

## Calendar No. 32

113TH CONGRESS  
1ST SESSION

# S. 649

To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 21, 2013

Mr. REID introduced the following bill; which was read the first time

MARCH 22, 2013

Read the second time and placed on the calendar

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## A BILL

To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Safe Communities, Safe Schools Act of 2013”.

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

Sec. 1. Short title; table of contents.

#### TITLE I—FIX GUN CHECKS ACT

Sec. 101. Short title.

Subtitle A—Ensuring That All Individuals Who Should Be Prohibited From  
 Buying a Gun Are Listed in the National Instant Criminal Background  
 Check System

Sec. 111. Reauthorization of NICS Act Record Improvement Program grants.

Sec. 112. Penalties for States that do not make data electronically available to  
 the National Instant Criminal Background Check System.

Sec. 113. Clarification that Federal court information is to be made available  
 to the National Instant Criminal Background Check System.

Subtitle B—Requiring a Background Check for Every Firearm Sale

Sec. 121. Purpose.

Sec. 122. Firearms transfers.

Sec. 123. Lost and stolen reporting.

Sec. 124. Effective date.

#### TITLE II—STOP ILLEGAL TRAFFICKING IN FIREARMS ACT

Sec. 201. Short title.

Sec. 202. Hadiya Pendleton and Nyasia Pryear-Yard anti-straw purchasing and  
 firearms trafficking amendments.

Sec. 203. Amendments to section 922(d).

Sec. 204. Amendments to section 924(a).

Sec. 205. Amendments to section 924(h).

Sec. 206. Amendments to section 924(k).

Sec. 207. Limitation on operations by the Department of Justice.

#### TITLE III—SCHOOL AND CAMPUS SAFETY ENHANCEMENTS ACT

Sec. 301. Short title.

Sec. 302. Grant program for school security.

Sec. 303. Applications.

Sec. 304. Authorization of appropriations.

Sec. 305. Accountability.

Sec. 306. CAMPUS Safety Act of 2013.

## 3 **TITLE I—FIX GUN CHECKS ACT**

### 4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Fix Gun Checks Act  
 6 of 2013”.

1 **Subtitle A—Ensuring That All Indi-**  
2 **viduals Who Should Be Prohib-**  
3 **ited From Buying a Gun Are**  
4 **Listed in the National Instant**  
5 **Criminal Background Check**  
6 **System**

7 **SEC. 111. REAUTHORIZATION OF NICS ACT RECORD IM-**  
8 **PROVEMENT PROGRAM GRANTS.**

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

12 (1) in paragraph (1)(C)—

13 (A) by striking clauses (ii) and (iii); and

14 (B) by redesignating clauses (iv), (v), and  
15 (vi) as clauses (ii), (iii), and (iv), respectively;

16 and

17 (2) by striking paragraph (2) and inserting the  
18 following:

19 “(2) SCOPE.—

20 “(A) IN GENERAL.—The Attorney General,  
21 in determining the compliance of a State under  
22 this section or section 104 for the purpose of  
23 granting a waiver or imposing a loss of Federal  
24 funds, shall assess the total percentage of  
25 records provided by the State concerning any

1 event occurring within the time period estab-  
2 lished by the Attorney General under subpara-  
3 graph (B), which would disqualify a person  
4 from possessing a firearm under subsection (g)  
5 or (n) of section 922 of title 18, United States  
6 Code.

7 “(B) REGULATIONS.—Not later than 1  
8 year after the date of enactment of the Fix Gun  
9 Checks Act of 2013, the Attorney General shall,  
10 through regulation, establish the time period  
11 described in subparagraph (A).”.

12 (b) IMPLEMENTATION ASSISTANCE TO STATES.—  
13 Section 103 of the NICS Improvement Amendments Act  
14 of 2007 (18 U.S.C. 922 note) is amended—

15 (1) by striking subsection (a)(1) and inserting  
16 the following:

17 “(1) IN GENERAL.—From amounts made avail-  
18 able to carry out this section and subject to section  
19 102(b)(1)(B), the Attorney General shall make  
20 grants to States and Indian tribal governments, in  
21 a manner consistent with the National Criminal His-  
22 tory Improvement Program, which shall be used by  
23 the States and Indian tribal governments, in con-  
24 junction with units of local government and State  
25 and local courts to—

1           “(A) establish and plan information and  
2           identification technologies for firearms eligi-  
3           bility determinations; and

4           “(B) make improvements or upgrade infor-  
5           mation and identification technologies for fire-  
6           arms eligibility determinations.”;

7           (2) by striking subsections (b) and (c) and in-  
8           serting the following:

9           “(b) USE OF GRANT AMOUNTS.—

10           “(1) IN GENERAL.—Grants awarded to States  
11           or Indian tribes under subsection (a)(1) may only be  
12           used to—

13           “(A) create electronic systems, which pro-  
14           vide accurate and up-to-date information that is  
15           directly related to checks under the National  
16           Instant Criminal Background Check System  
17           (referred to in this section as ‘NICS’), including  
18           court disposition and corrections records;

19           “(B) assist States in establishing or en-  
20           hancing their own capacities to perform NICS  
21           background checks;

22           “(C) supply accurate and timely informa-  
23           tion to the Attorney General concerning final  
24           dispositions of criminal records to databases  
25           accessed by NICS;

1           “(D) supply accurate and timely informa-  
2           tion to the Attorney General concerning the  
3           identity of persons who are prohibited from ob-  
4           taining a firearm under section 922(g)(4) of  
5           title 18, United States Code, to be used by the  
6           Federal Bureau of Investigation solely to con-  
7           duct NICS background checks;

8           “(E) supply accurate and timely court or-  
9           ders and records of misdemeanor crimes of do-  
10          mestic violence for inclusion in Federal and  
11          State law enforcement databases used to con-  
12          duct NICS background checks; and

13          “(F) collect and analyze data needed to  
14          demonstrate levels of State compliance with this  
15          Act.

