AMENDMENT NO. ______ Calendar No. ______

Purpose: To protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 649

To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MANCHIN (for himself, Mr. TOOMEY, Mr. KIRK, and Mr. SCHUMER)

Viz:

1 Strike title I and insert the following:

2 TITLE I—PUBLIC SAFETY AND SECOND AMENDMENT RIGHTS PROTECTION ACT

3 SECTION 101. SHORT TITLE.

4 This title may be cited as the “Public Safety and Second Amendment Rights Protection Act of 2013”.

SEC. 102. FINDINGS.

Congress finds the following:

(1) Congress supports, respects, and defends the fundamental, individual right to keep and bear arms guaranteed by the Second Amendment to the Constitution of the United States.

(2) Congress supports and reaffirms the existing prohibition on a national firearms registry.

(3) Congress believes the Department of Justice should prosecute violations of background check requirements to the maximum extent of the law.

(4) There are deficits in the background check system in existence prior to the date of enactment of this Act and the Department of Justice should make it a top priority to work with States to swiftly input missing records, including mental health records.

(5) Congress and the citizens of the United States agree that in order to promote safe and responsible gun ownership, dangerous criminals and the seriously mentally ill should be prohibited from possessing firearms; therefore, it should be incumbent upon all citizens to ensure weapons are not being transferred to such people.
SEC. 103. RULE OF CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to—

(1) expand in any way the enforcement authority or jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; or

(2) allow the establishment, directly or indirectly, of a Federal firearms registry.

SEC. 104. SEVERABILITY.

If any provision of this title or an amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be invalid for any reason in any court of competent jurisdiction, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any other person or circumstance, shall not be affected.
Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System

SEC. 111. REAUTHORIZATION OF THE NATIONAL CRIMINAL HISTORY RECORDS IMPROVEMENT PROGRAM.

Section 106(b) of Public Law 103–159 (18 U.S.C. 922 note) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “of this Act” and inserting “of the Public Safety and Second Amendment Rights Protection Act of 2013”; and

(2) by striking paragraph (2) and inserting the following:

“(2) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated for grants under this subsection $100,000,000 for each of fiscal years 2014 through 2017.”.

SEC. 112. IMPROVEMENT OF METRICS AND INCENTIVES.

Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended to read as follows:
“(b) IMPLEMENTATION PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2013, the Attorney General, in coordination with the States, shall establish for each State or Indian tribal government desiring a grant under section 103 a 4-year implementation plan to ensure maximum coordination and automation of the reporting of records or making records available to the National Instant Criminal Background Check System.

“(2) BENCHMARK REQUIREMENTS.—Each 4-year plan established under paragraph (1) shall include annual benchmarks, including both qualitative goals and quantitative measures, to assess implementation of the 4-year plan.

“(3) PENALTIES FOR NON-COMPLIANCE.—

“(A) IN GENERAL.—During the 4-year period covered by a 4-year plan established under paragraph (1), the Attorney General shall withhold—

“(i) 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42
U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the first year in the 4-year period;

"(ii) 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the second year in the 4-year period;

"(iii) 13 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet the benchmark established under paragraph (2) for the third year in the 4-year period; and

"(iv) 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State does not meet
the benchmark established under paragraph (2) for the fourth year in the 4-year period.

"(B) FAILURE TO ESTABLISH A PLAN.—A State that fails to establish a plan under paragraph (1) shall be treated as having not met any benchmark established under paragraph (2)."

SEC. 113. GRANTS TO STATES FOR IMPROVEMENT OF CO-ORDINATION AND AUTOMATION OF NICS RECORD REPORTING.

(a) In General.—The NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking section 103 and inserting the following:

"SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-ORDINATION AND AUTOMATION OF NICS RECORD REPORTING.

(a) Authorization.—From amounts made available to carry out this section, the Attorney General shall make grants to States, Indian Tribal governments, and State court systems, in a manner consistent with the National Criminal History Improvement Program and consistent with State plans for integration, automation, and accessibility of criminal history records, for use by the
State, or units of local government of the State, Indian
Tribal government, or State court system to improve the
automation and transmittal of mental health records and
criminal history dispositions, records relevant to deter-
mining whether a person has been convicted of a mis-
demeanor crime of domestic violence, court orders, and
mental health adjudications or commitments to Federal
and State record repositories in accordance with section
102 and the National Criminal History Improvement Pro-
gram.

