armed status; or
- (3) impersonating an authorized Federal Firearms Licensee,

commits a Federal felony punishable by imprisonment for not more than 5 years, a fine of not more than \$100,000, or both.

(d) OTHER FEDERAL LAW.

Nothing in this section limits prosecution under another applicable Federal statute where separate criminal conduct is established.

SEC. 105. MINOR ADMINISTRATIVE NONCOMPLIANCE.

(a) CIVIL RATHER THAN CRIMINAL TREATMENT.

A minor, nonwillful failure to comply with an administrative requirement of this Act shall ordinarily be addressed through correction and civil enforcement rather than criminal prosecution.

(b) CIVIL PENALTY.

For a minor administrative violation, BFE may impose a civil penalty not exceeding 5 percent of the person's household income for the preceding Federal tax year, as certified by the person under penalty of perjury. BFE may require the person to authorize limited verification under section 6103(c) of the Internal Revenue Code of 1986, but BFE has no independent authority under this subsection to inspect a Federal tax return.

BFE may establish lower scheduled penalties according to seriousness, duration, and history of compliance.

(c) RELATED ACTS.

Closely related administrative errors arising from the same occurrence or course of conduct shall be treated as one compliance event rather than artificially divided into multiple violations.

(d) REPEATED NONCOMPLIANCE.

For a Licensed person, three or more separate minor administrative compliance events within one calendar year require a BFE license review. For a person who is not Licensed, the same pattern may support an enhanced administrative compliance plan or civil penalty otherwise authorized by this section but does not create a license review.

(e) REVIEW OUTCOMES.

A review under subsection (d) shall result in one of the following:

- (1) no further action;
- (2) a mandatory compliance plan; or
- (3) revocation of the Federal Firearms License.

(f) COMPLIANCE PLAN.

A compliance plan may impose reasonable enhanced accounting, inspection, reporting, or corrective requirements directed to the demonstrated compliance problem.

A compliance plan may not be used to impose a substantive firearms prohibition that BFE could not otherwise impose under this Act.

SEC. 106. CIVIL LIABILITY FOR UNLAWFUL POSSESSION, CARRY, OR ACCESS.**(a) CAUSE OF ACTION.**

A person who suffers death, physical injury, property damage, or another concrete compensable loss proximately caused by unlawful firearm possession, unlawful firearm carry, or unreasonable firearm access may bring a civil action in an appropriate State or Federal court against a person whose conduct materially contributed to that loss.

(b) UNLAWFUL POSSESSOR.

A person who knowingly possesses or carries a firearm contrary to this Act may be civilly liable for harm proximately caused by that unlawful conduct.

(c) CUSTODIAN.

A lawful custodian may be civilly liable where the custodian knowingly granted firearm access under objectively unreasonable circumstances or unreasonably failed to safeguard the firearm and that failure materially contributed to unlawful use.

(d) REBUTTAL BY REASONABLE SAFEGUARDS.

Custodial liability may be rebutted by evidence that reasonable safeguards were employed and were defeated by theft, force, fraud, unforeseen conduct, or other circumstances beyond reasonable control.

(e) FIREARM USED IN CRIME.

In a civil action arising from criminal use of a firearm, proof that a defendant was the last lawful possessor may support a rebuttable inference that the firearm was voluntarily entrusted by that defendant, unless evidence indicates theft, loss, unauthorized taking, timely reporting, or another contrary circumstance. The ultimate burden of proof remains with the party asserting liability.

(f) LOST OR STOLEN FIREARMS.

A timely and truthful lost-or-stolen report is relevant evidence that the last lawful possessor did not voluntarily entrust the firearm.

(g) STANDING.

A civil action under this section requires direct physical injury, death, property damage, or another concrete compensable loss. Generalized disagreement with firearm ownership, licensing, transfer, or lawful possession does not create standing.

SEC. 107. CIVIL DAMAGES AND ALLOCATION.**(a) ACTUAL DAMAGES.**

A prevailing plaintiff may recover proven actual damages attributable to the defendant's conduct.

(b) ALLOCATION.

The court shall allocate liability according to each defendant's degree of responsibility.
Nothing in this Act creates automatic joint and several liability among defendants.

(c) PUNITIVE DAMAGES.

Where the plaintiff proves by the heightened evidentiary standard otherwise applicable to punitive damages that a defendant acted maliciously or with objectively serious disregard for the risk of unlawful firearm use, the court may award punitive damages against that defendant.

(d) LIMIT.

Punitive damages under this section shall not exceed **10 times the actual physical-injury and property damages attributable to the underlying event**, except where another provision of this Act expressly authorizes a different punitive remedy.

(e) INDIVIDUAL CULPABILITY.

Punitive damages shall be assessed according to the culpability of each defendant separately.

SEC. 108. TRANSFER LIABILITY AND RECONCILIATION.**(a) APPROVED TRANSFER.**

A BFE-approved transfer creates a rebuttable presumption that the transferor acted lawfully and reasonably, except where section 41(b) imposed an affirmative duty to refuse the transfer.

The presumption may be rebutted by particular facts known or reasonably apparent to the transferor demonstrating that completion of the transfer presented an unreasonable risk, and the presumption does not arise where the transfer was completed in violation of section 41(b).

(b) KNOWING EVASION.

A person who knowingly bypasses or knowingly participates in bypassing the required transfer process and thereby completes or participates in an unlawful transfer may remain civilly liable for unlawful use of the firearm until the firearm is reconciled with the Federal system.

(c) RECONCILIATION.

For purposes of subsection (b), a firearm is reconciled when it is entered into the lawful registered custody of a Federal Firearms Licensee or otherwise brought into a lawful BFE-recognized custodial status.

(d) THEFT OR DEFEATED SECURITY.

Liability does not continue merely because a firearm was stolen or taken after reasonable safeguards were overcome, where the prior lawful possessor timely and truthfully completes all reporting required of that possessor under section 49. A person who timely and truthfully reports a loss or theft to appropriate law enforcement as required by section 49 is not deprived of this protection by a later failure of a law-enforcement officer or agency to complete the required BFE portal entry.

TITLE XXI — PROFESSIONAL FIREARMS CERTIFICATIONS**SEC. 109. BFE-RECOGNIZED FIREARMS INSTRUCTORS.****(a) RECOGNITION.**

BFE may recognize qualified Federal Firearms Licensees as firearms instructors by training category and, where appropriate, by individual firearm system.

(b) INITIAL PROFESSIONAL RECOGNITION.

Initial recognition in an instructor category shall require professional endorsement from **two independent established persons** qualified in that field, unless BFE recognizes an equivalent professional credential.

(c) SPECIFIC SYSTEM ADDITION.

A recognized instructor adding a specific firearm system within an already recognized category may establish competence through one qualified professional endorsement or another approved equivalency.

(d) PERSONAL QUALIFICATION.

An instructor shall not certify another person on a firearm system for which the instructor lacks the personal qualification required by BFE.

(e) EQUIVALENCY.

BFE shall recognize appropriate military, law-enforcement, manufacturer, civilian professional, and foreign-government training and experience as full or partial evidence of professional instructor competence.

SEC. 110. BFE-RECOGNIZED GUNSMITHS.**(a) RECOGNITION.**

BFE may recognize qualified Federal Firearms Licensees as gunsmiths by category and firearm system.

(b) INITIAL RECOGNITION.

Initial professional recognition shall require endorsement from **two independent established qualified members** of the relevant trade, unless equivalent professional evidence is accepted.

(c) ADDITIONAL SYSTEMS.

A recognized gunsmith adding a firearm system within an already recognized category may establish competence through one qualified endorsement or equivalent evidence.

(d) INDEPENDENT CUSTODY.

A gunsmith taking independent custody of a Class II or Class III firearm shall possess the license, endorsement, and system authority required for that firearm.

(e) APPRENTICES.

An apprentice or nonlicensed employee may work on a firearm under the direct responsibility of an appropriately qualified gunsmith.

The supervising gunsmith remains responsible for the custodial arrangement.

SEC. 111. ACCOUNTABILITY FOR PROFESSIONAL CERTIFICATIONS.**(a) CERTIFICATION RESPONSIBILITY.**

A person who signs or electronically certifies another person's training, competence, psychological fitness, professional qualification, or similar credential under this Act shall exercise reasonable professional judgment and shall not knowingly certify a materially false fact.

(b) AUTOMATIC REVIEW THRESHOLD.

BFE shall conduct an administrative review where a professional certifier has:

- (1) two materially questionable certifications within a 12-month period; or
- (2) three materially questionable certifications within a 5-year period.

(c) QUESTIONABLE CERTIFICATION.

A certification is materially questionable where later reliable evidence reasonably calls into question whether the competence, fitness, or professional condition certified actually existed at the time of certification.

The later commission of an offense or later failure by the certified person does not, standing alone, establish that the original certification was improper.

(d) REVIEW OUTCOMES.

BFE may:

- (1) uphold the certifier's authority;
- (2) impose reasonable corrective conditions;
- (3) revoke or limit the person's authority to issue certifications under this Act; or
- (4) refer evidence of fraud or other criminal conduct to the appropriate authority.

(e) JUDICIAL REVIEW.

An adverse professional-certification decision is subject to the judicial-review provisions of this Act.

SEC. 112. PSYCHOLOGICAL EVALUATOR ACCOUNTABILITY.**(a) NOTICE FOLLOWING SERIOUS VIOLENT CONDUCT.**

Where a person who received a psychological certification under this Act later commits unlawful violent conduct reasonably calling the prior certification into question, BFE may notify the evaluator and request reconsideration of the original evaluation.

(b) REVIEW THRESHOLD.

BFE shall conduct an administrative review where an evaluator has certified:

- (1) two persons within 12 months whose later conduct materially calls the certifications into question; or
- (2) three such persons within 5 years.

(c) REVIEW.

The review shall determine whether the evaluator exercised reasonable professional judgment based on the information reasonably available at the time.

(d) OUTCOMES.

BFE may uphold, limit, or revoke the evaluator's authority to issue certifications under this Act and may refer evidence of fraudulent practice or another Federal offense to the appropriate authority.

