

117TH CONGRESS
1ST SESSION

H. R. 1691

To direct the Secretary of Homeland Security to issue guidance to identify firearms business operations of licensed manufacturers and licensed dealers as essential businesses during certain national emergencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2021

Mr. HIGGINS of Louisiana introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Homeland Security to issue guidance to identify firearms business operations of licensed manufacturers and licensed dealers as essential businesses during certain national emergencies, 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 “Second Amendment
5 Protection Act”.

1 **SEC. 2. GUIDANCE ON ESSENTIAL BUSINESS.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary of Homeland Security shall issue
4 guidance to identify firearms business operations of li-
5 censed manufacturers and licensed dealers, as such terms
6 are defined in section 921(a) of title 18, United States
7 Code, as essential businesses for purposes of any State
8 or local government order relating to a National Emer-
9 gency declared under section 201 of the National Emer-
10 gencies Act (50 U.S.C. 1622) or a major disaster declared
11 under section 401 of the Robert T. Stafford Disaster Re-
12 lief and Emergency Assistance Act (42 U.S.C. 5170a).

13 **SEC. 3. AUTHORITY TO CONDUCT INTERSTATE FIREARMS**
14 **TRANSACTIONS.**

15 (a) FIREARMS DISPOSITIONS.—Section 922(b)(3)(A)
16 of title 18, United States Code, is amended—

17 (1) by striking “rifle or shotgun” and inserting
18 “firearm”;

19 (2) by striking “located” and inserting “located
20 or temporarily located”; and

21 (3) by striking “both such States” and insert-
22 ing “the State in which the transfer is conducted
23 and the State of residence of the transferee”.

24 (b) DEALER LOCATION.—Section 923 of such title is
25 amended—

26 (1) in subsection (j)—

1 (A) in the first sentence, by striking “, and
2 such location is in the State which is specified
3 on the license”; and

4 (B) in the last sentence—

5 (i) by inserting “transfer,” after
6 “sell,”; and

7 (ii) by striking all that follows “Act”
8 and inserting a period; and

9 (2) by adding at the end the following:

10 “(m) Nothing in this chapter shall be construed to
11 prohibit the sale, transfer, delivery, or other disposition
12 of a firearm or ammunition—

13 “(1) by a person licensed under this chapter to
14 another person so licensed, at any location in any
15 State; or

16 “(2) by a licensed importer, licensed manufac-
17 turer, or licensed dealer to a person not licensed
18 under this chapter, at a temporary location de-
19 scribed in subsection (j) in any State.”.

1 **SEC. 4. ALLOWING A MEMBER OF THE ARMED FORCES ON**
2 **ACTIVE DUTY, OR A SPOUSE OF THE MEMBER**
3 **TO OWN A FIREARM IN THEIR PLACE OF RES-**
4 **IDENCE AND IN THE STATE IN WHICH STA-**
5 **TIONED.**

6 Section 921 of title 18, United States Code, is
7 amended by striking subsection (b) and inserting the fol-
8 lowing:

9 “(b) For purposes of this chapter:

10 “(1) A member of the Armed Forces on active
11 duty, or a spouse of the member, is a resident of—

12 “(A) the State in which the person main-
13 tains legal residence;

14 “(B) the State in which the permanent
15 duty station of the member is located; and

16 “(C) the State in which the member main-
17 tains a place of abode from which the member
18 commutes each day to the permanent duty sta-
19 tion.

20 “(2) An officer or employee of the United
21 States (other than a member of the Armed Forces)
22 stationed outside the United States for a period ex-
23 ceeding one year, or a spouse residing with such an
24 officer or employee, is a resident of the State in
25 which the person maintains legal residence.”.

1 **SEC. 5. RECIPROCITY FOR THE CARRYING OF CERTAIN**
2 **CONCEALED FIREARMS.**

3 (a) IN GENERAL.—Chapter 44 of title 18, United
4 States Code, is amended by inserting after section 926C
5 the following:

6 **“§ 926D. Reciprocity for the carrying of certain con-**
7 **cealed firearms**

8 “(a) Notwithstanding any provision of the law of any
9 State or political subdivision thereof (except as provided
10 in subsection (b)) and subject only to the requirements
11 of this section, a person who is not prohibited by Federal
12 law from possessing, transporting, shipping, or receiving
13 a firearm, who is carrying a valid identification document
14 containing a photograph of the person, and who is car-
15 rying a valid license or permit which is issued pursuant
16 to the law of a State and which permits the person to
17 carry a concealed firearm or is entitled to carry a con-
18 cealed firearm in the State in which the person resides,
19 may possess or carry a concealed handgun (other than a
20 machine gun or destructive device) that has been shipped
21 or transported in interstate or foreign commerce, in any
22 State that—

23 “(1) has a statute under which residents of the
24 State may apply for a license or permit to carry a
25 concealed firearm; or

1 “(2) does not prohibit the carrying of concealed
2 firearms by residents of the State for lawful pur-
3 poses.

4 “(b) This section shall not be construed to supersede
5 or limit the laws of any State that—

6 “(1) permit private persons or entities to pro-
7 hibit or restrict the possession of concealed firearms
8 on their property; or

9 “(2) prohibit or restrict the possession of fire-
10 arms on any State or local government property, in-
11 stallation, building, base, or park.

