

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(c)(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 sserting “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(e).”; 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

Calendar No. 25

113TH CONGRESS
1ST SESSION

S. 374

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2013

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 12, 2013

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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.

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.**

4 This Act may be cited as the "~~Protecting Responsible~~
5 ~~Gun Sellers Act of 2013~~".

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

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

6 (2) Congress supports the existing prohibition
7 on a national firearms registry.

8 (3) There are deficits in the background check
9 system in effect before the date of enactment of this
10 Act and the Department of Justice should make it
11 a top priority to work with States to swiftly input
12 missing records, including mental health records.

13 (4) If the citizens of the United States agree
14 that in order to promote safe and responsible gun
15 ownership criminals and the mentally ill should be
16 prohibited from possessing firearms, it should be in-
17 cumbent upon all citizens to ensure weapons are not
18 being transferred to such people.

19 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

20 (a) *SHORT TITLE.*—*This Act may be cited as the “Fix*
21 *Gun Checks Act of 2013”.*

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

Sec. 1. *Short title; table of contents.*

TITLE I—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 NICS Act Record Improvement Program grants.*

Sec. 102. *Penalties for States that do not make data electronically available to the National Instant Criminal Background Check System.*

Sec. 103. *Clarification that Federal court information is to be made available to the National Instant Criminal Background Check System.*

TITLE II—REQUIRING A BACKGROUND CHECK FOR EVERY FIREARM SALE

Sec. 201. *Purpose.*

Sec. 202. *Firearms transfers.*

Sec. 203. *Lost and stolen reporting.*

Sec. 204. *Effective date.*

1 **TITLE I—ENSURING THAT ALL**
 2 **INDIVIDUALS WHO SHOULD**
 3 **BE PROHIBITED FROM BUY-**
 4 **ING A GUN ARE LISTED IN**
 5 **THE NATIONAL INSTANT**
 6 **CRIMINAL BACKGROUND**
 7 **CHECK SYSTEM**

8 **SEC. 101. REAUTHORIZATION OF NICS ACT RECORD IM-**
 9 **PROVEMENT PROGRAM GRANTS.**

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

13 (1) *in paragraph (1)(C)—*

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

15 (B) *by redesignating clauses (iv), (v), and*

16 *(vi) as clauses (ii), (iii), and (iv), respectively;*

17 *and*

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

3 “(2) *SCOPE.*—

4 “(A) *IN GENERAL.*—The Attorney General,
5 in determining the compliance of a State under
6 this section or section 104 for the purpose of
7 granting a waiver or imposing a loss of Federal
8 funds, shall assess the total percentage of records
9 provided by the State concerning any event oc-
10 ccurring within the time period established by the
11 Attorney General under subparagraph (B),
12 which would disqualify a person from possessing
13 a firearm under subsection (g) or (n) of section
14 922 of title 18, United States Code.

15 “(B) *REGULATIONS.*—Not later than 1 year
16 after the date of enactment of the Fix Gun
17 Checks Act of 2013, the Attorney General shall,
18 through regulation, establish the time period de-
19 scribed in subparagraph (A).”.

20 (b) *IMPLEMENTATION ASSISTANCE TO STATES.*—Sec-
21 tion 103 of the NICS Improvement Amendments Act of
22 2007 (18 U.S.C. 922 note) is amended—

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

1 “(1) *IN GENERAL.*—From amounts made avail-
2 able to carry out this section and subject to section
3 102(b)(1)(B), the Attorney General shall make grants
4 to States and Indian tribal governments, in a man-
5 ner consistent with the National Criminal History
6 Improvement Program, which shall be used by the
7 States and Indian tribal governments, in conjunction
8 with units of local government and State and local
9 courts to—

10 “(A) establish and plan information and
11 identification technologies for firearms eligibility
12 determinations; and

13 “(B) make improvements or upgrade infor-
14 mation and identification technologies for fire-
15 arms eligibility determinations.”;

16 (2) by striking subsections (b) and (c) and in-
17 serting the following:

