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TITLE II—PROVIDING A RESPONSIBLE AND CONSISTENT
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- Sec. 201. Purpose.
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TITLE IV—DENYING FIREARMS AND EXPLOSIVES TO
DANGEROUS TERRORISTS

- Sec. 401. Granting the Attorney General the authority to deny the sale, delivery, or transfer of a firearm or the issuance of a firearms or explosives license or permit to dangerous terrorists.

1 SEC. 2. FINDINGS.

2 Congress finds the following:

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

7 (2) Congress supports and reaffirms the exist-
8 ing prohibition on a national firearms registry.

1 (3) Congress believes the Department of Justice
2 should prosecute violations of background check re-
3 quirements to the maximum extent of the law.

4 (4) There are deficits in the background check
5 system in existence prior to the date of enactment
6 of this Act and the Department of Justice should
7 make it a top priority to work with States to swiftly
8 input missing records, including mental health
9 records.

10 (5) Congress and the citizens of the United
11 States agree that in order to promote safe and re-
12 sponsible gun ownership, dangerous criminals and
13 the seriously mentally ill should be prohibited from
14 possessing firearms; therefore, it should be incum-
15 bent upon all citizens to ensure weapons are not
16 being transferred to such people.

17 **SEC. 3. RULE OF CONSTRUCTION.**

18 Nothing in this Act, or any amendment made by this
19 Act, shall be construed to—

20 (1) expand in any way the enforcement author-
21 ity or jurisdiction of the Bureau of Alcohol, Tobacco,
22 Firearms, and Explosives; or

23 (2) allow the establishment, directly or indi-
24 rectly, of a Federal firearms registry.

1 **SEC. 4. SEVERABILITY.**

2 If any provision of this Act or an amendment made
3 by this Act, or the application of a provision or amend-
4 ment to any person or circumstance, is held to be invalid
5 for any reason in any court of competent jurisdiction, the
6 remainder of this Act and amendments made by this Act,
7 and the application of the provisions and amendment to
8 any other person or circumstance, shall not be affected.

9 **TITLE I—ENSURING THAT ALL**
10 **INDIVIDUALS WHO SHOULD**
11 **BE PROHIBITED FROM BUY-**
12 **ING A GUN ARE LISTED IN**
13 **THE NATIONAL INSTANT**
14 **CRIMINAL BACKGROUND**
15 **CHECK SYSTEM**

16 **SEC. 101. REAUTHORIZATION OF THE NATIONAL CRIMINAL**
17 **HISTORY RECORDS IMPROVEMENT PRO-**
18 **GRAM.**

19 Section 106(b) of Public Law 103–159 (18 U.S.C.
20 922 note) is amended—

21 (1) in paragraph (1), in the matter preceding
22 subparagraph (A), by striking “of this Act” and in-
23 serting “of the Denying Firearms and Explosives to
24 Dangerous Terrorists and Public Safety and Second
25 Amendment Rights Protection Act of 2016”; and

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

3 “(2) AUTHORIZATION OF APPROPRIATIONS.—
4 There are authorized to be appropriated for grants
5 under this subsection \$100,000,000 for each of fis-
6 cal years 2016 through 2019.”.

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

8 Section 102(b) of the NICS Improvement Amend-
9 ments Act of 2007 (18 U.S.C. 922 note) is amended to
10 read as follows:

11 “(b) IMPLEMENTATION PLAN.—

12 “(1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of the Denying Firearms and
14 Explosives to Dangerous Terrorists and Public Safe-
15 ty and Second Amendment Rights Protection Act of
16 2016, the Attorney General, in coordination with the
17 States, shall establish, for each State or Indian trib-
18 al government applying for a grant under section
19 103, a 4-year implementation plan to ensure max-
20 imum coordination and automation of the reporting
21 of records or making of records available to the Na-
22 tional Instant Criminal Background Check System.

23 “(2) BENCHMARK REQUIREMENTS.—Each 4-
24 year plan established under paragraph (1) shall in-
25 clude annual benchmarks, including both qualitative

1 goals and quantitative measures, to enable the At-
2 torney General to assess implementation of the 4-
3 year plan.

4 “(3) PENALTIES FOR NON-COMPLIANCE.—

5 “(A) IN GENERAL.—During the 4-year pe-
6 riod covered by a 4-year plan established under
7 paragraph (1), the Attorney General shall with-
8 hold—

9 “(i) 10 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 first year in the 4-year
16 period;

17 “(ii) 11 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 second year in the 4-year
24 period;

1 “(iii) 13 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 third year in the 4-year
8 period; and

9 “(iv) 15 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 fourth year in the 4-year
16 period.

17 “(B) FAILURE TO ESTABLISH A PLAN.—A
18 State that fails to establish a plan under para-
19 graph (1) shall be treated as having not met
20 any benchmark established under paragraph
21 (2).”.

1 **SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
2 **ORDINATION AND AUTOMATION OF NICS**
3 **RECORD REPORTING.**

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

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

8 **“SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**
9 **ORDINATION AND AUTOMATION OF NICS**
10 **RECORD REPORTING.**

11 “(a) AUTHORIZATION.—From amounts made avail-
12 able to carry out this section, the Attorney General shall
13 make grants to States, Indian Tribal governments, and
14 State court systems, in a manner consistent with the Na-
15 tional Criminal History Improvement Program and con-
16 sistent with State plans for integration, automation, and
17 accessibility of criminal history records, for use by the
18 State, or units of local government of the State, Indian
19 Tribal government, or State court system to improve the
20 automation and transmittal of mental health records and
21 criminal history dispositions, records relevant to deter-
22 mining whether a person has been convicted of a mis-
23 demeanor crime of domestic violence, court orders, and
24 mental health adjudications or commitments to Federal
25 and State record repositories in accordance with section

1 102 and the National Criminal History Improvement Pro-
2 gram.

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

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

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

17 “(3) create electronic systems that provide ac-
18 curate and up-to-date information which is directly
19 related to checks under the National Instant Crimi-
20 nal Background Check System, including court dis-
21 position and corrections records;

22 “(4) assist States or Indian Tribal governments
23 in establishing or enhancing their own capacities to
24 perform background checks using the National In-
25 stant Criminal Background Check System; and

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

3 “(c) ELIGIBILITY.—

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

9 “(A) is not prohibited by State law or
10 court order from submitting mental health
11 records to the National Instant Criminal Back-
12 ground Check System; and

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

16 “(2) RELIEF FROM DISABILITIES PROGRAM.—
17 For purposes of obtaining a grant under this sec-
18 tion, a State, Indian Tribal government, or State
19 court system shall not be required to meet the eligi-
20 bility requirement described in paragraph (1)(B)
21 until the date that is 2 years after the date of enact-
22 ment of the Denying Firearms and Explosives to
23 Dangerous Terrorists and Public Safety and Second
24 Amendment Rights Protection Act of 2016.

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 5 percent
17 of the grant funding available under this section may be
18 reserved for Indian tribal governments for use by Indian
19 tribal judicial systems.

20 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 \$100,000,000 for each of fiscal years 2016 through
23 2019.”;

24 (2) by striking title III; and

1 (3) in section 401(b), by inserting after “of this
2 Act” the following: “and 18 months after the date
3 of enactment of the Denying Firearms and Explo-
4 sives to Dangerous Terrorists and Public Safety and
5 Second Amendment Rights Protection Act of 2016”.

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

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

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

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

15 “(c) **PENALTIES FOR NON-COMPLIANCE.**—

16 “(1) **10 PERCENT REDUCTION.**—During the 1-
17 year period beginning 2 years after the date of en-
18 actment of the Denying Firearms and Explosives to
19 Dangerous Terrorists and Public Safety and Second
20 Amendment Rights Protection Act of 2016, the At-
21 torney General shall withhold 10 percent of the
22 amount that would otherwise be allocated to a State
23 under section 505 of the Omnibus Crime Control
24 and Safe Streets Act of 1968 (42 U.S.C. 3755) if

1 the State has not implemented a relief from disabil-
2 ities program in accordance with this section.

