

Calendar No. 32

113TH CONGRESS
1ST SESSION

S. 649

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

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.

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 “Safe Communities, Safe Schools Act of 2013”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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. 202. Hadiya Pendleton and Nyasia Pryear-Yard anti-straw purchasing and
 firearms trafficking amendments.

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.**

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

1 **Subtitle A—Ensuring That All Indi-**
2 **viduals Who Should Be Prohib-**
3 **ited From Buying a Gun Are**
4 **Listed in the National Instant**
5 **Criminal Background Check**
6 **System**

7 **SEC. 111. REAUTHORIZATION OF NICS ACT RECORD IM-**
8 **PROVEMENT PROGRAM GRANTS.**

9 (a) IN GENERAL.—Section 102(b) of the NICS Im-
10 provement Amendments Act of 2007 (18 U.S.C. 922 note)
11 is amended—

12 (1) in paragraph (1)(C)—

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

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

16 and

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

19 “(2) SCOPE.—

20 “(A) IN GENERAL.—The Attorney General,
21 in determining the compliance of a State under
22 this section or section 104 for the purpose of
23 granting a waiver or imposing a loss of Federal
24 funds, shall assess the total percentage of
25 records provided by the State concerning any

1 event occurring within the time period estab-
2 lished by the Attorney General under subpara-
3 graph (B), which would disqualify a person
4 from possessing a firearm under subsection (g)
5 or (n) of section 922 of title 18, United States
6 Code.

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

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

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

17 “(1) IN GENERAL.—From amounts made avail-
18 able to carry out this section and subject to section
19 102(b)(1)(B), the Attorney General shall make
20 grants to States and Indian tribal governments, in
21 a manner consistent with the National Criminal His-
22 tory Improvement Program, which shall be used by
23 the States and Indian tribal governments, in con-
24 junction with units of local government and State
25 and local courts to—

1 “(A) establish and plan information and
2 identification technologies for firearms eligi-
3 bility determinations; and

4 “(B) make improvements or upgrade infor-
5 mation and identification technologies for fire-
6 arms eligibility determinations.”;

7 (2) by striking subsections (b) and (c) and in-
8 serting the following:

9 “(b) USE OF GRANT AMOUNTS.—

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

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

19 “(B) assist States in establishing or en-
20 hancing their own capacities to perform NICS
21 background checks;

22 “(C) supply accurate and timely informa-
23 tion to the Attorney General concerning final
24 dispositions of criminal records to databases
25 accessed by NICS;

1 “(D) supply accurate and timely informa-
2 tion to the Attorney General concerning the
3 identity of persons who are prohibited from ob-
4 taining a firearm under section 922(g)(4) of
5 title 18, United States Code, to be used by the
6 Federal Bureau of Investigation solely to con-
7 duct NICS background checks;

8 “(E) supply accurate and timely court or-
9 ders and records of misdemeanor crimes of do-
10 mestic violence for inclusion in Federal and
11 State law enforcement databases used to con-
12 duct NICS background checks; and

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

16 “(2) ADDITIONAL USES.—

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

19 “(i) a grant awarded under subsection
20 (a)(1)(A) may be used to assist States in
21 establishing or enhancing a relief from dis-
22 abilities program in accordance with sec-
23 tion 105; and

24 “(ii) a grant awarded under sub-
25 section (a)(1)(B) may be used to maintain

1 the relief from disabilities program in ac-
2 cordance with section 105.

3 “(B) LIMITATION.—Not less than 3 per-
4 cent and not more than 10 percent of each
5 grant awarded under subsection (a)(1)(B) shall
6 be used for the purpose described in subpara-
7 graph (A)(i) of this paragraph.

8 “(c) ELIGIBILITY.—To be eligible for a grant under
9 section 103(a)(1)(B), a State shall certify, to the satisfac-
10 tion of the Attorney General, that the State has imple-
11 mented a relief from disabilities program in accordance
12 with section 105.”; and

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

15 “(e) AUTHORIZATION OF APPROPRIATIONS.—

16 “(1) IN GENERAL.—There are to be authorized
17 to be appropriated to carry out this section
18 \$100,000,000 for each of fiscal years 2014 through
19 2018.

