

117TH CONGRESS
1ST SESSION

S. _____

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

Mr. GRASSLEY (for himself, Mr. CRUZ, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on

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,*

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

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

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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 incompetent 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 agencies.
- 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.

3 **SEC. 2. DEFINITIONS.**

4 In this Act—

- 5 (1) the term “agency” has the meaning given
6 the term in section 551 of title 5, United States
7 Code;
- 8 (2) the term “NICS” means the National In-
9 stant Criminal Background Check System; and
- 10 (3) the term “relevant Federal records” means
11 any record demonstrating that a person is prohibited
12 from possessing or receiving a firearm under sub-

1 section (g) or (n) of section 922 of title 18, United
2 States Code.

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

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

7 (1) by redesignating subsections (e), (f), and
8 (g) as subsections (f), (g), and (h), respectively;

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

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 \$20,000,000 for each of fiscal years 2022 through 2026.”;
14 and

15 (3) by inserting after subsection (d) the fol-
16 lowing:

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

20 “(1) DEFINITION.—In this subsection, the term
21 ‘unresolved audit finding’ means a finding in the
22 final audit report of the Inspector General of the
23 Department of Justice that the audited grantee has
24 utilized grant funds for an unauthorized expenditure
25 or otherwise unallowable cost that is not closed or

1 resolved within 12 months from the date when the
2 final audit report is issued.

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

12 “(3) PRIORITY.—In awarding grants under this
13 section, the Attorney General shall give priority to
14 eligible applicants that did not have an unresolved
15 audit finding during the 3 fiscal years before sub-
16 mitting an application for a grant under this sec-
17 tion.”.

18 (b) MODIFICATION OF ELIGIBILITY REQUIRE-
19 MENTS.—The NICS Improvement Amendments Act of
20 2007 (34 U.S.C. 40902 et seq.) is amended—

21 (1) in section 102(b)(1) (34 U.S.C.
22 40912(b)(1))—

23 (A) in subparagraph (A), by striking “sub-
24 paragraph (C)” and inserting “subparagraph
25 (B)”;

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

2 (C) by redesignating subparagraph (C) as
3 subparagraph (B);

4 (2) in section 103(a)(1) (34 U.S.C.
5 40913(a)(1)), by striking “and subject to section
6 102(b)(1)(B)”;

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

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

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

14 (1) the identification and sharing of relevant
15 Federal records; and

16 (2) submission of the relevant Federal records
17 to NICS.

18 (b) PRIORITIZATION OF RECORDS.—Each agency
19 that possesses relevant Federal records shall prioritize
20 providing the relevant information contained in the rel-
21 evant Federal records to NICS on a regular and ongoing
22 basis in accordance with the guidance issued by the Attor-
23 ney General under subsection (a).

24 (c) REPORTS.—Not later than 60 days after the At-
25 torney General issues guidance under subsection (a), the

1 head of each agency shall submit a report to the Attorney
2 General that—

3 (1) advises whether the agency possesses rel-
4 evant Federal records; and

5 (2) describes the implementation plan of the
6 agency for making the relevant information con-
7 tained in relevant Federal records available to NICS
8 in a manner consistent with applicable law.

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

11 (1) agency records are relevant Federal records;
12 and

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

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

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

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

20 “(36)(A) Subject to subparagraph (B), the term ‘has
21 been adjudicated mentally incompetent or has been com-
22 mitted to a psychiatric hospital’, with respect to a per-
23 son—

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

4 “(I) that was issued after—

5 “(aa) a hearing—

6 “(AA) of which the person re-
7 ceived actual notice; and

8 “(BB) at which the person had
9 an opportunity to participate with
10 counsel; or

11 “(bb) the person knowingly and intel-
12 ligently waived the opportunity for a hear-
13 ing—

14 “(AA) of which the person re-
15 ceived actual notice; and

16 “(BB) at which the person would
17 have had an opportunity to participate
18 with counsel; and

19 “(II) that found that the person, as a re-
20 sult of marked subnormal intelligence, mental
21 impairment, or mental illness—

22 “(aa) was a danger to himself or to
23 others;

24 “(bb) was guilty but mentally ill in a
25 criminal case;

1 “(cc) was not guilty in a criminal case
2 by reason of insanity or mental disease or
3 defect;

4 “(dd) was incompetent to stand trial
5 in a criminal case;

6 “(ee) was not guilty only by reason of
7 lack of mental responsibility under section
8 850a of title 10 (article 50a of the Uni-
9 form Code of Military Justice);

10 “(ff) required involuntary inpatient
11 treatment by a psychiatric hospital;

12 “(gg) required involuntary outpatient
13 treatment by a psychiatric hospital based
14 on a finding that the person is a danger to
15 himself or to others; or

16 “(hh) required involuntary commit-
17 ment to a psychiatric hospital for any rea-
18 son, including drug use; and

19 “(ii) does not include—

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

22 “(II) a voluntary admission to a psy-
23 chiatric hospital.