18 “(b) *USE OF GRANT AMOUNTS.*—

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

22 “(A) create electronic systems, which pro-
23 vide accurate and up-to-date information that is
24 directly related to checks under the National In-
25 stant Criminal Background Check System (re-

1 ferred to in this section as ‘NICS’), including
2 court disposition and corrections records;

3 “(B) assist States in establishing or enhanc-
4 ing their own capacities to perform NICS back-
5 ground checks;

6 “(C) supply accurate and timely informa-
7 tion to the Attorney General concerning final
8 dispositions of criminal records to databases
9 accessed by NICS;

10 “(D) supply accurate and timely informa-
11 tion to the Attorney General concerning the iden-
12 tity of persons who are prohibited from obtain-
13 ing a firearm under section 922(g)(4) of title 18,
14 United States Code, to be used by the Federal
15 Bureau of Investigation solely to conduct NICS
16 background checks;

17 “(E) supply accurate and timely court or-
18 ders and records of misdemeanor crimes of do-
19 mestic violence for inclusion in Federal and
20 State law enforcement databases used to conduct
21 NICS background checks; and

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

25 “(2) *ADDITIONAL USES.*—

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

3 “(i) *a grant awarded under subsection*
4 *(a)(1)(A) may be used to assist States in es-*
5 *tablishing or enhancing a relief from dis-*
6 *abilities program in accordance with sec-*
7 *tion 105; and*

8 “(ii) *a grant awarded under subsection*
9 *(a)(1)(B) may be used to maintain the re-*
10 *lief from disabilities program in accordance*
11 *with section 105.*

12 “(B) *LIMITATION.*—*Not less than 3 percent*
13 *and no more than 10 percent of each grant*
14 *awarded under subsection (a)(1)(B) shall be used*
15 *for the purpose described in subparagraph (A)(i).*

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

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

23 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—

24 “(1) *IN GENERAL.*—*There are to be authorized to*
25 *be appropriated to carry out this section*

1 \$100,000,000 for each of fiscal years 2014 through
2 2018.

3 “(2) *LIMITATIONS.*—

4 “(A) *USE OF AMOUNTS AUTHORIZED.*—Of
5 the amounts authorized to be appropriated for
6 each fiscal year under paragraph (1), not more
7 than 30 percent may be used to carry out sub-
8 section (a)(1)(B) .

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

12 **SEC. 102. PENALTIES FOR STATES THAT DO NOT MAKE**
13 **DATA ELECTRONICALLY AVAILABLE TO THE**
14 **NATIONAL INSTANT CRIMINAL BACKGROUND**
15 **CHECK SYSTEM.**

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

20 “(1) *DISCRETIONARY REDUCTION.*—

21 “(A) During the 2-year period beginning on
22 the date on which the Attorney General publishes
23 final rules required under section 102(b)(2)(B),
24 the Attorney General may withhold not more
25 than 3 percent of the amount that would other-

1 *wise be allocated to a State under section 505 of*
2 *the Omnibus Crime Control and Safe Streets Act*
3 *of 1968 (42 U.S.C. 3755) if the State provides*
4 *less than 50 percent of the records required to be*
5 *provided under sections 102 and 103.*

6 “(B) *During the 3-year period after the ex-*
7 *piration of the period described in subparagraph*
8 *(A), the Attorney General may withhold 4 per-*
9 *cent of the amount that would otherwise be allo-*
10 *cated to a State under section 505 of the Omni-*
11 *bus Crime Control and Safe Streets Act of 1968*
12 *(42 U.S.C. 3755) if the State provides less than*
13 *70 percent of the records required to be provided*
14 *under sections 102 and 103.*

15 “(2) *MANDATORY REDUCTION.—After the expira-*
16 *tion of the period referred to in paragraph (1)(B), the*
17 *Attorney General shall withhold 5 percent of the*
18 *amount that would otherwise be allocated to a State*
19 *under section 505 of the Omnibus Crime Control and*
20 *Safe Streets Act of 1968 (42 U.S.C. 3755), if the*
21 *State provides less than 90 percent of the records re-*
22 *quired to be provided under sections 102 and 103.”.*