TITLE XXII — JUDICIAL REVIEW OF BFE ACTION**SEC. 113. RIGHT TO JUDICIAL REVIEW.**

A person or entity adversely affected by a final BFE decision under this Act may seek review in an appropriate United States district court after exhaustion of applicable administrative remedies, except as otherwise provided in this title.

SEC. 114. STANDARD OF REVIEW.**(a) INDIVIDUAL ADMINISTRATIVE DECISIONS.**

A final individual BFE administrative decision shall be presumed reasonable and lawful.

The challenger bears the burden of establishing by **clear and convincing evidence** that BFE acted:

- (1) unreasonably;
- (2) unlawfully; or
- (3) contrary to this Act.

(b) QUESTIONS OF STATUTORY AUTHORITY.

No presumption or administrative deference applies to the question whether BFE exceeded the authority Congress granted under this Act.

The court shall determine such legal questions independently.

SEC. 115. VENUE.

An action under this title may be brought in:

- (1) the United States district court for the district in which the plaintiff resides or has its principal place of business; or
 - (2) the United States district court for the district in which the challenged BFE action principally occurred.
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SEC. 116. EXHAUSTION.

(a) GENERAL RULE.

Ordinary available BFE administrative remedies shall be exhausted before judicial review.

(b) EXCEPTIONS.

Exhaustion is not required where:

- (1) BFE has failed to act within a statutory deadline;
- (2) immediate judicial relief is necessary to prevent irreparable harm;
- (3) the challenge presents a pure question whether BFE exceeded its statutory authority; or
- (4) the action seeks enforcement of an existing Federal court order.

SEC. 117. FILING PERIOD.

An action seeking review of a final BFE administrative decision shall be filed not later than **60 days after issuance of the final administrative decision**, except where otherwise provided by generally applicable Federal law.

Where BFE fails to issue a required final decision, the person may seek relief as authorized by this Act without awaiting a nonexistent final decision.

SEC. 118. EVIDENCE AND DISCOVERY.

(a) ADMINISTRATIVE RECORD NOT EXCLUSIVE.

Judicial review under this Act is not confined to the BFE administrative record.

(b) ADDITIONAL EVIDENCE.

Either party may present additional admissible evidence relevant to the challenged action.

(c) ORDINARY FEDERAL PROCESS.

The court may permit discovery, compel production, issue subpoenas, hear testimony, and conduct an evidentiary hearing according to otherwise applicable Federal law and procedure.

SEC. 119. REMEDIES.

Where the challenger satisfies the applicable standard, the district court may:

- (1) affirm;
- (2) reverse;
- (3) vacate;
- (4) modify;
- (5) remand;
- (6) compel agency action unlawfully withheld;
- (7) order restoration or correction of a license, qualification, certification, registry status, or other Federal status where the record establishes entitlement; or
- (8) grant other lawful relief appropriate to the matter.

SEC. 120. COMPLIANCE WITH COURT ORDERS.

BFE shall comply immediately with a binding Federal court order entered under this Act as to the matter before the court, unless compliance is stayed by that court or a higher court.

Where the order requires correction of BFE records, licensing status, registry status, or another administrative record, BFE shall make the correction without unnecessary administrative delay.

SEC. 121. ATTORNEY’S FEES, COSTS, AND DAMAGES.**(a) ACTUAL DAMAGES.**

Where supported by evidence, the court may award compensatory damages for actual loss caused by an unlawful BFE action.

(b) FEES AND COSTS.

The court may award reasonable attorney’s fees and litigation costs where the evidence establishes that BFE acted unreasonably, unlawfully, or otherwise under circumstances making such an award appropriate.

The mere fact that a court disagrees with BFE on a good-faith legal question does not automatically require a fee award.

(c) PUNITIVE DAMAGES.

Punitive damages against BFE or the United States are available only in extraordinary cases in which the plaintiff establishes by clear and convincing evidence malicious noncompliance with Federal law or deliberate defiance of a binding Federal court order. This remedy is expressly authorized notwithstanding the punitive-damages limitation in section 2674 of title 28, United States Code.

Punitive damages shall be paid by the Bureau or United States and not personally by an employee merely because the employee participated in the underlying agency action.

(d) WAIVER.

The United States expressly waives sovereign immunity to the extent necessary to permit remedies expressly authorized by this section. The cause of action and remedies created by this title are independent of the Federal Tort Claims Act and apply notwithstanding sections 1346(a)(2), 1491, 2674, 2675, and 2679 of title 28, United States Code. United States district courts have original jurisdiction without regard to the amount in controversy.

SEC. 122. LOSS OF EMPLOYEE IMMUNITY FOR EXTRAORDINARY MISCONDUCT.**(a) FINDING.**

Where a court finds by clear and convincing evidence that a BFE employee personally:

- (1) knowingly and maliciously violated Federal law;
- (2) knowingly falsified or concealed a material fact; or
- (3) deliberately refused to comply with a binding Federal court order,

the court may determine that the employee is not entitled to statutory immunity under this Act for that conduct.

(b) SEPARATE ACTION REQUIRED.

A finding under subsection (a) does not itself impose personal damages.

This Act creates an express individual-capacity cause of action for conduct satisfying subsection (a). In that separate action, the plaintiff shall prove the qualifying misconduct by clear and convincing evidence. The action is authorized notwithstanding section 2679 of title 28, United States Code, and is not displaced by substitution of the United States. Compensatory and, where independently justified, punitive damages may be awarded against the individual wrongdoer. Ordinary defenses unrelated to immunity remain available.

SEC. 123. STAYS AND PRELIMINARY RELIEF.**(a) NO AUTOMATIC STAY.**

Filing an administrative appeal or Federal civil action does not automatically stay a BFE decision.

(b) JUDICIAL RELIEF.

A Federal court may issue a temporary restraining order, preliminary injunction, stay, or other interim relief under otherwise applicable Federal standards.

SEC. 124. APPELLATE REVIEW.

Appeals from final judgments under this title shall proceed through the ordinary Federal appellate system.

Nothing in this Act creates a separate firearms appellate tribunal.

TITLE XXIII — BFE ADVISORY OPINIONS

SEC. 125. ADVISORY-OPINION AUTHORITY.

(a) PUBLIC-ENTITY REQUESTS.

A State, political subdivision, Federal agency, public authority, or other governmental entity may request a written BFE opinion concerning whether a proposed or existing law, policy, enforcement practice, or other concrete course of conduct complies with this Act.

(b) PRIVATE REQUESTS.

A person or entity directly regulated by this Act may request a written BFE opinion concerning a concrete proposed course of conduct, transaction, configuration, storage arrangement, transfer procedure, commercial practice, or other matter arising under this Act.

(c) HYPOTHETICAL QUESTIONS.

BFE may decline to answer an abstract or insufficiently developed hypothetical question and shall state the reason for declining.

SEC. 126. ADVISORY-OPINION FEES.

(a) GOVERNMENTAL ENTITIES.

A governmental entity may submit an unlimited number of advisory-opinion requests without fee.

(b) INDIVIDUALS AND BUSINESSES.

An individual or legal entity may submit **10 advisory-opinion requests per calendar year without fee.**

After the tenth request, BFE may charge a reasonable administrative fee reflecting the cost of reviewing and issuing the opinion.

(c) RELATED QUESTIONS.

Closely related questions arising from the same factual scenario may be treated as one request.

Unrelated questions bundled principally to evade the annual limit may be treated as separate requests.

(d) AFFILIATED ENTITIES.

BFE may aggregate affiliated persons or entities where they are being used principally to evade the annual free-request limit.

(e) PAYMENT.

Fee collection and portal payment mechanics shall be prescribed by BFE regulation.

SEC. 127. DEADLINE FOR ADVISORY OPINIONS.

(a) SIXTY-DAY DEADLINE.

BFE shall issue or formally decline a sufficiently complete advisory-opinion request within **60 calendar days.**

(b) CLARIFICATION.

Where BFE reasonably requests material clarification or supplemental information, submission of that clarification or information restarts the 60-day period.

(c) ABUSIVE DELAY PROHIBITED.

BFE shall not use repeated, immaterial, or pretextual requests for clarification primarily to delay issuance of an opinion.

(d) MISSED DEADLINE.

Failure to meet the deadline does not constitute approval of the proposed conduct.

The requester may seek Federal judicial relief compelling BFE to act and may seek fees or costs where the evidence establishes unjustified or unreasonable delay.

SEC. 128. PUBLICATION AND RELIANCE.**(a) PUBLIC DATABASE.**

BFE shall maintain a searchable public database of advisory opinions.

(b) SANITIZATION.

Before publication, BFE shall remove identifying personal information, precise private addresses, firearm serial numbers, protected medical or psychological information, proprietary trade information where appropriate, and other material whose publication would create an unjustified privacy or security risk.

The published opinion shall retain sufficient facts and reasoning to remain useful as guidance.

(c) FULL OPINION TO REQUESTER.

The original requester shall receive the complete opinion applicable to the matter, subject to otherwise applicable law.

(d) THIRD-PARTY RELIANCE.

Any person or jurisdiction may rely upon a published advisory opinion where the material facts are substantially the same.

SEC. 129. EFFECT OF ADVISORY OPINION.**(a) BFE BOUND BY PUBLISHED OPINION.**

BFE shall follow a current published advisory opinion in materially similar circumstances unless the opinion is formally withdrawn, superseded, revised, or displaced by controlling law.

(b) PROSPECTIVE CHANGE.

A revised or withdrawn BFE interpretation shall ordinarily operate prospectively.

Past conduct undertaken in reasonable good-faith reliance upon a then-current opinion shall not become retroactively unlawful merely because BFE later changes its interpretation.

(c) CONTROLLING COURT DECISIONS.

A controlling Federal court decision inconsistent with a BFE advisory opinion supersedes the conflicting opinion immediately.

BFE shall promptly revise or withdraw the affected guidance.

(d) NONCONTROLLING DECISIONS.

A noncontrolling Federal judicial decision may be considered persuasive but does not automatically invalidate nationwide BFE guidance.

SEC. 130. JUDICIAL REVIEW OF ADVISORY OPINION.**(a) PRE-ENFORCEMENT REVIEW.**

A requester adversely affected by a final advisory opinion may seek declaratory or injunctive review without first engaging in the proposed conduct.