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

12 “(3) 13 PERCENT REDUCTION.—During the 1-
13 year period after the expiration of the period de-
14 scribed in paragraph (2), the Attorney General shall
15 withhold 13 percent of the amount that would other-
16 wise be allocated to a State under section 505 of the
17 Omnibus Crime Control and Safe Streets Act of
18 1968 (42 U.S.C. 3755) if the State has not imple-
19 mented a relief from disabilities program in accord-
20 ance with this section.

21 “(4) 15 PERCENT REDUCTION.—After the expi-
22 ration of the 1-year period described in paragraph
23 (3), the Attorney General shall withhold 15 percent
24 of the amount that would otherwise be allocated to
25 a State under section 505 of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (42 U.S.C.
2 3755) if the State has not implemented a relief from
3 disabilities program in accordance with this section.

4 “(5) REALLOCATION.—Amounts not allocated
5 under section 505 of the Omnibus Crime Control
6 and Safe Streets Act of 1968 (42 U.S.C. 3755) to
7 a State for failure to implement a relief from disabil-
8 ities program shall be reallocated to States that are
9 in compliance.”.

10 **SEC. 105. ADDITIONAL PROTECTIONS FOR VETERANS.**

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

14 **“§ 5511. Conditions for treatment of certain persons**
15 **as adjudicated mentally incompetent for**
16 **certain purposes**

17 “(a) IN GENERAL.—In any case arising out of the
18 administration by the Secretary of laws and benefits under
19 this title, a person who is determined by the Secretary to
20 be mentally incompetent shall not be considered adju-
21 dicated pursuant to subsection (d)(4) or (g)(4) of section
22 922 of title 18 until—

23 “(1) in the case in which the person does not
24 request a review as described in subsection (c)(1),
25 the end of the 30-day period beginning on the date

1 on which the person receives notice submitted under
2 subsection (b); or

3 “(2) in the case in which the person requests a
4 review as described in paragraph (1) of subsection
5 (c), upon an assessment by the board designated or
6 established under paragraph (2) of such subsection
7 or court of competent jurisdiction that a person can-
8 not safely use, carry, possess, or store a firearm due
9 to mental incompetency.

10 “(b) NOTICE.—Notice submitted under this sub-
11 section to a person described in subsection (a) is notice
12 submitted by the Secretary that notifies the person of the
13 following:

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

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

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

20 “(c) ADMINISTRATIVE REVIEW.—(1) Not later than
21 30 days after the date on which a person described in sub-
22 section (a) receives notice submitted under subsection (b),
23 such person may request a review by the board designed
24 or established under paragraph (2) or a court of com-
25 petent jurisdiction to assess whether a person cannot safe-

1 ly use, carry, possess, or store a firearm due to mental
2 incompetency. In such assessment, the board may consider
3 the person's honorable discharge or decoration.

4 “(2) Not later than 180 days after the date of enact-
5 ment of the Denying Firearms and Explosives to Dan-
6 gerous Terrorists and Public Safety and Second Amend-
7 ment Rights Protection Act of 2016, the Secretary shall
8 designate or establish a board that shall, upon request of
9 a person under paragraph (1), assess whether a person
10 cannot safely use, carry, possess, or store a firearm due
11 to mental incompetency.

12 “(d) JUDICIAL REVIEW.—Not later than 30 days
13 after the date of an assessment of a person under sub-
14 section (c) by the board designated or established under
15 paragraph (2) of such subsection, such person may file
16 a petition for judicial review of such assessment with a
17 Federal court of competent jurisdiction.

18 “(e) PROTECTING RIGHTS OF VETERANS WITH EX-
19 ISTING RECORDS.—Not later than 90 days after the date
20 of enactment of the Denying Firearms and Explosives to
21 Dangerous Terrorists and Public Safety and Second
22 Amendment Rights Protection Act of 2016, the Secretary
23 shall provide written notice of the opportunity for adminis-
24 trative review and appeal under subsection (c) to all per-
25 sons who, on the date of enactment of the Denying Fire-

1 arms and Explosives to Dangerous Terrorists and Public
2 Safety and Second Amendment Rights Protection Act of
3 2016, are considered adjudicated pursuant to subsection
4 (d)(4) or (g)(4) of section 922 of title 18 as a result of
5 having been found by the Department of Veterans Affairs
6 to be mentally incompetent.

7 “(f) FUTURE DETERMINATIONS.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the enactment of the Denying Firearms and
10 Explosives to Dangerous Terrorists and Public Safe-
11 ty and Second Amendment Rights Protection Act of
12 2016, the Secretary shall review the policies and
13 procedures by which individuals are determined to
14 be mentally incompetent, and shall revise such poli-
15 cies and procedures as necessary to ensure that any
16 individual who is competent to manage his own fi-
17 nancial affairs, including his receipt of Federal bene-
18 fits, but who voluntarily turns over the management
19 thereof to a fiduciary is not considered adjudicated
20 pursuant to subsection (d)(4) or (g)(4) of section
21 922 of title 18.

22 “(2) REPORT.—Not later than 30 days after
23 the Secretary has made the review and changes re-
24 quired under paragraph (1), the Secretary shall sub-
25 mit to Congress a report detailing the results of the

1 review and any resulting policy and procedural
2 changes.”.

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

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

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

16 **SEC. 106. CLARIFICATION THAT FEDERAL COURT INFOR-**
17 **MATION IS TO BE MADE AVAILABLE TO THE**
18 **NATIONAL INSTANT CRIMINAL BACKGROUND**
19 **CHECK SYSTEM.**

20 Section 103(e)(1) of Public Law 103–159 (18 U.S.C.
21 922 note) is amended by adding at the end the following:

22 “(F) APPLICATION TO FEDERAL
23 COURTS.—In this subsection—

1 “(i) the terms ‘department or agency
2 of the United States’ and ‘Federal depart-
3 ment or agency’ include a Federal court;
4 and

5 “(ii) for purposes of any request, sub-
6 mission, or notification, the Director of the
7 Administrative Office of the United States
8 Courts shall perform the functions of the
9 head of the department or agency.”.

10 **SEC. 107. CLARIFICATION THAT SUBMISSION OF MENTAL**
11 **HEALTH RECORDS TO THE NATIONAL IN-**
12 **STANT CRIMINAL BACKGROUND CHECK SYS-**
13 **TEM IS NOT PROHIBITED BY THE HEALTH IN-**
14 **SURANCE PORTABILITY AND ACCOUNT-**
15 **ABILITY ACT.**

16 Information collected under section 102(c)(3) of the
17 NICS Improvement Amendments Act of 2007 (18 U.S.C.
18 922 note) to assist the Attorney General in enforcing sec-
19 tion 922(g)(4) of title 18, United States Code, shall not
20 be subject to the regulations promulgated under section
21 264(e) of the Health Insurance Portability and Account-
22 ability Act of 1996 (42 U.S.C. 1320d–2 note).

23 **SEC. 108. PUBLICATION OF NICS INDEX STATISTICS.**

24 Not later than 180 days after the date of enactment
25 of this Act, and biannually thereafter, the Attorney Gen-

1 eral shall make the National Instant Criminal Background
2 Check System index statistics available on a publically ac-
3 cessible Internet website.