16          “(2) ADDITIONAL USES.—

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

19                         “(i) a grant awarded under subsection  
20                         (a)(1)(A) may be used to assist States in  
21                         establishing or enhancing a relief from dis-  
22                         abilities program in accordance with sec-  
23                         tion 105; and

24                         “(ii) a grant awarded under sub-  
25                         section (a)(1)(B) may be used to maintain

1           the relief from disabilities program in ac-  
2           cordance with section 105.

3           “(B) LIMITATION.—Not less than 3 per-  
4           cent and not more than 10 percent of each  
5           grant awarded under subsection (a)(1)(B) shall  
6           be used for the purpose described in subpara-  
7           graph (A)(i) of this paragraph.

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

13           (3) by striking subsection (e) and inserting the  
14          following:

15          “(e) AUTHORIZATION OF APPROPRIATIONS.—

16           “(1) IN GENERAL.—There are to be authorized  
17          to be appropriated to carry out this section  
18          \$100,000,000 for each of fiscal years 2014 through  
19          2018.

20          “(2) LIMITATIONS.—

21           “(A) USE OF AMOUNTS AUTHORIZED.—Of  
22          the amounts authorized to be appropriated for  
23          each fiscal year under paragraph (1), not more  
24          than 30 percent may be used to carry out sub-  
25          section (a)(1)(B).

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

4 **SEC. 112. PENALTIES FOR STATES THAT DO NOT MAKE**  
5                   **DATA ELECTRONICALLY AVAILABLE TO THE**  
6                   **NATIONAL INSTANT CRIMINAL BACKGROUND**  
7                   **CHECK SYSTEM.**

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

12                   “(1) DISCRETIONARY REDUCTION.—

13                   “(A) During the 2-year period beginning  
14                   on the date on which the Attorney General pub-  
15                   lishes final rules required under section  
16                   102(b)(2)(B), the Attorney General may with-  
17                   hold not more than 3 percent of the amount  
18                   that would otherwise be allocated to a State  
19                   under section 505 of the Omnibus Crime Con-  
20                   trol and Safe Streets Act of 1968 (42 U.S.C.  
21                   3755) if the State provides less than 50 percent  
22                   of the records required to be provided under  
23                   sections 102 and 103.

24                   “(B) During the 3-year period after the  
25                   expiration of the period described in subpara-



1 graph (A), the Attorney General may withhold  
2 4 percent of the amount that would otherwise  
3 be allocated to a State under section 505 of the  
4 Omnibus Crime Control and Safe Streets Act of  
5 1968 (42 U.S.C. 3755) if the State provides  
6 less than 70 percent of the records required to  
7 be provided under sections 102 and 103.

8 “(2) MANDATORY REDUCTION.—After the expi-  
9 ration of the period referred to in paragraph (1)(B),  
10 the Attorney General shall withhold 5 percent of the  
11 amount that would otherwise be allocated to a State  
12 under section 505 of the Omnibus Crime Control  
13 and Safe Streets Act of 1968 (42 U.S.C. 3755), if  
14 the State provides less than 90 percent of the  
15 records required to be provided under sections 102  
16 and 103.”.

17 (b) REPORTING OF STATE COMPLIANCE.—Not later  
18 than 1 year after the date of enactment of this Act, and  
19 every year thereafter, the Attorney General shall publish,  
20 and make available on a publicly accessible website, a re-  
21 port that ranks the States by the ratio of number of  
22 records submitted by each State under sections 102 and  
23 103 of the NICS Improvement Amendments Act of 2007  
24 (18 U.S.C. 922 note) to the estimated total number of  
25 available records of the State.

1 **SEC. 113. CLARIFICATION THAT FEDERAL COURT INFOR-**  
 2 **MATION IS TO BE MADE AVAILABLE TO THE**  
 3 **NATIONAL INSTANT CRIMINAL BACKGROUND**  
 4 **CHECK SYSTEM.**

5 Section 103(e)(1) of the Brady Handgun Violence  
 6 Prevention Act (18 U.S.C. 922 note), is amended by add-  
 7 ing at the end the following:

8 “(F) APPLICATION TO FEDERAL  
 9 COURTS.—In this paragraph—

10 “(i) the terms ‘department or agency  
 11 of the United States’ and ‘Federal depart-  
 12 ment or agency’ include a Federal court;  
 13 and

14 “(ii) for purposes of any request, sub-  
 15 mission, or notification, the Director of the  
 16 Administrative Office of the United States  
 17 Courts shall perform the functions of the  
 18 head of the department or agency.”.

19 **Subtitle B—Requiring a Back-**  
 20 **ground Check for Every Fire-**  
 21 **arm Sale**

22 **SEC. 121. PURPOSE.**

23 The purpose of this subtitle is to extend the Brady  
 24 Law background check procedures to all sales and trans-  
 25 fers of firearms.

