

Tom Coburn
S.L.C.

MEMO
4/17/13
1040A

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

S. 649

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AMENDMENT N^o **0727** ed from
t crimi-
ground
urposes.

By COBURN _____ and

To: _____

S. 649 _____

43 _____

Page(s)

GPO: 2012 77-320 (mac) ended

to be proposed by Mr. COBURN

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**
- 4 (a) SHORT TITLE.—This Act may be cited as the
- 5 “Gun Rights and Safety Act of 2013”.
- 6 (b) TABLE OF CONTENTS.—The table of contents for
- 7 this Act is as follows:

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

Sec. 3. Rule of construction.

TITLE I—CONSOLIDATING FEDERAL PROGRAMS AND ENSURING THAT ALL INDIVIDUALS WHO SHOULD BE PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

Sec. 101. Reauthorization of the National Criminal History Records Improvement Program.

Sec. 102. Improvement of metrics and incentives.

Sec. 103. Grants to states for improvement of coordination and automation of NICS record reporting.

Sec. 104. Relief from disabilities program.

Sec. 105. Protecting the Second Amendment rights of veterans.

Sec. 106. Clarification that federal court information is to be made available to the national instant criminal background check system.

Sec. 107. Publication of NICS Index Statistics.

Sec. 108. Effective date.

TITLE II—EXPANDING NICS CHECKS FOR THE SAFE TRANSFER OF FIREARMS

Sec. 201. Purpose.

Sec. 202. Firearms transfers.

Sec. 203. Prohibition on national gun registry; limitation on authorization to seize, copy, or reproduce records and documents.

Sec. 204. Authority to conduct interstate firearms transactions.

Sec. 205. Consolidating unnecessary duplicative and overlapping DOJ programs.

Sec. 206. Inspector General Report.

Sec. 207. Amendment to section 923(g)(5).

Sec. 208. Effective date.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Congress supports and respects the right to
4 bear arms guaranteed by the Second Amendment to
5 the Constitution of the United States.

6 (2) Congress supports the privacy rights of gun
7 owners in the United States, including the existing
8 prohibition on a national firearms registry.

9 (3) Congress supports longstanding Federal law
10 that prohibits convicted felons and those with dan-
11 gerous mental illnesses from purchasing or pos-

1 sessing a firearm, along with the national instant
2 criminal background check system to help prevent
3 these persons from procuring firearms in the pri-
4 mary market.

5 (4) Congress recognizes an inconsistency in
6 Federal law, where a prohibited purchaser is prohib-
7 ited from accessing firearms at a gun store, but can
8 easily procure a firearm at a gun show, flea market,
9 or through an Internet advertisement.

10 (5) Congress and the citizens of the United
11 States agree that in order to promote safe and re-
12 sponsible gun ownership, violent criminals and the
13 dangerously mentally ill should be prohibited from
14 possessing firearms and therefore, it should be in-
15 cumbent upon Congress to empower law abiding citi-
16 zens to prevent the transfer of weapons to such peo-
17 ple.

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

1 **SEC. 3. RULE OF CONSTRUCTION.**

2 Nothing in this Act, or any amendment made by this
3 Act, shall be construed to—

4 (1) expand in any way the enforcement author-
5 ity or jurisdiction of the Bureau of Alcohol, Tobacco,
6 Firearms, and Explosives;

7 (2) allow the establishment, directly or indi-
8 rectly, of a Federal firearms registry; or

9 (3) infringe on the right of law-abiding citizens
10 to keep and bear arms as explicitly guaranteed by
11 the Second Amendment to the Constitution of the
12 United States, which every Member of Congress has
13 taken an oath to support and defend.

1 **TITLE I—CONSOLIDATING FED-**
2 **ERAL PROGRAMS AND EN-**
3 **SURING THAT ALL INDIVID-**
4 **UALS WHO SHOULD BE PRO-**
5 **HIBITED FROM BUYING A**
6 **GUN ARE LISTED IN THE NA-**
7 **TIONAL INSTANT CRIMINAL**
8 **BACKGROUND CHECK SYS-**
9 **TEM**

10 **SEC. 101. REAUTHORIZATION OF THE NATIONAL CRIMINAL**
11 **HISTORY RECORDS IMPROVEMENT PRO-**
12 **GRAM.**

13 Section 106(b)(2) of Public Law 103–159 (18 U.S.C.
14 922 note) is amended by striking “a total of \$200,000,000
15 for fiscal year 1994 and all fiscal years thereafter” and
16 inserting “\$25,000,000 for each of fiscal years 2014
17 through 2017”.

18 **SEC. 102. IMPROVEMENT OF METRICS AND INCENTIVES.**

19 (a) **IN GENERAL.**—Section 102(b) of the NICS Im-
20 provement Amendments Act of 2007 (18 U.S.C. 922 note)
21 is amended to read as follows:

22 “(b) **IMPLEMENTATION PLAN.**—

23 “(1) **IN GENERAL.**—Not later than 1 year after
24 the date of enactment of the Gun Rights and Safety
25 Act of 2013, States and Indian tribal government, in

1 coordination with the Attorney General, may estab-
2 lish for each State or Indian tribal government de-
3 siring a grant under section 103 a 4-year implemen-
4 tation plan to ensure maximum coordination and au-
5 tomation of the reporting of records or making
6 records available to the National Instant Criminal
7 Background Check System.