20 “(2) LIMITATIONS.—

21 “(A) USE OF AMOUNTS AUTHORIZED.—Of
22 the amounts authorized to be appropriated for
23 each fiscal year under paragraph (1), not more
24 than 30 percent may be used to carry out sub-
25 section (a)(1)(B).

1 “(B) ALLOCATIONS.—A State may not be
2 awarded more than 2 grants under subsection
3 (a)(1)(B).”.

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

8 (a) IN GENERAL.—Section 104(b) of the NICS Im-
9 provement Amendments Act of 2007 (18 U.S.C. 922 note)
10 is amended by striking paragraphs (1) and (2) and insert-
11 ing the following:

12 “(1) DISCRETIONARY REDUCTION.—

13 “(A) During the 2-year period beginning
14 on the date on which the Attorney General pub-
15 lishes final rules required under section
16 102(b)(2)(B), the Attorney General may with-
17 hold not more than 3 percent of the amount
18 that would otherwise be allocated to a State
19 under section 505 of the Omnibus Crime Con-
20 trol and Safe Streets Act of 1968 (42 U.S.C.
21 3755) if the State provides less than 50 percent
22 of the records required to be provided under
23 sections 102 and 103.

24 “(B) During the 3-year period after the
25 expiration of the period described in subpara-

1 graph (A), the Attorney General may withhold
2 4 percent of the amount that would otherwise
3 be allocated to a State under section 505 of the
4 Omnibus Crime Control and Safe Streets Act of
5 1968 (42 U.S.C. 3755) if the State provides
6 less than 70 percent of the records required to
7 be provided under sections 102 and 103.

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

17 (b) REPORTING OF STATE COMPLIANCE.—Not later
18 than 1 year after the date of enactment of this Act, and
19 every year thereafter, the Attorney General shall publish,
20 and make available on a publicly accessible website, a re-
21 port that ranks the States by the ratio of number of
22 records submitted by each State under sections 102 and
23 103 of the NICS Improvement Amendments Act of 2007
24 (18 U.S.C. 922 note) to the estimated total number of
25 available records of the State.

1 **SEC. 113. 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 (18 U.S.C. 922 note), is amended by add-
 7 ing 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 **Subtitle B—Requiring a Back-**
 20 **ground Check for Every Fire-**
 21 **arm Sale**

22 **SEC. 121. PURPOSE.**

23 The purpose of this subtitle is to extend the Brady
 24 Law background check procedures to all sales and trans-
 25 fers of firearms.

1 **SEC. 122. FIREARMS TRANSFERS.**

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

4 (1) by repealing subsection (s);

5 (2) by redesignating subsection (t) as sub-
6 section (s);

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

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

10 (B) by adding at the end the following:

11 “(7) In this subsection, the term ‘chief law en-
12 forcement officer’ means the chief of police, the
13 sheriff, or an equivalent officer or the designee of
14 any such individual.”; and

15 (4) by inserting after subsection (s), as redesi-
16 gnated, the following:

17 “(t)(1) Beginning on the date that is 180 days after
18 the date of enactment of the Fix Gun Checks Act of 2013,
19 it shall be unlawful for any person who is not licensed
20 under this chapter to transfer a firearm to any other per-
21 son who is not licensed under this chapter, unless a li-
22 censed importer, licensed manufacturer, or licensed dealer
23 has first taken possession of the firearm for the purpose
24 of complying with subsection (s). Upon taking possession
25 of the firearm, the licensee shall comply with all require-
26 ments of this chapter as if the licensee were transferring

1 the firearm from the licensee’s inventory to the unlicensed
2 transferee.