1 **SEC. 122. FIREARMS TRANSFERS.**

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

4 (1) by repealing subsection (s);

5 (2) by redesignating subsection (t) as sub-  
6 section (s);

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

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

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

11 “(7) In this subsection, the term ‘chief law en-  
12 forcement officer’ means the chief of police, the  
13 sheriff, or an equivalent officer or the designee of  
14 any such individual.”; and

15 (4) by inserting after subsection (s), as redesi-  
16 gnated, the following:

17 “(t)(1) Beginning on the date that is 180 days after  
18 the date of enactment of the Fix Gun Checks Act of 2013,  
19 it shall be unlawful for any person who is not licensed  
20 under this chapter to transfer a firearm to any other per-  
21 son who is not licensed under this chapter, unless a li-  
22 censed importer, licensed manufacturer, or licensed dealer  
23 has first taken possession of the firearm for the purpose  
24 of complying with subsection (s). Upon taking possession  
25 of the firearm, the licensee shall comply with all require-  
26 ments of this chapter as if the licensee were transferring

1 the firearm from the licensee’s inventory to the unlicensed  
2 transferee.

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

4 “(A) bona fide gifts between spouses, between  
5 parents and their children, between siblings, or be-  
6 tween grandparents and their grandchildren;

7 “(B) a transfer made from a decedent’s estate,  
8 pursuant to a legal will or the operation of law;

9 “(C) a temporary transfer of possession that  
10 occurs between an unlicensed transferor and an unli-  
11 censed transferee, if—

12 “(i) the temporary transfer of possession  
13 occurs in the home or curtilage of the unli-  
14 censed transferor;

15 “(ii) the firearm is not removed from that  
16 home or curtilage during the temporary trans-  
17 fer; and

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

20 “(D) a temporary transfer of possession with-  
21 out transfer of title made in connection with lawful  
22 hunting or sporting purposes if the transfer oc-  
23 curs—

24 “(i) at a shooting range located in or on  
25 premises owned or occupied by a duly incor-

1           porated organization organized for conservation  
2           purposes or to foster proficiency in firearms  
3           and the firearm is, at all times, kept within the  
4           premises of the shooting range;

5           “(ii) at a target firearm shooting competi-  
6           tion under the auspices of or approved by a  
7           State agency or nonprofit organization and the  
8           firearm is, at all times, kept within the prem-  
9           ises of the shooting competition; or

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

11               “(I) the activity is legal in all places  
12               where the unlicensed transferee possesses  
13               the firearm;

14               “(II) the temporary transfer of pos-  
15               session occurs during the designated hunt-  
16               ing season; and

17               “(III) the unlicensed transferee holds  
18               any required license or permit.

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

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

23               “(B) shall not include temporary possession of  
24               the firearm for purposes of examination or evalua-

1       tion by a prospective transferee while in the presence  
2       of the prospective transferee.

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

6       “(B) Regulations promulgated under this para-  
7 graph—

8               “(i) shall include a provision setting a max-  
9               imum fee that may be charged by licensees for serv-  
10              ices provided in accordance with paragraph (1); and

11              “(ii) shall include a provision requiring a record  
12              of transaction of any transfer that occurred between  
13              an unlicensed transferor and unlicensed transferee  
14              accordance with paragraph (1).”.

15       (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

1           (3) NICS IMPROVEMENT AMENDMENTS ACT.—  
2           Section 103(f) of the NICS Improvement Amend-  
3           ments Act of 2007 is amended by striking “section  
4           922(t)” and inserting “section 922(s)”.

5           (4) CONSOLIDATED AND FURTHER CONTINUING  
6           APPROPRIATIONS ACT, 2012.—Section 511 of title V  
7           of division B of the Consolidated and Further Con-  
8           tinuing Appropriations Act, 2012 (18 U.S.C. 922  
9           note) is amended by striking “subsection 922(t)”  
10          and inserting “section 922(s)” each place it appears.

11 **SEC. 123. LOST AND STOLEN REPORTING.**

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

14          “(aa) It shall be unlawful for any person who lawfully  
15          possesses or owns a firearm that has been shipped or  
16          transported in, or has been possessed in or affecting, inter-  
17          state or foreign commerce, to fail to report the theft or  
18          loss of the firearm, within 24 hours after the person dis-  
19          covers the theft or loss, to the Attorney General and to  
20          the appropriate local authorities.”.

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

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

1 **SEC. 124. EFFECTIVE DATE.**

2 The amendments made by this title shall take effect  
3 180 days after the date of enactment of this Act.

4 **TITLE II—STOP ILLEGAL**  
5 **TRAFFICKING IN FIREARMS ACT**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Stop Illegal Traf-  
8 ficking in Firearms Act of 2013”.

9 **SEC. 202. HADIYA PENDLETON AND NYASIA PRYEAR-YARD**  
10 **ANTI-STRAW PURCHASING AND FIREARMS**  
11 **TRAFFICKING AMENDMENTS.**

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

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

16 “(a) For purposes of this section—

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

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

21 “(3) the term ‘purchase’ includes the receipt of  
22 any firearm by a person who does not own the fire-  
23 arm—

24 “(A) by way of pledge or pawn as security  
25 for the payment or repayment of money; or

26 “(B) on consignment.