23 “(b) *REPORTING OF STATE COMPLIANCE.—Not later*
24 *than 1 year after the date of enactment of this Act, and*
25 *every year thereafter, the Attorney General shall publish,*

1 *and make available on a publicly accessible website, a re-*
 2 *port that ranks the States by the ratio of number of records*
 3 *submitted by each State under sections 102 and 103 of the*
 4 *NICS Improvement Amendments Act of 2007 (18 U.S.C.*
 5 *922 note) to the estimated total number of available records*
 6 *of the State.*

7 **SEC. 103. CLARIFICATION THAT FEDERAL COURT INFORMA-**
 8 **TION IS TO BE MADE AVAILABLE TO THE NA-**
 9 **TIONAL INSTANT CRIMINAL BACKGROUND**
 10 **CHECK SYSTEM.**

11 *Section 103(e)(1) of the Brady Handgun Violence Pre-*
 12 *vention Act (18 U.S.C. 922 note), is amended by adding*
 13 *at the end the following:*

14 *“(F) APPLICATION TO FEDERAL COURTS.—*

15 *In this paragraph—*

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

19 *“(ii) for purposes of any request, sub-*
 20 *mission, or notification, the Director of the*
 21 *Administrative Office of the United States*
 22 *Courts shall perform the functions of the*
 23 *head of the department or agency.”.*

1 **TITLE II—REQUIRING A BACK-**
 2 **GROUND CHECK FOR EVERY**
 3 **FIREARM SALE**

4 **SEC. 201. PURPOSE.**

5 *The purpose of this title is to extend the Brady Law*
 6 *background check procedures to all sales and transfers of*
 7 *firearms.*

8 **SEC. 202. FIREARMS TRANSFERS.**

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

11 *(1) by repealing subsection (s);*

12 *(2) by redesignating subsection (t) as subsection*
 13 *(s);*

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

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

17 *(B) by adding at the end the following:*

18 *“(7) In this subsection, the term ‘chief law en-*
 19 *forcement officer’ means the chief of police, the sheriff,*
 20 *or an equivalent officer or the designee of any such*
 21 *individual.”; and*

22 *(4) by inserting after subsection (s), as redesign-*
 23 *ated, the following:*

24 *“(t)(1) Beginning on the date that is 180 days after*
 25 *the date of enactment of this subsection, it shall be unlawful*

1 *for any person who is not licensed under this chapter to*
2 *transfer a firearm to any other person who is not licensed*
3 *under this chapter, unless a licensed importer, licensed*
4 *manufacturer, or licensed dealer has first taken possession*
5 *of the firearm for the purpose of complying with subsection*
6 *(s). Upon taking possession of the firearm, the licensee shall*
7 *comply with all requirements of this chapter as if the li-*
8 *cencee were transferring the firearm from the licensee's in-*
9 *ventory to the unlicensed transferee.*

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

11 “(A) *bona fide gifts between spouses, between*
12 *parents and their children, between siblings, or be-*
13 *tween grandparents and their grandchildren;*

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

16 “(C) *a temporary transfer of possession that oc-*
17 *currs between an unlicensed transferor and an unli-*
18 *censed transferee, if —*

19 “(i) *the temporary transfer of possession oc-*
20 *curs in the home or curtilage of the unlicensed*
21 *transferor;*

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

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

3 “(D) a temporary transfer of possession without
4 transfer of title made in connection with lawful hunt-
5 ing or sporting purposes if the transfer occurs—

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

12 “(ii) at a target firearm shooting competi-
13 tion under the auspices of or approved by a
14 State agency or nonprofit organization and the
15 firearm is, at all times, kept within the premises
16 of the shooting competition; and

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

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

21 “(II) the temporary transfer of posses-
22 sion occurs during the designated hunting
23 season; and

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

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

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

5 “(B) shall not include temporary possession of
6 the firearm for purposes of examination or evaluation
7 by a prospective transferee while in the presence of the
8 prospective transferee.

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

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

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

17 “(ii) shall include a provision requiring a record
18 of transaction of any transfer that occurred between
19 an unlicensed transferor and unlicensed transferee ac-
20 cordance with paragraph (1).”.