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

4 “(A) bona fide gifts between spouses, between
5 parents and their children, between siblings, or be-
6 tween grandparents and their grandchildren;

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

9 “(C) a temporary transfer of possession that
10 occurs between an unlicensed transferor and an unli-
11 censed transferee, if—

12 “(i) the temporary transfer of possession
13 occurs in the home or curtilage of the unli-
14 censed transferor;

15 “(ii) the firearm is not removed from that
16 home or curtilage during the temporary trans-
17 fer; and

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

20 “(D) a temporary transfer of possession with-
21 out transfer of title made in connection with lawful
22 hunting or sporting purposes if the transfer oc-
23 curs—

24 “(i) at a shooting range located in or on
25 premises owned or occupied by a duly incor-

1 porated organization organized for conservation
2 purposes or to foster proficiency in firearms
3 and the firearm is, at all times, kept within the
4 premises of the shooting range;

5 “(ii) at a target firearm shooting competi-
6 tion under the auspices of or approved by a
7 State agency or nonprofit organization and the
8 firearm is, at all times, kept within the prem-
9 ises of the shooting competition; or

10 “(iii) while hunting or trapping, if—

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

14 “(II) the temporary transfer of pos-
15 session occurs during the designated hunt-
16 ing season; and

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

19 “(3) For purposes of this subsection, the term ‘trans-
20 fer’—

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

23 “(B) shall not include temporary possession of
24 the firearm for purposes of examination or evalua-

1 tion by a prospective transferee while in the presence
2 of the prospective transferee.

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

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

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

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

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) SECTION 922.—Section 922(y)(2) of title
17 18, United States Code, is amended, in the matter
18 preceding subparagraph (A), by striking “,
19 (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and
20 (g)(5)(B)”.

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

1 (3) NICS IMPROVEMENT AMENDMENTS ACT.—
2 Section 103(f) of the NICS Improvement Amend-
3 ments Act of 2007 is amended by striking “section
4 922(t)” and inserting “section 922(s)”.

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

11 **SEC. 123. LOST AND STOLEN REPORTING.**

12 (a) IN GENERAL.—Section 922 of title 18, United
13 States Code, is amended by adding at the end—

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

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

24 “(B) knowingly violates subsection (a)(4), (f),
25 (k), (q), or (aa) of section 922;”.

1 **SEC. 124. EFFECTIVE DATE.**

2 The amendments made by this title shall take effect
3 180 days after the date of enactment of this Act.

4 **TITLE II—STOP ILLEGAL**
5 **TRAFFICKING IN FIREARMS ACT**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Stop Illegal Traf-
8 ficking in Firearms Act of 2013”.

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

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

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

16 “(a) For purposes of this section—

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

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

21 “(3) the term ‘purchase’ includes the receipt of
22 any firearm by a person who does not own the fire-
23 arm—

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

26 “(B) on consignment.

1 “(b) It shall be unlawful for any person (other than
2 a licensed importer, licensed manufacturer, licensed col-
3 lector, or licensed dealer) to knowingly purchase, or at-
4 tempt or conspire to purchase, any firearm in or otherwise
5 affecting interstate or foreign commerce—

6 “(1) from a licensed importer, licensed manu-
7 facturer, licensed collector, or licensed dealer for, on
8 behalf of, or at the request or demand of any other
9 person, known or unknown; or

10 “(2) from any person who is not a licensed im-
11 porter, licensed manufacturer, licensed collector, or
12 licensed dealer for, on behalf of, or at the request or
13 demand of any other person, known or unknown,
14 knowing or having reasonable cause to believe that
15 such other person—

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

19 “(B) is a fugitive from justice;

20 “(C) is an unlawful user of or addicted to
21 any controlled substance (as defined in section
22 102 of the Controlled Substances Act (21
23 U.S.C. 802));

1 “(D) has been adjudicated as a mental de-
2 fective or has been committed to any mental in-
3 stitution;

4 “(E) is an alien who—

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

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

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

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

17 “(H) is subject to a court order that re-
18 strains such person from harassing, stalking, or
19 threatening an intimate partner of such person
20 or child of such intimate partner or person, or
21 engaging in other conduct that would place an
22 intimate partner in reasonable fear of bodily in-
23 jury to the partner or child, except that this
24 subparagraph shall only apply to a court order
25 that—