1       “(b) It shall be unlawful for any person (other than  
2 a licensed importer, licensed manufacturer, licensed col-  
3 lector, or licensed dealer) to knowingly purchase, or at-  
4 tempt or conspire to purchase, any firearm in or otherwise  
5 affecting interstate or foreign commerce—

6               “(1) from a licensed importer, licensed manu-  
7               facturer, licensed collector, or licensed dealer for, on  
8               behalf of, or at the request or demand of any other  
9               person, known or unknown; or

10              “(2) from any person who is not a licensed im-  
11              porter, licensed manufacturer, licensed collector, or  
12              licensed dealer for, on behalf of, or at the request or  
13              demand of any other person, known or unknown,  
14              knowing or having reasonable cause to believe that  
15              such other person—

16                      “(A) is under indictment for, or has been  
17                      convicted in any court of, a crime punishable by  
18                      imprisonment for a term exceeding 1 year;

19                      “(B) is a fugitive from justice;

20                      “(C) is an unlawful user of or addicted to  
21                      any controlled substance (as defined in section  
22                      102 of the Controlled Substances Act (21  
23                      U.S.C. 802));

1           “(D) has been adjudicated as a mental de-  
2           fective or has been committed to any mental in-  
3           stitution;

4           “(E) is an alien who—

5                 “(i) is illegally or unlawfully in the  
6                 United States; or

7                 “(ii) except as provided in section  
8                 922(y)(2), has been admitted to the United  
9                 States under a nonimmigrant visa (as that  
10                term is defined in section 101(a)(26) of  
11                the Immigration and Nationality Act (8  
12                U.S.C. 1101(a)(26));

13           “(F) has been discharged from the Armed  
14           Forces under dishonorable conditions;

15           “(G) having been a citizen of the United  
16           States, has renounced his or her citizenship;

17           “(H) is subject to a court order that re-  
18           strains such person from harassing, stalking, or  
19           threatening an intimate partner of such person  
20           or child of such intimate partner or person, or  
21           engaging in other conduct that would place an  
22           intimate partner in reasonable fear of bodily in-  
23           jury to the partner or child, except that this  
24           subparagraph shall only apply to a court order  
25           that—

1           “(i) was issued after a hearing of  
2           which such person received actual notice,  
3           and at which such person had the oppor-  
4           tunity to participate; and

5           “(ii)(I) includes a finding that such  
6           person represents a credible threat to the  
7           physical safety of such intimate partner or  
8           child; or

9           “(II) by its terms explicitly prohibits  
10          the use, attempted use, or threatened use  
11          of physical force against such intimate  
12          partner or child that would reasonably be  
13          expected to cause bodily injury;

14          “(I) has been convicted in any court of a  
15          misdemeanor crime of domestic violence;

16          “(J) intends to—

17                 “(i) use, carry, possess, or sell or oth-  
18                 erwise dispose of the firearm or ammuni-  
19                 tion in furtherance of a crime of violence  
20                 or drug trafficking crime; or

21                 “(ii) export the firearm or ammuni-  
22                 tion in violation of law;

23          “(K)(i) does not reside in any State; and

24          “(ii) is not a citizen of the United States;

25                         or

1           “(L) intends to sell or otherwise dispose of  
2           the firearm or ammunition to a person de-  
3           scribed in any of subparagraphs (A) through  
4           (K).

5           “(c)(1) Except as provided in paragraph (2), any per-  
6           son who violates subsection (b) shall be fined under this  
7           title, imprisoned for not more than 15 years, or both.

8           “(2) If a violation of subsection (b) is committed  
9           knowing or with reasonable cause to believe that any fire-  
10          arm involved will be used to commit a crime of violence,  
11          the person shall be sentenced to a term of imprisonment  
12          of not more than 25 years.

13          “(d) Subsection (b)(1) shall not apply to any firearm  
14          that is lawfully purchased by a person—

15                 “(1) to be given as a bona fide gift to a recipi-  
16                 ent who provided no service or tangible thing of  
17                 value to acquire the firearm, unless the person  
18                 knows or has reasonable cause to believe such recipi-  
19                 ent is prohibited by Federal law from possessing, re-  
20                 ceiving, selling, shipping, transporting, transferring,  
21                 or otherwise disposing of the firearm; or

22                 “(2) to be given to a bona fide winner of an or-  
23                 ganized raffle, contest, or auction conducted in ac-  
24                 cordance with law and sponsored by a national,  
25                 State, or local organization or association, unless the

1 person knows or has reasonable cause to believe such  
2 recipient is prohibited by Federal law from pos-  
3 sessing, purchasing, receiving, selling, shipping,  
4 transporting, transferring, or otherwise disposing of  
5 the firearm.

6 **“§ 933. Trafficking in firearms**

7 “(a) It shall be unlawful for any person to—

8 “(1) ship, transport, transfer, cause to be  
9 transported, or otherwise dispose of 2 or more fire-  
10 arms to another person in or otherwise affecting  
11 interstate or foreign commerce, if the transferor  
12 knows or has reasonable cause to believe that the  
13 use, carrying, or possession of a firearm by the  
14 transferee would be in violation of, or would result  
15 in a violation of, any Federal law punishable by a  
16 term of imprisonment exceeding 1 year;

17 “(2) receive from another person 2 or more  
18 firearms in or otherwise affecting interstate or for-  
19 eign commerce, if the recipient knows or has reason-  
20 able cause to believe that such receipt would be in  
21 violation of, or would result in a violation of, any  
22 Federal law punishable by a term of imprisonment  
23 exceeding 1 year; or

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

1       “(b)(1) Except as provided in paragraph (2), any per-  
2 son who violates subsection (a) shall be fined under this  
3 title, imprisoned for not more than 15 years, or both.

4       “(2) If a violation of subsection (a) is committed by  
5 a person in concert with 5 or more other persons with  
6 respect to whom such person occupies a position of orga-  
7 nizer, leader, supervisor, or manager, the person shall be  
8 sentenced to a term of imprisonment of not more than  
9 25 years.