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

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

3 “(ii) an order or finding that is no longer appli-
4 cable because a judicial officer, court, board, com-
5 mission, or other adjudicative body has found that
6 the person who is the subject of the order or find-
7 ing—

8 “(I) does not present a danger to himself
9 or to others;

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

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

13 “(IV) no longer requires involuntary inpa-
14 tient or outpatient treatment by, or involuntary
15 commitment to, a psychiatric hospital; or

16 “(iii) an order or finding with respect to which
17 the person who is subject to the order or finding has
18 been granted relief from disabilities under section
19 925(c) or under a program described in section
20 101(c)(2)(A) or 105 of the NICS Improvement
21 Amendments Act of 2007 (34 U.S.C. 40911,
22 40915).

23 “(37) The term ‘psychiatric hospital’ includes a men-
24 tal health facility, a mental hospital, a sanitarium, a psy-
25 chiatric facility, and any other facility that provides diag-

1 noses by licensed professionals of mental retardation or
2 mental illness, including a psychiatric ward in a general
3 hospital.”; and

4 (2) in section 922—

5 (A) in subsection (d)(4)—

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

8 (ii) by striking “any mental institu-
9 tion” and inserting “a psychiatric hos-
10 pital”; and

11 (B) in subsection (g)(4)—

12 (i) by striking “as a mental defective
13 or who has” and inserting “mentally in-
14 competent or has”; and

15 (ii) by striking “mental institution”
16 and inserting “psychiatric hospital”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—

18 The NICS Improvement Amendments Act of 2007 (34
19 U.S.C. 40902 et seq.) is amended—

20 (1) by striking “as a mental defective” each
21 place that term appears and inserting “mentally in-
22 competent”;

23 (2) by striking “mental institution” each place
24 that term appears and inserting “psychiatric hos-
25 pital”; and

1 (3) in section 102(c)(3) (34 U.S.C.
2 40912(c)(3))—

3 (A) in the paragraph heading, by striking
4 “AS A MENTAL DEFECTIVE OR COMMITTED TO
5 A MENTAL INSTITUTION” and inserting “MEN-
6 TALLY INCOMPETENT OR COMMITTED TO A PSY-
7 CHIATRIC HOSPITAL”; and

8 (B) by striking “mental institutions” and
9 inserting “psychiatric hospitals”.

10 **SEC. 6. CONDITIONS FOR TREATMENT OF CERTAIN PER-**
11 **SONS AS ADJUDICATED MENTALLY INCOM-**
12 **PETENT FOR CERTAIN PURPOSES.**

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

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

19 “In any case arising out of the administration by the
20 Secretary of laws and benefits under this title, a person
21 who is mentally incapacitated, deemed mentally incom-
22 petent, or experiencing an extended loss of consciousness
23 shall not be considered adjudicated as a mental defective
24 under subsection (d)(4) or (g)(4) of section 922 of title
25 18 without the order or finding of a judge, magistrate,

1 or other judicial authority of competent jurisdiction that
2 such person is a danger to himself or herself or others.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

4 The table of sections at the beginning of chapter 55 of
5 title 38, United States Code, is amended by adding at the
6 end the following:

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

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

8 (a) **NICS REPORTS.**—Not later than October 1,
9 2022, and every year thereafter, the head of each agency
10 that possesses relevant Federal records shall submit a re-
11 port to Congress that includes—

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

15 (2) the number of relevant Federal records the
16 agency submitted to NICS during the reporting pe-
17 riod;

18 (3) efforts made to increase the percentage of
19 relevant Federal records possessed by the agency
20 that are submitted to NICS;

21 (4) any obstacles to increasing the percentage
22 of relevant Federal records possessed by the agency
23 that are submitted to NICS;

1 (5) measures put in place to provide notice and
2 programs for relief from disabilities as required
3 under the NICS Improvement Amendments Act of
4 2007 (34 U.S.C. 40902 et seq.) if the agency makes
5 qualifying adjudications relating to the mental
6 health of an individual;

7 (6) measures put in place to correct, modify, or
8 remove records available to NICS when the basis on
9 which the records were made available no longer ap-
10 plies; and

11 (7) additional steps that will be taken during
12 the 1-year period after the submission of the report
13 to improve the processes by which relevant Federal
14 records are—

15 (A) identified;

16 (B) made available to NICS; and

17 (C) corrected, modified, or removed from
18 NICS.