8 “(2) BENCHMARK REQUIREMENTS.—Each 4-
9 year plan established under paragraph (1) shall in-
10 clude annual benchmarks, including both qualitative
11 goals and quantitative measures, to assess imple-
12 mentation of the 4-year plan.

13 “(3) PENALTIES FOR NON-COMPLIANCE.—

14 “(A) IN GENERAL.—During the 4-year pe-
15 riod covered by a 4-year plan established under
16 paragraph (1), the Attorney General shall with-
17 hold—

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

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

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

17 “(iv) 15 percent of the amount that
18 would otherwise be allocated to a State
19 under section 505 of the Omnibus Crime
20 Control and Safe Streets Act of 1968 (42
21 U.S.C. 3755) if the State does not meet
22 the benchmark established under para-
23 graph (2) for the fourth year in the 4-year
24 period.

1 “(B) FAILURE TO ESTABLISH A PLAN.—If
2 a State fails to establish a plan under para-
3 graph (1)—

4 “(i) the Attorney General shall with-
5 hold 15 percent of the amount that would
6 otherwise be allocated to the State under
7 section 505 of the Omnibus Crime Control
8 and Safe Streets Act of 1968 (42 U.S.C.
9 3755); and

10 “(ii) the State shall be ineligible to re-
11 ceive any grant funds under section 106(b)
12 of the Brady Handgun Violence Prevention
13 Act (18 U.S.C. 922 note) or under section
14 103 of this Act.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—
16 Section 106(b)(1) of Public Law 103–159 (18 U.S.C. 922
17 note) is amended by inserting “that has established an im-
18 plementation plan under section 102(b) of the NICS Im-
19 provement Amendments Act of 2007 (18 U.S.C. 922
20 note)” after “each State”.

21 **SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
22 **ORDINATION AND AUTOMATION OF NICS**
23 **RECORD REPORTING.**

24 (a) IN GENERAL.—The NICS Improvement Amend-
25 ments Act of 2007 (18 U.S.C. 922 note) is amended—

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

3 **“SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
4 **ORDINATION AND AUTOMATION OF NICS**
5 **RECORD REPORTING.**

6 “(a) AUTHORIZATION.—

7 “(1) IN GENERAL.—From amounts made avail-
8 able to carry out this section, the Attorney General
9 shall make grants to States, Indian Tribal govern-
10 ments, and State court systems, in a manner con-
11 sistent with the National Criminal History Improve-
12 ment Program and consistent with State plans for
13 integration, automation , and accessibility of crimi-
14 nal history records, for use by the State, or units of
15 local government of the State, Indian Tribal govern-
16 ment, or State court system to improve the automa-
17 tion and transmittal of mental health records and
18 criminal history dispositions, records relevant to de-
19 termining whether a person has been convicted of a
20 misdemeanor crime of domestic violence, court or-
21 ders, and mental health adjudications or commit-
22 ments to Federal and State record repositories in ac-
23 cordance with section 102 and the National Criminal
24 History Improvement Program.

1 “(2) LIMITATION ON ELIGIBILITY.—A State
2 may not be awarded a grant under paragraph (1)
3 unless the State establishes an implementation plan
4 under section 102(b).

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

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

14 “(2) implement policies, systems, and proce-
15 dures for the automation and transmission of arrest
16 and conviction records, court orders, and mental
17 health adjudications or commitments to Federal and
18 State record repositories;

19 “(3) create electronic systems that provide ac-
20 curate and up-to-do information which is directly re-
21 lated to checks under the National Instant Criminal
22 Background Check System, including court disposi-
23 tion and corrections records;

24 “(4) assist States or Indian Tribal governments
25 in establishing or enhancing their own capacities to

1 perform background checks using the National In-
2 stant Criminal Background Check System; and

3 “(5) develop and maintain the relief from dis-
4 abilities program in accordance with section 105.

5 “(c) ELIGIBILITY.—

6 “(1) IN GENERAL.—To be eligible for a grant
7 under this section, a State, Indian Tribal govern-
8 ment, or State court system shall certify, to the sat-
9 isfaction of the Attorney General, that the State, In-
10 dian Tribal government, or State court system—

11 “(A) is not prohibited by State law or
12 court order to submit mental health records to
13 the National Instant Criminal Background
14 Check System; and

15 “(B) subject to paragraph (2), has imple-
16 mented a relief from disabilities program in ac-
17 cordance with section 105.

18 “(2) RELIEF FROM DISABILITIES PROGRAM.—
19 For purposes of obtaining a grant under this sec-
20 tion, a State, Indian Tribal government, or State
21 court system shall not be required to meet the eligi-
22 bility requirement described in paragraph (1)(B)
23 until the date that is 2 years after the date of enact-
24 ment of the Gun Rights and Safety Act of 2013.

25 “(d) FEDERAL SHARE.—

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

7 “(2) INFRASTRUCTURE OR SYSTEM DEVELOP-
8 MENT.—The Federal share of an activity involving
9 infrastructure or system development, including
10 labor-related costs, for the purpose of improving
11 State or Indian Tribal government record reporting
12 to the National Instant Criminal Background Check
13 System carried out with a grant under this section
14 may amount to 100 percent of the cost of the activ-
15 ity.