10 **“§ 934. Forfeiture and fines**

11       “(a)(1) Any person convicted of a violation of section  
12 932 or 933 shall forfeit to the United States, irrespective  
13 of any provision of State law—

14               “(A) any property constituting, or derived from,  
15 any proceeds the person obtained, directly or indi-  
16 rectly, as the result of such violation; and

17               “(B) any of the person’s property used, or in-  
18 tended to be used, in any manner or part, to com-  
19 mit, or to facilitate the commission of, such viola-  
20 tion.

21       “(2) The court, in imposing sentence on a person con-  
22 victed of a violation of section 932 or 933, shall order,  
23 in addition to any other sentence imposed pursuant to sec-  
24 tion 932 or 933, that the person forfeit to the United  
25 States all property described in paragraph (1).

1           “(b) A defendant who derives profits or other pro-  
2 ceeds from an offense under section 932 or 933 may be  
3 fined not more than the greater of—

4           “(1) the fine otherwise authorized by this part;  
5 and

6           “(2) the amount equal to twice the gross profits  
7 or other proceeds of the offense under section 932  
8 or 933.”.

9           (b) TITLE III AUTHORIZATION.—Section 2516(1)(n)  
10 of title 18, United States Code, is amended by striking  
11 “and 924” and inserting “, 924, 932, or 933”.

12           (c) RACKETEERING AMENDMENT.—Section  
13 1961(1)(B) of title 18, United States Code, is amended  
14 by inserting “section 932 (relating to straw purchasing),  
15 section 933 (relating to trafficking in firearms),” before  
16 “section 1028”.

17           (d) MONEY LAUNDERING AMENDMENT.—Section  
18 1956(e)(7)(D) of title 18, United States Code, is amended  
19 by striking “section 924(n)” and inserting “section  
20 924(n), 932, or 933”.

21           (e) DIRECTIVE TO SENTENCING COMMISSION.—Pur-  
22 suant to its authority under section 994 of title 28, United  
23 States Code, and in accordance with this section, the  
24 United States Sentencing Commission shall review and  
25 amend its guidelines and policy statements to ensure that

1 persons convicted of an offense under section 932 or 933  
 2 of title 18, United States Code, and other offenses applica-  
 3 ble to the straw purchases and firearms trafficking of fire-  
 4 arms are subject to increased penalties in comparison to  
 5 those currently provided by the guidelines and policy state-  
 6 ments for such straw purchasing and firearms trafficking  
 7 offenses. The Commission shall also review and amend its  
 8 guidelines and policy statements to reflect the intent of  
 9 Congress that a person convicted of an offense under sec-  
 10 tion 932 or 933 of title 18, United States Code, who is  
 11 affiliated with a gang, cartel, organized crime ring, or  
 12 other such enterprise should be subject to higher penalties  
 13 than an otherwise unaffiliated individual.

14 (f) TECHNICAL AND CONFORMING AMENDMENT.—  
 15 The table of sections for chapter 44 of title 18, United  
 16 States Code, is amended by adding at the end the fol-  
 17 lowing:

“932. Straw purchasing of firearms.

“933. Trafficking in firearms.

“934. Forfeiture and fines.”.

18 **SEC. 203. AMENDMENTS TO SECTION 922(d).**

19 Section 922(d) of title 18, United States Code, is  
 20 amended—

21 (1) in paragraph (8), by striking “or” at the  
 22 end;

23 (2) in paragraph (9), by striking the period at  
 24 the end and inserting a semicolon; and



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

3           “(10) intends to sell or otherwise dispose of the  
4           firearm or ammunition to a person described in any  
5           of paragraphs (1) through (9); or

6           “(11) intends to sell or otherwise dispose of the  
7           firearm or ammunition in furtherance of a crime of  
8           violence or drug trafficking offense or to export the  
9           firearm or ammunition in violation of law.

10 This subsection shall not apply with respect to the sale  
11 or disposition of a firearm or ammunition to a licensed  
12 importer, licensed manufacturer, licensed dealer, or li-  
13 censed collector who pursuant to subsection (b) of section  
14 925 is not precluded from dealing in firearms or ammuni-  
15 tion, or to a person who has been granted relief from dis-  
16 abilities pursuant to subsection (c) of section 925.”.

17 **SEC. 204. AMENDMENTS TO SECTION 924(a).**

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

20           (1) in paragraph (2), by striking “(d), (g),”;  
21           and

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

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

1 **SEC. 205. AMENDMENTS TO SECTION 924(h).**

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

5 “(h)(1) Whoever knowingly receives or transfers a  
6 firearm or ammunition, or attempts or conspires to do so,  
7 knowing or having reasonable cause to believe that such  
8 firearm or ammunition will be used to commit a crime of  
9 violence (as defined in subsection (c)(3)), a drug traf-  
10 ficking crime (as defined in subsection (c)(2)), or a crime  
11 under the Arms Export Control Act (22 U.S.C. 2751 et  
12 seq.), the International Emergency Economic Powers Act  
13 (50 U.S.C. 1701 et seq.), the Foreign Narcotics Kingpin  
14 Designation Act (21 U.S.C. 1901 et seq.), or section  
15 212(a)(2)(C) of the Immigration and Nationality Act (8  
16 U.S.C. 1182(a)(2)(C)) shall be imprisoned not more than  
17 25 years, fined in accordance with this title, or both.

18 “(2) No term of imprisonment imposed on a person  
19 under this subsection shall run concurrently with any term  
20 of imprisonment imposed on the person under section  
21 932.”.