4 **SEC. 109. EFFECTIVE DATE.**

5 The amendments made by this title shall take effect
6 180 days after the date of enactment of this Act.

7 **TITLE II—PROVIDING A RESPON-**
8 **SIBLE AND CONSISTENT**
9 **BACKGROUND CHECK PROC-**
10 **ESS**

11 **SEC. 201. PURPOSE.**

12 The purpose of this title is to enhance the current
13 background check process in the United States to ensure
14 criminals and the mentally ill are not able to purchase fire-
15 arms.

16 **SEC. 202. FIREARMS TRANSFERS.**

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

19 (1) by repealing subsection (s);

20 (2) by redesignating subsection (t) as sub-
21 section (s);

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

23 (A) in paragraph (1)(B)—

24 (i) in clause (i), by striking “or”;

1 (ii) in clause (ii), by striking “and” at
2 the end; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(iii) in the case of an instant background
6 check conducted at a gun show or event during the
7 4-year period beginning on the effective date under
8 section 210(a) of the Denying Firearms and Explo-
9 sives to Dangerous Terrorists and Public Safety and
10 Second Amendment Rights Protection Act of 2016,
11 48 hours have elapsed since the licensee contacted
12 the system, and the system has not notified the li-
13 censee that the receipt of a firearm by such other
14 person would violate subsection (g) or (n) of this
15 section; or

16 “(iv) in the case of an instant background
17 check conducted at a gun show or event after the 4-
18 year period described in clause (iii), 24 hours have
19 elapsed since the licensee contacted the system, and
20 the system has not notified the licensee that the re-
21 ceipt of a firearm by such other person would violate
22 subsection (g) or (n) of this section; and”;

23 (B) in paragraph (3)(C)(ii), by striking
24 “(as defined in subsection (s)(8))”; and

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

1 “(7) In this subsection—

2 “(A) the term ‘chief law enforcement offi-
3 cer’ means the chief of police, the sheriff, or an
4 equivalent officer or the designee of any such
5 individual; and

6 “(B) the term ‘gun show or event’ has the
7 meaning given the term in subsection (t)(7).

8 “(8) The Federal Bureau of Investigation shall
9 not charge a user fee for a background check con-
10 ducted pursuant to this subsection.

11 “(9) Notwithstanding any other provision of
12 this chapter, upon receiving a request for an instant
13 background check that originates from a gun show
14 or event, the system shall complete the instant back-
15 ground check before completing any pending instant
16 background check that did not originate from a gun
17 show or event.”; and

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

20 “(t)(1) Beginning on the date that is 180 days after
21 the date of enactment of this subsection and except as pro-
22 vided in paragraph (2), it shall be unlawful for any person
23 other than a licensed dealer, licensed manufacturer, or li-
24 censed importer to complete the transfer of a firearm to

1 any other person who is not licensed under this chapter,
2 if such transfer occurs—

3 “(A) at a gun show or event, on the curtilage
4 thereof; or

5 “(B) pursuant to an advertisement, posting,
6 display or other listing on the Internet or in a publi-
7 cation by the transferor of his intent to transfer, or
8 the transferee of his intent to acquire, the firearm.

9 “(2) Paragraph (1) shall not apply if—

10 “(A) the transfer is made after a licensed im-
11 porter, licensed manufacturer, or licensed dealer has
12 first taken possession of the firearm for the purpose
13 of complying with subsection (s), and upon taking
14 possession of the firearm, the licensee complies with
15 all requirements of this chapter as if the licensee
16 were transferring the firearm from the licensee’s
17 business inventory to the unlicensed transferee, ex-
18 cept that when processing a transfer under this
19 chapter the licensee may accept in lieu of conducting
20 a background check a valid permit issued within the
21 previous 5 years by a State, or a political subdivision
22 of a State, that allows the transferee to possess, ac-
23 quire, or carry a firearm, if the law of the State, or
24 political subdivision of a State, that issued the per-
25 mit requires that such permit is issued only after an

1 authorized government official has verified that the
2 information available to such official does not indi-
3 cate that possession of a firearm by the unlicensed
4 transferee would be in violation of Federal, State, or
5 local law;

6 “(B) the transfer is made between an unli-
7 censed transferor and an unlicensed transferee resid-
8 ing in the same State, which takes place in such
9 State, if—

10 “(i) the Attorney General certifies that
11 State in which the transfer takes place has in
12 effect requirements under law that are generally
13 equivalent to the requirements of this section;
14 and

15 “(ii) the transfer was conducted in compli-
16 ance with the laws of the State;

17 “(C) the transfer is made between spouses, be-
18 tween parents or spouses of parents and their chil-
19 dren or spouses of their children, between siblings or
20 spouses of siblings, or between grandparents or
21 spouses of grandparents and their grandchildren or
22 spouses of their grandchildren, or between aunts or
23 uncles or their spouses and their nieces or nephews
24 or their spouses, or between first cousins, if the
25 transferor does not know or have reasonable cause

1 to believe that the transferee is prohibited from re-
2 ceiving or possessing a firearm under Federal, State,
3 or local law; or

4 “(D) the Attorney General has approved the
5 transfer under section 5812 of the Internal Revenue
6 Code of 1986.

7 “(3) A licensed importer, licensed manufacturer, or
8 licensed dealer who processes a transfer of a firearm au-
9 thorized under paragraph (2)(A) shall not be subject to
10 a license revocation or license denial based solely upon a
11 violation of those paragraphs, or a violation of the rules
12 or regulations promulgated under this paragraph, unless
13 the licensed importer, licensed manufacturer, or licensed
14 dealer—

15 “(A) knows or has reasonable cause to believe
16 that the information provided for purposes of identi-
17 fying the transferor, transferee, or the firearm is
18 false;

19 “(B) knows or has reasonable cause to believe
20 that the transferee is prohibited from purchasing,
21 receiving, or possessing a firearm by Federal or
22 State law, or published ordinance; or

23 “(C) knowingly violates any other provision of
24 this chapter, or the rules or regulations promulgated
25 thereunder.

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

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

7 “(C) Regulations promulgated under this paragraph
8 may not include any provision requiring persons not li-
9 censed under this chapter to keep records of background
10 checks or firearms transfers.

11 “(D) Regulations promulgated under this paragraph
12 may not include any provision placing a cap on the fee
13 licensees may charge to facilitate transfers in accordance
14 with paragraph (2)(A).

15 “(5)(A) A person other than a licensed importer, li-
16 censed manufacturer, or licensed dealer, who makes a
17 transfer of a firearm in accordance with this section, or
18 who is the organizer of a gun show or event at which such
19 transfer occurs, shall be immune from a qualified civil li-
20 ability action relating to the transfer of the firearm as if
21 the person were a seller of a qualified product.

22 “(B) A provider of an interactive computer service
23 shall be immune from a qualified civil liability action relat-
24 ing to the transfer of a firearm as if the provider of an

1 interactive computer service were a seller of a qualified
2 product.

3 “(C) In this paragraph—

4 “(i) the term ‘interactive computer service’ shall
5 have the meaning given the term in section 230(f)
6 of the Communications Act of 1934 (47 U.S.C.
7 230(f)); and

8 “(ii) the terms ‘qualified civil liability action’,
9 ‘qualified product’, and ‘seller’ shall have the mean-
10 ings given the terms in section 4 of the Protection
11 of Lawful Commerce in Arms Act (15 U.S.C. 7903).

12 “(D) Nothing in this paragraph shall be construed
13 to affect the immunity of a provider of an interactive com-
14 puter service under section 230 of the Communications
15 Act of 1934 (47 U.S.C. 230).

16 “(6) In any civil liability action in any State or Fed-
17 eral court arising from the criminal or unlawful use of a
18 firearm following a transfer of such firearm for which no
19 background check was required under this section, this
20 section shall not be construed—

21 “(A) as creating a cause of action for any civil
22 liability; or

23 “(B) as establishing any standard of care.

