

Calendar No. 62117TH CONGRESS
1ST SESSION**S. 1775**

To address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, and end straw purchases and trafficking of illegal firearms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2021

Mr. GRASSLEY (for himself, Mr. CRUZ, and Mr. TILLIS) introduced the following bill; which was read the first time

MAY 24, 2021

Read the second time and placed on the calendar

A BILL

To address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, and end straw purchases and trafficking of illegal firearms, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Protecting Communities and Preserving the Second
 4 Amendment Act of 2021”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Reauthorization and improvements to NICS.
- Sec. 4. Availability of records to NICS.
- Sec. 5. Definitions relating to mental health.
- Sec. 6. Conditions for treatment of certain persons as adjudicated mentally in-
 competent for certain purposes.
- Sec. 7. Reports and certifications to Congress.
- Sec. 8. Increasing Federal prosecution of gun violence.
- Sec. 9. Prosecution of felons and fugitives who attempt to illegally purchase
 firearms.
- Sec. 10. Limitation on operations by the Department of Justice.
- Sec. 11. Straw purchasing of firearms.
- Sec. 12. Increased penalties for lying and buying.
- Sec. 13. Amendments to section 924(a).
- Sec. 14. Amendments to section 924(h).
- Sec. 15. Amendments to section 924(k).
- Sec. 16. Multiple sales reports for rifles and shotguns.
- Sec. 17. Study by the National Institutes of Justice and National Academy of
 Sciences on the causes of mass shootings.
- Sec. 18. Reports to Congress regarding ammunition purchases by Federal agen-
 cies.
- Sec. 19. Reduction of Byrne JAG funds for State failure to provide mental
 health records to NICS.
- Sec. 20. Firearm commerce modernization.
- Sec. 21. Firearm dealer access to law enforcement information.
- Sec. 22. Interstate transportation of firearms or ammunition.
- Sec. 23. Preventing duplicative grants.

7 **SEC. 2. DEFINITIONS.**

8 In this Act—

9 (1) the term “agency” has the meaning given
 10 the term in section 551 of title 5, United States
 11 Code;

1 (2) the term “NICS” means the National In-
2 stant Criminal Background Check System; and

3 (3) the term “relevant Federal records” means
4 any record demonstrating that a person is prohibited
5 from possessing or receiving a firearm under sub-
6 section (g) or (n) of section 922 of title 18, United
7 States Code.

8 **SEC. 3. REAUTHORIZATION AND IMPROVEMENTS TO NICS.**

9 (a) IN GENERAL.—Section 103 of the NICS Im-
10 provement Amendments Act of 2007 (34 U.S.C. 40913)
11 is amended—

12 (1) by redesignating subsections (e), (f), and
13 (g) as subsections (f), (g), and (h), respectively;

14 (2) by amending subsection (f), as so redesign-
15 nated, to read as follows:

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$20,000,000 for each of fiscal years 2022 through 2026.”;
19 and

20 (3) by inserting after subsection (d) the fol-
21 lowing:

22 “(e) ACCOUNTABILITY.—All grants awarded by the
23 Attorney General under this section shall be subject to the
24 following accountability provisions:

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

9 “(2) AUDITS.—Beginning in the first fiscal
10 year beginning after the date of enactment of this
11 subsection, and in each fiscal year thereafter, the In-
12 spector General of the Department of Justice shall
13 conduct audits of recipients of grants under this sec-
14 tion to prevent waste, fraud, and abuse of funds by
15 grantees. The Inspector General shall determine the
16 appropriate number of grantees to be audited each
17 year.

18 “(3) PRIORITY.—In awarding grants under this
19 section, the Attorney General shall give priority to
20 eligible applicants that did not have an unresolved
21 audit finding during the 3 fiscal years before sub-
22 mitting an application for a grant under this sec-
23 tion.”.

1 (b) MODIFICATION OF ELIGIBILITY REQUIRE-
2 MENTS.—The NICS Improvement Amendments Act of
3 2007 (34 U.S.C. 40902 et seq.) is amended—

4 (1) in section 102(b)(1) (34 U.S.C.
5 40912(b)(1))—

6 (A) in subparagraph (A), by striking “sub-
7 paragraph (C)” and inserting “subparagraph
8 (B)”;

9 (B) by striking subparagraph (B); and

10 (C) by redesignating subparagraph (C) as
11 subparagraph (B);

12 (2) in section 103(a)(1) (34 U.S.C.
13 40913(a)(1)), by striking “and subject to section
14 102(b)(1)(B)”;

15 (3) in section 104(d) (34 U.S.C. 40914(d)), by
16 striking “section 102(b)(1)(C)” and inserting “sec-
17 tion 102(b)(1)(B)”.

18 **SEC. 4. AVAILABILITY OF RECORDS TO NICS.**

19 (a) GUIDANCE.—Not later than 45 days after the
20 date of enactment of this Act, the Attorney General shall
21 issue guidance regarding—

22 (1) the identification and sharing of relevant
23 Federal records; and

24 (2) submission of the relevant Federal records
25 to NICS.

1 (b) PRIORITIZATION OF RECORDS.—Each agency
2 that possesses relevant Federal records shall prioritize
3 providing the relevant information contained in the rel-
4 evant Federal records to NICS on a regular and ongoing
5 basis in accordance with the guidance issued by the Attor-
6 ney General under subsection (a).

7 (c) REPORTS.—Not later than 60 days after the At-
8 torney General issues guidance under subsection (a), the
9 head of each agency shall submit a report to the Attorney
10 General that—

11 (1) advises whether the agency possesses rel-
12 evant Federal records; and

13 (2) describes the implementation plan of the
14 agency for making the relevant information con-
15 tained in relevant Federal records available to NICS
16 in a manner consistent with applicable law.

17 (d) DETERMINATION OF RELEVANCE.—The Attorney
18 General shall resolve any dispute regarding whether—

19 (1) agency records are relevant Federal records;
20 and

21 (2) the relevant Federal records of an agency
22 should be made available to NICS.