"(b) USE OF GRANT AMOUNTS.—Grants awarded to
States, Indian Tribal governments, or State court systems
under this section may only be used to—

"(1) carry out, as necessary, assessments of the
capabilities of the courts of the State or Indian Trib-
al government for the automation and transmission
of arrest and conviction records, court orders, and
mental health adjudications or commitments to Fed-
eral and State record repositories;

"(2) implement policies, systems, and proce-
dures for the automation and transmission of arrest
and conviction records, court orders, and mental
health adjudications or commitments to Federal and
State record repositories;
“(3) create electronic systems that provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System, including court disposition and corrections records;

“(4) assist States or Indian Tribal governments in establishing or enhancing their own capacities to perform background checks using the National Instant Criminal Background Check System; and

“(5) develop and maintain the relief from disabilities program in accordance with section 105.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible for a grant under this section, a State, Indian Tribal government, or State court system shall certify, to the satisfaction of the Attorney General, that the State, Indian Tribal government, or State court system—

“(A) is not prohibited by State law or court order from submitting mental health records to the National Instant Criminal Background Check System; and

“(B) subject to paragraph (2), has implemented a relief from disabilities program in accordance with section 105.
“(2) RELIEF FROM DISABILITIES PROGRAM.—

For purposes of obtaining a grant under this section, a State, Indian Tribal government, or State court system shall not be required to meet the eligibility requirement described in paragraph (1)(B) until the date that is 2 years after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2013.

“(d) FEDERAL SHARE.—

“(1) STUDIES, ASSESSMENTS, NON-MATERIAL ACTIVITIES.—The Federal share of a study, assessment, creation of a task force, or other non-material activity, as determined by the Attorney General, carried out with a grant under this section shall be not more than 25 percent.

“(2) INFRASTRUCTURE OR SYSTEM DEVELOPMENT.—The Federal share of an activity involving infrastructure or system development, including labor-related costs, for the purpose of improving State or Indian Tribal government record reporting to the National Instant Criminal Background Check System carried out with a grant under this section may amount to 100 percent of the cost of the activity.
“(e) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2014 through 2017.”;

(2) by striking title III; and

(3) in section 401(b), by inserting after “of this Act” the following: “and 18 months after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2013”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 1(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking the item relating to section 103 and inserting the following:

“Sec. 103. Grants to States for improvement of coordination and automation of NICS record reporting.”.

SEC. 114. RELIEF FROM DISABILITIES PROGRAM.

Section 105 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by adding at the end the following:

“(e) PENALTIES FOR NON-COMPLIANCE.—
“(1) 10 PERCENT REDUCTION.—During the 1-year period beginning 2 years after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2013, the Attorney General shall withhold 10 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

“(2) 11 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (1), the Attorney General shall withhold 11 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

“(3) 13 PERCENT REDUCTION.—During the 1-year period after the expiration of the period described in paragraph (2), the Attorney General shall withhold 13 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of
1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section.

"(4) 15 PERCENT REDUCTION.—After the expiration of the 1-year period described in paragraph (3), the Attorney General shall withhold 15 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State has not implemented a relief from disabilities program in accordance with this section."

SEC. 115. ADDITIONAL PROTECTIONS FOR OUR VETERANS.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

(a) IN GENERAL.—In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is determined by the Secretary to be mentally incompetent shall not be considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18 until—
“(1) in the case in which the person does not request a review as described in subsection (c)(1), the end of the 30-day period beginning on the date on which the person receives notice submitted under subsection (b); or

“(2) in the case in which the person requests a review as described in paragraph (1) of subsection (e), upon an assessment by the board designated or established under paragraph (2) of such subsection or court of competent jurisdiction that a person cannot safely use, carry, possess, or store a firearm due to mental incompetency.

“(b) NOTICE.—Notice submitted under this subsection to a person described in subsection (a) is notice submitted by the Secretary that notifies the person of the following:

“(1) The determination made by the Secretary.