(b) LEGAL QUESTION.

The court shall independently determine questions of statutory interpretation or BFE authority.

(c) FEES.

Reversal of a BFE advisory opinion does not itself entitle the plaintiff to attorney's fees.

Fees or costs may be awarded where evidence establishes that BFE acted unreasonably in issuing, defending, or maintaining the opinion.

(d) EFFECT OF REVERSAL.

Where an opinion is invalidated, BFE shall promptly correct current licenses, registry entries, compliance determinations, published guidance, or other administrative consequences materially dependent upon the invalid interpretation.

Past conduct undertaken in good-faith reliance upon the then-current opinion shall not become retroactively unlawful.

TITLE XXIV — FEDERAL PREEMPTION

SEC. 131. EXPRESS PREEMPTION.

(a) GENERAL RULE.

No State, political subdivision, Tribal government, or other subordinate governmental authority within United States jurisdiction may prohibit, criminalize, penalize, tax discriminatorily, condition by separate permit, or impose civil liability solely on the basis of conduct that this Act affirmatively authorizes, except as expressly permitted by this Act or controlling Federal law respecting Tribal sovereignty.

(b) COVERED CONDUCT.

This section applies to federally authorized firearm possession, keeping, carrying, transfer, transportation, storage, custodianship, manufacture, ownership relationships, ammunition conduct governed by this Act, and other conduct affirmatively protected or authorized by this Act.

(c) WAITING PERIODS.

Once BFE returns APPROVED for a transfer, no State or local waiting period may delay completion of that transfer.

(d) FIREARM-SPECIFIC TAXES AND FEES.

A State or locality may not impose a tax, surcharge, excise, licensing fee, transfer fee, registration fee, or comparable fiscal burden specifically because property or conduct involves a firearm, firearm accessory, or ammunition. Generally applicable sales, property, business, and other taxes imposed on comparable goods or commerce remain valid.

(e) INSURANCE AND BONDING.

A State or locality may not require firearm-specific liability insurance, bonding, participation in a compensation fund, or comparable financial security as a condition of exercising authority granted by this Act. Voluntary insurance is permitted and encouraged for persons who wish to limit personal liability.

(f) PARALLEL LICENSING AND REGISTRATION.

A State or locality may not require a second firearm-owner license, purchase permit, carry permit, firearm registration, ammunition permit, weapon endorsement, or renewal requirement for conduct governed by this Act. Generally applicable business licensing not directed at firearm status remains subject to section 132.

SEC. 132. SAVINGS CLAUSE FOR INDEPENDENT STATE, LOCAL, AND TRIBAL LAW.

Nothing in this Act prevents enforcement of otherwise lawful generally applicable laws governing homicide, assault, robbery, threats, reckless conduct or discharge, trespass, hunting, fire safety, environmental protection, zoning, ordinary business regulation, or comparable conduct independently regulated for reasons not inconsistent with this Act, provided that such law is not applied to prohibit or punish conduct solely because this Act affirmatively authorizes the firearm-related aspect of that conduct.

(a) ZONING AND LAND USE.

Zoning, land-use, fire, environmental, building, and operational rules may apply to firearm-related premises only to the extent they address actual physical hazards, operational impacts, or land-use characteristics comparable to those regulated in analogous non-firearm activities. Legitimate examples include noise, projectile containment, negligent-fire risk, lead or ventilation hazards, blast hazard, and explosive-material manufacturing risk.

(b) NO STATUS-BASED ZONING.

A jurisdiction may not impose a firearm-specific location restriction merely because lawful firearms, ammunition, or firearm commerce are present. A restriction shall be reasonably related to an actual site or operational hazard rather than political disfavor toward firearm activity.

SEC. 133. CIVIL ACTION FOR PREEMPTION VIOLATION.**(a) CAUSE OF ACTION.**

A person subjected or credibly threatened with State or local enforcement contrary to section 131 may bring a civil action in an appropriate United States district court.

(b) AVAILABLE RELIEF.

The court may grant:

- (1) declaratory relief;
- (2) injunctive relief;
- (3) correction or termination of the offending enforcement action;
- (4) actual damages;
- (5) reasonable attorney's fees and costs where warranted; and
- (6) punitive damages as authorized by this title.

(b-1) STATE TAXES AND FISCAL BURDENS.

An action seeking to enjoin, suspend, or restrain a firearm-specific State tax, excise, surcharge, fee, assessment, insurance mandate, or comparable fiscal burden prohibited by this Act may proceed in Federal district court notwithstanding section 1341 of title 28, United States Code.

(b-2) STATE SOVEREIGN IMMUNITY.

Congress expressly abrogates State sovereign immunity for prospective relief and for monetary remedies arising from knowing or malicious enforcement that violates rights independently secured by the Second and Fourteenth Amendments, pursuant to section 5 of the Fourteenth Amendment. To the extent monetary relief rests solely on a statutory right under this Act beyond that constitutional floor, acceptance of Federal implementation of this Act or enforcement funds constitutes a knowing waiver of sovereign immunity for claims arising from the funded program. Municipalities and other political subdivisions possess no sovereign immunity from the remedies expressly authorized by this Act.

(c) PROMPT FEDERAL RELIEF.

A person need not await final completion of a conflicting State or local civil or criminal proceeding before seeking Federal relief under this section where the Federal preemption issue is ripe for adjudication. Relief expressly authorized by this section is an Act-of-Congress exception to section 2283 of title 28, United States Code, and may be granted notwithstanding that section.

(d) STATE-COURT DEFENSE.

Preemption under this Act may also be raised directly in a State or local proceeding.

Where a count, charge, or claim rests solely upon conduct affirmatively authorized by this Act, the court shall dismiss the conflicting claim to the extent required by Federal law.

SEC. 134. REPEATED OR REPACKAGED NONCOMPLIANCE.**(a) MATERIALLY IDENTICAL RESTRICTIONS.**

After a controlling court has held a State or local law, policy, or enforcement practice preempted by this Act, a materially identical replacement restriction shall be presumed noncompliant unless the jurisdiction demonstrates a substantive legal distinction.

(b) MALICIOUS DEFIANCE.

Knowing reenactment, repackaging, or continued enforcement of a materially identical restriction after controlling judicial notice may constitute strong evidence of malicious noncompliance.

SEC. 135. PUNITIVE DAMAGES AGAINST JURISDICTIONS.**(a) EXTRAORDINARY REMEDY.**

Punitive damages may be awarded against a State or local jurisdiction where the plaintiff establishes knowing or malicious defiance of controlling Federal law or a binding Federal court order.

(b) NO FIXED DOLLAR CAP.

No fixed statutory dollar cap applies to punitive damages under this section.

(c) FACTORS.

In determining an amount sufficient to punish and deter the conduct, the court may consider:

- (1) the jurisdiction's annual operating budget and financial capacity;
- (2) the duration of noncompliance;
- (3) the frequency and number of enforcement actions;
- (4) the number of persons harmed;
- (5) prior BFE guidance;
- (6) prior judicial warnings or judgments;
- (7) the degree of deliberateness; and
- (8) other relevant circumstances.

(d) SOURCE OF PAYMENT.

Punitive damages imposed for malicious noncompliance with this Act shall be paid from the jurisdiction's own public funds.

A jurisdiction may not shift the punitive portion of the award entirely to an insurer or indemnity provider in a manner that defeats the punitive purpose of the judgment.

(e) COMPENSATORY INSURANCE.

Nothing in subsection (d) prohibits ordinary insurance or indemnification for compensatory damages, defense costs, or other nonpunitive liabilities.

SEC. 136. INDIVIDUAL CAUSES OF ACTION.

Each person directly injured by a preemption violation possesses an independent cause of action.

Plaintiffs may proceed individually, jointly, through an appropriate class, or through another procedure permitted by otherwise applicable law.

Nothing in this Act requires consolidation merely because multiple persons were injured by the same jurisdictional practice.

SEC. 137. OFFICIAL IMMUNITY FOR STATE AND LOCAL OFFICIALS.**(a) ORDINARY RULE.**

Liability for an unlawful governmental policy or enforcement action ordinarily lies against the governmental jurisdiction rather than personally against an individual official acting within lawful official duties.

(b) EXTRAORDINARY MISCONDUCT.

Where a court finds by clear and convincing evidence that a State or local official personally:

- (1) knowingly and maliciously violated controlling Federal law;
- (2) knowingly falsified or concealed material facts; or
- (3) deliberately refused to comply with a binding Federal court order,

the court may determine that the official is not entitled to statutory immunity under this Act for that conduct.

(c) SEPARATE ACTION.

A finding under subsection (b) does not itself impose personal damages.

This Act creates an express individual-capacity cause of action for conduct satisfying subsection (b). In that separate action, the plaintiff shall prove the qualifying misconduct by clear and convincing evidence. Qualified or statutory immunity does not bar liability for conduct meeting that standard. Compensatory and, where independently justified, punitive damages may be awarded against the individual wrongdoer. Ordinary defenses unrelated to immunity remain available.

SEC. 138. GOVERNMENT RELIANCE ON BFE ADVISORY OPINIONS.

(a) BFE AS MANDATORY PARTY.

Where a jurisdiction defends a challenged action on the ground that it acted in good-faith conformity with a current, directly applicable BFE advisory opinion, BFE or the United States shall become a necessary party to the action to the extent required to allocate responsibility for the Federal guidance.

(b) ALLOCATION OF LIABILITY.

The court shall allocate monetary responsibility according to actual causal responsibility.

Where the jurisdiction faithfully followed the BFE opinion and the opinion itself was legally erroneous, BFE shall bear the monetary liability attributable to that Federal error.

Where the jurisdiction exceeded, distorted, selectively applied, or materially departed from the opinion, liability may be apportioned to the jurisdiction according to its responsibility.

(c) PAST RELIANCE.

Good-faith reliance occurring before withdrawal, supersession, or controlling judicial invalidation of the opinion remains attributable according to the law and guidance in force at the time.

(d) FUTURE RELIANCE AFTER NOTICE.

