

118TH CONGRESS
2D SESSION

S. 4104

To address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2024

Mr. GRASSLEY (for himself, Mr. CRUZ, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Protecting Communities and Preserving the Second
6 Amendment Act of 2024”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Reauthorization and improvements to NICS.
- Sec. 4. Availability of records to NICS.
- Sec. 5. Definitions relating to mental health.
- Sec. 6. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.
- Sec. 7. Reports and certifications to Congress.
- Sec. 8. Increasing Federal prosecution of gun violence.
- Sec. 9. Prosecution of felons and fugitives who attempt to illegally purchase firearms.
- Sec. 10. Limitation on operations by the Department of Justice.
- Sec. 11. Increased penalties for lying and buying.
- Sec. 12. Amendments to section 924.
- Sec. 13. Study by the National Institute of Justice and National Academy of Sciences on the causes of mass shootings.
- Sec. 14. Reports to Congress regarding ammunition purchases by Federal agencies.
- Sec. 15. Reduction of Byrne JAG funds for State failure to provide mental health records to NICS.
- Sec. 16. Firearm commerce modernization.
- Sec. 17. Interstate transportation of firearms or ammunition.
- Sec. 18. Preventing duplicative grants.
- Sec. 19. Regional firearms trafficking task forces.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) the term “agency” has the meaning given
 4 the term in section 551 of title 5, United States
 5 Code;

6 (2) the term “covered firearms provision”
 7 means section 922, 924, 932, or 933 of title 18,
 8 United States Code, or section 5861 of the Internal
 9 Revenue Code of 1986;

10 (3) the term “NICS” means the National In-
 11 stant Criminal Background Check System; and

12 (4) the term “relevant Federal records” means
 13 any record demonstrating that a person is prohibited
 14 from possessing or receiving a firearm under sub-

1 section (g) or (n) of section 922 of title 18, United
2 States Code.

3 **SEC. 3. REAUTHORIZATION AND IMPROVEMENTS TO NICS.**

4 (a) IN GENERAL.—Section 103 of the NICS Im-
5 provement Amendments Act of 2007 (34 U.S.C. 40913)
6 is amended—

7 (1) by redesignating subsections (e), (f), and
8 (g) as subsections (f), (g), and (h), respectively;

9 (2) by amending subsection (f), as so redesign-
10 nated, to read as follows:

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 \$20,000,000 for each of fiscal years 2025 through 2029.”;
14 and

15 (3) by inserting after subsection (d) the fol-
16 lowing:

17 “(e) ACCOUNTABILITY.—All grants awarded by the
18 Attorney General under this section shall be subject to the
19 following accountability provisions:

20 “(1) DEFINITION.—In this subsection, the term
21 ‘unresolved audit finding’ means a finding in the
22 final audit report of the Inspector General of the
23 Department of Justice that the audited grantee has
24 utilized grant funds for an unauthorized expenditure
25 or otherwise unallowable cost that is not closed or

1 resolved within 12 months from the date when the
2 final audit report is issued.

3 “(2) AUDITS.—

4 “(A) IN GENERAL.—Beginning in the first
5 fiscal year beginning after the date of enact-
6 ment of the Protecting Communities and Pre-
7 serving the Second Amendment Act of 2024,
8 and in each fiscal year thereafter, the Inspector
9 General of the Department of Justice shall con-
10 duct audits of recipients of grants under this
11 section to prevent waste, fraud, and abuse of
12 funds by grantees.

13 “(B) SELECTION OF GRANTEES FOR
14 AUDIT.—The Inspector General shall determine
15 the appropriate number of grantees to be au-
16 dited each year.

17 “(3) PRIORITY.—In awarding grants under this
18 section, the Attorney General shall give priority to
19 eligible applicants that did not have an unresolved
20 audit finding during the 3 fiscal years before sub-
21 mitting an application for a grant under this sec-
22 tion.”.

23 (b) MODIFICATION OF ELIGIBILITY REQUIRE-
24 MENTS.—The NICS Improvement Amendments Act of
25 2007 (34 U.S.C. 40902 et seq.) is amended—

1 (1) in section 102(b)(1) (34 U.S.C.
2 40912(b)(1))—

3 (A) in subparagraph (A), by striking “sub-
4 paragraph (C)” and inserting “subparagraph
5 (B)”;

6 (B) by striking subparagraph (B); and

7 (C) by redesignating subparagraph (C) as
8 subparagraph (B);

9 (2) in section 103 (34 U.S.C. 40913)—

10 (A) in subsection (a)(1), by striking “and
11 subject to section 102(b)(1)(B)”;

12 (B) in subsection (e)(2)(B)(ii)(II), by
13 striking “section 102(b)(1)(C)” and inserting
14 “section 102(b)(1)(B)”;

15 (3) in section 104(d) (34 U.S.C. 40914(d)), by
16 striking “section 102(b)(1)(C)” and inserting “sec-
17 tion 102(b)(1)(B)”.

18 **SEC. 4. AVAILABILITY OF RECORDS TO NICS.**

19 (a) GUIDANCE.—Not later than 45 days after the
20 date of enactment of this Act, the Attorney General shall
21 issue guidance regarding—

22 (1) the identification and sharing of relevant
23 Federal records; and

24 (2) submission of the relevant Federal records
25 to NICS.

