

118TH CONGRESS
1ST SESSION

S. 3223

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2023

Ms. WARREN (for herself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ammunition Mod-
5 ernization and Monitoring Oversight Act” or the “AMMO
6 Act”.

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

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

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

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

10 (b) CONFORMING AMENDMENTS.—

11 (1) DEFINITION OF DEALER.—Section
12 921(a)(11)(A) of title 18, United States Code, is
13 amended by inserting “or ammunition” after “fire-
14 arms”.

15 (2) LICENSE FEE.—Section 923(a)(3)(B) of
16 title 18, United States Code, is amended by striking
17 “who is not a dealer in destructive devices” and in-
18 serting “in firearms other than destructive devices
19 or ammunition for firearms other than destructive
20 devices”.

21 **SEC. 3. AMMUNITION RECORDKEEPING REQUIREMENT**
22 **FOR CERTAIN LICENSEES.**

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

25 (1) in subparagraph (A), in the first sentence,
26 by inserting “or ammunition” after “firearms”;

1 (2) in subparagraph (B)(iii), by inserting “, or
2 of ammunition,” after “firearms”; and

3 (3) in subparagraph (C)(ii), by inserting “, or
4 of ammunition,” after “firearms”.

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

7 Section 932 of title 18, United States Code, is
8 amended—

9 (1) in subsection (b), by inserting “or ammuni-
10 tion” after “firearm” each place it appears; and

11 (2) in subsection (c)(2), by inserting “or ammu-
12 nition” after “firearm” each place it appears.

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

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

17 “(aa) RESTRICTION ON BULK AMMUNITION
18 SALES.—

19 “(1) IN GENERAL.—It shall be unlawful for any
20 person licensed under this chapter to transfer to a
21 person not so licensed—

22 “(A) during any 5-day period—

23 “(i) more than 100 rounds of .50 cal-
24 iber ammunition; or

1 “(ii) more than 1,000 rounds of any
2 other caliber of ammunition; or

3 “(B) any ammunition if—

4 “(i) the transferee has not provided to
5 the transferor a written certification,
6 signed by the transferee, attesting that the
7 purchase of the ammunition would not re-
8 sult in the transferee having acquired, dur-
9 ing the 5-day period ending on the date of
10 the transfer—

11 “(I) more than 100 rounds of .50
12 caliber ammunition; or

13 “(II) more than 1,000 rounds of
14 any other caliber of ammunition; or

15 “(ii) the transferor knows or has rea-
16 son to believe that the transfer would re-
17 sult in the transferee having acquired, dur-
18 ing the 5-day period ending on the date of
19 the transfer—

20 “(I) more than 100 rounds of .50
21 caliber ammunition; or

22 “(II) more than 1,000 rounds of
23 any other caliber of ammunition.

24 “(2) ADMINISTRATIVE REQUIREMENTS.—

1 “(A) IDENTIFICATION DOCUMENT; ATTOR-
 2 NEY GENERAL FORM.—It shall be unlawful for
 3 a person licensed under this chapter to transfer
 4 ammunition to a person not so licensed, unless
 5 the transferee—

6 “(i) has presented to the licensee a
 7 valid identification document (as defined in
 8 section 1028(d)) on which appears—

9 “(I) the name and address of the
 10 transferee;

11 “(II) a number unique to the
 12 transferee; and

13 “(III) the signature of the trans-
 14 feree; and

15 “(ii) has entered the name, address,
 16 and signature of the transferee on, and
 17 otherwise completed, such form as the At-
 18 torney General shall prescribe, which shall
 19 include—

20 “(I) the written certification de-
 21 scribed in paragraph (1)(B)(i); and

22 “(II) a statement of the penalties
 23 for violating this subsection.

24 “(B) FALSE STATEMENT OR IDENTIFICA-
 25 TION.—It shall be unlawful for any person in

1 connection with the purchase or attempted pur-
2 chase of ammunition to knowingly make any
3 false or fictitious oral or written statement or
4 to furnish or exhibit any false, fictitious, or
5 misrepresented identification, intended or likely
6 to deceive the seller with respect to any fact
7 material to the lawfulness of the sale of the am-
8 munition under this chapter.

9 “(C) TRANSMISSION OF FORM TO ATTOR-
10 NEY GENERAL.—

11 “(i) IN GENERAL.—Not later than 30
12 days after the date on which a person li-
13 censed under this chapter transfers ammu-
14 nition in a transaction subject to para-
15 graph (1), the licensee shall transmit to
16 the Attorney General a paper or electronic
17 copy of the form completed by the trans-
18 feree pursuant to subparagraph (A) of this
19 paragraph.