24 “(7) For purposes of this subsection, the term ‘gun
25 show or event’—

1 “(A) means any event at which 75 or more fire-
2 arms are offered or exhibited for sale, exchange, or
3 transfer, if 1 or more of the firearms has been
4 shipped or transported in, or otherwise affects, inter-
5 state or foreign commerce; and

6 “(B) does not include an offer or exhibit of fire-
7 arms for sale, exchange, or transfer by an individual
8 from the personal collection of that individual, at the
9 private residence of that individual, if the individual
10 is not required to be licensed under section 923.”.

11 (b) PROHIBITING THE SEIZURE OF RECORDS OR
12 DOCUMENTS.—Section 923(g)(1)(D) of such title is
13 amended by striking “The inspection and examination au-
14 thorized by this paragraph shall not be construed as au-
15 thorizing the Attorney General to seize any records or
16 other documents other than those records or documents
17 constituting material evidence of a violation of law.” and
18 inserting “The Attorney General shall be prohibited from
19 seizing any records or other documents in the course of
20 an inspection or examination authorized by this paragraph
21 other than those records or documents constituting mate-
22 rial evidence of a violation of law.”.

23 (c) PROHIBITION OF NATIONAL GUN REGISTRY.—
24 Section 923 of such title is amended by adding at the end
25 the following:

1 “(m) The Attorney General may not consolidate or
2 centralize the records of the—

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

5 “(A) a person with a valid, current license
6 under this chapter; or

7 “(B) an unlicensed transferor under sec-
8 tion 922(t); or

9 “(2) possession or ownership of a firearm,
10 maintained by any medical or health insurance enti-
11 ty.”.

12 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

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 each place it appears and inserting “subsection (s)
24 or (t) of section 922”.

1 **SEC. 203. PENALTIES.**

2 Section 924 of title 18, United States Code, is
3 amended—

4 (1) in subsection (a), by adding at the end the
5 following:

6 “(8) Whoever makes or attempts to make a transfer
7 of a firearm in violation of section 922(t) to a person not
8 licensed under this chapter who is prohibited from receiv-
9 ing a firearm under subsection (g) or (n) of section 922
10 or State law, to a law enforcement officer, or to a person
11 acting at the direction of, or with the approval of, a law
12 enforcement officer authorized to investigate or prosecute
13 violations of section 922(t), shall be fined under this title,
14 imprisoned not more than 5 years, or both.”; and

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

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

20 **SEC. 204. FIREARMS DISPOSITIONS.**

21 Section 922(b)(3) of title 18, United States Code, is
22 amended—

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

26 (2) in subparagraph (A)—

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

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

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

9 **SEC. 205. FIREARM DEALER ACCESS TO LAW ENFORCE-**
10 **MENT INFORMATION.**

11 Section 103(b) of Public Law 103–159 (18 U.S.C.
12 922 note) is amended—

13 (1) by striking “Not later than” and inserting
14 the following:

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

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

17 “(2) VOLUNTARY BACKGROUND CHECKS.—Not
18 later than 90 days after the date of enactment of
19 the Denying Firearms and Explosives to Dangerous
20 Terrorists and Public Safety and Second Amend-
21 ment Rights Protection Act of 2016, the Attorney
22 General shall promulgate regulations allowing licens-
23 ees to use the National Instant Criminal Back-
24 ground Check System established under this section

1 for purposes of conducting voluntary preemployment
2 background checks on prospective employees.”.

3 **SEC. 206. DEALER LOCATION.**

4 Section 923 of title 18, United States Code, is
5 amended—

6 (1) in subsection (j)—

7 (A) in the first sentence, by striking “, and
8 such location is in the State which is specified
9 on the license”; and

10 (B) in the last sentence—

11 (i) by inserting “transfer,” after
12 “sell,”; and

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

15 (2) by adding after subsection (m), as added by
16 section 202(c), the following:

17 “(n) Nothing in this chapter shall be construed to
18 prohibit the sale, transfer, delivery, or other disposition
19 of a firearm or ammunition not otherwise prohibited under
20 this chapter—

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

24 “(2) by a licensed importer, licensed manufac-
25 turer, or licensed dealer to a person not licensed

1 under this chapter, at a temporary location de-
2 scribed in subsection (j) in any State.”.

3 **SEC. 207. RESIDENCE OF UNITED STATES OFFICERS.**

4 Section 921 of title 18, United States Code, is
5 amended by striking subsection (b) and inserting the fol-
6 lowing:

7 “(b) For purposes of this chapter:

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

11 “(A) the State in which the member or
12 spouse maintains legal residence;

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

15 “(C) the State in which the member main-
16 tains a place of abode from which the member
17 commutes each day to the permanent duty sta-
18 tion of the member.

19 “(2) An officer or employee of the United
20 States (other than a member of the Armed Forces)
21 who is stationed outside the United States for a pe-
22 riod of more than 1 year, and a spouse of such an
23 officer or employee, is a resident of the State in
24 which the person maintains legal residence.”.

1 **SEC. 208. INTERSTATE TRANSPORTATION OF FIREARMS OR**
2 **AMMUNITION.**

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

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

7 “(a) DEFINITION.—In this section, the term ‘trans-
8 port’—

9 “(1) includes staying in temporary lodging over-
10 night, stopping for food, fuel, vehicle maintenance,
11 an emergency, medical treatment, and any other ac-
12 tivity incidental to the transport; and

13 “(2) does not include transportation—

14 “(A) with the intent to commit a crime
15 punishable by imprisonment for a term exceed-
16 ing 1 year that involves a firearm; or

17 “(B) with knowledge, or reasonable cause
18 to believe, that a crime described in subpara-
19 graph (A) is to be committed in the course of,
20 or arising from, the transportation.

21 “(b) AUTHORIZATION.—Notwithstanding any provi-
22 sion of any law (including a rule or regulation) of a State
23 or any political subdivision thereof, a person who is not
24 prohibited by this chapter from possessing, transporting,
25 shipping, or receiving a firearm or ammunition shall be
26 entitled to—

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

5 “(A) the firearm is unloaded; and

6 “(B)(i) if the transportation is by motor
7 vehicle—

8 “(I) the firearm is not directly acces-
9 sible from the passenger compartment of
10 the motor vehicle; or

11 “(II) if the motor vehicle is without a
12 compartment separate from the passenger
13 compartment, the firearm is—

14 “(aa) in a locked container other
15 than the glove compartment or con-
16 sole; or

17 “(bb) secured by a secure gun
18 storage or safety device; or

19 “(ii) if the transportation is by other
20 means, the firearm is in a locked container or
21 secured by a secure gun storage or safety de-
22 vice; and

23 “(2) transport ammunition for any lawful pur-
24 pose from any place where the person may lawfully

1 possess, carry, or transport the ammunition, to any
2 other such place if, during the transportation—

3 “(A) the ammunition is not loaded into a
4 firearm; and

5 “(B)(i) if the transportation is by motor
6 vehicle—

7 “(I) the ammunition is not directly
8 accessible from the passenger compartment
9 of the motor vehicle; or

10 “(II) if the motor vehicle is without a
11 compartment separate from the passenger
12 compartment, the ammunition is in a
13 locked container other than the glove com-
14 partment or console; or

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

17 “(c) LIMITATION ON ARREST AUTHORITY.—A person
18 who is transporting a firearm or ammunition may not
19 be—

20 “(1) arrested for violation of any law or any
21 rule or regulation of a State, or any political subdivi-
22 sion thereof, relating to the possession, transpor-
23 tation, or carrying of firearms or ammunition, unless
24 there is probable cause that the transportation is not
25 in accordance with subsection (b); or

1 “(2) detained for violation of any law or any
2 rule or regulation of a State, or any political subdivi-
3 sion thereof, relating to the possession, transpor-
4 tation, or carrying of firearms or ammunition, unless
5 there is reasonable suspicion that the transportation
6 is not in accordance with subsection (b).”.