1 (b) PRIORITIZATION OF RECORDS.—Each agency
2 that possesses relevant Federal records shall prioritize
3 providing the relevant information contained in the rel-
4 evant Federal records to NICS on a regular and ongoing
5 basis in accordance with the guidance issued by the Attor-
6 ney General under subsection (a).

7 (c) REPORTS.—Not later than 60 days after the At-
8 torney General issues guidance under subsection (a), the
9 head of each agency shall submit a report to the Attorney
10 General that—

11 (1) advises whether the agency possesses rel-
12 evant Federal records; and

13 (2) describes the implementation plan of the
14 agency for making the relevant information con-
15 tained in relevant Federal records available to NICS
16 in a manner consistent with applicable law.

17 (d) DETERMINATION OF RELEVANCE.—The Attorney
18 General shall resolve any dispute regarding whether—

19 (1) agency records are relevant Federal records;
20 and

21 (2) the relevant Federal records of an agency
22 should be made available to NICS.

23 **SEC. 5. DEFINITIONS RELATING TO MENTAL HEALTH.**

24 (a) TITLE 18 DEFINITIONS.—Chapter 44 of title 18,
25 United States Code, is amended—

1 (1) in section 921(a), by adding at the end the
2 following:

3 “(38)(A) Subject to subparagraph (B), the term ‘has
4 been adjudicated mentally incompetent or has been com-
5 mitted to a psychiatric hospital’, with respect to a per-
6 son—

7 “(i) means the person is the subject of an order
8 or finding by a judicial officer, court, board, commis-
9 sion, or other adjudicative body—

10 “(I) that was issued after—

11 “(aa) a hearing—

12 “(AA) of which the person re-
13 ceived actual notice; and

14 “(BB) at which the person had
15 an opportunity to participate with
16 counsel; or

17 “(bb) the person knowingly and intel-
18 ligently waived the opportunity for a hear-
19 ing—

20 “(AA) of which the person re-
21 ceived actual notice; and

22 “(BB) at which the person would
23 have had an opportunity to participate
24 with counsel; and

1 “(II) that found that the person, as a re-
2 sult of marked subnormal intelligence, mental
3 impairment, or mental illness—

4 “(aa) was a danger to himself or her-
5 self or to others;

6 “(bb) was guilty but mentally ill in a
7 criminal case;

8 “(cc) was not guilty in a criminal case
9 by reason of insanity or mental disease or
10 defect;

11 “(dd) was incompetent to stand trial
12 in a criminal case;

13 “(ee) was not guilty only by reason of
14 lack of mental responsibility under section
15 850a of title 10 (article 50a of the Uni-
16 form Code of Military Justice);

17 “(ff) required involuntary inpatient
18 treatment by a psychiatric hospital;

19 “(gg) required involuntary outpatient
20 treatment by a psychiatric hospital based
21 on a finding that the person is a danger to
22 himself or herself or to others; or

23 “(hh) required involuntary commit-
24 ment to a psychiatric hospital for any rea-
25 son, including drug use; and

1 “(ii) does not include—

2 “(I) a person who is in a psychiatric hos-
3 pital for observation; or

4 “(II) a voluntary admission to a psy-
5 chiatric hospital.

6 “(B) In this paragraph, the term ‘order or finding’
7 does not include—

8 “(i) an order or finding that has expired or has
9 been set aside or expunged;

10 “(ii) an order or finding that is no longer appli-
11 cable because a judicial officer, court, board, com-
12 mission, or other adjudicative body has found that
13 the person who is the subject of the order or find-
14 ing—

15 “(I) does not present a danger to himself
16 or to others;

17 “(II) has been restored to sanity or cured
18 of mental disease or defect;

19 “(III) has been restored to competency; or

20 “(IV) no longer requires involuntary inpa-
21 tient or outpatient treatment by, or involuntary
22 commitment to, a psychiatric hospital; or

23 “(iii) an order or finding with respect to which
24 the person who is subject to the order or finding has
25 been granted relief from disabilities under section

1 925(c) or under a program described in section
2 101(c)(2)(A) or 105 of the NICS Improvement
3 Amendments Act of 2007 (34 U.S.C.
4 40911(c)(2)(A), 40915).

5 “(39) The term ‘psychiatric hospital’ includes a men-
6 tal health facility, a mental hospital, a sanitarium, a psy-
7 chiatric facility, and any other facility that provides diag-
8 noses by licensed professionals of mental retardation or
9 mental illness, including a psychiatric ward in a general
10 hospital.”; and

11 (2) in section 922—

12 (A) in subsection (d)(4)—

13 (i) by striking “as a mental defective”
14 and inserting “mentally incompetent”; and

15 (ii) by striking “any mental institu-
16 tion” and inserting “a psychiatric hos-
17 pital”;

18 (B) in subsection (g)(4)—

19 (i) by striking “as a mental defective
20 or who has” and inserting “mentally in-
21 competent or has”; and

22 (ii) by striking “mental institution”
23 and inserting “psychiatric hospital”; and

