

118TH CONGRESS  
1ST SESSION

# S. 2652

To amend chapter 44 of title 18, United States Code, to ensure that all firearms are traceable, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mrs. GILLIBRAND, Mrs. FEINSTEIN, Mr. REED, Mr. CARPER, Mr. MERKLEY, Mr. VAN HOLLEN, Ms. WARREN, Mr. FETTERMAN, Mr. WELCH, Mr. CASEY, Ms. KLOBUCHAR, Mr. MARKEY, Mr. PADILLA, Ms. HIRONO, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. BOOKER, Mr. CARDIN, Mr. SANDERS, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend chapter 44 of title 18, United States Code, to ensure that all firearms are traceable, and for other purposes.

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 “Ghost Guns and  
5 Untraceable Firearms Act of 2023”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1           (1) without the enactment of this Act, the Bu-  
2           reau of Alcohol, Tobacco, Firearms, and Explosives  
3           has the authority to regulate ghost guns (as defined  
4           in section 921(a) of title 18, United States Code, as  
5           amended by section 3 of this Act) and unfinished  
6           frames and receivers; and

7           (2) the purpose of this Act is to clarify and  
8           strengthen such authority.

9   **SEC. 3. REQUIREMENT THAT ALL FIREARMS BE TRACE-**  
10                                   **ABLE.**

11           (a) DEFINITIONS.—Section 921(a) of title 18, United  
12           States Code, is amended—

13           (1) in paragraph (10), by adding at the end the  
14           following: “The term ‘manufacturing firearms’ shall  
15           include assembling a functional firearm or molding,  
16           machining, or 3D printing a frame or receiver, and  
17           shall not include making or fitting special barrels,  
18           stocks, or trigger mechanisms to firearms.”;

19           (2) by inserting after paragraph (30) the fol-  
20           lowing:

21           “(31)(A) The term ‘frame or receiver’—

22                                   “(i) means a part of a weapon that pro-  
23           vides or is intended to provide the housing or  
24           structure to hold or integrate 1 or more fire  
25           control components, without regard to whether

1 pins or other attachments are required to con-  
2 nect those components to the housing or struc-  
3 ture; and

4 “(ii) includes—

5 “(I) a forged, cast, printed, extruded,  
6 or machined body or similar article that is  
7 designed to, or may readily be completed,  
8 assembled, or otherwise converted to, pro-  
9 vide the housing or structure, without re-  
10 gard to whether the housing or structure  
11 has been indexed, drilled, or machined in  
12 any way, and without regard to whether  
13 the article is sold, distributed, or marketed  
14 with or for any associated template, jig,  
15 mold, equipment, tool, instructions, or  
16 guide; and

17 “(II) an object that is marketed or  
18 sold to become or be used as the frame or  
19 receiver of a functional firearm once com-  
20 pleted, assembled, or converted.

21 “(B) For purposes of subparagraph (A)(i), if a  
22 weapon has more than 1 part that provides the  
23 housing or a structure designed to hold or integrate  
24 1 or more fire control or essential components, each  
25 such part shall be considered a frame or receiver,

1 unless the Attorney General has provided otherwise  
2 by regulation with respect to the specific make and  
3 model of weapon on or before January 1, 2024.”;  
4 and

5 (3) by adding at the end the following:

6 “(38) The term ‘ghost gun’—

7 “(A) means a firearm, including a frame  
8 or receiver, that lacks a unique serial number  
9 engraved or cast on the frame or receiver by a  
10 licensed manufacturer or importer in accord-  
11 ance with this chapter; and

12 “(B) does not include—

13 “(i) a firearm that has been rendered  
14 permanently inoperable;

15 “(ii) a firearm identified by means of  
16 a unique serial number assigned by a State  
17 agency and engraved or cast on the frame  
18 or receiver of the weapon before the effec-  
19 tive date of the Ghost Guns and  
20 Untraceable Firearms Act of 2023 in ac-  
21 cordance with a State law;

22 “(iii) a firearm manufactured or im-  
23 ported before December 16, 1968; or

1                   “(iv) a firearm identified as provided  
2                   for under section 5842 of the Internal Rev-  
3                   enue Code of 1986.

4                   “(39) The term ‘fire control component’—

5                   “(A) means a component necessary for the  
6                   firearm to initiate or complete the firing se-  
7                   quence; and

8                   “(B) includes a hammer, bolt or breech-  
9                   block, cylinder, trigger mechanism, firing pin,  
10                  striker, and slide rails.”.

11                  (b) PROHIBITION; REQUIREMENTS.—Section 922 of  
12 title 18, United States Code, is amended by adding at the  
13 end the following:

14                  “(aa)(1) Congress finds and declares the following:

15                  “(A) Firearms tracing is the systematic track-  
16                  ing of the movement of a firearm recovered by law  
17                  enforcement officials from the first sale of a firearm  
18                  by the manufacturer or importer through the dis-  
19                  tribution chain (including the wholesaler and re-  
20                  tailer) to the first retail purchaser.