12 “(c)(1) A person who carries or possesses a concealed
13 handgun in accordance with subsections (a) and (b) may
14 not be arrested or otherwise detained for violation of any
15 law or any rule or regulation of a State or any political
16 subdivision thereof related to the possession, transpor-
17 tation, or carrying of firearms unless there is probable
18 cause to believe that the person is doing so in a manner
19 not provided for by this section. Presentation of facially
20 valid documents as specified in subsection (a) is prima
21 facie evidence that the individual has a license or permit
22 as required by this section.

23 “(2) When a person asserts this section as a defense
24 in a criminal proceeding, the prosecution shall bear the
25 burden of proving, beyond a reasonable doubt, that the

1 conduct of the person did not satisfy the conditions set
2 forth in subsections (a) and (b).

3 “(3) When a person successfully asserts this section
4 as a defense in a criminal proceeding, the court shall
5 award the prevailing defendant a reasonable attorney’s
6 fee.

7 “(d)(1) A person who is deprived of any right, privi-
8 lege, or immunity secured by this section, under color of
9 any statute, ordinance, regulation, custom, or usage of any
10 State or any political subdivision thereof, may bring an
11 action in any appropriate court against any other person,
12 including a State or political subdivision thereof, who
13 causes the person to be subject to the deprivation, for
14 damages or other appropriate relief.

15 “(2) The court shall award a plaintiff prevailing in
16 an action brought under paragraph (1) damages and such
17 other relief as the court deems appropriate, including a
18 reasonable attorney’s fee.

19 “(e) In subsection (a):

20 “(1) The term ‘identification document’ means
21 a document made or issued by or under the author-
22 ity of the United States Government, a State, or a
23 political subdivision of a State which, when com-
24 pleted with information concerning a particular indi-

1 vidual, is of a type intended or commonly accepted
2 for the purpose of identification of individuals.

3 “(2) The term ‘handgun’ includes any magazine
4 for use in a handgun and any ammunition loaded
5 into the handgun or its magazine.

6 “(f)(1) A person who possesses or carries a concealed
7 handgun under subsection (a) shall not be subject to the
8 prohibitions of section 922(q) with respect to that hand-
9 gun.

10 “(2) A person possessing or carrying a concealed
11 handgun in a State under subsection (a) may do so in
12 any of the following areas in the State that are open to
13 the public:

14 “(A) A unit of the National Park System.

15 “(B) A unit of the National Wildlife Refuge
16 System.

17 “(C) Public land under the jurisdiction of the
18 Bureau of Land Management.

19 “(D) Land administered and managed by the
20 Army Corps of Engineers.

21 “(E) Land administered and managed by the
22 Bureau of Reclamation.

23 “(F) Land administered and managed by the
24 Forest Service.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for such chapter is amended by inserting after the item
3 relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

4 (c) SEVERABILITY.—Notwithstanding any other pro-
5 vision of this Act, if any provision of this section, or any
6 amendment made by this section, or the application of
7 such provision or amendment to any person or cir-
8 cumstance is held to be unconstitutional, this section and
9 amendments made by this section and the application of
10 such provision or amendment to other persons or cir-
11 cumstances shall not be affected thereby.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect 90 days after the date of the
14 enactment of this Act.

15 **SEC. 6. RECIPROCITY FOR THE CARRYING OF HANDGUNS.**

16 (a) IN GENERAL.—Chapter 44 of title 18, United
17 States Code, is further amended by inserting after section
18 926D the following:

19 **“§ 926E. Reciprocity for the carrying of handguns**

20 “(a) Notwithstanding any provision of the law of any
21 State or political subdivision thereof (except as provided
22 in subsection (b)) and subject only to the requirements
23 of this section, a person who is not prohibited by Federal
24 law from possessing, transporting, shipping, or receiving
25 a firearm, who is carrying a valid identification document

1 containing a photograph of the person, and who is car-
2 rying a valid license or permit which is issued pursuant
3 to the law of a State and which permits the person to
4 carry a handgun or is entitled to carry a handgun in the
5 State in which the person resides, may possess or carry
6 a handgun (other than a machine gun or destructive de-
7 vice) that has been shipped or transported in interstate
8 or foreign commerce, in any State that—

9 “(1) has a statute under which residents of the
10 State may apply for a license or permit to carry a
11 handgun; or

12 “(2) does not prohibit the carrying of handguns
13 by residents of the State for lawful purposes.

14 “(b) This section shall not be construed to supersede
15 or limit the laws of any State that—

16 “(1) permit private persons or entities to pro-
17 hibit or restrict the possession of handguns on their
18 property; or

19 “(2) prohibit or restrict the possession of hand-
20 guns on any State or local government property, in-
21 stallation, building, base, or park.