24 (C) in subsection (s)(3)(B)(iv)—

1 (i) by striking “as a mental defective”
2 and inserting “mentally incompetent”; and
3 (ii) by striking “any mental institu-
4 tion” and inserting “a psychiatric hos-
5 pital”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—
7 The NICS Improvement Amendments Act of 2007 (34
8 U.S.C. 40902 et seq.) is amended—

9 (1) by striking “as a mental defective” each
10 place that term appears and inserting “mentally in-
11 competent”;

12 (2) by striking “mental institution” each place
13 that term appears and inserting “psychiatric hos-
14 pital”; and

15 (3) in section 102(c)(3) (34 U.S.C.
16 40912(c)(3))—

17 (A) in the paragraph heading, by striking
18 “AS A MENTAL DEFECTIVE OR COMMITTED TO
19 A MENTAL INSTITUTION” and inserting “MEN-
20 TALLY INCOMPETENT OR COMMITTED TO A PSY-
21 CHIATRIC HOSPITAL”; and

22 (B) by striking “mental institutions” and
23 inserting “psychiatric hospitals”.

1 **SEC. 6. CONDITIONS FOR TREATMENT OF CERTAIN PER-**
 2 **SONS AS ADJUDICATED MENTALLY INCOM-**
 3 **PETENT FOR CERTAIN PURPOSES.**

4 (a) **IN GENERAL.**—Chapter 55 of title 38, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing:

7 **“§ 5511. Conditions for treatment of certain persons**
 8 **as adjudicated mentally incompetent for**
 9 **certain purposes**

10 “In any case arising out of the administration by the
 11 Secretary of laws and benefits under this title, a person
 12 who is mentally incapacitated, deemed mentally incom-
 13 petent, or experiencing an extended loss of consciousness
 14 shall not be considered adjudicated as mentally incom-
 15 petent under subsection (d)(4) or (g)(4) of section 922
 16 of title 18 without the order or finding of a judge, mag-
 17 istrate, or other judicial authority of competent jurisdic-
 18 tion that such person is a danger to himself or herself
 19 or others.”.

20 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
 21 The table of sections at the beginning of chapter 55 of
 22 title 38, United States Code, is amended by adding at the
 23 end the following:

“5511. Conditions for treatment of certain persons as adjudicated mentally in-
 competent for certain purposes.”.

1 **SEC. 7. REPORTS AND CERTIFICATIONS TO CONGRESS.**

2 (a) NICS REPORTS.—Not later than October 1,
3 2025, and every year thereafter, the head of each agency
4 that possesses relevant Federal records shall submit a re-
5 port to Congress that includes—

6 (1) a description of the relevant Federal records
7 possessed by the agency that can be shared with
8 NICS in a manner consistent with applicable law;

9 (2) the number of relevant Federal records the
10 agency submitted to NICS during the reporting pe-
11 riod;

12 (3) efforts made to increase the percentage of
13 relevant Federal records possessed by the agency
14 that are submitted to NICS;

15 (4) any obstacles to increasing the percentage
16 of relevant Federal records possessed by the agency
17 that are submitted to NICS;

18 (5) measures put in place to provide notice and
19 programs for relief from disabilities as required
20 under the NICS Improvement Amendments Act of
21 2007 (34 U.S.C. 40902 et seq.) if the agency makes
22 qualifying adjudications relating to the mental
23 health of an individual;

24 (6) measures put in place to correct, modify, or
25 remove records available to NICS when the basis on

1 which the records were made available no longer ap-
2 plies; and

3 (7) additional steps that will be taken during
4 the 1-year period after the submission of the report
5 to improve the processes by which relevant Federal
6 records are—

7 (A) identified;

8 (B) made available to NICS; and

9 (C) corrected, modified, or removed from
10 NICS.

11 (b) CERTIFICATIONS.—

12 (1) IN GENERAL.—The annual report require-
13 ment in subsection (a) shall not apply to an agency
14 that, as part of a report required to be submitted
15 under subsection (a), provides certification that the
16 agency has—

17 (A) made available to NICS relevant Fed-
18 eral records that can be shared in a manner
19 consistent with applicable law;

20 (B) a plan to make any relevant Federal
21 records available to NICS and a description of
22 that plan; and

23 (C) a plan to update, modify, or remove
24 records electronically from NICS not less than
25 quarterly as required by the NICS Improve-

1 ment Amendments Act of 2007 (34 U.S.C.
2 40902 et seq.) and a description of that plan.

3 (2) FREQUENCY.—Each agency that is not re-
4 quired to submit annual reports under paragraph
5 (1) shall submit an annual certification to Congress
6 attesting that the agency continues to submit rel-
7 evant Federal records to NICS and has corrected,
8 modified, or removed records available to NICS
9 when the basis on which the records were made
10 available no longer applies.

11 (c) REPORTS TO CONGRESS ON FIREARMS PROSECU-
12 TIONS.—

13 (1) DEFINITION.—In this subsection, the term
14 “covered firearms case” means a case presented to
15 the Department of Justice for review or prosecution,
16 in which the objective facts of the case provide prob-
17 able cause to believe that there has been a violation
18 of a covered firearms provision.