21                  “(B) Law enforcement agencies across the  
22                  country work with the Bureau of Alcohol, Tobacco,  
23                  Firearms, and Explosives to trace firearms and  
24                  thereby obtain investigative leads in the fight  
25                  against violent crime and terrorism.

1           “(C) The ability of law enforcement agencies to  
2 trace a firearm is dependent on the serial number or  
3 other marks on the firearm that identify the manu-  
4 facturer or importer who manufactured or imported  
5 the firearm and that are unique to the firearm.

6           “(D) Interstate gun trafficking interferes with  
7 lawful commerce in firearms and significantly con-  
8 tributes to gun crime. Of the 361,587 firearms  
9 traced by the Bureau of Alcohol, Tobacco, Firearms,  
10 and Explosives in 2021, 99,172 of those firearms  
11 were originally sold by a licensed firearms dealer in  
12 a State other than the State where the firearms  
13 were recovered. These guns made up 27.4 percent of  
14 all firearm recoveries in 2021.

15           “(E) Even before the sale of a firearm, the gun,  
16 its component parts, and the raw materials from  
17 which they are made have considerably moved in  
18 interstate commerce.

19           “(F) If unserialized and untraceable firearms  
20 may be constructed and transported freely from  
21 State to State, ordinary citizens and foreign visitors  
22 may fear to travel to or through certain parts of the  
23 country due to concern about violent crime and gun  
24 violence, and law enforcement agencies may be un-  
25 able to address it.

1       “(2)(A) Except as provided in subparagraph (B), it  
2 shall be unlawful for any person to manufacture, sell, offer  
3 to sell, transfer, purchase, or receive a ghost gun in or  
4 affecting interstate or foreign commerce.

5       “(B) Subparagraph (A) shall not apply to—

6           “(i) the manufacture of a firearm by a licensed  
7 manufacturer if the licensed manufacturer complies  
8 with section 923(i) before selling or transferring the  
9 firearm to another person;

10          “(ii) the offer to sell, sale, or transfer of a  
11 ghost gun to, or purchase or receipt of a ghost gun  
12 by, a licensed dealer, licensed manufacturer, or li-  
13 censed importer before the date that is 1 year after  
14 the date of enactment of the Ghost Guns and  
15 Untraceable Firearms Act of 2023; or

16          “(iii) transactions between licensed manufactur-  
17 ers and importers on any date.

18       “(3) It shall be unlawful for a person other than a  
19 licensed manufacturer or importer to engrave or cast a  
20 serial number on a firearm in or affecting interstate or  
21 foreign commerce unless specifically authorized by the At-  
22 torney General.

23       “(4) Beginning on the date that is 1 year after the  
24 date of enactment of the Ghost Guns and Untraceable  
25 Firearms Act of 2023, it shall be unlawful for any person

1 other than a licensed manufacturer or importer to know-  
2 ingly possess a ghost gun in or affecting interstate or for-  
3 eign commerce.

4 “(5) Beginning on the date that is 1 year after the  
5 date of enactment of the Ghost Guns and Untraceable  
6 Firearms Act of 2023, it shall be unlawful for any person  
7 other than a licensed manufacturer or importer to possess  
8 a ghost gun in or affecting interstate or foreign commerce  
9 with the intent to sell or transfer the ghost gun with or  
10 without further manufacturing or to manufacture a fire-  
11 arm with the ghost gun.

12 “(6)(A) It shall be unlawful for any person to sell,  
13 offer to sell, or transfer, in or affecting interstate or for-  
14 eign commerce, to any person other than a licensed manu-  
15 facturer a machine that has the sole or primary function  
16 of manufacturing firearms.

17 “(B) Except as provided in subparagraph (D), it shall  
18 be unlawful for any person other than a licensed manufac-  
19 turer to purchase or receive, in or affecting interstate or  
20 foreign commerce, a machine that has the sole or primary  
21 function of manufacturing firearms.

22 “(C) Except as provided in subparagraph (D), begin-  
23 ning on the date that is 180 days after the date of enact-  
24 ment of the Ghost Guns and Untraceable Firearms Act  
25 of 2023, it shall be unlawful for any person other than



1 a licensed manufacturer to possess, in or affecting inter-  
 2 state or foreign commerce, a machine that has the sole  
 3 or primary function of manufacturing firearms.

4 “(D) Subparagraphs (B) and (C) shall not apply to  
 5 a person who is engaged in the business of selling manu-  
 6 facturing equipment to a licensed manufacturer who pur-  
 7 chases, receives, or possesses a machine with the intent  
 8 to sell or transfer the machine to a licensed manufac-  
 9 turer.”.

10 (c) REQUIREMENTS.—

11 (1) REMOVAL OF SERIAL NUMBERS.—Section  
 12 922(k) of title 18, United States Code, is amend-  
 13 ed—

14 (A) by striking “importer’s or manufactur-  
 15 er’s” each place it appears; and

16 (B) by inserting “required by this chapter  
 17 or under State law” before “removed” each  
 18 place it appears.