19 (b) CERTIFICATIONS.—

20 (1) IN GENERAL.—The annual report require-
21 ment in subsection (a) shall not apply to an agency
22 that, as part of a report required to be submitted
23 under subsection (a), provides certification that the
24 agency has—

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

4 (B) a plan to make any relevant Federal
5 records available to NICS and a description of
6 that plan; and

7 (C) a plan to update, modify, or remove
8 records electronically from NICS not less than
9 quarterly as required by the NICS Improve-
10 ment Amendments Act of 2007 (34 U.S.C.
11 40902 et seq.) and a description of that plan.

12 (2) FREQUENCY.—Each agency that is not re-
13 quired to submit annual reports under paragraph
14 (1) shall submit an annual certification to Congress
15 attesting that the agency continues to submit rel-
16 evant Federal records to NICS and has corrected,
17 modified, or removed records available to NICS
18 when the basis on which the records were made
19 available no longer applies.

20 (c) REPORTS TO CONGRESS ON FIREARMS PROSECU-
21 TIONS.—

22 (1) REPORT TO CONGRESS.—Beginning Feb-
23 ruary 1, 2022, and on February 1 of each year
24 thereafter through 2031, the Attorney General shall
25 submit to the Committees on the Judiciary and the

1 Committees on Appropriations of the Senate and the
2 House of Representatives a report of information
3 gathered under this subsection during the fiscal year
4 that ended on September 30 of the preceding year.

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

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

21 (A) whether in any such case, a decision
22 has been made not to charge an individual with
23 a violation of sections 922 and 924, United
24 States Code, and section 5861 of the Internal

1 Revenue Code of 1986, or any other violation of
2 Federal criminal law;

3 (B) in any case described in subparagraph
4 (A), a description of why no charge was filed
5 under sections 922 and 924, United States
6 Code, and section 5861 of the Internal Revenue
7 Code of 1986;

8 (C) whether in any case described in para-
9 graph (2), an indictment, information, or other
10 charge has been brought against any person, or
11 the matter is pending;

12 (D) whether, in the case of an indictment,
13 information, or other charge described in sub-
14 paragraph (C), the charging document contains
15 a count or counts alleging a violation of sections
16 922 and 924, United States Code, and section
17 5861 of the Internal Revenue Code of 1986;

18 (E) in any case described in subparagraph
19 (D) in which the charging document contains a
20 count or counts alleging a violation of sections
21 922 and 924, United States Code, and section
22 5861 of the Internal Revenue Code of 1986,
23 whether a plea agreement of any kind has been
24 entered into with such charged individual;

1 (F) whether any plea agreement described
2 in subparagraph (E) required that the indi-
3 vidual plead guilty, to enter a plea of nolo
4 contendere, or otherwise caused a court to enter
5 a conviction against that individual for a viola-
6 tion of sections 922 and 924, United States
7 Code, and section 5861 of the Internal Revenue
8 Code of 1986;

9 (G) in any case described in subparagraph
10 (F) in which the plea agreement did not require
11 that the individual plead guilty, enter a plea of
12 nolo contendere, or otherwise cause a court to
13 enter a conviction against that individual for a
14 violation of sections 922 and 924, United
15 States Code, and section 5861 of the Internal
16 Revenue Code of 1986, identification of the
17 charges to which that individual did plead
18 guilty;

19 (H) in the case of an indictment, informa-
20 tion, or other charge described in subparagraph
21 (C), in which the charging document contains a
22 count or counts alleging a violation of sections
23 922 and 924, United States Code, and section
24 5861 of the Internal Revenue Code of 1986, the

1 result of any trial of such charges (guilty, not
2 guilty, mistrial);

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

13 (J) the number of persons who attempted
14 to purchase a firearm but were denied because
15 of a background check conducted in accordance
16 with section 922(t) of title 18, United States
17 Code; and

18 (K) the number of prosecutions conducted
19 in relation to persons described in subpara-
20 graph (J).

21 **SEC. 8. INCREASING FEDERAL PROSECUTION OF GUN VIO-**
22 **LENCE.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of enactment of this Act, the Attorney General shall
25 establish in jurisdictions specified in subsection (c) a pro-

1 gram that meets the requirements of subsection (b), to
2 be known as the “Nationwide Project Exile Expansion”.