19 (2) REPORT TO CONGRESS.—Not later than
20 February 1, 2025, and February 1 of every year
21 thereafter through 2034, the Attorney General shall
22 submit to the Committee on the Judiciary and the
23 Committee on Appropriations of the Senate and the
24 Committee on the Judiciary and the Committee on
25 Appropriations of the House of Representatives a re-

1 port regarding covered firearms cases during the fis-
2 cal year that ended on September 30 of the pre-
3 ceding year.

4 (3) SUBJECT OF ANNUAL REPORT.—Not later
5 than 90 days after the date of enactment of this
6 Act, the Attorney General shall require each compo-
7 nent of the Department of Justice, including each
8 United States Attorney’s Office, to furnish for the
9 purposes of the report described in paragraph (2),
10 information relating to any covered firearms case.

11 (4) ELEMENTS OF ANNUAL REPORT.—The re-
12 ports submitted under paragraph (2) shall include,
13 for the fiscal year covered by the report—

14 (A) a list of the covered firearms cases in
15 which a decision has been made not to charge
16 an individual with a violation of a covered fire-
17 arms provision, or any other violation of Fed-
18 eral criminal law;

19 (B) in any covered firearms case described
20 in subparagraph (A), the reason that no charge
21 was filed under a covered firearms provision;

22 (C) for each covered firearms case—

23 (i) whether an indictment, informa-
24 tion, or other charge has been filed against

1 any person or whether the matter is pend-
2 ing;

3 (ii) if an indictment, information, or
4 other charge has been filed, whether the
5 charging document contains 1 or more
6 counts alleging a violation of a covered
7 firearms provision;

8 (iii) if a charging document was filed
9 that contains 1 or more counts alleging a
10 violation of a covered firearms provision,
11 whether a plea agreement of any kind has
12 been entered into with the individual
13 charged in the case;

14 (iv) if a plea agreement has been en-
15 tered—

16 (I) whether the plea agreement
17 required that the individual plead
18 guilty or enter a plea of nolo
19 contendere or otherwise caused a
20 court to enter a conviction against
21 that individual for a violation of a cov-
22 ered firearms provision; and

23 (II) if the plea agreement did not
24 require that the individual plead
25 guilty or enter a plea of nolo

1 contendere or otherwise cause a court
2 to enter a conviction against that indi-
3 vidual for a violation of a covered fire-
4 arms provision, the charges to which
5 that individual did plead guilty;

6 (v) if a charging document was filed
7 that contains 1 or more counts alleging a
8 violation of a covered firearms provision,
9 the result of any trial of such charges
10 (guilty, not guilty, mistrial); and

11 (vi) if a charging document was filed
12 that did not contain a count alleging a vio-
13 lation of a covered firearms provision, the
14 nature of the other charges brought and
15 the result of any trial of such other
16 charges as have been brought (guilty, not
17 guilty, mistrial);

18 (D) the number of persons who attempted
19 to purchase a firearm but were denied because
20 of a background check conducted in accordance
21 with section 922(t) of title 18, United States
22 Code; and

23 (E) the number of prosecutions conducted
24 in relation to persons described in subpara-
25 graph (D).

1 **SEC. 8. INCREASING FEDERAL PROSECUTION OF GUN VIO-**
2 **LENCE.**

3 (a) **IN GENERAL.**—Not later than 90 days after the
4 date of enactment of this Act, the Attorney General shall
5 establish in jurisdictions specified in subsection (c) a pro-
6 gram that meets the requirements of subsection (b), to
7 be known as the Nationwide Project Exile Expansion.

8 (b) **PROGRAM ELEMENTS.**—Each program estab-
9 lished under subsection (a) shall, for the jurisdiction con-
10 cerned—

11 (1) provide for coordination with State and
12 local law enforcement officials in the identification of
13 violations of a covered firearms provision;

14 (2) provide for the establishment of agreements
15 with State and local law enforcement officials for the
16 referral for investigation or prosecution by the Bu-
17 reau of Alcohol, Tobacco, Firearms and Explosives
18 and the United States Attorney of instances in
19 which the State or local law enforcement officials de-
20 termine that there is probable cause to believe that
21 a person arrested by the officials has violated a cov-
22 ered firearms provision;

23 (3) provide for the establishment of multijuris-
24 dictional task forces, coordinated by the Executive
25 Office for United States Attorneys to investigate and
26 prosecute illegal straw purchasing rings that pur-

1 chase firearms in 1 jurisdiction and transfer them to
2 another;

3 (4) require that the United States Attorney
4 designate not less than 1 Assistant United States
5 Attorney to prosecute violations of a covered fire-
6 arms provision; and

7 (5) ensure that each person referred to the
8 United States Attorney under paragraph (2) be
9 charged with a violation of the most serious covered
10 firearms provision, consistent with the act com-
11 mitted.

12 (c) COVERED JURISDICTIONS.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 the jurisdictions specified in this subsection are—

15 (A) the 10 jurisdictions with a population
16 equal to or greater than 100,000 persons that
17 had the highest total number of homicides ac-
18 cording to the uniform crime report of the Fed-
19 eral Bureau of Investigation for the most recent
20 year available;

21 (B) the 5 jurisdictions with such a popu-
22 lation, other than the jurisdictions covered by
23 paragraph (1), with the highest per capita rate
24 of homicide according to the uniform crime re-

1 port of the Federal Bureau of Investigation for
2 the most recent year available; and

3 (C) the 3 Tribal jurisdictions that have the
4 highest homicide crime rates, as determined by
5 the Attorney General.