“(2) A description of the implications of being considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18.

“(3) The person’s right to request a review under subsection (e)(1).

“(c) ADMINISTRATIVE REVIEW.—(1) Not later than 30 days after the date on which a person described in subsection (a) receives notice submitted under subsection (b),
such person may request a review by the board designed
or established under paragraph (2) or a court of com-
petent jurisdiction to assess whether a person cannot safely
use, carry, possess, or store a firearm due to mental
incompetency. In such assessment, the board may consider
the person’s honorable discharge or decoration.

“(2) Not later than 180 days after the date of enact-
ment of the Public Safety and Second Amendment Rights
Protection Act of 2013, the Secretary shall designate or
establish a board that shall, upon request of a person
under paragraph (1), assess whether a person cannot safely
use, carry, possess, or store a firearm due to mental
incompetency.

“(d) JUDICIAL REVIEW.—Not later than 30 days
after the date of an assessment of a person under sub-
section (c) by the board designated or established under
paragraph (2) of such subsection, such person may file
a petition for judicial review of such assessment with a
Federal court of competent jurisdiction.

“(e) PROTECTING RIGHTS OF VETERANS WITH EX-
ISTING RECORDS.—Not later than 90 days after the date
of enactment of the Public Safety and Second Amendment
Rights Protection Act of 2013, the Secretary shall provide
written notice of the opportunity for administrative review
and appeal under subsection (c) to all persons who, on
the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2013, are considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18 as a result of having been found by the Department of Veterans Affairs to be mentally incompetent.

“(f) Future Determinations.—

“(1) In general.—Not later than 180 days after the enactment of the Public Safety and Second Amendment Rights Protection Act of 2013, the Secretary shall review the policies and procedures by which individuals are determined to be mentally incompetent, and shall revise such policies and procedures as necessary to ensure that any individual who is competent to manage his own financial affairs, including his receipt of Federal benefits, but who voluntarily turns over the management thereof to a fiduciary is not considered adjudicated pursuant to subsection (d)(4) or (g)(4) of section 922 of title 18.

“(2) Report.—Not later than 30 days after the Secretary has made the review and changes required under paragraph (1), the Secretary shall submit to Congress a report detailing the results of the review and any resulting policy and procedural changes.”.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

"5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes."

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of Veterans Affairs, on or after the date of the enactment of this Act, to be mentally incompetent, except that those persons who are provided notice pursuant to section 5511(c) shall be entitled to use the administrative review under section 5511(c) and, as necessary, the subsequent judicial review under section 5511(d).

SEC. 116. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of Public Law 103–159 (18 U.S.C. 922 note), is amended by adding at the end the following:

"(F) APPLICATION TO FEDERAL COURTS.—In this subsection—

"(i) the terms "department or agency of the United States" and "Federal department or agency" include a Federal court; and
“(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.”.

SEC. 117. CLARIFICATION THAT SUBMISSION OF MENTAL HEALTH RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IS NOT PROHIBITED BY THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.

Information collected under section 102(c)(3) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code, shall not be subject to the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

SEC. 118. PUBLICATION OF NICS INDEX STATISTICS.

Not later than 180 days after the date of enactment of this Act, and biannually thereafter, the Attorney General shall make the National Instant Criminal Background Check System index statistics available on a publicly accessible Internet website.
SEC. 119. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

Subtitle B—Providing a Responsible and Consistent Background Check Process

SEC. 121. PURPOSE.

The purpose of this subtitle is to enhance the current background check process in the United States to ensure criminals and the mentally ill are not able to purchase firearms.

SEC. 122. FIREARMS TRANSFERS.

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

(1) by repealing subsection (s);

(2) by redesignating subsection (t) as subsection (s);

(3) in subsection (s), as redesignated—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking “or”;

(ii) in clause (ii), by striking “and” at the end; and

(iii) by adding at the end the following:

“(iii) in the case of an instant background check conducted at a gun show or event during the
4-year period beginning on the effective date under section 130(a) of the Public Safety and Second Amendment Rights Protection Act of 2013, 48 hours have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; or

“(iv) in the case of an instant background check conducted at a gun show or event after the 4-year period described in clause (iii), 24 hours have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and”;

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

(C) by adding at the end the following:

“(7) In this subsection—

“(A) the term ‘chief law enforcement officer’ means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual; and

“(B) the term ‘gun show or event’ has the meaning given the term in subsection (t)(7).
“(8) The Federal Bureau of Investigation shall not charge a user fee for a background check conducted pursuant to this subsection.