3 (b) PROGRAM ELEMENTS.—Each program estab-
4 lished under subsection (a) shall, for the jurisdiction con-
5 cerned—

6 (1) provide for coordination with State and
7 local law enforcement officials in the identification of
8 violations of Federal firearms laws;

9 (2) provide for the establishment of agreements
10 with State and local law enforcement officials for the
11 referral to the Bureau of Alcohol, Tobacco, Firearms
12 and Explosives and the United States Attorney for
13 prosecution of persons arrested for violations of sec-
14 tion 922 or section 924 of title 18, United States
15 Code, or section 5861 of the Internal Revenue Code
16 of 1986, relating to firearms;

17 (3) provide for the establishment of multijuris-
18 dictional task forces, coordinated by the Executive
19 Office of the United States attorneys to investigate
20 and prosecute illegal straw purchasing rings that
21 purchase firearms in one jurisdiction and transfer
22 them to another;

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

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

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

10 (c) COVERED JURISDICTIONS.—

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

13 (A) the 10 jurisdictions with a population
14 equal to or greater than 100,000 persons that
15 had the highest total number of homicides ac-
16 cording to the uniform crime report of the Fed-
17 eral Bureau of Investigation for the most recent
18 year available;

19 (B) the 5 jurisdictions with such a popu-
20 lation, other than the jurisdictions covered by
21 paragraph (1), with the highest per capita rate
22 of homicide according to the uniform crime re-
23 port of the Federal Bureau of Investigation for
24 the most recent year available; and

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

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

8 (d) ANNUAL REPORTS.—Not later than 1 year after
9 the date of enactment of this Act, and annually thereafter,
10 the Attorney General shall submit to the Committee on
11 the Judiciary of the Senate and the Committee on the Ju-
12 diciary of the House of Representatives a report con-
13 taining the following information:

14 (1) The number of individuals indicted for such
15 violations of Federal firearms laws during that year
16 by reason of the program.

17 (2) The increase or decrease in the number of
18 individuals indicted for such violations of Federal
19 firearms laws during that year by reason of the pro-
20 gram when compared with the year preceding that
21 year.

22 (3) The number of individuals held without
23 bond in anticipation of prosecution by reason of the
24 program.

1 (4) To the extent the information is available,
2 the average length of prison sentence of the individ-
3 uals convicted of violations of Federal firearms laws
4 by reason of the program.

5 (5) The number of multijurisdictional task
6 forces established and the number of individuals ar-
7 rested, indicted, convicted or acquitted of charges for
8 violations of the specific crimes listed in subsection
9 (b)(2).

10 (e) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to carry out the program under this
13 section \$15,000,000 for each of fiscal years 2022,
14 2023, and 2024, which shall be used for salaries and
15 expenses of assistant United States attorneys and
16 Bureau of Alcohol, Tobacco, Firearms and Explo-
17 sives agents.

18 (2) USE OF FUNDS.—

19 (A) ASSISTANT UNITED STATES ATTOR-
20 NEYS.—The assistant United States attorneys
21 hired using amounts authorized to be appro-
22 priated under paragraph (1) shall prosecute vio-
23 lations of Federal firearms laws in accordance
24 with subsection (b)(2).

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

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

10 (a) TASK FORCE.—

11 (1) ESTABLISHMENT.—There is established a
12 task force within the Department of Justice, which
13 shall be known as the Felon and Fugitive Firearm
14 Task Force (referred to in this section as the “Task
15 Force”), to strengthen the efforts of the Department
16 of Justice to investigate and prosecute cases of con-
17 victed felons and fugitives from justice who illegally
18 attempt to purchase a firearm.

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

21 (A) the Deputy Attorney General, who
22 shall serve as the Chairperson of the Task
23 Force;

24 (B) the Assistant Attorney General for the
25 Criminal Division;

1 (C) the Director of the Bureau of Alcohol,
2 Tobacco, Firearms and Explosives;

3 (D) the Director of the Federal Bureau of
4 Investigation; and

5 (E) such other officers or employees of the
6 Department of Justice as the Attorney General
7 may designate.

8 (3) DUTIES.—The Task Force shall—

9 (A) provide direction for the investigation
10 and prosecution of cases of convicted felons and
11 fugitives from justice attempting to illegally
12 purchase a firearm; and

13 (B) provide recommendations to the Attor-
14 ney General relating to—

15 (i) the allocation and reallocation of
16 resources of the Department of Justice for
17 investigation and prosecution of cases of
18 convicted felons and fugitives from justice
19 attempting to illegally purchase a firearm;

20 (ii) enhancing cooperation among
21 agencies and entities of the Federal Gov-
22 ernment in the investigation and prosecu-
23 tion of cases of convicted felons and fugi-
24 tives from justice attempting to illegally
25 purchase a firearm;

1 (iii) enhancing cooperation among
2 Federal, State, and local authorities re-
3 sponsible for the investigation and prosecu-
4 tion of cases of convicted felons and fugi-
5 tives from justice attempting to illegally
6 purchase a firearm; and

7 (iv) changes in rules, regulations, or
8 policy to improve the effective investigation
9 and prosecution of cases of convicted felons
10 and fugitives from justice attempting to il-
11 legally purchase a firearm.