6 (2) LIMITATION.—The 15 jurisdictions de-
7 scribed in subparagraphs (A) and (B) shall not in-
8 clude any jurisdiction other than those within the 50
9 States.

10 (d) ANNUAL REPORTS.—Not later than 1 year after
11 the date of enactment of this Act, and annually thereafter,
12 the Attorney General shall submit to the Committee on
13 the Judiciary of the Senate and the Committee on the Ju-
14 diciary of the House of Representatives a report con-
15 taining the following information:

16 (1) The number of individuals indicted for a
17 violation of a covered firearms provision during the
18 preceding year as a result of the program.

19 (2) The increase or decrease in the number of
20 individuals indicted for a violation of a covered fire-
21 arms provision during the preceding year as a result
22 of the program when compared with the year before
23 such preceding year.

1 (3) The number of individuals held without
2 bond in anticipation of prosecution as a result of the
3 program during the preceding year.

4 (4) To the extent the information is available,
5 the average length of prison sentence of the individ-
6 uals convicted of a violation of a covered firearms
7 provision as a result of the program.

8 (5) The number of multijurisdictional task
9 forces established and the number of individuals ar-
10 rested, indicted, convicted or acquitted of charges for
11 a violation of a covered firearms provision.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There are authorized to be
14 appropriated to carry out the program under this
15 section \$15,000,000 for each of fiscal years 2025,
16 2026, and 2027, which shall be used for salaries and
17 expenses of Assistant United States Attorneys and
18 Bureau of Alcohol, Tobacco, Firearms and Explo-
19 sives agents.

20 (2) USE OF FUNDS.—

21 (A) ASSISTANT UNITED STATES ATTOR-
22 NEYS.—The Assistant United States Attorneys
23 hired using amounts authorized to be appro-
24 priated under paragraph (1) shall prosecute vio-
25 lations of covered firearms provisions in accord-

1 ance with any agreement entered into under
2 subsection (b)(2).

3 (B) ATF AGENTS.—The Bureau of Alco-
4 hol, Tobacco, Firearms and Explosives agents
5 hired using amounts authorized to be appro-
6 priated under paragraph (1) shall, to the max-
7 imum extent practicable, concentrate their in-
8 vestigations on violations of covered firearms
9 provisions in accordance with any agreement
10 entered into under subsection (b)(2), with an
11 emphasis on heightened enforcement and pros-
12 ecution of straw purchasers under section 932
13 or 933 of title 18, United States Code.

14 **SEC. 9. PROSECUTION OF FELONS AND FUGITIVES WHO AT-**
15 **TEMPT TO ILLEGALLY PURCHASE FIREARMS.**

16 (a) TASK FORCE.—

17 (1) ESTABLISHMENT.—There is established a
18 task force within the Department of Justice, which
19 shall be known as the Felon and Fugitive Firearm
20 Task Force (referred to in this section as the “Task
21 Force”), to strengthen the efforts of the Department
22 of Justice to investigate and prosecute cases of con-
23 victed felons and fugitives from justice who illegally
24 attempt to purchase a firearm.

1 (2) MEMBERSHIP.—The members of the Task
2 Force shall be—

3 (A) the Deputy Attorney General, who
4 shall serve as the Chairperson of the Task
5 Force;

6 (B) the Assistant Attorney General for the
7 Criminal Division;

8 (C) the Director of the Bureau of Alcohol,
9 Tobacco, Firearms and Explosives;

10 (D) the Director of the Federal Bureau of
11 Investigation; and

12 (E) such other officers or employees of the
13 Department of Justice as the Attorney General
14 may designate.

15 (3) DUTIES.—The Task Force shall—

16 (A) provide direction for the investigation
17 and prosecution of cases of convicted felons and
18 fugitives from justice attempting to illegally
19 purchase a firearm; and

20 (B) provide recommendations to the Attor-
21 ney General relating to—

22 (i) the allocation and reallocation of
23 resources of the Department of Justice for
24 investigation and prosecution of cases of

1 convicted felons and fugitives from justice
2 attempting to illegally purchase a firearm;

3 (ii) enhancing cooperation among
4 agencies and entities of the Federal Gov-
5 ernment in the investigation and prosecu-
6 tion of cases of convicted felons and fugi-
7 tives from justice attempting to illegally
8 purchase a firearm;

9 (iii) enhancing cooperation among
10 Federal, State, and local authorities re-
11 sponsible for the investigation and prosecu-
12 tion of cases of convicted felons and fugi-
13 tives from justice attempting to illegally
14 purchase a firearm; and

15 (iv) changes in rules, regulations, or
16 policy to improve the effective investigation
17 and prosecution of cases of convicted felons
18 and fugitives from justice attempting to il-
19 legally purchase a firearm.

20 (4) MEETINGS.—The Task Force shall meet
21 not less than twice per year.