19 (2) LICENSED IMPORTERS AND MANUFACTUR-  
 20 ERS.—Section 923(i) of title 18, United States  
 21 Code, is amended—

22 (A) by inserting “(1)” before “Licensed”;  
 23 and

24 (B) by adding at the end the following:  
 25 “The serial number shall be engraved or cast

1 on the frame or receiver in a manner sufficient  
2 to identify the firearm and the manufacturer or  
3 importer that put the serial number on the fire-  
4 arm.

5 “(2) Not later than 180 days after the date of  
6 enactment of the Ghost Guns and Untraceable Fire-  
7 arms Act of 2023, the Attorney General shall update  
8 the regulations for engraving a unique serial number  
9 onto a ghost gun so that, after the date that is 1  
10 year after the enactment of this Act, a licensed deal-  
11 er or gunsmith (as defined in section 478.11 of title  
12 27, Code of Federal Regulations, or any successor  
13 thereto) shall no longer have the authority to en-  
14 grave a serial number onto a ghost gun.”.

15 (d) PENALTIES.—Section 924 of title 18, United  
16 States Code, is amended—

17 (1) in subsection (a)(1)(B), by striking “or (q)”  
18 and inserting “(q), (aa)(2), (aa)(3), (aa)(5), or  
19 (aa)(6)”;

20 (2) in subsection (c)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A), in the matter  
23 preceding clause (i), by inserting “func-  
24 tional” before “firearm” each place it ap-  
25 pears;

1 (ii) in subparagraph (B), in the mat-  
2 ter preceding clause (i), by inserting “func-  
3 tional” before “firearm”; and

4 (iii) in subparagraph (D)(ii), by in-  
5 serting “functional” before “firearm”; and

6 (B) in paragraph (4), by striking “all or  
7 part of the firearm” and all that follows  
8 through “person.” and inserting the following:  
9 “all or part of the functional firearm, or other-  
10 wise make the presence of the functional fire-  
11 arm known to another person, in order to in-  
12 timidate that person, regardless of whether the  
13 functional firearm is directly visible to that per-  
14 son.”;

15 (3) in subsection (d)(1), by striking “or (k)”  
16 and inserting “(k), (aa)(2), (aa)(3), (aa)(5), or  
17 (aa)(6)”;

18 (4) in subsection (e)(1), by inserting “through  
19 the possession of a functional firearm” before “and  
20 has three”; and

21 (5) by adding at the end the following:

22 “(q) A person who violates section 922(aa)(4) shall—

23 “(1) in the case of the first violation by the per-  
24 son, be fined under this title, imprisoned not more  
25 than 1 year, or both; or

1           “(2) in the case of any subsequent violation by  
2           the person, be fined under this title, imprisoned not  
3           more than 5 years, or both.”.

4 **SEC. 4. MODERNIZATION OF THE PROHIBITION ON**  
5 **UNDETECTABLE FIREARMS.**

6           Section 922(p) of title 18, United States Code, is  
7 amended—

8           (1) in paragraph (1)—

9                   (A) in the matter preceding subparagraph  
10           (A), by striking “any firearm”;

11                   (B) by amending subparagraph (A) to read  
12           as follows:

13                           “(A) an undetectable firearm; or”; and

14                   (C) in subparagraph (B), by striking “any  
15           major component of which, when subjected to  
16           inspection by the types of x-ray machines com-  
17           monly used at airports, does not generate” and  
18           inserting the following: “a major component of  
19           a firearm which, if subjected to inspection by  
20           the types of detection devices commonly used at  
21           airports for security screening, would not gen-  
22           erate”;

23           (2) in paragraph (2)—

24                   (A) by amending subparagraph (A) to read  
25           as follows:

1           “(A) the term ‘undetectable firearm’  
2 means a firearm, as defined in section  
3 921(a)(3)(A), of which no major component is  
4 wholly made of detectable material;”;

5           (B) by striking subparagraph (B) and in-  
6 sserting the following:

7           “(B) the term ‘major component’, with re-  
8 spect to a firearm—

9                   “(i) means the slide or cylinder or the  
10 frame or receiver of the firearm; and

11                   “(ii) in the case of a rifle or shotgun,  
12 includes the barrel of the firearm; and”;

13           and

14           (C) by striking subparagraph (C) and all  
15 that follows through the end of the undesig-  
16 nated matter following subparagraph (C) and  
17 inserting the following:

18           “(C) the term ‘detectable material’ means  
19 any material that creates a magnetic field  
20 equivalent to or more than 3.7 ounces of 17-  
21 4 pH stainless steel.”;

22           (3) in paragraph (3)—

23                   (A) in the first sentence, by inserting “, in-  
24 cluding a prototype,” after “of a firearm”; and

25                   (B) by striking the second sentence; and

1           (4) in paragraph (5), by striking “shall not  
2           apply to any firearm which” and all that follows and  
3           inserting the following: “shall not apply to—

4                   “(A) any firearm received by, in the pos-  
5                   session of, or under the control of the United  
6                   States; or

7                   “(B) the manufacture, importation, posses-  
8                   sion, transfer, receipt, shipment, or delivery of  
9                   a firearm by a licensed manufacturer or li-  
10                  censed importer pursuant to a contract with the  
11                  United States.”.

○