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

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

17 (b) AUTHORIZATION FOR USE OF FUNDS.—Section
18 524(e)(1) of title 28, United States Code, is amended—

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

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

23 (3) by inserting after subparagraph (I) the fol-
24 lowing:

1 “(J) the investigation and prosecution of cases
2 of convicted felons and fugitives from justice who il-
3 legally attempt to purchase a firearm, in accordance
4 with section 9 of the Protecting Communities and
5 Preserving the Second Amendment Act of 2021, pro-
6 vided that—

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

11 “(ii) not more than 5 percent of the
12 amounts made available under this subpara-
13 graph may be used for the administrative costs
14 of the task force established under section 9 of
15 the Protecting Communities and Preserving the
16 Second Amendment Act of 2021.”.

17 **SEC. 10. LIMITATION ON OPERATIONS BY THE DEPART-**
18 **MENT OF JUSTICE.**

19 The Department of Justice, and any of the law en-
20 forcement coordinate agencies of the Department of Jus-
21 tice, shall not conduct any operation where a Federal fire-
22 arms licensee is directed, instructed, enticed, or otherwise
23 encouraged by the Department of Justice to sell a firearm
24 to an individual if the Department of Justice, or a coordi-
25 nate agency, knows or has reasonable cause to believe that

1 such an individual is purchasing on behalf of another for
2 an illegal purpose unless the Attorney General, the Deputy
3 Attorney General, or the Assistant Attorney General for
4 the Criminal Division personally reviews and approves the
5 operation, in writing, and determines that the agency has
6 prepared an operational plan that includes sufficient safe-
7 guards to prevent firearms from being transferred to third
8 parties without law enforcement taking reasonable steps
9 to lawfully interdict those firearms.

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

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

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

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

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

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

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

22 “(b) OFFENSE.—It shall be unlawful for any person
23 to—

24 “(1) purchase or otherwise obtain a firearm,
25 which has been shipped, transported, or received in

1 interstate or foreign commerce, for or on behalf of
2 any other person who the person purchasing or oth-
3 erwise obtaining the firearm knows—

4 “(A) is prohibited from possessing or re-
5 ceiving a firearm under subsection (g) or (n) of
6 section 922;

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

11 “(C) intends to engage in conduct that
12 would constitute a crime of violence, a drug
13 trafficking crime, or a Federal crime of ter-
14 rorism if the conduct had occurred within the
15 United States; or

16 “(D) is not a resident of any State and is
17 not a citizen or lawful permanent resident of
18 the United States; or

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

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

24 **“§ 933. Trafficking in firearms**

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

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

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

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

7 “(b) OFFENSE.—It shall be unlawful for any person
8 to—

9 “(1) ship, transport, transfer, or otherwise dis-
10 pose of two or more firearms to another person in
11 or otherwise affecting interstate or foreign com-
12 merce, if the transferor knows that the use, car-
13 rying, or possession of a firearm by the transferee
14 would violate subsection (g) or (n) of section 922, or
15 constitute a crime of violence, a drug trafficking
16 crime, or a Federal crime of terrorism;

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

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

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

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

3 “(c) PENALTIES.—

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

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

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

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.”.

16 (c) DIRECTIVE TO THE SENTENCING COMMISSION.—
17 Pursuant to its authority under section 994 of title 28,
18 United States Code, and in accordance with this section,
19 the United States Sentencing Commission shall review and
20 amend its guidelines and policy statements to ensure that
21 persons convicted of an offense under section 932 or 933
22 of title 18, United States Code, and other offenses applica-
23 ble to the straw purchases and firearms trafficking of fire-
24 arms are subject to increased penalties in comparison to

1 those currently provided by the guidelines and policy state-
2 ments for such straw purchasing and firearms trafficking
3 offenses. In its review, the Commission shall consider, in
4 particular, an appropriate amendment to reflect the intent
5 of Congress that straw purchasers without significant
6 criminal histories receive sentences that are sufficient to
7 deter participation in such activities. The Commission
8 shall also review and amend its guidelines and policy state-
9 ments to reflect the intent of Congress that a person con-
10 victed of an offense under section 932 or 933 of title 18,
11 United States Code, who is affiliated with a gang, cartel,
12 organized crime ring, or other such enterprise should be
13 subject to higher penalties than an otherwise unaffiliated
14 individual.