7 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
8 The table of sections for chapter 44 of such title is amend-
9 ed by striking the item relating to section 926A and in-
10 serting the following:

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

11 **SEC. 209. RULE OF CONSTRUCTION.**

12 Nothing in this title, or an amendment made by this
13 title, shall be construed—

14 (1) to extend background check requirements to
15 transfers other than those made at gun shows or on
16 the curtilage thereof, or pursuant to an advertise-
17 ment, posting, display, or other listing on the Inter-
18 net or in a publication by the transferor of the in-
19 tent of the transferor to transfer, or the transferee
20 of the intent of the transferee to acquire, the fire-
21 arm; or

22 (2) to extend background check requirements to
23 temporary transfers for purposes including lawful
24 hunting or sporting or to temporary possession of a

1 firearm for purposes of examination or evaluation by
2 a prospective transferee.

3 **SEC. 210. EFFECTIVE DATE.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), this title and the amendments made by this title shall
6 take effect 180 days after the date of enactment of this
7 Act.

8 (b) FIREARM DEALER ACCESS TO LAW ENFORCE-
9 MENT INFORMATION.—Section 205 and the amendments
10 made by section 205 shall take effect on the date of enact-
11 ment of this Act.

12 **TITLE III—NATIONAL COMMISS-**
13 **SION ON MASS VIOLENCE**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “National Commission
16 on Mass Violence Act of 2016”.

17 **SEC. 302. NATIONAL COMMISSION ON MASS VIOLENCE.**

18 (a) ESTABLISHMENT OF COMMISSION.—There is es-
19 tablished a commission to be known as the National Com-
20 mission on Mass Violence (in this title referred to as the
21 “Commission”) to study the availability and nature of fire-
22 arms, including the means of acquiring firearms, issues
23 relating to mental health, and all positive and negative im-
24 pacts of the availability and nature of firearms on inci-
25 dents of mass violence or in preventing mass violence.

1 (b) MEMBERSHIP.—

2 (1) APPOINTMENTS.—The Commission shall be
3 composed of 12 members, of whom—

4 (A) 6 members of the Commission shall be
5 appointed by the Majority Leader of the Sen-
6 ate, in consultation with the Minority Leader of
7 the Senate, 1 of whom shall serve as Chairman
8 of the Commission; and

9 (B) 6 members of the Commission shall be
10 appointed by the Speaker of the House of Rep-
11 resentatives, in consultation with the Minority
12 Leader of the House of Representatives, 1 of
13 whom shall serve as Vice Chairman of the Com-
14 mission.

15 (2) PERSONS ELIGIBLE.—

16 (A) IN GENERAL.—The members ap-
17 pointed to the Commission shall include—

18 (i) well-known and respected individ-
19 uals among their peers in their respective
20 fields of expertise; and

21 (ii) not less than 1 non-elected indi-
22 vidual from each of the following cat-
23 egories, who has expertise in the category,
24 by both experience and training:

25 (I) Firearms.

1 (II) Mental health.

2 (III) School safety.

3 (IV) Mass media.

4 (B) EXPERTS.—In identifying the individ-
5 uals to serve on the Commission, the appointing
6 authorities shall take special care to identify ex-
7 perts in the fields described in section
8 303(a)(2).

9 (C) PARTY AFFILIATION.—Not more than
10 6 members of the Commission shall be from the
11 same political party.

12 (3) COMPLETION OF APPOINTMENTS; VACAN-
13 CIES.—Not later than 30 days after the date of en-
14 actment of this Act, the appointing authorities under
15 paragraph (1) shall each make their respective ap-
16 pointments. Any vacancy that occurs during the life
17 of the Commission shall not affect the powers of the
18 Commission, and shall be filled in the same manner
19 as the original appointment not later than 30 days
20 after the vacancy occurs.

21 (4) OPERATION OF THE COMMISSION.—

22 (A) MEETINGS.—

23 (i) IN GENERAL.—The Commission
24 shall meet at the call of the Chairman.

1 (ii) INITIAL MEETING.—The initial
2 meeting of the Commission shall be con-
3 ducted not later than 30 days after the
4 later of—

5 (I) the date of the appointment
6 of the last member of the Commis-
7 sion; or

8 (II) the date on which appro-
9 priated funds are available for the
10 Commission.

11 (B) QUORUM; VACANCIES; VOTING;
12 RULES.—A majority of the members of the
13 Commission shall constitute a quorum to con-
14 duct business, but the Commission may estab-
15 lish a lesser quorum for conducting hearings
16 scheduled by the Commission. Each member of
17 the Commission shall have 1 vote, and the vote
18 of each member shall be accorded the same
19 weight. The Commission may establish by ma-
20 jority vote any other rules for the conduct of
21 the Commission's business, if such rules are not
22 inconsistent with this title or other applicable
23 law.

24 **SEC. 303. DUTIES OF THE COMMISSION.**

25 (a) STUDY.—

1 (1) IN GENERAL.—It shall be the duty of the
2 Commission to conduct a comprehensive factual
3 study of incidents of mass violence, including inci-
4 dents of mass violence not involving firearms, in the
5 context of the many acts of senseless mass violence
6 that occur in the United States each year, in order
7 to determine the root causes of such mass violence.

8 (2) MATTERS TO BE STUDIED.—In determining
9 the root causes of these recurring and tragic acts of
10 mass violence, the Commission shall study any mat-
11 ter that the Commission determines relevant to
12 meeting the requirements of paragraph (1), includ-
13 ing at a minimum—

14 (A) the role of schools, including the level
15 of involvement and awareness of teachers and
16 school administrators in the lives of their stu-
17 dents and the availability of mental health and
18 other resources and strategies to help detect
19 and counter tendencies of students towards
20 mass violence;

21 (B) the effectiveness of and resources
22 available for school security strategies to pre-
23 vent incidents of mass violence;

24 (C) the role of families and the availability
25 of mental health and other resources and strat-

1 egies to help families detect and counter ten-
2 dencies toward mass violence;

3 (D) the effectiveness and use of, and re-
4 sources available to, the mental health system
5 in understanding, detecting, and countering
6 tendencies toward mass violence, as well as the
7 effects of treatments and therapies;

8 (E) whether medical doctors and other
9 mental health professionals have the ability,
10 without negative legal or professional con-
11 sequences, to notify law enforcement officials
12 when a patient is a danger to himself or others;

13 (F) the nature and impact of the alien-
14 ation of the perpetrators of such incidents of
15 mass violence from their schools, families, peer
16 groups, and places of work;

17 (G) the role that domestic violence plays in
18 causing incidents of mass violence;

19 (H) the effect of depictions of mass vio-
20 lence in the media, and any impact of such de-
21 pictions on incidents of mass violence;

22 (I) the availability and nature of firearms,
23 including the means of acquiring such firearms,
24 and all positive and negative impacts of such

1 availability and nature on incidents of mass vio-
2 lence or in preventing mass violence;

3 (J) the role of current prosecution rates in
4 contributing to the availability of weapons that
5 are used in mass violence;

6 (K) the availability of information regard-
7 ing the construction of weapons, including ex-
8 plosive devices, and any impact of such infor-
9 mation on such incidents of mass violence;

10 (L) the views of law enforcement officials,
11 religious leaders, mental health experts, and
12 other relevant officials on the root causes and
13 prevention of mass violence;

14 (M) incidents in which firearms were used
15 to stop mass violence; and

16 (N) any other area that the Commission
17 determines contributes to the causes of mass vi-
18 olence.

