

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To revise various laws that interfere with the lawful use of firearms and to promote America’s firearms heritage.

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IN THE SENATE OF THE UNITED STATES

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Ms. LUMMIS introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## A BILL

To revise various laws that interfere with the lawful use of firearms and to promote America’s firearms heritage.

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 “Lawful Purpose and  
5 Historical Firearms Act”.

6 **SEC. 2. RETURN OF HISTORICAL FIREARMS AND AMEND-**  
7 **MENTS TO ARMS EXPORT CONTROL ACT.**

8 (a) IN GENERAL.—Section 38 of the Arms Export  
9 Control Act (22 U.S.C. 2778) is amended—

1           (1) in subsection (a), by adding at the end the  
2 following new paragraph:

3           “(4) Notwithstanding any other provision of this title,  
4 no officer or employee of the United States shall deny the  
5 importation of firearms or ammunition into the United  
6 States unless the firearm or ammunition is located or  
7 manufactured in a country for which—

8           “(A) it is the policy of the United States to  
9 deny licenses and other approvals with respect to de-  
10 fense articles and defense services originating in that  
11 country; or

12           “(B) the United States maintains an arms em-  
13 bargo.”; and

14           (2) in subsection (b)(1)—

15           (A) in subparagraph (B)—

16           (i) in the matter preceding clause (i),  
17 by striking “subparagraph (A)” and insert-  
18 ing “subparagraph (A)(i)”;

19           (ii) in clause (i), by striking “Sec-  
20 retary of the Treasury” and inserting “At-  
21 torney General”; and

22           (iii) by striking clause (ii) and insert-  
23 ing the following:

24           “(ii) the person seeking to export such firearms  
25 to the United States certifies to the Attorney Gen-

1           eral that the firearms are lawfully possessed by the  
2           exporter under the laws of the exporting country.”;  
3           and

4                       (B) by adding at the end the following new  
5           subparagraph:

6           “(D) Notwithstanding any other provision of law or  
7           regulation, any such firearms described in subparagraph  
8           (B) (other than machine guns imported for purposes other  
9           than those set forth in section 5855 of the Internal Rev-  
10          enue Code of 1986) may be imported into the United  
11          States by an importer licensed under the provisions of  
12          chapter 44 of title 18, United States Code, without the  
13          importer or the person described in subparagraph  
14          (B)(ii)—

15                       “(i) obtaining authorization from the Depart-  
16          ment of State or the Department of Defense for the  
17          transfer of such firearms by the person to the im-  
18          porter; or

19                       “(ii) providing payment to the Department of  
20          State or the Department of Defense of any of the  
21          proceeds of the transfer of such firearms by the per-  
22          son to the importer.”.

23          (b) **EFFECTIVE DATE.**—The amendments made by  
24          subsection (a) apply to the importation of firearms de-  
25          scribed in section 38(b)(1)(B) of the Arms Export Control

1 Act (as amended by subsection (a) of this section) on or  
2 after the date of the enactment of this Act.

3 **SEC. 3. TRANSFERS OF NATIONAL FIREARMS ACT FIRE-**  
4 **ARMS TO MUSEUMS.**

5 (a) EXEMPTION FROM PAYMENT OF NATIONAL  
6 FIREARMS ACT TAX FOR FIREARMS TRANSFERRED TO  
7 MUSEUMS.—Part II of subchapter B of chapter 53 of sub-  
8 title E of the Internal Revenue Code of 1986 is amended  
9 by adding at the end the following:

10 **“SEC. 5855. EXEMPTION FROM TRANSFER TAX FOR TRANS-**  
11 **FERS TO MUSEUMS.**

12 “(a) IN GENERAL.—Any firearm may be transferred  
13 to a museum without payment of the transfer tax imposed  
14 by section 5811 or issuance of a stamp required pursuant  
15 to section 5812, provided that such firearm is—

16 “(1) appropriately secured for display by such  
17 museum, and

18 “(2) transferred to and possessed by such mu-  
19 seum for—

20 “(A) the purpose of display to the public,

21 “(B) preservation of a historical artifact,

22 or

23 “(C) research purposes.

24 “(b) DEFINITIONS.—In this section—

1           “(1) APPROPRIATELY SECURED FOR DIS-  
2           PLAY.—

3           “(A) IN GENERAL.—The term ‘appro-  
4           priately secured for display’ means, with respect  
5           to a firearm—

6                   “(i) storage which is specifically de-  
7                   signed to prevent the theft or misappro-  
8                   priation of such firearm, or

9                   “(ii) modification of such firearm in a  
10                  manner which will prevent the functioning  
11                  of such firearm.

12           “(B) DISCRETION.—For purposes of sub-  
13           paragraph (A), a museum shall have reasonable  
14           discretion with respect to the storage or modi-  
15           fication of a firearm, which shall include, to the  
16           greatest extent possible, preservation of the his-  
17           torical, educational, or cultural value of such  
18           firearm.

