

115TH CONGRESS
2D SESSION

S. 2502

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 end straw purchases and trafficking of illegal firearms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2018

Mr. GRASSLEY (for himself and Mr. CRUZ) 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 end straw purchases and trafficking of illegal firearms, 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 2018”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—COMBATING GUN CRIME, NICS REAUTHORIZATION, AND
 NICS IMPROVEMENT

- Sec. 101. Reauthorization and improvements to NICS.
 Sec. 102. Availability of records to NICS.
 Sec. 103. Definitions relating to mental health.
 Sec. 104. Conditions for treatment of certain persons as adjudicated mentally
 incompetent for certain purposes.
 Sec. 105. Clarification that Federal court information is to be made available
 to the National Instant Criminal Background Check System.
 Sec. 106. Reports and certifications to Congress.
 Sec. 107. Increasing Federal prosecution of gun violence.
 Sec. 108. Prosecution of felons and fugitives who attempt to illegally purchase
 firearms.
 Sec. 109. Limitation on operations by the Department of Justice.
 Sec. 110. Straw purchasing of firearms.
 Sec. 111. Increased penalties for lying and buying.
 Sec. 112. Amendments to section 924(a).
 Sec. 113. Amendments to section 924(h).
 Sec. 114. Amendments to section 924(k).
 Sec. 115. Multiple sales reports for rifles and shotguns.
 Sec. 116. Study by the National Institutes of Justice and National Academy of
 Sciences on the causes of mass shootings.
 Sec. 117. Reports to Congress regarding ammunition purchases by Federal
 agencies.
 Sec. 118. Reduction of Byrne JAG funds for State failure to provide mental
 health records to NICS.
 Sec. 119. Firearm commerce modernization.
 Sec. 120. Firearm dealer access to law enforcement information.
 Sec. 121. Interstate transportation of firearms or ammunition.

TITLE II—SCHOOL SAFETY

- Sec. 201. Short title.
 Sec. 202. Grant program for school security.
 Sec. 203. Applications.
 Sec. 204. Authorization of appropriations.
 Sec. 205. Accountability.
 Sec. 206. Preventing duplicative grants.

3 **SEC. 2. DEFINITIONS.**

4 In this Act—

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

4 (2) the term “NICS” means the National In-
5 stant Criminal Background Check System; and

6 (3) the term “relevant Federal records” means
7 any record demonstrating that a person is prohibited
8 from possessing or receiving a firearm under sub-
9 section (g) or (n) of section 922 of title 18, United
10 States Code.

11 **TITLE I—COMBATING GUN**
12 **CRIME, NICS REAUTHORIZA-**
13 **TION, AND NICS IMPROVE-**
14 **MENT**

15 **SEC. 101. REAUTHORIZATION AND IMPROVEMENTS TO**
16 **NICS.**

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

20 (1) by redesignating subsections (e) and (f) as
21 subsections (f) and (g), respectively;

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

24 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to carry out this section

1 \$20,000,000 for each of fiscal years 2018 through 2022.”;

2 and

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

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

8 “(1) DEFINITION.—In this subsection, the term
9 ‘unresolved audit finding’ means a finding in the
10 final audit report of the Inspector General of the
11 Department of Justice that the audited grantee has
12 utilized grant funds for an unauthorized expenditure
13 or otherwise unallowable cost that is not closed or
14 resolved within 12 months from the date when the
15 final audit report is issued.

16 “(2) AUDITS.—Beginning in the first fiscal
17 year beginning after the date of enactment of this
18 subsection, and in each fiscal year thereafter, the In-
19 spector General of the Department of Justice shall
20 conduct audits of recipients of grants under this sec-
21 tion to prevent waste, fraud, and abuse of funds by
22 grantees. The Inspector General shall determine the
23 appropriate number of grantees to be audited each
24 year.

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

7 (b) MODIFICATION OF ELIGIBILITY REQUIRE-
8 MENTS.—The NICS Improvement Amendments Act of
9 2007 (34 U.S.C. 40902 et seq.) is amended—

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

12 (A) in subparagraph (A), by striking “sub-
13 paragraph (C)” and inserting “subparagraph
14 (B)”;

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

16 (C) by redesignating subparagraph (C) as
17 subparagraph (B);

18 (2) in section 103(a)(1) (34 U.S.C.
19 40913(a)(1)), by striking “and subject to section
20 102(b)(1)(B)”;

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

1 **SEC. 102. AVAILABILITY OF RECORDS TO NICS.**

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

5 (1) the identification and sharing of relevant
6 Federal records; and

7 (2) submission of the relevant Federal records
8 to NICS.

9 (b) PRIORITIZATION OF RECORDS.—Each agency
10 that possesses relevant Federal records shall prioritize
11 providing the relevant information contained in the rel-
12 evant Federal records to NICS on a regular and ongoing
13 basis in accordance with the guidance issued by the Attor-
14 ney General under subsection (a).

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

19 (1) advises whether the agency possesses rel-
20 evant Federal records; and

21 (2) describes the implementation plan of the
22 agency for making the relevant information con-
23 tained in relevant Federal records available to NICS
24 in a manner consistent with applicable law.

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

1 (1) agency records are relevant Federal records;
2 and

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

5 **SEC. 103. DEFINITIONS RELATING TO MENTAL HEALTH.**

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

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

10 “(36)(A) Subject to subparagraph (B), the term ‘has
11 been adjudicated mentally incompetent or has been com-
12 mitted to a psychiatric hospital’, with respect to a per-
13 son—

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

17 “(I) that was issued after—

18 “(aa) a hearing—

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

21 “(BB) at which the person had
22 an opportunity to participate with
23 counsel; or

1 “(bb) the person knowingly and intel-
2 ligently waived the opportunity for a hear-
3 ing—

4 “(AA) of which the person re-
5 ceived actual notice; and

6 “(BB) at which the person would
7 have had an opportunity to participate
8 with counsel; and

9 “(II) that found that the person, as a re-
10 sult of marked subnormal intelligence, mental
11 impairment, or mental illness—

12 “(aa) was a danger to himself or to
13 others;

14 “(bb) was guilty but mentally ill in a
15 criminal case;

16 “(cc) was not guilty in a criminal case
17 by reason of insanity or mental disease or
18 defect;

19 “(dd) was incompetent to stand trial
20 in a criminal case;

21 “(ee) was not guilty only by reason of
22 lack of mental responsibility under section
23 850a of title 10 (article 50a of the Uni-
24 form Code of Military Justice);

1 “(ff) required involuntary inpatient
2 treatment by a psychiatric hospital;

3 “(gg) required involuntary outpatient
4 treatment by a psychiatric hospital based
5 on a finding that the person is a danger to
6 himself or to others; or

7 “(hh) required involuntary commit-
8 ment to a psychiatric hospital for any rea-
9 son, including drug use; and

10 “(ii) does not include—

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

13 “(II) a voluntary admission to a psy-
14 chiatric hospital.

