

118TH CONGRESS  
1ST SESSION

# S. 361

To amend the National Firearms Act to provide an exception for stabilizing braces, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. LANKFORD (for himself, Mr. CRUZ, Mr. RISCH, Mr. CRAPO, and Mr. CASIDY) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the National Firearms Act to provide an exception for stabilizing braces, 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 “Pistol Brace Protection  
5 Act”.

6 **SEC. 2. MODIFICATION OF DEFINITION OF FIREARM.**

7 (a) FIREARM DEFINITIONS IN TITLE 18, UNITED  
8 STATES CODE.—Section 921(a) of title 18, United States  
9 Code, is amended—

10 (1) in paragraph (4)—

1 (A) in subparagraph (B), by striking  
2 “(other than a shotgun or a shotgun shell which  
3 the Attorney General finds is generally recog-  
4 nized as particularly suitable for sporting pur-  
5 poses)” and inserting the following: “(other  
6 than a shotgun, a shotgun shell, or a firearm  
7 excluded from the definition of the term ‘shot-  
8 gun’ under paragraph (5))”; and

9 (B) in the flush text following subpara-  
10 graph (C), by striking “which the owner intends  
11 to use solely for sporting, recreational or cul-  
12 tural purposes”;

13 (2) in paragraph (5)—

14 (A) by inserting “(A)” after “(5)”; and

15 (B) by adding at the end the following:

16 “(B)(i) The term ‘shotgun’ shall not include  
17 any pistol or other firearm that is equipped with a  
18 device that is designed, manufactured, and intended  
19 to allow the operation of a pistol or other firearm  
20 with a single hand through the use of a brace that—

21 “(I) is attachable or provides support to  
22 the user’s arm; and

23 “(II) the user intends to fire with a single  
24 hand.

1           “(ii) For purposes of clause (i), documented use  
2 with 2 hands or firing from the shoulder does not  
3 establish that a user does not intend to fire the pis-  
4 tol or other firearm with a single hand.”; and

5           (3) in paragraph (7)—

6           (A) by inserting “(A)” after “(7)”; and

7           (B) by adding at the end the following:

8           “(B)(i) The term ‘rifle’ shall not include any  
9 pistol that is equipped with a device that is designed,  
10 manufactured, and intended to allow the operation  
11 of a pistol with a single hand through the use of a  
12 brace that—

13           “(I) is attachable or provides support to  
14 the user’s arm; and

15           “(II) the user intends to fire with a single  
16 hand.

17           “(ii) For purposes of clause (i), documented use  
18 with 2 hands or firing from the shoulder does not  
19 establish that a user does not intend to fire the pis-  
20 tol with a single hand.”.

21           (b) NATIONAL FIREARMS ACT.—Section 5845 of the  
22 Internal Revenue Code of 1986 is amended—

23           (1) in subsection (c)—

24           (A) by striking “The term ‘rifle’ means”  
25 and inserting the following:

1           “(1) IN GENERAL.—Subject to paragraph (2),  
2 the term ‘rifle’ means”;

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

4           “(2) EXCEPTION.—

5           “(A) IN GENERAL.—The term ‘rifle’ shall  
6 not include any pistol which—

7           “(i) is equipped with a device which is  
8 designed, manufactured, and intended to  
9 allow the operation of a pistol with a single  
10 hand through the use of a brace that—

11           “(I) is attachable, or

12           “(II) provides support to the  
13 user’s arm, and

14           “(ii) the user intends to fire with a  
15 single hand.

16           “(B) EXCLUSION.—For purposes of clause  
17 (ii) of subparagraph (A), any documented use  
18 of a pistol described in such subparagraph with  
19 2 hands or firing from the shoulder shall not  
20 establish that a user does not intend to fire  
21 such pistol with a single hand.”;

22           (2) in subsection (d)—

23           (A) by striking “The term ‘shotgun’  
24 means” and inserting the following:

1           “(1) IN GENERAL.—Subject to paragraph (2),  
2 the term ‘shotgun’ means”; and

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

4           “(2) EXCEPTION.—

5           “(A) IN GENERAL.—The term ‘shotgun’  
6 shall not include any pistol or other weapon  
7 which—

8           “(i) is equipped with a device which is  
9 designed, manufactured, and intended to  
10 allow the operation of a pistol with a single  
11 hand through the use of a brace that—

12                   “(I) is attachable, or

13                   “(II) provides support to the  
14 user’s arm, and

15           “(ii) the user intends to fire with a  
16 single hand.

17           “(B) EXCLUSION.—For purposes of clause  
18 (ii) of subparagraph (A), any documented use  
19 of a pistol or other weapon described in such  
20 subparagraph with 2 hands or firing from the  
21 shoulder shall not establish that a user does not  
22 intend to fire such pistol or other weapon with  
23 a single hand.”;

24           (3) in subsection (e)—

1 (A) by striking “a pistol or revolver having  
2 a barrel with a smooth bore designed or rede-  
3 signed to fire a fixed shotgun shell,”; and

4 (B) by striking “having a rifled bore, or ri-  
5 fled bores”; and

6 (4) in subsection (f), by striking “except a shot-  
7 gun or shotgun shell which the Secretary finds is  
8 generally recognized as particularly suitable for  
9 sporting purposes” and inserting “other than a shot-  
10 gun, a shotgun shell, or a firearm excluded from the  
11 definition of the term ‘shotgun’ under subsection  
12 (d)”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect on the date of enactment of  
15 this Act.

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