21 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

22 (1) *SECTION 922.*—Section 922(y)(2) of title 18,
23 United States Code, is amended, in the matter pre-
24 ceding subparagraph (A), by striking “; (g)(5)(B),
25 and (s)(3)(B)(v)(II)” and inserting “and (g)(5)(B)”.

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

5 **SEC. 203. LOST AND STOLEN REPORTING.**

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

8 “*(aa) It shall be unlawful for any person who lawfully*
9 *possesses or owns a firearm that has been shipped or trans-*
10 *ported in, or has been possessed in or affecting, interstate*
11 *or foreign commerce, to fail to report the theft or loss of*
12 *the firearm, within 24 hours after the person discovers the*
13 *theft or loss, to the Attorney General and to the appropriate*
14 *local authorities.”.*

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

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

20 **SEC. 204. EFFECTIVE DATE.**

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

Calendar No. 25

113TH CONGRESS
1ST SESSION
S. 374

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.

MARCH 12, 2013

Reported with an amendment

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 357 Session of
2013

INTRODUCED BY METCALFE, BAKER, BLOOM, BROOKS, CAUSER, CLYMER,
EVERETT, GABLER, GROVE, HAHN, C. HARRIS, HESS, HICKERNELL,
KAUFFMAN, F. KELLER, M. K. KELLER, KNOWLES, KRIEGER, MAJOR,
MILLARD, MILLER, MOUL, MULLERY, PYLE, SACCONI, SANKEY,
STEVENSON, TALLMAN, CUTLER, ROAE, ROCK, MALONEY, ELLIS,
MUSTIO, REESE, BENNINGHOFF, EMRICK, METZGAR, JAMES,
EVANKOVICH, PAYNE, SWANGER, READSHAW, RAPP, DENLINGER,
OBERLANDER, S. H. SMITH, DUNBAR, SAYLOR, MARSHALL, REED,
SCAVELLO, MCGINNIS AND LUCAS, JANUARY 25, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 25, 2013

AN ACT

1 Providing that any Federal law which attempts to register,
2 restrict or ban a firearm or to limit the size of a magazine
3 of a firearm in this Commonwealth shall be unenforceable in
4 this Commonwealth; and imposing penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Right to Bear
9 Arms Protection Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Firearm accessory." An item that is used in conjunction
15 with or mounted on a firearm but is not essential to the basic

1 function of a firearm.

2 Section 3. Federal law relating to firearms, accessories and
3 ammunition.

4 (a) Enforceability.--A Federal law, rule, regulation or
5 order created or taking effect after December 31, 2012, shall be
6 unenforceable within the borders of this Commonwealth if the
7 law, rule, regulation or order attempts to register, restrict or
8 ban the ownership or purchase of a firearm, magazine of a
9 firearm, firearm accessory or ammunition.

10 (b) Federal agent.--An official, agent or employee of the
11 Federal Government, Commonwealth or political subdivision who
12 enforces or attempts to enforce a Federal law under subsection
13 (a) commits a felony of the third degree and, upon conviction,
14 shall be subject to imprisonment for not less than one year or
15 more than seven years, a fine of not more than \$15,000, or both.
16 The Attorney General shall prosecute violations of this section.

17 Section 4. Duty of Attorney General.

18 The Attorney General shall defend a resident of this
19 Commonwealth who is prosecuted by the Federal Government for a
20 violation of Federal law under section 3(a) that attempts to
21 register, restrict or ban the ownership or purchase of a
22 firearm, magazine of a firearm, firearm accessory or ammunition
23 that is retained in this Commonwealth.

24 Section 20. Effective date.

25 This act shall take effect in 60 days.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 469 Session of
2013

INTRODUCED BY TALLMAN, BAKER, BARRAR, BLOOM, EMRICK, HESS,
KAUFFMAN, F. KELLER, M. K. KELLER, KNOWLES, MOUL, MUSTIO,
READSHAW, REESE, ROCK, SACCONI, SWANGER, EVERETT, MILLARD,
GROVE, LAWRENCE, MILLER, C. HARRIS AND STEVENSON,
FEBRUARY 4, 2013

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 4, 2013

AN ACT

1 Prohibiting the regulation of firearms by an executive order,
2 rule or regulation of the President of the United States or a
3 Federal executive agency.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Firearm
8 Regulation Prohibition Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Borders of Pennsylvania." The geographic boundaries of
14 Pennsylvania.