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

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

19 “(ii) an order or finding that is no longer appli-
20 cable because a judicial officer, court, board, com-
21 mission, or other adjudicative body has found that
22 the person who is the subject of the order or find-
23 ing—

24 “(I) does not present a danger to himself
25 or to others;

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

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

4 “(IV) no longer requires involuntary inpa-
5 tient or outpatient treatment by, or involuntary
6 commitment to, a psychiatric hospital; or

7 “(iii) an order or finding with respect to which
8 the person who is subject to the order or finding has
9 been granted relief from disabilities under section
10 925(c) or under a program described in section
11 101(c)(2)(A) or 105 of the NICS Improvement
12 Amendments Act of 2007 (18 U.S.C. 922 note).

13 “(37) The term ‘psychiatric hospital’ includes a men-
14 tal health facility, a mental hospital, a sanitarium, a psy-
15 chiatric facility, and any other facility that provides diag-
16 noses by licensed professionals of mental retardation or
17 mental illness, including a psychiatric ward in a general
18 hospital.”; and

19 (2) in section 922—

20 (A) in subsection (d)(4)—

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

23 (ii) by striking “any mental institu-
24 tion” and inserting “a psychiatric hos-
25 pital”; and

1 (B) in subsection (g)(4)—

2 (i) by striking “as a mental defective
3 or who has” and inserting “mentally in-
4 competent or has”; and

5 (ii) by striking “mental institution”
6 and inserting “psychiatric hospital”.

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

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

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

16 (3) in section 102(c)(3) (34 U.S.C.
17 40912(c)(3))—

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

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

1 **SEC. 104. 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 a mental defective
15 under subsection (d)(4) or (g)(4) of section 922 of title
16 18 without the order or finding of a judge, magistrate,
17 or other judicial authority of competent jurisdiction that
18 such person is a danger to himself or herself or others.”.

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

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

1 **SEC. 105. CLARIFICATION THAT FEDERAL COURT INFOR-**
2 **MATION IS TO BE MADE AVAILABLE TO THE**
3 **NATIONAL INSTANT CRIMINAL BACKGROUND**
4 **CHECK SYSTEM.**

5 Section 103(e)(1) of the Brady Handgun Violence
6 Prevention Act (34 U.S.C. 40901(e)(1)) is amended by
7 adding at the end the following:

8 “(F) APPLICATION TO FEDERAL
9 COURTS.—In this paragraph—

10 “(i) the terms ‘department or agency
11 of the United States’ and ‘Federal depart-
12 ment or agency’ include a Federal court;
13 and

14 “(ii) for purposes of any request, sub-
15 mission, or notification, the Director of the
16 Administrative Office of the United States
17 Courts shall perform the functions of the
18 head of the department or agency.”.

19 **SEC. 106. REPORTS AND CERTIFICATIONS TO CONGRESS.**

20 (a) NICS REPORTS.—Not later than October 1,
21 2018, and every year thereafter, the head of each agency
22 that possesses relevant Federal records shall submit a re-
23 port to Congress that includes—

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

1 (2) the number of relevant Federal records the
2 agency submitted to NICS during the reporting pe-
3 riod;

4 (3) efforts made to increase the percentage of
5 relevant Federal records possessed by the agency
6 that are submitted to NICS;

7 (4) any obstacles to increasing the percentage
8 of relevant Federal records possessed by the agency
9 that are submitted to NICS;

10 (5) measures put in place to provide notice and
11 programs for relief from disabilities as required
12 under the NICS Improvement Amendments Act of
13 2007 (34 U.S.C. 40902 et seq.) if the agency makes
14 qualifying adjudications relating to the mental
15 health of an individual;

16 (6) measures put in place to correct, modify, or
17 remove records available to NICS when the basis on
18 which the records were made available no longer ap-
19 plies; and

20 (7) additional steps that will be taken during
21 the 1-year period after the submission of the report
22 to improve the processes by which relevant Federal
23 records are—

24 (A) identified;

25 (B) made available to NICS; and

1 (C) corrected, modified, or removed from
2 NICS.

3 (b) CERTIFICATIONS.—

4 (1) IN GENERAL.—The annual report require-
5 ment in subsection (a) shall not apply to an agency
6 that, as part of a report required to be submitted
7 under subsection (a), provides certification that the
8 agency has—

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

12 (B) a plan to make any relevant Federal
13 records available to NICS and a description of
14 that plan; and

15 (C) a plan to update, modify, or remove
16 records electronically from NICS not less than
17 quarterly as required by the NICS Improve-
18 ment Amendments Act of 2007 (34 U.S.C.
19 40902 et seq.) and a description of that plan.

20 (2) FREQUENCY.—Each agency that is not re-
21 quired to submit annual reports under paragraph
22 (1) shall submit an annual certification to Congress
23 attesting that the agency continues to submit rel-
24 evant Federal records to NICS and has corrected,
25 modified, or removed records available to NICS

1 when the basis on which the records were made
2 available no longer applies.

3 (c) REPORTS TO CONGRESS ON FIREARMS PROSECU-
4 TIONS.—

5 (1) REPORT TO CONGRESS.—Beginning Feb-
6 ruary 1, 2019, and on February 1 of each year
7 thereafter through 2028, the Attorney General shall
8 submit to the Committees on the Judiciary and
9 Committees on Appropriations of the Senate and the
10 House of Representatives a report of information
11 gathered under this subsection during the fiscal year
12 that ended on September 30 of the preceding year.

13 (2) SUBJECT OF ANNUAL REPORT.—Not later
14 than 90 days after the date of enactment of this
15 Act, the Attorney General shall require each compo-
16 nent of the Department of Justice, including each
17 United States Attorney’s Office, to furnish for the
18 purposes of the report described in paragraph (1),
19 information relating to any case presented to the
20 Department of Justice for review or prosecution, in
21 which the objective facts of the case provide probable
22 cause to believe that there has been a violation of
23 sections 922 and 924, United States Code, and sec-
24 tion 5861 of the Internal Revenue Code of 1986.