19           “(2) MUSEUM.—The term ‘museum’ means an  
20           organization described in section 501(c)(3) and ex-  
21           empt from tax under section 501(a) which—

22                   “(A) stores, preserves, and exhibits—

23                           “(i) objects of art, history, science, or

24                           “(ii) other objects of historical, edu-  
25                           cational or cultural value,

1           “(B) with respect to objects described in  
2           subparagraph (A), stores, preserves, and exhib-  
3           its such objects on a permanent basis in a  
4           building, portion of a building, or outdoor loca-  
5           tion, and

6           “(C) provides museum services to the pub-  
7           lic on a regular basis.

8           “(c) RULE OF CONSTRUCTION.—Except in the case  
9           of a museum electing to modify a firearm pursuant to sub-  
10          section (b)(1)(A)(ii), nothing in this section shall be con-  
11          strued to require any firearm which is lawfully registered  
12          and possessed pursuant to the provisions of this chapter  
13          to be modified to prevent the functioning of such fire-  
14          arm.”.

15          (b) AMENDMENTS TO FIREARM OWNERS’ PROTEC-  
16          TION ACT.—Section 922(o)(2) of title 18, United States  
17          Code, is amended—

18                 (1) in subparagraph (A), by striking “or” at  
19                 the end;

20                 (2) in subparagraph (B), by striking the period  
21                 at the end and inserting “; or”; and

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

23                 “(C) a transfer of a machinegun to, or posses-  
24                 sion of a machinegun by, a museum in accordance

1 with section 5855 of the Internal Revenue Code of  
2 1986.”.

3 (c) TECHNICAL AMENDMENT.—The table of sections  
4 for part II of subchapter B of chapter 53 of subtitle E  
5 of the Internal Revenue Code of 1986 is amended by add-  
6 ing at the end the following new item:

“Sec. 5855. Exemption from transfer tax for transfers to museums.”.

7 (d) EFFECTIVE DATE.—The amendments made by  
8 this section shall take effect on the date of enactment of  
9 this Act.

10 **SEC. 4. IMPORTATION OF CERTAIN NATIONAL FIREARMS**  
11 **ACT FIREARMS.**

12 (a) IN GENERAL.—Section 5844 of the Internal Rev-  
13 enue Code of 1986 is amended to read as follows:

14 **“SEC. 5844. IMPORTATION.**

15 “(a) IN GENERAL.—Subject to subsection (b), no  
16 firearm shall be imported or brought into the United  
17 States or any territory under its control or jurisdiction un-  
18 less the importer—

19 “(1) is a licensed importer (as defined in sec-  
20 tion 921(a)(9) of title 18, United States Code),

21 “(2) has paid the special (occupational) tax re-  
22 quired by section 5801 for their business, and

23 “(3) has registered as required by section 5802.

24 “(b) NONAPPLICATION TO MACHINEGUNS.—In the  
25 case of a firearm which is a machinegun, such firearm

1 shall not be imported or brought into the United States  
2 or any territory under its control or jurisdiction unless the  
3 importer establishes that such firearm—

4           “(1) is being imported or brought in for the  
5           purposes set forth in section 5855(a), or

6           “(2) complies with the requirements established  
7           under this section (as well as any regulations pre-  
8           scribed by the Secretary) as in effect on the day be-  
9           fore the date of the enactment of the Lawful Pur-  
10          pose and Historical Firearms Act.

11          “(c) NO ADDITIONAL REQUIREMENTS.—Other than  
12 the requirements described in paragraphs (1), (2), and (3)  
13 of subsection (a) and subsection (b), the Secretary shall  
14 not establish any additional requirements or conditions  
15 through any regulation or other guidance with respect to  
16 the importation of firearms into the United States or any  
17 territory under its control or jurisdiction.”.

18          (b) EFFECTIVE DATE.—The amendment made by  
19 this section shall take effect on the date of enactment of  
20 this Act.



1 **SEC. 5. PROTECTION OF SHOTGUNS, SHOTGUN SHELLS,**  
2 **AND LARGE CALIBER RIFLES FROM ARBI-**  
3 **TRARY CLASSIFICATION AS “DESTRUCTIVE**  
4 **DEVICES”.**

5 (a) AMENDMENTS TO THE NATIONAL FIREARMS  
6 ACT.—Section 5845(f) of the Internal Revenue Code of  
7 1986 is amended—

8 (1) in paragraph (2) of the first sentence, by  
9 striking “recognized as particularly suitable for  
10 sporting purposes” and inserting “recognized as  
11 suitable for lawful purposes”; and

12 (2) in the second sentence, by striking “use  
13 solely for sporting purposes” and inserting “use for  
14 lawful purposes”.

15 (b) AMENDMENTS TO TITLE 18, UNITED STATES  
16 CODE.—Section 921(a)(4) of title 18, United States Code,  
17 is amended—

18 (1) in subparagraph (B) of the 1st sentence, by  
19 striking “particularly suitable for sporting” and in-  
20 serting “suitable for lawful”; and

21 (2) in the 2nd sentence, by striking “solely”.