1 “(i) was issued after a hearing of
2 which such person received actual notice,
3 and at which such person had the oppor-
4 tunity to participate; and

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

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

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

16 “(J) intends to—

17 “(i) use, carry, possess, or sell or oth-
18 erwise dispose of the firearm or ammuni-
19 tion in furtherance of a crime of violence
20 or drug trafficking crime; or

21 “(ii) export the firearm or ammuni-
22 tion in violation of law;

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

24 “(ii) is not a citizen of the United States;

25 or

1 “(L) intends to sell or otherwise dispose of
2 the firearm or ammunition to a person de-
3 scribed in any of subparagraphs (A) through
4 (K).

5 “(c)(1) Except as provided in paragraph (2), any per-
6 son who violates subsection (b) shall be fined under this
7 title, imprisoned for not more than 15 years, or both.

8 “(2) If a violation of subsection (b) is committed
9 knowing or with reasonable cause to believe that any fire-
10 arm involved will be used to commit a crime of violence,
11 the person shall be sentenced to a term of imprisonment
12 of not more than 25 years.

13 “(d) Subsection (b)(1) shall not apply to any firearm
14 that is lawfully purchased by a person—

15 “(1) to be given as a bona fide gift to a recipi-
16 ent who provided no service or tangible thing of
17 value to acquire the firearm, unless the person
18 knows or has reasonable cause to believe such recipi-
19 ent is prohibited by Federal law from possessing, re-
20 ceiving, selling, shipping, transporting, transferring,
21 or otherwise disposing of the firearm; or

22 “(2) to be given to a bona fide winner of an or-
23 ganized raffle, contest, or auction conducted in ac-
24 cordance with law and sponsored by a national,
25 State, or local organization or association, unless the

1 person knows or has reasonable cause to believe such
2 recipient is prohibited by Federal law from pos-
3 sessing, purchasing, receiving, selling, shipping,
4 transporting, transferring, or otherwise disposing of
5 the firearm.

6 **“§ 933. Trafficking in firearms**

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

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

17 “(2) receive from another person 2 or more
18 firearms in or otherwise affecting interstate or for-
19 eign commerce, if the recipient knows or has reason-
20 able cause to believe that such receipt would be in
21 violation of, or would result in a violation of, any
22 Federal law punishable by a term of imprisonment
23 exceeding 1 year; or

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

1 “(b)(1) Except as provided in paragraph (2), any per-
2 son who violates subsection (a) shall be fined under this
3 title, imprisoned for not more than 15 years, or both.

4 “(2) If a violation of subsection (a) is committed by
5 a person in concert with 5 or more other persons with
6 respect to whom such person occupies a position of orga-
7 nizer, leader, supervisor, or manager, the person shall be
8 sentenced to a term of imprisonment of not more than
9 25 years.

10 **“§ 934. Forfeiture and fines**

11 “(a)(1) Any person convicted of a violation of section
12 932 or 933 shall forfeit to the United States, irrespective
13 of any provision of State law—

14 “(A) any property constituting, or derived from,
15 any proceeds the person obtained, directly or indi-
16 rectly, as the result of such violation; and

17 “(B) any of the person’s property used, or in-
18 tended to be used, in any manner or part, to com-
19 mit, or to facilitate the commission of, such viola-
20 tion.

21 “(2) The court, in imposing sentence on a person con-
22 victed of a violation of section 932 or 933, shall order,
23 in addition to any other sentence imposed pursuant to sec-
24 tion 932 or 933, that the person forfeit to the United
25 States all property described in paragraph (1).

1 “(b) A defendant who derives profits or other pro-
2 ceeds from an offense under section 932 or 933 may be
3 fined not more than the greater of—

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

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

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

12 (c) RACKETEERING AMENDMENT.—Section
13 1961(1)(B) of title 18, United States Code, is amended
14 by inserting “section 932 (relating to straw purchasing),
15 section 933 (relating to trafficking in firearms),” before
16 “section 1028”.