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

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

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

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

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

25 and

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

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

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

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

9 “(h) Whoever knowingly receives or transfers a fire-
10 arm or ammunition, or attempts or conspires to do so,
11 knowing that such firearm or ammunition will be used to
12 commit a crime of violence (as defined in subsection
13 (c)(3)), a drug trafficking crime (as defined in subsection
14 (c)(2)), a Federal crime of terrorism (as defined in section
15 2332b(g)), or a crime under the Arms Export Control Act
16 (22 U.S.C. 2751 et seq.), the International Emergency
17 Economic Powers Act (50 U.S.C. 1701 et seq.), or the
18 Foreign Narcotics Kingpin Designation Act (21 U.S.C.
19 1901 et seq.), shall be imprisoned not more than 15 years,
20 fined in accordance with this title, or both.”.

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

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

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

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

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

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

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

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

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

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

1 “(B) would constitute a crime of violence (as
2 defined in subsection (c)(3)) or a Federal crime of
3 terrorism (as defined in section 2332b(g)) for which
4 the person may be prosecuted in a court of the
5 United States, if the conduct had occurred within
6 the United States,
7 smuggles or knowingly takes out of the United States, a
8 firearm or ammunition, or attempts or conspires to do so,
9 shall be imprisoned not more than 15 years, fined under
10 this title, or both.”.

11 **SEC. 16. MULTIPLE SALES REPORTS FOR RIFLES AND**
12 **SHOTGUNS.**

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

15 “(C) The Attorney General may not require a licensee
16 to submit ongoing or periodic reporting of the sale or other
17 disposition of 2 or more rifles or shotguns during a speci-
18 fied period of time.”.

19 **SEC. 17. STUDY BY THE NATIONAL INSTITUTES OF JUSTICE**
20 **AND NATIONAL ACADEMY OF SCIENCES ON**
21 **THE CAUSES OF MASS SHOOTINGS.**

22 (a) IN GENERAL.—

23 (1) STUDY.—Not later than 90 days after the
24 date of enactment of this Act, the Attorney General
25 shall instruct the Director of the National Institutes

1 of Justice, to conduct a peer-reviewed study to ex-
2 amine various sources and causes of mass shootings
3 including psychological factors, the impact of violent
4 video games, and other factors. The Director shall
5 enter into a contract with the National Academy of
6 Sciences to conduct this study jointly with an inde-
7 pendent panel of 5 experts appointed by the Acad-
8 emy.

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

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

15 (1) mental illness;

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

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

22 (4) the extent to which perpetrators of mass
23 shootings, either alleged, convicted, deceased, or oth-
24 erwise, played violent or adult-themed video games
25 and whether the perpetrators of mass shootings dis-

1 cussed, planned, or used violent or adult-themed
2 video games in preparation of or to assist in car-
3 rying out their violent actions;

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

6 (6) exposure to bullying; and

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

10 **SEC. 18. REPORTS TO CONGRESS REGARDING AMMUNITION**

11 **PURCHASES BY FEDERAL AGENCIES.**

12 Not later than 1 year after the date of enactment
13 of this Act, the Director of the Office of Management and
14 Budget, shall report to the Speaker of the House of Rep-
15 resentatives, the President pro tempore of the Senate, and
16 the Chairmen and Ranking Members of the House and
17 Senate Committees on Appropriations and the Committees
18 on the Judiciary, the House Committee on Homeland Se-
19 curity, the Senate Committee on Homeland Security and
20 Governmental Affairs, and the House Committee on Over-
21 sight and Reform, a report including—

22 (1) details of all purchases of ammunition by
23 each Federal agency;

1 (2) a summary of all purchases, solicitations,
2 and expenditures on ammunition by each Federal
3 agency;

4 (3) a summary of all the rounds of ammunition
5 expended by each Federal agency and a current list-
6 ing of stockpiled ammunition for each Federal agen-
7 cy; and

8 (4) an estimate of future ammunition needs
9 and purchases for each Federal agency for the next
10 fiscal year.

11 **SEC. 19. REDUCTION OF BYRNE JAG FUNDS FOR STATE**
12 **FAILURE TO PROVIDE MENTAL HEALTH**
13 **RECORDS TO NICS.**

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

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

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

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

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

24 “(1) REDUCTION FOR FAILURE TO PROVIDE
25 MENTAL HEALTH RECORDS.—

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

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

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

16 “(I) requires the State to provide
17 the records required to be provided
18 under sections 102 and 103; and

19 “(II) implements a relief from
20 disabilities program in accordance
21 with section 105.