19 (3) TESTIMONY OF VICTIMS AND SURVIVORS.—

20 In determining the root causes of these recurring
21 and tragic incidents of mass violence, the Commis-
22 sion shall, in accordance with section 304(a), take
23 the testimony of victims and survivors to learn and
24 memorialize their views and experiences regarding
25 such incidents of mass violence.

1 (b) RECOMMENDATIONS.—Based on the findings of
2 the study required under subsection (a), the Commission
3 shall make recommendations to the President and Con-
4 gress to address the causes of these recurring and tragic
5 incidents of mass violence and to reduce such incidents
6 of mass violence.

7 (c) REPORTS.—

8 (1) INTERIM REPORT.—Not later than 3
9 months after the date on which the Commission first
10 meets, the Commission shall submit to the President
11 and Congress an interim report describing any ini-
12 tial recommendations of the Commission.

13 (2) FINAL REPORT.—Not later than 6 months
14 after the date on which the Commission first meets,
15 the Commission shall submit to the President and
16 Congress a comprehensive report of the findings and
17 conclusions of the Commission, together with the
18 recommendations of the Commission.

19 (3) SUMMARIES.—The report under paragraph
20 (2) shall include a summary of—

21 (A) the reports submitted to the Commis-
22 sion by any entity under contract for research
23 under section 304(e); and

24 (B) any other material relied on by the
25 Commission in the preparation of the report.

1 **SEC. 304. POWERS OF THE COMMISSION.**

2 (a) HEARINGS.—

3 (1) IN GENERAL.—The Commission may hold
4 such hearings, sit and act at such times and places,
5 administer such oaths, take such testimony, and re-
6 ceive such evidence as the Commission considers ad-
7 visable to carry out its duties under section 303.

8 (2) WITNESS EXPENSES.—Witnesses requested
9 to appear before the Commission shall be paid the
10 same fees as are paid to witnesses under section
11 1821 of title 28, United States Code.

12 (b) INFORMATION FROM FEDERAL AGENCIES.—The
13 Commission may secure directly from any Federal agency
14 such information as the Commission considers necessary
15 to carry out its duties under section 143. Upon the request
16 of the Commission, the head of such agency may furnish
17 such information to the Commission.

18 (c) INFORMATION TO BE KEPT CONFIDENTIAL.—

19 (1) IN GENERAL.—The Commission shall be
20 considered an agency of the Federal Government for
21 purposes of section 1905 of title 18, United States
22 Code, and any individual employed by any individual
23 or entity under contract with the Commission under
24 subsection (d) of this section shall be considered an
25 employee of the Commission for the purposes of sec-
26 tion 1905 of title 18, United States Code.

1 (2) DISCLOSURE.—Information obtained by the
2 Commission or the Attorney General under this title
3 and shared with the Commission, other than infor-
4 mation available to the public, shall not be disclosed
5 to any person in any manner, except—

6 (A) to Commission employees or employees
7 of any individual or entity under contract to the
8 Commission under subsection (d) for the pur-
9 pose of receiving, reviewing, or processing such
10 information;

11 (B) upon court order; or

12 (C) when publicly released by the Commis-
13 sion in an aggregate or summary form that
14 does not directly or indirectly disclose—

15 (i) the identity of any person or busi-
16 ness entity; or

17 (ii) any information which could not
18 be released under section 1905 of title 18,
19 United States Code.

20 (d) CONTRACTING FOR RESEARCH.—The Commis-
21 sion may enter into contracts with any entity for research
22 necessary to carry out the duties of the Commission under
23 section 303.

1 **SEC. 305. COMMISSION PERSONNEL MATTERS.**

2 (a) COMPENSATION OF MEMBERS.—Each member of
3 the Commission who is not an officer or employee of the
4 Federal Government shall be compensated at a rate equal
5 to the daily equivalent of the annual rate of basic pay pre-
6 scribed for level IV of the Executive Schedule under sec-
7 tion 5315 of title 5, United States Code, for each day (in-
8 cluding travel time) during which such member is engaged
9 in the performance of the duties of the Commission. All
10 members of the Commission who are officers or employees
11 of the United States shall serve without compensation in
12 addition to that received for their services as officers or
13 employees of the United States.

14 (b) TRAVEL EXPENSES.—The members of the Com-
15 mission shall be allowed travel expenses, including per
16 diem in lieu of subsistence, at rates authorized for employ-
17 ees of agencies under subchapter I of chapter 57 of title
18 5, United States Code, while away from their homes or
19 regular places of business in the performance of service
20 for the Commission.

21 (c) STAFF.—

22 (1) IN GENERAL.—The Chairman of the Com-
23 mission may, without regard to the civil service laws
24 and regulations, appoint and terminate an executive
25 director and such other additional employees as may
26 be necessary to enable the Commission to perform

1 its duties. The employment and termination of an
2 executive director shall be subject to confirmation by
3 a majority of the members of the Commission.

4 (2) COMPENSATION.—The executive director
5 shall be compensated at a rate not to exceed the rate
6 payable for level V of the Executive Schedule under
7 section 5316 of title 5, United States Code. The
8 Chairman may fix the compensation of other em-
9 ployees without regard to the provisions of chapter
10 51 and subchapter III of chapter 53 of title 5,
11 United States Code, relating to classification of posi-
12 tions and General Schedule pay rates, except that
13 the rate of pay for such employees may not exceed
14 the rate payable for level V of the Executive Sched-
15 ule under section 5316 of such title.

16 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
17 Any Federal Government employee, with the ap-
18 proval of the head of the appropriate Federal agen-
19 cy, may be detailed to the Commission without reim-
20 bursement, and such detail shall be without inter-
21 ruption or loss of civil service status, benefits, or
22 privilege.

23 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
24 TENT SERVICES.—The Chairman of the Commission may
25 procure temporary and intermittent services under section

1 3109(b) of title 5, United States Code, at rates for individ-
2 uals not to exceed the daily equivalent of the annual rate
3 of basic pay prescribed for level V of the Executive Sched-
4 ule under section 5316 of such title.

5 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to the Com-
7 mission and any agency of the Federal Government assist-
8 ing the Commission in carrying out its duties under this
9 title such sums as may be necessary to carry out the pur-
10 poses of this title. Any sums appropriated shall remain
11 available, without fiscal year limitation, until expended.

12 **SEC. 307. TERMINATION OF THE COMMISSION.**

13 The Commission shall terminate 30 days after the
14 Commission submits the final report under section
15 303(c)(2).

16 **TITLE IV—DENYING FIREARMS**
17 **AND EXPLOSIVES TO DAN-**
18 **GEROUS TERRORISTS**

19 **SEC. 401. GRANTING THE ATTORNEY GENERAL THE AU-**
20 **THORITY TO DENY THE SALE, DELIVERY, OR**
21 **TRANSFER OF A FIREARM OR THE ISSUANCE**
22 **OF A FIREARMS OR EXPLOSIVES LICENSE OR**
23 **PERMIT TO DANGEROUS TERRORISTS.**

24 (a) STANDARD FOR EXERCISING ATTORNEY GEN-
25 ERAL DISCRETION REGARDING TRANSFERRING FIRE-

1 ARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS
2 TERRORISTS.—Chapter 44 of title 18, United States
3 Code, is amended—

4 (1) by inserting the following new section after
5 section 922:

6 **“§ 922A. Attorney General’s discretion to deny trans-
7 fer of a firearm**

8 “The Attorney General may deny the transfer of a
9 firearm pursuant to section 922(t)(1)(B)(ii) if the Attor-
10 ney General determines that the transferee is known (or
11 appropriately suspected) to be or have been engaged in
12 conduct constituting, in preparation for, in aid of, or re-
13 lated to terrorism, or providing material support thereof,
14 and the Attorney General has a reasonable belief that the
15 prospective transferee may use a firearm in connection
16 with terrorism.”;

17 (2) by inserting the following new section after
18 section 922A:

19 **“§ 922B. Attorney General’s discretion regarding ap-
20 plicants for firearm permits which would
21 qualify for the exemption provided under
22 section 922(t)(3)**

23 “The Attorney General may determine that an appli-
24 cant for a firearm permit which would qualify for an ex-
25 emption under section 922(t)(3) is known (or appro-

1 priately suspected) to be or have been engaged in conduct
2 constituting, in preparation for, in aid of, or related to
3 terrorism, or providing material support thereof, and the
4 Attorney General has a reasonable belief that the appli-
5 cant may use a firearm in connection with terrorism.”;
6 and

7 (3) in section 921(a), by adding at the end the
8 following:

9 “(36) The term ‘terrorism’ means ‘international ter-
10 rorism’ as defined in section 2331(1), and ‘domestic ter-
11 rorism’ as defined in section 2331(5).