“(9) Notwithstanding any other provision of this chapter, upon receiving a request for an instant background check that originates from a gun show or event, the system shall complete the instant background check before completing any pending instant background check that did not originate from a gun show or event.”; and

(4) by inserting after subsection (s), as redesignated, the following:

“(t)(1) Beginning on the date that is 180 days after the date of enactment of this subsection and except as provided in paragraph (2), it shall be unlawful for any person other than a licensed dealer, licensed manufacturer, or licensed importer to complete the transfer of a firearm to any other person who is not licensed under this chapter, if such transfer occurs—

“(A) at a gun show or event, on the curtilage thereof; or

“(B) pursuant to an advertisement, posting, display or other listing on the Internet or in a publication by the transferor of his intent to transfer, or the transferee of his intent to acquire, the firearm.
“(2) Paragraph (1) shall not apply if—

“(A) the transfer is made after a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s), and upon taking possession of the firearm, the licensee—

“(i) complies with all requirements of this chapter as if the licensee were transferring the firearm from the licensee’s business inventory to the unlicensed transferee, except that when processing a transfer under this chapter the licensee may accept in lieu of conducting a background check a valid permit issued within the previous 5 years by a State, or a political subdivision of a State, that allows the transferee to possess, acquire, or carry a firearm, if the law of the State, or political subdivision of a State, that issued the permit requires that such permit is issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by the unlicensed transferee would be in violation of Federal, State, or local law;
"(B) the transfer is made between an unli-
censed transferor and an unlicensed transferee resid-
ing in the same State, which takes place in such
State, if—

"(i) the Attorney General certifies that
State in which the transfer takes place has in
effect requirements under law that are generally
equivalent to the requirements of this section;
and

"(ii) the transfer was conducted in compli-
ance with the laws of the State;

"(C) the transfer is made between spouses, be-
tween parents or spouses of parents and their chil-
dren or spouses of their children, between siblings or
spouses of siblings, or between grandparents or
spouses of grandparents and their grandchildren or
spouses of their grandchildren, or between aunts or
uncles or their spouses and their nieces or nephews
or their spouses, or between first cousins, if the
transferor does not know or have reasonable cause
to believe that the transferee is prohibited from re-
eceiving or possessing a firearm under Federal, State,
or local law; or
"(D) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986.

"(3) A licensed importer, licensed manufacturer, or licensed dealer who processes a transfer of a firearm authorized under paragraph (2)(A) shall not be subject to a license revocation or license denial based solely upon a violation of those paragraphs, or a violation of the rules or regulations promulgated under this paragraph, unless the licensed importer, licensed manufacturer, or licensed dealer—

"(A) knows or has reasonable cause to believe that the information provided for purposes of identifying the transferor, transferee, or the firearm is false;

"(B) knows or has reasonable cause to believe that the transferee is prohibited from purchasing, receiving, or possessing a firearm by Federal or State law, or published ordinance; or

"(C) knowingly violates any other provision of this chapter, or the rules or regulations promulgated thereunder.

"(4)(A) Notwithstanding any other provision of this chapter, except for section 923(m), the Attorney General may implement this subsection with regulations.
“(B) Regulations promulgated under this paragraph may not include any provision requiring licensees to facilitate transfers in accordance with paragraph (2)(A).

“(C) Regulations promulgated under this paragraph may not include any provision requiring persons not licensed under this chapter to keep records of background checks or firearms transfers.

“(D) Regulations promulgated under this paragraph may not include any provision placing a cap on the fee licensees may charge to facilitate transfers in accordance with paragraph (2)(A).

“(5)(A) A person other than a licensed importer, licensed manufacturer, or licensed dealer, who makes a transfer of a firearm in accordance with this section, or who is the organizer of a gun show or event at which such transfer occurs, shall be immune from a qualified civil liability action relating to the transfer of the firearm as if the person were a seller of a qualified product.