1 (3) ELEMENTS OF ANNUAL REPORT.—With re-
2 spect to each case described in paragraph (2), the
3 report submitted under paragraph (1) shall include
4 information indicating—

5 (A) whether in any such case, a decision
6 has been made not to charge an individual with
7 a violation of sections 922 and 924, United
8 States Code, and section 5861 of the Internal
9 Revenue Code of 1986, or any other violation of
10 Federal criminal law;

11 (B) in any case described in subparagraph
12 (A), a description of why no charge was filed
13 under sections 922 and 924, United States
14 Code, and section 5861 of the Internal Revenue
15 Code of 1986;

16 (C) whether in any case described in para-
17 graph (2), an indictment, information, or other
18 charge has been brought against any person, or
19 the matter is pending;

20 (D) whether, in the case of an indictment,
21 information, or other charge described in sub-
22 paragraph (C), the charging document contains
23 a count or counts alleging a violation of sections
24 922 and 924, United States Code, and section
25 5861 of the Internal Revenue Code of 1986;

1 (E) in any case described in subparagraph
2 (D) in which the charging document contains a
3 count or counts alleging a violation of sections
4 922 and 924, United States Code, and section
5 5861 of the Internal Revenue Code of 1986,
6 whether a plea agreement of any kind has been
7 entered into with such charged individual;

8 (F) whether any plea agreement described
9 in subparagraph (E) required that the indi-
10 vidual plead guilty, to enter a plea of nolo
11 contendere, or otherwise caused a court to enter
12 a conviction against that individual for a viola-
13 tion of sections 922 and 924, United States
14 Code, and section 5861 of the Internal Revenue
15 Code of 1986;

16 (G) in any case described in subparagraph
17 (F) in which the plea agreement did not require
18 that the individual plead guilty, enter a plea of
19 nolo contendere, or otherwise cause a court to
20 enter a conviction against that individual for a
21 violation of sections 922 and 924, United
22 States Code, and section 5861 of the Internal
23 Revenue Code of 1986, identification of the
24 charges to which that individual did plead
25 guilty;

1 (H) in the case of an indictment, informa-
2 tion, or other charge described in subparagraph
3 (C), in which the charging document contains a
4 count or counts alleging a violation of sections
5 922 and 924, United States Code, and section
6 5861 of the Internal Revenue Code of 1986, the
7 result of any trial of such charges (guilty, not
8 guilty, mistrial);

9 (I) in the case of an indictment, informa-
10 tion, or other charge described in subparagraph
11 (C), in which the charging document did not
12 contain a count or counts alleging a violation of
13 sections 922 and 924, United States Code, and
14 section 5861 of the Internal Revenue Code of
15 1986, the nature of the other charges brought
16 and the result of any trial of such other charges
17 as have been brought (guilty, not guilty, mis-
18 trial);

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

1 (K) the number of prosecutions conducted
2 in relation to persons described in subpara-
3 graph (J).

4 **SEC. 107. INCREASING FEDERAL PROSECUTION OF GUN VI-**
5 **OLENCE.**

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

11 (b) **PROGRAM ELEMENTS.**—Each program estab-
12 lished under subsection (a) shall, for the jurisdiction con-
13 cerned—

14 (1) provide for coordination with State and
15 local law enforcement officials in the identification of
16 violations of Federal firearms laws;

17 (2) provide for the establishment of agreements
18 with State and local law enforcement officials for the
19 referral to the Bureau of Alcohol, Tobacco, Fire-
20 arms, and Explosives and the United States Attor-
21 ney for prosecution of persons arrested for violations
22 of section 922 or section 924 of title 18, United
23 States Code, or section 5861 of the Internal Rev-
24 enue Code of 1986, relating to firearms;

1 (3) provide for the establishment of multi-juris-
2 dictional task forces, coordinated by the Executive
3 Office of the United States attorneys to investigate
4 and prosecute illegal straw purchasing rings that
5 purchase firearms in one jurisdiction and transfer
6 them to another;

7 (4) require that the United States attorney des-
8 ignate not less than 1 assistant United States attor-
9 ney to prosecute violations of Federal firearms laws;

10 (5) provide for the hiring of agents for the Bu-
11 reau of Alcohol, Tobacco, Firearms, and Explosives
12 to investigate violations of the provisions referred to
13 in paragraph (2), United States Code, relating to
14 firearms; and

15 (6) ensure that each person referred to the
16 United States attorney under paragraph (2) be
17 charged with a violation of the most serious Federal
18 firearm offense consistent with the act committed.

19 (c) COVERED JURISDICTIONS.—

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

22 (A) the 10 jurisdictions with a population
23 equal to or greater than 100,000 persons that
24 had the highest total number of homicides ac-
25 cording to the uniform crime report of the Fed-

1 eral Bureau of Investigation for the most recent
2 year available;

3 (B) the 5 jurisdictions with such a popu-
4 lation, other than the jurisdictions covered by
5 paragraph (1), with the highest per capita rate
6 of homicide according to the uniform crime re-
7 port of the Federal Bureau of Investigation for
8 the most recent year available; and

9 (C) the 3 tribal jurisdictions that have the
10 highest homicide crime rates, as determined by
11 the Attorney General.

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

16 (d) ANNUAL REPORTS.—Not later than 1 year after
17 the date of enactment of this Act, an annually thereafter,
18 the Attorney General shall submit to the Committee on
19 the Judiciary of the Senate and the Committee on the Ju-
20 diciary of the House of Representatives a report con-
21 taining the following information:

22 (1) The number of individuals indicted for such
23 violations of Federal firearms laws during that year
24 by reason of the program.

1 (2) The increase or decrease in the number of
2 individuals indicted for such violations of Federal
3 firearms laws during that year by reason of the pro-
4 gram when compared with the year preceding that
5 year.

6 (3) The number of individuals held without
7 bond in anticipation of prosecution by reason of the
8 program.

9 (4) To the extent the information is available,
10 the average length of prison sentence of the individ-
11 uals convicted of violations of Federal firearms laws
12 by reason of the program.

13 (5) The number of multi-jurisdiction task forces
14 established and the number of individuals arrested,
15 indicted, convicted or acquitted of charges for viola-
16 tions of the specific crimes listed in subsection
17 (b)(2).

18 (e) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) IN GENERAL.—There are authorized to be
20 appropriated to carry out the program under this
21 section \$15,000,000 for each of fiscal years 2019,
22 2020, and 2021, which shall be used for salaries and
23 expenses of assistant United States attorneys and
24 Bureau of Alcohol, Tobacco, Firearms, and Explo-
25 sives agents.