23 **SEC. 5. DEFINITIONS RELATING TO MENTAL HEALTH.**

24 (a) TITLE 18 DEFINITIONS.—Chapter 44 of title 18,
25 United States Code, is amended—

1 (1) in section 921(a), by adding at the end the
2 following:

3 “(36)(A) Subject to subparagraph (B), the term ‘has
4 been adjudicated mentally incompetent or has been com-
5 mitted to a psychiatric hospital’, with respect to a per-
6 son—

7 “(i) means the person is the subject of an order
8 or finding by a judicial officer, court, board, commis-
9 sion, or other adjudicative body—

10 “(I) that was issued after—

11 “(aa) a hearing—

12 “(AA) of which the person re-
13 ceived actual notice; and

14 “(BB) at which the person had
15 an opportunity to participate with
16 counsel; or

17 “(bb) the person knowingly and intel-
18 ligently waived the opportunity for a hear-
19 ing—

20 “(AA) of which the person re-
21 ceived actual notice; and

22 “(BB) at which the person would
23 have had an opportunity to participate
24 with counsel; and

1 “(II) that found that the person, as a re-
2 sult of marked subnormal intelligence, mental
3 impairment, or mental illness—

4 “(aa) was a danger to himself or to
5 others;

6 “(bb) was guilty but mentally ill in a
7 criminal case;

8 “(cc) was not guilty in a criminal case
9 by reason of insanity or mental disease or
10 defect;

11 “(dd) was incompetent to stand trial
12 in a criminal case;

13 “(ee) was not guilty only by reason of
14 lack of mental responsibility under section
15 850a of title 10 (article 50a of the Uni-
16 form Code of Military Justice);

17 “(ff) required involuntary inpatient
18 treatment by a psychiatric hospital;

19 “(gg) required involuntary outpatient
20 treatment by a psychiatric hospital based
21 on a finding that the person is a danger to
22 himself or to others; or

23 “(hh) required involuntary commit-
24 ment to a psychiatric hospital for any rea-
25 son, including drug use; and

1 “(ii) does not include—

2 “(I) a person who is in a psychiatric hos-
3 pital for observation; or

4 “(II) a voluntary admission to a psy-
5 chiatric hospital.

6 “(B) In this paragraph, the term ‘order or finding’
7 does not include—

8 “(i) an order or finding that has expired or has
9 been set aside or expunged;

10 “(ii) an order or finding that is no longer appli-
11 cable because a judicial officer, court, board, com-
12 mission, or other adjudicative body has found that
13 the person who is the subject of the order or find-
14 ing—

15 “(I) does not present a danger to himself
16 or to others;

17 “(II) has been restored to sanity or cured
18 of mental disease or defect;

19 “(III) has been restored to competency; or

20 “(IV) no longer requires involuntary inpa-
21 tient or outpatient treatment by, or involuntary
22 commitment to, a psychiatric hospital; or

23 “(iii) an order or finding with respect to which
24 the person who is subject to the order or finding has
25 been granted relief from disabilities under section

1 925(c) or under a program described in section
2 101(c)(2)(A) or 105 of the NICS Improvement
3 Amendments Act of 2007 (34 U.S.C. 40911,
4 40915).

5 “(37) The term ‘psychiatric hospital’ includes a men-
6 tal health facility, a mental hospital, a sanitarium, a psy-
7 chiatric facility, and any other facility that provides diag-
8 noses by licensed professionals of mental retardation or
9 mental illness, including a psychiatric ward in a general
10 hospital.”; and

11 (2) in section 922—

12 (A) in subsection (d)(4)—

13 (i) by striking “as a mental defective”
14 and inserting “mentally incompetent”; and

15 (ii) by striking “any mental institu-
16 tion” and inserting “a psychiatric hos-
17 pital”; and

18 (B) in subsection (g)(4)—

19 (i) by striking “as a mental defective
20 or who has” and inserting “mentally in-
21 competent or has”; and

22 (ii) by striking “mental institution”
23 and inserting “psychiatric hospital”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 2 The NICS Improvement Amendments Act of 2007 (34
 3 U.S.C. 40902 et seq.) is amended—

4 (1) by striking “as a mental defective” each
 5 place that term appears and inserting “mentally in-
 6 competent”;

7 (2) by striking “mental institution” each place
 8 that term appears and inserting “psychiatric hos-
 9 pital”; and

10 (3) in section 102(c)(3) (34 U.S.C.
 11 40912(c)(3))—

12 (A) in the paragraph heading, by striking
 13 “AS A MENTAL DEFECTIVE OR COMMITTED TO
 14 A MENTAL INSTITUTION” and inserting “MEN-
 15 TALLY INCOMPETENT OR COMMITTED TO A PSY-
 16 CHIATRIC HOSPITAL”; and

17 (B) by striking “mental institutions” and
 18 inserting “psychiatric hospitals”.

19 **SEC. 6. CONDITIONS FOR TREATMENT OF CERTAIN PER-**
 20 **SONS AS ADJUDICATED MENTALLY INCOM-**
 21 **PETENT FOR CERTAIN PURPOSES.**

22 (a) IN GENERAL.—Chapter 55 of title 38, United
 23 States Code, is amended by adding at the end the fol-
 24 lowing:

1 **“§ 5511. Conditions for treatment of certain persons**
2 **as adjudicated mentally incompetent for**
3 **certain purposes**

4 “In any case arising out of the administration by the
5 Secretary of laws and benefits under this title, a person
6 who is mentally incapacitated, deemed mentally incom-
7 petent, or experiencing an extended loss of consciousness
8 shall not be considered adjudicated as a mental defective
9 under subsection (d)(4) or (g)(4) of section 922 of title
10 18 without the order or finding of a judge, magistrate,
11 or other judicial authority of competent jurisdiction that
12 such person is a danger to himself or herself or others.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—
14 The table of sections at the beginning of chapter 55 of
15 title 38, United States Code, is amended by adding at the
16 end the following:

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

17 **SEC. 7. REPORTS AND CERTIFICATIONS TO CONGRESS.**

18 (a) NICS REPORTS.—Not later than October 1,
19 2022, and every year thereafter, the head of each agency
20 that possesses relevant Federal records shall submit a re-
21 port to Congress that includes—

22 (1) a description of the relevant Federal records
23 possessed by the agency that can be shared with
24 NICS in a manner consistent with applicable law;

1 (2) the number of relevant Federal records the
2 agency submitted to NICS during the reporting pe-
3 riod;

4 (3) efforts made to increase the percentage of
5 relevant Federal records possessed by the agency
6 that are submitted to NICS;

7 (4) any obstacles to increasing the percentage
8 of relevant Federal records possessed by the agency
9 that are submitted to NICS;

10 (5) measures put in place to provide notice and
11 programs for relief from disabilities as required
12 under the NICS Improvement Amendments Act of
13 2007 (34 U.S.C. 40902 et seq.) if the agency makes
14 qualifying adjudications relating to the mental
15 health of an individual;

16 (6) measures put in place to correct, modify, or
17 remove records available to NICS when the basis on
18 which the records were made available no longer ap-
19 plies; and

20 (7) additional steps that will be taken during
21 the 1-year period after the submission of the report
22 to improve the processes by which relevant Federal
23 records are—

24 (A) identified;

25 (B) made available to NICS; and

1 (C) corrected, modified, or removed from
2 NICS.