“(B) A provider of an interactive computer service shall be immune from a qualified civil liability action relating to the transfer of a firearm as if the provider of an interactive computer service were a seller of a qualified product.

“(C) In this paragraph—
“(i) the term ‘interactive computer service’ shall have the meaning given the term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)); and

“(ii) the terms ‘qualified civil liability action’, ‘qualified product’, and ‘seller’ shall have the meanings given the terms in section 4 of the Protection of Lawful Commerce in Arms Act (15 U.S.C. 7903).

“(D) Nothing in this paragraph shall be construed to affect the immunity of a provider of an interactive computer service under section 230 of the Communications Act of 1934 (47 U.S.C. 230).

“(6) In any civil liability action in any State or Federal court arising from the criminal or unlawful use of a firearm following a transfer of such firearm for which no background check was required under this section, this section shall not be construed—

“(A) as creating a cause of action for any civil liability; or

“(B) as establishing any standard of care.

“(7) For purposes of this subsection, the term ‘gun show or event’—

“(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been
shipped or transported in, or otherwise affects, inter-
state or foreign commerce; and

"(B) does not include an offer or exhibit of fire-
arms for sale, exchange, or transfer by an individual
from the personal collection of that individual, at the
private residence of that individual, if the individual
is not required to be licensed under section 923."

(b) Prohibiting the Seizure of Records or
Documents.—Section 923(g)(1)(D) is amended by strik-
ing, "The inspection and examination authorized by this
paragraph shall not be construed as authorizing the Attorney
General to seize any records or other documents other
than those records or documents constituting material evi-
dence of a violation of law," and inserting the following:
"The Attorney General shall be prohibited from seizing
any records or other documents in the course of an inspec-
tion or examination authorized by this paragraph other
than those records or documents constituting material evi-
dence of a violation of law."

(c) Prohibition of National Gun Registry.—
Section 923 of title 18, United States Code, is amended
by adding at the end the following:
"(m) The Attorney General may not consolidate or
centralize the records of the—
“(1) acquisition or disposition of firearms, or any portion thereof, maintained by—

“(A) a person with a valid, current license under this chapter;

“(B) an unlicensed transferor under section 922(t); or

“(2) possession or ownership of a firearm, maintained by any medical or health insurance entity.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(2) CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012.—Section 511 of title V of division B of the Consolidated and Further Continuing Appropriations Act, 2012 (18 U.S.C. 922 note) is amended by striking “subsection 922(t)” and inserting “subsection (s) or (t) of section 922” each place it appears.

SEC. 123. PENALTIES.

Section 924 of title 18, United States Code, is amended—
(1) in subsection (a), by adding at the end the following:

"(8) Whoever makes or attempts to make a transfer of a firearm in violation of section 922(t) to a person not licensed under this chapter who is prohibited from receiving a firearm under subsection (g) or (n) of section 922 or State law, to a law enforcement officer, or to a person acting at the direction of, or with the approval of, a law enforcement officer authorized to investigate or prosecute violations of section 922(t), shall be fined under this title, imprisoned not more than 5 years, or both.’’; and

(2) by adding at the end the following:

"(q) IMPROPER USE OR STORAGE OF RECORDS.—— Any person who knowingly violates section 923(m) shall be fined under this title, imprisoned not more than 15 years, or both.’’.

SEC. 124. FIREARMS DISPOSITIONS.

Section 922(b)(3) of title 18, United States Code, is amended——

(1) in the matter preceding subparagraph (A), by striking ‘‘located’’ and inserting ‘‘located or temporarily located’’; and

(2) in subparagraph (A)——

(A) by striking ‘‘rifle or shotgun’’ and inserting ‘‘firearm’’;
(B) by striking “located” and inserting “located or temporarily located”; and

(C) by striking “both such States” and inserting “the State in which the transfer is conducted and the State of residence of the transferee”.

SEC. 125. FIREARM DEALER ACCESS TO LAW ENFORCEMENT INFORMATION.