15 "Firearms accessories." Items that are used in conjunction
16 with or mounted on a firearm but are not essential to the basic
17 function of a firearm.

1 "Generic and insignificant parts." The term includes
2 springs, screws, nuts and pins.

3 "Manufactured." The creation of a firearm, a firearm
4 accessory or ammunition from basic materials for functional
5 usefulness.

6 Section 3. Legislative findings.

7 The General Assembly finds and declares as follows:

8 (1) The 10th Amendment to the Constitution of the United
9 States guarantees to the states and their people all powers
10 not granted to the Federal Government elsewhere in the
11 Constitution and reserves to the Commonwealth and people of
12 Pennsylvania certain powers as they were understood at the
13 time that Pennsylvania was admitted to statehood in 1787. The
14 guaranty of those powers is a matter of contract between the
15 Commonwealth and people of Pennsylvania and the United States
16 as of the time that the compact with the United States was
17 agreed upon and adopted by Pennsylvania and the United States
18 in 1787.

19 (2) The 9th Amendment to the Constitution of the United
20 States guarantees to the people rights not granted in the
21 Constitution and reserves to the people of Pennsylvania
22 certain rights as they were understood at the time that
23 Pennsylvania was admitted to statehood in 1787. The guaranty
24 of those rights is a matter of contract between the
25 Commonwealth and people of Pennsylvania and the United States
26 as of the time that the compact with the United States was
27 agreed upon and adopted by Pennsylvania and the United States
28 in 1787.

29 (3) The 2nd Amendment to the Constitution of the United
30 States reserves to the people the right to keep and bear arms

1 as that right was understood at the time that Pennsylvania
2 was admitted to statehood in 1787, and the guaranty of the
3 right is a matter of contract between the Commonwealth and
4 people of Pennsylvania and the United States as of the time
5 that the compact with the United States was agreed upon and
6 adopted by Pennsylvania and the United States in 1787.

7 (4) Section 21 of Article I of the Constitution of
8 Pennsylvania clearly secures to Pennsylvania citizens, and
9 prohibits government interference with, the right of
10 individual Pennsylvania citizens to keep and bear arms.

11 (5) The Federal and State constitutional guarantees
12 enumerated under paragraphs (1), (2), (3) and (4) are
13 inviolate and not subject to abrogation by unilateral
14 proclamation under a claim of Presidential executive
15 authority.

16 Section 4. Firearm regulation.

17 (a) Prohibition.--A personal firearm, a firearm accessory or
18 ammunition, that is manufactured commercially or privately in
19 Pennsylvania and that remains within the borders of Pennsylvania
20 shall not be subject to regulation purporting to derive from an
21 executive order, rule or regulation of the President of the
22 United States or a Federal executive agency.

23 (b) Applicability.--This section shall apply to a firearm, a
24 firearm accessory or ammunition, that is manufactured in
25 Pennsylvania from basic materials and that can be manufactured
26 without the inclusion of any significant parts imported from
27 another state. Generic and insignificant parts that have other
28 manufacturing or consumer accessories or ammunition, and their
29 importation into Pennsylvania and incorporation into a firearm,
30 a firearm accessory or ammunition, that is manufactured in

1 Pennsylvania shall not subject the firearm, firearm accessory or
2 ammunition to Federal regulation.

3 (c) Enforcement.--A person who restricts or attempts to
4 restrict the sale, transfer, possession or use of a firearm
5 manufactured commercially or privately in Pennsylvania and that
6 remains within the borders of Pennsylvania, under color of
7 authority of a Federal executive order, rule or regulation that
8 is inconsistent with the laws of this Commonwealth, commits a
9 felony of the third degree and shall, upon conviction, be
10 sentenced to a term of imprisonment of not less than one year.