22 **SEC. 206. AMENDMENTS TO SECTION 924(k).**

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

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

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

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

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

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

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

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

23 “(B) would constitute a crime of violence (as  
24 defined in subsection (c)(3)) for which the person  
25 may be prosecuted in a court of the United States,

1 if the conduct had occurred within the United  
2 States,  
3 smuggles or knowingly takes out of the United States a  
4 firearm or ammunition, or attempts or conspires to do so,  
5 shall be imprisoned not more than 15 years, fined under  
6 this title, or both.”.

7 **SEC. 207. LIMITATION ON OPERATIONS BY THE DEPART-**  
8 **MENT OF JUSTICE.**

9 The Department of Justice, and any of its law en-  
10 forcement coordinate agencies, shall not conduct any oper-  
11 ation where a Federal firearms licensee is directed, in-  
12 structed, enticed, or otherwise encouraged by the Depart-  
13 ment of Justice to sell a firearm to an individual if the  
14 Department of Justice, or a coordinate agency, knows or  
15 has reasonable cause to believe that such an individual is  
16 purchasing on behalf of another for an illegal purpose un-  
17 less the Attorney General, the Deputy Attorney General,  
18 or the Assistant Attorney General for the Criminal Divi-  
19 sion personally reviews and approves the operation, in  
20 writing, and determines that the agency has prepared an  
21 operational plan that includes sufficient safeguards to pre-  
22 vent firearms from being transferred to third parties with-  
23 out law enforcement taking reasonable steps to lawfully  
24 interdict those firearms.

1 **TITLE III—SCHOOL AND CAMPUS**  
 2 **SAFETY ENHANCEMENTS ACT**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “School and Campus  
 5 Safety Enhancements Act of 2013”.

6 **SEC. 302. GRANT PROGRAM FOR SCHOOL SECURITY.**

7 Section 2701 of title I of the Omnibus Crime Control  
 8 and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amend-  
 9 ed—

10 (1) in subsection (b)—

11 (A) in paragraph (1)—

12 (i) by striking “Placement” and in-  
 13 serting “Installation”; and

14 (ii) by inserting “surveillance equip-  
 15 ment,” after “detectors,”;

16 (B) by redesignating paragraph (5) as  
 17 paragraph (6); and

18 (C) by inserting after paragraph (4) the  
 19 following:

20 “(5) Establishment of hotlines or tiplines for  
 21 the reporting of potentially dangerous students and  
 22 situations.”; and

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

24 “(g) INTERAGENCY TASK FORCE.—

1           “(1) ESTABLISHMENT.—Not later than 60 days  
2 after the date of enactment of the School and Cam-  
3 pus Safety Enhancements Act of 2013, the Director  
4 and the Secretary of Education, or the designee of  
5 the Secretary, shall establish an interagency task  
6 force to develop and promulgate a set of advisory  
7 school safety guidelines.

8           “(2) PUBLICATION OF GUIDELINES.—Not later  
9 than 1 year after the date of enactment of the  
10 School and Campus Safety Enhancements Act of  
11 2013, the advisory school safety guidelines promul-  
12 gated by the interagency task force shall be pub-  
13 lished in the Federal Register.

14           “(3) REQUIRED CONSULTATION.—In developing  
15 the final advisory school safety guidelines under this  
16 subsection, the interagency task force shall consult  
17 with stakeholders and interested parties, including  
18 parents, teachers, and agencies.”.

19 **SEC. 303. APPLICATIONS.**

20           Section 2702(a)(2) of title I of the Omnibus Crime  
21 Control and Safe Streets Act of 1968 (42 U.S.C.  
22 3797b(a)(2)) is amended to read as follows:

23           “(2) be accompanied by a report—

24                   “(A) signed by the heads of each law en-  
25                   forcement agency and school district with juris-

1           diction over the schools where the safety im-  
2           provements will be implemented; and

3           “(B) demonstrating that each proposed use  
4           of the grant funds will be—

5                   “(i) an effective means for improving  
6                   the safety of 1 or more schools;

7                   “(ii) consistent with a comprehensive  
8                   approach to preventing school violence; and

9                   “(iii) individualized to the needs of  
10                  each school at which those improvements  
11                  are to be made.”.

12 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

13           Section 2705 of title I of the Omnibus Crime Control  
14 and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amend-  
15 ed—

16                   (1) by striking “\$30,000,000” and inserting  
17                   “\$40,000,000”; and

18                   (2) by striking “2001 through 2009” and in-  
19                   serting “2014 through 2023”.

20 **SEC. 305. ACCOUNTABILITY.**

21           Section 2701 of title I of the Omnibus Crime Control  
22 and Safe Streets Act of 1968 (42 U.S.C. 3797a), as  
23 amended by section 302, is amended by adding at the end  
24 the following:

1       “(h) ACCOUNTABILITY.—All grants awarded by the  
2 Attorney General under this part shall be subject to the  
3 following accountability provisions:

4           “(1) AUDIT REQUIREMENT.—

5               “(A) DEFINITION.—In this paragraph, the  
6 term ‘unresolved audit finding’ means a finding  
7 in the final audit report of the Inspector Gen-  
8 eral of the Department of Justice that the au-  
9 dited grantee has utilized grant funds for an  
10 unauthorized expenditure or otherwise unallow-  
11 able cost that is not closed or resolved within  
12 12 months from the date when the final audit  
13 report is issued.

14               “(B) AUDITS.—Beginning in the first fis-  
15 cal year beginning after the date of enactment  
16 of this subsection, and in each fiscal year there-  
17 after, the Inspector General of the Department  
18 of Justice shall conduct audits of recipients of  
19 grants under this part to prevent waste, fraud,  
20 and abuse of funds by grantees. The Inspector  
21 General shall determine the appropriate number  
22 of grantees to be audited each year.