16 “(e) GRANTS TO INDIAN TRIBES.—Up to 2 percent
17 of the grant funding available under this section may be
18 reserved for reservation-based Indian tribal governments
19 for use by Indian tribal judicial systems.

20 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 \$25,000,000 for each of fiscal years 2014 through 2017.”;

23 (2) by striking title III; and

24 (3) in section 401(b), by inserting after “of this
25 Act” the following: “and 18 months after the date

1 of enactment of the Gun Rights and Safety Act of
2 2013”.

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

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

8 **SEC. 104. RELIEF FROM DISABILITIES PROGRAM.**

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

12 “(c) PENALTIES FOR NON-COMPLIANCE.—

13 “(1) 10 PERCENT REDUCTION.—During the 1-
14 year period beginning 1 year after the date of enact-
15 ment of the Gun Rights and Safety Act of 2013, the
16 Attorney General shall withhold 10 percent of the
17 amount that would otherwise be allocated to a State
18 under section 505 of the Omnibus Crime Control
19 and Safe Streets Act of 1968 (42 U.S.C. 3755) if
20 the State has not implemented a relief from disabil-
21 ities program in accordance with this section.

22 “(2) 11 PERCENT REDUCTION.—During the 1-
23 year period after the expiration of the period de-
24 scribed in paragraph (1), the Attorney General shall

1 withhold 11 percent of the amount that would other-
2 wise be allocated to a State under section 505 of the
3 Omnibus Crime Control and Safe Streets Act of
4 1968 (42 U.S.C. 3755) if the State has not imple-
5 mented a relief from disabilities program in accord-
6 ance with this section.

7 “(3) 13 PERCENT REDUCTION.—During the 1-
8 year period after the expiration of the period de-
9 scribed in paragraph (2), the Attorney General shall
10 withhold 13 percent of the amount that would other-
11 wise be allocated to a State under section 505 of the
12 Omnibus Crime Control and Safe Streets Act of
13 1968 (42 U.S.C. 3755) if the State has not imple-
14 mented a relief from disabilities program in accord-
15 ance with this section.

16 “(4) 15 PERCENT REDUCTION.—After the expi-
17 ration of the 1-year period described in paragraph
18 (3), the Attorney General shall withhold 15 percent
19 of the amount that would otherwise be allocated to
20 a State under section 505 of the Omnibus Crime
21 Control and Safe Streets Act of 1968 (42 U.S.C.
22 3755) if the State has not implemented a relief from
23 disabilities program in accordance with this sec-
24 tion.”.

1 **SEC. 105. PROTECTING THE SECOND AMENDMENT RIGHTS**
2 **OF VETERANS.**

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

6 **“§ 5511. Conditions for treatment of certain persons**
7 **as adjudicated mentally incompetent for**
8 **certain purposes**

9 “(a) IN GENERAL.—In any case arising out of the
10 administration by the Secretary of laws and benefits under
11 this title, a person who is determined by the Secretary to
12 be mentally incompetent shall not be considered adju-
13 dicated pursuant to subsection (d)(4) or (g)(4) of section
14 922 of title 18, until—

15 “(1) in the case in which the person does not
16 request a review as described in subsection (e)(1),
17 the end of the 30-day period beginning on the date
18 on which the person receives notice submitted under
19 subsection (b); or

20 “(2) in the case in which the person requests a
21 review as described in paragraph (1) of subsection
22 (c), upon an assessment by the board designated or
23 established under paragraph (2) of such subsection
24 or court of competent jurisdiction that a person can-
25 not safely use, carry, possess, or store a firearm due
26 to mental incompetency.

1 “(b) NOTICE.—Notice submitted under this sub-
2 section to a person described in subsection (a) is notice
3 submitted by the Secretary that notifies the person of the
4 following:

5 “(1) The determination made by the Secretary.

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

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

11 “(c) ADMINISTRATIVE REVIEW.—(1) Not later than
12 30 days after the date on which a person described in sub-
13 section (a) receives notice submitted under subsection (b),
14 such person may request a review by the board designed
15 or established under paragraph (2) or a court of com-
16 petent jurisdiction to assess whether a person cannot safe-
17 ly use, carry, possess, or store a firearm due to mental
18 incompetency. In such assessment, the board may consider
19 the person’s honorable discharge or decoration.

20 “(2) Not later than 180 days after the date of enact-
21 ment of the Gun Rights and Safety Act of 2013, the Sec-
22 retary shall designate or establish a board that shall, upon
23 request of a person under paragraph (1), assess whether
24 a person cannot safely use, carry, possess, or store a fire-
25 arm due to mental incompetency.

1 “(d) JUDICIAL REVIEW.—A person may file a peti-
2 tion with a Federal court of competent jurisdiction for ju-
3 dicial review of an assessment of the person under sub-
4 section (e) by the board designated or established under
5 paragraph (2).