After the jurisdiction receives notice that the opinion has been withdrawn, superseded, or displaced by controlling law, continued enforcement in reliance upon the obsolete opinion is the jurisdiction's own act.

SEC. 139. BFE COMPLIANCE OPINIONS FOR GOVERNMENTAL ENTITIES.

A governmental entity uncertain whether a proposed statute, ordinance, regulation, policy, or enforcement practice complies with this Act may seek an advisory opinion under title XXIII before implementation.

Good-faith use of that process is encouraged as a means of preventing unnecessary litigation but does not displace the authority of Article III courts.

TITLE XXV — BUREAU OF FIREARMS AND EXPLOSIVES

SEC. 140. REDESIGNATION OF BUREAU.

(a) REDESIGNATION.

The Bureau of Alcohol, Tobacco, Firearms, and Explosives within the Department of Justice is redesignated as the **Bureau of Firearms and Explosives**, referred to in this Act as “**BFE**.”

(b) CONTINUITY.

The Bureau of Firearms and Explosives is the same continuing Federal agency formerly known as the Bureau of Alcohol, Tobacco, Firearms, and Explosives and is not a newly created agency for purposes of:

- (1) employment;
- (2) appropriations;
- (3) property;
- (4) contracts;
- (5) records;
- (6) investigations;
- (7) administrative proceedings;
- (8) laboratory operations;
- (9) field offices; or
- (10) other continuing governmental functions.

(c) REFERENCES.

A reference in Federal law, regulation, contract, record, order, or other official instrument to the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall, where context permits, be construed as a reference to the Bureau of Firearms and Explosives.

SEC. 141. PERSONNEL, PROPERTY, AND CONTINUING MATTERS.**(a) PERSONNEL.**

Officers and employees of the former Bureau of Alcohol, Tobacco, Firearms, and Explosives shall continue in their positions within BFE unless otherwise reassigned according to law.

(b) PROPERTY AND FUNDS.

Appropriations, equipment, facilities, laboratories, information systems, records, and other assets used by the former Bureau shall transfer to BFE without interruption.

(c) PENDING MATTERS.

A lawful investigation, contract, administrative matter, or proceeding pending on the date of enactment shall not fail solely because of the redesignation of the Bureau.

Nothing in this subsection preserves an offense, restriction, or firearms-regulatory requirement expressly repealed or superseded by this Act.

SEC. 142. ALCOHOL AND TOBACCO FUNCTIONS.**(a) TRANSFER.**

Functions of the former Bureau relating principally to alcohol or tobacco enforcement shall be transferred to the appropriate Federal department, bureau, or law-enforcement component designated under otherwise applicable law.

(b) FIREARMS, EXPLOSIVES, AND RELATED FUNCTIONS.

BFE shall retain the firearms, explosives, arson, laboratory, tracing, violent-crime, and other functions assigned to it by this Act or otherwise lawfully assigned by the Attorney General.

(c) IMPLEMENTATION.

The Attorney General and Secretary of the Treasury shall make such administrative transfers as are necessary to prevent interruption of lawful Federal alcohol and tobacco regulation or enforcement.

SEC. 143. BFE ADMINISTRATIVE CODE.**(a) ESTABLISHMENT.**

BFE shall maintain regulations implementing this Act, collectively referred to as the BFE Administrative Code.

(b) SCOPE.

The BFE Administrative Code may establish forms, procedures, technical standards, training standards, schedules, portal functions, inspection procedures, credential processes, detectability testing, armor-piercing ammunition testing, NICS and other data-system interfaces, shipment and tracking mechanics, specialized cabin-carry training, and other administrative details necessary to carry out this Act.

(c) LIMITATION.

BFE may implement this Act but may not by regulation create an additional firearm classification criterion, an additional substantive licensing condition, a firearms prohibition not authorized by Congress, a restriction upon an authority affirmatively granted by this Act, or another substantive limitation beyond the authority delegated by this Act.

TITLE XXVI — FOREIGN FIREARMS CREDENTIAL RECIPROCITY

SEC. 144. TEMPORARY RECOGNITION OF COMPARABLE FOREIGN CREDENTIALS.

(a) GENERAL RULE.

A person whose principal residence is outside the United States and who enters the United States holding a current firearms credential issued by a foreign jurisdiction and recognized by BFE as substantially comparable to a Federal Firearms License shall be treated as Licensed under this Act for a period not exceeding **30 days after entry**.

(b) AUTOMATIC RECOGNITION.

Where the foreign credential appears on BFE's current recognized-equivalency schedule, temporary recognition is automatic and requires no advance individual application.

(c) CORRESPONDING AUTHORITY.

The temporary Federal authority shall extend only to the level of authority BFE has determined substantially equivalent to the foreign credential.

(d) CLASS III.

A foreign credential shall confer temporary Class III authority only where BFE has affirmatively recognized:

- (1) the credential as comparable to Class III status; and
- (2) the relevant specialized weapon type or types.

(e) UNITED STATES LAW CONTROLS.

A person relying upon temporary foreign-credential recognition remains subject to the carry, transfer, storage, qualification, dangerousness, and other substantive requirements of this Act while within United States jurisdiction.

(f) EXPIRATION.

Temporary recognition expires automatically at the end of the 30-day period unless the person has independently obtained an ordinary Federal Firearms License.

SEC. 145. FOREIGN CREDENTIAL EQUIVALENCY SCHEDULE.

BFE shall maintain a public schedule of foreign firearms credentials recognized under section 144 and the corresponding United States authorities granted by each credential.

Technical equivalency criteria and verification procedures shall be maintained in the BFE Administrative Code.

TITLE XXVII — TRANSITIONAL PROVISIONS

SEC. 146. IMMEDIATE APPLICATION TO NEW CONDUCT.

Beginning on the date of enactment:

- (1) new firearm transfers shall be governed by this Act;
 - (2) new Federal firearms license applications shall be governed by this Act;
 - (3) the rights and authorities affirmatively granted by this Act shall take effect;
 - (4) BFE shall begin administration of the system established by this Act; and
 - (5) repealed Federal firearms restrictions shall cease to govern except as expressly preserved for transition.
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SEC. 147. ONE-YEAR LEGACY COMPLIANCE PERIOD.

(a) PERIOD.

A person lawfully possessing a firearm immediately before enactment that becomes subject to a new Class II or Class III licensing, endorsement, registration, serialization, storage, or custodial requirement under this Act shall have until **December 17, 2037** to bring that preexisting possession into compliance.

(b) LIMITATION.

The transition period:

- (1) does not authorize a new transfer contrary to this Act;
- (2) does not protect a person who is otherwise Prohibited;
- (3) does not excuse unlawful use of a firearm;
- (4) does not exempt a person from an emergency dangerousness decision; and
- (5) does not extend beyond the preexisting firearm or custodial relationship being brought into compliance.

(c) VOLUNTARY RECONCILIATION.

Previously undiscovered Federal firearms-regulatory violations voluntarily disclosed through lawful compliance remain subject to the reconciliation protections of section 55.

SEC. 148. PROVISIONAL DOMESTIC FIREARMS CREDENTIALS.**(a) TRANSITIONAL RECOGNITION.**

During the transition period ending December 17, 2037, a person holding:

- (1) a valid concealed-firearm or concealed-weapons permit issued by a United States jurisdiction; or
 - (2) a current firearms certification issued in connection with service as a law-enforcement officer,
- shall be treated as holding a **provisional Federal Firearms License** for ordinary Class II purposes.

(b) DURATION.

Provisional status continues only while the underlying credential remains valid and in no event after December 17, 2037.

(c) CLASS III EXCLUDED.

A provisional credential under this section does not itself confer:

- (1) Class III authority;
- (2) explosive-projectile authority; or
- (3) another specialized qualification requiring affirmative approval under this Act.

(d) CONVERSION.

A person wishing to remain Licensed after expiration of provisional status shall obtain an ordinary Federal Firearms License under this Act.

SEC. 149. LEGACY COMMERCIAL FEDERAL FIREARMS LICENSES.**(a) PROVISIONAL COMMERCIAL AUTHORITY.**

A valid Federal firearms importer, manufacturer, dealer, collector, or other commercial firearms license issued under Federal law before enactment shall continue solely as **provisional commercial authority** until the earlier of:

- (1) December 17, 2037; or
- (2) conversion or replacement under the system established by this Act.

(b) NO AUTOMATIC PERSONAL LICENSE.

A legacy commercial Federal firearms license does not automatically become the personal Federal Firearms License established by this Act.

The natural person holding or responsible for the legacy license shall separately satisfy the personal licensing requirements of this Act.

(c) TRANSITIONAL BUSINESS CONTINUITY.

BFE shall provide procedures permitting lawful firearms businesses to continue ordinary operations during the transition while responsible persons obtain the personal credentials required by this Act.

SEC. 150. MIGRATION OF LEGACY FEDERAL FIREARM REGISTRATIONS.

(a) AUTOMATIC MIGRATION.

Existing Federal firearm-registration records maintained under repealed law shall be transferred into the BFE registry established by this Act without requiring a new fee or duplicative application from the registered person.

(b) CLASSIFICATION UNDER THIS ACT.

BFE shall classify each migrated firearm under the Class I, Class II, or Class III framework established by this Act.

(c) ACCESSORIES NO LONGER REGULATED AS FIREARMS.

Where a previously registered item does not constitute a firearm under this Act, including a suppressor or other accessory that is incapable of chambering and firing a projectile, BFE shall retire the item from the active Federal firearm registry.

Historical administrative information may be preserved only to the extent required by otherwise applicable Federal records law.

SEC. 151. REFUND OF LEGACY FIREARMS TAX STAMPS.

(a) ELIGIBILITY.

A person who previously paid a Federal transfer, making, or comparable firearm tax evidenced by a tax stamp under a Federal firearms regime repealed by this Act may obtain a refund of the amount actually paid when:

- (1) the firearm or item has been brought into lawful compliance with this Act; or
- (2) BFE receives satisfactory evidence that the firearm or item has been permanently destroyed.

(b) BFE CERTIFICATE.

Upon verification, BFE shall issue a **Certificate of Eligibility for Refund** stating the amount of qualifying Federal firearm tax previously paid.

(c) TAX RETURN.