23               “(C) MANDATORY EXCLUSION.—A recipi-  
24 ent of grant funds under this part that is found  
25 to have an unresolved audit finding shall not be



1 eligible to receive grant funds under this part  
2 during the first 2 fiscal years beginning after  
3 the end of the 12-month period described in  
4 subparagraph (A).

5 “(D) PRIORITY.—In awarding grants  
6 under this part, the Attorney General shall give  
7 priority to eligible applicants that did not have  
8 an unresolved audit finding during the 3 fiscal  
9 years before submitting an application for a  
10 grant under this part.

11 “(E) REIMBURSEMENT.—If an entity is  
12 awarded grant funds under this part during the  
13 2-fiscal-year period during which the entity is  
14 barred from receiving grants under subpara-  
15 graph (C), the Attorney General shall—

16 “(i) deposit an amount equal to the  
17 amount of the grant funds that were im-  
18 properly awarded to the grantee into the  
19 General Fund of the Treasury; and

20 “(ii) seek to recoup the costs of the  
21 repayment to the fund from the grant re-  
22 cipient that was erroneously awarded grant  
23 funds.

24 “(2) NONPROFIT ORGANIZATION REQUIRE-  
25 MENTS.—

1           “(A) DEFINITION.—For purposes of this  
2 paragraph and the grant programs under this  
3 part, the term ‘nonprofit organization’ means  
4 an organization that is described in section  
5 501(c)(3) of the Internal Revenue Code of 1986  
6 and is exempt from taxation under section  
7 501(a) of such Code.

8           “(B) PROHIBITION.—The Attorney Gen-  
9 eral may not award a grant under this part to  
10 a nonprofit organization that holds money in  
11 offshore accounts for the purpose of avoiding  
12 paying the tax described in section 511(a) of  
13 the Internal Revenue Code of 1986.

14           “(C) DISCLOSURE.—Each nonprofit orga-  
15 nization that is awarded a grant under this part  
16 and uses the procedures prescribed in regula-  
17 tions to create a rebuttable presumption of rea-  
18 sonableness for the compensation of its officers,  
19 directors, trustees and key employees, shall dis-  
20 close to the Attorney General, in the application  
21 for the grant, the process for determining such  
22 compensation, including the independent per-  
23 sons involved in reviewing and approving such  
24 compensation, the comparability data used, and  
25 contemporaneous substantiation of the delibera-

1 tion and decision. Upon request, the Attorney  
2 General shall make the information disclosed  
3 under this subparagraph available for public in-  
4 spection.

5 “(3) CONFERENCE EXPENDITURES.—

6 “(A) LIMITATION.—No amounts author-  
7 ized to be appropriated to the Department of  
8 Justice under this part may be used by the At-  
9 torney General, or by any individual or entity  
10 awarded discretionary funds through a coopera-  
11 tive agreement under this part, to host or sup-  
12 port any expenditure for conferences that uses  
13 more than \$20,000 in funds made available by  
14 the Department of Justice, unless the Deputy  
15 Attorney General or such Assistant Attorney  
16 Generals, Directors, or principal deputies as the  
17 Deputy Attorney General may designate, pro-  
18 vides prior written authorization that the funds  
19 may be expended to host the conference.

20 “(B) WRITTEN APPROVAL.—Written ap-  
21 proval under subparagraph (A) shall include a  
22 written estimate of all costs associated with the  
23 conference, including the cost of all food, bev-  
24 erages, audio-visual equipment, honoraria for  
25 speakers, and entertainment.

1           “(C) REPORT.—The Deputy Attorney Gen-  
2           eral shall submit an annual report to the Com-  
3           mittee on the Judiciary of the Senate and the  
4           Committee on the Judiciary of the House of  
5           Representatives on all conference expenditures  
6           approved under this paragraph.

7           “(4) ANNUAL CERTIFICATION.—Beginning in  
8           the first fiscal year beginning after the date of en-  
9           actment of this subsection, the Attorney General  
10          shall submit, to the Committee on the Judiciary and  
11          the Committee on Appropriations of the Senate and  
12          the Committee on the Judiciary and the Committee  
13          on Appropriations of the House of Representatives,  
14          an annual certification—

15                 “(A) indicating whether—

16                         “(i) all audits issued by the Office of  
17                         the Inspector General under paragraph (1)  
18                         have been completed and reviewed by the  
19                         appropriate Assistant Attorney General or  
20                         Director;

21                         “(ii) all mandatory exclusions required  
22                         under paragraph (1)(C) have been issued;  
23                         and

1                   “(iii) all reimbursements required  
2                   under paragraph (1)(E) have been made;  
3                   and

4                   “(B) that includes a list of any grant re-  
5                   cipients excluded under paragraph (1) from the  
6                   previous year.”.

7 **SEC. 306. CAMPUS SAFETY ACT OF 2013.**

8           (a) **SHORT TITLE.**—This section may be cited as the  
9 “Center to Advance, Monitor, and Preserve University Se-  
10 curity Safety Act of 2013” or the “CAMPUS Safety Act  
11 of 2013”.