6 “(e) PROTECTING RIGHTS OF VETERANS WITH EX-
7 ISTING RECORDS.—Not later than 90 days after the date
8 of enactment of the Gun Rights and Safety Act of 2013,
9 the Secretary shall provide written notice of the oppor-
10 tunity for administrative review and appeal under sub-
11 section (e) to all persons who, on the date of enactment
12 of the Gun Rights and Safety Act of 2013, are considered
13 adjudicated pursuant to subsection (d)(4) or (g)(4) of sec-
14 tion 922 of title 18 as a result of having been found by
15 the Department of Veterans Affairs to be mentally incom-
16 petent.

17 “(f) FUTURE DETERMINATIONS.—

18 “(1) IN GENERAL.—Not later than 180 days
19 after the enactment of the Gun Rights and Safety
20 Act of 2013, the Secretary shall review the policies
21 and procedures by which individuals are determined
22 to be mentally incompetent, and shall revise such
23 policies and procedures as necessary to ensure that
24 any individual who is competent to manage his own
25 financial affairs, including his receipt of Federal

1 benefits, but who voluntarily turns over the manage-
2 ment thereof to a fiduciary is not considered adju-
3 dicated pursuant to subsection (d)(4) or (g)(4) of
4 section 922 of title 18.

5 “(2) REPORT.—Not later than 30 days after
6 the Secretary has made the review and changes re-
7 quired under paragraph (1), the Secretary shall sub-
8 mit to Congress a report detailing the results of the
9 review and any resulting policy and procedural
10 changes.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 55 of such title is amended
13 by adding at the end the following new item:

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

14 (c) APPLICABILITY.—Section 5511 of title 38, United
15 States Code (as added by this section), shall apply only
16 with respect to persons who are determined by the Sec-
17 retary of Veterans Affairs, on or after the date of the en-
18 actment of this Act, to be mentally incompetent, except
19 that those persons who are provided notice pursuant to
20 section 5511(e) of such title shall be entitled to use the
21 administrative review under section 5511(c) of such title
22 and, as necessary, the subsequent judicial review under
23 section 5511(d) of such title.

1 **SEC. 106. 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 subsection—

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. 107. PUBLICATION OF NICS INDEX STATISTICS.**

20 Not later than 180 days after the date of enactment
21 of this Act, and biannually thereafter, the Attorney Gen-
22 eral shall make the National Instant Criminal Background
23 Check System index statistics available on a publically ac-
24 cessible Internet website.

1 **SEC. 108. 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—EXPANDING NICS**
5 **CHECKS FOR THE SAFE**
6 **TRANSFER OF FIREARMS**

7 **SEC. 201. PURPOSE.**

8 The purpose of this title is to extend check proce-
9 dures under the National Instant Criminal Background
10 Check System to promote the safe transfer of firearms in
11 the secondary market.

12 **SEC. 202. FIREARMS TRANSFERS.**

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

15 (1) by repealing subsection (s);

16 (2) by redesignating subsection (t) as sub-
17 section (s);

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

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

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

22 “(7) In this subsection, the term ‘chief law en-
23 forcement officer’ means the chief of police, the
24 sheriff, or an equivalent officer or the designee of
25 any such individual.

1 “(8) The Federal Bureau of Investigation shall
2 not charge a user fee for a background check con-
3 ducted pursuant to this subsection.”; and

4 (4) by inserting after subsection (s), as redesign-
5 nated, the following:

6 “(t)(1) In this subsection, the term ‘covered trans-
7 fer’—

8 “(A) means a transfer that the transferor, the
9 transferee, or both intends to be permanent, includ-
10 ing a transfer by sale, pledge, trade, gift, or consign-
11 ment; and

12 “(B) does not include—

13 “(i) a transfer between spouses, between
14 parents or spouses of parents and their children
15 or spouses of their children, between siblings or
16 spouses of siblings, or between grandparents or
17 spouses of grandparents and their grand-
18 children or spouses of their grandchildren, or
19 between aunts or uncles or their spouses and
20 their nieces or nephews or their spouses, or be-
21 tween first cousins, if the transferor does not
22 know or have reasonable cause to believe that
23 the transferee is prohibited from receiving or
24 possessing a firearm under Federal, State, or
25 local law;

1 “(ii) a transfer made from a decedent’s es-
2 tate by bequest, intestate succession, or by op-
3 eration of law; or

4 “(iii) a temporary transfer of a firearm,
5 unless the transferor knows or has reason to
6 believe that the transferee is prohibited from re-
7 ceiving or possessing a firearm under Federal,
8 State, or local law.

9 “(2) Beginning on the date that is 18 months after
10 the date of enactment of the Gun Rights and Safety Act
11 of 2013 or 30 days after the date on which the consumer
12 portal established under paragraph (3) is operational,
13 whichever is later, it shall be unlawful for any person who
14 is not licensed under this chapter to make a covered trans-
15 fer of a firearm to any other person who is not licensed
16 under this chapter, unless—

17 “(A) the covered transfer is made after a li-
18 censed importer, licensed manufacturer, or licensed
19 dealer has first taken possession of the firearm for
20 the purpose of complying with subsection (s), if upon
21 taking possession of the firearm, the licensee com-
22 plies with all requirements of this chapter as if the
23 licensee were transferring the firearm from the li-
24 censee’s business inventory to the unlicensed trans-
25 feree;