3 (b) CERTIFICATIONS.—

4 (1) IN GENERAL.—The annual report require-
5 ment in subsection (a) shall not apply to an agency
6 that, as part of a report required to be submitted
7 under subsection (a), provides certification that the
8 agency has—

9 (A) made available to NICS relevant Fed-
10 eral records that can be shared in a manner
11 consistent with applicable law;

12 (B) a plan to make any relevant Federal
13 records available to NICS and a description of
14 that plan; and

15 (C) a plan to update, modify, or remove
16 records electronically from NICS not less than
17 quarterly as required by the NICS Improve-
18 ment Amendments Act of 2007 (34 U.S.C.
19 40902 et seq.) and a description of that plan.

20 (2) FREQUENCY.—Each agency that is not re-
21 quired to submit annual reports under paragraph
22 (1) shall submit an annual certification to Congress
23 attesting that the agency continues to submit rel-
24 evant Federal records to NICS and has corrected,
25 modified, or removed records available to NICS

1 when the basis on which the records were made
2 available no longer applies.

3 (c) REPORTS TO CONGRESS ON FIREARMS PROSECU-
4 TIONS.—

5 (1) REPORT TO CONGRESS.—Beginning Feb-
6 ruary 1, 2022, and on February 1 of each year
7 thereafter through 2031, the Attorney General shall
8 submit to the Committees on the Judiciary and the
9 Committees on Appropriations of the Senate and the
10 House of Representatives a report of information
11 gathered under this subsection during the fiscal year
12 that ended on September 30 of the preceding year.

13 (2) SUBJECT OF ANNUAL REPORT.—Not later
14 than 90 days after the date of enactment of this
15 Act, the Attorney General shall require each compo-
16 nent of the Department of Justice, including each
17 United States Attorney's Office, to furnish for the
18 purposes of the report described in paragraph (1),
19 information relating to any case presented to the
20 Department of Justice for review or prosecution, in
21 which the objective facts of the case provide probable
22 cause to believe that there has been a violation of
23 sections 922 and 924, United States Code, and sec-
24 tion 5861 of the Internal Revenue Code of 1986.

1 (3) ELEMENTS OF ANNUAL REPORT.—With re-
2 spect to each case described in paragraph (2), the
3 report submitted under paragraph (1) shall include
4 information indicating—

5 (A) whether in any such case, a decision
6 has been made not to charge an individual with
7 a violation of sections 922 and 924, United
8 States Code, and section 5861 of the Internal
9 Revenue Code of 1986, or any other violation of
10 Federal criminal law;

11 (B) in any case described in subparagraph
12 (A), a description of why no charge was filed
13 under sections 922 and 924, United States
14 Code, and section 5861 of the Internal Revenue
15 Code of 1986;

16 (C) whether in any case described in para-
17 graph (2), an indictment, information, or other
18 charge has been brought against any person, or
19 the matter is pending;

20 (D) whether, in the case of an indictment,
21 information, or other charge described in sub-
22 paragraph (C), the charging document contains
23 a count or counts alleging a violation of sections
24 922 and 924, United States Code, and section
25 5861 of the Internal Revenue Code of 1986;

1 (E) in any case described in subparagraph
2 (D) in which the charging document contains a
3 count or counts alleging a violation of sections
4 922 and 924, United States Code, and section
5 5861 of the Internal Revenue Code of 1986,
6 whether a plea agreement of any kind has been
7 entered into with such charged individual;

8 (F) whether any plea agreement described
9 in subparagraph (E) required that the indi-
10 vidual plead guilty, to enter a plea of nolo
11 contendere, or otherwise caused a court to enter
12 a conviction against that individual for a viola-
13 tion of sections 922 and 924, United States
14 Code, and section 5861 of the Internal Revenue
15 Code of 1986;

16 (G) in any case described in subparagraph
17 (F) in which the plea agreement did not require
18 that the individual plead guilty, enter a plea of
19 nolo contendere, or otherwise cause a court to
20 enter a conviction against that individual for a
21 violation of sections 922 and 924, United
22 States Code, and section 5861 of the Internal
23 Revenue Code of 1986, identification of the
24 charges to which that individual did plead
25 guilty;

1 (H) in the case of an indictment, informa-
2 tion, or other charge described in subparagraph
3 (C), in which the charging document contains a
4 count or counts alleging a violation of sections
5 922 and 924, United States Code, and section
6 5861 of the Internal Revenue Code of 1986, the
7 result of any trial of such charges (guilty, not
8 guilty, mistrial);

9 (I) in the case of an indictment, informa-
10 tion, or other charge described in subparagraph
11 (C), in which the charging document did not
12 contain a count or counts alleging a violation of
13 sections 922 and 924, United States Code, and
14 section 5861 of the Internal Revenue Code of
15 1986, the nature of the other charges brought
16 and the result of any trial of such other charges
17 as have been brought (guilty, not guilty, mis-
18 trial);

19 (J) the number of persons who attempted
20 to purchase a firearm but were denied because
21 of a background check conducted in accordance
22 with section 922(t) of title 18, United States
23 Code; and

1 (K) the number of prosecutions conducted
2 in relation to persons described in subpara-
3 graph (J).