20 “(ii) DETERMINATION OF VIOLA-
21 TION.—The Attorney General shall deter-
22 mine, on the basis of the forms trans-
23 mitted pursuant to clause (i) of this sub-
24 paragraph, whether a transfer of ammuni-

1 tion has been made in violation of para-
2 graph (1)(A).

3 “(iii) DESTRUCTION OF FORM.—Not
4 later than 60 days after receipt of a form
5 pursuant to clause (i), the Attorney Gen-
6 eral shall destroy the form unless the form
7 is needed in an ongoing bona fide criminal
8 investigation or prosecution.

9 “(D) RECORDKEEPING REQUIREMENT.—A
10 licensee who transfers ammunition in a trans-
11 action subject to paragraph (1) shall keep the
12 form referred to in subparagraph (C) of this
13 paragraph in paper or electronic form for not
14 fewer than 2 years.”.

15 (b) PENALTIES.—Section 924(a) of title 18, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 “(9)(A) If a person licensed under this chapter know-
19 ingly violates paragraph (1) or (2)(A) of section 922(aa)—

20 “(i) in the case of the first violation, the person
21 shall be fined not less than \$50,000 and not more
22 than \$250,000;

23 “(ii) in the case of the second violation, the per-
24 son shall be prohibited from selling a firearm or am-
25 munition for 60 days; or

1 “(iii) in the case of the third violation, all li-
 2 censes issued to the person under this chapter shall
 3 be revoked.

4 “(B) A person who knowingly violates section
 5 922(aa)(2)(B) shall be—

6 “(i) fined not more than—

7 “(I) \$20,000, in the case of the first viola-
 8 tion; or

9 “(II) \$50,000, in the case of any subse-
 10 quent violation;

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

12 “(iii) both.

13 “(C) A person who knowingly violates subparagraph
 14 (C)(i) or (D) of section 922(aa)(2) shall be fined not more
 15 than \$10,000.”.

16 (c) SIGNAGE REQUIREMENT.—

17 (1) IN GENERAL.—Section 923(g) of title 18,
 18 United States Code, is amended by adding at the
 19 end the following:

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

24 “(A) a summary of paragraphs (1) and (2)(B)
 25 of section 922(aa), and the penalties for making

1 false statements on a written certification made pur-
 2 suant to section 922(aa)(1)(B)(i); and

3 “(B) a summary of the provisions of section
 4 932 relating to ammunition, and the penalties for
 5 violating those provisions.”.

6 (2) PENALTY.—Section 924 of title 18, United
 7 States Code, is amended by adding at the end the
 8 following:

9 “(q) CIVIL PENALTY FOR FAILURE OF LICENSEE TO
 10 POST SIGN ABOUT RESTRICTIONS ON AMMUNITION
 11 SALES.—

12 “(1) IN GENERAL.—

13 “(A) CIVIL PENALTY.—With respect to
 14 each violation of section 923(g)(8) by a person
 15 licensed under this chapter, the Attorney Gen-
 16 eral may, after notice and opportunity for hear-
 17 ing, subject the licensee to a civil penalty in an
 18 amount equal to \$10,000.

19 “(B) REVIEW.—The imposition of a civil
 20 penalty under subparagraph (A) may be re-
 21 viewed only as provided under section 923(f).

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

1 **SEC. 6. BACKGROUND CHECK REQUIRED BEFORE TRANS-**
 2 **FER OF AMMUNITION BY CERTAIN FEDERAL**
 3 **FIREARMS LICENSEES TO NON-LICENSEES.**

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

6 (1) by striking subsection (s) and redesignating
 7 subsection (t) as subsection (s);

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

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

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

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

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

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

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

1 “(A) before the completion of the transfer, the
2 licensee contacts the national instant criminal back-
3 ground check system established under section 103
4 of the Brady Handgun Violence Prevention Act (34
5 U.S.C. 40901);

6 “(B) the system provides the licensee with a
7 unique identification number indicating—

8 “(i) that the receipt of a firearm or ammu-
9 nition by such other person would not violate
10 subsection (g) or (n) of this section, or State,
11 local, or Tribal law; and

12 “(ii) if such other person has not attained
13 21 years of age, that a transfer of a firearm or
14 ammunition to such other person would not vio-
15 late subsection (d) of this section; and

16 “(C) the licensee has verified the identity of
17 such other person by examining a valid identification
18 document (as defined in section 1028(d) of this title)
19 of such other person containing a photograph of
20 such other person.

