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

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2013

Mr. Reid introduced the following bill; which was read the first time

MARCH 22, 2013

Read the second time and placed on the calendar

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Safe Communities, Safe Schools Act of 2013”.

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

Sec. 1. Short title; table of contents.

TITLE I—FIX GUN CHECKS ACT

Sec. 101. Short title.

Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System

Sec. 111. Reauthorization of NICS Act Record Improvement Program grants.
Sec. 112. Penalties for States that do not make data electronically available to the National Instant Criminal Background Check System.
Sec. 113. Clarification that Federal court information is to be made available to the National Instant Criminal Background Check System.

Subtitle B—Requiring a Background Check for Every Firearm Sale

Sec. 121. Purpose.
Sec. 122. Firearms transfers.
Sec. 123. Lost and stolen reporting.
Sec. 124. Effective date.

TITLE II—STOP ILLEGAL TRAFFICKING IN FIREARMS ACT

Sec. 201. Short title.
Sec. 203. Amendments to section 922(d).
Sec. 204. Amendments to section 924(a).
Sec. 205. Amendments to section 924(h).
Sec. 206. Amendments to section 924(k).
Sec. 207. Limitation on operations by the Department of Justice.

TITLE III—SCHOOL AND CAMPUS SAFETY ENHANCEMENTS ACT

Sec. 301. Short title.
Sec. 302. Grant program for school security.
Sec. 303. Applications.
Sec. 304. Authorization of appropriations.
Sec. 305. Accountability.
Sec. 306. CAMPUS Safety Act of 2013.

3 

TITLE I—FIX GUN CHECKS ACT

4 SEC. 101. SHORT TITLE.

This title may be cited as the “Fix Gun Checks Act of 2013”.

•S 649 PCS
Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From Buying a Gun Are Listed in the National Instant Criminal Background Check System

SEC. 111. REAUTHORIZATION OF NICS ACT RECORD IMPROVEMENT PROGRAM GRANTS.

(a) IN GENERAL.—Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) in paragraph (1)(C)—

(A) by striking clauses (ii) and (iii); and

(B) by redesignating clauses (iv), (v), and (vi) as clauses (ii), (iii), and (iv), respectively;

and

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

“(2) SCOPE.—

“(A) IN GENERAL.—The Attorney General, in determining the compliance of a State under this section or section 104 for the purpose of granting a waiver or imposing a loss of Federal funds, shall assess the total percentage of records provided by the State concerning any
event occurring within the time period established by the Attorney General under subparagraph (B), which would disqualify a person from possessing a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

“(B) REGULATIONS.—Not later than 1 year after the date of enactment of the Fix Gun Checks Act of 2013, the Attorney General shall, through regulation, establish the time period described in subparagraph (A).”.

(b) IMPLEMENTATION ASSISTANCE TO STATES.—Section 103 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking subsection (a)(1) and inserting the following:

“(1) IN GENERAL.—From amounts made available to carry out this section and subject to section 102(b)(1)(B), the Attorney General shall make grants to States and Indian tribal governments, in a manner consistent with the National Criminal History Improvement Program, which shall be used by the States and Indian tribal governments, in conjunction with units of local government and State and local courts to—
“(A) establish and plan information and identification technologies for firearms eligibility determinations; and

“(B) make improvements or upgrade information and identification technologies for firearms eligibility determinations.”;

(2) by striking subsections (b) and (c) and inserting the following:

“(b) USE OF GRANT AMOUNTS.—

“(1) IN GENERAL.—Grants awarded to States or Indian tribes under subsection (a)(1) may only be used to—

“(A) create electronic systems, which provide accurate and up-to-date information that is directly related to checks under the National Instant Criminal Background Check System (referred to in this section as ‘NICS’), including court disposition and corrections records;

“(B) assist States in establishing or enhancing their own capacities to perform NICS background checks;

“(C) supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by NICS;
“(D) supply accurate and timely information to the Attorney General concerning the identity of persons who are prohibited from obtaining a firearm under section 922(g)(4) of title 18, United States Code, to be used by the Federal Bureau of Investigation solely to conduct NICS background checks;

“(E) supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in Federal and State law enforcement databases used to conduct NICS background checks; and

“(F) collect and analyze data needed to demonstrate levels of State compliance with this Act.