22 “(B) FINAL IMPLEMENTATION DEAD-
23 LINE.—Beginning on the date that is 5 years
24 after the date of enactment of the Protecting
25 Communities and Preserving the Second

1 Amendment Act of 2021, the Attorney General
2 shall withhold 10 percent of the amount that
3 would otherwise be allocated to a State under
4 section 505 of title I of the Omnibus Crime
5 Control and Safe Streets Act of 1968 (34
6 U.S.C. 10156) if the State does not have in ef-
7 fect a statute described in subparagraph (A)(ii)
8 of this paragraph.”.

9 **SEC. 20. FIREARM COMMERCE MODERNIZATION.**

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

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

15 (2) in subparagraph (A)—

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

18 (B) by striking “located” and inserting
19 “located or temporarily located”; and

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

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

1 (1) in subsection (j)—

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

5 (B) in the last sentence—

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

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

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

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

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

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

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

24 “(b) For purposes of this chapter:

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

4 “(A) the State in which the member or
5 spouse maintains legal residence;

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

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

12 “(2) An officer or employee of the United
13 States (other than a member of the Armed Forces)
14 who is stationed outside the United States for a pe-
15 riod of more than 1 year, and a spouse of such an
16 officer or employee, is a resident of the State in
17 which the person maintains legal residence.”.

18 **SEC. 21. FIREARM DEALER ACCESS TO LAW ENFORCEMENT**

19 **INFORMATION.**

20 (a) **IN GENERAL.**—Section 103(b) of the Brady
21 Handgun Violence Prevention Act (34 U.S.C. 40901), is
22 amended—

23 (1) by striking “Not later than” and inserting
24 the following:

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

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

2 “(2) VOLUNTARY BACKGROUND CHECKS.—

3 “(A) IN GENERAL.—Not later than 90
4 days after the date of enactment of the Pro-
5 tecting Communities and Preserving the Second
6 Amendment Act of 2021, the Attorney General
7 shall promulgate regulations allowing licensees
8 to use the national instant criminal background
9 check system established under this section for
10 purposes of conducting voluntary, no fee em-
11 ployment background checks on current or pro-
12 spective employees.

13 “(B) NOTICE.—Before conducting an em-
14 ployment background check relating to an indi-
15 vidual under subparagraph (A), a licensee
16 shall—

17 “(i) provide written notice to the indi-
18 vidual that the licensee intends to conduct
19 the background check; and

20 “(ii) obtain consent to conduct the
21 background check from the individual in
22 writing.

23 “(C) EXEMPTION.—An employment back-
24 ground check conducted by a licensee under
25 subparagraph (A) shall not be governed by the

1 Fair Credit Reporting Act (15 U.S.C. 1681 et
2 seq.).

3 “(D) APPEAL.—Any individual who is the
4 subject of an employment background check
5 conducted by a licensee under subparagraph
6 (A) the result of which indicates that the indi-
7 vidual is prohibited from possessing a firearm
8 or ammunition pursuant to subsection (g) or
9 (n) of section 922 of title 18, United States
10 Code, may appeal the results of the background
11 check in the same manner and to the same ex-
12 tent as if the individual had been the subject of
13 a background check relating to the transfer of
14 a firearm.”.

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

18 (1) in subsection (a)—

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

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

23 (C) by inserting after paragraph (4) the
24 following:

1 “(5) provide a person licensed as an importer,
2 manufacturer, or dealer of firearms under chapter
3 44 of title 18 with information necessary to verify
4 whether firearms offered for sale to such licensees
5 have been stolen.”; and

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

9 (c) REGULATIONS.—Not later than 90 days after the
10 date of enactment of this Act, and without regard to chap-
11 ter 5 of title 5, United States Code, the Attorney General
12 shall promulgate regulations allowing a person licensed as
13 an importer, manufacturer, or dealer of firearms under
14 chapter 44 of title 18, United States Code, to receive ac-
15 cess to records of stolen firearms maintained by the Na-
16 tional Crime Information Center operated by the Federal
17 Bureau of Investigation, solely for the purpose of volun-
18 tarily verifying whether firearms offered for sale to such
19 licensees have been stolen.

20 (d) STATUTORY CONSTRUCTION; EVIDENCE.—

21 (1) STATUTORY CONSTRUCTION.—Nothing in
22 this section or the amendments made by this section
23 shall be construed—

24 (A) to create a cause of action against any
25 person licensed as an importer, manufacturer,

1 or dealer of firearms under chapter 44 of title
2 18, United States Code, or any other person for
3 any civil liability; or

4 (B) to establish any standard of care.