The certificate may be submitted with the person's annual Federal income-tax return in the manner prescribed by the Secretary of the Treasury.

(d) PAYMENT.

The Department of the Treasury, rather than BFE, shall administer and pay the refund as a special refundable credit under this Act. Eligibility under this section is not subject to the ordinary limitation periods of section 6511 of the Internal Revenue Code of 1986, and no separate administrative refund claim is required beyond the BFE certificate and the filing procedure prescribed by the Secretary of the Treasury.

(e) NO BFE CASH PAYMENT.

BFE shall not directly disburse tax-refund funds under this section.

SEC. 152. GOVERNMENT FIREARM ACCOUNTABILITY.

Nothing in this Act requires an individual military member to obtain a personal Federal Firearms License for government-owned firearms possessed under lawful official military duty as provided in section 63.

The Department of Defense and other Federal agencies maintaining government firearm inventories shall provide BFE such inventory-accountability synchronization as is reasonably necessary to prevent government-owned firearms from being mistaken for unregistered private firearms.

Technical interoperability shall be established by interagency regulation.

TITLE XXVIII — REPEALS AND GENERAL CONFORMING RULES

SEC. 153. REPEAL OF NATIONAL FIREARMS ACT REGIME.

(a) REPEAL.

Chapter 53 of the Internal Revenue Code of 1986, relating to machine guns, destructive devices, and certain other firearms, is repealed.

(b) TRANSITION.

Registrations and taxes arising under that chapter shall be handled under sections 150 and 151.

(c) REFERENCES.

A Federal statutory reference to a classification or registration requirement created solely by repealed chapter 53 shall be construed consistently with this Act unless the surrounding statute clearly requires another result.

SEC. 154. REPEAL OF MACHINEGUN PROHIBITION.

Section 922(o) of title 18, United States Code, is repealed.

Possession and transfer of firearms capable of automatic fire shall thereafter be governed by the Class III provisions of this Act.

SEC. 155. ABOLITION OF LEGACY COMMERCIAL FIREARMS LICENSING.

The Federal importer, manufacturer, dealer, and collector licensing system administered under section 923 of title 18, United States Code, is superseded and abolished subject to the provisional transition established by section 149. No separate Federal dealer license succeeds that system.

A lawful business may engage in firearm commerce subject to ordinary business law, provided each firearm transfer or regulated professional activity is administered by a natural-person Federal Firearms Licensee holding the authority required by this Act.

Nothing in this section eliminates generally applicable business, customs, sanctions, explosives, consumer-protection, tax, or criminal laws that independently govern commercial conduct.

SEC. 156. SUPERSESSION OF INCONSISTENT FEDERAL CARRY AND TRANSPORT REGIMES.

To the extent inconsistent with this Act, Federal statutes establishing separate firearms carry or transport privileges based solely upon:

- (1) State residence;
 - (2) interstate travel;
 - (3) current or former law-enforcement employment;
 - (4) the governmental function of a building without active security screening; or
 - (5) another status displaced by this Act,
- are superseded.

Conforming amendments shall include the provisions presently codified at sections 926A, 926B, 926C, 927, and 930 of title 18, United States Code, to the extent those provisions conflict with this Act.

SEC. 157. SUPERSESSION OF LEGACY FIREARMS DISABILITY, BACKGROUND-CHECK, AND RELIEF SYSTEMS.

Federal firearms-disability, protective-order, mental-health, fugitive, controlled-substance, immigration-status, citizenship-renunciation, indictment, restoration, background-check, and relief provisions inconsistent with the eligibility, dangerousness, restoration, transfer, and judicial-review systems established by this Act are superseded.

NICS and associated Federal, State, Tribal, and territorial record-reporting infrastructure may continue as backend data systems used by BFE under section 40. Legacy NICS legal decision rules do not displace eligibility under this Act standards.

SEC. 158. MILITIA CONFORMING AMENDMENTS.

Sections 246 and 247 of title 10, United States Code, are amended as provided in section 189 of this Act so that the organized militia and the national militia established by section 9 coexist without inconsistent membership definitions.

Nothing in this section abolishes the National Guard, Naval Militia, State defense forces, or another organized military institution otherwise established by Federal or State law. References in chapter 13 of title 10 to the militia shall be construed and amended as provided in section 189, so that the national militia is callable only through the lawful authority and procedures specified by this Act and is not accidentally federalized merely by the legacy wording of the Insurrection Act.

SEC. 159. PRESERVATION OF INDEPENDENT FEDERAL CRIMINAL LAW.**(a) GENERAL RULE.**

Except where expressly repealed or necessarily displaced by this Act, an existing Federal criminal statute remains enforceable according to its terms.

(b) NO DUPLICATION REQUIRED.

Where conduct violating this Act also independently violates another Federal criminal statute, prosecution may proceed under the otherwise applicable statute without this Act restating the same offense.

(c) PRESERVED INDEPENDENT OFFENSES.

Nothing in this Act repeals otherwise applicable Federal offenses governing perjury, false statements, fraudulent identification, theft, receipt or handling of stolen property, violent crime, obstruction, conspiracy, solicitation, aiding and abetting, or other independent criminal conduct except where a specific conforming amendment expressly provides otherwise.

(d) STRAW-PURCHASE AND TRAFFICKING CONCEPTS.

A separate Federal offense based merely on an intermediary's intent to make a later lawful transfer, repeated lawful acquisition or resale, or volume of firearm commerce is not preserved where the universal transfer and portal requirements of this Act govern the actual change of custody. Unlawful transfer, knowing transfer to a Prohibited person, theft, fraud, registry evasion, and other independently unlawful conduct remain punishable under this Act or otherwise applicable law.

SEC. 160. CONFLICT SUPERSESSION.

Except where expressly preserved, any Federal statute, regulation, order, or administrative rule in effect immediately before enactment that directly conflicts with an affirmative right, classification, eligibility standard, licensing system, transfer system, or other substantive provision of this Act is superseded **only to the extent of the conflict**.

This section shall not be construed to repeal unrelated Federal law merely because that law concerns firearms, explosives, criminal conduct, taxation, commerce, or public safety.

TITLE XXIX — SPECIAL RULES AND APPLICATIONS**SEC. 161. FIREARM DETECTABILITY.****(a) MINIMUM DETECTABILITY.**

Every firearm shall satisfy a minimum detectability standard established by BFE and periodically updated to remain effective with commonly deployed active-security screening technology.

(b) CLASS III STATUS FOR UNDETECTABLE FIREARMS.

A firearm that does not satisfy the ordinary detectability standard is a Class III firearm. Such a firearm is not contraband merely because it is undetectable and may be lawfully possessed, manufactured, transferred, or used by a person holding the specific Class III authority required for undetectable firearms.

(c) TECHNICAL STANDARD.

BFE shall establish the technical testing standard in the BFE Administrative Code. The standard shall measure practical detectability rather than freeze Federal law to a particular metal-content formula or screening technology.

(d) SECURED LOCATIONS.

Class III authority for an undetectable firearm does not authorize bypass of an active-security restriction otherwise valid under this Act.

SEC. 162. ORDINARY AMMUNITION.**(a) GENERAL RULE.**

Ammunition that is not Class III ammunition may be manufactured as authorized by section 163 and otherwise possessed, purchased, sold, transferred, transported, and shipped without a Federal ammunition license, BFE background check, registry entry, transfer record, or permit.

(b) SELLER KNOWLEDGE.

A seller shall not knowingly transfer ordinary ammunition to a Prohibited person or complete a sale where facts actually known to the seller provide reasonable grounds to believe the purchaser is Prohibited. Nothing in this subsection creates an affirmative duty to investigate, demand identification, or conduct an eligibility check.

(c) POSSESSION BY PROHIBITED PERSON.

Possession of ordinary ammunition by a Prohibited person is not itself an offense under this Act.

(d) EVIDENTIARY USE.

Lawful possession of ordinary ammunition may be considered with other facts under ordinary constitutional standards in determining reasonable suspicion or probable cause concerning unlawful firearm possession. Ammunition possession does not create automatic statutory probable cause by itself.

(e) CHARACTER OF SELLER RULE.

The seller rule in subsection (b) creates no affirmative duty to investigate and no independent criminal offense solely from the sale of ordinary ammunition. A knowing or unreasonable sale may be considered under otherwise applicable civil liability, aiding-and-abetting, conspiracy, or other law only where the separate elements of that liability or offense are established.

SEC. 163. AMMUNITION MANUFACTURE AND IMPORTATION.**(a) ORDINARY AMMUNITION.**

An active Federal Firearms Licensee may commercially manufacture ordinary ammunition after completing BFE-recognized ammunition-manufacturing training. An active licensee may commercially import ordinary ammunition after completing BFE-recognized import and inspection training sufficient to evaluate incoming ammunition for material defects, unsafe condition, and specification compliance.

(b) CLASS III AMMUNITION.

Manufacture or importation of Class III ammunition additionally requires the applicable Class III endorsement and specialized training for the ammunition category being manufactured or imported.

(c) ENTITY ACTIVITY.

A business entity need not obtain a separate Federal ammunition-manufacturer or ammunition-importer license. The regulated authority resides in the qualified natural-person FFL or FFL of Record responsible for the activity.

(d) FOREIGN-TRADE LAW.

Sanctions, embargoes, customs law, export controls, and other generally applicable foreign-trade laws remain separately applicable. Once ammunition lawfully enters United States jurisdiction, this Act governs its firearms-regulatory status.

SEC. 164. SHIPMENT OF FIREARMS AND CLASS III AMMUNITION.**(a) FIREARMS.**

A firearm may be shipped by mail, common carrier, contract carrier, or other lawful carrier only to an active Federal Firearms Licensee authorized to receive the firearm concerned.

(b) ACCOMPANIED TRANSPORTATION.

Transportation of a person's own firearm as accompanied checked baggage, secured personal cargo, or comparable carriage during the person's own travel is transportation rather than shipment to another recipient and is governed by sections 67, 68, and 170. This subsection does not authorize delivery of independent possession to an unqualified person.

(c) PORTAL ENTRY BEFORE RELEASE.

Before a firearm is released from the sender's custody to the carrier, the sender shall enter the shipment into the BFE portal with the firearm identification, intended recipient, carrier, and tracking information required by BFE.