22 “(c)(1) A person who carries or possesses a handgun
23 in accordance with subsections (a) and (b) may not be ar-
24 rested or otherwise detained for violation of any law or
25 any rule or regulation of a State or any political subdivi-

1 sion thereof related to the possession, transportation, or
2 carrying of firearms unless there is probable cause to be-
3 lieve that the person is doing so in a manner not provided
4 for by this section. Presentation of facially valid docu-
5 ments as specified in subsection (a) is prima facie evidence
6 that the individual has a license or permit as required by
7 this section.

8 “(2) When a person asserts this section as a defense
9 in a criminal proceeding, the prosecution shall bear the
10 burden of proving, beyond a reasonable doubt, that the
11 conduct of the person did not satisfy the conditions set
12 forth in subsections (a) and (b).

13 “(3) When a person successfully asserts this section
14 as a defense in a criminal proceeding, the court shall
15 award the prevailing defendant a reasonable attorney’s
16 fee.

17 “(d)(1) A person who is deprived of any right, privi-
18 lege, or immunity secured by this section, under color of
19 any statute, ordinance, regulation, custom, or usage of any
20 State or any political subdivision thereof, may bring an
21 action in any appropriate court against any other person,
22 including a State or political subdivision thereof, who
23 causes the person to be subject to the deprivation, for
24 damages or other appropriate relief.

1 “(2) The court shall award a plaintiff prevailing in
2 an action brought under paragraph (1) damages and such
3 other relief as the court deems appropriate, including a
4 reasonable attorney’s fee.

5 “(e) In subsection (a):

6 “(1) The term ‘identification document’ means
7 a document made or issued by or under the author-
8 ity of the United States Government, a State, or a
9 political subdivision of a State which, when com-
10 pleted with information concerning a particular indi-
11 vidual, is of a type intended or commonly accepted
12 for the purpose of identification of individuals.

13 “(2) The term ‘handgun’ includes any magazine
14 for use in a handgun and any ammunition loaded
15 into the handgun or its magazine.

16 “(f)(1) A person who possesses or carries a handgun
17 under subsection (a) shall not be subject to the prohibi-
18 tions of section 922(q) with respect to that handgun.

19 “(2) A person possessing or carrying a handgun in
20 a State under subsection (a) may do so in any of the fol-
21 lowing areas in the State that are open to the public:

22 “(A) A unit of the National Park System.

23 “(B) A unit of the National Wildlife Refuge
24 System.

1 “(C) Public land under the jurisdiction of the
2 Bureau of Land Management.

3 “(D) Land administered and managed by the
4 Army Corps of Engineers.

5 “(E) Land administered and managed by the
6 Bureau of Reclamation.

7 “(F) Land administered and managed by the
8 Forest Service.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for such chapter is further amended by inserting after the
11 item relating to section 926D the following:

“926E. Reciprocity for the carrying of handguns.”.

12 (c) SEVERABILITY.—Notwithstanding any other pro-
13 vision of this Act, if any provision of this section, or any
14 amendment made by this section, or the application of
15 such provision or amendment to any person or cir-
16 cumstance is held to be unconstitutional, this section and
17 amendments made by this section and the application of
18 such provision or amendment to other persons or cir-
19 cumstances shall not be affected thereby.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect 90 days after the date of the
22 enactment of this Act.

1 **SEC. 7. TAX CREDIT FOR FIREARM SAFETY COURSES AND**
2 **FIREARM SAFETY STORAGE DEVICES.**

3 (a) IN GENERAL.—Subpart A of part IV of sub-
4 chapter A of chapter 1 of the Internal Revenue Code of
5 1986 is amended by inserting after section 25D the fol-
6 lowing new section:

7 **“SEC. 25E. FIREARM SAFETY CREDIT.**

8 “(a) IN GENERAL.—In the case of an individual,
9 there shall be allowed as a credit against the tax imposed
10 by this chapter for the taxable year an amount equal to
11 5 percent of so much of the qualified firearm safety ex-
12 penditures of the taxpayer for the taxable year as does
13 not exceed \$2,000.

14 “(b) QUALIFIED FIREARM SAFETY EXPENDI-
15 TURES.—For purposes of this section—

16 “(1) IN GENERAL.—The term ‘qualified firearm
17 safety expenditures’ means an amount paid or in-
18 curred by the taxpayer—

19 “(A) for the purchase of a firearm safety
20 storage device the first use of which is by the
21 taxpayer, or

22 “(B) which is required for enrollment and
23 attendance by the taxpayer in any firearm safe-
24 ty course which is completed by the taxpayer.

1 “(2) FIREARM SAFETY STORAGE DEVICE.—The
2 term ‘firearm safety storage device’ means any de-
3 vice—

4 “(A) the principal purpose of which is de-
5 nying unauthorized access to, or rendering in-
6 operable, a firearm or ammunition, and

7 “(B) which, when locked, can only be
8 opened by combination, key, or biometric infor-
9 mation.

10 “(3) FIREARM SAFETY COURSE.—A course
11 shall not be treated as a firearm safety course for
12 purposes of this section unless such course is cer-
13 tified by the State in which it is held.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for subpart A of part IV of subchapter A of chapter 1
16 of such Code is amended by inserting after the item relat-
17 ing to section 25D the following new item:

“Sec. 25E. Firearm safety credit.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to taxable years beginning after
20 the date of the enactment of this Act.

○