1 (2) USE OF FUNDS.—

2 (A) ASSISTANT UNITED STATES ATTOR-
3 NEYS.—The assistant United States attorneys
4 hired using amounts authorized to be appro-
5 priated under paragraph (1) shall prosecute vio-
6 lations of Federal firearms laws in accordance
7 with subsection (b)(2).

8 (B) ATF AGENTS.—The Bureau of Alco-
9 hol, Tobacco, Firearms, and Explosives agents
10 hired using amounts authorized to be appro-
11 priated under paragraph (1) shall, to the max-
12 imum extent practicable, concentrate their in-
13 vestigations on violations of Federal firearms
14 laws in accordance with subsection (b)(2).

15 **SEC. 108. PROSECUTION OF FELONS AND FUGITIVES WHO**
16 **ATTEMPT TO ILLEGALLY PURCHASE FIRE-**
17 **ARMS.**

18 (a) TASKFORCE.—

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

1 victed felons and fugitives from justice who illegally
2 attempt to purchase a firearm.

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

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

8 (B) the Assistant Attorney General for the
9 Criminal Division;

10 (C) the Director of the Bureau of Alcohol,
11 Tobacco, Firearms, and Explosives;

12 (D) the Director of the Federal Bureau of
13 Investigation; and

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

17 (3) DUTIES.—The Task Force shall—

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

22 (B) provide recommendations to the Attor-
23 ney General relating to—

24 (i) the allocation and reallocation of
25 resources of the Department of Justice for

1 investigation and prosecution of cases of
2 convicted felons and fugitives from justice
3 attempting to illegally purchase a firearm;

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

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

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

21 (4) MEETINGS.—The Task Force shall meet
22 not less than once a year.

23 (5) TERMINATION.—The Task Force shall ter-
24minate on the date that is 5 years after the date of
25 enactment 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 (H), by striking “and” at
4 the end;

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

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

9 “(J) 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 section 108 of the Protecting Communities and
13 Preserving the Second Amendment Act of 2018, pro-
14 vided that—

15 “(i) not more than \$10,000,000 shall be
16 available to the Attorney General for each of
17 fiscal years 2019 through 2023 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 108
23 of the Protecting Communities and Preserving
24 the Second Amendment Act of 2018.”.

1 **SEC. 109. LIMITATION ON OPERATIONS BY THE DEPART-**
2 **MENT OF JUSTICE.**

3 The Department of Justice, and any of its law en-
4 forcement coordinate agencies, shall not conduct any oper-
5 ation where a Federal firearms licensee is directed, in-
6 structed, enticed, or otherwise encouraged by the Depart-
7 ment of Justice to sell a firearm to an individual if the
8 Department of Justice, or a coordinate agency, knows or
9 has reasonable cause to believe that such an individual is
10 purchasing on behalf of another for an illegal purpose un-
11 less the Attorney General, the Deputy Attorney General,
12 or the Assistant Attorney General for the Criminal Divi-
13 sion personally reviews and approves the operation, in
14 writing, and determines that the agency has prepared an
15 operational plan that includes sufficient safeguards to pre-
16 vent firearms from being transferred to third parties with-
17 out law enforcement taking reasonable steps to lawfully
18 interdict those firearms.

19 **SEC. 110. STRAW PURCHASING OF FIREARMS.**

20 (a) IN GENERAL.—Chapter 44 of title 18, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 **“§ 932. Straw purchasing of firearms**

24 “(a) DEFINITIONS.—For purposes of this section—

25 “(1) the term ‘crime of violence’ has the mean-
26 ing given that term in section 924(c)(3);

1 “(2) the term ‘drug trafficking crime’ has the
2 meaning given that term in section 924(c)(2); and

3 “(3) the term ‘Federal crime of terrorism’ has
4 the meaning given that term in section 2332b(g).

5 “(b) OFFENSE.—It shall be unlawful for any person
6 to—

7 “(1) purchase or otherwise obtain a firearm,
8 which has been shipped, transported, or received in
9 interstate or foreign commerce, for or on behalf of
10 any other person who the person purchasing or oth-
11 erwise obtaining the firearm knows—

12 “(A) is prohibited from possessing or re-
13 ceiving a firearm under subsection (g) or (n) of
14 section 922;

15 “(B) intends to use, carry, possess, or sell
16 or otherwise dispose of the firearm in further-
17 ance of a crime of violence, a drug trafficking
18 crime, or a Federal crime of terrorism;

19 “(C) intends to engage in conduct that
20 would constitute a crime of violence, a drug
21 trafficking crime, or a Federal crime of ter-
22 rorism if the conduct had occurred within the
23 United States; or

1 “(D) is not a resident of any State and is
2 not a citizen or lawful permanent resident of
3 the United States; or

4 “(2) willfully procure another to engage in con-
5 duct described in paragraph (1).

6 “(c) PENALTY.—Any person who violates subsection
7 (b) shall be fined under this title, imprisoned not more
8 than 15 years, or both.

9 **“§ 933. Trafficking in firearms**

10 “(a) DEFINITIONS.—For purposes of this section—

11 “(1) the term ‘crime of violence’ has the mean-
12 ing given that term in section 924(c)(3);

13 “(2) the term ‘drug trafficking crime’ has the
14 meaning given that term in section 924(c)(2); and

15 “(3) the term ‘Federal crime of terrorism’ has
16 the meaning given that term in section 2332b(g).

17 “(b) OFFENSE.—It shall be unlawful for any person
18 to—

19 “(1) ship, transport, transfer, or otherwise dis-
20 pose of two or more firearms to another person in
21 or otherwise affecting interstate or foreign com-
22 merce, if the transferor knows that the use, car-
23 rying, or possession of a firearm by the transferee
24 would violate subsection (g) or (n) of section 922, or

1 constitute a crime of violence, a drug trafficking
2 crime, or a Federal crime of terrorism;

3 “(2) receive from another person two or more
4 firearms in or otherwise affecting interstate or for-
5 eign commerce, if the recipient—

6 “(A) knows that such receipt would violate
7 subsection (g) or (n) of section 922; or

8 “(B) intends to use the firearm in further-
9 ance of a crime of violence, a drug trafficking
10 crime, or a Federal crime of terrorism; or

11 “(3) attempt or conspire to commit the conduct
12 described in paragraph (1) or (2).

13 “(c) PENALTIES.—

14 “(1) IN GENERAL.—Any person who violates
15 subsection (b) shall be fined under this title, impris-
16 oned not more than 15 years, or both.

17 “(2) ORGANIZER.—If a violation of subsection
18 (b) is committed by a person acting in concert with
19 other persons as an organizer, leader, supervisor, or
20 manager, the person shall be fined under this title,
21 imprisoned not more than 20 years, or both.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of sections for chapter 44 of title 18, United
24 States Code, is amended by inserting after the item relat-
25 ing to section 931 the following:

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.”.