11 Section 10. Effective date.

12 This act shall take effect immediately.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 475 Session of
2013

INTRODUCED BY GABLER, SCAVELLO, DAY, SONNEY, BLOOM, BARRAR, M.
K. KELLER, METZGAR, SACCONI, DUNBAR, BROOKS, F. KELLER,
MAJOR, STERN, MOUL, KRIEGER, REED, HAHN, HICKERNELL, AUMENT,
PICKETT, D. COSTA, CUTLER, CAUSER, GILLEN, KAUFFMAN, HESS, S.
H. SMITH, METCALFE, TALLMAN, ROCK, EVERETT, EMRICK, RAPP,
FLECK, READSHAW, MARSHALL, GROVE, SWANGER, MILLARD, MILLER,
SANKEY, C. HARRIS, REGAN AND STEVENSON, FEBRUARY 4, 2013

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 4, 2013

AN ACT

1 Prohibiting certain firearms, firearm accessories or ammunition
2 from being subject to Federal law or Federal regulation.

3 The General Assembly of the Commonwealth of Pennsylvania

4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Firearms

7 Freedom Act.

8 Section 2. Findings and declarations.

9 The General Assembly finds and declares as follows:

10 (1) The 10th amendment to the Constitution of the United
11 States guarantees to the states and their people all powers
12 not granted to the Federal Government elsewhere in the
13 Constitution and reserves to the Commonwealth and people of
14 Pennsylvania certain powers as they were understood at the
15 time that Pennsylvania was admitted to statehood in 1787. The

1 guaranty of those powers is a matter of contract between the
2 Commonwealth and people of Pennsylvania and the United States
3 as of the time that the compact with the United States was
4 agreed upon and adopted by Pennsylvania and the United States
5 in 1787.

6 (2) The 9th amendment to the Constitution of the United
7 States guarantees to the people rights not granted in the
8 Constitution and reserves to the people of Pennsylvania
9 certain rights as they were understood at the time that
10 Pennsylvania was admitted to statehood in 1787. The guaranty
11 of those rights is a matter of contract between the
12 Commonwealth and people of Pennsylvania and the United States
13 as of the time that the compact with the United States was
14 agreed upon and adopted by Pennsylvania and the United States
15 in 1787.

16 (3) The regulation of intrastate commerce is vested in
17 the states under the 9th and 10th amendments to the
18 Constitution of the United States, particularly if not
19 expressly preempted by Federal law. Congress has not
20 expressly preempted state regulation of intrastate commerce
21 pertaining to the manufacture on an intrastate basis of
22 firearms, firearms accessories and ammunition.

23 (4) The 2nd amendment to the Constitution of the United
24 States reserves to the people the right to keep and bear arms
25 as that right was understood at the time that Pennsylvania
26 was admitted to statehood in 1787, and the guaranty of the
27 right is a matter of contract between the Commonwealth and
28 people of Pennsylvania and the United States as of the time
29 that the compact with the United States was agreed upon and
30 adopted by Pennsylvania and the United States in 1787.

1 (5) Section 21 of Article I of the Constitution of
2 Pennsylvania clearly secures to Pennsylvania citizens, and
3 prohibits government interference with, the right of
4 individual Pennsylvania citizens to keep and bear arms.

5 Section 3. Definitions.

6 The following words and phrases when used in this act shall
7 have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Borders of Pennsylvania." The geographic boundaries of
10 Pennsylvania.

11 "Firearms accessories." Items that are used in conjunction
12 with or mounted on a firearm but are not essential to the basic
13 function of a firearm.

14 "Generic and insignificant parts." The term includes
15 springs, screws, nuts and pins.

16 "Manufactured." The creation of a firearm, a firearm
17 accessory or ammunition from basic materials for functional
18 usefulness.

19 Section 4. Prohibitions.

20 (a) Federal law.--A personal firearm, a firearm accessory or
21 ammunition that is manufactured commercially or privately in
22 Pennsylvania and that remains within the borders of Pennsylvania
23 shall not be subject to Federal law or Federal regulation,
24 including registration, under the authority of Congress to
25 regulate interstate commerce.