4 **SEC. 8. INCREASING FEDERAL PROSECUTION OF GUN VIO-**
5 **LENCE.**

6 (a) **IN GENERAL.**—Not later than 90 days after the
7 date of enactment of this Act, the Attorney General shall
8 establish in jurisdictions specified in subsection (c) a pro-
9 gram that meets the requirements of subsection (b), to
10 be known as the “Nationwide Project Exile Expansion”.

11 (b) **PROGRAM ELEMENTS.**—Each program estab-
12 lished under subsection (a) shall, for the jurisdiction con-
13 cerned—

14 (1) provide for coordination with State and
15 local law enforcement officials in the identification of
16 violations of Federal firearms laws;

17 (2) provide for the establishment of agreements
18 with State and local law enforcement officials for the
19 referral to the Bureau of Alcohol, Tobacco, Firearms
20 and Explosives and the United States Attorney for
21 prosecution of persons arrested for violations of sec-
22 tion 922 or section 924 of title 18, United States
23 Code, or section 5861 of the Internal Revenue Code
24 of 1986, relating to firearms;

1 (3) provide for the establishment of multijuris-
2 dictional task forces, coordinated by the Executive
3 Office of the United States attorneys to investigate
4 and prosecute illegal straw purchasing rings that
5 purchase firearms in one jurisdiction and transfer
6 them to another;

7 (4) require that the United States attorney des-
8 ignate not less than 1 assistant United States attor-
9 ney to prosecute violations of Federal firearms laws;

10 (5) provide for the hiring of agents for the Bu-
11 reau of Alcohol, Tobacco, Firearms and Explosives
12 to investigate violations of the provisions referred to
13 in paragraph (2), United States Code, relating to
14 firearms; and

15 (6) ensure that each person referred to the
16 United States attorney under paragraph (2) be
17 charged with a violation of the most serious Federal
18 firearm offense consistent with the act committed.

19 (c) COVERED JURISDICTIONS.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 the jurisdictions specified in this subsection are—

22 (A) the 10 jurisdictions with a population
23 equal to or greater than 100,000 persons that
24 had the highest total number of homicides ac-
25 cording to the uniform crime report of the Fed-

1 eral Bureau of Investigation for the most recent
2 year available;

3 (B) the 5 jurisdictions with such a popu-
4 lation, other than the jurisdictions covered by
5 paragraph (1), with the highest per capita rate
6 of homicide according to the uniform crime re-
7 port of the Federal Bureau of Investigation for
8 the most recent year available; and

9 (C) the 3 tribal jurisdictions that have the
10 highest homicide crime rates, as determined by
11 the Attorney General.

12 (2) LIMITATION.—The 15 jurisdictions de-
13 scribed in subparagraphs (A) and (B) shall not in-
14 clude any jurisdiction other than those within the 50
15 States.

16 (d) ANNUAL REPORTS.—Not later than 1 year after
17 the date of enactment of this Act, and annually thereafter,
18 the Attorney General shall submit to the Committee on
19 the Judiciary of the Senate and the Committee on the Ju-
20 diciary of the House of Representatives a report con-
21 taining the following information:

22 (1) The number of individuals indicted for such
23 violations of Federal firearms laws during that year
24 by reason of the program.

1 (2) The increase or decrease in the number of
2 individuals indicted for such violations of Federal
3 firearms laws during that year by reason of the pro-
4 gram when compared with the year preceding that
5 year.

6 (3) The number of individuals held without
7 bond in anticipation of prosecution by reason of the
8 program.

9 (4) To the extent the information is available,
10 the average length of prison sentence of the individ-
11 uals convicted of violations of Federal firearms laws
12 by reason of the program.

13 (5) The number of multijurisdictional task
14 forces established and the number of individuals ar-
15 rested, indicted, convicted or acquitted of charges for
16 violations of the specific crimes listed in subsection
17 (b)(2).

18 (e) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) IN GENERAL.—There are authorized to be
20 appropriated to carry out the program under this
21 section \$15,000,000 for each of fiscal years 2022,
22 2023, and 2024, which shall be used for salaries and
23 expenses of assistant United States attorneys and
24 Bureau of Alcohol, Tobacco, Firearms and Explo-
25 sives agents.

1 (2) USE OF FUNDS.—

2 (A) ASSISTANT UNITED STATES ATTOR-
3 NEYS.—The assistant United States attorneys
4 hired using amounts authorized to be appro-
5 priated under paragraph (1) shall prosecute vio-
6 lations of Federal firearms laws in accordance
7 with subsection (b)(2).

8 (B) ATF AGENTS.—The Bureau of Alco-
9 hol, Tobacco, Firearms and Explosives agents
10 hired using amounts authorized to be appro-
11 priated under paragraph (1) shall, to the max-
12 imum extent practicable, concentrate their in-
13 vestigations on violations of Federal firearms
14 laws in accordance with subsection (b)(2).

15 **SEC. 9. PROSECUTION OF FELONS AND FUGITIVES WHO AT-**
16 **TEMPT TO ILLEGALLY PURCHASE FIREARMS.**

17 (a) TASK FORCE.—

18 (1) ESTABLISHMENT.—There is established a
19 task force within the Department of Justice, which
20 shall be known as the Felon and Fugitive Firearm
21 Task Force (referred to in this section as the “Task
22 Force”), to strengthen the efforts of the Department
23 of Justice to investigate and prosecute cases of con-
24 victed felons and fugitives from justice who illegally
25 attempt to purchase a firearm.

1 (2) MEMBERSHIP.—The members of the Task
2 Force shall be—

3 (A) the Deputy Attorney General, who
4 shall serve as the Chairperson of the Task
5 Force;

6 (B) the Assistant Attorney General for the
7 Criminal Division;

8 (C) the Director of the Bureau of Alcohol,
9 Tobacco, Firearms and Explosives;

10 (D) the Director of the Federal Bureau of
11 Investigation; and

12 (E) such other officers or employees of the
13 Department of Justice as the Attorney General
14 may designate.