1 “(B) the covered transfer is made in accordance
2 with regulations promulgated by the Attorney Gen-
3 eral under paragraph (3) and after the unlicensed
4 transferee has undergone a background check;

5 “(C) the covered transfer is made—

6 “(i) after the transferee has presented to
7 the transferor a permit for transfer of a firearm
8 that—

9 “(I) allows the transferee to possess,
10 acquire, or carry a firearm; and

11 “(II) was issued not more than 5
12 years earlier by the State, or political sub-
13 division thereof, in which the transfer is to
14 take place; and

15 “(ii) in a State in which the law of the
16 State allows the transferee to possess, acquire,
17 or carry a firearm, if the law of the State, or
18 political subdivision of a State, that issued the
19 permit requires that such permit is issued only
20 after an authorized government official has
21 verified that the information available to such
22 official does not indicate that possession of a
23 firearm by the unlicensed transferee would be
24 in violation of Federal, State, or local law; or

1 “(D) if the State in which the covered transfer
2 takes place has enacted legislation that requires an
3 unlicensed transferor to comply with subsection (s)
4 before the transfer takes place to assure the unli-
5 censed transferee is not prohibited from receiving or
6 possessing a firearm—

7 “(i) the covered transfer is made between
8 an unlicensed transferor and an unlicensed
9 transferee who reside in the same State, and
10 takes place in such State; or

11 “(ii) if the unlicensed transferor and the
12 unlicensed transferee reside in different States
13 and the States have entered into a reciprocal
14 agreement, the covered transfer takes place in
15 either of such States.

16 “(3)(A) Not later than 2 years after the date of en-
17 actment of the Gun Rights and Safety Act of 2013, the
18 Attorney General shall, using competitive bidding prac-
19 tices, authorize the establishment of an Internet-based,
20 consumer portal that will allow a person who is not li-
21 censed under this chapter to run a self-background check
22 using the National Instant Criminal Background Check
23 System for the purpose of conducting a covered transfer
24 under this subsection.

1 “(B) In authorizing the establishment of the con-
2 sumer portal required under subparagraph (A), the Attor-
3 ney General shall ensure that—

4 “(i) the consumer portal may be accessed
5 through an Internet website, mobile application, or
6 other means determined appropriate by the Attorney
7 General;

8 “(ii) an unlicensed transferee who completes a
9 background check using the consumer portal and
10 would not be in violation of subsection (g) or (n) of
11 section 922 or of State law by receiving a firearm
12 shall be provided a temporary permit, valid for a 30-
13 day period beginning on the date on which the back-
14 ground check is completed, that—

15 “(I) signifies that the unlicensed transferee
16 is not prohibited from legally purchasing or
17 possessing a firearm; and

18 “(II) may be used, during the 30-day pe-
19 riod, by the unlicensed transferee for a covered
20 transfer of a firearm under this subsection, in
21 compliance with any applicable State or Federal
22 law;

23 “(iii) the temporary permit described in clause
24 (ii) shall—

1 “(I) be made available to the unlicensed
2 transferee as an electronic printable document
3 and be accessible through an Internet website,
4 mobile application, or other means determined
5 appropriate by the Attorney General; and

6 “(II) contain—

7 “(aa) the name of the unlicensed
8 transferee;

9 “(bb) the date of expiration of the
10 permit;

11 “(cc) a unique pin number that can
12 be used to verify the validity of the permit
13 by the unlicensed transferor of a firearm;
14 and

15 “(dd) any other protections necessary
16 to prevent fraud;

17 “(iv) the consumer portal be designed in a man-
18 ner that allows for maximum privacy and security
19 protections so that a user of the consumer portal
20 may only run a self-background check and not run
21 a background check on any other person;

22 “(v) any personally identifiable information ob-
23 tained by the consumer portal from an individual,
24 including names, physical locations, mailing address-
25 es, Internet protocol addresses, and other unique

1 identifiers, shall be destroyed within 24 hours from
2 the time at which the information was obtained, ex-
3 cept for—

4 “(I) information required for the unli-
5 censed transferor to verify the validity of the
6 permit, including—

7 “(aa) the unique serial number as-
8 signed to a temporary permit; and

9 “(bb) the date of birth associated with
10 the unique serial number; and

11 “(II) any record of a person who—

12 “(aa) attempts to complete a back-
13 ground check; and

14 “(bb) would be in violation of sub-
15 section (g) or (n) of section 922 if the per-
16 son received or possessed a firearm; and

17 “(vi) any information described in clause (v)(I)
18 shall be destroyed at the end of the 30-day period
19 described in clause (ii).

20 “(4)(A) Notwithstanding any other provision of this
21 chapter, except for section 923(m), the Attorney General
22 may implement this subsection with regulations.

23 “(B) Regulations promulgated under this paragraph
24 may not include any provision requiring licensees to facili-
25 tate transfers in accordance with paragraph (2)(A).

1 “(C) Regulations promulgated under this paragraph
2 may not include any provision requiring persons not li-
3 censed under this chapter to keep records of background
4 checks or firearms transfers.