17 (d) MONEY LAUNDERING AMENDMENT.—Section
18 1956(e)(7)(D) of title 18, United States Code, is amended
19 by striking “section 924(n)” and inserting “section
20 924(n), 932, or 933”.

21 (e) DIRECTIVE TO SENTENCING COMMISSION.—Pur-
22 suant to its authority under section 994 of title 28, United
23 States Code, and in accordance with this section, the
24 United States Sentencing Commission shall review and
25 amend its guidelines and policy statements to ensure that

1 persons convicted of an offense under section 932 or 933
2 of title 18, United States Code, and other offenses applica-
3 ble to the straw purchases and firearms trafficking of fire-
4 arms are subject to increased penalties in comparison to
5 those currently provided by the guidelines and policy state-
6 ments for such straw purchasing and firearms trafficking
7 offenses. The Commission shall also review and amend its
8 guidelines and policy statements to reflect the intent of
9 Congress that a person convicted of an offense under sec-
10 tion 932 or 933 of title 18, United States Code, who is
11 affiliated with a gang, cartel, organized crime ring, or
12 other such enterprise should be subject to higher penalties
13 than an otherwise unaffiliated individual.

14 (f) **TECHNICAL AND CONFORMING AMENDMENT.**—
15 The table of sections for chapter 44 of title 18, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.

“934. Forfeiture and fines.”.

18 **SEC. 203. AMENDMENTS TO SECTION 922(d).**

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

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

23 (2) in paragraph (9), by striking the period at
24 the end and inserting a semicolon; and

1 (3) by striking the matter following paragraph
2 (9) and inserting the following:

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

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

10 This subsection shall not apply with respect to the sale
11 or disposition of a firearm or ammunition to a licensed
12 importer, licensed manufacturer, licensed dealer, or li-
13 censed collector who pursuant to subsection (b) of section
14 925 is not precluded from dealing in firearms or ammuni-
15 tion, or to a person who has been granted relief from dis-
16 abilities pursuant to subsection (c) of section 925.”.

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

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

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

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

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

1 **SEC. 205. AMENDMENTS TO SECTION 924(h).**

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

5 “(h)(1) Whoever knowingly receives or transfers a
6 firearm or ammunition, or attempts or conspires to do so,
7 knowing or having reasonable cause to believe that such
8 firearm or ammunition will be used to commit a crime of
9 violence (as defined in subsection (c)(3)), a drug traf-
10 ficking crime (as defined in subsection (c)(2)), or a crime
11 under the Arms Export Control Act (22 U.S.C. 2751 et
12 seq.), the International Emergency Economic Powers Act
13 (50 U.S.C. 1701 et seq.), the Foreign Narcotics Kingpin
14 Designation Act (21 U.S.C. 1901 et seq.), or section
15 212(a)(2)(C) of the Immigration and Nationality Act (8
16 U.S.C. 1182(a)(2)(C)) shall be imprisoned not more than
17 25 years, fined in accordance with this title, or both.

18 “(2) No term of imprisonment imposed on a person
19 under this subsection shall run concurrently with any term
20 of imprisonment imposed on the person under section
21 932.”.

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

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

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

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

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

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

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

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

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

23 “(B) would constitute a crime of violence (as
24 defined in subsection (c)(3)) for which the person
25 may be prosecuted in a court of the United States,

1 if the conduct had occurred within the United
2 States,
3 smuggles or knowingly takes out of the United States a
4 firearm or ammunition, or attempts or conspires to do so,
5 shall be imprisoned not more than 15 years, fined under
6 this title, or both.”.