“(2) ADDITIONAL USES.—

“(A) IN GENERAL.—In addition to the uses described in paragraph (1)—

“(i) a grant awarded under subsection (a)(1)(A) may be used to assist States in establishing or enhancing a relief from disabilities program in accordance with section 105; and

“(ii) a grant awarded under subsection (a)(1)(B) may be used to maintain
the relief from disabilities program in accordance with section 105.

“(B) LIMITATION.—Not less than 3 percent and not more than 10 percent of each grant awarded under subsection (a)(1)(B) shall be used for the purpose described in subparagraph (A)(i) of this paragraph.

“(c) ELIGIBILITY.—To be eligible for a grant under section 103(a)(1)(B), a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.”; and

(3) by striking subsection (e) and inserting the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are to be authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2014 through 2018.

“(2) LIMITATIONS.—

“(A) USE OF AMOUNTS AUTHORIZED.—Of the amounts authorized to be appropriated for each fiscal year under paragraph (1), not more than 30 percent may be used to carry out subsection (a)(1)(B).
“(B) ALLOCATIONS.—A State may not be awarded more than 2 grants under subsection (a)(1)(B).”.

SEC. 112. PENALTIES FOR STATES THAT DO NOT MAKE DATA ELECTRONICALLY AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) IN GENERAL.—Section 104(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) DISCRETIONARY REDUCTION.—

“(A) During the 2-year period beginning on the date on which the Attorney General publishes final rules required under section 102(b)(2)(B), the Attorney General may withhold not more than 3 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 50 percent of the records required to be provided under sections 102 and 103.

“(B) During the 3-year period after the expiration of the period described in subpara-
graph (A), the Attorney General may withhold
4 percent of the amount that would otherwise
be allocated to a State under section 505 of the
Omnibus Crime Control and Safe Streets Act of
1968 (42 U.S.C. 3755) if the State provides
less than 70 percent of the records required to
be provided under sections 102 and 103.

“(2) MANDATORY REDUCTION.—After the expi-
ration of the period referred to in paragraph (1)(B),
the Attorney General shall withhold 5 percent of the
amount that would otherwise be allocated to a State
under section 505 of the Omnibus Crime Control
and Safe Streets Act of 1968 (42 U.S.C. 3755), if
the State provides less than 90 percent of the
records required to be provided under sections 102
and 103.”.

(b) REPORTING OF STATE COMPLIANCE.—Not later
than 1 year after the date of enactment of this Act, and
every year thereafter, the Attorney General shall publish,
and make available on a publicly accessible website, a re-
port that ranks the States by the ratio of number of
records submitted by each State under sections 102 and
103 of the NICS Improvement Amendments Act of 2007
(18 U.S.C. 922 note) to the estimated total number of
available records of the State.
SEC. 113. CLARIFICATION THAT FEDERAL COURT INFORMATION IS TO BE MADE AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), is amended by adding at the end the following:

“(F) Application to Federal Courts.—In this paragraph—

“(i) the terms ‘department or agency of the United States’ and ‘Federal department or agency’ include a Federal court; and

“(ii) for purposes of any request, submission, or notification, the Director of the Administrative Office of the United States Courts shall perform the functions of the head of the department or agency.”.

Subtitle B—Requiring a Background Check for Every Firearm Sale

SEC. 121. PURPOSE.

The purpose of this subtitle is to extend the Brady Law background check procedures to all sales and transfers of firearms.
SEC. 122. FIREARMS TRANSFERS.