1 (c) DIRECTIVE TO THE SENTENCING COMMISSION.—
2 Pursuant to its authority under section 994 of title 28,
3 United States Code, and in accordance with this section,
4 the United States Sentencing Commission shall review and
5 amend its guidelines and policy statements to ensure that
6 persons convicted of an offense under section 932 or 933
7 of title 18, United States Code, and other offenses applica-
8 ble to the straw purchases and firearms trafficking of fire-
9 arms are subject to increased penalties in comparison to
10 those currently provided by the guidelines and policy state-
11 ments for such straw purchasing and firearms trafficking
12 offenses. In its review, the Commission shall consider, in
13 particular, an appropriate amendment to reflect the intent
14 of Congress that straw purchasers without significant
15 criminal histories receive sentences that are sufficient to
16 deter participation in such activities. The Commission
17 shall also review and amend its guidelines and policy state-
18 ments to reflect the intent of Congress that a person con-
19 victed of an offense under section 932 or 933 of title 18,
20 United States Code, who is affiliated with a gang, cartel,
21 organized crime ring, or other such enterprise should be
22 subject to higher penalties than an otherwise unaffiliated
23 individual.

1 **SEC. 111. INCREASED PENALTIES FOR LYING AND BUYING.**

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

7 **SEC. 112. AMENDMENTS TO SECTION 924(a).**

8 Section 924(a) of title 18, United States Code, is
9 amended—

10 (1) in paragraph (2), by striking “(d), (g),”;

11 and

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

13 “(8) Whoever knowingly violates subsection (d),
14 (g), or (n) of section 922 shall be fined under this
15 title, imprisoned not more than 15 years, or both.”.

16 **SEC. 113. AMENDMENTS TO SECTION 924(h).**

17 Section 924 of title 18, United States Code, is
18 amended by striking subsection (h) and inserting the fol-
19 lowing:

20 “(h) Whoever knowingly receives or transfers a fire-
21 arm or ammunition, or attempts or conspires to do so,
22 knowing that such firearm or ammunition will be used to
23 commit a crime of violence (as defined in subsection
24 (c)(3)), a drug trafficking crime (as defined in subsection
25 (c)(2)), a Federal crime of terrorism (as defined in section
26 2332b(g)), or a crime under the Arms Export Control Act

1 (22 U.S.C. 2751 et seq.), the International Emergency
2 Economic Powers Act (50 U.S.C. 1701 et seq.), or the
3 Foreign Narcotics Kingpin Designation Act (21 U.S.C.
4 1901 et seq.), shall be imprisoned not more than 15 years,
5 fined in accordance with this title, or both.”.

6 **SEC. 114. AMENDMENTS TO SECTION 924(k).**

7 Section 924 of title 18, United States Code, is
8 amended by striking subsection (k) and inserting the fol-
9 lowing:

10 “(k)(1) A person who, with intent to engage in or
11 promote conduct that—

12 “(A) is punishable under the Controlled Sub-
13 stances Act (21 U.S.C. 801 et seq.), the Controlled
14 Substances Import and Export Act (21 U.S.C. 951
15 et seq.), or chapter 705 of title 46;

16 “(B) violates any law of a State relating to any
17 controlled substance (as defined in section 102 of
18 the Controlled Substances Act, 21 U.S.C. 802);

19 “(C) constitutes a crime of violence (as defined
20 in subsection (c)(3)); or

21 “(D) constitutes a Federal crime of terrorism
22 (as defined in section 2332b(g)),

23 smuggles or knowingly brings into the United States, a
24 firearm or ammunition, or attempts or conspires to do so,

1 shall be imprisoned not more than 15 years, fined under
2 this title, or both.

3 “(2) A person who, with intent to engage in or to
4 promote conduct that—

5 “(A) would be punishable under the Controlled
6 Substances Act (21 U.S.C. 801 et seq.), the Con-
7 trolled Substances Import and Export Act (21
8 U.S.C. 951 et seq.), or chapter 705 of title 46, if the
9 conduct had occurred within the United States; or

10 “(B) would constitute a crime of violence (as
11 defined in subsection (c)(3)) or a Federal crime of
12 terrorism (as defined in section 2332b(g)) for which
13 the person may be prosecuted in a court of the
14 United States, if the conduct had occurred within
15 the United States,

16 smuggles or knowingly takes out of the United States, a
17 firearm or ammunition, or attempts or conspires to do so,
18 shall be imprisoned not more than 15 years, fined under
19 this title, or both.”.

20 **SEC. 115. MULTIPLE SALES REPORTS FOR RIFLES AND**
21 **SHOTGUNS.**

22 Section 923(g)(5) of title 18, United States Code, is
23 amended by adding at the end the following:

24 “(C) The Attorney General may not require a licensee
25 to submit ongoing or periodic reporting of the sale or other

1 disposition of two or more rifles or shotguns during a spec-
2 ified period of time.”.

3 **SEC. 116. STUDY BY THE NATIONAL INSTITUTES OF JUSTICE AND NATIONAL ACADEMY OF SCIENCES**
4 **ON THE CAUSES OF MASS SHOOTINGS.**
5

6 (a) IN GENERAL.—

7 (1) STUDY.—Not later than 90 days after the
8 date of enactment of this Act, the Attorney General
9 shall instruct the Director of the National Institutes
10 of Justice, to conduct a peer-reviewed study to ex-
11 amine various sources and causes of mass shootings
12 including psychological factors, the impact of violent
13 video games, and other factors. The Director shall
14 enter into a contract with the National Academy of
15 Sciences to conduct this study jointly with an inde-
16 pendent panel of 5 experts appointed by the Acad-
17 emy.

18 (2) REPORT.—Not later than 1 year after the
19 date on which the study required under paragraph
20 (1) begins, the Directors shall submit to Congress a
21 report detailing the findings of the study.