5 (2) EVIDENCE.—Notwithstanding any other
6 provision of law, evidence regarding the use or non-
7 use by a person licensed as an importer, manufac-
8 turer, or dealer of firearms under chapter 44 of title
9 18, United States Code, of the systems, information,
10 or records made available under this section or the
11 amendments made by this section shall not be ad-
12 missible as evidence in any proceeding of any court,
13 agency, board, or other entity.

14 **SEC. 22. INTERSTATE TRANSPORTATION OF FIREARMS OR**
15 **AMMUNITION.**

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

18 **“§ 926A. Interstate transportation of firearms or am-**
19 **munition**

20 “(a) DEFINITION.—In this section, the term ‘trans-
21 port’ includes staying in temporary lodging overnight,
22 stopping for food, fuel, vehicle maintenance, an emer-
23 gency, medical treatment, and any other activity incidental
24 to the transport.

1 “(b) AUTHORIZATION.—Notwithstanding any provi-
2 sion of any law (including a rule or regulation) of a State
3 or any political subdivision thereof, a person who is not
4 prohibited by this chapter from possessing, transporting,
5 shipping, or receiving a firearm or ammunition shall be
6 entitled to—

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

11 “(A) the firearm is unloaded; and

12 “(B)(i) if the transportation is by motor
13 vehicle—

14 “(I) the firearm is not directly acces-
15 sible from the passenger compartment of
16 the motor vehicle; or

17 “(II) if the motor vehicle is without a
18 compartment separate from the passenger
19 compartment, the firearm is—

20 “(aa) in a locked container other
21 than the glove compartment or con-
22 sole; or

23 “(bb) secured by a secure gun
24 storage or safety device; or

1 “(ii) if the transportation is by other
2 means, the firearm is in a locked container or
3 secured by a secure gun storage or safety de-
4 vice; and

5 “(2) transport ammunition for any lawful pur-
6 pose from any place where the person may lawfully
7 possess, carry, or transport the ammunition, to any
8 other such place if, during the transportation—

9 “(A) the ammunition is not loaded into a
10 firearm; and

11 “(B)(i) if the transportation is by motor
12 vehicle—

13 “(I) the ammunition is not directly
14 accessible from the passenger compartment
15 of the motor vehicle; or

16 “(II) if the motor vehicle is without a
17 compartment separate from the passenger
18 compartment, the ammunition is in a
19 locked container other than the glove com-
20 partment or console; or

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

23 “(c) STATE LAW.—

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

1 “(A) arrested for violation of any law or
2 any rule or regulation of a State, or any polit-
3 ical subdivision thereof, relating to the posses-
4 sion, transportation, or carrying of firearms or
5 ammunition, unless there is probable cause to
6 believe that the transportation is not in accord-
7 ance with subsection (b); or

8 “(B) detained for violation of any law or
9 any rule or regulation of a State, or any polit-
10 ical subdivision thereof, relating to the posses-
11 sion, transportation, or carrying of firearms or
12 ammunition, unless there is reasonable sus-
13 picion that the transportation is not in accord-
14 ance with subsection (b).

15 “(2) PROSECUTION.—

16 “(A) BURDEN OF PROOF.—If a person as-
17 serts this section as a defense in a criminal pro-
18 ceeding, the government shall bear the burden
19 of proving, beyond a reasonable doubt, that the
20 conduct of the person was not in accordance
21 with subsection (b).

22 “(B) PREVAILING DEFENDANT.—If a per-
23 son successfully asserts this section as a defense
24 in a criminal proceeding, the court shall award

1 the prevailing defendant reasonable attorney’s
2 fees.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

4 The table of sections for chapter 44 of title 18, United
5 States Code, is amended by striking the item relating to
6 section 926A and inserting the following:

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

7 **SEC. 23. PREVENTING DUPLICATIVE GRANTS.**

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

11 “(n) **PREVENTING DUPLICATIVE GRANTS.**—

12 “(1) **IN GENERAL.**—Before the Attorney Gen-
13 eral awards a grant to an applicant under this part,
14 the Attorney General shall compare potential grant
15 awards with grants awarded under part A or T to
16 determine if duplicate grant awards are awarded for
17 the same purpose.

18 “(2) **REPORT.**—If the Attorney General awards
19 duplicate grants to the same applicant for the same
20 purpose the Attorney General shall submit to the
21 Committee on the Judiciary of the Senate and the
22 Committee on the Judiciary of the House of Rep-
23 resentatives a report that includes—

1 “(A) a list of all duplicate grants awarded,
2 including the total dollar amount of any dupli-
3 cate grants awarded; and

4 “(B) the reason the Attorney General
5 awarded the duplicate grants.”.