Section 103(b) of Public Law 103–159 (18 U.S.C. 922 note), is amended—

(1) by striking “Not later than” and inserting the following:

“(1) IN GENERAL.—Not later than”; and

(2) by adding at the end the following:

“(2) VOLUNTARY BACKGROUND CHECKS.—Not later than 90 days after the date of enactment of the Public Safety and Second Amendment Rights Protection Act of 2013, the Attorney General shall promulgate regulations allowing licensees to use the National Instant Criminal Background Check System established under this section for purposes of conducting voluntary preemployment background checks on prospective employees.”.
SEC. 128. DEALER LOCATION.

Section 923 of title 18, United States Code, is amended—

(1) in subsection (j)—

(A) in the first sentence, by striking "", and such location is in the State which is specified on the license"; and

(B) in the last sentence—

(i) by inserting "transfer," after "sell,"; and

(ii) by striking "Act," and all that follows and inserting "Act."; and

(2) by adding after subsection (m), as added by section 122(c), the following:

"(n) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition not otherwise prohibited under this chapter—

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

"(2) by a licensed importer, licensed manufacturer, or licensed dealer to a person not licensed under this chapter, at a temporary location described in subsection (j) in any State."
SEC. 127. RESIDENCE OF UNITED STATES OFFICERS.

Section 921 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) For purposes of this chapter:

"(1) A member of the Armed Forces on active duty, or a spouse of such a member, is a resident of—

"(A) the State in which the member or spouse maintains legal residence;

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

"(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station of the member.

"(2) An officer or employee of the United States (other than a member of the Armed Forces) who is stationed outside the United States for a period of more than 1 year, and a spouse of such an officer or employee, is a resident of the State in which the person maintains legal residence."

SEC. 128. INTERSTATE TRANSPORTATION OF FIREARMS OR AMMUNITION.

(a) In general.—Section 926A of title 18, United States Code, is amended to read as follows:
§926A. Interstate transportation of firearms or ammunition

(a) Definition.—In this section, the term ‘transport’—

(1) includes staying in temporary lodging overnight, stopping for food, fuel, vehicle maintenance, an emergency, medical treatment, and any other activity incidental to the transport; and

(2) does not include transportation—

(A) with the intent to commit a crime punishable by imprisonment for a term exceeding 1 year that involves a firearm; or

(B) with knowledge, or reasonable cause to believe, that a crime described in subparagraph (A) is to be committed in the course of, or arising from, the transportation.

(b) Authorization.—Notwithstanding any provision of any law (including a rule or regulation) of a State or any political subdivision thereof, a person who is not prohibited by this chapter from possessing, transporting, shipping, or receiving a firearm or ammunition shall be entitled to—

(1) transport a firearm for any lawful purpose from any place where the person may lawfully possess, carry, or transport the firearm to any other such place if, during the transportation—
“(A) the firearm is unloaded; and

“(B)(i) if the transportation is by motor vehicle—

“(I) the firearm is not directly accessible from the passenger compartment of the motor vehicle; or

“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the firearm is—

“(aa) in a locked container other than the glove compartment or console; or

“(bb) secured by a secure gun storage or safety device; or

“(ii) if the transportation is by other means, the firearm is in a locked container or secured by a secure gun storage or safety device; and

“(2) transport ammunition for any lawful purpose from any place where the person may lawfully possess, carry, or transport the ammunition, to any other such place if, during the transportation—

“(A) the ammunition is not loaded into a firearm; and
“(B)(i) if the transportation is by motor vehicle—

“(I) the ammunition is not directly accessible from the passenger compartment of the motor vehicle; or

“(II) if the motor vehicle is without a compartment separate from the passenger compartment, the ammunition is in a locked container other than the glove compartment or console; or

“(ii) if the transportation is by other means, the ammunition is in a locked container.

“(c) LIMITATION ON ARREST AUTHORITY.—A person who is transporting a firearm or ammunition may not be—

“(1) arrested for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless there is probable cause that the transportation is not in accordance with subsection (b); or

“(2) detained for violation of any law or any rule or regulation of a State, or any political subdivision thereof, relating to the possession, transportation, or carrying of firearms or ammunition, unless
there is reasonable suspicion that the transportation
is not in accordance with subsection (b).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—
The table of sections for chapter 44 of title 18, United
States Code, is amended by striking the item relating to
section 926A and inserting the following:
“926A. Interstate transportation of firearms or ammunition.”.