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

24 (1) mental illness;

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

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

7 (4) the extent to which perpetrators of mass
8 shootings, either alleged, convicted, deceased, or oth-
9 erwise, played violent or adult-themed video games
10 and whether the perpetrators of mass shootings dis-
11 cussed, planned, or used violent or adult-themed
12 video games in preparation of or to assist in car-
13 rying out their violent actions;

14 (5) familial relationships, including the level of
15 involvement and awareness of parents;

16 (6) exposure to bullying; and

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

20 **SEC. 117. REPORTS TO CONGRESS REGARDING AMMUNI-**
21 **TION PURCHASES BY FEDERAL AGENCIES.**

22 Not later than 1 year after the date of enactment
23 of this Act, the Director of the Office of Management and
24 Budget, shall report to the Speaker of the House of Rep-
25 resentatives, the President Pro Tempore of the Senate,

1 and the Chairmen and Ranking Members of the House
2 and Senate Committee on Appropriations and the Com-
3 mittee on the Judiciary, the House Committee on Home-
4 land Security, the Senate Committee on Homeland Secu-
5 rity and Government Affairs, and the House Committee
6 on Government Reform and Oversight, a report includ-
7 ing—

8 (1) details of all purchases of ammunition by
9 each Federal agency;

10 (2) a summary of all purchases, solicitations,
11 and expenditures on ammunition by each Federal
12 agency;

13 (3) a summary of all the rounds of ammunition
14 expended by each Federal agency and a current list-
15 ing of stockpiled ammunition for each Federal agen-
16 cy; and

17 (4) an estimate of future ammunition needs
18 and purchases for each Federal agency for the next
19 fiscal year.

20 **SEC. 118. REDUCTION OF BYRNE JAG FUNDS FOR STATE**
21 **FAILURE TO PROVIDE MENTAL HEALTH**
22 **RECORDS TO NICS.**

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

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

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

3 (3) in paragraph (2), as redesignated, by strik-
4 ing “of paragraph (2)” and inserting “of paragraph
5 (1)”; and

6 (4) by inserting before paragraph (2), as redesi-
7 gnated, the following:

8 “(1) REDUCTION FOR FAILURE TO PROVIDE
9 MENTAL HEALTH RECORDS.—

10 “(A) IN GENERAL.—During the period be-
11 ginning on the date that is 18 months after the
12 date of enactment of the Protecting Commu-
13 nities and Preserving the Second Amendment
14 Act of 2018 and ending on the day before the
15 date described in subparagraph (B), the Attor-
16 ney General shall withhold 5 percent of the
17 amount that would otherwise be allocated to a
18 State under section 505 of title I of the Omni-
19 bus Crime Control and Safe Streets Act of
20 1968 (34 U.S.C. 10156) if the State does not—

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

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

1 “(I) requires the State to provide
2 the records required to be provided
3 under sections 102 and 103; and

4 “(II) implements a relief from
5 disabilities program in accordance
6 with section 105.

7 “(B) FINAL IMPLEMENTATION DEAD-
8 LINE.—Beginning on the date that is 5 years
9 after the date of enactment of the Protecting
10 Communities and Preserving the Second
11 Amendment Act of 2018, the Attorney General
12 shall withhold 10 percent of the amount that
13 would otherwise be allocated to a State under
14 section 505 of title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968 (34
16 U.S.C. 10156) if the State does not have in ef-
17 fect a statute described in subparagraph (A)(ii)
18 of this paragraph.”.

19 **SEC. 119. FIREARM COMMERCE MODERNIZATION.**

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

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

25 (2) in subparagraph (A)—

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

3 (B) by striking “located” and inserting
4 “located or temporarily located”; and

5 (C) by striking “both such States” and in-
6 serting “the State in which the transfer is con-
7 ducted and the State of residence of the trans-
8 feree”.

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

11 (1) in subsection (j)—

12 (A) in the first sentence, by striking “, and
13 such location is in the State which is specified
14 on the license”; and

15 (B) in the last sentence—

16 (i) by inserting “transfer,” after
17 “sell,”; and

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

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

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

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

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

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

11 “(b) For purposes of this chapter:

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

15 “(A) the State in which the member or
16 spouse maintains legal residence;

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

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

23 “(2) An officer or employee of the United
24 States (other than a member of the Armed Forces)
25 who is stationed outside the United States for a pe-

1 riod of more than 1 year, and a spouse of such an
 2 officer or employee, is a resident of the State in
 3 which the person maintains legal residence.”.

4 **SEC. 120. FIREARM DEALER ACCESS TO LAW ENFORCE-**
 5 **MENT INFORMATION.**

6 (a) IN GENERAL.—Section 103(b) of the Brady
 7 Handgun Violence Prevention Act (34 U.S.C. 40901), is
 8 amended—

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

11 “(1) IN GENERAL.—Not later than”; and

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

13 “(2) VOLUNTARY BACKGROUND CHECKS.—

14 “(A) IN GENERAL.—Not later than 90
 15 days after the date of enactment of the Pro-
 16 tecting Communities and Preserving the Second
 17 Amendment Act of 2018, the Attorney General
 18 shall promulgate regulations allowing licensees
 19 to use the national instant criminal background
 20 check system established under this section for
 21 purposes of conducting voluntary, no fee em-
 22 ployment background checks on current or pro-
 23 spective employees.

24 “(B) NOTICE.—Before conducting an em-
 25 ployment background check relating to an indi-

1 vidual under subparagraph (A), a licensee
2 shall—

3 “(i) provide written notice to the indi-
4 vidual that the licensee intends to conduct
5 the background check; and

6 “(ii) obtain consent to conduct the
7 background check from the individual in
8 writing.

9 “(C) EXEMPTION.—An employment back-
10 ground check conducted by a licensee under
11 subparagraph (A) shall not governed by the
12 Fair Credit Reporting Act (15 U.S.C. 1681 et
13 seq.).

14 “(D) APPEAL.—Any individual who is the
15 subject of an employment background check
16 conducted by a licensee under subparagraph
17 (A) the result of which indicates that the indi-
18 vidual is a prohibited from possessing a firearm
19 or ammunition pursuant to subsection (g) or
20 (n) of section 922 of title 18, United States
21 Code, may appeal the results of the background
22 check in the same manner and to the same ex-
23 tent as if the individual had been the subject of
24 a background check relating to the transfer of
25 a firearm.”.

1 (b) ACQUISITION, PRESERVATION, AND EXCHANGE
2 OF IDENTIFICATION RECORDS AND INFORMATION.—Sec-
3 tion 534 of title 28, United States Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (3), by striking “and” at
6 the end;

7 (B) in paragraph (4), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (C) by inserting after paragraph (4) the
10 following:

11 “(5) provide a person licensed as an importer,
12 manufacturer, or dealer of firearms under chapter
13 44 of title 18 with information necessary to verify
14 whether firearms offered for sale to such licensees
15 have been stolen.”; and

16 (2) in subsection (b), by inserting “, except for
17 dissemination authorized under subsection (a)(5) of
18 this section” before the period.