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

(1) by repealing subsection (s);

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

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

(A) in paragraph (3)(C)(ii), by striking ``(as defined in subsection (s)(8))''; and

(B) by adding at the end the following:

``(7) In this subsection, the term ‘chief law enforcement officer’ means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.''; and

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

``(t)(1) Beginning on the date that is 180 days after the date of enactment of the Fix Gun Checks Act of 2013, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to any other person who is not licensed under this chapter, unless a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (s). Upon taking possession of the firearm, the licensee shall comply with all requirements of this chapter as if the licensee were transferring
the firearm from the licensee's inventory to the unlicensed transferee.

“(2) Paragraph (1) shall not apply to—

“(A) bona fide gifts between spouses, between parents and their children, between siblings, or between grandparents and their grandchildren;

“(B) a transfer made from a decedent’s estate, pursuant to a legal will or the operation of law;

“(C) a temporary transfer of possession that occurs between an unlicensed transferor and an unlicensed transferee, if—

“(i) the temporary transfer of possession occurs in the home or curtilage of the unlicensed transferor;

“(ii) the firearm is not removed from that home or curtilage during the temporary transfer; and

“(iii) the transfer has a duration of less than 7 days; and

“(D) a temporary transfer of possession without transfer of title made in connection with lawful hunting or sporting purposes if the transfer occurs—

“(i) at a shooting range located in or on premises owned or occupied by a duly incor-
porated organization organized for conservation purposes or to foster proficiency in firearms and the firearm is, at all times, kept within the premises of the shooting range;

“(ii) at a target firearm shooting competition under the auspices of or approved by a State agency or nonprofit organization and the firearm is, at all times, kept within the premises of the shooting competition; or

“(iii) while hunting or trapping, if—

“(I) the activity is legal in all places where the unlicensed transferee possesses the firearm;

“(II) the temporary transfer of possession occurs during the designated hunting season; and

“(III) the unlicensed transferee holds any required license or permit.

“(3) For purposes of this subsection, the term ‘transfer’—

“(A) shall include a sale, gift, loan, return from pawn or consignment, or other disposition; and

“(B) shall not include temporary possession of the firearm for purposes of examination or evalua-
tion by a prospective transferee while in the presence
of the prospective transferee.

“(4)(A) Notwithstanding any other provision of this
chapter, the Attorney General may implement this sub-
section with regulations.

“(B) Regulations promulgated under this para-
graph—

“(i) shall include a provision setting a max-
imum fee that may be charged by licensees for serv-
ices provided in accordance with paragraph (1); and

“(ii) shall include a provision requiring a record
of transaction of any transfer that occurred between
an unlicensed transferor and unlicensed transferee
accordance with paragraph (1).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(2) SECTION 925A.—Section 925A of title 18,
United States Code, is amended, in the matter pre-
ceding paragraph (1), by striking “subsection (s) or
(t) of section 922” and inserting “section 922(s)”.

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(3) NICS IMPROVEMENT AMENDMENTS ACT.—Section 103(f) of the NICS Improvement Amend-
m ents Act of 2007 is amended by striking “section 922(t)” and inserting “section 922(s)”.

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

SEC. 123. LOST AND STOLEN REPORTING.

(a) In General.—Section 922 of title 18, United States Code, is amended by adding at the end—

“(aa) It shall be unlawful for any person who lawfully possesses or owns a firearm that has been shipped or transported in, or has been possessed in or affecting, inter-
state or foreign commerce, to fail to report the theft or loss of the firearm, within 24 hours after the person discovers the theft or loss, to the Attorney General and to the appropriate local authorities.”.

(b) Penalty.—Section 924(a)(1) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B) knowingly violates subsection (a)(4), (f), (k), (q), or (aa) of section 922;”. 
SEC. 124. EFFECTIVE DATE.

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

TITLE II—STOP ILLEGAL TRAFFICKING IN FIREARMS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the “Stop Illegal Trafficking in Firearms Act of 2013”.