15 (3) DUTIES.—The Task Force shall—

16 (A) provide direction for the investigation
17 and prosecution of cases of convicted felons and
18 fugitives from justice attempting to illegally
19 purchase a firearm; and

20 (B) provide recommendations to the Attor-
21 ney General relating to—

22 (i) the allocation and reallocation of
23 resources of the Department of Justice for
24 investigation and prosecution of cases of

1 convicted felons and fugitives from justice
2 attempting to illegally purchase a firearm;

3 (ii) enhancing cooperation among
4 agencies and entities of the Federal Gov-
5 ernment in the investigation and prosecu-
6 tion of cases of convicted felons and fugi-
7 tives from justice attempting to illegally
8 purchase a firearm;

9 (iii) enhancing cooperation among
10 Federal, State, and local authorities re-
11 sponsible for the investigation and prosecu-
12 tion of cases of convicted felons and fugi-
13 tives from justice attempting to illegally
14 purchase a firearm; and

15 (iv) changes in rules, regulations, or
16 policy to improve the effective investigation
17 and prosecution of cases of convicted felons
18 and fugitives from justice attempting to il-
19 legally purchase a firearm.

20 (4) MEETINGS.—The Task Force shall meet
21 not less than once a year.

22 (5) TERMINATION.—The Task Force shall ter-
23minate on the date that is 5 years after the date of
24enactment of this Act.

1 (b) AUTHORIZATION FOR USE OF FUNDS.—Section
2 524(c)(1) of title 28, United States Code, is amended—

3 (1) in subparagraph (H), by striking “and” at
4 the end;

5 (2) in subparagraph (I), by striking the period
6 at the end and inserting “; and”; and

7 (3) by inserting after subparagraph (I) the fol-
8 lowing:

9 “(J) the investigation and prosecution of cases
10 of convicted felons and fugitives from justice who il-
11 legally attempt to purchase a firearm, in accordance
12 with section 9 of the Protecting Communities and
13 Preserving the Second Amendment Act of 2021, pro-
14 vided that—

15 “(i) not more than \$10,000,000 shall be
16 available to the Attorney General for each of
17 fiscal years 2022 through 2026 under this sub-
18 paragraph; and

19 “(ii) not more than 5 percent of the
20 amounts made available under this subpara-
21 graph may be used for the administrative costs
22 of the task force established under section 9 of
23 the Protecting Communities and Preserving the
24 Second Amendment Act of 2021.”.

1 **SEC. 10. LIMITATION ON OPERATIONS BY THE DEPART-**
2 **MENT OF JUSTICE.**

3 The Department of Justice, and any of the law en-
4 forcement coordinate agencies of the Department of Jus-
5 tice, shall not conduct any operation where a Federal fire-
6 arms licensee is directed, instructed, enticed, or otherwise
7 encouraged by the Department of Justice to sell a firearm
8 to an individual if the Department of Justice, or a coordi-
9 nate agency, knows or has reasonable cause to believe that
10 such an individual is purchasing on behalf of another for
11 an illegal purpose unless the Attorney General, the Deputy
12 Attorney General, or the Assistant Attorney General for
13 the Criminal Division personally reviews and approves the
14 operation, in writing, and determines that the agency has
15 prepared an operational plan that includes sufficient safe-
16 guards to prevent firearms from being transferred to third
17 parties without law enforcement taking reasonable steps
18 to lawfully interdict those firearms.

19 **SEC. 11. STRAW PURCHASING OF FIREARMS.**

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

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

24 “(a) DEFINITIONS.—For purposes of this section—

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

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

3 “(3) the term ‘Federal crime of terrorism’ has
4 the meaning given that term in section 2332b(g).

5 “(b) OFFENSE.—It shall be unlawful for any person
6 to—

7 “(1) purchase or otherwise obtain a firearm,
8 which has been shipped, transported, or received in
9 interstate or foreign commerce, for or on behalf of
10 any other person who the person purchasing or oth-
11 erwise obtaining the firearm knows—

12 “(A) is prohibited from possessing or re-
13 ceiving a firearm under subsection (g) or (n) of
14 section 922;

15 “(B) intends to use, carry, possess, or sell
16 or otherwise dispose of the firearm in further-
17 ance of a crime of violence, a drug trafficking
18 crime, or a Federal crime of terrorism;

19 “(C) intends to engage in conduct that
20 would constitute a crime of violence, a drug
21 trafficking crime, or a Federal crime of ter-
22 rorism if the conduct had occurred within the
23 United States; or

1 “(D) is not a resident of any State and is
2 not a citizen or lawful permanent resident of
3 the United States; or

4 “(2) willfully procure another to engage in con-
5 duct described in paragraph (1).

6 “(c) PENALTY.—Any person who violates subsection
7 (b) shall be fined under this title, imprisoned not more
8 than 15 years, or both.

9 **“§ 933. Trafficking in firearms**

10 “(a) DEFINITIONS.—For purposes of this section—

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

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

15 “(3) the term ‘Federal crime of terrorism’ has
16 the meaning given that term in section 2332b(g).

17 “(b) OFFENSE.—It shall be unlawful for any person
18 to—

19 “(1) ship, transport, transfer, or otherwise dis-
20 pose of two or more firearms to another person in
21 or otherwise affecting interstate or foreign com-
22 merce, if the transferor knows that the use, car-
23 rying, or possession of a firearm by the transferee
24 would violate subsection (g) or (n) of section 922, or

1 constitute a crime of violence, a drug trafficking
2 crime, or a Federal crime of terrorism;

3 “(2) receive from another person two or more
4 firearms in or otherwise affecting interstate or for-
5 eign commerce, if the recipient—

6 “(A) knows that such receipt would violate
7 subsection (g) or (n) of section 922; or

8 “(B) intends to use the firearm in further-
9 ance of a crime of violence, a drug trafficking
10 crime, or a Federal crime of terrorism; or

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

13 “(c) PENALTIES.—

14 “(1) IN GENERAL.—Any person who violates
15 subsection (b) shall be fined under this title, impris-
16 oned not more than 15 years, or both.

17 “(2) ORGANIZER.—If a violation of subsection
18 (b) is committed by a person acting in concert with
19 other persons as an organizer, leader, supervisor, or
20 manager, the person shall be fined under this title,
21 imprisoned not more than 20 years, or both.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of sections for chapter 44 of title 18, United
24 States Code, is amended by inserting after the item relat-
25 ing to section 931 the following:

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.”.