26 (b) Applicability.--This section shall apply to a firearm, a
27 firearm accessory or ammunition that is manufactured in
28 Pennsylvania from basic materials and that can be manufactured
29 without the inclusion of any significant parts imported from
30 another state. Generic and insignificant parts that have other

1 manufacturing or consumer accessories or ammunition, and their
2 importation into Pennsylvania and incorporation into a firearm,
3 a firearm accessory or ammunition manufactured in Pennsylvania
4 shall not subject the firearm, firearm accessory or ammunition
5 to Federal regulation.

6 (c) Declarations.--The General Assembly declares as follows:

7 (1) That a personal firearm, a firearm accessory or
8 ammunition that is manufactured commercially or privately in
9 Pennsylvania and that remains within the borders of
10 Pennsylvania has not traveled in interstate commerce.

11 (2) That basic materials are not subject to
12 Congressional authority to regulate firearms, firearms
13 accessories and ammunition under interstate commerce as if
14 they were actually firearms, firearms accessories or
15 ammunition and that the authority of Congress to regulate
16 interstate commerce in basic materials does not include
17 authority to regulate firearms, firearms accessories and
18 ammunition made in Pennsylvania from those materials.
19 Firearms accessories that are imported into Pennsylvania from
20 another state and that are subject to Federal regulation as
21 being in interstate commerce do not subject a firearm to
22 Federal regulation under interstate commerce because they are
23 attached to or used in conjunction with a firearm in
24 Pennsylvania.

25 (d) Exceptions.--This section does not apply to any of the
26 following:

27 (1) A firearm that cannot be carried and used by one
28 person.

29 (2) A firearm that has a bore diameter greater than 1
30 and 1/2 inches and that uses smokeless powder, not black

1 powder, as a propellant.

2 (3) Ammunition with a projectile that explodes using an
3 explosion of chemical energy after the projectile leaves the
4 firearm.

5 (4) A firearm that discharges two or more projectiles
6 with one activation of the trigger or other firing device.

7 Section 5. Marketing of firearms.

8 A firearm manufactured or sold in Pennsylvania under this act
9 must have the words "Made in Pennsylvania" clearly stamped on a
10 central metallic part.

11 Section 6. Applicability.

12 This act shall apply to firearms, firearms accessories and
13 ammunition that are manufactured and retained in Pennsylvania
14 after July 1, 2013.

15 Section 20. Effective date.

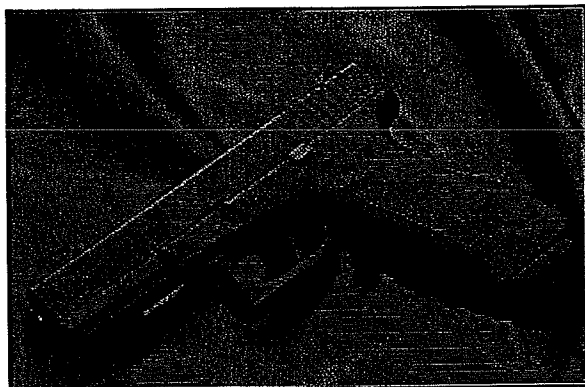
16 This act shall take effect in 60 days.

Pennsylvania county makes new federal gun laws “unenforceable”

20

2

Like 881



Worried about the federal government imposing overly-restrictive new gun laws? One Pennsylvania county is saying, “Not in our backyard!”

Susquehanna County commissioners have passed a resolution to fully protect the Second Amendment from any federal laws infringing upon it, as reported by *The Times-Tribune*.

The resolution states that that “any federal act, bill, law, rule or executive order that in any way infringes on our Second Amendment rights by attempting to reduce the private ownership of any firearm, magazine or ammunition shall be unenforceable in Susquehanna County.”

Republican Commissioner Michael Giangrieco, who proposed the resolution, admitted that the resolution was mostly ceremonial, but said it was an important message to send in response to harsher New York gun laws and laws currently being proposed in Pennsylvania.

The County has seen a sharp increase in gun permit applications since the Sandy Hook shooting, with about 175 in the first three weeks of January, already outpacing the 2012 monthly average of 133.

By Kelsey Osterman /// February 28, 2013