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

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

1 “(i) allows such other person to possess or
2 acquire ammunition, or to possess or acquire a
3 firearm; and

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

7 “(B) the law of the State provides that such a
8 permit is to be issued only after an authorized gov-
9 ernment official has verified that the information
10 available to such official does not indicate that pos-
11 session of ammunition by such other person would
12 be in violation of law.

13 “(3) Paragraphs (2) and (4) through (7) of sub-
14 section (s) shall apply with respect to ammunition trans-
15 fers pursuant to this subsection in the same manner in
16 which such paragraphs apply with respect to firearm
17 transfers.

18 “(4) It shall be unlawful for a licensed importer, li-
19 censed manufacturer, or licensed dealer to transfer posses-
20 sion of ammunition to another person not so licensed un-
21 less—

22 “(A) the licensee has provided such other per-
23 son with a notice of the prohibition under paragraph
24 (1); and

1 “(B) such other person has certified that such
2 other person has been provided with the notice de-
3 scribed in subparagraph (A) on a form prescribed by
4 the Attorney General.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) SECTION 922.—Section 922(y)(2) of title
7 18, United States Code, is amended, in the matter
8 preceding subparagraph (A), by striking “,
9 (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and
10 (g)(5)(B)”.

11 (2) SECTION 925A.—Section 925A of title 18,
12 United States Code, is amended by striking “sub-
13 section (s) or (t) of section 922” and inserting “sec-
14 tion 922(s)”.

15 (3) SECTION 925B.—Section 925B of title 18,
16 United States Code, is amended by striking “section
17 922(t)” each place it appears and inserting “section
18 922(s)”.

19 (4) BRADY HANDGUN VIOLENCE PREVENTION
20 ACT.—Section 103(l) of the Brady Handgun Vio-
21 lence Prevention Act (34 U.S.C. 40901(l)) is amend-
22 ed, in the matter preceding paragraph (1), by strik-
23 ing “(t)” and inserting “(s)”.

24 (5) CONSOLIDATED AND FURTHER CONTINUING
25 APPROPRIATIONS ACT, 2012.—Section 511 of title V

1 of division B of the Consolidated and Further Con-
2 tinuing Appropriations Act, 2012 (34 U.S.C. 40901
3 note; Public Law 112–55) is amended by striking
4 “subsection 922(t)” each place it appears and in-
5 serting “subsection (s) or (t) of section 922”.

6 (6) NICS IMPROVEMENT AMENDMENTS ACT OF
7 2007.—Section 103(f) of the NICS Improvement
8 Amendments Act of 2007 (34 U.S.C. 40913(f)) is
9 amended by striking “922(t)” and inserting
10 “922(s)”.

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

14 (1) authorize the establishment, directly or indi-
15 rectly, of a national firearms or ammunition reg-
16 istry; or

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

21 (d) AUTHORIZATION OF INCREASED FUNDING FOR
22 THE NICS SYSTEM.—In addition to any amount other-
23 wise authorized to be appropriated for the national instant
24 criminal background check system established under sec-
25 tion 103 of the Brady Handgun Violence Prevention Act

1 (34 U.S.C. 40901), there are authorized to be appro-
2 priated not more than \$150,000,000 for upgrading and
3 maintaining the system.

4 **SEC. 7. REPORTING REQUIREMENT.**

5 Not later than 180 days after the effective date under
6 section 8 and annually thereafter, the Director of the Bu-
7 reau of Alcohol, Tobacco, Firearms, and Explosives shall
8 prepare, publish in the Federal Register, and otherwise
9 make available to the public a report on the violations of
10 subsection (aa) of section 922 of title 18, United States
11 Code, as added by section 5, that occurred during the pe-
12 riod covered by the report, and the information reported
13 pursuant to paragraph (2)(C) of such subsection (includ-
14 ing geographic data, total sales data, crime statistics, in-
15 formation on repeat offenders, or caliber types involved)
16 during the period covered by the report, which shall in-
17 clude an identification of any trend in the violations or
18 information that Federal, State, or local law enforcement
19 agencies may find useful.

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

21 The amendments made by this Act shall take effect
22 on the date that is 120 days after the date of enactment
23 of this Act.

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