7 **SEC. 207. LIMITATION ON OPERATIONS BY THE DEPART-**
8 **MENT OF JUSTICE.**

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

1 **TITLE III—SCHOOL AND CAMPUS**
 2 **SAFETY ENHANCEMENTS ACT**

3 **SEC. 301. SHORT TITLE.**

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

6 **SEC. 302. GRANT PROGRAM FOR SCHOOL SECURITY.**

7 Section 2701 of title I of the Omnibus Crime Control
 8 and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amend-
 9 ed—

10 (1) in subsection (b)—

11 (A) in paragraph (1)—

12 (i) by striking “Placement” and in-
 13 serting “Installation”; and

14 (ii) by inserting “surveillance equip-
 15 ment,” after “detectors,”;

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

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

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

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

24 “(g) INTERAGENCY TASK FORCE.—

1 “(1) ESTABLISHMENT.—Not later than 60 days
2 after the date of enactment of the School and Cam-
3 pus Safety Enhancements Act of 2013, the Director
4 and the Secretary of Education, or the designee of
5 the Secretary, shall establish an interagency task
6 force to develop and promulgate a set of advisory
7 school safety guidelines.

8 “(2) PUBLICATION OF GUIDELINES.—Not later
9 than 1 year after the date of enactment of the
10 School and Campus Safety Enhancements Act of
11 2013, the advisory school safety guidelines promul-
12 gated by the interagency task force shall be pub-
13 lished in the Federal Register.

14 “(3) REQUIRED CONSULTATION.—In developing
15 the final advisory school safety guidelines under this
16 subsection, the interagency task force shall consult
17 with stakeholders and interested parties, including
18 parents, teachers, and agencies.”.

19 **SEC. 303. APPLICATIONS.**

20 Section 2702(a)(2) of title I of the Omnibus Crime
21 Control and Safe Streets Act of 1968 (42 U.S.C.
22 3797b(a)(2)) is amended to read as follows:

23 “(2) be accompanied by a report—

24 “(A) signed by the heads of each law en-
25 forcement agency and school district with juris-

1 diction over the schools where the safety im-
2 provements will be implemented; and

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

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

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

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

12 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

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

16 (1) by striking “\$30,000,000” and inserting
17 “\$40,000,000”; and

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

20 **SEC. 305. ACCOUNTABILITY.**

21 Section 2701 of title I of the Omnibus Crime Control
22 and Safe Streets Act of 1968 (42 U.S.C. 3797a), as
23 amended by section 302, is amended by adding at the end
24 the following:

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

4 “(1) AUDIT REQUIREMENT.—

5 “(A) DEFINITION.—In this paragraph, the
6 term ‘unresolved audit finding’ means a finding
7 in the final audit report of the Inspector Gen-
8 eral of the Department of Justice that the au-
9 dited grantee has utilized grant funds for an
10 unauthorized expenditure or otherwise unallow-
11 able cost that is not closed or resolved within
12 12 months from the date when the final audit
13 report is issued.

14 “(B) AUDITS.—Beginning in the first fis-
15 cal year beginning after the date of enactment
16 of this subsection, and in each fiscal year there-
17 after, the Inspector General of the Department
18 of Justice shall conduct audits of recipients of
19 grants under this part to prevent waste, fraud,
20 and abuse of funds by grantees. The Inspector
21 General shall determine the appropriate number
22 of grantees to be audited each year.

23 “(C) MANDATORY EXCLUSION.—A recipi-
24 ent of grant funds under this part that is found
25 to have an unresolved audit finding shall not be

1 eligible to receive grant funds under this part
2 during the first 2 fiscal years beginning after
3 the end of the 12-month period described in
4 subparagraph (A).

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

11 “(E) REIMBURSEMENT.—If an entity is
12 awarded grant funds under this part during the
13 2-fiscal-year period during which the entity is
14 barred from receiving grants under subpara-
15 graph (C), the Attorney General shall—

16 “(i) deposit an amount equal to the
17 amount of the grant funds that were im-
18 properly awarded to the grantee into the
19 General Fund of the Treasury; and

20 “(ii) seek to recoup the costs of the
21 repayment to the fund from the grant re-
22 cipient that was erroneously awarded grant
23 funds.