12          (b) **NATIONAL CENTER FOR CAMPUS PUBLIC SAFE-**  
13 **TY.**—Subpart 1 of part E of title I of the Omnibus Crime  
14 Control and Safe Streets Act of 1968 (42 U.S.C. 3750  
15 et seq.) is amended—

16                   (1) in section 501 (42 U.S.C. 3751)—

17                           (A) in subsection (a)(1)—

18                                   (i) in the matter preceding subpara-  
19                                   graph (A), by inserting “or purposes” after  
20                                   “one or more of the following programs”;  
21                                   and

22                                   (ii) by adding at the end the fol-  
23                                   lowing:

24                                   “(H) Making subawards to institutions of  
25                                   higher education and other nonprofit organiza-

1           tions to assist the National Center for Campus  
2           Public Safety in carrying out the functions of  
3           the Center required under section 509(c).”; and

4                   (B) in subsection (b)—

5                           (i) in paragraph (1), by striking “or”  
6                           at the end;

7                           (ii) in paragraph (2), by striking the  
8                           period and inserting “; or”; and

9                           (iii) by adding at the end the fol-  
10                          lowing:

11                           “(3) institutions of higher education and other  
12                          nonprofit organizations, for purposes of carrying out  
13                          section 509.”; and

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

15           **“SEC. 509. NATIONAL CENTER FOR CAMPUS PUBLIC SAFE-**  
16                           **TY.**

17                          “(a) DEFINITION OF INSTITUTION OF HIGHER EDU-  
18                          CATION.—In this section, the term ‘institution of higher  
19                          education’ has the meaning given the term in section 101  
20                          of the Higher Education Act of 1965 (20 U.S.C. 1001).

21                          “(b) AUTHORITY TO ESTABLISH AND OPERATE CEN-  
22                          TER.—The Attorney General may establish and operate  
23                          a National Center for Campus Public Safety (referred to  
24                          in this section as the ‘Center’).

1       “(c) FUNCTIONS OF THE CENTER.—The Center  
2 shall—

3           “(1) provide quality education and training for  
4 public safety personnel of institutions of higher edu-  
5 cation and their collaborative partners, including  
6 campus mental health agencies;

7           “(2) foster quality research to strengthen the  
8 safety and security of institutions of higher edu-  
9 cation;

10          “(3) serve as a clearinghouse for the identifica-  
11 tion and dissemination of information, policies, pro-  
12 tocols, procedures, and best practices relevant to  
13 campus public safety, including off-campus housing  
14 safety, the prevention of violence against persons  
15 and property, and emergency response and evacu-  
16 ation procedures;

17          “(4) coordinate with the Secretary of Homeland  
18 Security, the Secretary of Education, State, local  
19 and tribal governments and law enforcement agen-  
20 cies, private and nonprofit organizations and asso-  
21 ciations, and other stakeholders, to develop protocols  
22 and best practices to prevent, protect against and  
23 respond to dangerous and violent situations involv-  
24 ing an immediate threat to the safety of the campus  
25 community;

1           “(5) promote the development and dissemina-  
2           tion of effective behavioral threat assessment and  
3           management models to prevent campus violence;

4           “(6) identify campus safety information (includ-  
5           ing ways to increase off-campus housing safety) and  
6           identify resources available from the Department of  
7           Justice, the Department of Homeland Security, the  
8           Department of Education, State, local, and tribal  
9           governments and law enforcement agencies, and pri-  
10          vate and nonprofit organizations and associations;

11          “(7) promote cooperation, collaboration, and  
12          consistency in prevention, response, and problem-  
13          solving methods among public safety and emergency  
14          management personnel of institutions of higher edu-  
15          cation and their campus- and non-campus-based col-  
16          laborative partners, including law enforcement,  
17          emergency management, mental health services, and  
18          other relevant agencies;

19          “(8) disseminate standardized formats and  
20          models for mutual aid agreements and memoranda  
21          of understanding between campus security agencies  
22          and other public safety organizations and mental  
23          health agencies; and



1           “(9) report annually to Congress on activities  
2 performed by the Center during the previous 12  
3 months.

4           “(d) COORDINATION WITH AVAILABLE RE-  
5 SOURCES.—In establishing the Center, the Attorney Gen-  
6 eral shall—

7           “(1) coordinate with the Secretary of Homeland  
8 Security, the Secretary of Education, and appro-  
9 priate State or territory officials;

10           “(2) ensure coordination with campus public  
11 safety resources within the Department of Homeland  
12 Security, including within the Federal Emergency  
13 Management Agency, and the Department of Edu-  
14 cation; and

15           “(3) coordinate within the Department of Jus-  
16 tice and existing grant programs to ensure against  
17 duplication with the program authorized by this sec-  
18 tion.

19           “(e) REPORTING AND ACCOUNTABILITY.—At the end  
20 of each fiscal year, the Attorney General shall—

21           “(1) issue a report that assesses the impacts,  
22 outcomes and effectiveness of the grants distributed  
23 to carry out this section;

24           “(2) in compiling such report, assess instances  
25 of duplicative activity, if any, performed through

1 grants distributed to carry out this section and other  
2 grant programs maintained by the Department of  
3 Justice, the Department of Education, and the De-  
4 partment of Homeland Security; and

5 “(3) make such report available on the Depart-  
6 ment of Justice website and submit such report to  
7 the Senate and House Judiciary Committees and the  
8 Senate and House Appropriations Committees.”.

9 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
10 tion shall preclude public elementary and secondary  
11 schools or their larger governing agencies from receiving  
12 the informational and training benefits of the National  
13 Center for Campus Public Safety authorized under section  
14 509 of the Omnibus Crime Control and Safe Streets Act  
15 of 1968, as added by this title.



**Calendar No. 32**

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 649**

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**A BILL**

To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes.

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MARCH 22, 2013

Read the second time and placed on the calendar