19 (c) REGULATIONS.—Not later than 90 days after the
20 date of enactment of this Act, and without regard to chap-
21 ter 5 of title 5, United States Code, the Attorney General
22 shall promulgate regulations allowing a person licensed as
23 an importer, manufacturer, or dealer of firearms under
24 chapter 44 of title 18, United States Code, to receive ac-
25 cess to records of stolen firearms maintained by the Na-

1 tional Crime Information Center operated by the Federal
2 Bureau of Investigation, solely for the purpose of volun-
3 tarily verifying whether firearms offered for sale to such
4 licensees have been stolen.

5 (d) STATUTORY CONSTRUCTION; EVIDENCE.—

6 (1) STATUTORY CONSTRUCTION.—Nothing in
7 this section or the amendments made by this section
8 shall be construed—

9 (A) to create a cause of action against any
10 person licensed as an importer, manufacturer,
11 or dealer of firearms under chapter 44 of title
12 18, United States Code or any other person for
13 any civil liability; or

14 (B) to establish any standard of care.

15 (2) EVIDENCE.—Notwithstanding any other
16 provision of law, evidence regarding the use or non-
17 use by a person licensed as an importer, manufac-
18 turer, or dealer of firearms under chapter 44 of title
19 18, United States Code of the systems, information,
20 or records made available under this section or the
21 amendments made by this section shall not be ad-
22 missible as evidence in any proceeding of any court,
23 agency, board, or other entity.

1 **SEC. 121. INTERSTATE TRANSPORTATION OF FIREARMS OR**
2 **AMMUNITION.**

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

5 **“§ 926A. Interstate transportation of firearms or am-**
6 **munition**

7 “(a) DEFINITION.—In this section, the term ‘trans-
8 port’ includes staying in temporary lodging overnight,
9 stopping for food, fuel, vehicle maintenance, an emer-
10 gency, medical treatment, and any other activity incidental
11 to the transport.

12 “(b) AUTHORIZATION.—Notwithstanding any provi-
13 sion of any law (including a rule or regulation) of a State
14 or any political subdivision thereof, a person who is not
15 prohibited by this chapter from possessing, transporting,
16 shipping, or receiving a firearm or ammunition shall be
17 entitled to—

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

22 “(A) the firearm is unloaded; and

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

1 “(I) the firearm is not directly acces-
2 sible from the passenger compartment of
3 the motor vehicle; or

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

7 “(aa) in a locked container other
8 than the glove compartment or con-
9 sole; or

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

12 “(ii) if the transportation is by other
13 means, the firearm is in a locked container or
14 secured by a secure gun storage or safety de-
15 vice; and

16 “(2) transport ammunition for any lawful pur-
17 pose from any place where the person may lawfully
18 possess, carry, or transport the ammunition, to any
19 other such place if, during the transportation—

20 “(A) the ammunition is not loaded into a
21 firearm; and

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

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

4 “(II) if the motor vehicle is without a
5 compartment separate from the passenger
6 compartment, the ammunition is in a
7 locked container other than the glove com-
8 partment or console; or

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

11 “(c) STATE LAW.—

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

14 “(A) arrested for violation of any law or
15 any rule or regulation of a State, or any polit-
16 ical subdivision thereof, relating to the posses-
17 sion, transportation, or carrying of firearms or
18 ammunition, unless there is probable cause to
19 believe that the transportation is not in accord-
20 ance with subsection (b); or

21 “(B) detained for violation of any law or
22 any rule or regulation of a State, or any polit-
23 ical subdivision thereof, relating to the posses-
24 sion, transportation, or carrying of firearms or
25 ammunition, unless there is reasonable sus-

1 picion that the transportation is not in accord-
2 ance with subsection (b).

3 “(2) PROSECUTION.—

4 “(A) BURDEN OF PROOF.—If a person as-
5 serts this section as a defense in a criminal pro-
6 ceeding, the government shall bear the burden
7 of proving, beyond a reasonable doubt, that the
8 conduct of the person was not in accordance
9 with subsection (b).

10 “(B) PREVAILING DEFENDANT.—If a per-
11 son successfully asserts this section as a defense
12 in a criminal proceeding, the court shall award
13 the prevailing defendant reasonable attorney’s
14 fees.”.

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

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

19 **TITLE II—SCHOOL SAFETY**

20 **SEC. 201. SHORT TITLE.**

21 This title may be cited as the “School Safety En-
22 hancements Act of 2018”.

1 **SEC. 202. GRANT PROGRAM FOR SCHOOL SECURITY.**

2 Section 2701 of title I of the Omnibus Crime Control
3 and Safe Streets Act of 1968 (34 U.S.C. 10551) is amend-
4 ed—

5 (1) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) by striking “Placement” and in-
8 sserting “Installation”; and

9 (ii) by inserting “surveillance equip-
10 ment,” after “detectors,”;

11 (B) by redesignating paragraph (6) as
12 paragraph (7); and

13 (C) by inserting after paragraph (5) the
14 following:

15 “(6) Establishment of hotlines or tiplines for
16 the reporting of potentially dangerous students and
17 situations.”; and

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

19 “(g) INTERAGENCY TASK FORCE.—

20 “(1) ESTABLISHMENT.—Not later than 60 days
21 after the date of enactment of the School Safety En-
22 hancements Act of 2018, the Director and the Sec-
23 retary of Education, or the designee of the Sec-
24 retary, shall establish an interagency task force to
25 develop and promulgate a set of advisory school
26 safety guidelines.

1 “(2) PUBLICATION OF GUIDELINES.—Not later
2 than 1 year after the date of enactment of the
3 School Safety Enhancements Act of 2018, the advi-
4 sory school safety guidelines promulgated by the
5 interagency task force shall be published in the Fed-
6 eral Register.

7 “(3) REQUIRED CONSULTATION.—In developing
8 the final advisory school safety guidelines under this
9 subsection, the interagency task force shall consult
10 with stakeholders and interested parties, including
11 parents, teachers, and agencies.”.

12 **SEC. 203. APPLICATIONS.**

13 Section 2702(a)(2) of title I of the Omnibus Crime
14 Control and Safe Streets Act of 1968 (34 U.S.C.
15 10552(a)(2)) is amended to read as follows:

16 “(2) be accompanied by a report—

17 “(A) signed by the heads of each law en-
18 forcement agency and school district with juris-
19 diction over the schools where the safety im-
20 provements will be implemented; and

21 “(B) demonstrating that each proposed use
22 of the grant funds will be—

23 “(i) an effective means for improving
24 the safety of one or more schools;

1 “(ii) consistent with a comprehensive
2 approach to preventing school violence; and
3 “(iii) individualized to the needs of
4 each school at which those improvements
5 are to be made.”.