22 (5) TERMINATION.—The Task Force shall ter-
23minate on the date that is 5 years after the date of
24enactment of this Act.

1 (b) AUTHORIZATION FOR USE OF FUNDS.—Section
2 524(c)(1) of title 28, United States Code, is amended—

3 (1) in subparagraph (I), by striking “and” at
4 the end;

5 (2) in subparagraph (J), by striking the period
6 at the end and inserting “; and”; and

7 (3) by inserting after subparagraph (J) the fol-
8 lowing:

9 “(K) the investigation and prosecution of cases
10 of convicted felons and fugitives from justice who il-
11 legally attempt to purchase a firearm, in accordance
12 with the direction provided under section 9 of the
13 Protecting Communities and Preserving the Second
14 Amendment Act of 2024, provided that—

15 “(i) not more than \$10,000,000 shall be
16 available to the Attorney General for each of
17 fiscal years 2025 through 2029 under this sub-
18 paragraph; and

19 “(ii) not more than 5 percent of the
20 amounts made available under this subpara-
21 graph may be used for the administrative costs
22 of the task force established under section 9 of
23 the Protecting Communities and Preserving the
24 Second Amendment Act of 2024.”.

1 **SEC. 10. LIMITATION ON OPERATIONS BY THE DEPART-**
2 **MENT OF JUSTICE.**

3 The Department of Justice, and any of the law en-
4 forcement coordinate agencies of the Department of Jus-
5 tice, shall not conduct any operation where a Federal fire-
6 arms licensee is directed, instructed, enticed, or otherwise
7 encouraged by the Department of Justice to sell a firearm
8 to an individual if the Department of Justice, or a coordi-
9 nate agency, knows or has reasonable cause to believe that
10 such an individual is purchasing on behalf of another for
11 an illegal purpose unless the Attorney General, the Deputy
12 Attorney General, or the Assistant Attorney General for
13 the Criminal Division personally reviews and approves the
14 operation, in writing, and determines that the agency has
15 prepared an operational plan that includes sufficient safe-
16 guards to prevent firearms from being transferred to third
17 parties without law enforcement taking reasonable steps
18 to lawfully interdict those firearms.

19 **SEC. 11. INCREASED PENALTIES FOR LYING AND BUYING.**

20 Section 924(a)(1) of title 18, United States Code, is
21 amended in the undesignated matter following subpara-
22 graph (D) by striking “five years” and inserting the fol-
23 lowing: “5 years (or, in the case of a violation under sub-
24 paragraph (A), not more than 10 years)”.

1 **SEC. 12. AMENDMENT TO SECTION 924(a).**

2 Section 924(a)(8) of title 18, United States Code, is
3 amended by striking “(d) or (g)” and inserting “(d), (g),
4 or (n)”.

5 **SEC. 13. STUDY BY THE NATIONAL INSTITUTE OF JUSTICE**
6 **AND NATIONAL ACADEMY OF SCIENCES ON**
7 **THE CAUSES OF MASS SHOOTINGS.**

8 (a) IN GENERAL.—

9 (1) STUDY.—

10 (A) IN GENERAL.—Not later than 90 days
11 after the date of enactment of this Act, the At-
12 torney General shall instruct the Director of the
13 National Institute of Justice, to conduct a peer-
14 reviewed study to examine various sources and
15 causes of mass shootings including psycho-
16 logical factors, the impact of violent video
17 games, and other factors.

18 (B) CONTRACT WITH THE NATIONAL
19 ACADEMY OF SCIENCES.—The Director shall
20 enter into a contract with the National Acad-
21 emy of Sciences to conduct this study jointly
22 with an independent panel of 5 experts ap-
23 pointed by the Academy.

24 (2) REPORT.—Not later than 1 year after the
25 date on which the study required under paragraph
26 (1) begins, the Director of the National Institute of

1 Justice shall submit to Congress a report detailing
2 the findings of the study.

3 (b) ISSUES EXAMINED.—The study conducted under
4 subsection (a)(1) shall examine—

5 (1) mental illness;

6 (2) the availability of mental health and other
7 resources and strategies to help families detect and
8 counter tendencies toward violence;

9 (3) the availability of mental health and other
10 resources at schools to help detect and counter ten-
11 dencies of students towards violence;

12 (4) the extent to which perpetrators of mass
13 shootings, either alleged, convicted, deceased, or oth-
14 erwise, played violent or adult-themed video games
15 and whether the perpetrators of mass shootings dis-
16 cussed, played, or used violent or adult-themed video
17 games in preparation of or to assist in carrying out
18 their violent actions;

19 (5) familial relationships, including the level of
20 involvement and awareness of parents;

21 (6) exposure to bullying; and

22 (7) the extent to which perpetrators of mass
23 shootings were acting in a “copycat” manner based
24 upon previous violent events.