22 **SEC. 6. RIFLE AND SHOTGUN AMMUNITION.**

23 Section 921(a)(17) of title 18, United States Code,  
24 is amended—

25 (1) in subparagraph (B)—

1 (A) in clause (i), by striking “may be  
2 used” and inserting “is designed and intended  
3 by the manufacturer or importer for use”; and

4 (B) in clause (ii), by inserting “by the  
5 manufacturer or importer” before “for use”;  
6 and

7 (2) in subparagraph (C), by striking “the At-  
8 torney General finds is primarily intended to be used  
9 for sporting purposes” and inserting “is primarily  
10 intended by the manufacturer or importer to be used  
11 in a rifle or shotgun, a handgun projectile that is de-  
12 signed and intended by the manufacturer or im-  
13 porter to be used for hunting, recreational, or com-  
14 petitive shooting”.

15 **SEC. 7. TEMPORARY INTERSTATE LOANS FOR ALL LAWFUL**  
16 **PURPOSES; ELIMINATION OF RESTRICTIONS**  
17 **ON IMPORTATION OF FIREARMS OR AMMUNI-**  
18 **TION THAT MAY OTHERWISE BE LAWFULLY**  
19 **POSSESSED AND SOLD IN THE UNITED**  
20 **STATES.**

21 (a) **ELIMINATION OF PROHIBITIONS.**—Section 922 of  
22 title 18, United States Code, is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (5)(B), by striking  
25 “sporting”;

1 (B) in paragraph (6), by adding “or” at  
2 the end;

3 (C) by striking paragraphs (7) and (8);

4 (D) by redesignating paragraph (9) as  
5 paragraph (7); and

6 (E) in paragraph (7), as so redesignated,  
7 by striking “sporting”;

8 (2) in subsection (b)(3)(B), by striking “sport-  
9 ing”; and

10 (3) by striking subsection (r).

11 (b) LICENSING.—Section 923(e) of title 18, United  
12 States Code, is amended by striking “The Attorney Gen-  
13 eral may, after notice and opportunity for hearing, revoke  
14 the license of a dealer who willfully transfers armor pierc-  
15 ing ammunition.”.

16 (c) BROADENING OF EXCEPTIONS.—

17 (1) IN GENERAL.—Section 925 of title 18,  
18 United States Code, is amended—

19 (A) in subsection (a)—

20 (i) in paragraph (3), by striking “de-  
21 termined” and all that follows through the  
22 end and inserting “intended for the lawful  
23 personal use of such member or club.”;  
24 and

1 (ii) in paragraph (4), by striking  
2 “(A)” and all that follows through “for  
3 the” and inserting “intended for the law-  
4 ful”; and

5 (B) by striking subsections (d), (e), and (f)  
6 and inserting the following:

7 “(d)(1) Not later than 30 days after the Attorney  
8 General receives an application therefor, the Attorney  
9 General shall authorize a firearm or ammunition to be im-  
10 ported or brought into the United States or any possession  
11 thereof if—

12 “(A) the firearm or ammunition is being im-  
13 ported or brought in for scientific, research, testing,  
14 or experimentation purposes;

15 “(B) the firearm is an unserviceable firearm  
16 (other than a machinegun as defined in section  
17 5845(b) of the Internal Revenue Code of 1986 that  
18 is readily restorable to firing condition);

19 “(C) except as otherwise provided by this para-  
20 graph or another provision of law, the firearm is not  
21 a machinegun, as defined in section 5845(b) of the  
22 Internal Revenue Code of 1986;

23 “(D) the ammunition is not armor piercing am-  
24 munition (as defined in section 921(a)(17)(B) of

1 this title), unless subparagraph (A), (E), (F), or (G)  
2 of this paragraph applies;

3 “(E) the firearm or ammunition is being im-  
4 ported or brought in for the use of the United  
5 States, any department or agency of the United  
6 States, any State, or any department, agency, or po-  
7 litical subdivision of a State;

8 “(F) the firearm or ammunition is being im-  
9 ported or brought in for the purpose of exportation;

10 “(G) the firearm or ammunition was previously  
11 taken out of the United States or a possession there-  
12 of by the person who is bringing in the firearm or  
13 ammunition;

14 “(H) the firearm is a firearm defined as curio  
15 or relic by the Attorney General under section  
16 921(a)(13) of this title; or

17 “(I) the firearm is being imported or brought in  
18 by a museum (as defined in section 5855 of the In-  
19 ternal Revenue Code of 1986) for the purpose of dis-  
20 play to the public or for research purposes, including  
21 the importation of a machinegun for a purpose de-  
22 scribed in section 5855 of the Internal Revenue  
23 Code of 1986.

24 “(2) Not later than 30 days after the Attorney Gen-  
25 eral receives an application therefor, the Attorney General

1 shall permit the conditional importation or bringing in of  
2 a firearm or ammunition for examination and testing in  
3 connection with the making of a determination as to  
4 whether the importation or bringing in of the firearm or  
5 ammunition will be allowed under this subsection.

6 “(3) The Attorney General shall not authorize, under  
7 this subsection, the importation of any firearm the impor-  
8 tation of which is prohibited by section 922(p).”.

9 (2) CONFORMING AMENDMENT.—Section 922(l)  
10 of title 18, United States Code, is amended by strik-  
11 ing “925(d) of this chapter” and inserting “925”.