6 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 2705 of title I of the Omnibus Crime Control
8 and Safe Streets Act of 1968 (Public Law 90–351; 114
9 Stat. 1502) is amended by striking “2001 through 2009”
10 and inserting “2019 through 2028”.

11 **SEC. 205. ACCOUNTABILITY.**

12 Section 2701 of title I of the Omnibus Crime Control
13 and Safe Streets Act of 1968 (34 U.S.C. 10551), as
14 amended by section 202 of this title, is amended by adding
15 at the end the following:

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

19 “(1) AUDIT REQUIREMENT.—

20 “(A) DEFINITION.—In this paragraph, the
21 term ‘unresolved audit finding’ means a finding
22 in the final audit report of the Inspector Gen-
23 eral of the Department of Justice that the au-
24 dited grantee has utilized grant funds for an
25 unauthorized expenditure or otherwise unallow-

1 able cost that is not closed or resolved within
2 12 months from the date when the final audit
3 report is issued.

4 “(B) AUDITS.—Beginning in the first fis-
5 cal year beginning after the date of enactment
6 of this subsection, and in each fiscal year there-
7 after, the Inspector General of the Department
8 of Justice shall conduct audits of recipients of
9 grants under this part to prevent waste, fraud,
10 and abuse of funds by grantees. The Inspector
11 General shall determine the appropriate number
12 of grantees to be audited each year.

13 “(C) MANDATORY EXCLUSION.—A recipi-
14 ent of grant funds under this part that is found
15 to have an unresolved audit finding shall not be
16 eligible to receive grant funds under this part
17 during the first 2 fiscal years beginning after
18 the end of the 12-month period described in
19 subparagraph (A).

20 “(D) PRIORITY.—In awarding grants
21 under this part, the Attorney General shall give
22 priority to eligible applicants that did not have
23 an unresolved audit finding during the 3 fiscal
24 years before submitting an application for a
25 grant under this part.

1 “(E) REIMBURSEMENT.—If an entity is
2 awarded grant funds under this part during the
3 2-fiscal-year period during which the entity is
4 barred from receiving grants under subpara-
5 graph (C), the Attorney General shall—

6 “(i) deposit an amount equal to the
7 amount of the grant funds that were im-
8 properly awarded to the grantee into the
9 General Fund of the Treasury; and

10 “(ii) seek to recoup the costs of the
11 repayment to the fund from the grant re-
12 cipient that was erroneously awarded grant
13 funds.

14 “(2) NONPROFIT ORGANIZATION REQUIRE-
15 MENTS.—

16 “(A) DEFINITION.—For purposes of this
17 paragraph and the grant programs under this
18 part, the term ‘nonprofit organization’ means
19 an organization that is described in section
20 501(c)(3) of the Internal Revenue Code of 1986
21 and is exempt from taxation under section
22 501(a) of such Code.

23 “(B) PROHIBITION.—The Attorney Gen-
24 eral may not award a grant under this part to
25 a nonprofit organization that holds money in

1 offshore accounts for the purpose of avoiding
2 paying the tax described in section 511(a) of
3 the Internal Revenue Code of 1986.

4 “(C) DISCLOSURE.—Each nonprofit orga-
5 nization that is awarded a grant under this part
6 and uses the procedures prescribed in regula-
7 tions to create a rebuttable presumption of rea-
8 sonableness for the compensation of its officers,
9 directors, trustees and key employees, shall dis-
10 close to the Attorney General, in the application
11 for the grant, the process for determining such
12 compensation, including the independent per-
13 sons involved in reviewing and approving such
14 compensation, the comparability data used, and
15 contemporaneous substantiation of the delibera-
16 tion and decision. Upon request, the Attorney
17 General shall make the information disclosed
18 under this subparagraph available for public in-
19 spection.

20 “(3) CONFERENCE EXPENDITURES.—

21 “(A) LIMITATION.—No amounts author-
22 ized to be appropriated to the Department of
23 Justice under this part may be used by the At-
24 torney General, or by any individual or entity
25 awarded discretionary funds through a coopera-

1 tive agreement under this part, to host or sup-
2 port any expenditure for conferences that uses
3 more than \$20,000 in funds made available by
4 the Department of Justice, unless the Deputy
5 Attorney General or such Assistant Attorney
6 Generals, Directors, or principal deputies as the
7 Deputy Attorney General may designate, pro-
8 vides prior written authorization that the funds
9 may be expended to host the conference.

10 “(B) WRITTEN APPROVAL.—Written ap-
11 proval under subparagraph (A) shall include a
12 written estimate of all costs associated with the
13 conference, including the cost of all food, bev-
14 erages, audio-visual equipment, honoraria for
15 speakers, and entertainment.

16 “(C) REPORT.—The Deputy Attorney Gen-
17 eral shall submit an annual report to the Com-
18 mittee on the Judiciary of the Senate and the
19 Committee on the Judiciary of the House of
20 Representatives on all conference expenditures
21 approved under this paragraph.

22 “(4) ANNUAL CERTIFICATION.—Beginning in
23 the first fiscal year beginning after the date of en-
24 actment of this subsection, the Attorney General
25 shall submit, to the Committee on the Judiciary and

1 the Committee on Appropriations of the Senate and
2 the Committee on the Judiciary and the Committee
3 on Appropriations of the House of Representatives,
4 an annual certification—

5 “(A) indicating whether—

6 “(i) all audits issued by the Office of
7 the Inspector General under paragraph (1)
8 have been completed and reviewed by the
9 appropriate Assistant Attorney General or
10 Director;

11 “(ii) all mandatory exclusions required
12 under paragraph (1)(C) have been issued;
13 and

14 “(iii) all reimbursements required
15 under paragraph (1)(E) have been made;
16 and

17 “(B) that includes a list of any grant re-
18 cipients excluded under paragraph (1) from the
19 previous year.”.

20 **SEC. 206. PREVENTING DUPLICATIVE GRANTS.**

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

24 “(1) PREVENTING DUPLICATIVE GRANTS.—

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

7 “(2) REPORT.—If the Attorney General awards
8 duplicate grants to the same applicant for the same
9 purpose the Attorney General shall submit to the
10 Committee on the Judiciary of the Senate and the
11 Committee on the Judiciary of the House of Rep-
12 resentatives a report that includes—

13 “(A) a list of all duplicate grants awarded,
14 including the total dollar amount of any dupli-
15 cate grants awarded; and

16 “(B) the reason the Attorney General
17 awarded the duplicate grants.”.

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