1 **SEC. 14. REPORTS TO CONGRESS REGARDING AMMUNITION**
2 **PURCHASES BY FEDERAL AGENCIES.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Director of the Office of Management and
5 Budget shall submit to the Speaker of the House of Rep-
6 resentatives, the President pro tempore of the Senate, and
7 the Chairs and Ranking Members of the Committee on
8 Appropriations, the Committee on the Judiciary, and the
9 Committee on Homeland Security and Governmental Af-
10 fairs of the Senate and the Committee on Appropriations,
11 the Committee on the Judiciary, the Committee on Home-
12 land Security, and the Committee on Oversight and Ac-
13 countability of the House of Representatives, a report in-
14 cluding—

15 (1) details of all purchases of ammunition by
16 each Federal agency during the preceding year;

17 (2) a summary of all purchases, solicitations,
18 and expenditures on ammunition by each Federal
19 agency during the preceding year;

20 (3) a summary of all the rounds of ammunition
21 expended by each Federal agency and a current list-
22 ing of stockpiled ammunition for each Federal agen-
23 cy during the preceding year; and

24 (4) an estimate of ammunition needs and pur-
25 chases for each Federal agency for the next fiscal
26 year.

1 **SEC. 15. REDUCTION OF BYRNE JAG FUNDS FOR STATE**
2 **FAILURE TO PROVIDE MENTAL HEALTH**
3 **RECORDS TO NICS.**

4 Section 104(b) of the NICS Improvement Amend-
5 ments Act of 2007 (34 U.S.C. 40914(b)) is amended—

6 (1) by striking paragraphs (1) and (2);

7 (2) by redesignating paragraph (3) as para-
8 graph (2);

9 (3) in paragraph (2), as so redesignated, by
10 striking “of paragraph (2)” and inserting “of para-
11 graph (1)”;

12 (4) by inserting before paragraph (2), as so re-
13 designated, the following:

14 “(1) REDUCTION FOR FAILURE TO PROVIDE
15 MENTAL HEALTH RECORDS.—

16 “(A) IN GENERAL.—During the period be-
17 ginning on the date that is 18 months after the
18 date of enactment of the Protecting Commu-
19 nities and Preserving the Second Amendment
20 Act of 2024 and ending on the day before the
21 date described in subparagraph (B), the Attor-
22 ney General shall withhold 5 percent of the
23 amount that would otherwise be allocated to a
24 State under section 505 of title I of the Omni-
25 bus Crime Control and Safe Streets Act of
26 1968 (34 U.S.C. 10156) if the State does not—

1 “(i) provide not less than 90 percent
2 of the records required to be provided
3 under sections 102 and 103; or

4 “(ii) have in effect a statute that—

5 “(I) requires the State to provide
6 the records required to be provided
7 under sections 102 and 103; and

8 “(II) implements a relief from
9 disabilities program in accordance
10 with section 105.

11 “(B) FINAL IMPLEMENTATION DEAD-
12 LINE.—Beginning on the date that is 5 years
13 after the date of enactment of the Protecting
14 Communities and Preserving the Second
15 Amendment Act of 2024, the Attorney General
16 shall withhold 10 percent of the amount that
17 would otherwise be allocated to a State under
18 section 505 of title I of the Omnibus Crime
19 Control and Safe Streets Act of 1968 (34
20 U.S.C. 10156) if the State does not have in ef-
21 fect a statute described in subparagraph (A)(ii)
22 of this paragraph.”.

23 **SEC. 16. FIREARM COMMERCE MODERNIZATION.**

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

1 (1) in the matter preceding subparagraph (A),
2 by striking “located” and inserting “located or tem-
3 porarily located”; and

4 (2) in subparagraph (A)—

5 (A) by striking “rifle or shotgun” and in-
6 serting “firearm”;

7 (B) by striking “located” and inserting
8 “located or temporarily located”; and

9 (C) by striking “both such States” and in-
10 serting “the State in which the transfer is con-
11 ducted and the State of residence of the trans-
12 feree”.

13 (b) DEALER LOCATION.—Section 923 of title 18,
14 United States Code, is amended—

15 (1) in subsection (j)—

16 (A) in the first sentence, by striking “, and
17 such location is in the State which is specified
18 on the license”; and

19 (B) in the last sentence—

20 (i) by inserting “transfer,” after
21 “sell,”; and

22 (ii) by striking “Act,” and all that fol-
23 lows and inserting “Act.”; and

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

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

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

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

11 (c) RESIDENCE OF UNITED STATES OFFICERS.—
12 Section 921 of title 18, United States Code, is amended
13 by striking subsection (b) and inserting the following:

14 “(b) For purposes of this chapter:

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

18 “(A) the State in which the member or
19 spouse maintains legal residence;

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

22 “(C) the State in which the member main-
23 tains a place of abode from which the member
24 commutes each day to the permanent duty sta-
25 tion of the member.

1 “(2) An officer or employee of the United
 2 States (other than a member of the Armed Forces)
 3 who is stationed outside the United States for a pe-
 4 riod of more than 1 year, and a spouse of such an
 5 officer or employee, is a resident of the State in
 6 which the person maintains legal residence.”.

7 **SEC. 17. INTERSTATE TRANSPORTATION OF FIREARMS OR**
 8 **AMMUNITION.**

9 (a) IN GENERAL.—Section 926A of title 18, United
 10 States Code, is amended to read as follows:

11 **“§ 926A. Interstate transportation of firearms or am-**
 12 **munitio**

13 “(a) DEFINITION.—In this section, the term ‘trans-
 14 port’ includes—

15 “(1) staying in temporary lodging overnight;

16 “(2) stopping for food, fuel, vehicle mainte-
 17 nance, an emergency, or medical treatment; and

18 “(3) any other activity incidental to the trans-
 19 port.

