

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1186
OFFERED BY Mr. Nadler

Strike all that follows after the enacting clause and
insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Keep Americans Safe
3 Act”.

4 **SEC. 2. DEFINITIONS.**

5 Section 921(a) of title 18, United States Code, is
6 amended by inserting after paragraph (29) the following:

7 “(30) The term ‘large capacity ammunition feeding
8 device’—

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

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

1 “(31) The term ‘qualified law enforcement officer’
2 has the meaning given the term in section 926B.”

3 **SEC. 3. RESTRICTIONS ON LARGE CAPACITY AMMUNITION**
4 **FEEDING DEVICES.**

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

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

12 “(2) Paragraph (1) shall not apply to the possession
13 of any large capacity ammunition feeding device otherwise
14 lawfully possessed on or before the date of enactment of
15 the Keep Americans Safe Act.

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

17 “(A) the importation for, manufacture for, sale
18 to, transfer to, or possession by the United States
19 or a department or agency of the United States or
20 a State or a department, agency, or political subdivi-
21 sion of a State, or a sale or transfer to or possession
22 by a qualified law enforcement officer employed by
23 the United States or a department or agency of the
24 United States or a State or a department, agency,
25 or political subdivision of a State for purposes of law

1 enforcement (whether on or off-duty), or a sale or
2 transfer to or possession by a campus law enforce-
3 ment officer for purposes of law enforcement (wheth-
4 er on or off-duty);

5 “(B) the importation for, or sale or transfer to
6 a licensee under title I of the Atomic Energy Act of
7 1954 (42 U.S.C. 2011 et seq.) for purposes of estab-
8 lishing and maintaining an on-site physical protec-
9 tion system and security organization required by
10 Federal law, or possession by an employee or con-
11 tractor of such licensee on-site for such purposes or
12 off-site for purposes of licensee-authorized training
13 or transportation of nuclear materials;

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

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

21 “(ii) that the individual purchased, or oth-
22 erwise obtained, for official use before such re-
23 tirement; or

24 “(D) the importation, sale, manufacture, trans-
25 fer, or possession of any large capacity ammunition

1 feeding device by a licensed manufacturer or licensed
2 importer for the purposes of testing or experimen-
3 tation authorized by the Attorney General.

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

7 “(A) employed by a private institution of higher
8 education that is eligible for funding under title IV
9 of the Higher Education Act of 1965 (20 U.S.C.
10 1070 et seq.);

11 “(B) responsible for the prevention or investiga-
12 tion of crime involving injury to persons or property,
13 including apprehension or detention of persons for
14 such crimes;

15 “(C) authorized by Federal, State, or local law
16 to carry a firearm, execute search warrants, and
17 make arrests; and

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

20 (b) IDENTIFICATION MARKINGS FOR LARGE CAPAC-
21 ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of
22 title 18, United States Code, is amended by adding at the
23 end the following: “A large capacity ammunition feeding
24 device manufactured or imported after the date of enact-
25 ment of the Keep Americans Safe Act shall be identified

1 by a serial number and the date on which the device was
2 manufactured, made, or imported, legibly and conspicu-
3 ously engraved or cast on the device, and such other iden-
4 tification as the Attorney General shall by regulations pre-
5 scribe.”.

6 (c) SEIZURE AND FORFEITURE OF LARGE CAPACITY
7 AMMUNITION FEEDING DEVICES.—Section 924(d) of title
8 18, United States Code, is amended—

9 (1) in paragraph (1)—

10 (A) in the first sentence—

11 (i) by striking “Any firearm or ammu-
12 nition involved in” and inserting “Any fire-
13 arm or ammunition or large capacity am-
14 munition feeding device involved in”;

15 (ii) by striking “or (k)” and inserting
16 “(k), or (v)”;

17 (iii) by striking “any firearm or am-
18 munition intended” and inserting “any
19 firearm or ammunition or large capacity
20 ammunition feeding device intended”;

21 (B) in the second sentence, by inserting
22 “or large capacity ammunition feeding device”
23 after “firearms or ammunition” each place the
24 term appears;

25 (2) in paragraph (2)—

1 (A) in subparagraph (A), by inserting “or
2 large capacity ammunition feeding devices”
3 after “firearms or ammunition”; and

4 (B) in subparagraph (C), by inserting “or
5 large capacity ammunition feeding devices”
6 after “firearms or quantities of ammunition”;
7 and

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

10 **SEC. 4. PENALTIES.**

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

14 **SEC. 5. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS**
15 **FOR LARGE CAPACITY AMMUNITION FEED-**
16 **ING DEVICES.**

17 Section 501(a)(1) of title I of the Omnibus Crime
18 Control and Safe Streets Act of 1968 (34 U.S.C.
19 10152(a)(1)) is amended by adding at the end the fol-
20 lowing:

21 “(I) Compensation for surrendered large
22 capacity ammunition feeding devices, as that
23 term is defined in section 921 of title 18,
24 United States Code, under buy-back programs
25 for large capacity ammunition feeding devices.”.

1 **SEC. 6. SEVERABILITY.**

2 If any provision of this Act, an amendment made by
3 this Act, or the application of such provision or amend-
4 ment to any person or circumstance is held to be unconsti-
5 tutional, the remainder of this Act, the amendments made
6 by this Act, and the application of such provision or
7 amendment to any person or circumstance shall not be af-
8 fected thereby.