(d) ORDINARY AMMUNITION.

Ordinary ammunition may be shipped without FFL involvement or BFE portal entry, subject to the seller rule in section 162 and otherwise applicable carrier law.

(e) CLASS III AMMUNITION.

Class III ammunition may be shipped only to an FFL holder with the applicable Class III ammunition authority. Before release to the carrier, the shipment shall be entered into the BFE portal with recipient and tracking information.

(f) HAZARDOUS MATERIALS.

Explosive Class III ammunition remains subject to otherwise applicable hazardous-material transportation requirements based upon the actual explosive hazard.

SEC. 165. UNLAWFUL FIREARM AND CLASS III AMMUNITION TRANSFERS.**(a) UNPROCESSED TRANSFER.**

A person who knowingly transfers independent possession or custody of, or knowingly receives independent possession or custody of, a firearm or Class III ammunition while knowing that the FFL administration, portal entry, or approval required by this Act has not been completed commits a Federal felony punishable by imprisonment for not more than 10 years, a fine of not more than \$200,000, or both. A delayed portal entry expressly authorized for a qualified licensee-to-licensee transfer is not an offense if completed within the statutory period.

(b) KNOWING TRANSFER TO PROHIBITED PERSON.

A person who knowingly transfers independent possession or custody of a firearm, or transfers Class III ammunition, to a person known to lack the status or authority required to possess the item commits a separate Federal felony punishable by imprisonment for not more than 10 years, a fine of not more than \$200,000, or both.

(c) CUMULATIVE LIABILITY.

The offenses in subsections (a) and (b) are separately chargeable and cumulative where both are proven. The recipient's unlawful-possession liability is separate.

SEC. 166. WILLFUL REGISTRY EVASION.

A person who knowingly and intentionally fails to make, causes the omission of, or materially falsifies a BFE registry, transfer, manufacture, custody, serialization, or shipment entry required by this Act for the purpose of defeating firearm or Class III ammunition identification or traceability commits a Federal felony punishable by imprisonment for not more than 10 years, a fine of not more than \$200,000, or both. A good-faith error, late administrative entry, or nonwillful reporting failure is governed by section 105 and does not violate this section.

SEC. 167. SERIAL-NUMBER INTEGRITY.**(a) TAMPERING.**

A person who knowingly removes, obliterates, materially alters, or falsifies a serial number required by this Act for the purpose of defeating firearm identification or traceability commits a Federal offense punishable by imprisonment for not more than 5 years, a fine under title 18, United States Code, or both.

(b) KNOWING POSSESSION OR TRANSFER.

A person who knowingly receives, possesses, transfers, ships, or exercises custody over a firearm while knowing that its required serial number has been unlawfully removed, obliterated, materially altered, or falsified commits the same offense.

(c) EXCLUSIONS.

This section does not apply to BFE-authorized reserialization, lawful receiver replacement, repair or restoration, accidental damage, or a legacy unserialized firearm that has not yet reached a statutory serialization trigger.

SEC. 168. STOLEN FIREARMS.

A person who knowingly steals a firearm, or knowingly receives, possesses, conceals, stores, transports, sells, transfers, barter, or otherwise disposes of a stolen firearm knowing or having reasonable cause to believe it is stolen, commits a Federal offense punishable by imprisonment for not more than 10 years, a fine under title 18, United States Code, or both.

Entry of a stolen firearm into the BFE portal, registration, reconciliation, or transfer system does not cure defective title or prevent recovery, restitution, or return to the lawful owner under otherwise applicable property and criminal law.

SEC. 169. SCHOOL ZONES.**(a) NONLICENSEES.**

An Eligible person who is not Licensed may not carry a firearm in a Federal school zone, subject to otherwise lawful possession on private property not constituting school grounds, lawful supervised or school-authorized activity, and secured transportation as provided by law.

(b) LICENSEES.

A Federal Firearms Licensee is not prohibited from lawful possession or carry solely because a location lies within a school zone. Active security screening under section 59 and ordinary private-property or trespass law remain applicable.

(c) PROHIBITED PERSONS.

Nothing in this section alters the general prohibition on firearm possession by a Prohibited person.

SEC. 170. COMMERCIAL AVIATION AND AIRCRAFT.**(a) ACTIVE SCREENING.**

A sterile airport area and passenger aircraft operation reached through qualifying active security screening may restrict passenger firearm carry under section 59.

(b) TRANSPORTATION FLOOR.

A commercial air carrier may not categorically prohibit lawful transportation of firearms. The carrier shall provide a lawful checked-baggage, cargo, or comparable transport method for firearms that may lawfully be transported.

(c) CARRIER POLICIES.

An air carrier may establish reasonable declaration, container, check-in, handling, and security procedures consistent with this Act and otherwise applicable aviation and hazardous-material law.

(d) OPTIONAL CABIN CARRY.

An air carrier may permit an appropriately qualified Federal Firearms Licensee to carry a declared firearm in the passenger cabin. Cabin carry requires the carrier's permission, ordinary authority under this Act for the firearm, and completion of a BFE-recognized cabin-carry training course.

(e) GENERAL AVIATION.

A small or general-aviation aircraft operation that does not require passengers to undergo active security screening is not a prohibited location merely because it involves an aircraft. Ordinary carry under this Act, property, operator, and carriage rules apply.

SEC. 171. ESTATES; TEMPORARY CUSTODY AFTER DEATH.**(a) OWNERSHIP.**

Ownership, inheritance, beneficial title, and distribution of firearms in an estate are governed by otherwise applicable estate and property law.

(b) THIRTY-DAY CUSTODY PERIOD.

For 30 days beginning at the date and time of the firearm owner's death, an estate representative, heir, household member, or other responsible person may temporarily secure firearms for the limited purposes of locating, inventorying, preserving, and arranging transfer into lawful custody.

(c) LIMITATION.

The temporary authority in subsection (b) does not create ordinary carry, recreational-use, or independent-possession authority for an otherwise unqualified person.

(d) LAWFUL CUSTODIAN.

By the end of the 30-day period, each discovered firearm shall be in the physical custody of a person lawfully authorized under this Act to possess that firearm. Title may remain elsewhere under ordinary estate law.

(e) LATE DISCOVERY.

A firearm first discovered after expiration of the 30-day period shall be secured solely as reasonably necessary to prevent loss, theft, or unauthorized access and shall be transferred into lawful custody without unnecessary delay. Discovery after day 30 does not create a new 30-day grace period.

SEC. 172. UNATTENDED AND UNSECURED FIREARMS.

A law-enforcement officer may take an unattended and unsecured firearm into temporary protective safekeeping where leaving the firearm in place would create a reasonably foreseeable risk of unauthorized access, theft, loss, or misuse.

Protective safekeeping is not forfeiture and does not alter title. The officer or agency shall document the firearm under the law and procedures governing that agency. A participating agency may transmit the custody information to BFE through a cooperative interface; BFE remains responsible for the Federal registry entry. The firearm shall be returned without unnecessary delay to a person lawfully entitled and authorized to receive it, unless separate evidence, warrant, forfeiture, or other lawful authority controls disposition.

SEC. 173. EMERGENCY DECLARATIONS.

A declaration of emergency, disaster, riot, civil disturbance, evacuation, or comparable extraordinary condition does not by itself suspend a Federal Firearms License, lawful carry authority, firearm transfer authority, lawful firearm commerce, or another right affirmatively granted by this Act.

Neutral evacuation, curfew, fire, hazardous-material, transportation, and public-safety orders remain enforceable when they do not function as firearm-specific restrictions. Individual dangerousness orders, active-security restrictions, and other authorized by this Act limitations remain fully effective.

SEC. 174. FEDERAL PROPERTY.

No Federal department, agency, or instrumentality may prohibit otherwise lawful firearm possession or carry solely because property is federally owned, leased, occupied, or controlled. A firearm restriction may be imposed in an area protected by qualifying active security screening or where another specific restriction authorized by this Act or controlling Federal law applies.

SEC. 175. TRIBAL GOVERNMENTS.

Within Indian Country and other areas of Tribal jurisdiction, This Act establishes the Federal classification, eligibility, licensing, transfer, and prohibited-person framework. A federally recognized Tribe may enact and enforce materially parallel offenses consistent with this Act and ordinary property, trespass, hunting, land-use, safety, and hazard-based rules, but may not create a contradictory firearm classification, possession disability, or parallel licensing requirement except as otherwise permitted by controlling Federal law respecting Tribal sovereignty.

Federal enforcement of this section may be sought by the United States through appropriate declaratory or injunctive relief. Nothing in this section shall be construed as creating a private damages action against a federally recognized Tribe absent an express waiver of Tribal sovereign immunity or another valid Act of Congress expressly authorizing such damages.

SEC. 176. PARALLEL STATE ENFORCEMENT.**(a) ENCOURAGEMENT.**

Congress encourages States and federally recognized Tribes to enact materially parallel criminal offenses corresponding to the crimes established by this Act so routine enforcement may proceed through State, Tribal, and local police, prosecutors, and courts.

(b) LIMITATION.

A parallel offense may punish the same conduct but may not redefine who is Prohibited, create a new firearm class, prohibit a weapon authorized by this Act, or criminalize conduct affirmatively protected by this Act.

(c) STATE SENTENCING.

Nothing in this Act prevents a State from imposing enhanced punishment for use of a firearm during an independently unlawful State offense, provided the enhancement punishes criminal use rather than lawful possession or a firearm characteristic the State is otherwise preempted from regulating.

SEC. 177. SUCCESSIVE FEDERAL PROSECUTION AFTER STATE OR TRIBAL CASE.**(a) PRESUMPTION AGAINST SUCCESSIVE FEDERAL PROSECUTION UNDER THIS ACT.**

After a completed State or Tribal prosecution under a materially equivalent parallel offense under this Act, the United States shall ordinarily refrain from a subsequent Federal prosecution under this Act based on the same conduct.

(b) FEDERAL ADOPTION.