SEC. 202. HADIYA PENDLETON AND NYASIA PRYEAR-YARD ANTI-STRAW PURCHASING AND FIREARMS TRAFFICKING AMENDMENTS.

(a) In General.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§ 932. Straw purchasing of firearms

“(a) For purposes of this section—

“(1) the term ‘crime of violence’ has the meaning given that term in section 924(c)(3);

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

“(3) the term ‘purchase’ includes the receipt of any firearm by a person who does not own the firearm—

“(A) by way of pledge or pawn as security for the payment or repayment of money; or

“(B) on consignment.
“(b) It shall be unlawful for any person (other than a licensed importer, licensed manufacturer, licensed collector, or licensed dealer) to knowingly purchase, or attempt or conspire to purchase, any firearm in or otherwise affecting interstate or foreign commerce—

“(1) from a licensed importer, licensed manufacturer, licensed collector, or licensed dealer for, on behalf of, or at the request or demand of any other person, known or unknown; or

“(2) from any person who is not a licensed importer, licensed manufacturer, licensed collector, or licensed dealer for, on behalf of, or at the request or demand of any other person, known or unknown, knowing or having reasonable cause to believe that such other person—

“(A) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

“(B) is a fugitive from justice;

“(C) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(D) has been adjudicated as a mental defective or has been committed to any mental institution;

“(E) is an alien who—

“(i) is illegally or unlawfully in the United States; or

“(ii) except as provided in section 922(y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

“(F) has been discharged from the Armed Forces under dishonorable conditions;

“(G) having been a citizen of the United States, has renounced his or her citizenship;

“(H) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this subparagraph shall only apply to a court order that—
“(i) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

“(ii)(I) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

“(II) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

“(I) has been convicted in any court of a misdemeanor crime of domestic violence;

“(J) intends to—

“(i) use, carry, possess, or sell or otherwise dispose of the firearm or ammunition in furtherance of a crime of violence or drug trafficking crime; or

“(ii) export the firearm or ammunition in violation of law;

“(K)(i) does not reside in any State; and

“(ii) is not a citizen of the United States; or
“(L) intends to sell or otherwise dispose of
the firearm or ammunition to a person de-
scribed in any of subparagraphs (A) through
(K).
“(c)(1) Except as provided in paragraph (2), any per-
son who violates subsection (b) shall be fined under this
title, imprisoned for not more than 15 years, or both.
“(2) If a violation of subsection (b) is committed
knowing or with reasonable cause to believe that any fire-
arm involved will be used to commit a crime of violence,
the person shall be sentenced to a term of imprisonment
of not more than 25 years.
“(d) Subsection (b)(1) shall not apply to any firearm
that is lawfully purchased by a person—
“(1) to be given as a bona fide gift to a recipi-
ent who provided no service or tangible thing of
value to acquire the firearm, unless the person
knows or has reasonable cause to believe such recipi-
ent is prohibited by Federal law from possessing, re-
ceiving, selling, shipping, transporting, transferring,
or otherwise disposing of the firearm; or
“(2) to be given to a bona fide winner of an or-
ganized raffle, contest, or auction conducted in ac-
cordance with law and sponsored by a national,
State, or local organization or association, unless the
person knows or has reasonable cause to believe such recipient is prohibited by Federal law from possessing, purchasing, receiving, selling, shipping, transporting, transferring, or otherwise disposing of the firearm.

§ 933. Trafficking in firearms

“(a) It shall be unlawful for any person to—

“(1) ship, transport, transfer, cause to be transported, or otherwise dispose of 2 or more firearms to another person in or otherwise affecting interstate or foreign commerce, if the transferor knows or has reasonable cause to believe that the use, carrying, or possession of a firearm by the transferee would be in violation of, or would result in a violation of, any Federal law punishable by a term of imprisonment exceeding 1 year;

“(2) receive from another person 2 or more firearms in or otherwise affecting interstate or foreign commerce, if the recipient knows or has reasonable cause to believe that such receipt would be in violation of, or would result in a violation of, any Federal law punishable by a term of imprisonment exceeding 1 year; or

“(3) attempt or conspire to commit the conduct described in paragraph (1) or (2).
“(b)(1) Except as provided in paragraph (2), any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 15 years, or both.