1 (c) DIRECTIVE TO THE SENTENCING COMMISSION.—
2 Pursuant to its authority under section 994 of title 28,
3 United States Code, and in accordance with this section,
4 the United States Sentencing Commission shall review and
5 amend its guidelines and policy statements to ensure that
6 persons convicted of an offense under section 932 or 933
7 of title 18, United States Code, and other offenses applica-
8 ble to the straw purchases and firearms trafficking of fire-
9 arms are subject to increased penalties in comparison to
10 those currently provided by the guidelines and policy state-
11 ments for such straw purchasing and firearms trafficking
12 offenses. In its review, the Commission shall consider, in
13 particular, an appropriate amendment to reflect the intent
14 of Congress that straw purchasers without significant
15 criminal histories receive sentences that are sufficient to
16 deter participation in such activities. The Commission
17 shall also review and amend its guidelines and policy state-
18 ments to reflect the intent of Congress that a person con-
19 victed of an offense under section 932 or 933 of title 18,
20 United States Code, who is affiliated with a gang, cartel,
21 organized crime ring, or other such enterprise should be
22 subject to higher penalties than an otherwise unaffiliated
23 individual.

1 **SEC. 12. INCREASED PENALTIES FOR LYING AND BUYING.**

2 Section 924(a)(1) of title 18, United States Code, is
3 amended in the undesignated matter following subpara-
4 graph (D) by striking “five years” and inserting the fol-
5 lowing: “5 years (or, in the case of a violation under sub-
6 paragraph (A), not more than 10 years)”.

7 **SEC. 13. AMENDMENTS TO SECTION 924(a).**

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

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

11 and

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

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

16 **SEC. 14. AMENDMENTS TO SECTION 924(h).**

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

20 “(h) Whoever knowingly receives or transfers a fire-
21 arm or ammunition, or attempts or conspires to do so,
22 knowing that such firearm or ammunition will be used to
23 commit a crime of violence (as defined in subsection
24 (c)(3)), a drug trafficking crime (as defined in subsection
25 (c)(2)), a Federal crime of terrorism (as defined in section
26 2332b(g)), or a crime under the Arms Export Control Act

1 (22 U.S.C. 2751 et seq.), the International Emergency
2 Economic Powers Act (50 U.S.C. 1701 et seq.), or the
3 Foreign Narcotics Kingpin Designation Act (21 U.S.C.
4 1901 et seq.), shall be imprisoned not more than 15 years,
5 fined in accordance with this title, or both.”.

6 **SEC. 15. AMENDMENTS TO SECTION 924(k).**

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

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

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

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

19 “(C) constitutes a crime of violence (as defined
20 in subsection (c)(3)); or

21 “(D) constitutes a Federal crime of terrorism
22 (as defined in section 2332b(g)),

23 smuggles or knowingly brings into the United States, a
24 firearm or ammunition, or attempts or conspires to do so,

1 shall be imprisoned not more than 15 years, fined under
2 this title, or both.

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

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

10 “(B) would constitute a crime of violence (as
11 defined in subsection (c)(3)) or a Federal crime of
12 terrorism (as defined in section 2332b(g)) for which
13 the person may be prosecuted in a court of the
14 United States, if the conduct had occurred within
15 the United States,

16 smuggles or knowingly takes out of the United States, a
17 firearm or ammunition, or attempts or conspires to do so,
18 shall be imprisoned not more than 15 years, fined under
19 this title, or both.”.

20 **SEC. 16. MULTIPLE SALES REPORTS FOR RIFLES AND**
21 **SHOTGUNS.**

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

24 “(C) The Attorney General may not require a licensee
25 to submit ongoing or periodic reporting of the sale or other

1 disposition of 2 or more rifles or shotguns during a speci-
2 fied period of time.”.

3 **SEC. 17. STUDY BY THE NATIONAL INSTITUTES OF JUSTICE**
4 **AND NATIONAL ACADEMY OF SCIENCES ON**
5 **THE CAUSES OF MASS SHOOTINGS.**

6 (a) IN GENERAL.—

7 (1) STUDY.—Not later than 90 days after the
8 date of enactment of this Act, the Attorney General
9 shall instruct the Director of the National Institutes
10 of Justice, to conduct a peer-reviewed study to ex-
11 amine various sources and causes of mass shootings
12 including psychological factors, the impact of violent
13 video games, and other factors. The Director shall
14 enter into a contract with the National Academy of
15 Sciences to conduct this study jointly with an inde-
16 pendent panel of 5 experts appointed by the Acad-
17 emy.

18 (2) REPORT.—Not later than 1 year after the
19 date on which the study required under paragraph
20 (1) begins, the Directors shall submit to Congress a
21 report detailing the findings of the study.

22 (b) ISSUES EXAMINED.—The study conducted under
23 subsection (a)(1) shall examine—

24 (1) mental illness;

1 (2) the availability of mental health and other
2 resources and strategies to help families detect and
3 counter tendencies toward violence;

4 (3) the availability of mental health and other
5 resources at schools to help detect and counter ten-
6 dencies of students towards violence;

7 (4) the extent to which perpetrators of mass
8 shootings, either alleged, convicted, deceased, or oth-
9 erwise, played violent or adult-themed video games
10 and whether the perpetrators of mass shootings dis-
11 cussed, planned, or used violent or adult-themed
12 video games in preparation of or to assist in car-
13 rying out their violent actions;

14 (5) familial relationships, including the level of
15 involvement and awareness of parents;

16 (6) exposure to bullying; and

17 (7) the extent to which perpetrators of mass
18 shootings were acting in a “copycat” manner based
19 upon previous violent events.

20 **SEC. 18. REPORTS TO CONGRESS REGARDING AMMUNITION**
21 **PURCHASES BY FEDERAL AGENCIES.**

22 Not later than 1 year after the date of enactment
23 of this Act, the Director of the Office of Management and
24 Budget, shall report to the Speaker of the House of Rep-
25 resentatives, the President pro tempore of the Senate, and

1 the Chairmen and Ranking Members of the House and
2 Senate Committees on Appropriations and the Committees
3 on the Judiciary, the House Committee on Homeland Se-
4 curity, the Senate Committee on Homeland Security and
5 Governmental Affairs, and the House Committee on Over-
6 sight and Reform, a report including—

7 (1) details of all purchases of ammunition by
8 each Federal agency;

9 (2) a summary of all purchases, solicitations,
10 and expenditures on ammunition by each Federal
11 agency;

12 (3) a summary of all the rounds of ammunition
13 expended by each Federal agency and a current list-
14 ing of stockpiled ammunition for each Federal agen-
15 cy; and

16 (4) an estimate of future ammunition needs
17 and purchases for each Federal agency for the next
18 fiscal year.