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

9 “(5) No department, agency, officer, or employee of
10 the United States may—

11 “(A) require that any record or portion thereof
12 generated by a consumer portal be recorded at or
13 transferred to a facility owned, managed, or con-
14 trolled by the United States or any State or political
15 subdivision thereof; or

16 “(B) use a consumer portal to establish any
17 system for the registration of firearms, firearm own-
18 ers, or firearm transactions or dispositions, except
19 with respect to persons, prohibited by section 922
20 (g) or (n) of title 18, United States Code or State
21 law, from receiving a firearm.

22 “(6) The Attorney General shall establish, and make
23 available to the public, a sample form, which may be used,
24 on a voluntary basis, by a transferor to document informa-
25 tion relating to each firearm transfer conducted by the

1 transferor, for the purpose of assisting law enforcement
2 officers during a criminal investigation.

3 “(7)(A) If the consumer portal established under this
4 subsection is shut down for a period of more than 7 days,
5 this subsection shall have no force or effect during the pe-
6 riod for which the consumer portal is non-operational.

7 “(B) If the consumer portal established under this
8 subsection is ever permanently shut down or defunded,
9 this subsection shall have no force or effect beginning on
10 the date on which the consumer portal is non-operational.

11 “(8)(A) Subject to subparagraph (B), paragraph (2)
12 shall not apply to a covered transfer described in subpara-
13 graph (D) in a State that has enacted legislation that—

14 “(i) establishes requirements for background
15 checks for covered transfers described in subpara-
16 graph (D) that are similar to the requirements de-
17 scribed in this subsection; and

18 “(ii) allows for the State to have primary en-
19 forcement authority of covered transfers described in
20 subparagraph (D) occurring within the State.

21 “(B) If the Attorney General determines that legisla-
22 tion enacted by a State does not establish requirements
23 for background checks for covered transfers described in
24 subparagraph (D) that are similar to the requirements de-
25 scribed in this subsection—

1 “(i) the Attorney General shall notify the State
2 of the determination; and

3 “(ii) beginning on the date that is 1 year after
4 the date on which the Attorney General notifies the
5 State under clause (i), paragraph (2) shall apply to
6 a covered transfer in the State unless the State has
7 enacted legislation that establishes requirements for
8 background checks for covered transfers that are, in
9 the determination of the Attorney General, similar
10 to the requirements described in this subsection.

11 “(C) In establishing requirements that are similar to
12 the requirements under this subsection, a State—

13 “(i) may allow for geographic or technological
14 exemptions for rural areas within the State that are
15 remote and lack the technological capabilities needed
16 to access the consumer portal; and

17 “(ii) may impose penalties for violations of the
18 requirements established by the State that are
19 stronger than the penalties imposed under this chap-
20 ter for violations of the requirements under this sub-
21 section.

22 “(D) A covered transfer described in this subpara-
23 graph is a covered transfer between an unlicensed trans-
24 feror and an unlicensed transferee that occurs—

1 “(i) at any venue where firearms transactions
2 take place or where firearms transferors or trans-
3 ferees are brought together, including at a gun show
4 or event, or on the curtilage thereof; or

5 “(ii) pursuant to an advertisement, posting, dis-
6 play, or other public listing on the Internet, in a
7 publication, at a forum, or in any manner accessible
8 to the general public by the transferor of his intent
9 to transfer, or the transferee of his intent to acquire,
10 the firearm.”.

11 (b) ACCOUNTABILITY.—

12 (1) IN GENERAL.—

13 (A) AUDITS OF BACKGROUND CHECKS
14 CONDUCTED FOR LICENSEE SALES.—Not later
15 than 90 days after the date of enactment of
16 this Act, and every 90 days thereafter until the
17 date on which the Inspector General of the De-
18 partment of Justice begins conducting audits
19 under subparagraph (B), the Inspector General
20 of the Department of Justice shall conduct an
21 audit of the process of background checks con-
22 ducted for the purposes of a transfer of a fire-
23 arm under subsection (s) of section 922 of title
24 18, United States Code, as redesignated by sub-
25 section (a)(2) of this section, to—

1 (i) prevent waste, fraud, and abuse of
2 the background check system; and

3 (ii) ensure compliance with the re-
4 quirement to destroy certain information
5 within 24 hours under section 511 of title
6 V of division B of the Consolidated and
7 Further Continuing Appropriations Act,
8 2012 (18 U.S.C. 922 note).

9 (B) AUDITS OF ALL BACKGROUND
10 CHECKS.—Not later than 90 days after the
11 date on which the prohibition under subsection
12 (t)(2) of section 922 of title 18, United States
13 Code, (as added by subsection (a)(4) of this
14 section) takes effect, and every 90 days there-
15 after, the Inspector General of the Department
16 of Justice shall conduct an audit of the process
17 of background checks conducted for the pur-
18 poses of a transfer of a firearm under sub-
19 section (s) or (t) of section 922 of title 18,
20 United States Code, as amended by subsection
21 (a) of this section, to—

22 (i) prevent waste, fraud, and abuse of
23 the background check system; and

1 (ii) ensure compliance with the re-
2 quirement to destroy certain information
3 within 24 hours under—

4 (I) section 922(t)(3)(B)(v) of
5 title 18, United States Code; and

6 (II) section 511 of title V of divi-
7 sion B of the Consolidated and Fur-
8 ther Continuing Appropriations Act,
9 2012 (18 U.S.C. 922 note).