The United States Attorney for the relevant Federal district may adopt or commence the Federal prosecution under this Act where a substantial independent Federal interest was not adequately vindicated, including materially inadequate prosecution or sentencing, corruption or collusion, bad-faith handling, failure to prosecute a significant offense under this Act arising from the same conduct, interstate or multijurisdictional effects, or another substantial Federal interest stated in writing.

(c) DISTINCT OFFENSES.

Nothing in this section bars prosecution of a distinct Federal offense that was not actually adjudicated in the State or Tribal proceeding.

SEC. 178. COMPLETED CLASS III AMMUNITION AND FEDERAL EXPLOSIVES LAW.

Federal explosives law outside this Act continues to regulate explosives, blasting agents, detonators, bulk explosive material, precursor handling, and other explosive articles that are not completed Class III ammunition. To the extent a completed explosive projectile, self-detonating explosive munition, or other completed munition is regulated as Class III ammunition under this Act, possession, licensing, transfer, storage, qualification, and ordinary use of the completed munition are governed by this Act rather than a duplicative explosives-user licensing regime. Generally applicable hazardous-material, manufacturing-process, and explosive-material controls remain applicable to the underlying hazard before completion and where independently relevant.

TITLE XXX — ADDITIONAL REPEALS**SEC. 179. REPEAL OF PROTECTION OF LAWFUL COMMERCE IN ARMS ACT.**

Chapter 105 of title 15, United States Code, is repealed. Civil liability involving firearms and ammunition shall thereafter be governed by this Act and otherwise applicable general law without a separate Federal firearms-industry immunity statute.

SEC. 180. REPEAL OF FIREARM-SPECIFIC FEDERAL EXCISE TAXES.

Sections 4181 and 4182 of the Internal Revenue Code of 1986, and any successor Federal excise provision imposing a tax specifically because an article is a firearm, firearm accessory, shell, or cartridge, are repealed. Generally applicable taxes, customs duties, tariffs, and charges imposed on goods or commerce without firearm-specific discrimination remain applicable.

SEC. 181. REPEAL OF ARMED CAREER CRIMINAL ACT ENHANCEMENT.

Section 924(e) of title 18, United States Code, is repealed. Prior violent conduct, prohibited status, unlawful firearm possession, and criminal use of firearms shall be governed by this Act and otherwise applicable sentencing law without a separate enhancement based on serious drug-offense history.

TITLE XXXI — CONFORMING AMENDMENTS AND FEDERAL CODE INTEGRATION

SEC. 182. CONFORMING AMENDMENTS TO TITLE 18 FIREARMS PROVISIONS.

(a) OPERATIVE PROVISIONS REPEALED.

Sections 922 through 930 and sections 932 through 934 of title 18, United States Code, are repealed effective on the date this Act takes effect, except that prosecutions for conduct completed before enactment remain governed by the law applicable when the conduct occurred subject to ordinary constitutional limitations.

(b) SECTION 921 DEFINITIONS.

Section 921 of title 18, United States Code, is retained solely as a cross-reference provision for Federal statutes outside this Act. Any definition in that section concerning a firearm, ammunition, antique firearm, suppressor, destructive device, importer, manufacturer, dealer, licensee, transfer, prohibited person, armor-piercing ammunition, or related firearms-regulatory status is amended to conform to the corresponding definition or status established by this Act. In the event of conflict, the definition in this Act controls. A suppressor or other accessory excluded by this Act shall not be treated as a firearm under section 921.

(c) BODY ARMOR.

Section 931 of title 18, United States Code, remains in force as an independent body-armor statute. Section 931 is amended to incorporate directly the definition of body armor presently codified at section 921(a)(35), so that its operation does not depend upon a firearms definition repealed or altered by this Act.

(d) TABLE AND CROSS-REFERENCES.

The table of sections for chapter 44 of title 18 shall be revised to reflect the repeals in subsection (a). A reference elsewhere in Federal law to a repealed provision of chapter 44 shall have no continuing substantive effect unless this Act expressly supplies a corresponding provision. The Office of the Law Revision Counsel shall make non-substantive conforming cross-reference corrections consistent with this Act.

(e) SECTION 924(c) REPLACEMENT.

The former section 924(c) is not preserved. Criminal firearm-use enhancements are governed exclusively by section 101 of this Act, which uses the categorical qualifying-violent-felony definition in section 7(d)(2) and the cumulative Class I, Class II, Class III, brandishing, and discharge enhancements enacted by Congress. Drug trafficking does not qualify solely by reason of being a drug offense.

SEC. 183. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) BACKEND INFRASTRUCTURE.

Section 40901 of title 34, United States Code, is amended so that the National Instant Criminal Background Check System operates as Federal record and query infrastructure available to BFE for eligibility under this Act determinations. The operative legal decision on a firearm transfer is made by BFE under this Act, not by a legacy section 922 determination.

(b) LEGACY DISABILITY REFERENCES.

Throughout chapter 409 of title 34, a reference to subsection (d), (g), or (n) of former section 922 of title 18, or to a legacy firearms disability defined through those provisions, is replaced by a reference to the corresponding eligibility under this Act, conviction, dangerousness, commitment, or temporary-charge status. Reporting programs shall collect records relevant to determinations under this Act rather than preserve a superseded legal disability.

(c) REPEALS.

Sections 40903, 40915, and 40916 of title 34, United States Code, are repealed. State restoration programs may continue for purposes of State law, but do not alter Federal status under this Act except through the restoration procedures created by this Act. Immigration status is not a firearms disability under this Act and shall not generate a firearms-specific notification under chapter 409.

(d) STATE PARTICIPATION.

Federal grants, cooperative agreements, and voluntary data-sharing arrangements under chapter 409 may continue to support State, Tribal, territorial, and local record accuracy and transmission. Nothing in chapter 409, as amended by this Act, shall be construed to compel a State or local executive officer to administer a Federal firearms regulatory program.

(e) ANTI-REGISTRY RESTRICTIONS REPEALED.

The anti-registry sentence in section 926(a) of title 18 is repealed with section 926. The firearms-record centralization, electronic-retrieval, and trace-data funding restrictions enacted in Public Law 112-55, division B, title II, at 125 Stat. 609-610, and the identifying-information destruction restriction in Public Law 112-55, division B, title V, section 511, at 125 Stat. 632, are repealed. Section 12004(k) of Public Law 117-159, prohibiting construction of that Act to permit a Federal firearms registry, is repealed to the extent it would limit the registry expressly created by this Act.

(f) REGULATIONS.

The Attorney General shall amend or rescind 28 C.F.R. part 25, including section 25.9, to conform record retention, destruction, disclosure, and decision terminology to this Act. No regulation may require destruction of a record that this Act requires BFE to maintain.

SEC. 184. FIREARMS IN THE UNITED STATES MAILS.

Section 1715 of title 18, United States Code, is amended so that a firearm or Class III ammunition may be deposited in or carried by the United States mails when the shipment complies with section 164 of this Act and is addressed to a Federal Firearms Licensee authorized to receive the item. Ordinary ammunition is not made nonmailable by reason of being ammunition. The Postal Service may prescribe reasonable packaging, declaration, tracking, and safety rules consistent with this Act but may not impose a categorical firearms prohibition inconsistent with this section.

SEC. 185. COMMERCIAL AVIATION.

Section 46505 of title 49, United States Code, is amended to preserve criminal liability for an undeclared or otherwise unauthorized accessible weapon aboard screened commercial aircraft while expressly excluding: (1) a firearm transported in checked baggage or cargo in compliance with this Act and lawful carrier procedures; and (2) a declared firearm carried in the cabin by a Federal Firearms Licensee who holds the BFE-recognized cabin-carry qualification and whose carriage is authorized by the air carrier. Nothing in section 46505 may be construed to permit an air carrier to categorically refuse all lawful firearm transportation where section 170 of this Act requires a checked-baggage, cargo, or comparable transport method.

SEC. 186. FEDERAL FACILITIES AND CAPITOL PROPERTY.**(a) FEDERAL FACILITIES.**

Section 930 of title 18, United States Code, is repealed. Federal firearm restrictions on buildings and facilities are governed by sections 59 and 174 of this Act and by any other restriction expressly preserved by this Act.

(b) CAPITOL.

Section 5104(e)(1)(A)(i) of title 40, United States Code, is amended so that lawful firearm possession or carry on United States Capitol Grounds or in Capitol Buildings is governed by the active-security screening requirements and other restrictions authorized by this Act. The Capitol Police Board may impose weapon restrictions in actively screened secured areas and may regulate dangerous weapons other than firearms under otherwise lawful authority, but may not impose a firearm prohibition solely from Federal ownership or governmental function.

(c) DEFINITIONS.

Section 5104(a)(4) of title 40 is amended to refer to the definition of firearm in this Act rather than former section 921(a)(3) to the extent those definitions differ.

SEC. 187. FEDERAL EXPLOSIVES LAW.

Section 845(a) of title 18, United States Code, is amended to add an exception for completed Class III ammunition regulated by this Act, including completed explosive projectiles and self-detonating explosive munitions. The exception does not remove from chapter 40 loose or bulk explosive materials, blasting agents, detonators, explosive precursors, manufacturing-stage explosive material before incorporation into a completed munition regulated by this Act, or other explosives that are not completed Class III ammunition. Transportation-safety and hazardous-material laws remain independently applicable to the actual explosive hazard.

SEC. 188. BUREAU OF FIREARMS AND EXPLOSIVES ORGANIC STATUTE.

Section 599A of title 28, United States Code, and the heading of chapter 40A of that title are amended by striking “Bureau of Alcohol, Tobacco, Firearms, and Explosives” and inserting “Bureau of Firearms and Explosives”. The Bureau retains firearms, explosives, arson, violent-crime, laboratory, tracing, and other functions assigned by this Act or the Attorney General. References in section 599A to alcohol and tobacco enforcement are removed. The Attorney General and

Secretary of the Treasury shall transfer residual alcohol and tobacco enforcement functions, personnel, records, funds, and assets to an appropriate Federal component by reorganization order without interruption of lawful enforcement.

SEC. 189. MILITIA AND INSURRECTION ACT CONFORMING AMENDMENTS.

(a) SECTION 246.