19 **SEC. 19. REDUCTION OF BYRNE JAG FUNDS FOR STATE**
20 **FAILURE TO PROVIDE MENTAL HEALTH**
21 **RECORDS TO NICS.**

22 Section 104(b) of the NICS Improvement Amend-
23 ments Act of 2007 (34 U.S.C. 40914(b)) is amended—

24 (1) by striking paragraphs (1) and (2);

1 (2) by redesignating paragraph (3) as para-
2 graph (2);

3 (3) in paragraph (2), as so redesignated, by
4 striking “of paragraph (2)” and inserting “of para-
5 graph (1)””; and

6 (4) by inserting before paragraph (2), as so re-
7 designated, the following:

8 “(1) REDUCTION FOR FAILURE TO PROVIDE
9 MENTAL HEALTH RECORDS.—

10 “(A) IN GENERAL.—During the period be-
11 ginning on the date that is 18 months after the
12 date of enactment of the Protecting Commu-
13 nities and Preserving the Second Amendment
14 Act of 2021 and ending on the day before the
15 date described in subparagraph (B), the Attor-
16 ney General shall withhold 5 percent of the
17 amount that would otherwise be allocated to a
18 State under section 505 of title I of the Omni-
19 bus Crime Control and Safe Streets Act of
20 1968 (34 U.S.C. 10156) if the State does not—

21 “(i) provide not less than 90 percent
22 of the records required to be provided
23 under sections 102 and 103; or

24 “(ii) have in effect a statute that—

1 “(I) requires the State to provide
2 the records required to be provided
3 under sections 102 and 103; and

4 “(II) implements a relief from
5 disabilities program in accordance
6 with section 105.

7 “(B) FINAL IMPLEMENTATION DEAD-
8 LINE.—Beginning on the date that is 5 years
9 after the date of enactment of the Protecting
10 Communities and Preserving the Second
11 Amendment Act of 2021, the Attorney General
12 shall withhold 10 percent of the amount that
13 would otherwise be allocated to a State under
14 section 505 of title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968 (34
16 U.S.C. 10156) if the State does not have in ef-
17 fect a statute described in subparagraph (A)(ii)
18 of this paragraph.”.

19 **SEC. 20. FIREARM COMMERCE MODERNIZATION.**

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

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

25 (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 (b) DEALER LOCATION.—Section 923 of title 18,
10 United States Code, is amended—

11 (1) in subsection (j)—

12 (A) in the first sentence, by striking “, and
13 such location is in the State which is specified
14 on the license”; and

15 (B) in the last sentence—

16 (i) by inserting “transfer,” after
17 “sell,”; and

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

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

21 “(m) Nothing in this chapter shall be construed to
22 prohibit the sale, transfer, delivery, or other disposition
23 of a firearm or ammunition—

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

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

8 (c) RESIDENCE OF UNITED STATES OFFICERS.—
9 Section 921 of title 18, United States Code, is amended
10 by striking subsection (b) and inserting the following:

11 “(b) For purposes of this chapter:

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

15 “(A) the State in which the member or
16 spouse maintains legal residence;

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

19 “(C) the State in which the member main-
20 tains a place of abode from which the member
21 commutes each day to the permanent duty sta-
22 tion of the member.

23 “(2) An officer or employee of the United
24 States (other than a member of the Armed Forces)
25 who is stationed outside the United States for a pe-

1 riod of more than 1 year, and a spouse of such an
2 officer or employee, is a resident of the State in
3 which the person maintains legal residence.”.

4 **SEC. 21. FIREARM DEALER ACCESS TO LAW ENFORCEMENT**
5 **INFORMATION.**

6 (a) IN GENERAL.—Section 103(b) of the Brady
7 Handgun Violence Prevention Act (34 U.S.C. 40901), is
8 amended—

9 (1) by striking “Not later than” and inserting
10 the following:

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

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

13 “(2) VOLUNTARY BACKGROUND CHECKS.—

14 “(A) IN GENERAL.—Not later than 90
15 days after the date of enactment of the Pro-
16 tecting Communities and Preserving the Second
17 Amendment Act of 2021, the Attorney General
18 shall promulgate regulations allowing licensees
19 to use the national instant criminal background
20 check system established under this section for
21 purposes of conducting voluntary, no fee em-
22 ployment background checks on current or pro-
23 spective employees.

24 “(B) NOTICE.—Before conducting an em-
25 ployment background check relating to an indi-

1 vidual under subparagraph (A), a licensee
2 shall—

3 “(i) provide written notice to the indi-
4 vidual that the licensee intends to conduct
5 the background check; and

6 “(ii) obtain consent to conduct the
7 background check from the individual in
8 writing.

9 “(C) EXEMPTION.—An employment back-
10 ground check conducted by a licensee under
11 subparagraph (A) shall not be governed by the
12 Fair Credit Reporting Act (15 U.S.C. 1681 et
13 seq.).

14 “(D) APPEAL.—Any individual who is the
15 subject of an employment background check
16 conducted by a licensee under subparagraph
17 (A) the result of which indicates that the indi-
18 vidual is prohibited from possessing a firearm
19 or ammunition pursuant to subsection (g) or
20 (n) of section 922 of title 18, United States
21 Code, may appeal the results of the background
22 check in the same manner and to the same ex-
23 tent as if the individual had been the subject of
24 a background check relating to the transfer of
25 a firearm.”.

1 (b) ACQUISITION, PRESERVATION, AND EXCHANGE
2 OF IDENTIFICATION RECORDS AND INFORMATION.—Sec-
3 tion 534 of title 28, United States Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (3), by striking “and” at
6 the end;

7 (B) in paragraph (4), by striking the pe-
8 riod at the end and inserting “; and”; and

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

11 “(5) provide a person licensed as an importer,
12 manufacturer, or dealer of firearms under chapter
13 44 of title 18 with information necessary to verify
14 whether firearms offered for sale to such licensees
15 have been stolen.”; and

16 (2) in subsection (b), by inserting “, except for
17 dissemination authorized under subsection (a)(5) of
18 this section” before the period.