“(2) If a violation of subsection (a) is committed by a person in concert with 5 or more other persons with respect to whom such person occupies a position of organizer, leader, supervisor, or manager, the person shall be sentenced to a term of imprisonment of not more than 25 years.

“§ 934. Forfeiture and fines

“(a)(1) Any person convicted of a violation of section 932 or 933 shall forfeit to the United States, irrespective of any provision of State law—

“(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

“(B) any of the person’s property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

“(2) The court, in imposing sentence on a person convicted of a violation of section 932 or 933, shall order, in addition to any other sentence imposed pursuant to section 932 or 933, that the person forfeit to the United States all property described in paragraph (1).
“(b) A defendant who derives profits or other proceeds from an offense under section 932 or 933 may be fined not more than the greater of—

“(1) the fine otherwise authorized by this part; and

“(2) the amount equal to twice the gross profits or other proceeds of the offense under section 932 or 933.”.

(b) TITLE III AUTHORIZATION.—Section 2516(1)(n) of title 18, United States Code, is amended by striking “and 924” and inserting “, 924, 932, or 933”.

c) RACKETEERING AMENDMENT.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting “section 932 (relating to straw purchasing), section 933 (relating to trafficking in firearms),” before “section 1028”.

d) MONEY LAUNDERING AMENDMENT.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking “section 924(n)” and inserting “section 924(n), 932, or 933”.

e) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and policy statements to ensure that
persons convicted of an offense under section 932 or 933 of title 18, United States Code, and other offenses applicable to the straw purchases and firearms trafficking of firearms are subject to increased penalties in comparison to those currently provided by the guidelines and policy statements for such straw purchasing and firearms trafficking offenses. The Commission shall also review and amend its guidelines and policy statements to reflect the intent of Congress that a person convicted of an offense under section 932 or 933 of title 18, United States Code, who is affiliated with a gang, cartel, organized crime ring, or other such enterprise should be subject to higher penalties than an otherwise unaffiliated individual.

(f) TECHNICAL AND CONFORMING AMENDMENT.—
The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

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932. Straw purchasing of firearms.
933. Trafficking in firearms.
934. Forfeiture and fines.
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SEC. 203. AMENDMENTS TO SECTION 922(d).

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

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting a semicolon; and
(3) by striking the matter following paragraph (9) and inserting the following:

“(10) intends to sell or otherwise dispose of the firearm or ammunition to a person described in any of paragraphs (1) through (9); or

“(11) intends to sell or otherwise dispose of the firearm or ammunition in furtherance of a crime of violence or drug trafficking offense or to export the firearm or ammunition in violation of law.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925.”.

SEC. 204. AMENDMENTS TO SECTION 924(a).

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

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

and

(2) by adding at the end the following:

“(8) Whoever knowingly violates subsection (d) or (g) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.”.
SEC. 205. AMENDMENTS TO SECTION 924(h).

Section 924 of title 18, United States Code, is amended by striking subsection (h) and inserting the following:

“(h)(1) Whoever knowingly receives or transfers a firearm or ammunition, or attempts or conspires to do so, knowing or having reasonable cause to believe that such firearm or ammunition will be used to commit a crime of violence (as defined in subsection (c)(3)), a drug trafficking crime (as defined in subsection (e)(2)), or a crime under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), or section 212(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(C)) shall be imprisoned not more than 25 years, fined in accordance with this title, or both.

“(2) No term of imprisonment imposed on a person under this subsection shall run concurrently with any term of imprisonment imposed on the person under section 932.”.