Section 246 of title 10, United States Code, is amended to recognize two distinct systems: the organized militia, consisting of the National Guard and Naval Militia as provided by law, and the national militia established by section 9 of this Act, consisting of active Federal Firearms Licensees. The former age-, sex-, and citizenship-based unorganized-militia definition is repealed.

(b) SECTION 247.

Section 247 of title 10 is amended or repealed to the extent necessary to eliminate any inconsistent duty or composition rule while preserving the lawful organization of the National Guard and Naval Militia.

(c) CHAPTER 13.

Sections 251 through 254 of title 10 are amended to distinguish the organized militia of a State from the national militia established by this Act. A reference to “the militia of a State” means the organized militia of that State unless the President expressly calls identified members or categories of the national militia pursuant to section 9 of this Act and other lawful authority. Membership in the national militia alone does not place an FFL holder in Federal service. Any call shall identify the mission, geographic scope, categories or persons called, command authority, and duration of service.

SEC. 190. FEDERAL JURISDICTION; STATE PROCEEDINGS; STATE TAXES.

(a) DISTRICT-COURT JURISDICTION.

United States district courts have original jurisdiction over every civil action expressly created by this Act, including actions against the United States, BFE, Federal officers, States to the extent immunity is validly abrogated or waived, political subdivisions, and State or local officials, without regard to the amount in controversy. That jurisdiction applies notwithstanding sections 1346(a)(2) and 1491 of title 28.

(b) STATE-COURT PROCEEDINGS.

For purposes of section 2283 of title 28, every injunction expressly authorized by this Act against a conflicting State proceeding is expressly authorized by Act of Congress.

(c) STATE TAXES.

Section 1341 of title 28 does not bar an action under this Act seeking to restrain a firearm-, ammunition-, or accessory-specific tax, fee, surcharge, insurance mandate, or comparable fiscal burden prohibited by this Act.

SEC. 191. FEDERAL REMEDIES AND INDIVIDUAL-CAPACITY LIABILITY.

(a) UNITED STATES.

The monetary remedies expressly authorized by this Act constitute an independent waiver of sovereign immunity and are not limited by the Federal Tort Claims Act. To the extent of a direct conflict, sections 2674, 2675, and 2679 of title 28 do not restrict a cause of action under this Act or an expressly authorized punitive-damages remedy under this Act.

(b) FEDERAL OFFICERS.

The individual-capacity cause of action created by section 122 is an express Act-of-Congress damages remedy and is not displaced by the Federal Employees Liability Reform and Tort Compensation Act or section 2679 of title 28.

(c) STATE AND LOCAL OFFICERS.

The individual-capacity cause of action created by section 137 is an express Federal cause of action. Qualified or statutory immunity does not bar liability where the clear-and-convincing misconduct standard in section 137 is satisfied.

SEC. 192. STATE SOVEREIGN IMMUNITY; MUNICIPAL LIABILITY.

Congress unequivocally intends the remedies in title XXIV to reach State conduct to the maximum extent permitted by the Constitution. Pursuant to section 5 of the Fourteenth Amendment, State immunity is abrogated for knowing or malicious conduct that violates rights independently secured by the Second and Fourteenth Amendments. As an independent and alternative basis for monetary liability arising from programs implementing this Act, a State’s acceptance of Federal funds for implementation, data systems, enforcement, training, or cooperative programs under this Act constitutes an express

waiver of sovereign immunity for claims arising from the funded program. Political subdivisions, municipalities, counties, and comparable local entities are subject to remedies under this Act without State sovereign immunity.

SEC. 193. SAFE COMPLIANCE PAYMENT FUND; FEE RETENTION.

(a) FUND.

There is established in the Treasury a permanent SAFE Compliance Payment Fund. There are appropriated to the Fund, out of money in the Treasury not otherwise appropriated, such sums as are necessary to pay the automatic statutory delay payments, refunds, judgments, and other direct Federal payment obligations expressly created by this Act, without fiscal-year limitation.

(b) ANTI-DEFICIENCY.

An obligation expressly created by this Act and payable from the Fund is authorized by law for purposes of section 1341 of title 31, United States Code.

(c) FEE RETENTION.

Notwithstanding section 3302(b) of title 31, BFE may retain and use fees expressly authorized by this Act for the administration of the activity that generated the fee. Such receipts shall be credited to the SAFE Compliance Payment Fund or another BFE account specifically designated by appropriations law.

SEC. 194. RESTORATION SUBPOENA AUTHORITY.

For a full enhanced-restoration investigation authorized by this Act, the Director of BFE may issue an administrative subpoena requiring production of records materially relevant to the statutory restoration standard. A subpoena may be enforced by the United States district court for the district in which the recipient resides, is found, or transacts business. The recipient or applicant may move to quash or modify the subpoena. Privilege, undue burden, irrelevance, and material overbreadth remain available objections. This authority is independent of section 3486 of title 18, United States Code.

SEC. 195. FEDERAL RECORDS DISPOSAL.

For purposes of chapters 31 and 33 of title 44, United States Code, Congress determines that the sensitive investigative materials identified in section 94(c) of this Act shall be destroyed at the time required by that section and need not be separately scheduled or approved for disposal by the Archivist. The permanent legal result and minimal administrative record identified in section 94(a) remain Federal records. Existing litigation holds, preservation orders, and criminal evidence obligations control only for the duration legally necessary.

SEC. 196. LEGACY NFA TAX REFUND CREDIT.

The payment created by section 151 is a new refundable Federal credit and not a claim for refund of an overpayment governed by section 6511 of the Internal Revenue Code of 1986. The Secretary of the Treasury shall accept a valid BFE Certificate of Eligibility for Refund without regard to the date on which the legacy stamp tax was paid.

SEC. 197. REPEAL OF APPROPRIATIONS AND RULE-OF-CONSTRUCTION BARRIERS.

Any permanent or continuing appropriations proviso, statutory note, or rule of construction enacted before this Act that prohibits use of Federal funds to establish, maintain, search, centralize, electronically retrieve, or disclose a firearms registry or firearms transfer record is repealed to the extent it would prevent implementation of this Act. This section specifically includes the Public Law 112-55 provisions identified in section 183 and the registry rule of construction in section 12004(k) of Public Law 117-159.

SEC. 198. FIREARM-SPECIFIC REGULATIONS UNDER REPEALED LAW.

A regulation whose sole statutory authority is a provision repealed by this Act has no force after the effective date of the repeal, except to the extent BFE temporarily preserves a nonconflicting administrative procedure during the transition period. Within 180 days after enactment, the Attorney General shall identify and rescind, replace, or conform all such regulations, including conflicting provisions of 27 C.F.R. parts 478 and 479 and 28 C.F.R. part 25.

SEC. 199. GENERAL CROSS-REFERENCE RULE.

Where a Federal statute enacted before this Act refers to a repealed firearms classification, license category, NFA category, former section 922 disability, former section 923 commercial license, former section 924 firearm-use enhancement, or another repealed firearms concept, the reference shall not revive the repealed rule. If this Act contains a

direct successor concept, the reference shall be construed to that successor only where doing so preserves the independent non-firearms purpose of the referring statute and does not recreate a prohibition abolished by this Act.

SEC. 200. SAVINGS FOR PRE-ENACTMENT CONDUCT.

Nothing in the conforming repeals in this title extinguishes criminal liability for conduct completed before December 17, 2036, where prosecution remains constitutionally permissible, except that a person shall receive the benefit of any more favorable rule that Congress expressly makes retroactive. No repeal shall be construed to authorize continued punishment for post-enactment conduct that this Act affirmatively authorizes.

TITLE XXXII — GENERAL AND FINAL PROVISIONS

SEC. 201. TERRITORIAL SCOPE.

This Act applies throughout:

- (1) every State of the United States;
- (2) the District of Columbia;
- (3) every territory and possession subject to United States sovereignty;
- (4) the territorial waters of the United States; and
- (5) any other place in which Federal law governs the firearm possession, conduct, transaction, or person concerned.

Nothing in this section expands the territorial jurisdiction of the United States beyond that otherwise established by law.

SEC. 202. PERSONS; CITIZENSHIP AND IMMIGRATION STATUS.

(a) PERSONS.

Except where another Federal law independently provides otherwise, rights, duties, statuses, licenses, and prohibitions created by this Act apply to **persons** without distinction based solely upon citizenship or nationality.

(b) NO IMMIGRATION DETERMINATION.

Nothing in this Act:

- (1) grants immigration status;
- (2) alters immigration status;
- (3) authorizes entry into the United States; or
- (4) limits enforcement of immigration law independent of firearms eligibility.

This Act shall not use citizenship or immigration classification as a substitute for the individual firearms-eligibility standards established by this Act.

SEC. 203. GENERAL RULE OF CONSTRUCTION.

(a) AFFIRMATIVE AUTHORITIES.

An authority affirmatively granted by this Act shall be construed according to its stated terms and shall not be narrowed by administrative implication.

(b) REGULATION RATHER THAN CATEGORICAL PROHIBITION.

No firearm shall be prohibited solely because of its design, capability, configuration, caliber, method of operation, detectability, or destructive potential. Such characteristics may determine classification and the qualifications required for lawful possession, carry, transfer, manufacture, importation, storage, or use under this Act.

SEC. 204. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of a provision to any person or circumstance is held invalid, the remainder of this Act and the application of its remaining provisions to other persons and circumstances shall not be affected.

SEC. 205. EFFECTIVE DATE.

(a) GENERAL RULE.

Except as otherwise expressly provided, this Act takes effect immediately upon enactment.

(b) DATE OF ENACTMENT.

For purposes of the transitional periods established by this Act, the date of enactment is **December 17, 2036**.

(c) ONE-YEAR TRANSITION.

A transition expressly ending one year after enactment terminates at the end of **December 17, 2037**.

(d) NO DELAY OF AFFIRMATIVE RIGHTS.

The existence of a transition period for legacy compliance does not delay the effectiveness of rights, authorities, licensing pathways, transfer procedures, preemption provisions, or other affirmative provisions that this Act makes effective upon enactment.

(e) CONFORMING AMENDMENTS AND REPEALS.

The amendments and repeals made by titles XXVIII, XXX, and XXXI take effect concurrently with this Act unless a transition provision expressly provides otherwise.