10 (2) REPORT TO CONGRESS.—The Inspector
11 General of the Department of Justice shall—

12 (A) submit a report describing the results
13 of each audit conducted under this paragraph
14 to the Committee on the Judiciary of the Sen-
15 ate and the Committee on the Judiciary of the
16 House of Representatives; and

17 (B) publish each report submitted under
18 subparagraph (A) on the homepage of the offi-
19 cial public website of the Department of Jus-
20 tice.

21 (c) PENALTIES.—Section 924(a)(5) of title 18,
22 United States Code, is amended—

23 (1) by inserting “(A)” after “(5)”;

24 (2) by striking “or (t)”; and

25 (3) by adding at the end the following:

1 “(B) Whoever knowingly violates subsection (t) of
2 section 922—

3 “(i) shall be fined not more than \$1,000; and

4 “(ii) in the case of a second or subsequent vio-
5 lation, shall be fined under this title, imprisoned not
6 more than 3 years, or both.

7 “(C) Whoever knowingly uses the consumer portal es-
8 tablished under paragraph (3) of section 922(t) for any
9 purpose other than the purpose described in subparagraph
10 (B)(iv) of such paragraph shall be fined under this title,
11 imprisoned not more than 1 year, or both.”.

12 (d) TECHNICAL AND CONFORMING AMENDMENT.—

13 (1) SECTION 922.—Section 922(y)(2) of title
14 18, United States Code, is amended, in the matter
15 preceding subparagraph (A), by striking “,
16 (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and
17 (g)(5)(B)”.

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

1 (e) SUNSET.—Effective on the date that is 5 years
2 after the effective date of the amendments made by this
3 section—

4 (1) this section is repealed;

5 (2) each provision of law amended by this sec-
6 tion is amended to read as such provision read on
7 the day before the effective date of the amendments
8 made by this section; and

9 (3) section 923(m) of title 18, United States
10 Code, as added by section 203(a) of this Act, is
11 amended to read as follows:

12 “(m) The Attorney General and any department or
13 agency of the United States may not consolidate or cen-
14 tralize the records of the—

15 “(1) acquisition or disposition of firearms, or
16 any portion thereof, maintained by a person licensed
17 under this chapter; or

18 “(2) possession or ownership of a firearm,
19 maintained by any medical or health insurance enti-
20 ty.”.

1 **SEC. 203. PROHIBITION ON NATIONAL GUN REGISTRY; LIM-**
2 **ITATION ON AUTHORIZATION TO SEIZE,**
3 **COPY, OR REPRODUCE RECORDS AND DOCU-**
4 **MENTS.**

5 (a) PROHIBITION OF NATIONAL GUN REGISTRY.—
6 Section 923 of title 18, United States Code, is amended
7 by adding at the end the following:

8 “(m) The Attorney General and any department or
9 agency of the United States may not consolidate or cen-
10 tralize the records of the—

11 “(1) acquisition or disposition of firearms, or
12 any portion thereof, maintained by—

13 “(A) a person licensed under this chapter;

14 “(B) an unlicensed transferor under sec-
15 tion 922(t); or

16 “(2) possession or ownership of a firearm,
17 maintained by any medical or health insurance enti-
18 ty.”.

19 (b) PENALTY.—Section 924 of title 18, United States
20 Code, as amended by section 202(c) of this Act, is amend-
21 ed by adding at the end the following:

22 “(q) IMPROPER USE OF STORAGE OF RECORDS.—
23 Any person who knowingly violates section 923(m) shall
24 be fined under this title, imprisoned not more than 15
25 years, or both.”.

1 (c) LIMITATION ON AUTHORIZATION TO SEIZE,
2 COPY, OR REPRODUCE RECORDS AND DOCUMENTS.—Sec-
3 tion 923 of title 18, United States Code, as amended by
4 section 202(b) of this Act, is amended by adding at the
5 end the following:

6 “(n)(1) An officer of the Bureau of Alcohol, Tobacco,
7 Firearms, and Explosive may only seize, copy, or repro-
8 duce a record or document of a person licensed under this
9 chapter, an unlicensed transferor of a firearm, or an unli-
10 censed transferee of a firearm if the record or document—

11 “(A) constitutes material evidence of a violation
12 of law; or

13 “(B) is necessary in the conduct of a bona fide
14 criminal investigation.

15 “(2) If any officer of the Bureau of Alcohol, Tobacco,
16 Firearms, and Explosives violates paragraph (1), the At-
17 torney General—

18 “(A) shall impose a civil penalty of \$1,000 on
19 the officer for a first violation; and

20 “(B) shall terminate the officer for a second
21 violation.

22 “(3)(A) It shall be unlawful for any person who is
23 an officer of the Bureau of Alcohol, Tobacco, Firearms,
24 and Explosives to violate paragraph (1).

25 “(B) Any person who violates subparagraph (A)—

1 “(i) for a first offense, shall be fined \$1,000;

2 and

3 “(ii) for a subsequent offense, shall be fined

4 under this title, imprisoned for not less than 1 year,

5 or both.”.