20 “(b) AUTHORIZATION.—Notwithstanding any provi-
 21 sion of any law (including a rule or regulation) of a State
 22 or any political subdivision thereof, a person who is not
 23 prohibited by this chapter from possessing, transporting,
 24 shipping, or receiving a firearm or ammunition shall be
 25 entitled to—

1 “(1) transport a firearm for any lawful purpose
2 from any place where the person may lawfully pos-
3 sess, carry, or transport the firearm to any other
4 such place if, during the transportation—

5 “(A) the firearm is unloaded; and

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

8 “(I) the firearm is not directly acces-
9 sible from the passenger compartment of
10 the motor vehicle; or

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

14 “(aa) in a locked container other
15 than the glove compartment or con-
16 sole; or

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

19 “(ii) if the transportation is by other
20 means, the firearm is in a locked container or
21 secured by a secure gun storage or safety de-
22 vice; and

23 “(2) transport ammunition for any lawful pur-
24 pose from any place where the person may lawfully

1 possess, carry, or transport the ammunition, to any
2 other such place if, during the transportation—

3 “(A) the ammunition is not loaded into a
4 firearm; and

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

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

10 “(II) if the motor vehicle is without a
11 compartment separate from the passenger
12 compartment, the ammunition is in a
13 locked container other than the glove com-
14 partment or console; or

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

17 “(c) STATE LAW.—

18 “(1) ARREST AUTHORITY.—A person who is
19 transporting a firearm or ammunition may not be—

20 “(A) arrested for violation of any law or
21 any rule or regulation of a State, or any polit-
22 ical subdivision thereof, relating to the posses-
23 sion, transportation, or carrying of firearms or
24 ammunition, unless there is probable cause to

1 believe that the transportation is not in accord-
2 ance with subsection (b); or

3 “(B) detained for violation of any law or
4 any rule or regulation of a State, or any polit-
5 ical subdivision thereof, relating to the posses-
6 sion, transportation, or carrying of firearms or
7 ammunition, unless there is reasonable sus-
8 picion that the transportation is not in accord-
9 ance with subsection (b).

10 “(2) PROSECUTION.—

11 “(A) BURDEN OF PROOF.—If a person as-
12 serts this section as a defense in a criminal pro-
13 ceeding, the government shall bear the burden
14 of proving, beyond a reasonable doubt, that the
15 conduct of the person was not in accordance
16 with subsection (b).

17 “(B) PREVAILING DEFENDANT.—If a per-
18 son successfully asserts this section as a defense
19 in a criminal proceeding, the court shall award
20 the prevailing defendant reasonable attorney’s
21 fees.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of sections for chapter 44 of title 18, United
24 States Code, is amended by striking the item relating to
25 section 926A and inserting the following:

“926A. Interstate transportation of firearms or ammunition.”.

1 **SEC. 18. PREVENTING DUPLICATIVE GRANTS.**

2 Section 1701 of title I of the Omnibus Crime Control
3 and Safe Streets Act of 1968 (34 U.S.C. 10381) is amend-
4 ed by adding at the end the following:

5 “(o) PREVENTING DUPLICATIVE GRANTS.—

6 “(1) IN GENERAL.—Before the Attorney Gen-
7 eral awards a grant to an applicant under this part,
8 the Attorney General shall compare potential grant
9 awards with grants awarded under part A or T to
10 determine if duplicate grant awards are awarded for
11 the same purpose.

12 “(2) REPORT.—If the Attorney General awards
13 duplicate grants to the same applicant for the same
14 purpose the Attorney General shall submit to the
15 Committee on the Judiciary of the Senate and the
16 Committee on the Judiciary of the House of Rep-
17 resentatives a report that includes—

18 “(A) a list of all duplicate grants awarded,
19 including the total dollar amount of any dupli-
20 cate grants awarded; and

21 “(B) the reason the Attorney General
22 awarded the duplicate grants.”.

23 **SEC. 19. REGIONAL FIREARMS TRAFFICKING TASK FORCES.**

24 (a) IN GENERAL.—The Attorney General shall estab-
25 lish or continue to maintain a firearms trafficking task

1 force in each of the following field divisions of the Bureau
2 of Alcohol, Tobacco, Firearms and Explosives:

3 (1) The Houston Field Division.

4 (2) The Phoenix Field Division.

5 (3) The Dallas Field Division.

6 (4) The Los Angeles Field Division.

7 (b) STAFFING.—Each firearms trafficking task force
8 established or maintained under subsection (a) shall con-
9 sist of no fewer than 12 special agents of the Bureau of
10 Alcohol, Tobacco, Firearms and Explosives.

11 (c) DUTIES.—Each firearms trafficking task force es-
12 tablished or maintained under subsection (a) shall inves-
13 tigate firearms trafficking, with an emphasis on detecting
14 and investigating violations of sections 932 and 933 of
15 title 18, United States Code.

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