24 “(2) NONPROFIT ORGANIZATION REQUIRE-
25 MENTS.—

1 “(A) DEFINITION.—For purposes of this
2 paragraph and the grant programs under this
3 part, the term ‘nonprofit organization’ means
4 an organization that is described in section
5 501(c)(3) of the Internal Revenue Code of 1986
6 and is exempt from taxation under section
7 501(a) of such Code.

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

14 “(C) DISCLOSURE.—Each nonprofit orga-
15 nization that is awarded a grant under this part
16 and uses the procedures prescribed in regula-
17 tions to create a rebuttable presumption of rea-
18 sonableness for the compensation of its officers,
19 directors, trustees and key employees, shall dis-
20 close to the Attorney General, in the application
21 for the grant, the process for determining such
22 compensation, including the independent per-
23 sons involved in reviewing and approving such
24 compensation, the comparability data used, and
25 contemporaneous substantiation of the delibera-

1 tion and decision. Upon request, the Attorney
2 General shall make the information disclosed
3 under this subparagraph available for public in-
4 spection.

5 “(3) CONFERENCE EXPENDITURES.—

6 “(A) LIMITATION.—No amounts author-
7 ized to be appropriated to the Department of
8 Justice under this part may be used by the At-
9 torney General, or by any individual or entity
10 awarded discretionary funds through a coopera-
11 tive agreement under this part, to host or sup-
12 port any expenditure for conferences that uses
13 more than \$20,000 in funds made available by
14 the Department of Justice, unless the Deputy
15 Attorney General or such Assistant Attorney
16 Generals, Directors, or principal deputies as the
17 Deputy Attorney General may designate, pro-
18 vides prior written authorization that the funds
19 may be expended to host the conference.

20 “(B) WRITTEN APPROVAL.—Written ap-
21 proval under subparagraph (A) shall include a
22 written estimate of all costs associated with the
23 conference, including the cost of all food, bev-
24 erages, audio-visual equipment, honoraria for
25 speakers, and entertainment.

1 “(C) REPORT.—The Deputy Attorney Gen-
2 eral shall submit an annual report to the Com-
3 mittee on the Judiciary of the Senate and the
4 Committee on the Judiciary of the House of
5 Representatives on all conference expenditures
6 approved under this paragraph.

7 “(4) ANNUAL CERTIFICATION.—Beginning in
8 the first fiscal year beginning after the date of en-
9 actment of this subsection, the Attorney General
10 shall submit, to the Committee on the Judiciary and
11 the Committee on Appropriations of the Senate and
12 the Committee on the Judiciary and the Committee
13 on Appropriations of the House of Representatives,
14 an annual certification—

15 “(A) indicating whether—

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

21 “(ii) all mandatory exclusions required
22 under paragraph (1)(C) have been issued;
23 and

1 “(iii) all reimbursements required
2 under paragraph (1)(E) have been made;
3 and

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

7 **SEC. 306. CAMPUS SAFETY ACT OF 2013.**

8 (a) **SHORT TITLE.**—This section may be cited as the
9 “Center to Advance, Monitor, and Preserve University Se-
10 curity Safety Act of 2013” or the “CAMPUS Safety Act
11 of 2013”.

12 (b) **NATIONAL CENTER FOR CAMPUS PUBLIC SAFE-**
13 **TY.**—Subpart 1 of part E of title I of the Omnibus Crime
14 Control and Safe Streets Act of 1968 (42 U.S.C. 3750
15 et seq.) is amended—

16 (1) in section 501 (42 U.S.C. 3751)—

17 (A) in subsection (a)(1)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “or purposes” after
20 “one or more of the following programs”;
21 and

22 (ii) by adding at the end the fol-
23 lowing:

24 “(H) Making subawards to institutions of
25 higher education and other nonprofit organiza-

1 tions to assist the National Center for Campus
2 Public Safety in carrying out the functions of
3 the Center required under section 509(c).”; and

4 (B) in subsection (b)—

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

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

9 (iii) by adding at the end the fol-
10 lowing:

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

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

15 **“SEC. 509. NATIONAL CENTER FOR CAMPUS PUBLIC SAFE-**
16 **TY.**

17 “(a) DEFINITION OF INSTITUTION OF HIGHER EDU-
18 CATION.—In this section, the term ‘institution of higher
19 education’ has the meaning given the term in section 101
20 of the Higher Education Act of 1965 (20 U.S.C. 1001).