12 “(37) The term ‘material support’ means ‘material
13 support or resources’ within the meaning of section 2339A
14 or 2339B.

15 “(38) The term ‘responsible person’ means an indi-
16 vidual who has the power, directly or indirectly, to direct
17 or cause the direction of the management and policies of
18 the applicant or licensee pertaining to firearms.”.

19 (b) EFFECT OF ATTORNEY GENERAL DISCRE-
20 TIONARY DENIAL THROUGH THE NATIONAL INSTANT
21 CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON
22 FIREARMS PERMITS.—Section 922(t) of such title is
23 amended—

24 (1) in paragraph (1)(B)(ii), by inserting “or
25 State law, or that the Attorney General has deter-

1 mined to deny the transfer of a firearm pursuant to
2 section 922A” before the semicolon;

3 (2) in paragraph (2), by inserting after “or
4 State law” the following: “or if the Attorney General
5 has not determined to deny the transfer of a firearm
6 pursuant to section 922A”;

7 (3) in paragraph (3)(A)(i)—

8 (A) by striking “and” at the end of sub-
9 clause (I); and

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

11 “(III) was issued after a check of the system
12 established pursuant to paragraph (1);”;

13 (4) in paragraph (3)(A)—

14 (A) by adding “and” at the end of clause
15 (ii); and

16 (B) by adding after and below the end the
17 following:

18 “(iii) the State issuing the permit
19 agrees to deny the permit application if
20 such other person is the subject of a deter-
21 mination by the Attorney General pursuant
22 to section 922B;”;

23 (5) in paragraph (4), by inserting after “or
24 State law,” the following: “or if the Attorney Gen-

1 eral has not determined to deny the transfer of a
2 firearm pursuant to section 922A,”; and

3 (6) in paragraph (5), by inserting after “or
4 State law,” the following: “or if the Attorney Gen-
5 eral has determined to deny the transfer of a fire-
6 arm pursuant to section 922A,”.

7 (c) UNLAWFUL SALE OR DISPOSITION OF FIREARM
8 BASED ON ATTORNEY GENERAL DISCRETIONARY DE-
9 NIAL.—Section 922(d) of such title is amended—

10 (1) by striking “or” at the end of paragraph
11 (8);

12 (2) by striking the period at the end of para-
13 graph (9) and inserting “; or”; and

14 (3) by inserting after paragraph (9) the fol-
15 lowing:

16 “(10) has been the subject of a determination
17 by the Attorney General pursuant to section 922A,
18 922B, 923(d)(1)(H), or 923(e) of this title.”.

19 (d) ATTORNEY GENERAL DISCRETIONARY DENIAL
20 AS PROHIBITOR.—Section 922(g) of such title is amend-
21 ed—

22 (1) by striking “or” at the end of paragraph
23 (8);

24 (2) by striking the comma at the end of para-
25 graph (9) and inserting; “; or”; and

1 (3) by inserting after paragraph (9) the fol-
2 lowing:

3 “(10) who has received actual notice of the At-
4 torney General’s determination made pursuant to
5 section 922A, 922B, 923(d)(1)(H), or 923(e) of this
6 title.”.

7 (e) ATTORNEY GENERAL DISCRETIONARY DENIAL
8 OF FEDERAL FIREARMS LICENSES.—Section 923(d)(1) of
9 such title is amended—

10 (1) by striking “Any” and inserting “Except as
11 provided in subparagraph (H), any”;

12 (2) in subparagraph (F)(iii), by striking “and”
13 at the end;

14 (3) in subparagraph (G), by striking the period
15 and inserting “; and”; and

16 (4) by adding at the end the following:

17 “(H) The Attorney General may deny a li-
18 cense application if the Attorney General deter-
19 mines that the applicant (including any respon-
20 sible person) is known (or appropriately sus-
21 pected) to be or have been engaged in conduct
22 constituting, in preparation for, in aid of, or re-
23 lated to terrorism, or providing material sup-
24 port thereof, and the Attorney General has a

1 reasonable belief that the applicant may use a
2 firearm in connection with terrorism.”.

3 (f) DISCRETIONARY REVOCATION OF FEDERAL FIRE-
4 ARMS LICENSES.—Section 923(e) of such title is amend-
5 ed—

6 (1) in the 1st sentence—

7 (A) by inserting after “revoke” the fol-
8 lowing: “—(1)”; and

9 (B) by striking the period and inserting a
10 semicolon;

11 (2) in the 2nd sentence—

12 (A) by striking “The Attorney General
13 may, after notice and opportunity for hearing,
14 revoke” and insert “(2)”; and

15 (B) by striking the period and inserting “;
16 or”; and

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

18 “(3) any license issued under this section if the
19 Attorney General determines that the holder of the
20 license (including any responsible person) is known
21 (or appropriately suspected) to be or have been en-
22 gaged in conduct constituting, in preparation for, in
23 aid of, or related to terrorism, or providing material
24 support thereof, and the Attorney General has a rea-

1 sonable belief that the applicant may use a firearm
2 in connection with terrorism.”.

3 (g) ATTORNEY GENERAL’S ABILITY TO WITHHOLD
4 INFORMATION IN FIREARMS LICENSE DENIAL AND REV-
5 OCATION SUIT.—Section 923(f) of such title is amended—

6 (1) in the 1st sentence of paragraph (1), by in-
7 serting “, except that if the denial or revocation is
8 pursuant to subsection (d)(1)(H) or (e)(3), then any
9 information on which the Attorney General relied for
10 this determination may be withheld from the peti-
11 tioner if the Attorney General determines that dis-
12 closure of the information would likely compromise
13 national security” before the period; and

14 (2) in paragraph (3), by inserting after the 3rd
15 sentence the following: “With respect to any infor-
16 mation withheld from the aggrieved party under
17 paragraph (1), the United States may submit, and
18 the court may rely on, summaries or redacted
19 versions of documents containing information the
20 disclosure of which the Attorney General has deter-
21 mined would likely compromise national security.”.

22 (h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD
23 INFORMATION IN RELIEF FROM DISABILITIES LAW-
24 SUITS.—Section 925(c) of such title is amended by insert-
25 ing after the 3rd sentence the following: “If receipt of a

1 firearm by the person would violate section 922(g)(10),
2 any information which the Attorney General relied on for
3 this determination may be withheld from the applicant if
4 the Attorney General determines that disclosure of the in-
5 formation would likely compromise national security. In
6 responding to the petition, the United States may submit,
7 and the court may rely on, summaries or redacted versions
8 of documents containing information the disclosure of
9 which the Attorney General has determined would likely
10 compromise national security.”.