6 **SEC. 204. AUTHORITY TO CONDUCT INTERSTATE FIREARMS**
7 **TRANSACTIONS.**

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

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

13 (2) in subparagraph (A)—

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

16 (B) by striking “located” and inserting
17 “located or temporarily located”; and

18 (C) by striking “both such States” and in-
19 serting “the State in which the transfer is con-
20 ducted and the State of residence of the trans-
21 feree”.

22 (b) DEALER LOCATION.—Section 923 of title 18,
23 United States code, as amended by section 203(a) of this
24 Act, is amended—

25 (1) in subsection (j)—

1 (A) in the first sentence, by striking “, and
2 such location is in the State which is specified
3 on the license”; and

4 (B) in the last sentence—

5 (i) by inserting “transfer,” after
6 “sell,”; and

7 (ii) by striking all that follows “Act”
8 and inserting a period; and

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

10 “(o) Nothing in this chapter shall be construed to
11 prohibit the sale, transfer, delivery, or other disposition
12 of a firearm or ammunition—

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

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

20 (c) RESIDENCE OF UNITED STATES OFFICERS.—

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

23 “(b) For purposes of this chapter:

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

1 “(A) the State in which the person main-
2 tains legal residence;

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

5 “(C) the State in which the member main-
6 tains a place of abode from which the member
7 commutes each day to the permanent duty sta-
8 tion.

9 “(2) An officer or employee of the United
10 States (other than a member of the Armed Forces)
11 stationed outside the United States for a period ex-
12 ceeding one year is a resident of the State in which
13 the officer or employee maintains legal residence.”.

14 **SEC. 205. CONSOLIDATING UNNECESSARY DUPLICATIVE**
15 **AND OVERLAPPING DOJ PROGRAMS.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law, not later than 150 days after the date of en-
18 actment of this Act, the Director of the Office of Manage-
19 ment and Budget and the Attorney General shall coordi-
20 nate with the heads of the relevant offices of the Depart-
21 ment of Justice to—

22 (1) use available administrative authority to
23 eliminate, consolidate, or streamline the more than
24 250 grant programs with duplicative and overlap-
25 ping missions identified in the July 2012 Govern-

1 ment Accountability Office report to Congress enti-
2 tled “Justice Grant Programs: DOJ Should Do
3 More to Reduce the Risk of Unnecessary Duplica-
4 tion and Enhance Program Assessment” (GAO-12-
5 517); and

6 (2) determine the total cost savings that shall
7 result to each agency, office, and department from
8 the actions described in paragraph (1).

9 (b) REPORT.—Notwithstanding any other provision
10 of law, not later than 200 days after the date of enactment
11 of this Act, the Director of the Office of Management and
12 Budget and the Attorney General shall coordinate with the
13 heads of the relevant offices of the Department of Justice,
14 and submit a report to the Congress detailing—

15 (1) any actions taken under subsection (a)(1);
16 and

17 (2) the findings determined under subsection
18 (a)(2).

19 (c) RESCISSION OF FUNDS.—

20 (1) IN GENERAL.—Notwithstanding any other
21 provision of law, \$200,000,000 is hereby rescinded
22 on a pro rata basis from discretionary unobligated
23 balances within the Department of Justice that are
24 not designated as emergency or overseas contingency
25 operations. The Director of the Office of Manage-

1 ment and Budget shall determine and identify from
2 which appropriation accounts the rescission shall
3 apply and the amount of such rescission that shall
4 apply to each such account.

5 (2) REPORT.—Not later than 60 days after the
6 date of the enactment of this Act, the Director of
7 the Office of Management and Budget shall submit
8 a report to the Congress of the accounts and
9 amounts determined and identified for rescission
10 under paragraph (1).

11 **SEC. 206. INSPECTOR GENERAL REPORT.**

12 (a) INITIAL REPORT.—Not later than 1 year after
13 the date on which the consumer portal established under
14 section 922(t)(3) of title 18, United States Code, as
15 amended by section 202 of this Act, becomes operational,
16 the Inspector General for the Department of Justice shall
17 submit to Congress a report on the effectiveness of the
18 consumer portal, which shall—

19 (1) take into account feedback from transferors,
20 transferees, and government officials; and

21 (2) include recommendations to improve—

22 (A) the effectiveness of the consumer por-
23 tal; and

24 (B) the ease of using the consumer portal.

1 (b) UPDATED REPORT.—Not later than 1 year after
2 the date on which the Inspector General of the Depart-
3 ment of Justice submits the report required under sub-
4 section (a), the Inspector General shall submit to Congress
5 an updated version of the report required in subsection
6 (a), including any additional analysis or recommendations.

7 **SEC. 207. AMENDMENT TO SECTION 923(g)(5).**

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

10 “(C) The Attorney General may not issue a let-
11 ter pursuant to this paragraph unless the letter is
12 issued—

13 “(i) during the course of a bona fide crimi-
14 nal investigation of a person other than the li-
15 censee;

16 “(ii) to determine the disposition of 1 or
17 more particular firearms during the course of a
18 bona fide criminal investigation; or

19 “(iii) to request the total number of rifles,
20 shotguns, pistols, revolvers, and other firearms
21 manufactured in, or exported from, the United
22 States by the licensee.”.

23 **SEC. 208. EFFECTIVE DATE.**

24 The amendments made by this title shall take effect
25 180 days after the date of enactment of this Act.