SEC. 129. RULE OF CONSTRUCTION.

Nothing in this subtitle, or an amendment made by
this subtitle, shall be construed—

(1) to extend background check requirements to
transfers other than those made at gun shows or on
the curtilage thereof, or pursuant to an advertise-
ment, posting, display, or other listing on the Inter-
net or in a publication by the transferee of the in-
tent of the transferee to transfer, or the transference
of the intent of the transferee to acquire, the fire-
arm; or

(2) to extend background check requirements to
temporary transfers for purposes including lawful
hunting or sporting or to temporary possession of a
firearm for purposes of examination or evaluation by
a prospective transferee.

SEC. 130. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection
(b), this subtitle and the amendments made by this sub-
title shall take effect 180 days after the date of enactment of this Act.

(b) Firearm Dealer Access to Law Enforcement Information.—Section 125 and the amendments made by section 125 shall take effect on the date of enactment of this Act.

Subtitle C—National Commission on Mass Violence

SEC. 141. SHORT TITLE.

This subtitle may be cited as the “National Commission on Mass Violence Act of 2013”.

SEC. 142. NATIONAL COMMISSION ON MASS VIOLENCE.

(a) Establishment of Commission.—There is established a commission to be known as the National Commission on Mass Violence (in this subtitle referred to as the “Commission”) to study the availability and nature of firearms, including the means of acquiring firearms, issues relating to mental health, and all positive and negative impacts of the availability and nature of firearms on incidents of mass violence or in preventing mass violence.

(b) Membership.—

(1) Appointments.—The Commission shall be composed of 12 members, of whom—

(A) 6 members of the Commission shall be appointed by the Majority Leader of the Sen-
ate, in consultation with the Democratic leadership of the House of Representatives, 1 of whom shall serve as Chairman of the Commission; and

(B) 6 members of the Commission shall be appointed by the Speaker of the House of Representatives, in consultation with the Republican leadership of the Senate, 1 of whom shall serve as Vice Chairman of the Commission.

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—The members appointed to the Commission shall include—

(i) well-known and respected individuals among their peers in their respective fields of expertise; and

(ii) not less than 1 non-elected individual from each of the following categories, who has expertise in the category, by both experience and training:

(I) Firearms.

(II) Mental health.

(III) School safety.

(IV) Mass media.

(B) EXPERTS.—In identifying the individuals to serve on the Commission, the appointing
authorities shall take special care to identify experts in the fields described in section 143(a)(2).

(C) PARTY AFFILIATION.—Not more than 6 members of the Commission shall be from the same political party.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (1) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) MEETINGS.—

(i) IN GENERAL.—The Commission shall meet at the call of the Chairman.

(ii) INITIAL MEETING.—The initial meeting of the Commission shall be conducted not later than 30 days after the later of—
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(I) the date of the appointment
of the last member of the Commis-

sion; or

(II) the date on which appro-

priated funds are available for the
Commission.

(B) QUORUM, VACANCIES, VOTING;
RULES.—A majority of the members of the
Commission shall constitute a quorum to con-
duct business, but the Commission may estab-
lish a lesser quorum for conducting hearings
scheduled by the Commission. Each member of
the Commission shall have 1 vote, and the vote
of each member shall be accorded the same
weight. The Commission may establish by ma-
jority vote any other rules for the conduct of
the Commission's business, if such rules are not
inconsistent with this subtitle or other applica-
table law.

SEC. 143. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the
Commission to conduct a comprehensive factual
study of incidents of mass violence, including inci-
dents of mass violence not involving firearms, in the
context of the many acts of senseless mass violence
that occur in the United States each year, in order
to determine the root causes of such mass violence.