21 “(b) AUTHORITY TO ESTABLISH AND OPERATE CEN-
22 TER.—The Attorney General may establish and operate
23 a National Center for Campus Public Safety (referred to
24 in this section as the ‘Center’).

1 “(c) FUNCTIONS OF THE CENTER.—The Center
2 shall—

3 “(1) provide quality education and training for
4 public safety personnel of institutions of higher edu-
5 cation and their collaborative partners, including
6 campus mental health agencies;

7 “(2) foster quality research to strengthen the
8 safety and security of institutions of higher edu-
9 cation;

10 “(3) serve as a clearinghouse for the identifica-
11 tion and dissemination of information, policies, pro-
12 tocols, procedures, and best practices relevant to
13 campus public safety, including off-campus housing
14 safety, the prevention of violence against persons
15 and property, and emergency response and evacu-
16 ation procedures;

17 “(4) coordinate with the Secretary of Homeland
18 Security, the Secretary of Education, State, local
19 and tribal governments and law enforcement agen-
20 cies, private and nonprofit organizations and asso-
21 ciations, and other stakeholders, to develop protocols
22 and best practices to prevent, protect against and
23 respond to dangerous and violent situations involv-
24 ing an immediate threat to the safety of the campus
25 community;

1 “(5) promote the development and dissemina-
2 tion of effective behavioral threat assessment and
3 management models to prevent campus violence;

4 “(6) identify campus safety information (includ-
5 ing ways to increase off-campus housing safety) and
6 identify resources available from the Department of
7 Justice, the Department of Homeland Security, the
8 Department of Education, State, local, and tribal
9 governments and law enforcement agencies, and pri-
10 vate and nonprofit organizations and associations;

11 “(7) promote cooperation, collaboration, and
12 consistency in prevention, response, and problem-
13 solving methods among public safety and emergency
14 management personnel of institutions of higher edu-
15 cation and their campus- and non-campus-based col-
16 laborative partners, including law enforcement,
17 emergency management, mental health services, and
18 other relevant agencies;

19 “(8) disseminate standardized formats and
20 models for mutual aid agreements and memoranda
21 of understanding between campus security agencies
22 and other public safety organizations and mental
23 health agencies; and

1 “(9) report annually to Congress on activities
2 performed by the Center during the previous 12
3 months.

4 “(d) COORDINATION WITH AVAILABLE RE-
5 SOURCES.—In establishing the Center, the Attorney Gen-
6 eral shall—

7 “(1) coordinate with the Secretary of Homeland
8 Security, the Secretary of Education, and appro-
9 priate State or territory officials;

10 “(2) ensure coordination with campus public
11 safety resources within the Department of Homeland
12 Security, including within the Federal Emergency
13 Management Agency, and the Department of Edu-
14 cation; and

15 “(3) coordinate within the Department of Jus-
16 tice and existing grant programs to ensure against
17 duplication with the program authorized by this sec-
18 tion.

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

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

24 “(2) in compiling such report, assess instances
25 of duplicative activity, if any, performed through

1 grants distributed to carry out this section and other
2 grant programs maintained by the Department of
3 Justice, the Department of Education, and the De-
4 partment of Homeland Security; and

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

9 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall preclude public elementary and secondary
11 schools or their larger governing agencies from receiving
12 the informational and training benefits of the National
13 Center for Campus Public Safety authorized under section
14 509 of the Omnibus Crime Control and Safe Streets Act
15 of 1968, as added by this title.

Calendar No. 32

113TH CONGRESS
1ST Session
S. 649

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.

MARCH 22, 2013

Read the second time and placed on the calendar