19 (c) REGULATIONS.—Not later than 90 days after the
20 date of enactment of this Act, and without regard to chap-
21 ter 5 of title 5, United States Code, the Attorney General
22 shall promulgate regulations allowing a person licensed as
23 an importer, manufacturer, or dealer of firearms under
24 chapter 44 of title 18, United States Code, to receive ac-
25 cess to records of stolen firearms maintained by the Na-

1 tional Crime Information Center operated by the Federal
2 Bureau of Investigation, solely for the purpose of volun-
3 tarily verifying whether firearms offered for sale to such
4 licensees have been stolen.

5 (d) STATUTORY CONSTRUCTION; EVIDENCE.—

6 (1) STATUTORY CONSTRUCTION.—Nothing in
7 this section or the amendments made by this section
8 shall be construed—

9 (A) to create a cause of action against any
10 person licensed as an importer, manufacturer,
11 or dealer of firearms under chapter 44 of title
12 18, United States Code, or any other person for
13 any civil liability; or

14 (B) to establish any standard of care.

15 (2) EVIDENCE.—Notwithstanding any other
16 provision of law, evidence regarding the use or non-
17 use by a person licensed as an importer, manufac-
18 turer, or dealer of firearms under chapter 44 of title
19 18, United States Code, of the systems, information,
20 or records made available under this section or the
21 amendments made by this section shall not be ad-
22 missible as evidence in any proceeding of any court,
23 agency, board, or other entity.

1 **SEC. 22. 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’ includes staying in temporary lodging overnight,
9 stopping for food, fuel, vehicle maintenance, an emer-
10 gency, medical treatment, and any other activity incidental
11 to the transport.

12 “(b) AUTHORIZATION.—Notwithstanding any provi-
13 sion of any law (including a rule or regulation) of a State
14 or any political subdivision thereof, a person who is not
15 prohibited by this chapter from possessing, transporting,
16 shipping, or receiving a firearm or ammunition shall be
17 entitled to—

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

22 “(A) the firearm is unloaded; and

23 “(B)(i) if the transportation is by motor
24 vehicle—

1 “(I) the firearm is not directly acces-
2 sible from the passenger compartment of
3 the motor vehicle; or

4 “(II) if the motor vehicle is without a
5 compartment separate from the passenger
6 compartment, the firearm is—

7 “(aa) in a locked container other
8 than the glove compartment or con-
9 sole; or

10 “(bb) secured by a secure gun
11 storage or safety device; or

12 “(ii) if the transportation is by other
13 means, the firearm is in a locked container or
14 secured by a secure gun storage or safety de-
15 vice; and

16 “(2) transport ammunition for any lawful pur-
17 pose from any place where the person may lawfully
18 possess, carry, or transport the ammunition, to any
19 other such place if, during the transportation—

20 “(A) the ammunition is not loaded into a
21 firearm; and

22 “(B)(i) if the transportation is by motor
23 vehicle—

1 “(I) the ammunition is not directly
2 accessible from the passenger compartment
3 of the motor vehicle; or

4 “(II) if the motor vehicle is without a
5 compartment separate from the passenger
6 compartment, the ammunition is in a
7 locked container other than the glove com-
8 partment or console; or

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

11 “(c) STATE LAW.—

12 “(1) ARREST AUTHORITY.—A person who is
13 transporting a firearm or ammunition may not be—

14 “(A) arrested for violation of any law or
15 any rule or regulation of a State, or any polit-
16 ical subdivision thereof, relating to the posses-
17 sion, transportation, or carrying of firearms or
18 ammunition, unless there is probable cause to
19 believe that the transportation is not in accord-
20 ance with subsection (b); or

21 “(B) detained for violation of any law or
22 any rule or regulation of a State, or any polit-
23 ical subdivision thereof, relating to the posses-
24 sion, transportation, or carrying of firearms or
25 ammunition, unless there is reasonable sus-

1 picion that the transportation is not in accord-
2 ance with subsection (b).

3 “(2) PROSECUTION.—

4 “(A) BURDEN OF PROOF.—If a person as-
5 serts this section as a defense in a criminal pro-
6 ceeding, the government shall bear the burden
7 of proving, beyond a reasonable doubt, that the
8 conduct of the person was not in accordance
9 with subsection (b).

10 “(B) PREVAILING DEFENDANT.—If a per-
11 son successfully asserts this section as a defense
12 in a criminal proceeding, the court shall award
13 the prevailing defendant reasonable attorney’s
14 fees.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—
16 The table of sections for chapter 44 of title 18, United
17 States Code, is amended by striking the item relating to
18 section 926A and inserting the following:

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

19 **SEC. 23. PREVENTING DUPLICATIVE GRANTS.**

20 Section 1701 of title I of the Omnibus Crime Control
21 and Safe Streets Act of 1968 (34 U.S.C. 10381) is amend-
22 ed by adding at the end the following:

23 “(n) PREVENTING DUPLICATIVE GRANTS.—

24 “(1) IN GENERAL.—Before the Attorney Gen-
25 eral awards a grant to an applicant under this part,

1 the Attorney General shall compare potential grant
2 awards with grants awarded under part A or T to
3 determine if duplicate grant awards are awarded for
4 the same purpose.

5 “(2) REPORT.—If the Attorney General awards
6 duplicate grants to the same applicant for the same
7 purpose the Attorney General shall submit to the
8 Committee on the Judiciary of the Senate and the
9 Committee on the Judiciary of the House of Rep-
10 resentatives a report that includes—

11 “(A) a list of all duplicate grants awarded,
12 including the total dollar amount of any dupli-
13 cate grants awarded; and

14 “(B) the reason the Attorney General
15 awarded the duplicate grants.”.

Calendar No. 62

117TH CONGRESS
1ST Session
S. 1775

A BILL

To address gun violence, improve the availability of records to the National Instant Criminal Background Check System, address mental illness in the criminal justice system, and end straw purchases and trafficking of illegal firearms, and for other purposes.

MAY 24, 2021

Read the second time and placed on the calendar