(2) MATTERS TO BE STUDIED.—In determining
the root causes of these recurring and tragic acts of
mass violence, the Commission shall study any mat-
ter that the Commission determines relevant to
meeting the requirements of paragraph (1), includ-
ing at a minimum—

(A) the role of schools, including the level
of involvement and awareness of teachers and
school administrators in the lives of their stu-
dents and the availability of mental health and
other resources and strategies to help detect
and counter tendencies of students towards
mass violence;

(B) the effectiveness of and resources
available for school security strategies to pre-
vent incidents of mass violence;

(C) the role of families and the availability
of mental health and other resources and strat-
egies to help families detect and counter ten-
dencies toward mass violence;

(D) the effectiveness and use of, and re-
sources available to, the mental health system
in understanding, detecting, and countering
tendencies toward mass violence, as well as the
effects of treatments and therapies;

(B) whether medical doctors and other
mental health professionals have the ability,
without negative legal or professional con-
sequences, to notify law enforcement officials
when a patient is a danger to himself or others;

(F) the nature and impact of the alien-
ation of the perpetrators of such incidents of
mass violence from their schools, families, peer
groups, and places of work;

(G) the role that domestic violence plays in
causing incidents of mass violence;

(H) the effect of depictions of mass vio-
ence in the media, and any impact of such de-
pictions on incidents of mass violence;

(I) the availability and nature of firearms,
including the means of acquiring such firearms,
and all positive and negative impacts of such
availability and nature on incidents of mass vio-
ience or in preventing mass violence;

(J) the role of current prosecution rates in
contributing to the availability of weapons that
are used in mass violence;
(K) the availability of information regarding the construction of weapons, including explosive devices, and any impact of such information on such incidents of mass violence;

(L) the views of law enforcement officials, religious leaders, mental health experts, and other relevant officials on the root causes and prevention of mass violence;

(M) incidents in which firearms were used to stop mass violence; and

(N) any other area that the Commission determines contributes to the causes of mass violence.

(3) TESTIMONY OF VICTIMS AND SURVIVORS.—

In determining the root causes of these recurring and tragic incidents of mass violence, the Commission shall, in accordance with section 144(a), take the testimony of victims and survivors to learn and memorialize their views and experiences regarding such incidents of mass violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of these recurring and tragic
incidents of mass violence and to reduce such incidents
of mass violence.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than 3
months after the date on which the Commission first
meets, the Commission shall submit to the President
and Congress an interim report describing any ini-
tial recommendations of the Commission.

(2) FINAL REPORT.—Not later than 6 months
after the date on which the Commission first meets,
the Commission shall submit to the President and
Congress a comprehensive report of the findings and
conclusions of the Commission, together with the
recommendations of the Commission.

(3) SUMMARIES.—The report under paragraph
(2) shall include a summary of—

(A) the reports submitted to the Commiss-
ion by any entity under contract for research
under section 144(c); and

(B) any other material relied on by the
Commission in the preparation of the report.

SEC. 144. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold
such hearings, sit and act at such times and places,
administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 143.

(2) **Witness Expenses.**—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) **Information From Federal Agencies.**—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out its duties under section 143. Upon the request of the Commission, the head of such agency may furnish such information to the Commission.

(c) **Information to Be Kept Confidential.**—

(1) **In General.**—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (d) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) **Disclosure.**—Information obtained by the Commission or the Attorney General under this subtitle and shared with the Commission, other than in-
formation available to the public, shall not be dis-
closed to any person in any manner, except—

(A) to Commission employees or employees
of any individual or entity under contract to the
Commission under subsection (d) for the pur-
pose of receiving, reviewing, or processing such
information;

(B) upon court order; or

(C) when publicly released by the Commis-
sion in an aggregate or summary form that
does not directly or indirectly disclose—

(i) the identity of any person or busi-
ness entity; or

(ii) any information which could not
be released under section 1905 of title 18,
United States Code.

(d) CONTRACTING FOR RESEARCH.—The Commis-
sion may enter into contracts with any entity for research
necessary to carry out the duties of the Commission under
section 143.

SEC. 145. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of
the Commission who is not an officer or employee of the
Federal Government shall be compensated at a rate equal
to the daily equivalent of the annual rate of basic pay pre-
scribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) Staff.—

(1) In general.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional employees as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.
(2) Compensation.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such employees may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) Detail of Government Employees.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) Procurement of Temporary and Intermittent Services.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate
of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 146. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 147. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the final report under section 143(e)(2).