SEC. 206. AMENDMENTS TO SECTION 924(k).

Section 924 of title 18, United States Code, is amended by striking subsection (k) and inserting the following:
“(k)(1) A person who, with intent to engage in or to promote conduct that—

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

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

“(C) constitutes a crime of violence (as defined in subsection (c)(3)),

smuggles or knowingly brings into the United States a firearm or ammunition, or attempts or conspires to do so, shall be imprisoned not more than 15 years, fined under this title, or both.

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

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

“(B) would constitute a crime of violence (as defined in subsection (c)(3)) for which the person may be prosecuted in a court of the United States,
if the conduct had occurred within the United States,
smuggles or knowingly takes out of the United States a firearm or ammunition, or attempts or conspires to do so, shall be imprisoned not more than 15 years, fined under this title, or both.”.

SEC. 207. LIMITATION ON OPERATIONS BY THE DEPARTMENT OF JUSTICE.

The Department of Justice, and any of its law enforcement coordinate agencies, shall not conduct any operation where a Federal firearms licensee is directed, instructed, enticed, or otherwise encouraged by the Department of Justice to sell a firearm to an individual if the Department of Justice, or a coordinate agency, knows or has reasonable cause to believe that such an individual is purchasing on behalf of another for an illegal purpose unless the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for the Criminal Division personally reviews and approves the operation, in writing, and determines that the agency has prepared an operational plan that includes sufficient safeguards to prevent firearms from being transferred to third parties without law enforcement taking reasonable steps to lawfully interdict those firearms.
TITLE III—SCHOOL AND CAMPUS SAFETY ENHANCEMENTS ACT

SEC. 301. SHORT TITLE.

This title may be cited as the “School and Campus Safety Enhancements Act of 2013”.

SEC. 302. GRANT PROGRAM FOR SCHOOL SECURITY.

Section 2701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “Placement” and inserting “Installation”; and

(ii) by inserting “surveillance equipment,” after “detectors,”;

(B) by redesignating paragraph (5) as paragraph (6); and

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

“(5) Establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations.”; and

(2) by adding at the end the following:

“(g) INTERAGENCY TASK FORCE.—
“(1) Establishment.—Not later than 60 days after the date of enactment of the School and Campus Safety Enhancements Act of 2013, the Director and the Secretary of Education, or the designee of the Secretary, shall establish an interagency task force to develop and promulgate a set of advisory school safety guidelines.

“(2) Publication of Guidelines.—Not later than 1 year after the date of enactment of the School and Campus Safety Enhancements Act of 2013, the advisory school safety guidelines promulgated by the interagency task force shall be published in the Federal Register.

“(3) Required Consultation.—In developing the final advisory school safety guidelines under this subsection, the interagency task force shall consult with stakeholders and interested parties, including parents, teachers, and agencies.”.

SEC. 303. APPLICATIONS.

Section 2702(a)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797b(a)(2)) is amended to read as follows:

“(2) be accompanied by a report—

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

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

“(i) an effective means for improving
the safety of 1 or more schools;

“(ii) consistent with a comprehensive
approach to preventing school violence; and

“(iii) individualized to the needs of
each school at which those improvements
are to be made.”.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 2705 of title I of the Omnibus Crime Control
and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amend-
ed—

(1) by striking “$30,000,000” and inserting

“$40,000,000”; and

(2) by striking “2001 through 2009” and in-
serting “2014 through 2023”.

SEC. 305. ACCOUNTABILITY.

Section 2701 of title I of the Omnibus Crime Control
and Safe Streets Act of 1968 (42 U.S.C. 3797a), as
amended by section 302, is amended by adding at the end
the following:
“(h) ACCOUNTABILITY.—All grants awarded by the Attorney General under this part shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

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

“(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this part to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

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

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

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

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) NONPROFIT ORGANIZATION REQUIRE-
“(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Attorney General may not award a grant under this part to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this part and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the delibera-
tion and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this part may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this part, to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department of Justice, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host the conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.
“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

“(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

“(A) indicating whether—

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

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and
“(iii) all reimbursements required under paragraph (1)(E) have been made; and
“(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.”.