11 (i) PENALTIES.—Section 924(k) of such title is
12 amended—

13 (1) by striking “or” at the end of paragraph

14 (2);

15 (2) in paragraph (3), by striking “, or” and in-
16 sserting “; or”; and

17 (3) by inserting after paragraph (3) the fol-
18 lowing:

19 “(4) constitutes an act of terrorism (as defined
20 in section 921(a)(36)), or material support thereof
21 (as defined in section 921(a)(37)); or”.

22 (j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM
23 OR FIREARM PERMIT EXEMPTION.—Section 925A of such
24 title is amended—

1 (1) in the section heading, by striking “**Rem-**
2 **edy for erroneous denial of firearm**” and
3 inserting “**Remedies**”;

4 (2) by striking “Any person denied a firearm
5 pursuant to subsection (s) or (t) of section 922” and
6 inserting the following:

7 “(a) Except as provided in subsection (b), any person
8 denied a firearm pursuant to section 922(t) or pursuant
9 to a determination made under section 922B,”; and

10 (3) by adding after and below the end the fol-
11 lowing:

12 “(b) In any case in which the Attorney General has
13 denied the transfer of a firearm to a prospective transferee
14 pursuant to section 922A or has made a determination
15 regarding a firearm permit applicant pursuant to section
16 922B, an action challenging the determination may be
17 brought against the United States. The petition must be
18 filed not later than 60 days after the petitioner has re-
19 ceived actual notice of the Attorney General’s determina-
20 tion made pursuant to section 922A or 922B. The court
21 shall sustain the Attorney General’s determination on a
22 showing by the United States by a preponderance of evi-
23 dence that the Attorney General’s determination satisfied
24 the requirements of section 922A or 922B. To make this
25 showing, the United States may submit, and the court

1 may rely on, summaries or redacted versions of documents
2 containing information the disclosure of which the Attor-
3 ney General has determined would likely compromise na-
4 tional security. On request of the petitioner or the court's
5 own motion, the court may review the full, undisclosed
6 documents ex parte and in camera. The court shall deter-
7 mine whether the summaries or redacted versions, as the
8 case may be, are fair and accurate representations of the
9 underlying documents. The court shall not consider the
10 full, undisclosed documents in deciding whether the Attor-
11 ney General's determination satisfies the requirements of
12 section 922A or 922B."

13 (k) PROVISION OF GROUNDS UNDERLYING INELIGI-
14 BILITY DETERMINATION BY THE NATIONAL INSTANT
15 CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103
16 of the Brady Handgun Violence Prevention Act (Public
17 Law 103–159) is amended—

18 (1) in subsection (f)—

19 (A) by inserting after “is ineligible to re-
20 ceive a firearm,” the following: “or the Attorney
21 General has made a determination regarding an
22 applicant for a firearm permit pursuant to sec-
23 tion 922B of title 18, United States Code”; and

24 (B) by inserting after “the system shall
25 provide such reasons to the individual,” the fol-

1 lowing: “except for any information the disclo-
2 sure of which the Attorney General has deter-
3 mined would likely compromise national secu-
4 rity”; and

5 (2) in subsection (g)—

6 (A) in the 1st sentence, by inserting after
7 “subsection (g) or (n) of section 922 of title 18,
8 United States Code or State law” the following:
9 “or if the Attorney General has made a deter-
10 mination pursuant to section 922A or 922B of
11 such title,”;

12 (B) by inserting “, except any information
13 the disclosure of which the Attorney General
14 has determined would likely compromise na-
15 tional security” before the period; and

16 (C) by adding at the end the following:
17 “Any petition for review of information with-
18 held by the Attorney General under this sub-
19 section shall be made in accordance with section
20 925A of title 18, United States Code.”.

21 (I) UNLAWFUL DISTRIBUTION OF EXPLOSIVES
22 BASED ON ATTORNEY GENERAL DISCRETIONARY DE-
23 NIAL.—Section 842(d) of such title is amended—

24 (1) by striking the period at the end of para-
25 graph (9) and inserting “; or”; and

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

2 “(10) has received actual notice of the Attorney
3 General’s determination made pursuant to section
4 843(b)(8) or (d)(2) of this title.”.

5 (m) ATTORNEY GENERAL DISCRETIONARY DENIAL
6 AS PROHIBITOR.—Section 842(i) of such title is amend-
7 ed—

8 (1) by adding “; or” at the end of paragraph
9 (7); and

10 (2) by inserting after paragraph (7) the fol-
11 lowing:

12 “(8) who has received actual notice of the At-
13 torney General’s determination made pursuant to
14 section 843(b)(8) or (d)(2),”.

15 (n) ATTORNEY GENERAL DISCRETIONARY DENIAL
16 OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—
17 Section 843(b) of such title is amended—

18 (1) by striking “Upon” and inserting the fol-
19 lowing: “Except as provided in paragraph (8), on”;
20 and

21 (2) by inserting after paragraph (7) the fol-
22 lowing:

23 “(8) The Attorney General may deny the
24 issuance of a permit or license to an applicant if the
25 Attorney General determines that the applicant or a

1 responsible person or employee possessor thereof is
2 known (or appropriately suspected) to be or have
3 been engaged in conduct constituting, in preparation
4 of, in aid of, or related to terrorism, or providing
5 material support thereof, and the Attorney General
6 has a reasonable belief that the person may use ex-
7 plosives in connection with terrorism.”.

8 (o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of such title is amended—

11 (1) by inserting “(1)” in the first sentence after
12 “if”; and

13 (2) by striking the period at the end of the first
14 sentence and inserting the following: “; or (2) the
15 Attorney General determines that the licensee or
16 holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected)
17 to be or have been engaged in conduct constituting,
18 in preparation for, in aid of, or related to terrorism,
19 or providing material support thereof, and that the
20 Attorney General has a reasonable belief that the
21 person may use explosives in connection with terrorism.”.

24 (p) ATTORNEY GENERAL’S ABILITY TO WITHHOLD
25 INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DE-

1 NIAL AND REVOCATION SUITS.—Section 843(e) of such
2 title is amended—

3 (1) in the 1st sentence of paragraph (1), by in-
4 serting “except that if the denial or revocation is
5 based on a determination under subsection (b)(8) or
6 (d)(2), then any information which the Attorney
7 General relied on for the determination may be with-
8 held from the petitioner if the Attorney General de-
9 termines that disclosure of the information would
10 likely compromise national security” before the pe-
11 riod; and

12 (2) in paragraph (2), by adding at the end the
13 following: “In responding to any petition for review
14 of a denial or revocation based on a determination
15 under section 843(b)(8) or (d)(2), the United States
16 may submit, and the court may rely on, summaries
17 or redacted versions of documents containing infor-
18 mation the disclosure of which the Attorney General
19 has determined would likely compromise national se-
20 curity.”.

21 (q) ABILITY TO WITHHOLD INFORMATION IN COM-
22 MUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of
23 such title is amended—

1 (1) in subparagraph (A), by inserting “or sec-
2 tion 843(b)(1) (on grounds of terrorism) of this
3 title,” after “section 842(i),”; and

4 (2) in subparagraph (B)—

5 (A) by inserting “or section 843(b)(8)”
6 after “section 842(i),”; and

7 (B) in clause (ii), by inserting “, except
8 that any information that the Attorney General
9 relied on for a determination pursuant to sec-
10 tion 843(b)(8) may be withheld if the Attorney
11 General concludes that disclosure of the infor-
12 mation would likely compromise national secu-
13 rity” before the semicolon.

14 (r) CONFORMING AMENDMENT TO IMMIGRATION AND
15 NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Im-
16 migration and Nationality Act (8 U.S.C.
17 1101(a)(43)(E)(ii)) is amended by striking “or (5)” and
18 inserting “(5), or (10)”.

Amend the title so as to read: “A bill to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist, and to protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Crimi-

nal Background Check System, and provide a responsible and consistent background check process.”.