SEC. 306. CAMPUS SAFETY ACT OF 2013.

(a) SHORT TITLE.—This section may be cited as the “Center to Advance, Monitor, and Preserve University Security Safety Act of 2013” or the “CAMPUS Safety Act of 2013”.

(b) NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) is amended—

(1) in section 501 (42 U.S.C. 3751)—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A), by inserting “or purposes” after “one or more of the following programs”; and

(ii) by adding at the end the following:

“(H) Making subawards to institutions of higher education and other nonprofit organiza-
tions to assist the National Center for Campus Public Safety in carrying out the functions of the Center required under section 509(c).”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “or” at the end;

(ii) in paragraph (2), by striking the period and inserting “; or”; and

(iii) by adding at the end the following:

“(3) institutions of higher education and other nonprofit organizations, for purposes of carrying out section 509.”; and

(2) by adding at the end the following:

“SEC. 509. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.

“(a) Definition of institution of higher education.—In this section, the term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(b) Authority to establish and operate Center.—The Attorney General may establish and operate a National Center for Campus Public Safety (referred to in this section as the ‘Center’).
“(c) FUNCTIONS OF THE CENTER.—The Center shall—

“(1) provide quality education and training for public safety personnel of institutions of higher education and their collaborative partners, including campus mental health agencies;

“(2) foster quality research to strengthen the safety and security of institutions of higher education;

“(3) serve as a clearinghouse for the identification and dissemination of information, policies, protocols, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property, and emergency response and evacuation procedures;

“(4) coordinate with the Secretary of Homeland Security, the Secretary of Education, State, local and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to develop protocols and best practices to prevent, protect against and respond to dangerous and violent situations involving an immediate threat to the safety of the campus community;
“(5) promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;

“(6) identify campus safety information (including ways to increase off-campus housing safety) and identify resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;

“(7) promote cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among public safety and emergency management personnel of institutions of higher education and their campus- and non-campus-based collaborative partners, including law enforcement, emergency management, mental health services, and other relevant agencies;

“(8) disseminate standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies; and
“(9) report annually to Congress on activities performed by the Center during the previous 12 months.

“(d) COORDINATION WITH AVAILABLE RESOURCES.—In establishing the Center, the Attorney General shall—

“(1) coordinate with the Secretary of Homeland Security, the Secretary of Education, and appropriate State or territory officials;

“(2) ensure coordination with campus public safety resources within the Department of Homeland Security, including within the Federal Emergency Management Agency, and the Department of Education; and

“(3) coordinate within the Department of Justice and existing grant programs to ensure against duplication with the program authorized by this section.

“(e) REPORTING AND ACCOUNTABILITY.—At the end of each fiscal year, the Attorney General shall—

“(1) issue a report that assesses the impacts, outcomes and effectiveness of the grants distributed to carry out this section;

“(2) in compiling such report, assess instances of duplicative activity, if any, performed through
grants distributed to carry out this section and other
grant programs maintained by the Department of
Justice, the Department of Education, and the De-
partment of Homeland Security; and

“(3) make such report available on the Depart-
ment of Justice website and submit such report to
the Senate and House Judiciary Committees and the
Senate and House Appropriations Committees.”.

(e) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall preclude public elementary and secondary
schools or their larger governing agencies from receiving
the informational and training benefits of the National
Center for Campus Public Safety authorized under section
509 of the Omnibus Crime Control and Safe Streets Act
of 1968, as added by this title.
A BILL

S. 649

113TH CONGRESS

To ensure that all individuals who should be pre-
vented from buying a firearm are listed in the national instant criminal background check system.